

To: Mayor Castner and Homer City Council
From: Scott Smith, Chair, Homer Planning Commission
Date: June 21, 2023
Subject: Planning Commission Report for City Council

Attending: Commissioners Smith and Conley, Acting City Planner Ryan Foster, Mayor Castner and Deputy City Clerk Renee Krause in Chambers. Commissioners Venuti, Stark and Highland via Zoom. Commissioner Barnwell was unexcused.

Work Session: Acting City Planner Ryan Foster reported on the Greater Homer Housing Conversation held on March 25, 2023. This event was a starting conversation addressing the housing crisis in the southern peninsula area. It strove to identify the perceived key issues, discuss potential solutions and collect information. Facilitated by Denali Daniels & Associates, a well-attended gathering of local residents broke into several focus groups to discuss these challenges. DD&A will provide a complete report of the information gathered. More information can be obtained via the link on the city of Homer web site.

Commissioners presented questions about ways the Planning Commission could be active in assisting this discussion. These questions included possible Zoning changes, government verses private contributions, a “champion” being raised up, concrete vision, and understanding an effective process where the City takes the lead and offers opportunities and incentives to assist with the solution.

Planning Commission Regular Meeting

AGENDA: Approved.

PUBLIC COMMENTS: None.

RECONSIDERATIONS: None.

CONSENT AGENDA: Approved.

PRESENTATIONS: None.

REPORTS: Staff Report 23-03323-36, City Planners Report – City Planner Ryan Foster highlighted that Ordinance 23-40 is being kicked back to the PC and other Commissions, the necessity of a Traffic Analysis within Resolution 23-060, and information pertaining to the Bluff and Coastal Edge Setback language. Commissioners presented concerns about the thoroughness of the language and distances that are currently in Code, suggesting a re-evaluation of the Code. Mayor Castner suggested creating Coastal Zone Plan to follow. A Work Session was requested by Commissioners on this topic.

PUBLIC HEARINGS: None.

PLAT CONSIDERATIONS:

Staff Report 23-37, Cooper Subdivision 2023 Replat: a request to create two lots from a single lot. Clarification was requested about the difference between the 10' and 15' setback. Mr. Foster clarified it was because of the road being on one side of the Lot. Motion passed unanimously.

Staff Report 23-38, W.R. Bell Subdivision 2023 Addition: a request to create two lots from a single lot. Questions about the slope and drainage were presented by Commissioners. City Planner Foster assured these would be processed during the Zoning Permit application process. Motion passed unanimously.

PENDING BUSINESS: None.

NEW BUSINESS:

Ordinance 23-40, Amending Homer City Code (see Ordinance for actual language.) This is a recommendation to amend Homer City Code Conditional Use Permits in reference to the allowance of more than one building as a permitted use. Homer residents and City Council have requested this be changed to Conditional Use Permit to have better evaluation of density allowances. Discussion ensued about the attitude of City Council about CUP Applications, and the need to sort out what is “allowable use” and CUP use. In general, Commissioners are in support of this amendment. Comments are due by August 28th.

Resolution 23-51, A Resolution of the City Council of Homer, Alaska, Amending the Regular Meeting Scheduled for the Planning Commission. Mr. Foster presented his

support of the Planning Commission and does not have a preference about meeting schedules. Commissioners favor the view of having more scheduled meetings with the ability to cancel. Mayor Castner offered that this was what City Council supported, also stating that if an application were not processed within legal timelines, it equates to a “yes” vote. City Council encouraged PC requiring sufficient time to process applications properly. An idea was presented suggesting the possibility of finding another month, during a lower demand season, where the schedule could be amended similar to the month of July, November and December, which only have one meeting. Options to support the Planning office included possibly hiring a third staff person to address tasks that were not being addressed, placing more responsibility on an Applicant to do some of the work currently done within the Planning Office, that a Building Code office would take some of this load if Homer had one, and that an annual review and setting priorities are essential for effective use of time. **Planning Commission motioned recommend to City Council to withdraw the request to change the meeting schedule.** Motion passed unanimously.

COMMENTS OF THE AUDIENCE: None.

COMMENTS OF THE STAFF/COMMISSION: Mayor Castner presented a growing stress and concern within City Council over the Plat Approval process which has not been updated. There are several legal steps needed to be in place for this to properly be processed which takes time. There are also several items in the Comp Plan and Code changes which have not be addressed.

Next Meeting: July 19, 2023 Work Session at 5:30 p.m. with Regular Session at 6:30 p.m.

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**CITY OF HOMER
HOMER, ALASKA**

Davis/Erickson

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ORDINANCE 23-21(S)

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AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE SECTION 22.10.050 TO SPECIFY
THAT PRELIMINARY PLATS APPROVED BY THE CITY SHALL
INCLUDE ALL DEVELOPMENT COMMITMENTS MADE TO THE CITY,
AND THAT A FINAL PLAT FOR THE CITY OF HOMER SHALL BE AN
AS-BUILT SURVEY.

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WHEREAS, The City of Homer has a responsibility to its residents to ensure that new subdivisions are designed and built with necessary infrastructure for the health and safety of its citizens and the protection of the environment; and

WHEREAS, Developers of new subdivisions often make development commitments to the City related to sidewalks, trails, sewer connections, drainage, storm water controls, grading, slope, setbacks, protection of wetlands, preservation of existing watercourses and/or mitigation of potential downstream impact of watercourse alteration, and other subdivision improvements that may be required by code, or which may not be required by code but may arise in consultations with city staff or in response to public testimony related to the development; and

WHEREAS, The public hearing that is included in the preliminary plat approval process is the primary opportunity for public engagement in the process of developing new subdivisions, and this public engagement sometimes results in additional development commitments being made to the city; and

WHEREAS, In the past there have been instances where development commitments that were made to the City were not implemented as promised; and

WHEREAS, Current city code envisions a final plat to be issued by the Borough on the basis of an agreement to carry out certain commitments, rather than on the basis of those commitments actually having been carried out, **or agreed to contractually**; and

WHEREAS, A policy requiring all development commitments to be **captured in the form of a contractual subdivision agreement that would be signed prior to issuance of** ~~included on the preliminary plat, and requiring the final plat to be an as-built survey showing completion of all the elements included on the preliminary plat~~ would appear to be an effective means of ensuring all commitments undertaken by a subdivider have been implemented.

43 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

44 Section 1. Homer City Code Chapter 22.10.050 entitled “Improvement requirements -
45 General” is hereby amended as follows:

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47 22.10.050 Improvement requirements – General

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49 a. ~~The final plat for a subdivision in the City shall be an as-built survey showing~~
50 ~~completion of all elements of the previously approved preliminary plat.~~ The Kenai
51 Peninsula Borough shall not release any final plat for a subdivision in the City for filing at the
52 State Recorder’s office until the subdivider or developer of the subdivision either enters a
53 subdivision agreement for, or **either enters into a subdivision agreement and** constructs and
54 **or** obtains written City approval of, the following **all agreed to** improvements **therein,**
55 **including those made** according to the standards and procedures required under HCC Title
56 11:

- 57
58 1. Streets in all rights-of-way dedicated by the plat;
59 2. All other utilities and public improvements to be constructed in the rights-of-way and
60 easements dedicated by the plat, including water, sewer, electric, communications,
61 and gas lines, and applicable means for non-motorized transportation; and
62 3. Abandonment or relocation of existing water or sewer service lines required due to
63 conflict with new or relocated property lines, as required by the Public Works
64 Department.

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66 b. The Commission may exempt a plat from the provisions of subsection (a) of this section as
67 provided in HCC 22.10.040.

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69 c. The subdivider shall be required to dedicate street rights-of-way according to the standards
70 and specifications of Chapter 11.04 HCC and the City of Homer Design Criteria Manual. The
71 subdivider shall be required to dedicate ROW or easements required to support non-motorized
72 transportation facilities required by HCC 11.04.120. Beyond a minimum of 60 feet, the
73 subdivider may agree to a note attached to said subdivision plat providing sufficient setback
74 to allow future expansion of the right-of-way without removal of improvements. Horizontal
75 alignments are subject to City review; the City may require realignment of streets on proposed
76 plats if the alignments do not conform to Chapter 11.04 HCC and the Design Criteria Manual.
77 Final plat approval shall thus be subject to the approval of horizontal alignments by the City
78 Public Works Engineer.

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80 d. All street, utility main improvements and means for non-motorized transportation to be
81 constructed as part of a subdivision agreement shall be constructed according to the
82 procedures of Chapter 11.20 HCC. The City shall accept no such improvements unless a
83 subdivision agreement is executed prior to construction of such improvements.

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85 **e. Any development commitments made by a subdivider to the City shall be shown on the**
86 **preliminary plat prior to its transmittal by the City to the Kenai Peninsula Borough. Any**
87 **plat notes provided in lieu of drawings shall be specific and promissory. Such**
88 **development commitments may be related to sidewalks, trails, sewer connections,**
89 **drainage, storm water controls, grading, slope, setbacks, protection of wetlands,**
90 **preservation of existing watercourses and/or mitigation of potential downstream impact**
91 **of watercourse alteration, and any other subdivision improvements, whether required**
92 **by code, or which may not be required by code but may arise in consultations with city**
93 **staff or in response to public testimony related to the development.**

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95 e **f.** All streets constructed as part of a subdivision improvement project shall be monumented
96 according to the procedures of Chapter [11.20](#) HCC (HCC [11.20.090](#)(d)).
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98 Section 2. This ordinance is of a permanent and general character and shall be included
99 in the City Code.

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101 ENACTED BY THE HOMER CITY COUNCIL this ____ day of ____, 2023.

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103 CITY OF HOMER

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107 KEN CASTNER, MAYOR

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110 ATTEST:
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113 _____
114 MELISSA JACOBSEN, MMC, CITY CLERK

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116 YES:
117 NO:
118 ABSENT:
119 ABSTAIN:
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121 First Reading:
122 Public Hearing:
123 Second Reading:
124 Effective Date: