

1. CALL TO ORDER

Session 23-06, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on March 15, 2023 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar. A worksession was held prior to the regular meeting for a discussion facilitated by Jan Keiser, Public Works Director on the Transportation Plan Update and Old Town Traffic Improvements.

PRESENT: COMMISSIONERS VENUTI, SMITH, HIGHLAND, STARK, BARNWELL, CONLEY

ABSENT: COMMISSIONER CHIAPPONE (UNEXCUSED)

STAFF: CITY PLANNER ABBODD, DEPUTY CITY CLERK KRAUSE

CONSULTING: PUBLIC WORKS DIRECTOR KEISER

2. AGENDA APPROVAL

Chair Smith read the items from the supplemental packet and requested a motion and second to adopt the agenda as amended.

HIGHLAND/VENUTI MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

3. PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

Scott Livingston, noted that written comments were submitted and requested clarification, and understood that may not be available at this time. Mr. Livingston indicated that as he looked over the draft minutes that were put forward, he was disturbed that his comments and the discussion around the setback issue were misinterpreted in the minutes. He stated that a lot of the issues seemed to stem from the misunderstanding between himself and the City Planner. Mr. Livingston continued by stating that the setback issue was never something that he thought the Commission would not have to address, he believed his comments at the meeting were consistent with that. He stated that their application was focused on the lot coverage at the direction of the City Planner and he believed his comments at that meeting were that the setback was not implicated in this build. Mr. Livingston stated he acknowledged that the Commission was going to have to approve the setback issue. He explained that since there was robust discussion surrounding the setback, that at the end of the meeting it was clear that the setback was going to be approved. Mr. Livingston reported that they have submitted an application for a separate CUP to address the setback issue for consideration at the April 5, 2023 meeting. He indicated that if the Commission was unable or unwilling to grant relief and the clarification that was being asked for at this time, he would like the minutes amended, as it was never his intention and he did not think he ever actually stated that the Commission did not have the power, the ability, or stated that they could not address the setback issue. Mr.

Livingston reiterated again that an application was initially submitted with a copy of the CUP that was much more generic and it was amended to specifically focus on the lot coverage at the direction of the City Planner. He recognized that the Commission was balancing a lot of different interests and have been doing a very difficult job and expressed appreciation for that job. He opined that this issue has occurred due to the Commission not having access to good legal advice that would provide the Commission with a really good sense of their range of power and the authority within the regulatory context. Mr. Livingston concluded by stating that he believed that there was plans in place to get someone with that sort of legal regulatory background who would be more accessible to the Commission. He applauded and encouraged those efforts so that this type of misunderstanding did not arise again for future CUPs.

4. RECONSIDERATION

5. CONSENT AGENDA

- 5. A. PC Meeting Minutes - Unapproved Meeting Minutes for March 1, 2023
- 5. B. Decisions and Findings for Conditional Use Permit 23-01 at 106 W. Bunnell Avenue

Chair Smith noted the laydown memorandum from the City Planner with direction from the City Attorney regarding ex parte communication and requested Commissioners to disclose any ex parte communication that they may have had.

Chair Smith declared that he had a telephone conversation with Mr. Livingston and that Mr. Livingston requested the Commission to reevaluate whether or not the setback was addressed in this particular CUP application. Chair Smith stated that he referred Mr. Livingston to Condition five regarding it required a separate conditional use permit. Chair Smith stated that he did not engage in conversation with Mr. Livingston contrary to what the findings were in the CUP. Chair Smith related that Mr. Livingston pleaded with him to take up his case during the consideration of the meeting minutes of the last meeting and after reading the guidance provided by the City Attorney decided against that action.

Commissioner Barnwell came forward and declared that he received a call from Melody Livingston, it contained the same content as expressed by Commissioner Smith and lasted maybe ten minutes. He informed them that there was nothing he could do and directed her to contact the chair.

Commissioner Stark reported that he did not have contact or communication with anyone.

Commissioner Highland declared that she received a message from Melody Livingston and she returned the call stating that she could not speak to her about the issue. The conversation lasted for approximately one minute.

Deputy City Clerk Krause confirmed for the Chair that making the declarations on the record was what was recommended by the City Attorney. There was no additional action required.

Chair Smith read the Consent Agenda into the record and requested a motion and second.

HIGHLAND/BARNWELL MOVED TO APPROVE THE CONSENT AGENDA AS READ.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

6. PRESENTATIONS/VISITORS

7. STAFF & COUNCIL REPORTS/COMMITTEE REPORTS

7A. City Planner's Report - Agenda Item Report PC 23-017

Chair Smith introduced the topic and deferred to City Planner Abboud.

City Planner Abboud reviewed his staff report that was presented in the packet. The following topics were facilitated by Staff:

- Volunteers for the March 28th City Council meeting, Chair Smith will submit a written report for the packet.
- Enforcement of a Performance Guaranty
- Clarification on Performance Guaranty
- benefits to the community and city as well as individual property owners with regards to requiring a performance guaranty with regards to infrastructure

8. PUBLIC HEARING(S)

8. A. Request for Conditional Use Permit (CUP) 23-02 at 3375 Sterling Hwy for Approval of an addition in a lot containing a building area over 8,000 sq. ft. within the GC1
Agenda Item Report PC 23-018

Chair Smith introduced the item by reading of the title and declared that he had ex parte communication and conflict of interest.

HIGHLAND VENUTI MOVED THAT COMMISSIONER SMITH HAD A CONFLICT OF INTEREST DUE TO EX PARTE COMMUNICATION WITH APPLICANT.

Commissioner Smith explained that he was invited to Ms. Erickson residence to meet with her and Councilmember Davis to discuss matters related to other topics and Ms. Erickson brought forward her CUP application. He noted for the record Ms. Erickson had asked him, prior to the March 1st meeting if her CUP was on the agenda and he told her it was not. Mr. Davis then asked her what the CUP was for and Ms. Erickson responded stating that they needed additional storage. Chair Smith reported that he stopped the discussion and told Ms. Erickson and Mr. Davis that they could not speak about the CUP as it would be ex parte communication. He reported that they did not speak any further on the matter.

Deputy City Clerk Krause inquired if Chair Smith felt he could provide an unbiased decision on the CUP action before the Commission.

Chair Smith stated that he could provide an unbiased decision and further stated that he had no financial gain from the action.

Further discussion and clarification was provided that if they found Commissioner Smith had a conflict he would excuse himself from the table and would not participate in the action.

VOTE. NO. VENUTI, HIGHLAND, CONLEY, STARK, BARNWELL

Motion failed.

Chair Smith deferred to City Planner Abboud.

City Planner Abboud deferred to Associate Planner Vaz explaining that she drafted the report on the application.

Associate Planner Vaz provided a thorough review of AIR PC 23-018.

Jeff Erickson, Applicant, stated that he did not have a presentation, but was available for questions.

Chair Smith opened the public hearing, inviting members of the public that were present to provide testimony on the application. Seeing or hearing no public wanting to provide testimony and confirming with the Clerk that was so, he closed the public hearing and opened the floor to questions from the Commission.

Commissioner Venuti commented on the previous decision of the Commission to address limits on evaluating how far a building should be from the top of the bluff and requested confirmation from the City Planner on this issue.

City Planner Abboud responded that he believed they have met the criteria further stating that the sixty foot setback applies to the coastal edge which has a 300 foot limit from the bay. He noted that there is a drop and according to city code it would require a 15 foot setback from that drop, this levels out then heads downward later in the decline which is found to be an adequate distance from the conditions that are present.

Commissioner Conley requested clarifications on item g., and questioned what was the intent or usage for the proposed addition.

City Planner Abboud stated that the applicant can confirm but it will be used as storage for the goods they provide onsite, it is believed that no hazardous chemicals or materials are to be stored. He noted that the applicant, Mr. Erickson was nodding his head in affirmation to his comment.

Chair Smith requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT AGENDA ITEM REPORT PC 23-018 AND RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT 23-02 FOR BUILDING AREA OVER 8000 SQ FT WITH FINDINGS 1-10 AND CONDITION 1 OUTDOOR LIGHTING MUST BE DOWNLIT PER HCC 21.59.030 AND CHAPTER 3 OF THE COMMUNITY DESIGN MANUAL.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT

Motion carried.

8. B. Request for Conditional Use Permitting (CUP) 23-03 at 1368 Lakeshore Dr. for Approval of a multi-family dwelling within the GC1
Agenda Item Report PC 23-019

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

City Planner Abboud reviewed Agenda Item Report PC 23-019 for the Commission.

Chair Smith invited the applicant to speak.

Andrew Reed, applicant spoke to the Commission reiterating the proposed design and that it is situated on the lot as far south as possible and having a flat parking area.

Chair Smith opened the public hearing and confirmed with the Clerk that there was no public present wishing to provide testimony on this project and closed the public hearing and opened the floor for questions from the Commission.

Commissioner Barnwell requested clarification from the City Planner that there were no wetlands in the area of proposed construction.

City Planner Abboud responded that before issuance of the Zoning permit the Planning department will check with the Corps of Engineers that it is still valid.

Chair Smith requested a motion and second.

HIGHLAND/CONLEY MOVED TO ADOPT AGENDA ITEM REPORT PC 23-019 AND RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT 23-03 TO CONSTRUCT A 4 UNIT MULTI-FAMILY STRUCTURE IN THE GC1 DISTRICT WITH FINDINGS 1-10 AND THE FOLLOWING CONDITIONS:

1. OUTDOOR LIGHTING MUST BE DOWNLIT PER HCC 21.59.030 AND CHAPTER 3 OF THE COMMUNITY DESIGN MANUAL.
2. DUMPSTERS SHALL BE SCREENED ON THREE SIDES.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

9. PLAT CONSIDERATION(S)

10. PENDING BUSINESS

10. A. Forest Trails Subdivision Preliminary Plat, Reconsideration
Agenda Item Report 23-020

Chair Smith introduced the item by reading of the title and reviewed the motion on the floor and the motion to postpone as follows:

HIGHLAND/CONLEY MOVED TO ADOPT STAFF REPORT 23-007 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. THE CITY OF HOMER DOES NOT OBJECT TO REQUESTS FOR EXCEPTION TO CODE LISTED IN THIS STAFF REPORT.
2. INCREASE DRAINAGE EASEMENT TO 40 FEET FROM CENTER OF DRAINAGE.
3. A PORTION SOUTH ROAD RIGHT OF WAY WILL INCLUDE A PEDESTRIAN EASEMENT

Discussion ensued and the following motion was made:

HIGHLAND/VENUTI MOVED TO POSTPONE UNTIL THE MARCH 15, 2023 REGULAR MEETING TO ALLOW PUBLIC WORKS AND THE DEVELOPER TO PERFORM RESEARCH AND ADDITIONAL ENGINEERING ON THE PRELIMINARY PLAT.

Chair Smith called for a brief recess at 7:37 p.m. at the request of the City Planner to allow for production of a missing staff report that was not submitted for inclusion in the packet. The meeting was called back to order at 7:45 p.m.

City Planner Abboud reviewed staff report AIR PC 23-021 in detail for the Commission. He referenced the following:

- Updated drawings submitted by the applicant (were shared electronically)
- Changes in Kenai Peninsula Borough Code that are reflected in red
- Public Works recommendation of an easement with a 20 foot buffer along the drainage to leave the buffer undisturbed
- His recommendation was no dedication or development of the pedestrian easement along the creek
- The pedestrian easement remains between lots 6 and 7
- Slopes over 20% grade were shown, these are associated with the drainage area
- All through streets must be shown on plat, a cul de sac was requested due to the neighboring property being held by the Kachemak Heritage Land Trust as conservation land and would not be built.
- Comments on the plat were amended and the preliminary plat was amended to identify that lots will be served with city water and sewer

Chair Smith clarified with the Clerk that the laydown materials will be included in the record.

Public Works Director Keiser spoke briefly on her report AIR 23-020 that was provided in the packet and believed that the City Planner covered her points well. She spoke in more detail on the following:

- Nature of a drainage way
- This drainage has been identified as a substantial drainage way
 - o Supported by the Drainage Management Plan adopted in 1979 and updated in 1982
 - o Adoption of the Design Criteria Manual for Streets and Storm Drainage 1987
 - o Adoption of Standard Construction Specifications 2011

Chair Smith confirmed that City Planner Abboud and Public Works Director Keiser concluded their reports.

Deputy City Clerk Krause called for a point of order to clarify that at this time the Commission is in discussion on the motion which was reconsidered. A motion to suspend the rules would be needed.

Chair Smith requested a motion and second to suspend the rules to allow further comments from the applicant.

HIGHLAND/BARNWELL MOVED TO SUSPEND THE RULES TO ALLOW THE APPLICANT TO PROVIDE INFORMATION ON THE PRELIMINARY PLAT.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith invited the Applicant to speak to the Commission.

Kenton Bloom, applicant, stated the following:

- that they were at the end of the review period for the Commission
- all salient information has been presented and submitted
- meetings were conducted with the City Planner and Public Works
 - o reviewed in detail the 40 foot drainage easement requirement, typically these have been 30 feet
 - o proposed the adjacent pedestrian trail as opposed to widening the road and making an unsafe pedestrian facility
- John Bishop, engineer is attending in person and available for questions regarding the drainages
- Katie Kirst is available for any questions regarding the plat
- His client opined that the City has not made a case in science to claim additional lands, and is of the opinion that it is an uncompensated unfair taking of lands and egregious bureaucratic overreach in which he tended to agree
- Included in the laydowns, the Borough code which apply to this plat and they do not see where the city is showing the need for additional uplands buffer outside the 40 foot that they were willing grant from the center of the drainage.
- City code requirements were also included regarding the development near drainages requiring 15 feet buffers from top of the bank

Mr. Bloom recommended that the Commission make it clear that it was their job to vote on the merits of the plat, based on code, not based on ideas that they would like to see different in code. He further stated that it would save disappointment and frustration from the public perspective. He then recommended that they speak with the engineer, John Bishop on the concerns with the drainages since that is the area of big concern.

Chair Smith invited John Bishop to step forward to speak to the application after conferring with the Clerk, she confirmed he was listed on the Application so in essence he is one of the applicants.

John Bishop, civil engineer consultant for the applicant, spoke to performing a preliminary analysis on the drainage through the subdivision and found that the channel is an in-size channel and a 100 year storm would cause the flow to leave the channel and flow to the east. The proposal is to place a culvert under the road that will be larger and wider than the culvert under East End Road. This will minimize the backwater effects of this new culvert to less than six inches and the road itself is set at an elevation where there is free board over that 100 year storm and enough that they do not have overtopping at the 500 year storm. He noted that this did not add additional project costs and was believed to be reasonable. He noted energy dissipation and erosion features that they have been reviewing.

Katie Kirsis, with Seabright Surveying, stated that she was available to answer questions specifically related to the plat.

Chair Smith opened the floor to the Commission for questions.

Commissioner Highland requested clarification on the creek being moved, and the three drainages shown on the maps provided, inquiring how those would be handled.

Mr. Bishop responded that they would not be relocating the creek and that there was one main active channel that transfers water from north to south through the subdivision. There were small historic or local drainages to collect water from the stream where they start that are shown on the topo map.

Staff clarified that for the preliminary plat process, street lighting was not required in private developments.

Commissioner Barnwell questioned the applicant's statement that the project meets current code but it does not meet proposed code and requested that it be clarified.

Mr. Bloom stated he could not respond to the proposed code as he was not engaged in dealing with proposed code. He clarified that it complies with existing code.

Commissioner Highland questioned if the applicants have agreed to the recommendations that Public Works Director Keiser made in her report.

City Planner Abboud reviewed the recommendations in the AIR PC 23-021 as follows:

- As part of the development agreement, it is required including dedication and development of non-motorized transportations according to HCC 11.04.120. The Commission concurs that the requirement will be fulfilled by providing a separated pathway along the proposed Cantrell Creek Road and a trail between Lots 3 and 4 as part of the development agreement.
- The City of Homer does not object to the exception request to code as listed in the Staff Report
- Display approximate locations of low wet areas subject to inundation and areas subject to flooding or storm water overflow on the plat or additional sheet
- Display existing water and wastewater mains
- Correct the plat note #2 to state these lots are served by City of Homer Water and Sewer
- Dedicate a drainage easement encompassing 20' beyond the banks of Cantrell Creek as displayed on page (8), figure (8) on attachments to AIR PC 23-020 from Public Works Director.

Deputy City Clerk Krause requested a brief recess as her computer shut down for updates at 7:50 p.m. Chair Smith reconvened the meeting at 7:53p.m.

City Planner Abboud responded to the Commission's request for clarification on the proposed 40 foot drainage from center by providing a diagram of the proposed easement on the screen for everyone to view. Public Works Director Keiser stated that the diagram depicted projected coverage of flooding from the drainage with the dark blue indicating the active waterway and the green depicted what was being referred to as an erosion control buffer, which was what it was described as in the drainage management plan. She agreed with Chair Smith's comment that the likelihood of flooding on Lots 9 and 10 left them virtually unbuildable.

Further points made by the Commission and applicant regarding the plat were as follows:

- Plat depicted the 40 foot setback on each side of the creek channel from center
- Applicant agreed to 20 feet on each side of the creek from center, 40 feet in total
 - o There is no precedence to set 40 feet from center and if the City requires this, the applicant and property owner would fight the requirement since it is not outlined in city code.
- Start out with this and once they have the preliminary plat the applicant can reduce the number of lots but cannot increase the number of lots without additional public hearings
- The requirement for a performance guarantee is a policy one and will have to be promulgated through City Council as they are in control of that
- The pedestrian pathway is within the 60 foot right of way, a 60 foot wide road would not be developed in this subdivision.
- Clarified that the road heads south into the subdivision and then turns 90 degrees towards the east. A stop sign would be placed approximately at Lot 2 for incoming traffic, which would act as a traffic calming measure.

Commissioner Barnwell restated the following and requested confirmation from Mr. Bishop:

- Re-engineered the culverts to accommodate the 100 year storm flow
- Drainage easement has been widened to accommodate the channel

From an engineering and design perspective he believed these measures accommodates and conforms to city code and engineering design. So a 100 year storm flow is going to be taken care of with a 40 foot drainage easement and redesigned culverts.

Mr. Bishop responded by stating that the 40 foot easement is really a buffer to keep development away from the edges of the creek, particularly on the high side where the slopes are the steepest. On the low side, that 40 foot easement is more of keeping building out of the area of inundation, and the 40 foot easement may not follow the water service elevation upstream of the culvert and believed the 40 feet to be generous and he did not believe the supposed water coverage shown in the diagram were placed where the elevations of high water would be in 100 year storm, it does spread out toward the east and recommended caution about the diagrams that they are looking and everything is based on elevation.

Commissioner Barnwell commented on the history that was provided and mapping but the conundrum for the Commission is forcing what should be code on an applicant that is dealing with the current code. The applicant has modified their design to meet an engineering spec to the best that they can the concerns the Commission has about drainage and it is hard to deny what the Applicant is stating and he requested input from Public Works Director Keiser.

Public Works Director Keiser responded that the city's drainage management plan was adopted in February 1982 and was codified. This is existing code, not speculative, to leave them in a natural state, but if the City took these literally we would not have built a road across the drainage way because the developer would not be allowed to fill it. So what the City has been trying to do is come up with a reasonable accommodation that addresses the spirit and the intent of the drainage management plan with reasonable development of property. She further stated that a hydrology detail on the creek was not performed by the city in the same manner that Mr. Bishop has and she respects his opinion on where the water flows and how elevations effect that flow. Ms. Keiser further stated that if Mr. Bishop could assure the city that the 40 foot easement they have been discussing will contain the one hundred year flood with the bounds of that creek then she will accept it.

Mr. Bishop stated that the high water surface in a 100 year storm maybe an appropriate delineation of the 40 foot easement as opposed to the alignment of the in size or low flow channel.

Public Works Director Keiser stated that if they can map they she would be able to accept that and that potential issues on the development of those lots and development of the overall subdivision and the drainage management plan, but they can be addressed when the time comes.

Commissioner Stark stated he had no questions but did have some comments for discussion.

Commissioner Highland requested clarification on what the Commission would be voting on.

Deputy City Clerk Krause explained that the motion before the Commission was made at the February 15, 2023 meeting and read into the record by the Chair, referring the Commissioners to their Working Agenda. She stated that the Commission can vote it up or down as it stands or can amend the motion to include the new information and recommendations from the staff report AIR PC 23-021 that was provided at this meeting by the City Planner.

City Planner Abboud displayed the recommendations from AIR PC 23-021 for the Commission's use. He recommended that the Commission amend the drainage easement to concur with the conclusions of the applicant and Mr. Bishop, the engineer.

Discussion ensued on getting the language correct for the amendments to the recommendations and amending the recommendation. City Planner Abboud recommended the following language to amend recommendation number five in the staff report as, "Move to amend recommendation number five to dedicate a drainage easement that encompasses the 100 year flood plain as determined by a professional engineer." He further stated that they should adopt Staff Report 23-021.

Commissioner Stark commented that it appears that Public Works Director Keiser has worked with the applicant and gone to quite a bit a detail, and it appears the applicant has complied in good faith meeting the concerns. She has provided her recommendations and comments; the City Planner has incorporated those into his new staff report and recommendations. The Commission cannot reject the applicants request if they have complied with city code and in some cases, they have gone beyond the minimum requirements, and do so with any legal standing.

Commissioner Highland requested additional clarification on the language for addressing the drainage easement.

Public Works Director Keiser stated that for the benefit of the applicant that they should add, "approximately 40 feet wide" for the applicant's confidence.

HIGHLAND/BARNWELL MOVED TO AMEND THE MOTION TO INCLUDE STAFF REPORT 23-021 AND FURTHER AMEND COMMENT NUMBER FIVE TO READ, DEDICATE A DRAINAGE EASEMENT APPROXIMATELY 40 FEET WIDE THAT ENCOMPASSES THE 100 YEAR FLOOD PLAIN AS DETERMINED BY A PROFESSIONAL ENGINEER.

There was a brief comment that the applicant was willingly working with the Public Works Director and City Planner to address concerns.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith requested clarification on process to amending the main motion on the floor to address comment number two regarding the increased drainage area was to be forty feet from center.

City Planner Abboud recommended that they replace the comments with the new comments listed from AIR PC 23-021.

Chair Smith requested a motion and second to amend comment number two.

HIGHLAND/CONLEY MOVED TO AMEND THE COMMENTS TO REMOVE COMMENT NUMBER TWO, WHICH IS INCREASE DRAINAGE EASEMENT TO 40 FEET FROM CENTER OF DRAINAGE.

Discussion ensued on clarification to make sure the correct comments were included in the motion on the floor as amended. After a lengthy discussion it was determined that the Commission should vote down the amendment and then vote down the amended main motion that was reconsidered.

VOTE. (Amendment)YES. SMITH, HIGHLAND, CONLEY, STARK, BARNWELL, VENUTI.

Motion carried.

Commissioner Venuti called for a point of order regarding voting down a motion.

Deputy City Clerk Krause clarified that the Commission has the ability to vote down the amended main motion on the floor. She explained that this was the motion that was reconsidered and then postponed by the Commission.

City Planner Abboud responded to Commissioner Highland's concerns that the staff report 23-021 addressed the non-exception issue that was addressed in the original staff report 23-007

Commissioner Highland expressed some hesitancy on correctly reciting the motion as it was amended.

Deputy City Clerk Krause offered to read the motion as amended into the record as follows:
MOVED TO ADOPT STAFF REPORTS 23-007 AND 23-021 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH COMMENTS ONE THROUGH FIVE AS FOLLOWS:

1. THE CITY OF HOMER DOES NOT OBJECT TO REQUESTS FOR EXCEPTION TO CODE LISTED ON THE STAFF REPORT
2. DISPLAY APPROXIMATE LOCATIONS OF LOW WET AREAS SUBJECT TO INUNDATION AND AREAS SUBJECT TO FLOODING OR STORMWATER OVERFLOW ON PLAT OR ADDITIONAL SHEET
3. DISPLAY EXISTING WATER AND WASTE WATER MAINS.
4. CORRECT PLAT NUMBER TWO TO STATE, "THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER"
5. DEDICATED DRAINAGE EASEMENT APPROXIMATELY 40 FEET WIDE THAT ENCOMPASSES 100 YEAR FLOOD PLAIN AS DETERMINED BY PROFESSIONAL ENGINEER.

Chair Smith requested clarification on the amended main motion from the Clerk.

City Planner Abboud recommended that removing the reference to staff report 23-007 would remove any reference to the unwanted comments.

Deputy City Clerk Krause stated that the motion would need an amendment to remove the reference of Staff Report 23-007 from the motion.

Chair Smith requested an amendment to remove the reference to Staff Report AIR PC 23-007 from the main motion on the floor.

STARK/VENUTI MOVED TO REMOVE THE REFERENCE OF STAFF REPORT 23-007 FROM THE MOTION ON THE FLOOR.

There was no discussion.

VOTE. (Amendment). NON-OBJECTION. UNANIMOUS CONSENT.
Motion carried.

Chair Smith stated the motion before the Commission as amended.

MOVED TO ADOPT STAFF REPORT PC 23-021 WITH COMMENTS ONE THROUGH FIVE AS AMENDED.

There was a brief discussion regarding a second to the motion. Commissioner Barnwell seconded the motion.

VOTE. (Main) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith expressed his appreciation for everyone's assistance and perseverance in getting through this preliminary plat.

Public Works Director Keiser expressed her appreciation to the applicant and his professionals for their cooperation and dedication to helping find solutions. She really appreciated their professionalism. She noted that they are not far from where they originally started the public brought forward numerous concerns and taking the time to review and she could confidently state that the issues have been reviewed

in every which way and that the city has done the right thing and the Commission has made the correct determination.

11. NEW BUSINESS

12. INFORMATIONAL MATERIALS

- 12.A. City Manager's Report
CM Report for March 13, 2023

Chair Smith commented on the approximate 40 pages of information mostly related to budgetary matters which were very interesting.

13. COMMENTS OF THE AUDIENCE

14. COMMENTS OF THE STAFF

Deputy City Clerk Krause commented that it was a first time issue and very interesting experience.

City Planner Abboud expressed his thanks and that the meeting did not turn out as bad as he expected, regarding the motion and figuring out how to dispose of the previous staff report. He announced that there would be three weeks before the April 5th meeting and he will be in Philadelphia at the national APA conference. Julie Engbretsen would be staffing the next meeting.

Public Works Director Keiser thanked everyone for their patience and assistance working through the Forest Trails Subdivision Preliminary Plat. She then stated that they will be seeing a new standard in the way the city reviews these developments, particularly drainage issues. They were eye opening as she dove into the details of what can and cannot be done.

15. COMMENTS OF THE COMMISSION

Commissioner Highland joked about being paid since she was included under staff comments, then noted that it was an interesting meeting and glad to see that the city is dealing with the drainage issues even though it may cause some angst for some.

Commissioner Conley expressed his appreciation for the efforts of the Chair to guide the Commission through matters tonight. He expressed his opinion that it was very important to take a critical approach and consider details of how projects and development affects the city so the time expended tonight was worthwhile. He thanked the staff for their support to the Commission.

Commissioner Venuti concurred that it was an interesting meeting. He noted the joint worksession that Council will be having on April 3rd with the advisory bodies and encouraged the other Commissioners to attend as he will be unable to attend due to a scheduling conflict with a Borough Planning Commission meeting.

Commissioner Stark expressed his appreciation for the staff and their attention to detail and recognizing Public Works Director's efforts to work with the applicant on the Forest Trails Preliminary plat to find some

effective solutions and for the City Planner in evaluating all the materials to present recommendations to the Commission. He thanked Chair Smith for keeping the meeting functioning. Mr. Stark then expressed his appreciation to the Clerk, noting that what she does is not easy and trying to assist the Commissioners in understanding the stuff they are doing.

Commissioner Barnwell echoed the sentiments of Commissioner Conley regarding critical thinking that the Commission did tonight regarding development but acknowledged that it could not be done without the assistance from the Public Works Director. He then commented that as a “map person” he really appreciates the research and information provided. Mr. Barnwell expressed his appreciation to the reports from the City Planner and the detailed information that was included in the report. He then thanked Deputy City Clerk Krause for providing her guidance to the Commission on the motions and rules. Mr. Barnwell then expressed his belief that the Commission has a very good diverse bunch of people with a Chair that is really calm with a good head on his shoulders and can keep the Commission moving forward.

Chair Smith echoed the sentiments expressed by the other Commissioners regarding the efforts, guidance and knowledge of the staff, and expressed his appreciation for the applicant’s patience bearing with the Commission’s growth curve. He believed this action would assist the city develop more efficiently and the Commission be more effective. He related the experience of participating and attending the Kachemak Bay Traditional Games over the weekend with attendance by 350 children and then being notified that he was possibly exposed to COVID, explaining that was his reason for not attending the meeting in person tonight, but he advocated that the Commissioners should attend meetings in person and appreciated Commissioner Barnwell being the representative in Chambers tonight. He thanked Public Works Director Keiser for her informative presentation at the worksession as well.

16. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:40 p.m. The next Regular Meeting is Wednesday, April 5, 2023 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom webinar.



Renee Krause, MMC, Deputy City Clerk II

Approved: April 5, 2023