

Session 19-06, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:32 p.m. on March 20, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, VENUTI, SMITH AND BANKS

ABSENT: COMMISSIONERS BENTZ, BERNARD (EXCUSED)

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK KRAUSE

The Commission met in a worksession at 5:30 p.m. On the agenda was discussion on the Permitting Process and building location verification with Licensed Residential Contractor Bruce Petska, Big Mountain Builders to provide industry perspective.

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

BOS/HIGHLAND – MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT

Alan Parks, resident, commented on the Climate Action Plan, stating that he wished he had materials to distribute to the Commission for the worksession. Mr. Parks recommended not kicking the plan back to the Council he believed that there were plenty of areas within the Plan that they should dissect the plan further and engage the public more. He believed that there was not a lot of energy within the leadership from the Borough up to the federal level to address Climate Action. He believed the Commission needed to review the issues and what is included in the plan under their scope more thoroughly before sending it back to the Council.

Scott Adams, resident, commented on clearing of the rights of way along the roads and questioning why an ordinance is required to grant permission to clear cut if there is no project.

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

A. Approval of minutes of March 6, 2019

Chair Venuti requested a motion to approve the Consent Agenda.

HIGHLAND/BOS - SO MOVED.

Commissioner Smith requested a correction on page two, under Reports, in his comment he noted that his discussion should reflect "Anchorage" DOT official.

Chair Venuti inquired if there was any opposition to approving the Consent Agenda with the amended minutes.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

REPORTS

A. Staff Report 19-17, **City Planner's Report**

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

City Planner Abboud reviewed his report for the commission. He noted that the Ordinance to provide funds to Set Free Alaska failed and the extension of water to the portion of Kachemak City was postponed.

City Planner Abboud noted his time out of the office for vacation and conference in April. He then **noted the receipt of Commissioner Bernard's resignation from the commission.**

City Planner Abboud reported that Commissioner Bos was scheduled to attend the March 26th Council meeting and Commissioner Smith was scheduled for the April 8, 2019 Council meeting and asked for a volunteer for the April 22nd meeting.

Commissioner Bos volunteered for May 13, 2019 Council meeting; and Commissioner Highland agreed to attend the April 22, 2019 Council meeting.

Commissioner Highland questioned the status of the HERC Lease inquiry.

City Planner Abboud stated that Council did receive a few Letters of Interest submitted but there was further work needed as they did not get quite what the City was seeking. The Administration was working on the details to issue a request for proposals to manage and lease the HERC.

PUBLIC HEARINGS

A. Staff Report 19-22, Conditional Use Permit (CUP) 19-03 for 5 dwellings at 3641 Sterling Hwy.

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

City Planner Abboud reviewed the Staff Report for the Commission.

The Applicant was present and available for questions from the Commission.

Chair Venuti opened the Public Hearing.

Scott Adams, resident, commented on defining what project are commercial versus residential. He is concerned that if this is becoming the norm, then they should consider different regulations to review those as commercial properties and not the CUP process.

Chair Venuti closed the Public Hearing upon no one else in the audience coming forward to testify.

Chair Venuti inquired if there was any rebuttal from staff.

City Planner Abboud commented that the testimony given was an expressed opinion.

John Bouman, Applicant, rebutted that the project is similar to his other properties in the area and it is similar in scale and in his opinion, very pleasing.

Chair Venuti opened the floor to questions of the commission.

Commissioner Highland asked about the amount of usable land on the parcel as it appeared to be pretty steep on a portion of the site.

Mr. Bouman responded that the site was cleared up to the tree line as he tried to preserve as many of the trees as possible and to use them as a buffer from the road way but noted that most of the parcel was usable land with the exception of 40-50 feet. He referenced the survey provided.

Commissioner Smith commented that he is supportive of the development but questioned the two different uses in one section it states 5 single family residences but handwritten notes indicate nightly rentals, this lends to different fire code applications. Mr. Smith cited the requirements as he knew them.

Mr. Bouman responded that these plans went before the local Fire Department and his **understanding is that similar to the other 350 B & B's in Homer** a single occupant will be in his dwellings and not multiple, unrelated, occupants in a single dwelling from different cities or states. That is the line drawn by the Fire Marshall in his experience.

Commissioner Bos requested clarification on submittal to the Fire Marshall.

Mr. Bouman responded that his understanding is any plans that are submitted to the Commission go before the Fire Department.

City Planner Abboud expounded on the response that the Fire Department review is nothing similar to a Fire Marshall review and he is not aware of how it is divided up but projects are reviewed with a focus on site planning basically.

Commissioner Bos asked if the Applicant is planning to offer rentals on a yearly basis.

Applicant responded that it will be open year round.

Chair Venuti questioned the location of the leach field distance in relation to the toe of the bluff or steep slope as the regulations address that as forty feet. By the drawings submitted it looks to be encroaching that distance.

Mr. Bouman responded that his engineer has selected the location and the system that they selected which is a Bio Cycle System has a reduced leach field requirement than is reflected in the drawings submitted. It is in his best interest to make sure that they are within the distance requirement and he would advocate that written into the requirements if necessary.

Commissioner Banks requested clarification on the size of the leach field.

Mr. Bouman responded that the initial drawing was before the selection of the system selection.

Commissioner Banks noted that currently in the drawings they are pretty close to the 40 feet so was this top of bluff line surveyed.

Mr. Bouman stated that the leach field was just approximated for location and has not been staked out. He responded that the bluff line was surveyed.

Chair Venuti requested a motion.

BOS/HIGHLAND MOVE TO ADOPT STAFF REPORT 19-22 AND RECOMMEND APPROVAL OF CUP 19-03 FOR FIVE DWELLINGS AT 3651 STERLING HIGHWAY WITH FINDINGS 1-10 AND CONDITIONS 1 & 2.

Commissioner Banks wanted to add a third condition regarding the location of the leach field.

Commissioner Smith agreed that the desire to see that the final product fit.

BANKS/SMITH MOVED TO ADD CONDITION THREE THAT THE LEACH FIELD WILL BE AT LEAST 40 FEET FROM THE DEPICTED TOP OF BLUFF LINE.

There was no discussion.

VOTE. (Amendment). NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Further discussion ensued on the zoning area, uses permitted, language distinguishing a hotel such as the Aspen Suites project and this project. It was noted that this project falls under the rooming house definition. If one property owner in the zoning district is allowed then another should be allowed but there is a deeper discussion outside the CUP requirements that would be needed. Additional comments on the intent of the rural residential district and this project leaning to commercial but fits with what is going on in the immediate area.

VOTE. (Main). NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 19-23, Permitted and conditionally permitted uses

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

City Planner Abboud summarized the report on the Lighting standards and provided some input from previous discussions and this was proposed as one condition that is typically addressed in **most CUP's before the Commission**. He then reviewed the "more than one" recommendation which was the second most reason for a CUP. He stated that removing this requirement still leaves other conditions that would trigger the CUP.

City Planner Abboud did not recommend changes in the Gateway Business District.

Commissioner Smith brought forward a lighting issue with the project on Robin Street and questioned if the Planning Department was aware of this issue.

City Planner Abboud is aware of that problem and has been assured by the property owner that they are getting the electrician to address those unshielded lights. He noted that it was not an option to leave as is and it will need to be addressed.

Comment and discussion ensued on a recommendation made at the March 6, 2019 commission **meeting with regards to the "More than one structure" condition**; having lighting standards

across the board including Rural Residential Districts; difficulties in enforcement of the regulations; quality of life issues on lighting; and Commercial districts should already be compliant.

Commissioner Bos asked how they are to amend this draft ordinance to be effective.

Commissioner Banks recommended deleting **the words “that support three or more dwellings on a single lot”** on lines 23-24 and lines 31-32 and take a wait and see approach.

Commissioner Smith agreed to a certain extent as there are some exceptions to allowing side broadcasting lights for driveways for example. He personally would not be able to back into his driveway in the winter without the aid of two 75 watt lights.

City Planner Abboud responded with the citation from city code about light trespass or glare. He stated that they could review the lighting standards and address certain things and commented on existing circumstances that may or may not meet standards.

Further discussion ensued on light trespass issues over safety issues; that the design manual criteria differs from city code requirements; and specific city code and exceptions.

Chair Venuti inquired if the commission was ready to make a motion.

BANKS/SMITH MOVED TO DELETE THE WORDS “THAT SUPPORT THREE OR MORE DWELLINGS ON A SINGLE LOT” ON LINES 23-24 AND 31-31 IN DRAFT ORDINANCE AND FORWARD TO PUBLIC HEARING.

Discussion ensued on how the ordinance would read.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti stated the next issue to address was the “more than one” to reduce the conditional use permits.

There was a brief discussion on previous discussion on the recommendations from the commission at the February 20 and March 6th meetings and **that the removal of the “more than one”** would not really reduce the number of permits issued significantly and that each CUP application is different and should be reviewed separately. Further comments made by Commissioners supported consensus that the Commission cannot see additional methods to reduce the number of conditional use permits.

BANKS/HIGHLAND MOVED THAT THE CITY PLANNER FORWARD A MEMORANDUM TO CITY COUNCIL THAT THE COMMISSION HAS DETERMINED AFTER INTENSIVE REVIEW THAT THERE IS

NO ADDITIONAL ACTIONS THAT CAN BE IMPLEMENTED TO REDUCE CONDITIONAL USE PERMIT APPLICATIONS.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti called for a recess at 7:47 p.m. at the request of the Commission. The meeting was called back to order at 7:52 p.m.

B. Staff Report 19-24, Climate Action Plan

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed his report for the commission. He noted that after his review it appeared that Green Infrastructure might contribute to the goals of the plan.

Commissioner Banks inquired how they should address the review, individually address each issue or after the City Planner reviewed in its entirety.

There was no response from the Commission.

City Planner Abboud proceeded to review the remainder of his report. He commented on the following:

- Reallocation of HART funds
- Non-motorized Transportation Trail Plan review with input from Public Works
- Complete Streets Designs
- Town Center Plan
- Evaluating Site Plans, Building Mass but no building inspections
- Building Codes and inspectors
- LEED is not practical for Alaska

A brief discussion was held on funding received recently that was thought to be because the City had the Climate Action Plan.

Further discussion and comment ensued on the following:

- The compilation submitted by the City Planner was a good starting point
- They could add items such as Green Infrastructure and use of Natural Gas
- Provide information and best management practices to developers related to Micro Green Infrastructure for managing stormwater drainage
- Building Codes and Inspection

- Seeking Direction from City Council on what they would like the Commission to accomplish
- Creating a subcommittee to work on this item
- Mayor requested recommendation from the Commission to review and revise the Plan
- Obtaining updates from adaptation
- Some items are progressing on their own such as homes being built to code standards and efficiency standards
- Home owner builders are a little bit harder to encourage and approach would need to be focused on the education on the savings that would be earned with expending the funds in the beginning
- Advocacy for addressing Climate Change was needed on the local level, perform analysis on all city buildings with regards to CO2 emissions and the Commission should have a worksession in April to review what Mr. Parks submitted to the commission and Mr. Olsen should be invited to speak to Council on the inroads that are being conducted.
- Moderator and Expert was required and the Commission would be required to perform the work. Planning Staff can only put the plan on the table. No new information besides an article was submitted by Mr. Parks. There were no recommendations on what should be addressed.
- The Commission requires direction from City Council regarding the Climate Action Plan
- Debate on whether the Commission should undertake the review of the Climate Action Plan and the viewpoints on the populace, political or otherwise.

Deputy City Clerk Krause called for a point of order noting that the discussion has deviated from the agenda item.

Commissioner Banks noted that the agenda item was the Planning and Zoning section of the Climate Action Plan. He believed that they have deviated somewhat but what he wanted to do was separate this out and review and update or recommended changes to it. Now do they request permission and a methodology from Council to do that review and hold a public session to gather information or do they proceed and come up with recommendations and forward to City Council.

City Planner Abboud commented that he was thinking of the metadata analysis that he would have to do to make any salient recommendations on this and commented on the Non-motorized Transportation Plan and infill and then the requirement of funding. Since there is no funding that means people have to do a lot of work and he would have to drop everything to work on this.

Commissioner Highland appreciated Commissioner Banks statement as a foundation.

Chair Venuti asked if Commissioner Highland would like to make a motion.

Commissioner Banks restated his two items or paths that the Commission could take regarding the Climate Action Plan at the request of Commissioner Highland.

Chair Venuti inquired if that was a motion. Commissioner Banks stated it was not, just restating the two directions he previously mentioned that the Commission could take.

Commissioner Bos asked for the first path to be restated.

Request direction from city council to update the planning and zoning section of the climate action plan.

Commissioner Bos preferred to submit a request for direction from City Council before the Commission undertakes further action or time on this.

HIGHLAND/BANKS MOVED TO POSTPONE THE DECISION UNTIL THE NEXT MEETING.

There was a brief discussion on postponing the discussion until Commissioner Bentz was present so that they could have her professional input.

Chair Venuti inquired if there was any dissent to the motion. Dissent was indicated and Chair Venuti requested a roll call vote.

Commissioner Banks asked for discussion first to hear from Commissioner Bos.

Commissioner Bos stated that he preferred not to postpone the discussion he like to recommendation refer it to Council and if they liked it enough they would send it back to the Commission.

Commissioner Banks stated that he requested postponement since he is not quite clear what he or the commission wants they voted to put it on the worklist **but haven't agreed on what they** want to work on and he believes that delaying it the two weeks would allow them to be succinct in what recommendations or work the commission would like to do.

Commissioner Highland inquired if the Commission was required to ask permission to work on the Climate Action Plan.

City Planner Abboud explained that as long as the Commission understood that they can do all the work and forward recommendations to City Council but since it was not directed to the Commission the Council may not take it up. He provided some input on providing some recommendations on the plan, no budget allocated to do this right and being limited in their actions.

Commissioner Bos reiterated his stance on requesting direction from Council.
Commissioner Highland called for the question.

VOTE. YES. VENUTI, BANKS, HIGHLAND.
VOTE. NO. SMITH, BOS.

Motion failed.

Commissioner Smith commented that he was in support on going forward with direction from City Council.

Chair Venuti requested a motion to forward a request to City Council.

Commissioner Bos stated he would support the statement made previously by Commissioner Banks.

Deputy City Clerk Krause read the statement:

BOS/BANKS MOVED TO REQUEST DIRECTION FROM CITY COUNCIL TO UPDATE THE PLANNING AND ZONING SECTION OF THE CLIMATE ACTION PLAN.

There was no discussion.

Chair Venuti inquired if there was any dissent to the motion. Dissent was indicated. Chair Venuti requested a roll call vote.

VOTE. YES. BANKS, BOS, SMITH, VENUTI

VOTE. NO. HIGHLAND.

Motion carried.

C. Staff Report 19-25, Building Height

Chair Venuti introduced the item by reading of the title.

City Planner Abboud provided information and review on the discussion from the worksession with Fire Chief Purcell regarding ISO rating and building height limitations. He referenced the memorandum in the packet and suggested the Commission work through section one and if time allowed section two.

City Planner Abboud provided a brief explanation on how the vertical distance is measured currently in Homer City Code 21.35.030. He clarified how effectively the Fire Department fights **fire now as well as he understood Chief Purcell's explanation.**

Further discussion and comments ensued on determining building heights and how the determination of 35 feet in maximum height.

City Planner Abboud recommended waiting on having a discussion or recommendation on sprinkler system regulations. He reaffirmed that he is not advocating a blanket increase for building height.

Commissioner Banks recommended specificity in location on the structural member.

City Planner Abboud responded that in addressing the particular location this was the recommended language from FEMA.

Commissioner Smith reiterated a discussion the Commission had at the last meeting that whatever they drafted they would submit it to the Fire Chief for review before submittal to Council. He then informed the Commission that he had a discussion with one local company who advocated for 52 feet height limit and is currently playing phone tag with another company and suggested that they have a worksession prior to the next meeting with those two for official communication so the Commission can have a discussion on height limitations in Commercial versus Residential applications to allow for flexibility.

Chair Venuti inquired if Commissioner Smith was making a motion.

City Planner Abboud did not recommend addressing residential unless the Commissioners felt it was really necessary. He preferred to review it by district.

There was a brief discussion on further review and proper input on the issue and bringing it back for additional discussion by the Commission.

D. Staff Report 19-26, Permitting Process and Building Location Verification

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

City Planner Abboud provided a very brief summary of requested action for Staff by the Commission.

Commissioners recommended inviting local contractors, surveyors, realtors and person who performed clearing and or dirt work.

City Planner Abboud responding to a question from Chair Venuti that there was one issue within the last year before the commission that was required to purchase additional property and had to replat their property.

Additional discussion was entertained on the following points:

- adding the requirement of providing an Asbuilt upon completion of the project
- Making it a requirement of the conditional use permitting process
- Good conversation the commission should have in a worksession
- Preference to leave some ability for conceptual planning

- Require a survey when applying for a Conditional Use Permit

Chair Venuti noted the late hour and stated that they were not going to solve this tonight and will be having additional worksessions on the issue.

INFORMATIONAL MATERIALS

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

COMMENTS OF THE AUDIENCE

Scott Adams, commented on the construction and repair of the seawall mentioned in the **Manager's Report** and recommended that City should review how some areas in Florida have taken steps to create wave/water breaks off the coast using tires and concrete.

COMMENTS OF THE STAFF

City Planner Abboud commented that he appreciated the comments from Commissioner Banks on the permitting process and will try to get other people scheduled for future worksessions.

COMMENTS OF THE COMMISSION

Commissioner Banks and Smith had no comments.

Commissioner Bos commented that the meeting was interesting, good discussions and everybody can walk out of here as friends, and complimented the Chair on conducting another amazing meeting.

Commissioner Highland wished City Planner Abboud Bon Voyage

Chair Venuti wished everyone Happy Spring and called for a motion to adjourn.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:37 p.m. The next regular meeting is scheduled for Wednesday, April 3, 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: _____