

Session 13-07, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on June 5, 2013 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, HIGHLAND, SLONE, SONNEBORN, STEAD, VENUTI

STAFF: PLANNING TECHNICIAN ENGBRETSSEN
CITY PLANNER ABBODD (telephonic)
CITY ATTORNEY WELLS (telephonic)
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).

At the request of an audience member the Commission agreed to allow a brief comment on CUP 13-07.

Dan Young commented that he spent some time listening to the helicopter. His initial thought is that it was negative. He watched it land, and watched what the birds and other people were doing, while it was landing. Both he and his wife have come to the conclusion that they are not opposed to the operation. He noticed there are a lot of people in the packet who are opposed and a lot of them are not directly involved because they don't own property on the spit. He reiterated they are not opposed to it, it was fairly quiet, the eagles across the street weren't affected, the landing takes a pretty short time, and he thanked the commission for letting him comment so he can spend some time with his folks.

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 May 15, 2013 meeting

The consent agenda was approved by consensus of the Commission.

Presentations

A. Homer Wetlands Guest Speaker Devony Lehner from Homer Soil and Water Conservation District (10 min)

Chair Venuti commented that Ms. Lehner made her presentation at their worksession.

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Reports

A. Staff Report PL 13-48, City Planner's Report

Planning Technician Engebretsen commented briefly regarding the staff report.

B. Transportation Advisory Committee Report

Commissioner Highland commented that the TAC heard from State DOT staff about upcoming road projects for the city and surrounding area.

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 13-46, CUP 13-06, 265 E. Pioneer Avenue request to allow building into the setback in the Central Business District

Planning Technician Engebretsen reviewed the staff report.

There was no applicant to make a presentation.

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

Question was raised to staff regarding permeable pavement, lighting, rain gardens, and signage.

Planning Technician Engebretsen said her understanding is that it's the applicant's intent to pave the parking area and the storm water plan is meant to deal with run off. She expects that their lighting will meet with the standards in code. Homer City Code does not require a design for a 100 year rain event; she believes it is a 2 year/ 6 hour storm. She would need to confirm the exact requirement but there is a specified criteria outlined. The applicant will get a sign permit and locate the sign in accordance with city code.

HIGHLAND/SLONE MOVED TO ADOPT STAFF REPORT PL 13-46, CUP 13-06, 265 E. PIONEER AVENUE REQUEST TO ALLOW BUILDING INTO THE SET BACK IN THE CENTRAL BUSINESS DISTRICT WITH STAFF RECOMMENDATIONS, CONDITIONS, AND FINDINGS.

Commissioner Highland thought it looks like a good plan, will be a well done project, and enhance Pioneer Avenue.

There was discussion of condition four. Some members were concerned about an impervious surface and effects of run off from the parking area. There was discussion of pervious pavers and having a gravel lot. Planning Technician Engebretsen commented that they can make a recommendation to do something different. In staff's discussion they recognized that in certain situations paving has been required and so it raises a policy question of whether paving is something we are expecting of our commercial developers. The language can be amended if the commission is interested in another type of solid surfacing.

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STEAD/SLONE MOVED TO AMEND CONDITION FOUR TO READ THE UPPER PARKING LOT SHALL BE SURFACED WITHIN TWO YEARS OF THE THE SIGNED DECISION AND FINDINGS, AND ELIMINATE AND STRIPED.

Comment was made that this gives the applicant an option to consider permeable surfaces and not restrict them to pavement.

VOTE: (amendment) YES: BOS, STEAD, HIGHLAND, SONNEBORN, VENUTI, SLONE

Motion carried.

There was no further discussion on the main motion as amended.

VOTE: (main motion as amended): YES: HIGHLAND, SONNEBORN, STEAD, VENUTI, SLONE, BOS

Motion carried.

- B. Staff Report PL 13-47, CUP 13-07, 3851 Homer Spit Road request to allow a heliport in the Marine Commercial District

Commissioner Stead advised that he was approached by someone in the community regarding this CUP. He mentioned it was on the agenda and didn't want to talk about, but the member gave his opinion anyway, and Mr. Stead responded thank you very much. Commissioner Stead explained that was the extent of it and believes he can make an unbiased decision. The Commission expressed no objection for Commissioner Stead to continue participation.

Commissioner Slone advised that he made a site visit to the view the physical location. He went inside the building and inquired generally whether the front offices would be occupied during the time of proposed helicopter operations. He was presented to Mr. Sean Crosby who indicated he was the manager of the co-op. He posed the same question to Mr. Crosby who informed that in his opinion the helicopter is quiet and can hardly be heard inside the building and that was basically the extent of the conversation. He doesn't feel it compromises his ability to make an unbiased decision on this issue.

City Attorney Wells weighed in that while she recognizes that Commissioner Slone had good intentions, this is a more significant ex parte communication, and there is case precedence governing a similar situation. Because of that, she recommended the commissioner excuse himself from this particular hearing or continuation of the hearing and a publicly noticed site visit attended by all Commissioners and applicant. There was brief discussion. Commissioner Slone excused himself from participating, left the table, and joined the audience.

Planning Technician Engebretsen reviewed the staff report.

Eric Lee, applicant, introduced himself to the Commission and provided some background on his work as a pilot in Alaska in general since 1995, and more specifically in Homer for last 11 years. He said he reviewed the letters in the packet and talked to his neighbors within a quarter mile stretch of the road on both sides to get feedback and suggestions to help make it successful. Mr. Lee explained that it is not his intent to overwhelm the spit with helicopter flights, but to have one helicopter to do tours of the area, have fun with aviation, and for others to have fun flying around the area as well. Before he was

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aware of the CUP process he toured the spit looking for a place to land and take off without disturbing the public, knowing noise would be a big consideration, as well as dust and the helicopter itself. The deck location he selected is most ideal because it has a perimeter around the outside, it's elevated above the beach, and it's away from the road. He can keep passengers from being encumbered around the air craft, keep as secure environment, and land easily into the prevailing wind. Mr. Lee explained that he plans on about 5 flights per day. Within those five flights he plans to stay in the traffic pattern of normal aviation from the airport over to the south side of the bay, between 500 and 1000 feet, no lower than 500 feet per regulation. He addressed the issue of extra noise involved. He calculated 1 minute and 30 seconds for departure when the helicopter is started getting up into the traffic pattern, and from the traffic pattern back to the deck another minute 30 seconds. For each flight there will be extra noise of approximately 3 minutes per flight. If he were to increase to 7 flights, which was suggested, 21 minutes a day would be the extra noise involved. His plan is spit tours and also the Kachemak Bay State Park

Mr. Lee made the following comments to the main concerns expressed in the letters:

- Is he part of and involved in the Comprehensive Plan- He feels that he is because his operation deals with tourism and feels his plan is compatible with the Comprehensive Plan because it deals with tourism and the spit, and is in the marine commercial district.
- Why not at the Homer Airport - He thought about it and after doing research he learned that from a regulation stand point the airport is for fixed wing aircraft. One regulation is helicopters are supposed to stay out of fixed wing traffic because helicopters are more maneuverable than fixed wing, fixed wing takes longer to take off and land, and requires more space for the traffic patterns.
- Distraction to drivers – He cited an example already in Homer, which is the bypass road that goes in front of Beluga Lake where there are multiple airplanes landings and take offs. He is not aware of any issue with distracted drivers along the bypass road. The speed limit on the bypass road is 35 mph, and where he will be located on the spit it is 25 mph. With the reduced speed limit he doesn't feel it will add to any safety concerns along the road.
- Protecting public access to the beaches – He feels the benefit of this location is that it's already built. He doesn't have to move gravel or build anything. This maintains the area of the spit, and nothing needs to be built that will keep people from going down to the beach.
- Safety to building and campers – He explained looking southwest in the takeoff/departure path there is a city camp ground to the south and oyster building to the right. Helicopters are very maneuverable and most accidents, 35%, for this type of helicopter occur in low level wire strikes. The remaining percentage is varying with a very small percentage from takeoff and landing. He believes the reason for that is it is slow take off, slow arrival, very maneuverable, and he can land with inches of his designated spot.
- Excess Noise – He has a formula within his plan that shows the noise level of the helicopter over a period of landings. It shows he falls within the noise level requirements of the zone, 80 dB in the day and 50 dB at night. He did some landings today and one yesterday and invited neighbors to experience it, knowing they have tenants at night, restaurants, and an RV Park. He has heard no issues from his closest neighbors.
- Birds - He has landed with an eagle and sea gulls flying in the area and eagles sitting on a roof top and they didn't move. There were people taking pictures of the birds and after a landing he asked the people across the way in the campground if they noticed a helicopter landing or taking off, one said yes and the other 3 or 4 people did not.
- Dust and Blowing Debris - The proposed location is above the beach so there is no dust or blowing debris produced from the main rotors.

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Mr. Lee stated some pros of his proposed business. He believes it be an added attraction to the Homer Spit. He has seen Coney Island, and he doesn't feel that a helicopter adds that dynamic. Most helicopter and aviation operations are so heavily regulated that you can't have a carnival atmosphere. He feels it adds another dimension to the spit besides fishing. His tours will last approximately half an hour and most of the time will be away from the spit and people coming to see him will also visit other businesses on the spit. In respect to the city it will be added revenue to the tax base. He hopes in the future his business can grow and he can go year round, but a year round operation would not take place on the spit, it would be located elsewhere.

Mr. Lee further commented about issues being at the airport, and that he isn't sure the airport was designed for the idea of having so many different aviation businesses. There is a selection of hangars and a limited selection of property. When the company he works for purchased the last lot to build on and spent \$275,000 in gravel to bring it to grade with main tarmac. Before that they had to borrow hangar space from people on the south ramp. At this time space to rent at the airport isn't available.

He acknowledged that the cool thing with the CUP process is it allows the commission to set parameters and gives him boundaries to operate in. As a small operator beginning a business he needs as much input into the business as he can get so it is successful. He sees that 20 or so wrote in for disapproval, but the way he sees it, the remaining 5000 people and the people around him who deal with the noise of the helicopter, are in agreement or may be neutral. He looks at the 20 who disapproved as an opportunity to improve his business and minimize impact.

In conclusion, Mr. Lee said he realizes there is a large education piece for people. He believes the helicopter is going to be virtually undetectable. He had made several landings on the spit without issue. This type of helicopter operation is super low impact. Helicopters are completely different than fixed wing, that is why there are heliport, seaplane bases like Beluga Lake, and airports. His proposed location is more of a helistop landing, not a heliport. He is not doing any kind of operations like sling loads, night operations, or continuous unrestrained operations. The commission can say, let's allow this this year and add a caveat that if no one agrees, they can meet again to see how it progresses, and he can work to change the minds of those who disagree. He said he is willing to work with the Commission, and just because they allow this this summer, the Commission doesn't have to allow it to continue.

Chair Venuti opened the public hearing.

David Raskin and his wife are opposed to the proposal. There are many problems with it and thinks it is incumbent on the person requesting the permit to answer the many questions raised. They spend considerable time on the spit boating and other forms of recreation. They enjoy bird viewings when not on the boat. A major problem with the proposal is the potential impact on birds and particularly shore birds. There are shorebird that use the spit for very crucial migration stops. Helicopters are very noisy. 80 dB is a great amount of noise. He has done work as a scientist with noise to stimulate subjects to get physiological reactions. 80 dB is approximately one thousand times the sound pressure of quiet speech. He noted rare shore birds at Anchor Point beach that were startled and flushed by a loud noise a mile away. Eagles and gulls are accustomed to human activities. The shorebirds that are the basis for the Shorebird Festival, an international event, would be majorly impacted by helicopter noise. The applicant said he would be flying around the spit, and that is where the shorebirds feed. He is surprised helicopters can't operate near the airport since there is a major helicopter operation there already. The impacts are greater than any benefits that can be derived from it and the opening gambit for flying helicopters into the state park and we should stop this before it gets out of hand.

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The commission took a short recess.

Jackie Dentz, city resident, said she is a 35 year, private fixed wing land only aircraft licensed person, and 13 year owner of Frosty Bear Ice Cream Parlor. She has never flown a helicopter, but is aware of FAA rules of airspace. She loves flight seeing, thinks helicopters are a lot of fun and applauds his business, but not on the spit. The logistics of the building on one side and railing on the remaining sides pose a dangerous operation. She brought a pole to give visual reference of distance from the wall of the building to the helicopter blade or tail of the aircraft. Mrs. Dentz quoted some weight specifications for the helicopter noting with high winds, wind shears, and gusts makes the aircraft a feather in the wind. The deck location is extremely close to the fishing hole where there is fish cleaning taking place which brings in more birds. We get a lot of revenue from campers. Over Memorial Day weekend it was wall to wall tents and campers between boardwalks. The down draft of a helicopter rotor will cause debris from the beach to be thrown up into the air. It is a distraction for people walking, their pets, bicyclists, joggers, and motor traffic. In life we deal with human error, mechanical failure, weather, and a lot of activity on the spit. With all the distractions, she feels this is a disaster waiting to happen. She suggests putting an office on the spit and operate from the airport. She spoke to FAA and asked if anyone was aware that you have to have a launch site pre application consultation and that has not been done by any of these entities. Also no one has this conditional permit on the spit from the FAA and it take a minimum of 3 years to get one. Their conclusion was that they would never allow it from the spit due to the conservation of the area.

Kevin Walker, nonresident, commented that an air taxi operator testified to the Homer City Council that a helicopter operation on the spit would create an unfair advantage and if allowed where will it stop. Floatplanes and large wheel planes will want to pick up passengers from the spit. Beluga Lake is a great float plane base and do we really want to move substantial amounts of air traffic, noise and safety issues out to the crowded spit? Mr. Walker cited experiences with helicopters landing near his cabin for fueling after the Exxon oil spill and the noise was disruptive. He refuted the applicant's written material explaining why he isn't operating from the airport, and emphasized that aircraft belong at the airport.

Robert Archibald, city resident, commented with due respect to the applicants enthusiasm he has ridden in quite a few different helicopters and been associated with marine helicopter operations. He thinks this will interfere with people who recreate on the west side of the spit. If you have ever ridden a horse on the beach out there, even with a 206 going over the horse might get a little excited. He realizes people aren't riding all the time, and he isn't taking off all the time either, but if those two things coincide, you might get a heck of a ride. It sets a precedent to allow a helicopter operation out there and most landing pads require firefighting capabilities, setbacks, debris nets, and a whole lot of things so people aren't injured. It sounds like a bad deal to him. If they set up in a designated area like they did when they ferried people from the cruise ship, out of the way of the population, it's one thing, but to do it where you are going over people, a camp ground, and Pier One Theater. Because it's windy and will create a little turbulence, he wonders how effective will that little machine be in the wind. It would be setting a dangerous precedence, the next one may want to fly a jet ranger or something considerable noisier.

Barb Petersen, city resident, is involved in Pier One Theater and she is sorry someone from the theater wasn't involved in one of Eric's demonstrations for the neighborhood. She expressed that it would be helpful for them to understand how this helicopter is quieter than the others. It's wonderful on the spit with the fishing and campers, and the theater is another reason for people to come out on the spit. She

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just wants to be sure that the noise levels won't interfere with all that. She said that the theater is open from Memorial Day through Labor Day.

George Matz said there is a danger of over generalizing and saying these birds weren't disturbed doesn't cover all situations. There are a variety of birds with a variety of behaviors. He has done shorebird monitoring for the last five years on the spit and when helicopters come down the spit, migratory shorebirds aren't used to that noise and fly away. He has noticed, and there are scientific studies, that helicopters are more likely to spook birds than fixed wing. Fixed wing are louder at takeoff and are going in a consistent flight pattern one direction away from the spit, and helicopters fly down the spit and it's the approaching noise that spooks the birds. He thinks there is a real risk. For eagles and gulls the real risk is for birds flying at lower elevations above the spit, and eagles aren't very maneuverable. Not all situations are harmful, but it only takes one big bird to be disastrous. The question is who is liable if you made a mistake. He checked and the FAA doesn't cover this type of situation.

Deb Moseley, city resident, is a fixed wing and helicopter airline transport pilot. Currently she flies for Pathfinder Aviation as well as former employee of Bald Mountain Air Service, Smokey Bay, and Grant Aviation. She has been in Alaska her entire life, and Homer for 11 years. She is an aviation enthusiast and supports limited helicopter operations from one spot on the spit. A couple concerns addressed about gulls, shorebirds, and eagles, there are a lot of other things causing noise out on the spit. This helicopter isn't that loud and it would be interesting to do research on decibels and see how they relate to a boat, a car, or a Harley Davidson. It isn't fair to exclude helicopters. Another thing is helicopters can approach a landing area at 5 or 10 knots of air speed, slowly enough that birds have the opportunity to see and avoid, just as properly trained pilots can. It isn't like they are stuck at a high speed like in a float plane or airplane. She landed out there in a helicopter similar to the one the applicant is proposing and also saw him land yesterday. The tourists on the spit stopped and looked up, they waved, and were very interested in what was going on. It didn't seem like a negative thing at all. The spit is 4 ½ miles long and there should be some area where this proposed operation can take place. It seems unfair to let everything else happen and not helicopters. She added that the 206 helicopters are far far far noisier than this one and aren't as maneuverable either.

There were no further comments and the hearing was closed.

In rebuttal, Mr. Lee explained that FAA governs helipads if landing over 7000 lbs. Anything less than 7000 lbs. isn't regulated. He would have to go to the FAA for appropriate certificates to do point A to point B work, or to do lifting, but he isn't doing those types of operations. He has emergency response plans and is safety manager at his current employment. The FAA doesn't have a regulation that says he can't have a helipad; the Planning Commission is the deciding factor. Regarding the airport, he would like to operate at there at some point, but for now he wants to have one helicopter on the spit for his first summer of operation and see how it goes. Hopefully it will be successful and he can move to the airport when something is available and have a store front.

Commissioner Highland asked how wind shear and gust affects a helicopter, how this may affect tents of people camping right next to the boardwalk, and if he would consider not operating during Shorebird Festival. Mr. Lee explained that helicopters aren't as affected by wind shear and gust as fixed wing. Fixed wing requires certain airspeed to keep flying, and the airspeed created by the rotating blades of the helicopter is its airspeed. He explained effective translational lift, ground effect, drag, vortices and their effect on the helicopter, its forward speed, and the wind speed. The helicopter creates its own wind speed and the wind on the spit can make it run more efficiently. The helicopter is affected by gusts

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which can create go or no go factors. 35 or 40 knot winds would be too strong, and 25 knots is a good rule of thumb and gusts up to 25 to 30 would be too too much gust factor. He also explained that typically with ocean conditions you will have a consistent wind, unless it come from the south, which creates gusts all the way to the airport. In relation to campers, there aren't downdrafts like a Coast Guard helicopter, they will hear it and if the the tent camper did get a draft it would be brief. He doesn't want to create undue friction with people who have already established events, he is willing to work with the community.

Commissioner Bos asked how Mr. Lee determined the adequacy of the platform. Mr. Lee explained that he used FAA models, and looked for rotor length plus half. He included an email from the engineer who worked with Kachemak Bay Oyster Co-op, who confirmed 200 lbs. per square foot.

Commissioner Stead questioned the fueling operations, the International Fire Code, and pre-application with the FAA. Mr. Lee explained he has seen other fueling operations in the harbor that work very well and operations in the harbor that have an aluminum truck tank, like he will use. There will be a rubber hose from the tank to the helicopter. His main areas of concern for leakage is the truck tank and at the helicopter. The truck tank will be positioned on the gravel area of the parking lot. For containment from the deck and beach below he will use a "duck pond", a rubberized canvass, that creates an area to catch contaminants and protect what is underneath. It would be in place during fuel operations and when the helicopter is at rest. Mr. Lee believes he can meet the conditions that may be imposed from the International Fire Code. He also stated that pre-application and statement of intent have been filed with the FAA for part 135 commuter or air taxi operations, but for his operation on the spit it is only required that he submit information about the helicopter, who the pilots are, mechanics, drug programs, and resumes for part 91. He is not going from point A to point B, only from A to A.

Commissioner Sonneborn referenced HCC 21.59.010(b) and specifications about the helicopter she reviewed online. She expressed her understanding that at 500 feet if you are directly below it the noise level is 81 dB, at 250 feet is 87dB, and 125 feet is 93dB which exceeds the amount of noise allowed during the day, and the information in the packet averages out noise over a period of time. As far as she can tell that isn't the intent of the code. Mr. Lee expressed his interpretation that code doesn't outline how the 80dB is determined. For example when he is on the deck and it doesn't create 80dB at the lot line or hovering, he questions if that counts. He thinks that since the approximately 21 minutes spent at takeoff and landing is within the parameters of code.

Chair Venuti raised questions regarding age of the helicopter, documented flying hours, and information he found online from FAA. Chair Venuti suggested other venues for this operation like the ice rink lot or a floating dock on Beluga Lake. He also questioned handicap accessibility. Mr. Lee said in response that the helicopter is a 2005 model. He has 95 documented hours on this aircraft. He said that he has not completed the information that Chair Venuti referenced because he is not operating a heliport or airport as referenced in the FAA documents. He will certainly look at the information that Chair Venuti referenced. He also noted that when considering this idea he did consult FAA regulations, he found the advisory circulars, 144 pages of regulations and suggestions, to help him determine a good spot. He is not proposing a heliport as defined by FAA, he is proposing a place to land. In the case of the CUP "heliport" is a term defined by Homer City Code that means any place where helicopters regularly land and take off. A heli-spot would be a more appropriate term. He isn't building a heliport; he is not claiming it to be a heliport, the City of Homer is who is saying that a heliport is him, operating in and out of the location more than a regular occasion. Technically this is not a "heliport" from the FAA perspective. There are a lot of spots that are used for heli-spot. You can find them in the bush, as a spot

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for landing and taking off. He explained there is a wheel chair accessible ramp built to the boardwalk, and he would be able to take handicap people on his flights.

Commissioner Sonneborn asked City Attorney Wells about the city's liability in relation to allowing this activity. Attorney Wells responded that she but can't think of a situation would arise for the city. She would have to do research to confirm there isn't a case with some egregious circumstance where an under regulated establishment led to serious harm or injury, before giving a definitive answer.

In response to further questions Mr. Lee stated his insurance proposed is workman's compensation, property insurance, area site coverage insurance for the property owner and for himself, and FAA required insurance for the helicopter. He has not yet obtained Fire Marshall approval; he has all the elements, and will follow through on the condition once his plan is approved. In relation to having an advantage over other operations he says advantage is in the eye of the beholder. His price will be twice what their price is, they have the advantage of the airport with a facility, they have the advantage of being well known around Homer for flightseeing, so he could say they have the advantage. He doesn't see being on the spit as an advantage, he thinks it's just a landing site. In relation to setting a precedent, he said it depends on what others are proposing, location, and what size for example. If it is something that can be agreed upon under certain conditions, he thinks it says more than worrying about a precedence that hasn't been set. To the concern of 95 hours not seeming like very many, Mr. Lee said it is considered low for a helicopter pilot, but his other hours are about 10,000 hours.

Regarding the information that the exterior deck being designed for a 100psf are load since it's an exit way as seen on packet page 82, Planning Technician Engebretsen stated that this is addressed in the Fire Marshall review, city staff is not qualified to answer the question.

HIGHLAND/STEAD MOVED TO ADOPT STAFF REPORT PL 13-47, AND APPROVE CUP 13-07, 3851 HOMER SPIT ROAD REQUEST TO ALLOW A HELIPORT IN THE MARINE COMMERCIAL DISTRICT WITH STAFF RECOMMENDATIONS AND FINDINGS SUPPORTING THE APPROVAL.

There was discussion for clarification that a motion needs to be made for discussion on an action to begin. In the event the motion fails the Commission would then need to adopt findings to support the denial.

Commissioner Sonneborn reiterated the information she discussed earlier regarding noise levels to ensure that it was adequately noted on record for the purpose of consideration.

There was discussion among the commission, and with staff and the City Attorney, of whether to postpone the hearing or to proceed on to deliberations.

HIGHLAND/SONNEBORN MOVED TO HOLD TO DELIBERATIONS AT A TIME TO BE DETERMINED.

There was discussion regarding scheduling.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Mr. Slone returned to the table.

Plat Consideration

A. Staff Report PL 13-45 West Hill Subdivision Cason 2013 Addition Preliminary Plat

Planning Technician Engebretsen reviewed the staff report.

Velton Cason, applicant, referenced the aerial photo to provide an overview of the property and history of the ownership, which is now him and his brothers. Currently it is being used as recreational property and the brothers agree that combining it to one lot will serve their purposes best. In respect to the staff recommendations he said when Highland Drive was put through they dedicated 100 feet to that which isn't very common in the city for residential access, and West Hill Road has 100 foot access due to its history as a state road. There is allowable exception for combinations or subdivisions like this matter, he asked the commission to consider favorably the 100 foot rights of way along Highland and West Hill Road, and allow this not to comply with the suggestions from public works as the planning staff evaluation that show it's substantially in conformance with all the applicable standards.

There were no public comments.

In response to questions he recognizes that it is too late to avoid additional assessments for the gas line, but for other utilities this re-subdivision will be beneficial and also the current configuration isn't logical to any use that three people could come to agreement on. He further recognized that any future subdivisions would have to comply with any applicable provisions. He also commented that utility easements are a dedication in perpetuity of a portion of one's property rights, and they have already given substantially more than the minimum to the public for the purpose of access and utility corridors, as a right of way does both.

Question was raised to staff regarding the request to not recommend the public works comments regarding the 15 foot utility easements, and radius in the right of way. Planning Technician Engebretsen didn't have any comment other than the applicant makes a good point in that there is a very wide right of way already. She doesn't have a strong recommendation either way.

In accordance with the 9:30 meeting time requirement the Commission agreed by consensus to extend the meeting to 10:00 p.m.

SONNEBORN/SLOANE MOVED TO APPROVE STAFF REPORT PL 13-45 WEST HILL SUBDIVISION CASON 2013 ADDITION PRELIMINARY PLAT WITH OUT STAFF RECOMMENDATIONS.

Question was raised whether they needed to address the public works comment regarding a drainage easement. Planning Technician Engebretsen commented that she doesn't know if there is water that needs to be maintained to have an easement there. She didn't feel it was an appropriate request for this situation and therefor did not include it as a staff recommendation.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Pending Business

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- A. Staff Report PL 13-43 Transitional Residential Zoning R-2

Due to the late hour the Commission agreed to hold off with discussion until their next meeting.

New Business

Informational Materials

- A. City of Homer Representative for Kenai Peninsula Borough Planning Commission Position Flier
- B. City Manager's Report from May 28, 2013 City Council Meeting
- C. Capital Improvement Planning Process
- D. Resolution 13-042 Amending the Homer Advisory Planning Commission Bylaws
- E. KPB Planning Commission Notice of Decisions

Comments of the Audience

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

Barb Petersen, city resident, commented that she appreciated the Commission's discussion tonight and hopes the research information will be considered in their deliberations.

Comments of Staff

Because the City Planner and City Attorney were still on the teleconference the Commission considered and agreed that they would not deliberate tonight and schedule it for the next week.

Planning Technician Engebretsen commented they did a good job with the conditional use permits this evening, it can be difficult. In the past things have been much more adversarial and this preceding went well considering the level of controversy.

Comments of the Commission

Commissioner Bos commented it was nice seeing all the letters come in, both pro and con. The important part is people are thinking about some of the decisions to be made. For the longest time they have wondered if the word was getting out about decisions they are making and this proves that they do care. Staff did another amazing job of putting it all together.

Commissioner Slone advised that he will be absent at the next meeting and will make his comments when he returns.

Chair Highland commented that it was an interesting evening and thanked everyone.

Chair Venuti thanked everyone for working on this, it was difficult to digest all the aspects of it. He feels it's remiss of him to dismiss all the FAA rules.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JUNE 5, 2013

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 9:51 p.m. The next regular meeting is scheduled for June 19, 2013 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____