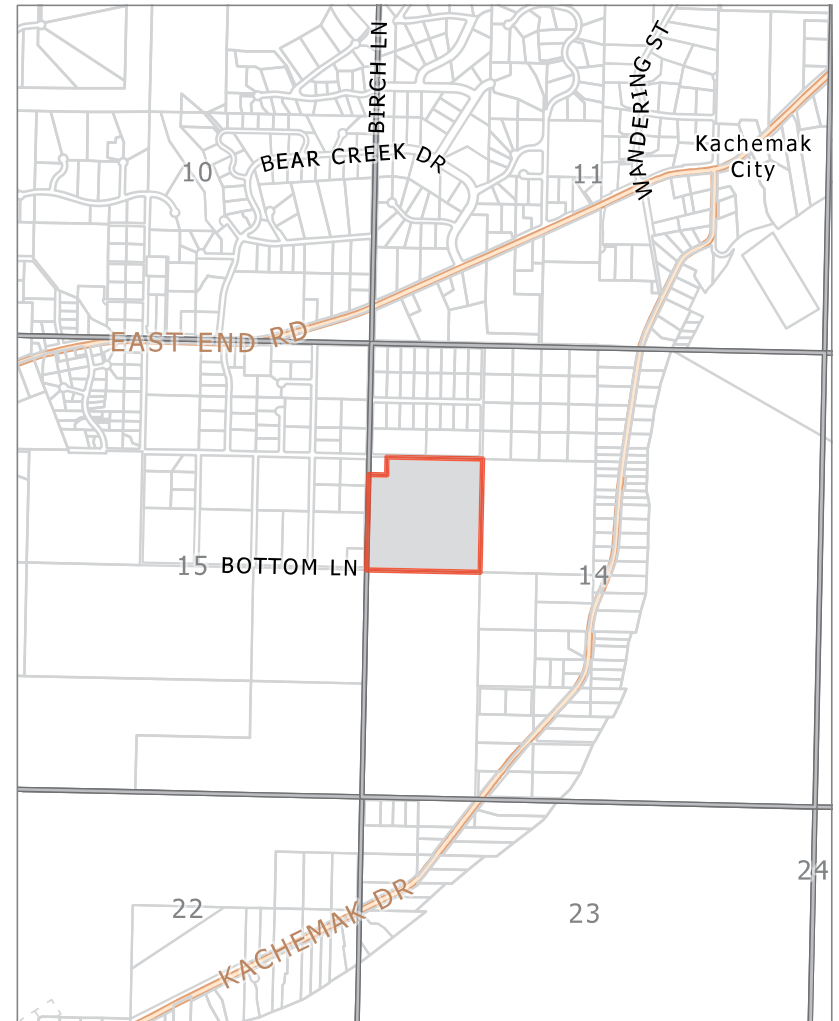
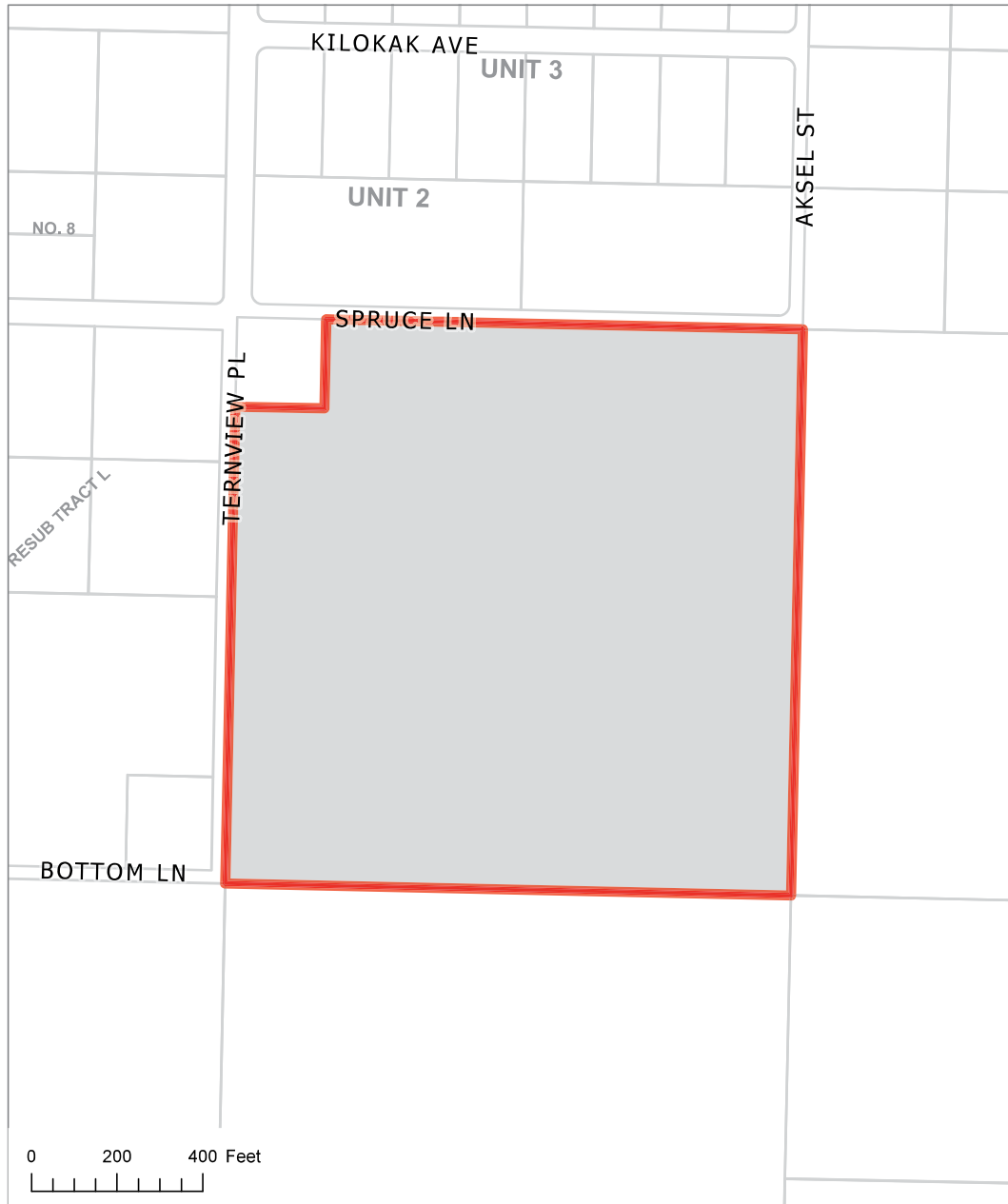


E. NEW BUSINESS

3. Stormwater Works Tract One; KPB File 2025-073

Geovera / Kennedy

**Location: Spruce Lane, off Eagle Crest & East End Road
City of Homer**



KPB File 2025-073
T 6S R 13W Sec14
Homer



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

NOTES

1. BASIS OF BEARING FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUA-FREQUENCY HP4W V RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED WITH MAGNET OFFICE VERSION 3.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NOS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAR" (PID TT0155).

2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING FEDERAL BASE NETWORK CONTROL STATION "HOMAR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS $-117^{\circ}13'4"$. TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.

3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMAR" $N=100,000$ $E=100,000$. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN U.S. SURVEY FEET ORIENTED TO TRUE NORTH.

4. THE FRONT 15 FEET ADJOINING THE TERVIEW PLACE AND SPRUCE LANE RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED BY THIS PLAT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

5. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS. CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.

6. 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.

WASTEWATER DISPOSAL

TRACTS A AND B

THESE LOTS ARE AT LEAST 200,000 SQUARE FEET IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ON-SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:

THE TERVIEW PL. RIGHT-OF-WAY

THE SPRUCE LN. RIGHT-OF-WAY

THE 15 FOOT UTILITY EASEMENTS ADJOINING THE RIGHT-OF-WAY DEDICATIONS

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____
MEISSA JACOBSEN, CITY MANAGER
CITY OF HOMER, ALASKA

LEGEND

- INDICATES 3-1/4" ALUM. CAP MONUMENT (7538-S 2017) RECOVERED THIS SURVEY
- INDICATES 3" ALUM. CAP MONUMENT (3686-S 1996) RECOVERED THIS SURVEY
- INDICATES 1/2" GP WITH TACK IN WOOD PLUG RECOVERED THIS SURVEY
- INDICATES X IN GRANITE BUILDER (RECORD HM 2004-8) RECOVERED THIS SURVEY
- INDICATES 2" ALCAP ON 5/8"x3/0" REBAR (7538-S 2024) SET THIS SURVEY

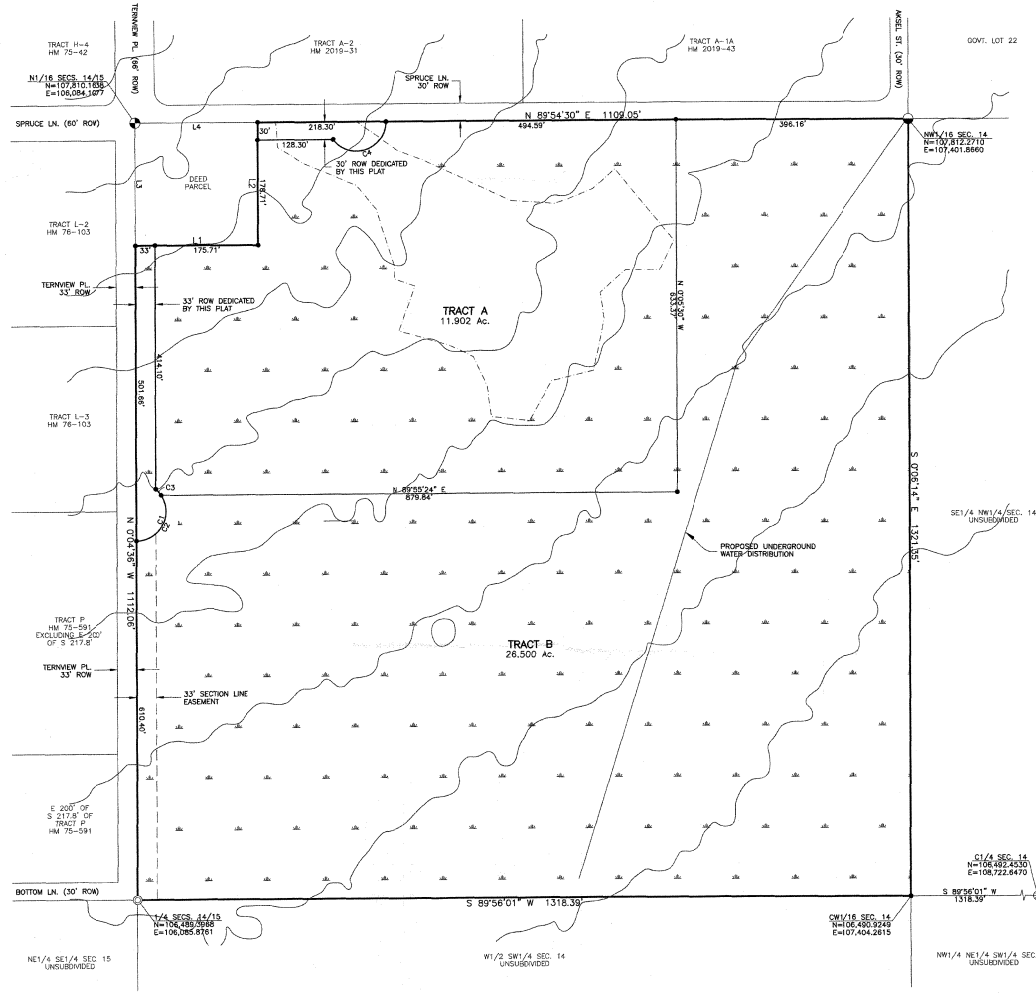
INDICATES POTENTIAL WETLAND/UPLAND COMPLEX AND/OR DRAINAGEWAY PER KENAI WATERSHED FORUM WETLANDS MAPPING

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 89°54'30" E	208.71'
L2	N 0°04'36" W	208.71'
L3	N 89°54'30" E	208.71'

CURVE TABLE

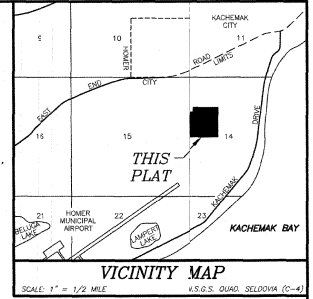
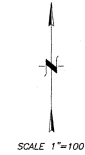
CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG	CHORD DIST
C1	138°22'00"	50.00'	121.04'	N 40°34'24" E	91.58'
C2	123°00'40"	50.00'	107.35'	N 28°26'04" E	87.89'
C3	154°17'50"	50.00'	13.89'	N 40°59'56" E	13.89'
C4	143°07'48"	50.00'	124.90'	N 71°28'24" E	94.87'



PLAT APPROVAL

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

BY: _____ DATE: _____
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH



CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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.

GEORGE M. KENNEDY
844 OCEAN DRIVE LOOP
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FOR GEORGE M. KENNEDY
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2025.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

HOMER RECORDING DISTRICT KPB FILE No. 2024-???

STORMWATER WORKS TRACTS ONE

CREATING TRACTS A AND B
LOCATED WITHIN THE SW 1/4 NW1/4 SECTION 14,
EXCLUDING THE NORTH 208.71' OF THE WEST 208.71'
T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA
BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA
CONTAINING 38,973 ACRES

OWNER:
GEORGE M. KENNEDY 844 OCEAN DRIVE LOOP HOMER, AK 99603

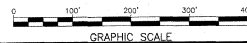
GEOVERA, LLC

P.O. BOX 3235
HOMER ALASKA 99603
(907) 399-4345
EMAIL: scsmith@gci.net

DRAWN BY: SCS DATE: MAY 2025 SCALE: 1" = 100'
CHK BY: SCS JOB #2023-12 SHEET 1 OF 1



KPB 2025-073



AGENDA ITEM E. NEW BUSINESS

**ITEM #3 - PRELIMINARY PLAT
Stormwater Works Tracts One**

KPB File No.	2025-073
Plat Committee Meeting:	June 9, 2025
Applicant / Owner:	George M. Kennedy / Homer
Surveyor:	Stephen C Smith / Geovera LLC
General Location:	East End Rd Area

Parent Parcel No.:	179-080-30
Legal Description:	T 6S R 13W SEC 14 SEWARD MERIDIAN HM SW1/4 OF NW1/4 EXC N 208.71 FT OF W 208.71 FT
Assessing Use:	Residential
Zoning:	City of Homer
Water / Wastewater	City / City
Exception Request	20.30.030- Proposed Street Layout Requirements

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide one 38.973-acre parcel into two parcels of size 11.902-acres and 26.500-acres and includes two dedications.

Location and Legal Access (existing and proposed):

Legal access to the property is from Spruce Lane in the northwest corner of the plat. There are half dedications on the north (Spruce Lane) and the west (Ternview Place) that are currently are undeveloped.

Access to Spruce Lane is from East End Road near milepost 2.5, to Little Fireweed Lane, to Eagle Place south, to Spruce Lane. East End Road is a state maintained road and the rest are maintained by the City of Homer.

The plat is proposing two dedications of cul-de-sacs along both Spruce Lane and Ternview Place as shown. Ternview Place dedication stops at the extent of developed land on the west due as the South of Tract L-3 on the west is reserved for moose habitat in the name of Kachemak Moose Habitat, Inc. Spruce Lane dedication goes into proposed Tract A to be retained as privately owned with the remaining part and that in Tract B being wetlands and intended to be included in the wetland preservation project by the City of Homer. The Roads Director has recommended that Sprue Lane be extended to the east limits of the plat. Staff does not believe this to be necessary due to the intended use by the City of Homer in purchasing Tract B and creating a wetland preservation area within it. **Staff recommends** to compromise with the City of Homer intent and KPB Roads director review comments, to extend the bulb of Spruce Lane to the west boundary of Tract A-1A, providing a full 60-foot access, in similarity to the extension of Ternview Place as the extensions provide access to developable areas.

The extension of Aksel Street south into the plat and Bottom Lane east into the plat were not proposed and have been requested to not be with the exception request.

The surveyor has requested an exception to KPNB 20.30.030 Proposed Street Layout Requirements, to be looked at later in the staff report.

The plat is affected by a 33' section line easement affecting the west line and shown on the lower portion. Staff recommends the surveyor notate the section line easement continuing north in the location of the right-of-way of Ternview Place as it still affects the plat even though a dedication is given.

Block length is not compliant with this plat. The wetlands located on the property and the proposed use of being a wetlands preservation project on the east and south portion of the plat make dedications to break the block less practical. Staff recommends the Plat Committee concur that an exception to KPB 20.30.170 Block – Length Requirements is not needed at this time due to the limitations of the proposed use and conditions of the property.

KPB Roads Dept RSA review	Out of Jurisdiction: Yes Roads Director: Uhlin, Dil Comments: This is in the City of Homer. I would recommend the ROW for Spruce Lane on the northern border be dedicated in its entirety.
SOA DOT comments	No Response

Site Investigation:

There are some structures located on the property, that when the plat is complete will be located on Tract A of the subdivision. There does not appear to be any encroachment issues. Staff recommends the surveyor be alert to any issues when doing the field survey and notify staff of any found and a resolution to the issue if found.

There are no steep areas on the plat and the terrain is gradually sloping to the southeast at 2% across the property.

A majority of the property is wetlands according the KWF Wetlands Assessment being designated as Discharge Slope and Drainageway. **Staff recommends** the surveyor review their records and verify the wetlands and revise as needed in the legend.

The River Center review identified the plat to be in a FEMA Identified flood hazard area. The plat note in KPB 20.30.280(D) needs to be added to the plat, including the FEMA Map Panel and Flood Zone, but no depiction on the plat will be needed.

The River Center review did not identify the plat to be located in habitat protection district and no note is needed.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Within a non-regulatory zone with an undetermined flood risk. Include plat note, no depiction required.</p> <p>Flood Zone: D Map Panel: 02122C-2115E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p>
State of Alaska Fish and Game	No Comments

Staff Analysis

This is the first division of the property being located in the SW1/4 NW1/4 of Section 14, Township 6 South, Range 13 West SM City of Homer, Kenai Peninsula Borough, Alaska other than a deeded parcel in the northwest corner.

A soils report will not be required as the new lots are above 200,000 sq ft.

The plat is located in the City of Homer and was reviewed by the Homer Planning Commission on August 7, 2024. The Commission voted with unanimously consent to approve the plat Stormwater Works Tract One. On September 4, 2024 the Planning Commission reconsidered the plat and it was unanimously voted to be postponed to the next available meeting. The plat was then discussed concerning the exception request at the September 18, 2024 and given a non-objection unanimous consent.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

Utility Easements

There are no utility easements of record to be shown or carried forward.

As part of our routine notification process, the subdivision plat was emailed to the affected utility providers for review. **Staff recommends:** the surveyor work with the utility providers to accommodate their request, ensuring optimal use of the owner's land and maximum benefit for both the provider and the public.

The plat is providing a 15' utility easement adjoining the Ternview Place and Spruce Lane rights-of-way.

Utility provider review:

HEA	No comment
ENSTAR	No Response
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing Review	Reviewer: Leavitt, Rhealyn Affected Addresses: 4722 TERNVIEW PL Existing Street Names are Correct: Yes List of Correct Street Names: SPRUCE LN, TERNVIEW PL Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: CITY OF HOMER WILL ADVISE ON ADDRESSING
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
LOZMS Review Planner	Reviewer: Raidmae, Ryan

	<p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required</p>
Assessing Review	<p>Reviewer: Windsor, Heather Comments: No comments</p>

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Add the date of June 9, 2025 to the Plat Approval

Modify the KPB File No to 2025-073

KPB 20.25.070 – Form and contents required

Staff recommendation: *final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.*

- 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 recommendation:
- Make the adjacent road names stand out better on the roads.
 - Continue to show the SLE north on the west side as it still affects the property. If the SLE applies to the other side of the section line please show.
- 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 recommendation:
Add the adjacent roads to the vicinity map
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Staff recommendation:
Tracts to the west on the south need the subdivision label corrected.
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;
Staff recommendation:
KWF wetlands Assessment indicates area to be Discharge Slope and Drainageway, please add to legend.

KPB 20.30 – Subdivision Design Requirements

Staff recommendation: *final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.*

KPB 20.40 – Wastewater Disposal

Staff recommendation: final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

Staff recommendation: final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.

EXCEPTIONS REQUESTED:

A. KPB 20.30.030 Proposed Street Layout

Surveyor's Discussion:

The Surveyor/Applicant has submitted the following proposed Findings in support of the exception request.

1. This subdivision is for the purpose of acquiring 26.5 acres of wetlands to be part of a wetland preservation project being undertaken by the City of Homer funded in part through a NOAA grant.
2. This land will be off limits to future development.
3. Right-of-way dedications within this proposed subdivision provide matching dedications on the portions of this subdivision and adjoining tracts that will have the potential for future development.
4. Tract B of this subdivision will be set aside as a conservation easement for the purpose of preserving and enhancing the wetlands within the tract and the surrounding wetlands. It will be off limits to development. The requirement to match right-of-way dedications on portions of the north and west boundaries, and dedication of right-of-way on the east and south boundaries would defeat the purpose of this project.
5. The granting of this exception will not be detrimental to the public welfare. Adjoining property owners all have legal and functional access to their property. The 40 acres to the east of this subdivision has legal access through a City of Homer owned parcel that gives it a connection to Kachemak Drive. The property to the north of that parcel is part of this wetland conservation project. There will be no future need to provide road access to it.

Staff Discussion:

20.30.030. - Proposed street layout—Requirements.

A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

Findings.

6. Large areas of wetlands exist on the plat.
7. The City of Homer approved this plat with the specific intent to create a wetland preservation project in mind.

Staff reviewed the exception request and recommends granting approval

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under KPB Title 20, the Committee may authorize exceptions to any of the requirements set forth in KPB Title 20. A request for an exception shall be in writing and presented to the Committee with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may

not be requested with a final plat submittal.

The Committee shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown
Findings 1-3 & 6 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 4, 6 & 7 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 5 & 7 appear to support this standard.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: KPB 20.25.120. - REVIEW AND APPEAL.

IN ACCORDANCE WITH KPB 2.40.080, ANY PERSON, AGENCY, OR CITY THAT PARTICIPATED AT THE PLAT COMMITTEE HEARING, EITHER BY WRITTEN OR ORAL PRESENTATION, MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF DATE OF DISTRIBUTION OF THE DECISION.

A DECISION OF THE PLAT COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

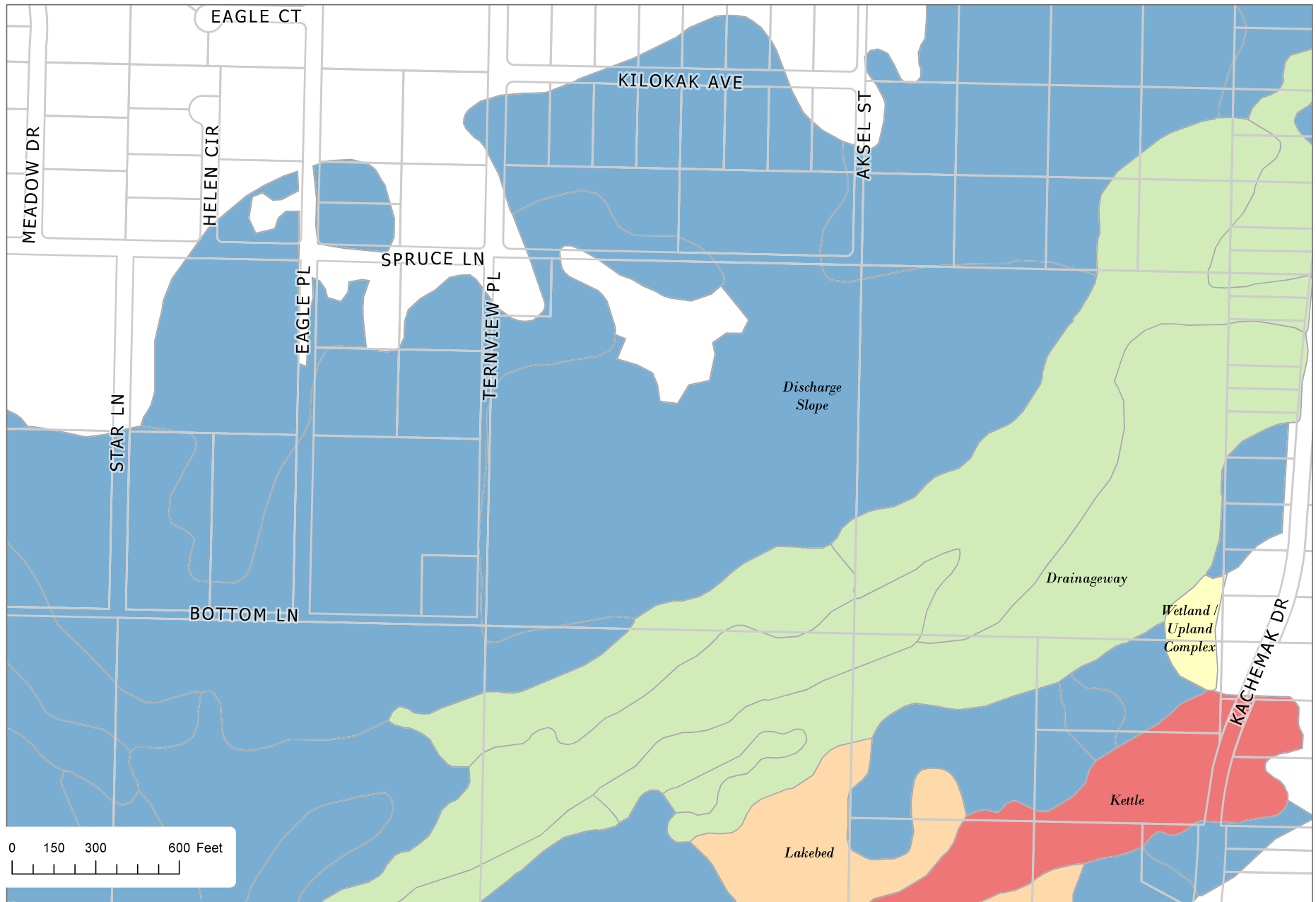
END OF STAFF REPORT



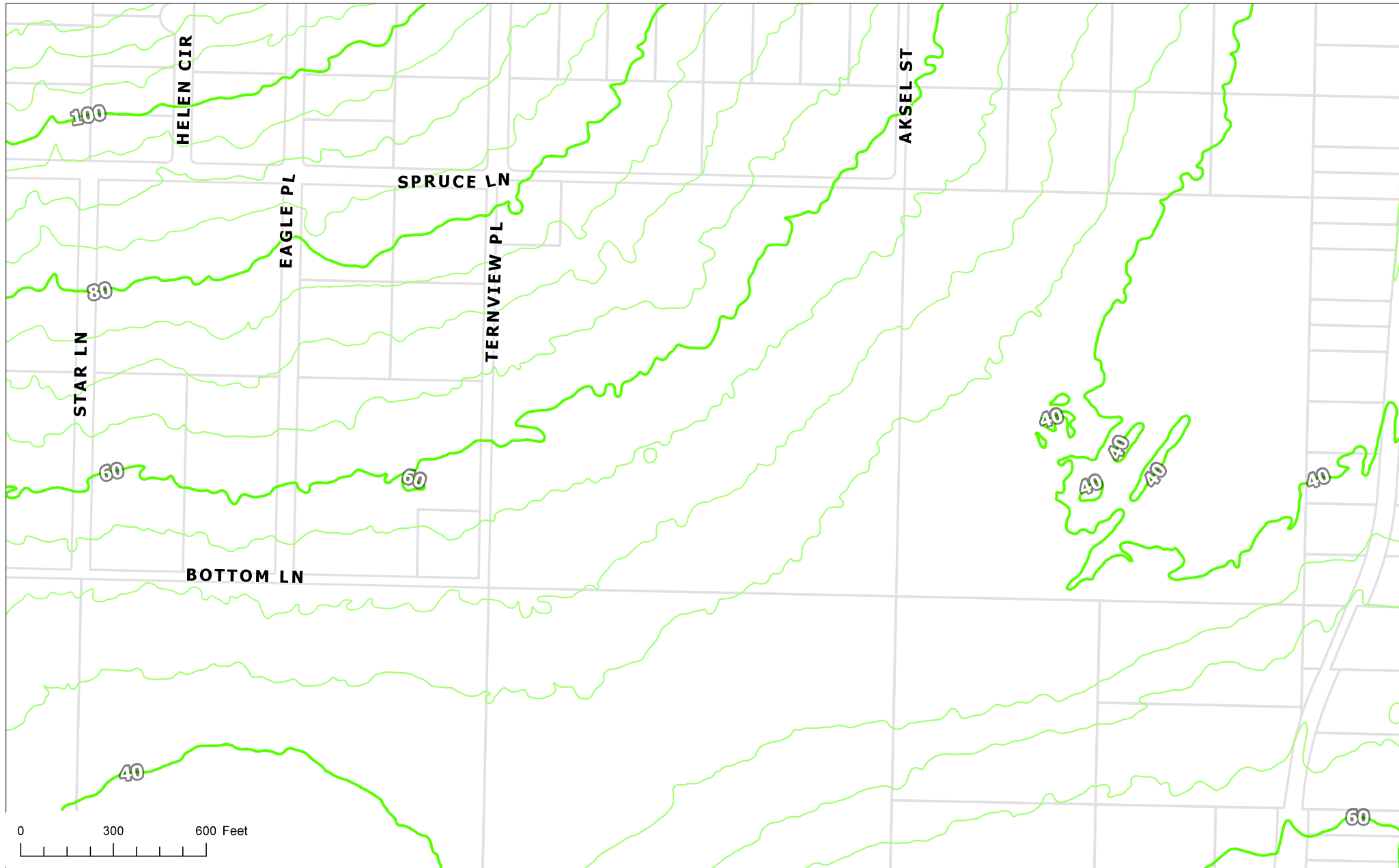
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Wetlands

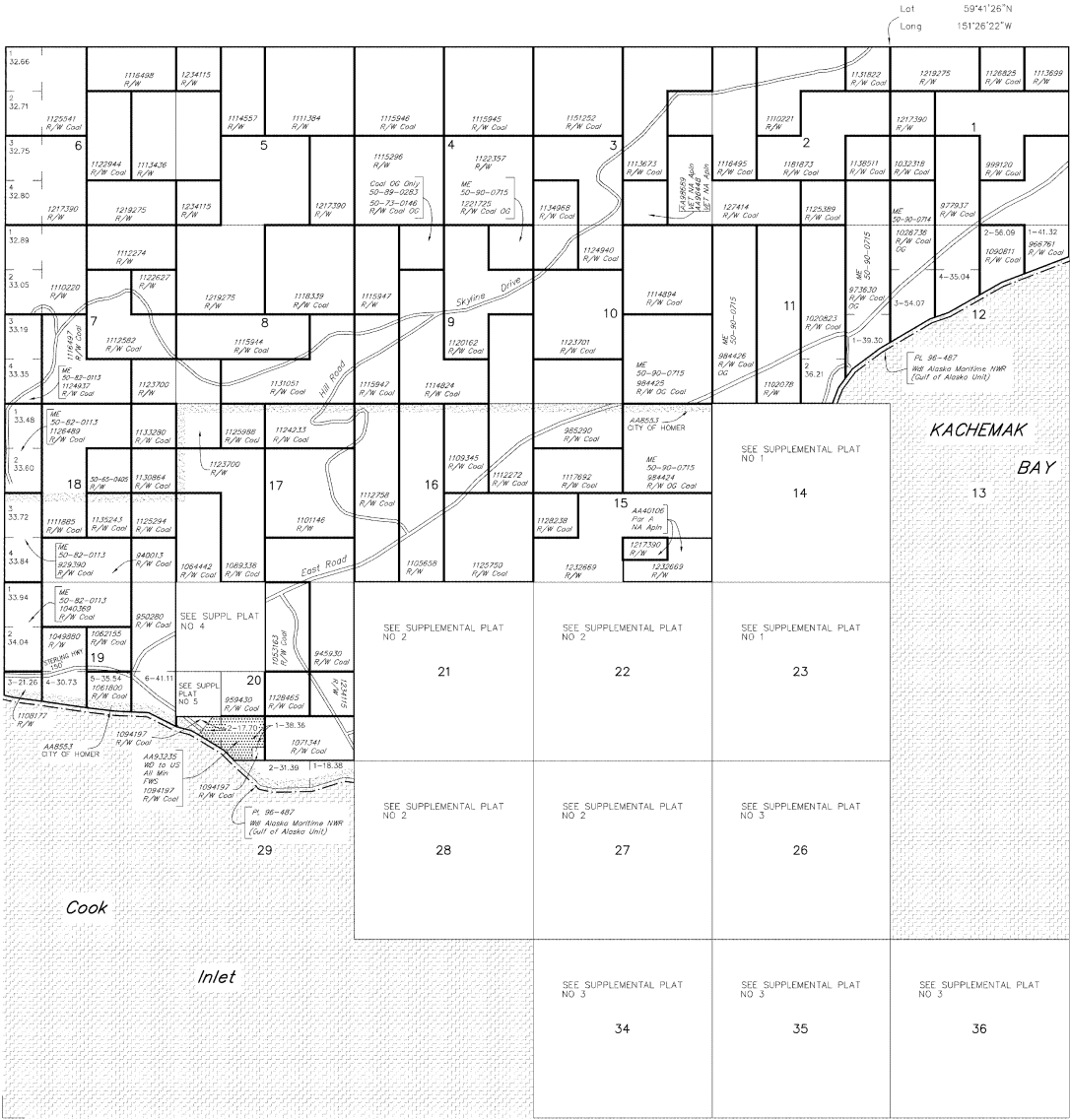


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SURVEYED TOWNSHIP 6 SOUTH RANGE 13 WEST OF THE SEWARD MERIDIAN, ALASKA



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MTP

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PLO 5164 Wai O affects Lds/Interests not conveyed

A055316 SS Unpat Lds W/1 entire Tp

A058732 SS Reserved Min Estate Only

A481235 Acq Conservation Esmt affects:

Sec 27: Parcel 1: Lot 6 lying east of Homer Spit
R/W, Except that portion lying within Plat 77-55.
Parcel 2: Lots 7 & 8, Parcel 3: Lot 9 lying East of
Homer Spit R/W.

A481237 Acq Conservation Esmt affects:

Sec 27:
Parcel 1: Tract A, of Retracement and Subdivision
of tract A, Walter Dufour Property, according to plat
No. 63-660.

Parcel 2: Lot 1 of Retracement and Subdivision
Tract A, Walter Dufour Property, according to plat
No. 63-660.

Parcel 3: Tract B, Walter Dufour tract B according
to Plat No. 77-55.

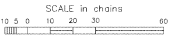
Parcel 4: Government Lot 3, Excepting Therefrom,
those portions deeded to the state of Alaska by
Deeds recorded 1/3/1966, in Volume 39 of page 299.

Parcel 5: Government Lot 5, Excepting Therefrom,
those portions deeded to the state of Alaska by
Deeds recorded 1/3/1966, in Volume 39 of page 291.

A481236 Acq Conservation Esmt affects:

Sec 20: NW1/4SE1/4, Except that portion of land
lying East of the Homer Spit Road in its present
location, and further excepting that portion deeded to
State of Alaska, Department of Highway in Deed
recorded in Book 75, page 67, and further excepting
therefrom that portion deeded to State of Alaska,
Department of Transportation & Public Facilities in
deed recorded in Book 264 of page 326.

A055316 SS Amul Pl 96-487 Sec 306(e), Top Filed



WARNING:
This plat is the Bureau's Record of Title, and should be used
only as a graphic display of the township survey data. Rec-
ording herein do not reflect title changes which may have been
affected by lateral movements of rivers or other bodies of water.
Refer to the cadastral surveys for official survey information.

CURRENT TO		Acq
11-20-2024		Sew Mer
		T 6 S
		R 13 W

ACAD



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 24-036

TO: Homer Planning Commission **24-036**
FROM: Julie Engebretsen, Community Development Director
DATE: August 7, 2024
SUBJECT: Storm Water Works Tracts One Preliminary Plat

Requested Action: Approval of a preliminary plat to divide one large lot into two smaller lots. The larger tract is proposed for a conservation storm water project.

General Information:

Applicants:	George M. Kennedy 844 Ocean Drive Loop Homer, AK 99603	Geovera LLC PO Box 3235 Homer, Alaska 99603
Location:	East End Mixed area, south of East End Road and north of the Airport.	
Parcel ID:	17908030	
Size of Existing Lot(s):	39 acres	
Size of Proposed Lots(s):	11.902 and 26.5 acres	
Zoning Designation:	East End Mixed Use District	
Existing Land Use:	Vacant	
Surrounding Land Use:	North: Vacant, commercial South: Airport lands East: Vacant West: Conservation, vacant commercial	
Comprehensive Plan:	Chapter 4 Goal 2 Objective C: Provide extra protection for areas with highest environmental value or development constraints.	
Wetland Status:	Property contains discharge slope and drainage way wetlands.	
Flood Plain Status:	Flood Hazard Area Zone X, outside the 0.2% annual flood chance	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are not available at this time.	
Public Notice:	Notice was sent to 31 property owners of 29 parcels as shown on the KPB tax assessor rolls.	

Analysis: This subdivision is within the East End Mixed Use Zoning District. The purpose of this plat is to divide a large lot into two tracts. The larger tract, Tract B, is proposed to be purchased for a green infrastructure storm water project. The City is working with the Kachemak Bay National Estuarine Research Reserve, part of the University of Alaska Anchorage, to use NOAA grant funds to acquire this property for conservation status. The City will be the end owner and allow for a green infrastructure storm water outfall swale. This project will provide storm water treatment for a portion of the industrial areas in the zoning district. Tract A would remain in private ownership.

Rights of way: Please see the surveyors letter regarding right of way dedications. Staff, and the surveyor met with KPB platting staff to discuss dedications and arrived at the dedications presented on the preliminary plat.

- On the north lot line, Spruce Lane slopes downhill on the eastern end, and the surveyor reports shin deep water. This area is not suitable for road construction, so a cul de sac has been dedicated. Tracts A-2 and Tract A-1A have a preliminary plat which would create alternate access; they do not rely on the extension of Spruce Lane for further development or subdivision.
- On the western boundary of this plat, Ternview Place dedicates a cul de sac at the terminus of developable land. Tract P and the lower western lot adjacent to the ROW are held in conservation by Moose Habitat Inc., and carry deed restrictions. Tract A within this plat would have a full dedication along the length of the lot, down to Tract B.

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. See plat note 4.

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

Staff Response: The plat meets these requirements. No additional easements are required.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities required by HCC 11.04.120.

Staff Response: The plat meets these requirements. No streets are proposed for acceptance by the City for maintenance therefore HCC 11.04.120 does not apply.

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. Wetlands are shown and noted in plat note 6.

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

Staff Response: The plat meets these requirements. Not within a tidal area.

- 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. City water and waste water are not available.

- 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. The land slopes gently; see attachments.

- 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. No areas over 20 percent grade. The land slopes gently to the southeast.

- 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. No known encroachments.

- 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: Public Works reviewed the plats and responded that they did not have any comments.

Staff Recommendation: Planning Commission recommend approval of the preliminary plat.

Attachments:

1. Preliminary Plat
2. Surveyor's Letter to City of Homer
3. Plat w topo shown
4. Public Notice
5. Aerial Map

NOTES

1. BASIS OF BEARING FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY HP+ V RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED WITH MAGNET OFFICE VERSION 3.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" (PID T10155).

2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -111°13.4". TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.

3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN U.S. SURVEY FEET ORIENTED TO TRUE NORTH.

4. THE FRONT 15 FEET ADJOINING THE TERNVIEW PLACE AND SPRUCE LANE RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED BY THIS PLAT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

5. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS. CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.

6. 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.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 89°54'30" E	208.71
L2	N 0°04'38" W	208.71
L3	N 0°04'38" W	208.71
L4	N 89°54'30" E	208.71

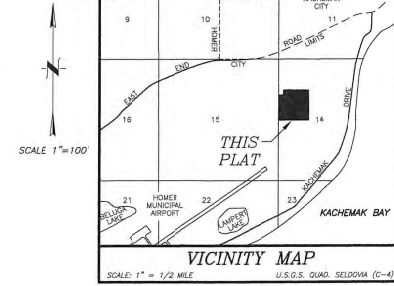
CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG	CHORD DIST
C1	90.00°	50.00'	128.30'	N 29°30'24" E	83.30'
C2	123.00°	50.00'	107.35'	N 28°23'04" E	87.89'
C3	124.12°	50.00'	13.89'	N 40°55'58" W	13.65'
C4	143°07'48"	50.00'	124.90'	N 71°28'22" E	94.87'

PLAT APPROVAL

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

BY: _____ DATE: _____
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH



CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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.

GEORGE M. KENNEDY
844 OCEAN DRIVE LOOP
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FOR GEORGE M. KENNEDY
ACKNOWLEDGED BEFORE ME THIS
DAY OF _____, 2024.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

WASTEWATER DISPOSAL

TRACTS A AND B
THESE LOTS ARE AT LEAST 200,000 SQUARE FEET IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ON-SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:

THE TERNVIEW PL. RIGHT-OF-WAY

THE SPRUCE LN. RIGHT-OF-WAY

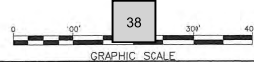
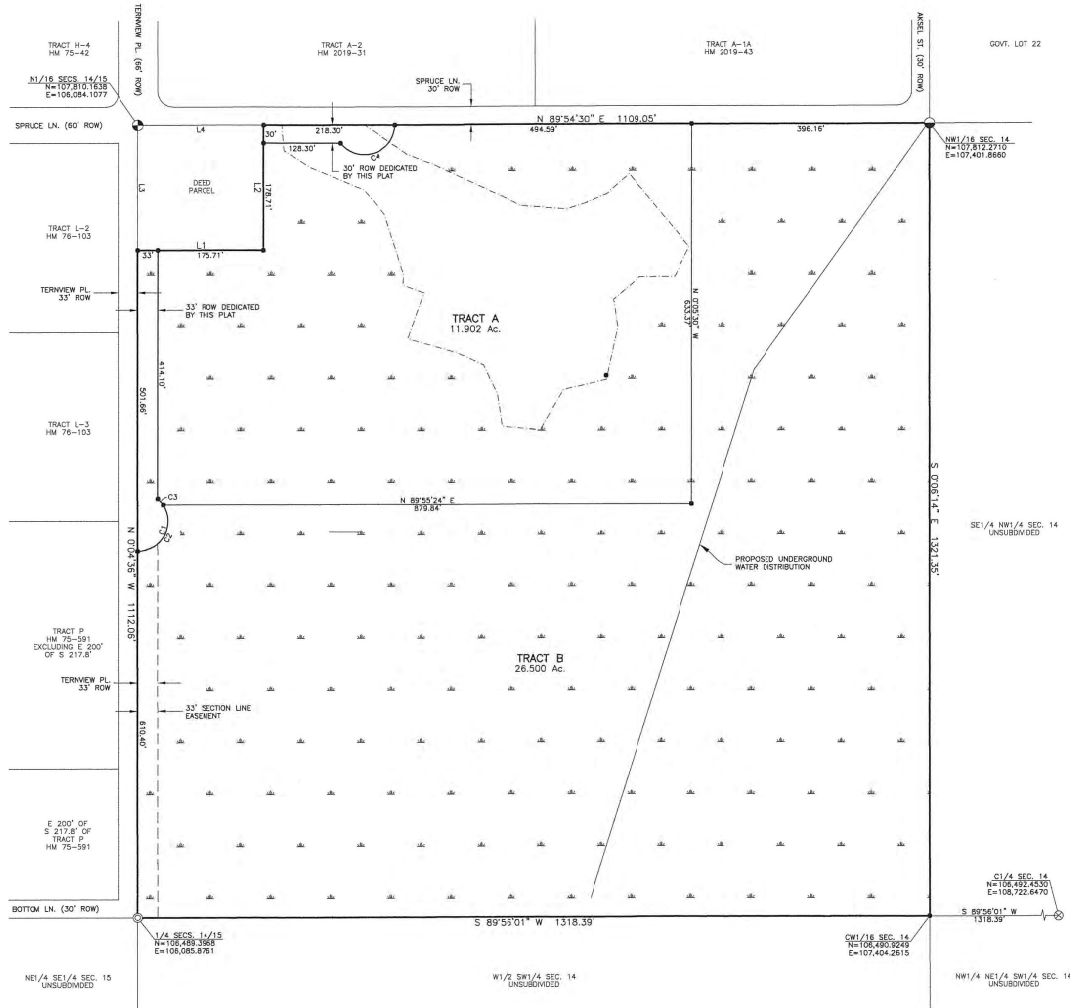
THE 15 FOOT UTILITY EASEMENTS ADJOINING THE RIGHT-OF-WAY DEDICATIONS

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____
MELISSA JACOBSEN, CITY MANAGER
CITY OF HOMER, ALASKA

LEGEND

- INDICATES 3-1/4" ALUM. CAP MONUMENT (7538-S 2017) RECOVERED THIS SURVEY
- INDICATES 3" ALUM. CAP MONUMENT (3686-S 1996) RECOVERED THIS SURVEY
- INDICATES 1/2" DIP WITH TACK IN WOOD PLUG RECOVERED THIS SURVEY
- INDICATES X IN GRANITE BOULDER (RECORD HM 2004-6) RECOVERED THIS SURVEY
- INDICATES 2" ALCAP ON 5/8"x30" REBAR (7538-S 2024) SET THIS SURVEY
- INDICATES POTENTIAL WETLAND/UPLAND COMPLEX AND/OR DRAGAGEWAY PER KENAI WATERSHED FORUM WETLANDS MAPPING



HOMER RECORDING DISTRICT KPB FILE No. 2024-???

STORMWATER WORKS TRACTS ONE

CREATING TRACTS A AND B
LOCATED WITHIN THE SW 1/4 NW1/4 SECTION 14,
EXCLUDING THE NORTH 208.71' OF THE WEST 208.71'
T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA
BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA
CONTAINING 38.973 ACRES
OWNER:
GEORGE M. KENNEDY 844 OCEAN DRIVE LOOP HOMER, AK 99603

GEOVERA, LLC
PO BOX 3235
HOMER ALASKA 99603
(907) 399-4345
EMAIL: scsmith@gct.net

DRAWN BY: SCS DATE: JULY 2024 SCALE: 1" = 100'
CHK BY: SCS JOB #2023-12 SHEET 1 OF 1

Geovera, LLC

PO Box 3235 • Homer, Alaska 99603 • (907) 399-4345 • scsmith@gei.net

July 18, 2024

City of Homer
Planning Department
Ryan Foster, City Planner
491 E. Pioneer Ave.
Homer, Alaska 99603

RE: Stormwater Works Tracts One Preliminary Submittal

Ryan,


Please find enclosed 1 full size and 2 half size copies of the preliminary plat of Stormwater Works Tracts One and the signed plat submittal form.

This plat subdivides the SW1/4 NW1/4, Section 14, T. 6 S., R. 13, W S.M., Alaska into two lots. Both lots will have legal access by way of the Ternview Place and Spruce Lane rights-of-way. The subdivision is part of a wetland preservation project being undertaken by the City of Homer funded in part through a NOAA grant. The project requires acquiring various properties to be put off limits to future development, one in the SW1/4 NW1/4 Section 14 (Tract B this plat), and several in the NE1/4 NW1/4 Section 14 (future plat).

The city is asking for an exception to KPB 20.30.30 Proposed Street Layout Requirements (justification letter attached). Since the project is for the purpose of protecting wetlands, the city is asking that right-of-way along the east and south boundaries, and the portion of matching Spruce Lane right-of-way within wetlands not be dedicated. The city is also asking that the matching Ternview Place right-of-way south of adjoining tracts L-2 and L-3 HM 76-103 not be dedicated. There is an existing 33 foot section line easement along the west boundary of this subdivision. The properties to the south of Tracts L-2 and L-3 HM 76-103 are reserved as moose habitat. The property to the south of this subdivision is state DNR land. The property to the southwest of this subdivision is state DNR land and is part of the Homer Airport Critical Habitat Area. The 40 acres east of this subdivision has legal access by way of Kachemak Drive through city owned property.

Please let me know if you have any questions. You can reach me at any time at (907) 399-4345.

Sincerely,


Stephen C. Smith P.L.S.

NOTES

1. BASIS OF BEARING FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY HPPer V RECEIVERS, DIFFERENTIALLY CORRECTED WITH MAGNET PROCESSOR VERSION 3.1.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAR" (PID TT0155).

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BY: MELISSA JACOBSEN, CITY MANAGER
CITY OF HOMER, ALASKA

DATE: _____

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CURVE TABLE

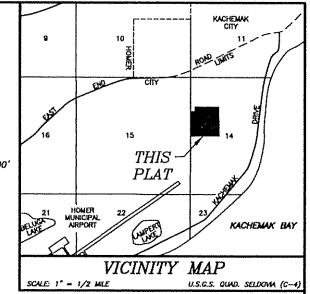
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BY: AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE: _____



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GEORGE M. KENNEDY
844 OCEAN DRIVE LOOP
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FOR GEORGE M. KENNEDY

ACKNOWLEDGED BEFORE ME THIS _____

DAY OF _____, 2024.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

5 Foot Topo Shown

HOMER RECORDING DISTRICT KPB File No. 2024-???

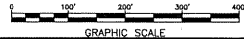
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GEOVERA, LLC
PO BOX 3235
HOMER ALASKA 99603
(907) 399-4345
EMAIL: scsmith@gci.net

DRAWN BY: SCS DATE: JULY 2024 SCALE: 1" = 100'
CHK BY: SCS JOB #2023-12 SHEET 1 OF 1



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:

Stormwater Works Tracts One 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, August 7, 2024 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5 p.m. on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for August 2, 2024 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4 p.m. on the day of the meeting.

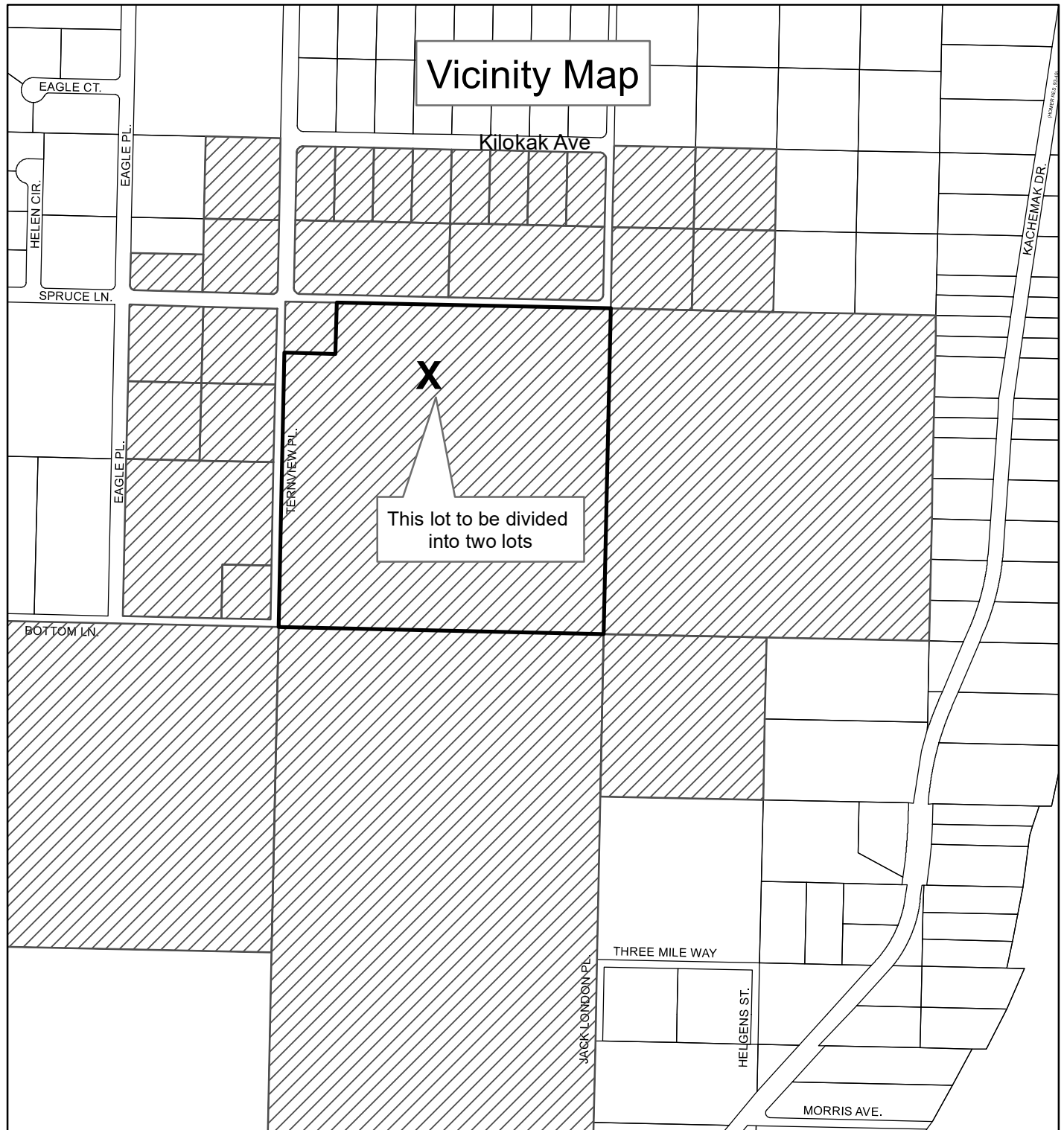
If you have questions or would like additional information, contact Ryan Foster at the Planning and Zoning Office. Phone: (907) 235-3106, email: clerk@cityofhomer-ak.gov, or in-person at Homer City Hall.

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

.....

VICINITY MAP ON REVERSE

Vicinity Map



City of Homer
Planning and Zoning Department
July 22, 2024

Storm Water Tracts One Preliminary Plat

Marked lots are w/in 500 feet
and property owners notified.



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.



Legend

Physical Addresses

Transportation

Mileposts

Roads

- Medium Collector
- Medium Volume - Unmaintained
- Medium Volume - Maintained
- Low / Seasonal
- Legal Trail
- Private
- State Hwy
- Platted / Proposed

Parcels and PLSS

Tax Parcels



9" Imagery

- Red: Red
- Green: Green
- Blue: Blue

0 1000 2000 ft

NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correction or modification of the data. In using these data, you further agree to the data, or use of the data.

July 18, 2024

Kenai Peninsula Borough
Planning Department
Beverly Carpenter, Platting Specialist
144 N. Binkley
Soldotna, AK 99669

RE: Stormwater Works Tracts One Exception Requests

Beverly,

This letter is an attachment to the Exception Request Application form. It addresses an exception to KPB 20.30.30 Proposed Street Layout Requirements. KPB 20.50.10 A (1-3) are addressed.

KPB 20.30.030 Proposed Street Layout Requirements

A (1) This subdivision is for the purpose of acquiring 26.5 acres of wetlands to be part of a wetland preservation project being undertaken by the City of Homer funded in part through a NOAA grant. This land will be off limits to future development. Right-of-way dedications within this proposed subdivision provide matching dedications to the portions of this subdivision and adjoining tracts that will have the potential for future development.

A (2) Tract B of this subdivision will be set aside as a conservation easement for the purpose of preserving and enhancing the wetlands within the tract and the surrounding wetlands. It will be off limits to future development. The requirement to match right-of-way dedications on portions of the north and west boundaries, and dedication of right-of-way on the east and south boundaries would defeat the purpose of this project.

A (3) The granting of this exception will not be detrimental to the public welfare. Adjoining property owners all have legal and functional access to their property. The 40 acres to the east of this subdivision has legal access through a City of Homer owned parcel that gives it a connection to Kachemak Drive. The property to the north of that parcel is part of this wetland conservation project. There will be no future need to provide road access to it.

Please let me know if you have any questions. You can reach me at any time at (907) 399-4345.

Stephen C. Smith P.L.S.

Commissioner Venuti stated that he voted against the CUP due to the fact that it doesn't appear to be compatible with surrounding land use.

Commissioner H. Smith stated that he feels this project would negatively affect the harmony in scale, bulk, coverage, and density of the neighborhood's character.

Motion failed.

PLAT CONSIDERATION

A. Staff Report 24-036, Storm Water Works Tract One, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith invited the applicant to comment on the application, but there was no applicant present.

Chair S. Smith then opened the floor for public comments.

Mike Arno shared that he is the property owner of the 10 acres to the north of this land. He stated that he is opposed to it for various reasons. His first reason being that he doesn't feel the city should be doing this with funds that the city doesn't have. He added that the city is going about their development backwards, stating that "there is no basic infrastructure, but all the frills on top of it." Mr. Arno referenced another property he owns on East End Road that is basically undevelopable because there's no water and sewer to it. He shared his frustration with the LID process that's currently in place at the city, stating that it makes development of infrastructure in the city extremely difficult. Mr. Arno also made a point that the city requires anyone developing property inside of it to create a right-of-way along their property line, and questioned why the city doesn't have to follow the same rules.

Chair S. Smith closed the public comment period and opened the floor to questions and comments from the Commission.

Chair S. Smith referenced the letter from Steve Smith on page 39 of the packet. He highlighted a sentence in the second paragraph that read, "the project requires acquiring various properties to be put off limits for future development..." He shared that this sentence was a huge red flag for him, adding that he views it as playing with a partial deck of cards, and not really knowing what they're playing with. Acknowledging Mr. Arno's comments, Mr. Smith shared that he doesn't think the city should ask for exception to things that are going to require tax-payer funding.

With no other questions posed, Chair S. Smith requested a motion and second.

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACT ONE PRELIMINARY PLAT.

Commissioner Stark stated that this is a matter of due process and the Commission is responsible for looking at it that way. He added that all the issues raised will be investigated further in the next stage of the project.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 24-037, Ageya Homestead 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet. Mr. Foster noted that this plat is outside of Homer City limits, but is within the Bridge Creek Watershed Protection District, which is why it's in front of the Commission.

Chair S. Smith then opened the floor for the applicant. Katie Kirsis, with Seabright Survey + Design, stated that it was a pretty straight-forward application and made herself available for questions.

Chair S. Smith opened the floor for public comments. There were none.

Chair S. Smith then opened the floor for questions and comments from the Commission.

Commissioner H. Smith asked Ms. Kirsis if she had reviewed the easement information, and if she would be comfortable with the Commission including the easement information along with what they send to the Borough. Ms. Kirsis stated that she would need to review it in depth, but that they are planning on granting shared private access easements across some of those existing driveways shown. She added that private access easements aren't typically shown on plats.

With no other comments or questions from the Commission, Chair S. Smith requested a motion and second.

H. SMITH/BARNWELL MOVED TO ADOPT STAFF REPORT 24-037 AND RECOMMEND APPROVAL OF THE AGEYA HOMESTEAD 2024 REPLAT PRELIMINARY PLAT WITH THE FOLLOWING COMMENT: 1. REVIEW THE GRANT OF EASEMENT ON BOOK 0253 PAGE 684 AND CONSIDER WHETHER THIS SHOULD BE INCORPORATED INTO THIS REPLAT.

Chair S. Smith asked for clarification on what "Book 0253 Page 684" was referencing. Ms. Kirsis explained that it's the recording number of the document for the State of Alaska. She added that this area has a history of old trails that were used by different parties, rights-of-way were dedicated and easements were vacated and use was changed.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report 24-038, Ekers Estate No. 3 Tract A-1 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith then opened the floor for the applicant. Katie Kirsis, with Seabright Survey + Design, noted that there are some steep slopes affecting this property. She added that an application/waiver for a setback to steep slopes for the proposed septic system for the upper lot has been conditionally approved by the Department of Environmental Conservation.

Chair S. Smith opened the floor for public comments. There were none.

Chair S. Smith then opened the floor for questions and comments from the Commission.

Commissioner H. Smith asked Ms. Kirsis how much of the new subdivision would be 20% or more on grade. Ms. Kirsis informed Mr. Smith that all of the shaded areas on the map were 20% or more on grade.

H. SMITH/SCHNEIDER MOVED TO ADOPT STAFF REPORT 24-038 AND RECOMMEND APPROVAL OF THE ETERS ESTATE NO. 3 TRACT A-1 2024 REPLAT PRELIMINARY PLAT.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Review of Capital Improvement Plan

Chair S. Smith introduced the item by reading of the title. He then recapped the unofficial votes from the Commission during the Worksession, noting the following:

- HERC Hazardous Material Cleanup and Revitalization Plan, Homer Spit Coastal Erosion Mitigation, Homer Harbor Critical Float System Replacement: Float Systems 4 & 1, and the City Hall Access Barrier Removal all tallied one (1) vote each
- Slope Stability & Erosion Mitigation Program and Fire Hall Expansion, Phase 1 tallied two (2) votes each
- A-Frame Water Transmission Line Replacement and New Public Works Facility tallied three (3) votes each
- Homer Harbor Expansion tallied five (5) votes

With no further discussion, Chair S. Smith requested a motion and second.

SCHNEIDER/VENUTI MOVED THAT THE PLANNING COMMISSION RECOMMEND THE FOLLOWING THREE PROJECTS TO CITY COUNCIL FOR INCLUSION IN THE LEGISLATIVE PRIORITY SECTION OF THE CAPITAL IMPROVEMENT PLAN:

1. HOMER HARBOR EXPANSION - **#1 FEDERAL LEGISLATIVE PRIORITY PROJECT**
2. NEW PUBLIC WORKS FACILITY - **#2 FEDERAL LEGISLATIVE PRIORITY PROJECT**
3. A-FRAME WATER TRANSMISSION LINE REPLACEMENT

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue

Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

To: PLANNING COMMISSION
From: ZACH PETTIT, DEPUTY CITY CLERK I
Date: SEPTEMBER 4, 2024
Subject: STORM WATER WORKS TRACTS ONE, PRELIMINARY PLAT RECONSIDERATION

Background: The packet materials from the August 7th, 2024 Planning Commission Regular Meeting pertaining to the Storm Water Works Tracts One Preliminary Plat have been re-attached to this packet in the event that the Commission votes to reconsider the plat. If the Commission votes against reconsideration at this time the attachments need not apply. If the motion to reconsider is carried, the motion from the August 7th, 2024 Planning Commission Regular Meeting will be back on the floor, as follows: "SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACT ONE PRELIMINARY PLAT."

Requested Action: Discuss and vote on whether or not the Commission wishes to approve this preliminary plat reconsideration.

A. City Planner's Report, Staff Report 24-046

City Planner Foster reviewed his staff report included in the packet, noting the following:

- Next Commissioner Report to Council will take place on September 23rd
- Next Planning Commission Worksession and Regular Meeting is on Wednesday, October 2nd
- Open House at Islands & Oceans Visitor Center on October 22nd for review of the Homer Comprehensive Plan Growth Scenarios

Commissioner Venuti voiced concerns he had regarding the AI-generated summaries within the Zoom recordings of the Planning Commission's recorded meetings.

B. Comprehensive Plan Steering Committee Report

Commissioner Barnwell noted that there's been a lot of concern regarding the timeline for the project, adding that the Committee was recently informed of a deadline extension for the project. He also spoke to the Title 21 rewrite and the timing of its implementation. There was brief discussion about any changes the deadline extension might have to the cost of the project, but Commissioner Barnwell and City Planner Foster assured the Commission that there wouldn't be any budgetary changes regarding the extension.

PUBLIC HEARINGS

PLAT CONSIDERATION

1. Staff Report 24-036, Storm Water Works Tracts One, Preliminary Plat

Chair S. Smith introduced the item by reading of the title, and deferred to City Planner Foster. Mr. Foster provided a summary review of his report included in the packet.

Chair S. Smith reiterated the motion that was on the floor, as follows:

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACTS ONE PRELIMINARY PLAT.

Chair S. Smith opened the public comment period. With no one coming forward to comment, Chair S. Smith closed the public comment period.

Commissioner H. Smith inquired if the City had received a justification letter given that this project proposes that the right-of-way no longer be dedicated beyond the cul-de-sacs. Community Development Director Engebretsen answered that the City of Homer is in some ways the applicant for this project, adding that in the Borough code you can ask for exceptions to certain things. She noted that in this process, the City has asked for that exception in two locations.

Ms. Engebretsen continued to explain that the western property line is proposed to have a cul-de-sac due to conservation restrictions and nearby critical habitat, while full road dedication could be required if the Commission disagrees. She added that the northern property line has standing water, making it unsuitable for road construction, and a separate subdivision proposal does not use that right-of-way. She offered

another alternative for the Commission, stating that they could recommend extending Spruce Lane along the property line.

When questioned by Commissioner H. Smith about whether this plat consideration would land-lock parcel owners in the area, Ms. Engebretsen stated that the surveyor is working with the owner of the two parcels to the north, adding that their proposal was to build a cul-de-sac through the center of these two lots for the purpose of bringing water and sewer in. She added that part of that decision was that they recognized from their subdivision activity further north that they needed some smaller lots.

Chair S. Smith asked if there was any developable property or property slated for future development that Ternview could access in the future. Ms. Engebretsen stated that it would be very unlikely to have future development in this area given that it's mostly airport and airport critical habitat property, adding that this would require a change in the State legislature.

Chair S. Smith asked for confirmation from Ms. Engebretsen that the easement is not being vacated, and therefore that means there is still a potential for a road in the future. Ms. Engebretsen stated that there's a half right-of-way dedication that exists now, and that will remain in place. She added that the north-south along Ternview is where there is a section-line easement, and that too will stay.

With no further questions from the Commission, Chair S. Smith restated that there was a motion on the floor, and asked for any Commissioners with objections to come forth.

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACTS ONE PRELIMINARY PLAT.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

2. Staff Report 24-047, Mattox Subdivision Corbin 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title, and deferred to City Planner Foster. Mr. Foster provided a summary review of his report in the packet.

Chair S. Smith invited the applicant to speak to the application. Katie Kirsis stated that she was there to answer any technical questions regarding the plat.

Chair S. Smith opened the public comment period of the plat consideration. With no one wishing to comment, he closed the public comment period.

Chair S. Smith then opened the floor for comments and questions from the Commission. With no comments made, Chair S. Smith requested a motion and second.

SCHNEIDER/VENUTI MOVED TO ADOPT STAFF REPORT 24-047 AND RECOMMEND APPROVAL OF THE MATTOX SUBDIVISION CORBIN 2024 REPLAT PRELIMINARY PLAT WITH THE FOLLOWING ADDITIONAL COMMENTS:

CALL TO ORDER

Session 24-14, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:35 p.m. on September 4th, 2024 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONER CONLEY, VENUTI, S. SMITH, SCHNEIDER, STARK & H. SMITH

ABSENT: COMMISSIONER BARNWELL (EXCUSED)

STAFF: CITY PLANNER FOSTER, DEPUTY CITY CLERK PETTIT

AGENDA APPROVAL

Chair S. Smith read the supplemental items into the record, and requested a motion and second to approve the agenda as amended.

SCHNEIDER/H. SMITH MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERAS AREADY ON THE AGENDA

RECONSIDERATION

A. Staff Report 24-045, Storm Water Works Tracts One, Preliminary Plat Consideration

Chair S. Smith introduced the item by reading of the title, and deferred to City Planner Foster for a brief explanation. Mr. Foster explained that the Commission originally approved the preliminary plat consideration at its August 7th, 2024 Regular Meeting. He continued, providing that Commissioner H. Smith issued a timely notice for reconsideration regarding this plat on August 9th, 2024.

VENUTI/H. SMITH MOVED TO RECONSIDER THE STORM WATER WORKS TRACTS ONE, PRELIMINARY PLAT CONSIDERATION.

Commissioner H. Smith stated that in reviewing the previous discussion and thinking about some of the public testimony from the previous meeting, it had occurred to him that the redrawing of these boundaries on the plat would effectively eliminate the road easements, preventing certain properties in the area from having access. He said that he wanted to be able to have a fuller conversation about the effect of that on the adjacent properties, and what that would mean for their ability to develop and to be usable.

Chair S. Smith shared his opinion that he feels the decision on a project like this should be reserved for after the Comprehensive Plan is adopted.

Commissioner Stark commented that he feels the Commission's original decision on the matter complies with due process.

Commissioner Conley said that it's good to get the full value of agenda items when the Commission meets and discusses them, but warned the Commission of the precedent they might set for themselves if they continue to reconsider items frequently.

With no further discussion, Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE: YES: VENUTI, S. SMITH, SCHNEIDER, H. SMITH, CONLEY, STARK.

Motion carried.

CONSENT AGENDA

A. Unapproved Regular Meeting Minutes of August 7, 2024

B. Decisions and Findings CUP 24-11, 3869 Jennifer Place

Chair S. Smith noted for the record that all items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. If a separate discussion is desired on an item, a Commissioner may request that item be removed from the Consent Agenda and placed on the Regular Agenda under New Business. He then requested a motion and second to adopt the consent agenda.

H. SMITH/SCHNEIDER MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

PRESENTATIONS / VISITORS

REPORTS

A. City Planner's Report, Staff Report 24-041

City Planner Foster reviewed his staff report included in the packet, noting the following:

- Comprehensive Plan Survey results and Interactive Map results are being compiled, and will start to be released into the community next week
- Joint Worksession between the Planning Commission and PARCAC targeted for September 18th at 5:00 p.m.
- Planning Commissioner Training – two-part virtual Planning Commissioner Training hosted by the Alaska Chapter of the American Planning Association on Sunday, October 27th
- Next Regular Meeting is on Wednesday, September 18th

Chair S. Smith commented that the first time the Commission saw this application, the tenant in Lot 1-E-1 was saying that the particular lot line adjustment caused her cabin to be in violation of some sort. He questioned City Planner Foster if that issue had been resolved. Mr. Foster answered that these are two very different applications, with the prior application having a dedicated right-of-way.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

2. Staff Report 24-044, Bayview Gardens Subdivision Addn. 1 Jennings 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title, and deferred to City Planner Foster, who provided a summary of his report included in the packet.

Chair S. Smith opened the floor for the Applicant.

Katie Kirsis stated that she is the surveyor who prepared the plats for this project. She added that it's a simple plat, claiming that they're just moving a lot line. She made herself available for questions.

Chair S. Smith opened the public comment period, but none were offered.

Chair S. Smith then opened the floor to questions and comments from the Commission, but there were none.

Chair S. Smith then requested a motion and second.

SCHNEIDER/H. SMITH MOVED TO ADOPT STAFF REPORT 24-044 AND RECOMMEND APPROVAL OF THE BAYVIEW GARDENS SUBDIVISION ADDITION 1 JENNINGS 2024 REPLAT, PRELIMINARY PLAT WITH THE FOLLOWING ADDITIONAL COMMENTS:

1. THE UTILITY EASEMENT IS DEPICTED AS A 10' UTILITY EASEMENT PER (HM 76-104), HOWEVER IT SPELLS IT OUT AS A 15' UTILITY EASEMENT IN NOTE #1. A 15' UTILITY EASEMENT SHOULD BE DEPICTED ON THE PLAT TOO.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

NEW BUSINESS

- A. Staff Report 24-045, Storm Water Works Tracts One, Preliminary Plat Reconsideration
Memorandum from Deputy City Clerk as backup

Chair S. Smith introduced the item by reading of the title, and noted the motion that was on the table as a result of the reconsideration:

SCHNEIDER/VENUTI MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACTS ONE PRELIMINARY PLAT.

Commissioner H. Smith questioned what determinations had been made that would eliminate access to some of these properties. City Planner Foster stated that if the Commission is looking to obtain more information regarding this plat that the best practice would be to postpone the item to the next meeting in order for the item to be re-noticed. This would provide a way for City Staff to provide a notification to the appropriate parties that can answer the questions that are being asked. Mr. Smith added that part of his concern is that the Commission is allowing a replat of one property that could affect several properties.

Chair S. Smith stated that he tends to agree with Commissioner H. Smith that the letter from the surveyor in the initial application gave indication that there were some things being requested with this application that jeopardized access to other lots, adding that further clarification would be helpful.

After lengthy discussion among the Commission about the cleanest way to move forward with the motion on the floor, Deputy City Clerk Pettit requested the Chair call a recess so he could determine the best way to move forward with the motion on the floor.

Chair S. Smith declared a 10-minute recess at 8:36 p.m.

Chair S. Smith called the meeting back to order at 8:46 p.m.

SCHNEIDER/VENUTI MOVED TO POSTPONE STAFF REPORT 24-045 STORM WATER WORKS TRACTS ONE, PRELIMINARY PLAT RECONSIDERATION UNTIL THE NEXT REGULARLY SCHEDULED MEETING, ALLOWING CITY STAFF TO PURSUE RE-NOTIFICATION AND GATHER ANY INFORMATION NECESSARY CONCERNING THE REPLAT.

Chair S. Smith offered an amendment to the motion before being informed by Deputy City Clerk Pettit that an amendment is out of order at this time given the higher ranking motion to Postpone to a Certain Time.

There was no further discussion.

Chair S. Smith requested the Clerk to perform a roll-call vote for the postponement.

VOTE: NO: H. SMITH, CONLEY, STARK, VENUTI, S. SMITH, SCHNEIDER.

Motion failed.

Commissioner Conley asked a clarifying question regarding the different numbers between the two staff reports that pertain to the Storm Water Works Tracts One Preliminary Plat. City Planner Foster noted that Staff Report 24-045 was associated with the reconsideration, and that the original staff report was Staff Report 24-036.

SCHNEIDER/CONLEY MOVED TO POSTPONE STAFF REPORT 24-036 UNTIL THE NEXT REGULARLY SCHEDULED MEETING SO THAT STAFF CAN RE-NOTICE AND PROVIDE THE PLANNING COMMISSION WITH ADDITIONAL INFORMATION, INCLUDING THE IMPACT THAT THE REPLAT WILL HAVE ON THE NEIGHBORING PROPERTY OWNERS IN REGARDS TO ACCESS.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. PC Annual Calendar 2024
- B. 2024 Meeting Dates & Submittal Deadlines
- C. Comprehensive Safety Action Plan – Safe Streets and Roads Flyer

Chair Smith noted the informational materials included in the packet.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

City Planner Foster thanked everyone for their hard work tonight.

Deputy City Clerk Pettit thanked the Commission for always teaching him new things and testing his knowledge.

COMMENTS OF THE MAYOR/COUNCILMEMBER (If Present)

COMMENTS OF THE COMMISSION

Commissioner Venuti thanked everyone for serving tonight, and noted that the training session with City Clerk Krause was interesting.

Commissioner H. Smith thanked everyone for their time this evening, and thanked Deputy City Clerk Pettit for including the larger plats as part of the packet.

Commissioner Stark thanked City Planner Foster for his analysis and guidance, and thanked Deputy City Clerk Pettit for his work tonight. He also thanked the Commissioners for their hard work tonight.

Commissioner Conley thanked the Commission and City Staff.

Commissioner Schneider echoed all of the previous comments, and noted that he always learns so much at these meetings.

Chair S. Smith thanked the City Staff, and noted that he will likely be out for the October 16th meeting.

Commissioner Venuti stated that he voted against the CUP due to the fact that it doesn't appear to be compatible with surrounding land use.

Commissioner H. Smith stated that he feels this project would negatively affect the harmony in scale, bulk, coverage, and density of the neighborhood's character.

Motion failed.

PLAT CONSIDERATION

A. Staff Report 24-036, Storm Water Works Tract One, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith invited the applicant to comment on the application, but there was no applicant present.

Chair S. Smith then opened the floor for public comments.

Mike Arno shared that he is the property owner of the 10 acres to the north of this land. He stated that he is opposed to it for various reasons. His first reason being that he doesn't feel the city should be doing this with funds that the city doesn't have. He added that the city is going about their development backwards, stating that "there is no basic infrastructure, but all the frills on top of it." Mr. Arno referenced another property he owns on East End Road that is basically undevelopable because there's no water and sewer to it. He shared his frustration with the LID process that's currently in place at the city, stating that it makes development of infrastructure in the city extremely difficult. Mr. Arno also made a point that the city requires anyone developing property inside of it to create a right-of-way along their property line, and questioned why the city doesn't have to follow the same rules.

Chair S. Smith closed the public comment period and opened the floor to questions and comments from the Commission.

Chair S. Smith referenced the letter from Steve Smith on page 39 of the packet. He highlighted a sentence in the second paragraph that read, "the project requires acquiring various properties to be put off limits for future development..." He shared that this sentence was a huge red flag for him, adding that he views it as playing with a partial deck of cards, and not really knowing what they're playing with. Acknowledging Mr. Arno's comments, Mr. Smith shared that he doesn't think the city should ask for exception to things that are going to require tax-payer funding.

With no other questions posed, Chair S. Smith requested a motion and second.

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACT ONE PRELIMINARY PLAT.

Commissioner Stark stated that this is a matter of due process and the Commission is responsible for looking at it that way. He added that all the issues raised will be investigated further in the next stage of the project.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 24-037, Ageya Homestead 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet. Mr. Foster noted that this plat is outside of Homer City limits, but is within the Bridge Creek Watershed Protection District, which is why it's in front of the Commission.

Chair S. Smith then opened the floor for the applicant. Katie Kirsis, with Seabright Survey + Design, stated that it was a pretty straight-forward application and made herself available for questions.

Chair S. Smith opened the floor for public comments. There were none.

Chair S. Smith then opened the floor for questions and comments from the Commission.

Commissioner H. Smith asked Ms. Kirsis if she had reviewed the easement information, and if she would be comfortable with the Commission including the easement information along with what they send to the Borough. Ms. Kirsis stated that she would need to review it in depth, but that they are planning on granting shared private access easements across some of those existing driveways shown. She added that private access easements aren't typically shown on plats.

With no other comments or questions from the Commission, Chair S. Smith requested a motion and second.

H. SMITH/BARNWELL MOVED TO ADOPT STAFF REPORT 24-037 AND RECOMMEND APPROVAL OF THE AGEYA HOMESTEAD 2024 REPLAT PRELIMINARY PLAT WITH THE FOLLOWING COMMENT: 1. REVIEW THE GRANT OF EASEMENT ON BOOK 0253 PAGE 684 AND CONSIDER WHETHER THIS SHOULD BE INCORPORATED INTO THIS REPLAT.

Chair S. Smith asked for clarification on what "Book 0253 Page 684" was referencing. Ms. Kirsis explained that it's the recording number of the document for the State of Alaska. She added that this area has a history of old trails that were used by different parties, rights-of-way were dedicated and easements were vacated and use was changed.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report 24-038, Ekers Estate No. 3 Tract A-1 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith then opened the floor for the applicant. Katie Kirsis, with Seabright Survey + Design, noted that there are some steep slopes affecting this property. She added that an application/waiver for a setback to steep slopes for the proposed septic system for the upper lot has been conditionally approved by the Department of Environmental Conservation.

Chair S. Smith opened the floor for public comments. There were none.

CALL TO ORDER

Session 24-15, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:33 p.m. on September 18th, 2024 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONER BARNWELL, CONLEY, VENUTI, S. SMITH, SCHNEIDER, STARK & H. SMITH

STAFF: CITY PLANNER FOSTER, COMMUNITY DEVELOPMENT DIRECTOR ENGBRETSSEN & DEPUTY CITY CLERK PETTIT

AGENDA APPROVAL

Chair S. Smith requested a motion and second to approve the agenda as presented.

SCHNEIDER/BARNWELL MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERAS AREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

- A. Unapproved Regular Meeting Minutes of September 4, 2024

Chair S. Smith noted for the record that all items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. If a separate discussion is desired on an item, a Commissioner may request that item be removed from the Consent Agenda and placed on the Regular Agenda under New Business. He then requested a motion and second to adopt the consent agenda.

SCHNEIDER/BARNWELL MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

PRESENTATIONS / VISITORS

REPORTS

A. City Planner's Report, Staff Report 24-046

City Planner Foster reviewed his staff report included in the packet, noting the following:

- Next Commissioner Report to Council will take place on September 23rd
- Next Planning Commission Worksession and Regular Meeting is on Wednesday, October 2nd
- Open House at Islands & Oceans Visitor Center on October 22nd for review of the Homer Comprehensive Plan Growth Scenarios

Commissioner Venuti voiced concerns he had regarding the AI-generated summaries within the Zoom recordings of the Planning Commission's recorded meetings.

B. Comprehensive Plan Steering Committee Report

Commissioner Barnwell noted that there's been a lot of concern regarding the timeline for the project, adding that the Committee was recently informed of a deadline extension for the project. He also spoke to the Title 21 rewrite and the timing of its implementation. There was brief discussion about any changes the deadline extension might have to the cost of the project, but Commissioner Barnwell and City Planner Foster assured the Commission that there wouldn't be any budgetary changes regarding the extension.

PUBLIC HEARINGS

PLAT CONSIDERATION

1. Staff Report 24-036, Storm Water Works Tracts One, Preliminary Plat

Chair S. Smith introduced the item by reading of the title, and deferred to City Planner Foster. Mr. Foster provided a summary review of his report included in the packet.

Chair S. Smith reiterated the motion that was on the floor, as follows:

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACTS ONE PRELIMINARY PLAT.

Chair S. Smith opened the public comment period. With no one coming forward to comment, Chair S. Smith closed the public comment period.

Commissioner H. Smith inquired if the City had received a justification letter given that this project proposes that the right-of-way no longer be dedicated beyond the cul-de-sacs. Community Development Director Engebretsen answered that the City of Homer is in some ways the applicant for this project, adding that in the Borough code you can ask for exceptions to certain things. She noted that in this process, the City has asked for that exception in two locations.

Ms. Engebretsen continued to explain that the western property line is proposed to have a cul-de-sac due to conservation restrictions and nearby critical habitat, while full road dedication could be required if the Commission disagrees. She added that the northern property line has standing water, making it unsuitable for road construction, and a separate subdivision proposal does not use that right-of-way. She offered

another alternative for the Commission, stating that they could recommend extending Spruce Lane along the property line.

When questioned by Commissioner H. Smith about whether this plat consideration would land-lock parcel owners in the area, Ms. Engebretsen stated that the surveyor is working with the owner of the two parcels to the north, adding that their proposal was to build a cul-de-sac through the center of these two lots for the purpose of bringing water and sewer in. She added that part of that decision was that they recognized from their subdivision activity further north that they needed some smaller lots.

Chair S. Smith asked if there was any developable property or property slated for future development that Ternview could access in the future. Ms. Engebretsen stated that it would be very unlikely to have future development in this area given that it's mostly airport and airport critical habitat property, adding that this would require a change in the State legislature.

Chair S. Smith asked for confirmation from Ms. Engebretsen that the easement is not being vacated, and therefore that means there is still a potential for a road in the future. Ms. Engebretsen stated that there's a half right-of-way dedication that exists now, and that will remain in place. She added that the north-south along Ternview is where there is a section-line easement, and that too will stay.

With no further questions from the Commission, Chair S. Smith restated that there was a motion on the floor, and asked for any Commissioners with objections to come forth.

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACTS ONE PRELIMINARY PLAT.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

2. Staff Report 24-047, Mattox Subdivision Corbin 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title, and deferred to City Planner Foster. Mr. Foster provided a summary review of his report in the packet.

Chair S. Smith invited the applicant to speak to the application. Katie Kirsis stated that she was there to answer any technical questions regarding the plat.

Chair S. Smith opened the public comment period of the plat consideration. With no one wishing to comment, he closed the public comment period.

Chair S. Smith then opened the floor for comments and questions from the Commission. With no comments made, Chair S. Smith requested a motion and second.

SCHNEIDER/VENUTI MOVED TO ADOPT STAFF REPORT 24-047 AND RECOMMEND APPROVAL OF THE MATTOX SUBDIVISION CORBIN 2024 REPLAT PRELIMINARY PLAT WITH THE FOLLOWING ADDITIONAL COMMENTS:

1. THE PROPERTY OWNER WILL NEED TO WORK WITH THE PUBLIC WORKS DEPARTMENT ON AN INSTALLATION AGREEMENT AND PLAN TO ABANDON ADDITIONAL SETS OF WATER AND SEWER SERVICES.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. PC Annual Calendar 2024
- B. 2024 Meeting Dates & Submittal Deadlines

Chair Smith noted the informational materials included in the packet.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

City Planner Foster thanked the Commission, Chair S. Smith and Chair David Lewis of PARCAC for the idea of holding a Joint Worksession between the two Commissions.

Deputy City Clerk Pettit stated that he looked into the idea of a disclaimer for the Zoom recordings, and added that it was a good meeting.

COMMENTS OF THE MAYOR/COUNCILMEMBER (If Present)

Mayor Castner expressed his appreciation for the Commission's work, while acknowledging the challenges that lay ahead in terms of the Comprehensive Plan and the Title 21 rewrite. He emphasized the importance of addressing current business needs in development of the Comprehensive Plan. He warned the Commission that the City Council's desire to focus on planning and zoning could lead to reactive resolutions, which he stated is not proper public process. He advised the Commission that now would be a good time to start making a list of items that need to be corrected with the Title 21 rewrite, and lastly shared that he's enjoyed being the Mayor of Homer during his tenure.

COMMENTS OF THE COMMISSION

Commissioner H. Smith thanked Mayor Castner for his service as Mayor. He also spoke to the Comprehensive Plan and the results of the survey. He spoke to the idea that sometimes the City can lose site of the associated costs in the act of balancing the budget. He thanked his fellow Commissioners for serving, as well as a thanks to City Staff and Mayor Castner.

Commissioner Stark thanked City Staff, Mayor Castner and the Commissioners. He alluded to refining the CUP process, which he believes is something that the Commission can start working on now. Mr. Stark briefly addressed the idea of public-private partnerships in the city, as well as the Harbor Expansion project.

Commissioner Conley stated that it was a great meeting, and thanked City Staff. He also thanked Mayor Castner for his service.

Commissioner Schneider thanked everyone for their service, and also thanked Mayor Castner for his service.

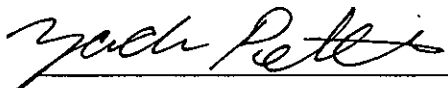
Commissioner Barnwell shared his thanks for Mayor Castner's service. He stressed the importance of wrapping up the Comprehensive Plan in order to start tackling the Title 21 rewrite. Mr. Barnwell shared that he thought the worksession and regular meeting both went well.

Commissioner Venuti thanked the other Commissioners for their service tonight, in addition to thanking Mayor Castner for his time served as Mayor.

Chair S. Smith thanked Mayor Castner for his service. He noted that serving on the Commission can be challenging at times, given that the Commission has no jurisdiction in terms of the City's budget. Mr. Smith spoke briefly about funding for parks and recreational activities around town, stating that there might be some generous individuals in and around Homer who would be willing to donate.

ADJOURN

There being no further business to come before the Commission Chair S. Smith adjourned the meeting at 7:35 p.m. The next Regular Meeting is **Wednesday**, October 2, 2024 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.



Zach Pettit, Deputy City Clerk I
Approved: Oct. 2, 2024