

Session 19-02, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:32 p.m. on February 20, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS HIGHLAND, BENTZ, VENUTI, SMITH AND BANKS

ABSENT: COMMISSIONERS BOS, BERNARD (EXCUSED)

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK KRAUSE

The Commission met in a worksession at 5:30 p.m. On the agenda was a presentation and discussion on the Climate Action Plan and potential for review and updating. Materials were provided by the Commission on the section of the Climate Action Plan regarding Land Use/Planning & Zoning, pages 33-34; contact information for ICLEI USA and references for information; Report on Coastal Communities Losing Ground on Climate Change Planning dated February 20, 2019 by Katie Willis in Earth/Environment, <https://phys.org>; an article from June 2007 UA research Summary No. 8: How much Might Climate Change Add to Future Costs for Public infrastructure by Peter Larsen and Scott Goldsmith and from the Journal of Environmental Planning and Management, 2019 Local scale climate change stressors and policy response: the case of Homer, Alaska by Jeff Birchall and Nicole Bennett, Department of Earth and Atmosphere Sciences, University of Alberta, Canada presented by the scheduled visitor.

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

BENTZ/HIGHLAND – MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

- A. Approval of minutes of February 6, 2019
- B. Approval of revised minutes of January 16, 2019
- C. Time Extension Request Degarmo Subdivision No. 2

Chair Venuti requested a motion to approve the Consent Agenda.

BENTZ/HIGHLAND MOVED TO APPROVE THE CONSENT AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

REPORTS

A. Staff Report 19-12, **City Planner's Report**

City Planner Abboud reviewed his report for the commission.

Commissioners volunteered to report at the following Council meetings:

February 25th: No one available

March 11th: Smith

March 26th: Bentz

April 8th: Bos - Tentatively

B. Green Infrastructure report from Planning Commissioner

Commissioner Bentz provided a brief update on strategy to move the topic forward and she wanted to mention they are considering cross walking the newly adopted Comprehensive Plan with the Green Infrastructure Implementation Table items with the future Police Station green infrastructure implementation and planning with the award the city received of the ADEC grant. She noted that there is definitely action going forward but no report at this time.

PUBLIC HEARINGS

A. Staff Report 19-13, **Request to vacate a 30' wide public access easement over a portion of Tract A, A.A. Mattox 1958 Addition**

Chair Venuti introduced the item into the record and City Planner Abboud provided a synopsis of Staff Report PL 19-13 for the commission.

Chair Venuti invited the applicant to make their presentation.

The applicant was present for any questions of the Commission but did not have any formal presentation.

Chair Venuti opened the public hearing seeing no one come forward to provide comment he closed the public hearing and opened the floor to questions from the Commission.

Commissioner Highland requested clarification on the proposed dedicated pedestrian easement and if this can be made a condition.

City Planner Abboud pointed out that it will be depicted on the plat.

Chair Venuti requested a motion seeing no further questions from the commission.

BENTZ/SMITH MOVED TO ADOPT STAFF REPORT 19-13 AND APPROVE THE REQUEST TO VACATE A 30 FOOT WIDE PUBLIC ACCESS EASEMENT OVER A PORTION OF TRACT A, A.A. MATTOX 1958 ADDITION

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

A. Staff Report 19-14, AA Mattox Subd. Gwen's 2019 Addn. Preliminary Plat

Chair Venuti introduced the item into the record by reading of title and requested City Planner to provide his report for the commission.

City Planner Abboud provided a review of his report on the Preliminary Plat and recommendations.

The applicant was present for questions from commission.

Chair Venuti opened the public comment period seeing no audience members coming forward to provide comment he closed the public comment period and opened the floor to questions from the commission.

Commissioner Banks requested clarification on the location of the 15" utility easement in relation to the property and if any of the drawings showed that location.

City Planner Abboud responded that it would be located where it fronted Nelson Avenue, he confirmed that it would extend to the existing right of way on Nelson to the east.

Commissioner Banks inquired if that language was descriptive enough.

City Planner Abboud responded that it complied with City Code so it was familiar.

Chair Venuti requested a motion seeing no further questions from the Commission.

HIGHLAND BENTZ - MOVED TO ADOPT STAFF REPORT 19-14 AND RECOMMEND APPROVAL OF A.A. MATTOX SUBDIVISION, GWEN'S 2019 ADDITION PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. INCLUDE A PLAT NOTE STATING PROPERTY OWNER SHOULD CONTACT ARMY CORPS OF ENGINEERS PRIOR TO ANY ONSITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN CURRENT WETLAND DESIGNATION (IF ANY) PROPERTY OWNERS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.
2. PROVIDE A 15 FOOT UTILITY EASEMENT FRONTING NELSON AVENUE PER HCC 22.10.051(a)
3. INCLUDE A PLAT NOTE STATING DEVELOPMENT ON THESE LOTS IS SUBJECT TO HOMER CITY CODE

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 19-15, Oscar Munson No. 25 Preliminary Plat

Chair Venuti introduced the item by reading of title into the record.

City Planner Abboud review Staff report 19-15 for the Commission. He noted that it was very standard and met all requirements in city code. He noted the required plat notes on the flood plain and section line easement.

The applicant did not have a presentation.

Chair Venuti opened the public comment period seeing no audience members coming forward to provide comment he closed the public comment period and opened the floor to questions from the commission.

There were no questions from the commission on the application.

BENTZ/BANKS MOVED TO ADOPT STAFF REPORT 19-15 AND RECOMMEND APPROVAL OF OSCAR MUNSON NO. 25 PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. ADD A PLAT NOTE ABOUT THE FLOOD PLAIN: "KACHEMAK BAY AND BELUGA SLOUGH ARE SUBJECT TO A 1PERCENT-ANNUAL-CHANCE FLOODPLAIN AS IDENTIFIED BY THE FEMA FLOOD INSURANCE STUDY DATED OCTOBER 20, 2016, 02122CV001B. PROPERTY OWNER SHOULD CONTACT THE CITY OF HOMER PRIOR TO ANY DEVELOPMENT ACTIVITY."

2. ADD A PLAT NOTE CONCERNING THE HOME LOCATED IN THE SECTION LINE EASEMENT. SAMPLE LANGUAGE COULD INCLUDE THE FOLLOWING STATEMENT: ACCEPTANCE OF THIS PLAT DOES NOT SIGNIFY ACCEPTANCE OF ANY NONCONFORMING STRUCTURES. THE BOROUGH CAN PROVIDE GUIDANCE ON THE WORDING

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report 19-16, Review of conditionally permitted uses

Chair Venuti read the title into the record and gave the floor to City Planner Abboud.

City Planner Abboud reviewed Staff Report 19-16 for the commission. He made the following points:

- The spreadsheets are wonderful tools, they are not exact, check the code book
- Asterisk represent a variation in conditions
- Gain and loss of requiring infrastructure versus letting owners build multiple dwellings along with platting
- Allowing more density would be responsive to the Climate Action Plan
 - o Would require rezoning areas served by water and sewer
 - o Digression on the issue of reducing conditional use permits
- Lighting standards and Dumpster Screenings changes to city code that would capture the necessity of those requirements
- Requirements to review the CDM is difficult since it wanders, inconsistency and requires some work
 - o Review of the lighting requirements between City Code and the CDM

Chair Venuti commented on property **owner's** installation of lighting fixtures that impact neighbors and they are not aware of how much the light may impact their neighbors.

City Planner Abboud responded that there is plenty to chase around on the situation with lights in Homer and they could try to address this but it is challenging since they are being directed to address other things.

Commissioner Smith inquired about mercury light fixtures owned by Home Electric Association is the same standard applied.

City Planner Abboud responded that he would divide everything up on property owners; they cannot rule on lighting in the right of ways. He would hope that those lights get replaced since they are inefficient and old. He stated that they could speak to HEA. Property owners are charged and it would be nice to see if they could usher in a change.

Commissioner Smith commented that maybe with the work on the Climate Action Plan they can encourage HEA to make some updates.

Chair Venuti inquired that with the intent to reduce CUP and in review of the table which issues stand out to the staff.

City Planner Abboud did not make a recommendation since they all come with caveats; and the question remains on where should lines should be drawn.

Further points and comments were made on the following:

- the request to reduce the conditional use permit applications were in order to reduce the potential for litigation
- **It was noted that two considerations that most CUP's were issued were for the more than one structure and more than 8000 square feet and if it okay to be larger than 8000 sf how much larger do they allow**
- Addressing more than two in the commercial district
- Previous applications not being developed and constructed as presented
- Foundations in the correct location on the property, conditionally approving the project then inspect before fully approving the application
- Following up on applications and enforcement of regulations
- Requiring asbuilts
- Majority of litigation occurred on the applications resulting in reduction of the setbacks in the Central Business District

Further discussion and comments ensued on including code changes to eliminate the lighting standards **and dumpster screening as a recommendation to reduce CUP's**; the majority of the commissioners were hesitant in making changes that would reduce the number of Conditional Use Permits that would come before them; buildings and or parking encroaching into right of ways and using Pioneer Avenue as an example if they continue allowing the pattern to continue could cause some issues in the future; following up immediately on projects when it is found that they are not following the conditionally approved project presented to the commission; getting it right in the front end of the project and not have to remediate too much in the back end; Add a condition that applicant must meeting deadlines and that they must report back to the Commission and this would remove the onus from the Planning staff.

City Planner Abboud responded that Planning Technician Brown will be addressing that issue of bringing in the surveyors now that he is back from vacation. He noted that the Planning Department can certainly enforce the regulations but with three staff it is difficult to meet all the deadlines plus conduct the extras that the public, administration and commission desire.

Chair Venuti inquired if they are able to apply conditions that are not in code.

City Planner Abboud responded that it is preferred that conditions applied should be in code because otherwise you would be catching people unaware since they follow what is outlined in code.

A discussion ensued then on recommendations and suggestions on green infrastructure such as an informational pamphlet so that the applicant is aware of certain goals of the Planning Department and the applicant then will not be caught unaware.

Chair Venuti called for a recess at 7:49 p.m. The meeting was called back to order at 7:54 p.m.

Commissioner Bentz commented that there was a distinct difference between code changes and best practice educational materials and the previous comment made on adding additional conditions she believed that if it is not explicitly defined then the applicant would not have the fore knowledge that it may be required. All the supplemental information provided is just that – information; especially if the applicant is just hitting the check boxes. Whatever the commission recommends should be in code so that it does not create contention and failure. She further believed that they should continue the audit of the code for green infrastructure is the direction that they should go so they can make specific code changes and conditions that could apply to permit applications.

Commissioner Smith agreed with Commissioner Bentz and stated that they should codify everything and also include recommendations from surveyors and heavy equipment operators in regards to assisting with the decision processes.

NEW BUSINESS

INFORMATIONAL MATERIALS

A. **City Manager's Report for the February 11, 2019 Homer City Council meeting**

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

City Planner Abboud **reported receiving an email that missed his Planner's report.** This was a request from FEMA wanting more specific information on updating the code requirements from DGGs. He had mentioned some items but did not have specifics. He related that they would like a response by March 1st.

Commissioner Bentz requested clarification on what FEMA wanted.

City Planner Abboud responded that they wanted action.

Commissioner Bentz then stated that City Planner Abboud could provide them in his response a description on the approach by which they would take to incorporating it so he could respond that once information was received DGGs will be invited to present a worksession to the

Commission so the Commission can understand the new information on how the code, the Bluff Setback ordinance, potentially moving from a geometric description to a mechanistic description for coastal bluff setbacks. She went on to explain that currently they rise over run but it does not take in to count high wave energy, or bluff collapse verses a slow erosion or things like that. She believed that it was information like that to initially spark the conversation on evaluating whether the city code was useful in evaluating whether the setbacks were appropriate for new development.

City Planner Abboud may contact her later but sounded good to him.

COMMENTS OF THE COMMISSION

Commissioner Highland wanted to include aesthetics when they start addressing the green infrastructure, her goal when she came on the commission was to make Homer more aesthetically pleasing. She commented that they may be one of the ugliest little towns with the most beautiful views. She suggested having Nancy Hillstrand show the pictures that she has taken of Homer from a business person perspective. She believed that this will help aid them in directing how they want Homer to go. She would like to start a discussion on some of the points that Alan Parks mentioned.

Commissioner Bentz appreciated the conversation at the worksession today on the Climate Action Plan to get that historical perspective and learn why the 2007 plan was focused on mitigation. It was really data driven in that they had information about what they could do to mitigate **the City's impact on climate** change as well as save money. She believe the conversation was turning now toward adaptation as they are seeing the effects and she felt that the presenter outlined some ideas that could be implemented in their day to day jobs on the Planning Commission. She believed that the city is already doing a lot to mitigate and adapt to climate change, noting one thing that the City Manager included in her report on a new project with entering into the carbon market with the Bridge Creek Watershed, not only is this an adaptation to protecting our water sources in a changing climate but it is also mitigation in that they are buying into a carbon market to get incentivized for conserving land, the city will receive funds for further protection of water resources through the carbon project and so with the conversation moving on, the science has moved on too. She **agreed that the city can't do it alone and that** partnerships with adaptation planning going forward would be the next steps to start.

Commissioner Smith stated that he also appreciated **Mr. Parks' presentation** at the worksession. It helped him wrap his mind around the transportation plan and start thinking of how to alleviate some of the traffic flow right through the middle of town on Pioneer and Lake, other than Kachemak Drive, to get out to the east end. If they do not start looking more long term they are probably going to get strangled out pretty soon.

Commissioner Banks thanked the staff for scheduling the worksession. He believed that it presented some good ideas. He was not sure if they wanted to start work on this topic before they

finished the work on the CUPs. He believed that they need to review the two pages and forward a recommendation to Council similar to their previous action. He believed there was language in there to use the permitting process to implement. It may not be in city code but it is an adopted document so he believed that they can leverage that to make some changes in the CUP process to encourage reducing greenhouse gases with development perhaps with incentives.

Chair Venuti commented that it was an interested meeting.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:16 p.m. The next regular meeting is scheduled for Wednesday, March 6, 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: _____