

**CALL TO ORDER**

Session 24-19, a Special Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on November 20, 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  
CITY CLERK KRAUSE

**AGENDA APPROVAL**

SCHNEIDER/BARNWELL MOVED TO ADOPT THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA**

**RECONSIDERATION**

**CONSENT AGENDA**

**PRESENTATIONS / VISITORS**

**REPORTS**

**PUBLIC HEARINGS**

**PLAT CONSIDERATION**

**PENDING BUSINESS**

**NEW BUSINESS**

A. Memorandum PL 24-041, Compile Title 21 Zoning Code Issues and Areas for Improvement

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

City Planner Foster stated for the record the purpose for the meeting, process and procedures to review Title 21 and the re-write that will be conducted by Stantec partnered with Agnew::Beck. He reported that they were looking to provide a list of issues that have been noticed within the code to present to the consultant by the end of December, first of January. He reminded the Commission on the purpose of the Comprehensive Plan and the relationship with Title 21 Planning and Zoning Code which addresses land use and development

requirements. Mr. Foster reported that Title 21 is used to implement the visions in the Comprehensive Plan. He requested the Commission to review and provide additional issues besides the list he has provided and they can discuss it or postpone until the December 4, 2024 meeting or even until the January 2, 2025 meeting to provide ample time for the Commission to review the code. Mr. Foster noted that Agnew::Beck planned on attending this meeting but has been delayed so will join us at a later time period during the meeting.

Chair S. Smith requested clarification on the January meeting date.

City Planner Foster noted that the 2025 meeting schedule was approved with the Commission meeting on a day after the holiday since the regular meeting fell on New Year's Day. By adopting the meeting schedule Council acknowledged that the regular meeting would be held on the Thursday.

City Planner Foster facilitated discussion on the items he found within Title 21 that presented errors or discrepancies and recommended changes. The commission worked through the listing, section by section and made the following additional recommendations:

#### General

- Homer is ready for a building department and having one would address multiple issues.
  - o Noted under the section addressing 21.70 that Zoning Code should be considerate of possible Building Code implementation in the near future.
- Timeframe for technical review was approximately 2-3 months

#### Encroachment Issues

- There are no provisions in code to address minor/major encroachment issues except for a variance application (which has a high bar for review criteria/consideration).
- Consideration for establishing an administrative encroachment with 1-2 feet limit and encroachment permit for other encroachment issues.
  - o Allowing administrative encroachment permits did not allow for public comment and commission oversight.
  - o There would be the limit of 1-2 feet anything larger would be presented to the Commission for review and recommendation through Public Hearing.
  - o Dealing with a legacy encroachment would be dependent on the circumstances and require on a case by case determination and in accordance with city code treated as a non-conforming structure.
    - If it's in the right of way that would be a bigger problem but there are tools such as variance
    - Encroachments the city does not have any tools and these are unknown until a call is received from a property owner trying to sell their home.

#### Modern and User Friendly Zoning Code

- The current code is difficult to navigate, with a format consisting of a zoning map and zoning text.
- Consider illustrative format code to make it user friendly.
  - o Having it available online in conjunction with the application process
  - o Focus the applicable code to the zoning district

- Most applications received in the Planning Department on through the online portal

Commissioner Venuti lost connection at 5:55 p.m. He rejoined the meeting at 6:04 p.m.

#### Dimensional Requirements

- Dimensional requirements often have little to no flexibility, at times making a reasonable project unviable or difficult to build.
  - o Providing room to work within using Planned Unit Development as an example.
  - o Zoning Districts state setbacks at 20 feet and there is no flexibility for less, more is allowed.
  - o Some districts could allow zero lot lines such as town center.
    - Does not apply to all districts.
  - o Fire Code would be triggered if structures are closer
    - Plan review is already required for commercial structures, multi-family
    - Permit must be in hand.

#### Split Lot Zoning

- Consider zoning map changes to address split lot zoning
  - o There are multiple examples throughout the city with properties with split zoning
  - o Can create issues for the property owners project
  - o Require a Zoning change extending the time for the project to be started
    - Would require a public hearing and adoption by Council
  - o Subdividing a lot would be subject to the districts it is split by and how the subdivision was being done.
    - Legally allowed and recommended selecting one district or the other for the property effected
  - o Structures would be non-conforming, can impact property values and or not be able to sell the property.
- How did these properties come into development? Was it City of Borough responsible?
  - o Should be addressed by the Commission and property owners not held accountable
  - o Issue should be addressed by code.

#### Cross Referencing and Flow of the Code

- Improve the flow of the code. It is currently somewhat disjointed.
- Reduce cross reference, if possible to reduce confusion and jumping through sections of code unnecessarily
  - o Just insert the code language in the section you are searching or district you are working within.

#### Temporary Structures

- Current code does not consider temporary structures.
  - o A Yurt is a temporary structure that can be relocated at any given time.
  - o Definition needed – Permanent and Temporary

#### 21.03 Definitions and Rules of Construction

- Noted there were technical terms and language that did not have a definition in the current code

#### 21.44 Steep Slopes and Coastal Development

- This should be reviewed and consider improvements to applicability, requirements.
- Property that is under water, sold and then being considered when building
- Mitigation or exclusion of slopes over 20 degree
  - o Limitation on the number of structures allowed
- There are thresholds, average slope and code which directs what is required
  - o Professional expertise
- City has a responsibility due to recent past events that property owners are facing
  - o Exclusion puts the city in another position

#### 21.55 Off Street Parking

- Required Number of Spaces 21.55.090
  - o Review the number of required spaces and consider more opportunities for a reduction of parking requirements (such as the mixed use provision for shared parking).
- Reduce the parking requirements Homer is not short of parking availability.
  - o There is some flex – CBD mixed use can reduce parking 25%
    - dwelling units for 1 BDRM or studio creatively offer alternative options such as bike or shared parking
    - parking garages usually costs \$\$\$\$ to \$\$,\$\$\$\$
    - Dependent on Zoning District, visitor parking
    - Interest in Comp Plan for CBD and setbacks/parking
      - Duplex, 4 structures, dead end, only one space per unit and there is no visitor parking so must park on the street

City Clerk Krause confirmed that Commissioner Venuti was shown on Zoom as in attendance but his video was turn off, at the request of the Chair, Commissioner Venuti turned his video back on at 6:59 p.m.

#### 21.59 Off Site Impacts

- Nuisances: There are nuisances listed in Title 21 and Title 5 of HCC.
  - o Should these nuisances be consolidated to improve functionality of HCC and code enforcement?
    - Nuisances and properly addressed by the City, timely and immediate action to enforce compliance

#### 21.60 Sign Code

- General sign code
  - o Ensure the sign code is compliant with content neutral requirements.
  - o 21.60.040 Definitions
    - Update definitions of signs, such as banner/blade signs.
  - o Make the sign code more user friendly and easier to enforce.

- Compliant with supreme court decisions and content neutral requirement city can address size, location, update definition of signs such as banners, blades, etc. User friendly and easier to enforce. Calculations are required in order to determine what actually can be permitted.
- Code enforcement is complaint driven but it is enforced, former personnel was the enforcement person and worked in a 4 person office and while Planning department currently has three people. Proper code enforcement is done consistently and regularly.
- Budget Requests for the Planning Department in FY2026/2027 education of the public how they will plan for the education around enforcement.
- interim code regarding signage – height, flashing signs, lighting, other communities actions and competition between businesses.
  - Forward the frame work from the Supreme Court to the commission
- Review Political Signage code

#### 21.70 Zoning Permit

- General zoning permit
  - Consider reorganizing the code to have zoning permits and development regulations co-located for ease of use/reference.
  - Consider how zoning permits/the format of the code could be impacted if Homer adopts building codes in the future.
    - Apprehension and would like to know how many communities the size of Homer has building code and what would be gained by that endeavor, cost benefit ratio, not many people building out of pocket and many are building to the international building code in order to get financing
    - Application for developing building code, FEMA, discussion and laying groundwork, funding is not obtained yet.
    - information on building code would be required by the Commission
    - Building inspector will be needed if building code is employed

#### 21.71 Conditional Use Permit

- General CUP code
  - Analyze the number of conditional use permits triggered by the current code (there are likely many dozens of uses and circumstances that require a conditional use permit)
    - consider whether certain conditional uses should become permitted, not permitted, or remain as conditional uses.
  - Try to consolidate the circumstances that require a conditional use permit in the code to ensure a requirement for a permit is not missed/overlooked.
    - Perhaps create a "crosswalk" for permitted, conditional, and not permitted conditional use permits.
    - Special Use Permits/Conditional Use Permits (SUP/CUP) apply to density and land uses, are dependent on the district, many of those processed in recent times puts the neighbor and property owner through turmoil

- The City can improve the process and provide valid reason for requiring a CUP/SUP
  - Specificity set the expectations for all parties involved, doing this may bring forward less appeals and lower legal fees.
- Consider requiring the applicant attend and present at the public hearing for a CUP.
- Review of the code will present buried triggers within the code
- Address Tsunami Issues
  - This is addressed in the Hazard Mitigation Plan
  - Argued city responsibility to property owners when purchasing/building in tsunami inundation areas.
    - Educational opportunities offered by the city periodically disclaimer is interesting concept but property owners or developers develop the property at their own risk
    - Provide information and consultant can research what actions other communities have implemented.
- Building Code
  - Information would be required for the Commission to participate in developing this
  - City is seeking funding to have building code developed by professionals, public comment will be obtained on the development of such code
    - If this code is adopted the city would not be able to amend it
- Higher quality drawings
  - Education and time to roll out the requirement

City Planner Foster facilitated general comments on the following:

- Understanding the code related to Planned Unit Developments
- Comprehensive Plan Review
- Company hired to conduct the re-write and experience level
- Language will be graphically depicted and drafts will present redlined versions to allow the public to fully understand what is being amended
- Involvement and input from the Commission

STARK/SCHNEIDER MOVED TO SUSPEND THE RULES TO ALLOW COUNCILMEMBER ERICKSON TO PARTICIPATE IN THE DISCUSSION.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Erickson provided comments on the following:

- consideration of signage and looking to the future
- requirements of green space, art, parking and flexibility of the percentages.
- Growth outside the city limits, future expansion of city limits.

- Plats should consider non-motorized transportation and safety for such things as snow and ice.\
- Temporary – Check with the KPB on taxation issue between temporary and permanent.
- Steep slope – disclaimer was a good idea. Determination of worthless property, potential hazard to those property owners that are below.
- City of Homer owns property above Kachemak City and consideration on ramifications of the slides that have happened.

Further comments ensued from the Commission regarding:

- It was not the Planning Departments responsibility to tell the developer how to construct their project;
- Information on the Lidar report and provide an explanation on the issues during the first quarter worksession;
- Review the box store and small retail square footage, sidewalks on Pioneer were advocated for and then more equipment to maintain was needed;
- Invite Brad Salisbury with DGGS to come and speak to the Commission in reference to issues brought forward in the recent appeal filed by former Commissioner Highland and former Public Works Director Keiser.

#### **INFORMATIONAL MATERIALS**

- A. PC Annual Calendar 2024
- B. 2024 Meeting Dates & Submittal Deadlines

City Planner Foster noted the meetings for 2025 requesting a volunteer for the Council meeting.

#### **COMMENTS OF THE AUDIENCE**

Laura Karstens, city resident, commented on public notice processes for the city on replatting issues, recommended matching KPB

#### **COMMENTS OF THE STAFF**

City Planner Foster had no further comments.

City Clerk Krause commented it was nice to see everyone again and a great meeting.

#### **COMMENTS OF THE MAYOR/COUNCILMEMBER (If Present)**

Mayor Lord commented that this Commission conducts a meeting as it is almost 9:00 p.m. She will not be attending the Commission meetings on a regular basis. She then noted that comments on sidewalks are addressed in other titles within city code. She noted her personal experience in updating city code. Ms. Lord requested the City Planner to provide a form similar to what is in the packet so that they can provide recommendations. She stated that they are working on facilitating legal assistance and training.

#### **COMMENTS OF THE COMMISSION**

Commissioner Venuti wished everyone a Happy Thanksgiving and commented it was an interesting meeting and how much he had to be grateful for when reviewing the world and wished everyone a good night.

Commissioner H. Smith commented that this was going to be interesting, referring to the Title 21 re-write but is why he signed up to serve on the Commission, expressed appreciation for the Mayor being in attendance and grateful to be living in one of the greatest corners of the earth.

Commissioner Barnwell commented on being back from Thailand and appreciated the cold weather and very thankful for what he has here in beautiful Homer. He thought the meeting was very productive and echoed the sentiment of putting on a good meeting.

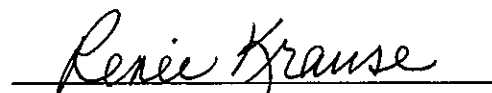
Commissioner Stark expressed his appreciation for the Mayor attending and participating in the meeting and for City Clerk Krause being at the meeting, it was nice to have her back. He thanked the City Planner for his work in presenting the information on Title 21 with the analysis and summary.

Commissioner Schneider echoed Commissioner Stark's comments and understood why the Mayor would not be in attendance at every meeting but welcomed her to attend any meeting that is scheduled as the Commission would look forward to her input.

Chair S. Smith commented on the interesting meeting and getting their minds wrapped around the code re-write and City Planner Foster did a phenomenal job with his initial analysis. He noted there was a portion of Homer residents that wanted to keep Homer as it was 30-50 years ago but the Commission needed to understand there is a new generation that requires and wants different things and it must have allowances for those changes. He then expressed his appreciation for everyone's hard work and efforts, volunteerism and serving the community.

#### ADJOURN

There being no further business to come before the Commission, Chair S. Smith adjourned the meeting at 8:53 p.m. The next Regular Meeting is scheduled for **Wednesday, December 4, 2024 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, City Clerk

Approved: Jan 2, 2025