



City of Homer

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Memorandum

TO: PORT & HARBOR ADVISORY COMMISSION
FROM: RACHEL TUSSEY, DEPUTY CITY CLERK
DATE: FEBRUARY 19, 2019
SUBJECT: LAND ALLOCATION PLAN/OVERSLOPE DEVELOPMENT

At the January 23, 2019 regular meeting, the Port and Harbor Advisory Commission reviewed and approved recommended changes to the 2019 Land Allocation Plan. This agenda item sparked a broader discussion on overslope development, how it is laid out in City Code, and what the process would be to make changes to either the code or plan.

I spoke with Julie Engebretsen, Deputy City Planner, and she provided the following information for the commission:

- 1. HCC 21.46 Small Boat Harbor Overlay District** – This is the section of city code that addresses the majority of overslope development. Although this set of rules has been on the book for nearly 10 years, only the Harbormaster's Office has been built under these rules. City code can be amended a number of ways, but a memo to the City Council with a request for referral to the Planning Commission is one path forward.
- 2. Homer Spit Comprehensive Plan Excerpt Re: Spit Development** – The zoning code is guided by the Homer Spit Comprehensive Plan, adopted in late 2011. This document is not easy to amend. Goals 1.2 and 3.1 specifically addresses overslope development. Reading through the whole implementation section provides good background for talking about Spit development.

RECOMMENDATION

Informational materials provided for Commission review. Any actions must be made by motion, e.g. making a recommendation to City Council, requesting Staff to schedule a joint worksession with the Planning Commission, or plan to make a presentation at a future Planning Commission meeting.

Chapter 21.46**SMALL BOAT HARBOR OVERLAY
DISTRICT****Sections:**

- 21.46.010 Purpose and intent.
- 21.46.020 Overlay district boundaries.
- 21.46.030 Applicability.
- 21.46.040 Conditional uses.
- 21.46.050 Overslope platform standards.
- 21.46.060 Architectural standards.
- 21.46.070 Signs.
- 21.46.080 Landscaping.
- 21.46.090 Architectural plans.

21.46.010 Purpose and intent.

The purpose of the Small Boat Harbor Overlay District is to establish additional development regulations specifically designed for the unique nature and needs of water- and tourism-oriented uses on platforms over the small boat harbor. These regulations will delineate special performance and design standards, encourage mixed use developments which contribute to the stabilization of water-dependent and water-related uses, encourage the link between the marine business and general business sectors of the community, and encourage safe and enjoyable access along the harbor's edge. [Ord. 09-44(S) § 3, 2009].

21.46.020 Overlay district boundaries.

The Small Boat Harbor Overlay District applies to the property described as Lot G-8 and Small Boat Harbor, Homer Spit Subdivision No. Two, T6S, R13W, Sections 35 and 36, and T7S, R 13W, Sections 1 and 2, Seward Meridian, as shown on Plat No. 92-50. [Ord. 09-44(S) § 3, 2009].

21.46.030 Applicability.

Unless otherwise noted, the requirements of the Small Boat Harbor Overlay District apply to all development and are in addition to the requirements of the underlying zoning district. Where a requirement of the underlying district conflicts with a requirement of the overlay district, the overlay district requirement shall govern. [Ord. 09-44(S) § 3, 2009].

21.46.040 Conditional uses.

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

- a. Overslope development. [Ord. 09-44(S) § 3, 2009].

21.46.050 Overslope platform standards.

An overslope platform shall comply with the following standards:

- a. An overslope platform shall be 40 feet deep, and shall be not less than 40 feet nor more than 240 feet wide.

- b. There shall be a minimum 20-foot setback separating an overslope platform from a dedicated right-of-way. Except as provided in the preceding sentence, there are no setback requirements for overslope platforms, and an overslope platform may be constructed to the lot line.

- c. An overslope platform that is used for the docking of boats shall be designed to bear the loads associated with that use, and include suitable rail access, gates, stairs and fenders.

- d. The bottom of the lowest structural member of the lowest floor of an overslope platform (excluding pilings and columns) shall be at least one foot above the base flood elevation.

- e. The area of an overslope platform that at the time of its construction is within 15 feet of the edge of a ramp shall be used as a public access area, within which no sales or commercial activity may occur. Such a public access area shall not be counted to meet open space or landscaping requirements.

- f. Direct access from an overslope platform to the ramp shall be limited to avoid user conflicts. Gates or other moveable barriers that facilitate loading and unloading may be used to control access. [Ord. 09-44(S) § 3, 2009].

21.46.060 Architectural standards.

Overslope development shall conform to the following architectural standards:

- a. All buildings on the same overslope platform shall receive a common architectural treatment. The main color of the exterior walls of all buildings on an overslope platform shall be one or more earth or seascape tones.

b. Not less than five percent of the area of an overslope platform area shall be outdoor public open space.

c. Overslope development shall include pedestrian walkways that provide direct access between common areas in the overslope development and public rights-of-way.

d. Opaque walls, fences or planter boxes, or any combination of them, shall be used to screen mechanical equipment and trash containers from view in adjacent public areas.

e. The design of structures and outdoor pedestrian areas shall take into consideration environmental factors such as prevailing wind, salt spray, solar exposure, snow and heavy rains.

f. Along the length of a building, the roofline shall not be continuous for more than 60 feet. Roofs shall be gabled.

g. The maximum height of a building measured from the overslope platform or the adjacent grade to the highest roof peak shall not exceed 25 feet.

h. A public access not less than eight feet wide to an area overlooking the harbor shall be provided at each end of an overslope platform and at intervals not greater than 150 feet on the overslope platform.

i. A continuous pedestrian corridor at least eight feet wide must extend the length of the overslope development, on either the harbor or the uplands side, or some combination thereof. The corridor must be clear of obstructions, but may be covered by an awning or roof overhang. The minimum eight-foot width of the corridor may not be counted to meet landscaping or public open space requirements. [Ord. 09-44(S) § 3, 2009].

21.46.070 Signs.

Signs are subject to the requirements in Chapter 21.60 HCC that apply in the underlying zoning district; provided, that the maximum combined total area for all signs under Table 2 in HCC 21.60.060(c) is calculated on a per-building basis instead of on a per-lot basis. No sign bearing a commercial message, as defined in HCC 21.60.040, may be placed in an outdoor public open space. [Ord. 09-44(S) § 3, 2009].

21.46.080 Landscaping.

a. Five percent of the area of an overslope platform must be landscaped.

b. In addition to the types of plantings listed in the definition of landscaping in HCC 21.03.040, landscaping on an overslope platform may include planter boxes and hanging basket plantings.

c. The Commission may permit the substitution of durable outdoor art, or amenities for public use such as bike racks, benches, trash receptacles and information kiosks, for part of the required landscaping on an overslope platform. [Ord. 09-44(S) § 3, 2009].

21.46.090 Architectural plans.

An application for an overslope development conditional use shall include the following detailed plans and specifications showing compliance with the requirements of this chapter:

a. Floor plans at a scale of one-eighth inch equals one foot.

b. Architectural elevations.

c. Site elevation showing the relationship to the platform of the base flood elevation and mean high tide line, and the elevation of the land where the platform adjoins the shore.

d. Exterior finish schedule.

e. Roof plan showing direction of drainage and where runoff will go.

f. Drawings must show design oversight by an architect registered under the laws of the State of Alaska. [Ord. 09-44(S) § 3, 2009].



4. Implementation

This final section provides specific objectives and strategies for meeting the vision and goals outlined in Chapter 3. The table is intended as an implementation tool over the next 20 years and/or the life of the plan. Key partners who are needed to help with implementation are listed, including the City of Homer, landowners and developers, state and federal agencies, non-profits, and local economic enterprises including the Chamber of Commerce. Cooperation and a “win-win” approach to implementation will be vital to the successful outcome of this planning effort.

“An important issue is actually implementing a plan. I remember being at Land's End in the 1980s at a community brainstorming. There were ideas galore, wall posters full, and actually some consensus to “plan” and do. Unfortunately all these folks, including myself all went back to jobs and lives and without planning, “Coney Island” emerged.”

~ Workshop participants



1. Land Use and Community Design

Goal 1.1.1 Maintain the variety of land uses that establish the unique "Spit" character and mix of land uses.

Objective	Strategies	Responsibilities
Revise zoning to protect character and enhance commercial, industrial, and public facilities development	Identify appropriate residential uses on the Spit. Similar land uses (such as charter offices, boat and gear sales, tourism activities) shall be encouraged to cluster to achieve a mix of related activities and minimize adverse impacts on other activities. Consider a 25-foot building height limit, with a Conditional Use Permit (CUP) process for buildings up to 35 feet. Encourage all developments to provide amenities such as bike racks, benches, picnic tables, trashcans, and landscape features such as planters and art. Review Spit parking requirements and possible solutions.	Planning Department Planning Commission Port and Harbor Commission
The City should plan for the future land use of City-owned properties	Reserve and cluster industrial land at specific nodes, including east and south of harbor. Better utilize the limited land available for industrial and economic development. Reserve sufficient land by the deep water dock for future industrial development. Designate "overslope" for commercial use focus on south and west sides.	City Council Port and Harbor Commission
Address marine commercial and marine industrial zoning	Submit draft ordinance to Planning Commission and City Council. Consider zero lot line construction and the amount of right-of-way realistically needed to support specific uses at build-out.	Planning Department Planning Commission
Review land lease policy and determine impact on leasing and character of leasing	Continue reviewing lease policies periodically. City leases shall include land sufficient for businesses and minimal employee parking.	City Council
Develop standards to apply to development	Address screening of dumpsters/noxious facilities. Address standards for screening of industrial development with view protection. Explore industrial subdivision standards.	Planning Department, Commission

Goal 1.2 Improve the permanence and character of new commercial development.

Objective	Strategies	Responsibilities
Develop standards for public property development	Revisit design guidelines for overslope development to provide more specificity for development at harbor overslope, considering issues such as lot size, legal access, and parking policies.	City Council

Goal 1.3 Provide public facilities that attract residents and visitors to the Spit.

Objective	Strategies	Responsibilities
Provide amenities that aid residents and visitors	Identify locations and needs for restrooms/showers.	Port and Harbor Department, harbor users, leaseholders
Provide enhanced park and recreation facilities	Identify and prioritize public recreation needs on the spit, and include projects on the CIP. Refer to the Master Parks and Recreation Plan, chapter 7, in the 2008 Comprehensive Plan. Prepare a master plan for development of a new community gathering space at the site of the existing City campground north of Freight Dock Road (pier 1 area). Provide kayak launching facilities. Set aside a new community park. Evaluate and develop a plan for non-boating access to fishing opportunities. Construct weather-protected picnic and outdoor meeting facilities. Open space recreation uses shall be encouraged on the west side of the Spit on public land.	Public Works Department/ Parks and Recreation Division Chamber of Commerce

Goal 1.4 All development should recognize, value, and complement the unique natural resources on the Homer Spit.

Objective	Strategies	Responsibilities
Preserve and protect important wildlife and bird sanctuary areas.	Require site-specific handling requirements for all runoff from parking areas. Provide information on preventing the growth of noxious weeds. Encourage the use of native plant materials for all landscaped areas. Encourage the presence of interpretive programs to identify plant and animal resources. Clearly sign beach areas designated off-limits for motorized travel.	Planning Department Parks and Recreation Division State of Alaska, DNR Parks Non-profit Organizations US Fish & Wildlife Services

Goal 1.4 All development should recognize, value, and complement the unique natural resources on the Homer Spit.

Objective	Strategies	Responsibilities
Identify private lands to become conservation areas	Buy private property from willing landowners for conservation purposes. Encourage containment and cleanup of junk. The City should pursue ownership or preservation of the west side of the Spit for open space recreation, camping, and view shed protection.	City Council
Allow the natural transport of sediments along the west side of the Spit to continue uninterrupted.	Proponents of bulkheads, groins, breakwaters, or other devices shall demonstrate that their project will not adversely disrupt this sediment transportation.	Public Works Department

Goal 1.5 Respond to seasonal land use demand fluctuations.

Objective	Strategies	Responsibilities
Ensure that high demand seasonal uses are given priority	Allow interim/temporary uses of vacant City land when they are supportive of seasonal demands (fishing, tourism, etc.). Rationalize parking areas to make sure demand is met but at the same time, reduce the overall footprint and visual impact.	Port and Harbor Commission Administration Port & Harbor Department

Goal 1.6 Protect public access to and enjoyment of the Spit's unique natural resources.

Objective	Strategies	Responsibilities
Maintain and protect traditional public use of the beaches along the Spit such as gathering coal, shellfish, fishing and other recreational activities.	Inventory and identify key traditional use areas and access routes. Obtain public ownership of land on the Spit especially focused around key sites. Conservation of the Mud Bay area of the Spit. Maintain and increase public access to the harbor and beaches to improve opportunities for fishing, and other recreational activities. Minimize conflicts between motorized and non motorized users on the Spit. Install signage to educate ATV users about responsible ATV use.	Public Works Department Parks and Recreation Planning Department Port and Harbor Commission
Protect the scenic, natural and aesthetic resources.	Encourage the build-up of driftwood on Spit Beaches. Use native landscape elements in public design projects (beach grass, driftwood).	Public Works Department Parks and Recreation Planning Department Port and Harbor Commission



2. Transportation

Goal 2.1 Enhance and protect the Spit's critical role in regional marine transportation.

Objective	Strategies	Responsibilities
Prioritize transportation and land use decisions to support waterfront dependent activities	Priority for use of the Small Boat Harbor and distal end of the Homer Spit shall be marine commercial, marine industrial (fishing), industrial transportation, waterfront tourism, and recreation (both day use and outings across the bay). Enhance the connectivity and infrastructure needed to support Deep Water Cargo activities and Main Dock Areas. The City shall reserve right-of-way for access to the east side of the harbor.	Port and Harbor Public Works Administration City Council
Balance cruise ship and other commercial activities. One should not happen at the expense of another	Improve cruise ship passenger disembarkation area by the Deep Water Dock. Create way finding kiosks along the harbor. Create a covered harbor overlook area in near ramp 7 or the Deep Water Dock and the harbor entrance. Consider temporary solutions and how to prioritize improvements for cruise ship passengers, since the number of port calls varies year to year.	Port and Harbor Public Works Administration Existing commercial/ retail business owners Excursion vendors Chamber of Commerce

Goal 2.2 Improve traffic flow and safety on the Sterling Highway (Homer Spit Road).

Objective	Strategies	Responsibilities
Maintain the capacity of the Sterling Highway (Homer Spit Road)	Limit number of access points to the Sterling Highway. Initiate a Reconnaissance Study to better define and control crossing points in the harbor commercial area. Evaluate traffic calming as an element of the Reconnaissance Study. Enter Memorandum of Agreement with ADOT&PF to address parking, maintenance, and management of the right-of-way.	ADOT Administration

Goal 2.3 Provide adequate and safe facilities for pedestrians and bicyclists.

Objective	Strategies	Responsibilities
Provide safe walkways and trails	Develop pedestrian plan for Spit. Work with DOT on solutions such as crosswalks. Consider options for location of the bike path to best address safety and all users. Plan and design the proposed bike path extension to meet the needs of bicyclists and pedestrians. Plat easements for walkways in commercial areas and along overslope area. Require provision of connectivity between adjacent commercial properties in permit process/zoning language. Connect harbor to Seafarers Memorial with trail. The City shall reserve 15' pedestrian/safety rights-of-way and access for overslope development around the periphery of the small boat harbor. Construct pedestrian pathway around northerly harbor rim.	Public Works Department Planning Department Port & Harbor Dept

Goal 2.4 Provide improved multi-modal transportation on and to the Spit.

Objective	Strategies	Responsibilities
Support year round car ferry service to the outlying communities of Kachemak Bay	Participate in a public or private task force or organization.	City Council Economic Development Commission, Chamber of Commerce Administration
Encourage a shuttle bus system during peak summer months to transport visitors and employees to town, lodging and remote parking.	Participate in a public or private task force or organization. Create business plan/model to determine funding/cash flow.	

Goal 2.5 Improve organization, wayfinding, and location of parking and harbor facilities

Objective	Strategies	Responsibilities
Better define parking locations	Separate long-term parking from short-term/day use parking. Designate specific areas for RV parking. Provide loading zones for delivery trucks and motor coaches in the retail district. Implement a fee and permit system for long term parking.	Port and Harbor Planning Department
Provide coherent wayfinding system for parking, and restrooms	Establish a consistent theme for all parking graphics and signage. Develop color or other graphic/design feature to clearly indicate intended use. Clearly identify City of Homer as owner and requirements for use of lots. Clearly label all ramps so they are visible from the roads and parking lots. Create a kiosk or signage at each ramp and restroom showing the layout of the harbor, and parking in the immediate area of the user.	Port and Harbor Planning Department
Define loading and unloading areas	Create a bus loading zone near the harbormasters office. Analyze options for a turn around/cul-de-sac/roundabout at End of the Road Park.	Port and Harbor ADOT City Council



3. Economic Vitality

Goal 3.1 Improve the local economy and create year-round jobs by providing opportunities for new business and industrial development appropriate for the Homer Spit.

Objective	Strategies	Responsibilities
Enhance the circulation and safety in the fish dock area	Create site-specific land use study for fish dock/processing/ice house area. Develop appropriate safety measures on Fish Dock Road. Construct an observation deck near the Fish Dock.	Port and Harbor Dept Parks and Recreation

Goal 3.1 Improve the local economy and create year-round jobs by providing opportunities for new business and industrial development appropriate for the Homer Spit.

Objective	Strategies	Responsibilities
Enhance east harbor area for industrial use	Review zoning for adequacy of provisions for industrial growth. Compress trailer parking to ensure there is no encroachment into needed industrial reserve lands. Expand the port facilities and freight capacity for improved transportation of goods and materials in and out of Homer. Expand and improve the deep water dock and other related port facilities. Improve Outer Dock Road.	Public Works Planning Department Port and Harbor
Determine economic development opportunities for "value added" growth such as processing, small scale local retail, and restaurants serving local products	Encourage development related to the fishing, fish processing, and boating industries. Host economic development forum and determine opportunities for value added growth.	Alaska Economic Development Corporation Planning Department Chamber of Commerce Processing plant managers/ operators
Determine incentives needed to promote Overslope development	Analyze and develop market plan for development. Determine alternate incentives that would encourage growth. Identify sources of funding or implementation actions for identified incentives.	Public Works Department Port and Harbor Commission Alaska State DEC Finance Department



4. Natural Environment

Goal 4.1 Manage conservation areas and the natural resources of the Spit to ensure continued habitat and biological diversity.

Objective	Strategies	Responsibilities
Minimize human impact on conservation areas.	Avoid development on city owned tidelands adjacent to Conservation areas, such as Louie's Lagoon and Mud Bay. Minimize all development that is not marine related within the Kachemak Bay Critical Habitat Area, defined as below the 17.4 ft mean high tide. Improvements to public lands should focus active recreation on the west side of the Spit, Mariner Park, and south of the Fishing Lagoon.	Port and Harbor Dept Parks and Recreation

Objective	Strategies	Responsibilities
Purchase or obtain conservation easements on private lands on the Spit, such as between north of the hockey rink, and the base of the Spit.	Work with willing land owners to conserve land through methods such as conservation easements, or public or nonprofit ownership. Consider purchasing first right of refusal options, right of occupancy for remainder of lifetime or other less traditional methods that will ensure conservation of the properties at some point in the future.	Public Works Planning Department Port and Harbor

Goal 4.2 Support environmentally responsible harbor operations by all user groups. Activities such as power washing and scraping, sanding and painting may not be allowed in the harbor in the future due to environmental regulations.

Objective	Strategies	Responsibilities
Support and implement the Alaska Clean Harbor Pledge	Implement relevant portions of Chapter 9 Energy, from the 2008 Comprehensive Plan, such as energy efficient public buildings, recycling and solid waste management. Implement a bilge water management program. Pursue public education on boat cleaning agents, to reduce the use of harsh chemicals such as bleach.	Public Works Planning Department Port and Harbor
Support the concepts presented in "Clean Boating for Alaskans"	Continue to support environmentally responsible boating habits. Partner with harbor user groups on public education and providing appropriate facilities.	Port and Harbor Harbor user groups

Goal 4.3 Manage Storm Water Runoff

Objective	Strategies	Responsibilities
Address stormwater issues, puddling, and erosion	Explore better parking lot maintenance and storm water management approaches such as rain gardens, settling ponds and shallow ditches. Use to also help define parking areas, particularly where winter maintenance is not needed. Parking revenues could be used to help pay for these projects. Create a spit drainage and grading plan. Drainage needs to be planned and implemented block by block rather than haphazardly for all properties.	Public Works Port and Harbor

Goal 4.4 Manage the Port as a working harbor, for both recreational and working vessels

Objective	Strategies	Responsibilities
Remove derelict vessels	Continue to get rid of boats not paying moorage; the harbor is not a storage facility or museum. Harbor expansion is expensive; the harbor should be fully utilized by active users. Dead boats can also be an environmental hazard if no one is responsible for making sure they don't sink or leak.	Public Works Port and Harbor