

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 6, 2010

Chair Minsch explained that the action has been completed and encouraged him to contact to Planning staff to address the issue of the public notice.

COMMENTS OF STAFF

City Planner Abboud had no comments.

COMMENTS OF THE COMMISSION

Commissioner Highland reiterated her dream that we have a balance between economy and environment. She thanked everyone for their time and welcomed Mr. Dolma to the Commission.

Commissioner Kranich welcomed Mr. Dolma and said it is good to have a full Commission again and looks forward to continue working with this group.

Commissioner Venuti thanked everyone.

Commissioner Dolma thanked the group for making him feel welcome.

Chair Minsch commented that they didn't get as much done as she hoped but there was good discussion and we will keep moving forward.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:30 p.m. The next regular meeting is scheduled for October 20, 2010 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.



MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: November 3, 2010

Session 10-18, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:00 p.m. on October 20, 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

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 items to be reconsidered.

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 October 6, 2010 Minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030g
4. KPB Coastal Management Program Reports

Commissioner Highland requested the minutes be addressed under new business.

The amended consent agenda was approved by consensus of the Commission.

PRESENTATIONS

- A. Legal Issues Facing the Homer Advisory Planning Commission - Holly Wells, City Attorney

City Attorney Wells completed her presentation in the worksession.

REPORTS

- A. Staff Report PL 10-100, City Planner's Report

City Planner Abboud reviewed his report that was included in the packet.

PUBLIC HEARINGS

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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.

There were no public hearings scheduled.

PLAT CONSIDERATION

There were no plats scheduled for consideration.

PENDING BUSINESS

A. Staff Report PL 10-97, Draft Sign Code Amendment

City Planner Abboud reviewed the staff report.

DRUHOT/BOS MOVE TO DISCUSS AND MAKE RECOMMENDATIONS ON STAFF REPORT PL 10-97 DRAFT SIGN CODE AMENDMENT.

Commissioner Druhot said she thinks it is ready to go to public hearing and hear what people have to say.

Commissioner Kranich suggested adding "may be" on line 74 changing it to say Temporary signs may be displayed only during the hours the business is open.

There was brief discussion about political signs and City Planner Abboud explained that political signs are addressed elsewhere in code.

Commissioner Dolma questioned the square footage of signs on flat boards with signage on both sides and sandwich board signs. City Planner Abboud said he thought there shouldn't be a display of more than 16 square feet, but wants to confer with the staff who deal with this more frequently.

Commissioner Highland asked if this revision would keep us in the realm of allowing large unattractive signs. City Planner Abboud commented that the ordinance is more liberal in some instances where there are multiple buildings on a lot or boardwalk.

Chair Minsch would like to discuss it further at a worksession. The Commission has only had staff presentations and hasn't had an opportunity to discuss the ordinance yet.

There was brief discussion that there should be clarification about what would be considered a principle building.

Question was raised whether signs currently in place will be grandfathered when this is enacted. City Planner Abboud responded that this ordinance isn't more restrictive than current code so there wouldn't be an issue.

DRUHOT/HIGHLAND MOVED TO TAKE THIS TO A WORKSESSION.

There was discussion that staff will take care of scheduling.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report PL 10-102, Ordinance 10-Xx Amending 21.50 Site Development Standards to Require Storm Water Plans, Enacting 21.50.150 Fill Standard and Establishing Standards for Fill

City Planner Abboud reviewed Rick reviewed staff report and reviewed Commissioner Kranich's laydown. He suggested they have discussion of consequences and consider the bigger picture resulting from the amendments.

BOS/KRANICH MOVED TO BRING THIS TO THE FLOOR FOR DISCUSSION AND RECOMMENDATION.

Commissioner Bos asked if they are creating an undesirable situation if they are allowing fill up to five feet of the lot line and a utility comes in needing a 15 foot easement. He does not support allowing concrete as fill. City Planner Abboud said he didn't see it as an issue as long as it is regular fill and not debris in the setback area. Commissioner Kranich noted that he is not changing the first part of line 74 where it states no fill closer than 5 feet to a side or rear lot line. He is recommending adding an exception when adjacent property owners agree to fill across the lot line with a development plan approved by the City Engineer.

Points raised regarding concrete as fill included:

- The concrete won't be visible because the area filled has to be capped.
- A concern is not what you see, but what you don't see.
- When building structure you will have to dig through all that stuff to lay lines and so forth.
- Regulating the size of concrete allowed as fill, it would behave the same way as rock.
- Ditch Witches tend to bounce off rock but seem to want to pick up concrete.
- How often is concrete available to be used for fill.

There was discussion about providing an opportunity to go through the CUP process for placing fill on a lot. City Planner Abboud commented that if this is a use it would become an ongoing issue and essentially create a dump. Chair Minsch noted that when this started they were trying to get away from that and now it is coming back. The debris needs to go out, as a city we are moving towards density and development on smaller lots in smaller areas resulting in less of a footprint and less of an opportunity to bury that stuff. She feels like they have lost their focus.

Commissioner Kranich suggested that we are trying to support responsible development, yet we are saying if you have something you create during the development get it out of the city. If we as the city are going to encourage the development we should be able to address all aspects of it. This will put a heavy strain on the landfill and soon have to start taking it up the road. There aren't many places in the city to place unused fill, but having a CUP, the public and a potential buyer are protected because when a title search is done, the CUP will show up and the City will have a record of what happened on the lot as well.

The Commission continued their discussion on the ideas for concrete, dump sites, filling across lot lines, and CUP's.

KRANICH/BOS MOVED TO PAGE DELETE NUMBER 5 LINE 74 AS INDICATED AND SUBSTITUTE AS PRESENTED IN THE LAYDOWN:

NO FILL MAY BE PLACED CLOSER THAN 5 FEET TO A SIDE OR REAR LOT LINE, WITH THE FOLLOWING EXCEPTION; FILL MAY BE PLACED ACROSS COMMON LOT LINES AFTER A DEVELOPMENT PLAN THAT INCLUDES A DRAINAGE PLAN HAS BEN APPROVED BY ALL PROPERTY OWNERS AND THE CITY ENGINEER.

There was discussion about what can be used as fill according to the ordinance.

MINSCH/KRANICH MOVED TO AMEND THE AMENDMENT TO SAY "CLEAN FILL" MAY BE PLACED...

There was no discussion.

VOTE: (Primary amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE: (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Highland suggested considering a motion to address the ability to use concrete.

There was brief discussion that the Commission can continue to work through the notion of dealing with concrete and uses as dump sites after this ordinance is approved. This way they can get something on the books to start and take time to give appropriate consideration to uses of dump sites, districts, and so forth.

DOLMA/KRANICH MOVED TO ACCEPT HCC 21.50.150 AS AMENDED AND MOVE IT TO CITY COUNCIL.

There was brief discussion confirming that the entire ordinance as amended is moving forward to City Council and that staff will bring something back to them regarding fill and uses.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 10-101, Ordinance 10-xx amending Draft Steep Slope Ordinance

City Planner Abboud reviewed the staff report and laydown information from Commissioner Kranich.

KRANICH/BOS BRING TO THE FLOOR FOR DISCUSSION, RECOMMENDATIONS AND SCHEDULE FOR PUBLIC HEARING.

There was discussed of Commissioner Kranich's amendment after line 96 insert: 3. In 1 and 2 above the allowable area of development may be exceeded by an approved site plan,

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approved by the City Engineer under HCC 21.44.050. City Planner Abboud was agreeable with the concept and would want to run it by the attorney for review. Point was raised that it conflicts with current which code states the property owner has to hire an engineer and then it has to be approved by the City Engineer. Commissioner Kranich noted that it is the same language that is used on line 99.

There was discussion about the wording of the conditions, the use of negatives, and that it should be changed to be clearer.

City Planner Abboud had suggested adding a table and Commissioners thought that would be good to look at.

Commissioner Kranich noted his amendment to define a time frame for review by the City Engineer and it would be deemed approved if the applicant did not receive a response. City Planner Abboud said he did not speak to the Public Works Director about this but agrees that it should have a time frame for response. It was noted that there hasn't been a big problem in the past, but may be necessary when the economy turns around and it get busy again.

HIGHLAND/BOS MOVED THAT LINE 103 READ NO STRUCTURE MAY BE CLOSER TO THE TOP OF A RAVINE, STEEP SLOPE OR NON COASTAL BLUFF AND LINE 106 TO READ 1/3 OF THE HEIGHT OF THE STEEP SLOPE BUT NOT LESS THAN 15 FEET.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

KRANICH/BOS MOVED TO POSTPONE ACTION ON THE DRAFT STEEP SLOPE ORDINANCE UNTIL BROUGHT BACK BY STAFF.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

D. Staff Report PL 10-96, Draft Zoning Ordinance (Outdoor Storage)

City Planner Abboud reviewed the staff report.

BOS/HIGHLAND MOVED TO MOVE THIS TO A WORKSESSION FOR FURTHER DISCUSSION.

Commissioner Druhot expressed her concern about the 5 foot setback and would like to address it in the worksession.

Commissioner Venuti questioned why this is limited to junk cars when there are other things like boats, trucks, and so forth.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

A. October 6, 2010 Minutes

HIGHLAND/KRANICH MOVED TO HAVE THE CLERK REVIEW THE RECORDING AND MINUTES AND BRING THEM BACK FOR APPROVAL.

Commissioner Highland explained that she had already talked to Deputy City Clerk Jacobsen about her concerns.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. Resolution 10-78(A) A Resolution of the City Council adopting the 2011-2016 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2012
- B. Kenai Peninsula Borough Plat Committee meeting minutes of September 27, 2010
- C. Memo dated October 7, 2010 from Walt Wrede, City Manager to all City Employees regarding budget update.

COMMENTS OF THE AUDIENCE

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

Beau Burgess, city resident, commented that as he understands it the Commission just approved the site development standards and fill standards ordinance with slight amendment and the caveat that it would be understood that they will review fill standards in possibly another ordinance. He raised question what is the issue with concrete as fill and if they aren't allowing concrete why are they allowing rock. Why not put a size limit as earlier suggested. Concrete has compressive strength comparable to rock. He doesn't see the need to create legislation on what can and cannot be used. We aren't talking about construction debris, asphalt or toxic materials. We are talking about concrete which can improve chemical properties of soil and has compressive strength similar to rock. Why create a situation where a builder is unable to use a material that would otherwise be available and have it leave the city or go to the land fill. If size is an issue making trenching difficult why can't concrete be allowed to be used as a fill even below a structure. He can't imagine any engineer he has worked with say that it wouldn't have the proper compressive strength to support a structure. Footers are made from concrete for a reason so he doesn't understand the logic. He still reads the ordinance that wood can not be moved from one lot to another regardless of fill status. Some wording to make it explicit that wood can not be used from one lot to another and be buried would still be useful because you are making some forms of business and possibly what you can do with wood once you remove it from a lot pretty questionable. It seems to him that limiting what someone can do and cost incurred in cleaning up the lot creates an incentive structure for people to not dispose of a building or waste materials properly. Even with his small construction business he has to pay \$50 a load at the dump.

COMMENTS OF STAFF

There were no staff comments.

COMMENTS OF THE COMMISSION

Commissioners Venuti, Dolma, and Highland had no comment.

Commissioner Kranich responded to Mr. Burgess that the possibility of having fill sites for stumps and other things is still going to be on the Commission's worklist. He said it is nice to have a full table and hear everyone's input on the issues.

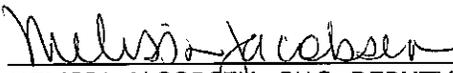
Commissioner Druhot welcomed Commissioner Dolma and said it is good to have a full table.

Commissioner Bos welcomed Commissioner Dolma and agrees that it is good to have a full group, it allows you to miss every once in a while and not feel terribly guilty.

Chair Minsch commended everyone on a good job.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at p.m. The next regular meeting is scheduled for November 3, 2010 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.



MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: 11/3/10