

Session 15-13, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on August 19, 2015 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, HIGHLAND, ERICKSON, STEAD, STROOZAS, VENUTI

ABSENT: BRADLEY

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BOS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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).

None

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.

A. Approval of Minutes of August 5, 2015

Chair Stead called for a motion to approve the consent agenda.

HIGHLAND/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

- A. Staff Report PL 15-61, 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.

Plat Consideration

- A. Staff Report PL 15-62 Webber Subdivision No. 9 Preliminary Plat

Commissioner Venuti stated he may have a conflict of interest. He works regularly with the contractors involved in this project.

HIGHLAND/BOS MOVED THAT COMMISSIONER VENUTI HAS A CONFLICT OF INTEREST.

There was discussion to clarify that he does not have a relationship with the applicant but with the contractor.

VOTE: NO: BOS, STEAD, HIGHLAND, ERICKSON, STROOZAS

Motion failed.

Commissioner Erickson stated she has a potential conflict of interest in that she has financial dealings with the applicant. She said it doesn't exceed the "per transaction" limit but is just under the \$5000 limit.

BOS/VENUTI MOVED THAT COMMISSIONER ERICKSON HAS A CONFLICT INTEREST

Deputy City Clerk Jacobsen read the code section which defines substantial financial interest as follows:

"Substantial financial interest" means a financial interest that would result in a pecuniary gain or loss exceeding \$1,000 in a single transaction or more than \$5,000 in the aggregate in 12 consecutive months.

When asked if the transaction amount would exceed \$5000, Commissioner Erickson responded not in this calendar year, in looking at consecutive months, she said it could go either way.

VOTE: NO: HIGHLAND, STEAD, VENUTI, STROOZAS, BOS

Motion failed.

City Planner Abboud reviewed the staff report, explaining an error that was discovered when the plat came before the City Manager to sign. As a result the applicant is looking for an exception to the 15 utility easement on Hidden Way.

George Long, applicant, is planning to build a house on the subject property. He suggested a lot line vacation isn't the same as a subdivision because he isn't dividing up the land to sell. He bought the two lots with the intent to build a house in the middle of them. The Borough approved the five foot utility easement and he questions why he has to provide a 15 foot utility easement when the utilities are already in and would only be across his lot. The city would still have to use eminent domain if they wanted to develop the road. The area is too steep to allow for utilities and road development. He gave a brief overview of his plans and referenced the aerial photo to show his building site. None of the other neighbors would have to give utility easements to build on their lots.

Chair Stead opened the floor to public comments.

John Bushell, city resident, has three lots in the area and believes there are 18 lots along the road. He commented when the letter came to the neighborhood it looked like he was asking to build five feet from the road and the neighbors thought the same thing. He thinks George should be able to build where he wants, just not five feet from the road.

There were no further public comments.

Mr. Long clarified he isn't talking about reducing the 20 foot setback, only the utility easement to 5 feet along Hidden Way. He reiterated his reasoning supporting the reduction.

In response to questions Mr. Long explained that he designed the house to fit the lot. He can't move it down the lot any further; his only option would be to build a smaller house. He has a site plan and the house is staked out with the 20 foot setback. He doesn't intend to build on pilings, he is moving forward with the engineer's recommendation for the foundation work. If he worked on one lot he would have to use pilings.

There was general discussion regarding the 15 foot utility easement called out in city code, clarifying the circumstances that brought this back to the commission, and explaining conditions the Commission should address relating to granting a variance.

Matt Early and Sheldon Beachy were asked to speak to the utilities for this project. Mr. Early said they will need to install a lift station that would likely fall within the utility easement. Mr. Long has talked about having rain water storage collection tanks and cisterns. Mr. Long plans to do landscaping, that Beachy Construction wouldn't be involved with, but the concern with the landscaping is if they landscape or put a fence in the utility easement and the City has to come in and use the easement they would only replace grass, gravel, or pavement. He noted the other utilities like ACS, HEA, and Enstar have approved the five foot easement.

In response to questions from the Commission, City Planner Abboud explained the subdivision predates the city and lots are subject to the setback. He also clarified the slope of this lot doesn't fall under the conditions for the 40 foot setback from the bluff.

Question was raised about locating the lift station in the house. Mr. Early explained they can be done inside, but it isn't recommended.

STROOZAS/BOS MOVED TO APPROVE WEBER SUBDIVISION NO. 9 PRELIMINARY PLAT AND AMEND FINDINGS TWO AND THREE AS FOLLOWS TO GRANT THE FIVE FOOT EASEMENT VERSUS THE 15 FOOT UTILITY EASEMENT ALONG HIDDEN WAY DUE TO THE SPECIAL CIRCUMSTANCES OF THIS LOT AND TO SEND OUT A PUBLIC NOTICE IN ACCORDANCE WITH REQUIREMENTS AND HAVE A PUBLIC HEARING NEXT MONTH.

Commissioner Highland commented this doesn't follow Public Works or Planning Department recommendations. She questions where this puts them in the future regarding exceptions and if there is legal liability.

City Planner Abboud responded that according to code it doesn't bind them. He also said it isn't necessary to hold another public hearing to approve this exception.

Commissioner Bos commented that the staff recommendation is to recommend denial or amend findings to approve, and that Borough accepted it with a five foot easement already, so he doesn't feel they are going against anyone's intentions.

Commissioner Highland noted their recommendation when approving the plat in April was to include the 15 foot utility easement. Somehow at the Borough it was changed to 5 foot and is what has put them in this position.

ERICKSON/BOS MOVED TO AMEND TO REMOVE THE PUBLIC HEARING REQUIREMENT.

There was no discussion.

VOTE: (Amendment) NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Discussion ensued regarding finding three. Commissioner Stroozas suggested finding three is moot in that the applicant stated there is no financial hardship. Chair Stead commented that if the applicant were to build within the 15 foot utility easement he wouldn't want his property at risk, which to him, sounds like an inconvenience.

City Planner Abboud noted that they need to address finding three and state their intention in approving the variance. If financial hardship or inconveniences are not the grounds for disapproving, they should come up with another condition to grant the exception.

The Commission took a 5 minute recess at 8:15 to phrase a motion to address finding three. The meeting resumed at 8:19.

HIGHLAND/BOS MOVED TO AMEND THE MOTION TO ADD FINDING THREE THAT THE SPECIAL CONDITION FOR AN EXCEPTION FOR THIS LOT IS THAT THERE IS A LIMITED BUILDING AREA.

There was no discussion.

VOTE: (Amendment) NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was brief discussion to review the findings.

VOTE: (Main motion as amended): YES: ERICKSON, STROOZAS, BOS, HIGHLAND, VENUTI
NO: STEAD

Motion carried.

Pending Business

A. Staff Report PL 15-64 Bridge Creek Watershed Protection District impervious runoff calculations

City Planner Abboud reviewed the staff report.

Commissioner Bos questioned if option B in the staff report is clear and understandable. He thinks it's important that staff and applicants need to have numbers to work with because in a lot of cases it's a surveyor or engineer who works with these numbers. Asking the applicant to develop a rational runoff coefficient with the application is a moving target, in his opinion. He thinks option A works really well.

Commissioner Erickson questioned if they went back to the 6.4% and everything had to fit within that percentage there would only be one percentage they have to deal with. It seems it would be easier to work with.

City Planner Abboud commented that there was agreement that it would be too restrictive. He suggested an option that driveways may be calculated at a rate determined in the storm water manual or with other credible evidence. He thinks the problem was the "may be calculated at 70% impervious is too oblique and doesn't point to the fact that there is a gravel driveway.

Commissioner Venuti commented that he hasn't seen any pure science since they have started discussing this and all along it seems that guess-timates have been used. He asked if going with option B would be unwieldy for staff. City Planner Abboud commented it seems to go against the grain of the whole protection district.

There was discussion that option B is very open ended. It was suggested to take out the words “or fully” and they could use the coefficient method for a gravel driveway, or another standard. The runoff coefficient table on packet page 54 could be used and they could take out what they don’t need. If everyone is working with the same numbers and equations, everyone should be coming up with the same results.

Chair Stead said he has a problem with option B. Then applicant already had to determine if they are using a gravel driveway at 70% or asphalt at 90%. They have to know what type of soils, slopes, infrastructure being placed, and make those two calculations already. To him, they are doing it in one place but now we’re telling them they don’t have to do it. He prefers option A.

Commissioner Highland asked if they should have a conversation with Council. She noted the Commission has spent a lot of time on the topic and have a fair amount of understanding, and Council went at it one evening. She questions if they need a better explanation.

City Planner Abboud said he still likes the first part of the wording in section C, until it gets to the “may be calculated” because it defines what they are looking for, driveways and walk ways.

Discussion ensued on best working to clarify the percentages. The table has the asphalt rating, and makes it clear that the door is open if someone comes in with better evidence. It was suggested an applicant can come in and under B.1., list their runoff coefficients and have it end at B.2. If the coefficients are listed under B.1., staff knows what they are doing and if they used something other than a gravel driveway and reduce the percentage from 70% to 50%, they can show how they got there. They could get rid of item C and get rid of a lot of the ambiguity. A worksheet could be provided to applicants to help with figures.

BOS/ERICKSON MOVED TO STRIKE AT LINE 41 FOR THE PURPOSE OF CALCULATING IMPERVIOUS COVERAGE AND AMEND NUMBER 1 LINE 37, AFTER THE PERIOD ADD PEAK DISCHARGE RATES AND STORM WATER EVENTS SHALL BE DETERMINED BY THE HOMER STORM WATER MELT WATER MANAGEMENT HANDBOOK.

City Planner Abboud suggested it may not need another public hearing because they didn’t really change anything, but will need to defend it to Council.

There was discussion to clarify item 2 on line 38 will stay and the motion strikes section C beginning on line 41 through 45. They will also lines 46 through 50.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VENUTI/BOS MOVED TO STRIKE LINES 46-50 OF ORDINANCE 15-23.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Erickson suggested a worksheet could be prepared and attached for Council to see and understand that they are trying to give an applicant the most opportunity to use their land and everyone is subject to the same thing.

New Business

Informational Materials

A. City Manager's Report August 10, 2015

Comments of the Audience

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

Comments of Staff

Comments of the Commission

Commissioner Venuti said it was a good meeting. He is a little uncomfortable with the Webber Subdivision decision; it felt a little like spot zoning. It seemed to be a reasonable solution for the applicant. He added that the FEMA training in October is a good opportunity for all of them to learn about community resource and tsunami issues.

Commissioner Stroozas commented that in all considerations with the Webber Subdivision, they did the right thing for this particular case.

Commissioner Bos commented that tonight's action was unique and that they did the right thing. He felt it was a business friendly move. He congratulated Mr. Stroozas for throwing his hat in the ring for the City Council seat.

Commissioner Erickson had no comment.

Commissioner Highland said the Webber action was interesting. She likes to try to make it better for the person, but she gets stuck in city code. Hopefully it will be fine.

Chair Stead reminded everyone school has started so watch out for the kids out there. He will work with the Planner on towers.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at p.m. The next regular meeting is scheduled for September 2, 2015 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
AUGUST 19, 2015

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____