

Session 14-06, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on March 19, 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
DEPUTY CITY CLERK JACOBSEN
PUBLIC WORKS DIRECTOR MEYER

Approval of Agenda

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BOS 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 March 5, 2104 meeting
- B. Decision and Findings for CUP 2014-04 for a Fire Station at 188 Skyline Drive

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

HIGHLAND/BOS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

A. Staff Report PL 14-27, City Planner's Report

City Planner Abboud reviewed his staff report. There was brief discussion relating to the Board of Realtors comments about relaxing the Bridge Creek Watershed District regulations. He reviewed his trip to Denver for the New Partners for Growth Conference and discussion ensued regarding regulations of marijuana sales, as it may be happening soon in Alaska.

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 14-24, Ordinance 14-09(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12.020, "Permitted Uses and Structures", to Expand the Permitted Uses in the Rural Residential District to Include the Addition of a Detached Dwelling Unit as an Accessory to a Single Family Dwelling on a Lot Serviced by City Water and Sewer Services **and on a lot that is over one acre not serviced by city water and sewer services.**

City Planner Abboud reviewed his staff report.

Chair Venuti opened the public hearing.

Ted Schmidt, city resident, said at first blush he was concerned because over the last few years he has heard Council comments about how the water and sewer has trouble has financing their infrastructure because one of the problems is that there aren't enough residents tied in to it. He is also aware of a desire to bring water up West Hill to complete a loop in the system. He doesn't think it is a financial possibility in some of these areas because of larger lot sizes. People knew that when buying those lots and it was their preference when they bought them. He feels like this is a left handed way to say you can't do this with your property because you aren't on city water and sewer. He thinks each lot should be examined on its own basis as there are a lot of steep slopes and wetlands.

There was discussion with the City Planner about the process already in place for a conditional use permit process for the larger rural residential lots. Mr. Schmidt raised issue of an action by a previous planning commission approving two duplexes with a community septic system in an area where there were wells less than 200 feet away on other properties. City Planner Abboud said he couldn't speak for to a past action, but it is a reason that these should come for review by the Commission through the CUP process.

There were no further comments and the public hearing was closed.

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HIGHLAND/SLONE MOVED TO RECOMMEND COUNCIL ADOPTION OF ORDINANCE 14-09 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.12.020, "PERMITTED USES AND STRUCTURES", TO EXPAND THE PERMITTED USES IN THE RURAL RESIDENTIAL DISTRICT TO INCLUDE THE ADDITION OF A DETACHED DWELLING UNIT AS AN ACCESSORY TO A SINGLE FAMILY DWELLING ON A LOT SERVICED BY CITY WATER AND SEWER SERVICES.

Commissioner Highland said she moved to adopt the ordinance without the amendment based on the concerns raised at their previous meeting. The lots that are not serviced by water and sewer should get conditional use permits because of issues with soils, water, and review of the best interest for the area. The CUP process gives notice to property owners in the area and special conditions or considerations for review. Those are some of the reasons they had discussed previously as to why they felt lots without city water and sewer should still be addressed through a CUP.

Commissioner Slone agrees with disapproving the amendment. His main reasoning is because of lots that are not large enough to accommodate sewer systems that won't contaminate wells on adjacent properties that are downhill from the development.

Commissioner Stroozas agreed that those are valid points.

Commissioner Stead commented that the way it's written now, you have to have two acres so saying a lot that is 1.1 acres can automatically have an accessory use doesn't fit. He doesn't think it is very well thought out amendment to what the Commission sent to Council, and supports the motion to adopt the original ordinance as written.

Commissioner Bos doesn't think it could be permitted outright regardless of how big the property is. He recognized that septic's are rated based on bedroom count. He raised concerns about being able to add another residence to a property with a septic when you don't know the status of the drain field, unless you ask the applicant to have it investigated. It will just add to the "buyer beware" list that the next person will have to deal with. He is adamant that we need to stop those situations.

City Planner Abboud reviewed the process by the City and by DEC relating to septic which includes an engineered plan to be done by a certified installer. There has to be a space for the septic and enough space to replace it, and hopefully in those spaces they won't harm a neighboring well.

There was brief discussion relating to building inspections and that if the City had a building inspector it would be much easier to do something like this.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Plat Consideration

Pending Business

A. Staff Report PL 14-29, Storm Water & Green Infrastructure, March 19, 2014

City Planner Abboud reviewed the staff report and touched on some comments that Public Works Director Meyer made during the worksession.

There was discussion about the Corps of Engineers and that they interested in regulatory wetlands, and also areas of moving water, like creeks and streams. The general won't comment on development outside of the regulatory areas. It was noted that the Corps doesn't look at the cumulative effect from development in an area, and it makes you wonder who is looking at the big picture.

Runoff from the Quiet Creek Subdivision area came up in discussion and how it may cause issues for the high school and also that some of the runoff goes down to the Mattox area as well. City Planner Abboud noted that the high school itself is a major contributor to runoff. It is an existing issue that is compounding.

The Commissioners acknowledged that it's important to consider what is happening below the surface. The surface runoff is one thing, but then you have the subsurface runoff that many times isn't very deep and it punches out into little springs. The Storm Water and Melt Water Management and Mitigation Plan for Homer Alaska is a really good start. Considering it in conjunction with the information from the Soil & Water Conservation District and NRCS provides a lot of information to work with.

City Planner Abboud noted they can look through that information for policies which can be adopted, but creating a regulatory boundary is a different thing. To prohibit development in the areas that the drainage is marked and take away the right of the property owner isn't necessarily the right thing to do. It creates a whole new environment.

They continued to discuss concerns with subdividing and its effect on the already existing issue with downstream runoff. They also acknowledged that they need to work on incremental changes as they move forward.

New Business

A. Staff Report PL 14-30, Vacancies and Absences

City Planner Abboud touched on the staff report recommendations relating to Commissioner Sonneborn's absences. Chair Venuti advised the Commission that she submitted her resignation from the Commission so no action is necessary.

Commissioner Slone expressed his desire to propose a bylaw amendment relating to Commission absences. There was brief discussion regarding the Commission's absences as defined by their bylaws and the discrepancy with City Code.

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SLONE/HIGHLAND MOVED TO INCORPORATE A BYLAW CHANGE TO STATE THAT A COMMISSIONER SHALL ANNOUNCE UNDER CLOSING COMMENTS A KNOWN INTENT TO MISS A SUBSEQUENT MEETING; AND AT THE BEGINNING OF EACH MEETING THE CHAIR SHALL ANNOUNCE THE STATUS OF A COMMISSIONER WHO IS ABSENT.

Discussion ensued relating to absences and that perhaps these aren't necessarily rules that needs to be incorporated into the Commission's bylaws.

VOTE: YES: SLONE

NO: BOS, STEAD, HIGHLAND, VENUTI, STROOZAS

Motion failed.

Informational Materials

- A. DOT& PF Open House Notice for Sterling Highway & Main Street Intersection Improvements
- B. KPB Plat Committee Notice of Decision Re: Tietjen Sub. Compass Addition Replat Preliminary Plat
- C. KPB Planning Commission Notice of Decision Re: Tulin Terrace Sub. East Terrace Addn. Time Extension Request
- D. City Manager Report from the March 10, 2014 City Council Meeting
- E. Letter from Virginia Tornes Re: Mattox Subdivision 2014 Preliminary Plat
- F. Email from City Attorney, Thomas Klinkner Re: Open Meetings and Advisory Commissions

The Commission acknowledged the letter from Virginia Tornes. City Planner Abboud will draft a letter of acknowledgement from the Commission for Chair Venuti to sign.

Comments of the Audience

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

None

Comments of Staff

City Planner Abboud advised he will be absent at the next meeting and possibly the one after.

Comments of the Commission

Commissioner Stroozas said it is good to be home.

Commissioner Stead advised that he will be absent at the next meeting.

Commissioner Bos said it was a good meeting.

Commissioner Slone had no comment.

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Commissioner Highland said she is excited about working on storm water and green infrastructure and seeing if they can come up with something.

Chair Venuti said it was an interesting meeting. He encouraged everyone to find prospects for the open seat.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:39 p.m. The next regular meeting is scheduled for April 2, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____