

Session 14-15, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on August 20, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, BRADLEY, ERICKSON, HIGHLAND, STEAD, STROOZAS, VENUTI

STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

Chair Stead called for approval of the agenda.

HIGHLAND/BOS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **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).

Joel Cooper, non-resident who lives in the Bridge Creek Watershed Protection District, commented that he has reviewed the information provided by the staff and the realtors. He thinks the commission should go back and look at the USGS report, speak with them about their work, and how they assess how things are working. He thinks they should calculate the impervious cover for the watershed as a whole, based on the numbers they have and current development. He submitted a table he prepared using the parcel viewer and applied the recommended 6200, 4000, and 5000 square footages recommended and lot sizes 4.5 acres and below. It starts to give an idea of what the impact might be in relation to Todd Cook's feedback relating to density of development and also concerns about fuel tanks and septic tanks. In reference to the draft ordinance, Mr. Cooper suggested including some kind of containment system for fuel tanks so there will be a buffer should an accidental spill occur. A question came up in the worksession if the current ordinance working and since the water quality is not degrading, then you can say to some extent that it is working.

### **Reconsideration**

None

### **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.

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- A. Approval of Minutes of August 6, 2014 meeting

HIGHLAND/VENUTI MOVED TO ADOPT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Presentations**

- A. Public Works Director Carey Meyer – Public Safety Building Presentation

Public Works Director Meyer did not show up to present. City Planner Abboud gave a brief overview on the locations being considered for the project.

### **Reports**

- A. Staff Report PL 14-69, City Planner's Report

City Planner Abboud reviewed his report.

Commissioner Erickson and Venuti commented about the new sign at the high school and that it was flashing messages, besides just the date and time. City Planner Abboud said he would follow up.

### **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.

- A. Staff Report PL 14-78, Proposal to expand the Residential Office Zoning District eastward along East End Road.

City Planner Abboud reviewed the staff report.

Commissioner Stead opened the public hearing.

Ray Kranich, city resident, commented that he understands this came to the Commission from Council but he questions what the reason is behind it. Is there a need for it? Is RO filled up or are there significant portions of RO still vacant that could be infilled? Basic principles of the Comp Plan and zoning aspects encourage infill rather than sprawl. He has to look at this and try to figure out what is behind it. He reviewed some history of the proposed area and also relating to the CUP for Blackwell in the area from his time on the Planning Commission. The Commission at the time, put their necks out and approved the CUP, and the Council backed the Commission's decision, it went to court and the City lost. He agrees with Sharon Minch's comments that a rezone should only be done when there is

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significant need. The Commission's decision here is a very important and heavy one on stability in zoning.

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

Question was raised as to why Councilmember Van Dyke's introduced the proposed ordinance. City Planner Abboud explained his understanding that it was language Mr. Van Dyke said he had seen in the Comp Plan. Mr. Abboud said he didn't want to speculate because isn't sure of the exact reason.

Commissioner Erickson raised the notion that that there are commercial activities going on in the proposed area and that perhaps the proposed area is more of a natural break in the uses that have been taking place for years. City Planner Abboud suggested the natural break is further down the road. He pointed out there are a lot of residences in the area, there are even horses grazing in the area. As Mrs. Minch mentions in her letter, he explained that if the Commission wants to support those types of businesses, it has to be re-positioned in the Comp Plan accordingly to the uses they want to see there and everyone in the district should be able to do it.

Commissioner Venuti referenced the Comp Plan which addresses a neighborhood commercial east end road district. It refers to limited number of small scale, local serving, commercial areas designed to meet the convenience of commercial service needs of neighborhood residents; that the objectives may also be met through the planned unit development process or an overlay zone allowing more commercial; and that the retail uses in the underlying residential office district. City Planner Abboud feels this refers more to neighborhood convenience where people would go to grab a gallon of milk or something like that. This same thing was included up in the West Hill area but the neighbors said no and it was taken out of the Comp Plan.

Commissioner Bos asked if this rezone would allow the activity that isn't allowed now to operate. City Planner Abboud said it would not.

VENUTI/ERICKSON MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING RESIDENTIAL OFFICE ZONING ON EAST END ROAD AND FORWARD IT TO CITY COUNCIL FOR ADOPTION.

Commissioner Venuti said this is a nice notion, but doesn't see a good reason to support the change, and there hasn't been any support expressed by property owners in the area.

Commissioner Stroozas agreed and added that Mrs. Minch's comments weigh on his mind about opening up the City up to more litigation.

Commissioner Highland agreed that this change doesn't make sense.

VOTE: NO: BOS, STEAD, HIGHLAND, ERICKSON, VENUTI, STROOZAS, BRADLEY

Motion failed.

## **Plat Consideration**

## **Pending Business**

- A. Staff Report PL 14-80, Proposal to amend to the Bridge Creek Watershed Protection District

City Planner Abboud touched on the discussion at the worksession and advised the Commission that Water/Wastewater Superintendent Todd Cook will be talking to them at their next meeting.

Commissioner Erickson expressed that she supports a reasonable backup containment system for anything that brings potential disaster. It's more than fair, it's responsible, and it shouldn't be that costly. Her thought is that existing property owners could be asked to do it, and new construction would require it. It isn't only regarding fuel tanks but anything that could cause a potential hazard.

Commissioner Stroozas supports 6200 square feet as the maximum amount of developable area for lots less than 4.5 acres.

Commissioner Highland questioned the numbers provided in Mr. Cooper's calculations, also the suggestion of working with USGS, and looking at overall impervious for the area. City Planner Abboud said they could come up with more useable numbers, as an example one could build more on a 2.5 acre lot with an approved mitigation plan than on a larger lot with no mitigation plan. He said he isn't sure what the role of USGS was in the process and will have to investigate it further. There was discussion that there might be new information after 13 years. In looking at total impervious area, Mr. Abboud said it doesn't really change the framework of what we are doing.

Commissioner Highland said she would like the property owners in the area to be surveyed to get their input on their concerns and more concrete information. City Planner Abboud agreed that is something that can be done.

Chair Stead commented that he prefers percentages of allowable square footage rather than a set number. He also thinks they should look at buffer zones between properties and try to figure out how that works. He read the report that was provided in the last packet and the report is focused mostly on the soils surrounding Anchorage, which are different than the soils that surround Homer and the Bridge Creek Watershed District; also the report is focused on the entire watershed of a particular stream. We are looking at this from a perspective of the realtors, who are only focused on a couple of small subdivisions and there is a lot of undeveloped land in the district that needs to be considered, so he thinks it's relevant to look at the entire district and the entire impervious surface. This needs to be looked at more in a holistic picture than on a per lot basis. He suggested they may want to look at the subdivision restriction of 4.5 acres. There are a lot of things that need to be reviewed in the Bridge Creek Watershed District. The issue here is maintaining water quality and maintaining ability for people to develop the land further.

There was discussion regarding looking toward the future and what development could potentially occur. City Planner Abboud said what is before the commission now is minimal incremental changes, but to consider anything more would mean stepping way back and spending a lot of money to restudy the whole area.

Commissioner Bos expressed his concern with holding people accountable to their mitigation plan and the runoff from their property. There are a lot of people who don't want to be held accountable for anything, junk, antifreeze leaking from cars, and that kind of thing. He thinks they can give a little bit, but he thinks they need some input from a lot of people. If the water up there isn't preserved, property down here won't be worth anything.

Further discussion ensued regarding developing buffer zones, mitigation plans, and ways for property owners to be able to develop their property to the fullest extent.

This agenda item will come back at the next meeting.

## **New Business**

### **Informational Materials**

- A. City Manager's Report from August 11, 2014 City Council Meeting
- B. Resolution 14-086 scheduling a joint worksession with Homer City Council and the Advisory Planning Commission to discuss tower regulation and permit requirements, and other planning matters on Thursday, October 23, 2014 at 6pm
- C. Planning Commission Memo to City Council Re: CIP Recommendations
- D. Kenai Peninsula Borough Plat Committee Notice of Decision Re: Bidarka Heights Unit 3 Knutson Replat Preliminary Plat

### **Comments of the Audience**

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

None

### **Comments of Staff**

Deputy City Clerk Jacobsen announced that another Volunteer Appreciation Party is in the works for September 25<sup>th</sup> and that invitations will be going out soon.

### **Comments of the Commission**

Commissioner Bos congratulated Mr. Stead and Mr. Stroozas for stepping up, thanked Mr. Venuti for his great service, and welcomed Ms. Bradley as a new commissioner. This was a good meeting with good input.

Commissioner Highland asked to add storm water to their agenda at the City Council worksession.

Commissioner Bradley thanked everyone for a fantastic second meeting.

Commissioner Erickson suggested that if people in the watershed district bought a second lot, leave it blank, and get a tax break for preserving the land.

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Commissioner Venuti asked what happened with the tower remand. City Planner Abboud explained he has been in contact with the attorney and the applicant hasn't pursued anything.

Commissioner Stroozas commended Chair Stead on his first meeting and advised he will be absent at the next meeting.

Chair Stead said thank goodness it's over. He thought they had good discussion and said he may also be absent at the next meeting.

**Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 7:59 p.m. The next regular meeting is scheduled for September 3, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_