



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer Agenda

Planning Commission Regular Meeting

Wednesday, June 16, 2021 at 6:30 PM

Council Chambers via Zoom Webinar

Webinar ID: 979 8816 0903 Password: 976062

Dial 669 900 6833 or 253 215 8782 or Toll Free 877 853 5247 or 888 788 0099

CALL TO ORDER, 6:30 P.M.

AGENDA APPROVAL

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

RECONSIDERATION

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

A. Planning Commission Regular Meeting Minutes of June 2, 2021 **p. 3**

B. Planning Commission Special Meeting Minutes for Session 21-11 Dated April 15, 2021 **p. 11**

PRESENTATIONS / VISITORS

REPORTS

A. Staff Report 21-37, City Planner's Report **p. 13**

B. Public Works Task Force **no packet materials**

PUBLIC HEARINGS

A. Staff Report 21-38, Conditional Use Permit CUP 21-06 to add multiple structures for office space, dwellings, and guestrooms/hotel at 1308 Lakeshore Dr. **p. 14**

B. Staff Report 21-39, Re: Ordinance amending the administrative appeals process for City Planning decisions under Homer City Code 21.91 and 21. 93 **p. 45**

PLAT CONSIDERATION

PENDING BUSINESS

NEW BUSINESS

INFORMATIONAL MATERIALS

A. City Manager's Report for June 14, 2021 City Council Meeting **no packet materials**

B. Kenai Peninsula Borough Notice of Decisions **p. 64**

C. Planning Commission Calendar **p. 67**

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, July 21, 2021 at 6:30 p.m. All meetings scheduled to be held virtually by Zoom Webinar from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission

Session 21-13, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:32 p.m. on June 2, 2021 at Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska, via Zoom Webinar. There is one vacancy due to a resignation on the Commission. There was no worksession conducted prior to the regular meeting.

PRESENT: COMMISSIONERS VENUTI, HIGHLAND, BENTZ, BARNWELL AND SMITH

ABSENT: COMMISSIONER BENTZ (EXCUSED)

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK KRAUSE
PORT DIRECTOR/HARBORMASTER HAWKINS

APPROVAL OF THE AGENDA

Chair Smith requested a motion to approve the agenda.

VENUTI/ HIGHLAND– MOVED TO APPROVE THE AGENDA PRESENTED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

- A. Planning Commission Regular Meeting Minutes of May 19, 2021
- B. Decisions and Findings Conditional Use Permit (CUP) 21-05 to expand a deck for outdoor seating at the Harbor Grill restaurant, 4262 Homer Spit Rd
- C. Memo from City Clerk, Re: Motion to Dismiss Appeal in the Matter of Conditional Use Permit 2020-15 and Order Granting Motion to Dismiss Appeal

Chair Smith read the Consent Agenda into the record and requested a motion.

HIGHLAND/CONLEY – SO MOVED.

There was no discussion.

VOTE. NON- OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS / VISITORS

REPORTS

A. Staff Report 21-34, City Planner's Report

Chair Smith introduced the item by reading of the title and requested City Planner Abboud to present his report to the Commission.

City Planner Abboud provided a summary of Staff Report 21-34 that was provided in the packet. He did note that he had some correspondence from the Kenai Peninsula Borough regarding the lots that were owned by the Borough next to and neighboring the Homer Boatyard. They would like to have them designated Commercial. He reported on the conversations he had with the Corps of Engineers and the lots closest to the Homer Boatyard were not as high valued wetlands. City planner Abboud also noted the potential value for stormwater management.

Commissioner Highland volunteered for June 28, 2021 Council Meeting and Chair Smith volunteered for the June 14, 2021 Council meeting.

City Planner Abboud responded and facilitated discussion on the Homer Boatyard expansion and the travel lift and the previous decisions from the Planning Commission to allow building heights to 55 feet. Points and comments made during the ensuing discussion covered the drainage mitigation efforts that may be required and the impact with future development that the Boatyard expansion will bring to the area.

B. Public Works Campus Task Force Report

Chair Smith introduced the item and asked for Commissioner Barnwell to provide his report.

Commissioner Barnwell stated that he did not attend that meeting.

Deputy City Clerk Krause reported that she provided a written report for the packet and would be happy to answer questions.

There was no discussion on the report provided.

PUBLIC HEARINGS

A. Staff Report 21-35, An Ordinance to add onsite consumption endorsement for marijuana retail facilities as an allowed use

Chair Smith introduced the item by reading of the title. He invited City Planner Abboud to provide his report.

City Planner Abboud provided a summary of Staff Report 21-35.

Chair Smith opened the public hearing.

Chris Logan, owner of Cosmic Seaweed located in Old Town, commented in support of the proposed ordinance noting the State regulations required to conduct onsite consumption.

Chair Smith closed the public hearing seeing no further audience members wishing to provide testimony. He opened the floor to questions from the Commission.

Discussion was facilitated on the following:

- Smoke and ventilation requirements and concerns for inebriated patrons driving
- Exposure of employees to the smoke from patrons
- Number of businesses in Homer in two that are allowed to provide onsite consumption
- Location of a proposed onsite consumption is near Bishop's Beach which is considered a destination for families with children and young teenagers
- The effect of prevailing winds on neighboring businesses and residents

Chair Smith hearing no further questions requested a motion.

VENUTI/HIGHLAND MOVE THAT THE PLANNING COMMISSION RECOMMENDS CITY COUNCIL APPROVE THE ORDINANCE TO AMEND HOMER CITY CODE TO ALLOW ONSITE CONSUMPTION.

Discussion ensued regarding the concept of allowing the consumption of marijuana; effects to neighboring property owners; not allowing onsite consumption in the Central Business District where most of the younger population congregates; concerns for public safety and increased threats to life safety; City Council is the final authority; alcohol has higher safety issues and concerns; not many local examples as there are only three onsite businesses in the state; process in presenting draft ordinances to the Commission and that all amendments to Title 21 are require to come before the Commission and for them to hold a public hearing; additional opportunity at the Council level for public input; the State has final approval of permitting but each permit comes to the City for review and input prior to approval.

VENUTI/HIGHLAND MOVED TO SUSPEND THE RULES TO ALLOW CHRIS LOGAN OF COSMIC SEAWEEED TO PARTICIPATE IN THE DISCUSSION.

There was no discussion.

VOTE. NON-OBJECTION. UANNIMOUS CONSENT.

Motion carried.

Chair Smith facilitated discussion and questions from the Commission with Ms. Logan on the following:

- Conducting tours for City Law Enforcement officials and members of City Council on the proposed onsite consumption operation
 - o This was an undocumented and informal tour
- Benefits to the existing business in the increase in business revenue, employees, additional activities such as paint night, pop up dinners with a visiting chef, etc.
- COVID 19 precautions and preventions

City Planner Abboud responded regarding other options for onsite consumption for the general public that are being discussed at this time by City Council were none. He stated that it would not be allowed on city property in regards to leased lands. The City cannot declare something that conflicted with state statutes.

Chair Smith reviewed the motion on the floor.

Commissioner Venuti called for the vote.

VOTE. YES. HIGHLAND, BARNWELL
VOTE. NO. CONLEY, SMITH, VENUTI

Motion failed.

PLAT CONSIDERATION

PENDING BUSINESS

NEW BUSINESS

- A. Memo from City Clerk, Re: Introduction of an Ordinance amending the administrative appeals process for City Planning decisions under Homer City Code 21.91 and 21. 93

Chair Smith introduced the item into the record and invited the City Planner to provide input on the matter.

City Planner Abboud provided a summary review of what and how the draft ordinance would be applied referencing the information provided in the memorandum from City Clerk Jacobsen.

Commissioner Highland requested a brief recess.

Chair Smith called for a recess at 7:55 p.m. The meeting was called back to order at 8:01 p.m.

City Planner Abboud finalized his review of the proposed changes to Title 21.91 and 21.93

Commissioner Highland requested clarification on page 49 in the packet, section 21.93.300 regarding items coming before the Commission would not happen and the qualifications of a Hearing officer since they would not necessarily have the experience that the Planning Commission would have.

Chair Smith commented that he reviewed the draft and believed it to be incredibly thorough and very timely.

VENUTI/HIGHLAND MOVE TO RECOMMEND THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.91 TO REMOVE BOARD OF ADJUSTMENT AND HOMER CITY CODE 21.93 ADMINISTRATIVE APPEALS, ESTABLISHING THAT ADMINISTRATIVE APPEALS FROM CERTAIN FINAL CITY PLANNING DECISIONS SHALL BE FILED BEFORE A HEARING OFFICER AND SUPPLEMENTING NOTICE REQUIREMENTS BE MOVED TO PUBLIC HEARING.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 21-36, Extending the No Wake Zone in City Tidelands, Closing Areas to Motorized Vessels & Funds for Regulation Changes.

Chair Smith introduced the item by reading of the title and noted that they received public comment and confirmed with the Commission that they had a chance to review the comments received

The Commissioners present did not indicate that they needed additional time for review of public comment.

City Planner Abboud reviewed Staff Report 21-36 for the Commission and noted that Port Director Hawkins was present to answer any questions.

Port Director Hawkins facilitated discussion and responded to the following topics:

- This was before the Port & Harbor Advisory Commission and they supported it as written
- The previous action taken by the Parks, Art, recreation & Culture Advisory Commission to prohibit personal watercraft from being launched from city beaches and in fact widen it to encompass any motorized watercraft to launch from city beaches without the harbormaster's approval.
- Limited the launching of watercraft to the Load and Launch Ramp in the Harbor

- City Council is directing this change to Title 10.08.210 regarding the vessel speed and no wake zones
- There has only been one recent incident of some horseplay that was immediately handled by Harbor staff.
- Contact with the Harbormasters in Seward, Whittier, Valdez regarding personal watercraft use since they have always been allowed there and they have rental companies in their communities. Seward reported having an issue with one private operator and he put a boot on the trailer and dealt with the issue.
- Clarifying the areas, using the map provided in the packet where vessels could be operated. It was noted that the map was for discussion purposes only.

City Planner Abboud responded that the purpose and intent was preemptive in nature and the issue was new for him.

Commissioner Conley questioned whether they were solving a problem or not.

VENUTI/HIGHLAND MOVED THAT THE PLANNING COMMISSION RECOMMENDS APPROVAL OF ORDINANCE 21-26 AS WRITTEN.

Discussion ensued on the nature of the ordinance addressing the issue of prohibiting motorized watercraft in these sensitive areas are a good idea; addressing the amendments proposed at the Council level; safety issues do promulgate regulations; will not negatively affect anyone to promote lower speed limits in city waters; and this is a form of zoning and planning and makes sense.

HIGHLAND/BARNWELL MOVED TO AMEND THE MOTION TO RECOMMEND CITY COUNCIL INCLUDE IN ORDINANCE CLOSING THE SLOUGH BEHIND MARINER PARK, THE AREA OF MUD BAY CLOSEST TO SHORE, AND THE NICK DUDIAK FISHING LAGOON TO MOTORIZED VESSELS.

There was a brief discussion on the verbiage in the motion as this was a recommendation to City Council and including the map for reference; and review of the amendments that were proposed by Councilmember Aderhold and Evensen.

Deputy City Clerk Krause read the proposed amendment on the floor.

Chair Smith called for further questions.

Port Director Hawkins responded to Commissioner Conley that in comparison to other harbors Homer is different in that Kachemak Bay is a critical habitat area and the other harbors do not have anything specific as far as wake speed to his knowledge. He then addressed enforcement and acknowledged that their limits are ¼ mile outside the harbor entrance and it will be difficult to have harbor employees enforce wake speed; age limits of vessel operators. He stated that he was supportive of the ordinance.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

A. City Manager's Report for May 24, 2021 City Council Meeting

Chair Smith commented in support of having the inbound EMS Patient Loading at ramp 7 stating that he has had several incidents over the last 10 years with people overboard and expressing that this was a great asset.

B. Planning Commission Calendar

City Planner Abboud commented on getting Public Works Director Keiser on the agenda to talk to them about the storm water planning and to get information from Port Director Hawkins on the Spit Parking Study.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY STAFF

Deputy City Clerk Krause commented that it was an interesting meeting with a variety of topics and opined that it may be time for the City to start thinking about funding for a harbor patrol or HPD in boats similar to other communities. Homer is growing and with the popularity of the beaches and such it gets more crowded each year.

COMMENTS OF THE COMMISSION

Commissioner Highland commented interesting topics and thoughtful comments.

Commissioner Venuti expressed his appreciation also for the topics and addressing the appeals process.

Commissioner Conley commented it was an interesting meeting.

Commissioner Barnwell commented that he was not a fan of PWCs and great discussions.

Chair Smith commented that he appreciated the discussions tonight, the efforts of staff and related an incident he experienced with the Coast Guard and Troopers being able to board his boat to check out his licenses.

ADJOURN

There being no further business before the Commission the meeting was adjourned at 9:00 p.m. Next Regular Meeting is Wednesday, June 16, 2021 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.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: _____

Session 21-10, a Special Meeting of the Planning Commission was called to order by Chair Scott Smith at 5:30 p.m. on April 15, 2021 at Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska, via Zoom Webinar.

PRESENT: COMMISSIONERS BARNWELL, CONLEY, HIGHLAND, SMITH, HIGHLAND

ABSENT: COMMISSIONERS BENTZ (EXCUSED)

STAFF: CITY CLERK JACOBSEN

AGENDA APPROVAL

HIGHLAND/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PENDING BUSINESS

NEW BUSINESS

- a. Memorandum from City Clerk Re: Appellant Motion for the Disqualification and Termination of Chair Smith from further participation in the appeal of Zoning Permit 1020-782 and of his seat on the Planning Commission.

Chair Smith passed the gavel to senior member Highland to serve as Acting Chair.

Acting Chair Highland explained that the commission would be taking up separately the two matters raised in the motion that was filed regarding Chair Smith. The disqualification will be addresses first, then the termination. She further explained Mr. Griswold and Attorney Holmquist would be give three minutes each to comment regarding the motion. She opened the floor to Mr. Griswold.

Frank Griswold, appellant, read from the motion he filed that was included in the packet to state the reasoning for disqualifying and terminating Chair Smith.

Attorney Holmquist, representing the City as appellee, rebutted that the reasoning provided doesn't warrant disqualification from participation and City Code outlines that the Commission does not have the authority to terminate a Commissioner, only Council has that authority.

Acting Chair Highland opened the floor for a motion and discussion regarding the disqualification of Chair Smith.

VENUTI MOVED TO DISQUALIFY CHAIR SMITH FROM FURTHER PARTICIPATION IN THE PENDING APPEAL.

Motion failed with lack of a second.

Acting Chair Highland opened the floor for a motion and discussion regarding the termination of Chair Smith's appointment.

VENUTI MOVED TO RECOMMEND TO MAYOR AND CITY COUNCIL THAT CHAIR SMITH'S APPOINTMENT BE TERMINATED.

Motion failed with lack of a second.

Chair Smith resumed the gavel.

COMMENTS OF THE AUDIENCE (3 minute time limit)

ADJOURN

VENUTI/HIGHLAND MOVED TO ADJOURN AND DELIBERATE IN PRIVATE.

There was brief discussion confirming their desire to deliberate despite the absence of Commissioner Bentz.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There being no further business to come before the Commission Chair Smith adjourned the meeting at 6:08 p.m. The next Regular Meeting is Wednesday, April 21, 2021 at 6:30 p.m. and a Worksession at 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.

Melissa Jacobsen, MMC, City Clerk

Approved: _____



City of Homer

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Planning

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(f) 907-235-3118

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: June 16, 2021
SUBJECT: Staff Report 21-37, City Planner's Report

6.14.21 City Council

Resolution 21-038, A Resolution of the City Council of Homer, Alaska Amending the Homer Fee Schedule Under City Clerk Fees and Planning and Zoning Fees. City Clerk. Follows Ordinance 21-32.

Memorandum 21-0xx from City Planner Re: Dedication of Easy Street

Resolution 21-0xx, A Resolution of the City Council of Homer Alaska Approving the 2021 update of the Community Design Manual. City Manager/City Planner.

Economic Development Advisory Commission

The EDC hosted a successful set of pop up gatherings around town to talk about wayfinding and streetscapes. The next step is for the consultant to produce a draft plan for the EDC's review, tentatively in August. A lot of great ideas were heard from participants.

The EDC also provided comments on the draft CEDS. We look forward to seeing how the City's economic development efforts can be part of a region wide effort. The EDC will not meet in July.

Commissioner report to City Council

6/28 _Roberta_____

7/26 _____

8/9 _____



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Staff Report 21-38

TO: Homer Planning Commission
FROM: Rick Abboud, City Planner, AICP
DATE: June 16, 2021
SUBJECT: Conditional Use Permit (CUP) 21-06

Synopsis The applicant proposes to construct 6 structures that will provide 8 bedrooms, an office, common area, and storage in addition to the 2 existing one-bedroom cabins found on the site. Other site improvements include a partially enclosed event pavilion, and two RV pads. A Conditional Use Permit (CUP) is required per HCC 21.21.030(j), more than one building containing a permitted principle use on a lot.

Applicant: Forest and Stephanie Greer/Homer Sea Plane Base LLC
41390 Ptarmigan Heights Dr.
Homer AK 99603

Location: 1308 Lakeshore Dr.

Legal Description: T 6S R 13W SEC 21 SEWARD MERIDIAN HM 2007055 BAY VIEW SUB
TULIN ADDN LOT 91A

Parcel ID: 17918132

Size of Existing Lot: 1.02 Acres

Zoning Designation: General Commercial 1 District

Existing Land Use: Float Plane docks and cabins

Surrounding Land Use: North: Beluga Lake
South: Commercial/dwelling
East: Lodging/dock
West: Lodging/dock

Comprehensive Plan: *GOAL 1: Guide Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions. Implementation Strategies. 4. Commercial districts – encourage residential uses, while recognizing the primacy of commercial and/or industrial uses.*

Wetland Status: Wetlands may be present – Applicant will need Army Corp approval.

Flood Plain Status: Flood plain standards will require review of improvements closest to the lake. The lake is subject to a Letter of Map Revision (LOMR). This revision determined a Base

	Floodplain Elevation (BFE) of 21 feet, per LOMP Case # 17-10-0041P dated March 21, 2017.
BCWPD:	Not within the Bridge Creek Watershed Protection District
Utilities:	Public utilities service the site.
Public Notice:	Notice was sent to 37 property owners of 26 parcels as shown on the KPB tax assessor rolls.

ANALYSIS: The applicant is proposing to create a hotel by constructing six structures in addition to the two dwellings onsite creating a total of ten bedrooms on-site. The applicant is also developing a two-space recreational vehicle park and an event pavilion.

Parking: The parking requirements for a hotel composed of unattached units that are not considered multi-family (more than 3 units) is to provide two spaces per dwelling unit, regardless of the efficiency units, which would only require one space for unit if located in a multi-family dwelling. When I calculate the amount of spaces required by code for all uses present, I find 25 spaces total.

If more than one use is found on a lot the amount of parking may be reduced to equal 75% of the total per HCC 21.55.090. When rounding numbers, I arrive at 19 spaces required which is the number of spaces provided. Nineteen spaces are expected to be adequate as it would be rare for a short-term efficiency unit to use two spaces.

Density: With a lot of over an acre, the proposed dwellings do not approach any type of regulatory floor area ratio that would be encountered in any multi-family standard within the city. Floor area is approximately 6000 square feet, which is nowhere near the maximum allowed in other districts for multi-family developments located on a 1 acre lot. Multi-family density is used as a reference measure of the density proposed, it is not a requirement in the GC1 District.

The site has an existing impervious coverage of 13,770 square feet. The applicant proposes to add 12, 801 square feet are for a total of 26,571 square feet. This reaches the threshold for the production of a Development Activity Plan and a Storm Water Plan. A Storm Water Plan will be required as part of a subsequent zoning permit for construction, as long as the impervious surfaces are greater than 25,000 square feet total.

Zoning requirements: Zoning requirements are found in code as it applies to all development requiring a zoning permit, any special conditions of a CUP regarding these requirements is a redundancy and not necessary. This proposal will need to comply with any Fire Marshal standards, Corp of Engineers requirements, and flood plain regulations in addition to any applicable City regulations.

Float Plane Docks: The State of Alaska owns much of the lake and the US Army Corp of Engineers may grant approval of any improvements to the facilities.

Recreational vehicle park: This is a permitted use that does not require a CUP. The park is required to meet the standards found in HCC 21.54, Article 2. The applicant has a responsive application in regards to the standards. The development items addressed include minimum lot size, stall size, water and wastewater facilities, parking, driving lanes, and common areas.

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

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

Analysis: A Conditional Use Permit (CUP) is required per HCC 21.21.030(j) More than one building containing a permitted principle use on a lot. Permitted uses include 21.24.020 (a) Air Charter and Floatplane tie-up facility, (c) Dwellings units located in buildings primarily devoted to business use, (k) Hotel/motel, (gg) Recreational vehicle parks.

Finding 1: The applicable code authorizes each 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.

21.24.010 Purpose.

The General Commercial 1 (GC1) District is primarily intended to provide sites for businesses that require direct motor vehicle access and may require larger land area, and to provide business locations in proximity to arterials and transportation centers. It is also intended to minimize congestion and adverse effects on adjacent residential districts and on the appearance of the community.

Applicant:

THIS DEVELOPMENT PROPOSAL LIES ON BELUGA LAKE. BELUGA LAKE REPRESENTS A TRANSPORTATION CENTER AS IT SUPPORTS FLOAT PLANE OPERATIONS. THIS DEVELOPMENT PROPOSES TO PROVIDE LODGING TO CLIENTS OF THE SEAPLANE BUSINESS, AS WELL AS PILOTS AND EMPLOYEES WHEN NEEDED. THE STRUCTURES ARE PERMITTED USES IN THE GC1 DISTRICT.

Analysis: This development proposal lies on Beluga Lake. Beluga Lake represents a transportation center as it supports float plane operations. Pilots will be able to fly into

Beluga Lake, and stay at the hotel. The structures and uses are permitted within the GC1 District.

Finding 2: The proposal supports uses and structures compatible with the GC1 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.

Applicant:

IN ADDITION TO INCREASING PROPERTY VALUES BY IMPROVING THE AESTHETIC OF THE PROPERTY AND PROMOTING BUSINESS, MANY USES IN THE GC1 DISTRICT HAVE GREATER NEGATIVE IMPACTS THAN LONG AND SHORT-TERM RENTALS. USES LIKE AUTO FUELING STATIONS AND HEAVY EQUIPMENT STORAGE WOULD HAVE GREATER IMPACTS ON NEARBY PROPERTY VALUES.

Analysis: Many uses in the GC1 district have greater negative impacts than would be realized from long or short-term rentals. Pipelines, mobile home parks, storage of heavy equipment, and auto fueling stations would have a greater impact on nearby property values.

Finding 3: The proposed development 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.

Applicant:

NEIGHBORING LAND USES INCLUDE AN EXISTING RV PARK, OTHER ON-SITE LODGING BUILDINGS, AND SEAPLANE BUSINESSES WITH DOCKS, LODGING, AND MULTIPLE STRUCTURES.

Analysis: Surrounding uses include commercial businesses, a floatplane lake with docks, and other floatplane operations with lodging in multiple structures. Beluga Lake has a history of supporting floatplane operations with on-site lodging for many decades.

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

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

Applicant:

THE NEIGHBORHOOD HAS EXISTING PUBLIC WATER, SEWER, AND FIRE SERVICES ADEQUATE TO SUPPORT THIS PROPOSAL.

Analysis: The neighborhood has a full accompaniment of utility and public services available.

Finding 5: Existing public, water, sewer, and fire services are adequate to serve the proposal.

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

Applicant:

THE DEVELOPMENT PROPOSES IMPROVEMENTS THAT MAINTAIN THE NEIGHBORHOOD CHARACTER. THE INCREASE IN TRAFFIC GENERATED FROM THE GREATER NUMBER OF GUEST ACCOMMODATIONS ON-SITE WILL NOT BE SIGNIFICANT NOR DETRIMENTAL TO NEIGHBORING PROPERTIES. IT IS VERY SIMILAR IN USE AND SCALE TO NEIGHBORING DEVELOPMENT.

Analysis: Desirable neighborhood character could be described by a portion of the Purpose statement for the district, which includes providing business locations in proximity to transportation centers that may require larger land areas. This development is very similar to approved structures and uses found adjacent to the proposal.

Finding 6: The Commission finds the proposal will not cause undue harmful effect upon desirable neighborhood character as described in the purpose statement of the district.

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

Applicant:

LODGING IS A PERMITTED USE IN MOST COMMERCIAL DISTRICTS IN HOMER. THIS DEVELOPMENT IS IN PROXIMITY TO EXISTING PUBLIC ROAD AND UTILITY SERVICES, AS WELL AS EMERGENCY SERVICES.

Analysis: Lodging is supported in most commercial districts in the city that are well served with infrastructure. The location of the project is well equipped with utilities, access to emergency services, and access to adequate transportation routes.

Finding 7: The proposal is not unduly detrimental to the health, safety or welfare of 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.

Analysis: The proposal does not seek the relaxation of any regulation. An approved CUP and subsequent zoning permit will allow compliance with the title for use.

Finding 8: Successful completion of the permitting process will allow the project to comply with applicable regulations and conditions.

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

Applicant:

GOAL 1 OF THE HOMER COMPREHENSIVE PLAN IS THE INCREASE OF "SUPPLY AND DIVERSITY OF HOUSING" AND "ENCOURAGING INFILL". THIS PROJECT REPRESENTS INFILL AND PROVIDES LODGING THAT ASSISTS THE DIVERSIFICATION OF HOUSING. OBJECTIVE A OF THE HCP CALLS FOR THE

Analysis: Goals of the Land Use Chapter of the Homer Comprehensive Plan include: GOAL 1: Guide Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill ... and Objective A: Continue to accommodate and support commercial, residential and other land uses, consistent with the policies of this plan.

Finding 9: No evidence has been found that the proposal is contrary to the applicable land use goals and objectives of the Comprehensive Plan.

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

Analysis: The outdoor lighting section of the CDM is applicable with the GC1 District lying south of Beluga Lake.

Finding 10: The outdoor lighting section of the CDM is applicable to the project.

Condition 1: 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:** No specific conditions deemed necessary
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 4. Street and road dedications and improvements:** No specific conditions deemed necessary.
- 5. Control of points of vehicular ingress and egress:** No specific conditions deemed necessary.
- 6. Special provisions on signs:** No specific conditions deemed necessary.
- 7. Landscaping:** No specific conditions deemed necessary.

8. Maintenance of the grounds, building, or structures: No specific conditions deemed necessary.

9. Control of noise, vibration, odors or other similar nuisances: No specific conditions deemed necessary.

10. Limitation of time for certain activities: No specific conditions deemed necessary.

11. A time period within which the proposed use shall be developed: No specific conditions deemed necessary.

12. A limit on total duration of use: No specific conditions deemed necessary.

13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.

14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.

PUBLIC WORKS COMMENTS: Please advise the property owner that they will need to work with ADEC for a “Community Sewer” Design.

FIRE DEPARTMENT COMMENTS: None

PUBLIC COMMENTS: None

STAFF COMMENTS/RECOMMENDATIONS: Planning Commission approve CUP 2021-06 with findings 1-10 and the following condition(s).

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

Attachments

Application

Public Notice

Aerial Photograph



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Applicant

Name: FORREST AND STEPHANIE GREER Telephone No.: +1.612.644.8936

Address: SAME AS BELOW Email: _____

Property Owner (if different than the applicant):

Name: HOMER SEAPLANE BASE, LLC Telephone No.: _____

Address: 41390 PTARMIGAN HEIGHTS DR., HOMER, AK 99603 Email: HOMERSHEAPLANEBASE@GMAIL.COM

PROPERTY INFORMATION:

Address: 1308 LAKESHORE DR. Lot Size: 1.02 acres KPB Tax ID # 179-181-32

Legal Description of Property: T 6S R 13W S 21 SM HM 2007055 BAY VIEW SUB TULIN ADDN LOT 91A

For staff use:

Date: 5/26/21 Fee submittal: Amount \$200

Received by: JB Date application accepted as complete _____

Planning Commission Public Hearing Date: _____

Conditional Use Permit Application Requirements:

RECEIVED

MAY 12 2021

CITY OF HOMER
PLANNING/ZONING

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

Circle Your Zoning District

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

Circle applicable permits. Planning staff will be glad to assist with these questions.

- ☒ Y/N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: _____
- ☒ Y/N Will your development trigger a Development Activity Plan?
Application Status: APPLICATION FORTHCOMING _____
- ☒ Y/N Will your development trigger a Storm water Plan?
Application Status: APPLICATION FORTHCOMING _____
- ☒ Y/N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: NWP APPLICATION FORTHCOMING
- ☒ Y/N Is your development in a floodplain? If yes, a Flood Development Permit is required.
- ☒ Y/N Does your project trigger a Community Design Manual review?
If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>
- ☒ Y/N Do you need a traffic impact analysis?
- ☒ Y/N Are there any nonconforming uses or structures on the property?
- ☒ Y/N Have they been formally accepted by the Homer Advisory Planning Commission?
- ☒ Y/N Do you have a state or city driveway permit? Status: ACTIVE CITY DW PERMIT _____
- ☒ Y/N Do you have active City water and sewer permits? Status: ACTIVE _____

1. Currently, how is the property used? Are there buildings on the property? How many square feet? Uses within the building(s)?

CURRENTLY THE PRIMARY USE OF THE PROPERTY IS AIR CHARTER OPERATIONS AND FLOATPLANE TIE-UP FACILITIES. THE PROPERTY CONTAINS TWO, ONE-BEDROOM GUEST CABINS, AND ONE BUILDING WITH OFFICE SPACE FOR THE AIR CHARTER BUSINESS THAT OPERATES OFF OF BELUGA LAKE. THE APPROXIMATE SQUARE FOOTAGE OF THE CABINS ARE 800 AND 750 SQUARE FEET NOT INCLUDING THE DECKS AND WALKWAYS. IN ADDITION, THERE ARE TWO FLOAT PLANE DOCKS LOCATED OFF OF THE PROPERTY INTO BELUGA LAKE. THE EXISTING OFFICE IS APPROXIMATELY 450 SQ FT AND WILL BE REMOVED DURING THE NEW CONSTRUCTION.

2. What is the proposed use of the property? How do you intend to develop the property? (Attach additional sheet if needed. Provide as much information as possible).

THE PROPOSAL WILL CONTINUE THE USE AS AIR CHARTER OPERATIONS AND FLOATPLANE TIE-UP FACILITIES, INCREASE THE NUMBER OF GUEST CABINS TO CONSTITUTE A HOTEL LAND USE OF THE PROPERTY, AND ADD TWO RV PADS CONSTITUTING AN RV PARK. THE PROJECT WILL INCLUDE DEMOLITION OF THE EXISTING ONE-STORY OFFICE BUILDING. CONSTRUCTION WILL INCLUDE ONE, TWO-STORY BUILDING CONTAINING THE OFFICE AND ONE GUEST ROOM (WITH STUDIO LAYOUT); ONE, TWO-STORY BUILDING CONTAINING TWO GUEST ROOMS (WITH ONE-BEDROOM LAYOUT), AN EVENT ROOM, AND GUEST TOILETS; ONE, ONE-STORY GUEST CABIN (WITH TWO-BEDROOM LAYOUT); THREE GUEST CABINS (WITH ONE BEDROOM AND LOFT LAYOUT); ONE PARTIALLY ENCLOSED PAVILLION; ONE FLOATPLANE SLIPWAY; AND NECESSARY SITE IMPROVEMENTS. THE EXISTING GUEST CABINS WILL REMAIN IN THEIR SAME LOCATION AND CONDITION.

THE EXTERIOR MATERIALS OF THE NEW BUILDINGS WILL CONSIST OF LAP SIDING AND METAL SIDING IN EARTH TONES. THE ROOFS WILL MOST LIKELY BE METAL TO MATCH THE EXISTING BUILDINGS. ALL LIGHTING WILL BE DOWNWARD DIRECTIONAL AND CONFORM TO THE LIGHTING STANDARDS OF HCC 21.59.030.

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

- a. What code citation authorizes each proposed use and structure by conditional use permit?
HCC 21.24.020(a) AIR CHARTER AND FLOATPLANE TIE-UP FACILITY
HCC 21.24.020(c) DWELLING UNITS LOCATED IN BUILDINGS PRIMARILY DEVOTED TO BUSINESS USES
HCC 21.24.020(k) HOTELS AND MOTELS
HCC 21.24.020(gg) RECREATIONAL VEHICLE PARKS (HCC 21.54 ARTICLE II)
HCC 21.24.030(j) MORE THAN ONE BUILDING CONTAINING PRINCIPAL USE ON A LOT
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district.
THIS DEVELOPMENT PROPOSAL LIES ON BELUGA LAKE. BELUGA LAKE REPRESENTS A TRANSPORTATION CENTER AS IT SUPPORTS FLOAT PLANE OPERATIONS. THIS DEVELOPMENT PROPOSES TO PROVIDE LODGING TO CLIENTS OF THE SEAPLANE BUSINESS, AS WELL AS PILOTS AND EMPLOYEES WHEN NEEDED. THE STRUCTURES ARE PERMITTED USES IN THE GC1 DISTRICT.
- c. How will your proposed project affect adjoining property values?
IN ADDITION TO INCREASING PROPERTY VALUES BY IMPROVING THE AESTHETIC OF THE PROPERTY AND PROMOTING BUSINESS, MANY USES IN THE GC1 DISTRICT HAVE GREATER NEGATIVE IMPACTS THAN LONG AND SHORT-TERM RENTALS. USES LIKE AUTO FUELING STATIONS AND HEAVY EQUIPMENT STORAGE WOULD HAVE GREATER IMPACTS ON NEARBY PROPERTY VALUES.
- d. How is your proposal compatible with existing uses of the surrounding land?
NEIGHBORING LAND USES INCLUDE AN EXISTING RV PARK, OTHER ON-SITE LODGING BUILDINGS, AND SEAPLANE BUSINESSES WITH DOCKS, LODGING, AND MULTIPLE STRUCTURES.
- e. Are/will public services adequate to serve the proposed uses and structures?
THE NEIGHBORHOOD HAS EXISTING PUBLIC WATER, SEWER, AND FIRE SERVICES ADEQUATE TO SUPPORT THIS PROPOSAL.
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?
THE DEVELOPMENT PROPOSES IMPROVEMENTS THAT MAINTAIN THE NEIGHBORHOOD CHARACTER. THE INCREASE IN TRAFFIC GENERATED FROM THE GREATER NUMBER OF GUEST ACCOMMODATIONS ON-SITE WILL NOT BE SIGNIFICANT NOR DETRIMENTAL TO NEIGHBORING PROPERTIES. IT IS VERY SIMILAR IN USE AND SCALE TO NEIGHBORING DEVELOPMENT.
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?
LODGING IS A PERMITTED USE IN MOST COMMERCIAL DISTRICTS IN HOMER. THIS DEVELOPMENT IS IN PROXIMITY TO EXISTING PUBLIC ROAD AND UTILITY SERVICES, AS WELL AS EMERGENCY SERVICES.
- h. How does your project relate to the goals of the Comprehensive Plan?
Find it online at www.cityofhomer-ak.gov/planning/comprehensive-plan
GOAL 1 OF THE HOMER COMPREHENSIVE PLAN IS THE INCREASE OF "SUPPLY AND DIVERSITY OF HOUSING" AND "ENCOURAGING INFILL". THIS PROJECT REPRESENTS INFILL AND PROVIDES LODGING THAT ASSISTS THE DIVERSIFICATION OF HOUSING. OBJECTIVE A OF THE HCP CALLS FOR THE

- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (**circle each answer**)

1. Y/N Special yards and spaces.
2. Y/N Fences, walls and screening.
3. Y/N Surfacing of parking areas.
4. Y/N Street and road dedications and improvements (or bonds).
5. Y/N Control of points of vehicular ingress & egress.
6. Y/N Special provisions on signs.
7. Y/N Landscaping.
8. Y/N Maintenance of the grounds, buildings, or structures.
9. Y/N Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
10. Y/N Time for certain activities.
11. Y/N A time period within which the proposed use shall be developed.
12. Y/N A limit on total duration of use.
13. Y/N Special dimensional requirements such as lot area, setbacks, building height.
14. Y/N Other conditions deemed necessary to protect the interest of the community.

PARKING

1. How many parking spaces are required for your development? 18 (HCC 21.55.090(c))

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

2. How many spaces are shown on your parking plan? 19

3. Are you requesting any reductions? NO REDUCTIONS REQUESTED.

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

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

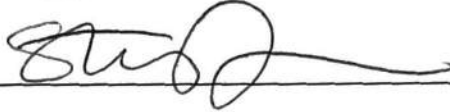
CIRCLE ONE:

Owner of record

Lessee

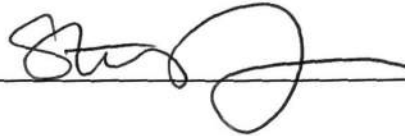
Contract purchaser

Applicant signature: _____



Date: 5/12/21

Property Owner's signature: _____



Date: 5/12/21

ASBUILT SURVEY

11/2/2020

NOTES:

1. THE SHEDS ON THE EAST SIDE OF THE PROPERTY ENCROACH ONTO LOT 90 (0.5' +/-).
2. THE SIGN LIES ENTIRELY WITHIN THE 10' UTILITY EASEMENT ALONG LAKE SHORE DR.

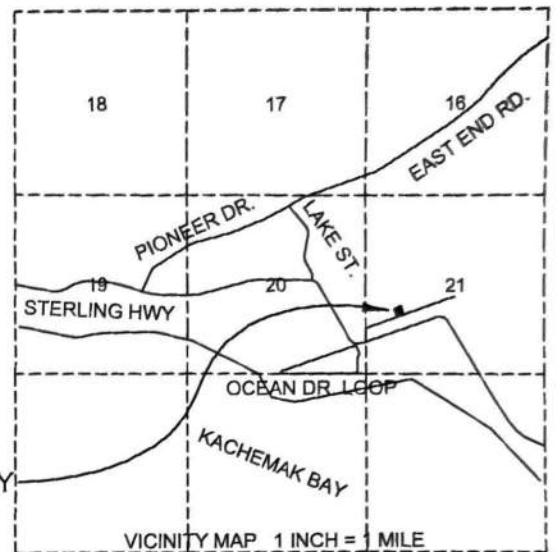
SCALE 1" = 67'

SEC. 21
T 6S R 13W

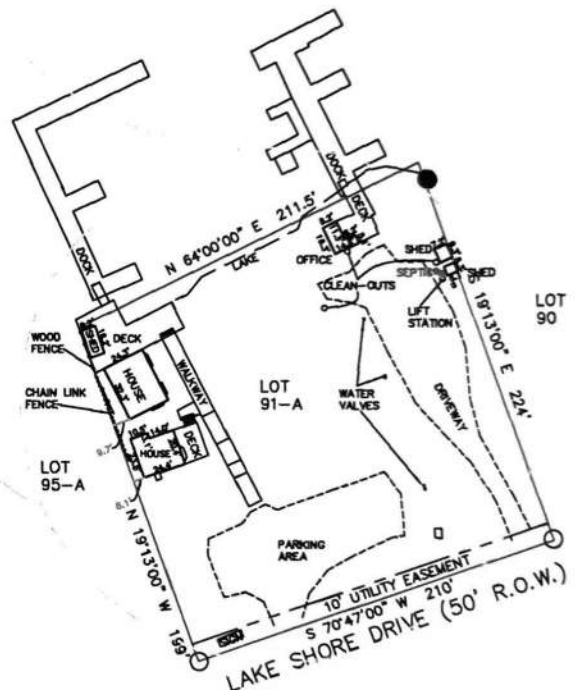
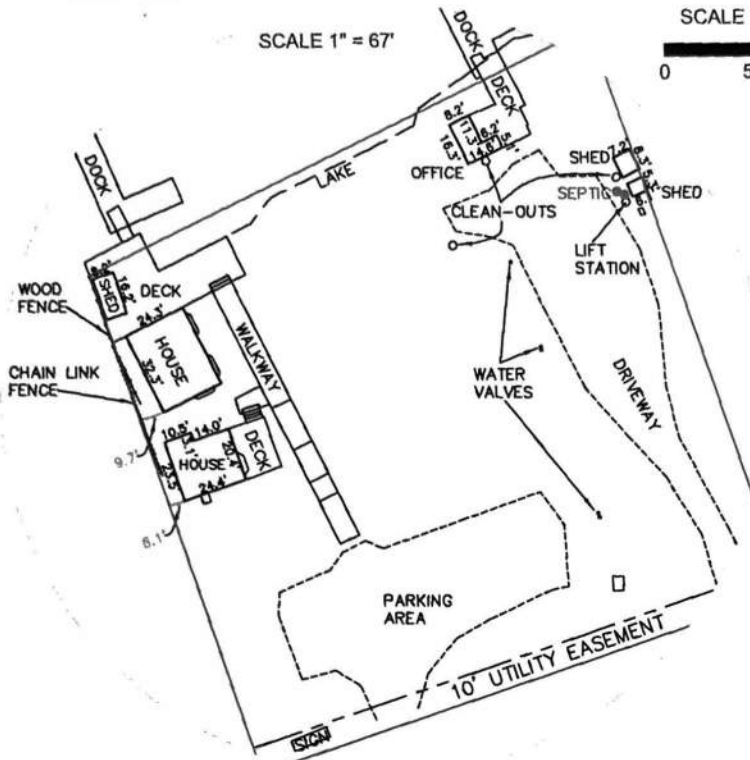
SCALE 1" = 100'

0 50 100

THIS
SURVEY



VICINITY MAP 1 INCH = 1 MILE



LEGEND:

- FOUND REBAR
- FOUND REBAR WITH PLASTIC CAP

It is the responsibility of the owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat.



I hereby certify that the information provided is true and correct to the best of my knowledge, and that accepted standards of accuracy have been maintained.

I hereby certify that I have performed an asbuilt survey of the following property:

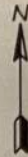
LOTS 91-A, BAY VIEW SUBD., SECTION 21,
TOWNSHIP 6 SOUTH, RANGE 13 WEST,
SEWARD MERIDIAN.

Homer Recording District, Alaska, and that the improvements situated thereon are within the property lines and do not overlap or encroach on any property lying adjacent thereto, and that no improvements on property lying adjacent thereto encroach on the premises in question, other than those shown.

FINELINE SURVEYS

P.O. Box 774
Anchor Point, Alaska 99556
Dmitri D. Kimbrell, RLS (907) 360 6382

SWIFT WATER DESIGN, LLC



NEIGHBORING LOTS



APPLICANT:
HOMER SEAPLANE BASE, LLC
1308 LAKESHORE DR.
HOMER, AK 99603
(T 6S R 13W SEC 21 SEWARD MERIDIAN HM
2007055 BAY VIEW SUB TULIN ADDN LOT 91A)
PARCEL ID: 17918132
LOT AREA: 1.02 AC

DS
SL



DOWNHILL OF GRAVEL PAD LOOKING EAST TOWARD DRIVEWAY.



BOTTOM OF YARD LOOKING NORTH TOWARD OFFICE.



SHORELINE LOOKING EAST TOWARD DRIVEWAY.



SHORELINE LOOKING SOUTHEAST AT EXISTING CABIN.



NORTH DOCK LOOKING SOUTH TOWARDS SOUTH PROPERTY CORNER.



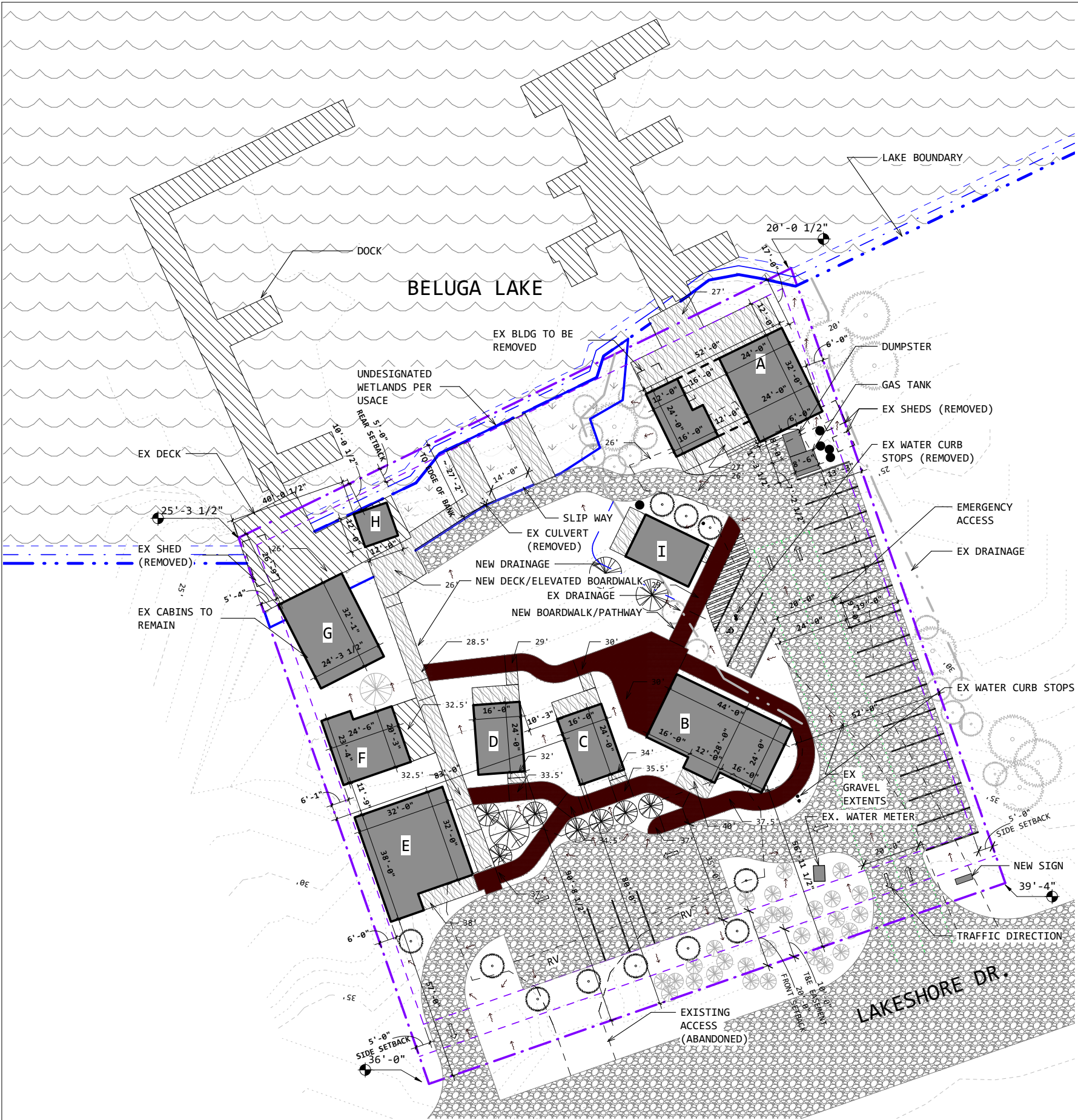
DRIVEWAY AT OFFICE LOOKING NORTHWEST TOWARD LAKE. NORTH DOCK IS VISIBLE AT LEFT.



DRIVEWAY AT OFFICE LOOKING NORTH TOWARD LAKE.



DRIVEWAY AT OFFICE LOOKING SOUTHWEST TOWARD EXISTING CABINS.



BUILDING SUMMARY:

- ALL GUEST ROOMS HAVE APARTMENT-STYLE LAYOUT WITH FULL KITCHENS AND BATHS.
- A. 2-STY MAIN BUILDING WITH OFFICE, STORAGE, AND STUDIO GUEST ROOM (SECOND LEVEL)
 - B. 2-STY BUILDING WITH 2, 1-BEDROOM GUEST ROOMS; HOTEL COMMON ROOM; COMMON TOILET FACILITIES
 - C. 1-STY GUEST CABIN WITH LOFT CONTAINING 1 BEDROOM
 - D. 1-STY GUEST CABIN WITH LOFT CONTAINING 1 BEDROOM
 - E. 1-STY GUEST CABIN WITH 2 BEDROOMS
 - F. 1-STY GUEST CABIN WITH 1 BEDROOM
 - G. 1-STY GUEST CABIN WITH 1 BEDROOM
 - H. PARTIALLY ENCLOSED EVENT PAVILLION
 - I. 1-STY GUEST CABIN WITH 1 BEDROOM

ZONING SUMMARY:

- ZONE: GC1
- LAND USE:
 - a. CONDITIONAL USE: MORE THAN ONE BUILDING CONTAINING A PERMITTED PRINCIPAL USE ON A LOT
 - b. AIR CHARTER OPERATIONS AND FLOATPLANE TIE-UP FACILITIES
 - c. DWELLING UNITS LOCATED IN BUILDINGS PRIMARILY DEVOTED TO BUSINESS USES
 - d. HOTEL (>5 GUEST ROOMS)
 - e. RECREATIONAL VEHICLE PARK
- LOT AREA: 44,431 SF
- IMPERVIOUS AREA: ALL DISTURBED AREAS, INCLUDING PREVIOUSLY DISTURBED AREAS, NOT CONTAINING AUTHORIZED IMPROVEMENTS WILL BE REVEGETATED.
 - a. EXISTING: 13,770 SF
 - b. PROPOSED: 26,571 SF (59.8%) (12,801 SF INCREASE)
- OFF-STREET PARKING: GUEST CABINS TREATED AS DWELLING UNITS
 - a. DWELLING UNIT: 2 PER DU; 9 DU X 2 = 18
 - b. OFFICE: 1 PER 300 SF; 820 SF / 300 = 2.7
 - c. STORAGE: 1 PER 3,000 SF; 284 SF / 3,000 = 0.1
 - d. RV PARK: 1 PER RV SPACE PLUS 1 GUEST PER 25; 2 SPACES X 1 + 2 SPACES / 25 = 2

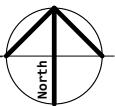
SUB TOTAL: 22.8

75% PARKING FOR MULTIPLE USES; $0.75 \times 22.8 = 17.1$

TOTAL REQUIRED: 18

TOTAL PROVIDED: 19

1 SITE PLAN
SCALE: 1" = 20'-0"



DRAWN ON ANSI D (22X34). SCALE 50% IF PRINTED ON TABLOID (11X17); DRAWINGS AT HALF SCALE.

10% - SITE PLANNING

NOT FOR CONSTRUCTION

Z ARCHITECTS LLC

HOMER SEAPLANE BASE

1308 LAKESHORE DR.
HOMER, AK 99603

10% SITE PLANNING

SUBMITTAL: 05.12.2021
DRAWN BY: CWR
CHECKED BY: MAZ
Z#21-19 COPYRIGHT: 2021

REVISIONS		
REVISION NUMBER	REVISION DESCRIPTION	REVISION DATE

A0.2
SITE PLAN



PROJECT INFORMATION

LEGAL DESCRIPTION

1308 LAKESHORE DR.
LOT 91A
T 6S R 13W S 21 SM HM 2007055 BAY VIEW SUBD., TULIN ADDN
HOMER, AK

CODE SUMMARY

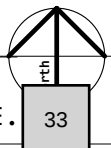
GOVERNING CODE:	2012 IBC
ALLOWABLE HEIGHT:	3 STORIES
ACTUAL BUILDING HEIGHT:	2 STORIES

NOTES:

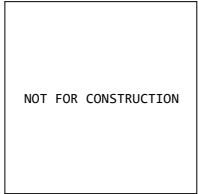
1. PROPERTY CONTAINS WETLANDS IDENTIFIED WITH A PRELIMINARY DETERMINATION.
2. PROPERTY ABOVE BELUGA LAKE OHW IS ENTIRELY WITHIN A ZONE X FLOOD HAZARD AREA. THIS AREA DOES NOT HAVE A BASE FLOOD ELEVATION. PROPERTY BELOW BELUGA LAKE OHW IS WITHIN ZONE A FLOOD HAZARD AREA.
3. AREAS USED FOR TEMPORARY SOIL STORAGE SHALL BE OUTSIDE ANY NATURAL RESOURCE OR SETBACK THERE FROM; CONTRACTOR SHALL SURROUND STORAGE AREA WITH SILT FENCING, OR COVER WITH TARP.
4. SURFACES ON THE SITE, DISTURBED DURING CONSTRUCTION, NOT DESIGNATED AS NATURAL VEGETATION AREAS AND NOT TO BE OCCUPIED BY BUILDINGS, STRUCTURES, STORAGE YARDS, DRIVES, WALKS, PEDESTRIAN AREAS, OFF-STREET PARKING OR OTHER AUTHORIZED INSTALLATIONS, SHALL BE RE-VEGETATED WITH PLANT MATERIAL OF THE LANDOWNER'S CHOICE. HOWEVER, THE PLANT MATERIALS SHALL NOT BE INVASIVE PLANTS AS LISTED IN THE SELECTED INVASIVE PLANTS OF ALASKA BOOKLET PRODUCED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE FOREST SERVICE, ALASKA REGION. TO PROMOTE RE-VEGETATION, BIODEGRADABLE EROSION CONTROL NETTING OR MULCH BLANKET SHALL BE USED ON DISTURBED SLOPES STEEPER THAN 3:1 (RUN TO RISE). SLOPES SHALL BE STABILIZED AND RE-SEEDING BEFORE SEPTEMBER 1. THE RE-SEEDING MATERIAL SHALL BE EROSION CONTROL VEGETATION, SUCH AS THOSE WITH AGGRESSIVE, NON-SOD-FORMING, ROOTING HABITS.
 - ALL DISTURBED AREAS TO BE SEEDED, SHALL BE SEEDED WITH AN ALASKA WILDFLOWER MIX.

1 SITE PLAN

SCALE: 1" = 20'-0"
DRAWN ON ANSI D (22X34). SCALE 50% IF PRINTED ON TABLOID (11X17); DRAWINGS AT HALF SCALE.



10% - SITE PLANNING



HOMER SEAPLANE BASE

10% SITE PLANNING

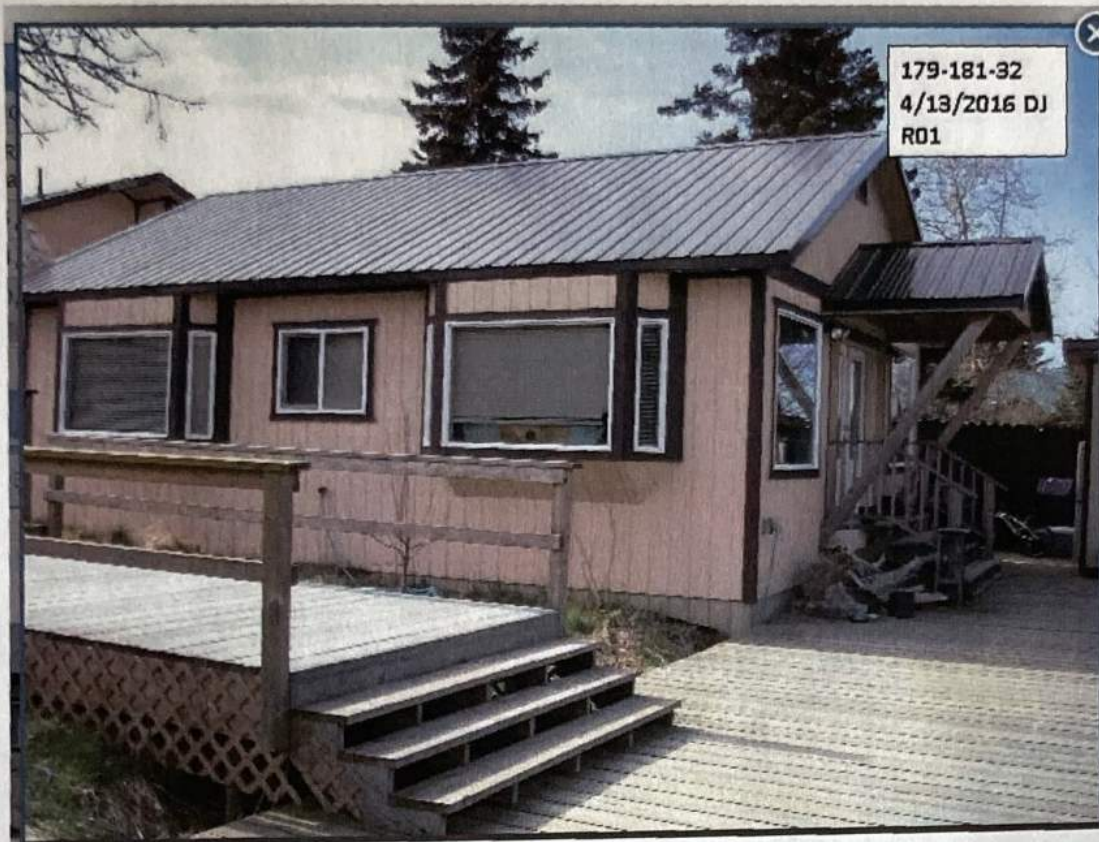
1308 LAKESHORE DR.
HOMER, AK 99603

SUBMITTAL: 05.12.2021
DRAWN BY: CWR
CHECKED BY: MAZ
Z#21-19 COPYRIGHT: 2021

REVISIONS		
REVISION NUMBER	REVISION DESCRIPTION	REVISION DATE

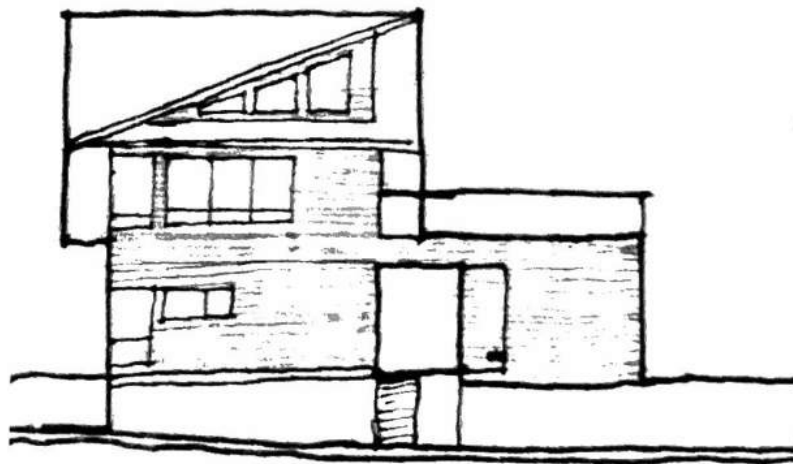
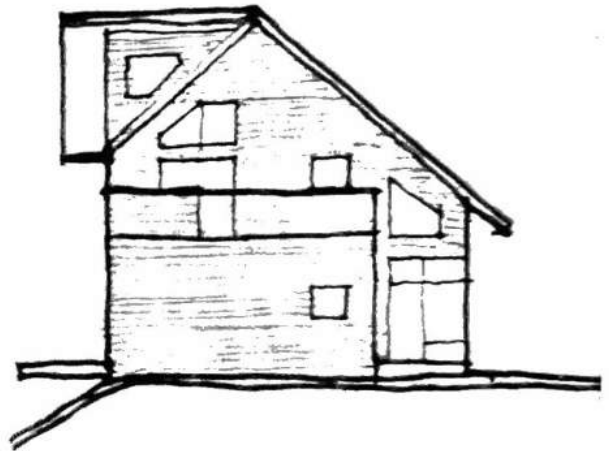
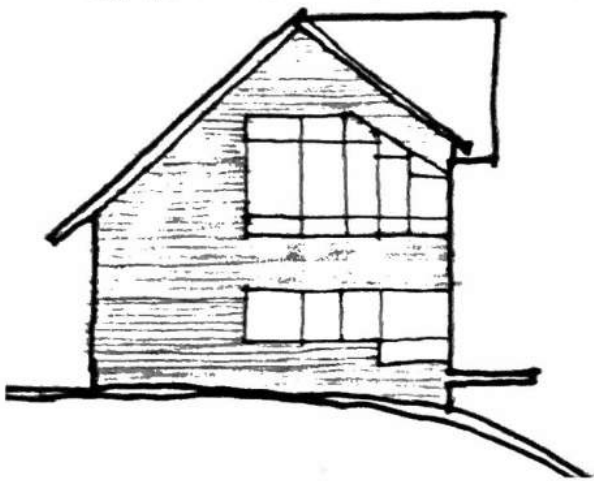
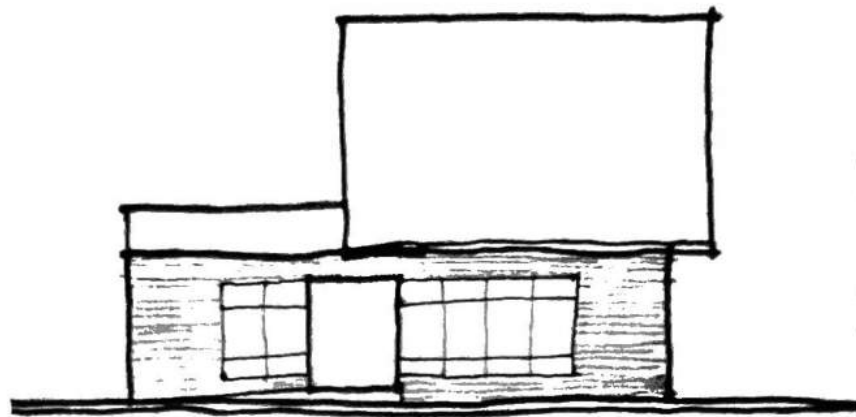
A0.1
VICINITY SITE PLAN

Top Photo: Existing dwelling nearest Beluga Lake in West corner of the Lot

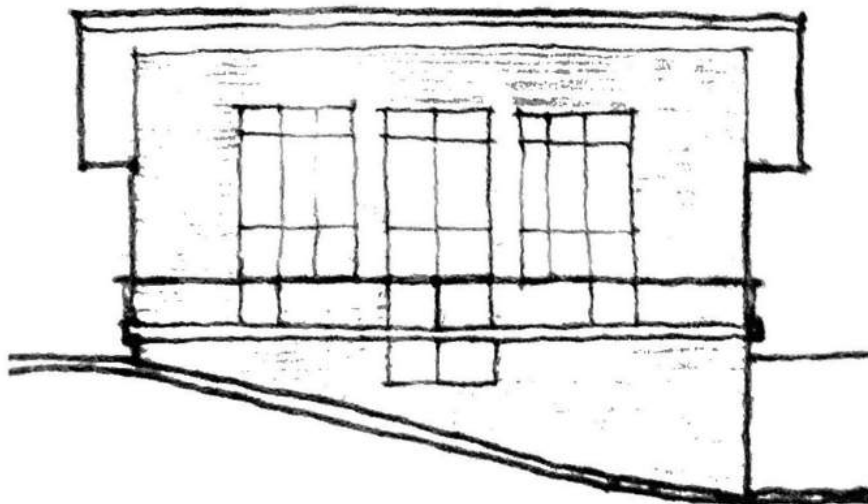
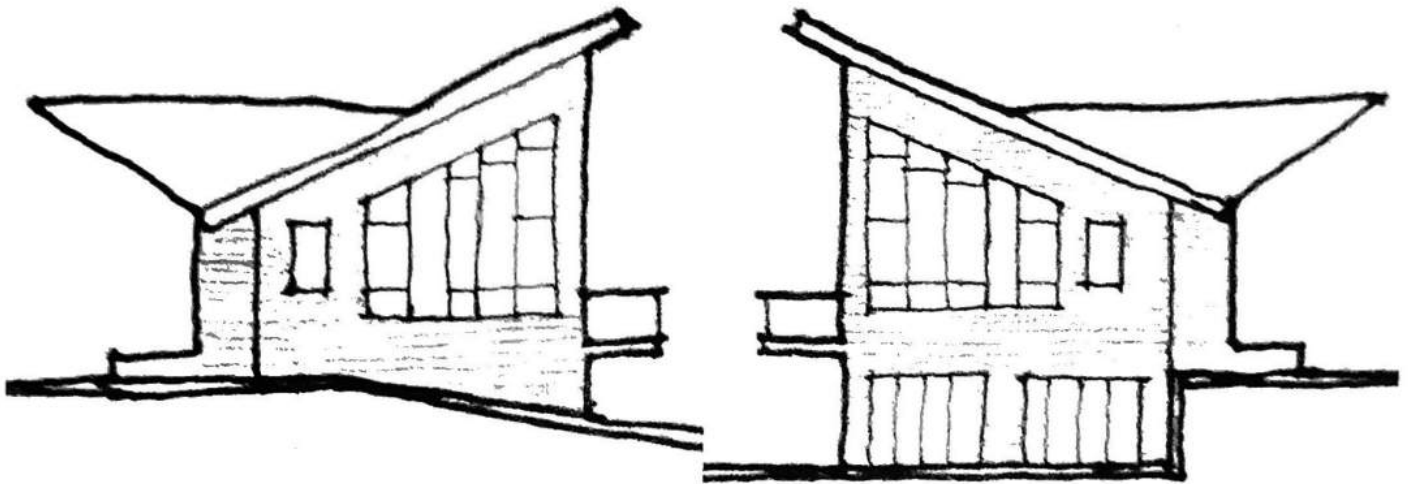
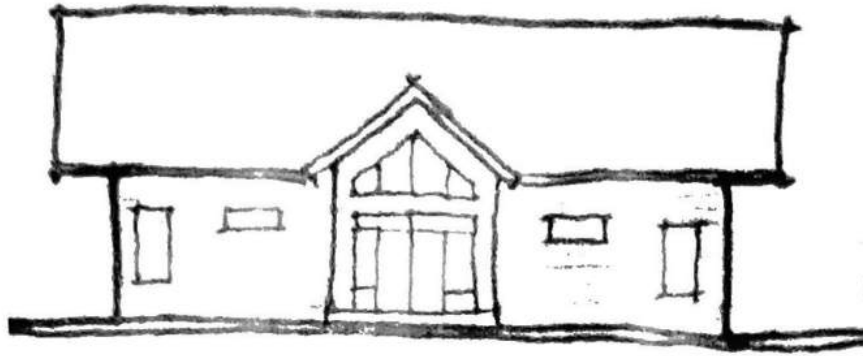


Bottom Photo: Existing dwelling adjacent to dwelling pictured above and closer to Ocar Dr.

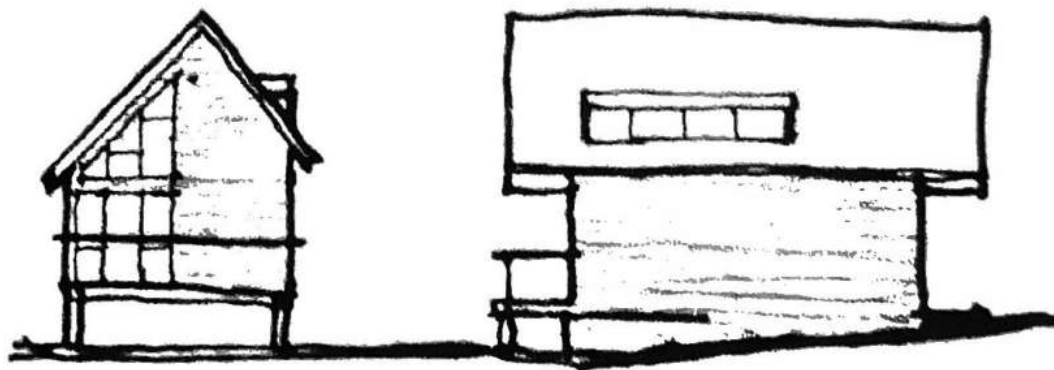
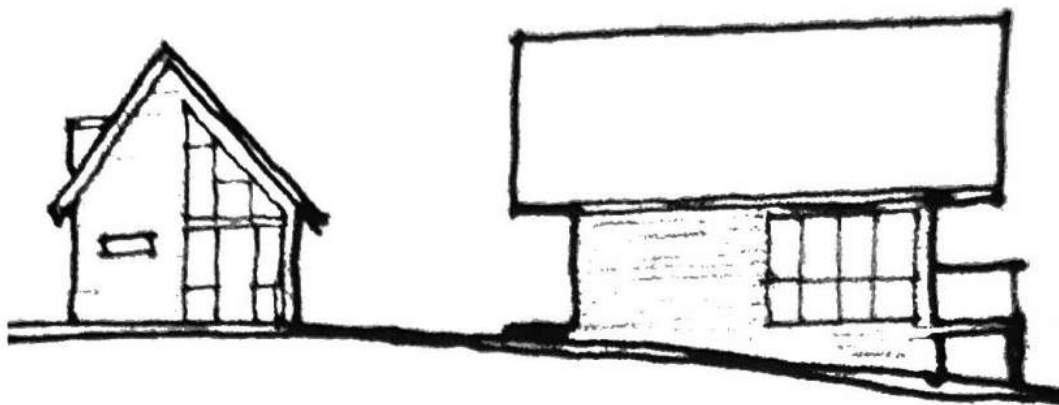




ELEVATIONS (SCALE $1/8'' = 1' - 0''$): BUILDING A: SOUTH, EAST, WEST, NORTH



ELEVATIONS (SCALE $1/8'' = 1' - 0''$): BUILDING B: SOUTH, EAST, WEST, NORTH



ELEVATIONS (SCALE $1/8'' = 1'-0''$):
BUILDINGS C, D, & I: SOUTH, EAST, NORTH, WEST



ELEVATIONS (SCALE $1/8'' = 1'-0''$): BUILDING E: SOUTH, EAST, NORTH, WEST

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Planning Commission on Wednesday, June 16, 2021 at 6:30 p.m. via a virtual meeting, on the following matter:

A request for Conditional Use Permit (CUP) 21-06 for a project that adds six primary structures including the following uses: office space, dwellings, guestrooms/hotel, and two Recreational Vehicle spaces at 1308 Lakeshore Dr., Lot 91A Bay View Sub Tulin Addn., Sec. 21, T. 6 S., R. 13W., S.M., HM 2007055. A CUP is required for more than one building containing a permitted principal use on a lot, according to HCC 21.24.030(j).

Anyone wishing to view the complete proposal, attend or participate in the virtual meeting, may do so by visiting the Planning Commission Regular Meeting page on the City's online calendar at <https://www.cityofhomer-ak.gov/calendar>. The materials and meeting information will be posted by 5pm on the Friday before the meeting.

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

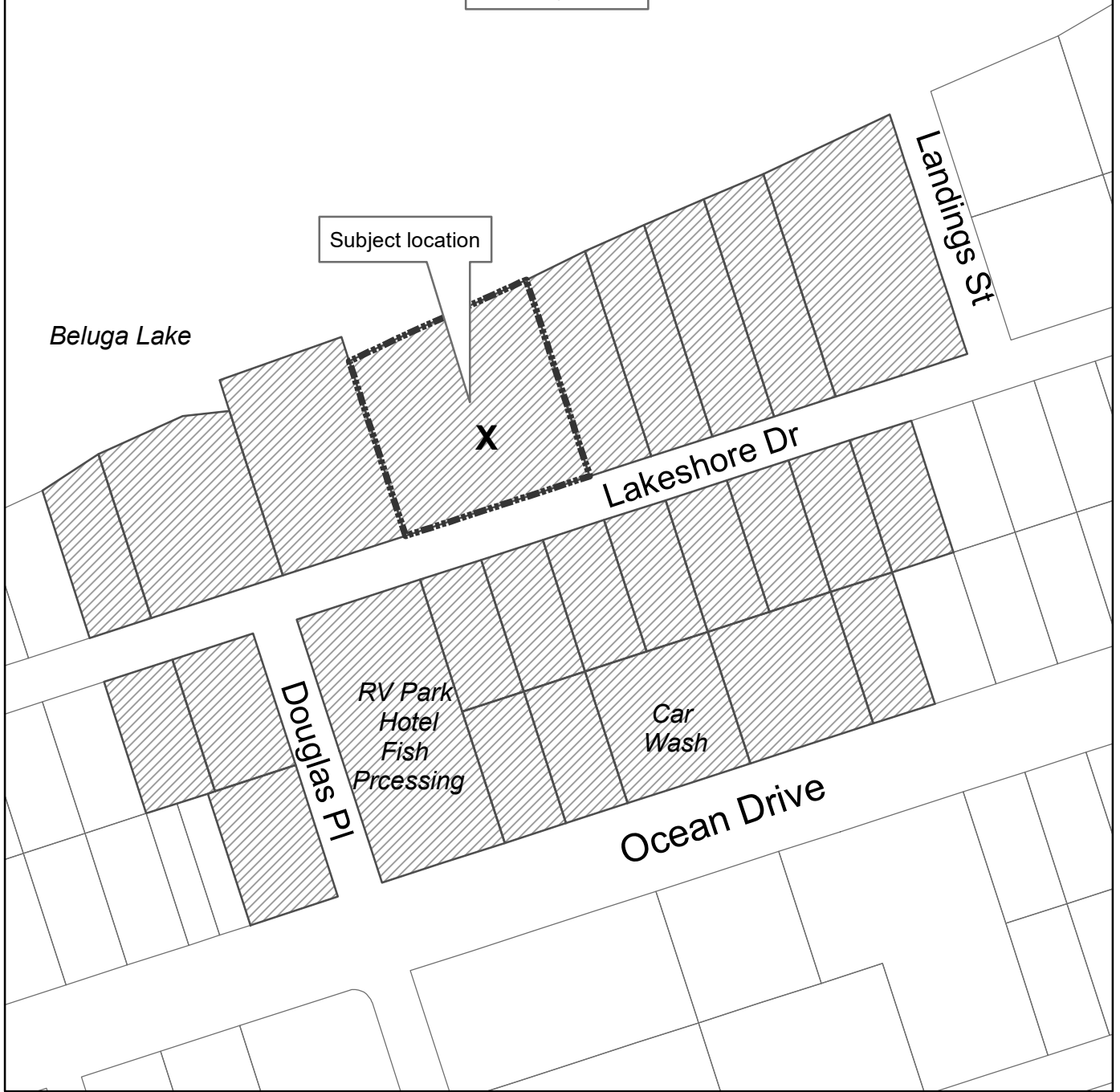
If you have questions or would like additional information about the proposal, please contact Rick Abboud with the Planning and Zoning Office at 235-3106. If you have questions about how to participate in the virtual meeting, please contact Renee Krause with the City Clerk's Office at 235-3130.

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

.....

VICINITY MAP ON REVERSE

Vicinity Map



City of Homer
Planning and Zoning Department

6/2/21

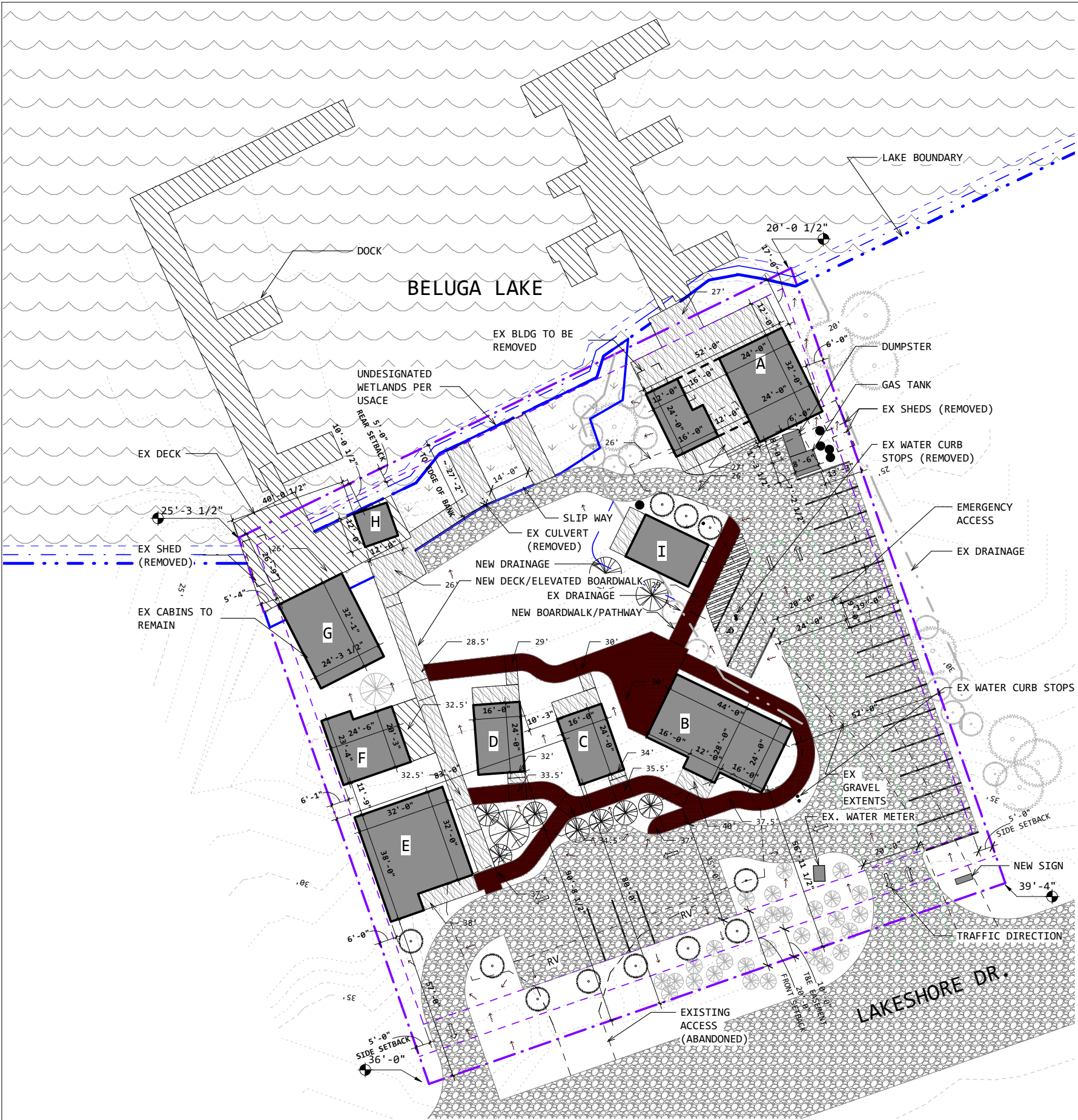
Request for CUP 21-06

Marked lots are within 300 feet and
property owners notified.

0 150 300 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.



BUILDING SUMMARY:

- ALL GUEST ROOMS HAVE APARTMENT-STYLE LAYOUT WITH FULL KITCHENS AND BATHS.
- A. 2-STY MAIN BUILDING WITH OFFICE, STORAGE, AND STUDIO GUEST ROOM (SECOND LEVEL)
 - B. 2-STY BUILDING WITH 2, 1-BEDROOM GUEST ROOMS; HOTEL COMMON ROOM; COMMON TOILET FACILITIES
 - C. 1-STY GUEST CABIN WITH LOFT CONTAINING 1 BEDROOM
 - D. 1-STY GUEST CABIN WITH LOFT CONTAINING 1 BEDROOM
 - E. 1-STY GUEST CABIN WITH 2 BEDROOMS
 - F. 1-STY GUEST CABIN WITH 1 BEDROOM
 - G. 1-STY GUEST CABIN WITH 1 BEDROOM
 - H. PARTIALLY ENCLOSED EVENT PAVILLION
 - I. 1-STY GUEST CABIN WITH 1 BEDROOM

ZONING SUMMARY:

- ZONE: GC1
- LAND USE:
 - a. CONDITIONAL USE: MORE THAN ONE BUILDING CONTAINING A PERMITTED PRINCIPAL USE ON A LOT
 - b. AIR CHARTER OPERATIONS AND FLOATPLANE TIE-UP FACILITIES
 - c. DWELLING UNITS LOCATED IN BUILDINGS PRIMARILY DEVOTED TO BUSINESS USES
 - d. HOTEL (>5 GUEST ROOMS)
 - e. RECREATIONAL VEHICLE PARK
- LOT AREA: 44,431 SF
- IMPERVIOUS AREA: ALL DISTURBED AREAS, INCLUDING PREVIOUSLY DISTURBED AREAS, NOT CONTAINING AUTHORIZED IMPROVEMENTS WILL BE REVEGETATED.
 - a. EXISTING: 13,770 SF
 - b. PROPOSED: 26,571 SF (59.8%) (12,801 SF INCREASE)
- OFF-STREET PARKING: GUEST CABINS TREATED AS DWELLING UNITS
 - a. DWELLING UNIT: 2 PER DU; 9 DU X 2 = 18
 - b. OFFICE: 1 PER 300 SF; 820 SF / 300 = 2.7
 - c. STORAGE: 1 PER 3,000 SF; 284 SF / 3,000 = 0.1
 - d. RV PARK: 1 PER RV SPACE PLUS 1 GUEST PER 25; 2 SPACES X 1 + 2 SPACES / 25 = 2

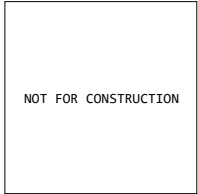
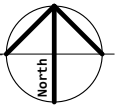
SUB TOTAL: 22.8

75% PARKING FOR MULTIPLE USES; 0.75 X 22.8 = 17.1

TOTAL REQUIRED: 18

TOTAL PROVIDED: 19

1 SITE PLAN
SCALE: 1" = 20'-0"



HOMER SEAPLANE BASE

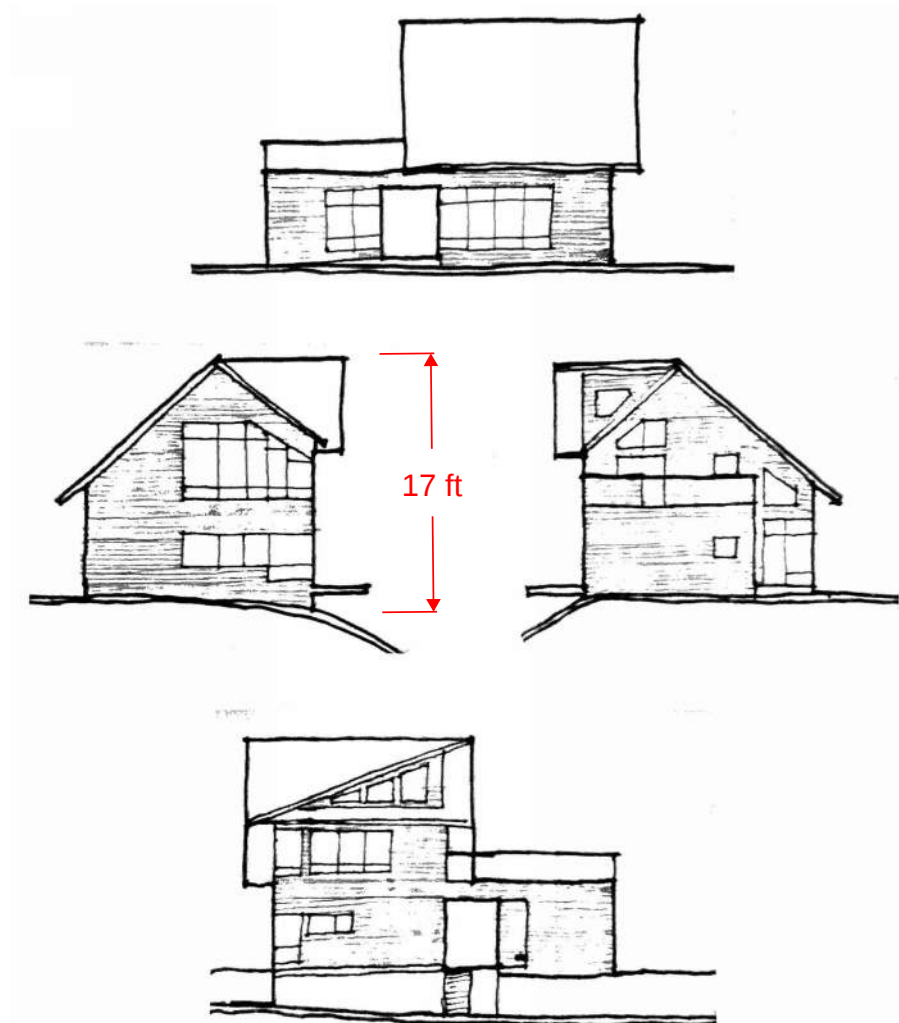
10% SITE PLANNING

**1308 LAKESHORE DR.
HOMER, AK 99603**

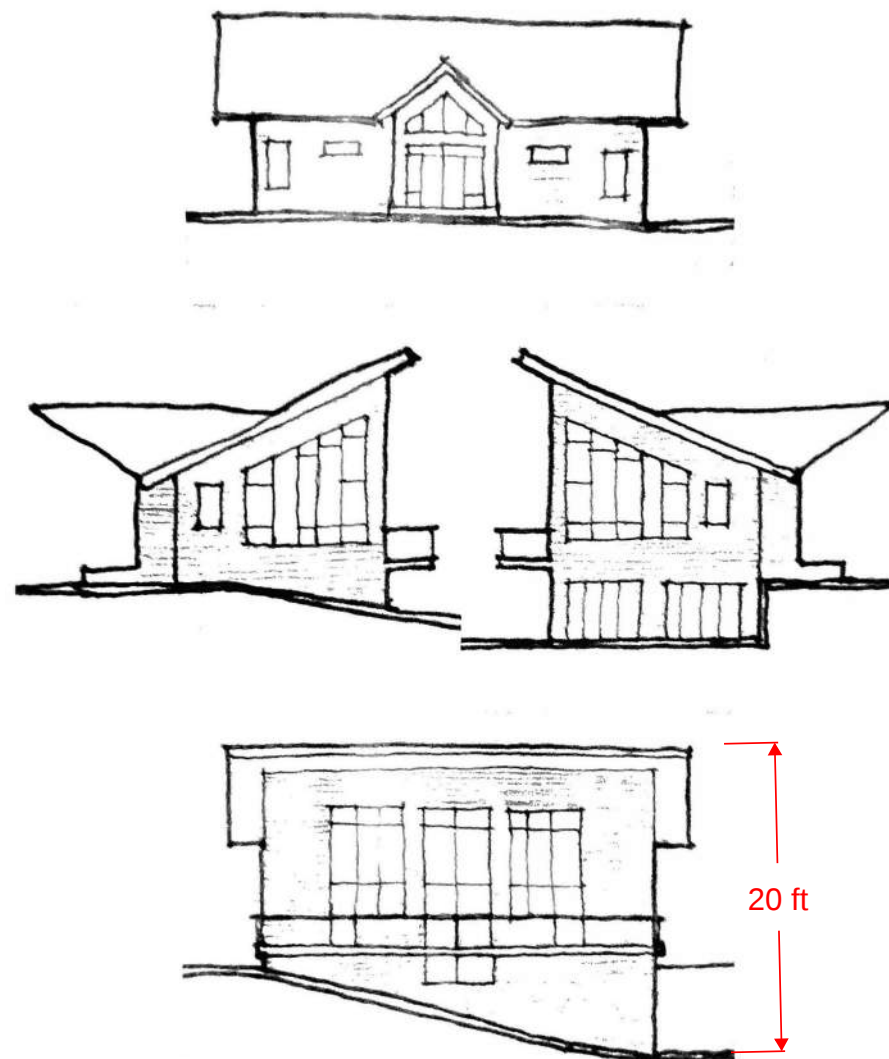
SUBMITTAL: 05.12.2021
DRAWN BY: CWR
CHECKED BY: MAZ
Z#21-19 COPYRIGHT: 2021

REVISIONS		
REVISION NUMBER	REVISION DESCRIPTION	REVISION DATE

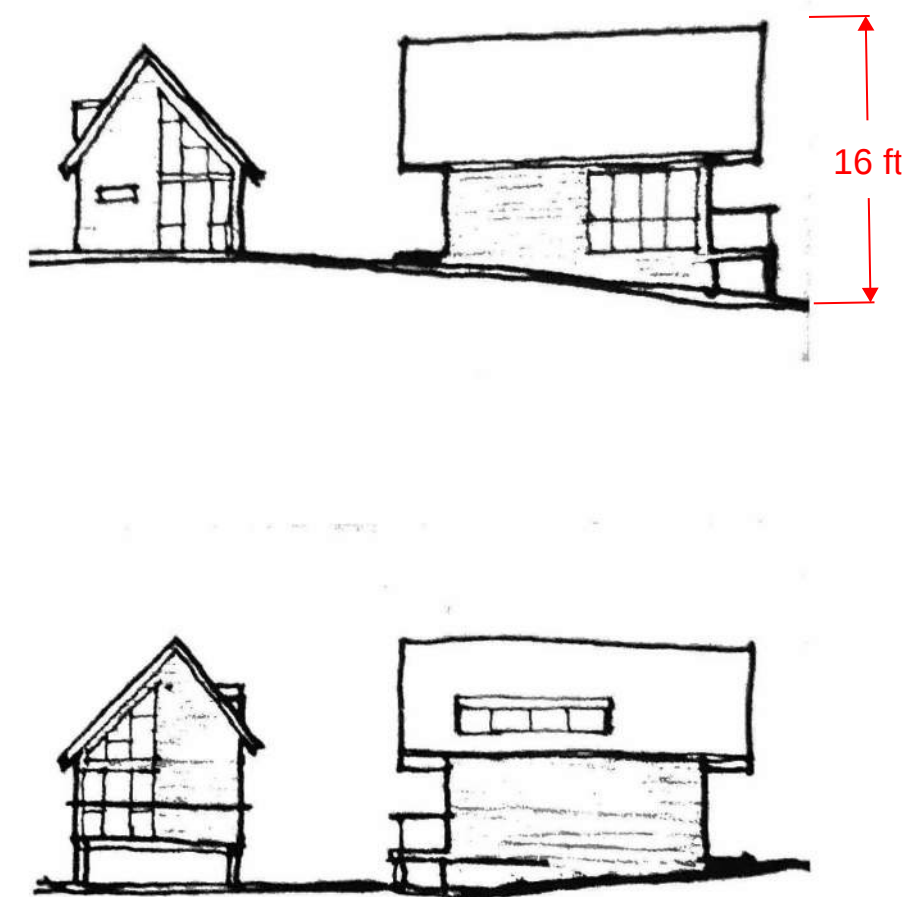
A0.2
SITE PLAN



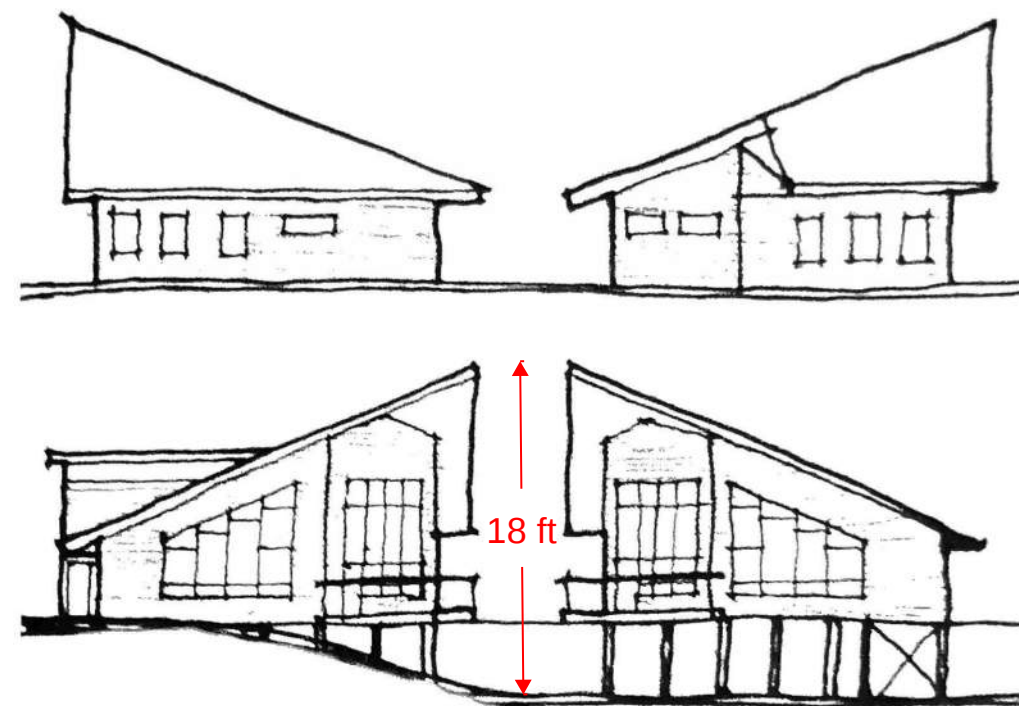
ELEVATIONS (SCALE 1/8" = 1'-0"): BUILDING A: SOUTH, EAST, WEST, NORTH



ELEVATIONS (SCALE 1/8" = 1'-0"): BUILDING B: SOUTH, EAST, WEST, NORTH



ELEVATIONS (SCALE 1/8" = 1'-0"): BUILDINGS C, D, & I: SOUTH, EAST, NORTH, WEST



ELEVATIONS (SCALE 1/8" = 1'-0"): BUILDING E: SOUTH, EAST, NORTH, WEST

Aerial Map

Subject location

Beluga Lake

X

Lakeshore Dr

Douglas P

Ocean Drive

2017 photo; property lines not exact; use with care.



City of Homer
Planning and Zoning Department

6/10/21

Request for CUP 21-06

0 100 200 Feet



Disclaimer:

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City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 21-39

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: June 16, 2021
SUBJECT: Proposed amendment to appeal procedures

Introduction The City Clerk has been working with the City Attorney to create the amendment which was introduced and forwarded for public hearing at the June 2, 2021 meeting.

Analysis The attached memo from the Clerk reviews the proposed changes to the code.

Staff Recommendation Conduct a public hearing and make a recommendation to the City Council.

Attachments

Proposed ordinance
City Clerk memo

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

ORDINANCE 21-xx

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING HOMER CITY CODE 21.91 PLANNING COMMISSION
AND BOARD OF ADJUSTMENT TO REMOVE THE BOARD OF
ADJUSTMENT AND 21.93 ADMINISTRATIVE APPEALS
ESTABLISHING THAT ADMINISTRATIVE APPEALS FROM CERTAIN
FINAL CITY PLANNING DECISIONS SHALL BE FILED BEFORE A
HEARING OFFICER AND SUPPLEMENTING NOTICE
REQUIREMENTS.

WHEREAS, City Planning Commission quasi-judicial administrative appeals will be
most efficiently adjudicated by establishing jurisdiction for such matters before a hearing
officer with experience in administrative law.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.91 shall be amended as follows:

Chapter 21.91

PLANNING COMMISSION AND ~~BOARD OF ADJUSTMENT~~ **HEARING OFFICER**

Sections:

Article I. Planning Commission

21.91.010 Planning Commission established.

21.91.020 Powers and functions.

Article II. ~~Board of Adjustment~~ **Hearing officer.**

21.91.100 ~~Board of Adjustment~~ established. **Hearing officer appointment.**

21.91.110 Powers and functions.

21.91.120 Procedures.

21.91.130 Appeals to Superior Court.

Article I. Planning Commission

21.91.010 Planning Commission established.

There shall be a Planning Commission established and functioning pursuant to Chapter 2.72
HCC.

21.91.020 Powers and functions.

In addition to the powers and functions assigned to the Planning Commission in Chapter 2.72 HCC, the Commission has all the powers and functions assigned to it in this title.

Article II. ~~Board of Adjustment~~ **Hearing officer.**

21.91.100 ~~Board of Adjustment established.~~ **Hearing officer appointment.**

~~There is established a Board of Adjustment comprised of the members of the Homer City Council and the Mayor. The Mayor shall preside over the Board of Adjustment and participate in the deliberations. The Mayor shall not vote except in the case of a tie.~~

A hearing officer shall be appointed by the City Manager to hear and decide appeals authorized by HCC 21.93. A hearing officer appointed by the City Manager must have at least five years' experience acting as an administrative law judge or administrative hearing officer and must be licensed to practice law in the State of Alaska and in good standing.

21.91.110 Powers and functions.

a. ~~Either the Board of Adjustment or a hearing officer appointed by the City Manager shall hear and decide appeals authorized by Chapter 21.93 HCC. A decision appealed under Chapter 21.93 HCC shall be heard by a hearing officer unless the individual or entity appealing the decision selects the Board of Adjustment to hear the appeal in their notice of appeal. A **The** hearing officer appointed by the City Manager shall hear and decide appeals pursuant to the provisions of the zoning code.~~

b. ~~A **The** hearing officer appointed by the City Manager to **shall** act as the decision maker in appeals of decisions made by the **City Manager, City Planner, City Planner's designee, or the** Planning Commission must have at least five years' experience acting as an administrative law judge or administrative hearing officer and must be licensed to practice law in the State of Alaska and in good standing.~~

c. ~~The City Manager, the City Planner or the City Planner's designee, or any City of Homer official, agency, or unit shall appeal to a hearing officer and may not select to appeal to the Board of Adjustment.~~

21.91.120 Procedures.

~~Appeals heard by the Board of Adjustment or a hearing officer shall be conducted according to applicable procedures specified in **HCC** Chapter 21.93 HCC.~~

21.91.130 Appeals to Superior Court.

a. An appeal from a final decision of ~~the Board of Adjustment or~~ a hearing officer may be taken directly to the Superior Court by a party who actively and substantively participated in the proceedings before the hearing officer ~~or by the City Manager or City Planner or any governmental official, agency, or unit.~~

b. An appeal to the Superior Court shall be filed within 30 days of the date of distribution of the final decision to the parties appearing before the ~~Board of Adjustment or~~ hearing officer.

c. An appeal from a final decision of the ~~Board of Adjustment or~~ hearing officer to the Superior Court is governed by court rules.

Section 2. Homer City Code Chapter 21.93 shall be amended as follows:

Chapter 21.93

ADMINISTRATIVE APPEALS

Sections:

~~Article I. General Provisions~~

21.93.010 Appeals, general.

21.93.020 Decisions subject to appeal to ~~Planning Commission~~ **by a person with standing.**

~~21.93.030 Decisions subject to appeal to the Board of Adjustment or a hearing officer.~~

~~21.93.040 Decisions not subject to appeal.~~

21.93.050 Standing ~~—Appeal to Planning Commission.~~

~~21.93.060 Standing —Appeal to hearing officer.~~

21.93.070 Time for appeal.

21.93.080 Notice of appeal.

21.93.090 ~~Authorized representative~~ **Representation.**

21.93.100 General appeals procedure.

21.93.110 Appeal decisions.

~~Article II. Planning Commission Appeal Procedures~~

~~21.93.300 Appeals to the Planning Commission.~~

~~21.93.310 Other procedures.~~

~~Article III. Board of Adjustment Appeal Procedures~~

~~21.93.500 Parties eligible to appeal Planning Commission decision to the Board of Adjustment or a hearing officer —Notice of appearance.~~

21.93.510 New evidence or changed circumstances.

21.93.520 Preparation of record.

21.93.530 ~~Written briefs.~~ **Prehearing conference.**

21.93.540 Appeal hearing.

21.93.550 ~~Board of Adjustment or h~~**H**earing officer decision.

21.93.560 Remand.

21.93.570 Other procedures.

~~Article IV. Conflicts of Interest and Ex Parte Contacts~~

~~21.93.700 Appeals— Conflicts of interest.~~

~~21.93.710 Appeals— Ex parte communication prohibited.~~

~~Article I. General Provisions~~

21.93.010 Appeals, general.

This chapter governs administrative appeals to the ~~Planning Commission and the Board of Adjustment~~ **a hearing officer** from actions and determinations taken under the Homer Zoning Code.

21.93.020 Decisions subject to appeal to ~~Planning Commission.~~

a. The following acts or determinations **final decisions** made under **issued pursuant to** this title by the City Manager, City Planner, or **City Planner's designee** may, when final, be appealed to the ~~Commission~~ by a person with standing:

1. Approval or denial of a zoning permit.
2. Approval or denial of a sign permit.
3. Approval or denial of any other permit that is within the authority of the City Planner to approve or deny.
4. An enforcement order issued under HCC 21.90.060.
5. ~~Any other decision that is expressly made appealable to the Commission by other provisions of the Homer Zoning Code.~~

~~21.93.030—Decisions subject to appeal to the Board of Adjustment or a hearing officer.~~

b. The following acts or determinations **final decisions** of the Commission, when final, may be appealed to the ~~Board of Adjustment or a hearing officer appointed by the City Manager~~ by a person with standing:

1. Grant or denial of a conditional use permit.
2. Grant or denial of a variance.
3. Grant or denial of formal recognition of a nonconforming use or structure, or a decision terminating a nonconforming use or structure.
4. Grant or denial of a conditional fence permit.
5. A decision by the Commission in a matter appealed to the Commission under HCC 21.93.020.
6. Any other final decision that is expressly made appealable to the ~~Board of Adjustment or a hearing officer~~ by other provisions of the code.

~~21.93.040—Decisions not subject to appeal.~~

~~The following acts or determinations may not be appealed:~~

~~a. A decision to cite or not cite a person for a violation of the code under HCC 21.90.090 or any other provision of the code.~~
~~b. A decision to not issue an enforcement order under HCC 21.90.060, 21.40.150, or any other provision of the code.~~
~~c. An order of abatement issued under HCC 21.90.070 after all appeals have been exhausted or the time for appeal has expired.~~
~~d. Any legislative act or determination, including any recommendations, to approve or reject any proposal or ordinance for the adoption, revision, or amendment of the zoning code, the zoning map, a comprehensive plan or any component thereof, any other plan, a rezoning, or any other legislative matter.~~
~~e. Any matter not expressly made appealable by this section or another provision of the Homer Zoning Code.~~

21.93.050 Standing — Appeal to Planning Commission.

~~a. Only the following have standing to appeal an appealable action or determination~~ **a final decision** ~~of the City Manager, City Planner, or City Planner's designee to the Commission~~ **a hearing officer:**

1. The applicant for the action or determination, or the owner of the property that is the subject of the action or determination.
2. The City Manager or City Planner or any governmental official, agency, or unit.
3. Any person ~~aggrieved~~ **adversely affected** by the action or determination.

~~21.93.060 — Standing — Appeal to hearing officer.~~

~~b. Only the following have standing to appeal an appealable action or determination~~ **a final decision** ~~of the Planning Commission to the Board of Adjustment or a hearing officer:~~

1. Applicant for the action or determination, or the owner of the property that is the subject of the action or determination under appeal.
2. The City Manager, the City Planner or the City Planner's designee, or any governmental official, agency, or unit.
3. Any person who actively and substantively participated in the proceedings before the Commission and is aggrieved by the action or determination.
4. Any person who actively and substantively participated in the proceedings before the Commission and would be ~~aggrieved~~ **adversely affected** if the action or determination being appealed were to be reversed on appeal.

21.93.070 Time for appeal.

~~a. An appeal to the Planning Commission must be~~ **shall** ~~filed within 30~~ **15** ~~days after the date of:~~

211 **1. Distribution of the final action or determination ~~decision of the City Manager, City~~**
212 **Planner, or planning staff members** to the applicant or other person whose
213 property is the subject of the matter being appealed; or

214
215 ~~b. 2. An appeal to the Board of Adjustment or a hearing officer must be filed within 30 days~~
216 ~~after the date of d~~ **Distribution of the final action or determination ~~decision of the~~**
217 **Planning Commission** to the applicant and other parties, if any.

218
219 21.93.080 Notice of appeal.

220
221 a. A notice of appeal from an action or determination of the City Planner or the Planning
222 Commission shall be filed with the City Clerk **and shall be accompanied by the planning**
223 **appeal fee as established in the City of Homer Fee Schedule.**

224
225 b. A notice of appeal shall be in writing, be signed by the appellant, and shall contain, ~~but is~~
226 ~~not limited to,~~ the following information:

- 227
228 1. The name and address of the appellant.
229 2. A description of the action or determination from which the appeal is sought and the
230 date upon which the action or determination became final.
231 3. The street address and legal description of the property that is the subject of the
232 action or determination being appealed, and the name and address of the owner(s) of
233 that property.
234 4. Detailed and specific allegations of error, including reference to applicable provisions
235 of the zoning code or other law.
236 5. A statement of whether the action or determination should be reversed, modified, or
237 remanded for further proceedings, or any other desired relief.
238 6. Proof showing that the appellant is an aggrieved person with standing to appeal
239 under HCC 21.93.050 or 21.93.060, whichever is applicable.
240 ~~7. The appellant's choice of decision maker, which may be either the Board of~~
241 ~~Adjustment or a hearing officer appointed by the City Manager.~~

242
243 c. The City Clerk shall reject any notice of appeal that does not comply with HCC 21.93.070
244 and this section and notify the appellant of the reasons for the rejection. If a notice of appeal
245 is rejected for reasons other than timeliness, a corrected notice of appeal that complies with
246 this section will be accepted as timely if filed within seven days of the date on which the City
247 Clerk mails the notice of rejection.

248
249 **d. Within seven days of the date on which the City Clerk determines the notice of appeal**
250 **complies with HCC 21.93.070, The City Clerk shall mail copies of the notice of appeal ~~shall~~**
251 **be mailed** to all parties of record **the appellant, appellee, owner of the property that is**
252 **the subject of the action or determination, and to neighboring property owners.** in the

proceeding appealed **as set forth in HCC 21.94.030** from within seven days of the date on which the City Clerk determines the notice of appeal complies with HCC 21.93.070 and this section.

e. Any person with standing under HCC 21.93.050 or 21.93.060, whichever is applicable, may, within seven days after the date the City Clerk mailed copies of an accepted notice of appeal, file notice of cross appeal. Any notice of cross appeal shall, to the extent practical, comply with subsection (b) of this section.

f. The City Clerk shall promptly give notice of the cross appeal to the appellant and all other parties who have filed a notice of appearance.

21.93.090 Authorized representative **Representation.**

No person may represent a party to an appeal without filing with the City Clerk written authorization, which shall be signed by the party so represented and provide the name and address of the party's representative. If the person representing another is a lawyer licensed to practice law in Alaska, an entry of appearance signed by the attorney is acceptable in lieu of authorization signed by the person so represented.

a. A party to an appeal may be represented by an attorney or may be self-represented. An agency or entity is self-represented when acting through an authorized employee or officer.

b. A party represented by an attorney in the appeal shall file, or cause the attorney to file, and serve on the other parties a document that:

- 1. identifies the attorney; and**
- 2. provides the address, telephone number, facsimile number, and electronic mail address for the attorney.**

21.93.100 General appeals procedure.

a. A hearing officer shall be appointed in accordance with HCC 21.91.100.

ab. All appeals must be heard **and a decision rendered** within ~~60~~ **90** days after the appeal record has been prepared. The ~~body or officer hearing the appeal~~ **hearing officer** may, for good cause shown, extend the time for hearing. ~~The decision on appeal must be rendered within 60 days after the appeal hearing.~~

bc. The appellant, the applicant for the action or determination that is the subject of the appeal **appellee**, owner of the property that is the subject of the action or determination,

and all parties who have entered an appearance **their representatives** shall be provided not less than 15 days' written notice of the time and place of the appeal hearing. Neighboring property owners shall be notified as set forth in HCC 21.94.030.

~~ed. When an appellant chooses to appeal to a hearing officer, t~~ **The City Clerk shall identify the hearing officer in the notice of hearing. All parties shall have 10 5 days from the date of the notice to object to the hearing officer based upon conflicts of interest, personal bias or ex parte contacts. Failure to file an objection to the hearing officer within the 10 5 days shall waive any objection to the hearing officer.**

e. A notice of hearing shall be published at least once during the calendar week prior to the appeal hearing date and the notice shall contain:

- 1. A brief description of the proposal on which the public body is to act;**
- 2. A legal or common description of the property involved and a street address;**
- 3. Date, time and place of the public hearing;**
- 4. A statement that the complete proposal is available for review, specifying the particular City office where the proposal may be examined.**

~~ef. An electronic recording shall be kept of the entire proceeding. Written minutes shall be prepared. The electronic recording shall be preserved for one year unless required for further appeals. No recording or minutes shall be kept of deliberations that are not open to the public.~~

21.93.110 Appeal decisions.

~~a. All final decisions on appeals shall be in writing, and shall state the names and number of members of the body who participated in the appeal, the names and number voting in favor of the decision, and the names and number voting in opposition to the decision. All final decisions issued by a hearing officer must state the name of the officer.~~

b. A decision shall include an official written statement of findings and reasons **conclusions** supporting the decision. This statement shall refer to specific evidence in the record and to the controlling sections of the zoning code. ~~Upon express vote, the body~~ **The** hearing officer may adopt, as their statement of findings and reasons, those findings and reasons officially adopted by the body or officer below from which the appeal was taken.

c. Copies of the written decision shall be promptly mailed to the appellant, ~~the applicant for the action or determination that is the subject of the appeal~~ **appellee**, the owner of the property that is the subject of the action or determination, and ~~all parties who entered a written notice of appearance in the appeal proceeding~~ **their representatives**.

~~Article II. Planning Commission Appeal Procedures~~

21.93.300— Appeals to the Planning Commission.

a. Within 30 days after receipt of a timely notice of appeal to the Planning Commission, the City Planner will prepare an appeal record consisting of all relevant documents submitted to or used by the Planning Department in making the decision under appeal, including any staff reports, correspondence, applications, or other documents. The appeal record shall be paginated. The appellant shall be notified by mail when the appeal record is complete. Any person may obtain a copy of the appeal record from the Planning Department upon payment of the costs of reproduction.

b. An appeal hearing shall be scheduled within the time specified in HCC 21.93.100. The hearing will be open to the public.

c. The Commission may prescribe rules of procedure for additional public notification in cases where the Commission determines its decision would have a substantial effect on the surrounding neighborhood.

d. The Commission may accept new testimony and other evidence, including public testimony, and hear oral arguments as necessary to develop a full record upon which to decide an appeal from an act or determination of the City Planner. Any person may file a written brief or testimony in an appeal before the Commission.

e. The Commission may undertake deliberations immediately upon the conclusion of the hearing on appeal or may take the matter under advisement and meet at such other time as is convenient for deliberations until a decision is rendered. Deliberations need not be public and may be in consultation with an attorney acting as legal counsel to the Commission.

f. The Commission may affirm or reverse the decision of the City Planner in whole or in part. A majority vote of the fully constituted Commission is required to reverse or modify the action or determination appealed from. For the purpose of this section the fully constituted Commission shall not include those members who do not participate in the proceedings due to a conflict of interest or disqualifying ex parte contacts, disqualifying partiality, or other disqualification for cause. A decision affirming, reversing, or modifying the decision appealed from shall be in a form that finally disposes of the case on appeal, except where the case is remanded for further proceedings.

g. The Commission may seek the assistance of legal counsel, City staff, or parties in the preparation of a decision or proposed findings of fact.

21.93.310— Other procedures.

~~If no specific procedure is prescribed by the code, the Planning Commission may proceed in an administrative appeal in any lawful manner not inconsistent with this title, statutes, and the Constitution.~~

~~Article III. Board of Adjustment Appeal Procedures~~

~~21.93.500 — Parties eligible to appeal Planning Commission decision to the Board of Adjustment or a hearing officer — Notice of appearance.~~

~~a. Only persons who actively and substantively participated in the matter before the Commission and who would be qualified to appeal under HCC 21.93.060 may participate as parties in an appeal from the Commission to the Board of Adjustment or a hearing officer.~~

~~b. Any person so qualified who desires to participate in the appeal as a party, other than the appellant, the City Planner or the City Planner's designee, the applicant for the action or determination that is the subject of the appeal and the owner of the property that is the subject of the action or determination, must, not less than 14 days before the date set for the appeal hearing, file with the City Clerk a written and signed notice of appearance containing that party's name and address, and proof that the person would be qualified under HCC 21.93.060 to have filed an appeal.~~

~~21.93.510 New evidence or changed circumstances.~~

~~a. Except as provided in subsections (b) and (c) of this section, the Board of Adjustment or hearing officer shall not consider allegations of new evidence or changed circumstances and shall make their decision based solely on the record. If new evidence or changed circumstances are alleged, the Board of Adjustment or hearing officer may, in their discretion, either hear the appeal without considering the allegations or may remand the matter to the appropriate lower administrative body or official to rehear the matter, if necessary.~~

~~b. When the standing of a person is in issue, the Board of Adjustment or hearing officer may take additional evidence for the limited purpose of making findings on the question of the person's standing. No evidence received under this subsection shall be considered for purposes other than determining standing.~~

~~c. When the disqualification of a member of the Board of Adjustment for conflict of interest, ex parte contact, partiality or other cause is in issue, the Board of Adjustment may take additional evidence for the limited purpose of making findings on the question of disqualification. No evidence received under this subsection shall be considered for purposes other than determining disqualification.~~

~~21.93.520 Preparation of record.~~

a. The appeal record shall be completed within ~~30~~ **15** days after receipt of a timely and complete notice of appeal. ~~to the Board of Adjustment or hearing officer, and~~ **The appeal record** shall consist of the items, and shall be prepared in the manner, described in this subsection.

1. The Clerk will assemble and paginate all relevant documents involved in the original decision, including any staff reports, minutes, exhibits, notices, and other documents considered in making the original decision.
2. A party may elect to include a verbatim transcript of the testimony before the Planning Commission in the appeal record by making a written request to the City Clerk for a recording of the testimony within 14 days after the Clerk mails copies of the notice of appeal to the parties pursuant to HCC 21.93.080(d). The requesting party shall arrange and pay for the preparation of the transcript. Only a transcript prepared and certified as accurate by a qualified court reporter shall be accepted. The original transcript must be filed with the City Clerk to be provided to the hearing officer with the record on appeal.

b. The appellant, ~~the applicant for the action or determination that is the subject of the appeal~~ **appellee**, the owner of the property that is the subject of the action or determination, ~~or other parties who have entered an appearance shall be notified by mail when the record and transcript, if ordered, are complete. A~~ any person may obtain a copy **of the record** upon payment of the costs of reproduction and any applicable mailing costs.

21.93.530 ~~Written briefs.~~ **Prehearing conference.**

~~a. Each party to the appeal (each appellant, cross appellant, and respondent) may file with the City Clerk one opening brief not later than 20 days after the date of mailing the notice of the completion of the record on appeal. The brief shall be typed on eight and one half by 11 inch paper and shall include a statement of relevant facts contained in the record on appeal, with citations to the page numbers in the record, a clear statement of the party's position regarding the allegations of error specified in the notice of appeal, and arguments citing points and legal authorities in support of such position.~~

~~b. Each party (each appellant, cross appellant, and respondent) may submit one reply brief within 14 days after the date opening briefs are due. A reply brief shall be limited to a response to matters specifically raised in the opening brief(s) being responded to.~~

~~c. Upon request, any person may obtain a copy of any brief upon payment of reproduction charges and any applicable cost of mailing.~~

d. Upon written request, and for good cause shown and when it appears to the City Clerk that other parties will not be unduly prejudiced by the delay, the City Clerk may grant an extension of time not to exceed five days for the filing of any brief.

The hearing officer will hold a preconference hearing to develop a briefing schedule, set a hearing date, and address other matters as needed related to the appeal hearing.

21.93.540 Appeal hearing.

a. The meeting at which the Board of Adjustment hears an appeal shall be open to the public. An appeal before the hearing officer shall also be open to the public. The City Attorney or another attorney acting as legal counsel to the Board shall be present at appeals before the Board of Adjustment.

b. Each party (each appellant, cross-appellant, and respondent) may present oral argument at the appeal hearing, subject to the order of presentation and time limitations that the Board of Adjustment or hearing officer adopts at the commencement of the hearing. The taking of testimony or other evidence is limited by HCC 21.93.510.

c. The Board of Adjustment or hearing officer may undertake deliberations immediately upon the conclusion of the hearing on appeal or may take the matter under advisement and meet at such other time as is convenient for deliberations until a decision is rendered. Deliberations need not be public.

d. The Board of Adjustment or hearing officer may exercise his or her independent judgment on legal issues raised by the parties. "Legal issues" as used in this section are those matters that relate to the interpretation or construction of the zoning code, ordinances or other provisions of law.

e. The Board of Adjustment or hearing officer shall defer to the findings of the lower administrative body regarding disputed issues of fact. Findings of fact adopted expressly or by necessary implication by the lower body shall be considered as true if they are supported by substantial evidence. But findings of fact adopted by less than a majority of the lower administrative body shall not be given deference, and when reviewing such findings of fact the Board of Adjustment or hearing officer shall exercise independent judgment and may make their own findings of fact. If the lower administrative body fails to make a necessary finding of fact and substantial evidence exists in the record to enable the Board of Adjustment or hearing officer to make the finding of fact, they may do so in the exercise of their independent judgment, or, in the alternative, the Board of Adjustment or hearing officer may remand the matter for further proceedings. "Substantial evidence," as used in this section, means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

Unless otherwise established in the prehearing conference an appeal to a hearing officer will be conducted as follows:

1. Preliminary Matters

2. Oral arguments – 20 minutes each for appellant and appellee. The appellant may reserve a portion of their time for rebuttal or closing comments.

3. The hearing officer may question each of the parties

4. Adjourn for deliberative purposes.

~~21.93.550 Board of Adjustment or a~~ **H**earing officer decision.

a. The ~~Board of Adjustment or~~ hearing officer may affirm or reverse the decision of the lower administrative body in whole or in part. If the appeal is heard by the Board of Adjustment, a majority vote of the fully constituted Board is required to reverse or modify the action or determination appealed from. For the purpose of this section, the fully constituted Board shall not include those members who do not participate in the proceedings due to a conflict of interest or disqualifying ex parte contacts, disqualifying partiality, or other disqualification ~~for cause~~. A decision affirming, reversing, or modifying the decision appealed from shall be in a form that finally disposes of the case on appeal, except where the case is remanded for further proceedings.

~~b. The Board may seek the assistance of legal counsel, City staff, or parties in the preparation of a decision or proposed findings of fact.~~

21.93.560 Remand.

a. The ~~Board of Adjustment or~~ hearing officer may remand the appeal to the lower administrative body when the ~~Board or~~ hearing officer determines that:

1. There is insufficient evidence in the record on an issue material to the decision of the case;
2. There has been a substantial procedural error that requires further consideration by the lower administrative body; or
3. There is other cause requiring further proceedings by the lower administrative body.

b. A decision remanding a case shall describe any issue upon which further evidence should be taken, and shall set forth any further directions the ~~Board or~~ hearing officer deems appropriate for the guidance of the lower administrative body.

c. The lower administrative body shall promptly act on the case upon remand in accordance with the decision of the ~~Board of Adjustment or~~ hearing officer. A case on remand has priority on the agenda of the lower administrative body, except cases remanded under HCC

21.93.510(a) are not entitled to priority. The applicant or owner of the property in question may waive the priority given by this subsection.

21.93.570 Other procedures.

If no specific procedure is prescribed by the code, the Board of Adjustment or hearing officer may proceed in an administrative appeal in any lawful manner not inconsistent with this title, statutes, and the Constitution.

Article IV. Conflicts of Interest and Ex Parte Contacts

21.93.700 Appeals—Conflict of interest.

a. A member of the Planning Commission, Board of Adjustment or a hearing officer appointed to hear an appeal from a Planning Commission decision may not participate in the deliberation or voting process of an appeal if, following the procedures set forth in this chapter, the Commission, or Board member or hearing officer is determined to have a substantial financial interest in the official action, as defined in Chapter 1.18 HCC. In the absence thereof, all Commission or Board members or a hearing officer shall participate in the deliberation and voting process unless excused pursuant to other provisions of this chapter.

b. When a financial interest of a member of the Planning Commission or Board of Adjustment is disclosed on the record, the remainder of the Commission or Board, respectively, shall determine whether the member should participate in the matter. If it is determined the member should participate, any action taken thereafter by the body shall be valid notwithstanding a later determination by a court, an appellate tribunal, or a hearing officer that the member should have been disqualified from participation because of a substantial financial interest in the matter; except the action shall be invalidated when the disqualified member's vote was necessary to establish the required majority to approve the decision of the body. When a Commission or Board decision is invalidated because such vote was necessary to establish the required majority, the body shall commence new consideration of the matter beginning at the point where the Commission or Board, respectively, determines it is necessary to do so to eliminate the effect of the member's improper participation.

c. A hearing officer shall disclose any substantial financial interest, personal bias or ex parte contact immediately upon being appointed by the City Manager and shall refrain from accepting the appointment if a substantial financial interest, personal bias or ex parte contact exists. If the substantial financial interest, personal bias or ex parte contact arises after the hearing officer's appointment, he or she shall disclose his or her interest and shall be disqualified from serving as the hearing officer unless all parties waive any objection to the hearing officer.

d. For purposes of hearing an appeal, a quorum of the Commission is four members. If it is not possible to obtain a quorum of the Planning Commission to hear an appeal without the participation of members disqualified by reason of a substantial financial interest, then all members who would be so disqualified shall nevertheless participate in the appeal, including deliberations and voting, and the decision rendered in such a case shall be valid notwithstanding the participation of such members. This subsection shall not apply if the matter can be postponed to a later date (not later than 75 days after the appeal record is prepared) when the body can obtain a quorum of members who are not disqualified by a substantial financial interest.

e. For purposes of hearing an appeal, a quorum of the Board is four members. If it is not possible to obtain a quorum of the Board to hear an appeal without the participation of members who have chosen to abstain or been disqualified by the Board due to substantial financial interest, bias or partiality, then the hearing shall be postponed and a hearing officer shall be appointed. A hearing officer appointed under this subsection shall conduct the rescheduled hearing no more than 60 days after the original hearing date except that the hearing officer may extend the hearing date for good cause shown.

A hearing officer judge shall refrain from hearing or otherwise deciding a case presenting a conflict of interest. A conflict of interest may arise from a financial or other personal interest of the hearing officer or administrative law judge, or of an immediate family member. A conflict of interest exists if:

- a. **The financial or other personal interest reasonably could be perceived to influence the official action of the hearing officer; or**
- b. **A hearing officer previously represented or provided legal advice to a party on a specific subject before the hearing officer.**

21.93.710 Appeals— Ex parte communication prohibited.

a. No member of the Commission or Board of Adjustment or any **The** hearing officer appointed by the City Manager to review a decision issued by the Commission shall **not** have ex parte communication with any person. “Ex parte communication” means to communicate, directly or indirectly, with the appellant, other parties or persons affected by the appeal, or members of the public concerning an appeal or issues specifically presented in the notice of appeal, either before the appeal hearing or during any period of time the matter is under consideration or subject to reconsideration, without notice and opportunity for all parties to participate in the communication.

b. This section does not prohibit:

1. Members from discussing matters relating to the appeal among themselves.

2. ~~Communications between municipal staff and Commission or Board members or the hearing officer where:~~

~~a. Such staff members are not themselves parties to the appeal; and~~

~~b. Such communications do not furnish, augment, diminish, or modify the evidence in the record on appeal.~~

3. ~~Communications between the Commission or Board and its legal counsel:~~

~~c. If, before an appeal commences, a member of the Commission or Board receives an ex parte communication of a type that could not properly be received while an appeal is pending, the member shall disclose the communication in the manner prescribed in subsection (d) of this section at the first meeting of the Commission or Board at which the appeal is addressed.~~

~~d. A member of the Commission or Board who receives an ex parte communication at any time shall, at the first opportunity after the communication, place on the record of the pending matter all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the member received an ex parte communication. Any party to the appeal desiring to rebut the ex parte communication must be granted a reasonable opportunity to do so if a request is promptly made.~~

~~e. If the Commission or Board determines in its discretion it is necessary to eliminate the harmful effect of an ex parte communication received in violation of this section, the Commission or Board may disqualify the member who received the communication from participation in the appeal. In addition, the Commission may impose appropriate sanctions, including default, against a party to the appeal for any violation of this section.~~

f. It is a violation, subject to penalties and other enforcement remedies under this title:

1. For any person to knowingly have or attempt to have ex parte communication with a ~~Commission or Board or hearing officer~~ in violation of subsection (a) of this section.

2. For any ~~Commission or Board member or~~ **the** hearing officer to knowingly receive an ex parte communication in violation of subsection (a) of this section.

3. For any ~~Commission or Board member~~ **the hearing officer** to knowingly fail to place on the record any matter **any matter that is an ex parte contact** ~~when and as required under subsections (c) and (d) of this section.~~

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

671 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this __ day of _____, 2021.

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CITY OF HOMER

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KEN CASTNER, MAYOR

677 ATTEST:

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680 _____
MELISSA JACOBSEN, MMC, CITY CLERK

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682 YES:

683 NO:

684 ABSTAIN:

685 ABSENT:

686

687 First Reading:

688 Public Hearing:

689 Second Reading:

690 Effective Date:



City of Homer

www.cityofhomer-ak.gov

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(f) 907-235-3143

Memorandum

TO: CHAIR SMITH AND THE HOMER PLANNING COMMISSION

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: MAY 27, 2021

SUBJECT: ORDINANCE 21-XX AMENDING TITLE 21.91 AND 21.93 THAT ADMINISTRATIVE APPEALS BE HEARD BY A HEARING OFFICER AND SUPPLEMENTING NOTICE REQUIREMENTS TO INCLUDE A PUBLISHED NOTICE OF HEARING

This ordinance proposes amendments to the Zoning Code that administrative appeals on all zoning matters be heard by a hearing officer.

Homer City Code Chapter 21.91 Planning Commission and Board of Adjustment is amended to remove reference to the Board of Adjustment and clarify the hearing officer appointment and powers and function.

In summary, Homer City Code Chapter 21.93 Administrative Appeals is amended as follows:

- References to appeals to the Planning Commission and to the Board of Adjustment and combining them under Decisions subject to appeal.
- Under 21.93.020 Decisions subject to appeal, item 5 is deleted. If there are any other decisions expressly made appealable by other provisions in code, they need to be identified in this section.
- The section regarding decisions not subject to appeal is deleted because appealable decisions are identified in 21.93.020 Decisions subject to appeal.
- Appeal timelines are amended to shorten up the overall appeal process from 180 to 120 days.
 - The time to file an appeal is changed from 30 to 15 days.
 - Preparation of the record is changed from 30 to 15 days.
 - The time to hear and issue a decision on an appeal is changed from 120 to 90 days.
- The written briefing section is deleted and replaced with language that a prehearing conference will be scheduled to develop the briefing schedule, set the hearing date, and address other matters as needed with all parties present.
- The Authorized Representative section is deleted and replaced with Representation and clarifying language.
- A section is included to require the hearing be noticed in the paper during the calendar week prior to the appeal hearing date.
- References to appeals to the Planning Commission and to the Board of Adjustment are deleted and replaced with reference to a hearing officer.
- Conflict of Interest and Ex Parte sections are amended to be specific to a hearing officer.

I look forward to the Commissions feedback on these amendments.

Recommendation: Review, discuss, and schedule for public hearing.



Planning Department

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

Charlie Pierce
Borough Mayor

May 26, 2021

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLANNING COMMISSION MEETING OF MAY 24, 2021

Re: Barnett's South Slope Subdivision Quiet Creek Park Replat Lots 35, 36 & 37 Preliminary Plat
KPB File Number: 2021-057

The Planning Commission reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of May 24, 2021 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.25; 20.30; 20.40 and 20.60.

AMENDMENT A MOTION

An amendment motion to grant exception to KPB 20.30.120 – streets – width requirements for Nelson Avenue South, passed by unanimous vote based on the following findings of fact.

Findings

1. Nelson Avenue (south) is a 30 foot right of way.
2. Nelson Avenue (south) is under City of Homer jurisdiction. T
3. The parent plat (HM 2018-40) was granted an exception to not provide the matching 30 foot dedication.
4. This platting action will be reducing the number of lots and will not change the access pattern to the subdivision.
5. Currently Nelson Avenue (south) contains a drainage that runs to Kallman Road.
6. All lots in Barnett's South Slope Subdivision use Nelson Avenue (north) for access.
7. Lot 8-A-1 uses Sanjay Court for physical access.
8. Lots 23 and 24A of AA Mattox Subdivision use Heidi Court for physical access.
9. A matching 30 foot right of way dedication will remove +/- 5,220 sq. ft. combined from proposed Lot 35-A and 36-A.
10. The City of Homer Planning Commission reviewed and approved this preliminary plat on April 7, 2021.

AMENDMENT B MOTION

An amendment motion to grant exception to KPB 20.30.170 – block length requirements, passed by unanimous vote based on the following findings of fact.

Findings

1. The subdivision is not located within a block that complies with the KPB block length requirement.
2. Both Nelson Avenue dedications (north and south) and Sanjay Court define the block.
3. Development patterns, terrain issues, and drainages limit the location where right of way dedications can be made.
4. Sanjay Court will be extended with future phases of Barnett's South Slope Subdivision Quiet Creek Park, but is approved to terminate in a cul-de-sac.
5. Homer High School is located to the southwest and will not be able to provide an extension of right of way.

6. A 60 foot wide right of way dedication will remove +/- 15,300 sq. ft. of land from this subdivision.
7. A 60 foot wide right of way will remove area that can be used for the construction of residential buildings.

Any party of record may file an appeal of a decision of the Planning Commission to the Hearing Officer in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days from the date of this notice of decision, using the proper forms, and be accompanied by the fees as determined by the Kenai Peninsula Borough schedule of rates, charges and fees.

Parties of record include those who provide written and verbal testimony during the Planning Commission public hearing. Petition signers are not considered parties of record unless separate written or verbal testimony is provided (KPB Code 21.20.210.5).

For additional information please contact the Planning Department, 907-714-2200 (1-800-478-4441 toll free within the Kenai Peninsula Borough).



Planning Department

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

Charlie Pierce
Borough Mayor

May 26, 2021

**NOTICE OF DECISION
KENAI PENINSULA BOROUGH PLANNING COMMISSION
MEETING OF MAY 24, 2021**

Re: Barnett's South Slope Subdivision Quiet Creek Park Lot 38 Replat Preliminary Plat
KPB File Number: 2021-058

The Planning Commission reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of May 24, 2021 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.25; 20.30; 20.40 and 20.60.

AMENDMENT A MOTION

An amendment motion to grant exception to KPB 20.30.030 – proposed street layout (projection of Sanjay Court) and KPB 20.30.170 – block length requirements, passed by unanimous vote based on the following findings of fact.

Findings

1. The 30 foot wide public access easement within the adjoining parcel to the south of this plat (HM 2018-003011-0) was vacated by plat HM 2019-23.
2. The current parcel to the south (Lot 8-A-1 HM 2020-3) has functional access by way of a 30 foot public access, utility and maintenance easement (HM 2019-002214-0) through proposed Tract E-1-A.
3. The final phase of the previously approved subdivision within proposed Tract E-1-A is in the final terminates in a cul-de-sac.
4. The block is limited due to terrain, development plans with cul-de-sacs, and existing right of ways.
5. A dedication within former lot 38 will not improve the block and will create additional block width issues.
6. The original phased development approved without a through dedication.
7. The City of Homer Planning Commission reviewed, and approved, this plat at their March 17, 2021 meeting.

Any party of record may file an appeal of a decision of the Planning Commission to the Hearing Officer in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days from the date of this notice of decision, using the proper forms, and be accompanied by the fees as determined by the Kenai Peninsula Borough schedule of rates, charges and fees.

Parties of record include those who provide written and verbal testimony during the Planning Commission public hearing. Petition signers are not considered parties of record unless separate written or verbal testimony is provided (KPB Code 21.20.210.5).

For additional information please contact the Planning Department, 907-714-2200 (1-800-478-4441 toll free within the Kenai Peninsula Borough).

PLANNING COMMISSION ANNUAL CALENDAR
FOR THE 2021 MEETING SCHEDULE

<u>MEETING DATE</u>	<u>SCHEDULED EVENTS OR AGENDA ITEM</u>
JANUARY 2021	
FEBRUARY 2021	AK APA Conference PC training: legislative vs quasi-judicial decisions; decisions and findings
MARCH 2021	Guest speaker and training: KPB Platting/Planning
APRIL 2021	2018 Comprehensive Plan Review
MAY 2021	Transportation work session with Public Works
JUNE 2021	Reappointment Applications Deadline
JULY 2021	Reappointments Spit Plan Review (One meeting this month)
AUGUST 2021	Election of Officers (Chair, Vice Chair) PC training: Roberts rules, OMA Capital Improvement Plan Review
SEPTEMBER 2021	Economic Development speaker (such as KPEDD, chamber, SBA,)
OCTOBER 2021	?? Floodplain or other hazard regulations overview...connect dots between comp plan and our current regs
NOVEMBER 2021	(One meeting this month) Review and Approve the 2022 Meeting Schedule
DECEMBER 2021	(One meeting this month) Review Bylaws, and Policies and Procedures
Semi Annually: PW project update	
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)