

Session 10-16, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:05 p.m. on December 1, 2010 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, DOLMA, DRUHOT, HIGHLAND, KRANICH, MINSCH, VENUTI

STAFF: CITY PLANNER ABOUD  
DEPUTY CITY CLERK JACOBSEN

### **APPROVAL OF AGENDA**

Chair Minsch stated that the CUP for Kachemak Nordic Ski Club was pulled by the applicant. The agenda was approved by consensus of the Commission.

### **PUBLIC COMMENT**

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

There were no public comments.

### **RECONSIDERATION**

There were no times for reconsideration.

### **ADOPTION OF 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 and considered in normal sequence.

1. Approval of the November 3, 2010 minutes

The Consent Agenda was approved by the consensus of the Commission.

### **PRESENTATIONS**

There were no presentations scheduled.

### **REPORTS**

- A. Staff Report PL 10-112, City Planner's Report

City Planner Abboud reviewed his staff report.

### **PUBLIC HEARINGS**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

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- A. Staff Report PL 10-111 Draft Ordinance Amending the City of Homer Comprehensive Plan to Include the Homer Spit Comprehensive Plan and Recommending Adoption to the Kenai Peninsula Borough

City Planner Abboud reviewed the staff report.

Chair Minsch opened the public hearing.

Barbara Petersen, city resident, said when reviewing the maps she saw a new park in the area where Pier One Theater is located. If a park is there she is concerned where the theater would be located. She wants it to stay out on the spit and wondered when there will be time for dialog regarding this. City Planner Abboud commented that he neither is aware of a plan for removal of Pier One nor is it suggested in the plan.

George Matz, commented on behalf of Kachemak Bay Birders, he noted the group had provided written comments in the spring and they appreciated the recognition that was given to birding in the plan and that their suggestions were addressed in the plan. He said the earlier draft had things happening at Mariner Park like an under pass and things like that. In their letter they recommended deleting the whole section, and it seems to have been changed. He suggested that there could be some improvements within the foot print of the Mariner Lagoon parking area making it better organized but it shouldn't go beyond the existing foot print. He pointed out that the City's Capital Improvement Plan has some projects that are not compatible with the Spit Plan. One project is developing a bike trail from the Light House Village to Mariner Park, when there is already a bike path on the other side and there would be a major environmental issue filling in that area.

Harold Shepherd, Acting Executive Director of Kachemak Bay Conservation Society, thanked the Commission and Staff for putting the plan together as some provisions are encouraging. He commented regarding the natural environment section. He acknowledged the plans reference to some of the values such as birding, intertidal areas, and other areas of the spit that attract people from all over the country and even internationally. The plan addresses threats from the environment such as tsunamis and flooding, but it does not sufficiently address the economic and other social benefits from preserving the environment and does emphasize quite a bit of development. Promoting development can actually eliminate and harm some of the attributes of that natural environment, thereby eliminating or reducing the corresponding economic and social benefits that can be derived from preserving this incredibly unique area that Homer has. Development of tidal lands rather than preservation is a concern for natural values. He noted reference to page 6 which states "many tidal lands that that make up portions of the parcels of the acreage charts are unusable". He assumes that is reference to unusable for development, however they are usable for other things and in practical terms are highly valuable and usable if the areas are protected.

Robert Archibald, city resident, commented that the Homer Spit is a natural phenomenon. It is one of the few in the world and it should be protected as the valuable piece of property that it is. Nature has created and changed it over geological time. Man can make the plans, but nature can change them without a hearing. The Spit Plan is maturing and becoming a viable document. He sees some issues that may have come up in comments and may need some reinforcement. The spit has diverse user groups striving to get along. The enterprise fund system the Port and Harbor uses will have unknown effects on this plan. The areas near Pier One will come under Port and Harbor funding and that discussion needs to happen soon.

He thinks enhancement of parks and camping areas should be a priority, and that safe access to Mariner Park needs attention either by speed limit reduction or relocation. The park area is used heavily and restrooms need to be installed instead of a portable toilet, a vault system could be installed for a reasonable price. To enhance camping, a layout for campsites could be developed to utilize the area and not increase the footprint. Mr. Archibald said ATV's and off road vehicle use should be banned on the spit, especially now that the City is going to lose the beach patrol. His observation and conversation with others lead him to believe that ATV's and off road vehicles are out for thrills. The danger this expresses to foot traffic is inexcusable. The threat of tidal inundation of stuck vehicles is also a pollution hazard. He commented that the EPA is in the process of implementing new regulations for vessel waste water management, which includes grey water, wash water, detergents, chemicals, and paint from vessels. The use of grids for hull cleaning and paint work may soon be over by regulation and polluting activities as identified by the EPA should be banned. He encouraged the removal and dismantling of derelict vessels in an environmentally sound process. Mr. Archibald provided a copy of his comments for the Commission.

Jack Wiles commented that the theme that has been heard throughout the process has been a plea not to overdevelop the spit. He doesn't think it is anti-development; it is a plea that says the defining character of the spit is its open space, majestic views, and beach access. What we are hoping we won't see more of is condo's blocking those views. He hopes they will not enact a part of the plan that gives conditional use permits for building's over 25 feet on the west side and at the terminus of the spit. It would be a bold and brave move to follow. Keeping the height limit at 25 feet and keeping the views, will keep the defining character of the spit alive. Mr. Wiles said there is a persuasion in the plan that residential use is there and therefore should continue and maybe even expand. He encouraged the Commission to step back and look at what are we if not residential. Define the residential group not as the spit but as the core community where you have services, access to parks, schools, and shopping. On the planning side he hopes they ask tough questions like how we define the zoning through design standards. He hopes they put together a good implementation plan that brings in people who can provide that expertise like architects, landscape architects, or urban type planners who deal with design standards because that is going to help define the character of the spit. He hopes they embrace the clean harbor initiative and become involved rather than pass it off to the Port. He also hopes they protect the world class biological importance of the intertidal zone. There can't be anymore giving of that zone as world wide intertidal zones are disappearing. We have a world class resource here and it needs to be treated that way with a great deal of respect. In terms of traffic and pedestrian flow Mr. Wiles encouraged that the plan give the pedestrian the priority and work around that. Look at how we build the nodes that bring pedestrians in closer contact to the commercial, industrial, and marine part of the spit, rather than accommodating just the vehicle. He hopes they look at the area around Pier One as a planned unit development and see how to make it a focal point of the spit, a Mariner Square. More is not always better, sometimes it is just more.

Lani Raymond read information from her husband who was unable to attend. He is a biologist who is familiar with a lot of these things and has studied the plan in great detail. The plan mentions possible development in tidelands, even while acknowledging the critical habitat regulations generally prohibit it. All the submerged and partially submerged areas of Kachemak Bay are included in critical habitat area for a reason. Habitat and clean water are generally more important than more development. The critical habitat area was established by the State Legislature in 1974. It may allow structures by permits that enhance access but development for economic reasons is prohibited. The proposed capital investment that would

fill in parts of Mariner Park Lagoon to enlarge the camping area and build a bike path to the park should be scrapped. This is the kind of development the critical habitat area was intended to prevent. It would destroy shorebird habitat and the bike path is not needed. The safety aspect that is supposed to be addressed by the new bike path and by building a tunnel under the road can be solved by moving the entrance to the park a few hundred feet to the northwest. This would allow plenty of time for northwest bound drivers to slow down, save a lot of money, and keep an angry flock of birders from swarming City Hall. On page 10 the plan states tsunami warning signs and evacuation signs are currently in place and consideration should be given to provide additional warning siren location and evacuation plans. The July 10, 2009 vehicle count found 1023 vehicles present at the peak of activity, and considered a typical busy day. There are still no estimates of how visitors will be informed of an emergency evacuation, how such an evacuation would be conducted, or how long it would take. These are important considerations and should be completed soon.

Justice Cousins, city resident, commented about the 28 foot building height. His family owns property in the industrial area and it would be a shame if they lost the ability to use it as they want to. If they want to do a boat shop or something over 28 feet they would like to have the ability to so.

There were no further comments and Chair Minsch closed the public hearing.

KRANICH/BOS MOVED TO MOVE THIS TO ANOTHER PUBLIC HEARING ON JANUARY 5, 2011.

It was noted that there can be further discussion and recommendation at that time.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Minsch requested the Commission get their packets with this additional information a little sooner than usual so they will have extra time for review.

B. Staff Report PL 10-110, CUP 10-09 Kachemak Nordic Ski Club Parking

This item was pulled by the applicant.

#### **PLAT CONSIDERATION**

There were no plats scheduled for consideration.

#### **PENDING BUSINESS**

A. Staff Report PL 10-105, Proposed Sign Code Changes

BOS/DRUHOT MOVED TO POSTPONE ANY FURTHER DISCUSSION ON THE SIGN CODE ORDINANCE TO SOME TIME IN THE FUTURE.

There was discussion that the Commission would like to meet with Council to hear what they are interested in doing with this issue.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 10-96, Draft Zoning Enforcement Ordinance

City Planner Abboud reviewed the staff report.

DRUHOT/KRANICH MOVED TO MOVE THIS ORDINANCE TO THE NEXT WORKSESSION.

Commissioner Druhot felt they need to have more discussion and review.

VOTE: NO: BOS, MINSCH, HIGHLAND, DRUHOT, VENUTI, KRANICH, DOLMA

Motion failed.

DRUHOT/BOS MOVED TO DISCUSS AND MAKE RECOMMENDATIONS.

There was no objection and discussion ensued.

It was noted that the goal of this ordinance is to maintain the integrity of residential neighborhoods, and to limit the number of cars stored on a residential lot. This ordinance only affects a small number of properties currently.

Some suggestions included:

- They have to be on a parking pad.
- They can't be placed in front of the house.
- More would be allowed if they are fenced in.
- There could be consideration of lot size to the number of vehicles.

There was discussion of the challenges of dealing with junk cars currently and the requirement to have someone who can come in and establish the vehicle is inoperable and having cooperation from the owner to have access to the vehicle.

Chair Minsch called for a short break at 8:15 p.m. The meeting resumed at 8:18 p.m.

BOS/DOLMA MOVED TO HAVE STAFF SCHEDULE THIS FOR A PUBLIC HEARING.

There was brief discussion about lot size.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **NEW BUSINESS**

No New Business items were schedule.

## **INFORMATIONAL MATERIALS**

A. City Manager's Report

Chair Minsch commented that she was pleased to read that Kachemak City Council has decided they will finance the installation of gas mains in Kachemak City and pay for it with an increase in their mil rate.

**COMMENTS OF THE AUDIENCE**

Members of the audience may address the Commission on any subject. (3 minute time limit)

Justice Cousins, city resident, questioned issue with junk and why is it the Commission's job to say what people can and can't have on their property. Maybe people who have 5 or 6 cars on their property are using them for parts on a vehicle that does run. He referenced his property on the spit and Mike Kennedy's property. Chair Minsch suggested that Mr. Cousins come and talk to staff regarding those issues.

Robert Archibald, city resident commented regarding the bike path on the west side of the spit. His understanding is that there will be no fill and there is enough room on that side of the road to put in a bike path. The reason for it is that from the bypass across Beluga Lake Bridge everything is on that side of the road. Hopefully at some time there will be slower traffic or a cross walk or something to permit safe crossing for pedestrians. Mr. Archibald said in due respect to Mr. Cousins, he has had a problem with junk and he is glad to see they are going to try to address it.

**COMMENTS OF STAFF**

There was discussion whether the Commission needs an extra worksession. No additional meetings were scheduled.

**COMMENTS OF THE COMMISSION**

Commissioners Highland and Dolma had no comments.

Commissioner Kranich commented that the outside storage ordinance refers to the three residential zones only. He read that the urban residential district is primarily intended to provide a sound environment for medium density residential occupancy including single family, duplex, et cetera, and other compatible uses as provided in the chapter. Rural Residential primarily provides an area for low density, primarily residential development. He thinks really the ordinance is there to help the City and residents achieve the goals of the residential zoning.

Mr. Cousins was allowed to comment and noted that there are people who have different income levels and perhaps the only way they can have a vehicle is to build it from several other vehicles. He doesn't agree with the notion of regulations of what a person can store on their property. Chair Minsch encouraged him to come and comment at the Public Hearing.

Commissioner Druhot thought the meeting went well and said it is good to see a full table.

Commissioner Bos wished everyone a merry Christmas.

Commissioner Venuti wished everyone a happy December and said that spring is coming.

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**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 8:31 p.m. The next regular meeting is scheduled for January 5, 2011 at 7:00 p.m. in the City Hall Cowles Council Chambers. There is a worksession at 5:30 p.m. prior to the meeting.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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