

CITY OF HOMER
HOMER, ALASKA

City Manager/Planning

RESOLUTION 14-039

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE HOMER ADVISORY PLANNING COMMISSION
BYLAWS "QUORUM; VOTING" TO PERMIT FOUR INSTEAD OF
FIVE MEMBERS TO APPROVE A CONDITIONAL USE PERMIT OR
A VARIANCE.

WHEREAS, The Homer Advisory Planning Commission is made up of appointed members who despite their best efforts cannot attend every commission meeting; and

WHEREAS, Requiring a supermajority of the commission's membership to approve a conditional use permit or a variance impedes with their ability to conduct hearings and issue decisions on a timely basis; and

WHEREAS, By expanding the Commission's authority to approve a conditional use permit or a variance with four members instead of five members is in the City's best interest to conduct business timely; and

WHEREAS, These amendments were reviewed and discussed by the Homer Advisory Planning Commission at their November 6, 2013 and January 2, 2014 meetings and received unanimous support from the commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby amends the Homer Advisory Planning Commission Bylaws "Quorum; Voting" to permit four instead of five members to approve a conditional use permit or a variance.

PASSED AND ADOPTED by the Homer City Council on this 24th day of March, 2014.



CITY OF HOMER
Mary E. Wythe
MARY E. WYTHE, MAYOR

ATTEST:
Jo Johnson
JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

HOMER ADVISORY PLANNING COMMISSION BYLAWS

The Homer Advisory Planning Commission is established with those powers and duties as set forth in Title 1, Section 76, of the Homer City Code. The Commission is established to maximize local involvement in planning and to implement and recommend modifications to the Homer Zoning Ordinance, Title 21, and Subdivisions, Title 22. The Commission's jurisdiction is limited to the area within the City boundaries and that area designated as the Homer Bridge Creek Watershed Protection District.

The Homer Advisory Planning Commission ("Commission") consists of seven members; no more than one may be from outside the city limits. Members will be appointed by the Mayor subject to confirmation by the City Council for three-year terms (except to complete terms). The powers and duties of the Commission are described in HCC 1.76.030.

- A. To abide by existing Alaska State law, Borough Code of Ordinances, where applicable, and Homer City Code pertaining to planning and zoning functions;
- B. To abide by Robert's Rules of Order, so far as this treatise is consistent with Homer City Code;
- C. Regular Meetings:

All Commission members should be physically present at the designated time and location within the City for the meeting. Teleconferencing is not permitted.

1. First and third Wednesday of each month at 6:30 p.m.
2. Agenda deadline is two weeks prior to the meeting date at 5:00 p.m. Agenda items requiring public hearing must be received three weeks prior to the Commission hearing. However, conditional use applications may be scheduled for public hearing in accordance with HCC 21.94. Preliminary plats must be submitted the Friday two weeks before the Commission meeting.
3. Items will be added to the agenda upon request of staff, the Commission or a Commissioner.
4. Public notice of a regular meeting shall be made as provided in HCC Chapter 1.14
5. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by vote of the Commission.

Procedure: The Chair will entertain a motion to extend the meeting until a specific time. After the motion has been seconded, the Commission will vote. A yes vote will extend the meeting until the specified time. A no vote will require that the Chair conclude business at or before 9:30 pm

6. No committee shall have other than advisory powers.
7. Per Robert's Rules, upon giving a final report, the Committee is disbanded.

G. Motions to Reconsider:

Notice of reconsideration shall be given to the Chair or Vice-Chair, if the Chair is unavailable, within forty-eight hours from the time the original action was taken. A member of the Commission who voted on the prevailing side on any issue may move to reconsider the commission's action at the same meeting or at the next meeting of the body provided the above 48-hour notice has been given. Consideration is only for the original motion to which it applies. If the issue involves an applicant, staff shall notify the applicant of the reconsideration.

H. Conflict of Interest:

A member of the Commission shall disqualify himself/herself from participating in any official action in which he/she has a substantial financial interest per HCC 1.12. The member shall disclose any financial interest in the topic before debating or voting. The member cannot participate in the debate or vote on the matter, unless the Commission has determined the financial interest is not substantial.

Following the Chair's announcement of the agenda item, the Commissioner should state that he has a conflict of interest. Once stated, the member should distance himself/herself from all motions. The Commission must move and vote on whether or not there is a conflict of interest. At this time, a motion shall be made by another Commissioner restating the disclosed conflict. Once the motion is on the floor the Commissioner can disclose his/her financial interest in the matter and the Commission may discuss the conflict of interest. A vote will then be taken. An affirmative vote excuses the Commissioner and he/she takes a seat in the audience or remains nearby. Upon completion of the agenda item, the Commissioner will be called back to join the meeting.

I. Situation of personal interest

A situation of personal interest may arise. For example, a Commissioner may live in the subject subdivision or may be a neighboring property owner. If the Commissioner feels that by participating in the discussion he/she may taint the decision of the Commission, or be unable to make an unbiased decision, the Commissioner should state his/her personal interest. The same procedure as above should be followed to determine the conflict.

voting shall be made prior to the call for the question. A member of the Commission requesting to be excused from voting may make a brief oral statement of the reasons for the request and the question of granting permission to abstain shall be taken without further debate. An affirmative vote of the Commission excuses the Commissioner. A member may not explain a vote or discuss the question while the roll call vote is being taken. A member may not change his/her vote thereafter.

O. Vacancies:

A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission. The Commission shall declare a vacancy when the person appointed:

1. Fails to qualify;
2. Fails to take office within thirty days after his/her appointment;
3. Resigns and the resignation is accepted;
4. Is physically or mentally unable to perform the duties of his/her office;
5. Misses three consecutive or six regular meetings in a calendar year; or
6. Is convicted of a felony or of an offense involving a violation of his/her oath of office.

P. Procedure for Consideration of Agenda Items:

The following procedure will normally be observed:

1. Staff presents report and makes recommendation;
2. If the agenda item involves an applicant s/he may make a presentation;
3. Commission may ask questions of the applicant and staff.

Q. Procedure for Consideration of Public Hearing Items:

1. Staff presents report and makes recommendation;
2. Applicant makes presentation;
3. Public hearing is opened;
4. Public testimony is heard on item (presentation of supporting/opposing evidence by public – Commission may ask questions of public);
5. Public hearing is closed;
6. Rebuttal of evidence by staff (if any);
7. Rebuttal of evidence by applicant (if any);
8. Commission may ask questions of the applicant, and staff.
9. The Commission will move/second to accept the staff report, with or without staff recommendations. The Commission will discuss the item, may ask questions of staff, and make amendments to the

**REGULAR MEETING
AGENDA**

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. 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).
- 4. Reconsideration**
- 5. 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.
- 6. Presentations**
- 7. Reports**
- 8. 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.
- 9. Plat Consideration**
- 10. Pending Business**
- 11. New Business**
- 12. Informational Materials**
- 13. Comments of the Audience**
Members of the audience may address the Commission on any subject. (3 minute time limit)
- 14. Comments of Staff**
- 15. Comments of the Commission**
- 16. Adjournment**
Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission. Notice of the next regular or special meeting or work session will appear on the agenda following "adjournment."