



## **Homer City Hall**

491 E. Pioneer Avenue

Homer, Alaska 99603

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

# **City of Homer Agenda**

## **Planning Commission Regular Meeting**

**Wednesday, June 3, 2020 at 6:30 PM**

**City Hall Cowles Council Chambers via Zoom Webinar**

**Webinar ID: 937 4817 0092 Password: 355258**

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

### **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 May 20, 2020 Planning Commission Special Meeting **laydown**
- B. Decisions and Findings for CUP 20-07 for walking trail improvements within a stream buffer at 62890 Skyline Drive **p. 3**
- C. Decisions and Findings for CUP 20-08 for more than one building containing a permitted principal use on a lot at 151 W. Bayview Ave **p. 9**

### **PRESENTATIONS / VISITORS**

### **REPORTS**

- A. Staff Report 20-32, City Planner's Report **p. 15**

### **PUBLIC HEARINGS**

- A. Staff Report 20-33, Proposed ordinance to remove the gabled roof requirement within the Small Boat Harbor Overlay Zoning District HCC 21.46.060 Architectural Standards **p. 17**
- B. Staff Report 20-34, Proposed ordinance to amend HCC 21.60 Sign Code Tables 1, 2 & 3 **p. 29**

## **PLAT CONSIDERATION**

- A. Staff Report 20-35, Rumley Collie Eight Preliminary Plat **p. 63**
- B. Staff Report 20-36. Skyline Drive Subdivision 2020 Replat Preliminary Plat **p. 75**

## **NEW BUSINESS**

## **INFORMATIONAL MATERIALS**

- A. City Manager Report for the May 26 City Council Meeting **p. 89**
- B. Letter from Amanda Campbell Re: 5g coming to Homer raises concerns **p. 157**

**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, June 17, 2020 at 6:30 p.m. A worksession is scheduled for 5:30 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



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## **HOMER PLANNING COMMISSION**

### **Approved CUP 2020-07 at the Meeting of May 20, 2020**

**RE:** Conditional Use Permit (CUP) 2020-07  
**Address:** 62890 Skyline Drive

**Legal Description:** T 6S R 13W SEC 3 SEWARD MERIDIAN HM 0850001 CARL E WYNN TRACTS TRACT 1

## **DECISION**

### **Introduction**

Ben Gibson (the “Applicant”) applied to the Homer Planning Commission (the “Commission”) for a Conditional Use Permit (CUP) to reconstruct a trail and bridge within the stream buffer. Homer City Code (HCC) 21.40.080 requires a CUP for work within the Bridge Creek Watershed Protection District (BCWPD) that involves disturbances within 100 feet of any tributary or stream. HCC 21.40.110(b) allows intrusions into the stream buffer for walking trails with an approved CUP.

A public hearing was held for the application before the Commission on May 20, 2020 as required by Homer City Code 21.94. Notice of the public hearing was published in the local newspaper and sent to 3 property owners of 5 parcels as shown on the Kenai Peninsula Borough tax assessor rolls. Public notices contained information on how to submit written testimony, participate telephonically, or participate on the Zoom meeting platform in an effort to comply with the Governor of Alaska Health Mandate Number 11: Social Distancing.

At the May 20, 2020 meeting of the Commission, there were six commissioners present. The Commission unanimously approved CUP 2020-07 with one condition.

### **Background Information**

Homer City Code 21.40.080 requires a conditional use permit for work within the Bridge Creek Watershed for disturbances within 100 feet of a tributary. HCC 21.40.080 further stipulates that the CUP must require that the activity comply with the site specific Erosion and Sediment Control plan prepared and signed by a certified hydrologist, professional engineer or soil

scientist whose qualifications to prepare such a plan are reviewed and approved by the Public Works Director.

### **Evidence Presented**

City Planner, Rick Abboud, reviewed the staff report. The Applicant was present and available for questions of the Commission. Chair Venuti opened the public hearing. There were no comments and the public hearing was closed.

### **Findings of Fact**

After careful review of the record and consideration of testimony presented at the hearing, the Commission determines Condition Use Permit 2020-07, to reconstruct a pathway and bridge within the stream buffer in the BCWPD, satisfies the review criteria set out in HCC 21.71.030 and is hereby approved with staff findings 1-10 and conditions 1.

**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 21.40.050 (m) allows for religious, cultural or fraternal assembly, HCC 21.40.080 allows for disturbance and construction with 100 feet of Bridge Creek. HCC 21.40.110(b) Stream buffers allows for an intrusion into a stream buffer.

**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 use and structure is consistent with the purpose of the zoning district.

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

**Finding 3:** A pedestrian trail and bridge within the stream buffer is not expected to have a negative impact on the value of the adjoining properties greater than other permitted or conditional uses.

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

**Finding 4:** The proposed trail and bridge is consistent with the 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:** Public services and facilities are adequate to serve the proposed facility.

**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 proposal will not cause an 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:** A trail constructed in a manner that complies with the submitted sediment and erosion control plan will ensure that the project is not unduly detrimental to the surrounding area or the city as a whole.

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

**Finding 8:** The proposal complies with the regulations and conditions set in HCC 21.40.

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

**Finding 9:** No evidence has been found that the project 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.**

**Finding 10:** The Community Design Manual does not apply to activities in the Bridge Creek Watershed Protection District.

**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:** The developer plans to fence the dumpster on three sides.
- 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.

**Condition 1.** Prior to issuing a zoning permit the Public Works Director shall review the qualifications of the design engineer and the proposed sediment and erosion control plan.

**Conclusion:** Based on the foregoing findings of fact and law, Conditional Use Permit 2020-07 is hereby approved, with Findings 1-10 and Conditions 1.

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Date

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Chair, Franco Venuti

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Date

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City Planner, Rick Abboud

#### NOTICE OF APPEAL RIGHTS

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

#### CERTIFICATION OF DISTRIBUTION

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

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Date

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Travis Brown, Planning Technician

Ben Gibson  
602 Shellfish Ave  
Homer, AK 99603

Center for Alaskan Coastal Studies  
708 Smokey Bay Way  
Homer, AK 99603

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

Marvin Yoder, Interim City Manager  
City of Homer  
491 E Pioneer Avenue  
Homer, AK 99603





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## **HOMER PLANNING COMMISSION**

### **Approved CUP 2020-08 at the Meeting of May 20, 2020**

**RE:** Conditional Use Permit (CUP) 2020-08  
**Address:** 151 W Bayview Avenue

**Legal Description:** T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 4 BLK 1

## **DECISION**

### **Introduction**

Bill Hand (the “Applicant”) applied to the Homer Planning Commission (the “Commission”) for a Conditional Use Permit (CUP) under Homer City Code HCC 21.16.030(h) which allows more than one building containing a permitted principle use on a lot in the Residential Office District.

The applicant proposes to add a single-family dwelling to a lot that currently supports two existing single-family dwelling units on a .28 acre lot. The existing structures and the proposed new structure will be served by public water and sewer.

A public hearing was held for the application before the Commission on May 20, 2020 as required by Homer City Code 21.94. Notice of the public hearing was published in the local newspaper and sent to 35 property owners of 31 parcels as shown on the Kenai Peninsula Borough tax assessor rolls. Public notices contained information on how to submit written testimony, participate telephonically, or participate on the Zoom meeting platform in an effort to comply with the Governor of Alaska Health Mandate Number 11: Social Distancing.

At the May 20, 2020 meeting of the Commission, six Commissioners were present. Chair Venuti declared that he may have a conflict of interest, after questions of the commission and discussion, it was determined that Chair Venuti’s work with the applicant did not exceed the thresholds of code and he did not have a conflict of interest. The Commission approved CUP 2020-08 with unanimous consent and two conditions.

### **Evidence Presented**

City Planner, Rick Abboud, reviewed the staff report. The Commission was provided with one written comment opposing the proposal. The applicant, Bill Hand, was present and answered questions of the Commission. William and Judy Marley testified in opposition to the proposal. Opposition expressed concerns about parking, property values, and the nature of the development.

It was noted that there was currently an issue with people parking in the street, while the structures are currently vacant and that the applicant has met the parking requirements of Homer City Code.

### **Findings of Fact**

After careful review of the record and consideration of testimony presented at the hearing, the Commission determines Condition Use Permit 2020-08, to allow three single-family dwellings on a lot, satisfies the review criteria set out in HCC 21.71.030 and is hereby approved.

**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:** Homer City Code authorizes the use and structures.

**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 proposal is compatible with the purpose of the district by meeting density requirements while providing residential development.

**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 value of adjoining property will not be negatively affected greater than multi-family dwellings or a conditionally permitted hospital or school.

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

**Finding 4:** 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.**

**Finding 5:** Existing public water and sewer, and fire 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 6:** 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 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 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.**

**Finding 8:** The proposal will comply with all applicable regulations and conditions.

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

**Finding 9:** The proposal does not appear to contradict any applicable land use goals and objectives of the Comprehensive Plan. The proposal aligns Goal 1 and no evidence has been found that it is contrary to the applicable land use goals and objectives of the Comprehensive Plan.

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

**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 10:** 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:** No specific conditions deemed necessary
- 2. Fences and walls: Condition 2:** Dumpster to be screened on 3 sides.
- 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.

**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.

**Conclusion:** Based on the foregoing findings of fact and law, Conditional Use Permit 2020-08 is hereby approved, with Findings 1-10 and Conditions 1 and 2.

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Date

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Chair, Franco Venuti



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Date

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City Planner, Rick Abboud

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Date

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Travis Brown, Planning Technician

Bill Hand  
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Marvin Yoder, Interim City Manager  
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## City of Homer

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### Planning

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TO: Homer Planning Commission  
FROM: Rick Abboud AICP, City Planner  
DATE: June 3, 2020  
SUBJECT: Staff Report 20-32 City Planner's Report

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#### City Council

##### **5.26.20**

There was debate around reimbursement options for Covid related expenses.

A conversation regarding the meeting structure for Commission did not result in a recommendation to hold meetings in the council chambers. The Clerk is working on possible revisions of our meeting process to encourage more public participation.

#### Litigation

Currently, the court system has delayed everything, the timeline is moving out for all hearings. The Cycle Logical CUP is being prepared for a hearing at the Alaska Supreme Court.

We are preparing to defend the Windjammer CUP in Alaska Superior Court.

#### Planning Office

We are still operating (mostly) with only one person in the office at a time while the other two are working from home. This arrangement has been working well so far and I do not see a need to make any quick changes. We are processing zoning permits and working with developers. If the need arises, we will schedule appointments if we are unsuccessful using electronic formats to exchange information.

We are working on creating a space(s) to allow for face-to-face interaction while meeting recommended guidelines of the State and CDC.

#### Work list

- Green Infrastructure –
- Medical district – ready for public hearing June 17<sup>th</sup>.
- Transportation plan – Memo to council
- Signs – Public hearing
- Tree preservation – researching for a future worksession

- Community Design Manual – This is another subject that we may start preparing for a future meeting.

City Council report sign up

6.8.20 \_\_\_\_\_

6.22.20 \_\_\_\_\_

7.27.20 \_\_\_\_\_

8.10.20 \_\_\_\_\_



# City of Homer

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## Planning

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### Staff Report PL 20-33

TO: Homer Planning Commission  
FROM: Rick Abboud, AICP, City Planner  
DATE: June 3, 2020  
SUBJECT: Architectural Standards SBHOD

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#### Introduction

After reviewing proposed overslope development, both the Planning Commission and Port and Harbor Commission gave recommendations supporting structures without a gabled roof design.

#### Analysis

Currently, overslope development is required to have a gable roof. In practice, we have found that a gable roof design of a two-story structure presents a challenge for the structure to remain under the 25' height limit of the overslope district when a two-story structure is desired. Additionally, it has been found that alternate roof designs may be able to provide better functionality, while being aesthetic pleasing. Overslope development was approved by CUP 20-05 with the concurrence of the Port and Harbor Commission. The rendering of the structure displayed a shed roof design and the Planning Commission removed the staff language that a gabled roof design be a requirement.

The Homer Spit Comprehensive Plan documents the support for the eclectic nature of the spit. All overslope development requires a Conditional Use Permit and will be subject to public comment and the scrutiny of the Planning Commission. Design features are part of the review of the CUP. Eliminating the requirement in code for a gabled roof will allow the Planning Commission to consider and the Planning Office to permit structures with designs other than gabled roofs in the Small Boat Harbor Overlay District.

#### Staff Recommendation

Recommend that the City Council approve the proposed draft ordinance.

#### Attachments

Draft Ordinance

Recent Planning Commission and Port & Harbor Commission minutes excerpts (with irrelevant portions greyed-out)

### **21.95.040 Planning Department review of code amendment.**

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.**

***Staff response***

The Homer Spit Comprehensive Plan encourages economic development without compromising the unique character of the Spit (p. 2). Goal 3.1, *Improve the local economy and create year-round jobs by providing opportunities for new business and industrial development appropriate for the Homer Spit* includes an objective to determine incentives needed to promote overslope development (p. 40). Allowing for the consideration of alternative roof design does help promote overslope development by allowing structure to more easily comply with the 25' height requirement of the district.

**b. Will be reasonable to implement and enforce.**

***Staff response***

Nothing in the ordinance will introduce a regulation that would not be reasonable to enforce.

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

***Staff response***

The draft ordinance is not anticipated to affect public health safety and welfare.

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

***Staff response***

The ordinance has been reviewed by the City Attorney and no inconsistency has been found by the City Planner.

**CITY OF HOMER  
HOMER, ALASKA**

Planning

**ORDINANCE 20-xx**

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.

WHEREAS, the 2011 Homer Spit Comprehensive Plan suggests looking into developing  
appropriate guidelines for new development to maintain the character of the Homer Spit; and

WHEREAS, structures located outside of the Overlay District have been developed  
without incorporating a gabled roof; and

WHEREAS, a gabled roof requirement challenges the ability to design a two-story  
structure that does not exceed the 25 foot height restriction in the Overlay District; and

WHEREAS, the Port and Harbor and Planning Commissions both approve of alternate  
roof designs; and

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.46.060, Architectural standards is hereby amended to read  
as follows:

Overslope development shall conform to the following architectural standards:

a. All buildings on the same overslope platform shall receive a common architectural  
treatment. The main color of the exterior walls of all buildings on an overslope  
platform shall be one or more earth or seascape tones.

b. Not less than five percent of the area of an overslope platform area shall be outdoor  
public open space.

c. Overslope development shall include pedestrian walkways that provide direct  
access between common areas in the overslope development and public rights-of-  
way.

d. Opaque walls, fences or planter boxes, or any combination of them, shall be used to screen mechanical equipment and trash containers from view in adjacent public areas.

e. The design of structures and outdoor pedestrian areas shall take into consideration environmental factors such as prevailing wind, salt spray, solar exposure, snow and heavy rains.

f. Along the length of a building, the roofline shall not be continuous for more than 60 feet. ~~Roofs shall be gabled.~~

g. The maximum height of a building measured from the overslope platform or the adjacent grade to the highest roof peak shall not exceed 25 feet.

h. A public access not less than eight feet wide to an area overlooking the harbor shall be provided at each end of an overslope platform and at intervals not greater than 150 feet on the overslope platform.

i. A continuous pedestrian corridor at least eight feet wide must extend the length of the overslope development, on either the harbor or the uplands side, or some combination thereof. The corridor must be clear of obstructions, but may be covered by an awning or roof overhang. The minimum eight-foot width of the corridor may not be counted to meet landscaping or public open space requirements.

Section 3: This ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS \_\_ DAY OF \_\_\_\_\_, 2020.

CITY OF HOMER

\_\_\_\_\_  
KEN CASTNER, MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

**[Bold and underlined added.]** Deleted language stricken through



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YES:  
NO:  
ABSTAIN:  
ABSENT:

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

Reviewed and approved as to form:

\_\_\_\_\_

Marvin Yoder, Interim City Manager

Date:\_\_\_\_\_

\_\_\_\_\_

Michael Gatti, City Attorney

Date:\_\_\_\_\_



Commissioner Bentz inquired about process for public comment from persons attending the meeting.

Staff responded that they would not be allowed to comment if they have not signed up prior to the meeting.

SMITH/HIGHLAND MOVED TO RECOMMEND THE PLANNING COMMISSION ADOPT STAFF REPORT 20-24 AND APPROVE CUP 20-06 WITH FINDINGS 1-10 AND CONDITION 1 AS FOLLOWS:

1. ANY ADDITIONAL LIGHTING MUST BE DOWN LIT PER HCC 21.69.303 AND THE COMMUNITY DESIGN MANUAL

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**B. Staff Report 20-23, Conditional Use Permit 20-05 for a harbor overslope development at 4081A Freight Dock Rd.**

Chair Venuti introduced the item by reading of the title into the record and requested if anyone on the Commission had a conflict to declare.

Deputy City Clerk noted the declared the conflict of interest and requested a motion.

Commissioner Petska Rubalcava declared she had a conflict of interest.

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

A brief discussion ensued with Commissioner Rubalcava declaring that she assisted the applicant with the design of the project.

VOTE. YES. BENTZ, HIGHLAND, VENUTI, DAVIS, SMITH

Motion carried.

Commissioner Petska –Rubalcava turned her mic off and did not participate in this portion of the meeting.

City Planner Abboud provided a summary review of Staff Report 20-23 for the commission noting that there were two conditions recommended. The first condition is the standard requirement on a CUP that all dumpsters be screened on three sides as well as inclusion of any electrical boxes and the second condition was the design of the roof should be modified to a gable type roof from the shed style roof depicted in the drawings. City Planner Abboud then

focused on the requirements in City Code of a gabled roof. He has no objection to amending city code but is not sure how that will affect this project in timing.

Commissioner Bos joined the meeting in progress at 6:00 p.m.

Suvi Bayly, applicant, provided a review of the project commenting on the history of the Homer Spit Oyster Bar, reuse of the oyster shells by herself and local residents, roof design and her passion for architecture while acknowledging the other buildings on the Homer Spit with similar roof designs stating if there was something that could be done to leave the shed roof design she would welcome that and if not she understood. Ms. Bayly explained the permits that she has obtained and will be getting within two weeks and is on schedule to get the project started by the first of June.

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

A discussion ensued on the following points:

- Location in proximity to the Load & Launch Ramp
  - o Harbormaster recommended the location and Port & Harbor Advisory Commission reviewed and had no problem with the location selected.
  - o Impacts to the boat traffic in the harbor
- Notification of the Public
  - o Concern that length of notification was not adequate
  - o Notification was followed as outlined and required in city code, notices mailed to all property owners and this was advertised in the newspaper and on the city website.
- Parking
  - o There is ample parking in the public lot adjacent and next to the selected location
- Roof design
  - o Support was expressed by several of the Commissioners on the shed roof design
  - o Suggestion to modify or exclude Condition #2
  - o It was noted that a precedence was set for non-gabled roof design in other areas of the Spit
    - The Harbormaster's Office is not in the district and other buildings on the spit not considered as overslope development
  - o This is the first project using the new overslope development code
  - o Referred to the information/comments in the Staff Report 20-23 regarding the roof design

There was a brief discussion on making changes to the conditions recommended in Staff Report 20-23 and the process to reflect those changes. The Commission can remove or amend it with the basis for taking that action.

SMITH/BENTZ - MOVED TO ADOPT STAFF REPORT 20-23 AND RECOMMEND PLANNING COMMISSION APPROVE CONDITIONAL USE PERMIT 20-05 WITH FINDINGS 1-10 AND CONDITIONS 1 AND 2 AS FOLLOWS:

1. TRASH CONTAINERS SHALL BE SCREENED ON THREE SIDES AND ELECTRICAL BOXES SHALL BE SCREENED
2. THE ROOF SHALL BE MODIFIED TO A GABLED DESIGN THAT FITS WITHIN THE REQUIREMENTS OF THE OVERSLOPE DEVELOPMENT.

There was a brief discussion on amending condition two. Commissioner Bentz expressed that the current design fits the space and was within the height requirements and that architecturally the design and plan is appropriate for the district and would encourage an exception to the city code language and supported the plan.

Chair Venuti requested clarification on process from the Clerk.

Deputy City Clerk Krause explained that the Commission can offer to amend or remove Condition two by amending the motion.

BENTZ/SMITH MOVED TO AMEND THE MOTION TO REMOVE CONDITION TWO, THE ROOF SHALL BE MODIFIED TO A GABLED DESIGN THAT FITS WITHIN THE REQUIREMENTS OF OVERSLOPE DEVELOPMENT.

There was no discussion.

VOTE. (Amendment). NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was no further discussion on the main motion as amended.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Petska-Rubalcava returned to the meeting by turning on her mic and returning to view of the camera.

#### **PLAT CONSIDERATION**

- A. Staff Report 20-25, Nedosik 1998 Tract C Jack Hamilton Replat No. 2 Preliminary Plat



Session 20-03, a Regular Meeting of the Port and Harbor Advisory Commission was called to order by Chair Steve Zimmerman at 5:03 p.m. on March 25, 2020 in the Cowles Council Chambers, City Hall located at 491 E Pioneer Avenue, Homer, Alaska. Due to the COVID 19 Pandemic this meeting was conducted electronically as outlined by Ordinance 20-15

**PRESENT (TELEPHONIC):** COMMISSIONERS ZIMMERMAN, ULMER, STOCKBURGER, DONICH, CARROLL, ZEISET, AND ERICKSON

**STAFF (TELEPHONIC):** PORT DIRECTOR/HARBORMASTER HAWKINS

**(PHYSICALLY):** CITY CLERK JACOBSEN  
DEPUTY CITY CLERK KRAUSE

#### **AGENDA APPROVAL**

Chair Zimmerman requested a motion to approve the agenda.

ULMER/STOCKBURGER MOVED TO APPROVE THE AGENDA AS WRITTEN.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

#### **PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

#### **RECONSIDERATION**

#### **APPROVAL OF MINUTES**

#### **VISITORS/PRESENTATIONS**

#### **STAFF & COUNCIL REPORT/COMMITTEE REPORTS**

#### **PUBLIC HEARING**

#### **PENDING BUSINESS**

#### **NEW BUSINESS**

- A. Memorandum from Port Director/Harbormaster re: Lease Application - Homer Spit Oyster Bar  
Lease Application - Homer Spit Oyster Bar

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

Port Director/Harbormaster Hawkins provided a summary of his report to the Commission.

Chair Zimmerman opened the floor for discussion and questions of the Commission.

Commissioners discussed, commented and received input from Port Director Hawkins on the following:

- Numbers and proposal were well thought out and appeared to be realistic
- Financial back up plan included for the project
- Concerns expressed regarding funding available to complete the project
- **Supported the project to start overslope development**
- Considerations regarding parking and/or designated parking, permitted parking for employees of businesses
- Parking for patrons for new business
- The location for the proposed development

ZIMMERMAN/ERICKSON MOVED TO SUSPEND THE RULES TO ALLOW APPLICANT TO PROVIDE INFORMATION AND RESPOND TO COMMISSIONERS QUESTIONS

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Suvi Bayly, Lease Applicant, provided details on the licensing, location selection and on the time involved in bringing the project to completion.

Commissioners offered their opinions on the following:

- Great location selection
- Well thought out plan and hoped it could be accomplished for the amount budgeted
- General support for the overall project

ULMER/STOCKBURGER MOVED THAT THE PORT AND HARBOR ADVISORY COMMISSION RECOMMENDS CITY COUNCIL APPROVE THE LEASE APPLICATION FROM HOMER SPIT OYSTER BAR FOR OVERSLOPE DEVELOPMENT

There was no additional discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. Memorandum from Port Director/Harbormaster re: Lease Application – Sea Tow South Central Alaska
- i. Lease Application – Sea Tow South Central Alaska





# City of Homer

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

## Planning

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### Staff Report PL 20-34

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: June 3, 2020  
SUBJECT: Proposed ordinance to amend HCC 21.60 Sign Code Tables 1, 2 & 3

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**Requested action:** Conduct a public hearing on revisions to the sign code, and forward a recommendation to the City Council.

### **Introduction**

In May 2019, the Economic Development Commission (EDC) identified a need for a change to the sign code. The current sign area total of 150 square feet for large buildings with multiple tenants can make it difficult for tenants to have effective signage. Planning staff has also found it challenging to permit effective signage for tenants in this situation. The Planning Commission worked on this topic in fall 2019. A draft ordinance was provided to the city attorney for review. The draft ordinance is now up for public hearing and a recommendation to the City Council.

There is one component of the Commission's earlier work that was not included in this ordinance. Staff and the Commission had explored the concept of a Master Sign Permit. When a new building was built, a sign plan would be submitted and approved, and thereafter no additional sign permitting would be needed. Upon legal review, the Attorney found the language unclear. Rather than add more unclear language to an already complicated sign code, staff has deleted that part of the draft ordinance. This topic can be revisited in the future if there is further public desire to modify the sign code.

### **Synopsis of Code Changes**

#### **Amendments to Table 1:**

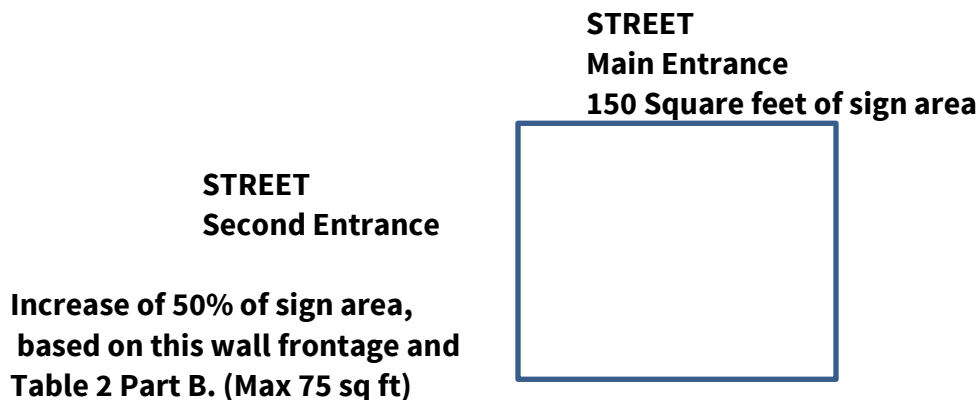
- Adds a Parking lot Identification Sign as a sign type and specifies which zones they are allowed.

#### **Amendments to Table 2 Part B:**

- The table has been organized into numbered sections for easier use.

- Parking lot identification sign regulations have been added.
- A provision has been included to allow larger buildings to have more than 150 square feet of signage, which is the current maximum. The building must be either more than 1 story in height, have interior tenants (such as a mall or office building) or have more than one primary entrance from a different public street, such as a corner lot with main entrances on both streets. Signage could increase up to  $\frac{1}{2}$  the amount of sign area determined by Table 2 Part B. Since the maximum sign area in the table is 150 square feet, the secondary wall cannot have more than 75 square feet of signage.
- Example: For buildings on corner lots with more than one main public entrance, additional signage would be based on the building wall frontage, with an increase of up to  $\frac{1}{2}$  the amount of sign area determined by Table 2 Part B. Since the maximum sign area in the table is 150 square feet, the secondary wall cannot have more than 75 square feet of signage.

**Example:**



**Planning Staff review per 21.95.040**

21.95.040 Planning Department review of code amendment. 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.

*Staff response: 2008 Comprehensive Plan Chapter 4 Land Use Goal 3 Objective A states: "Create a clear, coordinated regulatory framework that guides development."*

*Implementation strategies include reviewing city plans for consistency and with consideration of operational constraints and community acceptance. The sign code amendments are consistent with and supported by supported by the Comprehensive Plan.*

b. Will be reasonable to implement and enforce.

*This amendment will be reasonable to implement and inforce.*

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

*This amendment promotes health, safety and welfare by improving wayfinding for parking lots, and allowing more signage for larger buildings, which previously were limited the visibility of tenants.*

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

*This amendment is consistent with the intent, wording and purpose of HCC Title 21.*

**Staff Recommendation:** Conduct a public hearing on revisions to the sign code, and forward a recommendation of approval to the City Council.

### **Attachments**

Draft Ordinance 20-xx Signs

Staff Report 19-46

EDC memo of May 8, 2019

HPC minutes of May 15, 2019

Staff Report 19-87

HPC Minutes excerpt 10/16/2019

Staff Report 19-94

HPC Minutes excerpt 11/6/2019



**CITY OF HOMER  
HOMER, ALASKA**

Planning

**ORDINANCE 20-xx**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING  
HOMER CITY CODE 21.60 SIGN CODE TABLES 1, TABLE 2 AND 3.

WHEREAS, The Economic Development Advisory Commission (EDC) conducted a Business Retention and Expansion Study, and found that signage was a concern to local businesses; and

WHEREAS, The EDC researched sign issues and recommended code amendments to the Homer Planning Commission (HPC); and

WHEREAS, The 2018 Comprehensive Plan, Chapter 3 Goal 4 Objective B 2 states, “Use strategies to ensure the character of strip commercial development will make a positive contribution to the overall character of the community. Strategies include: controls on the size and appearance of signs, requirements for the landscaping of parking areas, and basic guidelines regarding building appearance”; and

WHEREAS, The HPC considered the sign code amendments and recommended changes to the sign code, addressing buildings with more than one side with a main entrance, multistory buildings, buildings with interior tenants, parking lot identification signs, and a master sign plan process.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.60.060(c) Signs on private property, Tables 1, 2, and 3 are amended:

**21.60.060 Signs on private property.**

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.

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						GC2	General Commercial 2						
INS	Institutional Uses Permitted in Residential Zoning Districts (a)						EEMU	East End Mixed Use						
							MC	Marine Commercial						
CBD	Central Business District						MI	Marine Industrial						
TC	Town Center District						OSR	Open Space Recreation						
							PS	Public Sign Uses Permit						
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.														
Table 1														
Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC1	GC2	EEMU	MC	MI	OSR	PS
Freestanding														
Residential (b)	A	A	A	A	A	A	A	N	N	N	N	N	A	PH
Other (b)	N	N	N	P	P	P	P (i)	A	A	A	P	P	N	PH
Incidental (c)	N	N	A (d)	A (d)	A	A	A	A	A	A	A	A	N	N
<b><u>Parking Lot Identification</u></b>					<b><u>A</u></b>	<b><u>A</u></b>	<b><u>A</u></b>	<b><u>A</u></b>	<b><u>A</u></b>	<b><u>A</u></b>	<b><u>A</u></b>	<b><u>A</u></b>		
Building														
Banner	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Building Marker (e)	A	A	A	A	A	A	A	A	A	A	A	A	A	N
Identification (d)	A	A	A	A	A	A	A	A	A	A	A	A	A	N

**[Bold and underlined added.** Deleted language stricken through

Table 1														
Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC1	GC2	EEMU	MC	MI	OSR	PS
Incidental (c)	N	N	A (f)	A	A	A	A	A	A	A	A	A	N	N
Marquee	N	N	N	N	P	P	P	P	P	P	P	P	N	N
Projecting	N	N	N	N	P	P	P	P	P	P	P	P	N	N
Residential (b)	A	A	A	N	A	A	A	N	N	N	N	N	A	N
Roof, Integral	N	N	N	P	P	P	P	P	P	P	P	P	N	N
Suspended	N	N	N	P	P	P	P	P	P	P	P	P	N	N
Temporary (g)	P	P	P	N		P	P	P	P	P	P	P	N	N
Wall	A	A	A	A	P	P	P	P	P	P	P	P	A	A
Window	N	N	A	N	P	P	P	P	P	P	P	P	N	N
Miscellaneous														
Flag (h)	A	A	A	A	A	A	A	A	A	A	A	A	A	A

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**

**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)
4	4	6	50	20	4	32

**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 area 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.
0 to 199	30 s.f.

- 81 **1.** In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or  
82 with multiple independent businesses or occupancies in one or more buildings, the  
83 total allowed sign area may be increased beyond the maximum allowed signage as  
84 shown in Table 2 Part B, by 20%. This additional sign area can only be used to promote  
85 or identify the building or complex of buildings.
- 86 **2. In all districts covered by Table 2 Part B, freestanding Parking Lot Identification**  
87 **signs are excluded from calculation as sign area, and are allowed in addition to the**  
88 **freestanding sign per limitation stated in Table 2 Part B(4). One directional**  
89 **parking lot identification sign may be erected without a sign permit if restricted to**  
90 **identifying a parking lot with its owner, operator, or name of the business**  
91 **providing the lot. The sign may include the logo, corporate colors or name of the**  
92 **business but no advertising other than the name of the business shall be included.**



**The total sign area shall not exceed six square feet and shall not exceed a sign height of six feet.**

**3. In all districts covered by Table 2 Part B, special conditions for additional signage allowance above 150 square feet per building. An allowance for additional signage may be granted by the City Planner for either section (a) or section (b) below.**

**a. Multiple-Tenant Buildings which adjoin and have which have more than one entrance for clients that access more than one improved street.**

**1. Secondary and tertiary entrances must be commonly used by clients and must access the interior of the building and conversely the entrance must access a parking lot, sidewalk or constructed public road. These entrances are approved at the sole direction of the planning department. Alleys, stairways to upper levels, emergency exits may not apply at the discretion of the Planning Director.**

**2. Additional signage is allowed based ½ the allowance on Table 2 part B to existing for each secondary or tertiary street wall frontage. Signage must be placed on the wall face of the building the allowance was based on.**

**b. Additional sign allowance for multitenant split level buildings and buildings two or more businesses deep:**

**1. In a building that has one frontage, which is the only frontage that has access to a public street, and is split level or is more than one business in depth.**

**2. Additional signage is allowed based on ½ the allowance of Table 2 Part B.**

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

**a.** 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.

**b.** 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:

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

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

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

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

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.

Table 3. Permitted Sign Characteristics by Zoning District

Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC1	GC2	EEMU	MC	MI	OSR	PS (e)
Animated (b)	N	N	N	N	P	P	N	P	N	P	P	N	N	N
Changeable Copy (c)	N	N	N	P	P	P	P	P	P	P	P	P	N	PH
Illumination Internal	N	N	N	P	P	P	P	P	P	P	P	P	N	N
Illumination External	N	N	N	P	P	P	P	P	P	P	P	P	N	PH
Neon (d)	N	N	N	N	P	P	N	P	P	P	P	P	N	N

**Bold and underlined added.** Deleted language stricken through

Notes to Table 3:

- 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/benefit nature, i.e., schools, churches, and hospitals.
  - b. Animated signs may not be neon or change colors or exceed three square feet in area.
  - 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.
- [Ord. 14-34 § 1, 2014; Ord. 12-26 § 1, 2012; Ord. 12-01(S)(A) §§ 2 – 6, 2012].

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

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS \_\_ DAY OF \_\_\_\_\_, 2020.

CITY OF HOMER

\_\_\_\_\_  
KEN CASTNER, MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

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First Reading:  
Public Hearing:  
Second Reading:  
Effective Date:  
  
Reviewed and approved as to form:  
  
\_\_\_\_\_  
\_\_\_\_\_, City Manager  
  
Date:\_\_\_\_\_

\_\_\_\_\_  
Michael Gatti, City Attorney  
  
Date:\_\_\_\_\_



# City of Homer

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## Planning

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### Staff Report PL 19-46

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
DATE: May 15, 2019  
SUBJECT: Signage for large structures with multiple tenants

**Introduction** The Economic Development Commission (EDC) has identified a need for business owners regarding signage allowance in large structures that house multiple tenants. Planning staff has also found it challenging to permit effective signage for tenants in this situation. I have met with EDC Commissioner Richardson and reviewed some thoughtful input on the subject and have shown initial support for the two concepts presented in the attached memorandum.

**Analysis** The scenario presented deserves attention to consider a formula that is equitable and reasonable to enforce. Currently, we measure signage on the spit boardwalks in relation to the individual business structures and not treated them as one unit, as had been attempted in the past. Large structures may house many tenants and the maximum allowance for the entire structure may inhibit tenants from having effective signage.

I believe it is best to consider the concepts presented and perform a review of best practices for possible incorporation.

**Staff Recommendation** Make a motion to address the issue at future meetings

**Attachments** Memo from EDC.





## Memorandum

TO: HOMER ADVISORY PLANNING COMMISSION

FROM: ECONOMIC DEVELOPMENT ADVISORY COMMISSION

THROUGH: JENNY CARROLL, SPECIAL PROJECTS & COMMUNICATIONS COORDINATOR

DATE: MAY 8, 2019

SUBJECT: REQUEST TO CONSIDER AMENDMENT TO SIGN CODE FOR LARGE COMMERCIAL BUILDINGS WITH MULTIPLE BUSINESS TENANTS.

---

The Economic Development Advisory Commission is reaching out to you about a deficiency in the sign code as it relates to large, commercial buildings with multiple business tenants. After becoming aware of the issue through comments received in the 2017 Business Retention and Expansion Survey, the EDC began researching the existing Homer Sign Code, interviewing small business owners and talking to Planning Department staff to better understand the issue and develop possible solutions.

The EDC took this topic up at their April 9, 2019 meeting. In summary, the existing sign code provides a mathematical system based on road frontage to regulate signage in the community. This system seems to work well for the majority of businesses in Homer, equitably allotting signage square footage for businesses located in buildings with only one or two business tenants and businesses that are one of a group of small buildings on one commercial property.

Where the code falls short is in allocating adequate signage space to larger commercial buildings that house a larger number of small business tenants. The code provides no provision to increase signage for multi-level buildings or for buildings housing businesses two or more spaces deep from the storefront. This creates a barrier to sign advertising for small businesses located in larger multi-tenant buildings.

Examples of buildings with individual businesses that may have inadequate signage for the number of business that are in the building:

- Point of View Mall [on Lake Street]
- Blue Old Bank Building [corner of Lake Street and East End Road]
- Hillas Building [on Pioneer Ave uphill beside the movie theatre]
- Bypass Mall [on Sterling Highway adjacent to O'Riley's]
- Alderfer Building [on Ocean Drive at Beluga Lake]
- Kachemak Center [on Pioneer Ave between Heath and Lake Street]

It is in Homer's economic interest to develop strategies and actions that support small business retention and expansion.

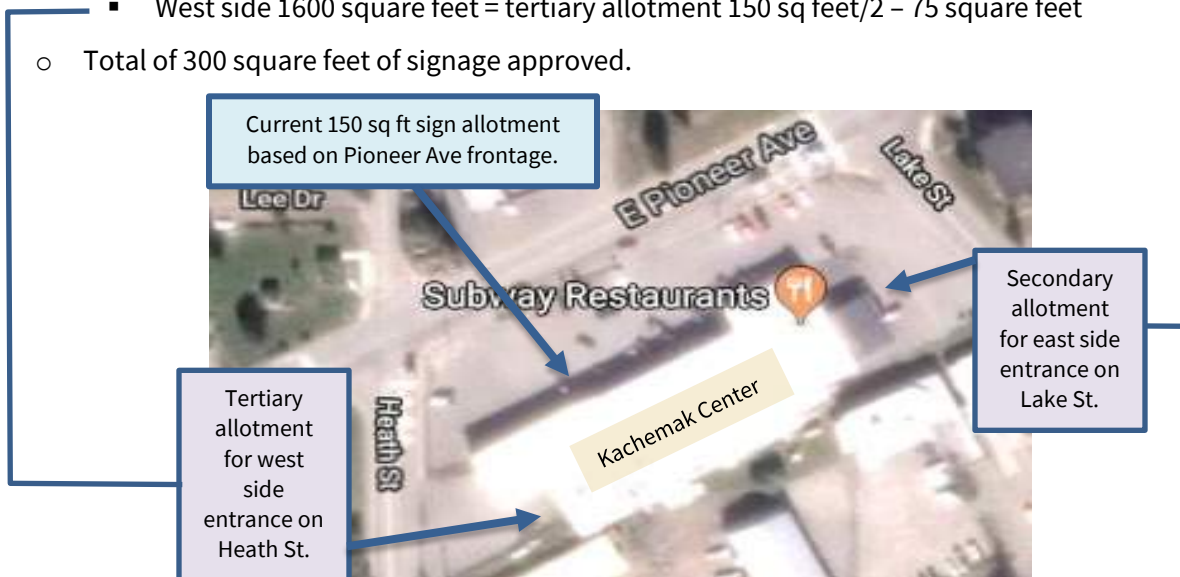
After their discussion, the EDC passed a motion to 1) share the deficiency with you for your deliberation and 2) recommend sign code amendments to calculate allotted signage above 150 ft<sup>2</sup> to better accommodate the advertising needs of small businesses leasing space in large commercial buildings with multiple business tenants.

Below, the EDC shares two amendment ideas developed by EDC Commissioner Richardson in hopes it is useful in starting the discussion. The EDC has spoken with City Planner Abboud who is also looking into model codes to see what other methods are used to accommodate spatial features of buildings.

## POTENTIAL METHODS FOR ALLOTTING SIGNAGE ABOVE 150 SQUARE FEET

### Method 1 – Calculation by Secondary and Tertiary Entrances on Public Right of Way

- Buildings that have more than one entrance for clients, where the entrance is accessed by a separate public right-of-way that is bordered by a maintained road. The following criteria will be:
  - A separate sign permit by the city must be issued in addition to the original permit
  - Secondary and tertiary entrances must be commonly used by clients and must access the interior of the building and conversely the entrance must access a parking lot, sidewalk or road. These entrances are approved at the sole direction of the planning department. Alleys, stairways to upper levels, Emergency Exits likely do not apply.
  - Additional Square footage is applied to existing city allotment chart by  $\frac{1}{2}$  [half the amount allotted on the chart]
  - For example, a building with 200 x 12 feet [greater than 750] of wall frontage on a main road are allotted 150 square feet of sign space. With two other public accesses of secondary and tertiary frontage measuring 80 feet by 20 feet [greater than 750] on the east side of the building and 80 feet by 20 feet [greater than 750] on the west side of the building.
    - 2400 square feet = 150 square feet original signage
    - East side 1600 square feet = secondary allotment  $150 \text{ sq feet} / 2 = 75 \text{ square feet}$
    - West side 1600 square feet = tertiary allotment  $150 \text{ sq feet} / 2 = 75 \text{ square feet}$
  - Total of 300 square feet of signage approved.



### Method 2 – Split Level Buildings and Buildings Two or More Businesses Deep

- Buildings that have more than one entrance for clients, where the building is split level or two or more businesses deep.
  - In a building that has one frontage, which is the only frontage that has access to a public street, and is split level or is more than one business in depth – the owner may apply for additional signage if Method 1 above does not provide additional signage.
  - Additional Square footage is applied to existing city allotment chart by  $\frac{1}{2}$  [half the amount allotted on the chart]



- If the building is split level, then the larger of the two levels will be applied to the original allotment and smaller level will be assigned additional sign square footage based on a calculation of the surface area of the smaller level divided by two.
  - Such as if 150 square foot would be allotted for the largest level, then 75 square feet is added to the original allotment for a total of 225 square feet of signage.
- If the building is more than one business deep, and at least two businesses are not represented by the frontage calculation, then  $\frac{1}{2}$  of the original frontage calculation will be applied to the original frontage allotment. Therefore, if the original frontage gained the building 150 square feet of signage – 75 square feet would be added for a total of 225 square feet.



Thank you and the Planning Department staff for giving this your consideration. Please alert us to any worksessions you may have on this topic. Commissioner Richardson and potentially other EDC Commissioners would like to attend.

### **RECOMMENDATION**

The Economic Development Advisory Commission recommends that the Advisory Planning Commission pass a motion to review options and amend the Sign Ordinance to address the deficiency in the current code as it relates to larger commercial buildings that house several small business tenants.



City Planner Abboud reviewed Staff Report 19-45 explaining that in a technical rewrite of the Homer City Code in 2008 there was inadvertently a change in the definition of medical clinic. He would like to get something on the books right now that allows clinic in CBD out right and they can leave the size requirements, etc., to the CUP process. Currently only professional office is allowed and this does not allow medical clinics. They can then permit medical clinic outright.

City Planner Abboud brought forth points on medical clinics in the Residential Office district. He responded to a question on the ramifications to eliminating the term medical clinic would result in the requirement to make amendments to Professional Office. He commented on an instance when at one time there was a dispensary or pharmacy in the RO. The district was changed to RO because of demand and if the need is there the demand will grow and sometime in the future will change to possibly CBD because of the changes in the nature of the district.

Commissioner Banks reiterated the need for the change in the CBD by having the commission make a motion on amending City Code to add allowing Medical Clinics in the CBD and outlining the process that would be required to effect that change. He questioned if the Commission could address the medical district overlay at the same time.

City Planner Abboud explained that the Commission will have to follow the process on the remand first and appeal if that happens before addressing those changes.

Commissioner Highland pointed out that they would have to have a public hearing at the next meeting then it would go to City Council and they would not approve it until their meeting in July.

HIGHLAND/BANKS MOVED TO ADD MEDICAL CLINIC TO THE CENTRAL BUSINESS DISTRICT AS A PERMITTED USE.

There was a brief discussion on the amendment being the most reasonable.

VOTE. NON-OBJECTION. UANIMOUS CONSENT.

Motion carried.

**B. Staff Report 19-46, Sign Ordinance**

Chair Venuti introduced the item by reading of the title.

City Planner Abboud stated that he appreciated the work done by Dr. Richardson and advocacy on the recommendations that were proposed. He acknowledged the difficulties with the

current sign code and commented on two of the proposed recommendations that were presented.

Discussion ensued and the following points and comments were made:

- Building owner responsibility on signage allotment
- Allowance of signage for buildings that face multiple streets, dual level building signage
- Interior tenant signage allotment
- View sign code from Gilbert, Arizona which can be used as a guideline
- Previous work and education done by Planning staff and Commissioners
- Educating the public
- Signage types and measurement of light, electronic sign messages
- Not wanting an ugly clutter of signs, issues with signage sizes and what that actually looks like

Commissioner Highland favored having a short discussion on the issue as a courtesy to see what was possible.

Chair Venuti noted that a recommendation to motion this to a future meeting.

Commissioner Banks commented that they currently have several items on their worklist and did not think that they should hold worksessions during the summer and recommended that they address this in the fall.

Commissioner Smith requested input from City Planner Abboud on that recommendation.

City Planner Abboud responded that they are waiting on some items but that a response should be motioned as a courtesy.

Commissioner Petska-Rubalcava mentioned the previous presentation on Wayfinding and Trail signage and asked about combining those two things as they promote business also which provides a better gateway.

City Planner Abboud did not want to combine those two things as he believed that they can allow that type of signage without messing with the city code.

Commissioner Smith recommended putting this in a worksession in September.

Commissioner Banks agreed with the suggestion of adding it to the worklist and they can address the topic.

SMITH/HIGHLAND MOVED TO ADD THIS TO A WORKSESSION ON SEPTEMBER 4, 2019

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **INFORMATIONAL MATERIALS**

A. City Manager's Report for the May 13, 2019 Homer City Council meeting

### **COMMENTS OF THE AUDIENCE**

### **COMMENTS OF THE STAFF**

Deputy City Clerk Krause inquired about using monument signage noting that several businesses could be advertised on that type of sign for a multi tenanted building.

City Planner Abboud responded that they do allow that type of signage. He then reminded the Commissioners to read the administrative law decision on the Medical Clinic. He noted the good information and decisions and how they need to make decisions defensible. He has also arranged to have the City Attorney perform some training at a worksession.

City Planner Abboud responded to question on the status of the Wayfinding that it was presented to Council but it is awaiting funding. He provided a bit of history on the Wayfinding idea and ended that it currently is in Council's hands for funding.

City Planner Abboud responded that if the commission would like to go there and address the issues regarding the clear cutting they can go there.

City Planner Abboud assured Commissioner Smith that the property owners are getting well above value for their properties, noting he is aware of who is buying up the property so they should not worry about it.

### **COMMENTS OF THE COMMISSION**

Commissioner Highland inquired about the status of the Wayfinding plan and would not like to see the EDC go ahead on signs without input from the Commission. She then questioned the clear cutting of the lot on the way up West Hill and is cringing and waiting for someone to question who authorize that to be done. She wish that they have something that addressed that issue and is really concerned about improving the aesthetics.

Commissioner Smith commented on the topic of establishing a Medical District and it has come to his attention that the more of those properties that changeover are they in effect





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## Planning

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### Staff Report PL 19-87

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: October 16, 2019  
SUBJECT: Sign Code

#### Introduction

In May, the Economic Development Commission (EDC) identified a need for business owners regarding signage allowance in large structures that house multiple tenants. Planning staff has also found it challenging to permit effective signage for tenants in this situation. The Planning Commission determined they wanted to work on this topic in the fall.

There main gist of the EDC comments address allowed signage on some of our community's larger buildings, where the building is two stories, or has more than one main entrance – such as on a corner lot. The EDC offers two solutions for determining how much signage a building can have, called “Method 1” and “Method 2.” (Attached)

Staff would also like to briefly touch on allowing additional freestanding signs, and parking lot identification. Examples for each scenario will be provided at the meeting.

#### Analysis

Current Code – Table 2 Part B (see attachments), lists the square feet of wall frontage of the building, and the corresponding allowed signage PER BUILDING. Emphasis is added because if there is more than one structure, each structure is allowed signage according to the calculated wall frontage. For example, a Spit boardwalk with 10 buildings can have a separate sign allowance for each building. But a strip mall with interior tenants, or two story structure with 10 tenants is limited to a maximum of 150 square feet of signage. The sign code was amended in 2012 to allow the per building sign allowance, but no solution was adopted for multitenant buildings.

#### Proposed solutions

*Method 1: Corner lots.*

There are a few buildings in Homer that are large, and are located on corner lots. A clear example is Kachemak Center at the corner of Pioneer, Heath and Lake St (Subway, Summit

Physical Therapy are current tenants). Signage has long been a problem at this location. The building has great street traffic, but for the size of the structure and number of tenant spaces, 150 square feet of signage across three walls for the whole property is inadequate. Method 1 would grant additional signage on the east and west sides of the building, because they each front a maintained street. The amount of signage would be limited to ½ the allowance on the front (75 feet each).

**Analysis:** Method one provides a solution for side entrances.

**Staff comment:** What about just applying the existing wall frontage rules to the side of the building? Again this is for corner lots with multiple tenants and a public entrance on more than one face of the building. There are a handful of properties this applies to. Staff will provide examples at the meeting.

**Question 1 for the Commission:** Would you allow a second freestanding sign on the property? Perhaps if it was serving the secondary entrance? (Again, only talking about corner lots in this discussion)

*Method 2: Multi-story buildings and/or more than 1 interior tenant.*

This proposal is trickier and may have some unintended consequences. This method addresses multi-story buildings, or buildings where there are tenants with interior only access. Examples include the Kachemak Center basement, the building on Sterling Highway where the toy store and Thai restaurant are (345 Sterling Highway), and the Hillas Building at 126 W Pioneer Ave (next to the movie theater). Additional signage, in the amount of half the base allowance, would be granted to the structure. For the Hillas building, if the current allowable signage is 150 square feet, that would increase by 50%, or 75 square feet, for a new total of 225 square feet. It would be up to the building owner to allocate the signage among the tenants, and could include a combination of wall and freestanding signage. (HCC already has limits on the size of the freestanding sign – no changes are under consideration.)

There is potential with this method that some really large signs could be put on a building, to the detriment of the smaller tenants. Larger communities address this by having an overall sign plan for the whole structure, so there is a cohesive plan starting from building design and construction. The concept of a unified permit up front is something we can explore, but regulating sign dimensions and proportions on a building is probably beyond the level of regulation our community desires, and beyond the level of service our department can provide. Staff just wants the Commission to be aware each solution may also have some unintended consequences. Staff continues to think through method two.

**Question 2:** Any comments or concerns on method 2?



### **Parking Lot entrance/exit signs**

This is a small point, but we have a few locations in the City where the primary entrance may have a freestanding sign, but a secondary entrance on another street is not allowed to have a logo or commercial message. Example; the main Safeway entrance is clearly defined on the Sterling Highway. Same with Wells Fargo. But if you are driving on Hazel Ave, its not as clear which businesses are served by which driveway. It is legal to have an entrance or exit sign, but that sign can't include the logo or business name. Staff researched Port Townsend WA, which has code language addressing this situation. Staff offers this idea for discussion.

#### **Port Townsend**

A. Parking Lot Identification Signs. Parking lot identification signs may be erected without a sign permit if restricted to posting regulations regarding the use of the lot and to identifying a parking lot with its owner, operator, or name of the business providing the lot. No advertising other than the name of the business shall be included. The total sign area for parking lot identification signs shall not exceed 32 square feet for each 1,000 square feet of parking lot area and each sign face shall not exceed six square feet; provided, that each lot shall be allowed at least one parking lot identification sign; and provided further, that these restrictions may be exceeded to the extent required by any applicable laws of the state. Parking lot identification signs shall not exceed a sign height of six feet;

**Staff comment:** Port Townsend has many small parking lots; a sign per 1,000 square feet of parking lot area is way more than we need in Homer. But the idea of at least one sign per parcel could assist with wayfinding. For example, the Chamber of Commerce is easily seen from the Sterling Highway. But the Ohlson Lane Entrance, where day parking for RV's is offered, would be an appropriate place for a clear entrance sign. Other examples could be the Safeway entrance on Hazel Ave, or the college entrance on Kachemak Way.

**Question 3:** What does the commission think about exploring parking lot signage? If there is consensus on this topic, staff can do further research and create a proposal.

### **Staff Recommendation**

#### **Commission discuss the following questions and provide feedback**

1. Should an additional freestanding sign be allowed for a secondary entrance? Perhaps for a total of two freestanding signs per lot?
2. Any comments or concerns on method 2?
3. What does the commission think about exploring parking lot signage?

**Next Steps:** Staff will listen to Commission discussion and comments, and provide additional information as requested. Eventually, an ordinance will be drafted with proposed changes.

## Attachments

1. Table 2 – HCC 21.60
2. May 8, 2019 EDC memo to HPC
3. May 15, 2019 PC minutes excerpt

## 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 area 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.
0 to 199	30 s.f.

Motion carried.

## **VISITORS/PRESENTATIONS**

### **REPORTS**

#### **A. Staff Report 19-86, City Planner's Report**

City Planner Abboud provided a summary of Staff Report 19-86. He provided comment on the following items:

- Public Hearing at the next meeting on the ordinance placing a moratorium on Profession Offices and Medical Clinics in Residential Office District
- Received the decision notice this afternoon that the City has prevailed on the appeal hearing for the Remand  
If nothing further comes about they will be able to start talking about creation of a medical district at the December meeting.
- They have prevailed on the Windjammer CUP appeal on all counts

Commissioner Rubalcava volunteered for the December 9, 2019 City Council meeting

Commissioner Highland requested clarification from the chair to speak on the City Manager's Report.

Chair Venuti responded that it was on the agenda under informational items and that comments or questions should be done at that time.

A brief discussion was entertained on the basis and reasoning to place a moratorium on applications for Medical Clinics.

City Planner Abboud provided clarification on the appeal process remaining for the Windjammer CUP 14-05.

### **PUBLIC HEARING(S)**

### **PLAT CONSIDERATION**

### **PENDING BUSINESS**

#### **A. Staff Report 19-87, Sign Code**

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

Deputy City Planner Engebretsen reviewed Staff Report 19-87 using visual components on the overhead monitors as samples of the proposed code changes. She noted some of the previous

work done on the sign code in 2012 that applied to businesses on the Spit. She reviewed the three recommendations from staff and requested input from the Commission.

Large Businesses (buildings) on Corner Lots with multiple entrances – Example used was Kachemak Center

The Commission recommended that if additional free standing signage is permitted that there should be a specific distance between the signs.

Adding the staff recommendation of 75 sf was acceptable to the Commission

Corner Lots, Smaller Buildings, two stories

Staff recommended allowing 50% of existing to a maximum of 225sf that a building owner would be responsible for dividing among tenants.

Parking lot Entrance or exit signage with logo or colors

The Commission agreed that they would like further information on this concept. It was agreed that it would not be a widely used signage but could be implemented for businesses that may have multiple accesses referring to the Kachemak Center as an example.

Commissioner Highland offered comments on the controversy experienced during the previous sign code amendments and that every business owner wanted the biggest sign possible.

City Planner Abboud responded to Commissioner Davis' inquiry about Sign Design review and the recommendations make to applicants regarding signage design.

Staff will provide specifics for the commission to review at the next meeting.

B. Staff Report 19-88, Permitting

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

City Planner Abboud reviewed Staff Report 19-88 for the Commission. He requested the Commission to amend the draft ordinance to remove Lines 44-47 for the following reasons:

- Driveways are permitted by Public Works Department
- Entrances are self-explanatory
- Asbuilt survey shows the site plan and parking areas are quite easily figured
- Proof of compliance with applicable building, plumbing, electrical, mechanical, and other such codes are governed by the State and the planning staff is not trained to enforce this. A building inspector would be required as well as developing building codes. He is not sure who the legitimate authority is to provide this information.
- Additionally the State Fire Marshal would sign off on commercial projects and that information would be required to be submitted with the application.
- It would be another sheet a paper that is retained by the Planning Department but have no use to the department



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### Staff Report PL 19-94

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: November 6, 2019  
SUBJECT: Sign code update

### Introduction

Staff has refined the ideas presented at the last meeting. Please ask any questions or recommend changes. When the Commission is done with discussing this staff report, the next step is for staff/attorney to prepare an ordinance for public hearing.

### Analysis

There are five areas of code this staff report addresses

1. Creates an allowance for a parking lot identification sign. Code already allows for “entrance” or regulatory signage, but does not allow for business identification.
2. Additional freestanding sign for parcels with more than one access street.
3. Additional sign allowance for multitenant, multiple street access buildings (corner lots)
4. Additional sign allowance for split level buildings and buildings two or more businesses deep
5. Creation of an Optional Master Sign Permit Plan

### Parking lot and freestanding signs

Staff note: staff recommends adding only one of these to city code. Parking lot identification would increase ease of wayfinding in our community. Additional freestanding signs could increase sign clutter and may not be effective business signage. Staff recommends allowing parking lot signage

#### 1. Parking Lot Identification Signage

Concept: One directional parking lot identification sign may be erected without a sign permit if restricted to identifying a parking lot with its owner, operator, or name of the business providing the lot. The sign may include the logo, corporate colors or name of the business but no advertising other than the name of the business shall be included. The total sign area shall not exceed six square feet and shall not exceed a sign height of six feet.

**Staff Recommendation 1: Move to amend the sign code to include allowance for one parking lot identification sign per parcel.**

**2. Additional Freestanding sign**

Concept: Each multiple-tenant building is permitted one freestanding sign on each street on which it adjoins and has access. Such signs shall be at least 75 feet apart, measured in a straight line from the base of the sign.

**Staff Recommendation 2:** Do not add this to city code. There are very few locations that would meet the separation requirement. A parking lot identification sign would be a less visually obtrusive, and still enhance wayfinding for drivers.

**3. Multiple-Tenant Buildings which adjoin and have which have more than one entrance for clients that access more than one improved street.**

Concept: Allow for additional signage above 150 square feet per building, in the above conditions.

- A.** Secondary and tertiary entrances must be commonly used by clients and must access the interior of the building and conversely the entrance must access a parking lot, sidewalk or road. These entrances are approved at the sole direction of the planning department. Alleys, stairways to upper levels, Emergency Exits likely do not apply.
- B.** Additional signage is allowed based  $\frac{1}{2}$  the allowance on Table 2 part B to existing per secondary or tertiary street wall frontage. Signage must be placed on the wall face of the building the allowance was based on.

Example: a building with 200 x 12 feet [greater than 750] of wall frontage on a main road are allotted 150 square feet of sign space. With two other public accesses of secondary and tertiary frontage measuring 80 feet by 20 feet [greater than 750] on the east side of the building and 80 feet by 20 feet [greater than 750] on the west side of the building.

- 2400 square feet = 150 square feet original signage
- East side 1600 square feet = secondary allotment  $150 \text{ sq feet} / 2 = 75 \text{ square feet}$
- West side 1600 square feet = tertiary allotment  $150 \text{ sq feet} / 2 = 75 \text{ square feet}$
- Total of 300 square feet of signage approved.

**Staff Recommendation 3:** Move to amend the sign code to include allowance for additional signage on secondary or tertiary building walls.

- 4.** Additional sign allowance for multitenant split level buildings and buildings two or more businesses deep

**Concept:** Allowance for additional signage for multitenant buildings that have more than one entrance for clients, where the building is split level or two or more businesses deep.

- In a building that has one frontage, which is the only frontage that has access to a public street, and is split level or is more than one business in depth – the owner may apply for additional signage if #3 above does not provide additional signage. (Staff note: a parcel can only get additional signage by one method - i.e. more than one access, multi-story, or interior tenants. Will work out details of technical language with the attorney.)
- Additional signage is allowed based on ½ the allowance of Table 2 Part B.

**EDC Example:** If the building is split level, then the larger of the two levels will be applied to the original allotment and smaller level will be assigned additional sign square footage based on a calculation of the surface area of the smaller level divided by two. Such as if 150 square foot would be allotted for the largest level, then 75 square feet is added to the original allotment for a total of 225 square feet of signage.

**Staff comment:** This is too specific, and there may be unintended consequences. In cases where the upper story has more wall face due to the peak of a roof, the signage could appear ‘top heavy’ on the structure. Further, some of the signage might be used on another side of the structure. The simplest way to administer this code change would be to grant the additional sign allowance and let the building owner determine how and where it will be used among the tenants. Homer has only a few buildings that would use this additional signage allowance.

- If the building is more than one business deep, and at least two businesses are not represented by the frontage calculation, then ½ of the original frontage calculation will be applied to the original frontage allotment. Therefore, if the original frontage gained the building 150 square feet of signage – 75 square feet would be added for a total of 225 square feet.

**Staff comment:** Very few structures in Homer would qualify for this allowance (ie interior tenants). Most multitenant buildings with interior spaces have more than one story, or are on a corner lot, and would use one of those methods for additional signage. But it is a good idea to include in code as this situation could occur.

**Staff Recommendation 4:** Move to amend the sign code to allow additional signage for multitenant split level buildings and buildings two or more businesses deep

## 5. Creation of an Optional Master Sign Permit Plan

**Concept:** Create a mechanism in code for an optional permanent approval of multitenant building signage. This would be an approval of the overall area of signage,

and allow a land lord to assign each unit wall and freestanding signage area and location. When a new tenant comes in to learn about sign regulations, planning staff would provide the master permit information on how much and the location of their approved signage. No new sign permit application, signed by the land owner, would be required. The tenant can then move forward with sign plans that fit within the already approved parameters. Staff would not review the proposed new signage, unless requested by the tenant.

If another building tenant is out of compliance, staff and the land lord can work on that violation independently of other tenants. Ideally the sign information would also be included in lease documents so tenants would know up front when they enter into a lease agreement.

This amendment would require staff and landlord effort to set up for a building, but should save staff and businesses time in the long term. Several multitenant buildings have frequent tenant changes, such as the Hillas building, and it would be much easier to administer the sign code with a master permit.

**Staff Recommendation 5:** Move to amend the sign code to create a code provision for an optional master sign permit plan

## **Conclusion**

Staff recommends the Commission review and discuss items 1-5, and make recommendations accordingly. Staff does not recommend applying an additional freestanding sign on a lot (#2).

Move to amend the sign code to:

1. Include an allowance for one parking lot identification sign per parcel.
2. *(excluded)*
3. Include an allowance for additional signage on secondary or tertiary building walls.
4. Allow additional signage for multitenant split level buildings and buildings two or more businesses deep
5. Create a code provision for an optional master sign permit plan



Motion carried.

## **PLAT CONSIDERATION**

### **PENDING BUSINESS**

A. Staff Report 19-94, Sign Code

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

Deputy City Planner Engebretsen reviewed Staff Report 19-94 and provided clarification on if one motion or individual motions were required and also what the process would be to follow-up.

BENTZ/RUBALCAVA MOVED TO ADOPT STAFF REPORT 19-94 AND AMEND THE SIGN CODE TO CREATE CODE PROVISION FOR AN OPTIONAL MASTER SIGN PERMIT PLAN AND INCLUDE OPTIONS ONE, THREE AND FOUR.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **NEW BUSINESS**

### **INFORMATIONAL MATERIALS**

A. City Manager Report for October 28, 2019 City Council Meeting

### **COMMENTS OF THE AUDIENCE**

### **COMMENTS OF THE STAFF**

City Planner Abboud had no additional comments.

Deputy City Clerk Krause stated that the issue of parking on the Spit has been before the Parks Commission and that since 2007 parking issues have been on the Port and Harbor Commission agendas.

Deputy City Planner Engebretsen stated that 99.9% of the written and public testimony were problem solving and looking at the big picture and not attacking the individual project and in





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### Staff Report 20-35

TO: Homer Planning Commission  
FROM: Julie Engebretsen, Deputy City Planner  
THROUGH: Rick Abboud, City Planner  
DATE: 6/3/2020  
SUBJECT: Rumley Collie Eight Preliminary Plat

**Requested Action:** Approval of a preliminary plat to vacate a lot line

#### General Information:

Applicants:	East End Mini Storage LLC PO Box 2622 Homer, AK 99603	Orion Surveys PO Box 15025 36570 Maria Road Homer, AK 99603
Location:	East End Road, between Collie and Davis Streets	
Parcel ID:	17420306, 17420318	
Size of Existing Lot(s):	1 acre and 5.19 acres	
Size of Proposed Lots(s):	6.189 acres	
Zoning Designation:	East End Mixed Use District	
Existing Land Use:	Commercial storage, café, retail, commercial shop building	
Surrounding Land Use:	North: Vacant, East End Road and bike path South: Vacant/storage/boat yard East: Gear Shed/Retail/construction office (Beachy) West: Mixed use commercial storage and boat/RV storage	
Comprehensive Plan:	Chapter 4 Goal 1-D-2 Encourage a concentrated development pattern to reduce the need for vehicle trips and encourage non-motorized transportation	
Wetland Status:	The 2005 wetland mapping 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 25 property owners of 28 parcels as shown on the KPB tax assessor rolls.	

**Analysis:** This subdivision is within the East End Mixed Use District. This plat vacates the common lot line between two parcels.

**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 meets these requirements. Utility easements have previously been granted.

- 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. No additional easements are required.

- 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.

- 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. Municipal water and wastewater 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 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:** Add a plat note: Acceptance of the plat is not acceptance of any nonconforming structures.

- 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:** No comments.

**Staff Recommendation:**

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

1. Add a plat note: Acceptance of the plat is not acceptance of any nonconforming structures.

**Attachments:**

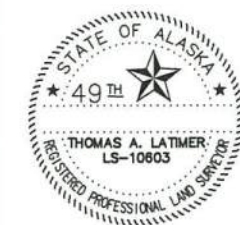
1. Preliminary Plat
2. Surveyor's Letter
3. Public Notice
4. Aerial Map

**Notes:**

1. No permanent structures shall be constructed or placed within a utility easement which would interfere with the ability of the utility to use the easement.
2. No field survey was performed. Boundaries and areas are of record per plats HM2013-51, HM87-67, and HM87-69.
3. There is a 15' Utility Easement fronting all street ROWs. Existing structures that predate granting of this easement are not subject to it.
4. This subdivision is subject to City of Homer Zoning Codes.

**LEGEND**

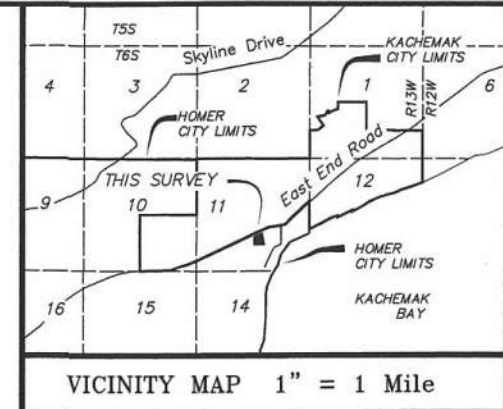
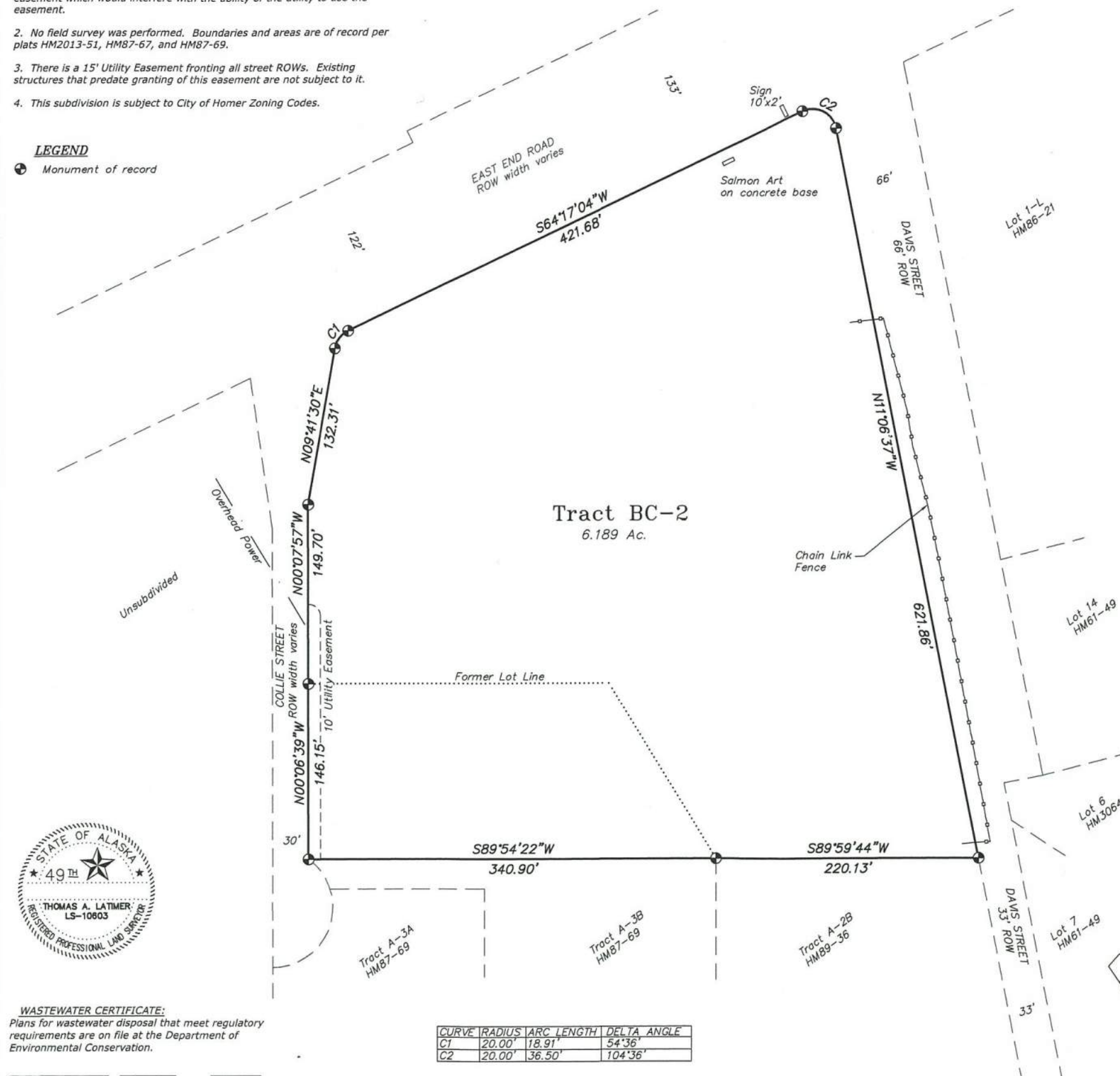
- Monument of record



**WASTEWATER CERTIFICATE:**  
Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.

Engineer \_\_\_\_\_ License # \_\_\_\_\_ Date \_\_\_\_\_

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C1	20.00'	18.91'	54°36'
C2	20.00'	36.50'	104°36'



**Ownership Certificate:**  
We hereby certify that we are the owners of the real property shown and described hereon and we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

By Douglas Fraiman, Manager  
East End Mini Storage LLC  
PO Box 2622  
Homer, AK 99603

**Notary's Acknowledgement:**

For \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_\_

**Plat Approval**

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_.

By: \_\_\_\_\_ Date \_\_\_\_\_  
Authorized Official  
Kenai Peninsula Borough

**RECEIVED**

**MAY 15 2020**

**CITY OF HOMER  
PLANNING/ZONING**



**RUMLEY COLLIE EIGHT**

A replat combining Tract BC  
Rumley-Collie Subd. Seven HM2013-51 and  
Tract A1-B Rumley-Collie Three HM87-67,  
Within SE1/4 Sec. 11, T6S, R13W, SM,  
City of Homer, Kenai Peninsula Borough,  
Homer Recording District, Third Judicial District, Alaska  
Containing 6.189 Acres more or less.

Prepared for:  
East End Mini Storage LLC  
PO Box 2622  
Homer, AK 99603

Prepared by:  
Orion Surveys  
PO Box 15025  
36570 Maria Road  
Fritz Creek, AK 99603  
(907) 399-7028  
tom@orionsurveys.com

Scale: 1"=60'

Date: 5/5/2020

FB: NA

Job# 841

KPB File No. 2020-

PRELIMINARY





Orion Surveys  
PO Box 15025  
Fritz Creek, AK 99603

May 15, 2020,

Planning Staff,  
City of Homer Planning Department  
491 East Pioneer Avenue,  
Homer, AK 99669

Re: Rumley-Collie Eight, preliminary plat submittal

Staff,

Please find enclosed two full size copies and one reduced (11"x17") copy of this plat and check #229 for the \$300.00 plat submittal fee.

This proposed plat eliminates a lot line between two lots along East End Road near the eastern city limits. No additional right of way needs to be dedicated. These lots are currently served by Homer City water and sewer. These lots are both zoned Commercial. They are developed as a Mini Storage which has been reviewed by the City of Homer Planning Commission. There is also a shop building located on former Tract A-1B.

Most of the lot boundary is fenced with chain link fencing. All the fences are located within the property boundaries near the property line/ROW with the exception of the fence along the eastern boundary as shown. This fence has been in existence, in this location, for approximately 24 years per the owner of the lot. Davis Street is gravel, partially constructed and in use essentially as a driveway as it currently serves only a single lot. Collie Street is constructed and currently serves several lots.

Please contact me if you have any questions.

Sincerely



Tom Latimer

encl  
Full size paper plats (2)  
Reduced paper plat (11"x17")  
Plat fee \$300.00, Check #270

RECEIVED

MAY 15 2020

CITY OF HOMER  
PLANNING/ZONING



## 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:

### **Rumley Collie Eight 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, June 03, 2020 at 5:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

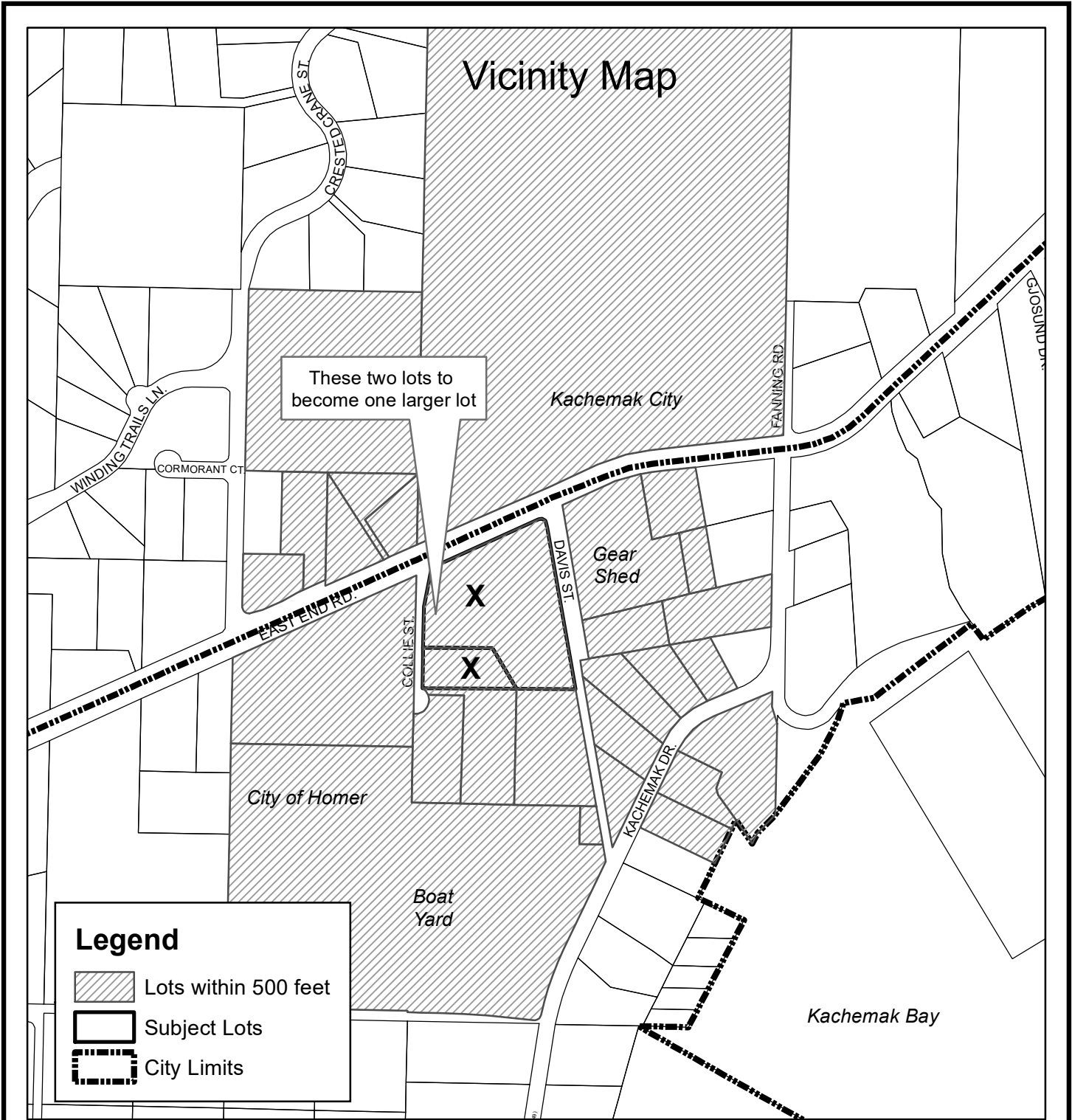
Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud in the Planning and Zoning Office, 235-3106.

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

.....

**VICINITY MAP ON REVERSE**



*City of Homer*  
**Planning and Zoning Department**

5/19/2020

## Rumley Collie Eight Preliminary Plat

Lots within 500 feet are marked  
and property owners notified.

0 250 500 1,000 Feet



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

### Notes:

1. No permanent structures shall be constructed or placed within a utility easement which would interfere with the ability of the utility to use the easement.
2. No field survey was performed. Boundaries and areas are of record per plats HM2013-51, HM87-67, and HM87-69.
3. There is a 15' Utility Easement fronting all street ROWs. Existing structures that predate granting of this easement are not subject to it.
4. This subdivision is subject to City of Homer Zoning Codes.

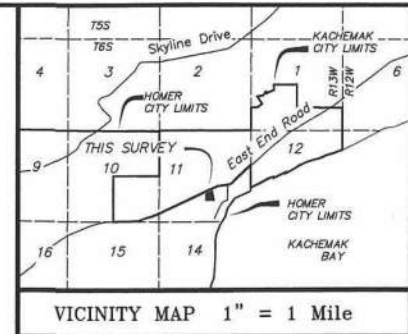
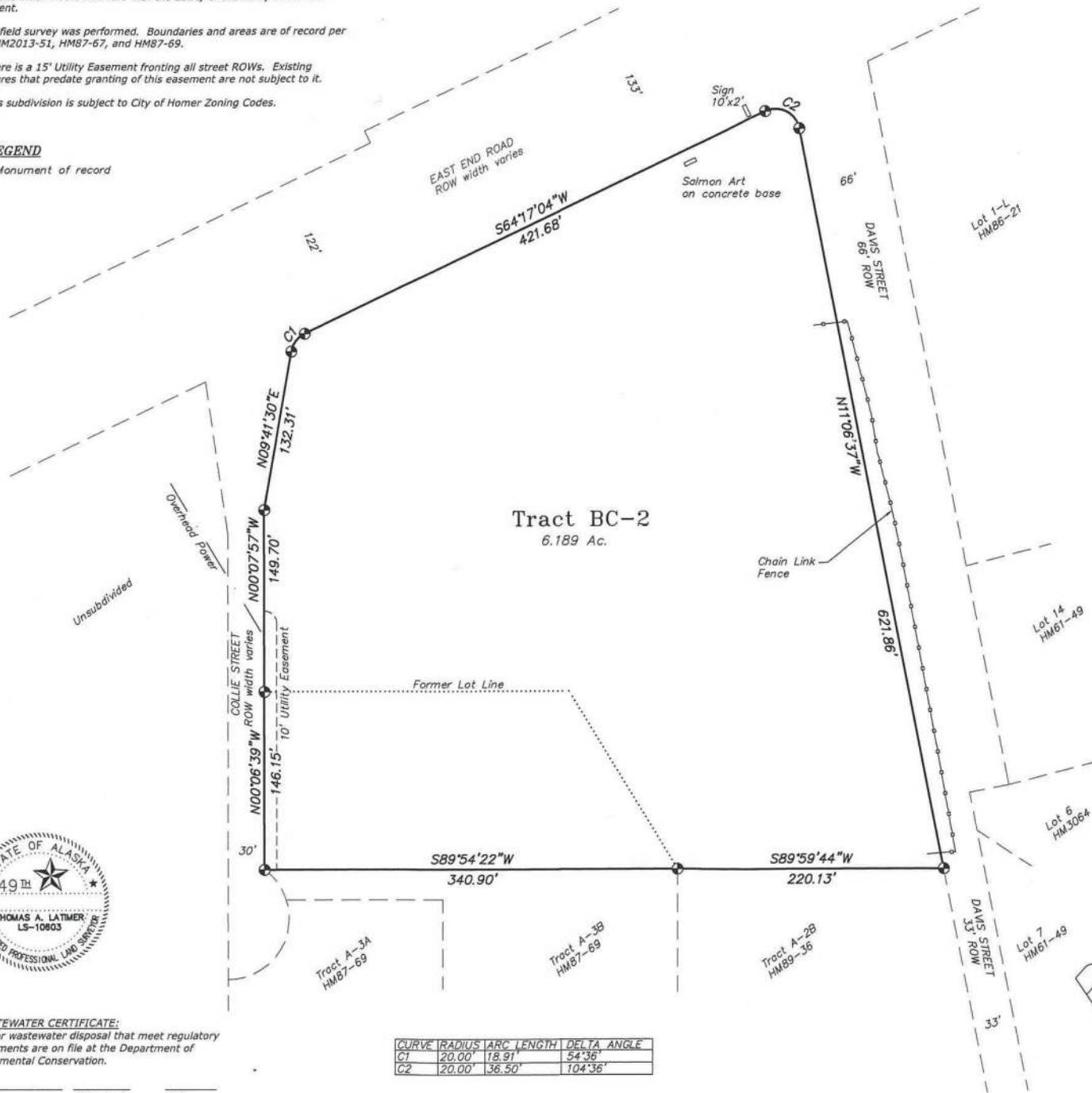
### LEGEND

- Monument of record



**WASTEWATER CERTIFICATE:**  
Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C1	20.00'	18.91'	54°36'
C2	20.00'	36.50'	104°36'



### Ownership Certificate:

We hereby certify that we are the owners of the real property shown and described hereon and we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

By Douglas Fraiman, Manager  
East End Mini Storage LLC  
PO Box 2622  
Homer, AK 99603

### Notary's Acknowledgement:

For \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_\_

### Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Authorized Official  
Kenai Peninsula Borough



### RUMLEY COLLIE EIGHT

A replat combining Tract BC  
Rumley-Collie Subd. Seven HM2013-51 and  
Tract A1-B Rumley-Collie Three HM87-67,  
Within SE1/4 Sec. 11, T6S, R13W, SM,  
City of Homer, Kenai Peninsula Borough,  
Homer Recording District, Third Judicial District, Alaska  
Containing 6.189 Acres more or less.

Prepared for:  
East End Mini Storage LLC  
PO Box 2622  
Homer, AK 99603

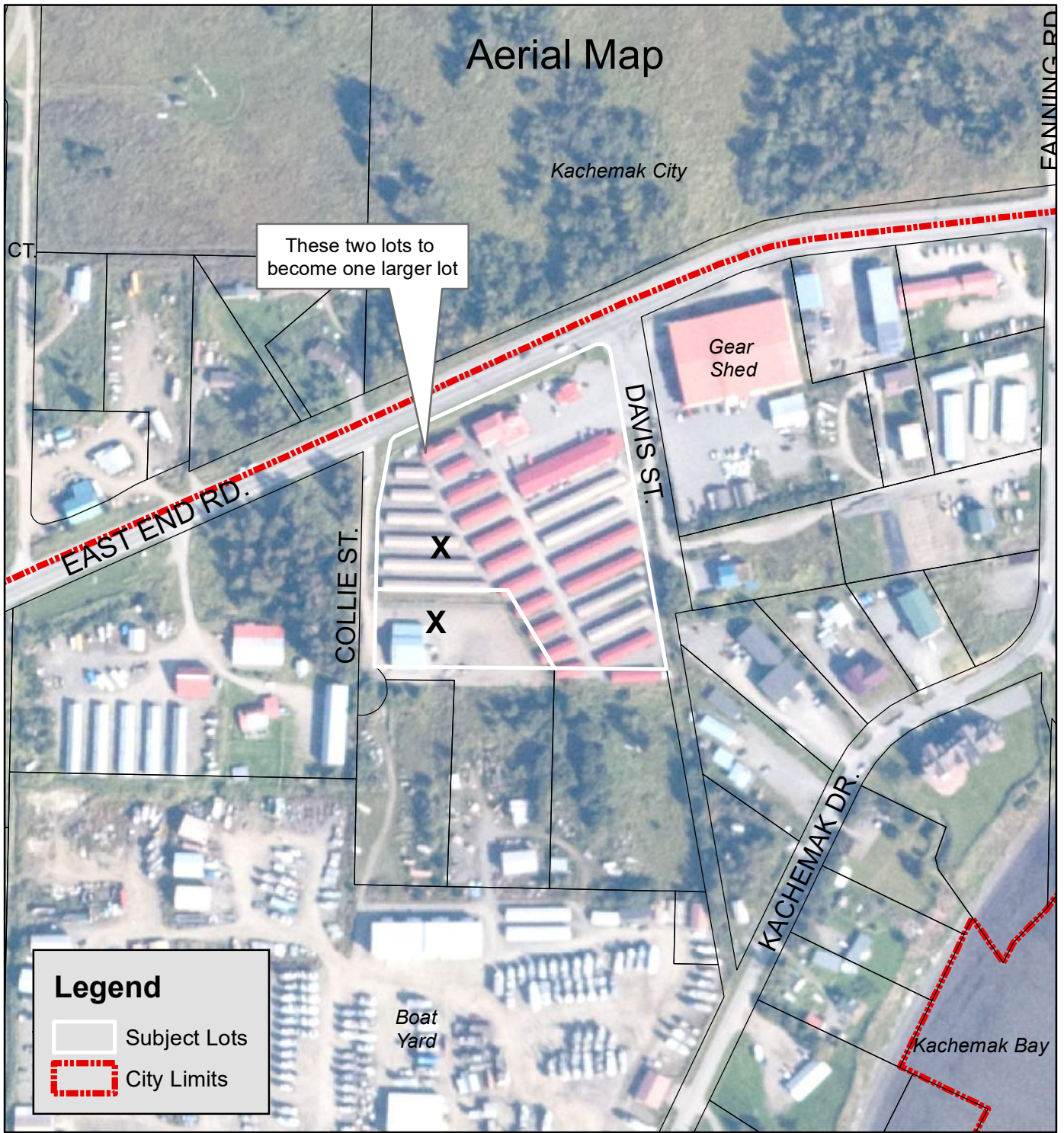
Prepared by:  
Orion Surveys  
PO Box 15025  
36570 Maria Road  
Fritz Creek, AK 99603  
(907) 399-7028  
tom@orionsurveys.com

Scale: 1"=60'

FB: NA Job# 841

Date: 5/5/2020  
KPB File No. 2020-





City of Homer  
Planning and Zoning Department

5/19/2020

## Rumley Collie Eight Preliminary Plat

2016 Photo  
property lines not exact

0 250 500 Feet



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



# City of Homer

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

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report 20-36

TO: Homer Planning Commission  
FROM: Julie Engebretsen, Deputy City Planner  
THROUGH: Rick Abboud, City Planner  
DATE: 6/3/2020  
SUBJECT: Skyline Drive Subdivision 2020 Replat Preliminary Plat

**Requested Action:** Approval of a preliminary plat to shift a common lot line

#### General Information:

Applicants:	Eileen Mullen PO Box 1394 Homer, AK 99603	Walter Welz PO Box 665 Homer, AK 99603
	Orion Surveys, PO Box 15025, 36570 Maria Road, Homer AK 99603	
Location:	Corner of Claudia Street and Blue Sky Ave, just west of West Hill Road	
Parcel ID:	17503023, 17503052	
Size of Existing Lot(s):	0.74 and 2.47 acres	
Size of Proposed Lots(s):	1.16 and 2.05 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Residential/ Bidarki Creek/Ravine South: Residential East: Residential West: Residential/Bidarki Creek/Ravine	
Comprehensive Plan:	Chapter 4 Goal 1 Objective A: Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed-use areas with lower densities in outlying areas.	
Wetland Status:	Bidarki Creek	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are not available at this time.	

Public Notice:	Notice was sent to 32 property owners of 29 parcels as shown on the KPB tax assessor rolls.
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**Analysis:** This subdivision is within the Rural Residential District. This plat shifts the common lot line between two parcels.

Access

Blue Sky Avenue is not a City maintained road and does not meet city standards. There is a constructed driveway within an existing public access easement along the southern boundary to Lot 6-A. Legal and physical access is provided to both lots. Typically, a property owner would be required to dedicate right of way as part of this plat. However, one lot further on Blue Sky Ave there is a home that would be encroach into the building setback of a future 60 foot right of way. Additionally, of the six homes located on Blue Sky Ave, all have legal access from West Hill Road, and there is a roadway easement across the lots which are accessed on Blue Sky Ave. it is unlikely Blue Sky will ever be a 60ft wide fully dedicated and city maintained road An exemption from HCC 21.10.040, and the requirement to dedicate a 60 foot right of way is appropriate.

**HCC 22.10.040 Applicable and exempted subdivisions. (Homer City Title 22, Subdivisions)**

The standards of this chapter shall apply to all subdivisions in the City of Homer. Exemptions from the requirements of this chapter may be granted concurrent with preliminary plat approval by the Homer Advisory Planning Commission under the following conditions:

a. Resubdivision of existing subdivisions not to exceed three lots, and involving no new dedications of rights-of-way;

**Finding:** This proposal includes two lots and does not involve new dedications of rights of way.

b. Special conditions and circumstances exist which are peculiar to the property involved, and are not generally applicable to other properties in the City. These special conditions cannot be caused by the actions of the applicant;

**Analysis:** Plat HM 76-58, John Childs Subdivision, subdivided Lots 2&3 of the Skyline Drive Subdivision. This created Claudia Street, and a roadway easement is noted along the current Blue Sky Ave. Over the years, pieces of Blue Sky Ave have been dedicated, but never along the full length nor width of a standard city road. It has never received city road maintenance.

**Finding:** The existing lot was created in 1976, prior to modern Borough subdivision rules and Homer City Zoning Code adoption. Blue Sky Ave has never been a fully dedicated city road and is unlikely to be dedicated in the future. These conditions were not caused by the applicants.



c. Financial hardship or inconvenience shall not be considered grounds for granting exception;

**Finding:** Financial hardship or inconvenience have not been cited as grounds for the exception.

d. Previous exceptions shall not be considered grounds for granting exception. [Ord. 87-8(S), 1987].

**Finding:** No previous exceptions have been used as grounds for granting this exception.

### **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 meets these requirements.

- 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.

- 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.

- 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 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. The top of the steep slope is marked.

- 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. Encroachments are of a non-permanent nature and can be removed as needed for utility or right of way work. Add a plat note: Acceptance of the plat is not acceptance of any nonconforming structures.

- 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:** No objection to the exemption under HCC 22.10.040. No other comments.

**Staff Recommendation:**

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

1. Include a plat note stating “Property owner should contact the Army Corps of Engineers prior to any on-site 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. Add a plat note: Acceptance of the plat is not acceptance of any nonconforming structures.

**Attachments:**

1. Preliminary Plat
2. Surveyor’s Letter
3. Public Notice
4. Aerial Map



**NOTES:**

1. This subdivision is subject to Homer City Code.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of the utility to use the easement.
3. A utility easement granted to HEA, described as a ten foot wide strip abutting the north edge of existing access road through former Lot 4-B, is recorded at Bk. 92 Pg. 189 H.R.D.
4. A utility easement granted to HEA, described as a ten foot wide strip abutting the north edge of existing access road through former Lot 3-B, is recorded at Bk. 92 Pg. 190 H.R.D.
5. No direct access to state maintained right of way permitted unless approved by the State of Alaska Department of Transportation.
6. Property owner should contact the Army Corps of Engineers prior to any onsite development or construction activity to obtain the most current wetland designation(if any). Property owners are responsible for obtaining all required local, state, and federal permits.
7. Easements related to the septic system and gravel driveway are recorded as  
Serial No. 2019-003013-0 HRD and Serial No.  
2019-003012-0 HRD Homer Recording District.
8. This subdivision may be affected by an easement recorded at Bk. 94 Pg 422 HRD.

**LEGEND**

- Found 2" Alcap, 10603-S, 2019
- Found 1-1/2" Alcap, No LS#, cap damaged
- Found 1/2" rebar, Plastic cap, 3686-S
- Found 5/8" rebar
- Found 1/2" rebar
- Monument of record as described
- Set 5/8" x 30" with Aluminum cap
- Plastic septic vent
- Well



**PLAT APPROVAL:**

This plat was approved by the Kenai Peninsula Borough in accordance with KPB 20.60.190(C).

By: \_\_\_\_\_ Date \_\_\_\_\_  
Authorized Official  
Kenai Peninsula Borough

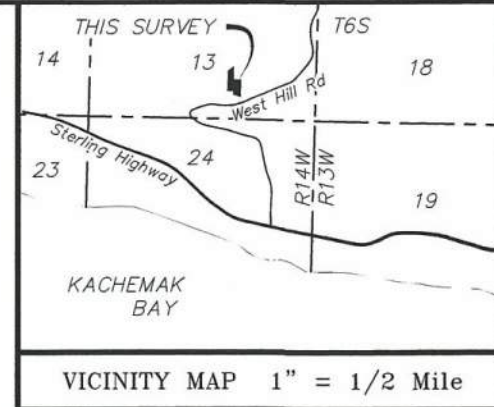
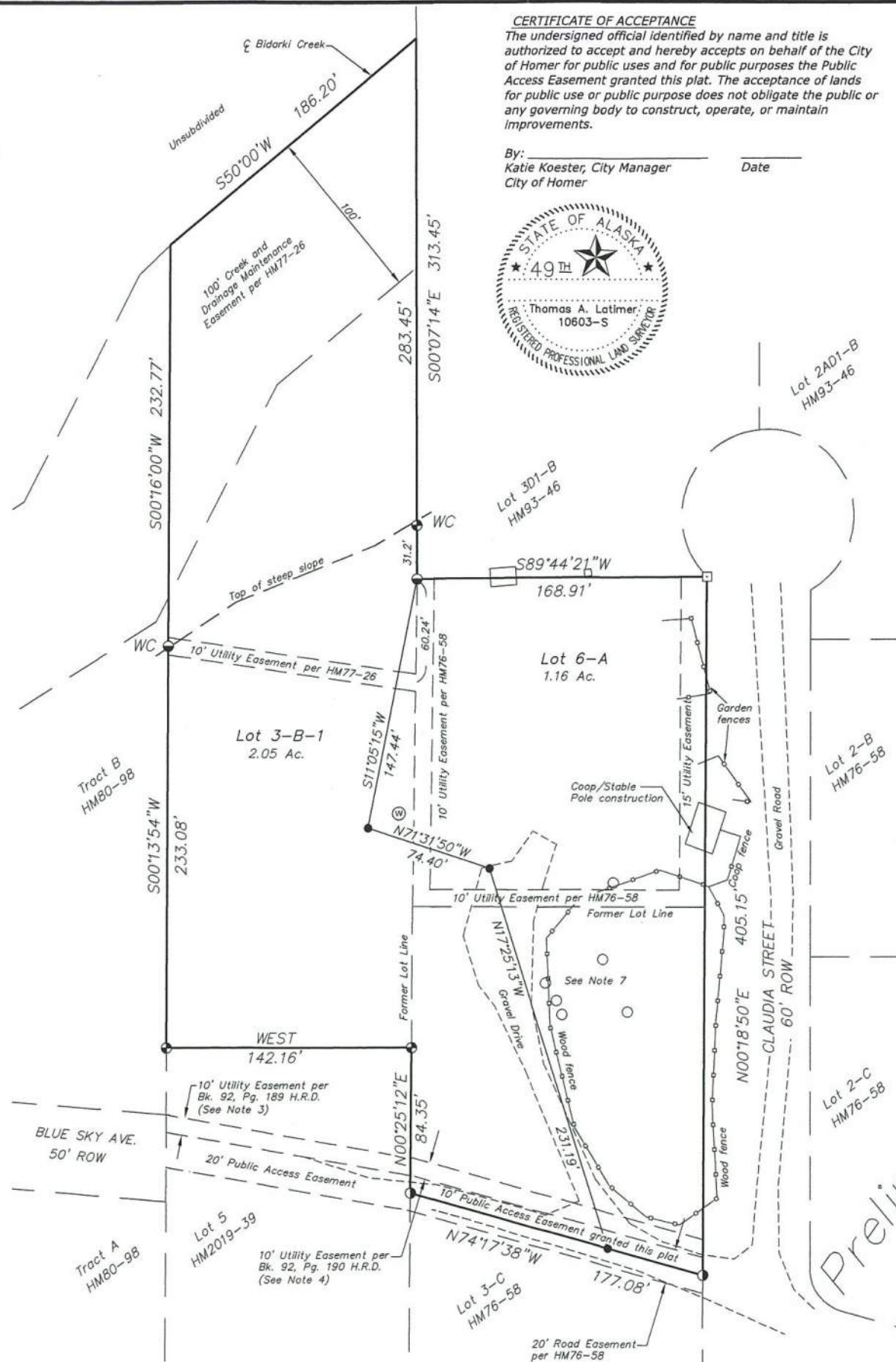
**WASTEWATER CERTIFICATE:**

Wastewater Treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

**CERTIFICATE OF ACCEPTANCE**

The undersigned official identified by name and title is authorized to accept and hereby accepts on behalf of the City of Homer for public uses and for public purposes the Public Access Easement granted this plat. The acceptance of lands for public use or public purpose does not obligate the public or any governing body to construct, operate, or maintain improvements.

By: \_\_\_\_\_ Date \_\_\_\_\_  
Katie Koester, City Manager  
City of Homer



**Ownership Certificate:**

We hereby certify that we are the owners of the real property shown and described hereon and we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

EILEEN MULLEN, owner of former Lot 6  
PO Box 1394, Homer, AK 99603

**Notary's acknowledgement:**

For \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_\_

WALTER WELZ, owner of former Lot 3-B  
PO Box 665, Homer, AK 99603

**Notary's Acknowledgement:**

For \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for \_\_\_\_\_  
My commission expires: \_\_\_\_\_

ROSEMARIE WELZ, owner of former Lot 3-B  
PO Box 665, Homer, AK 99603

**Notary's Acknowledgement:**

For \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**SKYLINE DRIVE SUBDIVISION  
2020 REPLAT**

A REPLAT OF LOT 6,  
SKYLINE DRIVE SUBDIVISION 2019 Replat HM2019-39 and  
LOT 3-B JOHN CHILDS SUBDIVISION HM76-58  
Within SW1/4 SE1/4, Sec. 13, T6S, R14W, SM  
City of Homer, Kenai Peninsula Borough  
Homer Recording District, Third Judicial District, Alaska  
Containing 3.212 Acres

Owners:  
Eileen Mullen  
PO Box 1394, Homer AK 99603

Walter and Rosemarie Welz  
PO Box 665  
Homer, AK 99603

Scale: 1"=50'

FB: 18-19

Prepared by:  
Orion Surveys  
PO Box 15025,  
36570 Maria Road,  
Fritz Creek, AK 99603  
(907) 399-7028  
tom@orionsurveys.com

Date: 5/10/2020

Job# 830

KPB File No. 2020-

**RECEIVED**

**MAY 15 2020**

**CITY OF HOMER  
PLANNING/ZONING**





Orion Surveys  
PO Box 15025  
Fritz Creek, AK 99603

May 15, 2020,

Planning Staff,  
City of Homer Planning Department  
491 East Pioneer Avenue,  
Homer, AK 99669

Re: Skyline Drive Subdivision 2020 Replat, preliminary plat submittal

Staff,

Please find enclosed two full size copies and one reduced (11"x17") copy of this plat and check #228 for the \$300.00 plat submittal fee.

This proposed plat reconfigures two adjoining lots off Claudia Street on lower West Hill Road. No additional right of way needs to be dedicated. Neither lot is served by City water or sewer. Both lots have existing septic systems. Proposed Lot 3-B-1 is increasing in size and is exempt from wastewater review. While proposed Lot 6-A is being reduced in size from the existing Lot 6 it is significantly larger than it was on Plat HM93-46 as Lot 3A-1. We are working with the borough to determine if this lot may also be excepted from wastewater review. A soils report will be prepared if required.

Additional improvements in or near the right of way of Claudia Street and the associated 15' Utility Easement are shown here. None are of a permanent nature and can be moved but the owners would like to leave them in place until right of way improvements or utility work requires their removal.

We are also proposing to match the adjoining Public Access Easement from Lot 5 HM2019-39 along this subdivision's south boundary. This was shown as a "Road Easement" on John Childs Subdivision HM76-58. This may be unnecessary but it seems like it would clarify the easement status.

Please contact me if you have any questions.

Sincerely



Tom Latimer

encl  
Full size paper plats (2)  
Reduced paper plat (11"x17")  
Plat fee \$300.00, Check #228

**RECEIVED**

**MAY 15 2020**

**CITY OF HOMER  
PLANNING/ZONING**





## 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:

### **Skyline Drive Subdivision 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, June 03, 2020 at 5:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

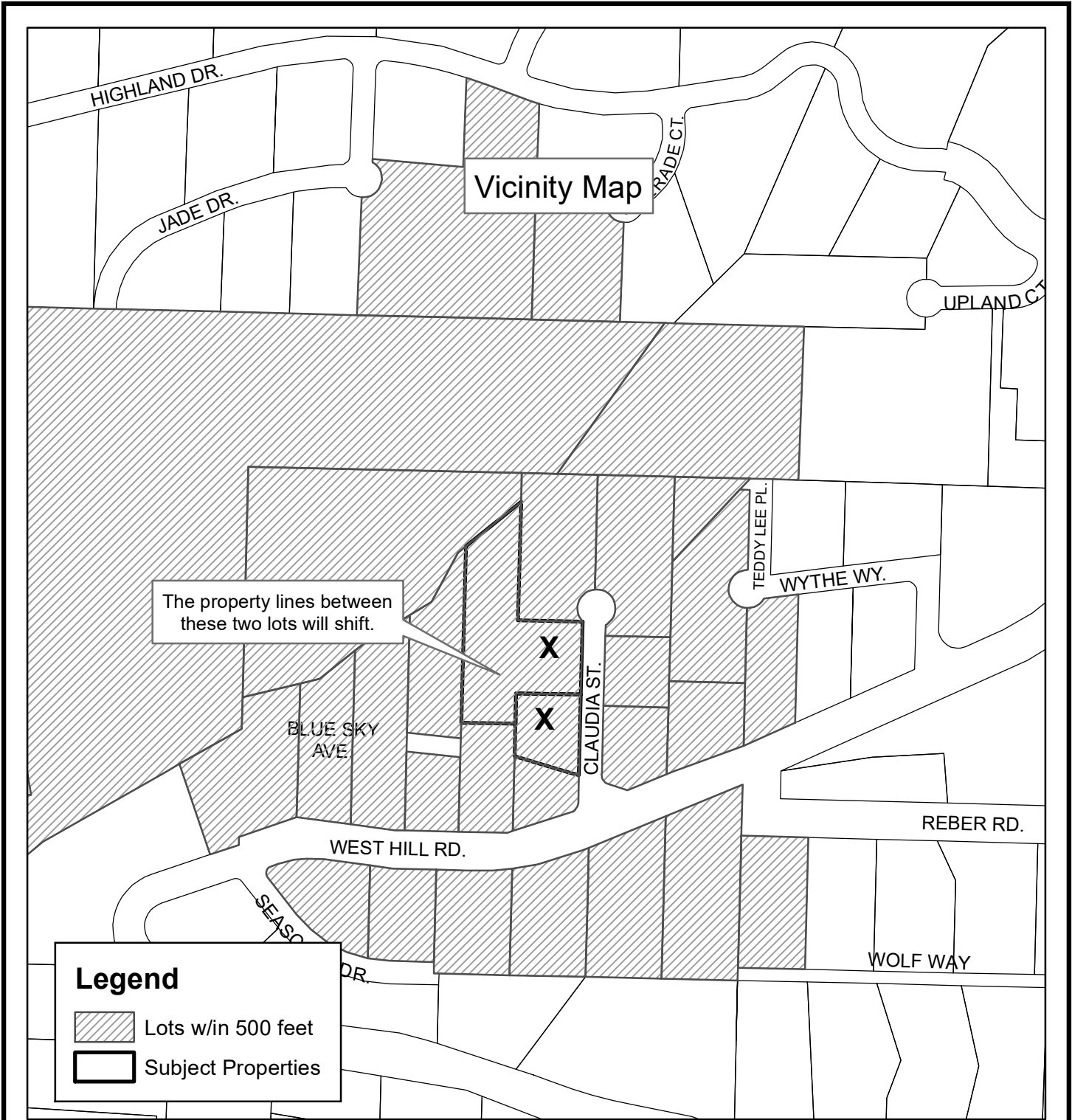
Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud in the Planning and Zoning Office, 235-3106.

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

.....

**VICINITY MAP ON REVERSE**



City of Homer  
Planning and Zoning Department

5/19/2020

## Skyline Drive 2020 Replat Preliminary Plat

Lots within 500 feet are marked  
and property owners notified.

0 250 500 Feet



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

# NOTES:

1. This subdivision is subject to Homer City Code.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of the utility to use the easement.
3. A utility easement granted to HEA, described as a ten foot wide strip abutting the north edge of existing access road through former Lot 4-B, is recorded at Bk. 92 Pg. 189 H.R.D.
4. A utility easement granted to HEA, described as a ten foot wide strip abutting the north edge of existing access road through former Lot 3-B, is recorded at Bk. 92 Pg. 190 H.R.D.
5. No direct access to state maintained right of way permitted unless approved by the State of Alaska Department of Transportation.
6. Property owner should contact the Army Corps of Engineers prior to any onsite development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state, and federal permits.
7. Easements related to the septic system and gravel driveway are recorded as Serial No. 2019-003013-0 HRD and Serial No. 2019-003012-0 HRD Homer Recording District.
8. This subdivision may be affected by an easement recorded at Bk. 94 Pg 422 HRD.

## LEGEND

- Found 2" Alcap, 10603-S, 2019
- Found 1-1/2" Alcap, No LS#, cap damaged
- Found 1/2" rebar, Plastic cap, 3686-S
- Found 5/8" rebar
- Found 1/2" rebar
- Monument of record as described
- Set 5/8" x 30" with Aluminum cap
- Plastic septic vent
- Well



## PLAT APPROVAL:

This plat was approved by the Kenai Peninsula Borough in accordance with KPB 20.60.190(C).

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Authorized Official  
Kenai Peninsula Borough

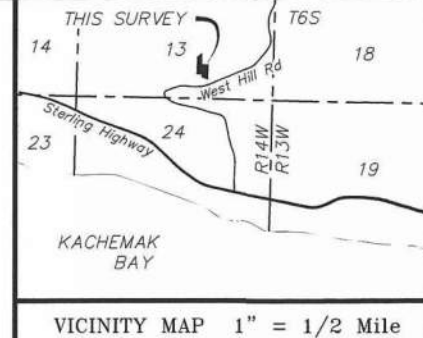
## WASTEWATER CERTIFICATE:

Wastewater Treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

## CERTIFICATE OF ACCEPTANCE

The undersigned official identified by name and title is authorized to accept and hereby accepts on behalf of the City of Homer for public uses and for public purposes the Public Access Easement granted this plat. The acceptance of lands for public use or public purpose does not obligate the public or any governing body to construct, operate, or maintain improvements.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Katie Koester, City Manager  
City of Homer



## Ownership Certificate:

We hereby certify that we are the owners of the real property shown and described hereon and we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

EILEEN MULLEN, owner of former Lot 6  
PO Box 1394, Homer, AK 99603

## Notary's acknowledgement:

For \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_\_

WALTER WELZ, owner of former Lot 3-B  
PO Box 665, Homer, AK 99603

## Notary's Acknowledgement:

For \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_.

Notary Public for \_\_\_\_\_  
My commission expires: \_\_\_\_\_

ROSEMARIE WELZ, owner of former Lot 3-B  
PO Box 665, Homer, AK 99603

## Notary's Acknowledgement:

For \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_.

Notary Public for \_\_\_\_\_  
My commission expires: \_\_\_\_\_

## SKYLINE DRIVE SUBDIVISION 2020 REPLAT

A REPLAT OF LOT 6,  
SKYLINE DRIVE SUBDIVISION 2019 Replat HM2019-39 and  
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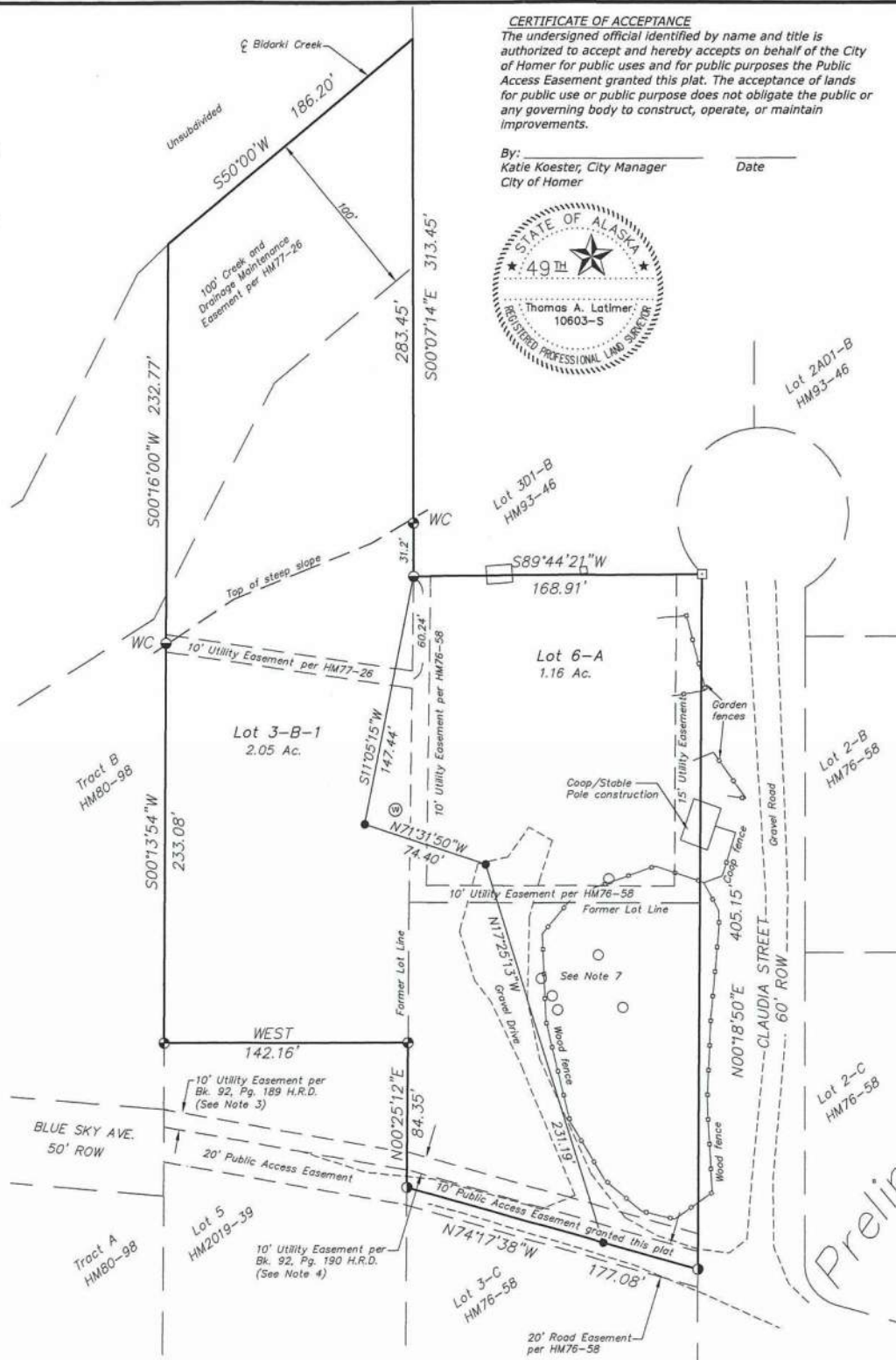
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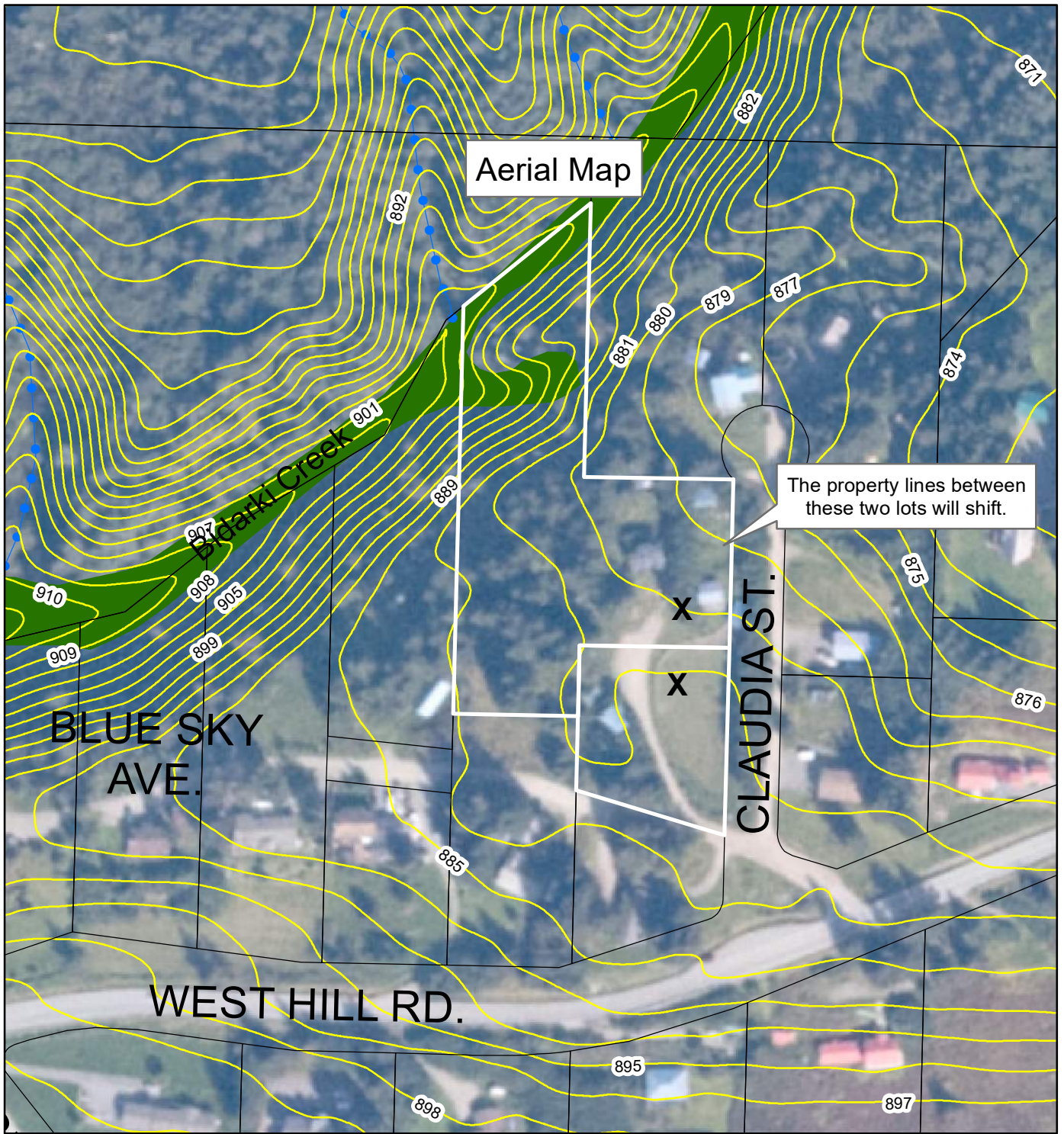
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PO Box 15025,  
36570 Maria Road,  
Fritz Creek, AK 99603  
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tom@orionsurveys.com

Date: 5/10/2020

KPB File No. 2020-







City of Homer  
Planning and Zoning Department

5/19/2020

## Skyline Drive 2020 Replat Preliminary Plat

Lots within 500 feet are marked  
and property owners notified.

0 125 250 Feet



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or conclusions drawn therefrom.



## City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum

TO: Mayor Castner and Homer City Council  
FROM: Marvin Yoder, Interim City Manager  
DATE: May 21, 2020  
SUBJECT: City Manager's Report for May 26<sup>th</sup> City Council Meeting

---

### Three Month Operations Estimates

There was a follow up request from the last Council meeting to provide projections for three months' worth of operations and personnel costs; a full accounting of personnel costs are being addressed separately by Finance Director Walton. Emergency Ordinance 20-22 provides spending authority for up to 60 days/two months for the expenses outlined in Memorandum 20-058. Departments that have provided input concerning operating expenditures over the next three months include: Public Works (through Ord. 20-22), Port and Harbor, Library, and City Manager's Office through PIO Carroll. Aside from Public Works, these departmental expenses are detailed below. Please keep in mind needs to respond to COVID-19 and associated and expenditures are subject to change.

#### Port and Harbor

One unbudgeted expense is a cost for preventative/protective modifications to the Harbormaster's Office customer service counter in the lobby. Harbormaster Hawkins sees re-opening the lobby for customer service included in Port and Harbor's future next steps for their ongoing phased reopening plan and, while the timeline on that is unknown, he wants to get a jump on making these important changes soon in order to be prepared. In order to meet the needs of social distancing, Port and Harbor will be installing a full length clear screen as a physical barrier and widening the counter so both the customer and the staff have space to work. He has asked the company who built the counter in 2015 to provide a quote for making the improvement which has not been received yet.

#### City Manager's Office/PIO

Newspaper ads, PSA's, Signs	\$1,200
-----------------------------	---------

#### Library

Improvements necessary for public access	\$6,900
--	---------

### April 2018/2019 vs April 2020 General Fund Comparables

Enclosed please find the April 2018, 2019, and 2020 General Fund Comparables which demonstrate the City is still not going too far off "normal." Please note there may be a reduction in expenditures after the CARES Act funds are received depending on how Council wishes to use these incoming dollars to offset City expenses.

## March and April 2019/2020 Port and Harbor Comparables

<u>Revenues</u>		<u>Expenditures</u>	
	Budget to Actual YTD*		Budget to Actual YTD*
March, 2019	12%	March, 2019	41%
March, 2020	15%	March, 2020	13%
April, 2019	18%	April, 2019	46%
April, 2020	20%	April, 2020	16%

*\*Percentage is percentage of total fund revenues/expenditures at that time. For example, in March 2019, 12% of the budgeted revenues had come in at that point as opposed to March 2020 which had 15%.*

### Connecting with Council, KBBI

Public Information Officer Carroll and team have been getting the message out on how the public can connect with City Council during the pandemic. Newspaper ads detailing this information have been published and the information is also shared on the City's website and Facebook pages as well as during the weekly calls the EOC/PIOs have with KBBI and through Peninsula radio stations as an EPSA read by Councilmember Lord. I encourage the body and community to listen to these weekly calls (currently held each Thursday right around 9am) as they provide some of the most up to date information regarding the State and City's response to COVID-19 and questions the community is curious about.

### Seawall Worksession Follow-up

On Monday, May 18<sup>th</sup>, Homer City Council held a worksession to consider different aspects concerning the Seawall. Council requested staff follow up with questions one and two outlined in Engineer Meyer's May 14<sup>th</sup>, 2020 memo. Additional information was also requested on the possibility of insuring the Seawall, clarity on how an assessment district is initiated, an outline of a possible Special Assessment District (SAD) process for a major Seawall improvement, clarity on the already completed \$45k in maintenance work compared to the anticipated \$100k additional maintenance work, and clarity on whether the current mil rate could be raised and if not raised, what the maintenance budget supported by ODLSA property owner contributions an annual contribution from the City would look like. As a result of the worksession, a homeowner currently residing in the ODLSA neighborhood contacted City Clerk Jacobsen to learn more about how to initiate a SAD process for the proposed Armor Stone improvement to the Seawall. This would require the City to identify the property owners that may be affected in the future and notify them of the City intentions. If a SAD application is not received, the City would go ahead and contact property owners possibly included in the new SAD. Staff will provide Council with a memo detailing follow-up responses and possible timelines at the next Council meeting.

### 2020 Council Priorities

At the start of the year, Council adopted priorities for the year. With just about six months remaining, I would like to suggest a future worksession with the body to review these goals. While COVID has gotten the City off the "normal operations" track, it does not mean all the hard work established beforehand disappears. The Council's priorities are posted on the City website here: <https://www.cityofhomer-ak.gov/citymanager/2020-council-initiated-priorities> and are also provided as an enclosure with additional backup information used during Council's retreat.

### Emergency Medical Services (EMS) Appreciation Week

May 17<sup>th</sup> through the 23<sup>rd</sup> marks the 46<sup>th</sup> annual EMS Appreciation Week. According to the National Association of Emergency Medical Technicians, "In 1974, President Gerald Ford authorized EMS Week to celebrate EMS practitioners and the important work they do in our nation's communities... EMS Week brings together local communities and medical personnel to honor the dedication of those who provide the day-to-day lifesaving services of medicine's 'front line.'" I would like to take a moment to say thank you to the paramedics, emergency medical technicians,

emergency medical responders, and other professionals providing prehospital and out-of-hospital emergent, urgent or preventive medical care to our community. Especially during a worldwide pandemic, we sincerely appreciate your dedication and hard work.

### **New Police Station**

The new police station is ahead of schedule. It is likely to be finished and delivered before HPD can move in. The hold up on moving in is dispatch. ProComm Alaska has been contracted to do the dispatch move. When the City issued the contract we agreed on a date for the move to be in July. ProComm has many jobs scheduled and their schedule is very tight. They can't show up until July. The other thing slowing the move down is the pandemic. Some of the contractors associated with the dispatch move have to come up from Washington State and they don't want to travel until the quarantine requirements are eased. HPD has also had an issue with Motorola being delayed with the new console due to the pandemic. Chief Robl estimates being in the new building by August 1<sup>st</sup>.

### **Flexibility is Key**

In addition to thanking our EMS staff, I would also like to thank Department Heads and City Council for their flexibility as the City responds to COVID-19. As the City follows the State's direction, we have to be quick on our toes in responding to the Reopen Alaska Responsibly Plan and associated mandates issued by the Governor. Homer remaining a "COVID-Smart" community depends on our adaptability as we see new guidelines come out and possible spikes in our community as restrictions are eased. What may be acceptable today could completely change by tomorrow – an experience First Responders are accustomed to that many non-emergency staff have learned over the last couple of months. Winston Churchill said "Attitude is a little thing that makes a big difference." We must support each other and keep our spirits up to persist through the challenges that are before us.

### **Enclosures:**

1. City of Homer General Fund April Monthly Comparison
2. Memorandum 20-015: "Follow up to January 11<sup>th</sup>, 2020 Planning Retreat"
3. May 19, 2020 Letter regarding 2019 Commercial Passenger Vessel Tax Allocations and "City of Homer Ramp 2 Restroom Project" summary sheet
4. Active Projects Spreadsheet Updated as of May 19<sup>th</sup>, 2020
5. ADN Article: "New Natural Gas Deal by Hilcorp and Enstar Could Bring Rate Savings"
6. May 13 and May 18, 2020 email notices from Alaska Municipal League
7. May 21 COVID Testing and Case Reporting Memo PIO Carroll
8. May 20 VBMS Follow up Memo from City Clerk Jacobsen

City of Homer  
General Fund  
Monthly Comparison

General Fund			
	Actual April 2018	Actual April 2019	Actual April 2020
<b><u>Revenues</u></b>			
Property Taxes	4,558	14,668	23,944
Sales and Use Taxes	125,340	205,926	129,884
Other Income	60,730	175,783	91,384
<b>Total Revenues</b>	<b>190,628</b>	<b>396,377</b>	<b>245,212</b>
<b><u>Expenditures &amp; Transfers</u></b>			
Administration	119,199	76,050	97,265
Clerks	55,299	73,624	39,122
Planning	28,909	27,538	20,426
Library	72,057	72,958	58,330
Finance	47,227	49,696	51,213
Fire	68,208	98,770	69,954
Police	252,465	274,736	233,531
Public Works	148,162	233,238	209,771
Airport	14,616	12,130	13,825
City Hall, HERC	17,891	12,647	23,397
Non-Departmental	25,000	25,000	94,000
Total Operating Expenditures	849,033	956,387	910,834
Transfer to Other Funds	-	-	-
Leave Cash Out	-	-	-
Total Transfer to Other Funds	-	-	-
Total Transfer to Reserves	-	-	-
<b>Total Expenditures &amp; Transfers</b>	<b>849,033</b>	<b>956,387</b>	<b>910,834</b>
<b>Revenues Over (Under) Expenditures</b>	<b>(658,404)</b>	<b>(560,010)</b>	<b>(665,621)</b>





## City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)

(p) 907-235-8121 x2222

(f) 907-235-3148

### Memorandum 20-015

TO: Mayor Castner and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: January 22, 2020  
SUBJECT: Follow up to January 11<sup>th</sup>, 2020 Planning Retreat

---

Thank you for your engagement and participation in the Council Planning Retreat. Significant headway was made in identifying Council priorities for 2020 through the selection of projects proposed by individual members. The Council worked to determine the scale of each project (large, medium, medium-policy focused, and small), prioritize them in order of importance, and identify champions to be involved in specific projects until completion. I have attached the retreat summary from Facilitator Amundson that outlines the work that was accomplished, including a chart outlining the Council's priorities for 2020.

Much work was done on January 11<sup>th</sup>, however there remain some topics that the group was not able to get to. The questions are listed below with suggestions from Administration on follow up.

*-How is the Council going to track projects?*

By Administration continuously updating the Active Projects chart and presenting the information within the Manager's Report during the first Council meeting of the month.

*-How will new projects/initiatives be added?*

Council will review the Active Projects chart while considering the staff time and resources associated with the proposed project. Administration will make a recommendation as to if current efforts need to be rerouted in order to meet the demands of the new project or if the new project would be possible to incorporate and accomplish within the given year.

*-What threshold needs to be reached to initiate Council review and approval of proposals to move forward because of the high amount of City resources required to develop the proposal?*

This is a difficult question to answer. I ask that as Councilmembers approach me with projects, they consider the size and scope of their project, and engage in that dialogue as ideas develop. The Council Initiated Proposal Template that Susie asked each one of you to fill out for the retreat is a great starting place to think through the aspects of a proposal that will facilitate that conversation.

*-How will Council ensure everyone is represented through the priorities identified by the body?*

Encourage members who were not able to have their priorities represented in the 2020 goals to work with Administration on adding new proposals to the Active Project Chart and/or becoming champions for identified 2020 Council Goals.

I want to congratulate Council on the work you did to establish your goals for 2020. This provides a great starting place for the identified champions to work with each other and with Administration on advancing those priorities. Please know, I still need active direction from Council and participation on next steps, including proposed legislation, to advance the identified goals.

I look forward to working with you in 2020 on moving these important projects forward. It is my hope you will be able to look back on 2020 and see the significant accomplishments you have made on behalf of your community by working strategically together.

**Recommendation:** Formally adopt Council-Initiated 2020 Priorities.

Enc:

Council Initiated Proposal Template

Active Project Chart updated 1/22/2020

Mayor and City Council Planning Retreat Summary and 2020 Goals prepared by Susie Amundson

Council proposals organized by Council-Initiated 2020 Priorities

## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

A proposal is a brief summary of your council-initiated project that can be used to introduce a project to the City Manager, Mayor, and Homer City Council. It serves as a tool for clarifying ideas, scoping the project, and communicating about the benefits of this project with council and administration. Please complete this proposal form by tabbing through the table and submit to the City Manager.

<b>Title of Proposed Project</b> (descriptive title)	
<b>Date + Champion</b> (date and who is submitting)	
<b>Type of Project</b> (e.g., capital, policy, physical, plan/study)	
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	
<b>Needs Statement</b> (why does the community need this?)	
<b>Proposed Outcomes</b> (tangible, concrete, specific end results)	
<b>Activities Scope</b> (which steps are needed to complete project?)	
<b>City Resources</b> (preliminary estimate of resources needed)	
<b>Size Category (estimate)</b> (large, medium, small)	

### Council Initiated/Involved Projects

Project	Primary Impacted Departments/Divisions	Status	Category	% Complete	
Green Infrastructure Study	Administration, Public Works	Draft complete. Out for comment. June 2020 final due. Pilot project incorporated into Police Station	Medium	90	A
Energy Conservation at City Buildings (lighting)	Public Works	Most facilities' lighting has been converted	Medium	80	
Ice Plant Feasibility Study	Port and Harbor	Reviewing draft	Small	75	in
New Police Station	HPD, Public Works, IT	Estimated completion date: June 1, 2020	Large	40	
Fund Balance Policy, City-wide	Administration, Finance	Needs Council direction	Medium	25	
Traffic Calming Policy	Administration, HPD, Public Works	Research collated	Medium	20	D
HERC Demolition Cost est.	Public Works	Proposals went out 12.19 for hazmat survey	Medium	10	re
Large Vessel Harbor General Investigation Study	Administration, Port and Harbor (and ADOT, Army Corps)	Soliciting proposal for program lead; Council will consider ordinance for City match on 1-27-20	Large	5	Fu
Spit ADA Parking Improvements	Port and Harbor, Public Works	Funded in 2020 budget	Medium	0	Pr
Spit Parking Study	Port and Harbor, Public Works	Funded in 2020 budget	Medium	0	ov
Re-opening HAWSP	Administration, Finance	Council will consider resolution on 1-27-20	Medium	0	or
Wayfinding Plan/Committee	Administration	Drafting RFP: will issue in Feb.	Medium	5	So
Medical Zoning District	Planning	Planning Commission is refining boundaries; Council issued moratorium on new CUPs	Medium	35	w
Right of Way Clearing Policy	Administration, Public Works	Working group met twice	Medium	20	PL
Spit Parking Expansion	Public Works, Port and Harbor	CUP denied - P&H Commission considering Reso 20-008(S) to designate as green space	Medium	On hold	ex

Updated 1/22/2020

Please note:

\*It is of great benefit for Admin Initiated projects to have the sponsorship of a Councilmember(s).

\*Future chart will have 'Date Initiated' column

\*The proposed categories (small, medium, and large) are intended to gauge workload for city staff and the attorney to develop or implement and do not reflect level of priority.

\*Color-coding indicates how close to completion a capital project is; Red (0-24%), Yellow (25-74%), Green (75-100%)

---

## CITY OF HOMER

### MAYOR AND CITY COUNCIL PLANNING RETREAT

Saturday, January 11, 2020: 8:30 am to 12:30 pm  
Kenai Peninsula College – Kachemak Bay Campus #209

Facilitator: Susie Amundson

---

#### Objectives of Retreat

- To determine the City Council's priorities and workflow for 2020 in order to ensure City resources are used efficiently to provide high-quality services to Homer citizens
- Establish a protocol for introducing council-initiated projects
- Set up a communication method/tool between Administration and Council for reporting on City Council prioritized projects.

#### City of Homer Champions

- |                           |   |
|---------------------------|---|
| • Ken Castner, Mayor      | • Heath Smith, Council                        |
| • Donna Aderhold, Council | • Caroline Venuti, Council                    |
| • Joey Evensen, Council   | • Katie Koester, City Manager                 |
| • Rachel Lord, Council    | • Storm Hansen-Cavasos, Council (not present) |

#### Agenda of the Retreat

The agenda allowed for participants to enjoy opening warm-ups, discuss the science of teams, take stock of current active projects, scope each other's council-initiated proposals, and determine the 2020 (and beyond) council-initiated priorities. A group discussion also focused on how to introduce emerging council-initiated proposals throughout the year and when to ask the council for review and approval of a proposal requiring city resources beyond a small project.

#### Council-Initiated Projects and Priorities for 2020

Each participant presented three proposals to the group, fielded questions, and discussed the feasibility of the proposed project and the level of effort needed from the City for it. From the whole of the proposals, participants were able to recognize synergy and partnerships regarding projects, discuss the interrelatedness of projects (e.g., Climate Action Plan related to the Storm Water Management Plan and Implementation), and declare themselves as champions for specific projects. Page 2 contains a table that outlines the projects into the categories of large, medium, small, and policy and will serve as the priorities this year. A number of projects will just address one phase or part of a phase in 2020.

No clear decisions were made regarding the process for introducing council-initiated proposals that emerge throughout the year nor the threshold to be reached when Council needs to review and approve proposals to move forward because of the high amount of city resources required to develop a proposal. I encourage you to judiciously weigh other proposed projects with your prioritized ones throughout the year and to keep in mind this quote by Michael Porter "The essence of strategy is choosing what not to do."

I appreciate you including me in your work to determine your priorities for 2020. Please let me know if I can help with anything moving forward. Also, thank you for your dedicated, enthusiastic, and unflagging efforts to provide a vibrant, safe, and appealing Homer community for our citizens and visitors.

Susie Amundson, PhD, OTR, FAOTA  
[susie.wisecatwork@gmail.com](mailto:susie.wisecatwork@gmail.com) | 509-998-1009

## Council-Initiated 2020 Priorities

<b>Large</b>	<b>HERC Demolition/ Community Recreation Center</b> (Champions: Aderhold, Lord, Venuti)		<b>Storm Water Management Plan Implementation</b> (Champions: Castner, Lord, Ad [sidewalk/road improvements; water and wayfinding; climate action p		
<b>Medium</b>	<b>Climate Action Plan</b> (Champions: Aderhold, Evensen) [1%]		<b>Wayfinding/Streetscape</b> Champions: Venuti, Evensen [new banners, beautification effort to Spit]		<b>Public Co Communit</b> (Champions: Ever
<b>Policy Focus*</b>	<b>Water and Sewer Policy</b> (Champions: Lord, Aderhold)	<b>Reserve Funding (water and sewer)</b> (Champions: Castner, Lord)	<b>Election Code</b> (Champions: Smith, Aderhold)	<b>City Council Operating Manual</b> (Champion: Aderhold)	<b>Procurement (construction) Policy</b> (Champion: C
<b>Small</b>	<b>Funding for Large Vessel Harbor Study</b> (Champions: Lord, Smith)				

\*Note: Council prioritized in order from left to right.

## City of Homer Council-Initiated 2020 Priorities

### *HERC Demolition/Community Recreation Center*

Champions: Aderhold, Lord, Venuti

#### Council-Initiated Proposals Submitted at Retreat:

- New City Recreation Center (Venuti)
- Concurrent Multi-Use Community Center and HERC Planning (Lord)
- Map out a time line for all things HERC—Rec Center (Smith)
- HERC next steps and Multi-use Community Center study (Aderhold)

## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

A proposal is a brief summary of your council-initiated project that can be used to introduce a project to the City Manager, Mayor, and Homer City Council. It serves as a tool for clarifying ideas, scoping the project, and communicating about the benefits of this project with council and administration. Please complete this proposal form by tabbing through the table and submit to the City Manager.

<b>Title of Proposed Project</b> (descriptive title)	<b>New City Recreation Center</b>
<b>Date + Champion</b> (date and who is submitting)	Councilmember Venuti 2020
<b>Type of Project</b> (e.g., capital/physical, policy, program, design/engineering, plan/study)	Capital
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	To provide a safe, accessible building that will provide a space for indoor recreation activities for the citizens of Homer and house offices of Homer community Recreation.
<b>Needs Statement</b> (why does the community need this?)	Currently recreational services are spread out in many indoor facilities creating many accessibility and logistical issues, citizens are asking for a safe, accessible building to replace the aged HERC buildings.
<b>Proposed Outcomes</b> (tangible, concrete, specific end results)	New ADA compliant recreational building that provides safe, healthy choices of recreation for all ages of Homer residents.
<b>Activities Scope</b> (which steps are needed to complete project?)	The demolition of the existing buildings on the city owned property off Pioneer; bond campaign and voter approval; construction.
<b>City Resources</b> (preliminary estimate of resources needed)	Public works to manage project; administration to work on compliance and legal issues; council to do design approval and building construction campaign.
<b>Size Category (estimate)</b> (large, medium, small)	large



## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

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<b>Title of Proposed Project</b> (descriptive title)	<b>Concurrent Multi-Use Community Center and HERC Planning</b>
<b>Date + Champion</b> (date and who is submitting)	1/6/2020 Rachel Lord
<b>Type of Project</b> (e.g., capital/physical, policy, program, design/engineering, plan/study)	Ultimately one or two capital projects (2021-22), with plan and design in 2020
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	Provide for a multi-use community center, utilizing the HERC site
<b>Needs Statement</b> (why does the community need this?)	The community has identified gym space as a top priority for filling a substantial recreation gap in Homer. The City currently holds the HERC building in warm-status, providing limited opportunities with quickly deteriorating conditions. The HERC Task Force (2019) clearly stated that the building either required demolition or large and expensive upgrades. To best serve the community, this project emphasizes moving forward on both the planning (including timelines for construction) of a multi-use community center and the ultimate fate for the HERC building, utilizing the HERC property as the location.
<b>Proposed Outcomes</b> (tangible, concrete, specific end results)	A functional building that provides an indoor gym space that can be used for basketball, pickleball, volleyball, and other compatible activities and provides some additional community meeting space. Potentially modest offices to lease? Opportunities to partner with private recreation organizations/ Offices and space for City Parks & Rec, including maintenance.

<b>Activities Scope</b> (which steps are needed to complete project?)	Cost estimates (in-progress for HERC demolition), community-wide planning effort for a new facility with Council-established cost cap (i.e. no more than \$X) to constrain to reality, generating ideas for funding, long-term look at the full 4+ acres at that site for the most strategic opportunities for the community and City building needs.
<b>City Resources</b> (preliminary estimate of resources needed)	\$\$\$
<b>Size Category (estimate)</b> (large, medium, small)	Large

Map out a time line for all things HERC—Rec Center

- Demolition
- Funding (are there any grants for asbestos remediation?)
- Consider full scope of all recreation opportunities currently available to the community.
- How much is enough? (library)
- Needs to be an integration of not a replacement to.
- Any new facility must be affordable and sustainable.
- If the HERC site is in fact the future location of such a facility planning will need to also commence on providing the public works maintenance crew with a suitable space to carry on with their duties.
- Recreational outlets are a core contributor to life balance and enjoyment. While the city plays a critical role in facilitating reasonable levels of access it must also be measured in its manifestation. Our current funding structure is limiting.

## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

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<b>Title of Proposed Project</b> (descriptive title)	<b>HERC next steps and Multi-use Community Center study</b>
<b>Date + Champion</b> (date and who is submitting)	1/6/2020, Donna Aderhold
<b>Type of Project</b> (e.g., capital/physical, policy, program, design/engineering, plan/study)	HERC: plan and capital (demolition); Community Center: reconnaissance / preliminary feasibility study
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	Ultimate goal is demolition of the HERC and construction of a permanent multi-use community center that replaces the HERC and meets Homer's needs based on the 2015 PARC Needs Assessment; the 2020 conceptual goal is to make firm demolition plans for the HERC and conduct the first phase of the community center as presented in the CIP.
<b>Needs Statement</b> (why does the community need this?)	HERC demolition and community center development and construction are on parallel paths because loss of the HERC would result in loss of important recreational opportunities in Homer if a replacement facility is not in the works at the same time. During 2019, after much deliberation and consideration, council determined that, as much as we'd like to preserve the old middle school and modify it for community use, the costs of doing so are too great and we need to plan the building's demolition. Because the HERC provides important recreational activities (e.g., pickleball, Zumba, Native Youth Olympics training, and skateboarding), council needs to plan a new center that provides space for these activities and other community space opportunities as outlined in the 2015 PARC Needs Assessment. Council adopted the community center as one of its legislative priorities during the CIP process in 2019 and council consistently hears from constituents about the need for a community center.
<b>Proposed Outcomes</b>	The ultimate goal is construction of a multi-use community center that meets the needs of Homer and the surrounding

(tangible, concrete, specific end results)	area as we demolish the HERC. The proposed outcomes for 2020 include finalizing plans (and initiating?) demolition of the HERC and a feasibility study that outlines the size and type of a new facility, functional spaces based on community need, conceptual floor and site plans, estimated total construction cost and ongoing operational costs, and possible funding mechanisms.
<b>Activities Scope</b> (which steps are needed to complete project?)	<p>2020 scope would include the following: (1) review outcome of HERC demolition study and make final plans for demolition, (2) develop scope of work and budget for community center reconnaissance/feasibility study, (3) issue RFP and award contract for study, and (4) receive and review study, determine next steps and timeline (#4 may not occur in 2020 depending on when contract awarded and schedule for study).</p> <p>Following the 2020 scope, council will need to fund HERC demolition, decide on community center construction budget, funding mechanisms, and issue contract(s) for design and construction.</p>
<b>City Resources</b> (preliminary estimate of resources needed)	Multiple city departments will be involved in the project: city manager and special projects coordinator, city attorney, planning, recreation, and public works.
<b>Size Category (estimate)</b> (large, medium, small)	Large

## City of Homer Council-Initiated 2020 Priorities

### *Storm Water Management Plan and Implementation*

Champions: Castner, Lord, Aderhold

#### Council-Initiated Proposals Submitted at Retreat:

- Storm Water Master Plan with Pipe Replacing the Open Ditches (Castner)
- Storm Water Management Plan, Phase II (Lord)
- Including Sidewalk Requirements in Homer City Code (Lord)
- Build sidewalk for Main Street (Lord)
- Amending the Comprehensive Plan and Code to include Habitat Reserve and Green Space Dedication/Allocation as Emerging Development Need (Evensen)

Mayor Castner

In 2020 I would like to see a storm water master plan with pipe replacing the open ditches.

## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

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<b>Title of Proposed Project</b> (descriptive title)	<b>Stormwater Management Plan, Phase II</b>
<b>Date + Champion</b> (date and who is submitting)	1/6/2020 Rachel Lord
<b>Type of Project</b> (e.g., capital/physical, policy, program, design/engineering, plan/study)	Plan
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	To develop a comprehensive stormwater management plan for the City that provides adequate and safe drainage of stormwater to protect city infrastructure and water quality, as outlined as a top priority in the City's CIP, and building off of the nearly complete stormwater assessment project funded in part by ADEC.
<b>Needs Statement</b> (why does the community need this?)	A tremendous amount of water flows (and seeps) through the City of Homer. Large precipitation events, especially during the winter months, have resulted in flooding and damage to City and private infrastructure. Managing stormwater flows is critical to protecting assets and maintaining water quality. The opportunity to improve sidewalks and walkability is also tied to improved stormwater management along City streets.
<b>Proposed Outcomes</b> (tangible, concrete, specific end results)	A comprehensive stormwater management plan with realistic milestone dates and budget for implementation, as well as prioritized stormwater management areas taking into account large wintertime precipitation events.
<b>Activities Scope</b> (which steps are needed to complete project?)	Unsure? Develop scope of work from the information within the new stormwater report and additional work required as outlined in the CIP and put out to bid, with Council funding?
<b>City Resources</b> (preliminary estimate of)	Public works, \$\$\$\$



resources needed)	
<b>Size Category (estimate)</b> (large, medium, small)	Large

## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

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<b>Title of Proposed Project</b> (descriptive title)	<b>Including sidewalk requirements in HCC</b>
<b>Date + Champion</b> (date and who is submitting)	1/6/2020 Rachel Lord
<b>Type of Project</b> (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	The goal of this project is to amend City Code to require sidewalks on new roads built within the City.
<b>Needs Statement</b> (why does the community need this?)	Especially within more urban areas of Homer, walkability and public safety are high priorities for the community. By requiring sidewalks on new roads built within the City, possibly within only certain zoning districts, the City will ensure that we are pro-actively emphasizing a safe, walkable community.
<b>Proposed Outcomes</b> (tangible, concrete, specific end results)	Ordinance with amended City Code requiring sidewalks
<b>Activities Scope</b> (which steps are needed to complete project?)	Memo to planning commission with direction from Council, recommendations back to Council, public hearing & vote
<b>City Resources</b> (preliminary estimate of resources needed)	Planning Department time

<b>Size Category (estimate)</b> (large, medium, small)	Medium
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## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

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<b>Title of Proposed Project</b> (descriptive title)	<b>Build sidewalk for Main Street</b>
<b>Date + Champion</b> (date and who is submitting)	1/6/2020 Rachel Lord
<b>Type of Project</b> (e.g., capital/physical, policy, program, design/engineering, plan/study)	Design/engineering, Capital
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	Using HART funds, this project will provide ADA-compliant sidewalks, curb and gutter on Main Street from Pioneer Ave to Bayview Park.
<b>Needs Statement</b> (why does the community need this?)	As a top priority in the City's CIP for many years, this project will ensure increased pedestrian safety, accessibility, and enhance the quality of life for residents and visitors alike.
<b>Proposed Outcomes</b> (tangible, concrete, specific end results)	Sidewalks!
<b>Activities Scope</b> (which steps are needed to complete project?)	Phase I: develop the designs and cost estimates Phase II: build
<b>City Resources</b> (preliminary estimate of resources needed)	Public Works time, HART funds. Estimated cost from CIP is \$943,055
<b>Size Category (estimate)</b> (large, medium, small)	Medium?

## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

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<b>Title of Proposed Project</b> (descriptive title)	<b>Survey / Idea Generation re. Amending the Comprehensive Plan (and Code) to include Habitat Reserve and Green Space Dedication / Allocation as Emerging Development Need</b>
<b>Date + Champion</b>	February 2020 – Evensen
<b>Type of Project</b> (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy & Program, with preliminary discussion for concepts and easiest (most pragmatic) way forward
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	Leverage economic development plan for Homer with practical concepts for competitive economic growth using green space reserve concepts, which are currently missing within Homer and critically in areas immediately surrounding Homer.
<b>Needs Statement</b> (why does the community need this?)	Residents and visitors cite lack of green space and wildlife habitat (e.g., the 'over-developed Homer Spit') as negative qualities of our Hamlet, which ironically is positioned in an otherwise pristine setting worldwide. Lack of coherence between picturesque wildlife habitats and our Cityscape (which lacks significant green space, habitat reserve) negatively affects growth and seasonal economics of Homer.
<b>Proposed Outcomes</b> (tangible, concrete, specific end results)	I. Definitions and strategy surrounding Reserve space within City. II. Proportional quantity of Green Space as City Development Goal (Comp. Plan).
<b>Activities Scope</b> (which steps are needed to complete project?)	Planning preparations/scoping Feedback & strategy from City Departments & Chamber
<b>City Resources</b> (preliminary estimate of resources needed)	Planning Dept. preparations, feedback/strategy from various City Departments via City Manager
<b>Size Category (estimate)</b>	Small (idea generation/strategy stage)

## City of Homer Council-Initiated 2020 Priorities

### *Climate Action Plan*

Champions: Aderhold, Evensen

Council-Initiated Proposals Submitted at Retreat:

- Climate Action Plan Next Steps (Aderhold)

## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

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<b>Title of Proposed Project</b> (descriptive title)	<b>Climate Action Plan Next Steps</b>
<b>Date + Champion</b> (date and who is submitting)	1/6/2020, Donna Aderhold
<b>Type of Project</b> (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy, program, plan
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	Reinitiate work on Homer's Climate Action Plan to compare the city's current carbon footprint with that calculated 10 years ago, evaluate actual carbon footprint with goals set in the plan, determine best methods to further reduce the city's carbon footprint based on the plan; and work with the Kachemak Bay National Estuarine Reserve (KBNERR) on climate mitigation, adaptation, and resilience strategies for Homer.
<b>Needs Statement</b> (why does the community need this?)	Twelve years ago Homer was the first city in Alaska to adopt a Climate Action Plan. Following adoption of the plan, a consultant calculated Homer's carbon footprint and outlined additional specific measures Homer could take to reduce its carbon footprint. Homer has adopted numerous actions outlined in the plan and follow-up documents and continued to collect data on energy use at all facilities and by vehicle fuel consumption. Now is a good time to assess where we are and determine next steps to further reduce our carbon footprint. In addition, KBNERR has conducted workshops on climate adaption and resilience (city staff attended the workshops) and there are actions the city may benefit from based on the outcomes of the workshops. The green infrastructure study currently in development is an example of a resilience strategy that was discussed during the workshops.

	In addition, communities around Alaska are in various stages of climate action plan development and adoption, including the Municipality of Anchorage. The University of Alaska Anchorage is seeking a grant to help Alaska municipalities with climate actions and Homer has the opportunity to participate in the grant (Donna participated in a climate action discussion with Anchorage, UAA, The Alaska Center, and others following the fall Alaska Municipal League meeting during which the grant opportunity was discussed).
<b>Proposed Outcomes</b> (tangible, concrete, specific end results)	- Calculation of Homer's current carbon footprint and comparison to the previous calculation. - Consolidation of all climate action documents in one prominent place on the city's website (currently documents are scattered and some are not available, such as appendices to the plan). - Evaluation of what we've accomplished and additional steps the city can take to reduce its carbon footprint. - Adoption of green infrastructure recommendations from the current study. - Determination of additional mitigation, adaptation, and resilience steps the city could adopt.
<b>Activities Scope</b> (which steps are needed to complete project?)	(1) Consolidate energy use data and calculation of all data. (2) Compare energy use over time—before climate action plan, as climate action measures completed and new buildings (e.g., harbormaster's office) constructed, current. (3) Participate with UAA and other communities in climate action grant. (4) Update and make publicly available climate action measures the city has completed/implemented. (5) Council discuss and decide on next carbon footprint reduction steps to take. (6) Contract with KBNERR to develop report on climate mitigation, adaptation, and resilience workshops and measures. (7) Adopt green infrastructure recommendations based on report under development.
<b>City Resources</b> (preliminary estimate of resources needed)	City manager and special projects coordinator, planning department and commission, public works department
<b>Size Category (estimate)</b> (large, medium, small)	Medium



## City of Homer Council-Initiated 2020 Priorities

*Wayfinding/Streetscape*

Champions: Venuti, Evensen

### Council-Initiated Proposals Submitted at Retreat:

- Redistricting/Rezoning of “Town Centers” Visitor Corridor (Evensen)
- New Pioneer Avenue Banners (Venuti)
- Wayfinding Streetscape Planning for City of Homer (Venuti)

## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

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<b>Title of Proposed Project</b>	<b>Redistricting/Rezoning of “Town Centers” Visitor Corridor</b>
<b>Date + Champion</b>	February 2020 – Evensen
<b>Type of Project</b> (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy & Program, with preliminary discussion for concepts and easiest (most pragmatic) way forward. Interaction with State (DOT) regarding roadways.
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	Strategic development goal to unify high-traffic visitor streets into singular District for inclusive grouping economically, which in turn provides path forward for effective beautification (incl. property clean-up) and increased economic prosperity, and ease of implementation for funded Streetscape & Way-Finding Project.
<b>Needs Statement</b> (why does the community need this?)	Residents and visitors cite ugly, seemingly un-zoned qualities of our City, particularly on the heavily traveled road to and from the Spit. This negative attribute limits the potential of numerous small businesses, and likely holds back the regional growth of property value. Combining the street regions together according to usage/function allows Planning to more effectively set policy, standards (cf. Comprehensive Plan) and when needed eases maintenance/enforcement.
<b>Proposed Outcomes</b> (tangible, concrete, specific end results)	Establishment of functional commercial zone for visitors and high-volumes of street-based traffic.
<b>Activities Scope</b> (which steps are needed to complete project?)	Planning preparations/scoping Feedback & strategy from City Departments & Chamber
<b>City Resources</b> (preliminary estimate of resources needed)	Planning Dept. preparations, feedback/strategy from various City Departments via City Manager
<b>Size Category (estimate)</b>	Medium

## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

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<b>Title of Proposed Project</b> (descriptive title)	<b>New Pioneer Avenue Banners</b>
<b>Date + Champion</b> (date and who is submitting)	Councilmember Venuti 2020
<b>Type of Project</b> (e.g., capital/physical, policy, program, design/engineering, plan/study)	Physical
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	The banners will be visible and noticed by citizens and visitors instantly, they will share the beauty of Homer while adding life and color to the City's Pioneer Avenue.
<b>Needs Statement</b> (why does the community need this?)	Current banners are well worn and need replacement.
<b>Proposed Outcomes</b> (tangible, concrete, specific end results)	We will have banners changed for the seasons of winter and fall to add to the summer banners.
<b>Activities Scope</b> (which steps are needed to complete project?)	Parks and Recreation will oversee the design and inform the city council.
<b>City Resources</b> (preliminary estimate of resources needed)	There was funding put into the 2020-2021 budget for this. \$10,000 (1560385 funding source)
<b>Size Category (estimate)</b> (large, medium, small)	Small

## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

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<b>Title of Proposed Project</b> (descriptive title)	<b>Wayfinding Streetscape Planning for City of Homer</b>
<b>Date + Champion</b> (date and who is submitting)	Councilmembers Venuti and Smith December 2019
<b>Type of Project</b> (e.g., capital/physical, policy, program, design/engineering, plan/study)	Plan/study
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	Create a Wayfinding Streetscape (WFSS) Committee that will be the communication link between user groups, city staff and a consultant to provide realistic streetscape amenities that will give Pioneer Ave. a welcoming, safe feel with pedestrian/driver signage to encourage walking and shopping.
<b>Needs Statement</b> (why does the community need this?)	Streetscape planning and Wayfinding will have a high return on investment as it will result in increasing business activity which generates tax revenue.
<b>Proposed Outcomes</b> (tangible, concrete, specific end results)	The downtown Homer businesses will be part of a vibrant, attractive and accessible area that will be a catalyst for economic development.
<b>Activities Scope</b> (which steps are needed to complete project?)	Create a RFP for hiring of a consultant that will work with the WF/SS committee to get public input at meetings and create focus groups.
<b>City Resources</b> (preliminary estimate of resources needed)	Funding from HART fund. Staff support (special projects) and council work sessions.
<b>Size Category (estimate)</b> (large, medium, small)	Medium

## City of Homer Council-Initiated 2020 Priorities

### *Public Conversation regarding Community Incorporation*

Champions: Evensen, Venuti

#### Council-Initiated Proposals Submitted at Retreat:

- Voluntary Expansion of City Limits at Request of Residents (aka Annexation) (Evensen)

## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

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<b>Title of Proposed Project</b> (descriptive title)	<b>Voluntary Expansion of City Limits at Request of Residents</b> (aka Annexation)
<b>Date + Champion</b>	January 2020 – Evensen
<b>Type of Project</b> (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy, Program, with preliminary Plan/Study Phase (Planning) to consider Areas of Diamond Ridge, Fritz Creek, McNeil, 'Far East', etc.
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	Unite Homer area residents into singular, more effective City organization with increased benefits for both Residents and City (including permanently fixed property taxes within added zones, expanded services, increased volume of Homer's tax base, better (more controlled) City planning and practicality for implementation of policy, and increased political and fiscal clout at State level.
<b>Needs Statement</b> (why does the community need this?)	Many residents are interested in joining COH simply for voting rights/applicability; others would benefit from public safety services and water/sewer (which is crucial regionally stemming from poor, even toxic, water quality of residential wells).
<b>Proposed Outcomes</b> (tangible, concrete, specific end results)	I. Feasibility & Benefits Exercise/Study: Simple tax base study to answer fundamental questions of economics for various annexation scenarios. II. Strategy for Positive Outcome (resulting in request by residential majority for given area). III. Implementation Plan (large-scale City program).
<b>Activities Scope</b> (which steps are needed to complete project?)	Planning preparations/scoping Feedback & strategy from City Departments
<b>City Resources</b> (preliminary estimate of resources needed)	Planning Dept. preparations, feedback/strategy from various City Departments via City Manager

Size Category (estimate)	Large
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## City of Homer Council-Initiated 2020 Priorities

### *Water and Sewer Policy*

Champions: Lord, Aderhold

#### Council-Initiated Proposals Submitted at Retreat:

- Strategic plan for the water/sewer utility, including smart use of HAWSP (Lord)



## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

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<b>Title of Proposed Project</b> (descriptive title)	<b>Strategic plan for the water/sewer utility, including smart use of HAWSP</b>
<b>Date + Champion</b> (date and who is submitting)	1/6/2020 Rachel Lord
<b>Type of Project</b> (e.g., capital/physical, policy, program, design/engineering, plan/study)	Plan & Policy
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	A strategic examination of our water and sewer system to provide a roadmap for expansion and operations that work to reduce rates and provide excellent service, while establishing guidelines and policies for HAWSP projects that benefit the taxpayers and ratepayers.
<b>Needs Statement</b> (why does the community need this?)	Homer's water and sewer system is expensive. The extensive infrastructure coupled with a relatively low population density results in high rates to cover the cost of operations. In order to benefit all customers to the highest amount possible, Council should prioritize strategically examining the water/sewer system to look at opportunities, costs, and benefits to expansion, incentivizing infill, long-term maintenance costs, and other relevant issues facing the utility.
<b>Proposed Outcomes</b> (tangible, concrete, specific end results)	A policy that re-opens HAWSP, taking into account the overall system; policy suggestions for incentivizing infill; a reserve policy for the utility; a map of the City with goals for expanding services over time in a way that doesn't negatively impact rates.
<b>Activities Scope</b> (which steps are needed to complete project?)	Possible Task Force, or series of Council work sessions to ask questions/discuss. RFP for a consultant? Establish funding sources for planning work. Use policy questions raised in 2016 re: HAWSP to begin Council-level discussions again, ask what would be "ideal" utility rates

	(help with business recruitment, housing costs, etc), how do different scenarios pencil out using our current rate formula (i.e. with different levels of infill, with system expansion, with both infill & expansion, with increased consumption), how are utility reserves utilized, what big projects are on the horizon and how will they possibly be funded, how might climate change & increased summer drought potential possibly impact water storage at the reservoir? Etc.
<b>City Resources</b> (preliminary estimate of resources needed)	Water/Sewer and Finance staff time, \$\$
<b>Size Category (estimate)</b> (large, medium, small)	Large

## City of Homer Council-Initiated 2020 Priorities

### *Reserve Funding (Water and Sewer)*

**Champions: Castner and Lord**

#### Council-Initiated Proposals Submitted at Retreat:

- Responsibility of the water and sewer customers in funding an unsubstantiated tariff increase to fund a reserve that has no established guidelines for expenditures (Castner)
- Fund Policies (Lord)
- Establish a well founded, responsible, attainable, and sustainable reserve (Smith)

Mayor Castner

In 2020 I would like to get resolution on the responsibility of the water and sewer customers in funding an unsubstantiated tariff increase to fund a reserve that has no established guidelines for expenditures.

## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

A proposal is a brief summary of your council-initiated project that can be used to introduce a project to the City Manager, Mayor, and Homer City Council. It serves as a tool for clarifying ideas, scoping the project, and communicating about the benefits of this project with council and administration. Please complete this proposal form by tabbing through the table and submit to the City Manager.

<b>Title of Proposed Project</b> (descriptive title)	<b>Fund Policies</b>
<b>Date + Champion</b> (date and who is submitting)	1/6/2020 Rachel Lord
<b>Type of Project</b> (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	Establish policies surrounding fund balance, CARMA, CIP, and reserve accounts vetted by the community and established in code.
<b>Needs Statement</b> (why does the community need this?)	In 2019, the Mayor led Council and staff towards not only a 2-year budget but also a reorganization of City accounts. Additionally, ongoing questions exist regarding the appropriate size and use of different reserve accounts. While some work has happened (primarily with the GF fund balance), there are still many outstanding policy questions for Council to address. Having publically vetted sideboards to the City's financial pots of money is critical for a transparent and responsible government.
<b>Proposed Outcomes</b> (tangible, concrete, specific end results)	Policies surrounding the following accounts, which outline the purpose, any specific restrictions or requirements of that account, and the target floor/ceiling amounts in each: GF CARMA, GF CIP, GF Reserves, Utility Reserve, Port/Harbor Reserve,
<b>Activities Scope</b> (which steps are needed to complete project?)	Summaries of each pot of money, how it's currently used, how much is in it, possible history of its balance brought to Council along with a suite of questions to work through on each? A series of worksessions for Council to plug through, with Port & Harbor Commission input on the Harbor

	accounts, followed by Ordinances (or a single ordinance?) introduced for public hearing(s) before a final vote(s) and codification prior to our FY2022-24 budget cycle.
<b>City Resources</b> (preliminary estimate of resources needed)	Finance, City Managers office, Public Works Director (W/S), Port & Harbor Director
<b>Size Category (estimate)</b> (large, medium, small)	Large

Establish a well founded, responsible, attainable, and sustainable reserve.

- This needs to be resolved.
- The city's residents have an expectation that we maximize the utility of their tax dollars to the benefit of the community at large. Reasonable reserve ceilings/floors must be established as to not create any “dead money” or create conditions unfavorable to providing acceptable service standards.

## City of Homer Council-Initiated 2020 Priorities

### *Election Code*

Champions: Smith, Aderhold

Council-Initiated Proposals Submitted at Retreat:

- Clarify our election code (Smith)



Clarify our election code.

- Candidate qualifications.
- Clerks methods of verification.
- Add process for a contest prior to the election.
- Amend process of contesting an election.
- Consider moving seating new council date to Jan. as state and federal officials do.
  - Provides time for runoff (can coincide with state save \$?)
  - Provides time for contest
  - Can still attend AML as council member elect
  - Reduces budget “shock”
  - *Consider moving our budget off the calendar year (effectively passing the next budget June of 2021 vs December).*
    - *This will provide time for new council members to be up to speed when chomping off a two year budget.*
    - *Likely in the best interest of council and community.*

## City of Homer Council-Initiated 2020 Priorities

### *City Council Operating Manual*

Champions: Aderhold

Council-Initiated Proposals Submitted at Retreat:

- Homer City Council Operating Manual Updates (Aderhold)

## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

A proposal is a brief summary of your council-initiated project that can be used to introduce a project to the City Manager, Mayor, and Homer City Council. It serves as a tool for clarifying ideas, scoping the project, and communicating about the benefits of this project with council and administration. Please complete this proposal form by tabbing through the table and submit to the City Manager.

<b>Title of Proposed Project</b> (descriptive title)	<b>Homer City Council Operating Manual Updates</b>
<b>Date + Champion</b> (date and who is submitting)	1/6/2020, Donna Aderhold
<b>Type of Project</b> (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	Revise the Homer City Council Operating Manual to flow more logically, aid user friendliness, and include useful information (e.g., our “norms”) currently not included.
<b>Needs Statement</b> (why does the community need this?)	Newly elected officials must come up to speed on Homer city code, behaviors that are required of elected officials by law (federal, state, and city code), and the “norms” of how elected officials interact with each other, city staff, city attorney, and commissions and other appointed bodies. Homer’s City Council Operating Manual is the go-to location for elected officials and city staff. Improving its ease of use and completeness would benefit the city overall and newly elected officials in particular because we have the potential for multiple new members in any given year. Our “norms” are unwritten, which potentially makes it difficult for a newly elected official to follow them and easy for elected officials and city staff to forget them.
<b>Proposed Outcomes</b> (tangible, concrete, specific end results)	The proposed outcome is a revised operating manual that includes the following: <ul style="list-style-type: none"><li>• A table of contents that makes information easy to find</li><li>• Style and language consistency throughout (city clerks made vast improvements in recent years, and</li></ul>

	<p>there is more that could be done)</p> <ul style="list-style-type: none"> <li>• Plain language that references city code where appropriate but does not necessarily quote city code (this would result in fewer needed updates to the manual when code changes)</li> <li>• Inclusion of new text that discusses information such as interactions between council members, mayor and council members, and mayor/council members and the city manager, staff, the city attorney, and commissions and other appointed bodies</li> <li>• Other information as identified by council, city clerks, and the city attorney</li> </ul>
<b>Activities Scope</b> (which steps are needed to complete project?)	<ol style="list-style-type: none"> <li>(1) Meet with clerks and city attorney to discuss operating manual revisions and develop an outline of proposed changes</li> <li>(2) Present proposed changes to council for review and discussion</li> <li>(3) Draft changes</li> <li>(4) Present draft of revised changes to council</li> <li>(5) Further revisions based on council discussion</li> <li>(6) Present final to council for adoption</li> </ol>
<b>City Resources</b> (preliminary estimate of resources needed)	City attorney and clerks
<b>Size Category (estimate)</b> (large, medium, small)	Small

## City of Homer Council-Initiated 2020 Priorities

### *Procurement (Construction) Policy*

Champions: Castner

Council-Initiated Proposals Submitted at Retreat:

- City to adopt a familiar and established process for managing construction projects (Castner)
- Codifying project account management, and reporting standards to council (Smith)

Mayor Castner

In 2020 I would like the City to adopt a familiar and established process for managing construction projects, including a hard dollar limit of promoting or accepting change orders that exceed the authorized scope of the project without review by the City Council.

Codifying project account management, and reporting standards to council.

- In house administrative measures can change as its occupiers do.
- Codification measures provide mandated timely reporting and consistent oversight.

## City of Homer Council-Initiated 2020 Priorities

### *Funding for Large Vessel Harbor Study*

Champions: Lord, Smith

Council-Initiated Proposals Submitted at Retreat:

- Port Expansion Progress (Lord)
- Secure funding for the general investigation study for the large vessel port/harbor(Smith)



## COUNCIL-INITIATED PROPOSAL

### CITY OF HOMER ALASKA

A proposal is a brief summary of your council-initiated project that can be used to introduce a project to the City Manager, Mayor, and Homer City Council. It serves as a tool for clarifying ideas, scoping the project, and communicating about the benefits of this project with council and administration. Please complete this proposal form by tabbing through the table and submit to the City Manager.

<b>Title of Proposed Project</b> (descriptive title)	<b>Port Expansion Progress</b>
<b>Date + Champion</b> (date and who is submitting)	1/6/2020 Rachel Lord
<b>Type of Project</b> (e.g., capital/physical, policy, program, design/engineering, plan/study)	Design/engineering, plan
<b>Conceptual Goal of Project</b> (one sentence of benefits to City/Homer citizens)	This project serves to highlight Council's role in helping to lead the Port Expansion project, a top priority in our CIP, which will ultimately greatly benefit the marine trades, all vessel fleets, and tourism industries in Homer with expanded port and harbor capacity.
<b>Needs Statement</b> (why does the community need this?)	The new facility will fill the unmet needs of large commercial vessels in Cooke Inlet and beyond, as well as opening up much needed space in the small boat harbor.
<b>Proposed Outcomes</b> (tangible, concrete, specific end results)	A funded general investigation study which will provide all of the pieces necessary to begin construction of the project upon completion.
<b>Activities Scope</b> (which steps are needed to complete project?)	Community meeting(s) to ensure widespread buy-in, Council/staff meetings with State and Federal stakeholders, Council worksession(s) to establish funding sources and steps for project success.
<b>City Resources</b> (preliminary estimate of resources needed)	\$\$\$
<b>Size Category (estimate)</b> (large, medium, small)	Large

Secure funding for the general investigation study for the large vessel port/harbor.

- A timely commitment to our portion will leverage our position as we petition the State to build this into their upcoming budget(s).
- Potential source for this \$750,000 would be a loan fund that is currently showing a balance of over \$900K and has sat unused for years. The remainder could be considered for use for HERC demolition? Finance is still Sherlocking this fund...more to come.
- The contributions of the Port and Harbor to the city's prosperity cannot be understated. It is a major part of our economic engine. The success of this project will have an enormous positive impact on our sales tax revenue and likely create growth in many economic sectors. This should be viewed as way the city can contribute to our ever elusive ways to effectively impact “economic development.”



## City of Homer

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

## Office of the City Manager

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[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)

(p) 907-235-8121 x2222

(f) 907-235-3148

May 19, 2020

Mayor Charlie Pierce  
Kenai Peninsula Borough  
144 N. Binkley St.  
Soldotna, AK 99669  
*Delivered electronically*

SUBJECT: 2019 Commercial Passenger Vessel Tax Allocations

Dear Mayor Pierce:

I am writing to confirm that the City of Homer wishes to receive the 2019 Commercial Passenger Vessel Tax Allocations from the Borough. It is our understanding that you will be sponsoring an ordinance that would make the Borough's share of these tax receipts for vessel landings in Homer available to the City. The City appreciates that and understands that the amount to be passed through for calendar year 2019 is \$35,445.

The City of Homer recognizes that these funds must be used for port and harbor improvements that directly benefit cruise ship passengers. The City agrees to comply with the provisions contained in AS 43.52.200 – 43.52.295 and former SB 256 and HB 310. It is the City's intention to apply 2019 funds from the Borough and the state to reimburse the Port and Harbor Enterprise fund for the construction of Ramp 2 restroom.

This project was completed in February 2019. Located at the center of the retail area on the Homer Spit and at the launching point for many recreational day trips, Ramp 2 restroom has been heavily used (and greatly appreciated) by cruise ship passengers when they are in port.

Using the funds in this manner has been previously approved by the Borough and the State. The City of Homer greatly appreciates the opportunity to pool these funds to be able to make meaningful improvements for passengers and leverage funds. In this project, the City's Commercial Passenger Vessel Tax Allocations leveraged Federal Land and Water Conservation Fund dollars for a 1:1 match.

Thank you in advance for your time and consideration. Please do not hesitate to contact me if you have any questions.

Sincerely,

Marvin Yoder  
Interim City Manager

# City of Homer Ramp 2 Restroom Project

The new Ramp 2 Restroom was opened for public use early in February, 2019. The restroom serves a cruise ship passenger staging area in the Port and Harbor from which many shore-side excursions launch.



The City of Homer funded the design. The City utilized Commercial Passenger Vessel (CPV) Tax Program grant funds as 1:1 matching funds to leverage a Land and Water Conservation Fund grant for \$473,405 in construction funding.



The original restroom, below, built in 1974, was 45 years old when demolished in August 2018.



The new restroom utilizes the existing foundation and utility connections, but new design efficiencies add extra stalls, and reduce energy use and maintenance costs. Another important improvement is that the new facility is fully ADA accessible.

Council Initiated/Involved Projects							
Date Initiated	Project	Primary Impacted Departments/Divisions	Status	Category	% Complete	Next Steps/Notes	Sp
March 2019 (Reso 19-018)	Green Infrastructure Study	Administration, Public Works	Report in final stages of being completed. Due to granting agency by June 2020. Pilot project incorporated into Police Station with interpretative signage by end of June.	Medium	90	Final report to be completed by end of May 2020. Take photos by end of May. Staff figuring out how to handle public education component under protocols of COVID-19.	
Feb 2017 (Reso 16-128 SA)	New Police Station	HPD, Public Works, IT	Police station construction ahead of schedule however there most likely will be a delay for move in because of COVID. See May 26, 2020 Manager's Report.	Large	90	Estimated move in date is by August 1, 2020.	
Feb 2011 (Ord 11-02 SA)	Energy Conservation at City Buildings (lighting)	Public Works	The light conversion project is complete except for 7 interior lights at the harbor master office. That could be complete in a week, except for all the interruptions and extra challenges due to the COVID issues.	Medium	90	Installation will be completed by end of June.	
May 2019 (Ord 19-17)	Ice Plant Feasibility Study	Port and Harbor	Received engineer/consultant recommendations but project put on hold. Will be addressed at P&HAC meeting in June.	Small	75	Staff to evaluate the cost/benefits of implementing each recommendation. Main goal will be to implement the low cost things that promise returns/savings and set the bigger items on a longer timeline (after pandemic).	
Nov 2019 (Ord 19-49 SA)	Medical Zoning District	Planning	Emergency ordinance 20-15 suspended work on this project. Staff will submit draft ordinance detailing code changes for attorney review.	Medium	75	Once attorney review is complete, at least one public hearing will be held.	
Reso 20-012 (A), Memo 20-015	Reopening HAWSP	Administration, Finance	Council discussed PC recommendations and fiscal health of fund on March 9, 2020.	Medium	65	Revise/update HAWSP Policy Manual.	
Oct 2019 (Reso 19-073 S)	Right of Way Clearing Policy	Administration, Public Works	Incoming PW Director reassessing ROW policy. Requesting moratorium be extended further.	Medium	60	Review revised policy with Council.	
Sept 2019 (Ord 19-38 A S)	HERC Demolition	Public Works	City Engineer hoping to provide estimates to Council second meeting in June.	Medium	35	Receive results from lab and report from enviro. assessor regarding cost to remove haz mat materials	
Aug 2019 (Ord 19-35 S)	Fund Balance Policy, City-wide	Administration, Finance	Needs Council direction	Medium	25		
Dec 2019 (Ord. 19-54 S2 A2)	Wayfinding Plan/Committee	Administration	Project on hold. Staff developing RFP for internal review.	Medium	60	Assess staff capacity to usher project through posting, selection of contractor and development of plan which requires staff availability and public engagement.	
Sept 2019 (Memo 19-153)	Traffic Calming Policy	Administration, HPD, Public Works	Project on hold.	Medium	35	Research collated. Admin staff currently working on draft policy in preparation for PW, HPD review.	
Memo 20-015	Climate Action Plan Progress Report	Administration, Public Works	Project on hold.	Medium	20	Drafting analysis of CO2 usage at City buildings.	
Jan 2018 (Ord 18-03)	Large Vessel Harbor General Investigation Study	Administration, Port and Harbor (and ADOT, Army Corps, KPB/EDA)	Further detail provided in April 22, 2020 City Manager's Report	Large	5	Confirm with KPB EDA funding application status.	
Dec 2019 (Ord 19-51 A)	Spit ADA Parking Improvements	Port and Harbor, Public Works	Project could be set in motion within a couple of weeks - asphalt factory is up and running so there is adequate supply.	Medium	0	Funded through ADA CARMA budget amendment.	
Dec 2019 (Ord 19-51 A)	Spit Parking Study	Port and Harbor, Public Works	Project on hold until 2021 as detailed in May 11, 2020 City Manager's Report	Medium	0	Reevaluate Jan. 2021.	

Updated 5/19/2020

Please note:

\*It is of great benefit for Admin Initiated projects to have the sponsorship of a Councilmember(s).

\*Color-coding indicates how close to completion a capital project is; Red (0-24%), Yellow (25-74%), Green (75-100%)

\*The proposed categories (small, medium, and large) are intended to gauge workload for city staff and the attorney to develop or implement and do not reflect level of priority.

# ANCHORAGE DAILY NEWS

## Energy

### New natural gas deal by Hilcorp and Enstar could bring rate savings

✎ Author: Elwood Brehmer, Alaska Journal of Commerce    ⌚ Updated: 6 days ago    📅 Published 6 days ago

Southcentral natural gas customers could collectively save \$53.6 million under the latest contract between Enstar Natural Gas Co. and Hilcorp Alaska.

According to a letter containing the amended contract terms filed with the Regulatory Commission of Alaska, Enstar customers should save approximately 7 percent in gas costs from June 1 through March 2023, when the utility's prior contract with the Cook Inlet producer was set to expire.

The new terms also extend the agreement through March 2033. According to Enstar's filing, Hilcorp "reliably delivered" 82 percent of the utility's gas in 2019 and is expected to cover 80 percent this year.

Enstar could purchase anywhere from 64 percent to 97 percent of its annual gas requirement under the new terms. The utility expects its demand to remain at roughly 33.6 billion cubic feet, or bcf, per year through 2025.

The contract has a base firm quantity of 25 bcf per year.

Enstar officials noted that multiple Cook Inlet producers have filed for bankruptcy in recent years. Furie Operating Alaska had its gas production halted in early 2019 when a production line froze, causing Enstar and other utilities to purchase gas elsewhere and draw on stored reserves for several months. Furie filed for Chapter 11 bankruptcy last August.

"This gas supply certainty is vital at a time of growing scarcity," the letter states.

Enstar supplies gas to approximately 148,000 customers.

Gas will be sold at \$7.55 per thousand cubic feet, or mcf, in the first year of the contract but will vary afterwards. According to Enstar's filing, the price for gas in subsequent years will be set through a calculation based on three price indices published by the Bureau of Labor Statistics. However, the price cannot increase more than 1.5 percent or decrease more than 1 percent in any given year, meaning the deal has an effective price ceiling of \$8.89 per mcf in 2033.

Prior contracts between the two had fixed price inflation rates of 2 percent to 4 percent, but “Enstar does not believe that an inflexible, always-positive inflation factor appropriately reflects how production costs increase and decrease over time,” the letter states.

The agreement amends and extends a contract signed in 2016. At the time most gas contracts in Cook Inlet were five years or less.

In 2018, the first year of that deal, Hilcorp sold to Enstar for an average price of \$7.56 per mcf.

State Sens. Josh Revak, Shelley Hughes and Senate President Cathy Giessel all urged RCA to approve the contract in comments to the commission.

Hughes and Revak noted the combination of price reductions and long-term supply as needed benefits during a highly uncertain economic period and Giessel highlighted that it will ensure Alaska is developing and utilizing its own resources.

“When Alaska gas is on relative price parity with imports, this use of our own resource will support the direct and indirect jobs in the resource development industry that in turn support our communities,” Giessel wrote in her comments.

A public comment period for the contract is open through May 20 on the RCA website.

*[Because of a high volume of comments requiring moderation, we are temporarily disabling comments on many of our articles so editors can focus on the coronavirus crisis and other coverage. We invite you to write a letter to the editor or reach out directly if you’d like to communicate with us about a particular article. Thanks.]*

#### **About this Author**

#### **Elwood Brehmer**

Elwood Brehmer is a reporter for the Alaska Journal of Commerce. Email him: [elwood.brehmer@alaskajournal.com](mailto:elwood.brehmer@alaskajournal.com)



**From:** Nils Andreassen <[nils@akml.org](mailto:nils@akml.org)>  
**Sent:** Wednesday, May 13, 2020 10:02 AM  
**To:** Rachel Friedlander <[rfriedlander@ci.homer.ak.us](mailto:rfriedlander@ci.homer.ak.us)>  
**Subject:** CARES Act Funding - Progress

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### Update on CARES Act Funding

The Legislative Budget and Audit Committee met this week and approved the Governor's proposed distribution plan for CARES Act funding to local governments. This was not without conflict, and we drafted a [thank you to legislators](#) in response.

Distribution, then, should look something like [this](#) (starting on page 4 there is a list of amounts by community; ignore May 1 date that was hoped for):

- \$257,548,754 will be distributed first, apportioned to communities based on Community Assistance formula (this is not your Community Assistance payment\*)
- \$107,723,302 will accompany that first distribution, based on economic activity - unincorporated communities will not receive this or future distributions
- \$101,650,415 will be available for distribution on July 1
- \$101,650,415 will be available for distribution on October 1

*\* Make sure you are still submitting everything you need for your regular Community Assistance payment, which would still be released after July 1. That payment will be reduced because of the veto to fund recapitalization.*

The first distribution of \$365,272,056 will likely wait on OMB and DCRA to finalize grant agreement processes. So you should expect to see, we think, first a grant agreement or contract that commits you to following the Treasury guidance in how you spend these funds. It will also indicate that if Treasury determines an ineligible



expenditure and recoups this from the State of Alaska, then the State will try to recoup that from the responsible local government. We're actively working on all of this and hope that everything will be in place in the next two weeks.

Note that access to July 1 or October 1 funds will be based on ability to spend at least 80% of earlier distributions.

In terms of allowable expenditures, and the guidance you will need to follow, please see the documents that Treasury has released so far:

- <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>
- <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf>

One of the keys to this guidance, in my mind, is that while it states clearly that allowable expenses are based on things that aren't in your current budget, it considers any change in purpose of what's been budgeted as an allowable expenditure. So you may have had certain staff already budgeted in this fiscal year, but instead of working on what you'd planned for them, their time was reallocated to responding to the public health emergency. And there's a presumption that all public safety employees are allowable expenditures. Funds can be used in support of schools, hospitals, nonprofits, businesses, and individuals in need.

We'll work with a number of partners to host calls and webinars that walk through what allowable expenditures might look like for local governments. We know that these funds can not replace lost revenue, and they won't make up for vetoes, but still there is a lot of room to work on cost recovery and supporting your community during this time.

AML will also implement a program to support members during this time. First, we will partner with BDO and Landye Bennett to host a CARES Act hotline where we're able to try and answer questions about allowable expenditures, documentation, and overall accounting for these funds. Also, AML will hire a staff member who can support members in reporting and compliance.

I want to emphasize that we fought hard for these funds and we're so glad to see progress this week. Our fundamental hope is that this will help our members in their time of need. We still have work to do, including in DC to advocate for support for lost revenue replacement.

In some ways, that fight was just the first step. The real work begins as funds are distributed and spent, and reporting begins. I think not only will you have monthly reporting to OMB and DCRA, but we should expect legislative scrutiny over the use of these funds. Lawmakers will want to ensure that their action this week was justified. While I believe it was, cities and boroughs are going to have to be really clear about necessary and allowable expenditures, how they are supporting residents and businesses that are experiencing economic hardship, and how local government services are being retooled in response to a public health emergency.

Again, we'll follow up soon with more information about how we interpret Treasury guidance and what kinds of expenses may be considered allowable and necessary. It's great to see the ideas that we've seen from a number of members who have really thought through the opportunity here and how they might address local government and community needs.

Thanks, everyone!

Nils Andreassen  
Executive Director

**Recent Letter to the White House**



AML | One Sealaska Plaza, Suite 200, Juneau, AK 99801

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## Rachel Friedlander

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**From:** Nils Andreassen <nils@akml.org>  
**Sent:** Monday, May 18, 2020 4:00 PM  
**To:** Rachel Friedlander  
**Subject:** CARES Act Funding - Grant Agreements

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### DCRA Releases CARES Act Grant Agreements

DCRA published information related to CARES Act funding, and distributed grant agreements to members on Friday.

Here is DCRA's resource page:

<https://www.commerce.alaska.gov/web/dcra/LocalGovernmentResourceDesk/COVID19.aspx>

To apply for the COVID-19 Relief funding, please complete the following documents and submit them to [resourcedesk@alaska.gov](mailto:resourcedesk@alaska.gov). Email [resourcedesk@alaska.gov](mailto:resourcedesk@alaska.gov) if you have any questions.

- [COVID-19 Community Grant Agreement](#)

We hope you'll review this Agreement carefully. We have heard that funds could be distributed very quickly, even by later this week.

I know that everyone is looking forward to receiving these funds quickly, but I also wanted to flag some of the concerns I have raised...

While it looks like this is DCRA's standard agreement, I would argue that there should be consideration for waiving some of these provisions (it looks like the Commissioner has this power). Ultimately, we want communities to have what they need during this crisis, without adding restrictions or additional compliance measures. Here are a couple points:

- There should be no requirement for a scope of work. The Treasury guidance is sufficient. How will this fit into OMB's reporting? If it doesn't, what review will be completed and for what purpose? If the scope of work doesn't trigger a decision that these are allowable expenditures, then it isn't necessary.

- Withholding 10% - for most it is coming out in three payments, why would you withhold an additional amount of 10% outside the RPL process? – also it wouldn't comply with Treasury's guidance that these funds be expended by the end of the year; this would mean that the State has to pay that back to Treasury as unspent. (We're talking about \$56 million.)
- Article 6, reports – these are already due to OMB, and we should try to avoid duplication or additional reports to DCRA.
- Article 12, recordkeeping – this standard should be set by OMB, and not left separately to the Department to determine additional requirements.
- Article 13 – this should be clear that sub-awards are permissible without these provisions, and that this only applies to hiring someone else to distribute funds on the grantees behalf; the point is to get these funds out to others, without any of these restrictions
- Article 26, insurance – This should be waived. There are already requirements for this provision in other DCRA agreements, and it shouldn't be tied to funds meant to help during a crisis.
- Article 38, single audit – I just want to flag that this will increase the costs of compliance for any that didn't have to do this before, with less money then going in support of the public health emergency

I don't know how much progress we'll see in changes to these, but it seems important to highlight the questions we have. We're talking about emergency distributions meant to meet public health and economic needs of Alaskans. I don't want to see members miss out on any of this funding or have additional burdens while they are focused on response and recovery.

Nils Andreassen  
Executive Director



AML | One Sealaska Plaza, Suite 200, Juneau, AK 99801

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## City of Homer

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

## Administration

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## Memorandum

TO: Mayor Castner and Homer City Council  
THROUGH: Mark Kirko, Incident Commander and Marvin Yoder, Interim City Manager  
FROM: Jenny Carroll, Public Information Officer  
DATE: May 21, 2020  
SUBJECT: COVID-19 Testing and Case Reporting

To date, Unified Command has been issuing a Press Release for every positive COVID-19 case reported in Homer. The purpose for issuing the press releases is to help residents understand the prevalence of Covid-19 in the area and to share related public health and safety messages.

Information about testing and cases comes from various data sources and are collected by the Division of Public Health's Section of Epidemiology, or EPI. Testing data comes from a variety of sources: Alaska Public Health Nurse investigations, commercial labs, the Alaska State Public Health Labs (ASPHL), hospital and medical facility labs and from labs contracted to work with specific industries supplying workforce to Alaska. The data on positive confirmed cases comes from patient investigations.

Because of this, gaining information about a positive case can take time, and always, the information that is allowed to be put out is governed by HIPAA patient privacy laws and Alaska Statute. EPI, DHSS and health care facilities are HIPAA compliant agencies. Cases numbers can be reported for communities (census designated places) of 1,000 and larger and personal health information may be release (age, etc.) for communities (CDPs) around 15,000 pop or larger.

To protect the privacy and confidentiality of patients, they do not report personally identifying information, including locations of cases if the town or area has less than 1,000 residents. While many may want to know geographic information at a granular level (i.e. is it in Homer; is it in Fritz Creek or Diamond Ridge and if so, what neighborhood?), exact locations combined with other information that DHSS reports could inadvertently identify a person.

This was the situation surrounding the two cases reported on May 16 and 17. They were originally reported as Homer cases. But as EPI recognized that the cases were actually on the southern Kenai Peninsula in small population census areas, they reclassified the two cases from Homer to Kenai Peninsula, Other. This will be their process statewide for reporting data from small population areas on their dashboard, but they will aim to provide slightly more specific geography on cases in their press releases by specifying "the Kenai Peninsula Other cases were on SKP".

Homer is a service hub for the SKP, so that information is great to know. More than knowing exactly where the case is located in the SKP, it is important to know that the State has a robust public health investigation and contact tracing system in place. If you are traced as a close contact to a positive covid-19 case, you will be contacted by a Public Health Nurse.

Given the complexities of gaining case information from an expanding number of test facilities and sources, HIPAA limitations on case information, that Unified Command often does not have additional information to add to the State's daily case count press releases and that the Kenai Peninsula Borough reports on cases in their jurisdiction, Homer Unified Command will no longer be issuing a press release for *every* positive test in the Homer area.

The State of Alaska DHSS issues daily case count press releases and they maintain a detailed case count dashboard on their website, which the City of Homer COVID-19 webpage exhibits for consistent updates on local case counts. South Peninsula Hospital reports their testing counts on their website daily too. We encourage people following daily counts to sign up for DHSS's press release emails and to visit those respective websites for full and accurate information. You can sign up for the press releases at:

[https://public.govdelivery.com/accounts/AKDHSS/subscriber/new?topic\\_id=12](https://public.govdelivery.com/accounts/AKDHSS/subscriber/new?topic_id=12)

When Homer Unified Command is made aware of local cases through our partnerships with local testing locations, public health nurses, the Borough and the State, we will assess the information and whether a press release would be helpful for sharing more specific information about a particular case or set of cases and/or to assist the community in understanding how and to what extent Covid-19 is spreading in the area and to reinforce community and/or industry specific preventative and mitigation measures.

The most important take away is that COVID-19 is in Alaska, and we need to keep promoting and practicing mitigation measures for the health and safety of our loved ones and neighbors, and for the sake of our economy. Homer Unified Command will continue its public safety messaging through many established channels to keep people aware and informed.

If you have further questions about the Press Release process moving forward, or how the State reports testing and cases please contact me or Chief Kirko and we will either be able to answer your question or connect you with someone who can. The State also developed a great set of FAQ's which you can read at <https://coronavirus-response-alaska-dhss.hub.arcgis.com/datasets/cases-and-testing-frequently-asked-questions>.



## City of Homer

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## Office of the City Clerk

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## Memorandum

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: MAY 19, 2020

SUBJECT: VOTE BY MAIL SYSTEM (VBMS) DISCUSSION FOLLOW-UP

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This memo provides follow-up information from questions raised at the May 11<sup>th</sup> meeting during discussion of Resolution 20-044 supporting the Kenai Peninsula Borough (KPB) Ordinance 2020-24 re: VBMS on the process to update the voter rolls and signature verification.

As I explained at the last meeting, the voter registration list maintenance is the responsibility of the Division of Elections (DOE). The process is outlined in Alaska Statutes 15.07.130 and it entails a yearly mail out to registered voters:

- whose mail from the division has been returned to the division in the two years immediately preceding the examination of the register;
- who have not contacted the division in the two years immediately preceding the examination of the register; or
- who have not voted or appeared to vote in the two general elections immediately preceding the examination of the register.

If a registered voter hasn't contacted the DOE and hasn't voted in an election within the preceding 4 calendar years and proper notices are sent to the voter, their registration will be inactivated unless the voter responds to the notice within the designated time. Per the statute, the DOE director shall cancel a voter's inactive registration in accordance with the procedures set out in 42 U.S.C. 1973gg-6 (sec. 8, National Voter Registration Act of 1993) after the second general election that occurs after the registration becomes inactive if the voter does not contact the division or vote or appear to vote.

Regarding the signature verification process, I contacted Kenai Peninsula Borough Clerk Blankenship and confirmed that Permanent Fund Dividend applications are not used for signature verification. It's good to note that PFD applications are more frequently submitted and signed electronically. There is a process where election registers are scanned by the DOE into their VRMS system and may be used for signature verification. Page 31 of the KPB Vote by Mail Feasibility Study suggests processes the KPB may choose to verify signatures.

In my conversation with Borough Clerk Blankenship she confirmed for the 2020 election verification process will remain the same as prior years, requiring the voter's signature, the signature of a witness who's at least 18 years old, and at least one identifier. Those verifiers include a State of Alaska voter number, driver's license number, birthdate, or the last four of their SSN.





**From:** Amanda Campbell <fritzcreekfiddleheads@gmail.com>  
**Sent:** Tuesday, May 26, 2020 7:10 PM  
**To:** Department Planning  
**Subject:** 5G coming to Homer raises concerns  
**Attachments:** 5G ordinance.pdf; 5G Resolution.pdf; Resolution for State Commission Study 5G.pdf

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

Please Pass Attached 5G Resolution; also attached is a sample local code and resolution calling for adequate health studies

Dear Planning Department,

I am deeply disturbed by the planned installation of 5G-enabled antennas near our homes and schools in Homer. 5G-enabled "small cell" antennas have never been tested for long-term human safety. Meanwhile, a robust body of independent, peer-reviewed science has found that exposure to radio frequency (RF) microwave radiation ("wireless radiation"), the same type of radiation emitted by 5G-enabled small cells, is linked to a variety of adverse health problems ranging from cancer to infertility to neurodevelopment issues. Please consider adopting the attached sample 5G resolution. I have also included a sample local code and a resolution calling for a State Commission to Study the Health and Environmental Effects of 5G technology in Homer. There have been several towns that have unanimously approved a resolution calling on wireless providers to cease the build-out of 5G wireless infrastructure until such technologies have been proven safe to human health and the environment through independent research and testing.

Thank you for your consideration of this urgent matter.

Regards,  
Amanda Campbell



## **MODEL WIRELESS TELECOMMUNICATIONS ORDINANCE for Siting of "Small Cell" Telecommunication Infrastructure**

*This document is intended for use by towns and villages that have existing code for wireless communications infrastructure developed and adopted **prior** to the introduction of "small cell" wireless equipment and its widespread deployment in public rights-of-way.*

***We strongly advise against the placement of 4G/5G small cell antennas in any residential areas due to the lack of safety testing, and recommend that every effort be made by applicants to limit placement of antennas to the least populated areas, such as along highways or in large parking lots, and as far as possible from schools, daycare centers, playgrounds, parks and other area where children spend time. Locating antennas in or near residential areas increases issues regarding aesthetics and property values. These considerations are being used by some municipalities to challenge or deny permit applications.***

*Moreover, as public resistance to 4G/5G antennas grows and technology improves, the need for locating any antennas in residential areas may decline. We note that some wireless carriers are using existing towers and lower-band frequencies formerly used for analog television signals to carry so-called "5G" signals, eliminating the need for small cells.*

*Municipal officials and local attorneys should be cognizant that rulings and orders of the Federal Communications Commission (FCC) are not laws, and do not have the force of law. They are merely the agency's interpretation of the law and of its own powers and authority. Recently, decisions of the FCC regarding the National Environmental Policy Act (NEPA) were overturned by the District Court in Washington, DC. Congress is currently threatening bipartisan legislation to curb the over-reach of the FCC, and a number of cities are challenging the authority of the agency to preempt local control over the siting of small cell antennas.*

*The wireless industry often threatens legal action against any municipality considering health effects in its deliberations, based on Section 704 of the 1996 Telecommunications Act which prohibits consideration of "environmental effects" in making siting decisions. However, that prohibition is conditional on the antenna meeting all FCC emission standards at all times during its operation, which is why many local municipalities are requiring annual random, independent testing of all antennas.*

*DISCLAIMER: This document is provided for informational purposes only, and is not intended to substitute for legal advice regarding zoning regulations or code compliance with local, state or federal law. Americans for Responsible Technology makes no assurances or guarantees regarding the applicability or suitability of this language for any municipality, and shall not be held responsible for any legal action arising from the use of language or concepts contained herein. Local municipalities should be aware that sample ordinances offered by wireless telecommunications companies, their subcontractors or the organizations they sponsor are*

*generally not protective of the rights, welfare and property of local municipalities, their homeowners and other residents.*

## **Section 1: FINDINGS**

The Town of \_\_\_\_\_ hereby finds:

**1.1** The wireless telecommunications industry has expressed interest in submitting applications to place antennas and associated equipment on new or existing structures in the Town's public rights-of-way for deployment of "small cell" wireless telecommunications facilities (hereinafter "small cell installations").

**1.2** The deployment of small cell installations can have both positive and negative impacts on our community. Multiple small cell installations within the public right-of-way can impact property values; pose a threat to the public health, safety and welfare; create traffic and pedestrian safety hazards; impact trees where proximity conflicts may require trimming of branches or require removal of roots; create visual and aesthetic blights and potential safety risks from excessive size, height, weight, noise or lack of camouflaging which negatively impact the quality and character of the Town.

**1.3** The Town currently regulates all wireless telecommunications facilities in the public right-of-way through a zoning and permit process. The Town's existing code has not been updated to reflect current telecommunications trends or necessary legal requirements. Further, the existing code provisions were not specifically designed to address the unique legal and practical issues that arise in connection with multiple small cell installations deployed in the public rights-of-way.

**1.4** The Town recognizes its responsibilities under the federal Telecommunications Act of 1996 and state law, and believes that it is acting consistent with the current state of the law in ensuring that development activity does not endanger public health, safety, or welfare. The Town intends this Ordinance to ensure that the installation, augmentation and operation of small cell installations in the public rights-of-way are conducted in such a manner as to lawfully balance the legal rights of applicants under the federal Telecommunications Act and (*insert applicable State code*) with the rights, safety, privacy, property and security of residents of the Town.

**1.5** This chapter is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any wireless telecommunications service provider's ability to provide reasonable and necessary wireless communications services; (2) prohibit or effectively prohibit any entity's ability to provide reasonable and necessary interstate or intrastate telecommunications service; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify wireless telecommunications service facilities solely on the basis of environmental effects of

radio frequency emissions so long as such wireless facilities comply in every instance and regard with all FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the Town may not deny under federal or state law; or (6) otherwise authorize the Town to preempt any applicable federal or state law.

**1.6** Based on the foregoing, the Town (*Board, Selectmen or other governing body*) finds and determines that the preservation of public health, safety and welfare requires that this Ordinance be enacted and be effective immediately upon adoption.

NOW, THEREFORE, the Town of \_\_\_\_\_ does ordain as follows:

## **Section 2: DEFINITIONS**

**"Co-Located Small Cell Installation"** means a single telecommunication tower, pole, mast, cable, wire or other structure supporting multiple antennas, dishes, transmitters, repeaters, or similar devices owned or used by more than one public or private entity.

**"Exempted Telecommunications Facility"** includes, but is not limited to, the following unless located within a recognized Historic District:

- a. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the residential parcel on which the radio or television antenna is located; with an antenna height not exceeding twenty-five feet;
- b. A ground or building mounted citizens band radio antenna, including any mast, if the height (post and antenna) does not exceed thirty-five feet;
- c. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed thirty-five feet;
- d. A ground or building mounted receive-only radio or television satellite dish antenna, which does not exceed thirty-six inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.
- e. Mobile services providing public information coverage of news events of a temporary nature.
- f. Hand-held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar personal-use devices.

g. Government-owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, with heights not exceeding thirty-five feet.

h. Town-owned and operated antennae used for emergency response services, public utilities, operations and maintenance if the height does not exceed seventy feet.

i. Telecommunication facilities less than fifty feet in height, in compliance with the applicable sections of this chapter, located on a parcel owned by the Town and utilized for public and/or quasi-public uses where it is found by the Town Board to be compatible with the existing uses of the property and serving the public interest.

j. Telecommunication facilities, including multiple antennas, in compliance with the applicable sections of this chapter, located on an industrial parcel and utilized for the sole use and purpose of a research and development tenant of said parcel, where it is found by the planning director to be aesthetically compatible with the existing and surrounding structures.

**"Major Telecommunications Facility"** means telecommunication towers, poles or similar structures greater than 60 feet in height, including accessory equipment such as transmitters, repeaters, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, as well as support structures, equipment buildings and parking areas.

**"NEPA"** is the National Environmental Policy Act.

**"Public Right of Way"** means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, and for purposes of this Chapter shall include Public Utility Easements, but only to the extent the Town has the authority to permit use of the area for this purpose. The term does not include a federal interstate highway or other areas that are not within the legal jurisdiction, ownership or control of the Town.

**"Related Third Parties"** shall include any entity contracting with applicant for the design, construction, maintenance, use or operation of the proposed small cell installation, including such entity's officers, employees, contractors, subcontractors, volunteers and agents or any subsidiaries, affiliates, successors in interest or legal assigns.

**"Small Cell Installation"** means all equipment required for the operation and maintenance of so-called "small cell" wireless communications systems that transmit and/or receive signals but are not "Major Telecommunications Facilities," including antennas, microwave dishes, power supplies, transformers, electronics, and other types of equipment required for the transmission or receipt of such signals.

### **Section 3: PERMITTING PROCESS**

**3.1 Permit Required.** No small cell installation shall be constructed, erected, modified, mounted, attached, operated or maintained within the Town on or within any public right-of-way without the issuance of a permit. No approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the Town for delivery of telecommunications services or any other purpose.

**3.2 Application Content.** All permit applications must include:

- A. Detailed site and engineering plans for each proposed small cell installation, including full address, GIS coordinates, a list of all associated equipment necessary for its operation, as well as a proposed schedule for the completion of each small cell installation covered by the application;
- B. A master plan showing the geographic service area for the proposed small cell installation(s), and all of applicant's existing, proposed and anticipated installations in the Town;
- C. Certification that the proposed small cell installation(s) addresses an existing and significant gap in coverage in the service area, such certification to include a detailed map of the "gap areas" and documentation of such gaps causing an inability for a user to connect with the land-based national telephone network or maintain a connection capable of supporting a reasonably uninterrupted communication.
- D. Photographs of proposed facility equipment;
- E. Visual impact analyses with photo simulations including both "before" and "after" appearances, including simulations of the appearance of the equipment from the perspective of any property owner within 250 feet.
- F. Certification by an independent certified radio-frequency (RF) engineer that the small cell installation will be in compliance with all FCC standards for RF emissions as they relate to the general public, including aggregate emissions for all co-located equipment;
- G. Certification that the applicant has a right under state law to install wireless telecommunications facilities in the public right-of-way;
- H. Documentation demonstrating significant effort to locate the small cell installation in non-residential areas and in accordance with all other provisions of this chapter;

- I. Documentation that owners of all properties within 500 feet of the proposed small cell installation have been notified in writing via certified mail of the proposed installation, including its exact location;
- J. An executed indemnification agreement as set forth in section 3.6 hereof;
- K. All required documentation to demonstrate full compliance with NEPA requirements as set forth by the FCC, unless exemption is claimed. If exempt, applicant must state the basis is for such exemption and provide proof, including all supporting documents, that each exempt installation meets prescribed requirements;
- L. A disclosure of all related third parties on whose behalf the applicant is acting, including contracting parties and co-locaters;
- M. If the small cell installation is proposed to be attached to an existing utility pole or wireless support structure owned by an entity other than the Town, sufficient evidence of the consent of the owner of such pole or wireless support structure to the proposed colocation;
- N. Performance specifications and data that identify the maximum and minimum amount or level of radio-frequency emissions that are produced by the equipment when it is in full operating mode, and a monitoring plan for the Applicant's equipment capable of tracking and recording the daily amounts or levels of radio-frequency emissions that are produced by the equipment in order to verify that the average and peak emissions do not exceed the applicable FCC regulations.

**3.3 Application Fee.** The Town shall assess a per-installation fee of \_\_\_\_\_(See Note 1) to cover the Town's costs of processing, reviewing, evaluating, conducting a public hearing, and other activities involved in consideration of the application, and conducting oversight of the construction of the small cell installation to ensure compliance with zoning requirements.

**3.4 Consultant Fee.** The Town shall have the right to retain an independent technical consultant to assist the Town in its review of the application. The reasonable cost of the review shall be paid by the Applicant.

**3.5 Compliance Bond.** Upon approval of the application, the Permittee shall be required to post a bond in the amount of \$50,000 (fifty thousand dollars) for each small cell installation, such bond to be held and maintained during the entire period of Permittee's operation of each small cell installation in the Town as a guarantee that no such installation, including any co-located equipment, exceeds or will exceed the allowable FCC limits for radio frequency radiation exposure to the general public as determined by a qualified independent radio frequency engineer under Section 3.7.2 hereof.



**3.6 Indemnification.** Permittee shall provide an executed agreement in the form provided by the Town, pursuant to which Permittee and any related third parties agree to defend, hold harmless and fully indemnify the Town, its officers, employees, agents, attorneys, and volunteers, from (i) any claim, action or proceeding brought against the Town or its officers, employees, agents, or attorneys to attack, set aside, void, or annul any such approval of the Town or (ii) a successful legal action brought against the Town for loss of property value or other harm caused by the placement or operation of a small cell installation. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding whether incurred by the Permittee, the Town and/or the parties initiating or bringing such proceeding. The agreement shall also include a provision obligating the Permittee to indemnify the Town for all of the Town's costs, fees and damages which the Town incurs in enforcing the indemnification provisions of this Section.

### **3.7 Annual Recertification.**

**3.7.1** Each year, commencing on the first anniversary of the issuance of the permit, the Permittee shall submit to the Town an affidavit which shall list all active small cell wireless installations it owns within the Town by location, certifying that (1) each active small cell installation is covered by liability insurance in the amount of \$2,000,000 per installation, naming the Town as additional insured; and (2) each active installation has been inspected for safety and found to be in sound working condition and in compliance with all federal regulations concerning radio frequency exposure limits.

**3.7.2** The Town shall have the right to employ a qualified independent radio frequency engineer to conduct an annual random and unannounced test of the Permittee's small cell wireless installations located within the Town to certify their compliance with all FCC radio-frequency emission limits as they pertain to exposure to the general public. The reasonable cost of such tests shall be paid by the Permittee.

**3.7.3** In the event that such independent tests reveal that any small cell installation or installations owned or operated by Permittee or its Lessees, singularly or in the aggregate, is emitting RF radiation in excess of FCC exposure guidelines as they pertain to the general public, the Town shall notify the Permittee and all residents living within 1500 feet of the small cell installation(s) of the violation, and the Permittee shall have forty-eight (48) hours to bring the small cell installation(s) into compliance. Failure to bring the small cell installation(s) into compliance and maintain them in compliance throughout the period of the lease shall result in the forfeiture of all or part of the Compliance Bond, and the Town shall have the right to require the removal of such installation(s), as the Town in its sole discretion may determine is in the public interest.

**3.7.4** Any small cell wireless installation which is no longer in use shall be removed by the Permittee within 30 days of being taken out of use.

**3.7.5** Any small cell wireless installation which is not removed within 30 days after being listed as no longer in use in the annual recertification affidavit shall be subject to a fine of \$100/day until such installation is removed.

**3.7.6** Where such annual recertification has not been properly or timely submitted, or equipment no longer in use has not been removed within the required 30-day period, no further applications for small cell wireless installations will be accepted by the Town until such time as the annual re-certification has been submitted and all fees and fines paid.

**3.8 Non-Permitted Installations.** Any small cell installation constructed, erected, modified or enhanced prior to the issuance of a site-specific permit from the Town shall be removed prior to the submission of any other application. No application for a small cell installation shall be considered, and no so-called "shot clock" for approval shall commence, while such unauthorized installations remain.

**3.9 Notice of Permit Filing.** Notice of the filing of any permit submitted pursuant to this ordinance shall be sent to all property owners within 500 feet of each and every proposed small cell installation within five (5) days of such filing, such notice to be sent by certified mail at the expense of the Permittee.

**3.10 Public Availability of Permit Applications.** All permit applications submitted pursuant to this ordinance, including all related documents, shall be made available for viewing and/or copying by any member of the public during normal business hours at the relevant office of the Town. Any charge for copies shall be limited to the Town's actual cost. No additional charges may be assessed against any member of the public for access to the entire permit and all of its related documents.

## **Section 4: LOCATION AND CONFIGURATION PREFERENCES**

**4.1 Siting Guidelines.** The purpose of this section is to provide guidelines to applicants and the reviewing authority regarding the preferred locations and configurations for small cell installations in the Town, provided that nothing in this section shall be construed to permit a small cell installation in any location that is otherwise prohibited by this ordinance or any other section of the Town code.

**4.2 Order of preference - Location.** The order of preference for the location of small cell installations in the Town, from most preferred to least preferred, is:

1. Industrial zone
2. Commercial zone
3. Mixed commercial and residential zone

#### 4. Residential zone

(See Note 2)

### **Section 5: INSTALLATION SPECIFICATIONS**

**5.1** The Permittee must construct, install and operate the small cell installation in strict compliance with the plans and specifications included in the application.

**5.2** Where feasible, as new technology becomes available, the Permittee shall replace larger, more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approval required by the Town.

**5.3** The Permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the Town. The Permittee shall notify the Town of any changes to the information submitted within seven days of any change, including the name or legal status of the owner or operator.

**5.4** At all times, all required notices and signs shall be posted on the site as required by the FCC and state law, and as approved by the Town. The location and dimensions of a sign bearing the emergency contact name and telephone numbers shall be posted pursuant to the approved plans.

**5.5** The Permittee shall maintain current at all times liability and property insurance for each small cell installation in the Public Right of Way in the amount of \$2,000,000 (two million dollars) naming the Town as additional insureds.

**5.6** The proposed small cell installation shall have an adequate fall zone to minimize the possibility of damage or injury resulting from pole collapse or failure, ice fall or debris fall, and to avoid or minimize all other impacts upon adjoining properties.

**5.7** Every effort shall be made to locate small cell installations no less than 1500 feet away from the Permittee's or any Lessee's nearest other small cell installation, or within \_\_\_\_\_ feet of any permanent residential dwelling. (See Note 3)

**5.8** Single or co-located small cell installations must be mounted on an existing structure such as a utility or lighting pole that can support its weight and the weight of any existing co-located equipment. All new wires needed to service the small cell installation must be located within the width of the existing structure so as to not exceed the diameter and height of the existing utility pole.

**5.9** All equipment not to be installed on or inside the pole must be located underground, flush to the ground, within three (3) feet of the utility pole. Each installation is to have its own dedicated power source to be installed and metered separately.

**5.10** If a Permittee proposes to replace a pole in order to accommodate a small cell installation, the pole shall match the appearance of the original pole to the extent feasible, unless another design better accomplishes the objectives of this section. Such replacement pole shall not exceed the height of the pole it is replacing by more than seven feet.

**5.11** Each small cell installation facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight, or attractive nuisances. The Town may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location or accessibility, a small cell installation has the potential to become an attractive nuisance.

**5.12** The Permittee shall repair, at its sole cost and expense, any damage including, but not limited to, subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to Town streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation or maintenance of a small cell installation in the public right-of-way. The Permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the Permittee fails to complete such repair within the number of days stated on a written notice by the permitting authority, the permitting authority shall cause such repair to be completed at Permittee's sole cost and expense.

**5.13** Prior to issuance of a building permit, the applicant shall obtain the permitting authority's approval of a tree protection plan prepared by a certified arborist if the small cell installation will be located within the canopy of a street tree, or a protected tree on private property, or within a 10-foot radius of the base of such a tree. Depending on site specific criteria (e.g., location of tree, size, and type of tree, etc.), a radius greater than 10 feet may be required by the permitting authority.

**5.14** Applicant shall abide by all local, state and federal laws regarding design, construction and operation of the small cell installation, including all state and federal Occupational Safety and Health Administration (OSHA) requirements for worker safety in, around and above power lines.

## **Section 6: APPLICABILITY**

This chapter shall apply to all small cell installations and co-located small cell installations in the Town, and shall not apply to any Exempted Telecommunications Facility or Major Telecommunications Facility.

\* \* \*

**Note 1:** In its *Declaratory Ruling and Third Report and Order* issued in September, 2018, the FCC suggests that application fees be no more than \$500 per application, which can include up to five small cell installations, with an additional \$100 per installation after five. The FCC also suggests a fee limitation of \$270 per year for each small cell installation to cover any recurring fees, including rights-of-way. However, municipalities may charge their actual costs for processing such applications.

**Note 2:** The town may also wish to include preference for the *configuration* of small cell installations, from most-preferred to least-preferred. Configuration preferences might be:

- (1) Co-located with existing wireless facilities,
- (2) Mounted on existing utility poles,
- (3) Mounted on new poles or towers.

Considerations include the structural integrity of existing utility poles, the fact that mandating co-located equipment could result in an unfair esthetic burden on some residents or neighborhoods, and the possibility that new poles might be bigger, heavier and more obtrusive than existing poles.

**Note 3:** Every possible effort should be made to prevent the placement of small cell installations in close proximity to residences. Viable and legally defensible setbacks will vary based on zoning.

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municipalities, their elected officials, legal counsel, employees, contractors and residents.*

**A resolution** calling upon all telecommunications companies and public utilities operating in (*name of village, town or city*), to cease the build-out of so-called “5G” wireless infrastructure until such technologies have been proven safe to human health and the environment through independent research and testing.

Whereas the telecommunications industry is engaged in a massive deployment of microwave and millimeter-wave "small cell" antennas across the county to facilitate the next generation of wireless communications known as 5G, and

Whereas this new technology uses existing wireless infrastructure and new types of radio-frequency (RF) microwave radiation to transmit large amounts of data, but requires significantly closer proximity to users, resulting in the dense deployment of antennas near residences, schools, and hospitals, and

Whereas the deployment of 5G-enabled small cell antennas in our neighborhoods raises serious questions regarding the potential health and environmental impacts of long-term exposure to untested RF microwave radiation frequencies, and

Whereas the Federal Communications Commission (FCC) has not conducted any long-term safety testing of new 5G wireless technologies, and has failed to update its human RF microwave radiation exposure guidelines since 1996, despite being advised to do so by the U.S. General Accounting Office (GAO), the American Academy of Pediatrics, and hundreds of medical and scientific experts from around the world, and

Whereas telecommunications industry leaders have publicly admitted that they have not conducted any safety tests to determine the possible adverse health and environmental effects from exposure to RF microwave radiation emitted by 5G-enabled small cell antennas, and

Whereas a significant body of published, peer-reviewed, independent science links exposure to RF microwave radiation with serious environmental and biological harm, including increased risk of cancer, reproductive problems and neurological impairments, and

Whereas populations especially at risk from this exposure include pregnant women, children, the elderly, and individuals with implanted medical devices, or cardiac or neurological problems, and

Whereas Swiss Re, the second-largest re-insurance company in the world, called 5G a “high impact” liability risk due to health risks in its 2019 SONAR emerging risks report, and

Whereas the theory that exposure to RF microwave radiation is harmless, which has been the underlying principle of all federal legislation and regulations regarding wireless technologies for more than twenty years, has now been proven false,

Now, therefore, be it

Resolved, that (*name of village, town or city*) calls upon all telecommunications companies and public utilities operating in (*name of village, town or city*) to cease and desist in the build-out of 5G-enabled small cell antennas until such technologies have been proven safe, beyond a reasonable doubt through independent research, and the public health and welfare can be assured.

**Sample Resolution Calling for a  
State Commission to Study the  
Health and Environmental Effects  
of Wireless Radiation and 5G Technology**

Whereas the telecommunications industry is engaged in a massive deployment of microwave and millimeter-wave "small cell" antennas across the county to facilitate the next generation of wireless communications known as 5G, and

Whereas this new technology uses existing wireless infrastructure and new bands of radio-frequency (RF) microwave radiation to transmit large amounts of data, but requires significantly closer proximity to users, resulting in the dense deployment of antennas near residences, schools, and hospitals, and

Whereas the deployment of 5G-enabled small cell antennas in our neighborhoods raises serious questions regarding the potential health and environmental impacts of long-term exposure to untested RF microwave radiation frequencies, and

Whereas the Federal Communications Commission (FCC) has not conducted any long term safety testing of new 5G wireless technologies, and has failed to update its human RF microwave radiation exposure guidelines since 1996, despite being advised to do so by the U.S. General Accounting Office, the American Academy of Pediatrics, and hundreds of medical and scientific experts from around the world, and

Whereas telecommunications industry leaders have publicly admitted that they have not conducted any safety tests to determine the possible adverse health and environmental effects from exposure to RF microwave radiation emitted by 5G-enabled small cell antennas, and

Whereas a significant body of published, peer-reviewed, independent science links exposure to RF microwave radiation with serious environmental and biological harm, including increased risk of cancer, reproductive problems and neurological impairments, and

Whereas populations especially at risk from this exposure include pregnant women, children, the elderly, and individuals with implanted medical devices, or cardiac or neurological problems, and

Whereas the wireless communication industry is not insured against claims of personal injury resulting from exposure to RF microwave radiation, and



Whereas the theory that exposure to RF microwave radiation is harmless, which has been the underlying principle of all federal legislation and regulations regarding wireless technologies for more than twenty years, has now been proven false,

**Now, therefore,** be it resolved, that (name of village, town or city) calls upon its representatives in the State legislature to establish a special commission to investigate the health and environmental risks associated with RF microwave radiation and 5G technology. The commission shall:

- (1) Examine the known and studied health and environmental impacts of exposure to wireless radio frequency radiation emitted by waves in the 300 kilohertz (kHz) - 100 gigahertz (GHz) range.
- (2) Assess the short and long-term health and environmental impacts of exposure to 5G technology, which requires small cell antennas to be placed in close proximity to each other at telephone pole height from the ground, and will operate in conjunction with the existing 3G and 4G technology infrastructure.
- (3) Receive testimony from the medical community including but not limited to experts in public health, epidemiology and oncology; the scientific community including but not limited to biologists, physicists and electrical engineers; the wireless technology industry including but not limited to wireless manufacturers and purveyors, as well as other organizations and members of the public with an interest in the deployment of 5G technology.
- (4) Consider the following questions and the impact they may have on the citizens of the state:
  - (i) Why has the insurance industry recognized RF microwave radiation as a significant risk, and refused to insure wireless companies for financial loss due to health claims related to exposure to wireless radiation?
  - (ii) Why are manufacturers of wireless equipment, including cell phones, required to warn users to keep such devices away from the body?
  - (iii) How have peer-reviewed studies, including the recently published U.S. Toxicology Program 16-year \$30 million study, showing a wide-range of statistically significant DNA

damage, brain and heart tumors, infertility, and many other ailments, been interpreted by U. S. government agencies?

(iv) Why has the FCC declined to update its 25-year old RF microwave radiation human exposure guidelines, which are based only on thermal effects and do not consider the non-thermal biological effects of RF microwave radiation?

(v) Why are the FCC's RF microwave radiation human exposure guidelines set for the United States less protective than those in Russia, China, Italy, Switzerland, and most of Eastern Europe?

(vi) Why have more than 220 of the world's leading scientists signed an appeal to the World Health Organization and the United Nations to protect public health from RF microwave radiation?

(vii) What is known about how the transmissions of wireless signals can impact the natural world, including plants, insects, birds and other animals?

(viii) What are the cumulative effects of pulsed wireless signals on human health?

The commission shall investigate and take public testimony on all of the questions raised in this resolution, hold a least two public hearings on these issues, and include as commission members medical experts in microwave radiation exposure and human health, public health experts with knowledge of wireless radiation effects, representatives of industry and qualified members of the public. The commission shall issue a final report to the people of the State regarding the results of its investigation within one year of establishment.