



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

# Memorandum

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, AICP, City Planner  
DATE: 11/30/21  
SUBJECT: Supplemental packet items

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The supplemental packet contains a response to comments provided after the packet was initially distributed. This includes Mr. Griswold's email and response with a detailed review of the Comprehensive Plan analysis and a diagram that identifies the proposed fence layout and lighting plan.

The Community Design Manual Review was inadvertently excluded from the original packet and is now provided.

Also included is a public comment regarding the Terra Bella Subdivision.

### Document List

1. Fencing and Lighting Plan
2. Staff Community Design Manual Review
3. 11/29/21 email on CUP 21-08, from Mr. Griswold
4. 11/30/21 City Planner Abboud responses to Mr. Griswold
5. Public comment on the Terra Bella Preliminary Plat, from Judy Gonsalves and Daniel Layland



## Staff CDM Review – CUP 21-08, 12.1.21

The Community Design Manual was adopted by resolution in April 2004 then amended in January 2009 and June of 2021. The architecture and site design sections are applicable to conditional uses within the central business district.

The CDM represents a statement of policies, which shall be observed for building and site design in the City of Homer. The CDM states: “The City of Homer encourages a creative approach to design by providing a flexible review standard. The Commission is authorized to waive specific Design Manual requirements if it finds that (a) an alternative design represents an equivalent or superior design solution to what would otherwise be achieved by rigidly applying specific requirements, and (b) the alternative design meets the intent of the general requirement.”

**Staff:** This project is a component of the Kenai Peninsula College, Kachemak Bay Campus and is located on a separate lot that shares a boundary with the campus. The greenhouse facility is for educational purposes and the development of the lot is not meant to be a stand-alone facility. This fact, along with the structure and function being specifically purposed, makes the project a challenge for strict application of the Design Manual when only considered for this lot. The campus has gained a CUP in compliance with the design manual and it is reasonable for the design manual to be applicable to the entire campus as a unified development. A superior design solution is to consider that many of the Design Manual suggestions are not applicable to the proposal when considering the site part of the greater campus. If this become a point of contention, staff recommends to make a condition that the lot line shared with the campus be erased.

### ***Architecture Review (Begins on page 1-1)***

- A. *The building and its setting:* Buildings shall be designed to reflect the natural conditions of the site and shall include design elements, which visually anchor the building to the site.
1. Incorporate building design elements into landscaped areas.
  2. Respect natural topography.

**Staff:** The area around the building will be filled with on-grade and raised bed plantings. Building height will not significantly deviate from many of the surrounding properties. Natural topography (or perhaps existing) topography is not proposed to be significantly altered.

- B. *Hierarchy in building design:* Visual interest in the urban-scape can be achieved through a hierarchal approach to design. For example, strategically located structures, architectural elements or site amenities designed as focal points create a visual “draw” and suggest a point of activity. These also serve as a reference point for all subordinate structures. This concept is particularly applicable to large parcels with multiple structures. Multiple carbon copy buildings provide no visual hub and shall be avoided.
1. Design primary structure as a focal point.
  2. Include area for outdoor leisure for Primary Structure.

3. Incorporate multiple tenant spaces into hierarchy of building design.
4. Provide a common architectural treatment to all buildings on the same parcel or which are part of the same development.
5. Integrate secondary structures as support buildings.
6. Reflect mass and scale of adjacent structures.

**Staff:** While the proposal is located on what is recognized as an individual lot, it is adjacent to the greater campus which has successfully navigated the Community Design Manual with a CUP for an additional structure. The lot is not intended for the general public and a moose fence is proposed to protect the greenery. The greenhouse is similar in size to a small one-story house. Mass and scale is reasonably sized to the nearby one and two story structures.

C. *Prominent Facades:* Prominent facades include all building facades visible from waterways, arterials, and activity centers, and also facades, which face the road(s) providing primary access to the building site. Prominent facades may not be sterile wall planes void of architectural interest. They shall be detailed with added relief, shadow lines, and visual depth unless screened with landscaping.

1. Provide consistent architectural interest to all prominent facades.
2. Building scale and mass.
3. Provide substantial shifts in walls and roof surfaces.
4. Provide terminus to tops of buildings.
5. Avoid unusual or atypical roof forms on all structures.
6. Window and door fenestration.

**Staff:** The proposed building is specifically purposed to enhance plant growth. Use of the structure as a greenhouse limits the opportunity to alter the architecture, while maintaining its function. It is not reasonable to expect façade enhancements when such alterations would detract from the function of the structure, which is specifically allowable in city code. The structure size does not require wall or roof shift. The roof form is typical for the purpose built structure. Considering that the entire structure is opaque, ratio requirements for window and door fenestration are not applicable. No reflective glass is used.

D. *Siding and Trim:* Traditional building materials such as brick, stone or wood reflect human handicraft and provide texture to building exteriors. Materials for new construction and remodeling should convey similar visual qualities.

1. Use materials which simulate quality traditional building materials.
2. Discouraged siding materials.

**Staff:** Siding and trim alterations are not applicable while retaining the purpose of the structure.

E. *Color*

1. Keep field colors subdued.
2. Limit bold or bright trim colors.
3. Finer details may be accented with brighter colors.

**Staff:** No colorization is proposed, besides opaque covering typically used for a high tunnel greenhouse. Color is subdued while bold and bright colors are not proposed.

F. Roofing materials: Views of roofs from the ground and from higher elevations play an important role in the architecture of the city. Roofing materials shall be selected according to following criteria.

1. Use roof materials which provide texture and shadow lines.
2. Avoid bright-colored, reflective, or unsightly roofing materials.

**Staff:** The proposed roofing material is a standard and necessary component of a greenhouse.

G. *Building Lighting*

1. Avoid back-lit panels and awnings.
2. Keep light source hidden from public view.
3. Avoid bright lighting on outdoor surfaces of buildings.
4. Avoid colored lighting on buildings.
5. Apply utility lighting sparingly.

**Staff:** Building lighting must comply with city code and design manual. No bright lights are proposed for use in the structure.

H. Miscellaneous Architectural Devices: Building design should be executed in a straightforward manner. Tack-on devices may not be used to mitigate poor design or to promote a particular theme. If a particular style or theme is desired, it should be reflected in the building's form and general detailing.

1. Architecturally integrated artwork is encouraged.
2. Avoid architectural gimmicks and fads.
3. Maintain consistency in awning design.
4. Avoid awnings which obscure or dominate the building design.

**Staff:** Architecture is completely design specific to a listed use in the district. No additional architectural devices are proposed in the standard high tunnel design.

I. *Parking Garages*

1. Recess vehicle entrances in the main façade.
2. Screen parking garage façade.
3. Acquire approval.

**Staff:** N/A

***Site Design Review (begins page 2-1):***

A. *On-Site Walkways:*

1. Link commercial buildings and the public right-of-ways with primary walkways.
2. Assure that primary walkway width is proportionate to scale of project.
3. Differentiate walkway surface.
4. Accent walkways with significant landscaping.

5. Accent walkways with lighting and seating areas.

**Staff:** N/A Commercial activity that attracts customers or the public is not proposed for the building.

- B. Outdoor Common Areas: A common area is a designed outdoor space which encourages outdoor activities and leisure in outdoor spaces associated with commercial development. Required common spaces must be provided on-site, but may be enlarged and extended into city rights-of-way to connect with the sidewalk, subject to City of Homer approval.
1. Provide common area of a size proportionate to development
  2. Choose type of common area best suited to development
  3. Locate common areas in view corridors.
  4. Provide direct access to common areas with pedestrian walkways

**Staff:** N/A Common space is provided throughout the campus and is not required for developments greater than 5000 square feet. Additionally, common area is not practical on site due to the fence necessary to keep moose from plantings.

C. *Commercial Streetscape*

1. Locate structure near front setback line
2. Orient service and delivery areas away from street
3. Use landscaping to screen parking lots and service areas
4. Link dissimilar building with common site amenities.
5. Provide covering over walkways where appropriate.
6. Place no more than 50% of required parking in front of buildings
7. Avoid parking in front of building entrance

**Staff:** The structure is near the setback line and the site apart from the greenhouse will be populated with plantings. Parking is provided on campus with the exception of one space for loading which is not located near an entrance.

D. *Landscaping and screening*

1. Utilize non-invasive attractive plants to achieve landscaping and screening, preserve or create tree canopy, and provide ecosystem services such as water retention and filtration. Concepts such as rain gardens and other Low Impact Development concepts are encouraged.
2. Choose plantings which are compatible with existing vegetation.
3. Locate vegetation to preserve significant views.
4. Provide adequate room for retained vegetation.
5. Replace lost trees which were intended to be retained.
6. Retain the natural symmetry of trees
7. Use shrubs or vines on blank walls.
8. Outside storage of materials and equipment and trash, if otherwise allowed, should be screened from view from adjacent streets and residential areas.
9. Enclosed storage of materials, equipment and trash is encouraged.

10. Elements such as, but not limited to; HVAC units, telephone boxes, fuel tanks and electrical transformers, shall be integrated into the site design through the use of landscaping, berms or fences and should be as unobtrusive as possible

**Staff:** The site will be populated with plantings and planter boxes, outside storage is not proposed.

#### *Fences*

1. Choose fence materials carefully.
2. Limit chain link to non-visible areas.
3. Limit height of fences

**Staff:** Wire moose fencing is necessary to facilitate the site for the intended use. Height will need to be adequate to deter moose from entering the site.

### **Outdoor Lighting (begins page 3-1)**

#### *Outdoor lighting*

1. Avoid lighting large areas with a single source.
2. Avoid excessive light throw.
3. Keep light source hidden from public view.
4. Use downward directional lighting.
5. Choose appropriate outdoor light designs.
6. Avoid light fixture designs which have an industrial appearance.

**Staff:** All lighting to be down lit per CUP condition.

**Finding:** The proposal meets the intent of the Design Manual as a part of the greater Kenai Peninsula College Kachemak Bay Campus.

**Julie Engebretsen**

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**From:** Frank Griswold <fsgriz@alaska.net>  
**Sent:** Monday, November 29, 2021 11:48 AM  
**To:** Department Planning  
**Cc:** Travis Brown; Melissa Jacobsen; Rick Abboud  
**Subject:** Proposed CUP 21-08

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Commissioners,

City Planner Rick Abboud states as follows in Staff Report 21-68: “No guidance is found in HCC 21.55.090 for required parking spaces.” However, HCC 21.55.090(b) expressly states: “The City Planner shall determine the number of off-street parking spaces that is required for a use not identified in subsection (a) of this section.” Zero parking space is clearly inadequate for the proposed use(s). While a space for loading and unloading has been designated, this space is distinct from required parking space. Conditional use permits do not generally expire when a parcel changes ownership. While (off-site) parking on campus may currently be available to support the proposed uses, the subject lot may someday be sold to an entity unaffiliated with UAA/KBC. Accordingly, an adequate number of on-site parking should be required by the Commission. The Applicant states: “Off-street parking will not be permitted.” Off-street parking should be required as a prerequisite condition for the approval of CUP 21-08 and on-street parking should be prohibited.

The Applicant states: “All students, staff and faculty will be parking in the university parking lot that has 111 parking spots, and walking to the property.” ... “[F]encing will keep anyone on the property from encroaching on the neighbors.” Examples of a moose fence were included with the Application but no actual fencing is depicted on the Site Plan. On August 17, 2021, I asked KBC Director Dr. Reid Brewer if the college had any plans to install a fence along the east property line of the subject lot which abuts my lot. On August 18, 2021 he replied: “Yes, we are planning on installing a fence this fall.” To date, no fence has been installed. Fencing along the west property line should also be required. All fencing should comply with the CDM and be designed so as to not injure or trap moose, dogs, or other animals. To insure that all fencing is properly placed, a

professional survey of the subject lot should be required as a condition for approval of CUP 21-08.

The Applicant states that the proposal will provide space for a community garden and encourage outdoor activity. The Site Plan submitted does not depict a community garden and the effects of a community garden and outdoor activities were not addressed in Staff Report 21-68. A community garden and outdoor activities would likely increase the need for parking, fencing, litter control, and toilets. Fortunately, nearby City Hall has toilet facilities which can accommodate KBC's myriad community guests so they don't have to utilize the bushes on adjacent lots or traipse all the way to KBC.

KBC is currently posting the abutting city-owned property to the west of the subject lot as if that city property were its own. A few months ago, KBC had creosote house pilings and other debris removed from the subject lot and deposited on that city-owned property. Removal of the potentially carcinogenic creosote pilings and other debris should be a prerequisite condition for the approval of CUP 21-08. KPC should also be required to reimburse the city for expenses the city recently incurred in felling and removing three live spruce trees from the subject lot in conjunction with the felling and removal of two dead spruce trees on the adjacent city-owned property (which, unlike the felling and removal of the three KPC trees, was an appropriate expense for the city taxpayers to bear).

While KBC likely would not promote the use of pesticides, herbicides, and/or other toxic chemicals in its greenhouses or elsewhere on the subject lot, a future owner might. In any case, the use of toxic chemicals on the subject lot should be prohibited as a prerequisite condition for the approval of CUP 21-08.

Mr. Abboud's Finding 9 states: "The proposal *aligns Goal 1 and Objectives A and D* and no evidence has been found that it is contrary to the applicable land use goals and objects [sic] of the Comprehensive Plan." This is hogwash! The proposed use does not comport with Land Use Goal 1 or "align" it with Objectives A or D. "Filling in" a lot *per se* is not a legitimate zoning objective; this would justify any and all proposed conditional uses thus rendering the city's elaborate CUP criteria a sham. There is no evidence that the proposed greenhouses will ever significantly reduce the amount of food that must be imported to support Homer's population. In any event, the applicable standard is not that the proposed use comport with or align some of the goals and objectives of the Homer Comprehensive Plan, HCC 21.71.030(i) requires that "[t]he proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan." Mr. Abboud deliberately did not look for any evidence that the proposed use might be contrary to any land use goals or objective of the Comprehensive Plan. Furthermore, the

lack of contrary evidence does not constitute evidence to satisfy a prerequisite zoning criteria. The proposed use will arguably increase the supply and diversity of housing if vagrants move into the greenhouses. Residential use of the subject lot should be prohibited as a condition for approval of CUP 21-08.

Land Use Goal 3 is to “Encourage high quality buildings and site development that complement Homer’s beautiful natural setting.” “Building” means any structure used or intended for supporting or sheltering any use or occupancy. HCC 21.03.040. Neither a 30' x 48' high tunnel greenhouse nor a 10' x 10' conventional greenhouse constitutes a high-quality building so the proposed uses are contrary to Goal 3 and HCC 21.71.030(i). If the Commission determines that a Rimol High Tunnel Greenhouse does constitute a high-quality building, then construction of a Rimol High Tunnel Greenhouse should be a prerequisite condition for the approval of CUP 21-08. To support such a finding, the Commission should define “high quality building” and specifically state why the proposed buildings meet that definition.

Land Use Goal 4 is to “Support the development of a variety of well-defined commercial/business districts for a range of commercial purposes. ” This does not apply here because CUP 21-08 has nothing to do with developing a zoning district, well-defined or otherwise. The Applicant has not indicated that commercial sales of produce etc. will be conducted on the subject lot but if such commercial activity is contemplated, it should not be allowed unless/until adequate parking is provided for KPC's customers. (Note the seasonal traffic congestion along Ocean Drive generated by farmers’ market use).

Proposed Staff Report Finding 10, that the project complies with the applicable provisions of the Community Design Manual, is unsupported by substantial evidence. The applicable provisions of the CDM are not even identified in Staff Report 21-68. The Applicant erroneously states that the project does not trigger a Community Design Manual review; HCC 21.71.030(j) triggers a CDM review for all CUP applications. HCC 21.71.030(j) makes all applicable provisions of the CDM applicable to all applications for conditional use permits even if they are not otherwise deemed applicable within the text of the CDM. The Commission does not have the authority to ignore HCC 21.71.030(j) as if it were never enacted. No outdoor lighting plan was submitted with the Application. Outdoor lighting standards are set

forth in HCC 21.59.030 so making down lit lighting the sole condition for CUP 21-08 would indicate that greenhouse use is no more objectionable than any use permitted outright via HCC 21.18.020. But if this were the case, the duly elected Homer City Council would likely have designated greenhouse use a permitted use instead of a conditional use.

The Applicant indicates that there are no active water and sewer permits for the subject lot. High tower greenhouses typically require lots of water for irrigation. Public Works employees recently spent multiple days repairing/welding the subject lot's water service curb box, a portion of which had apparently been sheered off by (non-city) heavy equipment in the course of KBC's initial clearing of the lot. All required permits should be obtained by KBC before this curb box valve is turned on.

The Applicant indicates on the Application that KBC is planning on doing the following special improvements and/or has suggestions regarding its willing implementation thereof: special yards and spaces, fences, walls, and screening, special provisions on signs, landscaping, maintenance of the grounds, buildings, or structures, control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances, time for certain activities, ***a time period within which the proposed use shall be developed***, special dimensional requirements such as lot area, setbacks, and building height, and other conditions deemed necessary to protect the interests of the community. None of these special improvements were suggested as prerequisite conditions in Staff Report 21-68. There is a big difference between planning on doing something and actually doing it. The Commission should make all of these "willing" special improvements prerequisite conditions for approval of CUP 21-08. Storage of materials and/or equipment on the abutting city-owned property should be prohibited. Otherwise, it could soon look like the city-owned parcel directly across Kachemak Way from the subject lot.

Frank Griswold

## Responses to Griswold comments – Rick Abboud 11.30.21

City Planner Rick Abboud states as follows in Staff Report 21-68: “No guidance is found in HCC 21.55.090 for required parking spaces.” However, HCC 21.55.090(b) expressly states: “The City Planner shall determine the number of off-street parking spaces that is required for a use not identified in subsection (a) of this section.” Zero parking space is clearly inadequate for the proposed use(s). While a space for loading and unloading has been designated, this space is distinct from required parking space. Conditional use permits do not generally expire when a parcel changes ownership. While (off-site) parking on campus may currently be available to support the proposed uses, the subject lot may someday be sold to an entity unaffiliated with UAA/KBC. Accordingly, an adequate number of on-site parking should be required by the Commission. The Applicant states: “Off-street parking will not be permitted.” Off-street parking should be required as a prerequisite condition for the approval of CUP 21-08 and on-street parking should be prohibited.

On-street parking is prohibited, off-street parking is provided on campus. If the property changes ownership it is the responsibility of the new owner to comply with regulations. We are here to apply standards to the application and not to evaluate some assumed future use. Future use will be expected to adhere to zoning standards. A change in ownership that proposes deviate from the standards of the CUP will have to apply for an amendment.

The Applicant states: “All students, staff and faculty will be parking in the university parking lot that has 111 parking spots, and walking to the property.” ... “[F]encing will keep anyone on the property from encroaching on the neighbors.” Examples of a moose fence were included with the Application but no actual fencing is depicted on the Site Plan. On August 17, 2021, I asked KBC Director Dr. Reid Brewer if the college had any plans to install a fence along the east property line of the subject lot which abuts my lot. On August 18, 2021 he replied: “Yes, we are planning on installing a fence this fall.” To date, no fence has been installed. Fencing along the west property line should also be required. All fencing should comply with the CDM and be designed so as to not injure or trap moose, dogs, or other animals. To insure that all fencing is properly placed, a professional survey of the subject lot should be required as a condition for approval of CUP 21-08.

A fencing example is included and it is planned to incorporate a fence around the entire lot. A supplemental depiction of the placement of fencing has been provided.

39  
40 The Applicant states that the proposal will provide space for a community garden and  
41 encourage outdoor activity. The Site Plan submitted does not depict a community  
42 garden and the effects of a community garden and outdoor activities were not addressed  
43 in Staff Report 21-68. A community garden and outdoor activities would likely  
44 increase the need for parking, fencing, litter control, and toilets. Fortunately, nearby  
45 City Hall has toilet facilities which can accommodate KBC's myriad community guests  
46 so they don't have to utilize the bushes on adjacent lots or traipse all the way to KBC.

47  
48 The lot is not of such a size that one would imagine an excessive amount of people  
49 tending the garden. Fencing is part of the proposal and facilities are provide at the  
50 campus as well as city hall. Plenty of parking is available for those participating in  
51 gardening on the campus.

52  
53 KBC is currently posting the abutting city-owned property to the west of the subject lot  
54 as if that city property were its own. A few months ago, KBC had creosote house  
55 pilings and other debris removed from the subject lot and  
56 deposited on that city-owned property. Removal of the  
57 potentially carcinogenic creosote pilings and other debris should  
58 be a prerequisite condition for the approval of CUP 21-08. KPC  
59 should also be required to reimburse the city for expenses the city  
60 recently incurred in felling and removing three live spruce trees  
61 from the subject lot in conjunction with the felling and removal  
62 of two dead spruce trees on the adjacent city-owned property  
63 (which, unlike the felling and removal of the three KPC trees, was  
64 an appropriate expense for the city taxpayers to bear).

65  
66 This is a concern outside of a CUP.

67  
68 While KBC likely would not promote the use of pesticides, herbicides, and/or other  
69 toxic chemicals in its greenhouses or elsewhere on the subject lot, a future owner  
70 might. In any case, the use of toxic chemicals on the subject lot should be prohibited  
71 as a prerequisite condition for the approval of CUP 21-08.

72  
73 The City has not made this a standard of any other development, greenhouse or  
74 otherwise. Nuisance standards found in HCC 21.59.010(a)-(f) apply to the CBD.  
75 The City is not in a position to make determinations on the use of garden chemicals.

76  
77 Mr. Abboud's Finding 9 states: "The proposal *aligns Goal 1 and*  
78 *Objectives A and D* and no evidence has been found that it is contrary  
79 to the applicable land use goals and objects [sic] of the  
80 Comprehensive Plan." This is hogwash! The proposed use does not  
81 comport with Land Use Goal 1 or "align" it with Objectives A or D. "Filling in" a  
82 lot *per se* is not a legitimate zoning objective; this would justify any and all proposed  
83 conditional uses thus rendering the city's elaborate CUP criteria a sham. There is no  
84 evidence that the proposed greenhouses will ever significantly reduce the amount of  
85 food that must be imported to support Homer's population. In any event, the applicable  
86 standard is not that the proposed use comport with or align some of the goals and  
87 objectives of the Homer Comprehensive Plan, HCC 21.71.030(i) requires that "[t]he  
88 proposal is not contrary to the applicable land use goals and objectives of the  
89 Comprehensive Plan." Mr. Abboud deliberately did not look for any evidence that the  
90 proposed use might be contrary to any land use goals or objective of the Comprehensive  
91 Plan. Furthermore, the lack of contrary evidence does not constitute  
92 evidence to satisfy a prerequisite zoning criteria. The proposed  
93 use will arguably increase the supply and diversity of housing if  
94 vagrants move into the greenhouses. Residential use of the  
95 subject lot should be prohibited as a condition for approval of  
96 CUP 21-08.

97  
98 No evidence or even a claim of how it is contrary to the Comprehensive Plan is  
99 made. Must not be contrary to APPLICABLE goals and objectives. A more  
100 comprehensive look at the guidance of the Comprehensive Plan has been added.  
101

102 Land Use Goal 3 is to "Encourage high quality buildings and site development that  
103 complement Homer's beautiful natural setting." "Building" means any  
104 structure used or intended for supporting or sheltering any use or  
105 occupancy. HCC 21.03.040. Neither a 30' x 48' high tunnel greenhouse nor  
106 a 10' x 10' conventional greenhouse constitutes a high-quality building so the proposed  
107 uses are contrary to Goal 3 and HCC 21.71.030(i). If the Commission  
108 determines that a Rimol High Tunnel Greenhouse does constitute  
109 a high-quality building, then construction of a Rimol High Tunnel  
110 Greenhouse should be a prerequisite condition for the approval of

CUP 21-08. To support such a finding, the Commission should define “high quality building” and specifically state why the proposed buildings meet that definition.

The goal here is ENCOURAGEMENT not REQUIREMENT. A Rimol High Tunnel Greenhouse is a purpose built structure, thoughtfully considered for its purpose. A professionally designed structure is considered of a high quality for the designed purpose. This type of structure is found throughout Homer and beyond. High tunnel greenhouses are the preeminent form for supporting agriculture production beyond that which is found outdoors in local area, thus a proper form to serve as a basis for educating the local population.

Land Use Goal 4 is to “Support the development of a variety of well-defined commercial/business districts for a range of commercial purposes. ” This does not apply here because CUP 21-08 has nothing to do with developing a zoning district, well-defined or otherwise. The Applicant has not indicated that commercial sales of produce etc. will be conducted on the subject lot but if such commercial activity is contemplated, it should not be allowed unless/until adequate parking is provided for KPC's customers. (Note the seasonal traffic congestion along Ocean Drive generated by farmers’ market use).

Apparently, an argument is made of the non-applicability of a goal the comprehensive plan, which does not impact any standard of the CUP.

Farmers’ market is a permitted use in the CBD per HCC 21.18.020(ee).

Proposed Staff Report Finding 10, that the project complies with the applicable provisions of the Community Design Manual, is unsupported by substantial evidence. The applicable provisions of the CDM are not even identified in Staff Report 21-68. The Applicant erroneously states that the project does not trigger a Community Design Manual review; HCC 21.71.030(j) triggers a CDM review for all CUP applications. HCC 21.71.030(j) makes all applicable provisions of the CDM applicable to all applications for

conditional use permits even if they are not otherwise deemed applicable within the text of the CDM. The Commission does not have the authority to ignore HCC 21.71.030(j) as if it were never enacted. No outdoor lighting plan was submitted with the Application. Outdoor lighting standards are set forth in HCC 21.59.030 so making down lit lighting the sole condition for CUP 21-08 would indicate that greenhouse use is no more objectionable than any use permitted outright via HCC 21.18.020. But if this were the case, the duly elected Homer City Council would likely have designated greenhouse use a permitted use instead of a conditional use.

An outdoor lighting plan has been included in the supplemental packet. It consists of a cut-off luminaire placed above the south facing door. A complete review of applicable elements of the CDM has been included.

The Applicant indicates that there are no active water and sewer permits for the subject lot. High tower greenhouses typically require lots of water for irrigation. Public Works employees recently spent multiple days repairing/welding the subject lot's water service curb box, a portion of which had apparently been sheered off by (non-city) heavy equipment in the course of KBC's initial clearing of the lot. All required permits should be obtained by KBC before this curb box valve is turned on.

This is a Public Works issue. The Planning Commission does not weigh in on technical aspects of water and sewer service hookup.

The Applicant indicates on the Application that KBC is planning on doing the following special improvements and/or has suggestions regarding its willing implementation thereof: special yards and spaces, fences, walls, and screening, special provisions on signs, landscaping, maintenance of the grounds, buildings, or structures, control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances, time for certain

activities, *a time period within which the proposed use shall be developed*, special dimensional requirements such as lot area, setbacks, and building height, and other conditions deemed necessary to protect the interests of the community. None of these special improvements were suggested as prerequisite conditions in Staff Report 21-68. There is a big difference between planning on doing something and actually doing it. The Commission should make all of these “willing” special improvements prerequisite conditions for approval of CUP 21-08. Storage of materials and/or equipment on the abutting city-owned property should be prohibited. Otherwise, it could soon look like the city-owned parcel directly across Kachemak Way from the subject lot.

The Commission does not make requirements of use of property not part of the application. Timeframe for fence could be made, although it would be expected to be raise prior to use of the lot as proposed.

## Julie Engebretsen

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**From:** Judy Gonsalves <judydan86@gmail.com>  
**Sent:** Friday, November 26, 2021 12:47 PM  
**To:** Department Planning  
**Subject:** Terra Bella subdivision

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Greetings,

We recently visited with Rick Aboud and Travis Brown about the Terra Bella subdivision, and they were great at answering our questions.

We are writing this email, as residents within 500 feet of this subdivision and frequent Reber Trail users, to encourage the City of Homer to stay diligent in maintaining good pedestrian access to the trails in Homer, and specifically the Reber Trail.

Thank you,  
Judy Gonsalves & Daniel Layland  
955 Reber Rd  
Homer