

## CALL TO ORDER

Session 23-18, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on December 6, 2023 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar. The worksession at 5:30 p.m. was canceled.

**PRESENT:** COMMISSIONERS HIGHLAND, BARNWELL, SMITH, SCHNEIDER, VENUTI, CONLEY, STARK

**STAFF:** CITY PLANNER FOSTER, DEPUTY CITY CLERK KRAUSE, PUBLIC WORKS DIRECTOR KEISER

## AGENDA APPROVAL

Chair Smith read the supplemental items into the agenda: **Under Consent Agenda** Item A Unapproved Regular Meeting Minutes, Corrected Unapproved Regular Meeting Minutes Under **Public Hearings: Item A - C, CUP 23-08, Amending the Zoning Map & Vacation of B Street Right of Way South of Bay Avenue** Public Comments Received; and **Item D - F CUP 23-09, CUP 23-10 & CUP 23-11** Public Comment Received. He requested a motion and second to approve the agenda amended.

SCHNEIDER/BARNWELL MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA** The public may speak to the Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

Marcia Kuzmaul, city resident and president of the Homer Bed and Breakfast Association, commented on the proposed Short Term Rental Ordinance introduced by Council that was to come before the Commission. She expressed that there should be a push for public education on Short Term Rentals and that the Association would be willing to assist with that action, noting the members of the Association hope that the ordinance will address current State regulations which does differentiate between owner occupied private residences with five rooms or less and those with more, or are not occupied by the owner and are considered public accommodations. The Homer Bed & Breakfast Association supports considerations for those properties that are owner occupied because they tend to have less nuisance issues that are called out in the proposed ordinance. The Association is interested in the ordinance and are happy to be a resource to the Planning Commission as they consider the proposed ordinance.

The Clerk noted that Susan Cushing, attending via Zoom had her hand raise, after several attempts to have Ms. Cushing speak and receiving no response the Chair closed Public Comments.

## RECONSIDERATION

**CONSENT AGENDA** All items on the consent agenda are considered routine and non- controversial by the Planning Commission and are approved in one motion. If a separate discussion is desired on an item, a Commissioner may request that item be removed from the Consent Agenda and placed on the Regular Agenda under New Business. No Motion is necessary

A. Unapproved Corrected Regular Meeting Minutes of November 1, 2023

SCHNEIDER/BARNWELL MOVED TO ADOPT THE CONSENT AGENDA AS AMENDED.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **PRESENTATIONS / VISITORS**

### **REPORTS**

- A. Special Public Meetings Reports by Attending Commissioners
1. Comprehensive Plan
  2. Transportation Plan

Chair Smith introduced the item noting that Commissioners Venuti, Stark and himself have attended public meetings on the Comprehensive Plan, Transportation Plan and Harbor Expansion Project over the last few months and determined that it would be beneficial to report on those meetings. He then requested Commissioner Venuti to report on his attendance at those meetings.

Commissioner Venuti responded that he was not prepared to comment on the subject.

Commissioner Stark provided a very detailed report on his attendance expressing his opinion that it may be an overreach to perform a full comprehensive plan rewrite and encouraged a prioritized section by section review and rewrite. He relayed personal experiences in redoing comprehensive plans all at once. Mr. Stark then provided a brief overview of the Harbor Expansion Project public meeting that the Chair also attended, noting that there were a lot of people that attended and were engaged in the process providing comment on things such as the cranes and maintenance of those and instead of the city doing it they could build in the infrastructure and a copy could then provide the equipment and service for a fee. Thereby the city benefits from the revenue and the community benefits by having the services.

Chair Smith reported participating in the Spit development visioning which was also attended by Mayor Castner, Karin Marks, Chair of the Economic Development Advisory Commission and Chair of the Port & Harbor Advisory Commission. It was a very interesting meeting with very passionate comments offered on the topic of housing for all the workers and the incredible difficulty it is to employ seasonal workers. This item needs to be addressed in the Comprehensive Plan, to allow similar options such as the Aspen Hotel offering onsite housing for employees.

B. Staff Report 23-059, City Planner's Report

Chair Smith introduced the item and deferred to City Planner Foster.

City Planner Foster reviewed Staff Report 23-059 noting actions made by Council at the November 13, 2023 City Council meeting regarding the following:

- Ordinance on Short Term Rentals
- Approved formation of a Steering Committee for the Comprehensive Plan & Title 21 Re-write

City Planner Foster responded to questions regarding the following:

- Timeframe for review of the draft Transportation Plan
  - o January meeting

**PUBLIC HEARINGS**

A. Staff Report 23-060, Request for Conditional Use Permit CUP 23-08 for a Planned Unit Development at 1563 Homer Spit Road, 1663 Homer Spit Road, and 1491 Bay Avenue

Chair Smith introduced the item by reading of the title and then requested Commissioners to declare any ex parte communication and or conflict of interest. He turned the gavel over to Vice Chair Barnwell noting he had a conflict.

Commissioner Smith declared that his wife is employed by Beachy Construction and he had received a phone call from Kathy Beachy regarding CUP 23-09, CUP 23-10, and CUP 23-11. He related the extent of the conversation as soon as the topic was broached, directing Ms. Beachy to submit her comments in writing or attend the meeting. Ms. Beachy agreed to that and is in attendance. He declared that he has no monetary reward from the CUP action before the Commission. Mr. Smith stated that he is acquainted with Mr. Hueper but that was the extent of the relationship.

Vice Chair Barnwell requested a motion and second.

Commissioner Smith clarified that this declaration would address Public Hearing items CUP 23-09, CUP 23-10, and CUP23-11 and that he did not have ex parte communication or possible conflict of interest with Public Hearing Item CUP 23-08 for Doyon in response to a question from the Commission.

VENUTI/HIGHLAND MOVED THAT COMMISSIONER SMITH HAD A CONFLICT OF INTEREST REGARDING CUP 23-09, CUP 23-10, AND CUP 23-11.

There was no further discussion.

VOTE. NO. CONLEY, STARK, BARNWELL, VENUTI, SCHNEIDER, HIGHLAND

Motion failed.

Vice Chair Barnwell returned the gavel to Chair Smith.

Chair Smith requested declarations of ex parte communication or conflict of interest on any of the Public Hearing items.

Commissioner Conley declared a potential conflict of interest regarding CUP 23-08 citing his association with firms and persons working with and for the applicant. He stated that he did not receive any financial gain but he has known about the project for a long time through the associations he has with the people that are working for companies being hired by the Applicant.

Chair Smith requested a motion and second.

HIGHLAND/VENUTI MOVED THAT COMMISSIONER CONLEY HAD A CONFLICT OF INTEREST ON CUP 23-08.

Commissioner Conley explained that he has a few acquaintances that are directly involved with the project. He further stated that it was more of an awareness of the project for a longer period but no details other than what has been provided in their packet. Commissioner Conley stated that he has not discussed the project with those acquaintances.

VOTE. NO. STARK, BARNWELL, VENUTI, SMITH, HIGHLAND, SCHNEIDER

Motion failed.

Chair Smith requested if any additional layoffs were received by the Clerk and there were none. He then deferred to the City Planner to review Staff Report 23-060.

City Planner Foster reviewed Staff Report 23-060 in detail. He noted that the applicant, Doyon Limited proposed a Planned Unit Development consisting of a hotel, employee housing and triplex residential units at 1563 Homer Spit Road, 1663 Homer Spit Road and 1491 Bay Avenue. This projects consisted of three components and they would address the Conditional Use Permit (CUP) first, then amending the Zoning then the vacation of the right of way and later on the agenda was a preliminary plat. City Planner Foster stated for the record that the Commission was the decision makers for the CUP but the City Council and Kenai Peninsula Borough would be the bodies making the final decisions on the other items.

Public Works Director Keiser commented the following as concerns of Public Works after further review:

- Thoroughness of the applicants project plans and drawings provided for city review
- Responsiveness of the Applicant to questions and suggestions from city
- The right of way vacation and the public having a reasonable expectation to appropriate accommodation to giving up that right of way.
  - o The importance of drainage for B Street to be maintained and preserved. The applicant has addressed drainage but there is no mention of who is responsible for maintenance for the infrastructure that will be installed.
    - Drainage improvements should comply with city requirements and appropriate provision be made for maintenance of same.
  - o Over half of the city right of way is a Tidal Marsh and should be preserved through a conservation easement in perpetuity. The City would like to maintain the existing integrity of that tidal marsh as a nesting area for Sandhill Cranes through the conservation easement.

- The Right of Way allows for potential access for the public at least for viewing the tidal marsh areas which are a rich resource for the city.
  - o The City is requesting a viewing platform with public access be provided.
- Adjustment to the TORAs with the State Department of Transportation and City about maintenance responsibility along Homer Spit Road in regard to pedestrian safety such as installation and maintenance of flashing beacons at pedestrian crosswalks.
  - o The City does not want to be the one responsible for maintaining such a device but will be recommending installation of such devices at certain intersections and on certain city roads in the future.

Chair Smith invited the Applicant forward to make their presentation and speak to their application.

Patrick Duke, Senior Vice President & Chief Financial Officer, Doyon Limited  
Zach Dunlap, Operations Manager, Doyon Limited  
Lauren Egbert, Lead Architect & Project Manager, Womer & Associates

Each introduced themselves and provided a brief background on their personal involvement in Alaska, with the project and Homer. They then took turns presenting information through a PowerPoint presentation regarding Doyon Limited and the project. Specifically pointing out various aspects of the project design and features noting onsite employee housing, condominiums that would be available for purchase adding to the limited housing supply available in Homer and the amenities of the hotel.

Chair Smith thanked the applicants and commended them for their remarkable application. He then opened the Public Hearing portion noting that he would be calling persons forward that have previously signed in alternating to those who were attending via Zoom that raise their hands. He would then invite all others present in chambers to come forward sign in and provide their testimony. He reminded everyone to please state their name clearly and that they will have three minutes to speak.

Commissioner Schneider requested a short recess before hearing public testimony.

Chair Smith called for recess at 8:15 p.m. He called the meeting back to order at 8:26 p.m. and called the first person signed up

Lian McMillan, non-resident, responded that she did not want to provide testimony, she thought she was required to sign in since she was attending the meeting in person.

Don McNamara, resident of Ocean Drive Loop, provided his concerns on the existing difficulties to exit onto Ocean Drive, and the potential for increased traffic. He provided suggestions of a roundabout at Kachemak Drive; lights for pedestrian crossing, and expressed dislike for a traffic light, vacating the B Street right of way and the height of the project.

Amy Springer, resident of Bay Avenue, commented on the additional traffic and the need to slow it down on Ocean Drive.

Jack Cushing, resident of Bay Avenue, expressed concerns on the little time that there has been to review the materials, having a realistic number for the cars that travel on Ocean Drive especially in summer; the value of

the property if the city was going to give right of ways away, scale of the project was too large, using B Street for a viewing platform, assuming that the Planning Commission rezones that parcel. He noted that the area was rezoned GC1 across from Bay Avenue years ago, and opined that rezoning that parcel will wipe out the rural residential.

Susan Cushing, resident of Bay Avenue, noted that written comments were submitted and it is included in the packet and echoed the concerns on the timing of the traffic impact analysis.

Bette Seaman, resident of Bay Avenue, expressed frustration and dismay over the size of the packet and that it was very difficult for people who were not professional engineers to understand. Ms. Seaman expressed concerns on the following: that the project will make a huge difference in the area affecting the rural residential neighborhood; lack of mitigation for a 20 foot fall, as there will be a cliff from Lot 161 down to where the hotel will actually be; the existing beauty, old growth trees as well as new growth which presents a real barrier to their neighborhood noting that the proposal states a 6 foot fence, on a 20 foot parcel that will include a bike path and trail, noting the TIA stated the bike trail is 10-12 feet so that leaves 8 feet for the trees. It will be like Safeway.

Ryan Van Zoe, resident, commented on moving the right of way instead of vacating it completely to provide a buffer to the residential neighborhood but allowing access to the beach citing the limited opportunities for that in Homer.

Lori Mikols, resident of Bay Avenue, commented on the trail that residents have used for years and agreed with the testimony expressed by Ms. Seaman and Mr. McNamara citing the traffic is ridiculous now and questioned how the city water and sewer will handle hundreds of more people, noting she wasn't an engineer and is not as trusting. She agreed with what has been stated so far.

Martin Renner, city resident, expressed his appreciation for the detailed presentation and the opportunity to provide comment. He expressed his concerns over the loss of the viewing platform citing the past use during the Shorebird Festival; noted that a pedestrian bypass from B Street would be very convenient; concerns with the additional traffic, the size of the project is somewhat frightening, however a roundabout at Kachemak Drive and the Homer Spit Road may alleviate some of those concerns.

Richard Rosenbloom, Bay Avenue resident, stated that he and wife submitted their concerns via email and they are in the supplemental packet. In the beginning he was happy and excited to learn that Doyon Limited had purchased the subject properties as described by the City Planner noting that there were far worse things that could happen on that site. Mr. Rosenbloom stated that after reviewing the proposal he believed that it was too dense of a multi-use planned unit development, rammed into an established residential neighborhood. He believed that it would block the only remaining public access to views of the northeast Mariner Park Lagoon and its wildlife by rezoning the vacant lot. He did not agree that the proposals being presented are what Doyon promised and urged the Commission to deny or defer all applications from Doyon Limited until they present plans that fulfill the promises made to Homer.

Lane Chesley, city resident, expressed his appreciation for the quality development, recommended the Commission to listen to the feedback the community offered tonight regarding the proposed development, he believed that Doyon was interested in what the public has to say and will hopefully reflect some of those opinions in their plan changes. Mr. Chesley offered his experience as a local business owner using the intersection at Kachemak Drive and Homer Spit Road; understanding the trip generation or the traffic impact

analysis from his time spent on the planning commission; believed there was inherent bias within the trip generation manuals used to create the traffic impact analysis as it did not consider local conditions; praised the quality of work by the contracted engineering firm expressing that since their offices are located within the impacted area that they are personally aware of the traffic realities. Mr. Chesley acknowledged the timeframe but the Commission could ask the applicant to waive that requirement to allow them the time to schedule an additional public hearing or have a worksession with City Council to discuss traffic or other impacts expressed by the public.

Alan Parks, city resident, stated that he was familiar with planned unit development process during his time as a Councilmember the Land's End condos were passed. He stated that it was a long process and there were many designs that went through at Council level. He expressed his appreciation for Mr. Chelsey's comments and stated that he too has concerns regarding the traffic study as well. Mr. Parks stated that during his review of the study there were items that caused him to question how the data was presented and used referring to the use of 2022 information because 2023 is not completed. He opined how in July he believed that the vehicle count came close to 1000 cars per hour, advocating for a peer review audit of the traffic study. Mr. Parks then addressed the scale of the project, encouraging the Commission to take their time and not to let Doyon pressure them to make a decision.

Michael Armstrong, Borough resident, stated that he submitted written comments and clarified that he was wearing his Shorebird sweatshirt but he was not speaking on behalf of the Shorebird Festival Committee, noting they will be meeting later in December and he was not speaking on their behalf. Mr. Armstrong expressed concerns regarding the status of a Corp of Engineers permit referring to page 32 of the packet, previous actions of fill being placed in the slough area referring to maps that he provided and were included in the supplemental packet, and then addressed the viewing platform and an alleged agreement between the former owners and US Fish & Wildlife who provided the interpretive signage for its placement on the property and if that would still be in effect with new owners. He recommended that the Commission place the Corps of Engineers permit as a condition of the CUP permit before they proceed. Mr. Armstrong thanked Public Works Director Keiser again for her suggestion of Doyon providing the viewing platform as part of the right of way vacation.

Jeff Middleton, Fritz Creek resident, stated he has lived here all his life and recounted an experience when there was work being done at the airport and on the property in question there were a lot of stumps and nasty stuff but he walks the Spit and came across around that corner from Kachemak Drive pretty much every day in the summertime and sometimes there are as many as ten vehicles backed up at that intersection. He then questioned having a restaurant and where are the people expected to come from to eat at the restaurant, stating that he won't be eating there, he has friends who have restaurants. Mr. Middleton then expressed concerns on the impact of cruise ships on a community; questioned how much money will actually stay in the community, if, referring to the applicant, they are going to bring in cruise ship passengers.

Dr. William J Marley, Sr., retired, city resident, welcomed Doyon Limited and thanked them for making the presentation. He stated that he has had an interest in a winter time economy for a number of years and supported Homer having a convention and community center. He then raised the issue of the proposed project being in a tsunami zone and believed that would be terribly vulnerable and also in the path of the airport. He then recalled the experience of an airplane falling short of the runway and the terrible impacts of that accident in 1987. Mr. Marley commented that Homer was growing and will continue to grow and that will mean more air traffic and bigger planes and he would hate to see something similar to 9/11, an airplane crashing into a hotel full of people.

Rika Mouw, city resident on Kachemak Drive, expressed her disappointment regarding the availability of materials prior to the meeting, astonishment that the Planning Department has been working with Doyon for well into a year with no public engagement whatsoever; the use of the vacant lot for employee housing, excavating an entire slope right to the coastline which would require fill and a retaining wall. She urged the Commission to give public the civic courtesy and attentive study necessary for the best possible outcome for this project, move at the pace of trust as anything less will be met with resistance, hard feelings, division and that is just a source of bad planning.

Tammy Schrader, non-resident, Homer area resident, stated that she attempted to review over 550 pages today and commented that it was impressive. She noted the following points as concerns: Employees will be seasonal and from out of state, use of local construction companies or Doyon companies to perform the work; impacts of the added traffic to Ocean Drive and that the TIA did not reflect actual summer traffic since it was done in September not July, concerns on the chemicals that were reported in the soil samples and proposed mitigation to deal with those highly toxic chemicals; how will that affect neighboring property owners when those chemicals are exposed; Stormwater and swales construction, Doyon proposes underground diversion but she questioned what would be in the water, then questioned how that usage will impact the water and sewer rates, how the additional consumption will affect the supply. Ms. Schrader then noted that in providing short term rentals they will be impacting existing businesses from locals who augment their income.

Chair Smith then interrupted the Public Hearing testimony to ask Public Works Director Keiser her response to the water usage and rate question.

Public Works Director Keiser responded that she had no concerns of meeting the increased demand and stated that the city infrastructure had the ability to handle the additional load and it would actually decrease costs to existing customers. She did express concerns over the reported alleged chemicals and acknowledged that she did not review those chemical characteristics thoroughly and will go back over those reports.

Chair Smith proceeded with the Public Hearing.

Glenn Seaman, resident of Bay Avenue, focused his comments on the CUP application noting they were told they could comment on the other items later in the agenda. He expressed concerns for the extensive construction and the proximity to the water at high tide and the nesting areas and that the proposal lacked consideration for the habitat.

Chair Smith noted that the Commission will hear the next testimonial and then will be required to address extension of the meeting time.

Scott Adams, city resident, expressed his dissatisfaction over how little the public has been involved in the development of this project, allowing a building of the proposed height in the location; the traffic analysis being done in September, a shoulder season, noting the incorrect times for high traffic periods in Homer and that it should have been done in June, July and August, when you can't turn left from Kachemak Drive onto Homer Spit Road because of the line of traffic. He then posed the question of adding a left turn into the hotel by vehicles leaving the spit; vacating the right of way was not beneficial but if this is approved there should be a natural buffer and he advocated for a 50-75 feet to leave the trees since a 6 foot fence doesn't offer a buffer.



Chair Smith noted that the options available to the Commission as recommended by the City Attorney: Continue the Public Hearing to the next meeting or they can move to continue the meeting to a specific time tonight.

VENUTI/HIGHLAND MOVED TO CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR MEETING.

HIGHLAND MOVED TO CONTINUE THE PUBLIC HEARING TONIGHT TO ALLOW THE PUBLIC PRESENT TO PROVIDE THEIR TESTIMONY ON THE DOYON CONDITIONAL USE PERMIT.

The Clerk advised the Commission that there are three additional items scheduled for Public Hearing and that they would need to be addressed tonight due to time requirements.

The Clerk responded to the Chair that they could schedule a special meeting in December if they desired.

Chair Smith confirmed that there were at least 12 more people who wished to testify on CUP 23-08 which would take an additional 40 minutes.

The Clerk clarified that the Commission can take a few different actions such as recommended by the City Attorney, suspending the rules to address items on the agenda such as postponing them to the next regular or special meeting.

Chair Smith noted that there was no second to Commissioner Highland's amendment and requested the Commissioner to restate her motion.

HIGHLAND/SCHNEIDER MOVED TO AMEND THE MOTION TO CONTINUE THE DOYON CUP PUBLIC HEARING TO 11:00 P.M. TO ALLOW THE PUBLIC PRESENT TO PROVIDE TESTIMONY.

Commissioner Venuti expressed concerns regarding making good decisions after 10:00 p.m. at night.

Commissioner Conley expressed that due to the limited timeframe to acquaint themselves with the project that the next meeting will have more public comment and believed it would be in everyone's best interest to continue the meeting allowing more time. He expressed his apologies to the public that has been sitting in Chambers waiting to testify.

Commissioner Barnwell agreed with Commission Conley believing that the complicated process and the length of time he himself spent reviewing everything it would be best to give the public a better opportunity to be heard.

Commissioner Schneider agreed with Commissioner Conley, noting while he seconded the amendment to have this discussion and come to some sort of consensus, he believed that they should continue this public hearing and open and process the other CUP's and get the meeting over with.

The Clerk stated that they should use the word continue not postpone as the City Attorney was very specific that the word continue be used when making the motion.

Chair Smith clarified that there was a motion and an amendment and they would be voting on the amendment made by Commissioner Highland.

Commissioner Venuti requested the amendment to be restated.

The Clerk restated the motion: MOVED TO AMEND THE MOTION TO CONTINUE THE MEETING TO 11:00 P.M. TO ADDRESS THE PUBLIC HEARING THEN CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR MEETING.

Commissioner Stark called for a point of order asking to vote on the amendment then the amended motion.

Chair Smith noted that is what the Commission is required to do and confirmed this was the amendment that was provided by Commissioner Highland and noted that it contained the extended meeting time to 11:00 p.m. He then requested the Clerk to perform a roll call vote.

VOTE. (Amendment) NO. BARNWELL, VENUTI, SCHNEIDER, CONLEY, STARK, SMITH.  
VOTE. YES. HIGHLAND.

Motion failed.

VENUTI/HIGHLAND MOVED TO CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR MEETING.

There was a brief discussion on holding a special meeting to continue the Public Hearing. The Clerk clarified that it was possible.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Stark questioned if it would be appropriate to have Doyon respond to the public comments made tonight.

Chair Smith deferred to the Clerk.

Deputy City Clerk Krause clarified that motions to continue rebuttal for the applicant and staff were required.

BARNWELL/VENUTI MOVED TO CONTINUE REBUTTAL OF STAFF TO THE NEXT REGULAR MEETING

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BARNWELL/CONLEY MOVED TO CONTINUE REBUTTAL OF THE APPLICANT TO THE NEXT REGULAR MEETING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/BARNWELL MOVED TO CONTINUE THE MEETING TO 10:30 P.M.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Deputy City Clerk Krause confirmed for the Chair that they are done with the item and moving to the next item.

B. Staff Report 23-061, Application Amending Zoning Map via Ordinance

Chair Smith introduced the item and deferred to City Planner Foster.

City Planner Foster reviewed Staff Report 23-061.

Chair Smith noted the applicant was present.

Commissioner Venuti called for a point of order noting that he was under the impression that the motion previously made to continue the Doyon issue included all aspects of Doyon and he believed that many people in the audience believed that too since they departed the meeting and here they are talking about Doyon.

Chair Smith deferred to the Clerk.

Deputy City Clerk Krause reminded Commissioners that each item before the Commission scheduled for public hearing will need to be addressed by a motion to continue or they will need to hold the public hearing on that issue.

Commissioner Venuti expressed that it was unfortunate since it was not clear to him and the many people who left the meeting.

Chair Smith stated that those people who left the meeting will be able to speak at the next meeting.

Commissioner Highland requested clarification on the timing of the motion to continue and when they would make that motion.

Chair Smith stated that they are required to address the process with the report, applicant presentation, etc.

Commissioner Stark questioned if it would be appropriate to continue to applicant's presentation.

Deputy City Clerk Krause confirmed that it would be appropriate to make a motion to continue the presentation from the applicant to the next meeting.

STARK/HIGHLAND MOVED TO CONTINUE THE APPLICANTS PRESENTATION TO THE NEXT REGULAR MEETING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

STARK/HIGHLAND MOVED TO CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR MEETING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith called for a motion to continue rebuttal of testimony by staff.

BARNWELL/SCHNEIDER MOVED TO CONTINUE THE REBUTTAL OF TESTIMONY BY STAFF TO THE NEXT REGULAR MEETING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith called for a motion to continue rebuttal of testimony by the applicant.

BARNWELL/SCHNEIDER MOVED TO CONTINUE THE REBUTTAL OF TESTIMONY BY APPLICANT TO THE NEXT REGULAR MEETING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Staff Report 23-062, Vacation of B Street Right of Way South of Bay Avenue

Chair Smith introduced the item and deferred to City Planner Foster

City Planner Foster reviewed Staff Report 23-062 for the record.

Public Works Director Keiser stated that upon hearing new information, she will be doing some research, referring to a possible existing agreement about the viewing platform and believed it to be an important consideration, the possible fill on the south side if the larger lot being in violation of the Corps of Engineer's permit and the existing pedestrian path possibly in the right of way or on the adjacent property. Public Works Department is generally the keeper of city rights of way whether for motorized, non-motorized or utility use. If there is an existing non-motorized use in that right of way then the City will want to keep that non-motorized use and she urged the Commission not to take any action until Public Works provides a report of additional facts related to those issues.

Chair Smith requested a motion to continue the applicant's presentation to the next meeting.

STARK/SCHNEIDER MOVED TO CONTINUE THE APPLICANT'S PRESENTATION TO THE NEXT REGULAR MEETING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith requested a motion to continue the Public Hearing.

STARK/SCHNEIDER MOVED TO CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR HEARING.

There was a brief discussion on the process at the next meeting with staff providing additional information and the time was winding down on the extension and they still haven't addressed the other CUP's.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith requested motion to continue rebuttal of testimony from staff and the applicant.

BARNWELL/SCHNEIDER MOVED TO CONTINUE REBUTTAL OF TESTIMONY BY STAFF TO THE NEXT REGULAR MEETING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BARNWELL/SCHNEIDER MOVED TO CONTINUE REBUTTAL OF TESTIMONY BY THE APPLICANT TO THE NEXT REGULAR MEETING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. Staff Report 23-063, Request for Conditional Use Permit CUP 23-09, More than One Building at 1149 Virginia Lynn Way

Chair Smith introduced the item by reading of the title and deferred to City Planner Foster.

City Planner Foster inquired if it was the Commission's intent to continue the next three Conditional Use Permits or address them tonight.

Chair Smith confirmed for the City Planner, after a brief discussion and with the consensus of the Commission that since the Doyon items were continued to the next regular meeting, the Commission would be in the same situation if they continued these items to the next meeting as well. He further noted that the applicant has expressed a preference to address the items tonight.

Chair Smith called for a motion to extend the meeting to 11:00 p.m.

SCHNEIDER/HIGHLAND MOVED TO EXTEND THE MEETING TO 11:00 P.M.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

City Planner Foster provided a summary review of Staff Report 23-063 for the Commission. He noted that this action was started in May of 2023, then Council amended the zoning code in August, that made the action a conditional use. He noted the aerial views provided in the packet stating that it appears there has been recent construction; the similar layout for all three projects.

Public Works Director Keiser provided information on water and sewer connections and that with the required setbacks the property was tightly constrained and recommended a preconstruction survey requirement to ensure the buildings were being constructed outside the setbacks.

Paul Heuper, applicant and property owner, commented that the City Planner did an excellent job representing the project and he was available for any questions. He expressed his appreciation for the willingness of the Commission to address this item at this meeting.

Chair Smith opened the Public Hearing.

Kathy Beachy, city resident and property owner, related her involvement in the development of the neighborhood, she expressed concerns for density, and the lack of available parking.

Scott Adams, city resident, expressed concerns on the density, and commented that there is already construction being conducted without a permit, and questioned if there are there covenants for that subdivision.

Chair Smith closed the Public Hearing seeing no further members of the public wishing to testify and opened the floor to questions from the Commission.

City Planner Foster and Public Works Director Keiser facilitated discussion and provided responses on the following:

- Survey requirement before construction to assure that the project is built where it should be and then a survey submitted with the Asbuilt to ensure that it was built where it should be
  - o Clarification that if the Commission intends on approving this action they would need to add it as a condition.
  - o It was noted that there is nothing in Homer City Code to require this condition
- City has an inspector for driveway and water and sewer permits and could add that to the review since they would be out there on site
- The drawings are conceptual for the Conditional Use Permit
  - o Permits for the driveway are already in place
  - o percentage of the lot coverage with the number of proposed buildings
    - Title 21 UR Dimensional requirements is 7500 sq. ft. this lot is 14,000 sq. ft.
    - Single Family and Duplex are proposed
    - Maximum percentage only applied to Multi-family

There were no additional questions.

Chair Smith offered the applicant the rebuttal.

Mr. Hueper provided the total square footage of the lot was 14,280 and it was professionally surveyed and they will do their very best to honor the placement of those stakes.

Commissioner Highland noted that they needed to extend the meeting time.

HIGHLAND/SCHNEIDER MOVED TO CONTINUE THE MEETING TO 11:30 PM

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/SCHNEIDER MOVED TO ADOPT STAFF REPORT 23-063 AND APPROVE CONDITIONAL USE PERMIT 23-09 WITH FINDINGS 1-10 AND CONDITIONS ONE AND TWO.

1. SUBMIT A US ARMY CORPS OF ENGINEERS PERMIT WITH THE ZONING PERMIT APPLICATION.
2. OUTDOOR LIGHTING MUST BE DOWNLIT PERHCC 21.59.030 AND THE COMMUNITY DESIGN MANUAL.

Discussion ensued on the staking, wetlands and clarification provided on the changes in the density of the district; intended use is long term not short term rentals, clarification that urban residential is moderately dense residential development as opposed to low density.

Commissioners expressed concerns with Safety and emergency services access to the structures, especially those in the rear of the property.

Public Works Director Keiser assured the Commission that there were no issues with water and sewer as both services were available.

Chair Smith called for the Clerk to restate the motion.

HIGHLAND/SCHNEIDER MOVED TO ADOPT STAFF REPORT 23-063 WITH FINDINGS 1-10 AND CONDITIONS 1 & 2.  
1. SUBMIT ARMY CORPS OF ENGINEERS PERMIT WITH ZONING PERMIT APPLICATION  
2. OUTDOOR LIGHTING MUST BE DOWN LIT PER HCC 21.59.030 AND THE COMMUNITY DESIGN MANUAL

Discussion ensued with Commissioners expressing concerns regarding the following:

- Wetlands
- Construction of more structures than expected
- Code amendments that were approved by the Commission regarding density in the seven districts, and Council bringing about the revision to once again requiring a CUP for more than one.
- Intended purpose if for long term rentals
- Potential for increased traffic in a neighborhood adding all these units
- Affecting the value of neighboring property is subjective since it is zoned urban residential, so it is for more moderate density compared to rural residential
- Parking allowed in the setback
- Fire safety/access to the rear structures from the roadway since there are no driveways to those structures
- Applicant expressed he would consider reducing the number of structures on each parcel
- Pathways and driveways are allowed with setbacks
- Property has existing driveway permits

SCHNEIDER/HIGHLAND MOVED TO EXTEND THE MEETING TIME TO MIDNIGHT.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CONLEY/SCHNEIDER MOVED TO SUSPEND THE RULES TO SUSPEND THE RULES TO ALLOW THE APPLICANT TO SPEAK.

Mr. Heuper clarified for the record that he had no verbal or written agreement with his neighbors on the usage of his lots, they did not ask him what he planned. He further stated that the testimony provided by his neighbor was at best hearsay and did not reflect what transpired. He did propose two scenarios and neither were acceptable to his neighbors and as far as views are concerned there are no guaranteed rights to viewshed in city code. He then noted that the street was built to city code and was done by Arno Construction.



Mr. Hueper responded to Commissioner Highland that there is a plan that was submitted with the Zoning Permit. He did note that it is probably 150 feet to pull hoses.

City Planner Foster noted that they do not have Building Code and for residential the Fire Department can look at projects for this type of access and reiterated that they can add a condition that at Zoning Permit Review they have the Fire Department Review the plans to see if their equipment would have any access issues to the planned development.

Chair Smith noted that they have two other items on the agenda and those can be done by summary review since they are the same. He then asked if there was any additional discussion on the motion.

Deputy City Clerk Krause restated the motion for the record: MOVE TO ADOPT STAFF REPORT 23-063 AND APPROVE CUP 23-09 WITH FINDINGS AND CONDITIONS.

HIGHLAND/SCHNEIDER MOVED TO AMEND THE MOTION TO STATE FINDINGS 1-10 AND CONDITIONS 1 & 2.

There was a brief discussion on additional amendments.

VOTE (Amendment). NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/VENUTI MOVED TO ADD CONDITION THREE TO REQUIRE FIRE DEPARTMENT COMMENTS AND CONDITION FOUR ENSURE THAT PARKING LOT IS ALLOWED IN THE SETBACK.

There was no discussion.

VOTE (Amendment). NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith stated that brings the main motion Adopting Staff Report 23-063 and Approving CUP 23-09 as amended before the Commission.

Commissioner Highland expressed concerns with the number of structures.

Chair Smith stated that a roll call vote will be performed and requested the Clerk to call the roll. He confirmed with the Clerk that if the Commissioners vote no they should list their findings for their denial.

City Planner Foster interjected that it would be a best practice to through discussion and deliberation to provide them with the decision as opposed to referencing back in the discussion.

Chair Smith noted that the criteria being part of the evaluation within the Staff Report to evaluate the financial impact of neighboring lots is completely subjective, but still a part of the report, is it required by law to have it in the report then why is that not something that the Commission can evaluate outside of code. This is another example of public comment versus public hearing.

City Planner Foster agreed stating that it was tough and maybe when they are updating the zoning code the Commission can review these types of items. But as stated previously rule of thumb is if it was a use such as heavy industrial, which would be an incompatible use in urban residential then there would be an economic impact to the value and that is the scale and kind of analysis that is typical. They do not use property values and or assessments. He then noted that in the conditional use process there is a lot of criteria and it is not necessarily a punch list, it is not necessary for every project to be 100% but it is up to the Commission and each Commissioner to determine if there is one or more criteria to make your decision. Whether it is multiple small issues or one larger issue. Mr. Foster stated that it was good form to include the reason to back the vote whether for or against the permit.

Commissioner Conley noted that there is some subjective opinion on this and requested the City Planners thoughts on citing the comprehensive plan versus city code.

City Planner Foster stated that it is considered when going through the review criteria and this does have consideration and it is included as an attachment, he noted that city code and the comprehensive plan are the go to criteria that the commission has when considering conditional use permits.

Commissioner Conley noted that if they are spending so much time talking about this action obviously the amount of structures on a small lot is front and center and there is nothing in city code that clearly disallows it, he did note that there were a few items on page 559 of the packet that reference the Comp Plan that they can reference. He continued expressing that this may bring about a mixed vote and as a Commission they are supposed to operate as a whole so recommended everybody to consider items listed when making their votes.

Further discussion ensued on the commissions concerns regarding adjoining property being affected negatively greater than that anticipated from other permitted or conditionally permitted uses in the district.

VOTE. NO. CONLEY, BARNWELL, VENUTI, HIGHLAND, SCHNEIDER, STARK, SMITH

CITING THE PROJECT DID NOT MEET:

- a. OBJECTIVE C - MAINTAIN HIGH QUALITY RESIDENTIAL NEIGHBORHOODS; PROMOTE HOUSING CHOICE BY SUPPORTING A VARIETY OF DWELLING OPTIONS.
- b. CRITERIA C, FINDING 3, THAT THE PROPOSAL WILL CAUSE UNDO HARMFUL EFFECT UPON DESIREABLE NEIGHBORHOOD CHARACTER.
- c. INCONSISTENT WITH GOAL 2, MAINTAIN THE QUALITY IF HOMER'S NATURAL ENVIRONMENT AND SCENIC BEAUTY. OBJECTIVE C PROVIDE EXTRA PROTECTION FOR AREAS WITH HIGHEST ENVIRONMENTAL VALUE OF DEVELOPMENT CONSTRAINTS.
- d. GOAL 1 GUIDING HOMER'S GROWTH WITH A FOCUS ON INCREASING THE SUPPLY AND DIVERSITY OF HOUSING, PROTECT COMMUNITY CHARACTER, ENCOURAGING INFILL AND HELPING MINIMIZE GLOBAL IMPACTS OF PUBLIC FACILITIES INCLUDING LIMITING GREENHOUSE GAS EMISSIONS
- e. GOAL 3 ENCOURAGE HIGH QUALITY BUILDINGS AND SITE DEVELOPMENT THAT COMPLEMENT HOMER'S BEAUTIFUL NATURAL SETTING.

Motion failed.

A brief discussion was facilitated by the City Planner regarding the Commission providing the findings for the decisions and findings document. He confirmed that the document will be drafted by staff and presented at the next meeting for the Commission to adopt. Any amendments can be made at that time by the Commission.

Commissioner Highland inquired if the Commission was intending to address the other two applications or continue them to the next meeting.

Chair Smith deferred to the Clerk.

Deputy City Clerk Krause explained that the Commission can make a motion to continue the next two Conditional Use Permit Applications in the same manner that they handled the previous CUP. The Chair can introduce the items by reading the title and then request a motion to continue the Public Hearing then request a motion to continue rebuttal of the testimony by staff and the applicant. These items will then be on the agenda for the next meeting following the Doyon items.

Further discussion by the Commission questioning if they can request the applicant to bring back a project that is less than the proposed. It was determined that the best course of action would be to continue and follow the City Planner's recommendations.

Commissioner Highland noted that the meeting time needed to be extended.

Chair Smith requested a motion to extend the meeting to 12:30 a.m.

CONLEY/HIGHLAND MOVED TO EXTEND THE MEETING TO 12:30 A.M.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Schneider requested a five minute recess.

Chair Smith called for a brief recess at 12:00 a.m. The meeting was called back to order at 12:08 a.m.

E. Staff Report 23-064, Request for Conditional Use Permit CUP 23-10, More than one building at 1161 Virginia Lynn Way

Chair Smith introduced the item by reading of the title and deferred to City Planner Foster.

City Planner Foster acknowledged the late hour and stated that there were some differences in the report for this application from the previous action and as it was a separate action should have the Staff Report provided in its entirety for the record. He reviewed Staff Report 23-064 for the Commission. He noted the public comments received were provided in the supplemental packet.

Paul Hueper, applicant agreed with the report provided by the City Planner and was available for questions.

Chair Smith opened the public hearing.

Scott Adams, city resident, expressed concerns on the narrowness of the property, the size of the parking lot and the typical size of a fire truck and the possibility of dragging fire hoses more than 100 feet. He then commented on the placement of the structures and if that would be too close allowing fire to spread. He commented that in review of city code 21.55.030 parking in the setback is permitted and stated that it is a parking lot and not a driveway and questioned if it is still permitted.

Chair Smith closed the public hearing seeing no further members of the public wanting to provide testimony. He opened the floor to questions from the Commission.

Commissioner Highland asked the applicant if he would be willing to go back and redesign his project with less dwellings if it were denied.

Mr. Hueper responded that he would be willing to work with the City Planner to figure it out.

Chair Smith requested a motion and second hearing no further questions from the Commission.

HIGHLAND/SCHNEIDER MOVED TO ADOPT STAFF REPORT 23-064 AND APPROVE CONDITIONAL USE PERMIT 23-10 WITH FINDINGS ONE THROUGH 10 AND CONDITIONS ONE AND TWO.

Commissioner Highland stated that she will be voting this action down for the same reason as the prior one.

VOTE. NO. HIGHLAND, VENUTI, BARNWELL, SCHNEIDER, CONLEY, STARK, SMITH

CITING THE PROJECT DID NOT MEET:

- a. FINDING 6 - THE PROPOSAL WILL CAUSE UNDUE HARMFUL EFFECT UPON NEIGHBORHOOD CHARACTER.
- b. INCONSISTENT WITH GOAL 1, OBJECTIVE C, OF THE COMPREHENSIVE PLAN - MAINTAIN HIGH QUALITY RESIDENTIAL NEIGHBORHOODS; PROMOTE HOUSING CHOICE BY SUPPORTING A VARIETY OF DWELLINGS.
- c. INCONSISTENT WITH GOAL 2, OF THE COMPREHENSIVE PLAN - MAINTAIN THE QUALITY IF HOMER'S NATURAL ENVIRONMENT AND SCENIC BEAUTY. OBJECTIVE C PROVIDE EXTRA PROTECTION FOR AREAS WITH HIGHEST ENVIRONMENTAL VALUE OF DEVELOPMENT CONSTRAINTS.
- d. INCONSISTENT WITH GOAL 1 OF THE COMPREHENSIVE PLAN - GUIDING HOMER'S GROWTH WITH A FOCUS ON INCREASING THE SUPPLY AND DIVERSITY OF HOUSING, PROTECT COMMUNITY CHARACTER, ENCOURAGING INFILL AND HELPING MINIMIZE GLOBAL IMPACTS OF PUBLIC FACILITIES INCLUDING LIMITING GREENHOUSE GAS EMISSIONS
- e. INCONSISTENT WITH GOAL 3 OF THE COMPREHENSIVE PLAN - ENCOURAGE HIGH QUALITY BUILDINGS AND SITE DEVELOPMENT THAT COMPLEMENT HOMER'S BEAUTIFUL NATURAL SETTING.
- f. THE PROPOSAL DOES NOT COMPLY WITH CRITERIA C OF THE ANALYSIS AND DOES NEGATIVELY AFFECT NEIGHBORING PROPERTIES GREATER THAN ANTICIPATED FROM PERMITTED OR CONDITIONALLY PERMITTED USES.

Motion failed.

- F. Staff Report 23-065, Request for Conditional Use Permit CUP 23-11, More than one building at 1177 Virginia Lynn Way

Chair Smith introduced the item by reading of the title and deferred to City Planner Foster.

City Planner Foster reviewed Staff Report 23-065 in its entirety for the Commission.

Chair Smith requested a motion to extend the meeting.

HIGHLAND/SCHNEIDER MOVED TO EXTEND THE MEETING TO 1:00 AM

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mr. Hueper, applicant, stated for the record that he was in agreement with the City Planner's report and available for questions.

Chair Smith opened the public hearing. Seeing no members of the public coming forward to provide testimony he closed the public hearing and opened the floor to questions from the Commission for staff and the applicant.

There were no questions from the Commission.

Chair Smith requested a motion and second.

SCHNEIDER/HIGHLAND MOVED TO ADOPT STAFF REPORT 23-065 AND RECOMMEND APPROVAL OF CUP 23-11 WITH FINDINGS 1-10 AND CONDITIONS 1 AND 2.

There was no discussion.

VOTE. NO. VENUTI, BARNWELL, SCHNEIDER, STARK, CONLEY, HIGHLAND

CITING THE PROJECT DID NOT MEET:

- a. FINDING 6 - THE PROPOSAL WILL CAUSE UNDUE HARMFUL EFFECT UPON DESIREABLE NEIGHBORHOOD CHARACTER.
- b. INCONSISTENT WITH GOAL 1, OBJECTIVE C, OF THE COMPREHENSIVE PLAN - MAINTAIN HIGH QUALITY RESIDENTIAL NEIGHBORHOODS; PROMOTE HOUSING CHOICE BY SUPPORTING A VARIETY OF DWELLINGS.
- c. INCONSISTENT WITH GOAL 2, OF THE COMPREHENSIVE PLAN - MAINTAIN THE QUALITY IF HOMER'S NATURAL ENVIRONMENT AND SCENIC BEAUTY. OBJECTIVE C PROVIDE EXTRA PROTECTION FOR AREAS WITH HIGHEST ENVIRONMENTAL VALUE OF DEVELOPMENT CONSTRAINTS.

- d. INCONSISTENT WITH GOAL 1 OF THE COMPREHENSIVE PLAN - GUIDING HOMER'S GROWTH WITH A FOCUS ON INCREASING THE SUPPLY AND DIVERSITY OF HOUSING, PROTECT COMMUNITY CHARACTER, ENCOURAGING INFILL AND HELPING MINIMIZE GLOBAL IMPACTS OF PUBLIC FACILITIES INCLUDING LIMITING GREENHOUSE GAS EMISSIONS
- e. INCONSISTENT WITH GOAL 3 OF THE COMPREHENSIVE PLAN - ENCOURAGE HIGH QUALITY BUILDINGS AND SITE DEVELOPMENT THAT COMPLEMENT HOMER'S BEAUTIFUL NATURAL SETTING.
- f. THE PROPOSAL DOES NOT COMPLY WITH CRITERIA C OF THE ANALYSIS AND DOES NEGATIVELY AFFECT NEIGHBORING PROPERTIES GREATER THAN ANTICIPATED FROM PERMITTED OR CONDITIONALLY PERMITTED USES.

Motion failed.

### **PLAT CONSIDERATION**

- A. Staff Report 23-066, Bayview Subdivision Lighthouse Village Replat Preliminary Plat

Chair Smith Introduced the item by reading of the title and deferred to City Planner Foster.

City Planner Foster stated that this item can be postponed to the next regular meeting and still be within the required deadlines. He inquired the intent of the Commission.

Chair Smith requested a motion and second to continue to the next meeting.

HIGHLAND/SCHNEIDER MOVED TO CONTINUE THE BAYVIEW SUBDIVISION LIGHTHOUSE VILLAGE REPLAT PRELIMINARY PLAT TO THE NEXT REGULAR MEETING ON JANUARY 3, 2024.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PENDING BUSINESS**

### **NEW BUSINESS**

### **INFORMATIONAL MATERIALS**

- A. 2024 Commission Annual Calendar
- B. City Manager's Reports  
CM Report for City Council Meeting on November 13, 2023  
CM Report for City Council Meeting on November 27, 2023
- C. Article from Planning Magazine Fall 2023 Issue:  
To plan for the Future Imagine the Future

- D. City of Homer Monthly Newsletter  
December 2023 Issue

### **COMMENTS OF THE AUDIENCE**

Scott Adams, city resident, expressed concerns on the lack of comments from the Fire Department and opined that the timeline was pushed through with only a paper copy available at City Hall prior to the Friday before the meeting online for a project this size being unacceptable and does not offer the public time to review in its entirety. The size of this project, a new grocery store should have been allowed. The people who moved to Homer didn't envision what Homer is being developed into. Mr. Adams then commented on the years he has advocated for paved roads and sidewalks and there are subdivisions with neither. He reiterated his belief that the traffic analysis was biased referring to specific times that traffic increases and decreases, trying to imagine how it will look when someone is trying to turn left into the new hotel when leaving the Spit if there is no turn lane provided. He then wished the Commission a Happy New Year.

Paul Hueper, city resident, commented on the Doyon proposal and the applicants and believed it was a great project and believed that they are a great organization but felt that in their presentation and the quality of their work it shows. He agreed that there were a few things to be looked at traffic related and living off of Ocean Drive he knows how difficult it can be but believed it has gotten better since the installation of another traffic light. Homer's growth is going to happen and the easement will get worked out and he opined that this was a project that was well funded and should be supported.

### **COMMENTS OF THE STAFF**

City Planner Foster stated that the Planning Department follows the notification requirements and these are taken seriously. He acknowledged the size of the project and empathized with the abundance of the documents and information to review and look at but there are deadlines that applications, whether it is a preliminary plat or vacation the Commission must review them within specific timeframes.

Deputy City Clerk Krause commented that this was a first and wished all Merry Christmas and Happy New Year.

Public Works Director Keiser stated that it was not her last meeting with the Commission and she will be at the January 3<sup>rd</sup> meeting in response to Commissioner's questions. She noted that it was her birthday as well in response to Chair Smith and Commissioner Venuti.

### **COMMENTS OF THE MAYOR/COUNCIL MEMBERS**

### **COMMENTS OF THE COMMISSION**

Commissioner Highland commented that this was first for her to attend a meeting this late. She cautioned Ms. Krause and Mr. Foster to drive safe home and wished everyone a Merry Christmas and Happy New Year.

Commissioner Venuti commented that it was a very long meeting and thanked everyone for serving. He questioned if it really was Chair Smith's birthday as he was the second person who has the same birthday in all his years. He wished everyone a wonderful holiday and he will see everyone in January.

Commissioner Stark commented that they had a lot of substantive input and feedback from Commissioners, the Clerk, Staff and the public which was really appreciated. It is all part of the process to come to the best result. He expressed his appreciation for their patience and perseverance. He wished everyone a very Merry Christmas and Happy New Year.

Commissioner Conley took his hat off to City Planner Foster noting the packet of materials that were provided and thanked him for the guidance provided to the Commission. He thanked Doyon for the information and the work that they have done with this proposal and he appreciated their patience as this was a lot to get through. He expressed his appreciation for Mr. Hueper attending the entire meeting and willingness to hang in there. He wished everyone a Merry Christmas and Happy New Year and wished a Happy Birthday to Commissioners Smith and Venuti and Public Works Director Keiser and he will see everyone on January 3<sup>rd</sup>.

Commissioner Schneider wished everyone a Merry Christmas and Happy New Year and thanked everyone for hanging out for a very long meeting including those in the gallery. He wished those compatriots a very Happy Birthday and noted it was not his birthday.

Commissioner Barnwell wished Commissioner Smith, Venuti and Public Works Director Keiser a happy birthday. He then provided comment on the packet materials and especially the reports provided by Doyon and then noted that it would be better to address the impact on habitat and the wetlands should be addressed; also the right of way issues on B Street.

Chair Smith warned the Commissioners regarding ex parte communication as the public will be coming at them and they need to be very guarded. He then complimented the Clerk and City Planner on the production and distribution of the packet and materials that were provided for this meeting. He wished them safe travels home tonight.

#### ADJOURNMENT

There being no further business Chair Smith adjourned the meeting at 1:00 a.m. The next Special Meeting is on Wednesday, January 3, 2023 at 5:30 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

Renee Krause  
RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

Approved: January 3, 2024