



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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(p) 907-235-3130

(f) 907-235-3143

## Memorandum

TO: Frank Griswold, Appellant  
Rick Abboud, City Planner  
Scott and Stacy Lowry, Property Owners  
Board of Adjustment

FROM: Melissa Jacobsen, MMC, City Clerk

DATE: July 20, 2021

SUBJECT: Notice of Supplement to the Completed Record on Appeal to the Board of Adjustment  
Re: Appeal of the Planning Commission Decision of Zoning Permit 1020-782 issued for  
the property located at 541 Bonanza Avenue, Homer, Alaska

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Appellant Frank Griswold requested the record be supplemented with items outlined in the emails attached with this memorandum. These items include:

- Draft Stipulation Regarding Procedure
- Two email exchanges from February 24, 2021
- Planning Commission Minutes from the March 13, 2021 Regular Meeting

The email request dated June 24<sup>th</sup> references attachments to the initial public hearing notice including the computer generated rendering of the connex. That generated rendering is found on record page 70.

Attachments: Email requests from Frank Griswold

Cc: City Manager Dumouchel  
City Attorney Gatti and Attorney Holmquist

## Supplement to Record on Appeal Index

Appeal to the Board of Adjustment Re: Appeal of the Planning Commission Decision of Zoning Permit  
1020-782 issued for the property located at 541 Bonanza Avenue, Homer, Alaska

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Email correspondence between Frank Griswold and City Clerk subject "Re: Patience" initiated February 24, 2021*	Page 3
Email correspondence between Frank Griswold and City Clerk subject "PS Re: Reply Brief" initiated February 24, 2021	Page 7
Planning Commission Minutes from the March 13, 2021 Regular Meeting	Page 14

*\*Email chain begins Jan 28, 2021 between Griswold and Deputy Clerk, Griswold emails Clerk February  
24<sup>th</sup>*

## PROCEDURE FOR PLANNING COMMISSION HEARING

Pursuant to HCC 21.93.300-310, the following procedure for the Homer Advisory Planning Commission's (the "Commission") consideration of the appeal of Homer's grant of Zoning Permit 1020-782.

The parties may file written briefs in support of their positions. Briefs must be filed with the City Clerk by 4:30 p.m. Monday, January 25, 2021.

An appeal hearing will be held on January 27, 2021. Due to the COVID-19 pandemic the hearing shall be conducted via video conference or teleconference. The parties may testify, call witnesses, submit evidence, and present oral argument. The hearing shall be subject to the following order and time limitations:

1. Address preliminary matters and rule on each preliminary matter raised. 20 minutes.
2. Appellant: 30 minutes to present testimony, other evidence, and oral argument;
3. Appellee: 30 minutes to present testimony, other evidence, and oral argument;
4. Open the floor for comments from interested persons. Allot 10 minutes per person.
5. Appellant: 10 minutes to cross-examine witnesses and present rebuttal oral argument;
6. Appellant cross examination of witnesses and rebuttal oral arguments. Allot 10 minutes.
7. Adjourn.

The hearing need not be conducted according to technical rules relating to evidence and witnesses. The rules of privilege are effective to the same extent that they are recognized in a civil action. Irrelevant and unduly repetitious evidence shall be excluded. The Commission may question each of parties listed above. The Commission may deliberate and render a decision as provided in HCC 21.93.300(e)-(g).

**From:** [Melissa Jacobsen](#)  
**To:** ["Frank Griswold"](#)  
**Subject:** RE: Patience  
**Date:** Wednesday, February 24, 2021 2:34:00 PM

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Frank,

I'm not able to find definitive language in code to explain the difference between written brief and written testimony.

It reads in 21.93.300 d. The Commission may accept new testimony and other evidence, including public testimony, and hear oral arguments as necessary to develop a full record upon which to decide an appeal from an act or determination of the City Planner. Any person may file a written brief or testimony in an appeal before the Commission.

It says the Commission may accept new testimony and other evidence, including public testimony and hear oral arguments as necessary to develop a full record. I expect any new and timely evidence

It says any person may file a written brief, or testimony in an appeal before the commission. It does not say that any person may file a written brief and testimony.

The hearing procedure allows 30 minutes for you to present, and then another 10 minutes at the end for rebuttal and questioning.

If this isn't adequate time for you or if you feel you need more time for an opportunity to file a reply brief you can certainly take it up at the hearing.

This is all I can help with regarding this issue.

Enjoy your day,  
Melissa

**From:** Frank Griswold <fsgriz@alaska.net>  
**Sent:** Wednesday, February 24, 2021 11:45 AM  
**To:** Melissa Jacobsen <MJacobsen@ci.homer.ak.us>  
**Subject:** Re: Patience

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Melissa,

All parties had the opportunity to submit written briefs prior to the January 6, 2021 hearing but no briefs were submitted. When the Commission continued the January 6, 2021 hearing to

allow the Commission to develop hearing procedures, the briefing deadlines were extended to just before the January 27, 2021 hearing. Further extending the briefing deadlines to just before the March 11, 2021 hearing would now be consistent with the Commission's previous course of action. Note that there is no page limit on written briefs and HCC does not expressly prohibit the filing of reply briefs. The March 11, 2021 hearing is an *evidentiary* hearing and no timely submitted evidence should be refused; due process requires that I too have a right to be heard and treated fairly. HCC 21.93.300(d) underscores the importance of developing a full record and provides that neighboring property owners and "any person may file a written brief or testimony in an appeal before the Commission." If I refile my Reply Brief as written testimony would that be acceptable? I previously asked the Clerk's Office to explain the difference between a written brief and written testimony but received no response.

Frank

On Feb 24, 2021, at 10:44 AM, Melissa Jacobsen <[MJacobsen@ci.homer.ak.us](mailto:MJacobsen@ci.homer.ak.us)> wrote:

Frank,

It's my understanding when the Commission continued the hearing it was to allow for the Clerk's office to notice the hearing date to property owners within 300 feet.

The Commission did not give any direction to schedule additional briefing opportunities.

Having read through some different explanations of due process these things appear to me be consistent, that the established procedures are to be followed and that parties have a right to be heard and treated fairly.

I expect there are some procedures out there that require an opportunity to submit a reply brief to an opening brief, but that isn't clearly defined in this particular process, it only refers to written briefs.

Both parties had the opportunity to file written briefs by a specified date, and they did so.

-Melissa

-----Original Message-----

From: Renee Krause <[RKrause@ci.homer.ak.us](mailto:RKrause@ci.homer.ak.us)>

Sent: Tuesday, February 23, 2021 1:08 PM

To: Melissa Jacobsen <[MJacobsen@ci.homer.ak.us](mailto:MJacobsen@ci.homer.ak.us)>

Subject: FW: Patience

Importance: High

He is referencing his email dated January 28th on the following:

Re: extending the deadline for filing briefs, that deadline had expired prior to the

January 6, 2021 hearing at which point no briefs had been filed by any party.

When the appeal hearing was continued to January 27, 2021 a new deadline for the filing of briefs by the parties was established i.e., January 25, 2021. Now that the appeal hearing is once again being continued, a new deadline for filing briefs would be both consistent with previous policy and necessary to allow surrounding property owners and other interested parties to file briefs in accordance with HCC 21.93.300(d). Due process requires that the parties be given an opportunity to file reply briefs to any and all opening briefs. The recently adopted but now obsolete "Procedure" stipulates: "Briefs must be filed with the City Clerk by 4:30 p.m. Monday, January 25, 2021." "Briefs" appears to pertain to opening briefs filed by the parties and not to briefs filed by non-parties. It cannot pertain to party reply briefs because reply briefs cannot possibly be filed simultaneously with opening briefs.

Thank you for your diligence and I look forward to your responses. "The road goes on forever and the party never ends."

Renee Krause

Renee Krause, MMC  
Deputy City Clerk  
ADA Coordinator

-----Original Message-----

From: Frank Griswold <[fsgriz@alaska.net](mailto:fsgriz@alaska.net)>  
Sent: Monday, February 22, 2021 11:37 AM  
To: Renee Krause <[RKrause@ci.homer.ak.us](mailto:RKrause@ci.homer.ak.us)>  
Subject: Patience

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Renee,

I am still awaiting your responses.

Frank

On Jan 28, 2021, at 9:38 AM, Renee Krause  
<[RKrause@ci.homer.ak.us](mailto:RKrause@ci.homer.ak.us)> wrote:

Frank

Thank you for your emails. I am preparing for a meeting at 10 am with the City Manager, but wanted to let you know that I will provide you with answers to the best of my ability as soon as I am able. Have received them.

I will review and respond to those questions contained in the emails in due course but I have several urgent business items to complete today so cannot guarantee that I will respond today to those questions.

In the meantime can you review your schedule and provide me with a date that is preferable to conduct the hearing on or after February 16th

Thank you as always for your patience.

Renee Krause

**From:** [Melissa Jacobsen](#)  
**To:** ["Frank Griswold"](#)  
**Subject:** RE: PS Re: Reply Brief  
**Date:** Friday, February 26, 2021 4:00:00 PM

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My responses are below.

**From:** Frank Griswold <fsgriz@alaska.net>  
**Sent:** Wednesday, February 24, 2021 3:57 PM  
**To:** Melissa Jacobsen <MJacobsen@ci.homer.ak.us>  
**Subject:** Re: PS Re: Reply Brief

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Melissa,

I am well aware that the March 11th hearing is before the Commission. My point was that if reply briefs are deemed appropriate for BOA hearings they should also be deemed appropriate for Commission hearings. Pursuant to the recently adopted Procedure For Planning Commission Hearing, I would like to present my Reply Brief and possibly other evidence at (or before) the March 11 Hearing. **How do I do this at the virtual meeting?** [The appeal to the Planning Commission](#) doesn't reference opening and reply briefs, only the filing of a written brief or testimony in an appeal before the commission. You'll need to provide the information to the Clerk's office to be sent to the Commissioners.

I need more than 30 minutes to present testimony, other evidence including my Reply Brief, question witnesses, and present oral argument at the Hearing. I need more than 10 minutes to cross-examine witnesses and present rebuttal oral argument. I should not have to wait until the Hearing commences to find out whether additional time will be allotted as this delay would be prejudicial to me and possibly to other parties as well. It seems very clear to me that the city is attempting to suppress critical evidence and insure that a full record is not developed; doing so is contrary to HCC 21.93.300(d). [You may address the Commission regarding being allotted more time.](#)

I also need to know well before the Hearing whether Applicants Scott and Stacy Lowry will be required to respond to questioning by me and/or the Commission and what the consequences are for refusing to respond to questioning. The Procedure states: "The Commission may question each of the parties *listed above.*" **To which parties does this pertain?** [The parties listed above](#) are the people listed in items 1 through 7. Appellant, appellee, and interested persons who comment.

The Procedure references the January 27, 2021 Hearing and cites a meeting ID, a passcode, and a January 25, 2021 briefing deadline. **Will the Commission issue an updated Procedure? If not, why not?** [The Planning Commission has not held a meeting to issue an update procedure](#), and I'm not aware of any intent to do so.



**What is the deadline for the filing of written briefs or testimony by members of the general public as provided for via HCC 21.93.300(d)?** The Planning Commission receives public testimony until 4pm the day of their commission meetings. I typically suggest to people who are submitting written information that earlier is better to ensure the commission has time to read the information prior to the meeting.

Frank

On Feb 24, 2021, at 2:33 PM, Melissa Jacobsen <[MJacobsen@ci.homer.ak.us](mailto:MJacobsen@ci.homer.ak.us)> wrote:

The March 11<sup>th</sup> hearing is before the planning commission, not the board of adjustment.

**From:** Frank Griswold <[fsgriz@alaska.net](mailto:fsgriz@alaska.net)>  
**Sent:** Wednesday, February 24, 2021 12:49 PM  
**To:** Melissa Jacobsen <[MJacobsen@ci.homer.ak.us](mailto:MJacobsen@ci.homer.ak.us)>  
**Subject:** PS Re: Reply Brief

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Melissa,

HCC 21.93.530(b) provides for the filing of reply briefs re: Board of Adjustment proceedings. There is no good reason for disallowing the filing of reply briefs for Commission proceedings. Furthermore, the Commission's recently issued "Procedure For Planning Commission Hearing" states that *at the hearing* the parties may submit evidence. Why then would I be denied the right to submit my Reply Brief as written evidence at or before the March 11, 2021 hearing?

Frank

**From:** [Frank Griswold](#)  
**To:** [Melissa Jacobsen](#)  
**Subject:** Re: PS Re: Reply Brief  
**Date:** Friday, February 26, 2021 5:00:55 PM

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Melissa,

Interested persons who comment do not automatically become parties to this appeal. No people or parties are identified by name in items 1-7 of the Procedure. Specifically who, besides me as the Appellant, may the Commission question and specifically who is/are the Appellee(s)? May the Commission question Rick Abboud, Travis Brown, Scott Lowry, Stacy Lowry, Dan Gardner, and/or Max Holmquist? May I question Max Holmquist? Why have tight time limits for questioning witnesses been imposed on Appellant and Appellee but not on the Commission? What is the penalty for refusing to respond to direct questioning and/or cross-examination?

I have already submitted a Reply Brief to the Clerks Office. Do I need to retitle it and resubmit it merely as evidence per the Commission's Procedure for it to be considered by the Commission?

Why are briefs filed by parties due by 4:30 p.m. on the day prior to a Commission hearing but briefs filed by others due by 4:00 p.m. on the day of a Commission hearing? Now that the Hearing has been continued, may the parties amend and/or supplement the briefs they previously filed?

When will the Commission rule on my motion for it to be represented at the Hearing by independent, unbiased counsel?

Frank

On Feb 26, 2021, at 4:00 PM, Melissa Jacobsen <[MJacobsen@ci.homer.ak.us](mailto:MJacobsen@ci.homer.ak.us)> wrote:

[My responses are below.](#)

**From:** Frank Griswold <[fsgriz@alaska.net](mailto:fsgriz@alaska.net)>  
**Sent:** Wednesday, February 24, 2021 3:57 PM  
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**From:** Frank Griswold <[fsgriz@alaska.net](mailto:fsgriz@alaska.net)>

**Sent:** Wednesday, February 24, 2021 12:49 PM

**To:** Melissa Jacobsen <[MJacobsen@ci.homer.ak.us](mailto:MJacobsen@ci.homer.ak.us)>

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Melissa,

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Frank

**From:** [Melissa Jacobsen](#)  
**To:** ["Frank Griswold"](#)  
**Subject:** RE: PS Re: Reply Brief  
**Date:** Saturday, February 27, 2021 9:55:00 AM

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In uploading documents to the March 11 meeting page I see that you already submitted a reply brief on January 27<sup>th</sup>. Are you asking to present a second reply brief?

**From:** Frank Griswold <fsgriz@alaska.net>  
**Sent:** Wednesday, February 24, 2021 3:57 PM  
**To:** Melissa Jacobsen <MJacobsen@ci.homer.ak.us>  
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Frank

Session 21-08, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on March 11, 2021 at Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska, via Zoom Webinar.

PRESENT: COMMISSIONERS BARNWELL, VENUTI, SMITH, PETSKA-RUBALCAVA, AND HIGHLAND

ABSENT: COMMISSIONERS BENTZ AND CONLEY (EXCUSED)

STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY CLERK KRAUSE

The Commission held a worksession at 5:30 p.m. prior to the regular meeting on the agenda was a presentation by Public Works Director, Jan Keiser on the proposed Road Financial Plan.

### **APPROVAL OF THE AGENDA**

Chair Smith read the amendments to agenda **PUBLIC HEARINGS** Staff Report 21-16 Conditional Use Permit 21-02 to allow two duplexes and a triplex at 89 Sterling Hwy, Copy of the Public Notice and Aerial Map; under **PLAT CONSIDERATION** Staff Report 21-17 West Hill Subdivision Harness Addition Preliminary Plat, Memorandum from Deputy City Planner and Revised Drawings

HIGHLAND/VENUTI – MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA**

### **RECONSIDERATION**

### **CONSENT AGENDA**

- A. Planning Commission Regular Meeting Minutes of March 3, 2021
- B. Oscar Munson No. 25 Preliminary Plat Time Extension Request

Chair Smith stated for the record that 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 requested a motion.

VENUTI/HIGHLAND – MOVED TO APPROVE THE CONSENT AGENDA.

There was no discussion.

VOTE. NON- OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **PRESENTATIONS / VISITORS**

### **REPORTS**

#### **A. Staff Report 21-15, City Planner's Report**

Chair Smith introduced the item and invited City Planner Abboud to provide his report to the Commission.

City Planner Abboud provided a summary of Staff Report 21-15. He fielded questions from the Commission on the following:

- Roads and increased traffic
- Submittals of asbuilts and compliance enforcement

Commissioner Highland volunteered to attend the March 22<sup>nd</sup> City Council meeting.

#### **B. Public Works Campus Task Force Report**

Chair Smith introduced the item and invited Commissioner Barnwell to provide his report.

Commissioner Barnwell provided a brief report to the Commission on the March 10, 2021 meeting of the Task Force stating that they worked on listing risks and mitigations, plus entertained a lengthy discussion on probability and the maps that he had created using the data provided in the DGGS Inundation Report. The next meeting is scheduled for March 24, 2021. Due to timing of responses needed for information requested they canceled the worksession scheduled for March 17, 2021. He further reported that he put forward the questions that the Commissioners brought forward at their last meeting. The Task Force appreciated the input.

## **PUBLIC HEARINGS**

#### **A. Staff Report 21-16, Conditional Use Permit (CUP) 21-02 to allow two duplexes and a triplex at 89 Sterling Hwy.**



Chair Smith introduced the item by reading of the title.

City Planner Abboud provided a summary of Staff Report 21-16 for the Commission. He specifically pointed out the requirement for parking was over the required amount needed for the type of development but since it was required in city code there was nothing that could be done to lessen the number of spaces.

George Swift, applicant, reported that he desired to build housing for their employees. Due to hiring difficulties they are required to bring workers in from Anchorage and other locations throughout Alaska and even the Lower 48. He noted that this is very difficult due to the housing issues in Homer and believed this will solve the problem in a beneficial manner.

Chair Smith opened the public hearing and seeing no public present to provide testimony he closed the public hearing and opened the floor to questions from the Commission for the City planner and Applicant.

There were no questions for the City Planner.

Mr. Swift responded to questions and comments from the Commission regarding:

- Paving parking areas
- Use of local contractors
- The intent of the project was solely to house employees
- There was no intent to use the completed housing for nightly rentals
- Construction in a possible inundation zone

Chair Smith requested a motion hearing no further questions from the Commission.

HIGHLAND/ PETSKA-RUBALCAVA - MOVED TO ADOPT STAFF REPORT 21-16 AND RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT 21-02 TO ALLOW TWO DUPLEXES AND ONE TRIPLEX AT 89 STERLING HIGHWAY WITH FINDINGS 1-10 AND THE FOLLOWING CONDITIONS:

1. PROVIDE A TOTAL OF 11 PARKING SPACES AND ADJUST LANDSCAPING ACCORDINGLY TO PROVIDE A BUFFER FROM THE HIGHWAY.
2. OUTDOOR LIGHTING MUST BE DOWNLIT PER HCC 21.59.030 AND THE COMMUNITY DESIGN MANUAL.

There was a discussion on not addressing the inundation level in their approval and approving projects that could be affected by a Tsunami.

VOTE. NON-OBJECTION. UNNAIMOUS CONSENT.

Motion carried.

## **PLAT CONSIDERATION**

### **A. Staff Report 21-17, West Hill Subdivision – Harness Addition Preliminary Plat**

Chair Smith introduced the item by reading of the title.

City Planner Abboud provided a summary of Staff Report 21-17 for the Commission.

There was no applicant present.

Chair Smith opened the public comment period and seeing no member of the public indicating that they wanted to comment he closed the public comment period and opened the floor to questions of the Commission.

City Planner Abboud facilitated discussion on the following topics:

- Existing zoning and land ownership of neighboring parcels
- Drainage, soils and possible issues

Chair Smith hearing no further questions from the Commission requested a motion.

**PETSKA-RUBALCAVA/VENUTI - MOVE TO ADOPT STAFF REPORT 21-17 AND RECOMMEND APPROVAL OF THE WEST HILL SUBDIVISION HARNESS ADDITION PRELIMINARY PLAT WITH COMMENTS 1-5**

1. INCLUDE A PLAT NOTE STATING “PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION IF ANY. PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS
2. COMPLY WITH HOMER CITY CODE 21.10.051 (A) AND GRANT A 15 FOOT UTILITY EASEMENT ALONG ALL RIGHTS OF WAY
3. UPDATE VICINITY MAP TO SHOW CORRECT MUNICIPAL BOUNDARIES
4. SHOW APPROXIMATE LOCATIONS OF SLOPES OVER 20 PERCENT IN GRADE
5. DEDICATE A 30 FOOT DRAINAGE EASEMENT ALONG THE SOUTHERN LOT LINE

There was a brief discussion on the motion reflecting the correction submitted by the Deputy City Planner.

**VOTE. NON-OBJECTION. UNANIMOUS CONSENT.**

Motion carried.

### **B. Staff Report 21-18, Barnett’s South Slope Subdivision Quiet Creek Park Lot 38 Replat Preliminary Plat**

Chair Smith introduced the item by reading of the title.

City Planner Abboud provided a summary of Staff Report 21-18 for the Commission.

There was no applicant present.

Chair Smith opened the public comment period and seeing there was no audience to comment he closed the public comment period and opened the floor to questions from the Commission.

HIGHLAND/ PETSKA-RUBALCAVA - MOVE TO ADOPT STAFF REPORT 21-18 AND RECOMMEND APPROVAL OF THE BARNETTS SOUTH SLOPE SUBDIVISION, QUIET CREEK PARK LOT 38 PRELIMINARY PLAT WITH COMMENTS 1 AND 2

1. INCLUDE A PLAT NOTE STATING "PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION IF ANY. PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS
2. CARRY FORWARD ANY RELEVANT PLAT NOTES FROM THE PARENT PLATS

There was a brief discussion on access to the larger parcel.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **PENDING BUSINESS**

### **A. Staff Report 21-19, Community Design Manual**

Chair Smith Introduced the item by reading of the title and invited City Planner Abboud to provide input on the memorandum provided.

City Planner Abboud provided a status update and reported that Deputy City Planner Engebretsen made a few minor changes but has progressed as far as she can until amendments and or updates have been completed in the remaining section, Architecture, which is hoped to be ready for the Commission's next meeting. He then provided a brief outline of the intent to make the document flexible and update the language so it is easier to understand.

City Planner Abboud facilitated discussion on the intent of the manual and how it should be used and the Commission appreciated the time and effort expended to make this document a better, more relatable to Homer if not Alaska and easily understood document.

The Commission did not offer any changes or corrections.

## **NEW BUSINESS**

## **INFORMATIONAL MATERIALS**

### **A. City Manager's Report for March 8, 2021 City Council Meeting**

City Planner Abboud facilitated discussion on the Climate Action Plan progress report, efforts of city staff in opening up and making the Library available to the public, especially the Seed Library.

## **COMMENTS OF THE AUDIENCE**

## **COMMENTS OF THE CITY STAFF**

Deputy City Clerk Krause commented that it was a very interesting meeting. Thank you.

## **COMMENTS OF THE COMMISSION**

Commissioner Petska-Rubalcava commented on issues related to the steep slope development requirements in city code and these requirements stifle the development of lots that are especially flag lots. She wanted the Commission to look at this at a future meeting to reconsider the requirements of the percentage to be able to utilize the lots in the Canyon Trails Subdivision where this issue comes up. She requested some input from the City Planner and his opinion.

City Planner Abboud noted that he would need professional assistance with the technical aspects of writing that code to address the issue with steep slope development, flag lots in particular and noted some the difficulties in the subdivision.

Commissioner Highland commented on the thick packet and wanted to express her appreciation to staff for all their hard work.

Commissioner Venuti wished everyone a Happy St. Patrick's Day and commented it was a good meeting.

Commissioner Barnwell echoed the sentiments of a good meeting and thanks to staff.

Chair Smith agreed that it was a good meeting he enjoyed the worksession as well, it was exciting to see that someone has the skills to be able to break down something so complicated as road service across an entire community into bite size pieces like that, it is very commendable. He expressed appreciation for Commissioner Barnwell's comments on the tsunami and it is a moral dilemma to permit housing in a flood zone and if those individuals don't wake up something could happen. My thoughts are is it worth putting some language somewhere and I am not sure it is in city code or the CDM where applicants are applying within the tidal zone area that they are handed a piece of information so that they are at least informed as well as we could possibly make them. There is a good discussion round that topic so he really appreciated that it was brought up.

Chair Smith then announced that he would be out of state from April 9 through the 18<sup>th</sup> on business but may be longer due to family health issues. He should be able to still join the meetings on Zoom but may have some hurdles to get over first.

Commissioner Highland reminded everyone that they needed to establish a date for the deliberation.

City Planner Abboud departed the meeting.

Deputy City Clerk Krause explained the process and that this meeting will be a closed meeting and not advertised. She then facilitated discussion on establishing a meeting date and will be forwarding that information to Commissioner Bentz and Conley and hopefully they will not have any conflicts. It was agreed that the Commission wanted to meet at 5:30 on April 7, 2021 since that was already a scheduled meeting day instead of a worksession. There were some concerns expressed that if they did not conclude in the time allotted could they meet the following day at 5:30 p.m. Everyone present agreed that they were open and available with a preference to getting it done early in April due to scheduling conflicts the remainder of the month.

#### **ADJOURN**

There being no further business before the Commission the meeting was adjourned at 7:56 p.m. Next Regular Meeting is Wednesday, April 7, 2021 at 6:30 p.m. All meetings scheduled to be held virtually by Zoom Webinar from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission



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RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: April 7, 2021