

CALL TO ORDER

Session 25-10, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:35 p.m. on May 21st, 2025 in the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

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

ABSENT: COMMISSIONER CONLEY

STAFF: CITY PLANNER FOSTER & DEPUTY CITY CLERK PETTIT

AGENDA APPROVAL

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

SCHNEIDER/BARNWELL MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Ole Andersson, city resident, shared that he lives at the end of Tundra Rose Road. He commended Kyra Wagner for her presentation regarding erosion that she presented to the Commission on May 7th. He urged the Commission to make good choices in their future decisions, and stated that he's in favor of the reconsideration for the Foss Acres 2025 Addition Preliminary Plat.

Jinky Handy, city resident, urged the Commission to reconsider the Foss Acres 2025 Addition Preliminary Plat.

RECONSIDERATION

A. Foss Acres 2025 Addition Preliminary Plat, Staff Report 25-25, Commissioner Barnwell

Chair S. Smith introduced the item by reading of the title and deferred to City Planner Foster, who provided a summary review of his report included in the packet.

BARNWELL/VENUTI MOVED TO RECONSIDER THE FOSS ACRES 2025 ADDITIONAL PRELIMINARY PLAT.

Commissioner Barnwell provided his reasoning for issuing the reconsideration, summarizing that he felt the Commission needed to spend more time with this application before making a decision. He cited insufficient information as the key reason as to why he issued the reconsideration. He also highlighted various other issues he had with the plat, including walking trail connectivity, traffic safety concerns, and wetlands.

Commissioner Stark stated that the Commission followed due process in regards to this plat. He added that it shouldn't be incumbent upon the applicant to fix the traffic problems.

Commissioner H. Smith noted that his biggest concern is the drainage easements and how that water is taken care of. He acknowledged that platting is just part of the process, not the entire process.

Hearing no further discussion, Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE: YES: VENUTI, SCHNEIDER, H. SMITH, BARNWELL.

VOTE: NO: S. SMITH, STARK.

Motion carried.

CONSENT AGENDA

A. Unapproved Regular Meeting Minutes of May 7, 2025

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

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS/VISITORS

REPORTS

A. City Planner's Report, Staff Report 25-27

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

- Comprehensive Plan update
- Ordinance 25-11(S)(A) was adopted as amended with discussion by the City Council
- Cancellation of the next Regular Meeting on June 4th, 2025
- Joint Worksession with City Council on June 11th, 2025
- Next Regular Meeting is scheduled for June 18th, 2025.
- Next Commissioner Report to Council on May 27th, 2025

PUBLIC HEARINGS

PLAT CONSIDERATION

A. Christensen Gardens Preliminary Plat, Staff Report 25-28

Chair S. Smith introduced the item by reading of the title and deferred to City Planner Foster, who provided a summary review of his staff report included in the packet.

Chair S. Smith opened the floor for the Applicant. Christopher Mullikin noted that he was the surveyor who prepared the plat. He highlighted the oversight of the missing creek from the plat, providing that the creek comes around the edge of the wetlands on Tract F-1-B. He stated that the creek will be added to the next version. Chair S. Smith then opened the public comment period.

Jan Keiser, city resident, recalled a section of City Code requiring connectivity be provided when a development is within a certain proximity of an existing non-motorized trail. She encouraged the Commission to include a condition on the plat directing staff to explore whether that provision applies. Ms. Keiser also noted that City Code stipulates a property can't connect to city water unless it is also connected to city sewer. In reference to the staff's recommendation to add the locations of existing creeks, she additionally requested that the Commission require the inclusion of drainage easements.

With no other members of the public wishing to speak, Chair S. Smith closed the public comment period. He then opened the floor to questions and comments from the Commission.

Commissioner Barnwell questioned if the Stream Hill Trails were part of the City's trail system and whether there's a requirement in City Code to have connectivity to those trails. City Planner Foster noted that staff determined there weren't requirements to put that type of improvement on this plat after reviewing Homer City Code Title 11.

There were brief conversations regarding water and sewer in the area.

H. SMITH/SCHNEIDER MOVED TO ADOPT STAFF REPORT 25-028 AND RECOMMEND APPROVAL OF THE CHRISTENSEN GARDENS PRELIMINARY PLAT, WITH THE FOLLOWING COMMENTS:

1. IN ACCORDANCE WITH HCC 22.101.051, STAFF RECOMMENDS THAT THE SURVEYOR REMOVE NOTE 2 AND REVISE THE UTILITY EASEMENT ALONG EAST END ROAD TO REFLECT THE REQUIRED 15 FEET.
2. STAFF RECOMMENDS THAT THE SURVEYOR CLEARLY INDICATE THE LOCATIONS OF ALL EXISTING CREEKS AND DRAINAGE FEATURES AS REFERENCED IN THE NOTES, AS WELL AS DRAINAGE EASEMENTS.
3. STAFF RECOMMENDS THAT THE SURVEYOR EITHER REMOVE "SETBACK LINE" FROM THE PLAT'S LEGEND, AS NO SETBACKS ARE ILLUSTRATED, OR ILLUSTRATE THE APPROPRIATE SETBACKS AS REFERENCED IN NOTE 6.
4. STAFF RECOMMENDS THAT INFORMATION REGARDING THE STATUS OF LANDS ACROSS HOUGH ROAD TO THE EAST BE INCLUDED IN THE PLAT.
5. STAFF RECOMMENDS THAT THE LOT NUMBER OF THE ADJACENT LAND TO THE NORTHWEST OF TRACT F-1-A BE REVISED TO REFLECT THE RECORD AND READ AS "TRACT B" INSTEAD OF "LOT 30."

There was a brief discussion regarding the addition of a condition to investigate trail connectivity for this particular plat.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Virginia Lynn 2025 Replat Preliminary Plat, Staff Report 25-29

Chair S. Smith introduced the item by reading of the title and deferred to City Planner Foster, who provided a summary review of his staff report included in the packet.

Chair S. Smith opened the floor for the Applicant. Christopher Mullikin noted that he was the surveyor who prepared the plat. He stated that the utility easement will be changed on the final plat, and acknowledged the errors in the spelling of "Virginalyn Way." He added that the primary purpose of this plat is to resolve all of the encroachment issues and made himself available for questions. Chair S. Smith then opened the public comment period.

Jan Keiser, city resident, noted that she was still working for the City when this came forward the first time for the conditional use permit. She stated that the developer needs tight survey control to ensure there are not encroachments.

With no other members of the public wishing to speak, Chair S. Smith closed the public comment period. He then opened the floor to questions and comments from the Commission. There were none.

H. SMITH/BARNWELL MOVED TO ADOPT STAFF REPORT 25-029 AND RECOMMEND APPROVAL OF THE VIRGINIA LYNN 2025 REPLAT PRELIMINARY PLAT, WITH THE FOLLOWING COMMENTS:

1. DEPICT THE UTILITY EASEMENT ALONG VIRGINIALYN WAY AS 15'.
2. CORRECT THE SPELLING FOR THE STREET VIRGINIALYN WAY.
3. ADD APPARENT ENCROACHMENTS TO EXISTING BUILDING SETBACKS AND UTILITY EASEMENTS AND A STATEMENT OF HOW ENCROACHMENTS WILL BE RESOLVED.
4. DEPICT THE WATER SERVICE VALVE FOR LOT 53-A IN RELATIONSHIP TO THE NEWLY ADJUSTED PROPERTY LINE, TO VERIFY THAT SERVICE IS NOT ON LOT 54-A.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. A A Mattox Sub. 1958 Addn. a Portion of Lot 15 Replat Preliminary Plat, Staff Report 25-30

Chair S. Smith introduced the item by reading of the title and deferred to City Planner Foster, who provided a summary review of his staff report included in the packet.

Chair S. Smith opened the floor for the Applicant. Katie Kirsis noted that she was the surveyor who prepared the plat. She made herself available for questions. Chair S. Smith then opened the public comment period.

Without any members of the public coming forward to speak, Chair S. Smith closed the public comment period. He then opened the floor to questions and comments from the Commission. There were none.

H. SMITH/SCHNEIDER MOVED TO ADOPT STAFF REPORT 25-030 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT, WITH THE FOLLOWING COMMENTS:

1. THE PROPERTY OWNER WILL NEED TO PROVIDE WATER AND SEWER TO BOTH LOTS.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Foss Acres 2025 Addition Preliminary Plat, Staff Report 25-25

Chair S. Smith introduced the item by reading of the title and noted the following main motion that was back on the floor per the Reconsideration:

BARNWELL/STARK MOVED TO ADOPT STAFF REPORT 25-25 AND RECOMMEND APPROVAL OF THE FOSS ACRES 2025 ADDITION PRELIMINARY PLAT, WITH THE FOLLOWING COMMENTS:

1. THE DEVELOPER WILL NEED TO ENTER INTO A SUBDIVISION AGREEMENT WITH THE CITY:
 - a. CONSTRUCT TUNDRA ROSE ROAD AND THE DEDICATED CUL-DE-SAC OFF JEFFREY AVENUE TO A CITY STANDARD ROAD.
 - b. PROVIDE POWER AND GAS TO ALL LOTS.
 - c. DEDICATE A 40' WIDE ROAD ACCESS AND UTILITY EASEMENT TO PROVIDE LEGAL ACCESS TO THE UN-SUBDIVIDED REMAINDER TO THE EAST.
 - d. CONSTRUCT A HAMMER HEAD AT THE END OF TUNDRA ROSE ROAD WITHIN THE RIGHT-OF-WAY TO PROVIDE EMERGENCY AND MAINTENANCE TURNAROUND.
 - e. THERE IS A 10' UTILITY EASEMENT ALONG THE PROPERTY BOUNDARIES OF TRACTS B2, B3, A PORTION OF B4, AND B5. CHANGE THE LANGUAGE OF THE UTILITY EASEMENT TO INCLUDE PEDESTRIAN ACCESS FOR A FUTURE TRAIL AND RECREATIONAL CONNECTIVITY.
2. HOMER PLANNING COMMISSION RECOMMENDS APPLICANT PROVIDES DETAILED SURVEY WITH TOPOGRAPHY, CURRENT WETLANDS STATUS, DRAINAGES, AND CONTOUR LINES:
 - a. DOWNSTREAM WATER IMPACT.
 - b. EVALUATE ROAD ACCESS FROM JEFFREY AVENUE.

Commissioner Barnwell declared potential ex-parte communication between himself and some members of the public. He briefly described conversations he had regarding the Foss Acres Preliminary Plat the morning before he issued the notice for reconsideration.

Commissioner Stark questioned Mr. Barnwell if he had discussed any additional information not originally provided during the original hearing. Mr. Barnwell stated that he did not.

Commissioner H. Smith asked Mr. Barnwell if either of the conversations he had regarding the plat influenced him to issue the notice for reconsideration. Mr. Barnwell claimed that one of the conversations ultimately contributed to his decision to issue a notice of reconsideration, though no new information was provided.

H. SMITH/STARK MOVED THAT COMMISSIONER BARNWELL HAD EX-PARTE COMMUNICATION AND SHOULD BE EXCLUDED FROM THE CONVERSATION.

There were brief discussions regarding what classifies as ex-parte communication.

Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE: YES: S. SMITH, SCHNEIDER, H. SMITH, STARK.

VOTE: NO: VENUTI.

Motion carried.

Commissioner Barnwell removed himself from Cowles Council Chambers for the remainder of this business item.

Chair S. Smith opened the floor to further discussion from the Commission regarding the motion on the floor.

Commissioner S. Smith stated that he trusts the back end of the process, adding that he does not see the need for the Commission to reverse the decision made in his absence.

Commissioner Stark echoed Mr. Smith's comments. He noted that the Borough has ability to add any requirements they see fit.

Hearing no other comments from the Commission, Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE (MAIN MOTION): YES: SCHNEIDER, H. SMITH, STARK, S. SMITH.

VOTE (MAIN MOTION): NO: VENUTI.

Motion carried.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. 2025 Planning Commission Calendar
- B. 2025 Planning Commission Meeting Dates and Submittal Deadlines

Chair S. Smith noted the informational materials. There were comments regarding the Commission's schedule.

COMMENTS OF THE AUDIENCE

Jan Keiser, city resident, noted that the Foss Acres Subdivision lies within the Woodard Creek watershed. She stated that in 2017, the City convened a coalition of stakeholders to develop goals, objectives, and recommendations for the watershed's protection and management. She asserted that the Foss Acres plat, along with several of its conditions, conflicts with nearly all of those guidelines.

Ole Andersson, city resident, alluded to things that are yet to be known about the Foss Acres Subdivision. He suggested the Planning Commission should have more than just one hearing before approving a plat consideration. He thanked the Commissioners for the work they do.

Jinky Handy, city resident, expressed her concern about the cost of developing the road for the Foss Acres Subdivision. She recalled a 1990s agreement between herself, Ole Andersson, and the City in which she and Mr. Andersson agreed to assume responsibility for road maintenance. She also raised concerns about

ensuring emergency vehicle access, access to her own property, and the ability to receive deliveries during the time of road development. Ms. Handy requested assurance from the City that the developer would be responsible for any costs associated with road damage, abandonment, or related issues.

Rika Mouw, city resident, echoed Ms. Keiser's comments and inquired about the number of affirmative votes required to adopt a motion. She expressed her desire for the Commission to consider past studies—particularly those related to the Woodard Creek watershed—when making decisions, rather than allowing them to be overlooked.

COMMENTS OF THE STAFF

Deputy City Clerk Pettit noted that it was a great meeting, and that he was looking forward to seeing everyone again next month.

COMMENTS OF THE MAYOR/COUNCILMEMBER (If Present)

COMMENTS OF THE COMMISSION

Commissioner Venuti commented that it was an interesting meeting. He stated that he feels the Commission is cavalier about how it deals with wetlands, adding that he doesn't feel the Commission pays enough attention to the issue.

Commissioner H. Smith reasoned that the City could buy up all the wetlands in order to control outcomes. He acknowledged that the Commission can't make all the decisions given that there is a process and other parties involved. He added that just because an individual doesn't get their way doesn't mean that due process didn't play out. He thanked the members of the public, City staff, and his fellow Commissioners.

Commissioner Stark thanked his fellow Commissioners for the thoughtful deliberation. He also gave thanks to City staff and members of the public. He stated that there are checks and balances to ensure that due process is carried out. He offered to provide any reports to Council when needed.

Commissioner Schneider shared that it's good to be back after his hiatus. He emphasized the need for constant improvement, adding that it was interesting to watch due process in action at the meeting tonight.

Commissioner Barnwell echoed Mr. Venuti's comments regarding the omission of wetlands when making decisions. He noted that the City has no policy for wetlands even though the City has a ton of useful information on wetlands. He suggested that the process the Commission uses for plat considerations be improved. He thanked City staff, his fellow Commissioners, and the public for their participation in the meeting tonight.

Chair S. Smith urged Mr. Andersson and Ms. Handy to take their concerns about the maintenance of Tundra Rose Road to City Council. He briefly spoke to due process and Title 21. He stood by the decision that the Commission made on the Foss Acres Subdivision given the rules and laws governing the Commission. He questioned the omission of the Bridge Creek Watershed from the Title 21 spreadsheet. He shared his desire for a better way of weighing in public comment when the Commission is making decisions. Lastly, he noted that his dad has been in and out of the hospital recently, and that he might be absent in the near future.

ADJOURN

There being no further business to come before the Commission, Chair Scott Smith adjourned the meeting at 8:21 p.m. The next Regular Meeting is scheduled for **Wednesday, June 18th, 2025 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.

Zach Pettit, Deputy City Clerk II

Approved: _____