

Session 11-04, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:01 p.m. on March 16, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: COMMISSIONER DRUHOT

STAFF: CITY PLANNER ABOUD  
DEPUTY CITY CLERK JACOBSEN

### APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

**AGENDA  
APPROVAL**

### 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).

**PUBLIC  
COMMENT**

Michael Kennedy, city resident, commented regarding the Mixed Use district. He believes that there is a string of businesses on the right hand side of East Road in the annexed area that get along fine. There is a mobile home or two, a junk yard, auto repair business, heavy gravel sorting lot, the boat yard, along with other things that are generally GC2 type uses. He thinks the Commission will save themselves a lot of time and agony by zoning that area GC2 and allow residences as a stand alone or not. People can choose if they want to build a house in the middle of it. It should be the decision of the person who buys the land since there are no problems now. Mr. Kennedy thinks if the land is made more restrictive and less useful it will cause problems for the future and create problems for the people out there now trying to make a living. He also thinks there will be a backlash against zoning, because he had five or six calls today asking him what can be done to loosen up the zoning in Homer. He said if he were the Commission he would exercise some caution in dealing with the people out there that have been annexed and current city residents that are there and wanted GC1 and GC2 out there. It's just that all you need to do is allow residences out there and there shouldn't be any other problems.

Linda Gauthier, city resident on Meadow Drive, commented that there is a beautiful little residential area down there and she has the best neighbors she has ever had. There are half a dozen little homes, some with little businesses. What is being proposed will zone her out of using her property. She has put her dues in having lived in a 40 year old mobile home until the place was paid for and now she is wondering how she will build a place to live. She asked that the Commission consider what Mr. Kennedy said because it is true. She would like to put in a business and has started the application process and has kept track of it. When they bought the place initially they checked on the zoning and now somehow, whether she was on vacation or her kid was in extracurricular activities, she missed that the zoning got changed out from under her sometime in the last 17 to 20 years. She is frustrated because it is her property that she bought and paid for, and pays taxes on. Now the Commission is trying to tell her what she can and cannot do, and that just infuriates her. She has no problem getting along with her neighbors, no problem with the street lights or the arctic cat business or the bike path. And now it is changing so if she wants a place to live she is going to have to have 1/3 house, 2/3 business, get a variance, whatever. Her neighbor is having problems as well. He can't live on his property right now because he can't expand his residence for his family

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**PUBLIC COMMENT**

and is having to live in a rental. Mrs. Gauthier said if she wanted to live in Carmel, she would move there. This is not what she came here for. She would appreciate if the Commission takes this into consideration.

**RECONSIDERATION**

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There were no items for reconsideration.

**CONSENT AGENDA**

**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.

March 2,  
2011  
Minutes

1. Approval of the March 2, 2011 minutes
2. Time Extension Requests: Lee Cole 2008 Preliminary Plat Time Extension Request
3. Approval of City of Homer Projects under HCC 1.76.030 g
4. KPB Coastal Management Program Reports
5. Draft Decision and Findings for 5620 Easy Street, Lot 6 Eker Estates, to be excluded from the Bridge Creek Watershed Protection District

Draft  
Decision for  
Bridge  
Creek  
Watershed  
Exclusion

The Consent Agenda was approved by consensus of the Commission.

**PRESENTATIONS**

**PRESENTATIONS**

**REPORTS**

There were no presentations scheduled.

City  
Planner's  
Report

**REPORTS**

- A. Staff Report PL11-38, City Planner's Report

City Planner Abboud reviewed his staff report.

**PUBLIC HEARINGS**

**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.

**PLAT CONSIDERATION**

There were no items scheduled for public hearing.

**PLAT CONSIDERATION**

Eagle View  
Sub. Pisel  
Addn  
Preliminary  
Plat

- A. Staff Report PL 11-33 Eagle View Subdivision Pisel Addition Preliminary Plat

City Planner Abboud reviewed the staff report. He noted a misprint that will be corrected and clarified that this plat is dividing one lot into two.

Roger Imhoff, project surveyor, was available for questions.

There were no public comments.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 11-33 EAGLE VIEW SUBDIVISION PISEL ADDITION PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was brief comment that all the information for this replat was put together well and no one had questions.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**PENDING  
BUSINESS**

**PENDING BUSINESS**

East End  
Mixed Use

A. Staff Report PL 11-35, Draft Ordinance 11-xx East End Mixed Use

City Planner Abboud reviewed the staff report.

BOS/HIGHLAND MOVE TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE DRAFT EAST END MIXED USE ORDINANCE.

No objection was expressed and discussion ensued.

City Planner Abboud clarified the boundary of this area referencing the large aerial map.

There was discussion that it would be beneficial for Commissioners to visit the area to become familiar with what is happening out there. It was agreed that they would do this individually.

City Planner Abboud commented he did some research and found for a situation like this there are a couple municipalities that allow the rebuild of a structure that is damaged or possible expansion if it is a residence. It would deal with what exists at the time and not permitting them outright. It could be within the realm of thought to allow building a residence to replace a mobile home.

It was noted that in the worksession they had requested more information about underground tanks to see if anything needs to be addressed in zoning or if it is already been addressed in the course of new regulations.

Commissioner Kranich initiated discussion suggesting with the changes happening in this area that they allow the residences to continue on the lots they are on now. They should consider allowing replacement of a mobile home with a stick home or another mobile home, and also expansion of an existing residential use so those can continue as primary use on those specific lots. On the other lots if there is a commercial use, then allow a residence to follow as an accessory use. The ordinance should specify if there is no development on a lot, it would have to be commercial first before a residence could follow on the same lot. Comment was raised that it would be preferred to phase out mobile homes at some point.

Chair Minsch raised concern regarding changing to mixed use, given the small amount of GC1 and GC2 zoned land within the city. The city is not going to get any more GC1 or GC2 zoned land.

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East End  
Mixed Use

At this point these issues are being addressed as mixed use in this area and not addressing nonconforming issues city wide. City Planner Abboud said it is something that would need to be address through the attorney.

Commissioner Bos clarified that residential use would be allowed as an accessory to the commercial use only in the mixed use district, not the in general commercial areas.

Commissioner Venuti suggested changing the boundary of East End Mixed Use around the area that encompasses the area with residential uses and leaving the rest as the GC1 district.

Chair Minsch encouraged everyone to review the Comprehensive Plan section on mixed use again and continue to follow staff's lead to see if we can solve some of these issues some other way. She also noted for the record that the Commission is still going through the information provided by staff and are not ready to make formal amendments yet.

There was discussion regarding the reference to nuisance standards on page 2 of the staff report. It was noted that screening would be required on the extreme western boundary and extreme eastern boundary.

City Planner Abboud commented to the notion of allowing more than one building containing a principle permitted use a lot being permitted outright unless the building size or lot coverage triggers the conditional use. The point was raised that it isn't allowed like that in other districts, but this is a new district. It would also help to streamline the Commission's work. It was further noted that if this make senses in East End Mixed use, they would need to look at it in the other districts as well.

The Commission agreed to address recommendations regarding building size at the point they are making formal motions for amendments.

Conserva-  
tion District

**B. Staff Report PL 11-28, Draft Ordinance Amending HCC Chapter 21.34, Conservation District**

City Planner Abboud reviewed the staff report.

**BOS/HIGHLAND MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE DRAFT ORDINANCE AMENDING THE CONSERVATION DISTRICT.**

No objection was expressed and discussion ensued.

Chair Minsch clarified that in the worksession they asked staff to bring back option A for the purpose statement and that there be input from the attorney as far as the public utilities versus the City of Homer's reservoir and water pump station.

It was noted that they also request staff to come up with the definition for the public use structure because one in code says "for the purpose of requiring a conditional use permit means.." so that is the only instance that definition could be used. It needs to be changed or another definition of public utility facility needs to be added.

**NEW  
BUSINESS**

**NEW BUSINESS**

**A. Staff Report PL 11-34, Land Allocation Plan**

BOS/HIGHLAND MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE LAND ALLOCATION PLAN.

No objection was expressed and discussion ensued.

Commissioner Bos acknowledge the letter provided by Chair Minsch as a laydown item and he agrees that any more work they put in as a Commission could probably be a waste of time.

There was agreement among the Commission. Commissioner Dolma recognized that it is only this year's review and Commissioner Highland noted that she would be commenting on her own behalf.

BOS/VENUTI MOVED TO FORMALIZE THIS LETTER AND SEND IT TO COUNCIL STATING THIS YEAR WE HAVE ELECTED NOT TO PARTICIPATE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

#### INFORMATIONAL MATERIALS

**INFO  
ITEMS**

- A. City Manager's Report dated March 14, 2011
- B. Planning Made Easy, A Manual for Planning Commissioners, American Planning Association (APA)

**AUDIENCE  
COMMENT**

#### COMMENTS OF THE AUDIENCE

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

Michael Kennedy commented regarding the East End Road Mixed Use. He said it seems incumbent of the Commission to go out there on foot and put eye on what they are talking about instead of a concept on paper when they are making decisions that impact people's lives permanently. He realizes they are volunteers and have other things to do, but if they can't find time to put their feet on the ground then they might want to pick another Commission to be on. Part of the process has failed in that people in these neighborhoods have no idea this is going on. He is the only one out there who knows anything about it other than the person whose house is affected because they are trying to borrow money. It is like two different entities that aren't remotely connected. There should be some interaction. When you have a conditional use permit, certified letters are sent out to everyone within 300 feet. There is no reason why certified letters can't be sent out to every property owner in the affected district. We are going backwards making the rules having people complain, then come up her and change it. If you think surveys don't work, they do work when letters are certified and picked up then people know that something is going to be changed that directly affects their property, not only in money but in the uses.

**STAFF  
COMMENT**

#### COMMENTS OF STAFF

There were no staff comments.

**COMMISSION  
ON  
COMMENT**

**COMMENTS OF THE COMMISSION**

Commissioner Highland thanked everyone for their hard work and acknowledged that this isn't easy.

Commissioner Venuti commented that in the last discussions about East End Mixed use he felt at the end the people in the audience may not have understood where the Commission is going with this. His concern is for people to understand that the Commission is trying to find a solution here and he hopes people understand that. Mr. Kennedy's comments have him concerned that in looking at the number of dwellings and mobile homes part of this process is participation and he only sees two people here. We need more input from the public. He reiterated that he hopes the audience understands that we are working for a solution on this.

Commissioners Dolma and Bos had no comment.

Chair Minsch commended the group on their work. It is a tough problem and will be easier once something is available for the public to read and talk about. First we have to figure out how to solve the problems we are aware of, and understand that more will probably be found. She is happy with their work, she is thrilled with the group and said we will get there.

Commissioner Kranich recognized that this is a good Commission, a good group of people from all walks of life in the community and everyone is working hard. Everyone has come around, they use their code, and take it into consideration with their personal view points. He has really enjoyed working with everyone here and previous Commissioners as well. He commented that it's hard to make regulations that govern how we are able to use our property, as we have all paid money for it and pay taxes on it. Having lived here all his life he has seen first the PUD come along to collect taxes, after that the City came along and collected taxes, and then came the zoning telling people how they could and couldn't use their land. Commissioner Kranich said density is something that can be argued, but from what he has seen as the number of people has increased, he feels that as density goes up it seems like there is more call for stricter land use policies. That is what zoning is. He thinks that the Commissions he has worked with have taken decisions quite seriously when creating these regulations and policies of how people can and can't use their land. Commissioner Kranich stated that the more "Johnny Come Lately's" that get here the worse it will get. So for him as a life long resident to sit here and have, as far as he is concerned, a "Johnny Come Lately" say to send the Commission a message to quit screwing around, that individual can come fill this chair tomorrow because when the gavel is rapped tonight, Commissioner Kranich said he will not be on the Planning Commission as he hereby resigns, and that is the main reason.

Chair Minsch expressed her disappointment and said Mr. Kranich has set a fabulous example for all of Commissioners. He has been her right arm, left arm, and the third leg of the stool that makes up the Planning Commission. He will be terribly missed. She said they share his sentiment.

**ADJOURN**

**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 April 6, 2011 at 7:00 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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