

Session 13-01, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Erickson at 6:30 p.m. on January 16, 2013 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, ERICKSON, HIGHLAND, SLONE, SONNEBORN, STEAD, VENUTI

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

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).

None

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.

1. Approval of the December 5, 2012 minutes
2. Draft Decisions and Finding for PL 12-68 Level 1 Lighting Exception at the KPB Transfer Facility, 3300 Sterling Highway

The consent agenda was approved by consensus of the Commission.

PRESENTATIONS

REPORTS

- A. Staff Report PL 13-04, City Planner's Report

City Planner Abboud reviewed his staff report and Commissioner Venuti made comments regarding his experience at the Alaska Planning Conference.

There was discussion about an Economic Development seminar coming up at Land's End that will address the impacts of what is happening around the peninsula. Point was raised about the relationship between the economic development section of the Comp Plan, the Planning Commission and the Economic Development Advisory Commission.

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

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 16, 2013

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.

PLAT CONSIDERATION

A. Staff Report PL 13-03, Paradise South Subdivision Preliminary Plat

Chair Erickson stated that she has a conflict of interest.

VENUTI/ HIGHLAND MOVED THAT CHAIR ERICKSON HAS A CONFLICT OF INTEREST.

Chair Erickson stated that it is a financial interest.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Erickson passed the gavel to Vice Chair Venuti and left the table.

City Planner Abboud reviewed the staff report.

Gary Nelson, project surveyor and applicant's representative, read *A Horses Tail* and provided a copy of the writing for the record.

Mr. Nelson explained that the parcel in question was annexed into the city limits, and the reason for this subdivision is to assist the property owner in gaining residential refinancing for a property. The property owner wants to subdivide to a lot size that is less than 40,000 square feet and argues that it falls within the requirements for a 20,000 square feet minimum because the residence is serviced by a DEC approved septic and that having city water delivered to a cistern by truck satisfies the requirement that the lot is serviced by a public water supply. Mr. Nelson reviewed a recent adequacy test performed on the septic and provided a copy for the record. He referenced borough code 20.20.190 to make the point that the available area may be reduced to 20000 square feet when common water or sewer system is available. Mr. Nelson acknowledged the uniqueness of Homer and the asked the Commission to recognize the applicant has water delivered, as many other residents in the area do, because wells in that area of the city are inadequate. He reiterated that bank financing is driving this process.

There were no public comments.

Question was raised if there would be any hardship to postponing this to a future meeting. Mr. Nelson referenced refinancing deadlines and cost involved in extending city sewer, design surveys, and engineering to bring the sewer in. The location of sewer, about 700 to 800 feet away and water is farther.

In response to other Commission questions Mr. Nelson noted the locations of the driveway and other buildings. He explained that the property owner didn't want to increase the size of the smaller lot because of the close proximity of the septic field for the other house to the proposed lot line.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 16, 2013

The Commission acknowledged the conflict of the cistern and what warrants public water. Homer does have a unique situation all over. They asked questions of staff and Mr. Nelson about the potential of an exception to the rule and allow the smaller lot size because the residence is serviced by a cistern and not a well. They struggled with how to stay within the code specifications and how to consider cisterns in relation to type of water supply. Some commissioners expressed that that delivering city water to a cistern should be considered a public water supply, and others suggested that once city water goes into a truck for a business to deliver for a fee, it's no longer a public water supply. It was also questioned whether another configuration of the lot lines is feasible to meet the requirement in code. It was further suggested that there may be more information of how to address the public water issue through court records if there was more time to research it.

SLONE MOVED TO POSTPONE TO THE NEXT MEETING.

The motion failed for lack of a second.

The Commission continued to reiterate the best way to work with the property owner and stay within the parameters lined out in code. City Planner Abboud reminded them that this will go to the Borough for final review and determination.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 13-03, PARADISE SOUTH SUBDIVISION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was no additional discussion.

VOTE: YES: BOS, SONNEBORN, VENUTI
NO: STEAD, HIGHLAND, SLONE

Motion failed for lack of a majority.

City Planner Abboud said that the staff report and minutes from tonight's meeting will be provided to the Borough for their information when they consider the plat.

Chair Erickson returned to the table.

The Commission expressed they would like to address this issue with how to consider cisterns for future actions that come before the Commission.

PENDING BUSINESS

A. Staff Report PL 13-06, Marine Commercial and Marine Industrial Zoning

Chair Erickson commented that the Commission reviewed the information and provided comments to staff at the worksession and revisit it in March.

B. Staff Report PL 13-02, Lighting

The Commission watched a short video via youtube.com at their worksession. It was noted that the lighting information in the code applies to Commercial buildings and suggestion was raised that

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 16, 2013

residential be included as well. Staff indicated that they don't want to become the motion detector police for home lighting; however poll lights might be something to consider. It would be better for a third party program to help educate homeowners on lighting options for their home.

NEW BUSINESS

A. Staff Report PL 13-01 Easement vs. ROW

City Planner Abboud reviewed his staff report and the intent to provide the Commission with a better understanding of easements and rights of way.

B. Staff Report PL 13-05 Amending the HAPC Bylaws Policies and Procedures

City Planner Abboud reviewed the staff report and his recommendations regarding the bylaws and policies and procedures. He said he is working with the city attorney to develop a process to work through public hearings and plats that make it possible for the body to suspend its rules to allow more testimony, and still ensure that all parties are fairly represented.

The Commission considered the idea of attending giving a report at the City Council meetings. Concern was expressed about commissioner's speaking on behalf of the Planning Commission, without the consent of the commission. Point was raised that the Commission acts on items that can be appealed and discussing items of that nature at a Council meeting could raise issue should the Council be called to act as Board of Adjustment. Currently the minutes are not included in the Council packet, but they could be added.

SLONE/SONNEBORN MOVED THAT THE INTERACTION PROCESS BETWEEN THE PLANNING COMMISSION AND CITY COUNCIL BE REVIEWED FOR QUALITY AND SUFFICIENCY.

Comment was made that it is essential that the Planning Commission have representation at the City Council as it is the Commission's job to advice Council and if we don't have a clear line of communication, we are failing in our job.

Staff explained that other Commissioners attend Council meetings to give an overview of what their Commission is working on. A schedule of upcoming Council meetings will be provided in the next packet and the group can review it and decide if they want to participate in attending Council meetings to give a report.

VOTE: YES: HIGHLAND, SONNEBORN, SLONE
NO: STEAD, VENUTI, ERICKSON, BOS

Motion failed.

INFORMATIONAL MATERIALS

- A. City Manager's Report from the January 14, 2012 City Council Meeting
- B. 2013 HAPC Meeting Dates
- C. KPB Notice of Decisions

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

Gary Nelson, city resident, thanked the Commission for their work and staff for the information regarding easements versus rights of way. He also said he appreciates what the Commission is doing to address ways where people can be better represented.

COMMENTS OF STAFF

City Planner Abboud commented that things are picking up, and there will be 3 CUP's and a plat at the next meeting.

COMMENTS OF THE COMMISSION

Commissioner Venuti commented that the Planning Commissioner's Journal is no longer available in hard copy, only online. He is disappointed about that and it puts people who don't have computers out of the loop. It was an interesting meeting. He isn't sure what to think about the cistern issue, in his business he knows FHA allows 1500 gallon cisterns, and they are used all over the place. It is something they need to think further on because in many cases it's the only practical solution.

Commissioner Stead said it was an interesting meeting.

Commissioner Highland agrees it was an interesting meeting, and she agrees with looking closer at how they consider cisterns and try to do what is best for the community.

Commissioner Bos welcomed Mr. Slone to the table and wished everyone Happy New Year. It was an interesting meeting tonight and hopes the rest don't go like this.

Commissioner Slone and Sonneborn had no comments.

Chair Erickson said she thought they did well and was proud of them, that was a hard one to do.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:33 p.m. The next regular meeting is scheduled for February 6, 2013 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____