

Session 22-08, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on May 18, 2022 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

**PRESENT:** COMMISSIONERS BARNWELL, VENUTI, SMITH, CHIAPPONE, CONLEY, HIGHLAND

**ABSENT:** COMMISSIONER BENTZ (excused)

**CONSULTING**

**MEMBERS:** PUBLIC WORKS DIRECTOR/CITY ENGINEER KEISER

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

**AGENDA APPROVAL**

Chair Smith noted the following items presented in the Supplemental Packet for the agenda Public Hearing Item B, Memorandum PL22-05 from City Planner re: Review of Draft Ordinance and New Business Item A from Public Works, Zoning Permit Review.

HIGHLAND/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 May 4, 2022

Chair Smith read the consent agenda and asked for a motion.

Commissioner Highland requested Item B Decisions & Findings to be moved to New Business Item B for a correction.

Chair Smith requested a motion to approve the amended Consent Agenda.

HIGHLAND/VENUTI MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**PRESENTATIONS / VISITORS**

**STAFF & COUNCIL REPORT/COMMITTEE REPORTS**

A. Staff Report 22-35, City Planner's Report

City Planner Abboud provided a summary of Staff Report 22-35. At his request for a volunteer, no Commissioners stepped forward to give the PC report to City Council at their May 23<sup>rd</sup> meeting. Chair Smith will provide a written report to the Clerk.

Commissioner Venuti commented on attending a webinar regarding Tiny Homes.

**PUBLIC HEARINGS**

A. Staff Report 22-36, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.93 Administrative Appeals. City Clerk.

Chair Smith introduced the item by reading the title. He invited City Planner Abboud to speak to the memoranda provided.

City Planner Abboud spoke to Staff Report 22-36, highlighting the following:

- After the City Clerk has reviewed the revisions it was found that there were items that needed minor clarifications and procedures.
- Review of the draft ordinance which was provided in the Supplemental Packet

Chair Smith opened the public hearing, after verifying with the Clerk that there was no members of the public present on Zoom or present in the Chambers he closed the public hearing. He opened the floor to questions from the commission.

City Planner Abboud provided clarification on the date for the Public Hearing on the Rezone for Commissioner Barnwell in the previous item on the agenda.

Chair Smith commented on the action removing the responsibility from the Commission.

Chair Smith requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 22-36 AND FORWARD A RECOMMENDATION THAT CITY COUNCIL APPROVE THE ORDINANCE AMENDING HOMER CITY CODE 21.93 ADMINISTRATIVE APPEALS TO CLARIFY GENERAL APPEAL PROCEDURES AND RELATED MATTERS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 22-37, An Ordinance of the City Council of Homer, Alaska, Amending Title 21.03.040 Definitions Used in Zoning Code, Title 21.44 Slopes, Title 21.50.020 Site Development Standards - Level One and Title 21.50.020 Site Development Standards - Level Two Redefining Coastal Bluff and Setback Therefrom. Planning Commission.

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-37. He highlighted the following points:

- Review of the draft ordinance which was provided in the Supplemental Packet which provided the documentation that recommended changes fit well within the Comprehensive Plan guidelines

- Language has been amended to make it concise and easily understood
- Removed reference to the City Planner changing it to the City Engineer which is more appropriate.
- Amended the definition of “bluff”
- Included an attachment that provides a description of the area that they would recommend for setbacks

Chair Smith opened the public hearing, after verifying with the Clerk that there was no members of the audience present wishing to provide testimony on Zoom he closed the public hearing. He opened the floor to questions from the commission.

Commissioner Chiappone noted a correction to line 99 of the draft ordinance.

Chair Smith requested a motion and second after confirming with the Clerk that a motion was needed to amend the draft ordinance.

CHIAPPONE/HIGHLAND MOVED TO AMEND LINE 99 TO ADD THE WORD “FROM” AFTER THE WORD “FEET”.

There was no discussion.

VOTE. (Amendment) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud facilitated discussion on questions on the following

- provided explanation on clearing and grading and possibly bringing forth an ordinance
- site development and re-seeding or ground cover requirements shown on line 216 through 231 and Line 262.
- Line 306 the distance indicated of 10 feet from a water body being very short.

Deputy City Clerk Krause defined the phrase “in-situ” for the Commission at the request of Commissioner Highland, noting that it is usually hyphenated when used.

Chair Smith inquired if there were any additional questions or amendments from the Commission, hearing none he requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 22-37 AND FORWARD A RECOMMENDATION THAT CITY COUNCIL APPROVE THE ORDINANCE AMENDING HOMER CITY CODE TITLE 21.03.040 DEFINITIONS USED IN ZONING CODE, TITLE 21.44 SLOPES, TITLE 21.50.020 SITE DEVELOPMENT STANDARDS – LEVEL ONE AND TITLE 21.50.020 SITE DEVELOPMENT STANDARDS – LEVEL TWO REFINING COASTAL BLUFF AND SETBACK THEREFROM.

There was no further discussion.

VOTE. (Main) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **PLAT CONSIDERATION**

## **PENDING BUSINESS**

## **NEW BUSINESS**

### **A. Staff Report 22-38, Drainage Easement Vacation Request Affecting Lot 58, Lillian Walli Estate Subdivision**

Chair Smith introduced the item by reading the title and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-38. He noted that the City is perceived to be a utility provider and this offers anyone the opportunity to provide comment. He then summarized the review provided by Public Works in the supplemental packet noting that it pointedly spoke about the requirements, possible drainage impacts and their recommendation of approval.

Chair Smith requested a motion and second.

HIGHLAND/VENUTI MOVED TO BRING STAFF REPORT 22-38 VACATION OF A DRAINAGE EASEMENT TO THE FLOOR FOR DISCUSSION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud facilitated questions from the Commission on the following:

- Clarification of jurisdictional waters versus non-jurisdictional waters
- Corps of Engineer requirements
- Notes on the drawing indicate wetlands filled completely and wetlands put into culvert were most likely conditions at that time and would have required permits at that time.
- Clarification on the differences in jurisdictional permit vs Corp of Engineers permit regarding the Clean Waters Act.
- Damage sustained by property owners from previous drainage issues, historical issues regarding the drainage causes hesitation in removing or changing any drainage easements before substantial studies have been completed.
  - City Engineer review of the proposed vacation
  - Proposed vacation is 20 feet
- Clarified the lines depicted on the map provided in the packet
- Where culverts would be located and where they are supposed to be located in accordance with the drawing
  - Clarification that the action is focused on Lot 58, the 20 foot green line depicted on the drawing located in the NE corner of the lot.
- Why the drainage easement was dedicated in 1986-1988 initially was questioned with no information to provide a knowledgeable response

Chair Smith requested a motion and second.

HIGHLAND/BARNWELL MOVED TO ADOPT STAFF REPORT 22-38 AND RECOMMEND THAT THE VACATION OF THE DRAINAGE EASEMENT BE APPROVED WITH THE CONDITIONS NOTED IN THE PUBLIC WORKS ZONING PERMIT REVIEW AS FOLLOWS:

1. THE PROPERTY OWNER MUST MAINTAIN MAXIMUM BUILDING SETBACK FROM THE NATURAL DRAINAGE THAT WAS DELINEATED BY THE ARMY CORPS OF ENGINEERS (“ACOE”).
2. THE PROPERTY OWNER MUST APPLY FOR AN ACOE PERMIT TO ENSURE COMPLIANCE WITH THE CLEAN WATER ACT, IF THEIR CONSTRUCTION ACTIVITIES IMPACT NATURAL DRAINAGE PATTERNS.

There was no discussion.

VOTE. NO. VENUTI.

VOTE. YES. SMITH, CHIAPPONE, HIGHLAND, CONLEY, BARNWELL

Motion carried.

B. Decisions and Findings for a Request for Conditional Use Permit 22-03, to Allow Additional Dwellings at 1678 Sterling Highway

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud apologized for the inconsistency, the finding and condition questioned by Commissioner Highland regarding the water and sewer community system, but this is actually a requirement that they'll need to do, whether we put a condition on it or not. Technically if the Commission wanted to be correct, it would just be the sewer system, so all the structures on the site need to comply with the DEC regulations for Community sewer they're actually technically using a Community water. So if you want to make an amendment it should be along the lines of all structures on the site should comply with DEC requirements for Community sewer.

Commissioner Highland reading from the Decision & Findings document in the packet on pages 11 and 13 respectively, reviewed Finding e was correct where it referred to sewer and under Conclusion in Condition 1 the words water and should be removed.

City Planner Abboud concurred. He noted that this is a reminder for the applicant that it be done properly in response to additional question on adding language referring to the DEC.

HIGHLAND/VENUTI MOVED TO AMEND THE DECISIONS AND FINDINGS CONCLUSION CONDITION ONE TO REMOVE THE REFERENCE TO WATER.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was no further discussion.

Deputy City Clerk Krause requested a motion to adopt the amended Decisions and Findings.

BARNWELL/VENUTI MOVED TO ADOPT THE AMENDED DECISIONS AND FINDINGS FOR A REQUEST FOR CONDITIONAL USE PERMIT 22-03 TO ALLOW ADDITIONAL DWELLINGS AT 1678 STERLING HIGHWAY.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **INFORMATIONAL MATERIALS**

- A. City Manager's Report for May 9, 2022
- B. Planning Commission Calendar 2022

Chair Smith noted the informational materials provided.

City Planner Abboud recapped some of the agenda items expected to come to the next meeting. He reported on the presentation that will be given to City Council at the next meeting.

### **COMMENTS OF THE AUDIENCE**

#### **COMMENTS OF THE STAFF**

Deputy City Clerk Krause commented that it was a nice short meeting and it was nice to have people in Chambers.

City Planner Abboud commented that it was getting to be warm and sunny out and the Planning department is getting busier with business picking up.

#### **COMMENTS OF THE COMMISSION**

Commissioner Conley stated that he would appreciate scheduling a visioning session on the increase in population growth in Homer. He then reported attending a meeting with Senator Sullivan recently on the Harbor expansion but it did circle back to having more housing here in Homer. Mr. Conley commented on having discussion on the rezone as the Commission did not have much of a chance to discuss that topic.

Commissioner Highland reported listening to the Mayor talk on the radio about his talk with Senator Sullivan. She noted that the reappointment is coming up and did not want to have any glitches with that as they have had in the past.

Commissioner Venuti stated that in the course of his employment he has access to some information on Tiny Homes and he would like to share that information with the Commission but did not want to run afoul of the Open Meetings Act. He then welcomed the Clerk back and commented it was a good meeting.

Commissioner Chiappone stated that it was helpful for the Commission guiding him through the terms and sometimes baffling and confusing parliamentary procedures. He noted that it was something to watch Commissioner Highland work through the language of the motion. He stated that he is use to working with words on paper and it can be sometimes difficult to come up with one right off the cuff.

Commissioner Barnwell agreed with Commissioner Chiappone on the difficulty in coming up with the right language for a motion. He then commented in support of a worksession or visioning session noting

that he too thought that they really needed to discuss and understand land use issues as it relates to the Comp plan but more broadly look at how Homer should encourage infill and where. He also welcomed the Clerk back and hoped she took in a lot of sunshine.

Chair Smith thanked the Commission for their comments noting that every time they welcomed the Clerk back she had a big smile on her face. He stated that he will request officially for a worksession or visioning session to the City Planner and Clerk to get that under consideration. He referred to page 49 in the packet regarding the reduction of conditional use permits and recalled three or four years ago that they performed an extensive review and believe that the City Planner has brought forth a few things that are worthy of reconsideration. It would mean passing a few code changes but may help the planning department by reducing their workload. He encouraged the Commission to review the information provided. Chair Smith commented on the lack of housing and noted a big chunk of land east of the airport and maybe consideration of roads in that area to open it up. He then thanked everyone for their hard work and participation.

### **ADJOURN**

There being no further business before the Commission, the meeting was adjourned at 8:10 p.m. The next Regular Meeting is Wednesday, May 18, 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.

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RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

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