

Session 15-06, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:35 p.m. on April 15, 2015 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: BRADLEY, ERICKSON

STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY CLERK JACOBSEN  
PUBLIC WORKS DIRECTOR MEYER

### **Approval of Agenda**

HIGHLAND/VENUTI MOVED TO APPROVE THE AGENDA

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).

### **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 March 18, 2015 meeting
- B. Time Extension Request, Christensen Tracts 2009 Addition

Chair Stead called for adoption of the consent agenda

HIGHLAND/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Presentations**

None

## Reports

### A. Staff Report PL 15-21, City Planner's Report

City Planner Abboud reviewed the 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.

### A. Staff Report PL 15-22 Draft Ordinance Amending Bridge Creek

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing.

Sue Mauger, property owner in the district and Science Director for Cook Inletkeeper, shared some research she did relating to property currently developed in the district to show that the owners are able to develop their property with the ordinance that is currently in place which suggests that it's reasonable and smaller lots are developable. She also referenced comment in the January 21<sup>st</sup> meeting minutes that suggest the information provided by the Cook Inletkeeper says the city should be able to go up to 10% impervious cover if buffers were provided, is incorrect. She noted the information indicates in Alaska when impervious coverage hits 4.4% and 5.8% water quality decreases, a 10% threshold has been reported in other parts of the country but in Alaska our streams are more sensitive to degradation because there are more extreme natural stressors on the landscape. She questions the 70% and 90% values as they seem arbitrary and encouraged that they are cautious of changes that might weaken the effectiveness of the ordinance that protects our drinking water.

Mark Hemstreet, property owner in the district, commented in support of the proposed amendments. He and his wife think it is a fair and equitable plan because it gives property owners a little more flexibility and it isn't a huge change from the current code.

Bill Smith commented that a lot of work went into developing the numbers currently used in code, based on the more lenient of the impact range they found. He likes that the mitigation plan can be approved by the City Planner, and also likes the reseeding and retention standards. He doesn't agree with the 90% impervious coverage regarding structures. He thought they eliminated the impervious requirement for driveways with a proper mitigation plan. Lastly he expressed that this narrow application applies to Mr. Stroozas' property and the group should revisit whether he is conflicted.

Joel Cooper, property owner in the district, concurred with Ms. Mauger's comments that the ordinance in place is working, adding that people are managing to work with what is in code now. He

agrees the lots adjacent to the stream raise concern due to non-point source pollution being a conduit into the stream. It would be great to see if there are ways to acquire the riparian corridor. The 70% related to walkways has no detail as to specifics about materials used. He likes the reseeding and retention standards.

There were no further comments and the hearing was closed.

City Planner Abboud mentioned that the 70% and 90% gives property owners a concrete target, where before they had to come in and convince the Commission of the effectiveness of what they were mitigating.

Public Works Director Meyer explained that in the textbook and advice that is given to engineers is a .9 coefficient to estimate runoff from impermeable surfaces. He assumes there is some evaporation and that not every drop of water that falls on a dry pavement, leaves the dry pavement. Regarding the difference in the permeability between gravel and concrete surface, he agrees there is a difference in the summer, but in the winter months a frozen gravel surface is just as impervious as a paved surface. Mr. Meyer noted that most of the significant rain events happen in November through January when the ground is frozen and an engineer would have to take into account dealing with worst case scenarios.

Commissioner Highland noted that they didn't identify in the ordinance what driveways and walkways were made of relating to percentages. It seems that it needs to be included. Chair Stead noted it says they may be calculated at 70% not that they will be, which allows for consideration of materials used to determine 70 or 90 percent.

BOS/HIGHLAND MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.40.070, REQUIREMENTS, REGARDING STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK WATER SHED PROTECTION DISTRICT AND FORWARD IT TO CITY COUNCIL FOR PUBLIC HEARING AND ADOPTION.

Commissioner Highland commented she thinks gravel or paved should be included in the language and that 100% makes more sense under item C. No amendment was proposed.

VOTE: YES: STROOZAS, BOS, STEAD, VENUTI  
NO: HIGHLAND

Motion carried.

### **Plat Consideration**

A. Staff Report PL 15-23 Webber Subdivision No. 9 Preliminary Plat

City Planner Abboud reviewed the staff report.

Steve Smith, project surveyor, said he was available for questions.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
APRIL 15, 2015

Chair Stead opened the floor to public comments.

Michael Kennedy, city resident, noted that there is water and sewer installed and the property to the west has a small house. He supports vacating the lot line as it will allow the buyer ease in develop the lot as they will likely have more challenges with the overslope rules

There were no further public comments.

Steve Smith, project surveyor, pointed out that this action shouldn't be subject to subdivision requirement and provided some history on his experience with defending that a lot line vacation is not the same as a subdivision.

Commissioner Venuti asked if the applicant is aware that this action does not change the assessments for the gas line related to the two properties. City Planner Abboud said he has not spoken with the applicant and does not know if they are aware.

BOS/HIGHLAND MOVED TO APPROVE STAFF REPORT PL 15-23 AND THE WEBBER SUBDIVISION NO. 9 PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 15-24 Foothills Marley-Dell Replat Preliminary Plat

City Planner Abboud reviewed the staff report.

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

BOS/HIGHLAND MOVED TO APPROVE STAFF REPORT PL 15-24 FOOTHILLS MARLEY-DELL REPLAT PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 15-25 Hodnik Subdivision Preliminary Plat

City Planner Abboud acknowledged the laydowns provided. He disclosed the applicant is his and his family's dentist and has not talked to her about any of this.

Chair Stead called for a recess at 7:26 so the Commission could review the laydown information and called the meeting back to order at 7:32 p.m.

City Planner Abboud reviewed the staff report.

Chris Mullikin, project surveyor, commented he expects the state will require 60 feet and not 100 feet of right-of-way width, as with the adjacent properties, but don't have it in writing yet. It's understood that there may be necessary amendments based on the results of the soil tests. His client does not support the 20 foot utility easement, but if they accept the garage and well encroachment, it may not impact her too much. The well is not used for drinking; only gardening. He believes the 3:1 ratio will work based on the overall perimeter and usable land of each lot proposed.

Arne Tikka, a civil and environmental engineer with Alaska Consulting and Environmental Engineering in Soldotna, said he has been retained by Ms. Hodnik to do the soils investigation for this subdivision. He is unable to comment regarding the lot configuration until he completes the investigation and reviews how the results relate to borough code. He recognizes the challenges with lot configuration based on the areas available in relation to on-site septic. He will likely recommend an ACOE wetland delineation on the north side of the road to ensure there is at least 20,000 sf of contiguous usable area, as outlined in borough code. He spoke of the septic tanks installed on the property and the surrounding properties as well as borough set back requirements.

Vickey Hodnik, applicant, commented she has lived on the property for 20 years and is looking at estate planning and so forth. Her relationship with the city hasn't always been so keen and she wouldn't necessarily subdivide, because she would still like to be able to negotiate what she wants to do with her easements. Years ago she gave the city an easement to do sewer down on the west side of her property and five people were able to get water and sewer, even though she doesn't have it. She is hopeful they will have water and sewer properly installed. She doesn't want to give the city 20 feet of easement. Gas is there and water sewer can go on the north side to take care of that problem. She did soils testing years ago but it never got filed and she doesn't have any documents on it. She noted the garage was in place when Kachemak Drive was put in and the well is used for gardening and doesn't think it will get in anyone's way.

Chair Stead opened the floor for public comment.

Dan Veerhusen, city resident, said as far as he is concerned the shed stays. It's been there a long time and he doesn't think any more easements need to be taken on the south side of the road either.

There was no further public comment.

Question was raised about delaying the plat until some of the questions are resolved, like the right of way requirement from the state and the ACOE permit for the other side of the road. Mr. Mullikin responded that it's his understanding that those aren't required at this stage.

It was recommended they contact HEA regarding the electric service crossing new lot lines proposed in the plat.

There was discussion to clarify location of the septic's and that contour lines are not required except in areas where the slope is over 20%. They also talked about the request for exceptions and that the

borough will be scrutinizing the requests along with staff report included for their review. The shop next to the road and the well may be looked at by the state.

City Planner Abboud couldn't confirm an exception to 3:1 ratio would be approved if the soil samples came back as satisfactory, staff would want to review the soil report first. They also discussed DEC and borough code requirements relating to usable area of property necessary for onsite septic.

HIGHLAND/BOS MOVED TO APPROVE STAFF REPORT PL 15-25 HODNIK SUBDIVISION PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

Discussion ensued confirming that the amendments to staff report 15-25 provided in the laydown are part of this recommendation. It further clarifies opposition to the 3:1 ratio is included in the recommendations. Several Commissioners' felt this preliminary plat is premature because of the information that is still needed. It was also noted that concern regarding bluff erosion is addressed in the amendments relating to not recommending the 3:1 ratio exception.

VOTE: YES: STEAD, HIGHLAND, VENUTI, STROOZAS  
NO: BOS

Motion carried.

Chair Stead called for a brief recess at 8:26 p.m. and the meeting resumed at 8:30 p.m.

### **Pending Business**

A. Staff Report PL 15-26 Towers Ordinance

City Planner Abboud and the Commission reviewed staff report, draft tower ordinance, and the article *Federal Cell Tower Zoning: Key Points and Practical Suggestions*.

There was brief discussion about view shed, camouflage, and height. The Commission took no action during ordinance review.

### **New Business**

#### **Informational Materials**

- A. City Manager's report for March 23, 2105 Council Meeting
- B. Memo to City Council Re: Site Development Amendment

### **Comments of the Audience**

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

None

### **Comments of Staff**

Public Works Director Meyer commented about the completion of water and sewer on Kachemak Drive. He explained there is a phase one and phase two and there is a section in between that isn't serviced. There is a process for property owners to create improvement districts where a majority of the property owners in the district have to support it. There are some things happening to help stimulate that. There is an EPA grant to design some water improvements and designed the water line portion of the middle section, phase three. The city put in for a municipal matching grant that is the legislative budget so he expects they will get the grant and find matching funds for the city to construct the waterline portion. The sewer will have to be initiated by property owners. He added that just because water line goes through the area it won't mean that they can tie in. From the Public Works perspective it isn't a good idea to provide water to an area with marginal septic's along an eroding bluff. If the waterline goes in, it's hopeful that property owners will decide it's a good time to move forward with sewer. The city would pay 25% of those costs and can offer financing for the property owner's portion.

Deputy City Clerk Jacobsen advised the group that there is a seat available for a Planning Commissioner to serve on the Cannabis Advisory Commission.

### **Comments of the Commission**

Commissioner Highland commented she thinks they are the ones who should start the conversation regarding invasive weeds. She also thinks they should have quarterly work sessions regarding transportation. She isn't sure what to think about the Cannabis Advisory Commission and maybe should discuss it when the other commissioners are back.

Commissioner Bos said it was a good meeting and good to have the public here.

Commissioner Venuti said it was an interesting meeting. He told the group the Borough Planning Commission will be meeting at Land's End and invited the group to come listen in.

Commissioner Stroozas said it was an excellent meeting. They accomplished a lot and is glad they are finishing up with Bridge Creek and towers.

Chair Stead said it was a good meeting and he is willing to serve on the Cannabis Advisory Commission. He also supports quarterly transportation worksessions and will work with the planner for scheduling.

### **Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 9:19 p.m. The next regular meeting is scheduled for May 6, 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: \_\_\_\_\_