

**HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING
DECEMBER 5, 2018**

Session 18-17, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on December 5, 2018 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BANKS, VENUTI, HIGHLAND, BENTZ

ABSENT: COMMISSIONERS BOS, BERNARD, SMITH (EXCUSED)

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK KRAUSE

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

BENTZ/HIGHLAND – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

A. Approval of minutes of November 7, 2018

Chair Venuti requested a motion to approve the Consent Agenda.

HIGHLAND/BENTZ – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

REPORTS

A. Staff Report 18-72, City Planner's Report

City Planner Abboud provided a summary of his report.

City Planner Abboud noted that Commissioner Smith was scheduled to attend the Council meeting on Monday and was unsure whether he was going to be in town and inquired if any of **the Commissioner's present could attend.**

Commissioner Banks responded that he thought he would be able to attend the meeting after Commissioners Venuti and Bentz stated that they would be at a Borough Planning Commission meeting and Commissioner Highland stated she was unable to attend.

Commissioner Highland volunteered for the January 14, 2019 Council meeting.

PUBLIC HEARINGS

A. Staff Report 18-73, Request for Vacation of Right-of-Way, a portion of Eric Lane west of West Hill Road

Chair Venuti introduced the item into the record and City Planner Abboud provided a synopsis of Staff Report 18-73 for the commission.

There was no applicant present.

Chair Venuti opened the public hearing; seeing no one come forward to provide testimony the public hearing was closed.

There was brief discussion on the ability to have a driveway in the right of way or easement.

HIGHLAND/BENTZ MOVED TO ADOPT STAFF REPORT 18-73 AND APPROVE THE REQUEST TO VACATE RIGHT OF WAY FOR PORTION OF ERIC LANE WEST OF WEST HILL ROAD WITH COMMENTS 1 & 2

There was no discussion.

VOTE. NON-OBJECTION. UANNIMOUS CONSENT.

Motion carried.

B. Staff Report 18-74, Conditional Use Permit 18-13 for more than one building containing a permitted principal use on a lot at 3771 West Hill Road

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Chair Venuti introduced the item into the record and City Planner Abboud provided a summary of Staff Report 18-74.

There was no Applicant present.

Chair Venuti opened the public hearing; seeing no one come forward to provide testimony the public hearing was closed.

There was a brief discussion on the Planning staff distributing green infrastructure information or ideas, connecting to the drainages, to the applicant and this being standard practice of the Planning department; the relevancy of the number of kitchens noted on the application in 2. (c) and directing the applicant to contact the Corps of Engineers regarding the wetlands on the property.

HIGHLAND/BENTZ - MOVED TO ADOPT STAFF REPORT 18-74 AND APPROVE CONDITIONAL USE PERMIT 18-13 FOR MORE THAN ONE BUILDING CONTAINING A PERMITTED PRINCIPAL USE ON A LOT AT 3771 WEST HILL ROAD WITH FINDINGS 1-11 AND CONDITIONS 1 & 2

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Staff Report 18-75, Conditional Use Permit 18-14 for a medical office/clinic at 205 W. Fairview Avenue

Chair Venuti introduced the item into the record and City Planner Abboud provided a summary of Staff Report 18-75

Caroline Storm, licensed Architect representing Jonas Ridge, LLC announced that she had resided in Homer and even served on the Planning Commission in 2008.

Ms. Storm provided two larger elevation and site plan drawings for the Commission to review. She noted how the structure placement on the site would minimize the appearance, and the parking requirements.

Chair Venuti opened the Public Hearing.

Scott Adams, city resident, expressed concerns on the small number of parking spaces for a business and residence and compared it to a similar business in the area.

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Chair Venuti closed the Public Hearing seeing no one else from the audience coming forth to comment.

There was no rebuttal.

Commissioner Bentz requested clarification on the process for improvement of Swatzell.

City Planner Abboud noted that the applicant could apply for a Driveway Permit for the Right of Way.

Commissioner Banks noting the adequate parking concerns requested input from the Applicant on the number chosen.

Ms. Storm stated that it is the number required by City Code and there will only be one provider who sees approximately 12 patients per day. It will not be a high volume practice and does not believe there will be the overlap. She continued her comment by relating her past experience working on this Commission and presenting to other municipalities that if there is a concern in the zoning for parking then the Commission should address that concern since the applicant is required to meet what is outlined in Code.

Commissioner Banks then complimented her on the design to keep the profile consistent with the neighborhood but asked what green infrastructure ideas has she considered to address the drainage and slope and how that would be addressed.

Ms. Storm responded that she did include a swale which is shown on the site plan and a retainage zone. She will work with the contractor to address the retainage of water on site. She is not aware of the City of Homer green infrastructure currently under consideration or adoption. If there is recommendations or additional items that the commission would like to implement under the CUP she would gladly bring those under consideration.

Chair Venuti asked Ms. Storm if there was already a physician on board for this facility.

Ms. Storm responded that this is not a speculative project but a Design-Build project.

BENTZ/ BANKS MOVED TO ADOPT STAFF REPORT 18-75 AND APPROVE CONDITIONAL USE PERMIT 18-14 FOR A MEDICAL OFFICE/CLINIC AT 205 W FAIRVIEW AVENUE WITH FINDINGS 1-10 AND ATTACH CONDITIONS 1 & 2

The Commission expressed appreciation for the materials provided and usage of some of the Green Infrastructure elements implemented to address the drainage issues.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried

PLAT CONSIDERATION

A. Staff Report 18-76, Commercial Park Unit 2 Preliminary Plat

Chair Venuti introduced the item into the record.

Commissioner Banks announced that he needed to recuse himself without a vote as he was noticed on this plat.

Chair Venuti accepted the notice commenting he was unsure how this will affect the meeting quorum. He then requested a motion to determine if Commissioner Banks had a conflict.

Commissioner Banks stated that they could use the Rule of Necessity but that they did not need to vote on his conflict that he can declare a conflict and recuse himself without the vote. He then departed the room.

There was a brief discussion on the Rule of Necessity and how to handle the issue since technically there was no quorum. Deputy City Clerk Krause requested a brief recess to confirm a few things.

Chair Venuti called for a five minute recess at 7:16 p.m. The meeting was called back to order at 7:22 p.m.

Deputy City Clerk Krause reported that the Commission can call Commissioner Banks back to the table to vote on the postponement clarifying that she double checked with the City Clerk who confirmed that unless it was paramount to complete the action tonight she would not recommend implementing the Rule of Necessity on this action.

Commissioner Banks returned to the table.

City Planner Abboud noting that the Applicant was not present confirmed that it was not urgent and could be postponed until the next meeting.

BENTZ/HIGHLAND MOVED TO POSTPONE STAFF REPORT 18-76 TO THE NEXT MEETING.

There was a brief discussion on including why they were postponing the action and it was noted that the record would reflect the conflict and it was expected that they would have full attendance at the next meeting.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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PENDING BUSINESS

A. Staff Report 18-77, Green Infrastructure

Chair Venuti read the title into the record.

City Planner Abboud noted that the memo was provided as a laydown for this meeting. He provided a summary of the information contained within the document.

City Planner Abboud noted that the recommendation is for two commissioners to meet with staff to draft some goals and dive deeper into this topic. With shared understanding and goals the full commission can then consider a work plan.

City Planner Abboud inquired if the commissioners present would be interested in volunteering since there were only four present or waiting to the next meeting when they should have all in attendance.

Commissioner Bentz volunteered.

Commissioner Banks stated he was interested however he was unsure what he would spend his time researching as he did not have the same background as others on the Commission but was certainly willing to assist in the educational presentations.

There was a brief discussion on contacting the absent commissioners and there was no rush to decide this tonight and work on scheduling something in January. It was also noted that it would be beneficial for the Commissioners to do actual site visits to view some of the green infrastructure items.

Commissioner Bentz noted that they currently have funding through the DDGS office for hazard mapping but she believed the State Office was looking into whether a community can have multiple grants at the same time so there may be opportunities to receive some assistance from them on other commission priorities such as setback definitions, steep slopes and a lot of these topics are intertwined and can check off some items on the list which can be checked off in a couple of meetings where others need to be carried over a specific time.

City Planner Abboud commented on the focus of the final steps of the grant by NOAA noting the city actually needs to do something, not just a map, they are bound to interact with the community so there may be more opportunities for additional grants.

City Planner Abboud will contact the other commissioners and provide information in his staff report for the next meeting.

NEW BUSINESS

A. Staff Report 18-88, HAPC Work List

Chair Venuti read the title into the record.

City Planner Abboud stated he broke this out into a staff report and noted in the future he can contain the information within his staff report to the Commission.

He noted that Deputy City Planner Engebretsen has worked with similar lists or plans with the other commissions that has worked really well. He believed that if there was an item from the list that the Commissioners wanted to work on they can request to move it to the agenda after the Public Hearings and Plats.

City Planner Abboud commented on the following:

- Starting to work on CUP reduction
- Commission may want to break down the green infrastructure into sections
- Medical District may be something that gets addressed right away
- Coastal Bluff definition – they did speak to DDGS and there are some items with setbacks and there is a requirement for a more technical definition that may be able to work on
- Transportation Plan – this will require funding
- Site Plan requirements permit follow-up is on the internal department radar

Commissioner Bentz requested adding the Climate Action Plan and identifying the Commission's role in the renewal of the plan. She requested a worksession on this item.

City Planner Abboud expressed concern on the fact that it was not turned into City Code but more of a Best Practices Guide.

Commissioner Banks stated that there is a specific section that is related to Planning and he would like to review it and update accordingly. Mr. Banks reported that he just briefly reviewed the document and green infrastructure was not incorporated into it specifically so he would like to do that. He also noted that there are other people talking about this and so it was timely that the Mayor brought this forward.

BANKS/HIGHLAND MOVED TO ADD THE CLIMATE ACTION PLAN, SPECIFICALLY THE PLANNING RELATED SECTION TO THE WORK LIST FOR REVIEW, AUDIT AND UPDATE.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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Commissioner Banks volunteered to work on this and meet with City Planner Abboud to review the section and where the Planning Department is on this and it is the one reason that he did not jump on the Green Infrastructure project.

City Planner Abboud noted that this will eventually require a budgetary appropriation and believed the Mayor was pushing towards that direction. City Planner Abboud believed they worked off a grant the last time and hoped that they will get a policy expert to assist with this update.

There was a brief discussion on the former Task Force being voluntary and why the funding would be needed, explanation was provided that funding was for the additional staff (Clerk) time required.

Commissioner Highland requested clarification of adding the issues of the Mt Augustine subdivision to their worklist as she did not want it forgotten.

City Planner Abboud noted that there are things that are being addressed through the hazard mapping and there are many things that are going on with that neighborhood and it is very complicated subject and the limitation on what the City can do or would want to do at this time.

Commissioner Bentz commented on the time line and the work currently be conducted through the grant by the other agencies and there is really not much that can be done until that information is obtained.

INFORMATIONAL MATERIALS

- A. City Manager's Report for the October 22, 2018 Homer City Council meeting
- B. Kenai Peninsula Borough Plat Committee Notice of Decisions
 - o Forest Glen Subdivision 2018 Replat Preliminary Plat
 - o Forest Glen Subdivision 2019 Preliminary Plat

COMMENTS OF THE AUDIENCE

Kelly Cooper, city resident and Kenai Peninsula Borough Assembly representative reported that **the Borough has extended their declaration to mirror the State of Alaska's. She expressed concern** about the steep slopes and terrain with all the rain and freeze thaw cycles and mused that these concerns may be able to be tied into some of the federal funding that will be coming their way because of the recent earthquake. She then wished Chair Venuti a Happy Birthday.

Scot Adams, city resident, wished Chair Venuti a Happy Birthday and appreciated the work that the Commission will be addressing with Green Infrastructure. He then commented on the issues surrounding the Mt. Augustine neighborhood and that his son is a property owner in that subdivision. He recited some results that he found on the number of gallons of water that came down in the culvert with a non-scientific study conducted by his granddaughter and himself. He

reported that he has put a system in place to divert some of the water coming down the hill that did dry out the property somewhat but with all this rain the neighboring property is like walking in a wetland. He reported having no luck getting any action from the Alaska State, DOT or the City as no one wants to take responsibility. He clarified what the issue was with an ill placed culvert and related what he believed would be a simple solution to stop people who live in that neighborhood from potentially losing their homes. He expressed his frustration on that lack of taking ownership or acknowledgment of the problems and commented that this time (referring to the recent earthquake) they were lucky, but next time the whole hillside may come down and that they will lose the whole subdivision and question what that would do to the Sterling.

A discussion ensued on the following topics related to the issues surrounding Mt. Augustine subdivision:

- If there was a Home Owners Association for the neighborhood
- Lack of interest in taking on a case against the state
- Noticeable changes in weather patterns impacting the area
- Action by the State, Borough and City working together to address the problems the property owners are experiencing from actions taken in the past by these entities
- How future problems could impact the stability of the Sterling Highway through that area of Baycrest
- Commission come up with solutions to present to Council and act as a voice for the property owners affected
- Hazard mapping currently being conducted so they may be able to assist in solutions in the future and using this information to perform a cost benefit analysis to scientifically prove what will happen to a property
- Subdivision initiating a Stormwater Plan similar to the SAD process
- Green infrastructure should be a mandatory consideration with all the construction and building going on and the water coming down the hillsides
- Past history has shown that similar situations in other locales the property owner has been bought out or the property condemned and the residents forced out but at this time they can only restrict people from building in similar situations.

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

Commissioner Highland wished Chair Venuti Happy Birthday and everyone Happy Holidays and requested everyone to do some type of Snow Dance it may be worth their while. She also looks forward to addressing items on their work list, especially the Green Infrastructure and being part of the solution.

Commissioner Bentz commented that a Climate Adaptation Plan would be more helpful instead of a snow dance but believed that their conversations today proved that the items on their work list are integrated in some sense, stormwater is related to green infrastructure is related to

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environmental change is related to natural hazards so identifying the mechanisms and how they approach each of those issues is going to be based on what the opportunities available are and whether they are incorporated into grants or into transportation planning or hazard mitigation planning. She believed that they needed to identify real mechanisms with a holistic view to move forward so they know that there are real things that can be done.

Commissioner Banks echoed Commissioner Bentz comments and looks forward to addressing their work list, he wished Chair Venuti Happy Birthday.

Chair Venuti commented that it has been a very interesting meeting and usually likes it when they **have more people in the audience, he then commented on the State's use of sodium chloride** solution on the roads for ice control and if thought has been given for it getting into the Bridge Creek District and **expressed some concern on the outcome if there hasn't been any** consideration. He thanked everyone for the birthday wishes.

City Planner Abboud stated that a recommendation can be made to the Public Works Department through the City Council but as far as he is aware there is no worry and question if it was better or worse than what was previously used. He reflected on the Stormwater control and road building issues. He further commented on danger zones and concerns comparing Quinalt (he was unsure of the actual name) and Skyline.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:09 p.m. The next regular meeting is scheduled for Wednesday, January 2, 2019 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession scheduled at 5:30 p.m. prior to the meeting.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: _____