

## **CALL TO ORDER**

Session 25-16, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on September 17<sup>th</sup>, 2025 in the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

**PRESENT:** COMMISSIONERS BARNWELL, HARNESS, SCHNEIDER, H. SMITH, S. SMITH, VENUTI, & WALKER

**STAFF:** CITY PLANNER FOSTER, PUBLIC WORKS DIRECTOR KORT & DEPUTY CITY CLERK PETTIT

## **AGENDA APPROVAL**

Chair S. Smith read the supplemental items into the record. He then requested a motion and second to approve the agenda as amended.

H. SMITH/SCHNEIDER MOVED TO ADOPT THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## **PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

## **RECONSIDERATION**

## **CONSENT AGENDA**

A. Unapproved Regular Meeting Minutes of September 3, 2025

HARNESS/SCHNEIDER MOVED TO ADOPT THE CONSENT AGENDA.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## **PRESENTATIONS/VISITORS**

## **REPORTS**

A. City Planner's Report, Staff Report 25-45

City Planner Foster provided a summary of his staff report in the packet, noting the following:

- Title 21 Zoning Code Rewrite Update
  - Public Open House at Islands & Ocean Visitor Center on October 22, 2025
- Cancellation of the next Regular Meeting on October 1, 2025

- Next Regular Meeting is scheduled for October 15, 2025
- Next Commissioner report to Council on September 22, 2025 (**Commissioner H. Smith**).

There was a brief conversation among the Commission regarding the Title 21 draft and when the Commission will be able to view the document.

## **PUBLIC HEARINGS**

- A. Conditional Use Permit 25-02 per HCC 21.40.080 (a), Staff Report 25-46

Chair S. Smith introduced the item by reading of the title.

VENUTI/SCHNEIDER MOVED THAT COMMISSIONER HARNESS HAD EX PARTE COMMUNICATION.

Commissioner Harness explained that she was in the Crossman Ridge area a few nights ago when she noticed the lighting issue at the pumphouse. She provided she was aware that this particular property would be under the Commission's review during the September 17<sup>th</sup> Regular Meeting per the noticed meeting agenda. She alluded to an email she sent to Chair Smith and City Planner Foster after her site visit in which she explained that she was planning to add a condition to address the lighting issue.

City Planner Foster explained that visiting a site can be considered ex parte communication, especially in this instance where a potential condition will be proposed as a result of the site visit.

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

VOTE: NO: BARNWELL, VENUTI, WALKER.

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

Motion failed.

Chair S. Smith deferred to City Planner Foster who provided a summary review of his report included in the packet.

Chair S. Smith opened the floor for the Applicant.

Public Works Director Kort introduced himself as the Applicant. He stated that the dam structure for Bridge Creek was constructed at the same time as the pump house and the pipeline being replaced. He explained that the pump house draws water from the reservoir and pumps it to the treatment plant prior to distribution. A second pipe was later added parallel to the original pipeline. He noted the city received a FEMA grant to replace the original pipe, which is vulnerable to seismic activity and beyond its expected lifespan. The project would replace the full length of the original pipe adjacent to the existing line, with some interior work in the pump house to replace and repair equipment. He clarified that no exterior work would be done, and that the pipe replacement extends from the pump house to a valve just outside the water plant. He stated the project would improve the security of the raw water pumping and treatment system. He made himself available for any questions.

Chair S. Smith then opened the public hearing.

Nancy Hillstand noted that she owns land on both sides of the proposed project and pressed concerns about impacts to wetlands, rivulets, and storm runoff near the water source. She referenced a past incident of silt issues during road construction on Skyline and noted that erosion controls had been ineffective. She raised questions regarding the width of the easement, potential use of her land for material staging, and whether an Army Corps of Engineers permit was required for the project.

With no other members wishing to provide testimony, Chair S. Smith closed the public hearing. He then opened the floor for rebuttal from Public Works Director Kort and City Planner Foster.

Mr. Kort clarified that Carter Drive has a 66-foot right-of-way, a section line easement, and a 30-foot utility easement. He stated that the Army Corps has permitted the work and categorized it as maintenance and that Public Works will closely monitor the discharge slopes. He emphasized the city's vested interest in protecting the watershed. He noted that equipment and materials will be staged at the pump house site, not on Ms. Hillstrand's property. Lastly, he provided construction methods that have not yet been determined and may include directional drilling or open trenching.

Chair S. Smith opened the floor to questions from the Commission.

Commissioner H. Smith questioned what will happen with current pipe infrastructure that is being replaced and what it's made of. Mr. Kort affirmed that the current pipe is made of cast iron. He stated that open trenching will result in the cut and removal of the current infrastructure, whereas directional drilling will require both ends of the pipe to be sealed once the new pipe is installed. He assured the Commission that leaving the pipe in the ground would not pose any environmental hazards to the watershed.

Commissioner Harness asked if the city would be willing to replace the lone light fixture. Mr. Kort asserted that the light fixture in question isn't part of the project scope.

Chair S. Smith called for a 10-minute recess at 7:32 p.m.

Chair S. Smith called the meeting back to order at 7:42 p.m.

BARNWELL/H. SMITH MOVED TO RECONSIDER THE EX PARTE CASE.

Commissioner H. Smith urged the Commission to listen to the legal advice of the City Attorney when it is provided. He shared his appreciation for Commissioner Barnwell moving the reconsideration and added that it is never meant to be taken personally.

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

VOTE: YES: WALKER, S. SMITH, H. SMITH, SCHNEIDER, HARNESS, BARNWELL.

VOTE: NO: VENUTI.

Motion carried.

Chair S. Smith noted the following motion that was on the floor per the reconsideration:

VENUTI/SCHNEIDER MOVED THAT COMMISSIONER HARNESS HAD EX PARTE COMMUNICATION.

Chair S. Smith then re-opened the floor for continued debate on the motion.

Commissioner H. Smith reiterated that City Planner Foster had clearly articulated this was a case of ex parte communication per the City Attorney's legal counsel. He encouraged the Commission to vote in favor of the motion.

Chair S. Smith urged the Commission to be cautious to avoid incurring legal ramifications.

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

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

Motion carried.

Commissioner Harness removed herself from Cowles Council Chambers for the remainder of this business item.

Chair S. Smith opened the floor for continued discussion on the application.

Commissioner Venuti raised a concern that the application may not have been publicly noticed with an adequate amount of time for neighboring property owners. City Planner Foster asserted that all notifications were provided in accordance with Homer City Code.

SCHNEIDER/H. SMITH MOVED TO ADOPT STAFF REPORT 25-046 AND RECOMMEND APPROVAL OF CUP 25-02 WITH FINDINGS 1-10 AND NO RECOMMENDED CONDITIONS.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## **PLAT CONSIDERATION**

## **PENDING BUSINESS**

## **NEW BUSINESS**

## **INFORMATIONAL MATERIALS**

- A. 2025 Planning Commission Calendar
- B. 2025 Planning Commission Meeting Dates & Submittal Deadlines
- C. Letter from Kathryn Carssow re: Draft Comprehensive Plan

Chair S. Smith noted the informational materials included in the packet. There was a brief discussion regarding the letter from Kathryn Carssow.

### COMMENTS OF THE AUDIENCE

Nancy Hillstrand alluded to documents from the Borough that she would need to bring down to Public Works to have them sign off on. She also commented on water protection areas and shared her concern that certain parcels draining into the City's water source were not included.

Paul Hueper, city resident, commented on CUPs 24-01, 24-02, and 24-03, alleging that the Planning Department is not honoring their approval. He expressed concern about a stop work order, denial of utility access, and project delays.

### COMMENTS OF THE STAFF

Public Works Director Kort noted that it was a wonderful meeting and thanked the Commission for its efforts.

### COMMENTS OF THE MAYOR/COUNCILMEMBER (If Present)

### COMMENTS OF THE COMMISSION

Commissioner Walker thanked city staff and the Commission.

Commissioner Venuti noted that it was an interesting meeting and thanked his fellow Commissioners for serving tonight.

Commissioner Barnwell thanked everyone for a good meeting.

Commissioner Harness thanked everyone for a good meeting and apologized for the ex parte issue.

Commissioner H. Smith shared his appreciation for the Commission making the right decision on the ex parte issue. He noted that he appreciates and respects the role of any professional that the city hires, but there is a proper time for the community to play its role when it comes to formulation.

Commissioner Schneider thanked everyone for a good meeting, adding that it's always fun to come to the meetings when something new is in front of the Commission.

Commissioner S. Smith thanked everyone for a good meeting. He stated that he's received phone calls and knocks at his door regarding an individual constructing a runway up near the Bridge Creek Watershed.

### ADJOURN

There being no further business to come before the Commission, Chair S. Smith adjourned the meeting at 8:18 p.m. The next Regular Meeting is scheduled for **Wednesday, October 15<sup>th</sup>, 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.

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Zach Pettit, Deputy City Clerk II

Approved:\_\_\_\_\_