

Session 22-05, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on April 6, 2022 at the Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

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

ABSENT: COMMISSIONERS BENTZ (EXCUSED)

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK KRAUSE

CONSULTANT: KEN CASTNER, MAYOR

The Commission held a worksession prior to the regular meeting at 5:30 p.m. On the agenda was a discussion on the Staff Report 22-25, Rural Residential to Urban Residential Zoning District, West Homer Area.

APPROVAL OF THE AGENDA

HIGHLAND/VENUTI MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

Jon Faulkner, 35 year city resident, commented in opposition to West Homer Area Rezone citing that in his opinion the changes were not coming from the people, but from the City, and he believed that the voices of the residents who live in the area should have a stronger voice than those that live outside the affected area. He expressed his belief that zoning at its core is a protective layer for the community and residents. He acknowledged that there was change and a demand for services and housing in Homer. He continued that zoning is designed to protect investments in the quality of life that existed when people bought their property; to be consistent and to be protective of private property rights so that the whims of time don't actually impact communities in this way. He further stated that he believed that the standard should shift from the residents to object, to the city should prove that the people directly affected are actually in favor of this action and he believed that there is a legal standard and wanted the record to reflect that the city should transparently understand that legal standard and try to observe it. He believed that there was more at stake than a view or density. He further stated that property owners Reynolds and Beth Holliman are his neighbors to the west and are out of the country but can emphatically attest and certain that they are opposed to this petition.

Arn Johnson, city resident of 55 years, commented that he has been a property owner for about 29 years on Hillside Place and stated that he was opposed to the rezoning for the following reasons; one until

they have a firm drainage program he would like to say that making smaller lots is not a good thing as there is already problems with drainage in the area; secondly he believed that making smaller lots will reduce the larger property owners property values down and agreed with Mr. Faulkner that he has not heard any of the property owners up there even visit that this was good thing until the City brought the issue forward.

RECONSIDERATION

CONSENT AGENDA

- A. Planning Commission Regular Meeting Minutes of March 16, 2022

HIGHLAND/CONLEY 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 22-23, City Planner's Report

City Planner Abboud provided a summary of Staff Report 22-23 and highlighted the following:

- Changes in Administration configuration and impact to Planning Department
- Council failed to introduce the ordinance amending City Code regarding the use of shipping containers as dwellings
- The appeal, Griswold vs City of Homer regarding the bicycle shop was used as an example on how to do something right during the 2022 APA Conference.
- Planning related tasks were discussed at the Council Visioning event - fast forward of the Comprehensive Plan, Title 21 rewrite, non-motorized transportation, sidewalks, affordable housing and density projects
- APA Conference Part 2 availability for Commissioner training opportunity

City Planner Abboud requested volunteers to provide the Commission Report to Council at the April 11th meeting or the April 25th meeting and there were none. Chair Smith will submit a written report to the Clerk.

City Planner Abboud facilitated a brief discussion on the impacts to the Planning Department on the changes to staffing.

Chair Smith congratulated City Planner Abboud on his work involving the action taken on the Bike Shop.

PUBLIC HEARINGS

A. Staff Report 22-24, Conditional Use Permit 22-02, A Request to Allow Eighteen Dwellings at 2161 East End Road

Chair Smith introduced the item by reading of the title.

Commissioner Highland declared that she may have a conflict of interest.

Chair Smith requested a motion.

VENUTI/CHIAPPONE DECLARED COMMISSIONER HIGHLAND HAD A CONFLICT.

Commissioner Highland explained that she was included in the notice mailed out for this action as she is on the Board of the non-profit that owns and manages the Cottonwood Horse Park. She provided clarification that in previous actions before the Commission it was standard procedure for those commissioners to recuse themselves from participating. She stated that she would not benefit financially from the action.

VOTE. YES. SMITH, CHIAPPONE.

VOTE. NO. VENUTI, CONLEY, BARNWELL.

Motion failed.

City Planner Abboud provided a summary of Staff Report 22-24 for the Commission. He shared an overhead aerial of the property location and drawings of the proposed project. City Planner Abboud then reviewed the density component in depth.

Bill Hand, Applicant, commented on his project providing some comparison to his previous project development on Shannon Lane.

Chair Smith opened the public hearing.

Hayley Norris, city resident, testified her appreciation on receiving notice of the project and that it is residential and not commercial. Ms. Norris expressed concerns regarding clear cutting; density for the area; higher use of Adams Street and possible hazards of resident's guests trying to park along the Street as it did not appear that there would be additional parking to accommodate their guests. She noted that she did not have sewer services on her property but this project would bring that service closer.

Chair Smith closed the public hearing after verifying with the Clerk that there was no additional members of the audience present wishing to provide testimony. He opened the floor to questions from the Commission.

City Planner Abboud and Mr. Hand Applicant responded on the following questions:

- Fire Marshall review and approval requirement for commercial projects will follow established regulations if required. This project was reviewed by the Fire Chief. Fire Marshall approval is necessary before obtaining a zoning permit. He did not believe that since this was single family housing that it would require Fire Marshall approval.
- Calls regarding the open slash burning in the area of this project and complaints on the thick smoke and how can the Commission address that issue.
 - Provision of the Fire Chief and the time line for the requirement of a burn permit has just passed.
 - While this issue may be an important topic of concern and discussion, it is not pertinent to this permit and should be discussed at a separate meeting.
- Water metering for the project will only be one meter for all dwellings and is going to be a similar set up to his Shannon Lane rental properties.
- Unit will be two bedroom, 1 bath with two parking spaces per dwelling. There will be additional room towards the north for snow plow that could afford additional parking.
- The sewer line will be extended along East End Road 320 feet which will bring the sewer main closer to many property owners.
- Currently all rentals are one year lease, applicant did not participate in the vacation rental market.
- Ratio to vegetation related to development is good
- Current plans are to leave the remaining open or green space as is there will be a retention pond to the east of the development along Adams Drive on the southern portion. It is believed that leaving the vegetation along East End Road will act as a natural noise buffer.
- Storm water management plan is being worked on by Bishops Engineering and is a requirement for the development.

Chair Smith requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 22-24 AND RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT 2022-02 TO CONSTRUCT EIGHTEEN, 768 SF, 2 BEDROOM HOMES ON A 4.32 ACRE LOT WITH FINDINGS 1-10 AND CONDITIONS 1 & 2 AS FOLLOWS:

CONDITION 1: LIGHTING WILL BE DOWNLIT PER HCC 21.59.030 AND THE CDM

CONDITION 2: DUMPSTERS SHALL BE SCREENED ON THREE SIDES.

Clarification was requested on whether there should be two dumpsters.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith commented his appreciation for the applicant attending the meeting.

PLAT CONSIDERATION

PENDING BUSINESS

- A. Staff Report 22-25, Rural Residential to Urban Residential District, West Homer Area

Chair Smith introduced the item by reading of the title.

City Planner Abboud reported that they reviewed and discussed this topic at the worksession. He noted the comments received from the public on the proposed amendments.

Chair Smith opened the floor for comments or questions from the Commission.

Commissioner Highland commented on the action as described in the Comprehensive Plan regarding the rezone. She then questioned the public comments regarding legal aspects.

City Planner Abboud responded that the city is fully within their legal rights to amend the zoning districts. He further stated that the city can move some of the boundaries of the proposed district.

Commissioner Barnwell expressed concerns on how to address the concerns about rezoning expressed by the property owners. He also asked about drainage plans and if that should be addressed first before the re-zone.

City Planner Abboud responded providing examples and that drainage is a city wide issue. The city is working on that at this time. A drainage plan would need a management plan and then creation of policy. He commented on subdividing and that is when they would have the hard ask for the drainage easements.

Commissioner Venuti commented on storm water but focus has been on the eastside of West Hill road and asked if anything has been done on the west side of the road.

City Planner responded that they have an engineer working on that at this time.

Mayor Castner responded on the action that has been going on regarding stormwater and drainages and is being looked at in three sections, noting the areas to the east, central and west. He commented that he has been working hard during his tenure as Mayor to address this issue and if the Commission does not approve the rezone then they will be in the position of having more conditional use permits to increase the density similar to what was conducted tonight.

City Planner Abboud added to the Mayor's statement that that they saw it within the photo he shared earlier where people are desiring to get per unit per 10,000 square feet which is completely within their rights.

Commissioner Chiappone commented that the concerns expressed by the public and commissioners were changing from a rural lifestyle to a lesser rural lifestyle, stormwater, lack of sidewalks and pedestrian issues, bringing additional traffic into the area from the rezone as the cons and the pros is that it will increase density by adding the ability for additional housing opportunities and asked how these actions would benefit the city.

City Planner Abboud responded that the city will be providing easier opportunities for property owners and developers that want to provide housing and that the city is following the infrastructure which is very spread out and expensive. he further noted that by amending the zoning district the city is following or completing the goals as outlined in the Comprehensive Plan and by providing

opportunities for infill on the water and sewer infrastructure will provide some relief to current customers on the costs and allow the city to grow efficiently and where the city can and should plan that growth.

City Planner Abboud stated that the Planning Department will be sending out another notice to those property owners in the area of the proposed change and within 300 feet, a public hearing will be scheduled for the next meeting. He further advised the Commission that this item would be a legislative topic and therefore the Commissioners are encouraged to speak to people regarding this topic. The Commissioners can listen to residents' concerns and then the Commission can make their recommendation to Council on the proposed action.

City Planner Abboud responded to Chair Smith that the boundaries of the proposed zoning district can be modified if the Commission determines that would be in the best interests of the City. He provided some input on impacts if the boundaries were modified as recommended by the public during the worksession.

NEW BUSINESS

A. Staff Report 22-26, Tiny Homes

Chair Smith introduced the item by reading of the title.

City Planner Abboud provided a summary of Staff Report 22-26. He highlighted the following:

- Not built to any standard
 - typically considered an RV by industry standards
 - there is no prohibition currently if someone wants to build a tiny home on their property
 - it may be okay to have these tiny homes allowed in an RV park
- may want to have a designated area for tiny homes
- currently wheeled option is considered an RV
- developments with a congregation of tiny homes

Chair Smith requested a motion and second to discuss.

HIGHLAND VENUTI MOVED TO OPEN DISCUSSION ON STAFF REPORT 22-26 TINY HOMES.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud facilitated discussion on Tiny Homes and the following topics were covered:

- Homes were getting smaller over the years and that it would be proactive to discuss the subject
- Address the tiny home as a mobile home since it was believed they were not made to move around like an RV

- Having Tiny Homes pop up in a variety of locations and they could address them as a mobile home however there are no standards that tiny homes are built to where mobile homes have a standard.
- the expense of constructing a home in these times and meeting affordable housing needs
- Making a requirement that they are connected to water and sewer and not on wheels
- Use of tiny homes for employee housing
- seasonal residences
- use of tiny homes as permanent dwellings and which districts should they be allowed
- impacts when a building code is implemented in the future
- clusters of small homes similar to developments after World War II still used today

City Planner Abboud will do some more research and bring back for the next meeting recommendations how the city could regulate the use of tiny homes as dwellings.

INFORMATIONAL MATERIALS

- A. City Manager's Report for March 29, 2022 City Council Meeting
- B. Kenai Peninsula Borough Notice of Decisions
- C. Planning Commission Calendar

City Planner Abboud provided some comments on the Commission Calendar items that would be on future agendas such as the Comprehensive Plan and Non-motorized Trails & Transportation Plan.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE MAYOR

Mayor Castner expressed his appreciation for the work that the Commissioners do and that he did not want them to feel rebuffed by the connex issue that did not get through first reading, he assured the Commission that there was very thoughtful discussion by Council regarding doing things piecemeal or to do something comprehensively to address building code related things. Council member Lord recalled the City Planner once stating that you could build something out of egg cartons and no one would say anything about it. Mayor Castner then reported that during COVID they found that there were 1023 small businesses in Homer that collected sales tax. He was astounded by the number and stated that he has always been a student of economy and economics of what we have working for us and not a proponent of taxes, taxes do follow economy, but when you look at the tax rate it shows we have moved from collecting just under \$7 million a year in sales tax to over \$11 million a year. Using those figures as a yardstick, Homer is growing very quickly. He noted that when he first became Mayor there were 105 employees, today the City still has 105 employees and he expressed concerns on their capacity; the City wants to build a \$150 million Port/Harbor which brings the question if they have the capacity to pull that off. The City Manager has been tasked to determine how best to put together the personnel to get these things completed. He continued by noting the promotion of Ms. Engebretsen and she will be working with a team to spend time in advanced planning and knitting together the opportunities and grants so that it can be built, maintained and insured, which are huge costs. There are all these ancillary things that go into a well-planned approach to growth. Mayor Castner commented that it has been a tough three and a half years that he has been Mayor, there have been a lot of changes, some of them big but today he believes that many people would not even notice those

changes such as cleaning up the city balance sheet and getting rid of debt, but that just places the city in a good economic condition with reserve capital, working capital and great opportunities to receive new grants and do some expansion. He commented on the overlap in master planning things, drainage issues, pedestrian, smoke from fires and he receives calls from numerous people stating a town this size and this mature should not have to deal with, you fill in the blank. So for the next couple of months he will be attending more commission meetings of the various advisory bodies, mainly port and planning, as he is a Consulting member in accordance with City Code, because the city will be moving quickly and he did not want the Commissions to feel left behind when they start examining these issues. He then explained that he is a visionary person and he did not want it to seem that he shares his vision and then they go for it and have the Commission feel like they were never given the opportunity to provide their recommendations, so he was attending meetings out of respect and hope that if they heard something then it's probably true but the City will be working diligently as they can to bring some of these things together while they have the capacity and team that he feels can get it done. He expressed his appreciation again for everything that the Commission does for the City.

COMMENTS OF THE STAFF

City Planner Abboud commented that it was an exciting time and there is a lot of positive energy on some of the things he was excited about, lots of moving pieces in which he is glad to have played or play a role and figuring out the best way to implement some of these things.

Deputy City Clerk Krause commented on the great meeting that the Commissioners got through a lot of items on their agenda in a timely manner and then announced that the Clerk's Office will be taking on the task of packet/agenda development and distribution to provide some relief to the planning department due to the staffing changes. She stated that she will be working on the packet for the April 20th meeting but Deputy City Clerk Tussey will be developing and distributing the May 4th packet as she would be on vacation.

COMMENTS OF THE COMMISSION

Commissioner Highland expressed her appreciation to the Mayor for attending the meeting and it is really exciting stuff that is coming forward, commenting that growth was a little scary for her but they have to face it and do the best they can while trying to maintain their quality of life. She believed that they were attempting some really big jobs for everyone to take on.

Commissioner Barnwell expressed his appreciation for the Mayor attending their meeting and hear his thoughts and vision for the city going forward. He personally has some small thoughts and big thoughts, and that the small thoughts are specifically related to this meeting. He opined that mobile tiny home discussion were really good and he appreciated having it, he thinks about the issues of affordable housing every day and just the general trends in society on the needs for this and the aspect of elite versus the worker bees and how the city should address the need for affordable housing. Commissioner Barnwell expressed that he believes it needs more discussion and research. He agreed that it is not an RV in his opinion even though it has wheels but having grown up in Alaska I can tell you, you would not drive very far with those things. But he expressed that he found Mr. Hand's proposal appealing and was a good solution towards the affordable housing while not perfect and maybe not the most aesthetic thing in the world but it is a good start. He believes that the Commission should be creative in their solutions and considering the little houses on the East Coast and what was done in the 20-'s and 30's. He then expressed that the public did have some points to consider such as careful planning, drainage

studies and pedestrian walkways are all interrelated but seems a bit hurried and while the need to follow the infrastructure but there has to be a comprehensive way to get there and did not believe that this particular rezone was the way to get there. Just his two cents.

Commissioner Chiappone provided anecdotal story on the first home his parents owned after World War II and the culture of the United States has always been to want more and bigger, he himself has renovated several homes always going bigger. He can see where in, and this is an abstract, that the small homes solve a problem of affordable housing and density but they might contribute to the stratification of our society between the haves and the have nots so that you end up possibly stigmatizing people or labeling people as someone who can't afford a real house quote unquote and is living in some kind of tiny house. The item tonight about the 18 small homes are great, he expressed loving the idea of having 60% of the property left to natural vegetation. Commissioner Chiappone commented further on recently spending two weeks in Arizona where they are running out of room and building gigantic apartment buildings to answer these problems, noting that obviously the city did not want to go in that direction.

Commissioner Conley expressed that he had some conflicting thoughts tonight and thinking about what was discussed during the meeting. He appreciated Mr. Hand's project with all the units and it is wonderful to see local people stepping up to solve a problem, but did not believe that it was going away anytime soon. Having grown up in Homer and raising his own family, he catches himself being really guarded about what the vision of what they want for Homer, and it is interesting the subject of tiny homes and he shared the sentiments of Commissioner Chiappone, but a bigger issue is that if they allow the small affordable units and with the tourism problem of people using them for Airbnb, VRBO's, this will consequently push the mid-range home costs for the person with an average income out of reach and believes that they should be looking at these projects considering what may happen in the future and what Homer may look like.

Commissioner Venuti commented that it was an interesting meeting and great comments. He expressed his appreciation for everyone showing up.

Chair Smith expressed that he had the privilege to be the grandson in law of an individual who recognized the need for housing following the Second World War and he provided housing for all those coming back home. He built 7000 tiny homes, well we would call them tiny today, in Rapid City South Dakota, which were really the first ever track homes built in the United States and now you can drive through any Midwestern town and see reproductions of his pioneering efforts and he opined that the city was in the same situation and with their discussion about the Community Design Manual evaluation coming up, perhaps it would be good for the Commission to have a work session or two as our own dream conversations or vision casting to perceive the needs of Homer and what direction that the city should take, possible solutions. He would like to have more free discussion on the topic rather than a guided discussion. He then commented on the fire department regulations and overnight uses. He expressed his appreciation being able to work with everyone on the Commission and for the Mayor attendance at the meeting tonight.

ADJOURN

There being no further business before the Commission, the meeting was adjourned at 8:45 p.m. The next Regular Meeting is Wednesday, April 20, 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.

Renee Krause, MMC, Deputy City Clerk II

Approved: _____