

Session 14-18, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on October 15, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: BOS, ERICKSON

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Stead called for a motion to approve the agenda.

VENUTI/STROOZAS 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).

Wesley Head, city resident and owner of Beluga Air, commented to the commission regarding his sign issue. He has a sign that is on state airport land that is not in compliance with current code; however it has been there more than three decades. It was legal when it was built, has been a continuing operation, and the court cases he has reviewed it's up to the City to prove that he doesn't qualify for grandfather. He spoke to the City Planner and found that his industry is under special scrutiny for signs, which he found disturbing. He raised question of what industry his business falls into. To find that one industry is a focus for sign enforcement he feels is unethical. Lastly he expressed his concern with the handling of his notification of the appeal process and the inconsistency of personnel's judgment of what adheres in the process and what doesn't. He asked that they drop this matter, or prove that his sign doesn't qualify for grandfather after three decades, and that they explain what industry he is in.

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 17, 2014 meeting

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- B. A Memo from the City Clerk and a resolution of the City Council of Homer, Alaska, establishing the 2015 regular meeting schedule for the city council, economic development advisory commission, library advisory board, parks and recreation advisory commission, advisory planning commission, port and harbor advisory commission, permanent fund committee, and public arts committee.

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.

There was brief discussion about the safe routes to school grant and the erosion around Woodard Creek.

Commissioner Highland requested a break to read the laydown materials that were provided to the Commission. Chair Stead called for a recess at 6:50 and the meeting reconvened at 6:57.

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 14-90, An ordinance of the Homer City Council amending Homer City Code 21.40.070, requirements, regarding standards for impervious coverage in the bridge creek watershed protection district.

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing.

Chris Story, city resident and local realtor, thanked the group for their work on the draft ordinance. He said he presented this information to the Kachemak Board of Realtors membership and those

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present at the meeting were in agreement that this is a positive and proactive step toward making these properties more useable, desirable, and marketable. He added that if it goes beyond this public hearing that they not only think in terms of impervious coverage versus not impervious, but also in terms of characteristics of people's homes. It's much more than a scientific calculation. He, and those has talked to, appreciate the concern that this is our one source of drinking water, but there have been no major impacts since this ordinance was written, or even before.

Bob Shavelson, Executive Director of Cook Inletkeeper, acknowledged individual property owners rights, but he is here to talk about the rights of the public and encouraged erring on the side of caution. Treatment is always a lot more expensive than prevention, and prevention is a lot easier. In response to comment there is no evidence this is working, he submitted that there have been no violations of the Safe Drinking Water Act since this ordinance has been in place. We don't have a lot of information in place right now and are making decisions based on some speculation that there has been diminishing property values and restriction. We don't understand what the hydrology is and the impacts of the concentration of these parcels in Kelly Ranch Estates if they are developed to the levels outlined in code. There are additional factors that haven't been touched on like yard fertilizers and so forth. He encouraged them to look at this more carefully; they are making decisions without enough information and once the decisions are made, we can't go back on them.

Commissioner Venuti asked if Mr. Shavelson if he could provide data of tracking drainages into the reservoir that he mentioned at a previous meeting. Mr. Shavelson said he would.

Commissioner Stroozas questioned if the proposal relaxing regulations on four out of 2100 acres seems like a minimal figure. Mr. Shavelson reiterated that it isn't the overall number they are looking at; it's the concentration of the lots in one area.

Chair Stead queried whether or not they should close the public hearing.

There was discussion of the lack of property owners providing comment. It was suggested it may indicate they feel this is going in the right direction. It was also noted that in the laydowns, two supported the amendment, one strongly opposing it with good points why it shouldn't change.

Commissioner Highland is interested in how to get a better idea of the impact of concentrated development in the area being considered tonight. She agrees they need hydrological information and would like to know who they could contact.

HIGHLAND/VENUTI MOVED TO CONTINUE THE PUBLIC HEARING TO THE NEXT MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

The Commissioners discussed laydown information titled "Public Health Effects of Inadequately Managed Stormwater Runoff". Comments included:

- The report repeatedly mentions urban areas, and it isn't an urban area up there.

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- It addresses waterborne illnesses linked to pathogens and it's zero in low density population areas, and the Bridge Creek watershed area is a low density populated area.
- The statement in the report that the construction of low density developments disturbs soil over larger land area, accelerating transport of sediment and associated pollutants into water bodies, may apply in this area.
- There may be a discrepancy regarding turbidity values. When turbidity goes up there are issues with bacteria coming in, but the report data shows low turbidity and problems with bacteria. It wasn't clear how they got from one place to the other.
- In best management practices, there are problems with designs for collecting runoff.
- It suggests increasing density of the people living in the area to create larger buffers to lower turbidity.

The concern of dealing with fertilizers in the area was raised, along with invasive grasses in the area. City Planner Abboud talked about challenges of being able to reasonably enforce a regulation on fertilizers and such. It was countered that adding prohibiting fertilizers and herbicides in the ordinance will at least educate people and there will be those who will comply and curb some of the uses. Regarding invasive grasses, in the section regarding reseeding, it was suggested to include wording that it be seeded with natural or native grass.

Relating back to the study, Chair Stead expressed he doesn't think there isn't much there. The biggest things they can do are limit runoff and provide natural buffers. Kelly Ranch Estates flows down to Bridge Creek.

- B. 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.

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

VENUTI/STROOZAS MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING HCC 21.7.010 ZONING PERMITS 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, AND FORWARD IT TO THE CITY COUNCIL FOR PUBLIC HEARING AND ADOPTION.

There was discussion that this seems to be pretty straight forward and that staff doesn't know if there will be any retroactive issues. There may be some discussion about it at the joint worksession with Council.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Plat Consideration

Pending Business

New Business

Informational Materials

- A. City Manager's Report for September 22, 2014 City Council Meeting
- B. Kenai Peninsula Borough Platt Committee Notice of Decisions:
 - Lakeside Village Subdivision 2014 Replat Preliminary Plat
 - Scenic View Tract A 2014 Replat Preliminary Plat
 - Forest Glen Subdivision Unit 2 2014 Replat Preliminary Plat
 - Vineyard Estates 2014 Addition Preliminary Plat
- C. Beluga Air letter stamp dated 9/18/14 regarding off-premise sign
- D. Planning Staff Response to Beluga Air letter dated 9/18/14
- E. Army Corps of Engineers Kenai Field Office Public Notice of Application for Permit to "discharge 2040 cubic yards (cy) of pit run gravel and 49 cy of concrete for the construction of a driveway, parking lot, composting facility, and drainage ditch in Waters of the U.S." at Tract O-1 Tietjen Subdivision
- F. Park, Art, Recreation, Culture (PARC) Needs Assessment Flyer

The Commission discussed the Beluga Air information item. City Planner Abboud explained that there is a requirement in the sign code for signs to come into compliance within a specified time. The dated time for Beluga Air has passed. He reviewed the process that he used in reviewing this and what has been used in other cases. Commissioner Venuti read the applicable section of code. It was requested that a response be sent to Mr. Head to let him know the Commission talked about his issue. They addressed some options relating to seasonal signage.

They also addressed the agenda for the upcoming worksession with City Council.

Comments of the Audience

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

None

Comments of Staff

None

Comments of the Commission

Commissioners Highland, Bradley, and Venuti had no comments.

Commissioner Stroozas asked why they didn't hold a worksession. Mr. Abboud advised that the speaker canceled and he didn't know that they had an hour's worth of information to discuss.

Chair Stead encouraged the Commissioners to attend the joint worksession with Council. He said he would like to set some Commission goals at their next worksession. He also commented that as Chair

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he tends to let people run a little too far. He thinks the discussion is good but we need to keep moving the process forward.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:25 p.m. The next regular meeting is scheduled for November 5, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____