

Session 22-06, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:32 p.m. on April 20, 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, BENTZ

**ABSENT:** COMMISSIONERS CHIAPPONE (EXCUSED)

**STAFF:** CITY PLANNER ABBOD  
DEPUTY CITY CLERK KRAUSE

The Commission held a worksession prior to the regular meeting at 5:30 p.m. On the agenda was a discussion and presentation on the Staff Report 22-30, Non-motorized Trails and Transportation Plan Implementation 2022.

### **APPROVAL OF THE AGENDA**

HIGHLAND/ BENTZ 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**

### **RECONSIDERATION**

### **CONSENT AGENDA**

- A. Planning Commission Regular Meeting Minutes of April 6, 2022
- B. Decisions and Findings for CUP 22-02, A Request to Allow Eighteen Dwellings at 2161 East End Road

BENTZ/HIGHLAND 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 22-27, City Planner's Report

City Planner Abboud provided a summary of Staff Report 22-27. He requested a volunteer to provide the report to City Council and there were none. Chair Smith will submit a written report.

## **PUBLIC HEARINGS**

- A. Staff Report 22-28, Rezone of a Portion of the Rural Residential (RR) Zoning District to Urban Residential (UR) Zoning District

Chair Smith introduced the item by reading of the title.

City Planner Abboud provided a summary of Staff Report 22-28 for the Commission. He reported on the following:

- The previous Comprehensive Plan development had a total of 24 meetings;
  - This document guides the decisions and work of Commission.
  - Helps property owners know what they have when they buy it.
  - This document also guides the future of Homer but does not mean it cannot be changed.
  - The recommendations are based on the values and wishes.
  - Changes that are not in the plan will not be supported, however if there are things that the Commission would like done then changes to the plan should be established first before acting on the change.
- The new UR zone is proposed to continue to the west and is bordered on the south by Gateway Business District and buffers out into the Rural Residential District.
- Water and Sewer has been in planning for the area.
- Clarification on square footage requirements for water and sewer.
- Connections from new roads to existing roads.
- Current or existing uses will be allowed to continued, i.e. mobile home on site can be used until moved from site and cannot be replaced by another.
- Opposition has been submitted by a majority of the affected property owners on Hillside Place.
- There is one letter in support of the action.

Chair Smith opened the public hearing.

Jeanne Walker, Kachemak City, expressed her appreciation for the Planning Commissioners for working on this topic in response to the increased pressure for development in the area. She noted the development has increased and will increase the traffic and expressed her concerns on the impacts to pedestrians and their safety and recommended that the City instill requirements for a six foot shoulder or separated footpath.

Kevin Walker, Kachemak City, expressed that he supports more housing in Homer, but he expressed concerns on the lack of walkability or non-motorized access between subdivision and trail systems, stating that people should have a choice. He then provided the benefits offered by providing non-motorized access and requiring those connections from developers. Mr. Walker then expressed his concerns on the issues regarding stormwater drainage.

Dakota Larson, city resident, explained that he is on the edge of the proposed zoning action and expressed concerns that the rezone would affect the future uses for his property and he did not want limits proposed to future uses since he is situated so close to the bypass.

Scott Adams, city resident, stated that he has watched the City make changes to zoning to their liking dependent on what project comes up and now there are three or four subdivisions being built in the new area. He proceeded to express concerns related to changes to the zoning district and how that

would affect the allowed uses of the property and the original owners existing uses, all because there is a housing shortage, noting that this action is not sitting well with property owners. He further commented that the houses being built on smaller lots mean that kids will not have a safe place to play and homeowners cannot enjoy their property.

Linda Roark, city resident, cited that the statement made by the City Planner rang true to her “you know what you got when you buy it” and that was her issue. She proceeded to provide the timeline for her purchase of the property in the 1990’s and the subsequent costs with installation of water and sewer, natural gas and when she subdivided a lot then purchased additional land. Ms. Roark proceeded to read her written comment into the record. She stated that the properties in the Hillside area are owned by long term residents or owners who purchased their properties because they wanted a rural lifestyle but had the advantages of living within city limits. She expressed her dislike of the proposed zoning change and the unfairness to them for the city to change the rules and force the residents to live in potentially vastly changed neighborhood. Ms. Roark continued stating it was already difficult to witness the unprecedented growth to the east side of West Hill when she conducts her daily drive home.

Larry Cabana, city resident, commented that he lives on the edge of the boundary on the east side and has 2.5 acres. He stated that his brothers and he developed Sunset View Estates, which is a 40 acre tract. He expressed his concern on the increased traffic when he connected roads to West Hill Road. He provided information on installation of sidewalks and the added costs to develop the subdivision. He cannot imagine the additional traffic that will occur when the developer puts in the additional 40-50 homes in the new subdivision. Getting out from the school now is crazy. Mr. Cabana commented on the costs of the lots will not be conducive to low income housing. The paperwork he saw on the difference between Rural Residential compared to Urban Residential means that everything he does on his property is against the law. He expressed frustration on buying his property so he did not have to worry about things like this and he could enjoy himself. He expressed his concerns on the impact that additional density will bring before working on the infrastructure required and would appreciate the City looking at that before doing anything.

Sarah Faulkner, city resident, stated that she is a 32 plus year resident and their requirements when looking at land to purchase was whether it had electricity and running water and they were shown three houses that met their criteria, adding that there was a housing shortage back then. She commented that she had conversations with her neighbors and none of them supported this rezone either. Ms. Faulkner noted that she provided written comments and wanted to express that she believed the issue was with short term rentals and believed that the Planning Commission should address that problem; they have been negligent at looking at that as it is having a direct impact on the housing opportunities for people and that before the City jams this rezone down their throats and further suggest using West Hill Road as the western boundary for the proposed rezone. Ms. Faulkner also express that they purchased their property in 1990 and hooked up to water and sewer but was never advised of the plan to make their area urban residential, never heard that. The mailer was their first notice but it got their attention.

Jon Faulkner, city resident, stated that the commission has heard his comments at the worksession and he provided a letter and hoped that they received it. He expressed that he was absolutely opposed to the rezone but even more opposed to the process and believed it to be fundamentally flawed. In his letter he provided 16 points in opposition and hopes the Commission reads it. He expressed that he never heard of a municipality ever initiating a rezone, that it established a bad precedent and the

primary reason is the conflict of interest that it puts the city in. He continued citing that this action does not represent the city residents and formally requests the Planning Commission to consider the conflicts inherent in the process and expressed his opinion that he believed it to be upside down when the government comes in and initiates the rezone at the expense of the residents.

Jennifer Cabana, city resident, stated that she was informed that West Hill would never touch Shelley Avenue and within a year that changed. She reported on the increased traffic that presents a safety hazard to her children. Ms. Cabana then provided information that she has applied for a grant that offers her the ability to be self-sustainable by growing her own food and maintain a small flock. Urban residential does not allow her to have a flock as large as she currently maintains and while she could be grandfathered in she opposes the rezone as proposed as it does not allow her the choice to do as she wishes with her property.

Karin Holser, city resident, stated that she is outside this rezone, but if they can do it for this big of section then why won't it come down to her neighborhood too, so she agreed with the previous comments that the process is flawed as this is the first she has heard about it. She opposed the 40 lots in the subdivision below her as she thought they should be bigger lots. Property owners bought their lots because they were rural and bigger lots, not to have smaller lots, and that was the whole beauty of it; you were in city limits and had all the great amenities yet you could feel a semblance of rural. Ms. Holser continued by stating she has lived in the Pribilof Islands for 25 years so it's not really rural to her. But she reiterated that she felt the process was flawed and it was wrong to have the sudden change as it was not something they agreed on stressing she did not agree on the forty lots either but there was nothing she could do.

Mark Sass, property owner on Hillside, which he bought for retirement. Mr. Sass provided the reason he purchased the property for the rural area and view-shed within the city limits. He stated that reviewing all the thoughts, speaking with neighbors and everything west of West Hill Road really never intended this to be the density that the city is proposing and like Mr. Faulkner stated as a majority rule we cannot have what we want we can't have because someone else has decided. There are flag lots, large parcels that cannot be rezoned, steepness of the hillside, financial challenges with assessments for water and sewer, the majority of property west was never meant to happen. Density will happen and there is no stopping it but do it smart. East of West Hill Road will present challenges with traffic increased and pedestrian safety. Mr. Sass then recounted a brief experience in the contracting business.

Helen Armstrong, city resident, does not live in the rezone area but expressed her concerns on the lack of development for pedestrian safety especially for the children going to school.

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.

Commissioner Highland noted that the City Planner may want to offer rebuttal.

City Planner Abboud provided previous steps on developing the Comprehensive Plan and that the plan sets the stage for the future and the City wants the residents to provide input and recommendations. The City has not ulterior motives other than to follow the recommendations of the plan that considers all city residents. The Planning Commission listens to all comments and makes the appropriate decisions. He acknowledged the unacceptable traffic patterns and having to deal with those issues as

well as pedestrian safety but the city is growing up. As for the short-term rentals, the city is aware of that issue and will be dealing with it in the near future.

City Planner Abboud answered and responded to questions and comments from commissioners on the following:

- Processes for initiating rezoning other than what is directed by the Comprehensive Plan.
- Public hearings are part of the rezoning process.
- Rezones are based on needs such as housing, changing conditions to the existing areas, alternate transportation routes in the area.
- This will now go to the City Council and the Commission will include an informed recommendation.
- This rezone appears hurried with a lack of addressing the pedestrian safety and drainage issues before implementation of the rezone.

Deputy City Clerk Krause called for a point of order as the City Planner and Commissioner Barnwell were entering into a one on one conversation.

Chair Smith requested any additional questions from the Commission.

Commissioner Highland requested clarification from the Clerk on whether to continue with questions and when they make a motion and they enter into the discussion as she had a few comments but no real questions and she also had an amendment to the ordinance.

Chair Smith requested a motion and second.

HIGHLAND/BENTZ MOVE TO ADOPT STAFF REPORT 22-28 AND RECOMMEND CITY COUNCIL APPROVE THE PROPOSED AMENDMENTS TO THE ZONING MAP.

Commissioner Highland noted a required correction to the draft ordinance, line 39, on page 33 of the packet.

Chair Smith requested a motion and second.

HIGHLAND BENTZ MOVED TO AMEND THE DRAFT ORDINANCE LINE 39, PAGE 33 OF THE PACKET, THE STATED VERBIAGE SHOULD BE "FROM RR ZONING DISTRICT TO THE UR ZONING DISTRICT"

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith requested additional discussion on the motion on the floor.

City Planner Abboud facilitated discussion and comments with the Commission on the following:

- Planning for the future while the future was now and the city is behind on addressing things.
- Balancing longtime residents' expectations and meeting the needs of new residents.
- Rezoning is a tool that the Commission has to use to address issues and needs.
- No one likes change.
- Focusing the rezone to the East of West Hill Road.
- Postponing the action to a future meeting.

- Environmentally it is better to have infill rather than sprawl.
- Impacts to traffic and pedestrian safety with increased density.

Chair Smith requested that Commissioner Highland wait to amend the motion until everyone has an opportunity to comment. Commissioner Highland deferred to the Clerk on process.

Commissioner Bentz indicated she had questions for the Planner. City Planner Abboud responded to the following:

- Steepness of the parcels to the west of the area directly opposite of Eric Lane regarding requirements to conform to the proposed district with regard to water and sewer, etc.
- Dimensional Standards would present a challenge but services would be dictated by DEC.
- The water and sewer boundaries as shown on page 51 of the packet.

HIGHLAND/VENUTI MOVED TO AMEND THE MOTION THAT CITY COUNCIL APPROVE A REZONE OF RURAL RESIDENTIAL TO URBAN RESIDENTIAL ON THE EAST SIDE OF WEST HILL OF THE BOUNDARIES THAT ARE SHOWN ON EXHIBIT B.

There was further discussion on compromise for the proposed rezone, concerns on the timing were expressed and hesitation that the amendment or main motion could not be supported.

Public Works Director Keiser approached the podium and requested the opportunity to provide information. Chair Smith requested clarification from the Clerk.

BARNWELL/HIGHLAND MOVED TO ALLOW PUBLIC WORKS DIRECTOR TO SPEAK TO THE COMMISSION.

There was no discussion.

VOTE. NON-OBJECTION UNANIMOUS CONSENT.

Motion carried.

Public Works Director Keiser provided information on the following:

- Use of funding to address concerns on pedestrian safety.
- The increase in development east of West Hill Road providing opportunities.
- More density will increase the buy in on non-motorized transportation.
- Water flow is not an issue as the area is served by a 12 inch line.
- The potential to provide multi-family housing.

Chair Smith requested additional comments and questions.

Commissioner Bentz commented on her review of the plans and services, the proposed Eric Lane development, and that she would support the amendment.

Chair Smith requested the Clerk to restate the motion. Deputy City Clerk was unable to fully restate the amendment proposed by Commissioner Highland. Commissioner Highland restated her amendment.

Commissioner Bentz noted that the proposed amendment got the Commission halfway there and is fulfilling what the Commission is tasked to do.

Commissioner Conley stated that the development that is being done is rural residential.

Deputy City Clerk Krause restated the motion as follows:

APPROVE A REZONE OF RURAL RESIDENTIAL TO URBAN RESIDENTIAL ON THE EAST SIDE OF WEST HILL OF THE BOUNDARIES THAT ARE SHOWN ON EXHIBIT B.

VOTE (amendment). YES. VENUTI, SMITH, HIGHLAND, CONLEY, BENTZ

VOTE (amendment). NO. BARNWELL.

Motion carried.

Chair Smith requested additional discussion on the motion as amended.

City Planner Abboud responded to questions regarding the historical information on the creation of the city's first urban residential zoning

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

There was confusion on the appropriate motion on the floor and several Commissioners offered explanations of the amendment applying to the main motion for clarification. Deputy City Clerk disseminated for the Commission how the amendment applied to the main motion.

Chair Smith called for the vote on the main motion as amended.

VOTE (main motion as amended). YES. SMITH, HIGHLAND, BENTZ, VENUTI.

VOTE (main motion as amended). NO. BARNWELL, CONLEY.

Motion carried.

Commissioner Highland requested a recess. Chair Smith called for a recess at 8:14 p.m. He called the meeting back to order at 8:25 p.m.

## **PLAT CONSIDERATION**

### **PENDING BUSINESS**

#### **A. Planning Commission Regular Meeting Minutes of March 2, 2022 Amended**

Chair Smith introduced the item by reading of the title and provided a brief explanation of the issue before the Commission regarding the minutes from the March 2, 2022 regular meeting. He then requested a motion and second.

HIGHLAND CONLEY MOVED TO APPROVE THE MARCH 2, 2022 REGULAR MEETING MINUTES AS PRESENTED.

There was a brief discussion on the action taken by the Clerk to include each commissioners' statements made during the overall discussion. Commissioner Barnwell, as noted on page 64 of the packet, did state that he did not support building codes or a building department at this time.

VOTE. NON-OBJECTION UNANIMOUS CONSENT.

Motion carried.

#### **B. Staff Report 22-29, Tiny Homes**

Chair Smith introduced the item by reading of the title.

HIGHLAND/VENUTI MOVE TO OPEN DISCUSSION ON STAFF REPORT 22-29, TINY HOMES.

There was no discussion.

VOTE. NON-OBJECTION UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud facilitated discussion on the following:

- Tiny homes on wheels then removing the wheels
- Code acceptance, standards established for construction
- Appearance difference between RV's and Tiny Homes
- Developing building code would have a requirement
- Developing planning code to address appearance
- Comparing codes for dwellings they look at adequate egress, etc.
- Shared link with the commissioners and there is no charge to view the webinar which was believed to be in May
- Commissioner Venuti stated he would have to read the requirements before supporting it
- If building code is implemented a person will have to follow the requirements as outlined in the code for the structure to be approved
- Making a decision sooner rather than later as they will be coming to Homer in the near future.
- Building costs increasing
- Continuing ambiguity on what exactly defines a tiny home
- There is language now
- Not realistic to assume that someone will build a tiny home on a 60K lot
- There is no demand at this time for placing tiny homes
- According to existing code tiny homes that are moveable are classified as RVs
- Cannot divorce from RVs at this time
- Appearance is nicer than a Connex
- Someone may want this as a ADU
- Not permanent dwelling, may be a place for this at this time
- Specifics of verbiage for RV

C. Staff Report 22-31, Coastal Bluff Regulations

Chair Smith Introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 22-31.

HIGHLAND/ BARNWELL MOVE TO OPEN DISCUSSION AND REVIEW ON STAFF REPORT 22-31, COASTAL BLUFF REGULATION.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud deferred to the Public Works Director in her role as the City Engineer as she was more knowledgeable and could provide additional information.



Public Works Director Keiser reported the findings within the area of coastal bluffs using the DGGs Study, describing the discovery of old coal mines after a request for water and sewer in the area and determined that the city could not put services in that area requested, the city reserves the right not to extend utilities in risky areas and that will limit development in and by itself due to the inability to get a DEC approved septic system or well; this will protect the city infrastructure. She expounded on the city working on regulations that will strengthen the address the drainage issues such as requiring stormwater plans and development activity plans on all developments regardless of size or volume of dirt moved to allow better tracking, the definition of coastal edge is a great start, noting that there will be adjustments as the science is presented and there may be action to come before the Commission in the future on the coal mining areas. She noted that the city is in the process of staffing up with training and outside consultants.

Discussion was facilitated on these points:

- Definition for coastal edge
- Existing or current erosion due to the possible coal mine shafts
- Appreciation to bringing the expertise of the City Engineer to speak on these topics

## **NEW BUSINESS**

A. Staff Report 22-30, Homer Non-motorized Trails & Transportation Plan Implementation

Chair Smith introduced the item by reading of the title.

City Planner Abboud provided a review of Staff Report 22-30.

HIGHLAND/VENUTI MOVE TO OPEN DISCUSSION AND REVIEW ON STAFF REPORT 22-30 HNMTTP IMPLEMENTATION.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Public Works Director Keiser responded to questions regarding the purpose of the supplement or implementation plan, stating that this document is not a substitute for the HNMTTP but a detailed implementation plan.

City Planner Abboud reported that this does not limit the City but is a tool to use and assist in designating the funding to get recommendations done.

Commissioner Highland noted that she was on the advisory body that drafted the 2004 plan and then expressed her ongoing concerns with development in the Beluga Slough area.

VENUTI/HIGHLAND MOVED THAT THE PLANNING COMMISSION SUPPORTS THE HOMER NON-MOTORIZED TRAILS AND TRANSPORTATION PLAN IMPLEMENTATION PLAN AND APPROPRIATE FUNDING TO EXECUTE.

Public Works Director Keiser suggested that the Commission withhold their recommendation till the Ordinance requesting the funding comes before the City Council.

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

Motion failed.

### **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

### **COMMENTS OF THE AUDIENCE**

Karin Holser, commented on the Tiny Home item and suggested that they be treated and placed like a mobile home park since making too many regulations or ruling the use of them out will be extremely limiting to persons who need housing and are in the area temporarily.

Scott Adams, city resident, commented on the notice and schedule for the rezone stating that it was a short time period, he further offered his opinion that developments should not use historical drainages and the city should require sidewalks and paved roads. Mr. Adams proclaimed that it was not the residents fault but the City's and he has been attending meetings for the last 6 years and complaining and nothing has been done about the drainages. He then commented on the danger to allowing kids to walk on the street and not providing sidewalks. The city should really consider these developments and effects on the area before allowing them.

Mark Sass, property owner, recalled his experiences working construction for 35 years in Minnesota and noted that the City needs to address these problems sooner rather than later. He noted that Homer was a beautiful town, people want to enjoy the space as that is why most moved to Homer. He did research and spoke to a lot of people. He appreciates being able to come to a meeting to voice his concerns and the Commission has this process. He expressed his thanks for their work.

### **COMMENTS OF THE STAFF**

### **COMMENTS OF THE COMMISSION**

Commissioner Highland commented that it was an interesting meeting and drainage issues are a big factor here.

Commissioner Barnwell commented on the increased development in the Walli area and noted the Comp Plan the city is not doing the drainage and transportation part right. His main concern is the pedestrian safety and it was a hard decision for him to say no. They need to get this right and the city needs a hammer to use over the developers and agreed that it was irresponsible to develop in the area before addressing those issues.

Commissioner Venuti recalled his experiences on arriving in Alaska in the 1970's and living on the beach on the Spit, being one of the Spit Rats. Being able to do that then solved their housing problem.

Commissioner Conley expressed his appreciation to hear the public comments and receive some direction, input from them. He agreed with Commissioner Barnwell that they need a holistic approach on population density and figuring out how to improve the community. The city really needs a better plan to address the drainage issues and pedestrian safety. We are on the way there but not quite yet but he did not believe that it should be rushed. He agreed it was a great meeting.

Chair Smith expressed his appreciation for the City Planner and Commissioner Barnwell being in Council Chambers to address the issues with the audience directly. He stated that the information provided by Public Works Director Keiser was very insightful and assisted the Commission tonight.

**ADJOURN**

There being no further business before the Commission, the meeting was adjourned at 9:45 p.m. The next Regular Meeting is Wednesday, May 4, 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: \_\_\_\_\_