

CALL TO ORDER

Session 23-17, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on November 1, 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 the development of a Strategic Plan document for the Commission.

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

ABSENT: COMMISSIONERS STARK AND BARNWELL (EXCUSED)

STAFF: CITY PLANNER FOSTER, DEPUTY CITY CLERK PETTIT

AGENDA APPROVAL

Chair Smith requested a motion and second to approve the agenda.

SCHNEIDER/CONLEY MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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).

RECONSIDERATION

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 October 4, 2023

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

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PRESENTATIONS / VISITORS

REPORTS

A. Staff Report 23-058, City Planner's Report

City Planner Foster reviewed Memorandum PC 23-058 for the Commission. He spoke to the following items:

- Council failed Ordinance 23-21(S)(A), it is expected to come back to the Planning Commission regarding the Commission's comments regarding the ordinance within the Title 21 update.
- Council adopted Resolution 23-119, this resolution outlines the creation of a steering committee to aid in the guidance of developing the comprehensive plan and zoning code update. It is to be created by resolution which will outline the duties of the committee and should be presented and adopted at the November 27th Council meeting. There should be at least one Planning Commissioner seat on the Committee. This will be advertised for the membership of that committee.
- The City Planner will be working with the consultant to create and develop a public outreach plan. he noted that it is expected to have a lot of public outreach events.
- The Draft Transportation Plan will be presented at a worksession in January then a regular meeting.
- A possible Conditional Use Permit will be presented at the December 6th meeting.
- ~~Commissioner Venuti explained¹~~

City Planner Foster responded to questions from the Commissioners on the following:

- hiring status for vacancies within the Planning Department
- the lack of business items on the Planning Commission's agenda
- How he is fulfilling and addressing the requirements of the Planning Department, processing applications, permits, and etcetera.
- Scheduling worksessions to address the items that the Commission wants to address such as the Comprehensive Plan, Strategic Plan, and visioneering.
 - o Chair Smith and Commissioner Conley will be meeting with Ms. Engebretsen to set a structure for the visioneering. This will be brought before the full commission at a future meeting. Due to Open Meetings Act they are limited in the number of Commissioners allowed to meet with Staff.

¹ Bullet point deleted as topics were addressed below

- The recommendations made by the Commission to City Council on Ordinance 23-21(S)(A) will be coming back to the Commission to rework and submit a new ordinance to city council regarding developers commitments to the city.
 - o It is strongly recommended that Councilmembers Erickson and Davis attend those meetings to participate in the discussions.

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

NEW BUSINESS

- A. 2024 Meeting Schedule

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

City Planner Foster noted the memorandum from the City Clerk, he stated that he has based the Commission's meeting schedule off of the dates in the draft resolution. He further noted that this is the time that the Commission can make any changes to their meeting schedule.

City Planner Foster facilitated a brief discussion on the following:

- Commissioner Training during the Annual Planning Conference in February

SCHNEIDER/CONLEY MOVED TO ADOPT THE 2024 REGULAR MEETING SCHEDULE AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. 2023 Commission Annual Calendar
- B. City Manager's Report October 9, 2023 Council Meeting
- C. City Manager's Report October 23, 2023 Council Meeting

Chair Smith noted the informational materials in the packet.

Commissioner Schneider volunteered to make the November 13, 2023 report to City Council.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

City Planner Foster and Deputy City Clerk Pettit had no comments.

COMMENTS OF THE MAYOR/COUNCIL MEMBERS

Mayor Castner reported on a Zoom meeting he attended with Public Works Director Keiser and Parks & Trails Planner Steffy discussing the proposed underpass for the pedestrian trail to connect to Diamond Creek. In which there is a lot of interest in doing, but that there are a lot of impediments to the project. Mayor Castner then addressed the proposed steering committee the City Planner mentioned, he wanted some stop and go things in the Agnew Beck agreement since it was a three year project and he believed that there were items within Title 21 that could not wait for three or five years and he believed that the process of writing code takes some time and some items may need to be addressed sooner rather than later. He then responded to Commissioner Highland's question of what happens to the existing Comp Plan, it remains the adopted plan until the new proposed plan is adopted. The recommendations in the existing Comp Plan are still waiting to be addressed at any time. He did not think that a lot of things would be changing. He believed that the sentiments of slow growth in Homer are the same today as they were 40 years ago, let alone 20 years and wanting to make sure that when all of a sudden they were not waiting for this new and improved comprehensive plan, which he opined would be an impediment to having a new and improved Homer.

Mayor Castner provided comment that he has seen some previous projects that Agnew Beck worked on, noting that they are a top notch group, they do not produce bad reports, well researched, have huge databases and probably have a database of everybody's code in Alaska sitting there so that they can compare and contrast code analysis for Homer. He commented further that the planning item that failed at Council failed because Council wants this Commission to pick it up and perfect it. The Borough has accepted the fact that the city would like to have a very restrictive planning requirement coming in at the front of the planning process, that commitments are made at the front of the planning process and not negotiated later on due to the public input is at the beginning of a project and where the Planning Commission gets involved. That way the promises made by the developers can be assured. Mr. Castner continued stating that the Public Works Director and City Planner have worked through the issues in order to reach balance on getting the commitments up front to the borough planner whom actually has the authority and agreed to allow the city to do that. He further commented that Council is expecting to see it back in short order from the Commission. Mr. Castner reported that he was working on incorporating an efficiency of communication element with City Council, a work plan having champions work with staff and commissions to get things to the table faster or with more information, earlier discussions at the Council level. He encouraged the Commissions to do the same, but working in teams of two otherwise you may incur an Open Meetings Act violation. Mr. Castner inferred that he has imposed the following rule upon Council that they would never vote on a resolution or ordinance before it come before the Council under new business, in a report so that they can consider it first and not be rushed into making a decision by passing the resolution or ordinance. He continued stating that Council picked six areas, short term or near term goals and we can see how the first six work out. Right now the champions are all working in the off time and getting things done which he believed was improvement rather than just going to City Council meeting to City Council meeting.

Lastly, Mayor Castner spoke to the latest decision handed down by the Courts on a Griswold case, noting that he had the opportunity to take it back to the Supreme Court but that almost every word of the Superior Court Judge used came from prior Supreme Court decisions. He opined that Mr. Griswold would not have much luck in taking the recent one up, noting that Mr. Griswold's appeal was on that whole conditional use permits and

handling density issue as a conditional use when there really had not been any demonstration, and there was public sentiment against it. Pretty much the court said was it doesn't matter what the Mayor stated. Mayor Castner reported that the courts cited him, the Council voted five to one on this issue and that was good enough for the Superior Court. Mayor Castner stated that you have this incredible privilege of being a legislative body and what you do legislatively is going to trump everything. So if there were minor changes along the way, or confusion along the way, or anything when it went before Council and the Council legislatively passed it, that it is kind of final deal. So it is really true that you can't fight City Hall. It is getting more and more difficult to win an appeal like that on any kind of procedural grounds, but when City Council actually moves it through I just want to be really clear on and so if the Commission provides good findings, even if you do not like you findings, or change some of the findings what they do is a legislative mandate and that will be the law of the land. Mr. Castner continued stating there is some really strong language in the decision and I apologize I did not bring it with me because I would have liked to have read a couple of the paragraphs to the Commission.

COMMENTS OF THE COMMISSION

Commissioner Highland thanked the Mayor for his comments, they are always thoughtful and stated she will get that article she was referring to, to the Mayor as soon as possible. She was looking forward to continuing work here with the incredible jobs, solutions and guiding growth and expressed her thanks to the Commission.

Commissioner Venuti thanked everyone in attendance for serving tonight.

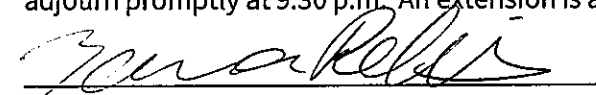
Commissioner Conley had no further comments.

Commissioner Schneider stated that it was an interesting meeting, it has been a fairly reactionary position that I have witnessed and thinking about planning and use and having visioning sessions is something that I would look forward to.

Chair Smith expressed his appreciation for all the Commissioners in attendance and the Mayor for his service as he really appreciates having him attend the meetings. He provides clarification in so many ways to the Commission and considers him an empowering Mayor, which is one thing he really appreciates about him. He will look forward to reading those paragraphs in the court decision as well. If possible he would like to see the whole decision and was sure there were others on the Commission just as interested in reading the decision. Chair Smith continued by stating he is excited about the upcoming adventures that they will be having with the proactive side of planning and believes it is a good step forward. He then wished everyone Happy Holidays.

ADJOURNMENT

There being no further business Chair Smith adjourned the meeting at 7:15 p.m. The next Regular Meeting is on Wednesday, December 6, 2023 at 6:30 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.


ZACH PETTIT, DEPUTY CITY CLERK I

Approved: Dec 6, 2023