

1. CALL TO ORDER

Session 23-11, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on June 7, 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 at 5:30 p.m. On the agenda was a presentation on the Flood Insurance Program by Harmony Curtis, Alaska NFIP Coordinator.

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

ABSENT: COMMISSIONER CONLEY, BARNWELL (EXCUSED)

STAFF: ACTING CITY PLANNER FOSTER, DEPUTY CITY CLERK KRAUSE

2. AGENDA APPROVAL

HIGHLAND/VENUTI MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

3. PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA The public may speak to the Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

4. RECONSIDERATION

5. CONSENT AGENDA All items on the consent agenda are considered routine and non- controversial by the Planning Commission and are approved in one motion. If a separate discussion is desired on an item, a Commissioner may request that item be removed from the Consent Agenda and placed on the Regular Agenda under New Business. No Motion is necessary

- 5. A. PC Meeting Minutes
Unapproved Regular Meeting Minutes of May 17, 2023

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

6. PRESENTATIONS / VISITORS

7. REPORTS

7. A. Staff Report 23-34, City Planner's Report

Acting City Planner Foster provided a report on the following items:

- Approval of the Biennial Operating Budget FY23-FY25
- Capital Budget is on the June 12th Council agenda for approval
- Resolution 23-051 was postponed until the August 14th Council meeting this was remanded back to the Commission for more consideration.
 - o This item will be on the next meeting agenda and the Planning Department will provide examples of the various permitting processes to show how it will work with a once per month meeting schedule.
 - o There were public comments that brought forward some concerns and Council wanted the Commission to address those concerns.
- Transportation Plan Status Update
- Housing Report at the next Commission worksession meeting.
 - o 10 minute presentation will be provided at the upcoming Council meeting
- There will be two plat considerations on the next meeting agenda

There were no volunteers to report to Council and the Chair will submit a written report.

Commissioner Highland commented in a recent visit to the Eric Lane area of Homer and expressed concerns regarding drainage. She also noted previous and current staffing levels for the Planning Department.

8. PUBLIC HEARINGS

8. A. Staff Report 23-035, Conditional Use Permit (CUP) 23-06 per HCC 21.12.030(m) more than one building containing a permitted principle use on a lot.

Chair Smith introduced the item and deferred to Acting City Planner Foster.

Acting City Planner Foster reviewed Staff Report 23-035 for the Commission. He noted the following:

- Location of project and surrounding area
 - o Existing land uses
- Size of property and number of proposed buildings
- parking requirements
- regulations regarding the proposed project in the rural residential district
- Applicant will be required to work with Public Works and Alaska DEC to design and install a community sewer system
 - o Public Works requires the applicant to dig a test pit to investigate the soils and design leach field
 - o Applicant will be required to have a State of Alaska DEC engineered design for community sewer and submit with Zoning Permit application
 - o Public Works Director will review the design as part of the Zoning Permit Approval process.

- Outdoor lighting is to be downlit per HCC 21.59.030 and the Community Design Manual
Chair Smith invited the applicant if present to speak to the Commission.

John Garvey, applicant, commented on the proposed project stating that he has been working with Planning Department personnel and plans to follow all rules. He explained that they do not plan on removing any trees unless necessary, have hired an engineer for the septic systems already and dug test holes, noting that they had pretty good ground, driveway approach is existing with a culvert and is larger than initially thought so as far as traffic onto the Sterling Highway, it will not be affected much if at all. Mr. Garvey noted that he had with him his nephew, Mr. Josh Garvey and his neighbor, owner of the Alaska Suites, Mr. Thatcher. He has spoken with multiple people with the city regarding his project, including Mr. Foster and Ms. Keiser at Public Works.

Chair Smith opened the public hearing. He confirmed with the Clerk if there were members of the public on Zoom wishing to provide testimony. There were none. Chair Smith invited members of the audience present in Chambers to provide testimony.

Josh Garvey, city resident, testified on behalf of his uncle noting his professionalism, sincerity, and integrity as well as his experience working for native corporations on construction projects of high scale development. He stated that he held his Uncle in the highest regard and trust that he would develop this project as he has done throughout his career in rural Alaska. As a bonus this project will provide additional residential properties for the community.

Chair Smith seeing no further public testimony closed the public hearing and opened the floor to questions from the Commission.

Acting City Planner Foster facilitated questions and responses on the following topics:

- Pages 23-24 in the packet depicted the western dwelling 42 feet 4 inches feet from the top of bluff and he believed that a few years ago that was amended to 60 feet and wanted to know how that would be corrected. It was also noted that the septic system would also be required to be 60 feet from the top of the coastal bluff.
 - o The code requirement was cited and could be addressed during the Zoning Permit application or as a Condition of the CUP.
- The septic appears to look as if it is uphill from the buildings
 - o The septic system is approximately 4-6 feet lower than the area where the proposed buildings are to be placed.

Chair Smith asked if Commissioner Venuti would like to make an amendment to address his concerns regarding the bluff.

Commissioner Highland clarified that they typically make a motion then make an amendment and as a matter of process they normally include the findings one through 10 and the listed conditions which was missing.

Deputy City Clerk Krause explained that was correct and apologized for the oversight but she experienced many interruptions when she was drafting the document.

Mr. Foster provided the city code related to the setback requirements, HCC 21.44.030 slope development standards and reiterated that this was a requirement that would be reviewed during the zoning permit application process. He further noted that a conditional use permit focus is on the review of the proposed use and ensuring that it is a good fit for the property in this particular zoning district.

Mayor Castner commented on the access for a fire truck and if there would be enough space to turn the fire truck around.

Mr. Garvey, responded that there would be enough room to turn a fire truck around which includes the driveway area and leach field both of which are level plane areas. In fact there will be room for several fire trucks if needed.

HIGHLAND/STARK MOVED TO ADOPT STAFF REPORT 23-035 AND RECOMMEND APPROVAL OF CUP 23-06 TO CONSTRUCT MORE THAN ONE BUILDING CONTAINING A PERMITTED PRINCIPLE USE ON A LOT WITH FINDINGS ONE THROUGH TEN AND CONDITIONS ONE AND TWO AS FOLLOWS:

CONDITION 1: INSTALL APPROVED COMMUNITY WATER AND SEWER SERVICE TO THE STRUCTURES

CONDITION 2: OUTDOOR LIGHTING MUST BE DOWNLIT OER HCC 21.59.030 AND THE CDM

Commissioner Venuti questioned why the change that the Commission made three years prior was not on the books. He noted that they went over this issue at two prior meetings. The Commission established that anything west of West Hill Road up to top was a 60 foot setback. He could not support the approval of the CUP without confirmation on the setback requirement.

Mr. Foster assured the Commission that Planning would review the section of code and ensure that it reflects the correct information. He then further stated for the record, reading from code: that no structure may be closer to the top of ravine, street, slope or bluff than the lesser of: a. 40 feet; or b. one third of the height of the bluff or steep slope but not less than 15 feet. He stated that it would be confirmed in the Zoning Permit process.

Commissioner Highland recalled the Commission amending that section but did not recall the specifics or time period but did note that the Commission had an extensive discussion on the topic. She expressed some concerns that things did not get updated as they should.

Commissioner Stark expressed his satisfaction on the processes that both the Planning Department and Public Works conducted with the Zoning Permit application.

Chair Smith agreed with Commissioner Stark.

Acting City Planner Foster explained that the Planning Department will review code and he only saw the setback of 60 feet from the coastal edge and this did not qualify, he reiterated the process for the Zoning Permit Application included details of the Site plan which was not included in the CUP process.

Chair Smith requested the Clerk to perform a roll call vote.

VOTE: YES. CHIAPPONE, HIGHLAND, STARK, SMITH

VOTE. NO. VENUTI

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

NEW BUSINESS

INFORMATIONAL MATERIALS

12. A. City Manager's Report for May 22, 2023

Chair Smith express his congratulations to Todd Cook.

COMMENTS OF THE AUDIENCE Members of the audience may address the Commission on any subject. (3 min limit)

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION/MAYOR

Mayor Castner repeated his comment from the worksession for the benefit of the members in the audience that Council is bringing forward an ordinance to amend the number of units that would be allowed on any particular lot without a conditional use permit attached to it and it will be remanded to this Commission and then up for second hearing at the end of July.

Commissioner Highland commented that it was a nice short meeting and then expressed some confusion on the CUP process and is more comfortable when everything is according to our zoning so will look forward to some feedback on further investigation of the top of the bluff.

Commissioner Stark commented that if something was missing regarding the 60 foot versus the 40 foot that would be a separate matter and the Commission would have to fix the CUP. It is a valid concern and should be clarified for the Commission. He expressed that the CUP process was pretty typical as long as he has been on the Commission and usually how it goes, and who knows when Jan at Public Works gets involved she may think otherwise and state that the leach field is not going to work based on the topography, there are a lot of details and steps before everything is finalized. Thank you and have a great week.

Commissioner Venuti had no additional comments.

Commissioner Chiappone thanked Mr. Garvey for doing a good job in meeting the requirements for his project, he then announced that this meeting would be his last as he has decided not to reapply for another term on the Commission and he will be absent from the June 21st meeting. He expressed his appreciation for being allowed the opportunity to serve for the past year, noting that everyone was very helpful.

Chair Smith thanked Commissioner Chiappone for serving the community as well as he has and for his time. Chair Smith thanked Mr. Foster for his thorough evaluation of the application and that it was nice to have members of the public present to listen and view the process. He thanked everyone for coming to the meeting tonight.

ADJOURNMENT

There being no further business to come before the Commission Chair Smith adjourned the meeting at 7:12 p.m. The next Regular Meeting is Wednesday, June 21, 2023 at 6:30 p.m. A Worksession is scheduled for 5:30 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.



RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

Approved: 