

**HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 6, 2019**

Session 19-03, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Vice Chair Banks at 6:32 p.m. on February 6, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS HIGHLAND, BERNARD, BENTZ, BOS, SMITH AND BANKS

ABSENT: COMMISSIONERS VENUTI (EXCUSED)

STAFF: CITY PLANNER ABBOD  
DEPUTY CITY CLERK KRAUSE  
PLANNING TECHNICIAN BROWN

The Planning Commission met in a worksession at 5:30 p.m. On the agenda was a discussion with City Engineer and Public Works Director Carey Meyer on Storm Water Plans.

APPROVAL OF THE AGENDA

Vice Chair Banks called for a motion to approve the agenda.

HIGHLAND/BENTZ – 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 January 16, 2018
- B. Decisions and Findings for Conditional Use Permit 19-02, Police Station at 625 Grubstake Ave.
- C. Decisions and Findings for Conditional Use Permit 18-08, Nine buildings for overnight accommodations at 1358 & 1344 Lakeshore Drive

Vice Chair Banks requested a motion to approve the Consent Agenda.

BENTZ/HIGHLAND – SO MOVED.

Commissioner Bernard requested the minutes to be pulled from the Consent Agenda since the amended minutes provided by the Clerk still indicated she was absent and she would like to have the Clerk provide clarification on the additional corrections made to the minutes.<sup>1</sup>

The Minutes for January 16, 2019 will be moved to New Business, Item B.

Vice Chair Banks inquired if there was any dissent to approving the Consent Agenda as amended.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### PRESENTATIONS/VISITORS

A. Staff Report 19-10, Planning & Zoning Permitting Process - Travis Brown, Planning Technician

Travis Brown, Planning Technician provided a brief presentation on permitting processes and reporting procedures to the Borough Assessors office including documents that are used by the Planning and Zoning Department. He provided examples of recent building and construction projects to further clarify terms and conditions.

Brief commentary and question and answer period followed on the following issues:

- Reporting to the Borough
- Use of the KPB Information
- Homer City Code driven requirements and inspections
- Verification of location on actual versus proposed site drawings presented
- Implement avenues to address issues
- Requirements to the types of drawings
- Suggest changes to the permitting process with regards to requirements such as surveys, stamped drawings, etc. to modify the permitting process by speaking to surveyors, builders and realtors.
- Requiring asbuilts or survey
- Research could be conducted to see how other communities perform and oversee construction
- Reviewed a revised Zoning Permit to update and include information and formatting changes
- Clarification on inspection process and what is done if the project did not follow the approved CUP or zoning permit.
- Drainage issues with regard to compliance to the City Code and not impacting neighboring properties
- The proposed changes can be done internally and does not require approval by Council, however adding that as a requirement would mandate code amendment to remove map or plan and require a survey.

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<sup>1</sup> No motion is required to remove an item from the consent agenda.

- Preconstruction and Post Construction verifications

## REPORTS

### A. Staff Report 19-09, City Planner's Report

City Planner Abboud provided a summary of his report for the commission noting the following:

- A request from the City Council to review the regulatory requirements for flood elevations on the Homer Spit
- A future worksession on the Climate Action Plan
- A member on the Borough Transportation Steering Committee.

There were no questions or comments from the commission.

## PUBLIC HEARINGS

## PLAT CONSIDERATION

## PENDING BUSINESS

### A. Staff Report 19-11, Review of Permitted and Conditionally Permitted Uses

City Planner Abboud reviewed the spreadsheet provided on the Conditional Use Permits issued since 2007 noting that they were categorized by conditions and district located. He further reviewed the list commenting **that the majority were issued for “more than one” structures and second most used was “more than 8000 square feet”.**

City Planner Abboud suggested that the Commission could consider the impact and usefulness of a CUP under the various district when regulating for dimensional, open space, and buffer requirements or any other requirements. He was open to their input on identifying uses for additional study or consideration of elimination.

The Commission discussed or questioned the following items:

- Did any Conditional Use Permit for a “more than one” ever fail?
  - o There did not appear to be any permits failed by previous Commissions other than the two listed
- The requirement to address down lit lighting and the screened dumpster could be written into code so it would not need to be addressed on each application received.
  - o Lighting requirements are only addressed for commercial districts not in the residential districts
  - o Dumpster is normally triggered by multi-family or commercial projects
- Are existing buildings grandfathered in or how is that handled?
  - o Those situations are addressed by Homer City Code 21.59.010. Nuisances.
  - o Lighting issues require a cultural change and the ability to purchase the required fixtures such as shielded lighting fixtures

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- Making changes and include those recommendations in the application process and staff to verify the retail businesses can stock the materials
  - o Staff cannot effect the changes in retailers inventory that would require the consumer to demand the change by consistent requests
- Triggers for various permit requirements in the districts, that information all in one place would be helpful for the Commission
- Make and effect changes that would ease some of the work load of the Planning Department with regard to the large projects
  - o Sprawl versus height, two 10,000 sf buildings versus a two-story 20,000 sf building on a lot
  - o Concentrate developments in regards to a conscientious effort to reduce the use of the earth
- **Reason why the Commission is reviewing reductions in CUP's is litigation cost reduction** and more than one is not significant in litigation but more along the lines of cost
- **The average number of the "more than one" CUP is minimal**
- On one recent application the Commission did come up with some conditions on a "more than one" other than the down-lit lighting and screened dumpster and if the Commission did eliminate this type of CUP the Commission would not necessarily see this type of application and they would not have the public involved and have the opportunity to offer recommendations to make the project fit in better with the neighborhood.
- The Commission should consider fully all aspects and results that not having these types of applications come before them prior to changing the process.
- Public comment received on coming in to testify on a project and it has no effect to the application since it is allowed by the regulation, so what is the point of providing the testimony. What can the Commission say?
  - o It is not easy, if the applicant addresses the requirements in code and there is no undue circumstance proven, then there is nothing that can really be done but if the applicant has crossed the line then the commission will have to determine what regulations were not followed.
  - o Preference to see more density, it is difficult to fit multifamily housing in established neighborhoods but they should be responsive to the market as the average cost of a house does not equate to the average wage earned

Vice Chair Banks inquired if there were any additional recommendation or changes to the conditional use permits or any additional comments from the Commission.

City Planner Abboud stated that he will address the recommendations and suggestions made by the Commission and bring this back to a future meeting.

#### NEW BUSINESS

- A. Staff Report 19-10, Planning & Zoning Permitting Process

Planning Technician Brown reviewed the ideas presented during the earlier presentation by the Commission as follows:

- Homer City Code driven requirements and inspections
- Verification of location on property - actual versus proposed site drawings presented
- Implement avenues to address issues
- Requirements to the types or drawings
- Suggest changes to the permitting process with regards to requirements such as surveys, stamped drawings, etc. to modify the permitting process by speaking to surveyors, builders and realtors to receive their input.
- Requiring asbuilts or survey

Additional comments made on the draft documents and the existing permitting processes were:

- Refining the draft zoning permit by reviewing code to achieve the suggestions provided
- Consulting surveyors
- Review the triggers listed in the CUP Permit process
- Requiring control lines on where the foundation is to be set would remove liability for the city
- Two step requirement 1. Verification of location of foundation at the start of construction and final verification on location when foundation is completed
- There is inherent trouble with curved or parcels in a cul de sac when pinpointing corners
- Consideration of costs to the landowner and easing that and where to draw the line

The Commission requested staff to contact other municipalities to see what processes they have in place and bring back to the commission.

B. Minutes from the January 16, 2019 regular meeting

Deputy City Clerk Krause provided the amended minutes for the Commission after Project Manager Pat McNary provided a clarification and correction on page 3, second bullet point regarding the possible future addition of solar in the original minutes it was restated incorrectly in the minutes.

Commissioner Bernard expressed some dismay at the context of the minutes and requested further clarification with regard to the Conditional Use Permit for the Police Station. She noted that there were three of the commissioners herself included that expressed some dismay over the project not following the Community Design Manual.

A brief discussion ensued regarding the minutes are a summary or synopsis of action that is taken or done and that minutes are not verbatim. It was noted that anyone wanting exact details of **what transpired at the meeting can be obtained from the Clerk's Office. It was further noted that** the Commission approved the Conditional Use Permit for the project unanimously and if there was opportunity to request a reconsideration on the action.

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There was additional discussion on providing clarification on a statement made by Commissioner Bernard and that it did not make sense as it did not mention the topic it was referring.

Deputy City Clerk Krause offered to review the minutes and provide clarification on the discussion and bring the minutes back for review and approval at the next Commission meeting.

Vice Chair Banks asked if there was any objection to the Clerk reviewing the minutes and providing an amended, corrected copy for approval at the next meeting.

There was no objection.

INFORMATIONAL MATERIALS

- A. **City Manager's Report for the January 28, 2019 Homer City Council meeting**
- B. KPB Notice of decisions – Homer Spit Properties 2018 Replat Preliminary Plat

Vice Chair Banks read the titles into the record.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

Commissioner Highland had no comments.

Commissioner Bos commented it was a good meeting; reminded everyone to take things slow referring to the code issues and permitting processes; they should consult the professionals that are available; while **he hasn't been around** as long as some of them have been, only 10 or 12 years and he knows that no one wants to be told what to do while there are many around here that need to be told what to do, but still.

Commissioner Bernard **appreciated Travis' presentation tonight, it was** informative and she felt like they are starting to address some of the items on their worklist, working their way through issues that have come up at several recent meetings and looking for the best way to address these things and she appreciated that.

Commissioner Bentz appreciated the presentation as well as the worksession with the Public Works Director and she was **really happy to see in the City Manager's Report the Alaska Clean Water Grant** and believes that is going to be a catalyst for Planning and Public Works to work together and help them address some of the things on their work list like stormwater planning and green infrastructure so it is really seems like things are moving forward in a nice methodical way.

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Commissioner Smith commented it was a fantastic meeting and thanked Rick for his work in helping them wrap their heads around the CUP process; and hopes that the proposed changes can make his job easier; he welcomed Mr. Bos back; and stated he welcomes the different perspectives expressed tonight and appreciated the bantering that went on tonight. He said that it was a real pleasure working with the group.

Vice Chair Banks thanked Travis for presenting to them tonight and looks forward to seeing what he finds out about what they discussed here tonight. He thought it was interesting presentation by Carey Meyer also and is looking forward to see how the public views that development and what they think of the green infrastructure ideas and he hopes that helps it catch on as positive idea and that does well and works.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:03 p.m. The next regular meeting is scheduled for Wednesday, February 20, 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.

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RENEE KRAUSE, MMC, DEPUTY CITY CLERK

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