



AGENDA

Planning Commission Regular Meeting

Wednesday, December 7, 2022 at 6:30 PM

City Hall Cowles Council Chambers In-Person & Via Zoom Webinar

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

Zoom Webinar ID: 979 8816 0903 Password: 976062
<https://cityofhomer.zoom.us>
Dial: 346-248-7799 or 669-900-6833;
(Toll Free) 888-788-0099 or 877-853-5247

1. **CALL TO ORDER, 6:30 P.M.**
2. **AGENDA APPROVAL**
3. **PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA** 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).
4. **RECONSIDERATION**
5. **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.
 - 5.A. Planning Commission Meeting Minutes **Page 3 - 12**
[Unapproved Minutes for October 19, 2022](#)
 - 5.B. Decisions & Findings for Conditional Use Permit 2022-05 for 1450 Lakeshore Drive **Page 13 - 17**
[Decisions & Findings for CUP 22-05](#)
 - 5.C. Daybreeze Park 59 North Preliminary Plat **Page 18 - 22**
[Agenda Item Report PC 22-11](#)
6. **PRESENTATIONS/VISITORS**
7. **REPORTS**
 - 7.A. City Planner's Report **Page 23 - 25**
[Agenda Item Report PC 22-65](#)
8. **PUBLIC HEARING(S)**
 - 8.A. Exempt Signs Not Visible from Public Rights of Way **Page 26 - 34**
[Agenda Item Report PC 22-66](#)
9. **PLAT CONSIDERATION(S)**

10. PENDING BUSINESS

11. NEW BUSINESS

12. INFORMATIONAL MATERIALS

12.A. City Manager's Reports

**Page 35 -
42**

[City Manager's Report for the November 14, 2022 City Council Meeting](#)
[City Manager's Report for the November 28, 2022 City Council Meeting](#)

12.B. PC Meeting & City Council Report Calendars

**Page 43 -
46**

[2023 Meeting Dates and Submittal Deadlines](#)
[2023 PC Calendar](#)

13. COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute limit)

14. COMMENTS OF THE STAFF

15. COMMENTS OF THE COMMISSION

16. ADJOURNMENT Next meeting is WEDNESDAY, JANUARY 4, 2023 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom webinar.

Session 22-15, a Regular Meeting of the Planning Commission was called to order by Vice Chair Roberta Highland at 6:31 p.m. on October 19, 2022 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONERS BARNWELL, VENUTI, HIGHLAND, CONLEY, AND STARK

ABSENT: COMMISSIONERS CHIAPPONE, VENUTI (EXCUSED)

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK KRAUSE
ECONOMIC DEVELOPMENT MANAGER ENGBRETSSEN

The Planning Commission held a worksession at 5:30 p.m. On the agenda was a presentation on the proposed Transportation Plan Update by Brad Parsons, Independent Living Center and Julie Engebretsen, Economic Development Manager for the City of Homer.

AGENDA APPROVAL

BARNWELL/CONLEY MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTYS ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

- A. Unapproved Regular Meeting Minutes for September 21, 2022
- B. Memorandum PL 22-10 re: Stream Hill Park 2018 Replat Preliminary Plat Extension Request

BARNWELL/CONLEY MOPVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS/VISITORS

A. Comprehensive Transportation Plan & People Oriented Transportation Presentation - Julie Engebretsen, Economic Development Manager

Vice Chair Highland introduced the item and noted that the full presentation was made at the worksession conducted prior to the meeting. She deferred to Ms. Engebretsen.

Ms. Engebretsen provided an overview of the presentation for those present and focused her attention to pages 30-32 in the packet.

Vice Chair Highland thanked Ms. Engebretsen for her time and presentation.

STAFF & COUNCIL REPORTS/COMMITTEE REPORTS

A. Staff Report 22-61, City Planner's Report

Vice Chair Highland introduced the topic and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-61 and provided highlights on the following:

- Short term Rentals
- Committee of the Whole CUP Ordinance Presentation
- Resolution to Adopt the Supplement to the HNMTTP
- Public hearings were postponed due to technical glitch with production of the Homer News
- Spoke with the Port & Harbor Commission at their Worksession today regarding updating of the Spit Comp Plan
- Hiring of Staff for the Planning Department

Commissioner Stark volunteered for October 24th Council meeting and Commissioner Barnwell volunteered to report at the November 14th Council meeting in response to City Planner Abboud's request for volunteers to report to City Council.

PUBLIC HEARING(S)

A. Staff Report 22-62, Conditional Use Permit 2022-05 for 1450 Lakeshore Drive

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

City Planner Abboud provided a summary of Staff Report 22-62 to the Commission. He shared a larger drawing on the screen regarding the project for the Commission and public present. Staff recommendation was to approve the CUP with Findings 1-10 and Conditions 1 & 2

Vice Chair Highland invited the applicant to make a presentation or speak to their application.

Andrew Reed, applicant, provided historical information on the existing business operations that operate out of the main facility and then elaborated on the intent and details of the proposed project, his views on the impact and usage of the property, materials used to construct the facility and what it would bring to the community of Homer.

Vice Chair Highland opened the public hearing.

Ms. Rika Mouw requested permission to read a written statement into the record from a property owner that was unable to attend this meeting.

Vice Chair Highland granted permission with consensus from the Commission.

Written Statement from Claire Waxman as read by Rika Mouw:

“As a close neighbor of this project we would like to have more time to give our comments. We had no notice until yesterday. Our concerns are the size of the building, the drainage of the area and why the city was so quick to give a conditional use permit. Thank you, Claire Waxman and Bob Schmutzler, business owners on Ocean Drive.”

Rika Mouw, city resident, commented that she too was baffled by the rushed time frame. Ms. Mouw continued by commenting in opposition to the project noting the size, impacts to the neighbors, community and adjacent land; hydrology, loss of vegetation, impact from storm water runoff, and believed that the project was directly contrary to the applicable land use goals and objectives of the Comprehensive Plan regarding the quality of Homer’s natural environment and scenic beauty, the loss of moose habitat and beautiful trees and did not believe that this project provided any benefit to Homer stating that Homer did not need more planes, air traffic, noise, gravel and less trees.

George Harvison, city resident, provided his comparison and experience living in and growing up in Wasilla and now living in Homer the past eight years. He used a comparison of President Bush comparing Portland to Little Beirut implying Homer was headed in the same direction. He then recounted his experience with the lack of parking with all the construction vehicles on the road in the neighborhood due to construction, the plentiful visits by moose with calves and other wildlife; possible tsunami and how the trees would mitigate that. Mr. Harvison expressed his hopes that the Commission would consider long and short term effects of this type of development and enough is enough but too much is also enough. He further commented that Homer was getting much more difficult to see the green.

Karen Berger, city resident, owner of Homer Brewing Company, owns the adjacent lot as well, stated she enjoys living off the beaten path and has enjoyed a very successful business for the past 21 years. She then acknowledged the GC1 Zoning District and that they have a very mixed neighborhood. Ms. Berger then commented on the prior business; the road that was built to haul planes to and from the lake to the airport; the reason that Homer has a limit of 8000 square feet is due to Homer does not want large structures and believes that this project is extraordinarily large for the area; and airplanes belong at the airport. Ms. Berger commented on the questionable height of the planes using the lake, the short notice and recommended that the Commission not approve this project or at least give it more consideration.

Barb Angaiak, city resident, commented on the short time frame from receiving notice to the actual hearing date; meeting with the applicant, that this project will create a more industrial feel to the area instead of the neighborhood that it is; her enjoyment of living on the lake and the enjoyment her guests and visitors

have viewing so much wildlife and birds and believes that the project will impact that enjoyment. She recounted the difficulties they experienced during the construction over the past summer.

Crystal Calderon, city resident and fulltime employee Emerald Air Service, commented in support of the project noting the value and benefits to the business that having the hangar available to perform the required maintenance on the planes; the intent of the project; parking and impervious surfaces will be minimal; echoing the intent not to use all the available land which will be maintained in natural state. Ms. Calderon expressed the safety concerns that come with moving the planes to the airport and that the facility will not be open to the public but limited to personnel only.

Vice Chair Highland closed the public hearing and offered rebuttal to the City Planner and Applicant.

City Planner Abboud responded to public comment on public notice process, impervious areas, placement of the project allowing large buffers, storm water management prior and during construction, parking requirements, increases to traffic on Lakeshore Drive and the land use. He pointed out that the applicant could design and build 8000 square foot buildings on each lot and would have no need to apply for a Conditional Use Permit but since they want to build a 16000 square foot building on the one lot that requires the permit.

Mr. Reed, applicant, responded similarly to comments on the land use, impacts to the neighborhood, safety concerns of Emerald Air Service regarding moving equipment and impacts to wildlife.

Vice Chair Highland opened the floor to questions from the Commission.

Commissioners raised the following questions which were responded to by the City Planner or Applicant:

- this project brings to light another concern that should be addressed in the transportation plan update, regarding this area becoming a transportation center
- Are there existing buildings suitable to perform the work needed at the airport now for your use?
 - o No, currently they must disassemble the floats from the plane to move them to the airport
- Flight level at Beluga Lake going to change (decrease or increase) with the construction of this structure?
 - o In the future there may be an increase in plane inventory if their business increases, as that is a goal but relatively this would not increase the amount of traffic already on the lake.
- Is there going to be an increase in the noise level from the aircraft with the construction of this project?
 - o There may be an increase in noise level if the number of planes increase but the applicant did not think that this structure would result in an increase in noise levels.
- Is the traffic of the aircraft changing due to the construction of this project?
 - o There would be no change to the airplane traffic pattern that he is aware of when this building is constructed.
- What or how are you planning to revegetate the site?
 - o In relation to vegetation that provides winter feed for the wildlife in the area.
 - o The applicant stated that he was not part of his duties but opined that the revegetation required by the city would be appropriate as required. Mr. Reed noted that the intent was to leave as much as possible in its natural undisturbed state.
- What exterior finishes are planned for the structures?

- It's basically a single span steel structure, and then it uses insulated steel panels, and those are of a various thickness and of various finishes. They've got a marketing image, and that's something that from the street side would be what people would see.
- What will the level of the building be at?
 - At this point in design it is more schematic and there is no actual building design. There is no steel structure, the building may come in smaller, currently it is depicted at 24 feet above lake level and they may be able to pull it up out of the ground, which would save on the excavated material/imported materials
 - Retaining walls are large but all this will be addressed by an engineer and architect
- What plans are going to be in place to mitigate the impact, if any, to the wildlife in the area?
 - Mr. Reed expressed that he was not sure on how to respond to this question and did not have a response.

Vice Chair Highland requested clarification on allowing the Commissioners to questions the public who provided testimony.

Deputy City Clerk Krause stated that it would require a motion to suspend the rules and typically that is not done during a Public Hearing only during Plat Considerations.

Vice Chair Highland requested the Commission address Commissioner Stark's request after Commissioner Conley and Venuti spoke.

Commissioner Venuti complimented the applicant on his well-organized presentation of the project and asked if there was going to be a fueling station.

Mr. Reed responded that there was an existing fueling station located at the original site and no plans to construct another.

Commissioner Conley questioned the use of the hangar and clarified that Mr. Reed was not the architect just the designer and assisting with the conceptual aspects of the project.

Mr. Reed responded that while he is an architect on this project he is the designer and there is an architect contracted and when the time comes this project will go to him. He then provided the use information in as much as he was aware of that they will use the hangar to maintain the planes during the busy summer season. In the winter it will be used for storage. The hangar will have nominal use in the summer as the planes will be in the water and being flown.

Vice Chair Highland requested a motion and second to suspend the rules to questions the public who testified tonight.

STARK MOVED TO SUSPEND THE RULES TO ALLOW THE COMMISSION TO POSE QUESTIONS TO MEMBERS OF THE PUBLIC WHO PROVIDED TESTIMONY.

Vice Chair Highland requested a second to the motion. Hearing non she noted for the record that the motion died for lack of a second.

Vice Chair Highland presented the following comments and questions:

- Beluga Lake is a man-made lake purposely created for float plane use and has been historically used for that purpose
- The applicant has presented a very well prepared application
- There is limited General Commercial 1 Zoning available
- Homer has developed as a bear viewing capital of Alaska and where visitors and residents come to have these wonderful experiences
- The size of the hangar was consolidated into one structure to meet the applicant's needs and they could build several structures on the available land.
- Expressed some concerns on possible negative impacts to the wildlife.
- Does the Applicant have a Corp of Engineers Permit?
 - o Mr. Reed stated that is in process simultaneously as this permit. A meeting was conducted with the Corps of Engineers, they re-delineated the actual wetlands, which is reflected on the site plan. That was surveyed right after the wetlands were delineated.

Vice Chair Highland asked for any final comments or questions from the Commission.

Commissioner Stark expressed that he appreciated the thoughtful and sensitive presentation of the project noting that it provided details that the Commission does not typically receive. He stated that Homer will keep developing into a very desirable location. It is incumbent on the Commission and as part of their charge to make sure that development is done within the city codes, and from what the City Planner has indicated through a very thorough analysis, is, that the Applicant has complied with the established city regulations. Commissioner Stark further noted that the Commission cannot deny an application if it complies with the City Code. He then commented that change is difficult but the City must be able to accommodate change in a constructive, aesthetic and thoughtful manner.

Commissioner Venuti called for a Point of Order, stating that discussion is usually conducted after a motion is on the floor.

Vice Chair Highland noted that Commissioner Stark was providing his comments on the application. She inquired if Commissioner Stark was opposed to making a motion and then he could finalize his comments under the discussion of the motion.

Commissioner Stark did not object.

BARNWELL/CONLEY MOVE TO ADOPT STAFF REPORT 22-62 AND RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT 2022-05 FOR 1450 LAKESHORE DRIVE WITH FINDINGS 1-10 AND THE FOLLOWING CONDITIONS:

1. A BUFFER SHALL BE MAINTAINED ADJACENT TO THE WESTERN EDGE OF LOT A 4 AND ADJACENT TO THE STRUCTURE FOUND ON LOT 108 WHERE EXISTING VEGETATION SHALL BE MAINTAINED WHERE PRACTICAL AND REPLACED WITH PLANTINGS OR A FENCE THAT SHALL BE OF A HEIGHT ADEQUATE TO SCREEN ACTIVITY ON THE LOT FROM OUTSIDE VIEW BY A PERSON OF AVERAGE HEIGHT STANDING AT THE PREVAILING ADJACENT GRADE.

2. OUTDOOR LIGHTING MUST BE DOWN LIT PER HCC 21.59.030 AND CHAPTER 3 OF THE COMMUNITY DESIGN MANUAL

Commissioner Stark concluded his comments noting that the Commission needs to strike a balance addressing tourism and nature, Homer is a destination for photographers, bear viewing and consideration of the property owners selling their property and reaping those benefits of their hard earned efforts.

VOTE. YES. VENUTI, HIGHLAND, CONLEY, STARK, BARNWELL

Motion carried.

Vice Chair Highland called a recess at 8:11 p.m. The meeting was called back to order at 8:20 p.m.

PLAT CONSIDERATION(S)

A. Staff Report 22-63, Preliminary Plat Homer One Swan Cove Addn.2022 Replat

Vice Chair Highland introduced the item and deferred to the City Planner.

City Planner Abboud provided a summary of Staff Report 22-63 for the Commission.

Matt Hambrick, representative for the applicant stated he was present and available for questions from the Commission.

Vice Chair Highland opened the public comment period.

Vice Chair Highland closed the comment period having no one in Council Chambers from the public and no indication from members of the public attending via Zoom wanting to provide comment on the action.

Vice Chair Highland requested questions from the Commission for the City Planner and the Applicant.

Hearing no questions from the Commission, Vice Chair Highland requested a motion and second.

CONLEY/BARNWELL MOVED TO ADOPT STAFF REPORT 22-63 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. INCLUDE A PLAT NOTE STATING PROPERTY IS SUBJECT TO THE CITY OF HOMER REGULATIONS CHECK WITH CITY OF HOMER PLANNING DEPARTMENT PRIOR TO ANY DEVELOPMENT ACTIVITY.
2. UPDATE PLAT NOTE #3 TO MAP NUMBER 02122C2020E EFFECTIVE 10/20/2016, REVISION 17-10-0041P-020107 EFFECTIVE 3/31/2017 CHECK WITH KENAI PENINSULA BOROUGH REGARDING PANEL NUMBER/FORMAT.
3. THE CITY OF HOMER DOES NOT OBJECT TO AN EXCEPTION TO THE ROADWAY WIDTH OF LAKESHORE DRIVE.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report 22-64, Draft Ordinance 22-42(S-2) An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Sections 11.04.120, 22.10.050 and 22.10.051 to Specify When New Streets are Required to Provide for Non-Motorized Transportation.

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

City Planner Abboud reviewed Staff Report 22-64 for the Commission. He noted some changes that were made in the Substitute Ordinance 22-42 (S-2).

Vice Chair Highland requested a motion and second. Hearing no motions coming forth Vice Chair Highland made the motion.

HIGHLAND/CONLEY MOVED TO ADOPT STAFF REPORT 22-64 AND FORWARD A RECOMMENDATION TO CITY COUNCIL TO ADOPT ORDINANCE 22-42(S-2)

Commissioners recommended a legal review, if not already done; On Line 57 regarding the developers cost, Line 76 and Lines 115-119 regarding the appeals. Further discussion ensued on the 2022 Supplement to the Non-motorized Transportation Implementation Plan and that this ordinance was relative to new streets but the issues are with existing streets with the biggest concerns are actually state owned roads; funding and special assessment districts for construction of sidewalks are not favored on the whole; Council wanting to have sidewalks on new streets that are connectors; vastly improved ordinance over previous revisions.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Memorandum from City Clerk re: 2023 Meeting Schedule

Vice Chair Highland introduced the item and deferred to Deputy City Clerk Krause.

Deputy City Clerk Krause reviewed the memorandum and 2023 meeting schedule and the action requested of the Commission.

Vice Chair Highland opened the floor for discussion by the Commission and requested the City Planner's preference.

Discussion ensued on waiting and addressing the meeting changes next October over making changes at this meeting, clarification was provided that an amendment was needed since the Commission could not schedule a regular meeting on a recognized holiday. The option were reviewed and a preference was indicated to have a second meeting scheduled in October rather than November next year.

CONLEY BARNWELL MOVED TO AMEND THE REGULAR MEETING ON OCTOBER 18TH DUE TO ALASKA DAY HOLIDAY BY MOVING THE MEETING TO MONDAY, OCTOBER 16, 2023.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Vice Chair Highland requested a motion to approve the meeting schedule as amended.

BARNWELL CONLEY MOVED TO ADOPT THE 2023 MEETING SCHEDULE AS AMENDED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. Ben Walters Park Recognition Ceremony Flyer
- B. City Manager's Reports for September 26, 2022 and October 10, 2022
- C. Planning Commission Calendar 2022

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

City Planner Abboud he was looking forward to having only two meetings left for the year.

Deputy City Clerk Krause complimented Vice Chair Highland on a great job conducting the meeting with multiple audience members all sight unseen.

COMMENTS OF THE COMMISSION

Commissioner Barnwell expressed his appreciation of the meeting, thanking the City Planner and Clerk for their work and wishing Commissioner Venuti a speedy recovery.

Commissioner Venuti commented on the costs to be medivac to Anchorage.

Commissioner Conley expressed his appreciation for the work that the City Planner and Clerk does and for their patience.

Commissioner Stark echoed the sentiments expressed on Vice Chair Highland doing a great job and the work of the City Planner and Clerk.

Vice Chair Highland thanked everyone and wished a speedy recovery to Commissioners Venuti, Chiappone and Smith.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:10 p.m. The next Regular Meeting is Wednesday, November 2, 2022 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom webinar.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

Approved: _____



City of Homer

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HOMER PLANNING COMMISSION

Approved CUP 2022-05 at the Meeting of October 19, 2022

RE: Conditional Use Permit (CUP) 2022-05

Address: 1450, 1472, & 1484 Lakeshore Drive

Legal Description: HOMER ONE SWAN COVE ADDN TRACTS A1, A2 & A3

DECISION

Introduction

Andrew Reed, representing Emerald Air Services (the “Applicant”), who is under contract to purchase lands from the Norberg Community Property Trust, applied to the Homer Planning Commission (the “Commission”) for a Conditional Use Permit (CUP) under Homer City Code (HCC) 21.24.040(d), for a proposed structure of more than 8,000 square feet of building area in the General Commercial 1 District.

The applicant proposed to develop a 16,625 square foot airplane hangar adjacent to Beluga Lake.

A public hearing was held for the application before the Commission on October 19, 2022, as required by Homer City Code 21.94. Notice of the public hearing was published in the local newspaper and sent to 74 property owners of 57 parcels within 500 feet of the proposal, 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.

At the October 19, 2022 meeting of the Commission, five Commissioners were present. Chair Smith and Commissioner Chiappone were not present and had an excused absences. The Commission approved CUP 2022-05 unanimously with two conditions.

Evidence Presented

City Planner, Rick Abboud reviewed the staff report and displayed the proposal on the monitors in the Council Chambers and on Zoom. The Applicant presented and reviewed the project. There were several who testified in opposition to the proposal including Rika Mouw, George Harvison, Karen Berger and Barb Angaiak, as well as written testimony from Claire Waxman and Bob Schmutzler that was read into the record. Comments included concerns

about runoff, size of the structure, loss of vegetation, loss of animal habitat, vehicles that have parked on the road, amount time to submit comments, and general operation of aircraft.

Crystal Calderon testified in support of the proposal, stating that the parking and impervious surface was minimal, noted the use of the land included a portion intended to be left in a natural state, addressed safety concerns with moving aircraft to the airport, and that the site was not to be open to the public.

City Planner Abboud and the Applicant provided rebuttal to the testimony in opposition and the Applicant provided response to several questions of the Commission. The Commission then asked several question to the applicant about the project and made comments on the projects suitability with the location.

Findings of Fact

After careful review of the record and consideration of testimony presented at the hearing, the Commission determined CUP 2022-05, to allow more than 8,000 square feet of building area per HCC 21.24.040(d), 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: HCC authorizes each proposed use and structure.

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 uses and structures are compatible with the General Commercial 1 District found adjacent to Beluga Lake.

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: An airplane hangar is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

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

Finding 4: The proposal is compatible with the existing uses of surrounding land.

Condition 1: A buffer shall be maintained adjacent to the western edge of Lot A4 and adjacent to the structure found on lot 108, where existing vegetation shall be maintained where practical and replaced/supplemented with plantings or a fence that shall be of a height adequate to screen activity on the lot from outside view by a person of average height standing at the prevailing adjacent grade.

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

Finding 5: Existing public, water, sewer, and fire services are adequate to serve the proposed 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 Commission finds 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 met as required by city code.

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

Finding 8: The proposal will comply with applicable regulations and conditions specified in Title 21.

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

Finding 9: The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan.

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

Finding 10: Project will comply with the applicable provisions of the CDM.

Condition 2: Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

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:** See Condition 1.
- 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:** See Condition 1.
- 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.

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2022-05 is hereby approved, with Findings 1-10 and the following 2 conditions.

Condition 1: A buffer shall be maintained adjacent to the western edge of Lot A4 and adjacent to the structure found on lot 108, where existing vegetation shall be maintained where practical and replaced/supplemented with plantings or a fence that shall be of a height adequate to screen activity on the lot from outside view by a person of average height standing at the prevailing adjacent grade.

Condition 2: Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

Date

Chair, Scott Smith

Date

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 _____, 2022. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

Date

Courtney Dodge, Assistant Planner

Andrew Reed
PO Box 1191
Homer, AK 99603

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

Rob Dumouchel, City Manager
City of Homer
491 E Pioneer Avenue
Homer, AK 99603



AGENDA ITEM REPORT

Daybreeze Park 59 North Preliminary Plat

Item Type: Action Memorandum
Prepared For: Planning Commission
Meeting Date: 07 Dec 2022
Staff Contact: Rick Abboud, City Planner
Department: Planning
Attachments: [Daybreeze Park 59 North extension request](#)
[59 North Preliminary Plat 11x17](#)

Summary Statement:

The surveyor requests a two-year time extension for this preliminary plat. This plat creates 10 residential lots, and one larger tract. The cul-de-sac for Rangeview Ave will be dedicated and constructed, and utilities will be extended.

The Kenai Peninsula Borough (KPB) preliminary plat approval expires shortly.

Staff has no objection to the extension for two additional years. After the HPC makes a recommendation, the surveyor will submit the request to the KPB for their action.

Staff Recommendation:

Recommend approval of a two-year time extension request for Daybreeze Park 59 North Preliminary Plat.

Attachments:

[Daybreeze Park 59 North extension request](#)
[59 North Preliminary Plat 11x17](#)



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Mike Narvarre
Borough Mayor

November 3, 2022

Seabright Surveying
1044 East Rd Suite A
Homer, AK 99603

RE: Daybreeze Park 59 North KPB 2019-067

Kenton,

Daybreeze Park 59 North KPB 2019-067 will expire on December 17 2022. Please submit a signed time extension request form to the Planning Department if you wish to keep this file active. I have attached a *Time Extension Request Form* to this letter, and below is a link if you prefer to fill out online.

https://www.kpb.us/images/KPB/PLN/Plan_Comm/Forms/Time_Extension_Request.pdf

This plat is also in the City of Homer, and we will need the time extension request documentation from the city showing they agree to the time extension.

Per KPB 20.25.110(A), Upon application by the subdivider prior to the two-year deadline for final plat submittal, a time extension for two years beyond the initial two-year period for submittal of the final plat may be granted by the planning director. A second and final two-year extension may be granted by the planning director when requested by the subdivider prior to expiration of the previous approval.

When the preliminary plat is located within city limits, submittal of documentation from the city advisory planning commission indicating concurrence with the time extension request must accompany a time extension request.

If this file is not going to be finalized, please let me know so we can remove it from our active files. If you have any questions on this. Please feel free to contact the platting department.

*****Please note this expiration notice is a courtesy. It is the responsibility of the surveyor/landowner to keep the file current under the new code. The borough shall not be held liable for any files that expire.***

Thank you for your time.

Sincerely,

Rhealyn Leavitt
Planning Department
907-714-2200
rleavitt@kpb.us

Cc: Robert Shavelson
P.O. Box 1498
Homer, AK 99603

Kenai Peninsula Borough Planning Department
 144 North Binkley Street
 Soldotna, Alaska 99669
 Phone: (907) 714-2200
 Fax: (907) 714-2378

TIME EXTENSION REQUEST FORM

☐ Name of Subdivision: Daybreeze Park 59

☐ Location of Subdivision: Homer

☐ KPB Number: 2019-67

☐ Date of Planning Commission Approval(s)

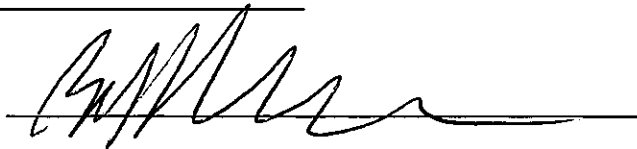
6/24/2019 final plat KPB

☐ Reason for time extension request.

Phase II was contingent on development
+ improvement of subdivider's adjacent lot:
timing there has been delayed, but has
started - ultimately looking for a trails
plan to connect Daybreeze to surrounding
area.

Date: 11/7/22

Signature of Surveyor/Property Owner:



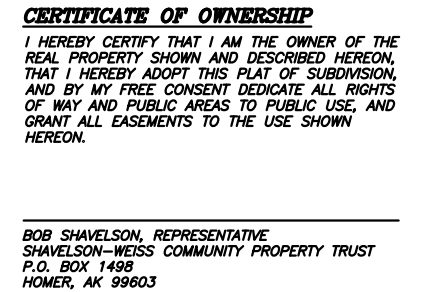
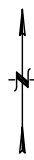
1. THE FRONT 15 FEET ALONG THE RIGHTS-OF-WAY AN ADDITIONAL 5 FEET ADJACENT TO SIDE LOT LINES (UNLESS NOTED OTHERWISE) IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
2. THESE LOTS WILL BE SERVED BY CITY OF HOMER WATER AND SEWER.
3. PROPERTY OWNERS SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLANDS DESIGNATION (IF ANY).
4. ALL LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE PARENT PLATS AND THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.
5. CUL-DE-SACS ARE 50 FT RADIUS. ALL CURVE RETURNS ARE 20 FT RADIUS.
6. DRAINAGE SUBJECT TO PREVIOUS SEASONAL INUNDATIONS: UPHILL DEVELOPMENT MAY CHANGE DRAINAGE PATTERNS AT ANY TIME.
7. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
8. SET A SELF-IDENTIFYING 2" ALUMINUM CAP AT ALL LOT CORNERS AND ROW POINTS OF CURVATURE FOR THIS SURVEY (UNLESS OTHERWISE NOTED).

- ① FND 2" AC 5780S 2003
- ① FND 2" AC 4469S 2018
- FND P CAP 3686S
- ⊕ FND P CAP 7610S
- ⊕ FND PRIMARY MONUMENT AS NOTED
- FND 2" AC 5780S 2004
- FND 2" AC 5780S 2005, BURIED
- FND 2" AC 5780S
- ⊕ FND 2" AC 7968S 2003
- ⊕ FND 2" AC 7610S 2017

WASTEWATER DISPOSAL
PLANS FOR WASTEWATER DISPOSAL THAT
MEET REGULATORY REQUIREMENTS ARE ON
FILE AT THE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION.

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

A north arrow pointing upwards, with a stylized 'N' in the center. Below the arrow is a graphic scale bar with alternating black and white segments, marked with 0, 50', 100', 150', and 200'.



FOR: _____
 ACKNOWLEDGED BEFORE ME THIS _____
 DAY OF _____, 2019

 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES _____



HOMER RECORDING DISTRICT			KPB FILE No. 2019-XXXX		
59 NORTH					
A SUBDIVISION OF DAYBREEZE PARK TRACT A (HM 2003054) LOCATED WITHIN THE NE 1/4 NW 1/4, SEC 19, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA					
CONTAINING 7.895 ACRES					
OWNER: SHAVELSON-WEISS COMMUNITY PROPERTY TRUST P.O. BOX 1498 HOMER, AK 99603					
SEABRIGHT SURVEY + DESIGN					
1044 EAST ROAD, SUITE A HOMER ALASKA 99603 (907) 299-1091 seabrightz@yahoo.com					
DRAWN BY: K.K.		DATE: APRIL 2019		SCALE: 1" = 50'	
CHK BY: K.B.		JOB #2019-17		SHEET 1 OF 1	



AGENDA ITEM REPORT

City Planner's Report

Item Type: Informational Item
Prepared For: Planning Commission
Meeting Date: 07 Dec 2022
Staff Contact: Rick Abboud, City Planner
Department: Planning

Summary Statement:

10.24.22 City Council Regular Meeting

Ordinance 22-70, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code, Section 21.60.100 Signs Exempt from Regulation to Exempt Signs Not Visible from Public Rights of Way. Lord. Introduction October 24, 2022 S Public Hearing and Second Reading November 14, 2022. Memorandum 22-179 from Councilmember as backup. POSTPONED to November 28, 2022 and Referred to Planning Commission with discussion.

Ordinance 22-42(S)(A), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 11.04.120 to Clarify that all New Streets which Serve as Public Access Corridors shall have Sidewalks. Davis/Erickson. Introduction July 25, 2022, Referred to Planning Commission, Parks Art Recreation & Culture Advisory Commission, and Public Works, Public Hearing and Second Reading Postponed to October 10, 2022 Postponed to October 24, 2022.

Ordinance 22-42(S-2), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Sections 11.04.120, 22.10.050, and 22.10.051 to Specify when New Streets are Required to Provide for Non-Motorized Transportation. Davis/Erickson. Memorandum 22-165 from Planning Commission as backup. Memorandum 22-166 from Parks Art Recreation & Culture Advisory Commission as backup. POSTPONED Substitute to November 14, 2022

Ordinance 22-68, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential District; Homer City Code 21.14, Urban Residential District; Homer City Code 21.12 Residential Office District; Homer City Code 21.18, Central Business District; Homer City Code 21.20 Town Center District; Homer City Code 21.22, Gateway Business District; Homer City Code 21.24, General Commercial 1 District; Homer City Code 21.26, General Commercial 2 District; And Homer City Code 21.27, East End Mixed Use District, Regarding Conditional Uses in each District. Planning Commission. Recommended dates Introduction October 10, 2022 Public Hearing and Second Reading October 24, 2022. Memorandum 22-169 from City Planner as backup. Public Comment Received. Three

people testified. ADOPTED as amended with discussion. Amended to include More than one building containing a permitted principal use on a lot, except as provided for in appropriate sections; remove townhouse as permitted use and add as conditional use in GC1, and keep dimensional requirements at 30 percent.

Resolution 22-074, A Resolution of the City Council of Homer, Alaska Adopting the City of Homer 2022 Non-Motorized Transportation and Trails Implementation Plan. City Manager/Public Works Director. Recommend adoption. Memorandum 22-171 from Public Works Director as backup. Public Comment received. POSTPONED to November 14, 2022 with discussion.

11.14.22 Regular Meeting

Ordinance 22-42(S-3), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Sections 11.04.120, 22.10.050, and 22.10.051 to Specify when New Streets are Required to Provide for Non-Motorized Transportation. Davis/Erickson. After an explanation of the Attorney edits the ordinance was adopted.

11.28.22 Regular Meeting Tentative Agenda

Ordinance 22-70, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code, Section 21.60.100 Signs Exempt from Regulation to Exempt Signs Not Visible from Public Rights of Way. Lord. Introduction October 24, 2022, Referred to Planning Commission, Public Hearing and Second Reading November 28, 2022. This ordinance will be postponed to the first meeting in January (the next scheduled Council Meeting), due to the inability to notice a public hearing at the November Planning Commission meeting (deadline for the paper had passed), as required in code.

Permitting Software

We have turned over our data for incorporation into the new software. Training is scheduled for the first week in January.

Transportation Plan

A workshop was held at the college on November 9th. A presentation of input received from the web was made and participants were asked to suggest objectives for five draft goals that were presented. There were about 2 dozen participants. A link to information and opportunity to give input may be found on the front page of the city website at the link below.

<https://www.cityofhomer-ak.gov/publicworks/transportation-plan>

Comprehensive Plan Fast-forward

We will be reviewing RFQ & RFP's in the second week of December.

Presentations

I have scheduled the US Army Corp of Engineers to talk to the Commission at the January 18th worksession. Jen Martin will be introducing new staff from the Soldotna Office.

Staff

We now have a full-time Associate Planner, Bella Vaz in addition to our part-time Assistant Planner Courtney Dodge. I am excited to have new skillful employees to help navigate our evolving planning world in Homer. I am taking a bit more than a week off after Thanksgiving to visit family and friends. The office is spending time on training and addressing a backlog of filing and other items, such as getting caught up on as-built survey notices, and is looking forward to a fresh start in the New Year!

Commission Calendar

This month's topic is the Town Center Plan. This is a plan that started with efforts from 20 years ago. It has many worthy elements, but has not resulted in action or development in the Town Center District. This is still an area of opportunity and could be developed to reflect our current desires, but a new conversation will need to be had as we update our comprehensive plan. I am not scheduling any detail report or discussion now.

Commissioner Report to Council

1/9/23 _____

1/23/23 _____



AGENDA ITEM REPORT

Signs Legible from the Rights of Way

Item Type: Action Memorandum
Prepared For: Planning Commission
Meeting Date: 07 Dec 2022
Staff Contact: Rick Abboud, City Planner
Department: Planning
Attachments: [Memorandum 22-179 Amending 21.60.100](#)
[Ordinance 22-70 Amend 21.60.100 Signs Visible from ROW](#)
[Google Maps example](#)
[Memorandum PL 22-12 Exempt Sign](#)

Summary Statement:

Introduction

After having a conversation about about replacing a sign that was located nearly 400ft for a right-of-way, an ordinance has been proposed by Councilmember Lord to exclude signs that are not legible from the right-of-way from the sign ordinance.

Policy Implications:

Analysis

This subject has brought up two different answers to the question of replacing a legacy sign that is not legible from a right-of-way. A strict compliance with the sign code might make a sign unacceptable, such as the case where the sign constitutes a second free-standing sign that is prohibited by code. A pragmatic answer might be that a sign not visible/legible from the right-of-way would not be regulated, as it does not convey information to the general public, only those on-site.

As this subject is not spelled out in code, except for reference to signs located inside a building, this amendment was proposed to further clarify the issue. The language, as proposed, would continue to apply to a sign located inside a building, except the standard would move from “not legible from three feet beyond the lot line” to “not legible from the public right-of-way.”

It is reasonable to consider the ability of a sign to convey a message to the general public. My research from the American Planning Association, found in the November 2019 issue of Zoning Practice,

Practice Sign Regulation, states that; “generally, a sign is defined as an object that attracts attention and is visible from a right-of-way.” The proposed ordinance reinforces this concept.

Staff Recommendation:

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

Attachments:

[Memorandum 22-179 Amending 21.60.100](#)

[Ordinance 22-70 Amend 21.60.100 Signs Visible from ROW](#)

[Google Maps example](#)

[Memorandum PL 22-12 Exempt Sign](#)



City of Homer

www.cityofhomer-ak.gov

Homer City Council

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-3130

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Memorandum 22-179

TO: Mayor Castner and Homer City Council

FROM: Rachel Lord, Councilmember

DATE: October 24, 2022

SUBJECT: Ordinance 22-70 Amending Homer City Code 21.60.100 Regarding Signs Legible from Public Rights of Ways

Background

Thank you for your consideration of Ordinance 22-70. This action was inspired by the sign in front of Paul Banks Elementary, which is almost 400 feet downhill from the public right-of-way (ROW), and impossible to see from the road. It is falling apart and the school staff and Parent Teacher Association would like to replace it. My understanding is that last year they were told by the City that they've already maxed out their sign allotment and so if they took that one down they would not be permitted to replace it. That made no sense to me at all.

I asked City Planner Abboud about this situation and he said that as a matter of practicality, if it's not visible from the right-of-way to the public, it would not be considered a sign subject to regulation under the code. But he noted that he hadn't looked at that specific sign. I went to look at the code to see where that exemption might be explicitly stated, and I found the verbiage about the interior signs only. Nothing about signs not visible from the public ROW.

In this amendment, I am suggesting that we fully replace subsection HCC 21.60.100(c) to limit the City's regulation to signs clearly visible from the public ROW and intended to be viewed by the public. Below I have provided some examples from other Alaskan municipalities sign codes.

While I believe this is a fairly straightforward and simple amendment to code, I look forward to feedback from the Planning Commission. I would like to see the City limit resources to regulating what is in the interest of the public. Signs that cannot be seen by the public from the public right-of-way should be clearly exempt from regulation under Homer City Code.

Wasilla: 16.32.020 Scope.

This chapter shall not regulate: building design; official traffic or government signs; the copy and message of signs; ***signs not intended to be viewed from a public right-of-way***; window displays, product dispensers, and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or noncommercial organization, unless part of a sign; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined in this chapter as a sign. (Ord. 17-09 § 3, 2017; prior code § 16.43.902)

Seward: 15.20.015 - Definitions.

Sign. Any device fixed to, painted on, or incorporated into the building surface; displayed from or within a building or structure; or free-standing upon the site, and **which is (a) visible from a public right-of-way and (b) designed to convey or direct a message to the public concerning the identification of the premises or to advertise or promote the interests of any private or public firm, person or organization.**

Soldotna:

15.08.010 - Administration. C. Scope .1.

General. **The scope of this chapter shall be to regulate signs of a commercial nature intended to be viewed from public rights-of-way.** This code does not regulate government signs; the copy and message of signs; window signs; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or non-commercial organization; gravestones; commemorative plaques; display of addresses; or any display or construction not defined herein as a sign.

**CITY OF HOMER
HOMER, ALASKA**

Lord

ORDINANCE 22-70

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE SECTION 21.60.100, SIGNS EXEMPT
FROM REGULATION TO EXEMPT SIGNS NOT VISIBLE FROM
PUBLIC RIGHTS OF WAY.

WHEREAS, The purposes of the City of Homer’s sign regulation are outlined in Homer City Code (HCC) 21.60.020 which states, “The purposes of this sign code are: to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment and the City’s ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.”; and

WHEREAS, If a sign is not visible from the public right-of-way, its regulation is not justified under these stated purposes; and

WHEREAS, Numerous other communities in Alaska with sign codes explicitly exempt signs which are not visible from the public right-of-way; and

WHEREAS, The City of Homer should also clearly exempt signs that are not visible from the public right-of-way to reduce regulatory burden and confusion and to focus City resources where there is a public nexus.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.60.100, Signs exempt from regulation under this chapter, is amended to read as follows:

The following signs shall be exempt from regulation under this chapter:

a. Any sign bearing only a public notice or warning required by a valid and applicable Federal, State, or local law, regulation, or ordinance.

b. Any emergency warning sign erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within a public right-of-way.

~~c. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is~~

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

~~located.~~ **Any sign that is not legible from the public right-of-way.**

d. Works of art that do not contain a commercial message.

e. Holiday lights between October 15th and April 15th.

f. Traffic control signs on private property, such as a stop sign, a yield sign, and similar signs, the face of which meets Department of Transportation standards and that contain no commercial message of any sort.

g. Signs in existence before February 11, 1985, but such signs shall not be replaced, moved, enlarged, altered, or reconstructed except in compliance with this chapter.

Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

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, ALASKA, this ____ day of _____ 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:

Google Earth Street View at maximum zoom. On-site sign is found within red box.





City of Homer

www.cityofhomer-ak.gov

Planning
Page 8 of 9

491 East Pioneer Avenue
Homer, Alaska 99603

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

MEMORANDUM PL 22-12

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: December 7, 2022
SUBJECT: Planning Staff review of draft ordinance exempting signs not legible from the right-of-way.

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.

Analysis: The proposed amendment aligns with Goal 3, Objective A, create a clear, coordinated regulatory framework that guides development, specifically, the implementation strategy to “review rules and regulation options with consideration of operational constraints and community acceptance.

Finding 1: The proposed amendment is consistent with the Comprehensive Plan.

b. Will be reasonable to implement and enforce.

Analysis: The proposed ordinance expands upon an existing premise that applies well to working code.

Finding 2: The proposed ordinance will be reasonable to implement and enforce.

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

Analysis: The proposed ordinance allows for messaging and markers that address those found on a site located well away and not viewable from a public right-of-way.

Finding 3: The proposed ordinance will promote the present and future public health, safety, and welfare.

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

Analysis: The ordinance has been reviewed for consistency for its use in title 21 and has not been found to be in conflict with other regulations.

Finding 4: The proposed ordinance is consistent with the intent and wording of other provision in Title 21.

STAFF COMMENTS/RECOMMENDATIONS:

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



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: November 10, 2022
SUBJECT: City Manager's Report for November 14, 2022 Council Meeting

Main Street Sidewalk Construction

On November 7th, we met for a frosty sidewalk ribbon cutting celebrating the completion of the Main Street sidewalk. We're all looking forward to our next big city sidewalk project!



Housing Outreach Meeting and Survey

The Special Projects Team, along with Planning and Economic Development, are developing a housing public engagement opportunity for early next year. This project will further the Council priority of "housing challenges" and contribute to the priorities of updating the comprehensive plan and the zoning code. We are looking to give the public a forum to voice housing concerns, and we also want to pair the in-person event with a survey. We expect that this exercise will give us some great data to share with the team ultimately selected to assist the City with the comprehensive plan and zoning code updates.

AML Housing Task Force

I recently nominated Special Projects Coordinator Ryan Foster to the Alaska Municipal League's (AML) housing task force (with a child-care subgroup). The intent is to gather data and information from AML members about their housing issues, processes, and potential solutions. As this conversation picks up across the state (and nation), the task force will work through solutions for local governments, or positions to advance statewide solutions.

At-Large Dog Ordinance

At the October 24th meeting, Council postponed ordinance 22-72 which proposed edits to Homer City Code Title 20 Animals. Our contracted Animal Shelter Director and Control Officer provided comments that encouraged us to reevaluate the proposal. I worked with the Animal Shelter Director and Councilmembers Venuti and Erikson to develop a substitute which instead focuses on Homer City Code Title 19 Parks, Campgrounds, and Public Places. The substitute will go to PARCAC this month before coming back to Council for review.

CTP and TAP Project Submissions

Every three years, the State of Alaska DOT&PF issues a call for projects for two competitive grant programs: the Transportation Alternatives Program (TAP) for non-motorized transportation projects and Community Transportation Program (CTP) for road surface projects. City staff recently submitted several high priority projects to the first phase of the process, in which we give the State notice of our intent to apply. Our TAP project nominations included three construction projects: Ben Walters Lane Sidewalk, Svedlund/Herndon Street Sidewalk, and the Homer All-Ages and Abilities Pedestrian Pathway; and one planning project: Kachemak Drive Separated Pathway. CTP project nominations included two construction projects: Main Street Rehabilitation and Heath Street Rehabilitation and one planning project: Spit Road Erosion Mitigation. State DOT will review all submissions for eligibility and competitiveness, and by February 2023 will invite full grant proposals for no more than two projects per community. All projects that move forward require a **minimum** local match of 9.03%, which must be secured by a formal match agreement. I will keep you updated if any of our projects advance to the application phase.

Local Election Certification Update from the Clerk's Office

At the October 10th Council meeting, Council Member Davis addressed the City's method of calculating the percentage of vote received by each candidate in vote-for-two races produces approximately one half the percentage of the vote actually received, resulting in what appears to be a low level of support for the winning candidates. He suggested an additional column on the Certificate of Election that shows the percentage of total ballots cast received by each candidate that provides a much more easily comprehensible estimate of the overall level of support for each candidate (and, arguably, if a decision not to vote in a race is viewed as a de facto vote, it provides a perfectly accurate percentage). For example in the most recent election, the percent support reported for both winning candidates using this methodology would be above 60% rather than in the low 30's. City Clerk's office staff is working on an update the Certificate of Election that would provide more comprehensive summary of the Canvass Board's work and is amenable to including this additional percentage of total ballots cast received by each candidate as suggested by Council Member Davis.

Kenai Peninsula City Manager Symposium

I hosted a meeting of all the city managers on the Kenai Peninsula on November 1st. We discussed items of regional interest and shared experiences and best practices for various challenges faced by city managers in Alaska.



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: November 23, 2022
SUBJECT: City Manager's Report for November 28, 2022 Council Meeting

Sulfur Export Project

Earlier this year, approximately 20,000 tons of crushed bulk sulfur were delivered by truck to the cargo storage terminal on Freight Dock Road. Under current market conditions, this is about \$4M worth of materials. The sulfur was stored on the Chip Pad while the owners of the materials waited for a vessel and the right market conditions to export them. The sulfur is off to Mexico for use in fertilizer products. This past week, North Star Stevedoring and Kar-a-Van Transport loaded approximately 10,400 bags onto the M/V TBC *Praise*. The stevedoring effort included 54 longshoremen, split into two crews, running 12-hour shifts, 24/7 until the loading was complete. The Port Enterprise will benefit from this project in the form of wharfage, dockage, and storage costs that are estimated to total over \$215,000.



Economic Development Manager Julie Engebretsen and contractor Brad Parsons (ILC) have been busy over the past few weeks, presenting to Homer High School students, attending a luncheon at the Senior Center, conducting interviews with individuals with disabilities, and talking with taxi companies.

Special thanks to Councilwoman Shelly Erickson for helping staff connect with truck and bus drivers. Julie Engebretsen and Jan Keiser held two focus group sessions for commercial drivers. Staff met with seven attendees, including the manager of Lynden Transport in Soldotna, the Homer Boat Yard that moves fishing vessels to and from the Homer Spit, gravel trucks and equipment movers, and fuel trucks. A common theme is the difficulty of turning large rigs through Homer's busy intersections, pictured below left, and planning for the long term movement of freight and materials to support the southern peninsula.



City staff, and consultant Kinney Engineering, held a public meeting at the college on November 9th, above right. About 25 members of the public turned out to learn about the survey results so far and comment on draft goals.

To date, 283 survey responses and 450 map comments have been received. Already, common themes have emerged, as seen below, that will help with priorities. Both surveys will close on Wednesday the 23rd, right before Thanksgiving. Over the holidays, general comments can be submitted via the project website. In the first quarter of 2023, outreach will resume as the draft plan comes together.



1st Quarter Sales Tax Revenues

Last week, the Kenai Peninsula Posted the taxable sales numbers for the first quarter of FY23 (third quarter of calendar year 2022), and we've set another record for the City of Homer. Taxable sales are reported at \$99,553,824, a \$6M increase over last year. The City expects to receive approximately \$4.8M in revenue which will be shared between the General Fund, HART, HAWSP, and the Police Station.

CTP and TAP Project Submission Update

Last week, the Alaska Department of Transportation and Public Facilities (DOT&PF) notified us that the following City of Homer non-motorized transportation projects meet the initial eligibility requirements and may be invited to submit a full application for funding under the State's Transportation Alternatives Program: Ben Walters Lane Sidewalk, Svedlund/Herndon Sidewalks, the Homer All Ages & Abilities Pedestrian Pathway and the Kachemak Drive Non-motorized Pathway. Meeting eligibility requirements is the first step in the project application process. The next steps are to wait for the State to publish timelines and guidelines for submitting a full project application and to work with our Regional DOT&PF planner to build project scopes and cost estimates. We have yet not heard back on the three road surface projects submitted for Community Transportation Program eligibility yet. I will keep you updated as the process progresses.

Borough-wide Joint Information System Review

Last week, Jenny Carroll, as the City's Public Information Officer, met with other emergency response personnel at the Kenai River Center in Soldotna to help update the Borough-wide Joint Information System (JIS). A JIS is a mechanism for affected and participating organizations to integrate and coordinate incident information to ensure timely, accurate, accessible, and consistent messaging during a crisis. The workshop, hosted by the Kenai Peninsula Borough Office of Emergency Management, gave an overview of the current Borough-wide Joint Information System Agreement (last updated in 2016), how it can be called upon and solicited recommendations on how the JIS Agreement could be updated and improved after two large two scale events: the Swan Lake Wildfire and the Seward landslide near Lowell Point. A final draft of the JIS Agreement will be distributed to local, Tribal, state, federal, and nongovernment partners for formal approval by their governing bodies. While the City, fortunately, has not had to call on area partners to activate the JIS, we are happy the Kenai Peninsula Borough's Emergency Operating Plan includes this formal mechanism for information gathering and sharing, which is vitally important when an incident surpasses local resources and capabilities.

Special Assessment District Regulation Review

Special Assessment Districts have been a challenge for the City in many different ways. I have tasked Special Project Coordinator Ryan Foster with an in-depth review of code, past and current practices, processes, etc. to help us reform the program to ensure it is useful for the public and reasonable for staff to manage across the multi-decade lifespan of many Districts. This project is in its early stages, but I expect we will come to Council next year with a work session, and more than likely, a proposal to update parts of City code.

Attachments: November & December Employee Anniversaries
KPEDD Industry Outlook Forum Save the Date Flyer



City of Homer

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Office of the City Manager

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(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: MAYOR CASTNER AND CITY COUNCIL
FROM: Andrea Browning
DATE: November 14, 2022
SUBJECT: November Employee Anniversaries

I would like to take the time to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

Dave Shealy	Police	25	Years
Jenna deLumeau	Finance	13	Years
Ian Overson	Police	11	Years
Cinda Nofziger	Library	1	Year
Pedro Ochoa	Public Works	1	Year



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Memorandum

TO: MAYOR CASTNER AND CITY COUNCIL
FROM: Andrea Browning
DATE: November 28, 2022
SUBJECT: December Employee Anniversaries

I would like to take the time to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

Mark Robl	Police	38	Years
Bryan Hawkins	Port	23	Years
Todd Cook	Public Works	13	Years
Sean Perry	Police	8	Years
Mike Zelinski	Public Works	8	Years
Josh Mershon	Port	3	Years
Regina Johanos	Library	2	Years
Jenna Luchaco	Public Works	1	Year
Del Masterhan	Port	1	Year



SAVE THE DATE
01.5.2023

INDUSTRY OUTLOOK FORUM

CHRISTIAN COMMUNITY CHURCH
HOMER, ALASKA

TO REGISTER, PLEASE VISIT:
[HTTPS://FORMS.GLE/JQOEUNGZVLBIADXH9](https://forms.gle/JQOEUNGZVLBIADXH9)

Featuring a Homer Panel of experts to discuss:

- *Childcare*
- *Housing*
- *Transportation*
- *The future for the community of Homer*

2023 Meeting Dates & Submittal Deadlines

Homer Planning Commission

Meeting dates are bolded and submittal deadlines are underneath

January 4, 2023

December 14 for Public Hearing Items
December 16 for Preliminary Plat Submittal
December 23 for Regular Agenda Items

January 18, 2023

December 28 for Public Hearing Items
December 30 for Preliminary Plat Submittal
January 6 for Regular Agenda Items

February 1, 2023

January 11 for Public Hearing Items
January 13 for Preliminary Plat Submittal
January 20 for Regular Agenda Items

February 15, 2023

January 25 for Public Hearing Items
January 27 for Preliminary Plat Submittal
February 3 for Regular Agenda Items

March 1, 2023

February 8 for Public Hearing Items
February 10 for Preliminary Plat Submittal
February 17 for Regular Agenda Items

March 15, 2023

February 22 for Public Hearing Items
February 24 for Preliminary Plat Submittal
March 3 for Regular Agenda Items

April 5, 2023

March 15 for Public Hearing Items
March 17 for Preliminary Plat Submittal
March 24 for Regular Agenda Items

April 19, 2023

March 29 for Public Hearing Items
March 31 for Preliminary Plat Submittal
April 7 for Regular Agenda Items

May 3, 2023

April 12 for Public Hearing Items
April 14 for Preliminary Plat Submittal
April 21 for Regular Agenda Items

May 17, 2023

April 26 for Public Hearing Items
April 28 for Preliminary Plat Submittal
May 5 for Regular Agenda Items

June 7, 2023

May 17 for Public Hearing Items
May 19 for Preliminary Plat Submittal
May 26 for Regular Agenda Items

June 21, 2023

May 31 for Public Hearing Items
June 2 for Preliminary Plat Submittal
June 9 for Regular Agenda Items

2023 Meeting Dates & Submittal Deadlines

Homer Planning Commission

Meeting dates are bolded and submittal deadlines are underneath

July 19, 2023

June 28 for Public Hearing Items
June 30 for Preliminary Plat Submittal
July 7 for Regular Agenda Items

August 2, 2023

July 12 for Public Hearing Items
July 14 for Preliminary Plat Submittal
July 21 for Regular Agenda Items

August 16, 2023

July 26 for Public Hearing Items
July 28 for Preliminary Plat Submittal
August 4 for Regular Agenda Items

September 6, 2023

August 16 for Public Hearing Items
August 18 for Preliminary Plat Submittal
August 25 for Regular Agenda Items

September 20, 2023

August 30 for Public Hearing Items
September 1 for Prelim. Plat Submittal
September 8 for Regular Agenda Items

October 4, 2023

September 13 for Public Hearing Items
September 15 for Preliminary Plat Submittal
September 22 for Regular Agenda Items

October 16, 2023

September 27 for Public Hearing Items
September 29 for Preliminary Plat Submittal
October 6 for Regular Agenda Items

November 1, 2023

October 11 for Public Hearing Items
October 13 for Preliminary Plat Submittal
October 20 for Regular Agenda Items

December 6, 2023

November 15 for Public Hearing Items
November 17 for Preliminary Plat Submittal
November 24 for Regular Agenda Item

PLANNING COMMISSION ANNUAL CALENDAR
FOR THE 2023 MEETING SCHEDULE

<u>MEETING DATE</u>	<u>SCHEDULED EVENTS OR AGENDA ITEM</u>
JANUARY 2023	
FEBRUARY 2023	PC training: legislative vs quasi-judicial decisions; decisions and findings
MARCH 2023	
APRIL 2023	2018 Comprehensive Plan Review
MAY 2023	
JUNE 2023	Reappointment Applications Deadline
JULY 2023	Reappointments by Council Spit Plan Review / Transportation Plan (One meeting this month)
AUGUST 2023	Election of Officers (Chair, Vice Chair) City Clerk PC training: Roberts rules, OMA Capital Improvement Plan Review
SEPTEMBER 2023	Economic Development speaker (such as KPEDD, chamber, SBA,)
OCTOBER 2023	
NOVEMBER 2023	(One meeting this month) Review and Approve the 2024 Meeting Schedule
DECEMBER 2023	(One meeting this month) Review Bylaws, Policies and Procedures

Semi Annually: PW project update

PLANNING COMMISSION ANNUAL CALENDAR
FOR THE 2023 MEETING SCHEDULE

Odd Years: 2018 Comprehensive Plan (April) Homer Spit Plan,
(July), Review Bylaws, and Policies and Procedures
(December)

Even Years: HNMTTP (April), Transportation Plan (July), Town
Center Plan (December)