

E. NEW BUSINESS

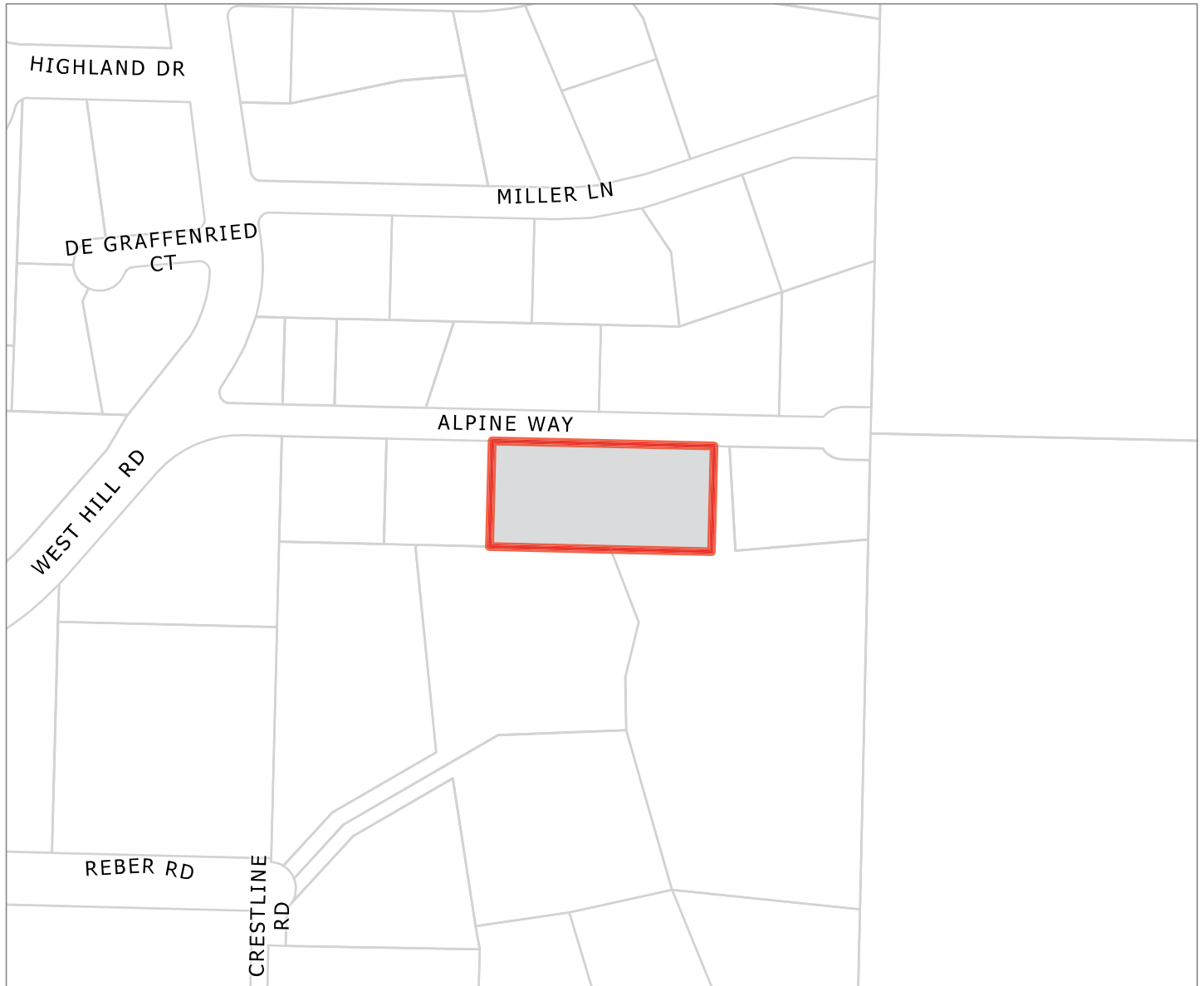
3.W.R. Bell Subdivision 2023 Addition

KPB File 2023-087

Ability Surveys / Busby Enterprises

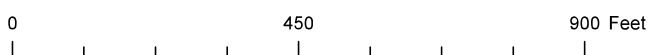
Location: Alpine Way

City of Homer

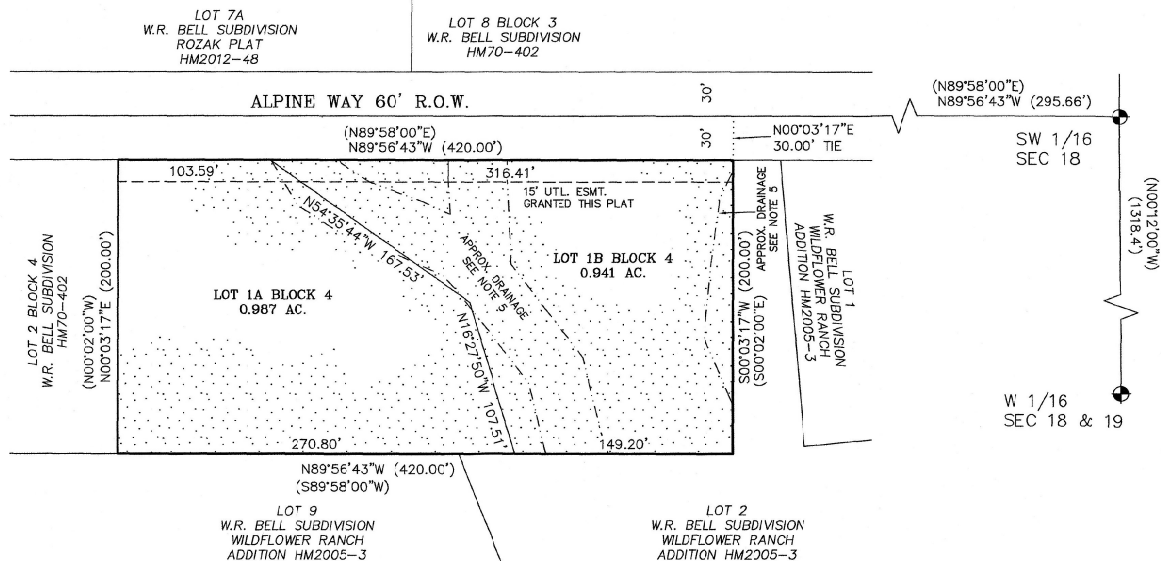


KPB File 2023-087
T 06S R 13W SEC 18
Homer

8/1/2023







NOTES

1. PER KPB 20.30.250 THE BUILDING SETBACK OF RECORD HAS BEEN REMOVED. ALL DEVELOPMENT MUST COMPLY WITH THE MUNICIPAL ZONING REQUIREMENTS.
2. 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.
3. PROPERTY OWNER SHOULD CONTACT 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.
4. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS. CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.
5. THE EXISTING DRAINAGES ARE THE CENTER OF A 40-FOOT DRAINAGE EASEMENT GRANTED THIS PLAT.
6. DOT HATCH PATTERN SHOWS SLOPES GREATER THAN 20% IDENTIFIED ON KPB GIS MAPPING.
7. THERE ARE NO WETLANDS IDENTIFIED ON KPB GIS MAPPING.

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, ALLIES AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: 40-FOOT DRAINAGE EASEMENT
THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____
NAME AND TITLE OF AUTHORIZED OFFICIAL
CITY OF HOMER.

LEGEND

- ◆ MONUMENT OF RECORD
- () RECORD DATA PER HM70-402

WASTEWATER NOTES

TBD

(SIGNATURE OF) ENGINEER _____ LICENSE # _____ DATE _____

NOTARY'S ACKNOWLEDGEMENT

For MICHAEL R. BUSBY AND EMMA L. BUSBY
Acknowledged before me this _____ day of _____ 2023.
Notary public for Alaska _____ My Commission Expires _____

NOTARY'S ACKNOWLEDGEMENT

For KYENNA S. BUSBY
Acknowledged before me this _____ day of _____ 2023.
Notary public for Alaska _____ My Commission Expires _____

PLAT #
Rec Dist
Date _____ 20____
Time _____ M

CERTIFICATE OF OWNERSHIP

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

MICHAEL R. BUSBY, PARTNER, BUSBY ENTERPRISES
P.O. BOX 70
CHICKEN, AK 99732

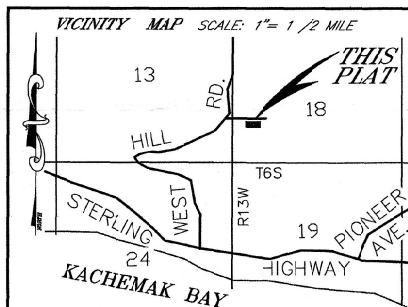
EMMA L. BUSBY, PARTNER, BUSBY ENTERPRISES
P.O. BOX 70
CHICKEN, AK 99732

KYENNA S. BUSBY, PARTNER, BUSBY ENTERPRISES
P.O. BOX 70
CHICKEN, AK 99732

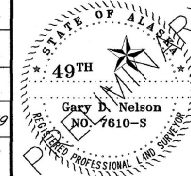
PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____
KENAI PENINSULA BOROUGH

BY _____
Authorized Official



DATE	7-28-2023
SCALE	1" = 60'
JOB No.	5497
DRAWING: 5497_5494_5439	
DRAWN BY:	CHECKED:
BT	BT



W.R. BELL SUBDIVISION 2023 ADDITION

A SUBDIVISION OF LOT 1 BLOCK 4, W.R. BELL SUBDIVISION (HM70-402), IN THE SW1/4 SEC. 18, T6S, R13W, S.M., CITY OF HOMER, KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, STATE OF ALASKA CONTAINING 1.928 ACRES

OWNERS: BUSBY ENTERPRISES
P.O. BOX 70
CHICKEN, AK 99732

ABILITY SURVEYS

GARY NELSON, PLS
(907) 235-8440
152 DEHEL AVE., HOMER ALASKA 99603

KPB 2023-087

KPB FILE No. 2023- _____

AGENDA ITEM E. NEW BUSINESS

**ITEM #3 - PRELIMINARY PLAT
W.R. BELL SUBDIVISION**

KPB File No.	2023-087
Plat Committee Meeting:	August 28, 2023
Applicant / Owner:	Busby Enterprises, Chicken, AK
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Alpine Way in Homer Alaska

Parent Parcel No.:	175-240-01
Legal Description:	Lot 1 Block 4 W R Bell Subdivision
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site
Exception Requested	None

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 1.928 acre parcel into two lots ranging in size from 0.941 acres to 0.987 acres.

Location and Legal Access (existing and proposed):

The preliminary plat is located on Alpine Way off of West Hill Road which is off the Sterling Highway near milepost 172 in the City of Homer. Alpine Road is a constructed 60-foot-wide dedicated road maintained by the City of Homer.

Alpine Way ends in an odd shaped cul-de-sac to the east. The block is not compliant because of this and does not close. A dedication is not possible from this piece of land. There are large tracts to the east of the cul-de-sac that can be developed and extend roads to make reasonable blocks ***Staff recommends the commission concur an exception is not needed.***

KPB Roads Dept. comments	
SOA DOT comments	No comments – Engineering

Site Investigation: The terrain on this plat is very extreme as there are two steep drainage ditches running through or near the plat. Besides the ditches the terrain falls off to the south near the back of the property that is not affected by the ditches. The ditch in the middle of the subdivision is being granted a 40-foot drainage easement. The ditch to the east has some of the easement overlapping into the plat.

There are improvements that will be located on Lot 1A when the plat is complete. There does not appear to be any encroachment issues to or from the proposed subdivision.

Even though there are drainage ditches crossing the plat, there are no wetlands on the property.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Within City of Homer Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD
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	Comments: No comments C. State Parks Reviewer: VACANT Comments:
State of Alaska Fish and Game	

Staff Analysis Lot 1 Block 4 W. R. Bell Subdivision HM70-402 was platted from previously unplatted land in the W1/2 of the SW1/4 of Section 18 T6S R13W SM Kenai Peninsula Borough, Alaska.

A soils report will be required and an engineer will sign the final plat.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

On June 21, 2023 at the regular meeting of the Homer Advisory Planning Commission, the Commission forwarded a recommendation of approval of the preliminary plat W. R. Bell Subdivision 2023 Addition. An installation agreement or documentation one is not required will be required to be submitted to staff.

Utility Easements There are no easements to be carried forward from the previous plats and no easements were identified in the certificate to plat.

No recommendations have been received from utility providers at the time of writing this staff report.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

Utility provider review:

HEA	No comments
ENSTAR	No comments or recommendations
ACS	
GCI	

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 943 ALPINE WAY Existing Street Names are Correct: Yes List of Correct Street Names: ALPINE WAY Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:
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	Comments: CITY OF HOMER WILL ADVISE ON ADDRESSES.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required
Assessing	Reviewer: Windsor, Heather Comments: No comment

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

Add KPB number 2023-087 to title block

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.*

- 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 R 14 W to the map. A portion of the city limits of Homer are not in the northwest corner of section 13. Please update.*

- 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: *Lots to the north need to have subdivision, lot, and block designations corrected.*

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.*

- 20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).
Staff recommendation: *The City of Homer does not meet the specified requirements for the application and consideration of different standards.*

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.

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

Staff recommendation: an installation agreement or documentation one is not required will be required to be submitted to staff.

20.60.200. Survey and monumentation.

Staff recommendation: All monuments of record essential to the subdivision must be found. Need to find the 1/16th corner to the west to tie down the line on the north for the GLO tie and comply with 20.60.200

RECOMMENDATION:

SUBJECT TO, 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.

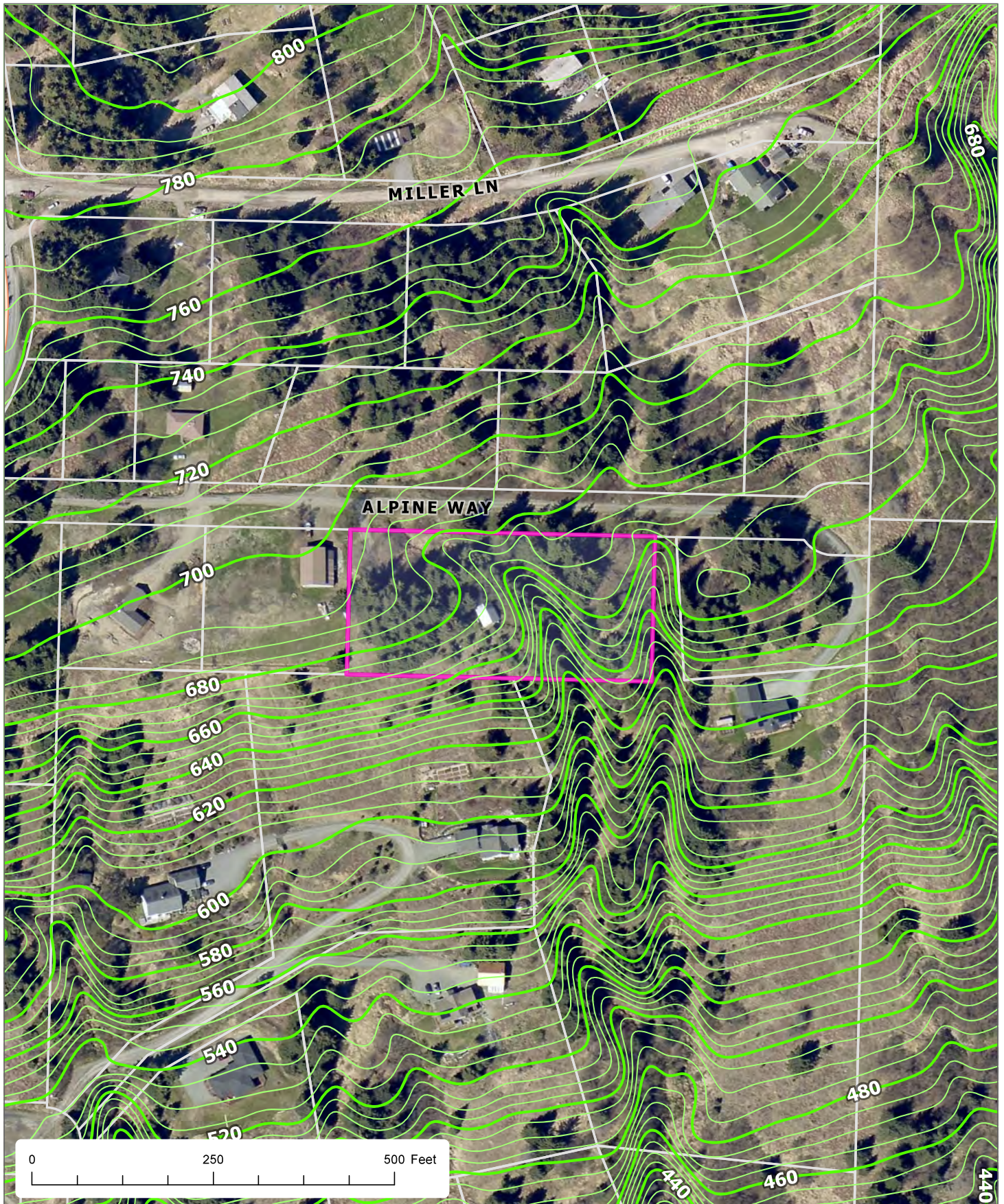
NOTE: 20.25.120. - REVIEW AND APPEAL.

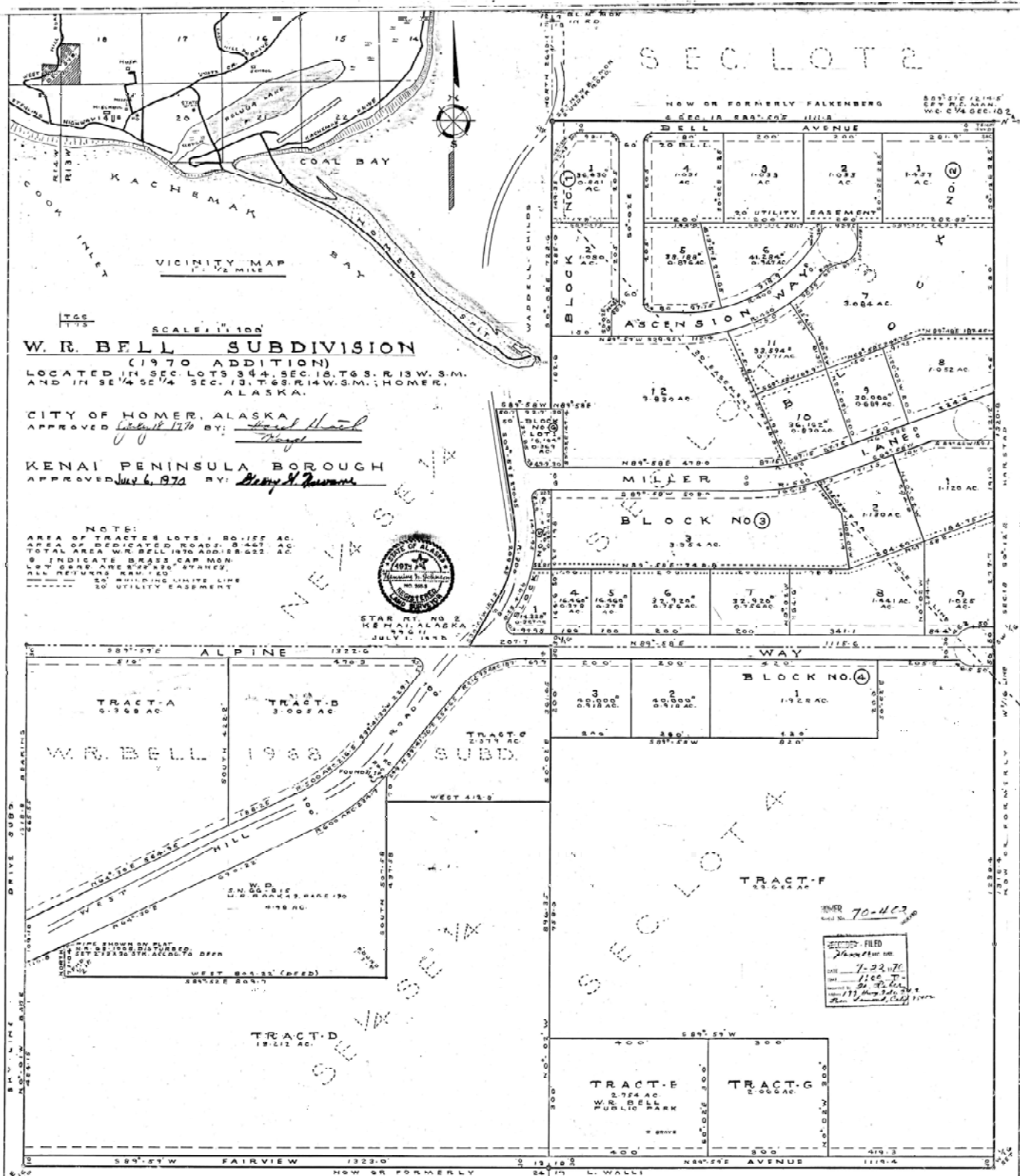
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

A DECISION OF THE PLANNING 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









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

July 18, 2023

Homer Advisory Planning Commission

Notice of Action

Request: Approval of W.R. Bell Subdivision 2023 Addition

Applicants:

Busby Enterprises
P.O. Box 70
Chicken, Ak 99732

Gary Nelson
Ability Surveys
152 Dehel Ave
Homer, Ak 99603

At the regular meeting of June 21, 2023 the Homer Advisory Planning Commission forwarded a **recommendation for approval** of the preliminary plat with staff recommendations and the attached minutes to the Kenai Peninsula Borough Planning Commission.

Should you have any questions, please contact the planning office at 235-3106.

Cc: Beverly Carpenter, Platting Technician, Kenai Peninsula Borough

Session 23-12, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on June 21, 2023 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar. A worksession was held at 5:30 p.m. On the agenda was a presentation on the Greater Homer Housing Conversation by Acting City Planner Foster.

1. CALL TO ORDER

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

ABSENT: COMMISSIONER BARNWELL (UNEXCUSED)

STAFF: ACTING CITY PLANNER FOSTER, DEPUTY CITY CLERK KRAUSE

COUNCIL: MAYOR CASTNER

2. AGENDA APPROVAL

HIGHLAND/ CONLEY MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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

4. RECONSIDERATION

5. CONSENT AGENDA All items on the consent agenda are considered routine and non- controversial by the Planning Commission and are approved in one motion. 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. No Motion is necessary

5. A. PC Meeting Minutes
Unapproved Regular Meeting Minutes of June 7, 2023

5. B. Decisions and Findings CUP 23-06 for more than one building with a permitted principle use on a lot at 3153 Sterling Highway

HIGHLAND/CONLEY MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

6. PRESENTATIONS / VISITORS

7. REPORTS

7. A. Staff Report 23-36, City Planner's Report

Acting City Planner Foster reviewed Staff Report 23-36 providing summary reports on Council action since the last Planning Commission meeting. He remarked on the specific items addressing the following items:

- Ordinance 23-40, Amending Title 21 regarding Conditional Use Permits in all Zoning Districts for more than one
- Resolution 23-60, Awarding a Task Order to Kinney Engineering to Conduct a Traffic Impact Analysis for the Homer Spit.
- Further Clarified the definition of Bluff and Coastal Edge Setbacks with regard to development pointing out that a recent action before the Commission that was in question was more than 300 feet from the mean high water line of the bay so the 40 foot setback was within the setback guidelines.
- There were no volunteers for the Council report on June 26th so the Chair will submit a written report.

Commissioner Venuti commented on the actions previously taken by the Commission and their intent for protection of the bluff setting the setback minimums. He referenced some previous incidents with erosion and a house sliding off the bluff and believed that further clarification and definition should be done so that it is more specific. He requested this item to be on a future worksession agenda to address further refining the language in city code.

Mayor Castner remarked that the issue was unique to Alaska as most coastal community areas in the United States have a coastal Zone Management Plan. These definitions are carried within the Coastal Zone Management Plan so they are uniform throughout the state whether it is a rock bound coast of Maine or something in Cape Cod. Coastal Zone Management Plans are quite adaptable but very rigorous. In Alaska this management plan is not subscribed to so it is difficult to find an easy ordinance for referral.

Commissioner Highland echoed the sentiments to having a worksession on the topic.

8. PUBLIC HEARINGS

9. PLAT CONSIDERATION

9. A. Staff Report 23-37, Cooper Subdivision 2023 Replat

Chair Smith introduced the item by reading of the title and deferred to Acting City Planner Foster.

Acting City Planner Foster reviewed Staff Report 23-37 for the Commission. He specifically addressed the following:

- Additional water and sewer easements were not required.

Chair Smith confirmed with the Clerk that the Applicant was not present.

Chair Smith opened the public comment period and upon confirmation from the Clerk that there were no attendees by Zoom and noting there were no members of the public in Council Chambers, he closed the public comment period and opened the floor to questions from the Commission.

Acting City Planner Foster facilitated discussion on the following:

- Clarification on the drawing depicting a 10 foot utility easement on the western property border and a 15 foot utility easement on the eastern property boundary

Chair Smith requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 23-37 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO DIVIDE ONE LARGER LOT INTO TWO SMALLER LOTS WITH NO ADDITIONAL COMMENTS.

There was no additional discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

9. B. Staff Report 23-38, W.R. Bell Subdivision 2023 Addition

Chair Smith introduced the item by reading the title and deferred to Acting City Planner Foster.

Acting City Planner Foster reviewed Staff Report 23-38 for the Commission. He noted the following:

- The requested second drainage easement along the significant grade changes shown on along the property boundary, noting the area where the lot would naturally drain.
- Public Works reported that a development agreement was not required for this action.

Chair Smith opened the public comment period and upon confirmation from the Clerk that there were no attendees by Zoom and noting there were no members of the public in Council Chambers, he closed the public comment period and opened the floor to questions from the Commission.

Acting City Planner Foster facilitated discussion and responses to the following:

- No wetlands depicted even though there are drainages
- Lots are pretty steep and the percentages are not indicated on the plat
- Two drainages addressed but it appeared in one map that there might be a third drainage
- acknowledged the challenges with development and the variable topography of the two lots
- Development challenges would be addressed if and when a zoning permit application was submitted

HIGHLAND/CONLEY MOVED TO ADOPT STAFF REPORT 23-38 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO DIVIDE ONE LARGE LOT INTO TWO SMALLER LOTS WITH THE FOLLOWING COMMENTS:

1. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS.CHECK WITH HOMER PLANNING DEPARTMENT PRIOR TO ANY DEVELOPMENT ACTIVITIES.
2. THE CITY REQUESTS A 40 FOOT DRAINAGE EASEMENT CENTERED ON THE DRAINAGE AS DEPICTED ON THE PLAT IN THE CENTER OF THE SUBDIVISION.
3. THE CITY REQUESTS A 40 FOOT DRAINAGE EASEMENT CENTERED IN THE DRAINAGE ADJACENT TO THE EASTERN LOT BOUNDARY. THE DRAINAGE IS DEPICTED ON THE ATTACHED MAP OF REQUESTED DRAINAGE (page 39 of 64)

There was no additional discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

10. PENDING BUSINESS

11. NEW BUSINESS

11. A. Ordinance 23-40, Amending Homer City Code Sections 21.12, Rural Residential District; 21.14 Urban Residential District; 21.18 Central Business District; 21.24 General Commercial 1 District; 21.26 General Commercial 2 District Regarding Conditional Uses in each District

Memorandum PC 23-39 from Acting City Planner as backup

Chair Smith introduced the topic by reading of the title and deferred to Acting City Planner Foster.

Acting City Planner Foster reviewed Memorandum PC 23-39 for the Commission. He noted that a Joint Worksession was scheduled with the Economic Development Commission on July 19th at 5:30 p.m. and that there would be one more opportunity for a worksession, on August 2, 2023, if the Commission feels that they need additional discussion at the Worksession. He provided the action timeline to address the amendments to the conditional use permit requirement in each district.

Chair Smith recognized Mayor Castner's attendance at the meeting and asked if he wanted to speak to this topic.

Mayor Castner stated that he was available to answer any questions noting that his name was on the ordinance as well.

Chair Smith opened the floor to comments or questions from the Commission.

Commissioner Highland expressed that she was always uncomfortable with the changes to allowing the four residential units and heard people in the community express concerns about that so she was