

CALL TO ORDER

Session 24-13, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:33 p.m. on August 7th, 2024 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONER BARNWELL, VENUTI, S. SMITH, SCHNEIDER, STARK & H. SMITH

ABSENT: COMMISSIONER CONLEY (EXCUSED)

STAFF: CITY PLANNER FOSTER, DEPUTY CITY CLERK PETTIT

AGENDA APPROVAL

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

SCHNEIDER/BARNWELL MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERAS AREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

A. Unapproved Regular Meeting Minutes of July 17, 2024

Chair S. Smith noted for the record that 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. He then requested a motion and second to adopt the consent agenda.

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

There were a few questions regarding the status of CUP 24-09 before City Planner Foster and Deputy City Clerk Pettit reaffirmed that the appeal period is still open, and therefore the Commission shouldn't be discussing the CUP.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

PRESENTATIONS / VISITORS

REPORTS

A. City Planner's Report, Staff Report 24-034

City Planner Foster reviewed his staff report included in the packet, noting the following:

- Comprehensive Plan Survey results are still being compiled along with the results of the Interactive Comment Map
- Joint Worksession between the Planning Commission and PARCAC in September
- Alaska Housing Summit will be taking place at the BP Energy Center in Anchorage on Thursday, August 29th
- Cancellation of the August 21st Planning Commission Worksession and Regular Meeting
- American Planning Association (Alaska Chapter) Commissioner Training on Sunday, October 27th

B. Comprehensive Plan Steering Committee Report

Commissioner Barnwell stated that the Comprehensive Plan Steering Committee was presented with the results of the community survey at their meeting this past Monday. He briefly discussed the extension of the project. Shelly Wade of Agnew::Beck took a moment to provide a recap of all the various events and meetings that the consultants have been a part of since they began working on the Comprehensive Plan. She outlined the remainder of the schedule, noting that the new Comprehensive Plan would likely be adopted in June after all the introductions and public hearings on it at various meetings.

PUBLIC HEARINGS

A. Staff Report 24-035, request for Conditional Use Permit (CUP) CUP 24-011 per HCC 21.12.030 (m), More than one building containing a permitted principal use on a lot without an approved conditional use permit at 3869 Jennifer Place.

Chair S. Smith introduced the item by reading of the title. He then asked for disclosures of ex-parte communication or any potential conflicts of interest.

Commissioner Schneider stated that he needed to disclose a probable conflict of interest, claiming that he and the applicant have a business relationship.

VENUTI/H. SMITH MOVED THAT COMMISSIONER SCHNEIDER HAS A CONFLICT OF INTEREST.

Commissioner H. Smith questioned if the business relationship between the applicant and Mr. Schneider had any relation to the property under consideration at the moment, and further if Mr. Schneider would benefit in any way as a result of the decision the Commission makes. Mr. Schneider answered no to both questions.

Chair S. Smith then asked Commissioner Schneider if he would be able to uphold an unbiased opinion in evaluation of the CUP. Mr. Schneider stated that he would like to think so.

With no other questions, the Chair requested the Clerk to perform a roll-call vote.

VOTE: NO: VENUTI, S. SMITH, H. SMITH, STARK, BARNWELL

Motion failed.

City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith invited the applicant to speak to the application, but no applicant was present.

Chair S. Smith then opened the floor for questions and comments from the Commission.

Commissioner Barnwell asked City Planner Foster to elaborate on the community sewer service and what that entails. City Planner Foster stated that this was the language he was provided by Public Works, but that after double checking he was able to confirm that there is city sewer and water providing access to this property.

Commissioner H. Smith made a point that if the Commission approved this CUP, what's to stop the other parcels in this neighborhood from doing the same thing. He shared some concerns he had for creating too much density in this area.

City Planner Foster reinforced that decisions made today had to be made with the current city code in consideration. He added that the Title 21 rewrite will be taking place immediately following the adoption of the Comprehensive Plan.

It was brought to the attention of the Commission that there were members of the public wanting to speak that weren't able to do so during the public comment period. Chair S. Smith requested a motion to suspend the rules to let members of the public provide testimony.

VENUTI/SCHNEIDER MOVED TO SUSPEND THE RULES TO ALLOW THE APPLICANT AND MEMBERS OF THE PUBLIC TO SPEAK

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Melody Martin, city resident, shared that she has lived just south of the proposed project for the past 25 years. She stated that her problem with this CUP is that the applicant is proposing to put four structures on one acre, and that there are only 3 existing homes in the neighborhood currently. She added that she's concerned about the project decreasing the value of her property, and that her biggest problem is that the property owner doesn't respect the aesthetics of the neighborhood. Ms. Martin noted that the applicant has been decent about keeping his property looking good.

Joshua Brege stated that he was a potential purchaser of property within this subdivision, and that he was just here to take interest in the direction that the neighborhood is heading.

Linda Rourke, city resident, stated that she and the rest of her neighborhood have been working on this project with the Planning Commission for about two years in an effort to preserve the neighborhood. She

voiced some concerns she had about the applicant having started work without obtaining the proper permits to do so. Ms. Rourke added that overcrowding neighborhoods with these types of developments is detrimental to the neighborhood.

Scott Adams, city resident, shared concerns that he has about the septic given that there doesn't appear to be a plan for the system. He added that he thinks the Commission is attempting to make a decision on something that they don't have all the answers they need to make an informed decision.

With no other members of the public wishing to comment, Chair S. Smith closed the public comment period and noted that the meeting would be returning to its standard operating procedures per the Planning Commission's bylaws.

City Planner Foster noted that his recommendation to the Commission was in accordance with City Code and how it is written at this very moment. He urged the Commissioners to take into consideration the current review criteria.

Commissioner H. Smith questioned if the proposed structures already have a foundation or pilings in place. City Planner Foster directed everyone to page 12 in the packet, noting that the picture on that page shows only two pieces of lumber on the property. Mr. Foster added that zoning permits fall under his purview in the Planning Division, and that would be something he would address if needed.

Commissioner Barnwell inquired if this development fits in with the rural residential characteristics, inserting that he doesn't feel that it does. Mr. Foster noted that this development would max out the density for this property in accordance with City Code as it's written today.

Commissioner H. Smith made a point that while there is technically enough space for this to meet the criteria of code, only about half of the lot is being utilized, noting that this creates an entirely different density on the property. Mr. Smith felt strongly that more information was needed for the Commission to make a decision.

Commissioner Stark suggested that the Commission vote on the CUP, adding that if it's voted down the applicant would have another opportunity to resubmit.

STARK/SCHNEIDER MOVED TO ADOPT STAFF REPORT 24-035 AND RECOMMEND APPROVAL WITH FINDINGS 1-10 AND THE FOLLOWING CONDITIONS: CONDITION 1 INSTALL APPROVED COMMUNITY SEWER SERVICE TO THE STRUCTURES, AND CONDITION 2 OUTDOOR LIGHTING MUST BE DOWN LIT PER HCC 21.59.030 AND THE COMMUNITY DESIGN MANUAL.

With no further discussion, Chair S. Smith request the Clerk to perform a roll-call vote:

VOTE: NO: S. SMITH, SCHNEIDER, H. SMITH, STARK, BARNWELL, VENUTI

Commissioner Stark explained his reasoning for voting against the CUP, noting that there's insufficient, inadequate information for the Commission to make an informed decision.

Commissioner Barnwell provided his reasons for voting against the CUP, stating that it's not compatible with existing uses of surrounding land, and that there aren't any public services or facilities in place prior to occupancy, emphasizing the word "prior."

Commissioner Venuti stated that he voted against the CUP due to the fact that it doesn't appear to be compatible with surrounding land use.

Commissioner H. Smith stated that he feels this project would negatively affect the harmony in scale, bulk, coverage, and density of the neighborhood's character.

Motion failed.

PLAT CONSIDERATION

A. Staff Report 24-036, Storm Water Works Tract One, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith invited the applicant to comment on the application, but there was no applicant present.

Chair S. Smith then opened the floor for public comments.

Mike Arno shared that he is the property owner of the 10 acres to the north of this land. He stated that he is opposed to it for various reasons. His first reason being that he doesn't feel the city should be doing this with funds that the city doesn't have. He added that the city is going about their development backwards, stating that "there is no basic infrastructure, but all the frills on top of it." Mr. Arno referenced another property he owns on East End Road that is basically undevelopable because there's no water and sewer to it. He shared his frustration with the LID process that's currently in place at the city, stating that it makes development of infrastructure in the city extremely difficult. Mr. Arno also made a point that the city requires anyone developing property inside of it to create a right-of-way along their property line, and questioned why the city doesn't have to follow the same rules.

Chair S. Smith closed the public comment period and opened the floor to questions and comments from the Commission.

Chair S. Smith referenced the letter from Steve Smith on page 39 of the packet. He highlighted a sentence in the second paragraph that read, "the project requires acquiring various properties to be put off limits for future development..." He shared that this sentence was a huge red flag for him, adding that he views it as playing with a partial deck of cards, and not really knowing what they're playing with. Acknowledging Mr. Arno's comments, Mr. Smith shared that he doesn't think the city should ask for exception to things that are going to require tax-payer funding.

With no other questions posed, Chair S. Smith requested a motion and second.

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACT ONE PRELIMINARY PLAT.

Commissioner Stark stated that this is a matter of due process and the Commission is responsible for looking at it that way. He added that all the issues raised will be investigated further in the next stage of the project.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 24-037, Ageya Homestead 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet. Mr. Foster noted that this plat is outside of Homer City limits, but is within the Bridge Creek Watershed Protection District, which is why it's in front of the Commission.

Chair S. Smith then opened the floor for the applicant. Katie Kirsis, with Seabright Survey + Design, stated that it was a pretty straight-forward application and made herself available for questions.

Chair S. Smith opened the floor for public comments. There were none.

Chair S. Smith then opened the floor for questions and comments from the Commission.

Commissioner H. Smith asked Ms. Kirsis if she had reviewed the easement information, and if she would be comfortable with the Commission including the easement information along with what they send to the Borough. Ms. Kirsis stated that she would need to review it in depth, but that they are planning on granting shared private access easements across some of those existing driveways shown. She added that private access easements aren't typically shown on plats.

With no other comments or questions from the Commission, Chair S. Smith requested a motion and second.

H. SMITH/BARNWELL MOVED TO ADOPT STAFF REPORT 24-037 AND RECOMMEND APPROVAL OF THE AGEYA HOMESTEAD 2024 REPLAT PRELIMINARY PLAT WITH THE FOLLOWING COMMENT: 1. REVIEW THE GRANT OF EASEMENT ON BOOK 0253 PAGE 684 AND CONSIDER WHETHER THIS SHOULD BE INCORPORATED INTO THIS REPLAT.

Chair S. Smith asked for clarification on what "Book 0253 Page 684" was referencing. Ms. Kirsis explained that it's the recording number of the document for the State of Alaska. She added that this area has a history of old trails that were used by different parties, rights-of-way were dedicated and easements were vacated and use was changed.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report 24-038, Ekers Estate No. 3 Tract A-1 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith then opened the floor for the applicant. Katie Kirsis, with Seabright Survey + Design, noted that there are some steep slopes affecting this property. She added that an application/waiver for a setback to steep slopes for the proposed septic system for the upper lot has been conditionally approved by the Department of Environmental Conservation.

Chair S. Smith opened the floor for public comments. There were none.

Chair S. Smith then opened the floor for questions and comments from the Commission.

Commissioner H. Smith asked Ms. Kirsis how much of the new subdivision would be 20% or more on grade. Ms. Kirsis informed Mr. Smith that all of the shaded areas on the map were 20% or more on grade.

H. SMITH/SCHNEIDER MOVED TO ADOPT STAFF REPORT 24-038 AND RECOMMEND APPROVAL OF THE EKERS ESTATE NO. 3 TRACT A-1 2024 REPLAT PRELIMINARY PLAT.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Review of Capital Improvement Plan

Chair S. Smith introduced the item by reading of the title. He then recapped the unofficial votes from the Commission during the Worksession, noting the following:

- HERC Hazardous Material Cleanup and Revitalization Plan, Homer Spit Coastal Erosion Mitigation, Homer Harbor Critical Float System Replacement: Float Systems 4 & 1, and the City Hall Access Barrier Removal all tallied one (1) vote each
- Slope Stability & Erosion Mitigation Program and Fire Hall Expansion, Phase 1 tallied two (2) votes each
- A-Frame Water Transmission Line Replacement and New Public Works Facility tallied three (3) votes each
- Homer Harbor Expansion tallied five (5) votes

With no further discussion, Chair S. Smith requested a motion and second.

SCHNEIDER/VENUTI MOVED THAT THE PLANNING COMMISSION RECOMMEND THE FOLLOWING THREE PROJECTS TO CITY COUNCIL FOR INCLUSION IN THE LEGISLATIVE PRIORITY SECTION OF THE CAPITAL IMPROVEMENT PLAN:

1. HOMER HARBOR EXPANSION - **#1 FEDERAL LEGISLATIVE PRIORITY PROJECT**
2. NEW PUBLIC WORKS FACILITY - **#2 FEDERAL LEGISLATIVE PRIORITY PROJECT**
3. A-FRAME WATER TRANSMISSION LINE REPLACEMENT

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Memorandum PC-24-039, Election of Officers

Chair S. Smith introduced the item by reading of the title, and briefed the Commission on the recommended process for the election of both the Chair and Vice Chair.

SCHNEIDER/H. SMITH MOVED THE COMMISSION HOLD OFFICER ELECTIONS BY SHOW OF HANDS VOTE.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair S. Smith opened the floor for nominations of Vice Chair.

Commissioner Barnwell was nominated for the position of Vice Chair.

With no other nominations called out, Chair S. Smith declared Commissioner Barnwell re-elected as Vice Chair. Mr. Smith then handed the gavel over to Vice Chair Barnwell.

Vice Chair Barnwell opened the floor for nominations of the Chair.

Commissioner S. Smith was nominated for the position of the Chair.

With no other nominations called out, Vice Chair Barnwell declared Commissioner S. Smith re-elected as Chair.

INFORMATIONAL MATERIALS

A. PC Annual Calendar 2024

B. 2024 Meeting Dates & Submittal Deadlines

Chair Smith noted the informational materials included in the packet.

COMMENTS OF THE AUDIENCE

Scott Adams, city resident, spoke to CUP 24-011, stating that the applicant has pushed the envelope with this development by beginning construction before obtaining the necessary permits from the City. He noted that the pictures provided by the applicant give the impression that only a foundation has been put into place, while claiming that the applicant has already started erecting structures on the property. He switched his focus to the Storm Water Works Tract One Preliminary Plat, stating that he finds it interesting that the City wants certain areas vacated. He shared concerns about the City land-locking people out that way, in addition to other concerns about the burden of development being placed on individuals.

COMMENTS OF THE STAFF

City Planner Foster thanked everyone for their hard work tonight.

COMMENTS OF THE MAYOR/COUNCILMEMBER (If Present)

COMMENTS OF THE COMMISSION

Commissioner Venuti noted that it was a very interesting meeting. He shared his praise for Kristen Faulkner, who recently won two gold medals at the 2024 Olympics in Paris.

Commissioner Stark thanked city staff and congratulated Chair S. Smith on his re-election. He also thanked Commissioner H. Smith for his input. He made a suggestion to Council to proactively address updating city code.

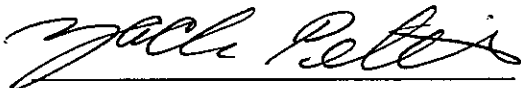
Commissioner Schneider stated that he gets a kick out of the meetings and learns something new every meeting. He briefly commented regarding the status of the HERC.

Commissioner Barnwell thanked city staff and the Commission. He noted that he was pleased with the decisions the Commission made on the CIP list. He shared that he feels the Commission let CUP 24-09 fall through the crack.

Chair S. Smith noted that Title 21 revisions can be addressed right now, even though it might not be ideal. He thanked everyone for their work in tonight's meeting, and stated that it's great to have Commissioner H. Smith on board.

ADJOURN

There being no further business to come before the Commission Chair S. Smith adjourned the meeting at 9:14 p.m. The next Regular Meeting is **Wednesday**, September 4, 2024 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: Sept. 4, 2024