

Session 14-01, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on January 2, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, HIGHLAND, SLONE, STEAD, STROOZAS, VENUTI

ABSENT: SONNEBORN

STAFF: CITY PLANNER ABBOUD  
PLANNING TECHNICIAN ENGBRETSSEN  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

Chair Venuti called for a motion to approve the agenda.

SLONE/HIGHLAND SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **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.

- A. Approval of Minutes of December 4, 2013 meeting
- B. Decision and Findings for Staff Report PL 13-85, CUP 13-13 Request for more than one building containing a permitted principle use, a residential duplex at 3850 Heath Street

Chair Venuti called for a motion to adopt the consent agenda.

HIGHLAND/SLONE SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **Presentations**

### **Reports**

- A. Staff Report PL 14-01, City Planner's Report

City Planner Abboud reviewed his staff report.

### **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.

- A. Staff Report PL 14-02, Draft Ordinance 14-XX Amending HCC 21.71.050(d) to allow a simple majority vote for approval of Conditional Use Permits

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing and there were no public comments.

BOS/HIGHLAND MOVED THAT THE PLANNING COMMISSION APPROVES THE DRAFT ORDINANCE AMENDING HOMER CITY CODE TO ALLOW A SIMPLE MAJORITY VOTE FOR THE APPROVAL OF CONDITIONAL USE PERMITS AND RECOMMENDS ADOPTION BY CITY COUNCIL.

There were comments in support of the draft ordinance noting that this change will improve the way the commission does business for the public and that staff does an exemplary job of reviewing and providing information for their review.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report PL 14-04, Draft Ordinance 14-XX Amending HCC 21.12.020 and 21.12.030 to allow one accessory dwelling unit as a permitted use on a lot served by city water and sewer

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing.

Ken Castner, city resident, asked for clarification regarding the process for water and sewer hookups relating to the accessory dwellings. City Planner Abboud explained that the accessory dwelling would be hooked up to water and sewer as required by Public Works and as outlined in code.

BOS/HIGHLAND MOVED THAT THE PLANNING COMMISSION APPROVES THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.12.020 AND 21.12.030 TO ALLOW AN ACCESSORY DWELLING UNIT AS A PERMITTED USE AND RECOMMENDS ADOPTION BY CITY COUNCIL.

Commissioner Slone commented that it brings up a good point whether the accessory dwelling will be put on a separate meter. It would be a significant consideration with respect to the income the city derives of the water and sewer system. It isn't a major consideration relating to this action, but is something to think about. Another point is that we are doing some infilling based on infrastructure and additional usage of water and sewer would be beneficial to the city.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **Plat Consideration**

A. Staff Report PL 14-05, Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat

City Planner Abboud reviewed the Commission's role in plat consideration and the staff report that includes the following recommendations:

- Planning Commission recommends approval of the preliminary plat, with the following comments:
  1. Increase the size of lot 2 to meet the dimensional size requirement of 10,000 square feet. Elimination or reduction in size of Park A to meet this requirement is acceptable.
  2. A development agreement is required.
  3. The shared driveways shall meet fire department access requirements.
  4. The developer shall clarify with Public Works prior to final platting which creeks shown on the plat have a drainage easement and the width of the easements.
  5. Continue the 15 foot utility easement around the bulb of Sophie Court
  6. Work with the City of Homer and the Kenai Peninsula Borough address officer on E911 compliant street names
  7. During the first phase of construction, build Nelson Ave and Ronda Street from East End Road all the way to the intersection with South Slope Drive, and that portion of South Slope Drive within the subdivision.
  8. Construct fire hydrants as part of the subdivision.
  9. Dedicate the area shown as Park "A" as future right of way providing access to the south of the subdivision.
  10. A fire department accessible shared driveway provides reasonable access to lot 8, and Tract A, AA Mattox Sub 1958 Addn, in lieu of a full right of way dedication to these lots.

Chair Venuti asked Commissioners who visited the site prior to the meeting to report to the Commission.

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Commissioner Slone commented that he visited area and in general terms it remains a virgin area, probably the largest remaining in the City that is still suitable for development as a residential area. There is a variety of terrain in the area with a lot of undulations, and clearly defined water courses. He said his subjective evaluation was that it would be quite an engineering challenge to put in the roads and to maintain enough vegetation to suitably intercept water during peak times. It isn't that it can't be done, as engineers are more knowledgeable with respect to that. On the other hand, people have had their time to utilize this open area, but they can't expect it to remain untouched unless someone wants to buy it and present it to the City as a park, and that isn't the situation right now. He appreciates both aspects of the property.

Commissioner Highland said she wandered the trails in the area as well and noted the deep gully on the east side, another gully on the west side, multiple swales, and creeks. She noted the past ACOE report said no streams and she found that there were definitely areas of running water. There were many areas of alders, which means it's wet. The lower area running above the high school is a large area that, to her, looks prone to sloughing. She also noted a lot of wildlife habitat, old growth spruce and birch, and it looks like something that will need really creative subdividing considering the challenging lay of the land. The density seems very high for the type of land that she walked on. It's also the only remaining high value wetlands in the whole Homer area. In looking at the map it's really substantial where the gullies come down and form the bluff. It certainly looks like one of these areas that's a natural sponge for the high school and Homer's streets. When you look at the lines on the paper it looks like a doable thing, but when you go onto the property, it's challenging.

Prior to opening the floor to public comment, Chair Venuti invited the applicants to offer further presentation. Mr. Neal and Mr. Bloom declined and floor was open to public comment.

Clyde Boyer, city resident, said he presented a letter outlining 10 items he thinks are important to be reviewed before considering approval of this. He is hopeful that Nelson Road going to the east is required before the subdivision is allowed to proceed. The west end is very wet and will be difficult to work over and hard to maintain once it is built. He questioned if the high school trails are on or off the property. Mr. Boyer commented that most subdivisions of this size in most communities are actively trying to make it a nice city and make a park somewhere that was not just in a marsh or gulley like these proposed parks are. He wonders if the emergency services can access the long, narrow, little driveways they are trying to get approved. The developer talks about rain gardens and he questions who is going to install and maintain them, and how effective will they be in such a wet area. Those are some of his main concerns about the project. He thinks they need to be addressed before the project is approved.

Ginny Espenshade, city resident west of the high school, commented that she appreciates the Commissioners who took the time to look at the property. She agrees that we expect the property to be developed. She submits that it's reasonable for them to expect it to be developed at a low density. She thinks they all have recognized that the code contradicts itself with the purpose of rural residential and the lot size requirements. That isn't obvious with this proposal, and we can't fix it. In 2005 the Planning Commission looked at the discrepancy, and the surveyor on this project now proposed a moratorium on developments this size in rural residential. That hasn't been done. She appreciates the Planner's comments about what the City can and can't do at this time, and asked what the public can do at this time. They aren't there when the subdivision agreement is developed; they can give comment to the ACOE, but there are a lot concerns. She urged the Commission to listen

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to their concerns and look at in the context of health and safety. She read excerpts from the media regarding the flooding in 2002 along East End Road and Pioneer Avenue. She urged the Commission to think about the storm water plan. Maybe it can't be required for all of rural residential but perhaps the size and density of this subdivision can impel them to do so here based on code section 21.75.030, the financial responsibility. This is a high risk project, and everyone recognizes an individual's right to develop property he owns, but who should assume the risk? She urged them to think of a way to hold this developer accountable if it's abandoned. The condominiums above have been repossessed and are in foreclosure. The bank owns the land under the condos at Quiet Creek and several of the units. There is a record here and she urged them to look at the developer's record of accomplishments for developing in Homer.

Paul Gavenus, city resident, commented that code 21.28.020 says regulate and limit the density of population, prevent undue concentration of population and lessen congestion on streets and highways. It's in the code and the commission can do that. The Commission has a lot more power than they think because we have been through this and the Borough will listen to what the Commission says. 21.44.010 says provide an area for low density, and this isn't low density. The coastal management plan final consistency response said they would prefer a ten year, six hour storm to be what is used and the City of Homer accepts a ten year three hour storm. He encouraged them to use the ten year six hour since it is what the experts recommend. According to code Sophie Court is too long, he hasn't heard that addressed at all.

Mike McHone, non-resident, commented in support of the project. He disagrees with the complexity presented. He has done a lot of subdividing out East End Road where there are serious canyons and real swales that dwarf what is here as far as an engineering challenge. He urged moving the project forward. He is in favor of healthy communities, healthy growth, and of things being done well and right. Mr. McHone believes this project and the plans presented fall in into that category.

Clyde Boyer was permitted to use his last minute of time to make a final comment. He said the road that goes to the west to Anderson is going to be the shortest route to downtown, the hospital, and just about everything to the west. Elderberry and Mountain View are paved very narrow small subdivision roads. When they start putting 71 homes going west on those narrow roads it's going to make a very poor condition for the roads and the people who live there. If this is approved the developer or the city needs to widen the pavement area to handle the traffic.

Katherine George, city resident, lives near the northwest corner of the proposed development. She thanked the commissioners who walked the property and the Planning Department for answering questions about the project. She went to several different agencies to get information including Homer Soil and Water and related agencies. They provided her with a way to look at the property that showed what the drainage looks like and what the proposed road looks like. She provided the information to the Commission and hopes they were able to look at it. In regard to roads, it was said in 2005 and in December, that when dump trucks go over these roads, the houses shake. That is true even on Mountain View. The construction of the roads may not be the standard of road you want to have as a collector street, rather than a local street. She thanked the people who have come out to testify because it isn't an easy thing to do. She wants the Commission to know people really care about this and that their decision really matters.

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Kate McNulty, city resident on Mt. View, said she has read the comments, listened to people and thinks they have raised very good points, especially considering the high school. It's in direct line of the drainage, and if there ever is a mudslide, that's what it will take out. Years of driving heavy equipment on roads that aren't built for this type of traffic has caused problems. They have drainage coming down that took out part of the road and it still hasn't been fixed. If she understands the map, the subdivision takes out all the cross country running and ski trails behind the high school. She noted the west third on the wetlands map is designated as discharge slope. She isn't sure what that means but it sounds like a lot of water running downhill. It's something to consider before you have someone out there tearing all the vegetation up, you have all that mud, and then decide it can't be developed after all.

There were no further public comments and the floor was open to the applicants to comment.

Mr. Neal commented that when he came to Homer, there was no Mountain View, Elderberry, Kapingen, Rainbow Court, or Kallman neighborhood. It was all beautiful property. Unfortunately all over the world that's the way it is. Since he has come to Homer there's 100 million more Americans and each one wants a place to live and streets to drive on. What can we do? We can't stop people from making more people, and we can't go back to what we had, so all we have to do is go forward as best we can. Sure it's hard; this is beautiful property in the middle of Homer. There was beautiful property in Anchorage on C Street and 36<sup>th</sup>. There really isn't much choice. As the population increases, we have to plan Homer and build it the best we can. Their subdivision meets all the rules and while people have expressed their true concerns, they have jumped through those hoops. Mr. Neal explained they have hired professional engineers in this process, addressed storm water, utilities, and construction. It is a beautiful subdivision that has been planned out. It's not like they are ramming something through that is legal but wrong. He hopes they consider that and thanked them for their time.

Mr. Bloom added that there is experience with density and steep slope development and he has been a part of that. Those examples exist in our community and we can see in numerous places there is a way forward to do it right. That is what they are showing here. People's concerns are valid and he appreciates them for taking the time to voice them. They submitted the previous ACOE permit that shows the delineated areas, their storm water concerns, and so forth, which are the basis for the current design and the reason they set aside the areas they have. They have done a lot of things to make this as good as possible in relation to big open space. Mr. Bloom clarified that none of the high school trails they are using for the high school events are involved with this subdivision. The project includes adding new trails that connect those trails to the subdivision and beyond. They have made every attempt to make pedestrian access a high functional aspect of the access being developed here. On average the lot size is 180% over the minimum lot size. He encouraged them to look at the facts and the presentation and make the decision based on code and staff's recommendations.

Commissioner Highland asked if this could be done without filling any wetlands and also if they could reduce the density. She also addressed that she found in her research rain gardens are really pollution control more than actual absorption of storm waters. She further questioned the ACOE permit relating to the previous Quiet Creek plat regarding compensating for avoidable impacts to wetlands.

Mr. Bloom responded that as soon as you put a culvert in a stream or in a driveway, you have filled wetlands, so the answer is no.

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Mr. Neal responded relating to density that anything is possible. He noted, however, that there were 90 lots the first time and it has already been reduced to 71 lots. In another set of talk, people worry about affordable housing. Mr. Neal said he knows they are concerned about the bluff and the hillside and as it is, there are big lots planned there that work around it and housing spaces are a small part of it. The bluff hasn't collapsed for as long as people have been around Homer and there isn't any reason it would collapse because there is a subdivision behind it. He doesn't agree that if people put houses back there, it would then contribute to a mudslide onto the high school property. He thinks it is easily possible to construct nice residences on the slope without collapsing the hillside.

Mr. Neal commented that defining rain gardens as being for pollution control is subjective. The City touts them heavily on their website. He believes in rain gardens where they are appropriate. In addition to rain gardens there will also be some vegetated retention ponds where needed. There are a lot of techniques in planning these areas and relating to storm water. There is more storm water planning in the subdivision than might be in the whole town. They are giving something that hasn't been done before. Everything they are doing is something new and better.

In relation to the ACOE permit, Mr. Neal explained they will be required to get a new ACOE permit for this plat and will proceed as required by the the permit.

Commissioner Slone questioned the overall amount of property to be modified for the entire project and asked for a reasonable estimate. He also raised questions regarding the roads and their build out.

Mr. Bloom responded that said that he has no way of knowing what size of footprint a property owner will have. Some build houses that are 600 sf and others who build a 2000 sf footprint. It is unproductive to try to make that kind of estimation.

Commissioner Slone made an attempt to figure the total acreage that would be permanently modified and suggested 15 acres and felt it was a reasonable assumption to use.

Mr. Bloom said the road improvements will be done sequentially. Mr. Neal commented that in 2005 they had Kallman as the exit and the room was filled with people who objected to that, so they purchased land and arranged to get out through Nelson and Ronda, which appeased the Kallman neighborhood and it seemed to be a better fix overall. There is a pedestrian access through Kallman now. Mr. Bloom noted a request for a dedication at the very entrance to the subdivision for a future right of way to the south, which they are in agreement with.

There was brief discussion regarding a one lane roundabout at the west end of the subdivision with Elderberry as a one-way in and Mountain View as a one-way out.

Commissioner Stead asked staff for their comments about the length of Sophie Court, the size of lot 55, and the curve radius on curve 11. Planning Technician Engebretsen commented to her understanding that it is an allowable distance. She can look at it again, some things like this an applicant can ask for an exception, and she doesn't see a compelling reason why they wouldn't say that section of the subdivision isn't okay. Regarding lot 55, Mr. Bloom said that will be fixed with the right of way dedication. Planning Technician Engebretsen explained they spoke to Public Works about the curve radius and it's something that can be discussed as part of the road construction. She added

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that at this point, the plat recommendation is a conceptual recommendation of road layout, lot numbers, and such. How they are going to make the roads work comes much later in the process.

Commissioner Highland read from a Soil and Water Conservation District publication regarding the Quiet Creek discharge slope, its purpose relating to flood control, and high value moose habitat. She also touched on catch point watershed delineation. Mr. Neal said he was familiar with the soil and water conservation district document and while they can't follow every recommendation, they plan to as much as they can. They will be including culverts and stream crossings, and also dedicating stream areas to parks that protect moose habitat as best they can. Mr. Bloom responded relating to the catch point watershed delineation. He referenced her earlier comment regarding rain gardens being used for pollution control, which is true when they are handling asphalt, parking lots, and so forth. Another important aspect is that they do control flow. In their case they have flow through drainages going through the property that they are trying to minimize activity around as much as possible. They are also trying to minimize point source flow into those drainages from the development not only using lot by lot scaling, but also other point retention areas. He noted at least 9 that are outside of the lot controls they will do. They are looking at it in a comprehensive way. An engineer is doing a complete storm water flow and design based on the City of Homer regulations for development. That will happen later, along with the engineering process. It isn't required but they are doing it in terms of their own consideration in an effort to do the best possible job with this project. He doesn't feel they can be faulted for trying to do the right thing in the best way possible, and then be told it isn't good enough because someone might not maintain a rain garden. We have to have some sort of positive approach that says by doing the right thing we are headed in the right direction and setting a good example to get to the right outcome.

Commissioner Highland continued to reference packet information relating to drainage as related to the western Kenai Peninsula soil map, and a letter from Francie Roberts questioning whose responsibility it is of unstated economic value when approving subdivisions. It seems the city has some responsibility when discussing these types of developments.

Commissioner Slone questioned the ACOE permit and the requirement of a Storm Water Pollution Prevention Plan (SWPPP). There was discussion clarifying what a SWPPP is and that it's a requirement addressed by the ACOE. It was further clarified that the engineered storm water plan the applicant is working on is something they are doing on their own.

BOS/STROOZAS MOVED TO APPROVE STAFF REPORT PL 14-05 BARNETT'S SOUTH SLOPE SUBDIVISION QUIET CREEK PARK PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS 1 THROUGH 10.

Commissioner Bos commented he thinks it's important to remember that we aren't redesigning the project. We certainly have input which we are putting together with a lot of great testimony from concerned folks. A plan has been made that will go to the Borough, but we need to make a decision on the plan that is before us.

Commissioner Slone noted that if the group has to consider the areas of public health, welfare, and safety. There are many concerns regarding drainage and the Commission needs to be satisfied those areas are being met.

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Commissioner Stroozas referenced an earlier comment regarding their confidence in the staff in making recommendations to this Commission after their due diligence was properly handled. The staff has made recommendation that we approve this with a number of points that be added to make it a sound decision.

Commissioner Stead commented that this is not a legislative forum. We are doing a pass/fail on whether we want to allow this and whether it conforms to code as it is written today. If they feel there are things in code they want to change, they can do that, but we can't today. We also can't do it today, and expect the applicant to have met it. He commented about an incident in 1999 with a property owner up on the top of Anderson Street, dealing with a flood. Trees had come down off the bluff and flooded his property, causing him a huge problem. This property and the entire area is a discharge slope that is constantly having water problems. The applicants are trying to deal with it as best they can, as everyone else is. Yes, they will cause some more impervious surface, and yes they can debate what the percentage will be, but he doesn't know they can necessarily say that the subdivision can't go forward based on personal personal feelings of whether or not they meet that requirement.

Commissioner Slone added he is attempting to explore possibilities and trying to quantify, qualify, and objectify it. At this point he isn't real happy they have enough information to do that based on his subjective feelings. He thinks there is a basis for it, but doesn't think they can objectify it and determine it tonight based on the information in front of them. He also noted Public Works Director Meyers request at the last meeting to include a pedestrian trail between lots 15 and 16 coming off Kallman Street, and also a sewer and water access.

Chair Venuti commented that when you look back from the spit toward Homer it is easy to identify where the water courses come off the bluff. The Quiet Creek area isn't the only place where water comes off the bluff. Many of the city's roads didn't exist when he came to town and as subdivisions developed, none of the rules being placed on Quiet Creek were enforced back in that time. Living on a hillside comes with drainage problems and most of the homes in Homer are on hillsides. Drainage can be dealt with fairly easily in the hands of professionals. The ACOE has a history of producing good projects and he thinks the drainage can be dealt with. Another thing that comes to mind is that the research he reads indicates a growing number of people in all age ranges want to live closer to town. It's a challenge to find a really nice, buildable lot in Homer right now. We need to plan for the future growth in Homer. He understands people's resistance to change, but moving this forward is a good opportunity to accommodate growth and plan for it. This isn't the only wet area in Homer, and not all upslope development makes water problems for people down slope. His opinion is they need to forward this on to the Borough.

Commissioner Slone further commented that he doesn't doubt it's a good move for the city relating to lots available for people to live. His concern is with the potential problems downstream. Since he can't resolve that in his mind he will have to trust the ideas proposed by the applicant, the engineering professionals, and staff. He will probably go on with that. He does think though the Commission has an obligation above and beyond just complying with statutes and ordinances. Point is well taken that we can't change the rules tonight, and since he can't say for certain that it will cause problems, he will have to support the statements of the applicants.

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Staff noted that the recommendation from Public Works Director Meyer can be addressed later in when working with the applicant to find a good trail location.

There was brief discussion for clarification of the Commissions role in making recommendations to the Borough relating to the plat.

Commissioner Highland expressed her opinion that they cannot ignore drainage issues. When she sees that the city has limited storm water control requirements she says bad on us and we need to improve that. She feels that with the comp plan being very clear on green infrastructure and needing the city to move forward on that in our zoning, we need to address it. Right now we would be having a different discussion if we had green infrastructure. City Planner Abboud touched briefly on ways and issues in moving toward this concept in the city's future and challenges in ways to address it city wide.

Commissioner Highland commented further that a troublesome point for her is ACOE doesn't take an accumulative look into their consideration, they do each project separately. When we talk about all the other subdivisions that have occurred prior to, in her opinion it doesn't mean we continue to do the same thing. In looking at the map, that is the last open space wetlands in this entire area and is playing a very big part in flood control. With that in mind, she is very concerned about the density for that piece, because of the facts she has read. She expressed her desire for the Commission, as a body, to include in their recommendations a letter of concern regarding drainage issues, flood problems, wetlands, creeks, and gullies, as well as the unstated economic value of wetlands. We are the people who are here on the ground and it's our responsibility to do the best for the city, for the developers, for the future.

The Commission took a brief recess at 8:42 for Commissioner Highland to work with staff on drafting a recommendation. The meeting reconvened at 8:49

HIGHLAND/SLONE MOVED THAT THE PLANNING COMMISSION RECOGNIZES THERE ARE POTENTIAL DRAINAGE ISSUES, POTENTIAL FLOOD PROBLEMS, HIGH VALUE WETLANDS, MULTIPLE CREEKS AND GULLIES. THIS PLAT MAY NOT ADEQUATELY PROTECT LONG TERM INTERESTS BOTH ECONOMICALLY AND PHYSICALLY OF THE DOWN STREAM PROPERTIES.

Commissioner Stead commented he cannot, in good conscience, vote for something that puts the city in a potentially dangerous position as this amendment does.

Commissioner Slone disagreed in that the City is complying with its requirements as far as the ordinances are concerned. Any further ramifications are beyond the purview of the city. This is a comment by the sense of the Commission that there may be extenuating circumstance that would warrant more scrutiny by the Borough Planning Commission.

Commissioner Stead responded to Commissioner Highland's query of his concerns, that he wouldn't necessarily include this as a recommendation. He might go to the ACOE since they are the ones who would worry about it. He feels that the City assumes the liability for every piece of property down stream of Quiet Creek with the last sentence. The entire City of Homer is down slope drainage and we all have accepted that because we want to live here. A lot of people that do have drainage issues in town and he doesn't think we would want to give that to the Borough and say we recognize

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something special about this piece of property. It sounds to him like this is trying to say we don't want this subdivision but we can't stop it. It is a conflicted recommendation and he doesn't support.

Commissioner Highland noted her concerns again about the challenges that would be involved with developing the property because of the drainage issues, particularly after having walked the property.

VOTE: NO: BOS, STEAD, HIGHLAND, VENUTI, STROOZAS, SLONE

Motion failed.

Commissioner Highland stated she will not be supporting it because of the concerns she addressed relating to the letter, and because of its density.

Commissioner Slone commented in support of adoption.

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

Motion carried.

### **Pending Business**

A. Staff Report PL 13-93, Resolution 13-xx amending HAPC Bylaws

City Planner Abboud reviewed the changes discussed in the worksession.

There was comment regarding removing unexcused with respect to vacancies.

SLONE/HIGHLAND MOVED TO REMOVE THE BOLD AND UNDERLINE ON PAGE 220.

There was brief discussion that Commissioner Bos travels regularly at the end of the year and will likely be absent for three consecutive meetings. The amendment would essentially remove him from the commission.

There was further discussion relating to keeping the three consecutive excused absences.

VOTE: NO: STEAD, SLONE, STROOZAS, BOS, HIGHLAND, VENUTI

Motion failed.

STEAD/BOS MOVED TO APPROVE STAFF REPORT PL 13-93 AMENDING THE BYLAWS AND POLICIES AND PROCEDURES FOR THE HOMER ADVISORY PLANNING COMMISSION.

There was brief discussion relating a grammatical error on page 222, bottom paragraph. City Planner Abboud said that staff would review the paragraph and re-write it.

VOTE: YES: SLONE, STEAD, STROOZAS, VENUTI, HIGHLAND, BOS

Motion carried.

## **New Business**

### **Informational Materials**

A. City Manager's Report from December 9, 2013 City Council Meeting

#### **Comments of the Audience**

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

Ken Castner, city resident, commented that the SWPPP plans are very costly, noting Kachemak City's was \$350,000 of a \$2 million project cost. Relating to changes to the city code, Mr. Stead had commented we aren't going to make changes to the city code. Mr. Castner said he has been addressing to the City Council for years, two topics, finish Greatland and put in a storm water distribution system that makes sense. But you don't start storm water at the top, you start it at the bottom. It's just like tributaries feeding to a stream, then to a river, then to a concourse. We don't have adequate drainage into Kachemak Bay off of this bench. When you look at that map you can see where it has sloughed off over the course of time. His building on Ben Walters flooded when impounded water up above the road discharged. But the City had nothing to say about it, it wasn't their fault, it was an act of God, sorry Mr. Castner, but not our problem. Mr. Castner said he French drained the entire property and hasn't had a problem since. Still, when you all take an action of approval, you have to take some ownership of it. It's not that we're doing the best we can according to code. If the code is no good, then change it and give us some relief. It's a bigger problem than Mr. Neal's project. Except for the center of town, we have a ditch by ditch solution to storm water. He would like to see the Commission start developing a comprehensive plan on dealing with it according to the Climate Action Plan. Mr. Castner explained a project he did in Kodiak that included differential vaults that were the size of this room to handle storm water. It isn't a secret as to how to handle it.

Ginny Espenshade said she forgot to thank the staff for getting all this information together and she appreciates that they went above and beyond to get it into the packet. She thanked the two who walked the property and isn't surprised they are the ones with the most concerns. From her legal background she commented that when you worry about putting something in writing that may raise liability, you should also worry if you are liable. She thinks there is a record now that includes science, cross section, and she urged them to reconsider and look at the 2005 plat approval process. Concerns were met with specific recommendations about runoff, traffic, and street design. They can support development that is safe in the interest of the whole community. Say fifty lots and she'll say sold. We aren't saying no development on the property, we are saying responsible, safe development that respects the neighboring properties and the entire community. The high school is a critical structure; it is a shelter for our area. People stayed at the high school when the Icicle fire happened. So you'll have slope failure, run off, floods, and it runs into the site where your supposedly sheltering people. She urged them to reconsider.

Katherine George commented that a bunch of them went to the Borough in 2005. Their comments didn't transfer over and she isn't sure that all the discussion that proceeded from the commission got transferred over. What did was the final decision and a staff report. Just so you know all the things they have said won't go before the Borough. It is a rubber stamp process. We can all go up and say the same things again, but what they listen to is what the Commission decided.

Paul Gavenus commented that the Commission has a lot more power than they think. They are advisory but, when making the recommendations, the Borough doesn't have to listen to it but at least you get your point of view to them. What the Commission says is very important and what you don't say is even more important because now, they think you had no concerns at all about this plat. If you go back and look at the old one and see a list of a dozen recommendations they made. The Borough didn't adhere to all of them but at least they were there to be considered.

### **Comments of Staff**

Planning Technician Engebretsen commented that she appreciates the public getting their comments in timely for the packet. It is helpful having everything together to submit to the Borough, she doesn't know what the Borough Planning Commission gets, that is decided by their staff, but the City provides their information in one packet. The information can be provided to the public if they would like to request it.

### **Comments of the Commission**

Commissioner Highland thanked everyone for their patience tonight. She would like to add to the agenda to talk about the climate action plan, storm water plan, and green infrastructure.

Commissioner Slone thanked the citizens who testified and provided letters. He echoes Roberta's comments about the storm water plan. We need to have a coherent, responsible plan.

Commissioner Bos agreed that information would be good to discuss in a worksession. He wished everyone a Happy New Year and it was good to hear their opinions.

Commissioner Stroozas wished all a Happy New Year. He acknowledged Roberta's good points and asked her to keep reminding them.

Commissioner Stead commented that the public comments didn't fall on deaf ears. He clarified his comment about changing code. He restated, they can't change code today and expect the applicant to change their plan and still approve or disapprove it. The people have an expectation that when they come in they know the rules, and we can't change the rules on them. That is the point he was making. We can change the code tomorrow and that is why he says their comments didn't fall on deaf ears. He supports and understands what they are saying. He wished everyone a Happy New Year and God bless.

Chair Venuti said it was an interesting meeting. Homer has changed and will continue to change. We have to embrace it and make it work. There are problems, and also solutions. He thanked the group for their work

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
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**Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 9:35 p.m. The next regular meeting is scheduled for January 15, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_