



Agenda

Planning Commission Regular Meeting

Wednesday, August 19, 2026 at 6:30 PM

City Hall Cowles Council Chambers In-Person & Via Zoom Webinar

Homer City Hall

491 E. Pioneer Avenue
Homer, Alaska 99603
www.cityofhomer-ak.gov

Zoom Webinar ID: 979 8816 0903 Password: 986062

<https://cityofhomer.zoom.us>
Dial: 346-248-7799 or 669-900-6833;
(Toll Free) 888-788-0099 or 877-853-5247

CALL TO ORDER, 6:30 P.M.

AGENDA APPROVAL

PUBLIC COMMENTS 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. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda.

- A. Unapproved Regular Meeting Minutes of August 5, 2026
- B. Decision and Findings CUP 26-04, 3582 Main Street
- C. Decisions and Findings CUP 26-05, 3480 Morris Avenue

PRESENTATIONS / VISITORS

REPORTS

- A. City Planner's Report, Staff Report 26-025

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

NEW BUSINESS

- A. Memorandum 2026-11, Review and Recommendations on the Draft 2027-2032 Capital Improvement Plan

- B. Memorandum 2026-12, Planning Commission Training on Motions (to be provided in supplemental packet)

INFORMATIONAL MATERIALS

- [A.](#) 2026 Planning Commission Meeting Calendar

COMMENTS OF THE AUDIENCE Members of the audience may address the Commission on any subject. (3 min limit)

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

COMMENTS OF THE COMMISSION

ADJOURNMENT

Next Regular Meeting is **Wednesday, September 2, 2026 at 6:30 p.m.** A Worksession is scheduled for 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.

CALL TO ORDER, 6:30PM

COMMISSIONER (CHAIR) SCOTT SMITH called to order at 6:30PM on August 5th, located at 491 E Pioneer Ave, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONERS (CHAIR) SCOTT SMITH, HEATH SMITH, LAKSHMI KANTER, DOTTI HARNESS, JANNETTE KEISER, FRANCO VENUTI, DAVID SCHNEIDER

ABSENT: NONE

STAFF: DEPUTY CLERK I PILLIFANT, CITY PLANNER FOSTER, PW DIRECTOR KORT

AGENDA APPROVAL

COMMISSIONER (CHAIR) SCOTT SMITH request a motion and second to approve the agenda as presented. COMMISSIONER HARNESS MOVED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER SCHNEIDER SECOND.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

COMMISSIONER (CHAIR) SCOTT SMITH invited the audience to speak to the commission on matters on the agenda except the Public Hearing Items and Plat Considerations.

No public comments.

RECONSIDERATION

CONSENT AGENDA

5A. Unapproved Regular Meeting Minutes of June 17, 2026

5B. Unapproved Regular Meeting Minutes of May 20, 2026

5C. Unapproved Regular Meeting Minutes of May 6, 2026

COMMISSIONER (CHAIR) SCOTT SMITH noted for the record that 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. He then requested a motion and second to adopt the consent agenda.

COMMISSIONER SCHNEIDER MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COMMISSIONER KANTER SECOND.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PRESENTATIONS/VISITORS

REPORTS

7A. City Planner's Report, Staff Report PL 26-019

The City Planner informed the Planning Commission that the Title 21 Public Hearing process is expected to begin on September 2nd, with that meeting anticipated to focus primarily on receiving public testimony. Commissioners were reminded of the schedule discussed during the earlier work session.

The planner also welcomed new Planning Commissioner Lakshmi Kanter, noting that she was recently appointed by the City Council.

Looking ahead to the August 19th Planning Commission meeting, staff proposed holding both a work session and a regular meeting. The work session would focus on Title 21 and staff requested Commission approval to begin at 5:00 p.m. instead of 5:30 p.m., allowing the session to run until approximately 6:20 p.m. The regular meeting would start at 6:30 p.m. and include:

- Finalization of the Commission's Capital Improvement Program (CIP) recommendation.
- Training on motions and meeting procedures.

Finally, commissioners were reminded that the next opportunity for the Planning Commission to report to the City Council would be at the council meeting on August 10.

Commissioners agreed to begin the August 19th worksession at 5pm and requested a reminder from the Clerk.

COMMISSIONER SCHNEIDER agreed to present the Planning Commissioner Report to City Council on August 10th.

There was no discussion.

PUBLIC HEARINGS

8A. AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE 21.10.030 AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RURAL RESIDENTIAL (RR) ZONING DISTRICT TO RESIDENTIAL OFFICE (RO) ZONING DISTRICT, Staff Report PL 26-020

Planner presentation of SR 26-020.

City Planner Foster provided a summary of his report included in the packet. Foster concluded with recommendation that the Planning Commission recommend approval of the rezone to the City Council.

COMMISSIONER (CHAIR) SCOTT SMITH invited the applicant to speak to the application and address the commission. The applicant and owner were present.

TRAVIS BROWN (APPLICANT) Introduced himself as representing the property owner, Jeff Ellison, and made himself and the owner available for questions.

COMMISSIONER (CHAIR) SCOTT SMITH opened the public hearing for comments from the audience, noting that comments are to be limited to 3 minutes when addressing the commission.

PUBLIC COMMENT: RANDAL ANDERSON, Property owner of 1400 East End Rd, addressed the commission, voiced support for the rezone application, and asked for the commissioners' support as well.

COMMISSIONER (CHAIR) SCOTT SMITH closed the public hearing for comments from the audience.

COMMISSIONER (CHAIR) SCOTT SMITH addressed the commission for discussion.

COMMISSIONER KEISER raised several questions for the City Planner regarding the relationship between the Future Land Use Map and the City's zoning districts.

CITY PLANNER FOSTER explained that the Future Land Use Map and zoning map serve different purposes and are not intended to match exactly. The Future Land Use Map focuses on long-term land use policy, while zoning regulates specific land uses and development standards.

COMMISSIONER KEISER followed with an additional question for the City Planner regarding the proposed limits of the Downtown Mixed Use zoning district as it related to the application.

CITY PLANNER FOSTER confirmed the land west of the referenced boundary is designated Downtown Mixed Use in the Future Land Use Map, while the area east was labeled Neighborhood Flex.

COMMISSIONER KEISER indicated that her previous questions had been answered, then followed with an additional question regarding what the future plans for the development of housing were for this area.

CITY PLANNER FOSTER confirmed that, while the future is uncertain, the rezoning from Rural Residential to Residential Office would maintain the potential for future housing development in the district.

COMMISSIONER HEATH SMITH expressed reservations about the proposed rezoning and questioned some of the justifications provided by the applicant. His primary concern was the continued expansion of the district boundary, asking where such expansions should ultimately stop if each new request is justified by the precedent set by the previous one. Smith also questioned the consistency of the application's stated benefits. He observed that the proposal cites both a need for additional medical clinic space and increased housing diversity, and he was skeptical that the same property could effectively serve both purposes. He felt some of the justifications did not clearly align with one another. Overall, Commissioner Smith's comments focused on the need to establish a clear limit to future boundary expansions and to ensure that the rationale for rezoning remains consistent and well supported.

COMMISSIONER (CHAIR) SCOTT SMITH: expressed support for the proposed rezoning, stating that he viewed it favorably. He recalled previous discussions by the Planning Commission about identifying additional land in high-visibility locations with good access for office and similar development. Overall, Chair Smith indicated that he sees the proposed adjustment as a logical extension of past planning discussions and generally supports the project.

COMMISSIONER KEISER expressed strong support for the proposed rezoning. She emphasized that allowing vertical mixed-use development along East End Road can be an effective way to create more affordable housing opportunities without requiring high-rise buildings. Overall, Commissioner Keiser viewed the proposal as consistent with the Comprehensive Plan, supportive of mixed-use development goals, and potentially beneficial for expanding housing opportunities in the community.

COMMISSIONER KANTER expressed support for the rezone application noting that the potential for additional housing is a huge bonus.

COMMISSIONER DAVID SCHNEIDER posed a question to the City Planner regarding how the proposed rezoning relates to the forthcoming Title 21 rewrite. His comment focused on understanding the proposal in the context of the City's ongoing code update and determining how the rezoning aligns with the future zoning framework being developed through Title 21.

CITY PLANNER FOSTER explained that the proposed rezoning should be evaluated based on the current code and regulations in effect today, rather than on the draft Title 21 rewrite, which has not yet been adopted. He followed by stating that while he could not definitively say how the property might be classified under a future zoning framework, his assessment is that the proposed rezoning appears generally consistent with the concepts being discussed in the Title 21 rewrite and does not create an obvious conflict with the City's future planning efforts.

COMMISSIONER DAVID SCHNEIDER concluded that he sees no conflict and is in support of the rezone but sees an opportunity for the commission to think more comprehensively about establishing a larger corridor that could accommodate similar office, commercial, and mixed-use development opportunities in the future.

COMMISSIONER (CHAIR) SCOTT SMITH request a motion and a second to approve the rezone application as presented. COMMISSIONER HARNESS MOVED TO RECOMMEND TO THE CITY COUNCIL TO ADOPT THE ORDINANCE AMENDING THE HOMER CITY ZONING MAP AS PRESENTED IN SR PL26-020. COMMISSIONER VENUTI SECOND.

There was no further discussion or objection to the motion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

8B. A request for Conditional Use Permit (CUP) CUP 26-04 per HCC 21.18.030 (h), More than one building containing a permitted principal use on a lot at 3582 Main Street, Staff Report PL 26-021

Planner presentation of SR 26-021.

City Planner Foster provided a summary of his report included in the packet. Foster concluded with recommendation that the Planning Commission recommend approval of Conditional Use Permit 26-04, with findings one through ten, and the five conditions as presented in SR PL 26-021.

COMMISSIONER (CHAIR) SCOTT SMITH invited the applicant to speak to the application and address the commission. The applicants were present.

SUSAN & CARLOS MCGRUFF (APPLICANT) introduced themselves via zoom, thanked the commission for considering their application and apologized for seeking approval after the structure was already in use. They then made themselves available for questions.

COMMISSIONER (CHAIR) SCOTT SMITH opened the public hearing for comments from the audience, noting that comments are to be limited to 3 minutes when addressing the commission.

PUBLIC COMMENTS: none

COMMISSIONER (CHAIR) SCOTT SMITH closed the public hearing for comments from the audience.

COMMISSIONER (CHAIR) SCOTT SMITH addressed the commission for discussion.

COMMISSIONER KEISER praised the food truck's food but opposed the project, arguing that the covered structure functions more like a permanent restaurant than a temporary food truck operation. She expressed concerns about the use of temporary water and wastewater systems, questioned the lack of permanent utility connections, and felt the setup was unfair to brick-and-mortar restaurants that must meet higher infrastructure standards. She stated that the business should have permanent water and sewer connections if it is operating as a long-term facility and also suggested improving the appearance of the structure.

COMMISSIONER HEATH SMITH agreed with several of Commissioner Keiser's concerns, noting that food truck areas were originally envisioned as incubator spaces where businesses could test the market before eventually investing in permanent brick-and-mortar locations. He expressed concern that attaching permanent-looking structures to mobile food trucks diminishes their mobile nature and blurs the distinction between temporary and permanent businesses.

Smith also raised a question about utilities, asking whether the City's water system could use a metered connection to track water usage and charge appropriately for wastewater discharge. He suggested that, at a minimum, metering could provide better accountability if temporary utility connections continue to be used.

PW DIRECTOR KORT stated that the water supply is already metered and comes from a nearby building on the same parcel. He explained that the concern was the lack of a utility permit or approved sewer connection, so staff directed the owners to use a gray water holding tank that can be regularly pumped out by a service contractor.

CITY PLANNER FOSTER confirmed the policy regarding mobile food vendors are not permitted for permanent connection with city utilities.

COMMISSIONER HEATH SMITH reiterated that adding a structure to a food truck blurs the distinction between a mobile and a permanent business. While the setup may still be movable, he felt the structure changes its character and makes it function and appear more like a permanent establishment.

COMMISSIONER SCHNEIDER questioned whether Condition 5 should be more specific by requiring proper disposal of wastewater from the gray water holding tank, noting that the condition addresses storage but not how the wastewater will ultimately be handled.

Furthermore, Schneider questioned whether the word "present" in Condition 3 could unintentionally limit use of the seating area to current food vendors only. He asked whether vendors on the adjacent lot would be excluded and whether adding another food truck in the future could create issues with the conditional use permit.

COMMISSIONER VENUTI opposed the project, citing concerns about the structure's construction, ADA accessibility, required permits and insurance, and overall appearance.

He argued that the structure resembles a permanent building rather than a mobile food truck operation and should be held to higher standards, including utility infrastructure. He also felt the aesthetics were inappropriate and stated that he could not support the application.

COMMISSIONER HEATH SMITH noted that the structure serves as a shared dining area for customers of multiple food vendors and acknowledged its community benefit. He then asked the applicant to explain how collected wastewater is currently being disposed of.

SUSAN MCGRUFF (APPLICANT) stated that the food truck is self-contained, with its own gray water storage and disposal system, and that the patio structure is used only for customer seating. They explained that utility connections were provided by the property owner and that they disconnected them immediately once the City informed them of compliance concerns.

COMMISSIONER HARNESS acknowledged concerns about mobile food vendors versus brick-and-mortar businesses but noted that food trucks can serve as incubators for future permanent businesses. She also recognized the site's prominent location at a major entrance to Homer. Harness recommended simplifying Condition 3 to state: "The use of the structure shall be limited to dine-in seating." She felt references to "present commercial and mobile food services" were unnecessary because vendors may change overtime.

COMMISSIONER KEISER asked how the current proposal differs from a past situation involving a weaving studio near the Wild Berry Building that sought to place a small retail cottage on Pioneer Avenue but was reportedly unable to obtain approval.

CITY PLANNER FOSTER explained that he could not speak to the specifics of that case but noted that it may have involved placing a structure on a vacant lot without utilities, which raises different regulatory concerns.

COMMISSIONER KANTER supported the concept of clustering food vendors, noting that similar shared food-focused spaces can be successful business incubators and provide convenient options for customers. While she found the current proposal somewhat uncoordinated, she suggested that a more thoughtfully planned shared facility could better serve multiple businesses and the public. Overall, she indicated support for the permit while encouraging a more comprehensive long-term approach.

COMMISSIONER HEATH SMITH supported the application, acknowledging that the approval process occurred after the structure was built. He felt the covered seating area provides a valuable benefit for customers of all the food trucks and noted that aesthetics is subjective. While recognizing concerns about the site's prominent location, he stated that the structure is not yet finished and has already improved since the application was submitted. Overall, he viewed the project as a positive community amenity and supported approval.

COMMISSIONER (CHAIR) SCOTT SMITH expressed concern about fairness, noting that a mobile food vendor with a semi-permanent structure may not be treated the same as other food vendors.

CITY PLANNER FOSTER stated that the structure currently does not have water or sewer utilities and would require a zoning permit and State Fire Marshal review. Furthermore, the City Code does not distinguish between temporary and permanent structures, so the structure must be regulated and permitted as any other structure. Additionally, Mr. Foster explained that the proposal is not unique, as there are other properties in Homer where small accessory structures have been approved through conditional use permits alongside a primary building that provides the required utilities.

COMMISSIONER (CHAIR) SCOTT SMITH said he supports the activity and community atmosphere the food truck area creates but questioned whether the proposal effectively establishes multiple structures on a single lot. He noted the dining structure is substantial in size and raised concerns about potential legal and regulatory implications. Smith suggested that a different approval process addressing the site as a multiple-structure development might better resolve many of the issues and questions raised during the review.

CITY PLANNER FOSTER confirmed the Conditional Use Permit application was in fact submitted for the approval of multiple permitted structures on the property as required by Homer City code 21.18.030.

COMMISSIONER KEISER asked the planner for examples of similar conditional use permits in Homer, stating that she could not recall any comparable cases.

CITY PLANNER FOSTER cited the Salmon Sisters property near FAA Drive as an example. He explained that the site has a primary building with utilities and a conditional use permit allowing one or more small accessory retail structures, making it somewhat similar to the current proposal, though not an exact comparison.

COMMISSIONER KANTER noted that the existence of similar approved projects suggests there is precedent for approving the application. She asked staff whether there are any specific legal, insurance, liability, or other regulatory concerns the Commission should consider if the permit is approved, or whether the issues raised are primarily policy and preference considerations.

CITY PLANNER FOSTER stated that the primary regulatory concern is State Fire Marshal review. He explained that the City will not issue a zoning permit for the structure without approval from the State Fire Marshal, who has already confirmed that the project requires a formal plan review.

SUSAN MCGRUFF confirmed that she is familiar with the State Fire Marshal application process and is aware of the requirement to submit for a formal plan review.

COMMISSIONER (CHAIR) SCOTT SMITH emphasized that the Commission's concerns are not about the food truck itself, which he supports, but about the dining structure. He said the key questions involve what requirements the State Fire Marshal may impose, such as fire safety, exits, accessibility, and structural standards, including the ability to withstand Homer's heavy snow loads. Overall, his focus was on ensuring the structure meets appropriate safety and compliance requirements.

COMMISSIONER SCHNEIDER noted that, in similar situations around Homer, shared amenities associated with food truck areas are typically built by the property owner of the main site rather than by the food truck operators themselves. He observed that this is a key difference in the current case, though he was unsure whether it has any regulatory significance.

COMMISSIONER HARNESS asked whether the Commission could require or encourage an ADA-accessible ramp for entrance to the dining structure. Harness directed the question to staff, seeking clarification on whether such a condition would be allowed under the City's code and permitting authority.

CITY PLANNER FOSTER explained that ADA accessibility requirements are generally addressed through building and fire codes, not Homer's zoning code. Because the City does not have local building codes or a local fire marshal, any accessibility requirements would be reviewed by the State Fire Marshal as part of the required plan review process.

COMMISSIONER KEISER stated that the Planning Commission has the authority under the conditional use permit process to impose conditions that it believes are in the public interest, even if those conditions are not specifically required elsewhere in the code.

CITY PLANNER FOSTER confirmed that the Planning Commission may impose conditional use permit conditions to address potential impacts of a proposal. However, he noted that he could not recommend specific accessibility or building-related requirements because those issues are typically handled through building codes and State Fire Marshal review.

COMMISSIONER SCHNEIDER noted that the Homer Comprehensive Plan includes policies related to the appearance and attractiveness of buildings. While acknowledging that aesthetics are subjective, he suggested that some could argue the structure is inconsistent with those goals, raising a potential question about whether the proposal fully aligns with the Comprehensive Plan.

COMMISSIONER (CHAIR) SCOTT SMITH request a motion and a second to approve the conditional use permit application as presented. COMMISSIONER HARNESS MOVED TO ADOPT STAFF REPORT 26-021 AND RECOMMEND APPROVAL WITH FINDINGS 1 – 10 AND THE FOLLOWING CONDITIONS:

CONDITION 1 THE APPLICANT SHALL SUBMIT PLANS TO THE ALASKA STATE FIRE MARSHAL PLAN REVIEW BUREAU, AS REQUIRED BY HCC21.70.020(b)(7), PRIOR TO ISSUANCE OF THE COMMERCIAL ZONING PERMIT, AND

CONDITION 2 THE APPLICANT SHALL SUBMIT A SIGN PERMIT TO THE HOMER PLANNING DEPARTMENT, AS REQUIRED BY HCC 21.60.030, PRIOR TO ESTABLISHING ANY SIGNAGE, AND

CONDITION 3 THE USE OF THE STRUCTURE SHALL BE LIMITED TO DINE-IN SEATING, AND
CONDITION 4 OUTDOOR LIGHTING MUST BE DOWN LIT PER HCC 21.59.030 AND THE CDM, AND

CONDITION 5 WATER USE SHALL BE LIMITED TO TEMPORARY HOSE CONNECTIONS THAT ARE DISCONNECTED AFTER FILLING, AND ALL WASTEWATER SHALL BE CONTAINED IN A GREYWATER HOLDING TANK, COMPLIANCE SHALL BE VERIFIED PRIOR TO ISSUANCE OF A CONDITIONAL USE PERMIT OR ZONING PERMIT, AND

CONDITION 6 ADA ENTRANCE EXIT

COMMISSIONER HEATH SMITH SECOND.

COMMISSIONER (CHAIR) SCOTT SMITH request the commission for further discussion.

FUTHER DISCUSSION

COMMISSIONER HEATH SMITH said that while ADA accessibility is important, he was hesitant to impose ADA-related conditions without clear guidance in City Code. He felt it would be premature for the Commission to establish such requirements on a case-by-case basis and preferred to rely on the State Fire Marshal's review to address safety and access requirements, including emergency exits and occupancy considerations.

COMMISSIONER KANTER expressed uncertainty about requiring ADA accessibility as a permit condition since it is not specifically addressed in City Code.

COMMISSIONER (CHAIR) SCOTT SMITH stated that he was neutral on whether ADA accessibility should be included as a permit condition.

The Chair then asked whether any commissioner wished to amend the motion to address ADA accessibility, clarifying that the question was whether anyone wanted to propose an amendment to the motion made by Commissioner Harness.

COMMISSIONER HEATH SMITH MOVED TO AMEND THE MOTION AND WITHDRAW CONDITION 6 AS PRESENTED BY HARNESS. COMMISSIONER KANTER SECOND.

COMMISSIONER (CHAIR) SCOTT SMITH asked the commission for discussion on the amendment.

COMMISSIONER KEISER reiterated the Commissions' right to impose conditions as they relate to the best interest of the public. Keiser voiced support for the requirement of an ADA ramp.

COMMISSIONER HEATH SMITH emphasized that his concern was not with the value of ADA accessibility, but with applying such requirements consistently. He noted that nearby food trucks do not have comparable accessibility features and questioned where the Commission should draw the line if it begins imposing ADA-related conditions. Smith stressed the importance of having a clear and consistent framework for decision-making rather than addressing accessibility on a case-by-case basis.

COMMISSIONER (CHAIR) SCOTT SMITH called for a vote on the amendment.

COMMISSIONER VENUTI request the motion be restated.

COMMISSIONER (CHAIR) SCOTT SMITH confirmed that the amendment is to remove condition 6.

COMMISSIONER KANTER requested to ask the applicant for their thoughts on the requirements for a ramp.

SUSAN MCGRUFF (APPLICANT) said she is willing to work with the Commission on accessibility concerns. While she noted that the surrounding gravel surface already presents challenges for wheelchair access, she stated that adding a ramp to the dining structure is feasible and could be accomplished if required.

COMMISSIONER (CHAIR) SCOTT SMITH called for further discussion on the amendment, clarifying that a YES vote would strike condition 6 and a NO vote would keep condition 6.

COMMISSIONER (CHAIR) SCOTT SMITH called for a vote.

VOTE: NO: KEISER, HARNESS, SCHNEIDER, HEATH SMITH, SCOTT SMITH, VENUTI, KANTER

Motion failed.

COMMISSIONER (CHAIR) SCOTT SMITH called for further discussion regarding the motion as presented.

There was no further discussion.

COMMISSIONER (CHAIR) SCOTT SMITH called for objection regarding the motion as presented.

COMMISSIONER VENUTI voiced objection to the motion as presented.

VOTE: NO: VENUTI, SCHNEIDER, KEISER YES: KANTER, (CHAIR) SCOTT SMITH, HEATH SMITH, HARNESS

Approved with a vote 4:3.

Motion passed.

RECESS, 8PM

CALL TO ORDER, 8:15PM

8C. Conditional Use Permit (CUP) CUP 26-05 per HCC 21.12.030 (m), More than one building containing a permitted principal use on a lot. The applicant proposes the addition of two single family dwelling units and accessory structures at 3480 Morris Avenue, Staff Report 26-022

Planner presentation of SR 26-022.

City Planner Foster provided a summary of his report included in the packet. Foster concluded with recommendation that the Planning Commission recommend approval of Conditional Use Permit 26-05, Staff Report 26-022 with findings one through ten, and the four conditions presented in SR PL 26-021.

COMMISSIONER (CHAIR) SCOTT SMITH invited the applicant to speak to the application and address the commission. The applicant was present.

STEPHEN MENDELSON (APPLICANT) introduced himself via the Council Chambers, thanked the commission and staff for their time and consideration of his application. Mr. Mendelson then spoke to the personal significance of the project, considerations made regarding the project's impact to the neighborhood, and to how the dwellings are intended for year-round accommodations. He then made himself available for questions.

COMMISSIONER KEISER disclosed a potential conflict of interest after learning that Mr. Mendelson was represented by Inlet Law, where she is employed. Upon confirming the representation, Keiser stated that she needed to recuse herself from the matter.

COMMISSIONER (CHAIR) SCOTT SMITH request a motion to consider Commissioner Keiser's possible conflict of interest.

COMMISSIONER SCHNEIDER MOVED TO CONSIDER COMMISSIONER KEISER'S POSSIBLE CONFLICT OF INTEREST. COMMISSIONER HARNESS SECOND.

No objection,

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMISSIONER KEISER exited the proceedings.

COMMISSIONER (CHAIR) SCOTT SMITH opened the public hearing for comments from the audience, noting that comments are to be limited to 3 minutes when addressing the commission.

PUBLIC COMMENTS

RICHARD KIRKPATRICK opposed the application, arguing that the project is effectively an RV park rather than a tiny home development because the units are built to RV standards and transported like RVs. He questioned why the applicant should be allowed to establish multiple units when other property owners are subject to limits and raised concerns about setting a precedent for similar developments elsewhere.

He also cited City regulations governing RV parks and occupancy, questioned why approvals were sought after the units were installed, and stated that neighboring property owners oppose the project. Overall, he urged the Commission to deny the application.

MARTY LEISHTUNG resident of 4260 Kachemak Drive, opposed the conditional use permit, arguing that the proposal would change the rural residential character of the neighborhood by introducing a commercial use. He contended that the development is intended as a rental operation with a continual turnover of occupants rather than permanent residents, making it fundamentally different from traditional residential use.

He expressed concern that approving the project would set a precedent for similar developments in Homer and agreed with previous testimony that the community should be cautious about moving in that direction. Overall, he believed the proposal would alter the nature of the neighborhood and urged the Commission to deny the permit.

COMMISSIONER (CHAIR) SCOTT SMITH closed the public hearing for comments from the audience.

COMMISSIONER (CHAIR) SCOTT SMITH addressed the City Planner and applicant inviting a rebuttal to claims made during public comment.

CITY PLANNER FOSTER responded to concerns that the project constitutes an RV park, stating that the units do not meet the City Code definition of a recreational vehicle (RV). He noted that RVs are defined as temporary lodging units such as travel trailers, campers, motorhomes, and fifth-wheel trailers designed for travel and recreational use. In his view, the units in question are intended to function as single-family homes and more closely resemble residential dwellings than RVs.

Foster explained that the units would be established through zoning permits as single-family dwellings, not as RVs. He also noted that Homer City Code does not currently regulate short-term rentals, so that issue is not a factor in evaluating the application.

STEPHEN MENDELSON (APPLICANT) explained that he contacted the City before starting the project to understand the requirements for placing what he understood to be park

model RVs on the property. Based on the information he received, he believed a permit was not initially required. However, after the units arrived and City staff determined that a conditional use permit was necessary, he discontinued construction and met with the Planning Office to understand and comply with the required process.

COMMISSIONER (CHAIR) SCOTT SMITH requested a point of clarity from CITY PLANNER FOSTER regarding the existing structures on the subject property.

CITY PLANNER FOSTER explained that the proposal is consistent with how Homer City Code handles additional dwelling units on rural residential properties. He clarified that two existing dwelling units on the property are already permitted, while the application seeks approval for two additional dwelling units through a conditional use permit.

Foster noted that because the property is served by city water and sewer, the code requires 10,000 square feet of lot area per dwelling unit. The parcel exceeds the minimum area needed for four dwellings and therefore meets the City's density requirements. He added that the code does place a limit on the number of units that can be added based on available lot area, so the ability to add future dwellings is not unlimited.

COMMISSIONER (CHAIR) SCOTT SMITH addressed the commission for discussion.

COMMISSIONER HARNESS questioned whether Condition 3 should require an as-built survey to verify that the proposed dwelling units comply with the coastal edge setback and that the existing deck does not encroach into required setbacks. She suggested that a survey could provide certainty that all setback requirements are being met.

CITY PLANNER FOSTER explained that Condition 3 is intended to ensure that the final site plan submitted with the zoning permit accurately verifies the location of the proposed dwelling units relative to the coastal edge setback. Although the applicant's site plan shows compliance, the City wants to confirm those measurements before permits are issued.

Foster added that the City also requires an as-built survey after construction is completed to verify that the structures were built in the approved locations and comply with setback requirements. The purpose of the condition is to identify any issues before construction is completed rather than discovering a setback violation afterward.

COMMISSIONER HEATH SMITH asked for clarification on the construction of the proposed dwelling units. Specifically, he wanted to know whether the units are built on a permanent foundation or whether they remain on axles and wheels with skirting around the base, as this distinction could affect how the units are classified and regulated.

COMMISSIONER (CHAIR) SCOTT SMITH confirmed the units are supported with a triple axel frame and skirted.

COMMISSIONER HEATH SMITH clarified that, based on the explanation provided, he viewed the units as more akin to prefabricated or mobile homes than traditional RVs. He then asked a follow-up question regarding infrastructure, specifically whether a lift station is required on Kachemak Drive to provide sewer service to the proposed dwelling units.

PW DIRECTOR KORT was unsure whether the property requires a lift station for sewer service. He noted that some areas use E-One lift stations, but he would need to review the sewer system to determine whether this location is served by a lift station or by gravity flow.

COMMISSIONER HEATH SMITH asked whether any necessary sewer infrastructure requirements would be identified through the engineering review process, suggesting that the review would determine what improvements are needed to provide service to the proposed units.

PW DIRECTOR KORT confirmed that the engineering review process would evaluate the wastewater flows generated by the property and determine whether the existing sewer infrastructure, including any required lift stations, is adequate to serve the proposed dwelling units.

COMMISSIONER KANTER noted that two separate issues were being discussed: housing density and short-term rentals. She expressed support for tiny homes as a way to help address Homer's housing needs and emphasized that the number of dwelling units on a property is a different issue from how those units might be used.

Kanter pointed out that concerns about short-term rentals, vacation use, and neighborhood character are distinct policy questions that are still being discussed by the City. She encouraged the Commission to keep those issues separate when evaluating the current application. Noting that the applicant's intended use of the units is an important consideration.

STEPHEN MENDELSON (APPLICANT) stated that while the units may be used for short-term rentals, particularly during the summer tourism season, he also intends to make them available during the winter. He noted that there is demand from people needing housing for several months at a time, and unlike some property owners who discontinue rentals during the off-season, he is willing to accommodate longer-term occupants and does not plan to shut down the units in winter.

COMMISSIONER SCHNEIDER noted that current Title 21 regulations do not restrict short-term rentals, so the applicant's proposed use is permitted under existing code. However, he pointed out that the ongoing Title 21 rewrite is expected to include short-term rental regulations, and future requirements could include provisions such as requiring operators to live on-site. He offered this as context for potential future code changes rather than as a concern with the current application.

COMMISSIONER (CHAIR) SCOTT SMITH request a motion and a second to approve the conditional use permit application as presented.

COMMISSIONER HARNESS MOVED TO ADOPT STAFF REPORT 26-022 AND RECOMMEND APPROVAL WITH FINDINGS 1 – 10 AND THE FOLLOWING CONDITIONS:

CONDITION 1 ALL ACCESSORY STRUCTURES AND THE DECK SHALL BE REMOVED FROM THE 40-FOOT COASTAL EDGE SETBACK, AND

CONDITION 2 INSTALL APPROVED COMMUNITY SEWER SERVICE TO THE STRUCTURES, AND

CONDITION 3 VERIFY THE PERMANENT LOCATION OF THE DWELLING UNITS WITH AN AS-BUILT SURVEY SHOWING THAT THE DWELLING UNITS ARE LOCATED OUTSIDE OF THE COASTAL EDGE SETBACK AND SIDE YARD SETBACK, AND

CONDITION 4 OUTDOOR LIGHTING MUST BE DOWN LIT PER HCC 21.59.030 AND THE CDM.

COMMISSIONER SCHNEIDER SECOND.

COMMISSIONER (CHAIR) SCOTT SMITH request the commission for further discussion.

FUTHER DISCUSSION

COMMISSIONER KANTER asked the planner whether the proposed verification language was necessary or whether it would be redundant with existing requirements. She sought clarification on the practical purpose and value of including the additional language.

CITY PLANNER FOSTER explained that staff would normally verify setback compliance through the zoning permit review and detailed site plan process, with an as-built survey submitted after construction to confirm the final placement of structures.

He noted that the City has occasionally required as-built surveys or staking before permit approval when additional accuracy is needed. However, in this case, staff would primarily rely on a detailed, scaled site plan to verify compliance before issuing a zoning permit, with the as-built survey serving as final confirmation after construction.

COMMISSIONER KANTER asked Commissioner Harness to elaborate on her concerns regarding the proposed condition. Specifically, Kanter sought clarification on what issue Harness was trying to address and whether there was a particular compliance or setback concern driving the request for additional verification.

COMMISSIONER HARNESS stated that an as-built survey provides independent verification that measurements and setbacks are accurate. She indicated that, ideally, the survey would be completed before structures are permanently installed, although she acknowledged that the code does not specifically require that timing.

COMMISSIONER (CHAIR) SCOTT SMITH supported the idea of requiring an as-built survey, noting that it provides an independent, professional determination of the coastal edge location and accurate measurements. He explained that relying on a licensed surveyor helps protect both the City and the applicant by establishing a legally defensible standard, reducing potential liability and disputes over setbacks or property measurements.

COMMISSIONER KANTER understood the benefit of an as-built survey but wanted to clarify whether the concern was primarily about liability and accurate setback verification or about ensuring the applicant was aware of potential coastal erosion and bluff setback issues.

COMMISSIONER (CHAIR) SCOTT SMITH called upon the commission for objections.

COMMISSIONER VENUTI objected.

COMMISSIONER (CHAIR) SCOTT SMITH called upon DEPUTY CITY CLERK I PILIFANT for a vote.

VOTE NO: VENUTI YES: HARNESS, KANTER, (CHAIR) SCOTT SMITH, HEATH SMITH, SCHNEIDER

Approved with a vote 5:1.

Motion carried.

8D. A request to Vacate Knapp Circle Public Right-of-Way and associated easement located within Miriams Ares 2016, Plat No. 2016-27 located within the NE 1/4 OF SECTION 22, TOWNSHIP 6 SOUTH, R. 13 W., S.M., Staff Report 26-023

Planner presentation of SR 26-023.

City Planner Foster provided a summary of his report included in the packet. Foster concluded with staff recommendation that the Planning Commission recommend to City Council approval of the vacation of Knapp Circle Right-of-Way and associated easements, with the two conditions as presented in SR PL 26-023.

COMMISSIONER (CHAIR) SCOTT SMITH invited the applicant to speak to the application and address the commission. The applicant was present.

CHRISTOPHER MULLIKIN PLS (APPLICANT) provided a summary of the application and made himself available to questions from the commission and audience.

COMMISSIONER (CHAIR) SCOTT SMITH opened the public hearing for comments from the audience, noting that comments are to be limited to 3 minutes when addressing the commission.

PUBLIC COMMENT

No public comment

COMMISSIONER (CHAIR) SCOTT SMITH closed the public hearing for comments from the audience.

COMMISSIONER (CHAIR) SCOTT SMITH addressed the commission for discussion.

COMMISSIONER SCHNEIDER asked the applicant whether the two neighboring property owners have a shared driveway agreement in place. After receiving confirmation that such an agreement exists, he thanked the applicant and had no further questions on the matter.

COMMISSIONER KEISER could not clearly determine the location of the driveway and requested clarification.

CHRISTOPHER MULLIKIN PLS (APPLICANT) clarified that the proposed property line follows the centerline of the existing driveway, which explains its location relative to the lots.

COMMISSIONER KEISER voiced support of the application but expressed concern about the potential for the shared driveway arrangement to change in the future. She stated that she would not like to see the property eventually develop two separate driveways, as additional access points onto Kachemak Drive may be undesirable. Keiser suggested exploring whether the shared driveway could be formally required, noted on the plat, or otherwise protected to ensure continued shared access between the lots.

CHRISTOPHER MULLIKIN PLS (APPLICANT) explained that, based on his experience, the Alaska Department of Transportation (DOT) would likely not allow a second driveway access if a shared driveway already exists. He noted that properties in this situation are generally expected to continue sharing the existing access.

Furthermore, following subdivision approval, the property owners would need to reapply for a DOT access permit, even though a driveway already exists. DOT would review the access arrangement and determine the appropriate driveway configuration.

COMMISSIONER (CHAIR) SCOTT SMITH request a motion and a second to recommend the Knapp Circle Right-of-Way Vacation as presented.

COMMISSIONER KANTER MOVED TO APPROVE THE REQUEST TO VACATE KNAPP CIRCLE AS PRESENTED WITH COMMENTS PROVIDED IN SR PL 26-023.

1. THE SURVEYOR SHALL AMEND THE LANGUAGE OF THE DEDICATED NATURAL GAS EASEMENT TO SPECIFY A WIDTH OF 15 FEET AND REVISE THE CORRESPONDING EASEMENT DIMENSION TO 15 FEET.

2. THE SURVEYOR SHALL AMEND THE LANGUAGE OF THE DEDICATED HEA UNDERGROUND SERVICE LINE EASEMENT TO SPECIFY A WIDTH OF 15 FEET AND REVISE THE CORRESPONDING EASEMENT DIMENSION TO 15 FEET.

COMMISSIONER SCHNEIDER SECOND.

There was no discussion or objection.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATIONS

9A. Watson Ridge Simpson Heights Preliminary Plat, Staff Report 26-018

Planner presentation of SR 26-018.

City Planner Foster provided a summary of his report included in the packet. Foster concluded with recommendation that the Planning Commission recommend approval of Watson Ridge Simpson Heights Preliminary Plat with conditions presented in SR PL 26-018.

COMMISSIONER (CHAIR) SCOTT SMITH invited the applicant to speak to the application and address the commission.

KATHRINE KIRSIS PLS (APPLICANT) stated that she and the property owner, Jonathan Simpson, were available to answer questions regarding the application. She explained that the preliminary plat includes a drainage easement for the seasonal creek and emphasized that no development plans are being proposed beyond the preliminary plat at this time. She noted that the proposed road dedication does not trigger the applicable Title 11 (T11) requirements and that any necessary DOT access permits and U.S. Army Corps of Engineers (USACE) permits would be obtained prior to construction.

COMMISSIONER (CHAIR) SCOTT SMITH opened the public hearing for comments from the audience, noting that comments are to be limited to 3 minutes when addressing the commission.

PUBLIC COMMENTS

ELIZA TRAMMELL adjacent resident to the subject plat asked for clarification concerning the seasonal creek referenced in the application and future development of the drainage.

KATHRINE KIRSIS PLS (APPLICANT) explained that the noted drainage feature is generally a small year-round trickle that flows more significantly during spring breakup and storm events. Furthermore, Kirsis explained the property contains a primary drainage channel located in the northern portion of Lot 1, near the area's steeper slopes. This drainage joins a second drainage channel, and the combined flow then travels east across the property, exiting near the midpoint of the eastern property boundary. In conclusion, Kirsis confirmed that there would be no proposed development impacting either the existing drainage or the steep slopes located in the northern portion of the subject plat.

COMMISSIONER (CHAIR) SCOTT SMITH closed the public hearing for comments from the audience.

There was no discussion.

COMMISSIONER (CHAIR) SCOTT SMITH request a motion and a second to recommend approval of the preliminary plat as presented. COMMISSIONER SCHNEIDER MOVED TO RECOMMEND WATSON RIDGE SIMPSON HEIGHTS PRELIMINARY PLAT AS REPORTED BY STAFF REPORT PL 26-018 WITH COMMENTS,

1. PLAN & PROFILE DEVELOPMENT OF SIMPSON CIRCLE SHALL BE COORDINATED WITH PUBLIC WORKS.

2. THE APPLICANT SHALL ENTER INTO A SUBDIVISION AGREEMENT WITH THE CITY. THE APPLICANT SHALL BE REQUIRED TO INSTALL WATER AND SEWER MAINS WITHIN THE SIMPSON CIRCLE RIGHT-OF-WAY, PROVIDE WATER AND SEWER SERVICES TO ALL SIX (6) LOTS, AND CONSTRUCT A ROAD WITHIN THE NEWLY DEDICATED RIGHT-OF-WAY IN ACCORDANCE WITH CITY STANDARDS.

COMMISSIONER HARNESS SECOND.

There was no objection.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMISSIONER (CHAIR) SCOTT SMITH request a motion and a second to continue the regular meeting for an additional 30 minutes. COMMISSIONER SCHNEIDER MOVED TO EXTEND THE MEETING UNTIL 10PM.

There was no objection.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

9B. Miriams Ares Olson Veerhusen Replat, Staff Report 26-024

Planner presentation of SR 26-024.

City Planner Foster provided a summary of his report included in the packet. Foster concluded with recommendation that the Planning Commission recommend approval of Miriams Ares Olson Veerhusen Replat with conditions presented in SR PL 26-024.

COMMISSIONER (CHAIR) SCOTT SMITH invited the applicant to speak to the application and address the commission.

CHRISTOPHER MULLIKIN PLS (APPLICANT) noted that when rights-of-way are vacated, it is typically divided equally between adjacent property owners. In this case, however, the land was divided unequally by agreement of the neighboring property owners, which is allowed through an exception process. He added that this is why the lot line may appear unusual on the plat, particularly given the presence of the cul-de-sac, and made himself available for questions.

COMMISSIONER (CHAIR) SCOTT SMITH opened the public hearing for comments from the audience, noting that comments are to be limited to 3 minutes when addressing the commission.

PUBLIC COMMENT

No public comment

COMMISSIONER (CHAIR) SCOTT SMITH closed the public hearing for comments from the audience.

COMMISSIONER (CHAIR) SCOTT SMITH addressed the commission for discussion.

COMMISSIONER KEISER raised the question whether there is a need to note the shared driveway agreement on the plat.

CHRISTOPHER MULLIKIN PLS (APPLICANT) The surveyor explained that shared access agreements are sometimes noted on plats and sometimes not. He noted that the borough generally does not regulate or enforce private agreements, which is one reason such agreements are often omitted from plats. However, because access rights are legally significant and addressed through statutes and easements, the borough may occasionally require specific notations when an easement is necessary to ensure or clarify access to a property.

COMMISSIONER KEISER voiced her support for a note citing the shared driveway agreement.

CITY PLANNER FOSTER noted that both lots have road frontage, so neither are landlocked. While they could theoretically have separate driveways, the Alaska DOT would likely restrict additional access points. Therefore, he saw little need to require a shared driveway agreement on the plat.

COMMISSIONER HEATH SMITH noted that when he built a home with a shared driveway, his lender required a recorded shared driveway agreement to avoid future legal and access issues. He suggested that such agreements provide certainty and voiced support for the requested note.

There was no further discussion.

COMMISSIONER (CHAIR) SCOTT SMITH request a motion and a second to recommend approval of the preliminary plat as presented. COMMISSIONER HARNESS MOVED TO RECOMMEND MIRIAM'S ARES OLSON VEERHUSEN REPLAT TO THE KENAI PENINSULA BOROUGH FOR APPROVAL AS REPORTED BY STAFF REPORT PL 26-024 WITH COMMENTS,

1. THE SURVEYOR SHALL AMEND THE LANGUAGE OF THE DEDICATED NATURAL GAS EASEMENT TO SPECIFY A WIDTH OF 15 FEET AND REVISE THE CORRESPONDING EASEMENT DIMENSION TO 15 FEET.

2. THE SURVEYOR SHALL AMEND THE LANGUAGE OF THE DEDICATED HEA UNDERGROUND SERVICE LINE EASEMENT TO SPECIFY A WIDTH OF 15 FEET AND REVISE THE CORRESPONDING EASEMENT DIMENSION TO 15 FEET.

3. ADD A PLAT NOTE NOTING THE SHARED DRIVEWAY AGREEMENT.

There was no objection.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS INFORMATIONAL MATERIALS

CITY PLANNER FOSTER reminded the Commission that the next Title 21 work session is scheduled for August 19 and confirmed that it will begin at 5:00 p.m., rather than the Commission's usual 5:30 p.m. start time. He noted that the meeting will be publicly advertised with the earlier start time.

COMMENTS OF THE AUDIENCE, Members of the audience may address the Commission on any subject. (3 min limit)

COMMENTS OF THE STAFF

PW DIRECTOR KORT had no additional comments and thanked the commission.

CITY PLANNER FOSTER thanked the Commission for a productive meeting and welcomed Commissioner Lakshmi Kanter to her first Planning Commission meeting.

DEPUTY CLERK I PILLIFANT welcomed Commissioner Kanter.

COMMENTS OF THE MAYOR/COUNCIL MEMBERS

COMMENTS OF THE COMMISSION

COMMISSIONER FRANKO VENUTI thanked everyone for the interesting meeting, their service, and welcomed Commissioner Kanter.

COMMISSIONER KANTER asked how she could obtain a copy of the Community Design Manual (CDM), noting that she had heard references to it during the meeting and had initially assumed it was only related to the future Title 21 update. Kanter thanked the staff and commission for their welcoming comments and patience.

COMMISSIONER (CHAIR) SCOTT SMITH welcomed Commissioner Lakshmi Kanter to the Planning Commission and expressed appreciation for her participation, stating that it was great to have her on board the Commission.

COMMISSIONER HEATH SMITH thanked everyone for their participation in the meeting and welcomed Commissioner Lakshmi Kanter to the Planning Commission, commending her for her engagement during her first meeting.

COMMISSIONER DOTTI HARNESS acknowledged former Commissioner Sam Walker and welcomed the newly appointed Commissioner Lakshmi Kanter.

COMMISSIONER DAVID SCHNEIDER thanked City staff for their work and described the meeting and discussions as interesting and valuable.

COMMISSIONER JANNETTE KEISER thanked everyone for their patience and remarked that the meeting had been a great experience.

ADJOURNMENT

9:40PM



City of Homer
www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603
Planning@ci.homer.ak.us
(p) 907-235-3106
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HOMER PLANNING COMMISSION

Approved CUP 2026-04 at the Meeting of August 5, 2026

RE: Conditional Use Permit (CUP) 2026-04
Address: 3582 Main Street

Legal Description: T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0870024 W R BENSON SUB NO 3 LOT 1

DECISION

Introduction

Carlos & Susan McGriff, Rump's Barbeque, (the "Applicant") applied to the Homer Planning Commission (the "Commission") for a Conditional Use Permit under Homer City Code 21.18.030 (h), for more than one building containing a permitted principal use on a lot. The applicant proposed construction of a 600 square foot dine-in seating structure. A public hearing was held for the application before the Commission on August 5, 2026 as required by Homer City Code 21.94. Notice of the public hearing was published in the local newspaper and sent to 17 property owners of 23 parcels as shown on the Kenai Peninsula Borough tax assessor rolls. Public notices contained information on how to submit written testimony, participate telephonically, or participate on the Zoom meeting platform.

At the August 5, 2026, meeting of the Commission, seven Commissioners were present. The Commission with a vote 4-3 approved CUP 2026-04 with findings 1 – 10 and six conditions.

Evidence Presented

City Planner, Ryan Foster, provided a detailed review of Staff Report PC 26-021 for the Commission. The Applicant was available and provided responses to Commissioners' questions. No members of the public provided public testimony during the public hearing portion of the meeting.

Findings of Fact

After careful review of the record and consideration of testimony presented at the hearing, the Commission determines CUP 2026-04, to allow the use of the dine-in seating structure which satisfies the review criteria set out in HCC 21.71.030 and is hereby approved.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030, Review criteria, and establishes the following conditions:

- a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district;**

Condition 3: The use of the structure shall be limited to dine-in seating.

Finding 1: The structures and uses are authorized by the applicable code.

- b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.**

Finding 2: The proposed structures and uses are compatible with the purpose of the district.

- c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.**

Finding 3: The proposed project is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

- d. The proposal is compatible with existing uses of surrounding land.**

Finding 4: The proposed use is compatible with existing uses of surrounding land.

- e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.**

Finding 5: Public services and facilities are adequate to serve the existing / proposed use.

- f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.**

Finding 6: The proposal will not cause undue harmful effect upon desirable neighborhood character.

g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

Finding 7: The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole when all applicable standards are met as required by city code.

h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.

Finding 8: The proposal will comply with applicable regulations and conditions specified in Title 21 when gaining the required permits.

i. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.

Finding 9: The proposal is not contrary to the applicable land use and environment goals and objectives of the Comprehensive Plan. The proposal aligns with Goals A and B and Strategy 5, and no evidence has been found that it is contrary to the applicable land use goals and objectives of the Comprehensive Plan.

j. The proposal will comply with the applicable provisions of the Community Design Manual (CDM).

Condition 4: Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

Finding 10: Project will comply with the applicable provisions of the CDM.

HCC 21.71.040(b). b. In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

1. Special yards and spaces: No specific conditions deemed necessary.

- 103 **2. Fences and walls:** No specific conditions deemed necessary.
- 104 **3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 105 **4. Street and road dedications and improvements:** No specific conditions deemed
- 106 necessary.
- 107 **5. Control of points of vehicular ingress and egress:** No specific conditions deemed
- 108 necessary.
- 109 **6. Special provisions on signs:** No specific conditions deemed necessary.
- 110 **7. Landscaping:** No specific conditions deemed necessary.
- 111 **8. Maintenance of the grounds, building, or structures:** No specific conditions deemed
- 112 necessary.
- 113 **9. Control of noise, vibration, odors or other similar nuisances:** No specific conditions
- 114 deemed necessary.
- 115 **10. Limitation of time for certain activities:** No specific conditions deemed necessary.
- 116 **11. A time period within which the proposed use shall be developed:** No specific conditions
- 117 deemed necessary.
- 118 **12. A limit on total duration of use:** No specific conditions deemed necessary.
- 119 **13. More stringent dimensional requirements, such as lot area or dimensions, setbacks,**
- 120 **and building height limitations. Dimensional requirements may be made more lenient by**
- 121 **conditional use permit only when such relaxation is authorized by other provisions of the**
- 122 **zoning code. Dimensional requirements may not be altered by conditional use permit**
- 123 **when and to the extent other provisions of the zoning code expressly prohibit such**
- 124 **alterations by conditional use permit:** No specific conditions deemed necessary.
- 125 **14. Other conditions necessary to protect the interests of the community and**
- 126 **surrounding area, or to protect the health, safety, or welfare of persons residing or**
- 127 **working in the vicinity of the subject lot:** a specific condition for ingress and egress.

128 **Condition 6:** ADA entrance exit

129

130 **PUBLIC WORKS COMMENTS:**

131 As per discussion with the applicant, no permanent water and sewer installations shall serve

132 the mobile food truck(s). Rumps food truck is currently served by an above ground water

133 hose from the existing (permitted) house. They are to fill their truck and disconnect the hose.

134

135 They appear to be tied to into a sewer service line. We are unclear where the line comes from

136 or when it was installed. Rumps agreed to disconnect from that sewer line and provide a

137 greywater tank.

138

Verification that these utilities standards have been met should be a condition of issuing a CUP or zoning permit.

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2026-04 is hereby approved, with Findings 1-10 and the following conditions.

1. The applicant shall submit plans to the Alaska State Fire Marshal Plan Review Bureau, as required by HCC 21.70.020(b)(7), prior to issuance of the commercial zoning permit.
2. The applicant shall submit a sign permit to the Homer Planning Department, as required by HCC 21.60.030, prior to establishing any signage.
3. The use of the structure shall be limited to dine-in seating.
4. Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.
5. Water use shall be limited to temporary hose connections that are disconnected after filling, and all wastewater shall be contained in a greywater holding tank. Compliance shall be verified prior to issuance of a CUP or zoning permit.
6. ADA entrance and exit required.

Date	Chair, Scott Smith
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Date	City Planner, Ryan Foster
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NOTICE OF APPEAL RIGHTS

Pursuant to Homer City Code 21.93.020 any person with standing in this decision may appeal this decision to a hearing officer within fifteen (15) days of the date of distribution indicated below. A hearing officer will be appointed in accordance with Homer City Code 21.91.100. Any decision not appealed within that time shall be final. A notice of appeal shall be in writing and contain all the information required by Homer City Code Section 21.93.080 and shall be filed with the Homer City Clerk, 491 E. Pioneer Avenue, Homer, Alaska 99603.

CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on _____, 2026.

A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

Date	Associate Planner
------	-------------------

Carlos & Susan McGriff
Rump's Barbeque
2651 Ancounty Rd 488
Palestine, TX 75803

Matt Shadel
Aurora Novel Ventures LLC
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HOMER PLANNING COMMISSION

Approved CUP 2026-05 at the Meeting of August 5, 2026

RE: Conditional Use Permit (CUP) 26-05

Address: 3480 Morris Avenue

Legal Description: T 6S R 13W SEC 14 SEWARD MERIDIAN HM 0750043 MORRIS SUB LOT 49-B

DECISION

Introduction

Stephen Mendelsohn (the "Applicant") applied to the Homer Planning Commission (the "Commission") for a Conditional Use Permit (CUP) under Homer City Code HCC 21.14.030 (i), More than one building containing a permitted principal use on a lot. The applicant proposes two single dwelling units at 3480 Morris Avenue.

A public hearing was held for the application before the Commission on August 5, 2026 as required by Homer City Code 21.94. Notice of the public hearing was published in the local newspaper and sent to 12 property owners of 12 parcels as shown on the Kenai Peninsula Borough tax assessor rolls. Public notices contained information on how to submit written testimony, participate telephonically, or participate on the Zoom meeting platform.

At the August 5, 2026 meeting of the Commission, seven Commissioners were present. One commissioner was recused due to a conflict of interest. The Commission approved CUP 2026-05 with five commissioners voting for approval and one commissioner voting against, with four conditions.

Evidence Presented

City Planner, Ryan Foster, provided a detailed review of Staff Report PC 26-022 for the Commission. The Applicant was available and provided responses to Commissioners questions. Two community members and neighbors provided testimony in opposition of the proposed conditional use permit.

Findings of Fact

After careful review of the record and consideration of testimony presented at the hearing, the Commission determines CUP 2026-05, to allow two single dwelling units at 3480 Morris Avenue, satisfies the review criteria set out in HCC 21.71.030 and is hereby approved.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030, Review criteria, and establishes the following conditions:

a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district;

Finding 1: The structures and uses are authorized by the applicable code.

b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.

Finding 2: The proposed structures and uses are compatible with the purpose of the district.

c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.

Finding 3: Two single dwelling units are not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

d. The proposal is compatible with existing uses of surrounding land.

Finding 4: The proposal is compatible with existing uses of surrounding land.

Condition 1: All accessory structures and the deck shall be removed from 40' Coastal Edge setback.

e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.

Finding 5: Water, sewer, and fire services will be, prior to occupancy, adequate to serve the proposed three single unit dwellings. The proposed dwelling locations will need to be verified as being out of the Coastal Edge setback, prior to utility connection.

Condition 2: Install approved community sewer service to the structures.

Condition 3: Provide an As-Built Survey to verify that the location of the proposed dwellings are out of the Coastal Setback.

f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

Finding 6: The proposal will not cause undue harmful effect upon desirable neighborhood character.

g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

Finding 7: The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole when all applicable standards are met as required by city code.

h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.

Finding 8: The proposal will comply with applicable regulations and conditions specified in Title 21 when gaining the required permits.

i. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.

Finding 9: The proposal is not contrary to the applicable land use and environment goals and objectives of the Comprehensive Plan. The proposal aligns with Goal B and Strategy 4 & 5, and no evidence has been found that it is contrary to the applicable land use goals and objectives of the Comprehensive Plan.

j. The proposal will comply with the applicable provisions of the Community Design Manual (CDM).

Condition 4: Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

Finding 10: Project will comply with the applicable provisions of the CDM.

HCC 21.71.040(b). b. In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

1. Special yards and spaces: No specific conditions deemed necessary.

2. Fences and walls: No specific conditions deemed necessary.

3. Surfacing of parking areas: No specific conditions deemed necessary.

4. Street and road dedications and improvements: No specific conditions deemed necessary.

5. Control of points of vehicular ingress and egress: No specific conditions deemed necessary.

6. Special provisions on signs: No specific conditions deemed necessary.

7. Landscaping: No specific conditions deemed necessary.

8. Maintenance of the grounds, building, or structures: No specific conditions deemed necessary.

9. Control of noise, vibration, odors or other similar nuisances: No specific conditions deemed necessary.

10. Limitation of time for certain activities: No specific conditions deemed necessary.

11. A time period within which the proposed use shall be developed: No specific conditions deemed necessary.

12. A limit on total duration of use: No specific conditions deemed necessary.

13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.

14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2026-05 is hereby approved, with Findings 1-10 and the following conditions.

Condition 1: All accessory structures and the deck shall be removed from 40' Coastal Edge setback.

Condition 2: Install approved community sewer service to the structures.

Condition 3: Provide an As-Built Survey to verify that the location of the proposed dwellings are out of the Coastal Setback.

Condition 4: Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

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Date Chair, Scott Smith

Date City Planner, Ryan Foster

NOTICE OF APPEAL RIGHTS
Pursuant to Homer City Code 21.93.020 any person with standing in this decision may appeal this decision to a hearing officer within fifteen (15) days of the date of distribution indicated below. A hearing officer will be appointed in accordance with Homer City Code 21.91.100. Any decision not appealed within that time shall be final. A notice of appeal shall be in writing and contain all the information required by Homer City Code Section 21.93.080 and shall be filed with the Homer City Clerk, 491 E. Pioneer Avenue, Homer, Alaska 99603.

CERTIFICATION OF DISTRIBUTION
I certify that a copy of this Decision was mailed to the below listed recipients on _____,2026.
A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

Date Ed Gross, Associate Planner

Stephen Mendelsohn
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Staff Report PI 26-025

TO: Homer Planning Commission
FROM: Ryan Foster, City Planner
DATE: August 19, 2026
SUBJECT: City Planner's Report

Title 21 Zoning Code Re-write

It is anticipated the Title 21 public hearing process will be on the September 2, 2026 Planning Commission agenda.

City Council Meeting of August 10, 2026

The Homer City Council approved Ordinance 26-37 an Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.76.020 Review of Traffic Impact Analysis to Direct that an Applicant Must Contract with an Engineer When a Traffic Impact Analysis Is Required.

Meeting Schedule

The next regular meeting date is September 2, 2026.

Commissioner Report to Council

8/24/26 _____



MEMORANDUM

PC-26-11

Memorandum 2026-011, Review and Recommendations on the Draft 2027-2032 Capital Improvement Plan

Item Type: Action Memorandum
Prepared For: Planning Commission
Date: August 10, 2026
From: Julie Engebretsen, Community Development Director
Through: Melissa Jacobsen, City Manager

Note: Bring the last meeting packet if you wish to review the projects. The draft CIP will not be reprinted for this meeting.

SUMMARY:

The Planning Commission discussed the Capital Improvement Plan (CIP) during the August 5th work session. The Commission should now recommend its top three projects to the City Council.

From Commission discussion, Homer Spit Coastal Erosion (p. 3) the New Public Works Campus (p. 8) and Homer Harbor Critical Float Replacement (p. 4), were priorities.

Other projects mentioned more than once include the Comprehensive Drainage Management Plan (p. 6), Homer Harbor Expansion and Fire Hall Expansion Phase 1 (p. 31). Please keep in mind there are a total of nine projects that are City priorities, and all but the Fire Hall are in the top nine.

RECOMMENDATION:

Make a motion that the PC's priority projects are Homer Spit Coastal Erosion, the New Public Works Campus and Homer Harbor Critical Float Replacement.

2026 Meeting Dates & Submittal Deadlines

Homer Planning Commission

Meeting dates are bolded and submittal deadlines are underneath

January 7, 2026

December 17 for Public Hearing Items
December 19 for Preliminary Plat Submittal
December 26 for Regular Agenda Items

January 21, 2026

December 31 for Public Hearing Items
January 2 for Preliminary Plat Submittal
January 9 for Regular Agenda Items

February 4, 2026

January 14 for Public Hearing Items
January 16 for Preliminary Plat Submittal
January 23 for Regular Agenda Items

February 18, 2026

January 28 for Public Hearing Items
January 30 for Preliminary Plat Submittal
February 6 for Regular Agenda Items

March 4, 2026

February 11 for Public Hearing Items
February 13 for Preliminary Plat Submittal
February 20 for Regular Agenda Items

March 18, 2026

February 25 for Public Hearing Items
February 27 for Prelim. Plat Submittal
March 6 for Regular Agenda Items

April 1, 2025

March 11 for Public Hearing Items
March 13 for Preliminary Plat Submittal
March 20 for Regular Agenda Items

April 15, 2026

March 25 for Public Hearing Items
March 27 for Preliminary Plat Submittal
April 3 for Regular Agenda Items

May 6, 2026

April 15 for Public Hearing Items
April 17 for Preliminary Plat Submittal
April 24 for Regular Agenda Items

May 20, 2026

April 29 for Public Hearing Items
May 1 for Preliminary Plat Submittal
May 8 for Regular Agenda Items

June 3, 2026

May 13 for Public Hearing Items
May 15 for Preliminary Plat Submittal
May 22 for Regular Agenda Item

June 17, 2026

May 27 for Public Hearing Items
May 29 for Preliminary Plat Submittal
June 5 for Regular Agenda Items

2026 Meeting Dates & Submittal Deadlines

Homer Planning Commission

Meeting dates are bolded and submittal deadlines are underneath

July 15, 2026

June 17 for Public Hearing Items & Preliminary Plat Submittal **Four Weeks Prior to Meeting**

July 1 for Regular Agenda Items

August 5, 2026

July 15 for Public Hearing Items & Preliminary Plat Submittal

July 22 for Regular Agenda Items

August 19, 2026

July 29 for Public Hearing Items & Preliminary Plat Submittal

August 5 for Regular Agenda Items

September 2, 2026

August 12 for Public Hearing Items & Preliminary Plat Submittal

August 19 for Regular Agenda Items

September 16, 2026

August 26 for Public Hearing Items & Preliminary Plat Submittal

September 2 for Regular Agenda Items

October 7, 2026

September 16 for Public Hearing Items & Preliminary Plat Submittal

September 23 for Regular Agenda Items

October 21, 2026

September 30 for Public Hearing Items & Preliminary Plat Submittal

October 7 for Regular Agenda Items

November 4, 2026

October 7 for Public Hearing Items & Preliminary Plat Submittal **Four Weeks Prior to Meeting**

October 21 for Regular Agenda Item

December 2, 2026

November 4 for Public Hearing Items & Preliminary Plat Submittal **Four Weeks Prior to Meeting**

November 18 for Regular Agenda Item