

Session 22-02, a Regular Meeting of the Planning Commission was called to order by Vice Chair Roberta Highland at 6:30 p.m. on February 2, 2022 at the Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

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

ABSENT: COMMISSIONER SMITH (EXCUSED)

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK KRAUSE

APPROVAL OF THE AGENDA

BENTZ/VENUTI MOVED TO APPROVE THE AGENDA.

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 January 5, 2022

BENTZ/CONLEY MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS / VISITORS

REPORTS

- A. Staff Report 22-05, City Planner's Report

City Planner Abboud reviewed his staff report that was included in the packet. He commented further on the following:

- Laydown provided regarding the asbuilts and status thereof and the plan to do quarterly assessments of status. He added that they are hoping with the new planning software they will be able to better control and track those requirements.
- Provided further clarification for the benefit of the newer commissioners on the asbuilt requirements at the request of Commissioner Venuti.
- Distinguishing between a land permit versus a zoning permit
- Permitting system timeline and delay in getting it implemented including issues that they are working through with online payments, incorporating history, holidays and vacations, plus getting a new server for the GIS as it crashed.

PUBLIC HEARINGS

A. Staff Report 22-06, CUP 22-01 for two buildings containing three dwellings units total at 373 Mountain View Drive

Vice Chair Highland introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 22-06 for the Commission noting the following:

- explained the conditions that require the Conditional use Permit
- Density requirements for urban residential and comparison to the multi-family dwelling to provide the idea of the density that this project would create but is not applicable to this project
 - o It is not a project that is denser than a project that could be permitted outright
 - o provides egress on the level of a multifamily dwelling
- structure and use is compatible to the zoning district
- Public Comment received on the project increasing the density and bringing forth other issues that are not relevant to the CUP process
- Possible drainage issues regarding an old drainage ditch and may need work that public works may want to find a solution for and there is no regulation that he can use to address that issue.

Mr. Gill, applicant, spoke to the application stating that the structures are compliant with the designed use.

Vice Chair Highland opened the public hearing.

Mr. Troy Lakey, resident, provided testimony stating that they welcome the new neighbor however expressed his experience since they purchased their home a little over a year ago and that the construction on the lot up the hill from them will affect this drainage issue making it worse. He then advised the Commission on the recent expenditure of a neighbor downhill from his property regarding drainage issues.

Vice Chair Highland closed the public hearing.

City Planner Abboud and the applicant did not have any rebuttal.

Mr. Lakey responded to questions from the Commission on his location in relation to the applicants, if he had viewed the drainage plan contained in the packet, if he had reported the issues to Public Works Department and where the actual drainage ditch is and how the flow of water is dispersed.

Mr. Gill responded to Commissioner Venuti that he would be willing to coordinate and work to address any drainage issues during his ground prep.

Commissioner Barnwell commented that they should require a drainage plan analysis incorporated into these types of situations especially in higher density situations and poor soils. He believed that with the data that is available he is wondering why they do not have that requirement currently.

City Planner Abboud responded that is code and they do not have off-site improvements; he then provided an explanation of what possible solutions and assured the Commission that Public Works did review this project and there is more than one property owner with these drainage issues.

City Planner Abboud responded to the Commissioner's concerns on the proposed siding selection in regards to the design manual and that those requirements do not apply to residential zone.

Vice Chair Highland requested a motion and second.

BENTZ/BARNWELL MOVED TO ADOPT STAFF REPORT 22-06 AND RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT 22-01 FOR TWO BUILDINGS CONTAINING THREE DWELLING UNITS TOTAL AT 373 MOUNTAIN VIEW DRIVE WITH FINDINGS 1-10 AND CONDITION 1:

1. OUTDOOR LIGHTING SHALL BE DOWNLIT PER HCC 21.59.030 AND THE CDM

There was a brief comment on the information provided on the density in response to the public comments received.

VOTE. YES. VENUTI, CONLEY, BARNWELL, BENTZ, CHIAPPONE, HIGHLAND

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 22-07 Coastal Bluff Analysis

Vice Chair Highland Introduced the item by reading of the title and invited City Planner Abboud to provide his report.

City Planner Abboud reviewed his staff report and facilitated discussion on the following:

- stability map and modifier for a setback map
- the stability map may not be the best resource to use
- City code review should happen frequently due to the dynamic coast land
- Comparison of other like communities show different coastal communities nothing is similar

- it is very complex, there are varying degrees of possible slope failure which should have a greater setback such as 60 feet
- Erosion rates do not depend on a coastal bluff
- City code was not based on general slope stability
- Support for the 40 foot setback is a good point to start with
- description and definition for bluff edge
- different features and issues on Baycrest
 - o different benches
 - o rotational issues
 - o historical landslides or slough

City Planner Abboud requested direction from the Commission to come up with code language.

Further discussion ensued on the definition clarification of coastal bluff, multiple benches, concerns on the scarp under West Hill location, setting threshold on the coastal erosion, requiring readily moveable structures, it would be dependent on the time of application since it changes all the time; using the LIDAR information that is currently available, establishing a setback at 40 feet catches most if not all the predicted erosion; using the LIDAR information to develop the definition as well as the mapping will provide the best definition and most appropriate definition.

Further discussion ensued on the definition of coastal bluff and that it is not a defined line. Additional comments were made on the 40 feet from the top of a slope and 15 feet from the bottom is from the building code and that they were not established for a coastal bluff in Homer, Alaska. City Planner Abboud noted that it is reasonable and you would not be condemning the land, basing it off of building code at minimum you are not going against it in theory if you adopt a building code there would be no conflict, the Commission can decide more but he would not recommend less.

BENTZ/ VENUTI MOVED TO REQUEST PLANNING STAFF DRAFT REGULATIONS AND BRING BACK TO THE MARCH 16TH MEETING FOR REVIEW BY THE COMMISSION.

Commissioner Bentz requested this to be on a worksession so it can be reviewed and discussed.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 22-08, Storage Container Dwellings

Vice Chair Highland introduced the item and requested City Planner Abboud to provide his staff report.

City Planner Abboud stated that the Commission wanted to view language to ban the use of storage containers for dwellings. He noted that the best way in his opinion since they do not have building code was to amend the term dwelling. He noted that without a building department there was not a better way in his opinion. He confirmed that this would be an amended definition of the word dwelling currently used.

City Planner Abboud facilitated an in-depth discussion on the following points:

- aesthetics of the use of shipping containers as dwellings
- limitations on regulating the use of shipping containers until the city has a building department
- applying personal opinions to regulate on the way things look and would this then apply to other non-standard dwelling materials such as yurts.
- cost comparison of converting a shipping container compared to traditional builds
- possible toxicity that can pass on to persons who reside in a shipping container
- how near future is a building department and code
- Use of shipping containers can be done in other applications such as commercial, example Oyster Bar that was approved.
- Structural concerns using converted shipping containers

Deputy City Clerk Krause reminded the Commission that this topic was postponed at the January 5, 2022 regular meeting reading the motions on the floor limiting the use of shipping containers as dwellings to the Central Business District, Marine industrial and East End Mixed Use District then the amendment was to remove the Central Business District. The current item before the Commission is to amending the definition which is another factor of the issue of using shipping containers as dwellings. So that issue will be on the February 16th agenda.

Commissioner Bentz restated her understanding of the discussion from the January meeting simplifying to three points: the motion and amendment on the floor to limit the use of intermodal shipping containers, the amendment to city code regarding the definition of “dwelling” in relation to intermodal shipping containers and third for the Commission to explore adding building inspection services.

Vice Chair Highland did not recall that discussion but noted that they cannot move something that is not on the agenda.

Further discussion ensued on making motions to changing code and preference to address the issues through building inspections and adding building code and those types of city services and it would be very beneficial to the residents of Homer and use those instances as evidence to support the implementation of building code. Additional points made that typically residential structures are inspected but there is no way to know that at this time.

City Planner Abboud requested that the issue of building code be kept separate from these issues.

Vice Chair Highland restated the topics that would be coming before commission at the February 16th meeting and they can then bring back this item as well.

Commissioner Bentz would like to see proposed code language on limiting shipping containers since they have a motion on the floor.

City Planner Abboud expressed hesitancy in writing the language that Commissioner Bentz requested for the motions on the floor and that the Commission has not expressed solid support for the current recommendation he has presented to address the situation. He further expressed that he did not believe that it was a preferred choice on how to construct a dwelling.

Commissioner Conley requested a worksession on this topic to discuss and review all the options and to get a thorough understanding of the issues.

Commissioner Barnwell supported the idea of worksession instead of trying to make a decision in this limited time period.

Vice Chair Highland requested confirmation that City Planner Abboud had enough direction to proceed with the Building Code aspect of this by the commission.

City Planner Abboud confirmed.

Deputy City Clerk Krause requested a motion to postpone amending the definition from the Commission if they were not acting on it at this meeting.

BENTZ/VENUTI MOVED TO POSTPONE THIS ITEM TO THE FEBRUARY 16, 2022 REGULAR MEETING.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Staff Report 22-09 Maximum Parking Allowance for Large Retail

Vice Chair Highland introduced the item by reading of the title.

City Planner Abboud reviewed his staff report for the Commission.

Discussion was facilitated and focused more on the issues that were brought forward by the changes in the Safeway parking lot on the following:

- requirements for parking lots for commercial establishments
- design factor
- number of entrances
- looking at minimums
- making logical allowances for what is really necessary on site
- parking lots are really expensive
- reducing the percentage is the simplest method
- removal of landscape requirements
- accommodating snow removal and storage

BENTZ/CONLEY MOVED TO STRIKE LINE A PARKING LOTS FOR LARGE RETAIL AND WHOLESALE DEVELOPMENT SHALL NOT EXCEED THE MINIMUM NUMBER OF SPACES REQUIRED BY CHAPTER 21.55 BY MORE THAN 10 PERCENT.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was a brief discussion on the outcome of the changes to the Safeway parking lot changes and stormwater runoff, and possible fees such as charged in land poor communities and this factor is a big discussion and being looked at by the City.

Vice Chair Highland requested clarification on the second recommendation in Staff Report 22-09.

City Planner Abboud stated it may be nice to have something on the record to bring this topic back before the commission.

BENTZ/VENUTI MOVED TO POSTPONE FURTHER DISCUSSION ON LANDSCAPING UNTIL BROUGHT BACK BY STAFF.

There was no further comments.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. City Manager's Report for January 10 & 24, 2022 City Council Meeting
- B. Kenai Peninsula Borough Notice of Decisions

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY STAFF

Deputy City Clerk Krause complimented Vice Chair Highland on conducting a good meeting, it was very interesting and welcomed back Commissioner Barnwell.

COMMENTS OF THE COMMISSION

Commissioner Venuti complimented Commissioner Highland on conducting a great meeting.

Commissioner Chiappone echoed those sentiments.

Commissioner Bentz commented that on reflection of the various topics they discussed tonight lead back to resiliency and she was able to take some management level FEMA courses about building Community resilience with nature based solutions recently and there's resources out there to start thinking about the normal planning processes that cities have and how those plans can align and integrate different strategies to thread together some of these ideas that we're talking about like

hazard mitigation strategies; one thing that's listed in there as a strategy is having building ordinances that reduce risks to people, there is a lot of different interconnected things that we talked about that we can understand a little bit better on how we put those into our planning documents and how we achieve a level of specificity in our policies and plans that can really help guide us through some of these conversations that we're having online, specific to issues as they come up. She stated that she will be sharing some of that information with Rick and planning staff, but I think there's a lot of interesting additional education for us as appointed officials too out there that is really in line with the hazard mitigation plan update and stormwater plan too.

Vice Chair Highland requested that to be shared with the Commission.

City Planner Abboud stated a worksession presentation can be arranged.

Commissioner Venuti noted the discussion on KBBI regarding stormwater drainage and expressed he felt it was appropriate for the public to know that the city was looking into that.

ADJOURN

There being no further business before the Commission, the meeting was adjourned at 9:00 p.m. The next Regular Meeting is Wednesday, February 16, 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: February 16, 2022