

Session 11-16, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 6:30 p.m. on November 16, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS DOLMA, ERICKSON, HIGHLAND, MINSCH, SONNEBORN, VENUTI

ABSENT: COMMISSIONER BOS

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

There were no comments.

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

1. Approval of the November 2, 2011 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g
4. KPB Coastal Management Program Reports
5. Draft Decision and Findings for a Variance of the building setback requirements at 860 Soundview Avenue, Lot 2 Block 3, Foothills Subdivision, Sunset View Estates Addition No. 2, Phase One

The Consent Agenda was approved by consensus of the Commission.

PRESENTATIONS

Commissioner Highland reported about the Transportation Advisory Committee meeting.

REPORTS

- A. Staff Report PL11-114, City Planner's Report

City Planner Abboud reviewed his staff report.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 16, 2011

- A. Staff Report PL 11-117, A Request to amend Conditional Use Permit (CUP) 10-06, for “Public Utility Facilities and Structures” for a communication site at 1033 Skyline Drive, Lot 5 Skyline View Subdivision Lying South of Skyline Drive. If approved, this would amend CUP 10-06 to allow construction of a 96 ft tower.

Commissioner Erickson stated that she has a conflict of interest.

HIGHLAND/DOLMA MOVED THAT COMMISSIONER ERICKSON HAS A CONFLICT OF INTEREST.

Commissioner Erickson acknowledged that there is a financial interest with the property owner that probably meets the amounts outlined in City Code and also the property owner is a close personal friend.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Commissioner Erickson left the meeting and did not return for any other portion of the meeting.

City Planner Abboud reviewed the staff report.

Leif Petersen, applicant, commented regarding Horizon Satellite’s need to place a 96 foot tower at the proposed location so they can expand their services for Homer and Anchor Point. In response to questions posed by the Commission, Mr. Petersen added:

- The tower could possibly be built down the slope, but would likely need more permitting as there will be more ground disturbance to develop a road and pad to accommodate heavy equipment to build a base, and also a taller tower would be required to compensate for the loss of height by moving down the slope.
- The proposed location is a point of origin for a fiber line. Points of origin are limited in this area and he is unaware of another location that would accomplish a connection with the tower on Diamond Ridge.
- The tower is rated for 100 mph winds with a quarter inch radial ice.

Chair Minch opened the public hearing.

Dave Becker, property owner of the proposed antenna, noted the difference for the CUP and the variance application. He also clarified issues with going down hill as it is a zero gain. Going down the hill and losing 10 feet of height will require a taller structure and the cost will increase exponentially. This increase in development cost will result in increased cost to consumers for the service. It is unnecessary to go down hill when there is the bench at the top that works. This is a critical site with optimum capability for communications, if there were other suitable locations, you would see towers there. It’s true that no one wants these in their back yard, but most everyone wants the service they provide.

Kirk Olsen, local property appraiser, commented in opposition of the CUP. It is a zoning issue as this is a rural residential district and there is a reasonable expectation that this will diminish property values in the area.

Pete Arno, city resident and property owner to the west, commented in opposition to the CUP. He questioned if the hearing notice was issued timely, and the expressed concerns that the property owner has broken rules and the City has allowed it happen, existing towers were built without input, this is not compatible with the district where it’s located, property values will be

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 16, 2011

negatively impacted, there is noise from the wind, it's an eyesore, and a privacy issue with men up on the towers being able to see in windows.

Russell Walls, city resident and property owner across the street to the east, commented in opposition to the CUP. He questioned the ability to have antenna access in other areas and expressed concern of diminished property value.

David Nofziger, city resident, commented in opposition to the CUP. He does not see how it can be compatible with the district, the public notice should have been sent to a wider area of property owners, and the project has a negative visual impact in a primary viewing area.

Karl Stoltzfus requested to read Lane Chesley's comments into the record. Chair Minsch advised him that the Commission had received Mr. Chesley's comments and took time to read them before the meeting. She said Mr. Stoltzfus was welcome to make any additional comments. Mr. Stoltzfus commented in opposition to the CUP because it is a residential area, the area is an eye sore, and it just keeps growing. There needs to be an end to it or have another place for a tower farm.

There were no further comments and the public hearing was closed.

Dave Becker briefly rebutted with the following points:

- The first tower was installed about 27 years ago after he bought the property.
- People purchasing property since that time can see that the property is developed as a communications site.
- The City's comprehensive plan encourages developments of the technological nature as noted in the findings.
- There is a 100 foot tower providing coverage through GCI across the street from the proposed tower location.
- The proposed site is 70 feet away from the property line and the house to the west is an additional 30 to 40 feet away.

HIGHLAND/SONNEBORN MOVED TO ADOPT STAFF REPORT PL 11-117, A REQUEST TO AMEND CONDITIONAL USE PERMIT (CUP) 10-06, FOR "PUBLIC UTILITY FACILITIES AND STRUCTURES" FOR A COMMUNICATION SITE AT 1033 SKYLINE DRIVE, LOT 5 SKYLINE VIEW SUBDIVISION LYING SOUTH OF SKYLINE DRIVE WITH STAFF RECOMMENDATIONS AND FINDINGS.

VENUTI/HIGHLAND MOVED TO DELIBERATE AFTER THE MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report PL 11-118, A Request to Amend Variance 10-01 to allow the construction of a 96 ft tower in the 20' building setback at 1033 Skyline Drive, Lot 5 Skyline View Subdivision Lying South of Skyline Drive.

City Planner Abboud reviewed the staff report.

Leif Petersen, applicant, said he was available to answer questions.

Chair Minsch opened the public hearing. There were no public comments and the hearing was closed.

HIGHLAND/SONNEBORN MOVED TO ADOPT STAFF REPORT PL 11-118, A REQUEST TO AMEND VARIANCE 10-01 TO ALLOW THE CONSTRUCTION OF A 96 FT TOWER IN THE 20' BUILDING SETBACK AT 1033 SKYLINE DRIVE, LOT 5 SKYLINE VIEW SUBDIVISION LYING SOUTH OF SKYLINE DRIVE WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was discussion whether to deliberate this issue after the first one or whether to postpone to a future meeting.

HIGHLAND/SONNEBORN MOVED TO DELIBERATE AFTER THE MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

No plats were scheduled.

PENDING BUSINESS

A. Staff Report PL 11-115, HAPC Policies and Procedures Manual Amendments

HIGHLAND/SONNEBORN MOVED TO APPROVE THE AMENDED HAPC POLICIES AND PROCEDURES MANUAL AND FORWARD IT TO COUNCIL FOR ADOPTION.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Staff Report PL 11-118, 2012 HAPC Meeting Schedule

HIGHLAND/VENUTI MOVED TO APPROVE THE 2012 HAPC MEETING SCHEDULE.

There was brief discussion.

SONNEBORN/HIGHLAND MOVED TO DELETE THE NOVEMBER 21 MEETING.

There was no discussion.

VOTE (Primary Amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VOTE (Main Motion as Amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

INFORMATIONAL MATERIALS

No informational items were presented.

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

There were no audience comments.

COMMENTS OF STAFF

There were no staff comments.

COMMENTS OF THE COMMISSION

Commissioner Highland said at the next worksession she would like to hear from the Commissioners who attended the Planning Conference.

Commissioner Venuti commented that if there is an issue with timely notice to property owners he wonders if it is something that staff can improve upon. He listed the training sessions he attended at the Planning Conference in Fairbanks.

Chair Minsch and the other Commissioners had no comments.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 7:56 p.m. The next regular meeting is scheduled for December 7, 2011 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession at 5:30 p.m. preceding the meeting.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____