

1. CALL TO ORDER

Session 23-14, a Regular Meeting of the Planning Commission was called to order by Vice Chair Charles Barnwell at 6:32 p.m. on August 16, 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 the Annual Commission Training conducted by City Clerk Jacobsen.

PRESENT: COMMISSIONERS HIGHLAND, BARNWELL, SMITH, STARK, CONLEY AND VENUTI

ABSENT: COMMISSIONER SMITH, SCHNEIDER¹ (EXCUSED)

STAFF: CITY PLANNER FOSTER, DEPUTY CITY CLERK KRAUSE

2. AGENDA APPROVAL

VENUTI/CONLEY MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

3. 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).

Scott Adams, City Resident, expressed his views on the Decisions and Findings for Conditional Use Permit 23-07. Mr. Adams noted that he was a previous property owner with property that was located adjacent to the one being addressed by the CUP. He stated his reasons for selling then continued to provide details on the drainage during the time he owned that property. Mr. Adams expressed his views about the process and stated that the Commission approved the CUP even though there were plenty of comments from the neighbors expressing concerns against it.

Jan Keiser, city resident, commented on the Decision and Findings for CUP 23-07 as an adjacent property owner, stating her concerns regarding the drainage, horses and muddy conditions for the water coming from that property, noting the two existing drainages and that one is seasonal and one contains water year round. She further noted that the remedial measures the property owners are being asked to make will help correct some of issues but questioned if it is a problem what can be done to stop it if the city doesn't have a code compliance officer or court compliance except on a complaint basis and questioned what the city could do for further mitigation measures or tell the owners to take their horses somewhere else.

Vice Chair Barnwell offered City Planner Foster the opportunity to address the concerns expressed by the public.

¹ Commissioner Schneider attended the worksession but was excused for the regular meeting due to prior commitment.

City Planner Foster provided response to the concerns explaining the enforcement if the requirements of the Conditional Use Permit are not followed. These actions will be conducted by the Planning Department.

Commissioner Highland questioned if they should suspend the rules to address this issue, since if they pull this item from the Consent Agenda, it will be addressed quite late in the meeting as they have quite a bit on the agenda.

City Planner Foster responded that the Decisions and Findings for CUP 23-07 was not before the Commission for approval or amendment, but as an opportunity for the Commission to review the document to make sure that the decisions of the Commission made at the previous meeting are reflected correctly and to correct any grammatical errors, if any.

Further comments and discussion was entertained by staff on the following points regarding the decisions and findings for CUP 23-07:

- Reconsideration of the Decision has lapsed
- Lack of Staffing in the Planning Department to enforce requirements
- What assurances are there regarding compliance by the property owner/applicant
- Adding an enforcement tool to Conditional Use Permits such as Performance Bonds or something similar
- Ability to Appeal the Action once distributed by persons with standing in accordance with city code
- Issuance of the Zoning Permit is contingent on completion of the requirements outlined in CUP 23-07

4. RECONSIDERATION

5. 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 August 2, 2023
- B. Decisions and Findings Variance 23-01 at 1125 Shelley Avenue
- C. Decisions and Findings Conditional Use Permit 23-07 at 795 W Fairview Avenue

HIGHLAND/CONLEY MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

6. PRESENTATIONS / VISITORS

7. REPORTS

- A. Staff Report 23-047, City Planner's Report

City Planner Foster reported that Ms. Dodge the Associate Planner has submitted her resignation and that the position is currently being advertised. He has amended his schedule to be in office four days per week and is working with other city staff to provide office assistance/coverage for providing service to those members of the public that come to City Hall in person. Ms. Engebretsen will provide assistance with plats and notifications. He is expecting a resubmission for Thomas Court Preliminary Plat for the next meeting.

City Planner Foster responded to questions on the following:

- Building a Hotel and Conference Center at the Base of the Spit
 - o He reminded the Commission about the Traffic Impact Analysis being conducted as required, no additional information is known at this time. If the property owner decides to proceed a Conditional Use Permit may come before this Commission any other requirements as far as the airport and air traffic does not fall under the purview of the commission responsibilities.

8. PUBLIC HEARINGS

A. Staff Report 23-048, Ordinance 23-40, Conditional Use Zoning Text Amendments

Vice Chair Barnwell introduced the item by reading of the title and deferred to the City Planner.

City Planner Foster reviewed Staff Report 23-048, providing a brief synopsis of discussion held during a Joint Worksession conducted on July 19th with the Economic Development Advisory Commission, the Planning Commission worksession on August 2nd prior to their regular meeting and then reviewed the recommended amendments for each affected Zoning District.

Vice Chair Barnwell opened the public hearing, seeing and hearing that there were no members of the public present wishing to provide testimony he closed the public hearing and requested a motion and second.

HIGHLAND/CONLEY MOVED TO ADOPT STAFF REPORT 23-048 AND RECOMMEND CITY COUNCIL ADOPT ORDINANCE 23-40 AMENDING TITLE 21 REGARDING CONDITIONAL USES IN EACH DISTRICT.

Commissioner Highland requested clarification that the amendments will require a conditional use permit in each district for the construction of any additional structures.

City Planner Foster responded that in effect that is what the amendments are doing but without reviewing in detail each section in city code, he could not definitively state whether there were other sections that may allow additional structures without review of Title 21. City Planner Foster indicated the recommendations were in support of the proposed zoning text amendment, removing a “by right” of up to four buildings or dwellings, depending on the Zoning District, and making it a requirement for a conditional use permit for additional structures in those districts.

Commissioner Highland requested a few minutes to be allowed to read the ordinance in full.

Vice Chair Barnwell granted the brief time with no objections expressed by the remaining Commissioners.

Commissioner Highland expressed her appreciation for the allowance and stated she felt comfortable in voting in favor of the proposed amendments.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

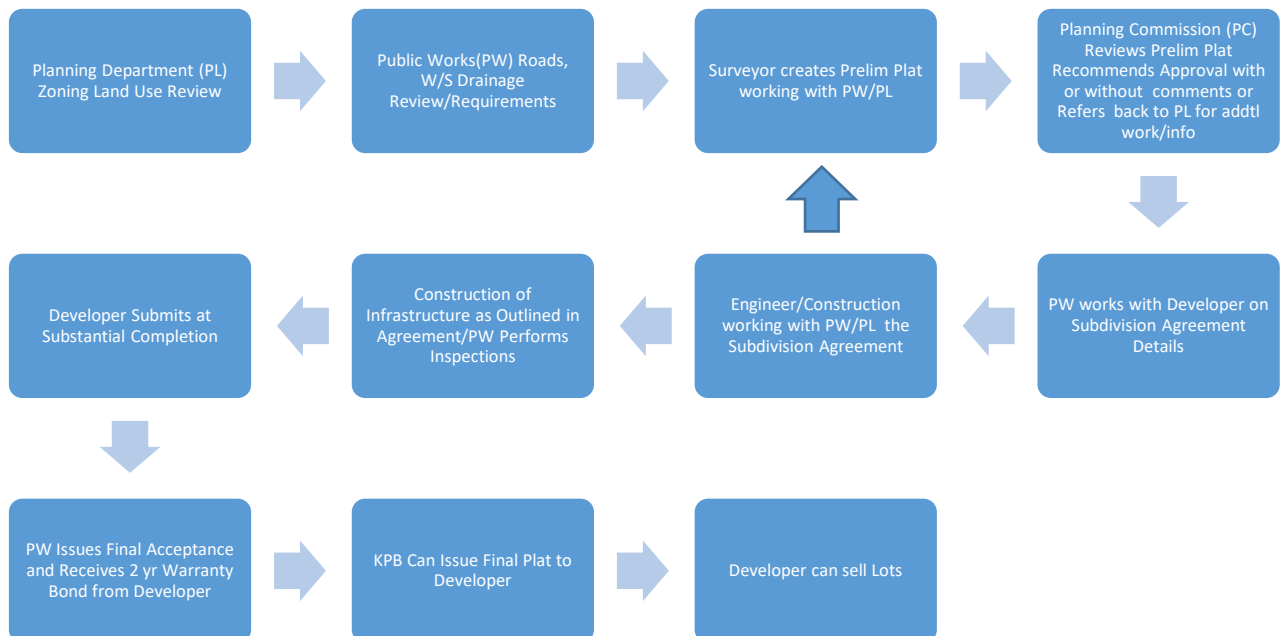
Motion carried.

B. Staff Report 23-049, Ordinance 23-21(S), Title 22 Subdivision Text Amendment

Vice Chair Barnwell introduced the item and deferred to City Planner Foster.

City Planner Foster reviewed Staff Report 23-49. He provided a brief historical background on the timing of Ordinance 23-21(S) and the actions requested of the Commission. City Planner Foster reported that he conferred with Public Works Director Keiser since most of the work relevant to Title 22 is outside of the Planning Department and this Commission's responsibilities. He stated that the processes and conditions were noted on preliminary plats that come before the Commission, however the enforcement and expertise lays with the city engineer and public works department. City Planner Foster stated that he requested Ms. Keiser to review Ordinance 23-21(S) and provide a memorandum which was included in the packet and she also has a presentation for the Commission on the overall process.

Public Works Director Keiser using the whiteboard, framed the preliminary plat/subdivision application process and how Title 22, and other parts of city code influence the process, creating a flow chart for those in attendance at the meeting. She then reviewed her memorandum, provided as a laydown, of the legislative history regarding subdivision development in Homer.



A brief recess was noted at 7:25 p.m. due to the Clerk requesting the City Planner to email the laydown materials to Commissioners Highland and Venuti. Vice Chair Barnwell continued the meeting at 7:28 p.m.

Public Works Director Keiser continued her review of the process speaking on the following topics:

- Belief that a developer could not sell lots within the subdivision until final plat
- Kenai Peninsula Borough in accordance with State laws can release a preliminary plat if an agreement is made between the Developer and the City and recorded even when no improvements have been constructed and the Developer can then sell the lots – this hasn't been done but currently City Code as written allows it.
- The Borough will not issue a final plat for recording until receipt of acceptance by the City of Homer stating everything has been completed as required by the subdivision agreement.
 - o Public Works strongly recommends not deviating from this current process
- City Council recently adopted an ordinance requiring a performance guarantee of 150% of the estimated costs of improvements outlined in the Subdivision Agreement.
 - o Effects on the process with this requirement
- The use of Construction Agreements in the past 10 years over Subdivision Agreements
 - o Language in the Subdivision Agreement is more defined
 - o included performance guarantee requirements and provided options for the Developer to choose from to provide that requirement
 - o Included specific remedies if the Developer defaulted
- Council is requiring commitments that are not codified or captured in the Subdivision Agreement
 - o It is believed that the City does not have the legal ability to hold developers to requirements that are not in city code or the signed agreement
- Preliminary, Construction and Asbuilts Drawings
 - o In the beginning there are Construction Drawings developed by the Engineer, included in the Subdivision Agreement, Inspections are done pursuant to those drawings, Substantial Completion is based on completion of the work contained in those drawings.
 - o Final Acceptance and the Warranty Bond is based on the work of the drawings
 - o Final Acceptance is getting the Asbuilts
 - o Asbuilts depict all the work that was done, Construction Drawings show what is planned to be built. There are always deviations of some kind. Waiting until the project is done until recording a plat is contrary to State and City Code.

City Planner Foster and Public Works Director Keiser facilitated responses and information on the following:

- Why Ordinance 23-21(S) was written the way it was, with the title requiring an asbuilt, which is opposite what Public Works Director Keiser just informed the Commission.
 - o In the Agenda Item Report CC 23-092 item (b) in the second paragraph listed the requirement (refer to page 39 in the packet) this was originally introduced at the April 10th City Council Meeting
 - o Intent of the ordinance outlined in that AIR CC 23-092, expressed concern that there was something being missed in the process and it is believed that this was the driver for the changes.
 - o It may have been perceived that requiring an asbuilt would provide the assurance that was needed.
 - o Previous experience with Quiet Creek Subdivision Phase II final inspections was shared by the Public Works Director and ensuing complaints from the community of not receiving what was promised.
 - o Forest Trails Subdivision Preliminary Plat

- Subdivision Agreements are not submitted to the Kenai Borough for review or approval
 - o The Borough is supportive of the City of Homer requirements of adding the comments related to requiring a subdivision agreement, drainage, improvements, etc., on the preliminary plat.
 - This presents a good relationship in as much as the Borough will tell the applicant that they will not issue a final plat until the City notifies them that all the requirements have been met.
- Preliminary Plats now have a time limit of two years to be finalized. The Borough does allow two extensions allowing up to an additional four years.
 - o If not completed the entire process must begin again.
- City Attorney has reviewed the Public Works Director's analysis of the process and concurred
- Work does need to be done on City Code
 - o Subdivision platting/planning takes place in Title 22, Construction of Subdivisions takes place in Title 11
 - Clean up work and reconciliation of language in city code is required but this ordinance is not the tool to do that work.
- Clarification that there is a Construction Agreement for Quiet Creek which does not contain the performance requirements that a Subdivision Agreement requires or a lot of the language that is contained within the Subdivision Agreement document. Public Works does have asbuilts for the roads and utilities within Quiet Creek.
- Confirmed that asbuilts have nothing to do with the plat and provided an example of how asbuilts and construction drawings are used.
- This ordinance was referred to the Planning Commission by Council for the Commission to review and comment
 - o The Council has not seen Public Works Director Keiser's analysis
 - o The City Planner will put everything together in a package and submit back to City Council
- Forest Trails is still being negotiated on the Subdivision Agreement and they need to come up with the required 150% bond or performance guarantee.
 - o Public Works Director Keiser was unaware of anything dealing with the property being for sale.
- Expectation of the Commission for approval of Preliminary Plats expressed by the Mayor and Public.
- Working to find better ways to communicating items and actions from the Planning Commission to Public Works.
 - o Closer collaboration between Planning Department and Public Works in the future.

Vice Chair Barnwell requested and motion and second.

Commissioner Highland requested clarification from the Clerk on process regarding Public Hearing for this item.

Deputy City Clerk Krause confirmed that this was scheduled for Public Hearing so a Public Hearing must be conducted.

Vice Chair Barnwell recognized Commissioner Conley allowing him to speak.

Commissioner Conley requested clarification before they continue with the Public Hearing on reconciling this with City Council, what direction is needed from the Commission.

Public Works Director responded, noting that the Clerk may be able to relate the specific request, but her understanding is the City Council presented this idea and it was referred to the Planning Commission for advice and comment.

Commissioner Conley questioned if this was something that the Commission could revisit at a later meeting.

City Planner Foster responded that he provided some options in his staff report on page 38 of the packet.

Deputy Clerk Krause, calling for a Point of Order, outlined the process that is supposed to be followed by the Commission on Items presented for Public Hearing, noting that the Staff is to provide their report then the Chair is to open the Public Hearing allowing members of the Public present the opportunity to provide testimony, then the Commission is allowed to ask questions from Staff stressing the need to do a Public Hearing at this point.

Vice Chair Barnwell opened the Public Hearing.

Scott Adams, city resident, expressed his appreciation for the flow chart presented by Ms. Keiser and using the subdivision agreement versus a construction agreement. He commented on the basis behind the proposed changes, reported being told by planning department that developers would refuse to develop if they were required to put in sidewalks, how the City is encouraging families to move to Homer yet there are no safe routes for the children to walk to school. This was one of the main concerns of Council and residents are expressing concern on how Homer is being developed. Mr. Adams provided comment about where will Homer be in the next 50 years since there are not many subdivisions left to be built.

Vice Chair Barnwell closed the Public Hearing seeing no further members of the public coming forward to speak. He then requested further comments from the Commission on Staff Report 23-049.

Vice Chair Barnwell requested a motion and second.

HIGHLAND/VENUTI MOVED TO AMEND ORDINANCE 23-21(S) TITLE TO STRIKE THE VERBIAGE AFTER 22.10.050 AND REPLACE WITH "IMPROVEMENT REQUIREMENTS – GENERAL" REGARDING PRELIMINARY PLAT APPROVAL AND RELEASE OF FINAL PLATS.

Discussion on the proposed ordinance being remanded back to City Council with Ms. Keiser's analysis and information, including the Commission's comments that City Code should be addressed as a whole, and as written does not make much sense, it should be reconciled for clarity so developers know what will be expected of them, they do not want to expose the City to legal liability.

City Planner Foster stated that he would like to take information presented tonight and provide it to the Commission in a report for the next meeting.

Commissioner Venuti requested this information at a worksession for discussion.

Discussion continued on the best process to deal with this ordinance by compiling all the information presented tonight to the Commission first, then submittal to City Council. Commissioners expressed

preference to have staff compile the memorandum to Council and remand the ordinance back to them with their reasons supporting that action.

Deputy City Clerk Krause called for a point of order noting that there was the motion on the table and the Commission should address that motion first before continuing with any additional recommendations.

Commissioner Highland expressed her reluctance to vote on the motion making the amendment as she was unsure what exactly the amendment to the title was resolving, noting that this was very complicated and in her book it should just go back to City Council since they created it. She believed that they should postpone it but was not sure who to ask for clarification and expressed her frustration over the situation.

Deputy City Clerk Krause provided further clarification on the motion to amend shown on their working agenda was because the amendments provided in Ordinance 23-21(S) in their packet were relevant to Ms. Keiser's memorandum but the title to ordinance was not amended and still referred to requiring the asbuilts. She further noted that the change in the language or verbiage reflected the language amended further in the ordinance.²

In response to Commissioners Highland and Venuti, Deputy City Clerk Krause explained that the Commission could vote this motion down as the simplest course of action or not vote on the motion to amend and postpone to the next meeting, this will leave it on the table to address or they can vote it down and make a separate motion to postpone to the next meeting. She further confirmed that any comments would be reflected in the minutes if the Commission voted the motion down.

Commissioner Highland commented that she believed it would best to vote this motion down and send it back to City Council recommending that they reconcile with city code and discussion with Public Works.

Vice Chair Barnwell questioned Commissioner Highland if she would like to restate that in a formal motion?

Deputy City Clerk Krause noted that they have a motion on the table now to address first.

City Planner Foster stated that this ordinance amends title 22 and was remanded to this Commission for review and comment which he believed to be highly valued and is a purview of this Commission. Council approves amendments to city code but he could not recommended telling Council to try again, noting it is not the direction to take. He suggested again to allow staff to review the comments from tonight and the information provided by Ms. Keiser and present it to the Commission at the next meeting in a memorandum. He agreed with voting the current motion down and postponing until the next meeting. They can schedule a worksession on the ordinance for the next meeting.

Commissioner Venuti called for the question.

There was a brief discussion on what exactly the Commission was doing at this time, voting the motion on the floor to amend the title down and then make a motion to postpone to the next meeting.

Vice Chair Barnwell called for a roll call vote.

² It was later revealed after the meeting that the Ordinance 23-21(S) presented in the packet was not the correctly amended ordinance.

VOTE. NO. VENUTI, HIGHLAND, BARNWELL, CONLEY, STARK.

Motion failed.

Commissioner Stark noted that the Commission is voting this down due to the ordinance and code being disparate and it requires reconciling to be in conformance.

HIGHLAND/VENUTI MOVED TO POSTPONE STAFF REPORT 23-48 AND ORDINANCE 23-21(S) TO THE NEXT MEETING FOR DISCUSSION.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Vice Chair Barnwell called for a five minute recess at 7:25 p.m. The meeting was called back to order at 7:32 p.m.

9. PLAT CONSIDERATION

A. Staff Report 23-050, Glacier View Subdivision, Vacate an Existing Lot Line to Create a Larger Lot

Vice Chair Barnwell introduced the item by reading of the title and deferred to City Planner Foster.

City Planner Foster reviewed Staff Report 23-050 for the Commission. He noted that the Plat did not meet the following requirements:

- 15 foot utility easement, if the applicant cannot meet that requirement to request an exception.
- If additional information was going to be added to the subdivision title since it appears incomplete; and
- The plat does not indicate the city water and sewer mains which is required.

City Planner Foster read the recommendation of approval with the comments into the record.

There was no applicant present.

Vice Chair Barnwell opened the Public Comment period.

Scott Adams, city resident, questioned why the presented easements of 10 feet on one side for sewer and 10 feet for utilities was not adequate since some places it has to be 15 feet in one straight area or one side of the lot.

City Planner Foster provided rebuttal noting that page 52 of the packet depicted the 10 foot sewer easement and they can see the 20 foot future building limit line and that is along Klondike Avenue and at the rear of the lot is the 10 foot utility easement but city code requires a 15 foot utility easement and the surveyor did not

demonstrate on the plat why they cannot do that or request an exception. It is not that the exception is not allowed but they did not demonstrate why it would be needed or even request one.

He then responded to questions regarding the following:

- Which side ends up containing the 15 foot easement and who makes that decision; there may be a particular reason why the easement is only 10 feet there but the surveyor has not provided an explanation. It could very well be historical in nature but it still must be shown on the plat.
- The applicant is the owner of both plats and the structure is a garage so the applicant is vacating a lot line but structures are not typically shown on plats. Encroachment is not at issue with this action.
- Since the lots are owned by one owner and we do not know what the future plans are for the lot after the vacation, but they may have plans for future development. But instead of a vacant lot and single residence we now have a single residence on a single lot with the potential for infill.

Vice Chair Barnwell requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 23-050 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO VACATE A LOT LINE TO CREATE ONE LARGER LOT FROM TWO SMALLER LOTS WITH COMMENTS ONE THROUGH THREE THAT HAS ALREADY BEEN READ INTO THE RECORD.

1. RECOMMEND NOTING A 15-FOOT-WIDE UTILITY EASEMENT ON THE PLAT OR PROVIDE AN EXPLANATION ON HOW THIS REQUIREMENT CANNOT BE MET AND REQUEST AN EXCEPTION.
2. DOES THE SURVEYOR INTEND ON ADDING A NUMBER TO THE SUBDIVISION TITLE?
3. RECOMMEND THE SURVEYOR PROVIDE THE APPROXIMATE LOCATION OF KNOWN EXISTING MUNICIPAL WASTEWATER AND WATER MAINS, AND OTHER UTILITIES WITHIN THE SUBDIVISION AND IMMEDIATELY ABUTTING THERETO OR A STATEMENT FROM THE CITY INDICATING WHICH SERVICES ARE CURRENTLY IN PLACE AND AVAILABLE TO EACH LOT IN THE SUBDIVISION TO THE PRELIMINARY PLAT.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 23-051, Bidarki Creek No. 5, Subdivide Two Existing Lots in Four Lots

Vice Chair Barnwell introduced the item by reading of the title and deferred to City Planner Foster.

City Planner Foster provided a summary of Staff Report 23-051 noting that this was an amended application from the one presented to the Commission several months ago. He reported that the applicant has decided to divide two existing lots into four lots.

Tom Latimer, Surveyor/Applicant and McKennen and Rachel Lamb spoke to the application noting that it was pretty straight forward, they worked very closely with Public Works Director Keiser and addressing the neighboring property owners concerns. Mr. Latimer apologized for the oversight of the water and sewer utilities and has submitted a corrected plat to the Kenai Peninsula Borough.

Vice Chair Barnwell opened the Public Comment period.

Public Works Director Keiser commented that in review of page 60 in the packet there was a reference to Construction Agreement under Public Works Department Comments and recommendations number two which should be corrected to read Subdivision Agreement. She then applauded the applicants for stepping back from their original plan which was quite ambitious and worked to find a more agreeable project on all sides.

Laura Karstens, city resident, commented that she appreciated the much smaller subdivision of lots and believed it to be inclined to the closer neighborhood look and feel than the prior version. She said her major concern was the covenants, which was not a concern of everyone at this time but she did notice a while back that the names and addresses did not always line up. She expressed her appreciation for Ms. Keiser correcting the mistake on the agreement and noted she will be speaking later again to them tonight.

Vice Chair Barnwell closed the public comment period and opened to the floor to questions or comments from the Commission.

Mr. Latimer clarified that on page 61 he added the eight foot offset so the Commission and everyone could see the existing separation between the two houses is angled and sneaks its way between the two. He then noted that he was not aware that the City Planner was going to put this on this meeting's agenda as he thought he missed the deadline. He wrote those two paragraphs not knowing how this was going to turn out. He was unsure whether this action would require another public comment period or would be presented as a revised plat. Mr. Latimer stated that the revision was the plat submitted to the borough had the water and sewer depicted.

City Planner Foster did not have any additional comments other than already provided.

Vice Chair Barnwell requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 23-051 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO DIVIDE TWO LOTS INTO FOUR LOTS WITH COMMENTS ONE THROUGH THREE AS READ PREVIOUSLY INTO THE RECORD WITH CORRECTION ON COMMENT NUMBER TWO AMENDING CONSTRUCTION AGREEMENT TO SUBDIVISION AGREEMENT.

1. RECOMMEND THE SURVEYOR PROVIDE THE APPROXIMATE LOCATION OF KNOWN EXISTING MUNICIPAL WASTEWATER AND WATER MAINS, AND OTHER UTILITIES WITHIN THE SUBDIVISION AND IMMEDIATELY ABUTTING THERETO OR A STATEMENT FROM THE CITY INDICATING WHICH SERVICES ARE CURRENTLY IN PLACE AND AVAILABLE TO EACH LOT IN THE SUBDIVISION TO THE PRELIMINARY PLAT.
2. THE DEVELOPER WILL NEED TO ENTER INTO A ~~CONSTRUCTION~~ **SUBDIVISION** AGREEMENT WITH THE CITY. A SHORT WATER AND SEWER MAINLINE EXTENSION WILL BE REQUIRED TO PROVIDE SERVICE TO LOT 1, AND A WATER AND SEWER SERVICE WILL NEED TO BE PROVIDED TO LOT 3. LOTS 2 AND 4 HAVE EXISTING SERVICES.
3. THE DEVELOPER WILL WORK WITH PUBLIC WORKS ON DESIGN, ENGINEERING AND APPLICABLE AGREEMENTS FOR THE SUBDIVISION.

There was no further discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

10. PENDING BUSINESS

11. NEW BUSINESS

12. INFORMATIONAL MATERIALS

- A. 2023 Planning Commission Annual Calendar
- B. City Manager's Report for the Council Meeting on August 14, 2023
- C. City Newsletter for August 2023
- D. Enabling Better Places: A Handbook for Improved Neighborhoods

Commissioner Highland questioned who included the last item under informational materials, expressing that in her opinion it was not relevant to Homer and she would prefer to see information that was more relevant to the size of Homer. She noted it was good information.

City Planner Foster stated that he had no knowledge of who submitted this for the packet.

13. COMMENTS OF THE AUDIENCE Members of the audience may address the Commission on any subject. (3 min limit)

Laura Karstens, city resident, commented on the distance that the Borough sends out notices compared to the City's limit and expressed her concerns that she was not included in the notification from the City.

City Planner Foster provided rebuttal that City Code states 500 feet for notification of property owners for preliminary plats. The Borough has a separate policy for their notification process.

Scott Adams, city resident, expressed his appreciation for the Commission letting the Public know what page they are working off of when they go through the packet. It makes it easier dealing with a cell phone when we don't have a paper packet. He then expressed his views on the Commission visiting sites that pertain to applications for CUP's or subdivisions as he believed it was important to see the actual sites before making decisions; noting that there is no code addressing livestock in the city of Homer, everything he has found addresses dogs, so he believed that if they are going to allow CUPs to allow livestock in residential areas they should implement code, code is changed all the time by the city; His neighborhood was annexed into the city and they have 10 foot easements for utilities and he is going to stay with a 10 foot easement because that is what it was 45 years ago when he bought his property. He then commented that it was an interesting meeting with the things going back and forth, noting that every time the city amends code it affects people who have been living here, bought their property in areas because of the size of the lot for a reason so he expressed that he felt it uncalled for to change code because they wanted a change. Good luck with that.

14. COMMENTS OF THE STAFF

Deputy City Clerk Krause complimented the Commission on getting a heavy agenda accomplished in quick manner. She informed the Commissioners that she receives various newsletters and information from a variety of sources and she felt this topic was related to work that the Commission does and would provide some interesting information.

City Planner Foster had no additional comments.

Public Works Director Keiser stated that she will be taking resolutions to City Council to upgrade the Library Trail System in several areas, Fairview Avenue East and Fairview Avenue and Lee Avenue for the August 28th meeting.

15. COMMENTS OF THE MAYOR/COUNCIL MEMBERS

16. COMMENTS OF THE COMMISSION

Commissioner Highland commented that it was an interesting meeting.

Commissioner Conley complimented Vice Chair Barnwell on a great job and expressed his appreciation to the Clerk and thanked Ms. Keiser for the presentation tonight, the visual was really helpful and thanked the City Planner for being present as always.

Commissioner Venuti agreed that it was an interesting meeting, thanked everyone for serving and complimented Vice Chair Barnwell on doing a great job.

Commissioner Stark expressed his thanks to Ms. Keiser stating that it was great information and getting the approval for those contracts. He questioned if she has already received acceptable bids and is just looking for Council's approval to issue the contracts?

Ms. Keiser responded that was correct, adding that any contract over \$10,000 went before Council for approval.

Commissioner Stark continued expressing his thanks to the Clerk stating he appreciated the information she provided and opined that it was applicable to Homer and while it may not be directly related to Homer for its size, he hypothesized that any concept can be taken and based on best practices scaled to be useful to Homer. You just need to scale it so it is appropriate for Homer. That it would be in Homer's best interests, etc. All those things are beneficial to be aware of and they can always be scaled and modified. He then reiterated that he found the information interesting himself. Mr. Stark thanked the public for attending and participating on Zoom. In response to a couple of the comments, he knows that Commissioners, himself included, do visit sites for Conditional Use Permits and Preliminary Plats and oftentimes its incumbent upon the Commission to not deny an application unless there is a legal or codified reason to deny it. Unless there are non-conformities in code, our intentions are not to really deny people the use and enjoyment of their property. If someone bought their property forty years ago and the owner wants to do something different with the property as long as it complies with city ordinances and codes, any property owner should have that flexibility. He further commented that the Commission was in place to oversee and make sure things are done with the best interest of Homer being considered. No one wants to be controlled, that is why we issue public notices and have discussions in public. Mr. Stark believed that there needs to be review of the procedure as it appears that no

matter what application they have, there are always people who did not get adequate notice or all the people involved did not get notified. He noted that the City is complying with what is outlined in city code and as you know there are always people who wait till the last minute, but we have had our discussion, made suggestions on how the process could be improved. He expressed his appreciation for the work of the Commissioners and expressed his appreciation for all the work that the Clerk does for them recognizing it was a lot of work and he always appreciates the value of the results that are achieved.

Vice Chair Barnwell expressed his appreciation for the working agenda that is created and distributed by the Clerk, Ms. Keiser for the work flow chart on the Subdivision Agreement/Preliminary Plat process stating that it was the first time he fully understood the process, and he was surprised at the disconnect between Planning Commission and the City Council and this ordinance really points at that fact. He stated that all the work of the city staff was really appreciated. Mr. Barnwell thanked the audience for attending the meeting.

17. ADJOURNMENT

There being no further business Vice Chair Barnwell adjourned the meeting at 9:27 p.m. The next Regular Meeting is on Wednesday, September 6, 2023 at 6:30 p.m. A Worksession will be conducted at 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, DEPUTY CITY CLERK II

Approved: _____ September 6, 2023 _____