

1. CALL TO ORDER

Session 23-15, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on September 6, 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 discussion on Ordinance 23-21(S)(A) recommendations to City Council. Commissioner Barnwell had an excused absent from the Worksession.

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

STAFF: CITY PLANNER FOSTER, DEPUTY CITY CLERK KRAUSE, PUBLIC WORKS DIRECTOR KEISER

2. AGENDA APPROVAL

Chair Smith read the Supplemental Items into the record Pending Business, Item A. Ordinance 23-21(S)(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Section 22.10.050 to Specify that Preliminary Plats Approved by the City Shall Include All Development Commitments Made to the City. Memorandum from Public Works Director dated August 7, 2023 updated September 6, 2023 and Informational Items, Add Item F. Memorandum from City Planner re: Comprehensive Plan Update and Title 21 Rewrite, Draft resolution Awarding the Contract to Agnew Beck and request for Proposals packet and Request for Qualifications Packet for Comprehensive Plan Update and Title 21 Rewrite. May I have a motion and second to approve the agenda as amended.

HIGHLAND/BARNWELL 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 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

A. Unapproved Regular Meeting Minutes of August 16, 2023

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

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

6. PRESENTATIONS / VISITORS

7. REPORTS

A. Staff Report 23-052, City Planner's Report

City Planner Foster reviewed Memorandum PC 23-052 for the Commission. He spoke to the following items:

- He provided a link to Title 21 regarding enforcement of code in response to Commissioner Venuti's questions at the last meeting stating that it was prudent to provide a link because the section of code was quite lengthy. He informed the Commission that code enforcement is complaint driven and planning staff will review the complaint received and visit the location. If a review of the permits related to the location, if any, determines that there is non-compliance the property owner will be contacted.
- The Draft Transportation Plan was available online and he does have paper copies which he will put a copy for each Commissioner out in the cabinet located outside the lower lobby entrance for the Commissioner's to pick up at their convenience. Comments from the public are due by October 10th and the Commissioners were strongly encouraged to attend the Open House scheduled for September 26th. Mr. Foster noted that after Public review the draft would come before the Commission for their comments during a worksession which will be forwarded to Council.
 - o In response to concerns regarding a quorum of Commissioners attending the Clerk noted that attendance by the members of the Commission would be included in the weekly Homer News Meeting Notice advertisement.
- The September 20th Planning Commission meeting has been canceled as he will be at the Annual Planning Conference in Anchorage that week.
 - o City Planner Foster responded that currently there are no trainings being offered for Commissioners by the Alaska Planners Association like they once did prior to COVID. There was some discussion about conducting online seminars/training sessions but nothing has been formulated at this time.
- City Planner Foster responded that if the Commission would like a worksession on Bluff Setbacks he could certainly schedule a worksession, if the Commission would like to submit some specifics for discussion and when the Commission would like to target to have a worksession that it would be helpful.

Chair Smith noted that he will provide a written report for the Council meeting but requested a volunteer to provide the report to Council in person or via Zoom. There were no volunteers for the next meeting.

8. PUBLIC HEARINGS

9. PLAT CONSIDERATION

10. PENDING BUSINESS

A. Ordinance 23-21(S)(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Section 22.10.050 to Specify that Preliminary Plats Approved by the City Shall Include All Development Commitments Made to the City. Davis/Erickson. Introduced and Referred to Planning Commission April 10, 2023 Public Hearing August 28, 2023 Remanded Back to Planning Commission for Continued Review Postponed Public Hearing and Second Reading September 25, 2023.

1. Memorandum PC 23-053 from City Planner as backup.
 - i. Agenda Item Report CC-23-092 Ordinance 23-21 dated April 10, 2023
 - ii. Memorandum from Public Works Director dated August 7, 2023 as backup
 - iii. Memorandum dated August 9, 2023 from Public Works Director as backup (provided as laydown at the August 16, 2023 Regular Meeting)
 - iv. City of Homer Subdivision Development Process

Chair Smith introduced the item by reading of the title and then deferred to City Planner Foster to provide his formal report.

City Planner Foster provided a summary review of the actions concerning this topic and referred to his memorandum regarding the key findings from the previous meeting and recommended comments plus additional recommendations that came out of the worksession held prior to this meeting. He also stated that he did have some language changes as well.

Chair Smith would like to bring forward the language that Public Works Director Keiser suggested to bring the recommendations back to City Council.

Deputy City Clerk Krause read into the record a synopsis of the statement that was said at the worksession as follows:

"Thank the council for bringing forth the issue as it has been beneficial to that effect and would like to recommend that nothing further be done with the ordinance at this time to allow staff to work"

Public Works Director Keiser stated that as a summary of what she stated it was good but it should be embroidered with some language to tie in the recommendations; specifically those shown on page 23 of the packet, to highlight the actual actions that will be undertaken. She expressed her belief that it will assist the Council to understand the next steps if they are told number one some of the discussion has taken place and the depth and breadth of it is important and beneficial and number two, there is some work that needs to be done and here are the specific items that will be undertaken and the Commission is asking their leave to do that work before they move forward on this ordinance.

Chair Smith express his appreciation for the clarification from Public Works Director Keiser as it provided a foundation as to why the Commission is responding the way that they did.

Commissioner Highland expressed some concerns that if the Commission does not approve and submit their recommendations to City Council that they will approve the ordinance as it is written.

Chair Smith assured Commissioner Highland that they can address that aspect in their recommendations to City Council.

Commissioner Stark expressed his views on including Public Works Director Keiser's more elaborate statement where she highlighted the stimulation of discussion, legislative analysis and how everything is done, as a result, the City Planners recommendations and that the Commission requests City Council to adopt those and further request that they withdraw their ordinance since the ordinance would be unnecessary as a result.

City Planner Foster suggested that the Commission address the draft comments, shown on page 23 of the packet, with some minor wordsmithing by motion.

A brief discussion ensued on how best to address the comments and with advice from the Clerk the Commission agreed to formulate motions for each comment.

City Planner Foster read the first recommendation:

HIGHLAND/VENUTI MOVED TO RECOMMEND CITY COUNCIL WITHDRAW ORDINANCE 23-21(S)(A).

There was discussion on making amendments to provide the basis for why the Commission is requesting the ordinance should be withdrawn. Explanation was provided that it may be preferable to address this recommendation last since it would be the outcome of the actions that will be recommended.

HIGHLAND/VENUTI MOVED TO POSTPONE UNTIL DISCUSSION HAS BEEN CONDUCTED ON THE OTHER RECOMMENDATIONS.

There was no further discussion.

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

Motion carried.

City Planner Foster read the next recommendation into the record.

"Recommend an effort to reconcile the Homer City Code for development processes including cross references or consolidation of subdivisions and platting which takes place in Title 22 and construction of subdivisions which takes place in Title 11 and clean-up work and reconciliation of language in the city code."

Commissioner Highland requested clarification of the language for the motion.

HIGHLAND/VENUTI MOVED TO RECOMMEND AN EFFORT TO RECONCILE THE HOMER CITY CODE FOR DEVELOPMENT PROCESSES INCLUDING CROSS REFERENCES OR CONSOLIDATION OF SUBDIVISIONS AND

PLATTING WHICH TAKES PLACE IN TITLE 22 AND CONSTRUCTION OF SUBDIVISIONS WHICH TAKES PLACE IN TITLE 11 AND CLEAN-UP WORK AND RECONCILIATION OF LANGUAGE IN THE CITY CODE.

Brief discussion on incorporation of Title 11.

VOTE. NON-OBJECTON. UNANIMOUS CONSENT.

Motion carried.

City Planner Foster read the next recommendation into the record:

RECOMMEND UTILIZING THE FOLLOWING AGREEMENTS FOR THEIR INTENDED PURPOSE AND DEFINE IN HOMER CITY CODE:

- SUBDIVISION AGREEMENT: REQUIREMENTS FOR SUBDIVISION IMPROVEMENTS
- CONSTRUCTION AGREEMENT: CONSTRUCTING INFRASTRUCTURE SUCH AS ROADS AND UTILITIES
- INSTALLATION AGREEMENT: CONNECTING TO CITY WATER AND SEWER

Public Works Director Keiser stated that there could be confusion between the Subdivision Agreement and Construction Agreement and suggested that they include after the definition of construction agreement the language, "where the lot lines are not changing"

HIGHLAND/ MOVED TO RECOMMEND UTILIZING THE FOLLOWING AGREEMENTS FOR THEIR INTENDED PURPOSE AND DEFINE IN HOMER CITY CODE:

- SUBDIVISION AGREEMENT: REQUIREMENTS FOR SUBDIVISION IMPROVEMENTS
- CONSTRUCTION AGREEMENT: CONSTRUCTING INFRASTRUCTURE SUCH AS ROADS AND UTILITIES, WHERE THE LOT LINES ARE NOT CHANGING
- INSTALLATION AGREEMENT: CONNECTING TO CITY WATER AND SEWER

There was a brief discussion on codified language would contain more precise language for the definitions.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Planner Foster read the next recommendation into the record:

"Ensure Preliminary Plat considerations by the Homer Planning Commission include comments when Subdivision Agreement, Construction Agreement, and Installation Agreements are required.

Commissioner Stark suggested a change in the language to use the word references instead of comments

City Planner Foster explained that currently the process when the Commission reviews a Preliminary Plat they recommend approval or adoption with the following comments. This recommendation would require that a standard comment be added denoting what type of agreement would be required, if any.

Further debate ensued on the language to use in the recommendation from the Commission to City Council and that the accuracy of that language depicted the Commission actions during a Preliminary Plat consideration.

Commissioner Stark suggested the following language: "Ensure Preliminary Plat considerations by the Homer Planning Commission include comments referencing when Subdivision, Construction, or Installation Agreements are required.

Further discussion on comments incorporating references such as the Corps of Engineers, and comments having a foundation in city code and an example where one of those agreements would not be required would be a lot line vacation between two lots may not require any type of improvement or one lot dividing into two lots.

HIGHLAND/VENUTI MOVED TO INCLUDE A RECOMMENDATION TO ENSURE PRELIMINARY PLAT CONSIDERATIONS BY THE HOMER PLANNING COMMISSION INCLUDE COMMENTS REFERENCING WHEN SUBDIVISION, CONSTRUCTION OR INSTALLATION AGREEMENTS ARE REQUIRED AND SENT TO THE KENAI PENINSULA BOROUGH.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Planner Foster read the next recommendation into the record:
"Recommend providing information and training on the Subdivision Development process to City Council and other relevant city commissions."

HIGHLAND/VENUTI MOVED TO INCLUDE A RECOMMENDATION TO PROVIDE INFORMATION AND TRAINING ON THE SUBDIVISION DEVELOPMENT PROCESS TO CITY COUNCIL AND OTHER RELEVANT CITY COMMISSIONS.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith noted that the next recommendation is new and was not included in the memorandum in the packet.

City Planner Foster noted that there are two new recommendations from the worksession. He read the first one into the record: "Create a City of Homer Preliminary Plat Application."

City Planner Foster explained that there is process outlined in city code but that there is no application that a property owner or applicant can complete to provide basic information. He provided further information on what the Planning Department currently receives and provided recent experience on receiving limited, if

any, contact information from the applicant such as phone, addresses, email, what they actually plan to do and how that impacts the processing of the preliminary plats. He is recommending that a formal one page application be created to contain all information that they need such as phone, address and a descriptive intent

Additional discussion ensued on the content of motion, process, Commission input.

HIGHLAND/VENUTI MOVED TO CREATE AND IMPLEMENT A PRELIMINARY PLAT APPLICATION FORM.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Planner Foster stated the last recommendation for the record, as follows: Request withdrawal of Ordinance 23-21(S)(A).

A brief discussion on providing a memorandum to City Council as a cover letter that thanks them for bringing the topic forward as it brought forth some very good discussion ensued. City Planner Foster explained that a memorandum would be provided noting the discussion that was conducted on this ordinance.

HIGHLAND/VENUTI MOVED TO REQUEST CITY COUNCIL WITHDRAW ORDINANCE 23-21(S)(A)

Commissioner Stark suggested adding verbiage to specify that enacting the above recommendations will negate the necessity of Ordinance 23-21(S)(A).

Deputy City Clerk Krause called for a point of order reminding the Commission that a motion that was postponed earlier is on the table, so the Commission needs to bring the postponed motion from the table, and make a motion to amend adding that language would be good.

Chair Smith re-stated for the record the actions that are required at this time was to bring the motion that was postponed earlier from the table and to amend the motion to add the language "enacting the above recommendations will negate the need for the ordinance." voting on the amendment then vote on the motion as amended.

Deputy City Clerk Krause confirmed and proposed using the correct term to "postpone indefinitely" instead of the word, "withdraw" she can make a technical correction as long as the Commission was agreeable or another motion can be made to amend the motion.

The Commission by consensus agreed to the Clerk making that change in verbiage.

Chair Smith stated the motion as amended for the record:

MOVED TO REQUEST CITY COUNCIL POSTPONE INDEFINITELY ORDINANCE 23-21(S)(A) BECAUSE ENACTING THE ABOVE RECOMMENDATIONS WILL NEGATE THE NECESSITY OF THE ORDINANCE.

Chair Smith called for the vote.

Commissioner Highland requested clarification on voting this motion up or down.

Clarification was provided to the Commission that voting yes to this recommendation is what is desired, if the Commission votes no then the recommendation to withdraw or postpone indefinitely the Ordinance will not go forward to City Council. The Chair has called for a vote so the Clerk will perform a roll call vote instead of unanimous consent.

VOTE. YES. VENUTI, HIGHLAND, STARK, CONLEY, SCHNEIDER, BARNWELL, SMITH.

Motion carried.

City Planner Foster confirmed action was concluded as required by the Commission.

Commissioner Stark requested Public Works Director Keiser to work with the City Planner to draft the memorandum to City Council regarding the Commission's recommendations, specifically to include the wonderfully articulated language regarding the request to amend the city code brought about the recommendations.

11. NEW BUSINESS

12. INFORMATIONAL MATERIALS

- A. 2023 Planning Commission Annual Calendar
- B. City Manager's Report for the Council Meeting on August 28, 2023
- C. Karen Hornaday Park & Bayview Park Public Forums Flyer
- D. City of Homer Draft Transportation Plan Open House Flyer
- E. Kenai Peninsula Borough Platting Committee Notice of Decision
 - 1. Notice of Decision KPB 2022-160R1
 - 2. Notice of Decision KPB 2023-087
- F. Memorandum from City Planner re: Comprehensive Plan Update and Title 21 Re-write

Chair Smith noted the informational materials in the packet.

City Planner Foster commented on the informational flyers for the Park Forums seeking public comment on the proposed master plan re-writes and the Transportation Plan Open House event scheduled later this month.

Discussion ensued on the proposed budget for the Comprehensive Plan (Comp Plan) Update and Title 21 Re-write funding and that the Scope of work has some small tweaks recommended, it was noted that a memorandum was overlooked and did not make the Supplemental Packet which included some recommended changes in the Scope of Work. Further points were made as to City Council understanding and concerns regarding the costs and scope of work, and the fact that the Commission did not see the scope of work prior to Council approval.

City Planner Foster stated that he wanted this item as an informational item so that the Commission was aware of the resolution and award of the Contract to Agnew Beck and get this in motion. He explained that the excerpt from the Request for Proposals was included in the Supplemental Packet. He then encouraged the Commissioners to attend the Draft Transportation Plan Open House.

Chair Smith expressed concern regarding the attendance of four or more Commissioners in attendance at the meeting even though it was acknowledged that the Commission does not approve the Comprehensive Plan, it could cause some issues.

Deputy City Clerk Krause responded that she will include a statement in the weekly meeting notice that Commissioners would be attending that event.

City Planner Foster responded to Commissioner Venuti regarding the Comprehensive Plan being scheduled for an update every five or ten years but he would have to confirm if its codified or policy, noting that the Comp Plan update will take a couple of years with all the public components and reviews and then the time period for updates will be recalculated from that point. He stated that this was a Council priority project.

Commissioner Venuti inquired about Commissioners attending the APA Annual Conference.

City Planner Foster noted that currently and due to previous COVID years there have been no Commissioner Training included in the conference agenda. He was unsure if that would come back but will definitely look into finding some information about that possibility or future online trainings for Commissioners and report back.

Commissioners that attended training sessions during the annual conference expressed how valuable they felt those experiences were and the information provided to a new Commissioner.

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

14. COMMENTS OF THE STAFF

City Planner Foster expressed his appreciation for the hard work that the Commission has undertaken in the last three months, it has been complicated, heavy stuff and they have had several long meetings and worksessions so he wanted to thank the Commission for all their hard work and dedication. He further expressed his appreciation to Ms. Keiser for providing her assistance on the subdivision aspect, it was critical to get the information to the Commission.

Public Works Director Keiser stated it was a great meeting, great work.

15. COMMENTS OF THE MAYOR/COUNCIL MEMBERS

16. COMMENTS OF THE COMMISSION

Commissioner Highland expressed her thanks to Public Works Director Keiser and suggested including the flow chart with the memo that is submitted to Council on the Subdivision Development Process and maybe include it in the Newsletter as it is really informative.

Commissioner Venuti stated it was an interesting meeting and thanked staff for all their great work and the Commissioners for serving tonight.

Commissioner Conley thanked Public Works Director Keiser and City Planner Foster for their hard work and expressed his appreciation for the Clerk keeping the Commission on track.

Commissioner Schneider echoed the sentiments expressed by the Commission for the staff for their terrific work and clarity that they provided tonight. He was still on the learning curve, but this has been a pretty valuable meeting for him and hoped it just gets better and better. Thank you.

Commissioner Barnwell expressed his appreciation for the effort Public Works Director Keiser provided clarifying Ordinance 23-21(S)(A) and that including the Flow chart in the memo would be a great, because it really clarifies the process and the graphics help a lot. He requested that the memo be submitted to the Chair before it goes to Council to make sure it includes the language that the Commission desires to be included. Mr. Barnwell expressed his appreciation for all the Commissioners work and the staff for their efforts and hard work over the last months and articulated his concerns finding Ms. Keiser's replacement. Mr. Barnwell commented on her skill set and providing irreplaceable contributions to the community, noting she was an engineer and attorney. Mr. Barnwell remarked on Public Works Director Keiser high level of diplomacy during a past incident that included the Mayor and noted that she will be missed.

Chair Smith expressed his thanks to City Planner Foster and Public Works Director Keiser, stating that the Commissioners should keep the flow chart in their notebooks for future reference. He further stated that it feels like the Commission is making some forward progress in a reasonable and conscientious manner, so he was satisfied. He complimented the Commissioners for being outstanding volunteers and that they are a great group. Mr. Smith commented to Commissioner Schneider that he may feel like a rookie for a long time noting his personal length of time on the Commission and professing to still feeling like a rookie at times. He then thanked the Clerk for keeping them on track and wished everyone a nice evening.

17. ADJOURNMENT

There being no further business Chair Smith adjourned the meeting at 8:25 p.m. The next Regular Meeting is on Wednesday, October 4, 2023 at 6:30 p.m. A Worksession will be conducted at 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: Oct. 4, 2023