

## 1. CALL TO ORDER

Session 23-13, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on August 2, 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 discussion on Ordinance 23-40. A prior joint worksession was conducted on July 19, 2023 6:00 p.m. to 9:40 p.m. with the Economic Development Advisory Commission.

**PRESENT:** COMMISSIONERS HIGHLAND, BARNWELL, SMITH, STARK, VENUTI AND SCHNEIDER

**ABSENT:** COMMISSIONER CONLEY (UNEXCUSED)

**STAFF:** CITY PLANNER FOSTER, DEPUTY CITY CLERK KRAUSE, SPECIAL PROJECTS & COMMUNICATIONS COORDINATOR CARROLL

**COUNCIL:** MAYOR CASTNER

## 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 June 21, 2023

HIGHLAND 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 23-36, City Planner's Report**

Acting City Planner Foster reviewed Staff Report 23-36 providing summary reports on Council action since the last Planning Commission meeting. He remarked on the specific items addressing the following items:

- Ordinance 23-40, Amending Title 21 regarding Conditional Use Permits in all Zoning Districts for more than one
- Resolution 23-60, Awarding a Task Order to Kinney Engineering to Conduct a Traffic Impact Analysis for the Homer Spit.
- Further Clarified the definition of Bluff and Coastal Edge Setbacks with regard to development pointing out that a recent action before the Commission that was in question was more than 300 feet from the mean high water line of the bay so the 40 foot setback was within the setback guidelines.
- There were no volunteers for the Council report on June 26<sup>th</sup> so the Chair will submit a written report.

Commissioner Venuti commented on the actions previously taken by the Commission and their intent for protection of the bluff setting the setback minimums. He referenced some previous incidents with erosion and a house sliding off the bluff and believed that further clarification and definition should be done so that it is more specific. He requested this item to be on a future worksession agenda to address further refining the language in city code.

Mayor Castner remarked that the issue was unique to Alaska as most coastal community areas in the United States have a coastal Zone Management Plan. These definitions are carried within the Coastal Zone Management Plan so they are uniform throughout the state whether it is a rock bound coast of Maine or something in Cape Cod. Coastal Zone Management Plans are quite adaptable but very rigorous. In Alaska this management plan is not subscribed to so it is difficult to find an easy ordinance for referral.

Commissioner Highland echoed the sentiments to having a worksession on the topic.

## **8. PUBLIC HEARINGS**

### **9. PLAT CONSIDERATION**

#### **9. A. Staff Report 23-37, Cooper Subdivision 2023 Replat**

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

Acting City Planner Foster reviewed Staff Report 23-37 for the Commission. He specifically addressed the following:

- Additional water and sewer easements were not required.

Chair Smith confirmed with the Clerk that the Applicant was not present.

Chair Smith opened the public comment period and upon confirmation from the Clerk that there were no attendees by Zoom and noting there were no members of the public in Council Chambers, he closed the public comment period and opened the floor to questions from the Commission.

Acting City Planner Foster facilitated discussion on the following:

- Clarification on the drawing depicting a 10 foot utility easement on the western property border and a 15 foot utility easement on the eastern property boundary

Chair Smith requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 23-37 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO DIVIDE ONE LARGER LOT INTO TWO SMALLER LOTS WITH NO ADDITIONAL COMMENTS.

There was no additional discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

9. B. Staff Report 23-38, W.R. Bell Subdivision 2023 Addition

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

Acting City Planner Foster reviewed Staff Report 23-38 for the Commission. He noted the following:

- The requested second drainage easement along the significant grade changes shown on along the property boundary, noting the area where the lot would naturally drain.
- Public Works reported that a development agreement was not required for this action.

Chair Smith opened the public comment period and upon confirmation from the Clerk that there were no attendees by Zoom and noting there were no members of the public in Council Chambers, he closed the public comment period and opened the floor to questions from the Commission.

Acting City Planner Foster facilitated discussion and responses to the following:

- No wetlands depicted even though there are drainages
- Lots are pretty steep and the percentages are not indicated on the plat
- Two drainages addressed but it appeared in one map that there might be a third drainage
- acknowledged the challenges with development and the variable topography of the two lots
- Development challenges would be addressed if and when a zoning permit application was submitted

HIGHLAND/CONLEY MOVED TO ADOPT STAFF REPORT 23-38 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO DIVIDE ONE LARGE LOT INTO TWO SMALLER LOTS WITH THE FOLLOWING COMMENTS:

1. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS.CHECK WITH HOMER PLANNING DEPARTMENT PRIOR TO ANY DEVELOPMENT ACTIVITIES.
2. THE CITY REQUESTS A 40 FOOT DRAINAGE EASEMENT CENTERED ON THE DRAINAGE AS DEPICTED ON THE PLAT IN THE CENTER OF THE SUBDIVISION.
3. THE CITY REQUESTS A 40 FOOT DRAINAGE EASEMENT CENTERED IN THE DRAINAGE ADJACENT TO THE EASTERN LOT BOUNDARY. THE DRAINAGE IS DEPICTED ON THE ATTACHED MAP OF REQUESTED DRAINAGE (page 39 of 64)

There was no additional discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **10. PENDING BUSINESS**

### **11. NEW BUSINESS**

11. A. Ordinance 23-40, Amending Homer City Code Sections 21.12, Rural Residential District; 21.14 Urban Residential District; 21.18 Central Business District; 21.24 General Commercial 1 District; 21.26 General Commercial 2 District Regarding Conditional Uses in each District

Memorandum PC 23-39 from Acting City Planner as backup

Chair Smith introduced the topic by reading of the title and deferred to Acting City Planner Foster.

Acting City Planner Foster reviewed Memorandum PC 23-39 for the Commission. He noted that a Joint Worksession was scheduled with the Economic Development Commission on July 19<sup>th</sup> at 5:30 p.m. and that there would be one more opportunity for a worksession, on August 2, 2023, if the Commission feels that they need additional discussion at the Worksession. He provided the action timeline to address the amendments to the conditional use permit requirement in each district.

Chair Smith recognized Mayor Castner's attendance at the meeting and asked if he wanted to speak to this topic.

Mayor Castner stated that he was available to answer any questions noting that his name was on the ordinance as well.

Chair Smith opened the floor to comments or questions from the Commission.

Commissioner Highland expressed that she was always uncomfortable with the changes to allowing the four residential units and heard people in the community express concerns about that so she was glad it was brought back in front of the Commission to discuss and maybe change their decision that was made on that issue.

Commissioner Venuti stated that Mayor Castner brought this ordinance forward along with Council member Lord and commented that at a glance it does appear to be completely anti-conditional use permit and questioned what his concerns were with Conditional Use Permits.

Mayor Castner stated he was trying to achieve, through his urging of development of findings, things that did not require a conditional use permit and making them an allowable use. It was to pick out things that were ordinarily going to be just granted and anything that was not going to be granted, required a conditional use permit with conditions, if you issue a CUP there should be a condition attached to the conditional use permit because the applicant is asking for permission to do something that is not otherwise allowed. The four unit issue was something that he never thought of as a regular sort of action to grant without having a CUP. He continued stating that if you ask for a second dwelling or building, you go through the process and you increase the setback for the second building or something like that, but the four buildings just did not seem to fit, in his opinion. He expressed his opinion on this when the issue was presented to the Commission the first time. Mayor Castner further commented that he believed the conditional use permit process was very handy and provides the ability to create conditions that are totally unique for the lot and for the circumstance.

Chair Smith confirmed that there were no additional questions from the Commission, and offered the floor to the Mayor for additional comments.

Mayor Castner expressed his belief that Council was feeling a bit frustrated on being stuck on certain topics and not achieving desired outcomes. He believed that Council was split with some members thinking that a new Comprehensive Plan was going to solve all the issues and then some members thinking that issues will not be resolved until new code is created. It is reactionary. Mayor Castner agreed that it was not the best planning method, and cited again the frustration of Council now on just how much time is being used without much in the way of progress on cleaning up code, especially when it comes to platting and such. He believed that what was attempted by the Commission in cleaning up conditional use permits was really good, with the exception of the one item being addressed. He commented there was plenty of time for the Commission to work through it.

11. B. Resolution 23-51, A Resolution of the City Council of Homer, Alaska, Amending the Regular Meeting Scheduled for the Planning Commission.

Memorandum PC 23-40 from Acting City Planner as backup

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

Acting City Planner Foster reviewed Memorandum PC 23-40 for the Commission stating the recommendations from the Planning Department, elaborating on the analysis that staff could bring forward comparing one meeting versus two meetings on how staff would address work items. he noted that as Staff liaison he is here to facilitate the role of the Commission in reviewing and processing the applications that come before the Commission especially those that require public hearings and quasi-judicial decisions. It is the Commission's decision on whatever schedule that is needed to address the work of the city.

Discussion was facilitated on the following topics:

- Keeping the meeting schedule as is and canceling meetings as needed.

- Moving to once a month meetings would require the Commission to be more conscious of deliberate discussion and not straying off topic.
- Required time limits to review and approve or recommend specific actions and not addressing Borough related items would result in automatic approvals and having enough meetings to complete the required work.
- The Commission will be driving the bus when it comes to a Comprehensive Plan
- Having more worksessions to discuss topics that may require more in-depth consideration such as the issues that are coming forward and not being railroaded into a specific agenda.
- Canceling meetings in the months that are typically slow such as January and February
  - o Review this possibility when the Commission approves the 2024 meeting schedule in October
- Planning Department needing additional staff and requesting or submitting recommendation to Council
- How to improve the efficiency of the Planning department to produce what the Commission requires.
  - o Bi Weekly meetings compresses the time it requires to draft and write a thorough report on action items or discussion items between meetings and sometimes does not provide enough time required.
  - o Planning Staff pays attention to the requirements and deadlines and with complex applications Staff does address the issues that will come about with those projects.
  - o Capacity to address four action items per meeting, the more applications received the less likely that the Staff will be efficiently providing the appropriate and thorough review.
- if the Commission reduces meetings to once per month that would require working into the meeting timelines to allow sufficient review of meeting materials as well. Meetings could actually end up being longer in order to fully address a subject.
  - o Some topics would require more than one meeting
- The Comprehensive Plan is required to be updated every ten years and they did an update in 2018 so they do not really need to update the Comprehensive Plan.
  - o The 2018 Update was actually a technical review and not an update.
- Recommendation to Council to hire a third person, if temporary, for a specific time period such as one or two years in order to complete tasks that were presented as reasons to support the hiring of additional personnel, even temporarily.
- Shifting work from the Planning Staff to the Applicant
  - o Preference to have the applicant sign the bottom of a checklist and have the city review rather than Planning Staff waste valuable time
- The Commission required Asbuilts be submitted on completed projects and staff has very little time for enforcement and question was posed on where the department was in making sure the City received those asbuilts.
  - o All planning staff is aware of the requirement and the asbuilts have been coming in, consideration has to be given that projects are 18 months out and they can be extended for one year.
  - o It is easy now with the software that has been implemented to review and search very quickly who is out of compliance.
  - o Digitally there are currently 23 asbuilts available, Planning Staff will follow up on this topic for the next regular meeting.

- Establishing priorities
- It is not the Commission's role to analyze all the applicants
- Status of the Comprehensive Plan funding and the Title 21 re-write
  - o Should the Commission start reviewing the Comprehensive Plan and Title 21 rewrite
  - o Funding is there but what was needed was benchmarks

VENUTI/HIGHLAND MOVED TO RECOMMEND THE PLANNING COMMISSION WITHDRAW THE REQUEST TO CHANGE THE MEETING SCHEDULE AND FORWARD THE RECOMMENDATION TO CITY COUNCIL.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **12. INFORMATIONAL MATERIALS**

12. A. City Manager's Report for June 12, 2023

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

## **14. COMMENTS OF THE STAFF**

## **15. COMMENTS OF THE MAYOR/COUNCIL MEMBERS**

Mayor Castner reported on an Ordinance that was referred to the Planning Department regarding Title 22 and platting and it was never brought forward for the consideration of the Planning Commission. This will be on the Council agenda on Monday, June 26<sup>th</sup> because the time period has elapsed and he will recommend that it be further postponed since he did not believe that it could be approved by Council since the Planning Commission has not reviewed it and they have not held the required Public Hearing. He then cited some issues with the Borough having the final say so and he expressed hope that it fulfilled the Commissioners questions.

Commissioner Venuti stated that they update the Comp Plan every 10 years, so if other entities get involved are they still going to update this Comp Plan?

Mayor Castner is not opposed to spending planning money and having the consultant whom has written just about every comp plan in the state, if they are improving the harbor then it seems that the Spit Comp Plan should be addressed.

## **16. COMMENTS OF THE COMMISSION**

Commissioner Stark expressed his appreciation of the Mayor's and Commissioner's comments. He noted that there are a lot of things to do and very limited resources like many things in life and businesses, it is

just figuring it all out, determining which the biggest challenge is and what is beneficial to the City of Homer.

Commissioner Venuti commented that it was an interesting meeting and expressed that he does not understand why they celebrate Solstice because after today the days are going to get shorter. Thank you all for serving tonight.

Chair Smith expressed his appreciation for a great meeting, and that he appreciates the Mayor attending the meetings. He then recognized the Clerk, stating that the public did not realize how fast she was typing and had to hand it to her as she is brilliant at what she does over there at the Clerk's desk, calmly, just cruising right along and is absolutely ingenious. He tipped his hat to her.

#### **17. ADJOURNMENT**

There being no further business Chair Smith adjourned the meeting at 7:57 p.m. The next Regular Meeting on Wednesday, July 19, 2023 at 6:30 p.m. was canceled and a Joint Worksession with the Economic Development Advisory Commission is scheduled for 6:00 p.m. to 8:00 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.

*Renée Krause*

RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

Approved: *August 2, 2023*