

Session 16-12, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on August 3, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS ABRAHAMSON, BOS, BRADLEY, HIGHLAND, STEAD, STROOZAS, VENUTI

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK JACOBSEN
PUBLIC WORKS DIRECTOR MEYER

Approval of Agenda

Chair Stead called for a motion to approve the agenda.

STROOZAS BRADLEY 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).

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 July 20, 2016
- B. Decision and Findings for CUP 16-03

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

STROOZAS/BOS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

A. Public Safety Building Update

Public Works Director Meyer commented on the Public Safety Building Committees work over the last two years that has included what to build, where to build it, what size and so forth. The Committee decided not to build the \$30 million combined police and fire complex, but appropriating \$1 million to extend the life of the current fire station and build a police station as phase I of the project. They have established a master plan on using the HERC site at the corner of Pioneer and the Sterling Highway. The police station will be built on the west side of the building and house essential services including dispatch, jails, and offices. The existing HERC building will be renovated to accommodate non-essential square footage. The city is using a design/build GC/CM process hiring the architect and contractor at the same time to work together on the design, cost estimates, and constructability. They cost estimate is at about \$12 million. Council has authorized a bond proposition be put to the voters in October asking the community to pay an additional sales tax until and authorize borrowing up to \$12 million for the project to cover the upfront capital costs to build. The Committee is still meeting with a focus of public involvement and educating the community about the project. They are working to find some champions for the project, not city officials, department heads or councilmembers, but community members who be perceived to have less potential conflict and more credible as to why this is really needed.

In response to questions Mr. Meyer explained non-essential services and space needs. Evidence storage makes up a large part of it; evidence required to be stored securely for long periods of time has increased dramatically. There is also a Sally port where offenders can be moved into the station through a secured area and taken to the processing area. There will also be bunks, a radio room, the gym will become an exercise and training area, and a firing range is proposed. He reiterated the offices, dispatch, and jails are the essential services provided for in the new section of the building. The definition the fire marshal has on essential and non-essential has a lot to do with determining locations for the services.

When people ask why they aren't using the existing department he explains that it isn't configured to be able to use it efficiently for a police department, it wasn't designed for that purpose.

Mr. Meyer said the preliminary design work is somewhere between conceptual and preliminary. The site plan shows the building footprint, parking, re-location of the skateboard park, and so forth. The floor plans for the first and second floors of the new building and for the existing HERC building have been developed. They have worked through heating, dealing with seismic loads, and so forth and they continue to discuss revolve around creating cost effective usable space of satisfactory quality. The goal is to get good value for the money being spent.

Relating to the overall cost, Mr. Meyer explained there is a requirement for the size of building we need to operate now and plan for future growth. They are consistently working on the cost and looking at ways to save on the expenses and get it below \$12 million if possible.

In closing Public Works Director Meyer said there will be more efforts with articles in the paper and outreach to community organizations as we move through the process.

Reports

A. Staff Report PL 16-41, City Planner's Report

City Planner Abboud reviewed his staff report in the packet.

There was no discussion.

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.

A. Staff Report PL 16-42, Vacation of a portion of Mission Road Right-of-Way and Road Easement

City Planner Abboud reviewed the staff report and referenced the laydown item explaining how the carport got into the setback. He noted in the staff report states that Planning does not support the vacation on the Mission Road right of way and Public Works opposes both the right of way and road easement vacation.

Kenton Bloom, city resident and licensed surveyor, commented on behalf of the applicant. He thinks the information provided does a good job of conveying the confusing history. He thinks it boils down to a question of how we handle things that don't fall inside the normal box. The contractor built in the wrong spot and is no longer in business so there is no way to get recourse from them. The current owner is trying to resolve the issues so he can have clear title. There is no validation within code to accept the current situation. He referenced the asbuilt and noted on the right side of the lot there is a 10 foot jog in the right of way that reduces what he thinks is a 45 foot wide road down to 35 feet and that entire road is on the north side of the right of way. When they went from the fog line to the garage door, there is an excess of 25 feet, so the road is quite a ways away from the garage; enough room for a full sized car to park on the landing and not be in the road. The garage is concrete and steel, so fundamentally we are at a place to try to find a way to vacate the minimum area around this building along with the dedication. Mr. Bloom noted there is no other dedication further down the line, just these couple of lots and the slope is very steep. They recommended 6 feet for the vacation to address the overhang that is pertinent to the building. What the applicant has there works, no one is adversely affected by what's happening there and it's a choice as a community to rally and say this isn't anything anyone really wants, but sometimes we have to help things get resolved so it works.

Chair Stead opened the public hearing. There was no public to comment and the hearing was closed.

There was brief discussion of how this relates to the platting action on tonight's agenda and how to keep these issues from happening in the future.

Question was raised about what happens to the road right of way as it goes to the east. Mr. Bloom responded there is no continuation of that extra strip farther to the east. The road becomes ten feet narrower as far as the dedicated right of way goes.

Public Works Director Meyer commented that the minimum road right of way that the city would expect to have to construct and maintain a road improvement is 60 feet. Normally that is 30 feet dedicated from a property on each side and currently there is 30 feet dedicated on the south side. To do a road improvement the city will need more right of way. The terrain is steep there so the expectation is there will be a need for slope easements that will move off the property. You can argue that an 80 foot right of way is better in that type of terrain to accommodate cut and fill slopes within the right of way. Public Works is sympathetic to the property owner, but if they give this up, the city will have to buy it back later.

There wasn't any confirmation whether this would keep the city from being able to install the water line, and Mr. Meyer addressed dealing with slopes in relation to rights of way, utility easements, and roadside ditches when curb and gutter aren't available. The city accepted Mission Road from the state so we are working with what we have now. Mr. Meyer said he has to look toward the future, not what happened before.

There were further comments from the Commission regarding ways to resolve this including the property owner purchasing a portion of an adjacent property, if the city will sell him the two and a half feet he needs so his garage will be on his property, or helping the applicant out and Public Works could find a way to make it work if and when the right of way is improved.

VENUTI/STROOZAS MOVED THAT THE PLANNING COMMISSION APPROVES THE VACATION OF A RIGHT OF WAY EASEMENT ALONG THE NORTHERN LOT LINE AT 1095 AND 1135 MISSION ROAD, LOT 2 AND LOT 3 SKYLINE VIEW SUBDIVISION LOT 20-B REPLAT.

Commissioner Venuti commented about his time as an inspector he's aware one project built over a setback. He thought when it happened it would be a cloud on the title but it wasn't a problem for the individual who bought the property to obtain financing. He also knows when you build you have to pay attention to the rules. He cited Kenai Peninsula Borough Code that rights of way which are utilized by a public utility or which should be logically required by a public utility shall not be vacated unless it can be demonstrated an equal or superior access is or will be available. He does not see that as the case here and it will be hard for him to support this.

Commissioner Highland commented that there are situations where the house can be put differently than what has been staked out. It gets hard for her in these situations to say where the buck stops.

Chair Stead commented it's interesting that it goes 50 feet in front of some lots and to the east and west it's 40 feet. The city is going to be purchasing right of way if they wish to improve this road for a majority of the area if they wish to go to 60 feet. He has a difficulty socializing these particular costs and putting them onto our population, but this might be one of those times when we should.

Further discussion ensued whether it needs to be clarified in the motion that this is an exception and not setting precedence. Chair Stead didn't think so because these come before the commission on a case by case basis. His reasoning is that it's simpler to grant this than it is for the property owner to have to move or modify the building, and it's unknown what burden it might put on the property owner if we don't grant this.

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Commissioner Venuti reminded them that Public Works does not recommend this.

City Planner Abboud noted he received one phone call from a neighbor to the east stating no objection to this.

VOTE: YES: STEAD, HIGHLAND, ABRAHAMSON, STROOZAS, BRADLEY
NO: BOS, VENUTI

Motion carried.

Chair Stead called for a break at 7:53 p.m. and the meeting resumed at 7:56 p.m.

HIGHLAND/BRADLEY MOVED THAT THE PLANNING COMMISSION APPROVES THE VACATION OF A PORTION OF THE RIGHT OF WAY EASEMENT ALONG THE NORTHERN PORTION OF LOT 2 AND LOT 3 SKYLINE VIEW SUBDIVISION LOT 20-B REPLAT.

It was clarified for this action it's not the easement, it's the right of way.

City Planner Abboud commented this would bring the right of way to 43.5 feet. It's the boroughs rule to have a 60 foot right of way and it will be interesting to hear their opinion on us approving a reduction of an already inadequate right of way.

Commissioner Highland commented she thinks 10 feet makes a difference. In the days before annexation it goes down to less width of road to the east. City Planner Abboud commented the plat dates back to pre-statehood and it has a 40 foot right of way and reviewed the history of the area's platting to date.

Commissioner Bradley commented most of the section being considered is the driveway already.

There was further discussion about the location of the garage and confirmed the portion that is in the platted Mission Road.

HIGHLAND/BOS MOVED TO AMEND THE MOTION TO REMOVE THE WORD EASEMENT.

There was no discussion.

VOTE: (Amendment) NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was no further discussion on the main motion as amended.

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

Motion carried.

Plat Consideration

A. Staff Report PL 16-44, Skyline View Subdivision 2016 Replat Preliminary Plat

City Planner Abboud reviewed the staff report.

Kenton Bloom, city resident and licensed surveyor, commented they provided the slope on a separate document and that most of the lot is over 20%. The only level spot on the property is the house site and it's about 40 feet below the road. The plat fundamentally corrects the lot line encroachment with the neighbors who have been entirely willing to rectify that. When they did the equivocation it turned out the land they received at the bottom was on uplands on their side of the drainage so it worked to their benefit as well.

There were no public comments or questions of the applicant.

BOS/HIGHLAND MOVED TO APPROVE STAFF REPORT PL 16-44 AND THE SKYLINE VIEW SUB. 2016 REPLAT PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: YES: STEAD, BRADLEY, STROOZAS, BOS, HIGHLAND, ABRAHAMSON
NO: VENUTI

Motion carried.

Pending Business

A. Staff Report 16-47, Homer Accelerated Water Sewer Program (HAWSP)

City Planner Abboud reviewed the staff report.

Commissioner Stroozas reiterated that he doesn't understand why this came to the commission.

Commissioner Abrahamson commented she understands this is an integrated problem between city departments and there are questions and solutions for Finance and Public Works, as well as Planning. It seems they may have been brought into this a little prematurely, or with less of an understanding of why the 1.25 service ratio is designated and if it's a set number. She would like clarification on the ratio before making decisions about how to implement it.

City Planner Abboud commented the 1.25 is what City Council decided on. We are slated to look at this and general policy matter, maybe not to find a solution to this condition that was created. He said the 1.25 is probably the highest conservative number a financial institution would see favorably when borrowing money. There are variables that can change the dynamics of the city revenue. He addressed some history on how the fund came to be.

Chair Stead commented the debt service coverage ratio is a target ratio. Council is asking how they should apply the debt service ratio of 1.25 and are looking for a process. The city has to be able to show revenue of 125% to cover their debt on HAWSP projects and we have to answer the question how we apply the debt service ratio. Since it's a financial ratio, he would recommend calculating a cost for a project, adding a small percentage for contingencies, and then giving the cost to the city finance to calculate the ratio. If it meets the 1.25 ratio then the project can be approved, but if not, the project is moved to the deferred list. Chair Stead added he doesn't think the city should use the HAWSP program to finance any of its maintenance or on going issues with the water and sewer services, it is strictly for assessment districts.

City Planner Abbound talked about the moratorium and said he has a hard time rectifying this. When the projects get submitted they have to go through the process to see if there is enough interest and if the district is adequate for support. After the first estimate we would know if it fits in with the debt ratio and amount of funds. He suggests setting a date to submit projects and the city evaluates them to see what rises to the top. The HAWSP manual has 8 things they can use to evaluate the projects and a benefit cost analysis is the first thing he would do.

Chair Stead said he prefers first come first serve because if you evaluate based on benefit, some projects may continue to be set aside if other better projects are submitted in each application period.

Commissioner Abrahamson thinks the focus should be on prioritizing or tracking the applications for special assessment districts rather than getting mired down in the financial mechanisms and debt service ratio. Those are things that are more for the finance department and council level.

The Commission briefly discussed the application fee and the notion of increasing it. It could encourage applicants to canvass their area to see if neighbors are interested in paying for the improvements before they apply for a special assessment district. They also touched on how to deal with the application fee if a project isn't selected during a specified time frame.

New Business

Informational Materials

- A. City Manager's Report – July 25, 2016

Comments of the Audience

Comments of Staff

Comments of the Commission

Commissioner Stroozas commented that he questions the ordinance to reduce the senior property tax exemption over a period of several years. It will be grandfathered for those who turn 65 on January 1, 2018 then gradually phased out over several years. He has read that if you are going to

grant someone an exemption you have to give it to everyone in the same bracket, and he questions the constitutionality of phasing it out. He said Jorje's last day at the Chamber is Friday, the new membership coordinator is Emily Berg.

Commissioner Venuti welcomed Ms. Abrahamson to the Commission. It's good to get younger members because they are the future. He said the proposed reduction of Borough Planning Commission members was postponed at Tuesday night's Assembly meeting. Tonight's meeting was interesting and he thinks they are making some progress with the water and sewer. He thinks the decisions they made tonight about the Mission Road property were emotion. He voted no so he would be able to discuss it at the Borough level. He doesn't think making decisions based on emotion serves the public.

Commissioner Bos welcomed Ms. Abrahamson. He would like figure out a way to hold people more accountable. You can't just build a house anywhere. There are property lines and if you don't have the money to hire a surveyor to figure out where they are, then you probably don't have enough money to start a project. Sooner or later people who don't follow the rules need to be held accountable, or else we are going to go down this path for a long time.

Commissioner Abrahamson commended the planning department's efforts to establish the FEMA community rating system; she thinks it highlights the open space preservation qualities for the city; and also the plan to update the coastal erosion map as they will be useful in assessing coastal vulnerability and threats to infrastructure and future planning.

Commissioner Bradley said it's nice to see another young person on the Commission. She thinks the HAWSP discussions are progressing and starting to make more sense.

Commissioner Highland welcomed Ms. Abrahamson. She thinks we are to a place where people aren't just doing things helter skelter, but in the past they were. It will be a long time before things get where they are supposed to be and she doesn't think some will be able to, like the one today. It's always interesting when we make decisions that affect people.

Chair Stead welcomed Ms. Abrahamson. He commended them on a good job. The decisions tonight were probably was based on emotion, but he agrees there is a point where we have to fix problems that are existing when we kind of helped create them years ago by allowing someone to get that close to a property line. He looks forward to continuing to work on the water sewer program to help make it better for the city.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 9:20 p.m. The next regular meeting is scheduled for August 17, 2016 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____