

Session 14-19, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on November 5, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: BOS

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

Approval of Agenda

Chair Stead called for the approval of the agenda.

VENUTI/HIGHLAND 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).

None

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 October 15, 2014 meeting

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

HIGHLAND/VENUTI SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

- A. Staff Report PL 14-91, City Planner's Report

Deputy City Planner Engebretsen reviewed the staff report. In response to questions she gave an overview of the Safe Routes to School Grant.

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 14-92 Proposed Conditional Fence Permit for a 70 ft long 7ft tall fence along Mullikin Street 3945 Mullikin Street

Deputy City Planner Engebretsen reviewed the staff report.

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

STROOZAS/HIGHLAND MOVED TO APPROVE STAFF REPORT PL 14-92 AND A CONDITIONAL FENCE PERMIT AT 3945 MULLIKIN ST. WITH STAFF RECOMMENDATIONS AND FINDINGS.

It was suggested that there doesn't seem to be any special circumstances to justify needing the additional height, and that a fence of this size along the section of road will likely dominate the site. Other comments included in looking at the location of the house and the slope of the lot the additional height could be justified for privacy. The artistic design of the fence also includes using different length boards.

VOTE: YES: STEAD, HIGHLAND, ERICKSON, VENUTI, STROOZAS, BRADLEY

Motion carried.

- B. Memorandum 14-03, Continued Public Hearing for 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.

Deputy City Planner Engebretsen noted correspondence included in the packet; as well as the additional laydown materials including letters from Carol Griswold, Phil Clay, Tammy Clay, and Lance and Rachel Prouse, also an additional laydown from Bob Shavelson and Cook Inletkeeper.

Chair Stead opened the public hearing.

Bob Shavelson, Executive Director of Cook Inletkeeper and city resident, commented in support of slowing down the process of amending the Bridge Creek Watershed District. He noted any proposed changes have to be consistent with the Comprehensive Plan and he thinks this fails to meet that

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 5, 2014

standard. The standard of promoting present and future public health, safety, and welfare and creating clear consistent regulation for small parcel development in the watershed does not get to the criteria the Commission is required to look at before forwarding this to council. There are certain due diligence requirements that he doesn't feel have been met here. He believes there needs to be some hydrologic study to understand what type of development can be done here. He reiterated that it is cheaper to prevent pollution to a drinking water supply than to treat it after the fact. He doesn't feel like there is enough information to make an informed decision.

Commissioner Venuti raised question about the water quality data and Mr. Shavelson said he sent the water data to planning late today. The caveat to the data is that they haven't gone through final quality control on the data and the data needs to be verified.

Commissioner Stroozas commented about the .19% increase of impervious surface that is being addressed in lots that are three acres or smaller. After 11 years with the current regulations we are asking to mitigate property for a small amount of owners who are unable to enjoy a reasonable amount of their property. If at a point in the future there is dramatic high density development in the area, additional changes can be made if needed. Mr. Shavelson said he doesn't believe there is enough factual information to determine the impact of the proposed changes. The purpose of the ordinance was not to prevent a catastrophe, it was meant to effect daily, weekly, and yearly chronic pollution that comes from non-point source pollution.

Joel Cooper, Bridge Creek watershed resident, recognized the land where he built his home is unique and as a landowner has an obligation to help protect it. Remember this is the city's drinking water supply, so don't look at it through the lens of development on a regular scale, it has to be looked at differently. He agrees they need to do a hydrological review of the area, and work with USGS to get a better idea of the water quality there. He also encouraged calculating the impervious cover in that concentrated area, that is a conduit for pollutants into the water shed. Developing this in small parcels would be like death by 1000 cuts to the watershed.

Nancy Hillstrand, owner of about 350 acres in the watershed, commented she does everything she can to protect the property and had planned to put into a conservation easement to protect the water quality. She feels like this change is going backward. She addressed the Beluga Lake plan and suggested it be used as a template, along with the Soil and Water Conservation District information on soils and what is going on there. This is the information that needs to be on the table before making these decisions, because protecting the city's water source is probably the most important job this group will do. She recommended a coalition, like they have done for Woodard Creek, to look at all this data so that we don't make a mistake.

Kevin Dee, Bridge Creek watershed resident, commented that he is willing to work within the current regulations relating to developing his property in order to keep the watershed intact. He agrees that there needs to be more facts on the table so they can make a decision that maintains the purpose of the watershed. It should be fact driven rather than based on a set of opinions. He isn't hearing anything about subdivision mitigation plans that would tie into small lots.

Carey Meyer, City of Homer Public Works Director, commented that he has talked to property owners with lots smaller than 3 acres to figure out a way to develop their lot, and it becomes very difficult. He noted his understanding that in the district there are 93 lots that are 3 acres or less and that there

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 5, 2014

won't be any more lots created in the district that are three acres or less. He recommended they look at a 1000 gallon retainage instead of 40 gallons. 40 gallons doesn't mitigate enough runoff from a site. He also suggested the potential for dry wells as mitigation factors.

Commissioner Highland noted that a majority of the 93 lots aren't developed and they don't know what it will look like with the 4.2% with the lots developed.

Mike Hayes, property owner along Twitter Creek, recognizes that this district is a special place. He has 10 acres with three of them in the watershed. He feels that people should be able to live within the limits outlined in code and agrees it is important that the Commission continue to study this before making any changes.

There were no further comments and the public hearing was closed.

Deputy City Planner Engebretsen had no rebuttal comments.

VENUTI/STROOZAS MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING HCC 21.40.070 REQUIREMENTS, REGARDING STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT AND FORWARD TO CITY COUNCIL FOR ADOPTION.

Commissioner Stroozas acknowledged Public Works Director Meyer's comments about the water retention area. Deputy City Planner Engebretsen said she will look at the calculations and bring it back to them.

Commissioner Venuti agrees they need a hydrologist. He sees both sides of the picture but they need more information to make a good decision that is in the best interest of the public.

Commissioner Highland noted she has been attempting to contact some people regarding a hydrologist; also the NRCS and the Kenai Watershed. She feels they are guessing right now and it isn't the best way to approach this. She thinks there must be some best management practices for a water source they could use for reference. She also wonders if they can put together something showing what the runoff would be if all 93 lots were developed, and the impact of leach fields.

Commissioner Erickson expressed her understanding that for any new development within the district they can't have lots smaller than 4.5 or 5 acres. We aren't going to be looking at more of the smaller lots other than the Kelly Ranch Estates that was established prior to the Bridge Creek Watershed District formation. She would like to see City Council more actively pursue purchasing the smaller lots that people can't deal with because of the size; or if the Land Trust has the monies to purchase them for conservation. She also encourages incentives for current property owners to purchase the lots around them to create larger lots.

Chair Stead acknowledged they addressed the 4 acres being a minor change in Kelly Ranch Estates, and the impervious coverage in the subdivision goes up to 6%. He added that at the report from the October 15 staff report did not state that they don't need to protect our environmental function, but we do need to do that. We also need to define what the City Planner would find as special site considerations. He expressed his frustration with the studies that have been presented and touched on issues he sees relating to discrepancies between the studies and the area they are working with. In

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 5, 2014

these studies there is no ability to go in and say this type of a mitigation or activity would prevent damage to the water quality. The Commission is trying to incorporate what we can do to allow people to use their land and provide some sort of mitigation.

Deputy City Planner Engebretsen commented that she doesn't know that the Commission will be able to get the magic number. The 4.2 was based on the information at the time. She explained that the Commission has some options to approve it as is, vote this down, or maybe look at mitigation plans instead of 5500 square feet so it's more consistent over time. Staff didn't spend a lot of time explaining the ways various commissions have approved mitigation plans, some have been simple, and some have required a stamped, engineered plan. In some ways best management practices or more consistency with mitigation plans would be a worthwhile result of this, whether they are staff or Commission approved.

There were comments relating to finding grants for the city to purchase additional land in the watershed, and working with DEC and other state agencies to find support and information that won't cost the city; and also discussion of when they wanted this back on their agenda.

HIGHLAND/BRADLEY MOVED TO POSTPONE THIS DRAFT ORDINANCE TO JANUARY 21, 2015.

There was brief discussion that Commissioner Highland would talk with the City Planner about what she would like to see from a hydrologist.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 14-93, Proposal for a public sign at Jack Gist Park

Commissioner Highland stated she has a conflict of interest. She is President of the Kachemak Bay Equestrian Association, which owns a neighboring property.

VENUTI/STROOZAS MOVED THAT COMMISSIONER HIGHLAND HAS A CONFLICT OF INTEREST.

Question was raised if Commissioner Highland felt she could make a nonbiased decision. She responded that she could.

VOTE: YES: ERICKSON

NO: STEAD, VENUTI, STROOZAS, BRADLEY

Motion failed.

Deputy City Planner Engebretsen reviewed the staff report.

Public Works Director Meyer commented about users of the park wanting a sign on East End Road to indicate the park is down there, and the Parks and Recreation Commission's goal to standardize park signage in the city.

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

Commissioner Erickson suggested there be hooks on the sign that would allow for displaying information on activities that are happening at the park.

Deputy City Planner Engebretsen explained that the information in the packet is what's being requested. The city's sign design does not include a logo of what activity is at a park. While this sign is larger than the other park signs, it isn't large enough to be an informational sign for all the activities there. If the Commission fails this, staff could come back with another solution.

There was further discussion about options to be able to display events at the park.

ERICKSON/VENUTI MOVED TO APPROVE STAFF REPORT PL 14-93 AND THE PROPOSED PUBLIC SIGN AT JACK GIST PARK WITH STAFF RECOMMENDATIONS AND FINDINGS, ALONG WITH A COUPLE HOOKS OR SOME WAY FOR ACTIVITIES TO BE DISPLAYED ON A TEMPORARY BASIS FOR THE DAY.

More discussion ensued about options to be able to display events at the park.

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

Motion carried.

Plat Consideration

Pending Business

New Business

Informational Materials

- A. City Manager's Report for the October 13 and October 27 City Council Meetings
- B. Kenai Peninsula Borough Plat Committee Notice of Decision Re: Homer Enterprises, Inc.
Subdivision Resetarits Replat Preliminary Plat

Comments of the Audience

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

Bob Shavelson, Executive Director of Cook Inletkeeper and city resident, commented that having attended a previous meeting where there was no information on impervious coverage, his intent with what he provided was to get some information to them. There is a wide range of methodologies to look at and it's inherently complicated. He reiterated a comment from Ms. Hillstrand that the Commission deals with a lot of different and complicated things, but can't think of a more important thing they do than work on the drinking water supply for the City of Homer. It isn't just for the residents, but also the tourists, and people who live outside the city. It's a vital asset for the community and again, he advocates for a go slow approach.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 5, 2014

Joel Cooper, Bridge Creek Watershed resident, added that the abstract of the original document used in creating the district talks about thresholds and how things correspond to the 4.4 to 5% imperviousness. If they get that kind of analysis on the Bridge Creek Watershed, they might get some of the answers they are looking for. He noted he could have them focus on the highly concentrated area to see what kind of impact is happening.

Public Works Director Meyer commented that they don't need an expert to remind them of the importance of the water and that Homer soils are highly organic and erodible and underlying are fine grain silty soils that are even more erodible. Different percentages were looked at in developing the watershed ordinance as it exists and he recalls settling on the 4% because they recognized that it is a drinking watershed and wanted to be conservative and not approach the 10%. The other issue was impermeable surface are also created in the watershed off the site with roads, utility corridors, and so forth. It is important to maintain a safety factor there. We should be careful when we make adjustments that we aren't creating any problems.

Comments of Staff

None

Comments of the Commission

Commissioner Stroozas acknowledged the importance of the information presented by Mr. Shavelson. The Commission isn't done yet, obviously, but he believes they will make a decision at some point in time that will work for everyone, but especially for the watershed.

Commissioner Venuti said it was an interesting meeting. He acknowledged the potential cost of working with a hydrologist and the notion of who will pay for it. Deputy City Planner Engebretsen hopes to have some answers related to cost and timing at the January 21st meeting.

Commissioners Highland and Bradley said it was a good meeting.

Commissioner Erickson said good night.

Chair Stead said he will miss the December 3rd meeting. He acknowledged the Bridge Creek Watershed is the most important work they will do. The studies in hand don't adequately represent the types of issues they are trying to address and he has difficulty with that. When talking with the experts, they need to ensure the experts give them studies, or reasoning to accept studies, that make sense to the group.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:10 p.m. The next regular meeting is scheduled for December 3, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____