



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer Agenda

Planning Commission Regular Meeting

Wednesday, September 2, 2020 at 6:30 PM

Council Chambers via Zoom Webinar

Webinar ID: 939 5748 3565 Password: 976062

Dial 1 669 900 6833 or +1 253 215 8782 or Toll Free 877 853 5247 or 888 788 0099

CALL TO ORDER, 6:30 P.M.

AGENDA APPROVAL

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

RECONSIDERATION

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

- A. Minutes of the August 19, 2020 Planning Commission Regular Meeting **p. 3**
- B. Decisions and Findings for Conditional Use Permit 20-12 for four dwellings on a lot at 3972 Bartlett Street **p. 9**

PRESENTATIONS / VISITORS

REPORTS

- A. Staff Report 20-57, City Planner's Report **p. 15**

PUBLIC HEARINGS

- A. Staff Report 20-59, Conditional Use Permit 20-14 to allow a second mobile home at 541 Bonanza Avenue **p. 17**
- B. Staff Report 20-60, Medical Zoning District **p. 51**

PLAT CONSIDERATION

- A. Staff Report 20-61, Guy Waddell Subd. No. 3 June's Addn. Lot 1-E 2020 Replat Preliminary Plat **p. 73**

PENDING BUSINESS

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. City Manager's Report for the August 24, 2020 City Council Meeting **p. 85**

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, September 16, 2020 at 6:30 p.m. All meetings scheduled to be held virtually by Zoom Webinar from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission

Session 20-11, a Regular Meeting of the Planning Commission was called to order by Chair Smith at 6:34 p.m. on August 19, 2020 at Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska via Zoom Webinar.

PRESENT: COMMISSIONERS HIGHLAND, PETSKA-RUBALCAVA, SMITH, BARNWELL, DAVIS
VENUTI AND BENTZ

STAFF: ACTING CITY PLANNER ENGBRETSSEN
DEPUTY CITY CLERK KRAUSE

APPROVAL OF THE AGENDA

Chair Smith requested a motion to approve the agenda.

HIGHLAND BENTZ – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

- A. Minutes of the August 5, 2020 Planning Commission Regular Meeting
- B. Decisions and Findings for CUP 20-11 for more than one building containing a permitted principal use at 4936 Clover Lane

Chair Smith requested a motion to approve the Consent Agenda.

Commissioner Highland requested item B to be moved to New Business item B as there was a correction required.

Chair Smith requested a motion to approve the Consent agenda as amended.

HIGHLAND/BENTZ – MOVED TO APPROVE THE CONSENT AGENDA AS AMENDED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS

REPORTS

A. Staff Report 20-55, Acting City Planner's Report

Acting City Planner Engebretsen provided a synopsis of Staff Report 20-55. She noted the following highlights:

- On track to match or exceed the permits this year over last year
- Presentation on landslide hazard assessment project at the worksession scheduled for September 16th
- City Engineer Carey Meyer will present a close out on the Green Infrastructure grant for the next worksession.
- Using some of the department funding for professional services to work with the Tower Consultant previously hired by the City to review the concerns raised about towers in the proposed Medical District.

PUBLIC HEARING(S)

A. Staff Report 20-56, Conditional Use Permit 20-12 for four dwellings on a lot at 3972 Bartlett Street

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

Commissioner Petska-Rubalcava declared a conflict as she was the applicant in the action before the commission.

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

A brief discussion ensued with the Clerk clarifying the process for the Commission on how to handle Commissioner Petska-Rubalcava as a commissioner and the applicant via Zoom.

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

Motion carried.

Commissioner Petska-Rubalcava turned her video off.

Acting City Planner Engebretsen provided a summary of Staff Report 20-56.

Ms. Petska-Rubalcava, Applicant, provided comment on the project regarding the project being suitable for the area.

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

Commissioner Bentz directed the following questions to the Applicant if the property owner was considering possible future development of the parcel on the eastern end which was currently wooded.

Ms. Petska-Rubalcava responded that to her knowledge there was no intent to develop the property further than what was presented.

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

BENTZ/ MOVED TO ADOPT STAFF REPORT 20-56 AND RECOMMEND APPROVAL OF CUP 20-12 WITH FINDINGS 1-11 AND CONDITION 1: OUTDOOR LIGHTING MUST BE DOWN LIT PER HCC 21.59.030 AND THE COMMUNITY DESIGN MANUAL.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Ms. Petska-Rubalcava returned to the meeting in her role as Commissioner.

PLAT CONSIDERATION

PENDING BUSINESS

NEW BUSINESS

- A. Memorandum from City Staff re: City of Homer Draft 2021-26 Capital Improvement Plan (CIP)

Chair Smith introduced the item by reading of the title.

Acting City Planner Engebretsen provided a summary of the action requested from the Commission and provided information on how it was done in the past.

It was agreed by consensus of the Commission to go around and each commissioner voice their top two projects and then refine from those projects.

Acting City planner Engebretsen asked if the Commission could agree to keep Storm Water Master Plan as the commission's top priority project.

The Commission agreed by consensus to keep Storm Water Master Plan as number one.

Commissioner Bentz suggested Barge Mooring & Large Vessel Haul Out Repair Facility as number two.

Commissioners Highland and Barnwell agreed and voiced that was their second choice.

Commissioner Venuti commented on the cost of the Barge Mooring and Large Vessel Haul Out Repair Facility and supported the Main Street Sidewalk Facility: Pioneer Avenue North as a more attainable project.

A brief discussion ensued on the feasibility and the cost of the Barge Haul Out project.

Commissioner Petska-Rubalcava requested some clarification on the status of the projects included in the CIP and then echoed support for the Barge Haul Out Facility as a long range goal but she would support the Main Street Sidewalk Project as a short range goal.

Commissioner Davis stated he supported the Main Street Sidewalk Project.

Commissioners Barnwell, Bentz and Highland changed their support over to the Main Street Sidewalk project.

A brief discussion ensued on updates and revisions to the project descriptions.

BENTZ/HIGHLAND MOVED TO SELECT AS THE PLANNING COMMISSION'S TOP TWO SLATED PRIORITY PROJECTS FOR THE CIP FOR FY2022 AS NUMBER 1, STORMWATER MASTER PLAN AND NUMBER 2 MAIN STREET SIDEWALK FACILITY: PIONEER AVE NORTH

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. Decisions and Findings for CUP 20-11 for more than one building containing a permitted principal use at 4936 Clover Lane

Chair Smith introduced the item by reading of the title and noted that it was pulled from the Consent Agenda by Commissioner Highland. He further noted that a corrected copy was provided in the Supplemental Packet.

HIGHLAND/PETSKA-RUBALCAVA - MOVED TO ADOPT THE CORRECTED COPY OF THE DECISIONS AND FINDINGS FOR CUP 20-11 AS PROVIDED IN THE SUPPLEMENTAL PACKET.

There was no additional discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. City Manager's Report for the August 10th City Council Meetings
- B. Kenai Peninsula Borough Notice of Decision Re: Skyline Drive Subdivision 2020 Replat Preliminary Plat

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

Commissioner Bentz noted the mention of proposed use of Water and Sewer Depreciation Reserve Account funds, Capital Improvement Plans for Water and Sewer and how that will relate to future storm water planning.

Acting City Planner Engebretsen responded that typically HART Road Funds would be used for storm water planning such when upgrading a road is when installing storm drains or repairing a culvert. There are numerous policy decisions required for HAWSP, use of those funds, master planning, etc. it will be a few interesting Council meetings.

Commissioner Bentz was just thinking how those decisions on the water and sewer systems would have weight for storm water planning for them in the future.

Commissioner Highland complimented Chair Smith on a great job and short meeting.

Commissioner Petska-Rubalcava advised that she would be absent the September 2, 2020 meeting. Great Meeting, thank you for your time.

Commissioner Barnwell questioned staff on how the Small Works Drainage Improvement Program would fit into the overall Storm Water Master Plan. He disclosed that he works for Kinney Engineering and is very familiar with the Homer typography and water issues and is wondering how this fits in a broader Storm Water Master Plan.

Acting City Planner Engebretsen responded that was a great question and she would like to have Public Works Director Keiser attend a worksession and provide further explanation on her intent with these programs noting that Council having these items on the agenda recently.

Commissioner Davis commented on the short meeting and that it was good.

Commissioner Venuti announced that Commissioner Bentz was appointed Parliamentarian for the Borough Planning Commission and complimented Chair Smith on a great meeting.

Chair Smith congratulated Commissioner Bentz on her appointment as Parliamentarian. He appreciated the short easy meeting.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 7:23 p.m. The next Regular Meeting is scheduled for Wednesday, September 2, 2020 at 6:30 p.m. All meetings are scheduled to be held virtually by Zoom Webinar from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: _____

HOMER PLANNING COMMISSION

Approved CUP 20-12 at the Meeting of August 19, 2020

RE: Conditional Use Permit (CUP) 20-12
Address: 3972 Bartlett St
Legal Description: T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 26-A1

DECISION

Introduction

Maxim Matveev and Kalie Petska-Rubalcava (the “Applicants”) applied to the Homer Planning Commission (the “Commission”) for a conditional use permit under Homer City Code HCC 21.16.030(h) which allows more than one building containing a permitted principle use on a lot in the Residential Office District. The applicants propose building four detached single family homes on a lot.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on August 19, 2020. Notice of the public hearing was published in the local newspaper and sent to 28 property owners of 31 parcels.

Commissioner Petska-Rubalcava was found to have a conflict of interest as she was an applicant. She did not participate on the matter as a Commissioner.

At the August 19, 2020 meeting of the Commission, the Commission voted to approve the request with six Commissioners present. The Commission approved CUP 20-12 with unanimous consent.

Evidence Presented

Acting City Planner Engebretsen reviewed the staff report and Kalie Petska-Rubalcava, applicant, was available to answer any questions.

Findings of Fact

After careful review of the record, the Commission approves Condition Use Permit 20-12 to build four single family homes on a lot.

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

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

Finding 1: HCC 21.16.020 allows single family and duplex dwellings in the Residential Office District.

Finding 2: HCC 21.16.030(h) allows more than one building containing a permitted principle use on a lot if approved by a Conditional Use Permit.

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

Finding 3: The purpose of the Residential Office District includes mixture of low-density to medium-density residential uses and to preserve and enhance the residential quality of the area while allowing certain services that typically have low traffic generation, similar scale and similar density.

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

Finding 4: Four single family homes are not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

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

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

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

Finding 6: Existing public, water, sewer, and fire services are adequate to serve the four single family homes.

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

Finding 7: The Commission finds the proposal will not cause undue harmful effect upon desirable neighborhood character as described in the purpose statement of the district.

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

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

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

Finding 9: The proposal shall comply with applicable regulations and conditions specified in Title 21.

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

Analysis: Goals of the Land Use Chapter of the Homer Comprehensive Plan include, Goal 1 Objective A: Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed use areas with lower densities in outlying areas.

Finding 10: The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan. The proposal aligns with Goal 1 Objective A and no evidence has been found that it is not contrary to the applicable land use goals and objects of the Comprehensive Plan.

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

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

Finding 11: Project complies with the applicable provisions of the CDM.

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

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

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2020-12 is hereby approved, with Findings 1-11 and Condition 1.

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

Date	Chair, Scott Smith
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Date	City Planner, Rick Abboud
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NOTICE OF APPEAL RIGHTS

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

CERTIFICATION OF DISTRIBUTION

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

Date	Travis Brown, Planning Technician
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Applicants:

Kalie Petska-Rubalcava
567 Hidden Way
Homer, AK 99603

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

Maxim Matveev
PO Box 2572
Homer, AK 99603

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



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TO: Homer Planning Commission
FROM: Julie Engebretsen, Deputy City Planner
DATE: September 2, 2020
SUBJECT: City Planner's Report

July 27, 2020 City Council Meeting

- Council adopted Ordinance 20-28, amending the sign code, and Ordinance 20-29 removing the requirement for gabled roofs from the Small Boat Harbor Overlay District.

August 24, 2020 City Council Meeting

- Council Introduced Ordinance 20-53, amending title 21 Measuring Heights to exclude elevator shafts when measuring the height of a building. Public hearing and second reading is scheduled for September 14, 2020.
- Council adopted Ordinance 20-49, amending the Zoning Map to Rezone 4061 Pennock Street from Urban Residential to Residential Office.

Did you know the City holds socially distanced early voting in Council Chambers? You can avoid the rush on Election Day, AND you can also drop off your vote by mail ballot straight to the ballot box, no stamp needed. For information on all things elections, visit <https://www.cityofhomer-ak.gov/cityclerk/election-information-0>



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Staff Report 20-58

TO: Homer Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: September 2, 2020
SUBJECT: Conditional Use Permit (CUP) 20-14

Synopsis The applicant proposes to add a second mobile home to a lot with an existing mobile home. A Conditional Use Permit (CUP) is required per HCC 21.18.030(c).

Applicant: Scott and Stacy Lowry
907 Daly Road
Ojai, CA 93023

Legal Description: LEGAL T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0930033
GLACIER VIEW SUB NO 23 BLOCKS 8 9 & 10 LOT 24A

Parcel ID: 17710421

Size of Existing Lot: 12,017 square feet.
Minimum lot size in the CBD is 6,000 square feet.
Minimum lot size for a mobile home park is 3,000 square feet per unit.

Zoning Designation: Central Business District

Existing Land Use: Residential mobile home

Surrounding Land Use: North: Residential, mobile homes
South: Residential
East: Residential
West: Residential

Comprehensive Plan: Goal 1 Objective C: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options. Promote infill development in all housing districts.

Wetland Status: No wetlands mapped

Flood Plain Status: Zone D, Flood Hazards not determined

BCWPD: Not within the Bridge Creek Watershed Protection District

Utilities: Public utilities service the site.

Public Notice: Notice was sent to 50 property owners of 40 parcels as shown on the KPB tax assessor rolls.

ANALYSIS: The current property is one large lot. At one point it was two lots, but the interior lot line was vacated in 1993 so the current configuration is one large lot. Staff brings this to the Commission's attention because it is possible for the applicant to re-subdivide the lot, and have one mobile home on each lot without a conditional use permit.

The applicant placed a 'connex' single family dwelling on the property on July 20th, 2020. No zoning permit was applied for, so the structure is in violation of city code. Staff contacted the land owner to inform them of the need for a zoning permit and a conditional use permit. The land owner then submitted a conditional use permit. If this CUP is approved, in addition to any CUP conditions, the land owner will need to apply for and receive a zoning permit to bring the structure into compliance.



Photo 1. Existing Mobile Home, and planned shared driveway.



Photo 2. Existing Mobile home and new mobile home. Under the CUP, this driveway access would be eliminated, and a fence erected. Both homes would use the eastern driveway.



Photo 3. East view of structure



Photo 4. South or back side of the dwelling.

Mobile Home Park Review

City code is provided below, with responses italicized. See Right of way Plan Drawing for depiction.

21.54.010 Standards for mobile home parks – General.

This article establishes minimum standards governing mobile home parks. [Ord. 08-29, 2008].

21.54.020 Where allowed.

Mobile home parks will be allowed only in those zoning districts that list mobile home parks as permitted or conditionally permitted. [Ord. 08-29, 2008].

Response: *HCC 21.18.030(c) allows for mobile home parks with an approved conditional use permit.*

21.54.030 Spaces and occupancy.

a. Only one mobile home or duplex mobile home shall occupy a space.

Response: *Only one home occupies each space.*

b. More than one space may be located on a lot, subject to the following: Each space for a mobile home shall contain not less than 3,000 square feet, exclusive of space provided for the common use of tenants, such as roadways, general use structures, guest parking, walkways,

and areas for recreation and landscaping. Spaces designed and rented for duplex mobile homes shall have a minimum of 4,500 square feet. [Ord. 08-29, 2008].

Response: *The property is 12,017 square feet. The western mobile home space is just over 3,000 square feet. The eastern space is just under 4,300 square feet.*

21.54.040 Lot size and setbacks.

a. Minimum Lot Size. Lots used for mobile home parks shall be no smaller than the minimum lot size for the zoning district in which the mobile home park is located.

Response: *The property meets the minimum lot size requirements per HCC 21.18.040 (a)(1), of 6,000 square feet. The property is 12,017 square feet.*

b. Setbacks. In addition to the required setbacks from lot lines and rights-of-way applicable to the zoning district:

1. No mobile home in the park shall be located closer than 15 feet from another mobile home or from a general use building in the park.

Response: *The existing shed is more than 15 feet from the existing mobile home. The mobile homes are more than 15 feet apart.*

2. No building or structure accessory to a mobile home on a mobile home space shall be closer than 10 feet from another mobile home, another accessory building or another mobile home space.

Response: *The existing shed is more than 10 feet from the existing mobile home. The mobile homes are more than 10 feet apart.*

3. Along any vehicular right-of-way within the mobile home park, mobile homes and other buildings shall be set back a minimum of 10 feet from the edge of the right-of-way. [Ord. 08-29, 2008].

Response: *The driveway entrance is the vehicular right of way within the mobile home park.*

21.54.050 Open space and recreation areas.

A minimum of 10 percent of the total area of all lots used for a mobile home park shall be devoted to a common open space for use by residents of the mobile home park. This open space shall not include areas used for vehicle parking or maneuvering, vehicle access, or any area within a mobile home space. The open space may include lawns and other landscaped areas, walkways, paved terraces, and sitting areas. The common open space shall be reasonably secluded from view from streets and shall be maintained in a neat appearance. [Ord. 08-29, 2008].

Response: *The eastern quarter of the lot has a lawn area. Exclusive of the storage shed, there is approximately 3,200 square feet of open space. Ten percent of the total lot area is approximately 1,200 square feet of open area.*

21.54.070 Required improvements.

a. Storage. Not less than 200 cubic feet of covered storage shall be provided for each mobile home space (but not necessarily on each space).

Response: *The existing storage shed may or may not be adequate, depending on the interior headroom of the space, which is currently unknown. The shed is 8 feet by 10 feet, or 80 square feet in area. If there is 5 feet of head room in the shed, then it contains at least 400 cubic feet of covered storage and would meet this requirement the way it is (8 ft. x 10 ft. x 5 ft. = 400 cu. ft.).* **See Condition 5:** *Covered storage meeting the requirements of HCC 21.54.070, not less than 200 cubic feet of covered storage per unit, shall be provided.*

b. Perimeter. The land used for mobile home park purposes shall be effectively screened, except at entry and exit places, by a wall, fence or other sight-obscuring screening. Such screening shall be of a height adequate to screen the mobile home park from view and shall be maintained in a neat appearance.

Response: *The western lot line is screened by alders. The northern property line along Bonanza Ave will have a six foot wooden fence.*

Condition 7: *Plant or screen the eastern and southern property lines with a fence or combination evergreen and deciduous plantings to provide effective screening.*

c. Water and Sewer. All mobile homes in the park shall be connected to water and sewage systems before they are occupied. Evidence shall be provided with the application for a mobile home park that the park will meet the standards of the Alaska Department of Environmental Conservation. [Ord. 08-29, 2008].

Response: *City water and sewer connections have been made and approved by the Public Works Department.*

21.54.080 Access and parking.

a. Access. Each mobile home space shall be directly accessible by a vehicle from an internal street without the necessity of crossing any other space. Direct vehicular access from public streets to a mobile home space is prohibited.

Response: *The mobile home park has a single point of access onto Bonanza Ave. The portion of the driveway immediately on the property is the internal street.*

b. Parking. A minimum of two parking spaces shall be provided for each mobile home space. An additional common parking area for guests shall be provided with one space for every four mobile homes. [Ord. 08-29, 2008].

Response: *Two spaces per home and one additional guest space are provided for a total of five parking spaces.*

21.54.090 Street standards.

a. Circulation. The internal street system of a mobile home park shall provide convenient circulation by means of minor streets and collector streets. Dead-end streets shall be provided with an adequate turning circle at least 80 feet in diameter.

Response: *The internal street system for the two mobile home terminates in parking for one mobile home space, and driveway access for a second space. There is adequate maneuvering area within the property.*

b. Street Widths. The width of internal streets shall be adequate to accommodate the contemplated traffic load, and no less than the following minimums:

	Minimum Width (in feet)
Collector streets with no parking	28
Minor streets with no parking	22

Response: *The shared driveway access to Bonanza Ave is 22 feet wide.*

c. If utilities are planned to be in or next to streets, additional width may be required by the Commission to accommodate the utilities. [Ord. 08-29, 2008].

Response: *Utilities are already installed within existing public rights of ways and utility easements.*

21.54.100 Standards for mobile homes.

Each mobile home structure, whether located in a mobile home park or on an individual lot, shall meet the following standards:

a. The mobile home shall contain sleeping accommodations, a flush toilet, a tub or shower and kitchen facilities, with plumbing and electrical connections provided for attachment to public utilities or approved private systems.

Response: *Condition: The applicant shall provide evidence that both homes meet the requirements of this section.*

b. The mobile home shall be fully skirted and, if a single-wide unit, shall be tied down with devices that meet State standards. [Ord. 10-01(S) § 4, 2010].

Response: Condition 4: *Both mobile homes shall meet the requirements of HCC 21.54.100.*

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

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

Analysis: The structure meets the definition of a mobile home under HCC 21.030 Definitions.

“Mobile home” or “manufactured home” means a structure, transportable in one or more sections: (1) that in the traveling mode is eight feet or more in width or 40 feet or more in length, or when erected on site is 320 square feet or more; and (2) that is built on a permanent chassis and is designed for use as a dwelling with or without a permanent foundation when the plumbing, heating, and electrical systems contained therein are connected to the required utilities. A mobile home shall be construed to remain a mobile home whether or not wheels, axles, hitch or other appurtenances of mobility are removed, and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a recreational vehicle or a factory built dwelling.

“Mobile home park” means one or more lots developed and operated as a unit with individual sites and facilities to accommodate two or more mobile homes.

The structure is considered a mobile home because it is 8 feet wide, 45 feet long, and 360 square feet. It is connected to city water and sewer and is fully equipped as a dwelling unit. It could be picked up via crane and moved again by truck in the future and is therefore transportable in one or more sections.

HCC 21.18.080(c) further discusses shipping containers in the CBD.

HCC 21.18.080(c) Nuisance standards states c. Commercial vehicles, trailers, shipping containers and other similar equipment used for transporting merchandise shall remain on the premises only as long as required for loading and unloading operations, and shall not be maintained on the premises for storage purposes unless screened from public view.

The subject structure is no longer functional as a shipping container as it has been modified with doors and windows. It has further been retrofitted to serve as a residential dwelling.

Finding 1: HCC 21.18.020(m) authorizes mobile homes, and HCC 21.18.030(c) authorizes mobile home parks if approved by a Conditional Use Permit.

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

The purpose of the Central Business District is primarily to provide a centrally located area within the City for general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and other business uses listed in this chapter. The district is meant to accommodate a mixture of residential and nonresidential uses with conflicts being resolved in favor of nonresidential uses. Pedestrian-friendly designs and amenities are encouraged.

Applicant: There are other homes adjacent to this property.

Analysis: The purpose of the Central Business District includes accommodating a mixture of residential and non-residential uses. A mobile home park is a form of residential use.

Finding 2: The proposed use and structures of the mobile home park are compatible with the purpose of the 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: We are improving the property and cleaning up the overall appearance. This is a first step to our plans to improve the property.

Analysis: Several uses in the CBD have the potential to have a greater negative impact on property values. A club or drinking establishment could generate noise during hours objectionable to residential uses, and affect the value of the adjoining land as a residential use.

Finding 3: A two unit mobile home park 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: Similar to the surrounding homes and land.

Analysis: The residential use is compatible with the existing surrounding homes. However, the new structure is currently unpainted and generally in an unattractive, incomplete state. Staff recommends the following conditions:

1. All development must be completed by August 1, 2021. This includes painting, skirting, porch construction and complete site development as shown on the site plan and project elevations.
2. The zoning permit and CUP may only be extended by the Planning Commission.
3. Failure to complete development by August 1st may result in a zoning violation and fines until the structure is removed or brought into compliance.

Finding 4: The proposal when completed is compatible with existing uses of surrounding land which include single family homes and mobile homes on individual lots.

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

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

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: Impact will be very minimal. Also, the guest house is very small and tucked away in the property.

Analysis: Desirable neighborhood character could be described by a portion of the Purpose statement for the district, which includes the accommodation of residential uses. Individual mobile homes as well as mobile home parks are listed permitted and conditionally permitted uses within the district.

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, when conditions 1-7 are met.

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

Analysis: City utilities, police, fire and road maintenance services are available and adequately serve the lot.

Finding 7: The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole when all applicable standards are met as required by city code.

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

Analysis: Utility connection permits have been acquired. If a CUP is granted, a zoning permit must be applied for and approved to bring the property into compliance.

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

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

Analysis: Goals of the Land Use Chapter of the Homer Comprehensive Plan include Goal 1 Objective C: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options. Promote infill development in all housing districts. Conditions 1-7 address the current state of the property and require project completion within a specific timeframe. The current incomplete structure does not meet the comprehensive plan goal of a high quality residential neighborhood. With completion of the structure and planned improvements including skirting, painting and a fence, the new structure will be closer to meeting the intent of the Comprehensive Plan.

Finding 9: The proposal when completed in adherence to the conditions set forth by this permit is not contrary to the applicable land use goals and objects of the Comprehensive Plan. The proposal aligns with Goal 1 Objective C and no evidence has been found that it is not contrary to the applicable land use goals and objects of the Comprehensive Plan.

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

Analysis: The outdoor lighting section of the CDM applies.

Condition 7: Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

Finding 10: Project complies with the applicable provisions of 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: No comments

PUBLIC COMMENTS: None as of the writing of the staff report. Staff expects comments to be provided prior to and at the Commission public hearing.

STAFF COMMENTS/RECOMMENDATIONS:

Conduct a public hearing and consider public testimony. Approve CUP 20-14 with findings 1-10 and the following conditions:

1. All development must be completed by August 1, 2021. This includes painting, skirting, porch construction and complete site development as shown on the site plan and project elevations.
2. The zoning permit and CUP may only be extended by the Planning Commission.
3. Failure to complete development by August 1st may result in a zoning violation and fines until the structure is removed or brought into compliance.
4. Both mobile homes shall meet the requirements of HCC 21.54.100.
5. Covered storage meeting the requirements of HCC 21.54.070, not less than 200 cubic feet of covered storage per unit, shall be provided.
6. Plant or screen the eastern and southern property lines with a fence or combination evergreen and deciduous plantings to provide effective screening.
7. Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

Attachments

Application

Site Plan 8.14.20 Right of Way

Additional Site Photos

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: Scott & Stacy Lowry Telephone No.: 805-509-1757, 907-299-4070

Address: 907 Daly Rd. Ojai, CA 93023 Email: SRL8@me.com

Property Owner (if different than the applicant):

Name: _____ Telephone No.: _____

Address: _____ Email: _____

PROPERTY INFORMATION:

Address: 541 Bonanza Lot Size: .28 acres KPB Tax ID # 17710421

Legal Description of Property: Residential City/Residential B

For staff use:

Date: _____ Fee submittal: Amount _____

Received by: _____ Date application accepted as complete _____

Planning Commission Public Hearing Date: _____

Conditional Use Permit Application Requirements:

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

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: _____
- Y/N ☒ Will your development trigger a Storm water Plan?
Application Status: _____
- Y/N ☒ Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: _____
- 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: Existing driveway approach
- Y/N ☒ Do you have active City water and sewer permits? Status: Existing

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

- Manufactured home with improvement structure. 470 sq ft
- Used for a home. 840 total

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

- We intend to add the new structure as a guest house to stay in when we visit and have family members stay while in town.

- a. What code citation authorizes each proposed use and structure by conditional use permit? **21.18.030(c)**
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district.
There are other homes adjacent to this property.
- c. How will your proposed project affect adjoining property values?
We are improving the property and cleaning up the overall appearance. This is a first step to our plans to improve the property.
- d. How is your proposal compatible with existing uses of the surrounding land?
Similar to the surrounding homes and land.
- e. Are/will public services adequate to serve the proposed uses and structures?
yes
- 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?
Impact will be very minimal. Also, the guest house is very small and tucked away in the property.
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?
No
- h. How does your project relate to the goals of the Comprehensive Plan?
The Comprehensive Plan are online,
Chapter 4, Goal #1 - Increasing supply of housing. and encouraging infill development.
- 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. (2)050.81.15
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. There are other items on the list.
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? ~~4~~ 5

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? ~~4~~ 5

3. Are you requesting any reductions? NO

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.

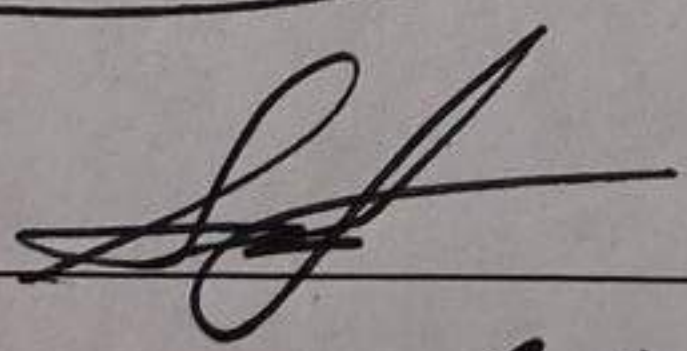
I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property:

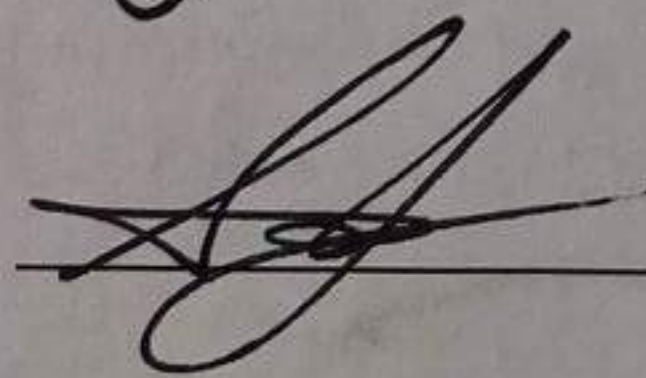
CIRCLE ONE:

Owner of record

Lessee

Contract purchaser

Applicant signature:  Date: 8/6/20

Property Owner's signature:  Date: 8/6/20

Looking South from Bonanza Ave.



Looking Southwest from Bonanza Ave.



KLONDIKE AVE.

HEA

res. res. res. res.

Hair
stylist

BONANZA AVE.

res. res. Subject lot

res. res.

res. res. Dentist
office

Flowers
store

GRUBSTAKE AVE.

Dentist
office



City of Homer
Planning and Zoning Department

8/18/2020

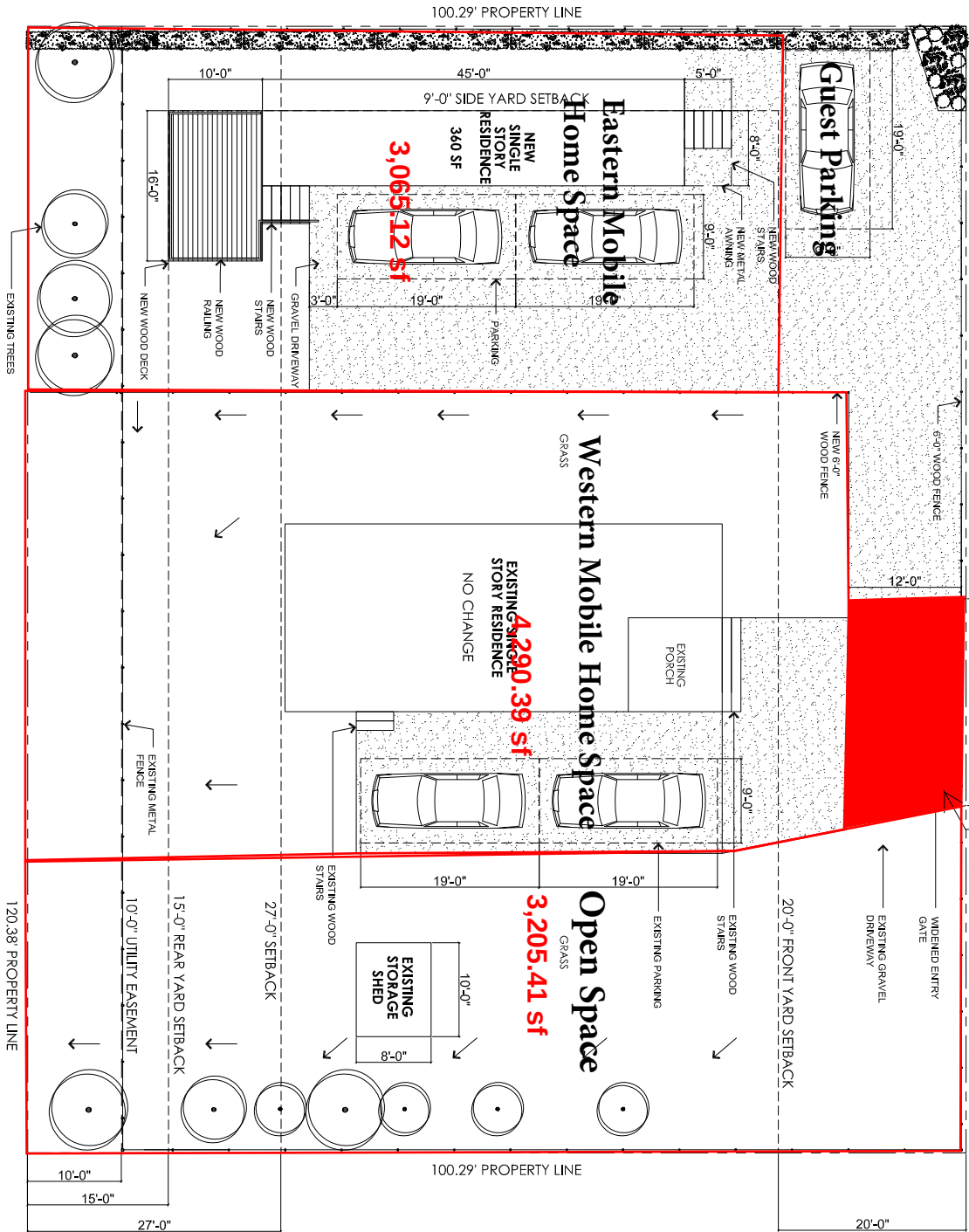
Neighboring Properties Map

2017 Photo. Property lines
are not exact, use with care.



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

Right of Way Plan



SITE PLAN

SCALE
1" = 15'-0"

2

LOT 24A	12,017 SQ FT	0.28 ACRES
PROPERTY ADDRESS:	541 BONANZA AVE	HOMER, ALASKA, 99603
TOTAL LOT AREA	12,017 SF	
EXISTING SINGLE STORY RESIDENCE	430 SF	
NEW CONTAINER HOME	360 SF	
TOTAL +	790 SF	
EXISTING ON-SITE PARKING	2 UNCOVERED SPACES	
NEW ON-SITE PARKING	3 UNCOVERED SPACES	

SITE INFORMATION

SCALE
N/A

7

LEGEND

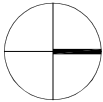
SCALE
N/A

4

LEGEND

SCALE
N/A

1



SITE PLAN

PERMIT: 06-122620

OWNER:
Scott Lowry
Lomry Construction
CONTRACTOR:
Scott Lowry
Lomry Construction
PROJECT:
542 Bonanza Avenue,
Homer, Alaska 99603

A1.0

Additional Photos



Photo 5. Internal picture of mobile home (through window)



Photo 6. South lot line and fence

Additional Photos



Photo 7. Eastern Lot line



Photo 8. Utility connections

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, September 2nd, 2020 at 6:30 p.m. via a virtual meeting, on the following matter:

A request for Conditional Use Permit (CUP) 20-14 to allow a mobile home park consisting of two mobile homes at 541 Bonanza Ave., Lot 24A Glacier View Subdivision No. 23, SE ¼, NW ¼ Sec. 20, T. 6 S., R. 13W., S.M., HM 0930033. A CUP is required according to HCC 21.18.030(c) mobile home parks.

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

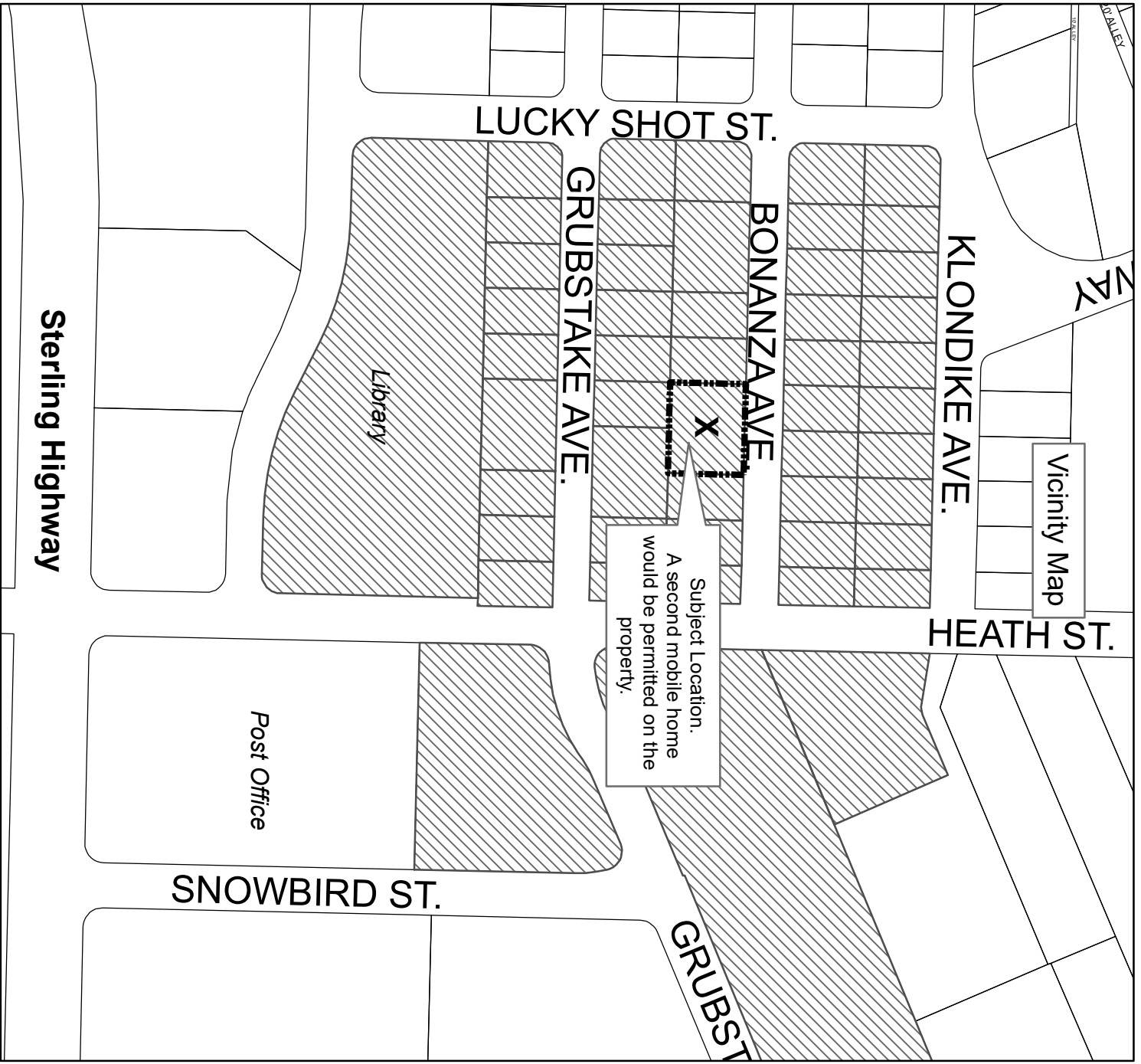
Visit the link above or call the City Clerk's Office to learn how to provide verbal testimony during the meeting via telephone or the Zoom online platform. Written comments can be emailed to planning@ci.homer.ak.us or mailed to Homer City Hall, 491 E. Pioneer Ave., Homer, AK, 99603. They may also be 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 Travis Brown 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



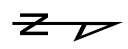
City of Homer
Planning and Zoning Department
8/18/2020

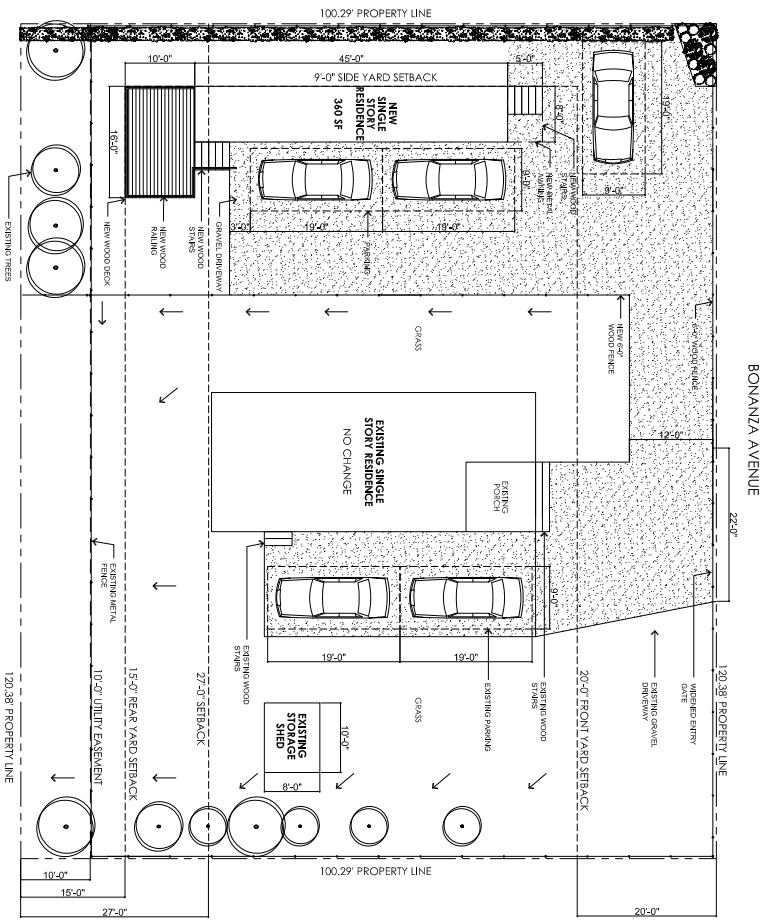
**Request for
Conditional Use Permit 20-14
541 Bonanza Ave**

Marked lots are within 300 feet and
property owners notified.



Disclaimer:
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not responsible for any errors or omissions
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or conclusions drawn therefrom.





SITE PLAN

LOT 24A
12,017 SQ. FT.
0.28 ACRES
PROPERTY ADDRESS:
541 BONANZA AVE
HOMER, ALASKA, 99603
TOTAL LOT AREA
12,017 SF
EXISTING SINGLE STORY RESIDENCE
430 SF
NEW CONTAINER HOME
360 SF
TOTAL +
790 SF
EXISTING ON-SITE PARKING
2 UNCOVERED SPACES
NEW ON-SITE PARKING
3 UNCOVERED SPACES

SITE INFORMATION	SCALE	LEGEND	SCALE	LEGEND	SCALE
	N/A	7	N/A	4	1

- GRAVEL
- GRASS
- TREE
- LOW PLANTING

- SETBACK LINE
- UTILITY EASEMENT
- PROPERTY LINE
- BUILDING FOOTPRINT
- FENCE
- SITE DRAINAGE, 2% SLOPE MINIMUM

SITE PLAN

OWNER:
Socil Lowy
Lewy Construction
CONTRACTOR:
Socil Lowy
Lewy Construction
PROJECT:
145 Bonanza Avenue
Homer, Alaska 99603

EXAMINER: 22-03-00

A1.0

View is from Bonanza Avenue looking south toward "New Single Story Residence"





Aerial Map

KLONDIKE AVE.

HEA

BONANZA AVE.

GRUBSTAKE AVE.

Request for
Conditional Use Permit 20-13
541 Bonanza Ave

2017 Photo. Property lines
are not exact, use with care.



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City of Homer
Planning and Zoning Department
8/18/2020



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 20-60

TO: Homer Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engbretsen, Deputy City Planner
DATE: September 2, 2020
SUBJECT: Draft ordinance creating the Medical District

Requested Action: Conduct a public hearing and forward a recommendation to the City Council.

Timeline

- June 17, 2020 PC meeting, a motion passed to recommend approval of the draft ordinance to the City Council. Notice of reconsideration was issued shortly thereafter.
- At the July 15, 2020 meeting the Planning Commission voted to reconsider the motion. Discussion topics and public comment included building height, the purpose statement of the district, tall tower height, and allowing heliports by conditional use permit.
- At the August 5, 2020 meeting, the Commission discussed the above issues. The only item that was amended by motion was a portion of the purpose statement. The ordinance was moved to a new public hearing.

New Public Hearing -9/2/2020

A portion of the purpose statement of the district has been amended. This is a fairly minor amendment, but this change does trigger a new public hearing. This hearing has been advertised in the local newspaper, and a courtesy copy mailed to area land owners.

The staff analysis per HCC 21.94.040 and 21.95.050 from the June 17th meeting is still relevant and the staff findings remain unchanged.

Staff Recommendation

Conduct a public hearing and forward a recommendation to the City Council.

Attachments

1. Revised draft ordinance
2. Public Notice

Please see 8/5/2020 packets for all other staff reports and public comments.

**CITY OF HOMER
HOMER, ALASKA**

Planning Commission

ORDINANCE 20-XX

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

Whereas, The 2018 Homer Comprehensive Plan Goal 1 Objective B states that the zoning map be updated to support the desired pattern of growth; and

Whereas, The Comprehensive Plan Land Use Recommendations Map designated an area for consideration of a Medical District; and

Whereas, The Homer Planning Commission has worked with area residents and business owners to identify desirable characteristics and appropriate performance standards as suggested in the Homer Comprehensive Plan; and

Whereas, The Homer Planning Commission held a neighborhood meeting on February 19, 2020 and held a public hearing on June 17, 2020, as required by HCC 21.95.060(C); and

WHEREAS, The Homer Planning Commission determined there is a public need and justification for the rezone; and

WHEREAS, The Homer Planning Commission determined the rezone would not have a negative effect on the public health, safety and welfare; and

WHEREAS, The Homer Planning Commission considered the effect of the change on the district and surrounding properties; and

WHEREAS, The Homer Planning Commission determined that the rezone was in compliance with the Homer Comprehensive Plan.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

34

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

36 **Chapter 21.17**

37 **M MEDICAL DISTRICT**

38 **Sections:**

39 21.17.010 Purpose.
40 21.17.020 Permitted uses and structures.
41 21.17.030 Conditional uses and structures.
42 21.17.040 Dimensional requirements.
43 21.17.050 Site and access.
44 21.17.060 Traffic requirements.
45 21.17.070 Site development standards.
46 21.17.080 Nuisance standards.
47 21.17.090 Lighting standards.

48 **21.17.010 Purpose.**

49 The purpose of the Medical District is to provide an area near the hospital to support medical
50 facilities and other professional office and limited commercial uses. The district is meant to
51 accommodate a mixture of residential and nonresidential uses. Pedestrian-friendly designs
52 and amenities are encouraged.

53 **21.17.020 Permitted uses and structures.**

54 The following uses are permitted outright in the Medical District:

- 55 a. Single-family and duplex dwelling, excluding mobile homes;
- 56 b. Multiple-family dwelling, provided the structure conforms to HCC 21.14.040(a)(2) and
57 excluding mobile homes;
- 58 c. Public parks and playgrounds;
- 59 d. Rooming house, bed and breakfast;
- 60 e. Townhouses (compliant w 21.53.010 (g) and (h));
- 61 f. Home occupations; provided they conform to the requirements of HCC 21.51.010;
- 62 g. Professional offices and general business offices;

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

21.17.030 Conditional uses and structures.

The following uses may be permitted in the Medical District when authorized by conditional use permit issued in accordance with Chapter 21.71 HCC:

- a. Planned unit developments, excluding all industrial uses;
- b. Public or private schools;
- c. Hospitals;
- d. Public utility facilities and structures;
- e. Mortuaries;
- f. Group care homes;
- g. Helipads, but only as an accessory use incidental to a hospital conditional use;
- h. One small wind energy system having a rated capacity exceeding 10 kilowatts; provided, that it is the only wind energy system of any capacity on the lot;
- i. Other uses approved pursuant to HCC 21.04.020;
- j. Parking garage.

21.17.040 Dimensional requirements.

The following dimensional requirements shall apply to all structures and uses in the Medical District:

- a. The minimum lot size is 7,500 square feet.
- b. Building Setbacks.
- 1. Buildings shall be set back 20 feet from all dedicated rights-of-way.
- 2. All buildings shall be set back from all other lot boundary lines according to the number of stories as follows:

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

c. Building Height.

115 1. The maximum building height is 35 feet, except as provided in subsection (c)(2) of
116 this section.

117 2. If approved by conditional use permit, the maximum building height for multifamily
118 residential and commercial buildings 65 feet.

119 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined),
120 nor shall any lot contain building area in excess of 30 percent of the lot area, without an
121 approved conditional use permit.

122 **21.17.050 Site and access.**

123 a. A zoning permit for any nonresidential use or structure shall not be issued by the City
124 without an approved site plan and an approved level two right-of-way access plan that
125 conform to the standards of Chapter 21.73 HCC.

126 b. All access points to rights-of-way shall conform to the standards of a level two right-of-way
127 access plan stated in Chapter 21.73 HCC. This applies to all uses and structures.

128 **21.17.060 Traffic requirements.**

129 A conditional use permit is required for every use that:

130 a. Is estimated to generate more than 100 vehicle trips during any hour of the day calculated
131 utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;

132 b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the Trip
133 Generation Handbook, Institute of Transportation Engineers, 9th Edition;

134 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any
135 hour of the day due to a change in land use or intensity of use; or

136 d. Is expected to generate traffic that will detract from the safety of, or degrade by one level
137 of service, the highway, road, street, alley or intersection.

138 **21.17.070 Site development standards.**

139 a. All single-family and duplex residential development in the Medical District shall comply
140 with the level one site development standards contained in HCC 21.50.020.

141 b. All residential development of three units or more and all nonresidential development on
142 lands in this district shall conform to the level two site development standards set forth in
143 HCC 21.50.030 subsections (a) through (e), and HCC 21.50.030(f)(1)(a) and HCC 21.50.030(f)(2).
144 Parking lots with a minimum of 24 spaces or more shall provide a minimum of 10%
145 landscaped area in dividers, islands or buffers or any combination thereof, adjacent or within
146 the parking area.

147 c. New non-residential construction shall be screened from existing single family or duplex
148 dwellings by a continuous fence or landscaping so as to obscure the view of the parking lot
149 and loading areas from the adjacent dwelling.

21.17.080 Nuisance standards.

The nuisance standards of HCC 21.59.010 apply to all development, uses, and structures in this zoning district.

21.17.090 Lighting standards.

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

Section 2. Homer City Code 21.21.58.030 Permission for communications towers is hereby amended as follows:

- a. Except as provided in subsection (b) of this section, a communications tower is permitted as a principal or accessory use or structure in each zoning district.
- b. A communications tower that exceeds the following maximum height for the zoning district in which the communications tower is located is permitted only when authorized by conditional use permit issued in accordance with Chapter 21.71 HCC.

District	Maximum Height (feet)
CBD	60
TC	60
GBD	60
GC1	120
RO	85
MD	85
UR	60
RR	85
CONS	60
GC2	120
EEMU	120
M1	120

District	Maximum Height (feet)
MC	120
OSR	60
BCWPD	120

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

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

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

1. The sum of the area of all building and freestanding signs on the lot does not exceed the maximum permitted sign area for the zoning district in which the lot is located as specified in Table 2; and
2. The characteristics of the sign conform to the limitations of Table 3, Permitted Sign Characteristics by Zoning District, and with any additional limitations on characteristics listed in Table 1 or Table 2.

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

Key to Tables 1 through 3			
RR	Rural Residential	GBD	Gateway Business District
UR	Urban Residential	GC1	General Commercial 1
RO	Residential Office	GC2	General Commercial 2
INS	Institutional Uses Permitted in	EEMU	East End Mixed Use
		MC	Marine Commercial

Key to Tables 1 through 3

Residential Zoning Districts (a)	
CBD	Central Business District
TC	Town Center District
<u>M</u>	<u>Medical District</u>
A = Allowed without sign permit	
P = Allowed only with sign permit	
N = Not allowed	
PH = Allowed only upon approval by the Planning Commission after a public hearing.	
For parenthetical references, e.g., “(a),” see notes following graphical portion of table.	

Table 1

Sign Type	RR	UR	RO	INS (a)	M	CBD	TC	GBD	GC1	GC2	EEMU	MC	MI	OSR	PS
Freestanding															
Residential (b)	A	A	A	A	A	A	A	A	N	N	N	N	N	A	PH
Other (b)	N	N	N	P	P	P	P	P (i)	A	A	A	P	P	N	PH
Incidental (c)	N	N	A (d)	A (d)	A	A	A	A	A	A	A	A	A	N	N
Parking Lot Identification					A	A	A	A	A	A	A	A	A		
Building															
Banner	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Building Marker (e)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	N
Identification (d)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	N
Incidental (c)	N	N	A	A	A	A	A	A	A	A	A	A	A	N	N

186
187
188

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

Notes to Table 1:

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

214

Table 2. Maximum Total Sign Area Per Lot by Zoning District215
216**Table 2 Part A**

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

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

Table 2 Part B

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

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

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

222 2. In all districts covered by Table 2 Part B, freestanding Parking Lot Identification signs
 223 are excluded from calculation as sign area, and are allowed in addition to the
 224 freestanding sign per limitation stated in Table 2 Part B(4). One directional parking lot

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

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

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

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

2. Additional signage is allowed based $\frac{1}{2}$ the allowance on Table 2 part B to existing for each secondary or tertiary street wall frontage. Signage must be placed on the wall face of the building the allowance was based on.

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

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

2. Additional signage is allowed based on $\frac{1}{2}$ the allowance of Table 2 Part B.

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

a. Only one freestanding sign is allowed per lot, except one freestanding public sign may be additionally allowed. A freestanding sign may not exceed 10 feet in height.

- 256 b. The sign area on a freestanding sign (excluding a public sign) shall be included
257 in the calculation of maximum allowed sign area per lot and shall not exceed the
258 following:
- 259 i. One business or occupancy in one building – 36 sq ft
- 260 ii. Two independent businesses or occupancies or principal buildings in any
261 combination – 54 sq ft
- 262 iii. Three independent businesses or occupancies or principal buildings in any
263 combination – 63 sq ft
- 264 iv. Four or more independent businesses or occupancies or principal buildings in
265 any combination – 72 sq ft
- 266 Notes to Table 2, Parts A and B
- 267 a. The INS column does not represent a zoning district. It applies to institutional uses
268 permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is
269 defined as an established organization or corporation of a public, nonprofit, or public safety
270 or benefit nature, e.g., schools churches, and hospitals.
- 271 b. Flags of the United States, the State, the City, foreign nations having diplomatic
272 relations with the United States, and any other flag adopted or sanctioned by an elected
273 legislative body of competent jurisdiction. These flags must be flown in accordance with
274 protocol established by the Congress of the United States for the Stars and Stripes. Any flag
275 not meeting any one or more of these conditions shall be considered a banner sign and shall
276 be subject to regulation as such.
- 277 c. Square feet of wall frontage is defined as total square footage of wall surface, under the
278 roof, that faces the major access or right-of-way of the business. In the case of a business
279 located on a corner lot, square footage of wall frontage is the total square footage of wall
280 surface, under the roof, on the side of the business with the most square footage.
- 281 d. The PS column does not represent a zoning district. It applies to public signs permitted
282 under the zoning code, in all zoning districts.
- 283 e. This RO column applies only to lots in that portion of the RO district that abuts East
284 End Road, **Bartlett Street**, Hohe Street, and Pennock Street. Within this area, there is
285 allowed a maximum of 50 square feet total area of all signs (including the ground sign
286 referred to below), except incidental, building marker, and flags (see note (b) above). One
287 ground sign, with a maximum total area of 16 square feet, will be permitted per lot. Each
288 ground sign shall not exceed six feet in height, measured from the base to the highest portion
289 of any part of the sign or supporting structure.
- 290 f. **In the Medical District, only one freestanding sign is allowed per lot, except one**
291 **freestanding public sign may be additionally allowed. A freestanding sign may not**
292 **exceed 10 feet in height or 36 square feet in area.**
293

Table 3. Permitted Sign Characteristics by Zoning District

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

Notes to Table 3:

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

Section 4.HCC 21.10.020 Zoning District is hereby amended as follows:

- a. The City is divided into zoning districts. Within each zoning district only uses and structures authorized by this title are allowed.

- b. The following zoning districts are hereby established:

Zone	Abbreviated Designation
-------------	--------------------------------

Residential Office	RO
--------------------	----

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

314 c. The zoning district boundaries shall be as shown on the official Homer zoning map. [Ord.
315 12-10 § 2, 2012; Ord. 08-29, 2008].

316

317 Section 5. The Homer Zoning Map is amended to transfer the parcels listed on the attached
318 Exhibit A from RO zoning district to the M zoning district as shown on the attached Exhibit B.

319

320 Section 6. The City Planner is authorized to note on the Homer Zoning Map the amendments
321 enacted by this ordinance as required by Homer City Code 21.10.030(b).

322

323 Section 7. Sections 1-4 of this Ordinance are of a permanent nature and general character and
324 shall be included in the City Code. Section 5 is a non-Code ordinance of a permanent nature
325 and shall be noted in the ordinance history of Homer City Code 21.10.030.

326

327 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this XX day of XXX, 2020.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

City Manager

Michael Gatti, City Attorney

Date: _____

Date: _____

Exhibit A

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

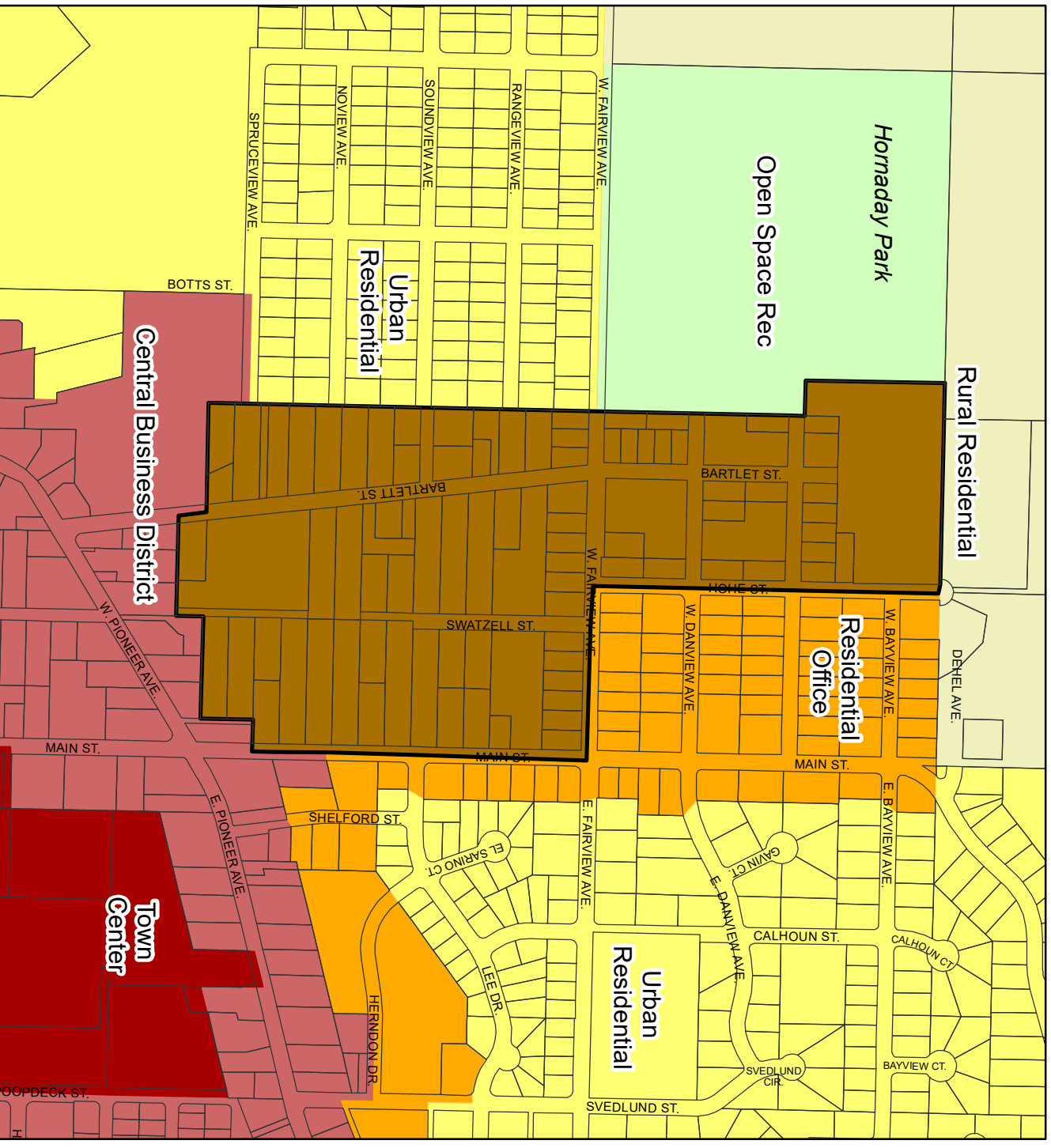
Exhibit A

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

Exhibit A

Parcel ID	Legal Description
17505202	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 4 BLK 8
17505302	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 1 BLK 7
17505501	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 6 BLK 9
17505605	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 1 BLK 6
17506101	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 1 BLK 10
17506210	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 10 BLK 5
17506211	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0850028 FAIRVIEW SUB NO 11 LOT 9-A BLK 5
17506502	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 12 BLK 4
17506503	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 11 BLK 4
17506509	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 5 BLK 4
17513219	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 46
17513220	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 47
17513221	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 48 EXCLUDING SLOPE ESMT
17513306	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELLS SUB NO 17 LOT 30-A
17513316	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELLS SUB NO 17 LOT 13-C
17513317	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELLS SUB NO 17 LOT 1-A
17513320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELLS SUB NO 17 LOT 3-B-1
17513328	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELLS SUB NO 17 LOT 11-B
17513343	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2006065 BUNNELLS SUB FORTIN REPLAT LOT 27-C2
17513344	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2006065 BUNNELLS SUB FORTIN REPLAT LOT 27-C3
17513349	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2013010 BUNNELLS SUB NO 23 LOT A-2
17514220	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 49 THE EAST PTN THEREOF EXCL SLOPE EASEMENT
17514221	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000258 BUNNELLS SUB LOT 49 THE WEST PTN THEREOF
17513114	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0780121 BUNNELLS REPLAT LOT 4 & N1/2 LOT 5 LOT 4-A
17531004	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0830122 FAIRNELL SUB AMD LOT 42-B
17531006	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0830122 FAIRNELL SUB AMD LOT 42-A
17531024	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0840094 HARBOR RIDGE SUB NO 2 LOT 1-A

Exhibit B



Legend Zoning Districts

- Central Business District
- Town Center
- Rural Residential
- Urban Residential
- Residential Office
- Open Space Rec
- Medical District



0 250 500 Feet



City of Homer
Planning and Zoning Department

5/20/2020

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

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Planning Commission on Wednesday, September 2nd, 2020 at 6:30 p.m. via a virtual meeting webinar, on the following matter:

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

The Planning Commission held a public hearing on this ordinance in June. Over the summer, the Commission continued to discuss the ordinance and made one additional change in the purpose statement of the district. A public hearing is being held on the ordinance and then it will be forwarded to the City Council for final action.

Anyone wishing to view the complete ordinance, 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 meeting information and packet materials will be available 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.

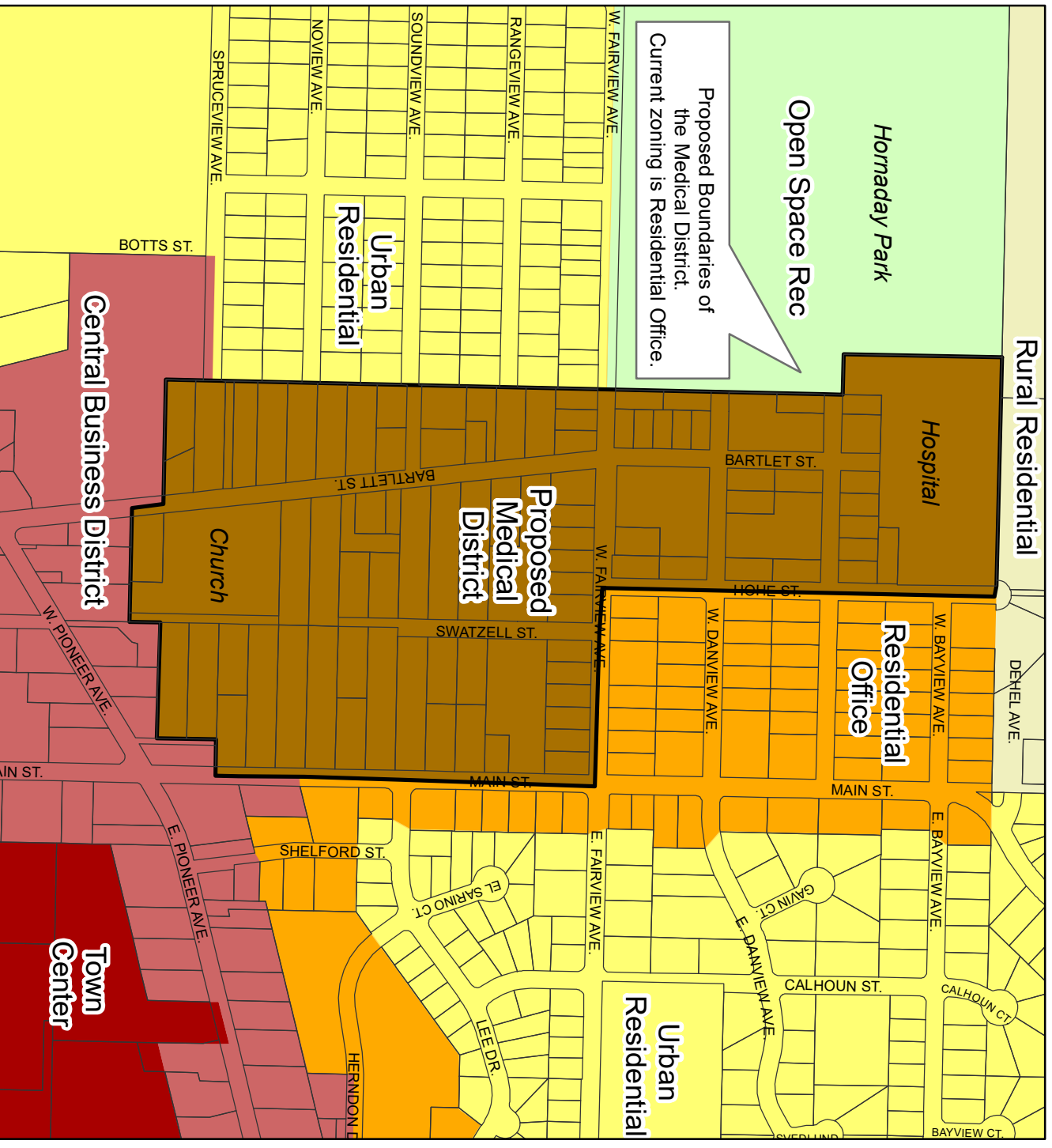
If you have questions or would like additional information about the proposal, please contact Travis Brown with the Planning and Zoning Office at 235-3106. If you have questions about how to participate in the virtual meeting, please contact Renee Krause with the City Clerk's Office at 235-3130.

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

.....

MAP OF PROPOSED MEDICAL DISTRICT BOUNDARIES AND CURRENT ZONING ON REVERSE

Proposed Medical District Boundaries and Current Zoning



Legend Current Zones

- Central Business District
- Town Center
- Rural Residential
- Urban Residential
- Residential Office
- Open Space Rec
- Medical District Boundary (up for public hear



0 250 500 Feet



City of Homer
Planning and Zoning Department

6/3/20

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or conclusions drawn therefrom.



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 20-61

TO: Homer Planning Commission
FROM: Julie Engebretsen, Deputy City Planner
THROUGH: Rick Abboud, City Planner
DATE: 9/2/2020
SUBJECT: Guy Waddell Subd. No. 3 June's Addn. Lot 1-E 2020 Replat
Requested Action: Approval of a preliminary plat to subdivide one larger lot into two smaller lots.

General Information:

Applicants:	Brenda Jager PO Box 1983 Homer, AK 99603	Seabright Survey + Design Kenton Bloom, PLS 1044 East End Rd Suite A Homer, AK 99603Triton
Location:	Triton Court and Uminski Circle, north of East End Road	
Parcel ID:	17902095	
Size of Existing Lot(s):	0.973	
Size of Proposed Lots(s):	0.308 and 0.665 acres, or 13,416 and 29,000 square feet	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Residential South: Residential East: Residential West: Residential	
Comprehensive Plan:	Chapter 4 Goal 1 Objective A: Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed-use areas with lower densities in outlying areas.	
Wetland Status:	The 2005 wetland mapping shows no wetland areas.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	
Public Notice:	Notice was sent to 58 property owners of 47 parcels as shown on the KPB tax assessor rolls.	

Analysis: This subdivision is within the Rural Residential District. This plat subdivides one larger lot into two smaller lots. The new lots will meet the dimensional requirements of the district, which is a minimum lot size of 10,000 square feet when municipal water and waste water are provided.

Homer City Code 22.10.051 Easements and rights-of-way

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

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

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

Public Works Comments: The property owner is aware that he will need to work with public works to provide W&S services to the subdivided lot. A development or construction agreement is required.

1. Lot 1-E-2 will need a sewer service
2. Lot 1-E-2 will need a water service.

Staff Recommendation:

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

1. Include a plat note stating “Property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state and federal permits.”
2. A City of Homer Development Agreement or Construction Agreement is required for the installation of water and sewer services.

Attachments:

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

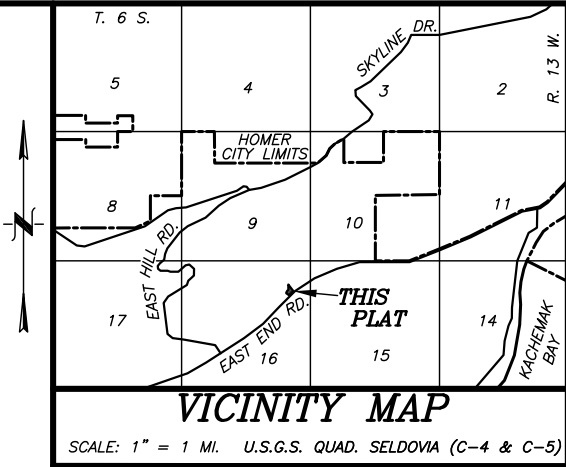
NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 15' OF THE 20' BUILDING SETBACK IS A UTILITY EASEMENT. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
3. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
4. THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER.
5. THESE LOTS ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE PARENT PLATS AND THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.

LEGEND

- SET 2" AC 7968-S 2020
- FND 2" AC 7968-S 2009
- FND 2" AC 7968-S 2007
- FND 5/8" REBAR

CURVE TABLE					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	217.01'	3336.61'	3°43'35"	N49°36'34"E	216.97'
C2	99.29'	230.00'	24°44'01"	S55°19'30"E	98.52'
C3	28.45'	20.00'	81°30'27"	S14°34'16"E	26.11'
C4	15.49'	20.00'	44°23'06"	S48°25'39"W	15.11'
C5	74.31'	50.00'	85°09'25"	S28°01'12"W	67.66'
C6	127.01'	3336.61'	2°10'51"	S50°22'56"W	127.00'
C7	90.00'	3336.61'	1°32'44"	S48°31'09"W	90.00'



WASTEWATER DISPOSAL

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

KENTON T. BLOOM, P.L.S. 7968-S DATE

CERTIFICATE OF OWNERSHIP

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

BRENDA K JAGER
P.O. BOX 1983
HOMER, AK 99603

NOTARY'S ACKNOWLEDGMENT

FOR: _____

ACKNOWLEDGED BEFORE ME THIS _____

DAY OF _____, 2020

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

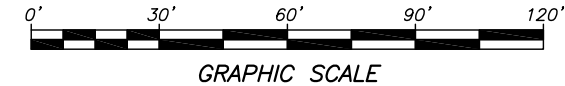


PLAT APPROVAL

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

BY: _____
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE _____



SEABRIGHT SURVEY + DESIGN

Kenton Bloom, PLS

1044 East Road Suite A

Homer, Alaska 99603

(907) 299-1091

seabrightz@yahoo.com

August 12, 2020

City of Homer

Planning Dept.

491 E. Pioneer

Homer, Alaska 99603

RE: Preliminary Plat Submittal "Guy Waddell Subd. No. 3 June's Addn. Lot 1-E
2020 Replat"

Dear Planning Department:

Here are the two full size copies for the preliminary plat referenced above. We will submit an 11"x17" pdf copy by email. We are also submitting the \$300 fee. Please let me know if there are any concerns or clarifications I can address.

Cordially,



Kenton Bloom, P.L.S.

Seabright Survey + Design

RECEIVED

AUG 14 2020

**CITY OF HOMER
PLANNING/ZONING**

NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

Guy Waddell Subd. No. 3 June's Addn. Lot 1-E 2020 Replat Preliminary Plat

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

A public meeting will be held by the Homer Planning Commission on Wednesday, September 2, 2020 at 6:30 p.m. The meeting will be held virtually.

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

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

VICINITY MAP ON REVERSE

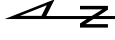


City of Homer
Planning and Zoning Department

8/17/20

**Guy Waddell Sub No 3 June's Addn
Lot 1-E 2020 Replat
Preliminary Plat**

Marked lots are within 500 feet and
property owners notified.



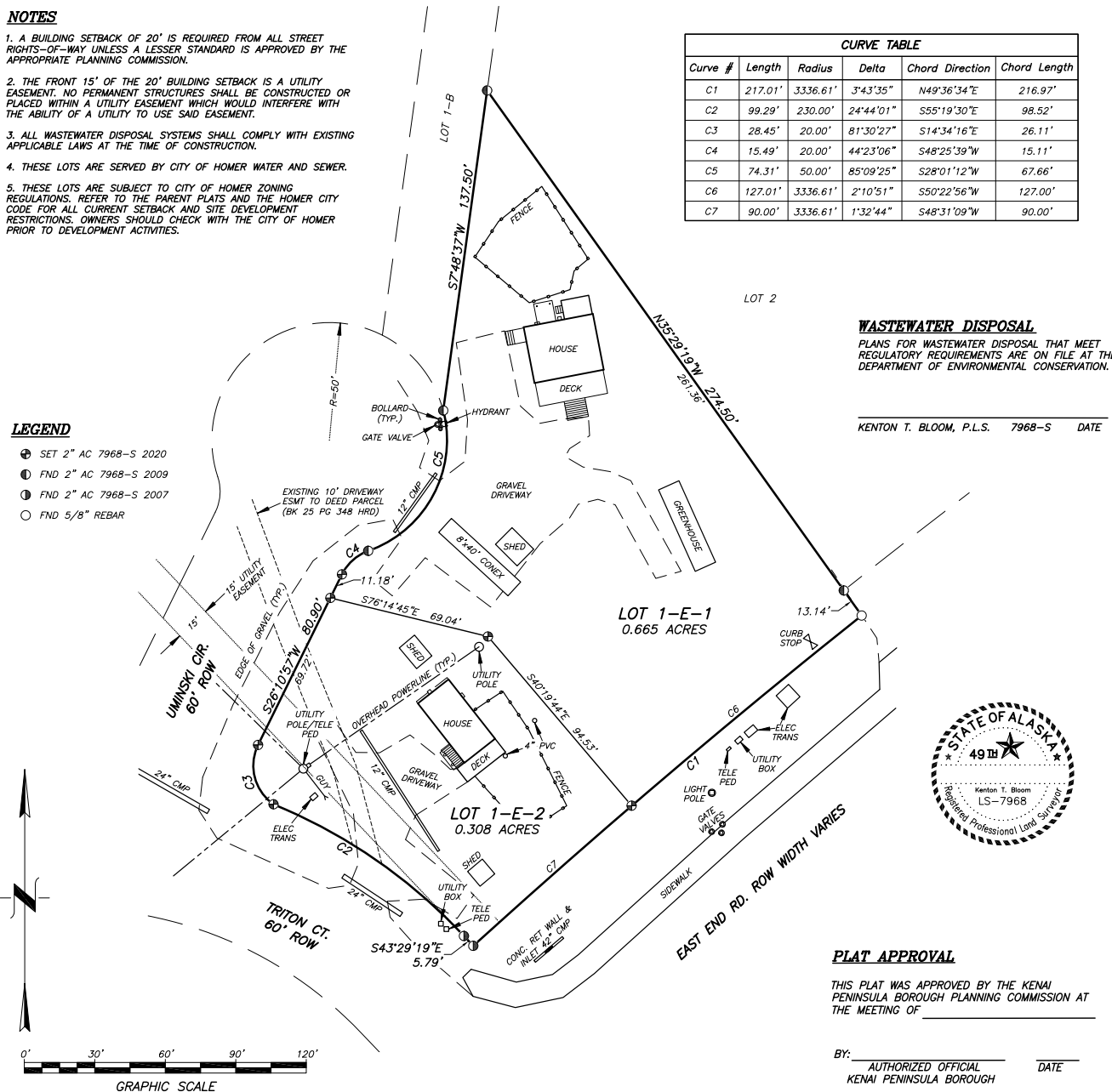
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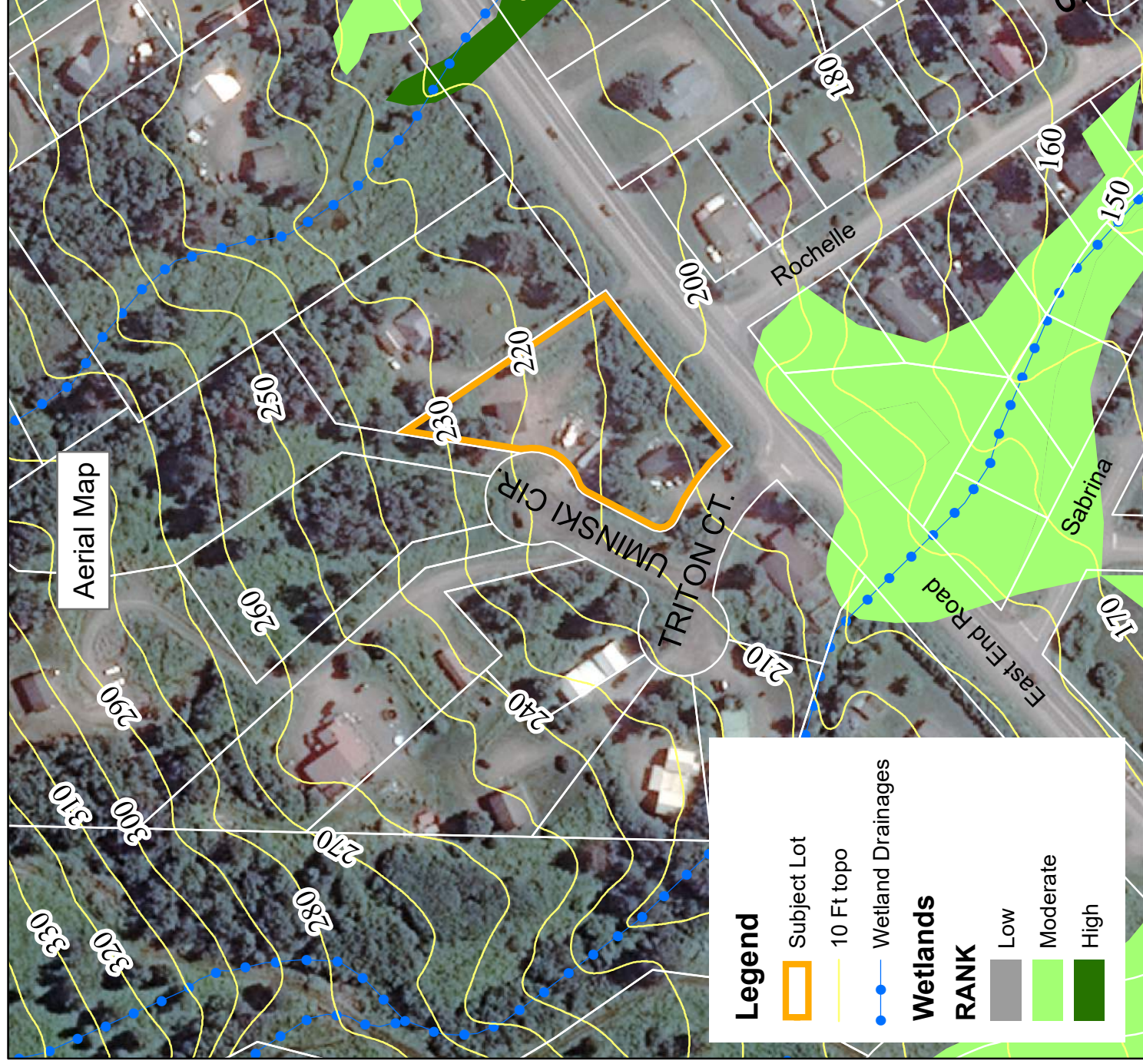
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LEGEND

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- ⊖ FND 2" AC 7968-S 2009
- ⊖ FND 2" AC 7968-S 2007
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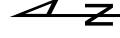


City of Homer
Planning and Zoning Department

8/17/20

Guy Waddell Sub No 3 June's Addn
Lot 1-E 2020 Replat
Preliminary Plat

2017 aerial photo.
Property lines are not exact;
use with care



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City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov
(p) 907-235-8121 x2222
(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: August 20, 2020
SUBJECT: City Manager's Report for August 24th Council Meeting

Greetings – it's great to be here

I arrived in Homer on August 11th and reported for duty on the 17th. I'm very excited to learn the organization and integrate myself into the community. Much of my first week has been spent getting to know the leadership team and staff. I had many positive conversations and learned a great deal. I'm very pleased to join a team with so much talent and experience. I'm currently working on conducting site visits at our various facilities to better understand each operation and meet more of the staff. I am also planning on observing meetings for all of our commissions/boards so that I can get a better understanding of the work they are doing to support the City and the Council.

As I get settled in, I wanted to note that I am extremely appreciative of the efforts of the staff in my office to help get me up to speed. I am also very thankful for the work Rick Abboud has put in as Interim City Manager.

Homer Spit

There was some unauthorized camping on the Homer Spit over the first two weekends in July. Public Works roused the people out, put up some low-key fencing and some signs saying, "This is not a Campground". There hasn't been a problem since.

In June, it was reported that Homer Spit Road was facing serious safety issues as a result of cars parking illegally along the highway. Since the placement of candlestick pylons bearing signs with the words "no parking" and additional enforcement went into effect, this has no longer been a concern for the remaining summer season. Next year, assuming visitation and usage trends resume normally, staff will move forward with the Spit Parking Study approved by Council as a FY 20/21 capital budget amendment.

Tsunami Debrief

Enclosed please find the July 24 debriefing report produced after the July 21 tsunami warning. Chief Kirko is developing corrective suggestions for any follow-up items listed under Areas of Improvement. Staff were unable to activate the sirens from the City's tsunami station because the server was down. It has been repaired and is fully functional again. The tsunami warning system on the Kenai Peninsula is old and may be past due for an upgrade. This might be an area where Council could assist staff by initiating a discussion with the Borough to pursue upgrading the system.

NEA Grant Partnership

Bunnell Street Arts has approached the City to partner on a National Endowment for the Arts (NEA) “Our Town” grant, a placemaking grants program. These grants support projects that integrate arts, culture, and design activities into efforts that strengthen communities by advancing local economic, physical, and/or social outcomes. These projects require a partnership between a nonprofit organization and a local government entity, with one of the partners being a cultural organization. This grant will help pay for a new public art installation at Bishop’s Beach Park. The Parks, Art Rec and Culture Commission is currently reviewing the public art donation, and their recommendation will be forwarded to Council at a future meeting. The NEA grant would potentially help pay for installing the artwork. Grant awards won’t be issued until next year, with funding availability in approximately one year from now. If the grant is awarded to Bunnell, a formal agreement will be brought back for Council approval.

COVID-19/CARES Update

Staff met on the 18th with CARES Act Program Administrator Sara Perman. She is building the applications and processes required to get the various grant programs underway. I will provide regular updates as part of the City Manager’s report and Sara is available for future Council meetings at the Council’s request.

Enclosures:

1. August 17, 2020 SBERG Program Update
2. Homer Foundation Quarterly Report for April – June 2020
3. Active Projects Spreadsheet – Updated 08/20/20



After Action Report

City of Homer EOC

Debriefing Date: July 24, 2020

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

Participants:

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

Summary of Event:

First notification of the tsunami warning was an alert sent out to phones at 22:20. Tsunami sirens were activated shortly after the phone alert. The EOC was officially activated at 22:35 at HVFD. HPD had officers on the Homer Spit within 5 minutes of the tsunami warning to assist with evacuation. Heavy amounts of traffic were seen evacuating the low lands, and Public Works moved equipment shortly after the warning systems started.

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

	Strengths	Areas of Improvement
Effective integration of Incident Management Team personnel?	Most roles quickly identified due to ongoing IMT structure.	All members responded from home due to after-hours event. From time of first alert majority of staff arriving at EOC was 55 minutes.
EOC staffing levels adequate?	Adequate for this EOC activation.	Would benefit from a member from HPD (unable to

	• Having two PIO's was great; they were able to give continuous updates to the public and gather information in a timely manner.	attend due to evacuation), SPH, Finance Dept., and Public Health. • Public Health would be able to contact people who may need more help evacuating. • Reaching out to AST to keep them updated throughout event is recommended in future. They were helpful with traffic control on Baycrest.
Did EOC space function adequately?	• Spare note pads, and extra pens provided. • No difficulties with EOC members entering building or parking. • All EOC members wearing masks. • Access to NTWC fax updates.	• Access to NAWAS system in current EOC is needed. • In the event an EOC member does not have work laptop, a file is to be prepared with important links and websites and saved on EOC computer • Need to confirm EOP manual is readily accessible at all times. • Spare monitors/screens are recommended for important links to be shared with all EOC members.
Communications flow within EOC?	• Flow in EOC went smooth.	• Make sure all real-time updates are voiced and confirmed by all members of EOC. • In future EOC activations, allow only PIO's to post on City Facebook/Social Media sites.
Were all personnel comfortable/familiar with their roles & responsibilities?	• Personnel understood their roles.	• More training is recommended and requested from majority of members of EOC. • HPD was extremely busy. Other departments can assist HPD with evacuation; help distribute the labor.

How did IMT personnel integrate with other agencies/organizations?	• IMT personnel were easily able to get in contact with other members of their departments. • OEM email was forwarded onto EOC members quickly.	• An updated contact list needs to be placed in EOP and ensured that it is up to-date frequently. • Limited information was gathered from KPB OEM.
Was info in EOP useful in guiding the response? How might you revise EOP based on this experience?	• Yes; lay out was beneficial for planning. • Sheltering section was beneficial for PIO's when parking started to become limited at schools.	• EOP is dated March 2007. There is a revised 2013 draft but this was not available at HVFD throughout event.
Were there adequate resource information/telephone numbers in the plan?		• Due to outdated EOP, personnel and contact numbers are out of date. • Utilization of closer parking lots may facilitate quicker evacuation of Public Works equipment. Equipment will need to be easily accessed if needed throughout event.
Did external notifications occur quickly and effectively?	• KPB sent out alert to phones.	• External notifications occurred before anything else. Dispatch was flooded with 911 calls inquiring as to what to do. • There is an emergency link on the COH website for this purpose; additional public education/outreach is recommended.
Was alert/siren system effective?	• Alert system sent to cell phones by KPB was effective.	• Currently KPB has computer to activate the City's tsunami warning sirens. Homer EOC had to request OEM to activate sirens. • Having ability to sound off sirens at certain time intervals would benefit HPD's evacuation efforts. • Recommendation for siren to be placed at End of the Road Park on the Homer Spit and

		Northern Enterprise Boat Yard on Kachemak Drive. Siren is not heard at these locations.
Did evacuation occur smoothly?	• Yes. • HPD reported to have about 90% of Homer Spit evacuated before cancellation.	• In future, HVFD can assist HPD with evacuation efforts. • Recommendation for signage or ability to quickly change current signs for evacuation information. • Blue Line project will benefit community by clearly marking tsunami danger zone and educating public.
Was shelter facility adequate?	• Due to time of year, majority of people on the Spit were in RV's. These people were able to move to parking lots for sheltering such as the Homer High School, Homer Middle School, and Baycrest. • Homer High School was opened for others looking for shelter. Masks and sanitizer were available.	• Better communications and planning with HHS is recommended. There was a delay from time alert was sent out to the time HHS was confirmed opened (1 hour 20 minutes). • Need plan for sheltering of families for COH members.



City of Homer

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Memorandum

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: August 17, 2020
SUBJECT: Small Business Economic Relief Program (SBERG) Program Update -8/17/20

The City Manager's Office has reviewed a total of 20 appeals.

As of August 17, 2020:

326 TOTAL APPLICATIONS

227 online
99 paper

126 TOTAL APPROVED APPLICATIONS - \$378,000 TOTAL GRANTS AWARDED

07.06.20 68 applications have been approved and turned into finance department
07.13.20 58 applications have been approved and turned into finance department
07.20.20 38 applications have been approved and turned into finance department
07.27.20 36 applications have been approved and turned into finance department
08.03.20 31 applications have been approved and turned into finance department
08.10.20 25 applications have been approved and turned into finance department
08.17.20 21 applications have been approved and turned into finance department

\$831,000 TOTAL GRANTS AWARDED

15 APPLICATION PENDING - details below

15 APPLICATIONS DENIED - details below

19 APPLICATIONS VOIDED - voids due to duplicate application or incorrect information on application

APPEALS 12 - applications approved 3 - denied

15 TOTAL DENIED APPLICATIONS

[7] Not in City Limits [1] Medial Business - Does not collect sales tax [4] Nonprofit - Does not collect sales tax [2] General tax exempt - possibly fishing [1] New business - collected sales tax after 1st quarter 2020

15 PENDING Applications

[5] Incomplete Application [9] Not on KPB List - requested more information [1] Not in City Limits - requested more information

HOMER FOUNDATION

Quarterly Report to Fund Advisors
Homer Foundation Fund Details - April through June 2020

Fund Holder	City of Homer
Fund	City of Homer Fund
Fund Type:	FIELD OF INTEREST
Fund Code:	1305

PORTFOLIO SHARE (Corpus)	
Beginning Balance	183,827.19
Contributions	-
Withdrawals	-
Quarterly Portfolio Change	25,821.35
Ending Balance	209,648.54

AMOUNT AVAILABLE TO SPEND (ATS)	
Beginning Balance	13,583.27
Increases	-
FY21 ATS	6,145.93
Grants and Withdrawals City of Homer Grant Program	(13,583.27)
Ending Balance	6,145.93

Council Initiated/Involved Projects

Updated 8/20/20

Date Initiated	Project	Primary Impacted Departments/Divisions	Status	Category		% Complete	Next Steps/Notes	Sponsor/Champion
				Medium	Large			
Oct 2019 (Reso 19-073 S)	Right of Way Clearing Policy	Administration, Public Works	Ord 20-26 adopted 6/22	Medium		100		Lord/Aderhold
Feb 2017 (Reso 16-128 SA)	New Police Station	HPD, Public Works, IT	The ProComm radio installation crew will be here the week of September 21st to move dispatch which is hopefully when Motorola can also install the new consoles.	Large		96	Estimated move in date is the week of 9/21	Mayor/Council
March 2019 (Reso 19-018)	Green Infrastructure Study	Administration, Public Works	Interpretative signs installed. Federal grant closed out.	Medium		95	Staff figuring out how to handle public education component under protocols of COVID-19; working with HPD to use their virtual building tour as a way to share info on green design.	Lord
Feb 2011 (Ord 11-02 SA)	Energy Conservation at City Buildings (lighting)	Public Works	The light conversion project is complete except for 7 interior lights at the harbor master office. That could be complete in a week, except for all the interruptions and extra challenges due to the COVID issues.	Medium		90	Installation will be completed once additional PW staff come online in fall/winter if not sooner.	Stroozas
Nov 2019 (Ord 19-49 SA)	Medical Zoning District	Planning	The Planning Commission conducted a worksession Aug 5 prior to the regular meeting and discussed the proposed Medical District, focusing discussion on sections of the draft ordinance related to purpose statement, building height, heliports and boundaries related to building heights and the proposed ordinance to amend Kenai Peninsula Borough Code Chapter 20 and Title 2.	Medium		85	Moratorium extended to Sept. 15 through Ord. 20-37	Smith
May 2019 (Ord 19-17)	Ice Plant Feasibility Study	Port and Harbor	Received engineer/consultant recommendations but project put on hold. At July P&HAC meeting, Harbor master reported staff is still coming up with recommendations and equipment purchase requests based on the findings from the study.	Small		75	Staff currently are implementing no cost solutions to increase efficiency using feedback from the report. Main goal will be to institute the low cost items that promise returns/savings first and set the bigger items on a longer timeline (after pandemic). Staff most likely wont implement larger recommendations until 2021 unless time and funds allow.	Stroozas
Reso 20-012 (A), Memo 20-015	Reopening HAWSP	Administration, Finance, PW	Aug 24 meeting has a reso amending HAWP policy manual.	Medium		65	Further discussion on HAWSP manual revisions. Discuss and adopt water and sewer capital improvement plans for use as a tool for project development.	Castner/Lord
Dec 2019 (Ord. 19-54 S2 A2)	Wayfinding Plan/Committee	Administration	Project on hold.	Medium		60	Assess staff capacity to usher project through posting, selection of contractor and development of plan which requires staff availability and public engagement.	Venuti/Smith

Council Initiated/Involved Projects

Updated 8/20/20

Date Initiated	Project	Primary Impacted Departments/Divisions	Status	Category	% Complete	Next Steps/Notes	Sponsor/Champion
Sept 2019 (Ord 19-38 A S)	HERC Demolition	Public Works	City Engineer provided estimates to Council under June 22 Manager's Report.	Medium	35	Awaiting Council direction.	Mayor/Council
Sept 2019 (Memo 19-153)	Traffic Calming Policy	Administration, HPD, Public Works	Project on hold.	Medium	35	Research collated. Admin staff will resume working on draft policy in preparation for PW, HPD review.	Lord
Aug 2019 (Ord 19-35 S)	Fund Balance Policy, City-wide	Administration, Finance	Council priorities sheet on this topic provided to Council Aug 10 as a result of w/s reserve proposed uses from PW.	Medium	25	Awaiting Council direction.	Mayor
Memo 20-015	Climate Action Plan Progress Report	Administration, Public Works	Staff compiling energy usage. Sending request to HEA for updated emission factors. Staff have been identifying things we can do to improve City's sustainability based on findings, conclusions, and recommendations from documents related to combating climate change.	Medium	20	After Sept, staff can commit to making an emission report.	Aderhold
Summer 2020 Ord 20-32 Ord 20-34 Ord 20-31(s)	Stormwater management plan and implementation	Public Works	Update 1979 drainage management plan; Fund Small Works Drainage Improvement Program; Main Street Storm Drain and Sidewalk Project.	Medium	20	Continuing work incrementally.	Castner/Lord/Aderhold
Dec 2019 (Ord 19-51 A)	Spit ADA Parking Improvements	Port and Harbor, Public Works	RFP issued. Bids came in higher than anticipated. 10 pads were in the original bid, staff reduced work to 9 so majority of project can be completed this season.	Medium	20	P&H working on submitting ordinance to complete remaining pad.	Aderhold
Jan 2018 (Ord 18-03)	Large Vessel Harbor General Investigation Study	Administration, Port and Harbor (and ADOT, Army Corps, KP&EDA)	Further detail provided in June 8 Manager's Report. P&HAC supports the proposal from HDR providing owner representation services to the City for the duration of the general investigation study to ensure highest possible outcome for the city. Updated and submitted a letter of intent with the Corps.	Large	5	Confirm with KP&B EDA funding application status. Develop MOU to reinstate relationship with SOA on project. Work with Council on hiring of lobbyist.	Lord/Smith
Dec 2019 (Ord 19-51 A)	Spit Parking Study	Port and Harbor, Public Works	Project on hold until 2021 as detailed in May 11, 2020 City Manager's Report	Medium	0	Reevaluate Jan. 2021.	Lord

Please note:

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

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

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

From: Frank Griswold <fsgriz@alaska.net>
Sent: Wednesday, September 2, 2020 3:34 PM
To: Department Planning
Cc: Julie Engebretsen
Subject: CUP 20-14

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

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

Dear Commissioners,

1. The subject structure does not and cannot as a matter of law constitute a mobile home. HCC 21.03.040 (not HCC 21.030 as cited in Staff Report 20-58) defines mobile home in significant part as a structure that is **built on a permanent chassis and is designed for use as a dwelling.** The subject Connex was not built on a permanent chassis and was not designed for use as a dwelling. A "chassis" is the base frame of a motor vehicle or other wheeled conveyance. A Connex shipping container is designed to be transported on a trailer towed by a truck and therefore has no permanent chassis. (The truck has a permanent chassis and the trailer has a permanent chassis but the Connex shipping container does not). HCC 21.03.040 states in part as follows: "A mobile home shall be construed to remain a mobile home whether or not wheels, axles, hitch or other appurtenances are removed, and regardless of the nature of the foundation provided." It would follow that a Connex shipping container shall be construed to remain a shipping container whether or not it is modified into a dwelling unit. According to the Manufactured Housing Institute's National Communities Council (MHINCC), manufactured homes are homes built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The MHINCC distinguishes among several types of factory-built housing: manufactured homes, modular homes, panelized homes, pre-cut homes, and mobile homes. Shipping containers are not designed or manufactured to comply with a nationally recognized model building code for site-built housing and the MHINCC does not consider modified shipping containers to be factory-built housing of any sort. Neither does HCC. Shipping containers are considered a nuisance and prohibited in the CBD. (HCC 21.18.080(c)). Modifying a shipping container does not magically transform it into something else. No matter how much lipstick one puts on a pig, at the end of the day it is still a pig. The fact that the subject structure may no longer be functional as a shipping container is irrelevant. It belongs in the dump, not in the CBD.

2. At page 3 of Staff Report 20-58 it states "Both homes would use the eastern **driveway.**" But HCC 21.54.080 mandates that "each mobile home space shall be directly accessible by a vehicle from an internal street without the necessity of crossing any other space. **Direct vehicular access from public streets to a mobile home space is prohibited.**" HCC 21.03.040 defines street as follows: "Street" means a public thoroughfare including a public street, road or highway of any description that affords a principal means of access to abutting property. **Street does not include alley or driveway.**" (Emphasis added). Furthermore, HCC 21.54.090 states: "The internal street system of a mobile home park shall provide convenient circulation by means of minor streets and collector streets. Dead-end streets shall be provided with an adequate turning circle at least 80 feet in diameter." The proposed mobile home park contains no minor streets or collector streets and therefore cannot be sustained. Applicants recently removed chain link fencing to install a new driveway providing direct vehicular access from Bonanza Avenue to the Connex. This new driveway did not exist prior to the illegal installation of the Connex. There is no evidence in the record that a

driveway permit was issued for the construction of the new driveway and it seems unlikely that it will now be abandoned. The driveway to the east provides direct vehicular access from Bonanza Avenue to the other structure on the subject lot. This direct access from Bonanza to the existing structure would be prohibited in a mobile home park under the provisions of HCC 21.54.080 cited above. There is no evidence in the record that a prerequisite driveway permit was issued for that driveway either.

3. Most building contractors quickly learn that forgiveness is easier to obtain than permission. California *contractor* Scott Lowry and his wife had the Connex placed on the subject lot before obtaining prerequisite zoning permits thereby violating HCC 21.90.090(a)(3), HCC 21.90.090(a)(6), and HCC 21.90.090(a)(7). The applicants are therefore zoning code violators per HCC 21.90.090(c). Every day upon which the act or condition occurs constitutes a separate violation. (HCC 21.90.090(b)). Violators are subject to a fine of not less than \$75 and not more than \$300 for each violation. (HCC 21.90.100). The Applicants would never get away with such flagrant zoning violations in Ojai California; its Planning Department would likely order the immediate removal of the subject structure and/or initiate other measures to enforce its zoning code.

4. The proposed structure is incompatible with the purpose of the CBD. The primary purpose of the CBD is to provide a centrally located area within the City for general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and other listed business uses. The primary purpose of the CBD is not to provide mobile home parks for modified Connex dwellings. The proposed structure would create conflict with nearby non-residential uses including Glacierview Garage located at 519 Klondike Avenue which I have owned and operated for over 40 years. The design of the modified Connex is not pedestrian-friendly. One has to wonder how horrible and/or illegal a CUP proposal would have to be for Planning Staff to recommend its denial.

5. The value of adjoining property will likely be negatively affected greater than that anticipated from other permitted or conditionally **permitted** (vs. **permissible**) uses in the CBD. HCC 21.71.030 mandates that the applicant "must produce evidence sufficient to enable meaningful review of the application." Thus, the applicants have the burden to prove that their proposal will not negatively affect adjoining property values greater than that anticipated ... etc. Applicants have not and likely cannot meet this burden. The review criteria prescribed under HCC 21.71.030(c) is excessively ambiguous, totally subjective, and requires the applicant to prove a negative fact. As recently argued by counsel for the City of Homer, the law rarely requires a party to prove a negative fact. *Hewing v. Alaska Workmen's Compensation Bd*, 512 P.2d 896, 900 n.14 (Alaska 1973). HCC 21.18.030(f) lists railroads as a **permissible** conditional use in the CBD. Even though no CUP application for railroad has ever been applied for or approved in the CBD, is this extremely low bar one of the standards for judging whether a different proposal will negatively affect the value of adjoining property? Or is the standard a use that has already been conditionally **permitted** and currently exists? Can it exist anywhere in the CBD or must it exist in the surrounding neighborhood of the proposed CUP? If a proposed use or structure must simply be less deleterious to adjoining property values than that anticipated from a freight train then the Commission's consideration of HCC 21.71.030(c) is pointless. HCC 21.18.010 mandates that conflicts between residential uses and nonresidential uses are to be resolved in favor of nonresidential uses so the fact that a drinking establishment could adversely affect the value of adjoining residential land is moot because owners of residential CBD properties apparently forfeit all of their constitutional property rights to the owners of nonresidential properties.

6. The proposal is not compatible with uses of surrounding land. None of the **surrounding land** (undefined) contains modified Connex dwellings or mobile home parks. HCC 21.71.020(a)(6) required Applicants to provide a map showing **neighboring lots** (undefined) and a narrative description of the existing uses those neighboring lots but they failed to do so. "Neighboring lots" is not synonymous with "abutting lots" and would arguably include all properties located within 300 feet of the subject property since the Notice of Public Hearing was sent to all (neighboring) property owners within 300 feet. The Commission should not consider this application until HCC 21.71.020(a)(6) is fully complied with. HCC 21.71.020(a)(3) required Applicants to provide the legal description of the subject lot but they did not. The Homer City Clerk rejected my initial Notice of Appeal re: CUP 14-05 because I neglected to include therein the formal legal description of the subject property in addition to its street address and KPB parcel number which were included.

7. Existing fire services may not be adequate to extinguish a meth lab fire in a modified shipping container dwelling. No input from HVFD was sought or received.

8. The fact that mobile homes and mobile home parks are listed as permitted uses and conditionally permitted uses respectively in the CBD is irrelevant since the proposed use is not a mobile home. Being compatible with the purpose of the CBD is a distinct review criteria and compatibility with the purpose of the CBD does not guarantee that the proposal will not cause undue harmful effect upon desirable neighborhood character. If the modified Connex is rented to drug dealers this would clearly cause undue harmful effect upon desirable neighborhood character. Applicants assert that the proposed dwelling is to be used "as a guest house to stay in when we visit and have family members stay while in town" but this would not be binding on Applicants or future owners unless a condition were imposed that the alleged "guest house" not become a rental or put to some other more objectionable use. Note that the Applicants and visiting family members could stay in the existing mobile home instead of in the cramped and unsightly Connex which seems better suited to drug dealers and miscreants. A mild earthquake could easily topple the existing fuel oil tank (conveniently omitted from the Applicants' fanciful conceptual drawing) spilling hundreds of gallons of fuel oil onto the adjacent property. No Commissioner or Planning Department employee would likely support the approval of CUP 20-14 if they lived next door to the subject Connex.

9. Staff's analysis pertaining to HCC 21.71.030(g) fails to address whether the proposal will be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole. The fact that city utilities, police, fire and road maintenance services are available and adequately serve the lot may apply to HCC 21.71.030(f) but is irrelevant to HCC 21.71.030(g). HCC 21.71.030(g) is one of the review criteria that must be met before the CUP 20-14 can be approved. Staff circuitously asserts that if all applicable standards required by code are met, including this one, then this review criteria will be met. Such a finding is evasive and inadequate. If Connex shipping containers were not considered nuisances and unduly detrimental to the health, safety and/or welfare of the surrounding area they would not be prohibited in the CBD under HCC 21.18.080(c).

10. The proposal cannot comply with the applicable regulations and conditions specified in the zoning code unless the subject structure is first removed. HCC 21.70.010(a)(1) mandates that a zoning permit shall be obtained from the City Planner for the erection, construction or moving of any building or structure. HCC 21.70.010(b) states: "The zoning permit required by this section shall be obtained **prior to the commencement of any activity for which the permit is required**. Failure to do so is a violation." There is no provision in HCC for issuing after-the fact zoning permits. HCC 21.70.070 states as follows: "Nothing in this chapter shall relieve the applicant of the obligation to obtain a conditional use permit, sign permit, variance, or

other permit or approval required by other provisions of the zoning code. The zoning permit required by this chapter shall be in addition to any other applicable permit or approval requirements. If any such additional permits or approvals are required, they must be obtained **prior** to the issuance of the zoning permit under this chapter. Thus, CUP 20-14 would need to be approved before the issuance of a zoning permit and the structure would have to be removed before that zoning permit could be issued. HCC 21.70.030(c) provides that in granting a zoning permit, no City official or employee has authority to grant a waiver, variance, or deviation from the requirements of the zoning code and other applicable laws and regulations, unless such authority is expressly contained therein. There is no evidence in the record that either driveway permit has been acquired or that the CUP application fee has been paid.

11. The proposal is contrary to many applicable land use goals and objectives of the Homer Comprehensive Plan. Applicants failed to meet their burden of proof that their proposal is not contrary to the applicable goals and objectives of the Comprehensive Plan (once again Applicants were unreasonably required by city code to prove a negative) and Planning Staff ignored several applicable provisions of the Comprehensive Plan with which the proposal clearly does not comport while creatively presenting others in a favorable light. As pointed out on page 1 of Staff Report 20-58, Goal 1, Objective C is to maintain high quality residential neighborhoods. Allowing a Connex shipping container to be occupied as a dwelling unit in the CBD is clearly contrary to the goal of maintaining high quality residential neighborhoods and potentially sets a precedent would generate an influx of additional substandard housing in the CBD. The overly-broad goal of promoting infill development in all housing districts is not a legitimate zoning objective because it would support any and all development thus defeating the purpose for adopting a comprehensive development plan in the first place. "Not all of the goals articulated by the City can be considered legitimate per se. For example, any zoning change which eases restrictions on property use could be said to further the goal of "filling in vacant places." *Griswold v. City of Homer*, 925 P.2d 1015, 1023 n. 9 (Alaska 1996). In any event, the subject lot is already infilled with a single-family dwelling. Furthermore, it is not clear that the Central Business District constitutes a "housing district" which is undefined in HCC 21.03.040. Planning Staff's finding that the proposed structure may at some point "be closer to meeting the intent of the Comprehensive Plan" is not only damnation by faint praise but inadequate to support the prerequisite review criteria i.e., not being contrary to the Comprehensive Plan's applicable land use goals and objectives. Planning Staff's finding that "no evidence has been found that it is **not** contrary to the applicable land use goals and objects [sic] of the Comprehensive Plan," while very true and therefore automatic grounds for denial of the application for CUP 20-14, appears to be a Freudian slip. The photos of the subject Connex that are included in the Commission's packet constitute substantial evidence that the proposal is contrary to the applicable goals and objectives of the Comprehensive Plan. The proposed development is flagrantly contrary to many Chapter 4 land use goals and objectives including protecting community character, maintaining high quality residential neighborhoods, maintaining the quality of Homer's natural environment and scenic beauty, and encouragement of high quality buildings and site development that complement Homer's beautiful natural setting. No matter how much lipstick is applied to it, a Connex shipping container does not constitute a high quality building. Even if no evidence had been found by Planning Staff that the proposal is contrary to the applicable goals and objectives of the Comprehensive Plan, that would not constitute evidence that the proposal is not contrary to the applicable goals and objectives of the Comprehensive Plan. Quasi-judicial findings must be based on substantial evidence and a lack of evidence does not constitute evidence of any kind. (Ask your attorney).

12. Finding #10 of Staff Report 20-58 states that the project will comply with the applicable provisions of the Community Design Manual but erroneously suggests that only the outdoor lighting section of the CDM applies to the application for CUP 20-14. Applicants erroneously state that their project does not trigger a Community Design Review CDM review. Accordingly, they did not complete the design review application form. Downward lighting is required by HCC 21.59.030 but no outdoor lighting plan was submitted by the

Applicants. Because this is an application for CUP, all applicable provisions of the CDM apply, even those provisions that would not otherwise apply. If this were not the case, HCC 21.71.030(j) would be superfluous. The Commission should make a finding of law as to whether other provisions of the CDM (besides outdoor downward lighting) are applicable to the application for CUP 20-14 and therefore prerequisite for its approval. To this end, it would be prudent for the Commission to seek legal advice from an unbiased attorney not affiliated with or influenced by the Planning Department or Administration. That attorney could also advise the Commission whether a modified Connex can constitute a mobile home. Neither Planning Staff nor the Administration has the authority to deny independent legal representation to the Commission if it is requested.

13. Black's Law Dictionary defines testimony as follows: "Evidence given by a competent witness under oath or affirmation; as distinguished from evidence derived from writings, and other sources. Testimony is particular kind of evidence that comes to tribunal through live witnesses speaking under oath of affirmation in presence of tribunal, judicial or quasi-judicial." Thus, those testifying before the quasi-judicial Commission, including the Applicants, should first be sworn in.

14. HCC 21.71.010(c) states that nothing in the zoning code shall be construed to require the granting of a conditional use permit. Staff Report 20-58 was prepared before critical evidence was presented. The Commission should reject the biased, unsubstantiated, circuitous off-point, conclusionary, and blatantly erroneous findings of Staff Report 20-58, except for the Freudian slip, and deny the application for CUP 20-14. In accordance with HCC 21.71.050(b), the Commission has 45 days to issue its Decision and Findings and, within that 45-day period, may deliberate in executive session, with or without legal representation, as many times as it deems necessary. The City Planner is not a member of the Homer Advisory Planning Commission and therefore has no authority to attend the executive sessions or sign the *Commission's* Decision.

Frank Griswold