



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Planning Department review of proposed amendment to Title 21

The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the Comprehensive Plan and will further specific goals and objectives of the plan.

*Response: The proposed amendment is consistent with Homer Comprehensive Plan and furthers goals including promoting marine trades and is consistent with the Homer Spit Plan as it encourages development related to the boating industries.*

b. Will be reasonable to implement and enforce.

*Response: The proposed ordinance is not complicated and is easy to interpret and enforce.*

c. Will promote the present and future public health, safety and welfare.

*Response: The proposed ordinance is not expected to have any negative effect on present or future public health, safety, and welfare.*

d. Is consistent with the intent and wording of the other provisions of this title.

*Response: The proposal is consistent in intent and wording or the other provision in the title.*

1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

3 Planning

4 **ORDINANCE 19-xx**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING  
7 HOMER CITY CODE 21.30 MARINE INDUSTRIAL ZONING DISTRICT  
8 SECTION 21.30.020 PERMITTED USES AND STRUCTURES, TO ADD BOAT  
9 SALES, RENTALS, SERVICE, REPAIR AND STORAGE, AND BOAT  
10 MANUFACTURING AS A PERMITTED USE AND; SECTION 21.30.030  
11 CONDITIONAL USES AND STRUCTURES, TO REMOVE BOAT SALES,  
12 RENTALS, SERVICE, REPAIR AND STORAGE, AND BOAT MANUFACTURING  
13 AS A CONDITIONAL USE.  
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15 WHEREAS, the 2011 Homer Spit Comprehensive Plan encourages development related  
16 to the boating industries; and  
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18 WHEREAS, 2018 Homer Comprehensive Plan Economic Vitality Chapter objectives  
19 include promoting the marine trades; and  
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21 WHEREAS, marine equipment sales, rentals, service, repair and storage are permitted  
22 uses in the Marine Industrial District; and  
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24 WHEREAS, the Marine Industrial Use District has adopted nuisance standards; and  
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26 WHEREAS, the Port and Harbor Commission supports adoption of the proposed  
27 ordinance with unanimous consent.  
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29  
30 NOW THEREFORE, THE CITY OF HOMER ORDAINS:  
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32 Section 1. Homer City Code 21.30.020, Permitted uses and structures is hereby adopted to  
33 read as follows:

34 The following uses are permitted outright in the Marine Industrial District, except when such  
35 use requires a conditional use permit by reason of size, traffic volumes, or other reasons set  
36 forth in this chapter:  
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38 a. Port and harbor facilities;  
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40 b. Manufacturing, processing and packing of sea products;  
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42 c. Cold storage;

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44 d. Dry docks;  
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46 e. Wharves and docks, marine loading facilities, ferry terminals, marine railways;  
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48 f. Marine equipment sales, rentals, service, repair and storage;  
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50 g. Boat launching or moorage facilities, marinas, boat charter services;  
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52 h. Warehouse and marshaling yards for storing goods awaiting transfer to marine vessels or  
53 off-loaded from a marine vessel and awaiting immediate pickup by land-based  
54 transportation;  
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56 i. Mobile food services;  
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58 j. Itinerant merchants, provided all activities shall be limited to uses permitted outright under  
59 this zoning district;  
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61 k. Recreational vehicle parks, provided they shall conform to the standards in Chapter 21.54  
62 HCC;  
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64 l. Caretaker, business owner or employee housing as an accessory use to a primary use, and  
65 limited to no more than 50 percent of the floor area of a building and for use by an occupant  
66 for more than 30 consecutive days;  
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68 m. More than one building containing a permitted principal use on a lot;  
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70 n. Restaurant as an accessory use;  
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72 o. Parks;  
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74 p. As an accessory use, one small wind energy system per lot.

75  
76 **q. Boat sales, rentals, service, repair and storage, and boat manufacturing;**  
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78  
79 Section 2: Homer City Code 21.30.030, Conditional uses and structures is hereby adopted to  
80 read as follows:  
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82 The following uses may be permitted in the Marine Industrial District when authorized by  
83 conditional use permit issued in accordance with Chapter 21.71 HCC:  
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- 85 a. Planned unit development, limited to water-dependent or water-related uses and  
86 excluding all dwellings;  
87  
88 ~~b. Boat sales, rentals, service, repair and storage, and boat manufacturing;~~  
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90 eb. Extractive enterprises related to other uses permitted in the district;  
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92 ~~dc.~~ Campgrounds;  
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94 ed. Bulk petroleum storage;  
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96 ~~fe.~~ Helipads;  
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98 ~~gf.~~ Heliports;  
99  
100 ~~hg.~~ Indoor recreational facilities;  
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102 ih. Outdoor recreational facilities;  
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104 ji. Public utility facilities and structures;  
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106 kj. The location of a building within a setback area required by HCC 21.30.040(b). In addition  
107 to meeting the criteria for a conditional use permit under HCC 21.71.030, the building must  
108 meet the following standards:  
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110 1. Not have a greater negative effect on the value of the adjoining property than a building  
111 located outside the setback area; and  
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113 2. Have a design that is compatible with that of the structures on the adjoining property.  
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116 Section 3: This ordinance is of a permanent and general character and shall be included in  
117 the City Code.

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119 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS \_\_\_ DAY OF \_\_\_\_\_,  
120 2019.

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122 CITY OF HOMER  
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KEN CASTNER, MAYOR

ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

YES:  
NO:  
ABSTAIN:  
ABSENT:

First Reading:  
Public Hearing:  
Second Reading:  
Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Mary K. Koester, City Manager

\_\_\_\_\_  
Michael Gatti, City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_



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### Staff Report PL 19-71

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: August 7, 2019  
SUBJECT: Boat sales, rentals, service, repair and storage, and boat manufacturing in the MI District

#### Introduction

It has come to my attention that **boat sales, rentals, service, repair and storage, and boat manufacturing** in the Marine Industrial District is a conditional use, while marine equipment sales, rentals, service, repair and storage is a permitted use.

#### Analysis

We may want to start with the purpose of the district: *The purpose of the Marine Industrial District is primarily to provide adequate space for those water-dependent industrial uses that require direct marine access for their operation, such as fishing, fish processing, marine transportation, off-shore oil development and tourism, giving priority to those water-dependent uses over other industrial, commercial and recreational uses.*

Using traditional definitions, one would consider boats a subset of marine equipment. This would mean that anything used for an activity on/in the water including most items found in/or on a boat are allowed to be sold, rented, serviced, repaired or stored without gaining a CUP.

I am looking for input as to why we would have these items as a CUP and am proposing that we consider making them a permitted use. This fix in code would be as simple as moving the item from HCC 21.30.030 to 21.30.020. My general thought is that these uses are a good fit for the Marine Industrial District and should be allowed as a permitted use until a CUP might be required for >8000 square feet of building area or exceeding 70% of lot building area.

#### Staff Recommendation

Discuss the item and pass any recommendations to the Port and Harbor Commission for comment.

A. Staff Report 19-71, Draft Ordinance 19-xx Amending HCC 21.30 Marine Industrial District to change “Boat sales, rentals, service, repair and storage, and boat manufacturing” from a conditional use to a permitted use.

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-71 for the Commission. He noted that it would be expected to consider boats as a subject of marine equipment but for some reason it has been called out in city code. He would like this to be a permitted use as he could not find a valid reason for a conditional use permit requirement. It still would require a CUP for anything over 8000 square feet, or exceeding 70% of the building lot area.

BENTZ/HIGHLAND - MOVED TO AMEND HOMER CITY CODE TO ALLOW BOAT SALES, RENTALS, SERVICE, REPAIR, STORAGE AND BOAT MANUFACTURING AS A PERMITTED USE IN THE MARINE INDUSTRIAL DISTRICT AND REFER TO THE PORT AND HARBOR ADVISORY COMMISSION FOR COMMENT.

A brief discussion on the idea that boats are not consider marine equipment in current city code was held and that it appeared counter to the

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **INFORMATIONAL MATERIALS**

- A. City Manager’s Report for the July 22, 2019 Homer City Council meeting
- B. Kenai Peninsula Borough Notice of Decision for Northern Enterprises No. 3 Preliminary Plat

### **COMMENTS OF THE AUDIENCE**

### **COMMENTS OF THE STAFF**

City Planner Abboud commented on being remiss in not having the Commission elections on this agenda and will make sure it is on the next agenda.

A brief discussion ensued regarding applicants for the vacancy and the Commission expressed a preference to waiting for their appointment and holding elections at the first meeting in September.

Deputy City Clerk Krause expressed her appreciation for the Commission allowing her to assist them in word-smithing their recommendations on Ordinance 19-19(S) and commented that they were able to get a lot done in a short time period.

- C. Boat Related Uses in the Marine Industrial District
  - i. Memo from City Planner Re: Boat Related Uses in the Marine Industrial District
  - ii. Staff Report 19-71 to Planning Commission
  - iii. Draft Ordinance 19-xx Boat Activities in MI
  - iv. Planning Commission Minutes Excerpt from August 7, 2019

Deputy City Clerk Tussey referred the commissioners to City Planner Abboud's memo in the packet describing what the Planning Commission is asking the Port and Harbor Commission to weigh in on.

There was discussion on the details of Mr. Abboud's memo and the proposal to allow boat sales, rentals, service, repair and storage, and boat manufacturing as permitted uses. Commissioners deliberated on current and potential activities on the Spit (such as RV campgrounds and boat sale lots), the conditional use permit process, and what is considered permitted uses at this time under Title 21. They agreed the amendment is more of a housekeeping change than anything.

ULMER/DONICH MOVED TO SUPPORT AMENDING HOMER CITY CODE TO ADD BOAT SALES, RENTALS, SERVICE, REPAIR AND STORAGE, AND BOAT MANUFACTURING TO PERMITTED USES IN THE MARINE INDUSTRIAL DISTRICT; AND RECOMMEND TO THE PLANNING COMMISSION AND CITY COUNCIL TO APPROVE THE AMENDMENT.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **INFORMATIONAL MATERIALS**

- A. North Pacific Fisheries Association Letter Re: Upcoming Management Council
- B. Upcoming AAHPA 2019 Conference Agenda
- C. 2019 Homer Harbor Beach Nourishment Project LERRD Certification
- D. Hilcorp Letter Re: Upcoming Seismic Survey Work
- E. Port & Harbor Monthly Statistical Report for July 2019
- F. Water/Sewer Bills Report for July 2019
- G. Crane & Ice Report
- H. Dock Activity Reports
- I. PHC 2019 Meeting Calendar
- J. Commissioner Attendance at 2019 City Council Meetings

There was discussion on the North Pacific Fisheries Association meeting that's coming up in Homer during the first week of October; the beach nourishment project and what the Corps of Engineers is looking to accomplish on the Spit regarding erosion control; and Hilcorps' upcoming seismic work to be conducted in the Cook Inlet.

### **COMMENTS OF THE AUDIENCE**





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### Staff Report PL 19-83

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: October 2, 2019  
SUBJECT: Ordinance Amending HCC 21.30.020 to allow boat sales, rentals, service, repair and storage, and boat manufacturing as a permitted use in the Marine Industrial District.

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### Introduction

Currently, boat sales, rentals, service, repair and storage, and boat manufacturing in the Marine Industrial District is a conditional use, while marine equipment sales, rentals, service, repair and storage is a permitted use.

### Analysis

A significant amount of the Marine Industrial District revolves around services for boats. These uses are traditional to the district and they do not constitute a need for special consideration in a CUP.

The Marine Industrial District is a logical location for these activities and the CUP process would have little to offer over allowing the uses outright as a permitted use. Allowing these boat related activities as a permitted use will save applicants, the Planning Commission, and planning staff time and money.

With the concurrence of support of the Planning commission, this item was referred to the Port and Harbor Commission for comments. The item was an agenda item at August 28<sup>th</sup> meeting of the Port and Harbor Commission where a motion was passed with unanimous consent supporting the draft amended.

### Staff Recommendation

Hold a public hearing and make recommendation for adoption to the City Council

### Att.

Draft Ordinance

~~Port and Harbor minutes~~ — already included in packet

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24 WHEREAS, the Marine Industrial Use District has adopted nuisance standards; and

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26 WHEREAS, the Port and Harbor Commission supports the ordinance with unanimous  
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102 **ih.** Outdoor recreational facilities;  
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104 **ji.** Public utility facilities and structures;  
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106 **kj.** The location of a building within a setback area required by HCC 21.30.040(b). In addition  
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120 2019.

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122 CITY OF HOMER  
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\_\_\_\_\_  
KEN CASTNER, MAYOR

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ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Mary K. Koester, City Manager

\_\_\_\_\_  
Holly Wells, City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **VISITORS/PRESENTATIONS**

### **REPORTS**

A. Staff Report 19-84, City Planner's Report

City Planner Abboud provided a summary of Staff Report 19-84. He provided clarification on the probable appeal on the decision on Appeal for CUP 14-05.

A brief discussion was entertained on Commissioner's attendance at the November Council meeting with the Clerk providing clarification on the date of the meeting.

### **PUBLIC HEARING(S)**

A. Staff Report 19-83, Ordinance Amending HCC 21.30.020 to allow boat sales, rentals, service, repair and storage, and boat manufacturing as a permitted use in the Marine Industrial District Chair Venuti introduced the item by reading of the title.

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

City Planner Abboud reviewed Staff Report 19-83 for the Commission. He reported that the draft Ordinance went before the Port & Harbor Advisory Commission and they were supportive with unanimous consent.

Chair Venuti opened the Public Hearing; seeing no one in the audience coming forward to provide testimony he closed the Public Hearing.

Chair Venuti opened the floor to questions from the Commission.

City Planner Abboud provided clarification on the "boats" were not included in the code as marine equipment.

City Planner Abboud responding to a question from Commissioner Rubalcava on storage, was that it is a comparison and already permitted and was used as a reference.

HIGHLAND/SMITH MOVED TO ADOPT STAFF REPORT 19-83 AND FORWARD ORDINANCE AMENDING HCC 21.30.020 TO ALLOW BOAT SALES, RENTALS, SERVICE, REPAIR AND STORAGE AND BOAT MANUFACTURING AS A PERMITTED USE IN THE MARINE INDUSTRIAL DISTRICT.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.