



City of Homer

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Planning

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Memorandum 22-100 (PL 22-06)

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: RICK ABBOUD, AICP, CITY PLANNER
DATE: MAY 25, 2022
SUBJECT: AMENDMENTS TO CHAPTER 21.93 ADMINISTRATIVE APPEALS

After gaining experience with the recently amended appeal code, the City Clerk has submitted some amendments to better clarify the process.

The Planning Commission reviewed the edits and held a public hearing on the item at their meeting on May 18, 2022. No one from the public offered testimony at the hearing. With six Commissioners present, they Commission voted with unanimous support to recommend the draft ordinance be adopted by the Homer City Council.

Attachments:

Planning Staff Report 22-36 w/attachment
Planning Commission Minutes Excerpt



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Staff Report PL 22-36

TO: HOMER PLANNING COMMISSION
FROM: RICK ABBOUD, AICP, CITY PLANNER
DATE: MAY 18, 2022
SUBJECT: APPEAL CODE

Introduction

After gaining some experience with the new appeal code, the City Clerk has some clean-up proposed for the language found in Title 21.

Analysis

The City Clerk has provided a memo regarding the proposed changes to the appeal code. The Planning Commission is required to make a recommendation on all proposed amendments to Title 21.

Staff Recommendation

Review the proposed amendment, hold public hearing, and make recommendation to the City Council for adoption.

Attachments

City Clerk memo
Proposed ordinance



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Memorandum

TO: CHAIR SMITH AND PLANNING COMMISSION
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: MAY 11, 2022
SUBJECT: AMENDMENTS TO HOMER CITY CODE CHAPTER 21.93

Homer City Council amended Homer City Code Chapter 21.93 to establish that all appeals of Planning and Zoning matters will be heard by a hearing officer with the adoption of Ordinance 21-44(S).

After working with this updated code further edits are needed to better clarify the appeal process. The edits are related to:

- Removing ambiguous language regarding decisions subject to appeal,
- Noticing parties of the assignment of a hearing officer,
- Moving the information of the prehearing conference from its own section to the general appeals procedure section,
- Adding language to clarify that the decision of the hearing officer is final and not subject to reconsideration, and
- Removing reference to the matter being subject to reconsideration under ex parte communication prohibited.

Recommendation: Conduct a public hearing and forward to City Council with a recommendation to adopt the ordinance.

A. ~~Staff Report 22-35, City Planner's Report~~

~~City Planner Abboud provided a summary of Staff Report 22-35. At his request for a volunteer, no Commissioners stepped forward to give the PC report to City Council at their May 23rd meeting. Chair Smith will provide a written report to the Clerk.~~

~~Commissioner Venuti commented on attending a webinar regarding Tiny Homes.~~

PUBLIC HEARINGS

A. Staff Report 22-36, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.93 Administrative Appeals. City Clerk.

Chair Smith introduced the item by reading the title. He invited City Planner Abboud to speak to the memoranda provided.

City Planner Abboud spoke to Staff Report 22-36, highlighting the following:

- After the City Clerk has reviewed the revisions it was found that there were items that needed minor clarifications and procedures.
- Review of the draft ordinance which was provided in the Supplemental Packet

Chair Smith opened the public hearing, after verifying with the Clerk that there was no members of the public present on Zoom or present in the Chambers he closed the public hearing. He opened the floor to questions from the commission.

City Planner Abboud provided clarification on the date for the Public Hearing on the Rezone for Commissioner Barnwell in the previous item on the agenda.

Chair Smith commented on the action removing the responsibility from the Commission.

Chair Smith requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 22-36 AND FORWARD A RECOMMENDATION THAT CITY COUNCIL APPROVE THE ORDINANCE AMENDING HOMER CITY CODE 21.93 ADMINISTRATIVE APPEALS TO CLARIFY GENERAL APPEAL PROCEDURES AND RELATED MATTERS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 22-37, An Ordinance of the City Council of Homer, Alaska, Amending Title 21.03.040 Definitions Used in Zoning Code, Title 21.44 Slopes, Title 21.50.020 Site Development Standards - Level One and Title 21.50.020 Site Development Standards - Level Two Redefining Coastal Bluff and Setback Therefrom. Planning Commission.

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-37. He highlighted the following points:

- Review of the draft ordinance which was provided in the Supplemental Packet which provided the documentation that recommended changes fit well within the Comprehensive Plan guidelines