

## **1. CALL TO ORDER**

Session 23-08, a Regular Meeting of the Planning Commission was called to order by Vice Chair Roberta Highland at 6:55 p.m. on April 19, 2023 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar. The worksession was canceled by the City Planner. Technical difficulties with reception delayed the meeting start time.

**PRESENT:** COMMISSIONERS VENUTI, SMITH, HIGHLAND, STARK

**ABSENT:** COMMISSIONER BARNWELL, CONLEY, CHIAPPONE (EXCUSED)

**STAFF:** CITY PLANNER ABBOD, DEPUTY CITY CLERK KRAUSE

## **2. AGENDA APPROVAL**

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

VENUTI/STARK 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**

Gary Nelson, city resident, spoke to the preliminary plat under Pending Business, stated he was briefly confused on the process, and this was clarified by the City Planner that the Commission did not approve it. Mr. Nelson continued by reading an email response he received from Public Works Director Keiser as follows, "Hello Gary, Thanks for stopping by. You may represent to the Planning Commission that you met with me and we agreed that the City would accept a Subdivision Agreement specifying the service connections needed to be relocated when Lot 51-A is developed or undergoes further lot line adjustments. You may remind them the City now requires a bond to secure the performance of Subdivision Agreements. (See Ordinance 23-15 Amending HCC11.20.070) Regards, Jan"

Mr. Nelson reiterated that they have come to an agreement with the City and the Planning Commission can approve the subdivision as recommended by Staff as he understood it.

## **4. RECONSIDERATION**

## **5. CONSENT AGENDA**

- 5. A. Unapproved Meeting Minutes  
Regular Meeting Minutes for March 15, 2023

5. B. Time Extension Request

Right of Way Acquisition Sterling Highway Reconstruction Anchor Point to Baycrest Hill  
Preliminary Plat

5. C. Decisions and Findings

Conditional Use Permit (CUP) 23-02 at 3375 Sterling Hwy  
Conditional Use Permit (CUP) 23-03 at 1368 Lakeshore Dr.

Vice Chair Highland read the consent agenda into the record.

VENUTI/STARK MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

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 23-026

Vice Chair Highland introduced the topic and deferred to City Planner Abboud

City Planner Abboud provided a review of Staff Report PC 23-026. He provided additional details on the following:

- APA Conference in Philadelphia;
- Comprehensive Plan process and updates
- performance guarantees through bonding requirements
- Ordinance 23-21 was referred to the Planning Commission and will be on the next agenda. There is conflicting language regarding process and the public hearing date

City Planner Abboud responded to Commissioner Venuti regarding the language being written by a lay person and it needs the review of a professional to make sure the code that is adopted conforms to what is allowable and does not conflict with the Borough. The current language states that if the applicant does not do something the city is not forwarding the plat to the borough, which is not an option. He then stated that he has contacted Max Best for his input, but he will be out of town for a month.

City Planner Abboud explained that the preliminary plat is not the proper place for requiring an asbuilt for the engineering for infrastructure that has not been completed. There are processes to guarantee that the required infrastructure is completed. City Planner Abboud explained that is where the Public Works Director made the amendments to code to obtain those guarantees. It is the Public Works Director's responsibility to ensure that the requirements are included in the agreements for the development. He opined that the biggest phobia is that the ball is going to be dropped, but plans from thirty years ago did not have these requirements, such as sidewalks. A plat is not used to make sure that the infrastructure is in place. Planning assures that the required dedications are shown on the plat to accommodate those items. The performance is in the development agreement.

Commissioner Venuti questioned if the city will enforce this requirement.

City Planner Abboud reiterated that there will be guaranteed bond, and it's written into the agreement exactly what will be done. City Code states what the requirements are such as sidewalks, there are some items that could be a blanket requirement such as requiring paved roads and sidewalks in the CBD or urban residential, and this requirement could certainly be everywhere in the city but there is going to be some tradeoffs and everyone must understand the implications to do that.

Commissioner Venuti requested clarification that Public Works will be responsible for ensuring that the individual or developer has met the requirements of the bond.

City Planner Abboud responded that Public Works, as heard tonight, will include in the agreements the requirements outlined and the developer will provide the City a bond which gives assurance that the work will be done as prescribed in the agreement or the city will take over cash in the bond and make the improvements.

Commissioner Stark provided an outline on the typical process having plans reviewed, project inspections, etc., and acknowledged that the City was working towards having a building department, but that it is currently in the hands of Public Works.

Commissioner Smith expressed his apologies for the issues that were raised regarding the amendments proposed by Councilmembers Davis and Erickson. He referenced the issues that were brought about with the Forest Trails Subdivision preliminary plat with regards to allowing development in drainage way areas that in his opinion were unbuildable and questioned why they would even divide them in the manner that was shown on that preliminary plat.

City Planner Abboud responded that the surveyor explained there are some items that are unknown until you start getting into the project and clearing away but then it is determined that they will need to change the lot lines by reducing some lot sizes and enlarging others. He further commented on the desire to make amendments during proceedings and that applicants have a right to certain expectations and not have to worry about changes mid-process.

## **8. PUBLIC HEARING(S)**

## **9. PLAT CONSIDERATION(S)**

## **10. PENDING BUSINESS**

10. A. Bunnell's Subdivision 2023 Replat Preliminary Plat  
Memorandum 23-027 and Memorandum 23-025

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

City Planner Abboud stated that he was not going to review Staff report 23-025 again as he believed everyone was familiar with the contents. There was some questions on making certain improvements required by Public Works and Mr. Nelson read into the record earlier the response from Public Works Director which he believed provided a solution. He did not believe there were any additional points of contention on this action. Staff recommends that the Planning Commission approve the Preliminary Plat with comments one through five.

Hearing no further questions from the Commission, Vice Chair Highland requested a motion and second.

VENUTI/STARK MOVED TO ADOPT STAFF REPORTS PL 23-027 AND 23-025 AND RECOMMEND APPROVAL OF THE BUNNEL SUBDIVISION 2023 REPLAT PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. INCLUDE A PLAT NOTE STATING PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ONSITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.
2. DEDICATE A 15 FOOT DRAINAGE EASEMENT CENTERED ON THE CREEK IN LOT 51-A AND POSSIBLY THROUGH THE NORTHWEST CORNER OF LOT 54-A.
3. DEDICATE A 15 FOOT UTILITY EASEMENT FRONTING THE NEWLY DEDICATED SWATZELL STREET.
4. THERE CURRENTLY EXISTS A WATER & SEWER STUB OUT FOR LOT 51-A ON THE SOUTHEAST PROPERTY BOUNDARY, THESE SERVICES WILL NEED TO BE RELOCATED NORTH TO SERVE THE LOT DIRECTLY AND NOT VIA AN EASEMENT.
5. THE PROPERTY OWNER WILL NEED TO RELOCATE THE SERVICES PRIOR TO RECORDING THE PLAT OR ENTER INTO AN INSTALLATION AGREEMENT WITH THE CITY IN WHICH THEY WILL BOND THE COST OF RELOCATING THE SERVICES IN AN AGREED UPON TIME FRAME. THIS WILL ALLOW THE PLAT TO BE RECORDED PRIOR TO THE WORK BEING COMPLETED.

There was a brief discussion on the applicant speaking with Public Works and that resulted in the statement that was read into the record by Mr. Nelson. It was noted that this was a reasonable solution to the issue.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **11. NEW BUSINESS**

### **11. A. Public Comment Submittal Process and Timing - Memorandum 23-028**

Vice Chair Highland introduced the item and opened the floor to discussion by the Commission.

Commissioners expressed frustration over the limited time frame that they have to review materials provided in a supplemental packet distributed after 4:00 p.m. Some commissioners expressed that it was difficult to review all materials provided especially if it is extensive such as a recent packet containing over 55 pages of materials.

Staff provided feedback on being limited in the manner that items are submitted to the Commissioners. It is possible that Staff can submit individual documents or emails as they are received and then can submit those same documents in the supplemental packet. Staff explained that this did not stop the receipt or submittal of laydown materials up until and during meeting time.

After much discussion the Commission and staff agreed that items for the supplemental packet will be distributed as they are received, noting that this provides redundancy, but the Planning Department will forward to the Clerk for distribution, then will put them into a supplemental packet which will be distributed and posted. The Clerk reiterated that any items that were submitted at or during the meeting would be uploaded to meeting webpage after the fact as laydowns

11. B. Planning Commission Meeting Schedule - Memorandum 23-029

Vice Chair Highland introduced the item by reading of the title and invited City Planner Abboud to speak to the topic.

City Planner Abboud stated that he has broached this topic before and the Commission was not willing to support it at that time, but he was advocating the once a month meetings as it would allow staff the time to work on the details of items that interest the Commission or require more research to present to the Commission. Mr. Abboud addressed concerns regarding timely action from the Commission on plats or conditional use permits stating that additional meetings can be schedule if required and as the memorandum showed most of the Communities held planning commission meetings on a monthly schedule. He further noted that meeting twice a month puts a burden on the planning staff and even the Clerk to prepare for the meeting from getting information, research, draft documents, memorandums and the minutes all completed and then produce a packet, adding that it comprises a majority of his workload. If the meetings were reduced he would be able to expend time on items such as code amendments, enforcement, updates to various plans, etc. He further noted that reduction of meetings will require the Commission being efficient conducting meetings by limiting discussion and comments on agenda items. There are times that the Commission entertains discussion not germane to the agenda item and that would not be allowed.

Vice Chair Highland requested a motion and second before opening the floor to discussion by the Commission.

VENUTI/STARK MOVED TO AMEND THE PLANNING COMMISSION REGULAR MEETING SCHEDULE TO ONCE PER MONTH ON THE (DAY TO BE DETERMINED) WEDNESDAY WITH A WORKSESSION PRIOR TO THE REGULAR MEETING AND SCHEDULE SPECIAL MEETINGS AS NEEDED.

Discussion ensued on the following points:

- Planning Department needs additional staff
- Amending the meeting time to 5:30 p.m. to allow for more agenda items
- Still having worksessions which would be more valuable since there would be fewer meetings
- preference to continue discussion when all commissioners are present
- Homer is in crisis with public opinion that the city is growing too fast for the Planning Department or Commission to adequately guide the growth and maybe this is not the best time to reduce meetings

VENUTI/STARK MOVED TO POSTPONE DISCUSSION TO THE MAY 3, 2023 MEETING TO HAVE A FULL COMMISSION PRESENT.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**12. INFORMATIONAL MATERIALS**

12.A. City Manager's Report  
CM Report for March 28, 2023

Vice Chair Highland commented that the newsletter was very well done and appreciated it being included in the packet. She then encouraged the Commissioners to attend the planned Guiding Growth Community meeting on Saturday, April 29, 2023. This will be from 4:00 pm to 5:30 pm and should be interesting. Ms. Highland commented on the Harbor Expansion project and there was to be planned scoping meetings for the public and that it was to come to the Planning Commission also for input so there will be some new homework for the Commission to look at.

**13. COMMENTS OF THE AUDIENCE**

**14. COMMENTS OF THE STAFF**

Deputy City Clerk Krause stated he was glad that it worked out to have Commissioner Smith attend via conference call and he was able to be heard and participate in the discussion.

City Planner Abboud announced he would be leaving the City of Homer and moving to the east coast. His last meeting will be on May 3<sup>rd</sup> and his last day with the City is May 12, 2023. Ryan Foster will be the interim City Planner. He was the City Planner for Kenai and has been one of the Special Projects Coordinators for the City, and he likes it here.

**15. COMMENTS OF THE COMMISSION**

Commissioner Smith expressed his apologies for the technological issues connecting, but he found out that you cannot have two things going at the same time, so he kept getting booted off. He expressed his appreciation to the Clerk for her ability in getting him connected. He then commented in response to the City Planner's announcement that he understands how difficult it is to make decisions to leave a place but when you are caring for loved ones it is a no-brainer, but he actually knows the area where the City Planner is relocating and agreed that it is a very convenient place and believed that Mr. Abboud will enjoy living there. Commissioner Smith then expressed his apologies for the issues regarding preliminary plat and that proposed ordinance as he was approached by Councilmembers Davis and Erickson. It was intended to be a memo but then submitted and ordinance. He noted that it was shut down pretty quick. He apologized again for stepping outside the proper channels but knows better now. Mr. Smith expressed his appreciation for City Planner Abboud assistance and direction and professionalism over the last five years he has been on the Commission and hoped recent events have not caused him duress.

Commissioner Stark commented that in spite of the technical difficulties they pulled off a great meeting and was glad that Commissioner Smith was able to connect and attend the meeting. He congratulated the City Planner and acknowledged that life changes and glad things came together for him, wished him all the best.

Commissioner Venuti voiced that the announcement was an interesting development, noting he has worked with the City Planner for 13 years, who has taught him a tremendous amount on how the City is operated and ran. He expressed his thanks for that and wished him the best of luck, however noted that where the City Planner was relocating to there was no red salmon. In fact that reminded him of a book title

that is fitting, So long and thanks for all the fish. Commissioner Venuti wished City Planner Abboud good luck.

Commissioner Highland expressed her shock and surprise at hearing the City Planner's news and wished him and his family the best. She noted that he has been the City Planner for most of her service on the Commission, over 13 years, and he has taught her just about everything she knows about planning. Interesting, just interesting times. She expressed her appreciation for Commissioner Smith and the Clerk on getting connected so they could meet tonight as there were a few important things to get done, thank you again for your persistence.

#### 16. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:36 p.m. The next Regular Meeting is Wednesday, May 3, 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: 