

Session 15-07, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on May 6, 2015 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: BOS, VENUTI

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).

None

### **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.

A. Approval of Minutes of April 15, 2015 meeting

Chair Stead called for approval of the consent agenda.

HIGHLAND/STROOZAS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Presentations**

None

### **Reports**

A. Staff Report PL 15-27, City Planner's Report

City Planner Abboud reviewed the staff report.

There was brief discussion of the resolution partially releasing the development covenant of the Lillian Walli Estates Subdivision.

**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 15-28 Small Wind Energy Systems to delete the one acre minimum

City Planner Abboud reviewed the staff report.

Tom Taffe, city resident, commented that there is a lot going on in this industry. There is a lot of information to look at to make good decisions and the city should work with HEA for a vision on how we move forward with this. He touched on setback concerns relating to propellers or materials that can be thrown from the equipment. He encouraged that they take their time on this and that he is available if they need assistance.

There were no further comments and the hearing was closed.

Commissioner Highland noted they usually discuss ordinances over multiple meetings. She felt this is moving too quickly. City Planner Abboud responded that this is a response to council's request.

STROOZAS/HIGHLAND MOVED THAT THE PLANNING COMMISSION SUPPORTS ORDINANCE 15-09 TO DELETE THE ONE ACRE MINIMUM LOT AREA FOR SMALL WIND ENERGY SYSTEMS AND RECOMMENDS ADOPTION BY THE CITY COUNCIL.

Commissioner Highland commented she could see doing this for the simplicity of the moment but then we do more research and get a broader spectrum of wind energy and the different types available now. She expressed they may want to address more than what this simple one has.

City Planner Abboud noted that all the regulations for small wind energy systems are included in code; this is just one small section of that code. When we get to the tower ordinance the Commission can look further into topic. We also noted that it's hard to say what the demand will be for the systems. He clarified that currently there is only one allowed per lot.

Commissioner Stroozas agrees that we don't know what the demand will be, so until it becomes an issue it can be refined at a later date.

Chair Stead questioned how it was noticed and the definition of small wind energy system.

City Planner Abboud replied that it was noticed in accordance with city code requirements and it could be carried over to another hearing. He clarified a small wind energy system generates energy rated at less than 25 kW and total height less than 170 feet and primary function to create electric power for onsite consumption.

Chair Stead commented a 10 kW system is starting to become large for a home and therefore you will want something with a larger lot size to prevent damage and impacts to neighbors. If it was for a system less than 1.5 kW, he might support approving it on less than one acre. He thinks there should be a size limit for units allowed on a lot less than one acre and thinks they should hold off on this.

City Planner Abboud questions if they are regulating for something that's worth regulating and questions if a system on a lot less than one acre will be able to meet the other code requirements and still provide sufficient power.

Commissioner Erickson agrees that it should be regulated by the amount of kilowatts produced. There are some compact ones to locate on houses on the lower end of kilowatt production.

City Planner Abboud thought it is reasonable to add that stipulation, otherwise they are re-thinking the whole ordinance.

It was noted that they don't have the information to make a recommendation on size limitations tonight and more information would be helpful.

City Planner Abboud commented that while there are some lots in town that are one acre or larger with owners who have the money to put in the systems but there just isn't a big demand for it. He thinks this deserves a response without reinventing the wheel, but it's up to the Commission.

VOTE: YES: STROOZAS  
NO: STEAD, HIGHLAND, ERICKSON, BRADLEY

Motion failed.

### **Plat Consideration**

A. Staff Report PL 15-29, Ageya Homestead 2015 Preliminary Plat

Commissioner Erickson stated she has a conflict of interest.

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

Commissioner Erickson explained she has a business relationship with the applicant that falls within the parameters of city code regulations.

VOTE: YES: HIGHLAND, STEAD, STROOZAS, BRADLEY

Motion carried.

Commissioner Erickson left the table.

City Planner Abboud reviewed the staff report. He acknowledged the the comments provided by Lynella Grant and regarding the replat and explained that her concerns will be addressed at the Borough level.

Kenton Bloom, project surveyor, commented he was available to answer questions.

There were no public comments.

There was brief discussion reiterating that the Borough will do the research related to the plat.

HIGHLAND/STROOZAS MOVED TO APPROVE STAFF REPORT PL 15-29 AGEYA HOMESTEAD 2015 PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 15-30 Bayview Gardens Sub. No. 12 Preliminary Plat

City Planner Abboud reviewed the staff report.

Kenton Bloom, project surveyor, commented he was available to answer questions.

There were no public comments and no questions from the Commission.

STROOZAS/ERICKSON MOVED TO APPROVE STAFF REPORT PL 15-30 BAYVIEW GARDENS SUB. NO. 12 PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 15-31 East Highlands Sub. No. 2 2015 Preliminary Plat

City Planner Abboud reviewed the staff report.

Kenton Bloom, project surveyor, reviewed sewer service location issue and provided a drawing to show how he recommends moving lot line to address sewer line issue.

Chair Stead asked if the section line easement raises issue. Mr. Bloom responded that it's an issue for the owner in the sense they have a section line easement that doesn't really connect to anything. The Bayview side was vacated as part of their plat and it was overlooked. The parent plat for this Highlook Subdivision didn't even show the section line and the title report didn't show it. When he got the original patent from the federal government, it showed the section line easement which is how they realized it was there. There is sufficient area for the applicant to do what she needs. He will recommend his client contact the Planning staff to talk about a setback waiver for the house on proposed lot 5A.

There were no public comments.

STROOZAS/BRADLEY MOVED TO APPROVE STAFF REPORT PL 15-31 EAST HIGHLANDS SUB.NO. 2 2015 PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

Question was raised whether the information Mr. Bloom provided was adequate or if they need to take more action. Chair Stead commented that he thinks it is adequate as it was acknowledged and in the record and the Borough will have it when it goes forward.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Pending Business**

#### A. Staff Report PL 15-33 Towers Ordinance

City Planner Abboud reviewed the staff report and the commission went through the review points addressed in the staff report.

There was brief discussion regarding the exemptions listed in HCC 21.05.030 and that the recommendation that wireless communication equipment mounted to an existing structure and doesn't exceed 10 feet seems reasonable.

Commissioner Erickson expressed concern about ensuring the proposed maximum height requirements are appropriate. City Planner Abboud noted that they can be taller than what's listed through the conditional use permit process. Applicants would have to justify the necessity of the larger structure.

Commissioner Highland questioned if the wind energy systems are in here because of the towers and if there will be a separate one for small wind energy systems. City Planner Abboud said it is included because they are on tall towers but it doesn't change anything that is already there.

The Commission didn't make any recommendations.

#### B. Staff Report PL 15-34 Site Development Standards

City Planner Abboud reviewed the staff report.

Commissioners discussed reseeding within 9 months versus one year. If the development is a house, building the foundation the activity that most disturbs the ground and reseeding could be completed once the foundation is in and also the time frame could vary depending on when construction starts. The Commission recommended reseeding by August 31<sup>st</sup> or within 9 months, whichever comes first.

They also discussed information Mr. Steffy's provided relating to voluntary compliance and the need to educate the public and encourage certified seed and certified gravel to help reduce invasive species. Commissioner Erickson suggested the city taking a lead in requiring local pits bring in the guys from the state could solve a lot of the problem without costing anything. It would raise awareness and they would be more willing to work with Mr. Steffy.

Commissioner Highland noted mention of a state law relating to noxious weeds and that language could be incorporated in permitting language. We are in better shape than other communities so it's important to somehow get on board before it gets worse. She support's Mr. Steffy's recommendation of holding an invasive weeds clinic for contractors, maybe that's another place for the city to be a leader and work with the Soil & Water Conservation District.

Commissioner Erickson noted Mr. Steffy's comments about packaged seed you can buy at the store that could contain noxious material, so it can come from various sources. It will be important not to target anyone as the problem and to educate people on what to look for to get a better product. We will need to do our best to watch and protect ourselves from it. She thinks it would be better for the city to take the lead and educate rather than having it in code. A lot of people don't realize there could be noxious plants in the cheap grass seed.

City Planner Abboud encouraged that the city could be a leading advocate for this and include it as a subject of conversation in site planning and so forth. He agrees that education is a good start because most of the people in Homer feel compelled to do the right thing.

Regarding the alternate erosion control methods, Commissioner Highland noted that an idea is bringing it to people's attention to use certified forage.

Regarding adverse impacts, City Planner Abboud said it needs to be stated what people can't do for risk of impacting neighbors, it gives staff the tool to work with property owners to work to solutions. He will look at other codes to see what type of adverse impact language is used. He has never had to take anyone to task in a penalty phase, but there are neighbors who have filed suit against each other. Commissioner Erickson commented about the issues with tree cutting on Mt. Augustine Drive and that it's important to have this language to be able to address issues that affect other people's property. She would be uncomfortable removing the language. The other commissioners concurred.

### **New Business**

A. Staff Report PL 15-32 Appointment to the Cannabis Advisory Commission

City Planner Abboud commented that the Mayor has already recommended Chair Stead to the Cannabis Advisory Commission.

There was no objection expressed.

### **Informational Materials**

- A. City Manager's report for April 27, 2105 Council Meeting
- B. Lillian Walli Sub. Updated from Marvin Yoder

### **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**

Commissioner Highland said she doesn't feel good about the action on the small wind energy ordinance. She confirmed that the ordinance goes back to the council with the message they voted no on eliminating one acre minimum requirement, but she thinks there is so much more that needs to be looked at. City Planner Abboud explained council is expecting a response to the one change and that it can come back to the group another time. Ms. Highland said she would like them to do a better job restructuring how the ordinance is written based on more up to date information. City Planner Abboud said he will work to schedule a worksession and invite someone to discuss the industry, rather than their project, to talk about what our code does or doesn't accommodate.

Commissioner Bradley commented she supports a longer conversation regarding small wind energy systems.

Commissioner Erickson commented she would like the commission to revisit the corporate colors in the sign ordinance. She knows if two businesses it's impacting and not for the good of Homer.

Commissioner Stroozas agrees that the sign code needs to be addressed. He is aware of a movement to advocate repealing the current sign ordinance as its written and it will likely come before them to try to put a new one together that is more up to date and business friendly. He reminded the group about Shorebird Festival.

Chair Stead reminded the group about the HEA annual meeting. He commented there were positive comments tonight and hopefully we'll get somewhere on these issues.

**Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 8:59 p.m. The next regular meeting is scheduled for May 20, 2015 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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