



City of Homer

www.cityofhomer-ak.gov

Planning
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Memorandum

Agenda Changes/Supplemental Packet

TO: PLANNING COMMISSION
FROM: RENEE KRAUSE, DEPUTY CITY CLERK II
DATE: DECEMBER 6, 2023
SUBJECT: SUPPLEMENTAL

CONSENT AGENDA

- A. Unapproved Regular Meeting Minutes for November 1, 2023

Corrected Unapproved Regular Meeting Minutes for November 1, 2023

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.
- B. Staff Report 23-061, Application Amending Zoning Map via Ordinance
- C. Staff Report 23-062, Vacation of B Street Right of Way South of Bay Avenue

Map of Project Components **page 7**

Public Comments Received **page 8**

- D. Staff Report 23-063, Request for Conditional Use Permit CUP 23-09, More than One Building at 1149 Virginia Lynn Way
- E. Staff Report 23-064, Request for Conditional Use Permit CUP 23-10, More than one building at 1161 Virginia Lynn Way
- F. Staff Report 23-065, Request for Conditional Use Permit CUP 23-11, More than one building at 1177 Virginia Lynn Way

Public Comment Received **page 29**

CALL TO ORDER

Session 23-17, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on November 1, 2023 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar. A worksession was held at 5:30 p.m. On the agenda was a discussion on the development of a Strategic Plan document for the Commission.

PRESENT: COMMISSIONERS HIGHLAND, BARNWELL, SMITH, SCHNEIDER AND VENUTI

ABSENT: COMMISSIONERS STARK AND BARNWELL (EXCUSED)

STAFF: CITY PLANNER FOSTER, DEPUTY CITY CLERK PETTIT

AGENDA APPROVAL

Chair Smith requested a motion and second to approve the agenda.

SCHNEIDER/CONLEY MOVED TO APPROVE THE AGENDA.

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).

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 Regular Meeting Minutes of October 4, 2023

SCHNEIDER/VENUTI MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PRESENTATIONS / VISITORS

REPORTS

A. Staff Report 23-058, City Planner's Report

City Planner Foster reviewed Memorandum PC 23-058 for the Commission. He spoke to the following items:

- Council failed Ordinance 23-21(S)(A), it is expected to come back to the Planning Commission regarding the Commission's comments regarding the ordinance within the Title 21 update.
- Council adopted Resolution 23-119, this resolution outlines the creation of a steering committee to aid in the guidance of developing the comprehensive plan and zoning code update. It is to be created by resolution which will outline the duties of the committee and should be presented and adopted at the November 27th Council meeting. There should be at least one Planning Commissioner seat on the Committee. This will be advertised for the membership of that committee.
- The City Planner will be working with the consultant to create and develop a public outreach plan. he noted that it is expected to have a lot of public outreach events.
- The Draft Transportation Plan will be presented at a worksession in January then a regular meeting.
- A possible Conditional Use Permit will be presented at the December 6th meeting.
- ~~Commissioner Venuti explained¹~~

City Planner Foster responded to questions from the Commissioners on the following:

- hiring status for vacancies within the Planning Department
- the lack of business items on the Planning Commission's agenda
- How he is fulfilling and addressing the requirements of the Planning Department, processing applications, permits, and etcetera.
- Scheduling worksessions to address the items that the Commission wants to address such as the Comprehensive Plan, Strategic Plan, and visioneering.
 - Chair Smith and Commissioner Conley will be meeting with Ms. Engebretsen to set a structure for the visioneering. This will be brought before the full commission at a future meeting. Due to Open Meetings Act they are limited in the number of Commissioners allowed to meet with Staff.

¹ Bullet point deleted as topics were addressed below

- The recommendations made by the Commission to City Council on Ordinance 23-21(S)(A) will be coming back to the Commission to rework and submit a new ordinance to city council regarding developers commitments to the city.
 - o It is strongly recommended that Councilmembers Erickson and Davis attend those meetings to participate in the discussions.

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

NEW BUSINESS

- A. 2024 Meeting Schedule

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

City Planner Foster noted the memorandum from the City Clerk, he stated that he has based the Commission's meeting schedule off of the dates in the draft resolution. He further noted that this is the time that the Commission can make any changes to their meeting schedule.

City Planner Foster facilitated a brief discussion on the following:

- Commissioner Training during the Annual Planning Conference in February

SCHNEIDER/CONLEY MOVED TO ADOPT THE 2024 REGULAR MEETING SCHEDULE AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. 2023 Commission Annual Calendar
- B. City Manager's Report October 9, 2023 Council Meeting
- C. City Manager's Report October 23, 2023 Council Meeting

Chair Smith noted the informational materials in the packet.

Commissioner Schneider volunteered to make the November 13, 2023 report to City Council.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

City Planner Foster and Deputy City Clerk Pettit had no comments.

COMMENTS OF THE MAYOR/COUNCIL MEMBERS

Mayor Castner reported on a Zoom meeting he attended with Public Works Director Keiser and Parks & Trails Planner Steffy discussing the proposed underpass for the pedestrian trail to connect to Diamond Creek. in which there is a lot of interest in doing, but that there are a lot of impediments to the project. Mayor Castner then addressed the proposed steering committee the City Planner mentioned, he wanted some stop and go things in the Agnew Beck agreement since it was a three year project and he believed that there were items within Title 21 that could not wait for three or five years and he believed that the process of writing code takes some time and some items may need to be addressed sooner rather than later. He then responded to Commissioner Highland's question of what happens to the existing Comp Plan, it remains the adopted plan until the new proposed plan is adopted. The recommendations in the existing Comp Plan are still waiting to be addressed at any time. He did not think that a lot of things would be changing. He believed that the sentiments of slow growth in Homer are the same today as they were 40 years ago, let alone 20 years and wanting to make sure that when all of a sudden they were not waiting for this new and improved comprehensive plan, which he opined would be an impediment to having a new and improved Homer.

Mayor Castner provided comment that he has seen some previous projects that Agnew Beck worked on, noting that they are a top notch group, they do not produce bad reports, well researched, have huge databases and probably have a database of everybody's code in Alaska sitting there so that they can compare and contrast code analysis for Homer. He commented further that the planning item that failed at Council failed because Council wants this Commission to pick it up and perfect it. The Borough has accepted the fact that the city would like to have a very restrictive planning requirement coming in at the front of the planning process, that commitments are made at the front of the planning process and not negotiated later on due to the public input is at the beginning of a project and where the Planning Commission gets involved. That way the promises made by the developers can be assured. Mr. Castner continued stating that the Public Works Director and City Planner have worked through the issues in order to reach balance on getting the commitments up front to the borough planner whom actually has the authority and agreed to allow the city to do that. He further commented that Council is expecting to see it back in short order from the Commission. Mr. Castner reported that he was working on incorporating an efficiency of communication element with City Council, a work plan having champions work with staff and commissions to get things to the table faster or with more information, earlier discussions at the Council level. He encouraged the Commissions to do the same, but working in teams of two otherwise you may incur an Open Meetings Act violation. Mr. Castner inferred that he has imposed the following rule upon Council that they would never vote on a resolution or ordinance before it come before the Council under new business, in a report so that they can consider it first and not be rushed into making a decision by passing the resolution or ordinance. He continued stating that Council picked six areas, short term or near term goals and we can see how the first six work out. Right now the champions are all working in the off time and getting things done which he believed was improvement rather than just going to City Council meeting to City Council meeting.

Lastly, Mayor Castner spoke to the latest decision handed down by the Courts on a Griswold case, noting that he had the opportunity to take it back to the Supreme Court but that almost every word of the Superior Court Judge used came from prior Supreme Court decisions. He opined that Mr. Griswold would not have much luck in taking the recent one up, noting that Mr. Griswold's appeal was on that whole conditional use permits and

handling density issue as a conditional use when there really had not been any demonstration, and there was public sentiment against it. Pretty much the court said was it doesn't matter what the Mayor stated. Mayor Castner reported that the courts cited him, the Council voted five to one on this issue and that was good enough for the Superior Court. Mayor Castner stated that you have this incredible privilege of being a legislative body and what you do legislatively is going to trump everything. So if there were minor changes along the way, or confusion along the way, or anything when it went before Council and the Council legislatively passed it, that it is kind of final deal. So it is really true that you can't fight City Hall. It is getting more and more difficult to win an appeal like that on any kind of procedural grounds, but when City Council actually moves it through I just want to be really clear on and so if the Commission provides good findings, even if you do not like you findings, or change some of the findings what they do is a legislative mandate and that will be the law of the land. Mr. Castner continued stating there is some really strong language in the decision and I apologize I did not bring it with me because I would have liked to have read a couple of the paragraphs to the Commission.

COMMENTS OF THE COMMISSION

Commissioner Highland thanked the Mayor for his comments, they are always thoughtful and stated she will get that article she was referring to, to the Mayor as soon as possible. She was looking forward to continuing work here with the incredible jobs, solutions and guiding growth and expressed her thanks to the Commission.

Commissioner Venuti thanked everyone in attendance for serving tonight.

Commissioner Conley had no further comments.

Commissioner Schneider stated that it was an interesting meeting, it has been a fairly reactionary position that I have witnessed and thinking about planning and use and having visioning sessions is something that I would look forward to.

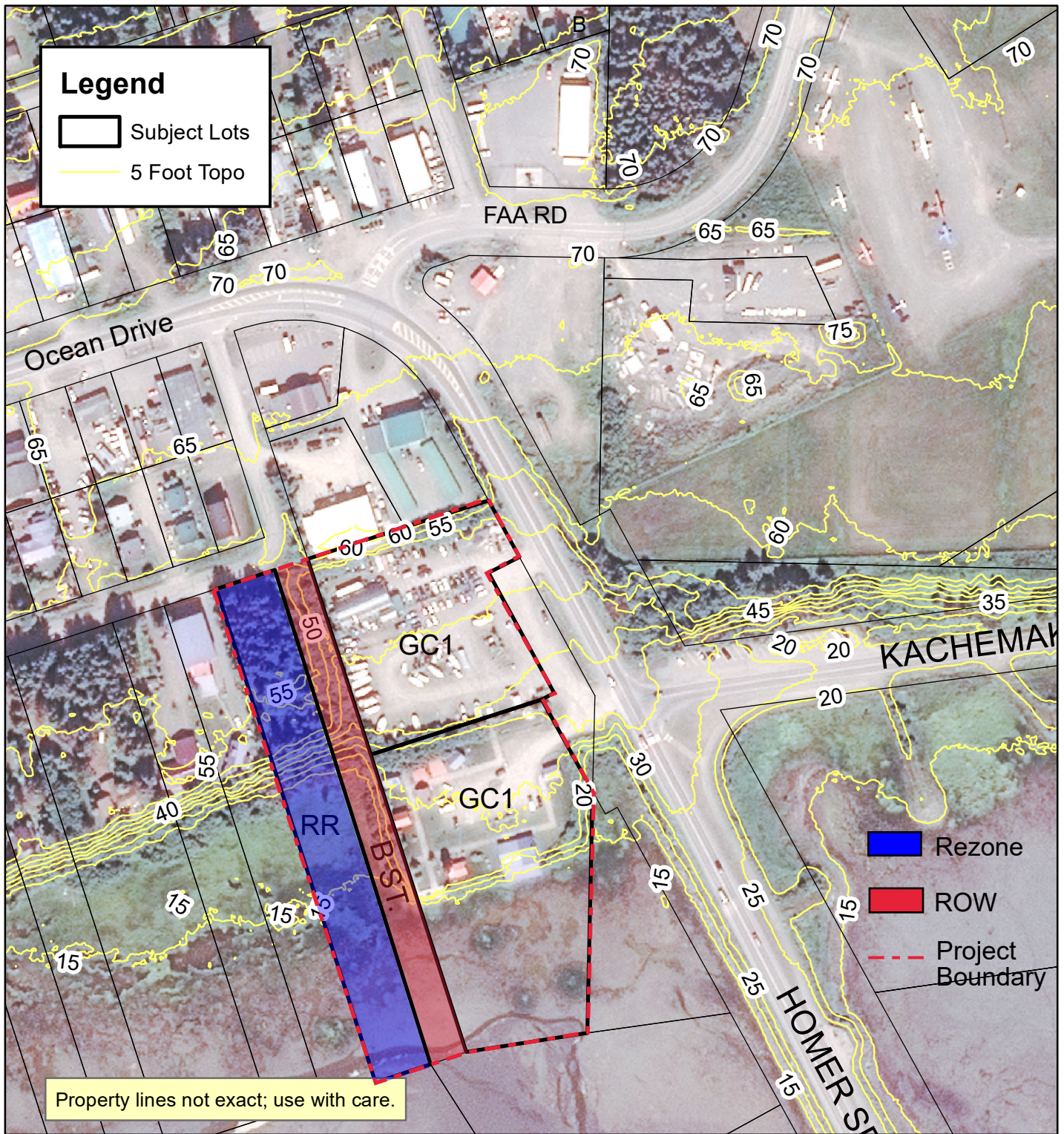
Chair Smith expressed his appreciation for all the Commissioners in attendance and the Mayor for his service as he really appreciates having him attend the meetings. He provides clarification in so many ways to the Commission and considers him an empowering Mayor, which is one thing he really appreciates about him. He will look forward to reading those paragraphs in the court decision as well. If possible he would like to see the whole decision and was sure there were others on the Commission just as interested in reading the decision. Chair Smith continued by stating he is excited about the upcoming adventures that they will be having with the proactive side of planning and believes it is a good step forward. He then wished everyone Happy Holidays.

ADJOURNMENT

There being no further business Chair Smith adjourned the meeting at 7:15 p.m. The next Regular Meeting is on Wednesday, December 6, 2023 at 6:30 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.

ZACH PETTIT, DEPUTY CITY CLERK I

Approved: _____



Legend

Subject Lots

5 Foot Topo

Rezone

ROW

Project Boundary

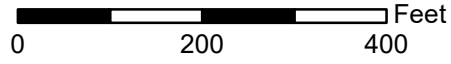
Property lines not exact; use with care.



City of Homer
Planning and Zoning Department

11/20/23

Aerial Map



Disclaimer:
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

41640 Gladys Ct
Homer, AK 99603

December 5, 2023

Homer Planning and Zoning Commission, City of Homer
491 E. Pioneer Ave.
Homer, AK 99603

Planning and Zoning Commission Members:

I am opposed to the City's approving the large DOYON Conference/Hotel project at Lighthouse Village. I urge the Planning Commission not to approve it. Please note that I am not opposed to such a facility being built, but this is not an appropriate place for it to be. I also would not be opposed if it were a smaller, more reasonable development.

Migrating birds need Mariner Lagoon. The proposed facility is too close and it would disrupt birds feeding and resting there during migration times and other times. Disruption would be caused by large numbers of people, vehicles, increased noise, and light pollution at night. Discharge of runoff water from the facility into the lagoon could also be a major problem. The lagoon is part of the Kachemak Bay WHSRN Site (Western Hemisphere Shorebird Reserve Network). On their website it says that the whole Kachemak Bay WHSRN area "supports 100,000 birds annually" and Mariner Lagoon is a part of this.

Safety should be a factor in planning. This area is within the tsunami zone and too many people concentrated right there at the base of the spit would also drastically impact the evacuation of the whole spit. And in a big way, this facility will adversely affect the traffic flow in the area, an area which is occasionally already a tangle of traffic. It should not be turned into a safety nightmare for cars, pedestrians, and bicycles.

The footprint and overall visual impact of this large facility would change--for the worse--what tourists and residents see when they begin a drive out on the spit. The clash visually of the scenic beauty of the Bay and mountains and a huge facility like this would have a significant negative impact on the "selling points" for tourists visiting our spit looking for natural beauty. This development would be unfair to businesses on the spit who have worked hard over many years to provide the goods and services out there. This facility is too big and could turn tourists off before they even start the drive out on the spit.

I urge the Planning Commission to turn this down. Do not allow this large of a facility to be built in this location.

Thank you.

Lani (Lynda) Raymond

P.O. Box 2994
Homer AK 99603

December 4, 2023

Homer Planning and Zoning Commission
City of Homer
491 E. Pioneer Avenue
Homer, AK 99603

Dear Planning and Zoning Commission Members:

I am overwhelmed with the volume of material in the packet for the December 6th meeting that will consider Doyon's Lighthouse Village Development. It is inconceivable that good decisions can be made regarding this development without adequate time to review and consider all the options and mitigations that the public might want regarding this development.

I have had a chance to skim and review portions and have come away with a sense that this development is too large for the size of the property. Despite all the glowing descriptions of how "green" this development proposal is, I find it lacking in integration with the important role this area plays in our summer visitor infrastructure, especially the Shorebird Festival. The birding platform Doyan removed was one of the very important Shorebird Viewing stations at the base of the Spit. Visitors and residents frequented that platform in early spring to watch shorebird flocks, nesting cranes, and waterfowl.

The soils report indicates the soils on lot 164B where the condo units are proposed are unsuitable for buildings, and seismic activity could cause settling. Granted Doyan could spend a lot of money to replace these substandard soils and use deep pilings to support the buildings, but perhaps a solution that would make this project better fit the green uses this area has had for years would be to not build the condos. Homer does not need more high-end residences. The density of potential people-use on this site with all the buildings makes me think the developer left out a very important aesthetic for this land and its use—open space, areas for picnic tables, walkways, interpretive signs, and a viewing platform. The whole feel of this development would fit better into the community vision of the Spit if the idea of open-space next to the estuary with connecting integrated pedestrian and bike paths were embraced by Doyan.

A willingness to contribute this part of the property to a true section of green infrastructure would likely be a good way to mitigate the vacation of B Street. It would also move Doyan into the realm of being a corporation that truly invests in green infrastructure that fits with the efforts the community is making to enhance visitors' experiences. Accessible open space next to some of the best bird viewing in Homer would also bring visitors into the hotel's restaurant.

Another concern, given that there is so little parking beyond the needs of those staying at the hotels, condos, or employee housing, are the restaurant and bars even open to the public at large beyond the company's bus clientele? If not, we certainly are not gaining a place that will cater to locals.

I hope Doyan Corporation will revise their plan to incorporate open space to help our Shorebird Festival thrive and demonstrate to their clientele that they truly believe in protecting conservation areas and do work with the community to protect its long-standing investment in this very area where they will be building.

Respectfully
Nina Faust

From: [Carssow](#)
To: [Renee Krause](#)
Subject: Written Testimony for Commission/Board Meetings
Date: Wednesday, December 6, 2023 11:01:03 AM

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

Written Testimony for the Planning Commission
Name: Kathryn Carssow Email: kcarssow@live.com
Phone: 907 3993738 Residency: City Resident Meeting
to Participate In: Planning Commission Regular
Meeting Wed, 12/06 Public Hearings - Citizens may
comment on items scheduled for public hearing when
the Presiding Officer opens the Public Hearing. Item A-
I pertaining to CUP 23-08 Lighthouse Village
development Written Testimony:

I appreciate the very thorough plan documents and staff analysis and recommendations. I support all of the staff recommended conditions, especially those recommended by Public Works. In addition, I believe there needs to be a hazard risk analysis, given the location of the development in the tsunami zone, along with an emergency evacuation analysis and plan. My concern is that in the event of a tsunami alert, the development will further compound the already heavy traffic congestion we currently

experience and, in the event of an earthquake and tsunami substantially increase the risk to life and property.

Electronic Signature: Kathryn L. Carsow Submitted on Wednesday, December 6, 2023 - 11:00am The results of this submission may be viewed at:

<https://www.cityofhomer-ak.gov/node/60481/submission/51463>

From: [Hillstrand](#)
To: [Renee Krause](#)
Subject: Written Testimony for Commission/Board Meetings
Date: Wednesday, December 6, 2023 3:20:17 PM

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

Written Testimony for the Planning Commission
Name: Nancy Hillstrand Email: bear@alaska.net
Phone: Residency: City Resident Meeting to Participate
In: Planning Commission Regular Meeting Wed, 12/06
Public Comments - Citizen may comment on regular
agenda items not scheduled for public hearing or Plat
Considerations (Planning Commission only) such as
Consent Agenda items, Minutes, Reports, Pending
Business, New Business, and Informational Materials.
Written Testimony:

Dear Homer Planning commission
I appreciate all the fine effort involved by all parties in
the proposed Doyon Lighthouse Village complex and
DOT road pattern study. However, I would like to
provide more knowledgable comments, by being
provided with more time to delve into the planning
commissions packet on this lighthouse CUP and DOT
study.

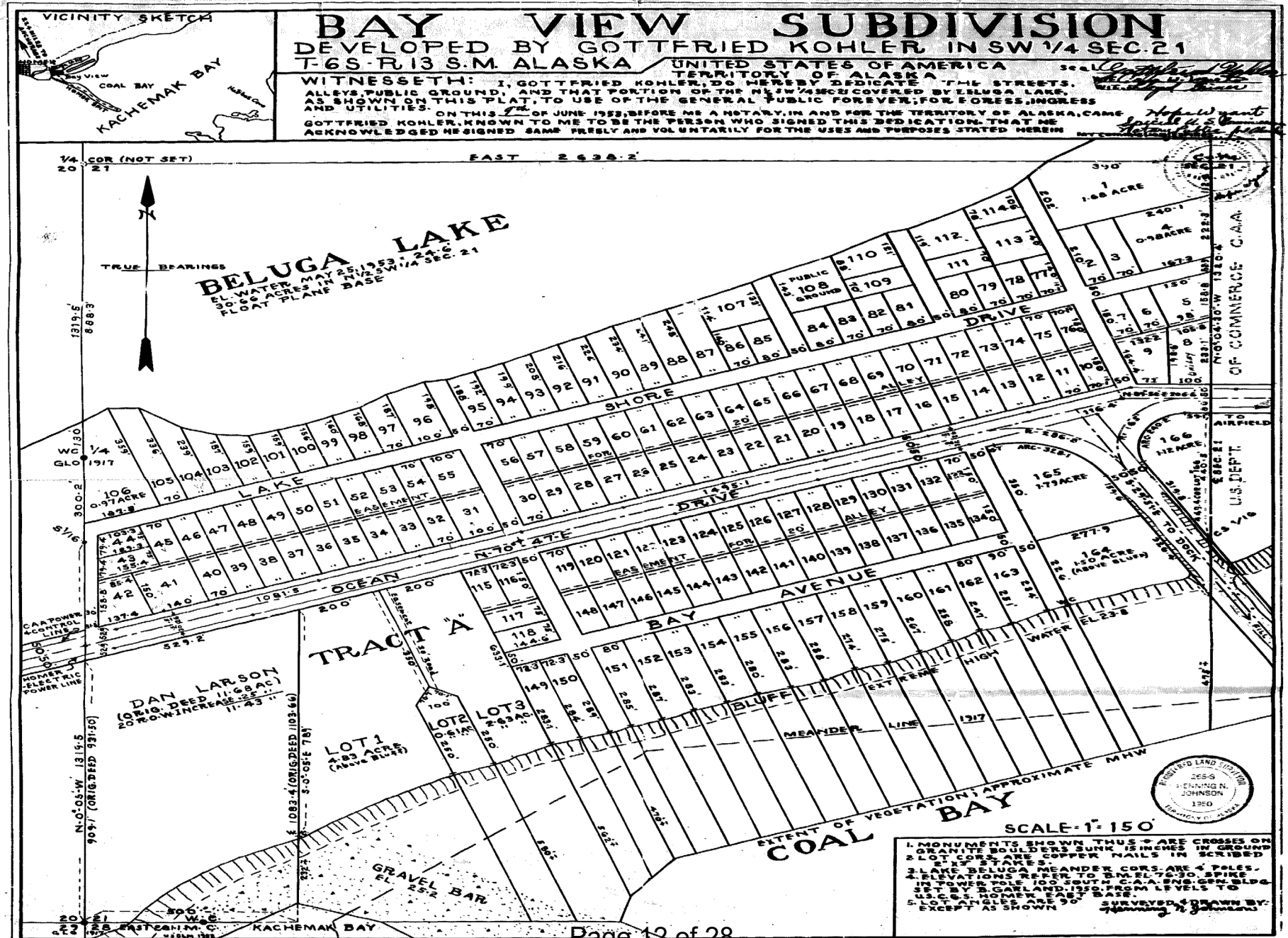
Seeing the enormous size of this planning packet ,

and the details involved in this complex, It may be wise to allow the planning commission and the public more time to digest this material more thoroughly to answer any additional questions that may arise, such as tsunami evacuation planning, before taking the final actions required on this CUP.

Thank you kindly for your consideration

Electronic Signature: Nancy Hillstrand Submitted on Wednesday, December 6, 2023 - 3:20pm The results of this submission may be viewed at:

<https://www.cityofhomer-ak.gov/node/60481/submission/51464>





2



Layers

- Filter Layers...
- PhysicalAddresses
 - Mileposts
 - Roads
 - Parcels
 - Township, Range and Section
 - Vegetation
 - KWF Wetlands Assessment
 - USFS Vegetation 2019
 - National Wetlands Inventory
 - SBB Program Vegetation Layer
 - National Land Cover Dataset



3

Lighthouse Village CUP

From: Marilyn Sigman, 4211 Kachemak Way, Homer (City resident)

Thank you for this opportunity to comment. I'm a member of Homer's robust birding community who used the Lighthouse Village overlook platform to view migrating birds, nesting cranes and the eagles and hawks that roost in the trees close to the Mariner Lagoon wetlands particularly during the annual Kachemak Bay Shorebird Festival. Under its former ownership, this small platform has been available for public access to view wildlife over the several decades the Festival has been held.

The platform and its interpretive signs were removed without any notice to the community. I contacted the City of Homer in August soon after the platform this happened to express my concern about the importance of this structure with its view over the Lagoon to the Shorebird Festival and as a sampling site for the citizen science shorebird monitoring project conducted by the Kachemak Bay Birders for fourteen years. Julie Engebretsen replied: "The developer is aware of the value of the birdwatching platform to the community, and has expressed interest in continuing bird viewing from the property." The developers have also publicly expressed their interest in sustainable tourism. The conceptual plan for the development, however, shows no platform and the traffic analysis does not consider public traffic into a parking area with access to the shoreline for wildlife viewing. Julie Engebretsen recommended that I contact the Doyon project manager concerning the platform and public access, but I received no response when I tried that.

If the public viewing opportunity will no longer be available, the traffic pattern during the Shorebird Festival will be one of major congestion and potential dangers to pedestrians along the Spit road during the prime near-high-tide times for viewing birds in Mariner Lagoon and Mud Bay. The wetlands on both sides at the base of Homer Spit provide a daily gathering point for thousands of birds, hundreds of birders, and volunteer guides when the rising tide concentrates the birds during the Festival and for an extended period for local birders. If public access and a viewing opportunity is not rebuilt on the Lighthouse Village property in a way that can accommodate groups of people with space for parking, it will greatly alter the logistics, and likely the success of the Shorebird Festival.

I've involved with the planning and volunteer work that goes into putting on the Shorebird Festival. This annual community event involves a large number of volunteers and a variety of community partners – the City of Homer Parks and Rec Department, agencies (U.S. Fish and Wildlife Service, NOAA/UAA Kachemak Bay Research Reserve), non-profit organizations (Friends of the Alaska National Wildlife Refuges, organizations, Center for Alaskan Coastal Studies, Pratt Museum, Kachemak Land Trust, Friends of Kachemak Bay State Park, Cook Inlet Keeper, and Audubon Alaska), the Kachemak Bay Birders Group, numerous small business and non-profit tour operators, presenters, and educators; and numerous community members who are avid birdwatchers.

Now the largest wildlife festival in Alaska, it attracts 800-1,000 visitors from Anchorage and other communities in Alaska and from other states and countries to Homer. The Festival generates a substantial economic impact during a shoulder season for the tourism and visitor services industries in Homer. The indirect impact which includes lodging and meals (some of which would potentially be supplied by the new hotel) has been estimated by the Homer Chamber of Commerce at the equivalent of \$660,000 in 2023 dollars.

The conceptual plan does show some boardwalks around the condo/short-term rental buildings that could be used for access and augmented with an overlook platform that could accommodate the groups of people who gather during the Shorebird Festival and other local birding expeditions. The developers

should clarify if public use for wildlife viewing is intended and consider traffic related to that into and out of the property. If this is their intention, construction of the boardwalks and also an overlook platform should take place as soon as possible in the construction schedule which is not due to be completed until 2026.

My other concern is that if the construction and operations of the proposed large-footprint, high-density development is not done carefully, they could irreparably alter the coastal wetland habitat that has been recognized for its international importance through designation as a unit of the Western Hemisphere Shorebird Reserve Network (WHSRN) in which the City of Homer is a major landowner partner. The quality of the habitat within the WHSRN, and its use by migrating birds, has fortunately been sustained, so far, by the absence of the type of human impacts that have reduced habitat for coastal migrant birds elsewhere.

The proposed development of these properties thus must be undertaken with strongest possible protection of the adjacent coastal wetlands from pollution, shoreline erosion and siltation, and disturbance of migrating and nesting birds during both construction and operations. A large increase in use of the shoreline around the property, Mariner Lagoon, and the Spit walking/biking trail adjacent to Mud Bay by guests in the 100-room hotel and other units and by the resident staff can also be anticipated. The potential impact of this should be considered. The developers have the opportunity to contribute to the sustainable tourism they have said they wish to promote by working with local environmental educational organizations to develop an education program for guests and staff to minimize their off-trail use of the wetlands during bird migration and nesting periods.

Absent the environmental information that would be required to obtain a COE permit and the lack of responsiveness of the developer as to their plans for including a public wildlife viewing area in their development plans, I respectfully request that the Planning Commission extend its public review period until such information is provided and the public has a chance to review it.

To: Homer Planning Department and Planning Commission
From: Glenn and Bette Seaman
Subject: Rezoning, Right-of-Way vacation, and Proposed Conditional Use Permit for Lighthouse Village Development
Date: December 3, 2023

Thank you for the opportunity to review this proposal. We live within 300' of the proposed Lighthouse Village Hotel, on Lot 160 Bay View Subdivision. The applicant has proposed a CUP to change lot 163 from Rural Residential to GC1.

A: Community Review and Planning Commission Approval Considerations

Recommendation: We recommend that the Planning Commission take public comment on the proposal but not approve the rezoning, vacate the B Street public access, or the CUP at this time. More time for meaningful public review and analysis is appropriate and needed. Significant clarifications and changes are needed to the CUP before approval.

1. We received the required notification (mailed Nov. 21) of the development on Saturday, November 25th. We later learned from others in the public that the deadline for comments to be included in the packet to the Planning Department was Wednesday, November 29 at 3 pm. We could not complete our review in time for the packet.
2. A little over a week from November 21 is limited time for review and comments, particularly over a holiday. For a small community like Homer, this is a *VERY* large project with significant impact on the entire area.
3. Per City code, the Planning Commission meets twice per month except for late November and December. Breaks are taken for the holidays.
4. Does the City and public feel like they had an appropriate process for public review and comment considering magnitude of this project and brief review period? Many of Doyon's application materials were not available electronically and one had to go to the city office to look at this massive application package.

B: Proposed Rezoning of Bayview Subdivision Lot 163

Recommendation: Do not rezone Lot 163 to General Commercial 1.

1. As an adjacent landowner, we strongly prefer that lot 163 remain Rural Residential.
2. As proposed, the inclusion of hotel on this parcel – as close as 20 feet from property lines – would not be compatible with a Rural Residential neighborhood.
3. Many Bay Avenue residents are also concerned that the rezoning will create a precedent for more rezoning. We would like to keep the Rural Residential character of our neighborhood.
4. In section "d" of the staff analysis, the applicant states the following: "*The proposed development by Doyon, Limited in Homer, Alaska, is carefully designed to be compatible with existing uses of the surrounding land. Through adherence to the planned unit development (PUD) regulations, the project aligns with the zoning district's provisions, ensuring that the mix of residential, commercial, and industrial*

elements integrates seamlessly into the existing landscape. The development plan considers the neighborhood's character, harmonizing scale, bulk, coverage, and density to preserve the desirable features of the surrounding area.” The staff analysis concludes that the *“The proposal is compatible with existing uses.”*

We respectfully disagree with Doyon’s and the Staff’s analysis on this point. Due to massive size of hotel, we don’t see a “harmonizing scale, bulk, coverage, and density” with surrounding area.” Look at the 3-D depiction of project on page 480 of your packet. Notwithstanding errors in scale of adjacent properties (see comments in D.4. below), do you see this as “*harmonizing scale, bulk, coverage, and density?*” Many would probably say “no”?

C: Vacation of B Street Public Access

Recommendation: We recommend that City and Borough NOT vacate B Street public access unless or until such time this project provides improved public access to area for pedestrians and bicyclists to the wetlands and the Homer Spit Road trail.

1. The community gives up a lot when it relinquishes dedicated access to wetlands. It is a pleasant, wooded access effectively maintained by frequent use.
2. There is no clear evidence from plans available to us that there is complete pedestrian and bicycle access through the site to the wetlands area and the Spit trail beyond. The walkway/bike access in plan is very confusing. Paths are too narrow, and weave around other buildings, roads, and parking areas. TIA indicates 10-12’ is needed for a proper bike path. We do not believe the current plan is adequate to warrant vacation of right-of-way and guaranteed/long term access.
3. The plan includes development of a boardwalk extending outward from the retaining wall or outer limit of fill on the lower lot (Lot 164-B). While this sounds like a cool idea, the walkway seems to come to end near the hotel, without a clear and continuous connection to other walkways or trails. However, a boardwalk is no replacement for the shorebird viewing platform, which has been removed.
4. To compensate for the loss of public access more fully, we recommend a continuous trail be developed. More work is needed.

D: CUP and Overall Project Plan

Recommendation: The first draft of the CUP needs work. Our review raises many questions. Per recommendation “A” above, we recommend that Planning Commission NOT approve the plan at this time, and that they request more dialog and discussion with Doyon, the Commission, and the Homer Community, as well as documentation of changes.

1. As an adjacent landowner, we seek to have a solid understanding of this project and how it will directly affect us, our neighborhood, and the general community. The short review period has not allowed us time to review all the materials. Our initial observations and comments are below.
2. The plan states in the rezoning application that “No motorized access will be provided from the project to Bay Avenue.” We thank the project sponsor for this, and

- hope they hold onto this throughout the life of project. Increased traffic and associated safety considerations has been one of the neighborhood's biggest concerns with the project.
3. The plan states the following on the third lot. *"... the third lot contributing to the proposed development, Bay View 163, remains undeveloped, presenting a pristine canvas for our innovative project. This untouched parcel of land holds significant potential for thoughtful and sustainable development. By integrating green building practices, adhering to the comprehensive land use guidelines, and promoting harmonious coexistence with natural surroundings, we aspire to create a development that meets the community's needs and elevates the local living experience."*
 - a. We agree! This is a beautiful piece of land that could serve as an actual visual barrier from adjoining properties, as well as a place for hotel customers to be in nature/appreciate a natural forest. In contrast, it appears that the current plan will require all the trees on the lot be cut down. Moreover, because of higher topography of this lot, they will be cutting deeply into the ground.
 - b. Is this "thoughtful and sustainable development," "promoting harmonious coexistence with natural surroundings"?
 4. The plan states: *"The development is separated from the adjacent property to the north by a retaining wall and difference in elevation. The development is separated from the adjacent property to the west by a 6' sight obscuring fence and 10' wide landscape buffer. The proposed development is carefully designed to be compatible with existing uses of the surrounding land."* How does a 6' fence provide sight, noise, or light reduction from a 47' hotel? The vegetation buffer is way too small, the neighborhood will be forever changed. With the footing of this hotel some 5-15 feet below current ground level, where will fence be placed?
 4. 3-Documents: The 3-D documents are misleading, particularly with respect to the relative size of adjacent buildings (see page 61 of the packet). For instance, our house, the third lot from proposed development, is at least 1/3 the size of its representation in picture (one story, except 20 feet on the end), and has a much smaller footprint than indicated. It is actually smaller than our neighbor's house (the second house from the hotel). The multiple small houses across the street are also not represented accurately on this figure either. Was this intentional? It is misleading...
 5. Traffic Concerns: The TIA indicates that the project will generate 88 trips per hour during the busy season. The study and counts were done September 23 and 24. It is hard to believe this will not require mitigation for both pedestrians and vehicles. The TIA noted that there were very few pedestrian crossings at FAA drive. As a 23-year Homer resident, I choose to drive across that intersection, unless it is later in the evening or not summer. I had a very close call there due to the very poor visibility and speed of vehicles. Crossing at Kachemak Drive is a tiny bit easier. It is very rare that a vehicle stops for pedestrians at the Spit Road crosswalk.
 6. Boardwalk and Public Viewing Wildlife Viewing Station: The Boardwalk, from the diagram, it looks like it is built over marsh, outside of the Corps permit line. Will this require a Corps permit? Also, what are the plans for the viewing station at the southwest corner of the lot? It looks this area will be replaced with a triplex condo? There is no visual barrier to where the triplexes are. We truly hope the remaining trees that were west of the lighthouse will be saved as a more natural, visual barrier.

7. Corps Permit and Wildlife Viewing Area: The condo section within Lot 164 partially consists of what was an illegal fill of wetlands around the late 1980's by then owner Fred Yenny. He was later issued a permit after the fact (see Applicant map C1.00, the "Corps of Engineers Permit Line" and viewing platform in SW corner of the lot). Apparently, a condition of that approval for partial mitigation included the construction of a public viewing platform. As a condition of Corps approval, it is our understanding that the condition will stay with the property: it is not extinguished by a change in land ownership. We have contacted the Corps for a copy of that old permit indicated on the plan, and they are still looking. We will share that permit the Planning Department when we locate it.
- Whether a Corps permit required this existing structure should be moot: a public wildlife viewing station in this area would be a big plus for the hotel/condo/restaurant guests, as well as the public. As a tangible benefit to the community and their clientele, Doyon should rebuild the viewing station platform and railing and tie it in to their proposed boardwalk.
8. Wildlife and Habitat Use: Doyon's plan includes many references on their commitment to sustainable development, environmental stewardship, preserving wildlife habitat, and protecting the ecosystem. For example:
- "... the project emphasizes sustainable practices and environmental conditions to safeguard the local ecosystem's health."*
- "... the proposal dovetails with the plan's vision for an integrated system of green spaces, providing aesthetic and functional benefits to the community. By protecting corridors for trails, managing stormwater, preserving wildlife habitat, and maintaining viewsheds, the development becomes a housing solution and contributor to the community's well-being."*

Glenn was a Habitat Biologist for the Alaska Department of Fish and Game for 25 years. We both see little evidence of their sensitivity to protecting wildlife and habitat use and other natural features, and am concerned that the impacts could be significant. We'll highlight several examples.

- a. Comment #3 above noted the stated desire to maintain and utilize the natural forested surroundings in Lot 163, but current plan totally removes that upland habitat. In fact, the plan requires them to dig deeply into the ground to achieve a level of ground for eastern side of building on L 164-A. Is this "preserving wildlife habitat?"
- b. Figure C2.00 in the proposal (page 61 of your packet) shows how the building will fit into the landscape with respect to existing topography. The elevation of existing ground on west side of building is between 50 and 55 feet, whereas the front of building or land is about 25 feet, only about few feet above maximum high tide. Basically, the building will be right up to the tidelands, with no buffer of any form between the hotel and marsh. What effect with the use of this activity have on wildlife use of the marsh? There is no evidence that this has been taken into consideration. We are concerned it could be significant.

Note that *ALL* the residential buildings on the bluff on Bay Avenue to west (lots 162 and west) of hotel on are on top of bluff, approximately 50-55 feet in elevation, or 30 feet in elevation above the marsh. Moreover, the bluff is well

vegetated with natural vegetation – a substantial and highly effective buffer between the buildings and wetlands – which is not reflected in any of their 3D images. Relatively, the impact of existing residential development on habitat use of the marsh is minimal, if any. In contrast, the layout of current development could be substantial.

- c. All condos are located right on edge of the fill. Has Doyon considered what effect these units and their use will have on wildlife use of the marsh? An increased building setback from the marsh would help to minimize those impacts.
 - d. The geological study has indicated that all buildings located on the filled in area will need to be on pilings. These are 5 huge buildings that will need pilings. The amount of noise and vibration from this will be huge. Sandhill cranes, ducks, and shorebirds nest in this marsh. There is an eagle nest in a spruce immediately adjoining the marsh to the west. The noise and other activities during in the construction years could have major impact on use of the marsh by birds in spring and summer months. We hope Doyon will take this into consideration in planning for the construction of their facilities. They should consult expertise in the Fish and Wildlife Service or other reputable agencies to develop a plan to minimize or avoid impacts in summer construction season.
9. In the current plan, the City is giving up a 50' right of way with access to coastal wetlands and a viewing platform. The neighborhood is giving up an 80' residential lot to a major hotel. A 10' "buffer" seems highly inadequate. It is unlikely that anything but natural vegetation will survive the storm southeast winds, strong day breeze and freeze thaw cycles that we have here on the bluff. We would wish that Doyon would consider removing 2 of the condos and bringing the other 3 condos away from the productive marsh to the west the development.

In closing, we thank the Homer Planning Department and Planning Commission for the chance to comment. Please contact us if you have any questions. We look forward to continuing to be involved in this process.

Thank you, and have a great day!!

From: [Ryan Foster](#)
To: [Renee Krause](#)
Subject: FW: STRONG CONCERNS REGARDING THE DEVELOPMENT PROPOSED BY DOYON CORPORATION
Date: Monday, December 4, 2023 12:28:24 PM

FYI, more PC comments.

Thanks,

Ryan Foster
City of Homer, City Planner
rfoster@ci.homer.ak.us
(907) 299-8529

From: Richard Rosenbloom <rick.rosenbloom@me.com>
Sent: Monday, December 4, 2023 12:20 PM
To: Department Planning <Planning@ci.homer.ak.us>
Subject: STRONG CONCERNS REGARDING THE DEVELOPMENT PROPOSED BY DOYON CORPORATION

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

Patrice Krant
Richard Rosenbloom
1407 Bay Avenue, Homer
December 4, 2023

STRONG CONCERNS REGARDING THE LIGHTHOUSE VILLAGE DEVELOPMENT
PROPOSED BY DOYON CORPORATION

City of Homer Planning Commissioners:

We have reviewed the Agenda Packet for the December 6, 2023 Homer Planning Commission Meeting.

We have also reviewed a memorandum submitted to the Planning Commission by our neighbors Glenn and Bette Seaman. We agree with everything in that memo and see no reason to restate here all the excellent points they have made. Please read it carefully.

We will reinforce one point. The Seamans have raised the possibility that there may be a pre-existing restriction, covenant, or condition related to the after-the-fact permit given by the U.S. Army Corps of Engineers for the illegal filling of wetlands that created the land on which Doyon now proposes to build condos. This condition, related to provisions of a wildlife viewing facility, may not have been extinguished by the sale of the property to Doyon. Doyon may still be bound by the conditions of that permit. Homer community members are researching this situation. We ask the Planning Commission to do so as well.

Summary

We are not opposed to a mixed-use, Planned Unit Development (PUD) on the property owned by Doyon Corporation. We ARE opposed to the proposed CUP/PUD. Details below.

We recommend the Doyon CUP application be deferred until the issue of vacation of the B Street ROW is resolved by the Homer City Council. We implore the Commission to deny the application to rezone Lot 163 of Bay View Subdivision.

The proposed Doyon Lighthouse Village Development needs to be redesigned to create an imaginative mixed-use development that is more:

- Respectful of the community - does not damage existing neighborhoods
- Sensitive to the environment - provides public waterfront access and wildlife viewing; provides more green space at the shoreline
- Compliant with the law - replaces what will be lost to the community in vacating the B Street ROW
- Consistent with the stated values of Doyon Corporation - to date its actions and proposals do not match its corporate-speak.

Refer The Vacation of the B Street ROW to the Homer City Council

Doyon needs the right-of-way (ROW) for B Street south of Bay Avenue vacated in order for this development to be built as proposed. This is pure conversion of public property for private gain, and thus requires careful consideration.

As the Homer City Planner has noted, Kenai Peninsula Borough Code requires access lost by vacating the ROW be provided some other way. KPB Code is particularly specific about the loss of waterfront access, as in this case. Vacating would eliminate public access to wildlife viewing opportunities of the Mariner Park Lagoon and Kachemak Bay Critical Habitat Area.

The Doyon application to have this ROW vacated is also in error. The ROW IS in current use, as evidenced by the trail on it.

This ROW could be further developed into a rustic wildlife viewing park with a few parking spaces and a trail to a viewing platform above tidewater. It could be similar in function to the facility Doyon demolished in one of its first acts of site clearing. Such a waterfront wildlife viewing facility is now needed because Doyon demolished the facility and venue used for years by Homer residents and guests.

This opportunity for public access to a waterfront wildlife viewing facility by pedestrians, bicyclists, and vehicles is what would be lost by vacating the B Street ROW south of Bay Avenue. This is what must be replaced in order to legally vacate the B Street ROW. No such public access, public use waterfront access and wildlife viewing facility is a part of Doyon's current proposal. These plans will need to be changed.

The Cart Is Before The Horse - Defer Action on Doyon CUP Application

The Commission has been presented all at once with three potentially controversial applications (the CUP, rezoning of Lot 163 Bay View Subdivision, and vacation of the B Street ROW) for a very large development.

Doyon's entire proposal depends on the vacation of the B Street ROW south of Bay Avenue. This can be approved only by the Homer City Council. Until this happens, there is no point in rezoning Lot 163 (which should not be done in any event; see below) or discussing the Doyon CUP/PUD plans. Changes will be required to Doyon's plans to provide a waterfront wildlife

viewing facility in order to approve B Street ROW vacation. And/or a pre-existing, unextinguished Corps of Engineers permit condition may require such a facility.

In either, or both, cases, the PUD plans provided in support of the Doyon CUP application are going to have to be changed. Until the required changes are agreed to and incorporated into Doyon's plans, and the ROW vacation is approved by the Homer City Council, there is really nothing else to productively discuss. All the Planning Commission can really do at this stage is to recommend to the City Council that it engage Doyon in discussions about the changes to their plans necessary to legally consider vacation of the B Street ROW south of Bay Avenue.

Rezoning Bay View Subdivision Lot 163 to GC1 is Damaging, Unnecessary and Should be Denied

We implore the Commission to reject the Doyon application to rezone Bay View Subdivision Lot 163 from Rural Residential (RR) to General Commercial 1 (GC1). This is an egregiously extreme and unnecessary change in land use. The following statement from Staff is incorrect.

Staff Finding: The amendment would apply a zoning district that is better suited to the area because conditions have changed since the creation of the General Commercial 1 District boundaries.

Staff clearly misunderstands the nature of this residential area. Actual land use patterns are resisting commercialization, not encouraging it. Multiple lots on the northeast side of Bay Avenue and southwest side of B Street are zoned General Commercial 1 but are in residential use. Despite what Doyon claims, commercial development of Lot 163 would significantly damage the residential nature of this area and the values of adjacent properties.

In the General Information section of the Staff Report it is stated:

The rezoning is necessary to allow for a mixed-use planned unit development (residential and commercial); the Rural Residential District only allows planned unit development with residential uses only.

This too is incorrect. The rezoning is NOT necessary. Doyon can achieve its development goals without rezoning Lot 163 away from residential use. It simply needs a better PUD design that locates some of its proposed multi-unit residential structures to the portion of its property that is zoned for residential use.

Proper multi-unit residential development of Lot 163 would be consistent with existing land use; eliminate the need for the proposed deep excavation of Lot 163; offer the opportunity to save some of the existing forest and vegetation on the lot, and create a proper buffer between the existing residential neighborhood and the commercial elements of the Doyon PUD.

Parking is Inadequate for the Size and Density Of The Proposed Development

The size and density of this proposed development is excessive for the size of the site and the proposed parking facilities.

We find it troubling that the entire CUP/PUD application is devoid of any discussion of the capacity of this project, i.e., how many people could be on this site at full occupancy. For any idea, we had to dig deep into the Traffic Impact Analysis. The following is a quote from that analysis:

Womer & Associates (W&A) is preparing plans for the Lighthouse Village Development. The key trip generation attributes of the development are provided by W&A in their September 28, 2023 and October 9, 2023 emails and are listed below. Some facility attributes cited in an August 2023 development version are assumed to be part of the current plans and are included as well.

- 1. The hotel is a 3 story, 70,794 square feet (sf) of gross floor area (GFA) building, with 100 guest rooms. (Not really, it is 4 stories plus a tower.) The number of employees are not known. (I am sure it is known, simply not disclosed.) The August 2023 plan had a public restaurant (94 seats), public bar (42 seats) (There are actually two bars, one on Level 1 and one on Level 4), convention space (250-persons) and meeting rooms.*
- 2. The employee housing is a 3 story, 13,000 sf GFA, with 25 dormitory-style resident rooms (single and double occupancy) and common areas for dining, recreation and other functions. Note that the number of rooms were not provided in the above-mentioned emails, but since GFA has not changed, the employee housing rooms described in an August 22, 2023 email was assumed to still apply. The number of residents in the employee housing are not known, although original plans in August 2023 indicated the housing accommodates 40 persons.*
- 3. The five triplex condominiums buildings will have a total of 15 residential units. These units will be sold as permanent or seasonal residences. (3 are 2 bedroom units, 2 are 3 bedroom units.)*

Assuming the project is very successful (as we expect it will be), imagine the “perfect storm”:

- A hotel full of vacationers - 200 people
- A local wedding reception filling the meeting/banquet space - 250 people
- Full restaurant and two bars - 178 people
- Employees and staff - 40+ (remember, employees living onsite are present even off-duty)

This adds up to over 600 people! With 132 parking spaces. Where are all of these people going to park? And if it is assumed they won't drive, how are they going to get there? If it is assumed there will be some offsite parking, where? All of these people will occupy only about 2/3rds of the site area (this headcount does not include the condos). The density per acre could rival any major city center. And the entire site is within the tsunami inundation zone. It has to be evacuated during a tsunami warning.

Now we are sure that Doyon would counter that this is huge double counting; that the hotel guests, meeting participants, restaurant guests, and bar guests are all the same people. We say not necessarily. We see one of the biggest negative impacts of this development is parking (and the traffic searching for it) spilling out into the adjacent neighborhoods and public parking areas.

Code cannot capture the unique use characteristics of a specific destination development. We have lived in a mixed-use development where parking met code, but not need. It was a vehicular mess much of the time. We think the areas provided for parking are significantly inadequate for the user capacity of the proposed development. Either more parking is needed or lower capacity development, probably both.

Thank you for reading this. And thank you for your service to Homer as a Planning Commissioner.

From: [Ryan Foster](#)
To: [Renee Krause](#)
Subject: FW: Comment regarding CUP 23-09, CUP 23-10 and CUP 23-11
Date: Wednesday, December 6, 2023 3:03:36 PM

Hi Renee,

Below is a comment on the Virginia Lynn CUPs.

Thanks!

Ryan Foster
City of Homer, City Planner
rfoster@ci.homer.ak.us
(907) 299-8529

From: Mike Lowe <mike.lowe25@gmail.com>
Sent: Wednesday, December 6, 2023 2:57 PM
To: Department Planning <Planning@ci.homer.ak.us>
Subject: Comment regarding CUP 23-09, CUP 23-10 and CUP 23-11

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Dear Homer Planning Commission;

This letter is in response to the proposed Conditional Use Permits referenced above.

First, we commend the City of Homer on its vision as specified in its 2018 Comprehensive Plan:

Vision Statement: Guide the amount and location of Homer's growth to increase the supply and diversity of housing, protect important environmental resources and community character, reduce sprawl by encouraging infill, make efficient use of infrastructure, support a healthy local economy, and help reduce global impacts including limiting greenhouse gas emissions.

And we agree with Mr. Hueper that his homes (at least the ones we've seen built on Virginia Lynn Way) are well designed, attractive, and fit well in the community.

However, we object to the granting of the CUPs for this proposed development at this specific location for a couple of reasons.

1. On pp. 559-560 of the meeting packet, regarding **Goal 2 Objective C: Provide extra protection for areas with highest environmental value or development constraints**, we are concerned that the increase in human density and vehicular traffic will have a negative impact on this fragile environmental area.

This area is designated as High Rank wetlands on the Homer Wetlands Map and part of the planned units already encroach on discharge slope wetlands.

We have seen Sandhill Cranes walking down Virginia Lynn Way. The increase in human and vehicular traffic will unavoidably have a negative impact on these birds and other wildlife in that area, and their habitat.

2. On p. 563 of the meeting packet, the map shows Virginia Lynn Way connecting to Mattox Rd (which it does not), but not to Pennock St. (which it does).

In his application, Mr. Hueper correctly identifies access to the Virginia Lynn properties via Pennock St.

In the staff analysis on p. 594, section f. of the meeting packet, Mr. Hueper says that Pennock St. and Virginia Lynn Way can easily handle the volume of traffic.

However, we see no mention of, or traffic survey on, the resulting additional traffic on Lakeside Dr. between Ben Walters Ln. and Pennock St. which will become a primary access route to Virginia Lynn Way coming from the Spit and Sterling Hwy.

Thank you for your consideration. If you have any questions, please don't hesitate to ask.

Respectfully,
Michael Lowe
Tammy Frankforter