

# CHANGING HOMER CITY CODE TO PROTECT OPEN SPACE IN HOMER

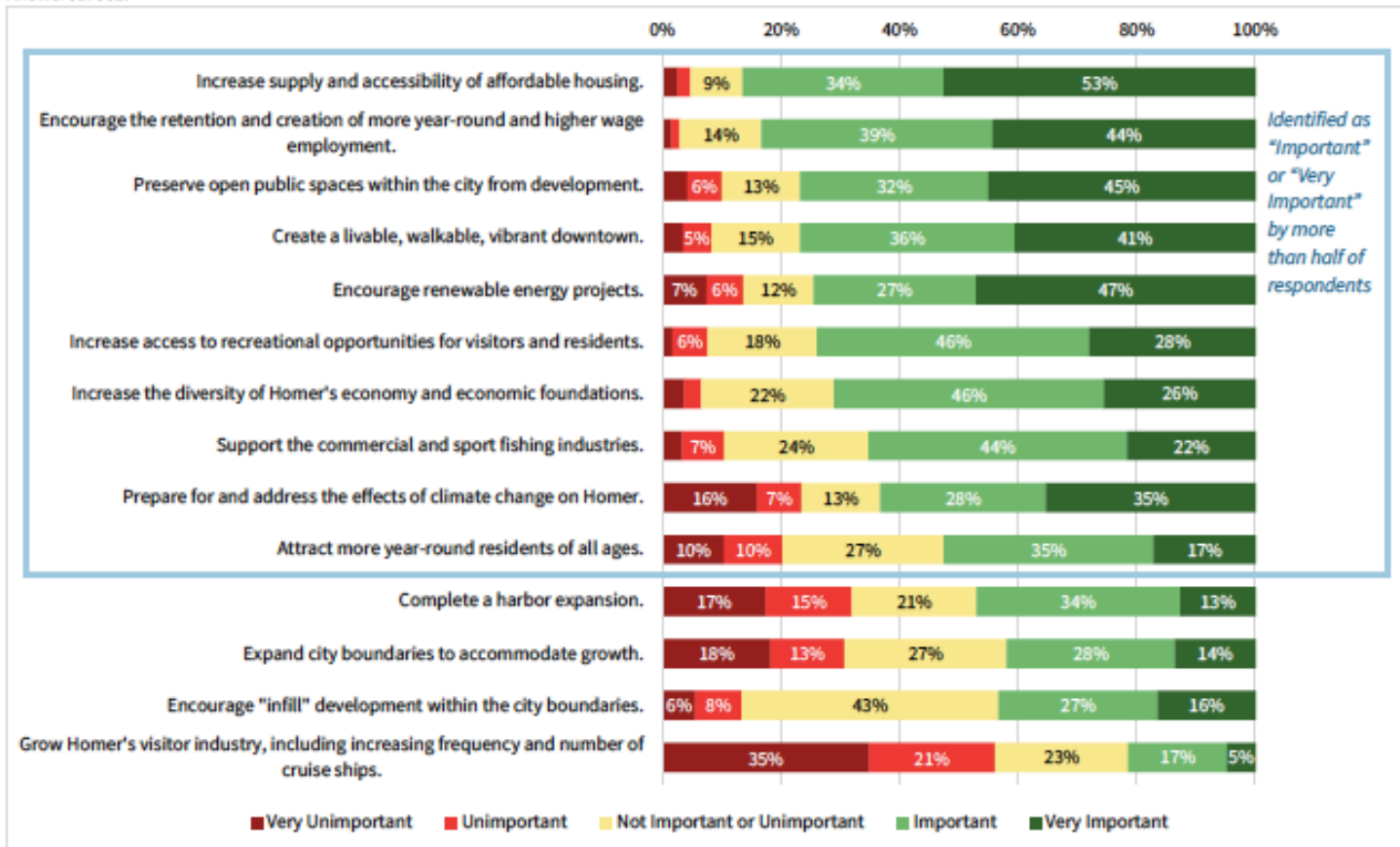
by Penelope Haas for the Kachemak Bay Conservation Society. Created with the support of the Homer Stormwater Workgroup, an ad-hoc group of local citizens who held meetings on stormwater management with experts in hydrology, soils, habitat, etc. 2023-2025.

## Why is open space important to all of Homer?

- Seventy seven percent of a [survey of Homer-area residents](#) last year said that they wanted to "protect open public spaces within the city from development" --it is our # 3 priority--

**Q13: Listed below are potential priorities for the greater Homer community to focus on for the next 10-20 years. For each potential priority, please indicate level of importance.**

Answered: 551.



and 74 percent said they want to "increase access to recreational opportunities"--it is our # 6 priority. These values are about quality of life and cut across political affiliation. As public servants, it is your duty to do the public's will.

- Open Spaces can provide recreational access & habitat.
- Critical green infrastructure slows the flow of water that helps manage our significant water-related hazards including, flooding, landslides, bluff-erosion, ice and water on the roads, overflowing culverts, and septic system failure.
- Homer is a tourist town, and our economy turns on the ecological diversity, vitality and picturesque beauty of places like Mud Bay, Beluga slough, and the Beluga Wetlands, as well as our popular trail systems like the Homer Spit bike trail and Diamond Creek and Beluga Slough.
- [Protected land increases the value of the lands around it](#)--boosting City Revenues, also see [here](#).
- [Bird tourism is big money in Alaska](#) and should not be overlooked as a key economic driver for Homer. Homer's Shorebird Festival is Alaska's largest wildlife viewing festival, and Mud Bay is designated as a Western Hemisphere Shorebird Reserve Network Site of International Importance, which means that at least 100,000 shorebirds annually return here.
- We do not expect much of an [increase in population](#): protecting open spaces will not restrict growth but rather direct it to appropriate areas. Any protections can and should be offset by liberalized growth in other areas, eg. The Town Center.



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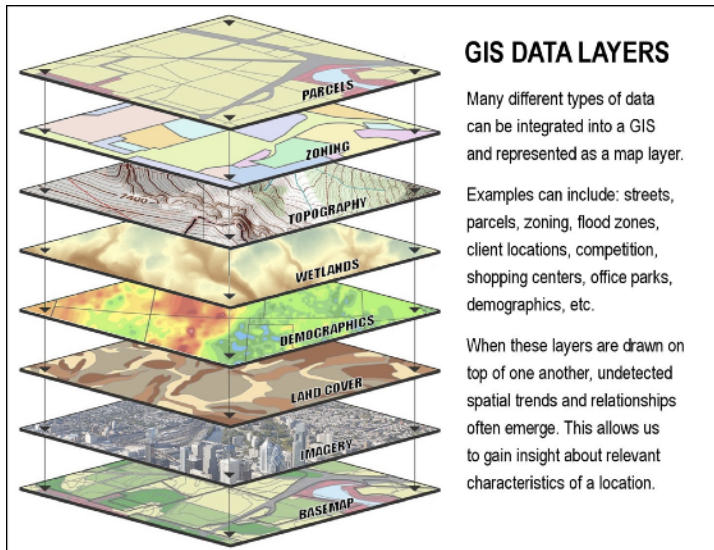
# I. Key Code Tweaks

- a) Expand the definition of “Standing” (HCC 21.93.050 Standing) to allow appeals to Planning Commission decisions to be brought by people outside the current 300 ft limit. This should be allowable when impacts of a development will be larger, such as hazards associated with flooding, traffic, erosion, road or property damage.
- b) Get rid of Planned Unit Developments (PUDs)—this little code loophole lifts the lid on all development restrictions, like height and footprint, anywhere. This tool is confusing for the Planning Commission as it has little to no guidance on when it is appropriate and is a back door to allow for an unequal application of the law. It was used for the first time to allow mega-hotel at the base of the spit.
- c) Change the permitting process for large projects/projects in sensitive sites. These projects need more information and time for public participation/ checklist; many of them need more restrictions and engineering to protect down-stream neighbors and the public.
- d) Require that developments of x size create a certain amount of park space and connectivity/walkability.
- e) Encourage Planning Staff and Planning Commission to make site visits before making decisions; Require that they make site visits on large-scale projects or projects in sensitive/technical sites.
- f) Create an annual “Know your Waterways” workshop for the Planning Commission and Planning staff, in collaboration with Kachemak Bay National Estuarine Research Reserve, Homer Soil and Water Conservation District, and Coastal Studies to support informed analysis of development impacts to surrounding properties.
- g) Expand language describing the kinds of conditions that can be placed on Conditional Use Permits (Homer City Code, 21.71.040 Approval of conditional

use) to include measures maintaining *riparian waterways, soil stability, woodlands, vegetation, wetland protection, and water quality.*

- h) Set a backstop on the ability of the Planning Commission to rezone individual areas one-by-one toward more intensive uses, eg. From Rural Residential to General Commercial. Could use existing code on “[variances](#)” as a guide.

## II. Modernize Zoning Code: Integrate Digital Mapping of Sensitive Environments



Use existing GIS layers to create Special Area Management around sensitive and hazard zones around landslide hazard areas, flood zones, wetlands, and primary waterways would work to achieve community land-use values by protecting people from hazards associated with landslides, flooding, septic system failure, low water-quality, and fire. Rezone some sensitive areas for Conservation

Sensitive and Hazard Zones should be treated differently than other lands. They should:

- (a) Be mapped in GIS overlays that are visible on all zoning maps and overlays on KPB Parcel Viewer.
- (b) trigger the need for outside analysis and engineering (like current traffic analysis requirements)
- c) and/or have appropriate Site Development Standards, Platting Requirements, Stormwater Management Plans.

### Relevant Data and Examples:

- City of Homer 21.40.020 Bridge Creek Watershed Protection District : “The purpose of this chapter is to prevent the degradation of the water quality and protect the Bridge Creek Watershed...These provisions benefit the public health, safety, and welfare of the



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residents of the City of Homer...by restricting land use activities that would impair the water quality, or increase the cost for treatment.”

- The Kenai

- The [Stormwater Management Manual for Western Washington](#), which is standardized across most Western Washington counties, provides a model for the levels of consideration necessary for effective stormwater management for developments in sensitive areas:

- 1) Stormwater Site Plan
- 2) Construction Stormwater Pollution Prevention Plan
- 3) Source Control
- 4) Preserve Natural Drainage
- 5) Onsite Stormwater Management
- 6) Treatment
- 7) Flow Control
- 8) Wetlands Protection
- 9) Operations & Maintenance

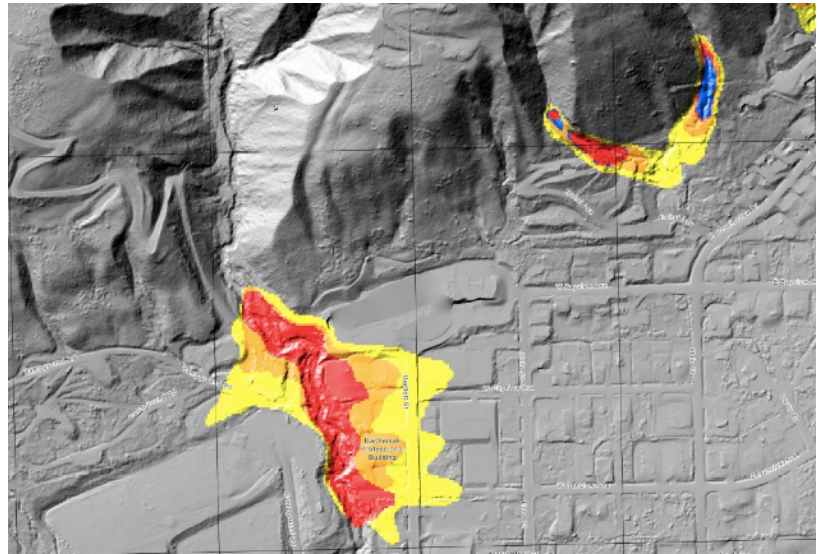
- You are likely aware of the [proposed parking lot along the bike path on the Homer Spit](#) (folks seen birding in that location in image above). That fill application to the Corps of Engineers was possible because that land is currently zoned "Marine Industrial". The current (draft) Future Land Use Map maintains that designation (see blue stripe at the base of the spit in the Future Land Use Map). The Planning Commission should correct this inappropriate zoning and direct marine industrial use to the end of the spit. These lands should be zoned for conservation or "Minimal Impact Development."

We also want to draw your attention to lands around the [ADF&G Airport Critical Habitat Area](#) and conservation/recreation lands around Beluga Wetland and Slough, owned by City of Homer, KHLT and Moose Habitat Inc. (seen in green in the Future Land use maps). Checkered conservation and "General Commercial" (blue) and Urban Residential (orange) does not make sense in this area. We should have a more consistent buffer around these valuable conserved lands. These wetlands do a very

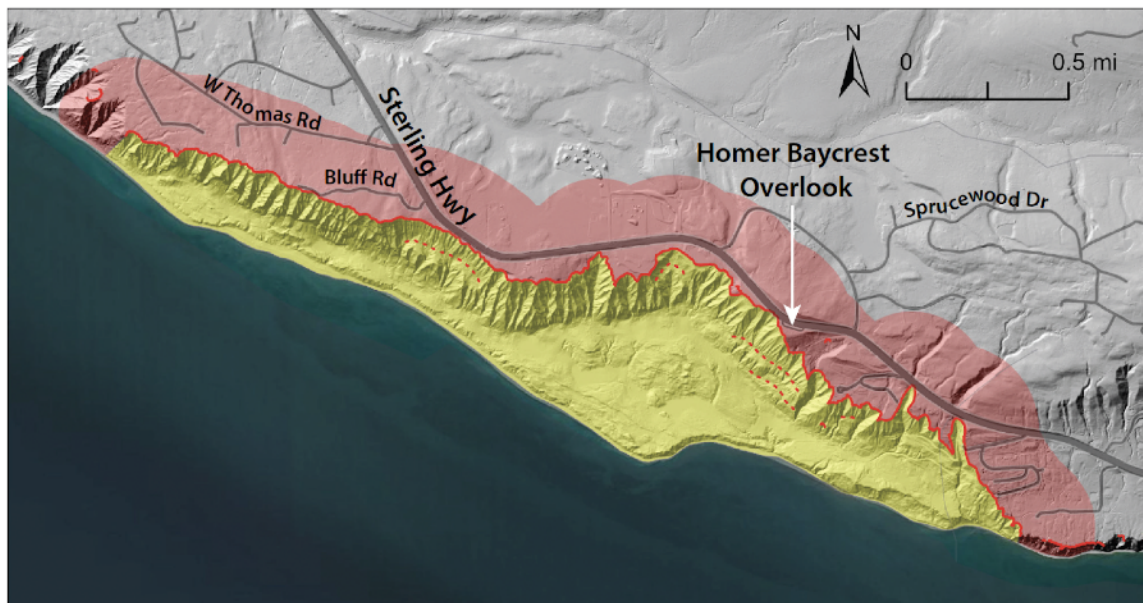


important job of mitigating flooding, ice in the roads, bluff erosion etc. They are also critical habitat for migratory birds and moose in the winter - more conserved lands in these areas would make great recreation if trails could be put in.

Let's not forget the landslide hazard zones [above the hospital](#) is at the base of the Woodard Creek Watershed. Mismanagement above the hospital could be catastrophic. Also, the slide hazard and [around the Baycrest Overlook](#) has been singled out as one of the most significant hazards in Homer by DGGS. Note that the future land use map



designates some of the Baycrest Overlook, which has a potential for a massive slide, as Light Industrial, and the area above the hospital is zoned like everywhere else, and in fact the draft



**Figure 8.** Deep-seated landslide susceptibility near the Bluff Point landslide (red polygon). The landslide body (yellow area, south of the red headscarp line) is the landslide deposit and is also susceptible to repeated failure.

Future Land Use map got rid of the Gateway District, which limited development in the

sensitive area. This is a mistake. Both these areas should have minimal development, and would make great recreational areas.

## IV. A Clear, Fill and Grade Permit to mitigate the hazards of landslides, flooding, and low water quality.

- A Clearing Permit would be required for any removal of trees or vegetation from a critical area or from properties subject to clearing standards or clearing restrictions in a special district overlay defined in Code.
- Clearing over of eg. 7,000 square feet on specially zoned properties or removal of 5,000 board feet of merchantable timber also requires a permit. A separate forest practices permit may also be required.
- A Grading Permit would be required for any amount of grading around a critical area. Otherwise the threshold for a grading permit is 100 cubic yards or creation of 2,000 square feet of new impervious surface. If more than 500 cubic yards is to be disturbed, a checklist is required. Exemptions to clearing and grading permit requirements are listed in code.
- Loss of permeable green space and poor drainage management comes at a cost to the City: during intense rain storms, as much as 50 percent of the overall flows received at the sewer treatment plant may be attributed to inflow and infiltration. During major storms, over 1,000,000 gallons per day of flow may be attributed to infiltration and inflow.<sup>1</sup> The 2018 Comprehensive Plan points out that “the lack of inspections of new home construction, poor drainage around homes and businesses, lack of enforcement, and the lack of pipe storm drain systems have led to illegal storm drain connections to the sanitary sewer system.”
- Could pair with programs like a free culvert program.

### Relevant Data and Examples

- King County, Washington.
- Evergreen and [deciduous trees uptake a lot of water in Alaska's boreal forests](#). The

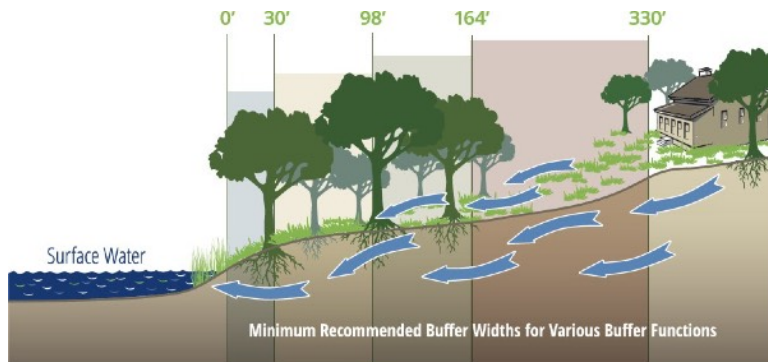
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<sup>1</sup> “Homer Comprehensive Plan, 2018.”



primary source for tree water storage, whether it is rainfall or snowmelt, has consequences for watershed water balance and the connections between tree water use, storage, and drought stress.

## V. Buffers around creeks, wetlands, and steep slopes.



- Buffers mitigate the hazards of landslides, flooding, and low water quality. Properly designed buffers can also act as critical wildlife corridors.
- The EPA identifies stormwater buffers as a “Stormwater Best Management Practice.” Buffer zones around creeks and wetlands provide an area where stormwater can permeate the soil and replenish the groundwater. They also slow the flow of stormwater, which helps

to filter sediment, decrease soil erosion and prevent stream-bank and steep slope collapse.<sup>2</sup>

- This is a simple management approach with low implementation cost and clear guidance to planners and developers.
- A 5 ft or 10ft of buffer next to the 1st and 2nd order streams is a lot more powerful in mitigating stormwater than 100ft next to the bigger stream.

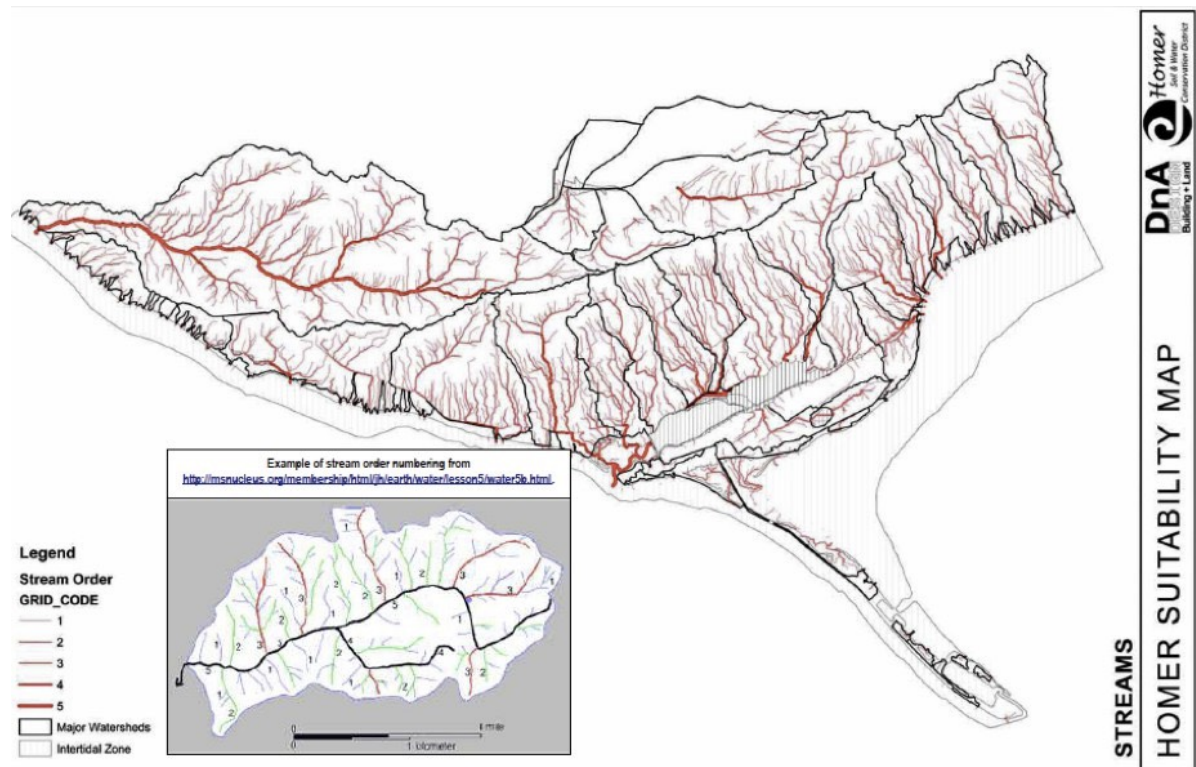
### Relevant Data and Examples:

- A number of states, including Georgia, Minnesota, South Dakota, Oregon, New Hampshire, New York, Rhode Island, Vermont, North Carolina, New Jersey, California, Delaware, Maryland, and Washington have some form of statewide buffer

<sup>2</sup> "Stormwater Best Management Practice: Vegetated Buffer," EPA. Online at: <https://www.epa.gov/system/files/documents/2021-11/bmp-vegetated-buffers.pdf>

regulation. Connecticut and Maine have buffer codes that require municipalities to regulate buffers.<sup>3</sup>

- [The EPA has a model ordinance](#) for instituting local buffer zones and many example ordinances for local governments are explored in the “Planner’s Guide to Wetland Buffers for Local Governments” by the Environmental Law Institute.



## V. \$\$\$ to Conserve Open Space

- A Stormwater Utility Fee is similar to a water or sewer utility fee. Stormwater utility fees are a fee that the government charges for managing stormwater. Fees can be instituted as a flat rate or calculated based on a property’s impervious surface or total estimated runoff.
- There is consensus among public works officials that the utility approach is the best way to finance stormwater management systems: “utilities are a stable, equitable, secure source of funds.”<sup>4</sup>

<sup>3</sup> Wetland Buffers: Use and Effectiveness” USACE, online at [https://www.spk.usace.army.mil/Portals/12/documents/regulatory/pdf/Wetland\\_Buffers\\_Use\\_and\\_Effective\\_ness.pdf](https://www.spk.usace.army.mil/Portals/12/documents/regulatory/pdf/Wetland_Buffers_Use_and_Effective_ness.pdf)

<sup>4</sup> *Financing Stormwater Utilities, 2nd Edition* by John F. Damico and Lamont W. Curtis, Revised and Updated by the American Public Works Association Water Resources Management Committee, 2020.

- Funds could be used for green infrastructure/Conservation of lands and recreational sites.
- COH Public Works has roughly calculated the cost of installing drain works to accommodate increased flows over the next 10 years at \$47 million dollars.<sup>5</sup> Loss of permeable green space and poor drainage management comes at a cost to the City: during intense rain storms, as much as 50 percent of the overall flows received at the sewer treatment plant may be attributed to inflow and infiltration. During major storms, over 1,000,000 gallons per day of flow may be attributed to infiltration and inflow.<sup>6</sup>

### Relevant Data and Examples:

- There are an estimated 2,000+ stormwater utility programs in existence.<sup>7</sup>
- The 2019 Western Kentucky Stormwater Utility Survey summarizes data from 1,716 stormwater utility programs across the country. Nationwide, the average monthly single-family residential fee was \$5.85, the standard deviation was \$4.50, and the median fee was \$4.75. Fees range from zero up to \$45 per month for a typical single-family home.

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<sup>5</sup> “Green Infrastructure Planning for the City of Homer,” <https://www.arcgis.com/apps/MapJournal/index.html?appid=2f427e99603a4c61979f5b4e64462096>.

<sup>6</sup> Homer Comprehensive Plan, 2018

<sup>7</sup> *Financing Stormwater Utilities, 2nd Edition* by John F. Damico and Lamont W. Curtis, Revised and Updated by the American Public Works Association Water Resources Management Committee, 2020.