

Session 22-15, a Regular Meeting of the Planning Commission was called to order by Vice Chair Roberta Highland at 6:31 p.m. on October 19, 2022 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

**PRESENT:** COMMISSIONERS BARNWELL, VENUTI, HIGHLAND, CONLEY, AND STARK

**ABSENT:** COMMISSIONERS CHIAPPONE, SMITH (EXCUSED)

**STAFF:** CITY PLANNER ABBOD  
DEPUTY CITY CLERK KRAUSE  
ECONOMIC DEVELOPMENT MANAGER ENGBRETSSEN

The Planning Commission held a worksession at 5:30 p.m. On the agenda was a presentation on the proposed Transportation Plan Update by Brad Parsons, Independent Living Center and Julie Engebretsen, Economic Development Manager for the City of Homer.

#### **AGENDA APPROVAL**

BARNWELL/CONLEY MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### **PUBLIC COMMENTYS ON ITEMS ALREADY ON THE AGENDA**

#### **RECONSIDERATION**

#### **CONSENT AGENDA**

- A. Unapproved Regular Meeting Minutes for September 21, 2022
- B. Memorandum PL 22-10 re: Stream Hill Park 2018 Replat Preliminary Plat Extension Request

BARNWELL/CONLEY MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### **PRESENTATIONS/VISITORS**

A. Comprehensive Transportation Plan & People Oriented Transportation Presentation - Julie Engebretsen, Economic Development Manager

Vice Chair Highland introduced the item and noted that the full presentation was made at the worksession conducted prior to the meeting. She deferred to Ms. Engebretsen.

Ms. Engebretsen provided an overview of the presentation for those present and focused her attention to pages 30-32 in the packet.

Vice Chair Highland thanked Ms. Engebretsen for her time and presentation.

### **STAFF & COUNCIL REPORTS/COMMITTEE REPORTS**

A. Staff Report 22-61, City Planner's Report

Vice Chair Highland introduced the topic and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-61 and provided highlights on the following:

- Short term Rentals
- Committee of the Whole CUP Ordinance Presentation
- Resolution to Adopt the Supplement to the HNMTTP
- Public hearings were postponed due to technical glitch with production of the Homer News
- Spoke with the Port & Harbor Commission at their Worksession today regarding updating of the Spit Comp Plan
- Hiring of Staff for the Planning Department

Commissioner Stark volunteered for October 24<sup>th</sup> Council meeting and Commissioner Barnwell volunteered to report at the November 14<sup>th</sup> Council meeting in response to City Planner Abboud's request for volunteers to report to City Council.

### **PUBLIC HEARING(S)**

A. Staff Report 22-62, Conditional Use Permit 2022-05 for 1450 Lakeshore Drive

Vice Chair Highland introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-62 to the Commission. He shared a larger drawing on the screen regarding the project for the Commission and public present. Staff recommendation was to approve the CUP with Findings 1-10 and Conditions 1 & 2

Vice Chair Highland invited the applicant to make a presentation or speak to their application.

Andrew Reed, applicant, provided historical information on the existing business operations that operate out of the main facility and then elaborated on the intent and details of the proposed project, his views on the impact and usage of the property, materials used to construct the facility and what it would bring to the community of Homer.

Vice Chair Highland opened the public hearing.

Ms. Rika Mouw requested permission to read a written statement into the record from a property owner that was unable to attend this meeting.

Vice Chair Highland granted permission with consensus from the Commission.

Written Statement from Claire Waxman as read by Rika Mouw:

“As a close neighbor of this project we would like to have more time to give our comments. We had no notice until yesterday. Our concerns are the size of the building, the drainage of the area and why the city was so quick to give a conditional use permit. Thank you, Claire Waxman and Bob Schmutzler, business owners on Ocean Drive.”

Rika Mouw, city resident, commented that she too was baffled by the rushed time frame. Ms. Mouw continued by commenting in opposition to the project noting the size, impacts to the neighbors, community and adjacent land; hydrology, loss of vegetation, impact from storm water runoff, and believed that the project was directly contrary to the applicable land use goals and objectives of the Comprehensive Plan regarding the quality of Homer’s natural environment and scenic beauty, the loss of moose habitat and beautiful trees and did not believe that this project provided any benefit to Homer stating that Homer did not need more planes, air traffic, noise, gravel and less trees.

George Harvison, city resident, provided his comparison and experience living in and growing up in Wasilla and now living in Homer the past eight years. He used a comparison of President Bush comparing Portland to Little Beirut implying Homer was headed in the same direction. He then recounted his experience with the lack of parking with all the construction vehicles on the road in the neighborhood due to construction, the plentiful visits by moose with calves and other wildlife; possible tsunami and how the trees would mitigate that. Mr. Harvison expressed his hopes that the Commission would consider long and short term effects of this type of development and enough is enough but too much is also enough. He further commented that Homer was getting much more difficult to see the green.

Karen Berger, city resident, owner of Homer Brewing Company, owns the adjacent lot as well, stated she enjoys living off the beaten path and has enjoyed a very successful business for the past 21 years. She then acknowledged the GC1 Zoning District and that they have a very mixed neighborhood. Ms. Berger then commented on the prior business; the road that was built to haul planes to and from the lake to the airport; the reason that Homer has a limit of 8000 square feet is due to Homer does not want large structures and believes that this project is extraordinarily large for the area; and airplanes belong at the airport. Ms. Berger commented on the questionable height of the planes using the lake, the short notice and recommended that the Commission not approve this project or at least give it more consideration.

Barb Angaiak, city resident, commented on the short time frame from receiving notice to the actual hearing date; meeting with the applicant, that this project will create a more industrial feel to the area instead of the neighborhood that it is; her enjoyment of living on the lake and the enjoyment her guests and visitors have viewing so much wildlife and birds and believes that the project will impact that enjoyment. She recounted the difficulties they experienced during the construction over the past summer.

Crystal Calderon, city resident and fulltime employee Emerald Air Service, commented in support of the project noting the value and benefits to the business that having the hangar available to perform the required maintenance on the planes; the intent of the project; parking and impervious surfaces will be minimal; echoing the intent not to use all the available land which will be maintained in natural state. Ms.

Calderon expressed the safety concerns that come with moving the planes to the airport and that the facility will not be open to the public but limited to personnel only.

Vice Chair Highland closed the public hearing and offered rebuttal to the City Planner and Applicant.

City Planner Abboud responded to public comment on public notice process, impervious areas, placement of the project allowing large buffers, storm water management prior and during construction, parking requirements, increases to traffic on Lakeshore Drive and the land use. He pointed out that the applicant could design and build 8000 square foot buildings on each lot and would have no need to apply for a Conditional Use Permit but since they want to build a 16000 square foot building on the one lot that requires the permit.

Mr. Reed, applicant, responded similarly to comments on the land use, impacts to the neighborhood, safety concerns of Emerald Air Service regarding moving equipment and impacts to wildlife.

Vice Chair Highland opened the floor to questions from the Commission.

Commissioners raised the following questions which were responded to by the City Planner or Applicant:

- this project brings to light another concern that should be addressed in the transportation plan update, regarding this area becoming a transportation center
- Are there existing buildings suitable to perform the work needed at the airport now for your use?
  - o No, currently they must disassemble the floats from the plane to move them to the airport
- Flight level at Beluga Lake going to change (decrease or increase) with the construction of this structure?
  - o In the future there may be an increase in plane inventory if their business increases, as that is a goal but relatively this would not increase the amount of traffic already on the lake.
- Is there going to be an increase in the noise level from the aircraft with the construction of this project?
  - o There may be an increase in noise level if the number of planes increase but the applicant did not think that this structure would result in an increase in noise levels.
- Is the traffic of the aircraft changing due to the construction of this project?
  - o There would be no change to the airplane traffic pattern that he is aware of when this building is constructed.
- What or how are you planning to revegetate the site?
  - o In relation to vegetation that provides winter feed for the wildlife in the area.
  - o The applicant stated that it was not part of his duties but opined that the revegetation required by the city would be appropriate as required. Mr. Reed noted that the intent was to leave as much as possible in its natural undisturbed state.
- What exterior finishes are planned for the structures?
  - o It's basically a single span steel structure, and then it uses insulated steel panels, and those are of a various thickness and of various finishes. They've got a marketing image, and that's something that from the street side would be what people would see.
- What will the level of the building be at?
  - o At this point in design it is more schematic and there is no actual building design. There is no steel structure, the building may come in smaller, currently it is depicted at 24 feet above lake level and they may be able to pull it up out of the ground, which would save on the excavated material/imported materials

- Retaining walls are large but all this will be addressed by an engineer and architect
- What plans are going to be in place to mitigate the impact, if any, to the wildlife in the area?
  - Mr. Reed expressed that he was not sure on how to respond to this question and did not have a response.

Vice Chair Highland requested clarification on allowing the Commissioners to question the public who provided testimony.

Deputy City Clerk Krause stated that it would require a motion to suspend the rules and typically that is not done during a Public Hearing only during Plat Considerations.

Vice Chair Highland requested the Commission address Commissioner Stark's request after Commissioner Conley and Venuti spoke.

Commissioner Venuti complimented the applicant on his well-organized presentation of the project and asked if there was going to be a fueling station.

Mr. Reed responded that there was an existing fueling station located at the original site and no plans to construct another.

Commissioner Conley questioned the use of the hangar and clarified that Mr. Reed was not the architect just the designer and assisting with the conceptual aspects of the project.

Mr. Reed responded that while he is an architect on this project he is the designer and there is an architect contracted and when the time comes this project will go to him. He then provided the use information in as much as he was aware of that they will use the hangar to maintain the planes during the busy summer season. In the winter it will be used for storage. The hangar will have nominal use in the summer as the planes will be in the water and being flown.

Vice Chair Highland requested a motion and second to suspend the rules to questions the public who testified tonight.

STARK MOVED TO SUSPEND THE RULES TO ALLOW THE COMMISSION TO POSE QUESTIONS TO MEMBERS OF THE PUBLIC WHO PROVIDED TESTIMONY.

Vice Chair Highland requested a second to the motion; Hearing none, she noted for the record that the motion died for lack of a second.

Vice Chair Highland presented the following comments and questions:

- Beluga Lake is a man-made lake purposely created for float plane use and has been historically used for that purpose
- The applicant has presented a very well prepared application
- There is limited General Commercial 1 Zoning available
- Homer has developed as a bear viewing capital of Alaska and where visitors and residents come to have these wonderful experiences
- The size of the hangar was consolidated into one structure to meet the applicant's needs and they could build several structures on the available land.

- Expressed some concerns on possible negative impacts to the wildlife.
- Does the Applicant have a Corp of Engineers Permit?
  - o Mr. Reed stated that is in process simultaneously as this permit. A meeting was conducted with the Corps of Engineers, they re-delineated the actual wetlands, which is reflected on the site plan. That was surveyed right after the wetlands were delineated.

Vice Chair Highland asked for any final comments or questions from the Commission.

Commissioner Stark expressed that he appreciated the thoughtful and sensitive presentation of the project noting that it provided details that the Commission does not typically receive. He stated that Homer will keep developing into a very desirable location. It is incumbent on the Commission and as part of their charge to make sure that development is done within the city codes, and from what the City Planner has indicated through a very thorough analysis, is, that the Applicant has complied with the established city regulations. Commissioner Stark further noted that the Commission cannot deny an application if it complies with the City Code. He then commented that change is difficult but the City must be able to accommodate change in a constructive, aesthetic and thoughtful manner.

Commissioner Venuti called for a Point of Order, stating that discussion is usually conducted after a motion is on the floor.

Vice Chair Highland noted that Commissioner Stark was providing his comments on the application. She inquired if Commissioner Stark was opposed to making a motion and then he could finalize his comments under the discussion of the motion.

Commissioner Stark did not object.

BARNWELL/CONLEY MOVED TO ADOPT STAFF REPORT 22-62 AND RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT 2022-05 FOR 1450 LAKESHORE DRIVE WITH FINDINGS 1-10 AND THE FOLLOWING CONDITIONS:

1. A BUFFER SHALL BE MAINTAINED ADJACENT TO THE WESTERN EDGE OF LOT A 4 AND ADJACENT TO THE STRUCTURE FOUND ON LOT 108 WHERE EXISTING VEGETATION SHALL BE MAINTAINED WHERE PRACTICAL AND REPLACED WITH PLANTINGS OR A FENCE THAT SHALL BE OF A HEIGHT ADEQUATE TO SCREEN ACTIVITY ON THE LOT FROM OUTSIDE VIEW BY A PERSON OF AVERAGE HEIGHT STANDING AT THE PREVAILING ADJACENT GRADE.
2. OUTDOOR LIGHTING MUST BE DOWN LIT PER HCC 21.59.030 AND CHAPTER 3 OF THE COMMUNITY DESIGN MANUAL

Commissioner Stark concluded his comments noting that the Commission needs to strike a balance addressing tourism and nature, Homer is a destination for photographers, bear viewing and consideration of the property owners selling their property and reaping those benefits of their hard earned efforts.

VOTE. YES. VENUTI, HIGHLAND, CONLEY, STARK, BARNWELL

Motion carried.

Vice Chair Highland called a recess at 8:11 p.m. The meeting was called back to order at 8:20 p.m.

**PLAT CONSIDERATION(S)**

A. Staff Report 22-63, Preliminary Plat Homer One Swan Cove Addn.2022 Replat

Vice Chair Highland introduced the item and deferred to the City Planner.

City Planner Abboud provided a summary of Staff Report 22-63 for the Commission.

Matt Hambrick, representative for the applicant stated he was present and available for questions from the Commission.

Vice Chair Highland opened the public comment period.

Vice Chair Highland closed the comment period having no one in Council Chambers from the public and no indication from members of the public attending via Zoom wanting to provide comment on the action.

Vice Chair Highland requested questions from the Commission for the City Planner and the Applicant.

Hearing no questions from the Commission, Vice Chair Highland requested a motion and second.

CONLEY/BARNWELL MOVED TO ADOPT STAFF REPORT 22-63 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. INCLUDE A PLAT NOTE STATING PROPERTY IS SUBJECT TO THE CITY OF HOMER REGULATIONS CHECK WITH CITY OF HOMER PLANNING DEPARTMENT PRIOR TO ANY DEVELOPMENT ACTIVITY.
2. UPDATE PLAT NOTE #3 TO MAP NUMBER 02122C2020E EFFECTIVE 10/20/2016, REVISION 17-10-0041P-020107 EFFECTIVE 3/31/2017. CHECK WITH KENAI PENINSULA BOROUGH REGARDING PANEL NUMBER/FORMAT.
3. THE CITY OF HOMER DOES NOT OBJECT TO AN EXCEPTION TO THE ROADWAY WIDTH OF LAKESHORE DRIVE.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**PENDING BUSINESS**

A. Staff Report 22-64, Draft Ordinance 22-42(S-2) An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Sections 11.04.120, 22.10.050 and 22.10.051 to Specify When New Streets are Required to Provide for Non-Motorized Transportation.

Vice Chair Highland introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud reviewed Staff Report 22-64 for the Commission. He noted some changes that were made in the Substitute Ordinance 22-42 (S-2).

Vice Chair Highland requested a motion and second. Hearing no motions coming forth Vice Chair Highland made the motion.

HIGHLAND/CONLEY MOVED TO ADOPT STAFF REPORT 22-64 AND FORWARD A RECOMMENDATION TO CITY COUNCIL TO ADOPT ORDINANCE 22-42(S-2)

Commissioners recommended a legal review, if not already done; On Line 57 regarding the developers cost, Line 76 and Lines 115-119 regarding the appeals. Further discussion ensued on the 2022 Supplement to the Non-motorized Transportation Implementation Plan and that this ordinance was relative to new streets but the issues are with existing streets with the biggest concerns are actually state owned roads; funding and special assessment districts for construction of sidewalks are not favored on the whole; Council wanting to have sidewalks on new streets that are connectors; vastly improved ordinance over previous revisions.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### **NEW BUSINESS**

A. Memorandum from City Clerk re: 2023 Meeting Schedule

Vice Chair Highland introduced the item and deferred to Deputy City Clerk Krause.

Deputy City Clerk Krause reviewed the memorandum and 2023 meeting schedule and the action requested of the Commission.

Vice Chair Highland opened the floor for discussion by the Commission and requested the City Planner's preference.

Discussion ensued on waiting and addressing the meeting changes next October over making changes at this meeting, clarification was provided that an amendment was needed since the Commission could not schedule a regular meeting on a recognized holiday. The option were reviewed and a preference was indicated to have a second meeting scheduled in October rather than November next year.

CONLEY/BARNWELL MOVED TO AMEND THE REGULAR MEETING ON OCTOBER 18<sup>TH</sup> DUE TO ALASKA DAY HOLIDAY BY MOVING THE MEETING TO MONDAY, OCTOBER 16, 2023.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Vice Chair Highland requested a motion to approve the meeting schedule as amended.



BARNWELL/CONLEY MOVED TO ADOPT THE 2023 MEETING SCHEDULE AS AMENDED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **INFORMATIONAL MATERIALS**

- A. Ben Walters Park Recognition Ceremony Flyer
- B. City Manager's Reports for September 26, 2022 and October 10, 2022
- C. Planning Commission Calendar 2022

### **COMMENTS OF THE AUDIENCE**

#### **COMMENTS OF THE STAFF**

City Planner Abboud commented he was looking forward to having only two meetings left for the year.

Deputy City Clerk Krause complimented Vice Chair Highland on a great job conducting the meeting with multiple audience members all sight unseen.

#### **COMMENTS OF THE COMMISSION**

Commissioner Barnwell expressed his appreciation of the meeting, thanking the City Planner and Clerk for their work and wishing Commissioner Venuti a speedy recovery.

Commissioner Venuti commented on the costs to be medivac to Anchorage.

Commissioner Conley expressed his appreciation for the work that the City Planner and Clerk does and for their patience.

Commissioner Stark echoed the sentiments expressed on Vice Chair Highland doing a great job and the work of the City Planner and Clerk.

Vice Chair Highland thanked everyone and wished a speedy recovery to Commissioners Venuti, Chiappone and Smith.

### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 9:10 p.m. The next Regular Meeting is Wednesday, November 2, 2022 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom webinar.

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RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

Approved: \_\_\_\_\_