

Session 22-01, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:31 p.m. on January 5, 2022 at the Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONERS SMITH, CHIAPPONE, HIGHLAND, VENUTI, CONLEY, BENTZ

ABSENT: COMMISSIONER BARNWELL (EXCUSED)

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK KRAUSE

The Planning Commission held a worksession prior to the regular meeting at 5:30 p.m. On the agenda was a discussion on establishing regulations regarding setbacks for coastal bluffs within city limits.

APPROVAL OF THE AGENDA

HIGHLAND/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

- A. Planning Commission Regular Meeting Minutes of December 1, 2021
- B. Decisions and Findings Document for Conditional Use Permit 21-08 to allow a greenhouse at 3860 Kachemak Way

HIGHLAND/VENUTI MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS / VISITORS

REPORTS

A. Staff Report 22-01, City Planner's Report

City Planner Abboud reviewed his staff report that was included in the packet. He commented further on the following:

- Appeal to dismiss the withdrawn CUP application was moved to Hearing Officer
- Looking at Tax Foreclosures on Kachemak Drive
- He recorded a presentation which the link was provided in his report in the packet
- Still working on the permitting software
- Worked a bit on the Hazard Mitigation Plan update
- Reviewed the proposed Rural Residential Rezone update
- EDC December meeting update
- Multi-use Community Center update

City Planner Abboud responded to Commissioner Venuti regarding status of data on the asbuilts provided by builders. He noted that notices have been sent out and they are preparing to send out a stronger reminder. He will provide some statistics in his next report.

Commissioner Conley requested clarification on the presentation materials regarding the homelessness.

City Planner Abboud stated he will email commissioners the link.

Commissioner Bentz requested an update on the hazard mitigation planning process timeline.

City Planner Abboud facilitated questions and answers on the following:

- status update on the number of asbuilts submitted
 - o City Planner will provide statistics in the next meeting packet
- Clarification on the Homeless Coalition Presentation materials
 - o City Planner will provide a link to the Commissioners
- Hazard Mitigation Planning Process timeline
 - o This is not his timeline but he is hoping to be completed in a couple of months but it depends on the other parties involved, City Planner will try to get that information nailed down

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 22-03 Coastal Bluff Analysis

Chair Smith Introduced the item by reading of the title and invited City Planner Abboud to provide his report.

City Planner Abboud reviewed his staff report and what has been discussed by the Commission:

- establishing a 40 foot setback from a bluff and needing input from the Commission on this distance
- allowance to bring in an engineer, needing additional input from Commission
- bringing the proposed code language for review by building professionals and engineering professionals

City Planner Abboud then facilitated discussion on the following:

- definition of coastal buff would mean along the water's edge and bluff top edge would be the inland and away from the water
- needing to cross reference to make sure that they do not have a definition already
- review of the steep slope again to make sure that they are covered inland
- time frame to use should be based on the use of the 30 year planning since that is what was used for the data and science
- 40 foot setback is used as a building code guide and 60 foot get them where they want to be on the DNR land in the area of Baycrest Overlook
- Obtaining data on the average of how long a family stays in a home, thirty years works for the financing but not everyone stays in their home for thirty years and not guiding this based on mortgages and insurance
- Keeping the data relative to the dynamics of the structure and not the habit of the persons who occupy it
 - o there are only a handful of structures that could be 50 years old, but structures that were built 20 years ago are substantially different than those built 35 years ago
 - o Homer does not have a building code
 - o review of other studies they would figure their measure and add 10 feet
 - o How long should they give a structure pertaining to expected life of a structure
 - Dependent on how they were built, examples of structures that were constructed prior to the 1964 earthquake are still standing and structurally sound while there are many built in the 1970's that have multiple problems as they were built by individuals who did not have the necessary knowledge.
 - 30 years is the minimal time
- Different areas of Homer have experience various rates of erosion such as towards the west experienced 1.7 feet per year loss compared to the east along Kachemak Drive or East End have ½ a foot or less each year and using a overall instability as a metric using the data in the study. Referring to the Table 13 on page 42 of the packet.
 - o Checking back with Ms. Overbeck on rates that were used in the table
 - o Munson Point was provided as an example that the setback would not need to be increased from the standard due to the low instability score due to the preventative measures
- Clarification on the area of "downtown" that is being referred to was requested
- There are some areas along Kachemak Drive that lost 20 feet in one year, it was interesting that it has such a low score
- Review of communities in the United States shows that there are no set standards, each community has different regulations
- Establish an unattainable distance so that there will be no building in the future and then there will never be a failure

- Regulations that limit the use of private property to the effect that it deprives the property of any value amounts to a taking and is something to consider.
- Checking on the element of rising sea levels and increase in the strength of storms is something to consider
 - o There is probably some consideration but the sea levels and glacier retreat has been really small increments and calculated in millimeters, City Planner Abboud will double check that data with Ms. Overbeck
 - o Current land level is outpacing the sea level rise but the increasing frequency and intensity of coastal storms addresses that but considering that we have been looking at data that addresses the past does not lend itself for what they may experience in the future and that faster erosion rates could be experienced.
 - o That supports the increase by 10 feet because Mother Nature is not going to get better and difficult to predict.

B. Staff Report 22-05, Storage Container Dwellings

Chair Smith introduced the item and requested City Planner Abboud to provide his staff report.

City Planner Abboud provided a summary of the Staff Report 22-05 and noted the prior discussions conducted by the Commission. He noted that a recommendation was made for Commissioner's to work with staff to produce some proposed code but there was none received by the planning department.

City Planner Abboud noted that Commissioner Venuti requested this item to be on the agenda through the Chair and then requested Commissioner Venuti to speak to the topic.

Commissioner Venuti provided a history of his experience and certifications as well as licensures and how long he has worked in the construction industry. He acknowledged that not everyone can afford a \$300,000-\$500,000 home and that recycling a container into a dwelling may be appealing to some people. Commissioner Venuti proceeded to provide his reasons for not allowing the use of shipping containers as dwellings for the following reasons:

- safety and health hazards with materials used in shipping containers
- aesthetics
- there is no standards for construction
- there are no requirements for inspection
- Not appropriate structure to be used in the urban or residential zones of the city where residents are heavily invested using more conventional means
- Use of shipping containers he believes will devalue the neighboring properties
- Community Design Manual does not support the use shipping containers

VENUTI/HIGHLAND MOVED THAT THE CITY OF HOMER LIMITS THE USE OF SHIPPING CONTAINERS CONVERTED INTO HOMES TO THE CENTRAL BUSINESS DISTRICT, MARINE COMMERCIAL DISTRICT AND EAST END MIXED USE DISTRICT.

Discussion ensued by the Commission on the following points:

- Toxicity and safety requirements, are what would be found in Building Code which the City does not have;

- Review of existing code does not have appropriate language to cover the use or to exclude the use of shipping containers and would need the assistance of the city attorney;
- limiting the use to the Central Business District was determined due to the recent allowance by the Commission to approve the Zoning Permit for the converted shipping container but argument was made by the City Planner that the Commission was not held to that decision

VENUTI/HIGHLAND - MOVED TO AMEND TO EXCLUDE THE CENTRAL BUSINESS DISTRICT FROM THE MOTION.

City Planner Abboud facilitated a discussion on the following points surrounding the use of shipping containers as dwellings:

- disallowing the use city wide
- creation of zoning regulations when there is no prohibited uses and structures and the need to create language to effect that prohibition
- obtaining legal advice on how to limit if not prohibit the use of shipping containers
- current structures listed in zoning regulations are mobile homes, yurts and teepees
- if the use is not listed by omission it is not permitted
- start of a new chapter for building standards and this item can be included as well as site development
- existing zoning regulations do not address building materials
- establishing zoning code may make the issue ten times worse and there currently is no rush to use shipping containers as dwellings
- questions regarding the legality of creating regulations based on appearance
- support for not using shipping containers as dwellings in all districts over allowing them in specific districts
- voting this motion down and making a new motion to prohibit the use of in the city

Commissioner Bentz advocated for voting this motion down as she did not believe that it should be addressed in the city zoning regulations noting that the Commission requested at a prior meeting for the Planning department to develop Title 12 which currently only addressed contractor bonding requirements. She expressed a further preference to wait until the Commission has a more comprehensive picture on how this really would affect practice in planning and in building inspections.

City Planner Abboud responded that he would definitely need to consult with the city attorney and perform more research if it is the wish of the Commission to eliminate this option as a dwelling. He then noted that the other issue of drainage and concerns of water going downhill, and getting Public Works on site development standards, could be included in the building standards. He can certainly work on bringing back language if that is the intent of the Commission.

Commissioner Bentz further expressed that it goes back to the individual opinion on aesthetics as there are some people who like teepees, yurts and long narrow buildings and if the Commission is going to base this on aesthetics then they should include soft sided coverings for excluded materials for buildings within city limits as well given the environmental conditions and how habitable it is, as it's a hazardous building-type to use in this area.

Further comments were made on the following:

- yurts were always meant to be a temporary living structure
- additional clarification on how this would be reflected in city code was requested

Deputy City Clerk Krause suggested that the Commission make a motion to postpone to a date certain to allow the City Planner to bring back additional information.

City Planner Abboud stated that he would appreciate that opportunity since at the moment it is a concept and he can bring back something specific.

VENUTI/HIGHLAND - MOVED TO POSTPONE THE MOTION TO THE SECOND MEETING IN FEBRUARY TO ALLOW THE CITY PLANNER TO PROVIDE ADDITIONAL INFORMATION.

City Planner Abboud advised that dependent on the City Attorney's schedule and it would be difficult to get vast public input due to COVID and usually the public does not pay attention until it goes to Council since we would have to provide notice city wide.

Commissioner Bentz requested clarification that the time given would allow staff time to get the information and legal input needed.

City Planner Abboud responded that he could include a staff report in the packet requesting postponement to allow for the time needed if necessary.

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

Motion carried.

Chair Smith stated for the record that the motions presented by Commissioner Venuti are on the table and will be taken up at the second meeting in February.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. City Manager's Report for December 13, 2021 City Council Meeting
- B. Kenai Peninsula Borough Notice of Decisions

Chair Smith noted the informational materials in the packet.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY STAFF

Deputy City Clerk Krause welcomed everyone back.

City Planner Abboud had no comments.

COMMENTS OF THE COMMISSION

Commissioner Chiappone commented on the subjective nature that was really at the heart of the question using shipping containers as dwellings and while he is not crazy about the look of connex, he dislikes the look of vertical metal siding very much when incorporated into residential home designs. He agreed with needing to get public opinion on this subject and the decision should be made by the public. He then stated that he agreed with Commissioner Venuti on the importance of visitors to Homer and tourism is certainly corroborated by the report in the packet on the sales tax increases. Mr. Chiappone further stated that it was very important that they live in a place that people want to visit and I guess that is what exactly needs to be asked is what do people want to visit. He elaborated by stating that he grew up in a horrible industrial wasteland and rust belt in the Great Lakes area and so this is heavenly to him and he would like to keep it as nice as he can keep it, but he does not know how much you can codify or regulate and somehow need to leave it up to the public to make that decision to some extent.

Commissioner Venuti reported that Commissioner Bentz and himself serve on the Borough Planning Commission and a few years ago they were going to reduce the number of Commissioners but instead they increased the seats to 14 so he encouraged any interested members to apply for the seat for the Homer Area outside city limits which includes Seldovia.

Commissioner Conley wished everyone a Happy New Year and commented it was good to see everyone again.

Commissioner Highland did not have any comments tonight.

Commissioner Bentz apologized that her web camera cut out on her tonight and elaborated on Commissioner Venuti's comments regarding the Borough Planning Commission noting also that their terms on the Borough Planning Commission will be expiring on July 1st. She further requested that the information be passed on at the City Council meeting in their report so that it gets to a larger audience regarding the additional seat on the Borough Planning Commission.

Chair Smith welcomed everyone back and wished all a Happy New Year. He then provided information that they was given permission to the Native Youth Olympic activities which will be coming up in February in Homer, he will provide additional information as he gets it. He is very excited on the opportunity provided for the kids and the support from the schools. He expressed appreciation for the Planning Department's efforts and the conversation at the worksession and regular meeting regarding coastal bluffs and for Commissioner Venuti's efforts in bringing the discussion on shipping containers back before them.

ADJOURN

There being no further business before the Commission, the meeting was adjourned at 7:53 p.m. The next Regular Meeting is Wednesday, February 2, 2022 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom webinar.

PLANNING COMMISSION
REGULAR MEETING
JANUARY 5, 2022



Renee Krause, MMC, Deputy City Clerk II

Approved: February 2, 2022