

Session 14-17, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on September 17, 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 a motion to approve 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).

Bob Shavelson noted he had commented at the worksession and wanted to reiterate how valuable and important the public asset of our drinking water supply is in the Bridge Creek Watershed protection district. He wants to emphasize that if we are going to open up provisions to this, that we take a precautionary approach. We know from countless examples it is always more cost effective to protect water quality than to try to treat it after it's been harmed. As we look at increased population it puts increased pressure on our drinking water, it behooves us to move carefully. He reiterated that they step away from a blanket cap on square footage and try to look more carefully at a percentage base and possibly a sliding scale, based on the size of the property. He thinks it would be smart to bring in someone more knowledgeable to look at these issues on a watershed scale and understand what concentrated development in this subdivision versus larger development outside of it means for the health of the area moving forward. He thanked the group and urged them to take a slow and cautious path because it's the only drinking water supply we have.

Kevin Dee echoed Mr. Shavelson's comments. He added that even with cutting the acreage down to one acre it could mean that it could be doable if there was adequate planning and mitigation put in place for all the run off. He also encourages taking a slow and cautious approach. He values the commission's work here and agrees they need to get a level of expertise that deals with this on a variety of levels. It needs to be a holistic view point. He reviewed the approach they use for their 80 acres and their whole systems view of development. There are realty signs going up around the area so there is pressure for people who will be building or buying. The question is what you want the area to look like. The area is doing well with the protection that's in place, he hopes a thoughtful process

takes place in the long term with the right outcome that serves the quality for Homer and for the people who live in the area.

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.

- A. Approval of Minutes of September 3, 2014 meeting

Chair Stead called for a motion to adopt the consent agenda.

HIGHLAND/VENUTI SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Presentations

Reports

- A. Staff Report PL 14-84, City Planner's Report

City Planner Abboud reviewed the staff report.

- B. KPB Planning Commission Report – Franco Venuti

Commissioner Venuti gave his report at the worksession.

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 14-85, Proposed zoning code amendments to change where heliports and helipads are allowed within the City, creates definitions for helipads and changed the definition of hospital.

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing.

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Scott Adams, city resident, expressed his concern about allowing helicopter landings in the Bridge Creek Watershed. He is not opposed to allowing it at the hospital or at the airport. Since Bridge Creek is city owned, but the outlying area are Borough, they should work together, along with the FAA. The air traffic in Homer is increasing and helicopters don't have to abide by FAA rules so they can fly at any level they want. You have to think about what is going to happen in the future and the flight patterns they will be using. He has had issues with a local company, has been in contact with the FAA for the last 18 months because of the improper flying, and has had helicopters landing in his subdivision. He would like to curtail this before it gets worse.

Derotha Ferraro, Director of Public Relations and Marketing for South Peninsula Hospital, noted the letter in the packet from Bob Letson, CEO, regarding the importance of the helipad at the hospital, the great service it is to the community, and that the community voted on this some years ago. She asked for clarification about the definition of hospital, and if this change will require the hospital to acquire a CUP. She also introduced Glen Radtke, SPH Director of Facilities and said they were available to answer questions the Commission has about their helipad. City Planner Abboud explained that currently there isn't a definition of hospital in city code, so this includes adding the state's definition. He doesn't believe a CUP would be necessary for SPH but encouraged them to contact the planning department.

Robert Archibald, city resident, commented that he doesn't see any reference to helicopter size in this draft ordinance. He encouraged the Commission to consider limiting size. Without limitations on size and horsepower and allowing the use without a CUP he questions how they will limit helicopters. He doesn't agree with any of the amendments that don't require a CUP. He thinks the citizens of this town deserve to have some input into what is landing in their subdivisions. He thinks there will be development at the airport that will allow more area for this use. He doesn't want helicopters landing any closer to the houses than they are now. He doesn't like to see them landing inside city limits. There are places that have fly in subdivisions where a person buys a house on an airstrip; they know what they are getting. If helicopters are allowed to land where ever they want in the city, then people don't have a decision.

Kevin Dee commented that in discussion with the Ageya board they agree that what makes a healthy ecological system is also the presence of wildlife and animals. Homer is expanding and maintaining a healthy ecology in the Bridge Creek Watershed is important. Ageya's business model is built on the wilderness area. Anything that is done to increase traffic or noise could affect quality of life for wildlife and people as well. They also look at is the use of helipads for people in a non-recreational manner, they would advocate for a CUP and FAA attachment. They would be interested in what marking should be there, clearances around helipads and hazards that it may bring. He encouraged that this use should be approached slowly.

There were no further comments and the hearing was closed.

VENUTI/STROOZAS MOVED TO FORWARD THIS DRAFT ORDINANCE REGARDING HELIPOINTS AND HELIPADS TO THE CITY COUNCIL FOR PUBLIC HEARING AND ADOPTION.

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Commissioner Highland commented that she doesn't support heliports being allowed outright in GC2. She referenced the information from Jack Wiles that was presented as a laydown that includes ideas regarding criteria for conditional use in the marine industrial district.

HIGHLAND/ERICKSON MOVED TO AMEND THE ORIGINAL MOTION TO ADD "HELIPADS AND HELIPORTS IN THE MARINE INDUSTRIAL DISTRICT SHALL ONLY BE ALLOWED AS A CONDITIONAL USE WHEN A HELICOPTER IS NEEDED TO:

1. SUPPORT A PORT OF HOMER AUTHORIZED RELATED PROJECT, SERVICE OR SAFETY AND SECURITY FUNCTION,
2. PROVIDE TENDER SERVICES FOR OFFSHORE OR DOCKED VESSELS,
3. PROVIDE TRANSPORT OF MATERIALS AND SUPPLIES TO MARINE VESSELS,
4. SUPPORT SEARCH AND RESCUE OPERATION, OIL SPILL PREVENTION, ABATEMENT OR CLEANUP OR RELATED SERVICES, INCIDENT COMMAND, COAST GUARD OR PUBLIC SAFETY REQUIREMENTS,
5. PROVIDE INCIDENTAL OR SHORT-TERM USE FOR MARINE RELATED NEEDS BUT DOES NOT INVOLVE A REOCCURRING USE SUCH AS TOURISM RELATED SERVICES, SUPPORT TO CRUISE SHIPS, OR CRUISE SHIP SERVICES OR BOOKINGS.
6. HELICOPTER SERVICES SHALL MEET STRICT SAFETY AND ENVIRONMENTAL STANDARDS AS ESTABLISHED BY THE CITY OF HOMER AND OPERATE WITHOUT THE NEED FOR PERMANENT OR TEMPORARY SUPPORT STRUCTURES OR SERVICES, UNLESS CONDITIONALLY APPROVED.

Commissioner Venuti commented that as a CUP, an applicant has to come in and convince the commission it is in the interest of public good. He pointed out that 20 years ago much of the heavy equipment involved in developing Bradley Lake was transported from the end of the spit by a large helicopter. He doesn't agree the possibility of that happening again should be eliminated. He doesn't agree that this be added to the CUP criteria.

Commissioners Stroozas and Bos commented in agreement with Commissioner Venuti's remarks.

Chair Stead questioned if search and rescue operations, oil spill prevention, abatement, and so forth currently need a CUP. City Planner Abboud responded that if there is an emergency situation we aren't going to hold it up by having them apply for a CUP.

Commissioner Highland stated that she does not support helicopters anywhere but the airport and the hospital. She could support it in the Marine Industrial district with the amendments she proposed.

VOTE (Amendment): YES: HIGHLAND

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

Motion failed.

HIGHLAND/ERICKSON MOVED TO AMEND THAT THE PERMITTED USE IN ALL OF GC2 FOR HELIPORTS AND HELIPADS BECOME A CUP EXCEPT FOR AT THE AIRPORT.

Commissioner Highland said she thinks it's a very good idea to require a CUP in any GC2 area outside the airport. Her preference is that they only be allowed at the airport.

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VOTE (Amendment): YES: ERICKSON, BRADLEY, HIGHLAND, VENUTI
NO: STEAD, STROOZAS, BOS

Motion carried.

ERICKSON/HIGHLAND MOVED TO AMEND THAT THE BRIDGE CREEK WATERSHED HELIPADS NOT BE ALLOWED TO HAVE A HELIPAD.

Commissioner Highland expressed her agreement with the motion. Landings and takeoffs are the most dangerous helicopter operations, and it would be disruptive. The watershed is number one for protection and not worth taking any extra chances.

VOTE (Amendment): YES: STEAD, BRADLEY, VENUTI, HIGHLAND, ERICKSON
NO: STROOZAS, BOS

Motion carried.

There were comments that this is moving in the right direction from what was allowed previously.

VOTE (Main motion as amended): YES: BOS, STEAD, ERICKSON, VENUTI, STROOZAS, BRADLEY
NO: HIGHLAND

Motion carried.

- B. Staff Report PL 14-86, Ordinance 14-45, An Ordinance Amending Homer City Code 21.93.060 Standing- Appeal to Board of Adjustment and 21.93.500 Parties Eligible to Appeal to Board of Adjustment - Notice of Appearance, Providing for the City Planner or Designee to Participate in Appeals to the Board of Adjustment.

City Planner Abboud reviewed the staff report.

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

There was brief discussion of the role of the City Planner regarding Board of Adjustment hearings.

BOS/STROOZAS MOVED THAT THE PLANNING COMMISSION RECOMMENDS THE CITY COUNCIL ADOPT ORDINANCE 14-45.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Plat Consideration

Pending Business

- A. Staff Report PL 14-87, Proposal to amend to the Bridge Creek Watershed Protection District.

City Planner Abboud noted they heard some new information tonight at the worksession and he reviewed the staff report and draft ordinance.

There was discussion about current lot sizes, proposed development area, and regulations currently in place relating to subdividing. They acknowledged the proposed ordinance is a starting draft based on information the Commission addressed so far. It is something the property owners can consider and give feedback about. The protection district seems to be working now, so they have time to get input.

Other comments included concerns about driveways and parking. Many of the homes have minimal driveways and parking, which becomes a safety concern in the winter. Also, Mr. Shavelson's suggestion to work with a hydrologist would be fitting for the Commission's work on this. Adding it to the CIP could be an option for getting help with funding to pay for the work. It would also be helpful to look at the information the Inletkeeper has accumulated over the years.

There was consensus of the Commission to hold a public hearing at the October 16 meeting.

New Business

- A. Staff Report PL 14-88, An ordinance of the Homer City Council amending Homer City Code 21.70.010, Zoning permit required, and 21.90.030, Invalid land use permits regarding the requirement for a zoning permit and the relationship of zoning violations to permit issuance.

City Planner Abboud reviewed the staff report.

There was discussion about follow-up after permits are issued. It was explained that presently things may or may not be verified, and many permits get issued because what the applicant is asking for is legally permissible, although they may have an issue on their property.

Further discussion centered on the notion of building permits or zoning permits being documentation of work completed on homes, for example, throughout the years. That is how it is done in other communities, and despite the resistance to rules, some of that should be regulated in Homer. The "buyer beware" mentality of properties in the city is shameful.

Point was raised that this ordinance addresses zoning code, which is about land use. City Planner Abboud noted that site visits are done as much as possible to follow up on the work after the permit is issued.

HIGHLAND/BOS MOVED TO HOLD A PUBLIC HEARING ON STAFF REPORT PL 14-88.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Informational Materials

- A. City Manager's Report, September 8, 2014
- B. Joanne Thordarson Letter – view obstruction with new development in Forest Glenn Subdivision

Comments of the Audience

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

Scott Adams, city resident, commented about the Bridge Creek/ Kelly Ranch area. He is surprised the Borough allowed that subdivision to go in and some of those back lots should never have been sold. Some of the property on Skyline that is away from the water areas could use some tweaking because most of the acreage is over three acres and they have been on the market for a good ten years. He thinks it should be based on individual lots and not the general area because of the difference in lot size and location within the watershed district. He hopes they do step back and look at the watershed district. In the discussion about regulating development in Homer, their work on steep slope put restrictions on property there. He lives in that area and will be abiding by those rules. He noted that he lives in the area that was annexed and was told the area would get water, only to find out ten years later it isn't feasible. That kind of puts a sting on things. He likes where they are going, he thinks a building inspector might be a direction we are headed. He explained a situation with a neighbor who bought a house that was owner built and the issues she has had to face.

Comments of Staff

City Planner Abboud said they have been working on strategic planning with the Mayor and Council, including some review of the Comp Plan. He will bring the Commission the information to review. The Commission will be looking at some Comp Plan updates in the near future.

Deputy City Clerk Jacobsen reminded the group about the upcoming Volunteer Appreciation Event and also early voting for the municipal elections.

Comments of the Commission

Commissioner Highland said it was a good meeting. She asked about comments she heard about NAPA complaining about having to repaint their building and sign issues. City Planner Abboud reviewed information about corporate branding and the colors those corporate businesses use to advertise. The NAPA building sign and legacy are beyond our code. If someday there are changes, they will need to conform to code. Ms. Highland asked if an acknowledgement could be sent to Joann Thordarson regarding her letter in the informational items.

Commissioner Bradley said she will be absent on October 1st.

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Commissioner Bos said it was a fabulous meeting. He commented about the list of commission accomplishments for the Volunteer Appreciation Event and wanted to add their work to continue to promote being a business friendly group.

Commissioner Erickson added that, as a group, they are a lot more approachable and working on things to make it where people can enjoy their community.

Commissioner Stroozas said it was an outstanding and lively discussion tonight. He has followed the Commission for a number of years and agrees they are doing things that are going to make it more comfortable for citizens to participate in the process. We have to be proactive, not reactive, and there is a good mix of people on this commission and he is glad to be a part of it. He said he may miss the next meeting.

Commissioner Venuti had no comment.

Chair Stead said it was a good meeting tonight.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:16 p.m. The next regular meeting is scheduled for October 1, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____