



## Agenda

### City Council Joint Work Session with the Planning Commission

Monday, October 16, 2023 at 5:00 PM

City Hall Cowles Council Chambers In-Person & Via Zoom Webinar

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**Homer City Hall**

491 E. Pioneer Avenue  
Homer, Alaska 99603  
[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

**Zoom Webinar ID: 205 093 973 Password: 610853**

<https://cityofhomer.zoom.us>  
Dial: 346-248-7799 or 669-900-6833;  
(Toll Free) 888-788-0099 or 877-853-5247

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**CALL TO ORDER, 5:00 P.M.**

**AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual)

**DISCUSSION TOPIC(S)**

- a. City Council and Planning Commission Joint Training

**COMMENTS OF THE AUDIENCE** (3 minutes)**ADJOURNMENT**

Next Regular Meeting is Monday, October 25, 2023 at 6:00 p.m., Work Session at 4:00 p.m. and Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

# City Council and Planning Commission Work Session

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ADVISORY BODY TRAINING – OCTOBER 16, 2023

## Where did we come from?

- ❖ Boards and Commissions are created by the City Council via Ordinance.

*Alaska Statutes 29.20.320 & Homer City Code 2.58.010*

- ❖ The Planning Commission was established with the adoption of Ordinance 16-100.1 effective February 1967.

## Planning Commission Membership

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- In accordance with HCC 2.72 the Planning Commission is made up of 7 members. Only one member may reside outside city limits, and
- The Mayor, City Manager or City Manager designee serve as consulting members of the Commission when the Commission is sitting in it's advisory only capacity. Consulting members have no vote.
- The Mayor and Manager do not have a role in advising during quasi-judicial matters before the Commission and should leave the dais during consideration of quasi-judicial matters.

## Guiding Documents for the Planning Commission

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- Alaska Statutes 29.40 Planning, Platting, and Land Use Regulation
- **Kenai Peninsula Borough Title 21 Zoning** (the City has zoning powers and is advisory to the Borough on platting and planning, such as the Comprehensive Plan)
- Homer City Code 2.72 Planning Commission and Title 21 Zoning and Planning
- Homer Planning Commission Policy and Procedures
- Alaska Planning Commission Handbook

## Responsibilities of the Planning Commission

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- Review preliminary plats and make recommendations to the Kenai Peninsula Borough Planning Commission,
- Review all proposals to amend Title 21 or the zoning map, and make recommendations to City Council,
- Consider development proposals in the Bridge Creek Watershed Protection District,

\*Planning Commission Policy and Procedures

## Responsibilities of the Planning Commission

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- Consider quasi-judicial matters including conditional use permits, zoning variances, and non-conforming uses and structures,
- Assist with preparation, review and approval of the Comprehensive Plan.

\*Planning Commission Policy and Procedures

## Planning Commission Roles

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### ➤ Advisory Role-

- Advise the governing body on planning matters related to the development and implementation of the comprehensive plan. They make recommendations on plan adoption, plan amendments, and rezones. They listen, provide counsel, gather information, and facilitate discussions on growth and development.

### ➤ Regulatory Role-

- Administer the local land use regulations, such as the zoning and subdivision ordinances. It issues (or denies) permits and variances, and make recommendations on subdivision plats. The commission acts in a quasi-judiciary role, which means it has powers resembling those of a judge, insofar as it makes an official decision (permit, variance, non-conformity) on the respective rights or claims of parties appearing before it.

### ➤ Procedural Role-

- Properly notice and run an open meeting, make fair decisions, and conduct itself properly and in the public interest.

\*from the Alaska Planning Commission Handbook

## City Council Roles

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### ➤ Create and disband boards and commissions by ordinance.

### ➤ Direct boards and commissions to consider any specific proposal, problem or project.

### ➤ Direction comes from Council, as a body, by memorandum or resolution.

## Staff Liaison Roles

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The City Manager appoints staff liaisons for boards and commissions and the City Planner serves as staff liaison to the Planning Commission.

- The City Planner is an educated professional with training to-
  - Carry out the tasks associated with administering the land use regulations, performs necessary research, prepares plans and reports, and distributes and explains the results of the work,
  - Perform research; writes reports and develops graphics and illustrations for the commission,
  - Make public presentations and meets with the public; interpret plans, municipal ordinances, and other laws; and carries out the routine tasks of their job,

\*from the Alaska Planning Commission Handbook and HCC 2.56

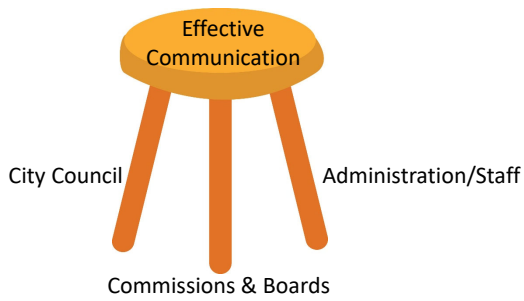
## Staff Liaison Roles

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- Provide direct assistance to the commission using their training in geography, landscape design, urban and rural planning, economics, law, and statistics, knowledge of the community, and other education and experience.
- Do the groundwork that can help conduct a more efficient, informed, inclusive, and effective meeting.

\*from the Alaska Planning Commission Handbook

## The Three Legged Stool

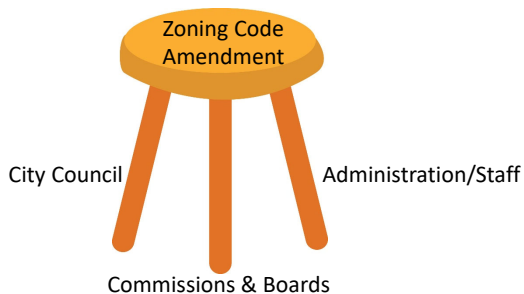


To be effective as a governmental unit there needs to be clear communication and an understanding how communication flows.

The three legged stool represents stability. In this example the seat is effective communication and the three legs are Council, Commissions & Boards, and Administration.

With good communication the stool stands strong, but when a leg cracks or breaks off, the stool loses its stability and falls.

## The Three Legged Stool Example 1

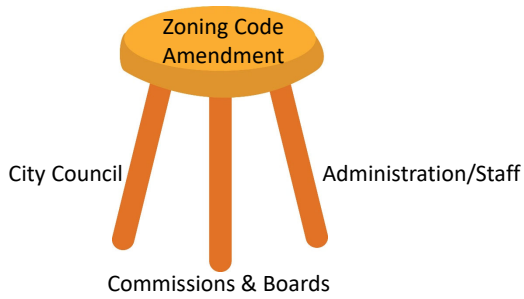


1. Commission initiates a Zoning Code amendment.

2. Planning Staff advises the City Manager and works with Commission and relevant departments in developing and processing an ordinance that will go through the public hearing process at the Commission level, then be forwarded on to Council for consideration.

3. Council is initially advised through Commission report or City Manager's report. After referral from the Commission they will introduce, and conduct a public hearing and second reading of the ordinance.

## The Three Legged Stool Example 2



1. Council Sponsor drafts a memo regarding proposal for a zoning code amendment.

2. Planning Staff works with Council Sponsor and relevant departments in drafting an ordinance, and submits a draft ordinance to the Planning Commission.

3. Planning Commission considers the draft ordinance and when a final draft is complete, holds a public hearing and makes a recommendation to Council.

## Speaking on behalf of Commission

- The Commission acts as a body and speaks in the same manner.
- Messaging should be agreed to by the body.
- If a Commissioner is speaking to a matter on their own behalf, they should state that at the beginning of their comments.



## Conflict of Interest

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- Must be disclosed immediately after the Chair announces the agenda item.
- The member with the conflict announces they have a conflict of interest.
- It is moved and seconded by the Commission that the member has a conflict of interest.
- The member with the conflict discloses the conflict.
- The Commission votes. If the member is determined to have a conflict they must leave the dais for the duration of consideration of the matter.
- The decision of the Commission is final.

\*Planning Commission Policy and Procedures

## Ex-parte Communication

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Ex-parte communication is a private communication between an interested party in a quasi-judicial proceeding and a member of the body hearing the matter.

What do you do if it occurs?

- When a commissioner senses an ex-parte communication is happening they should stop the conversation and explain commissioners aren't to hear about matter except at the hearing.
- If the communication occurs among members of an association or other group event, the commissioner should ask the discussion to stop until they can leave the room.
- Encourage interested parties to submit their comments or concerns in writing to the commission or at the noticed public hearing.

\*from the Alaska Planning Commission Handbook

## Ex-parte Communication

Site visits must be handled carefully as they can be considered ex-parte, regardless if it's one or two commissioners or all members, particularly if the applicant or an opponent attempts to point out particular features or provide other information relevant to the application.

If a site visit is required, it is subject to the Open Meetings Act and must be properly noticed.

If there are questions about site visits, contact the City Attorney.

\*from the Alaska Planning Commission Handbook

## Open Meetings Act (OMA) AS 44.62.310 Government Meetings Public

- ❖ All meetings of a governmental body of a public entity are open to the public, except as otherwise provided.
- ❖ Certain subjects may be considered in executive session
  - ✓ Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity
  - ✓ Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion
  - ✓ Matters involving consideration of government records that by law are not subject to public disclosure
  - ✓ Matters which by law, municipal charter, or ordinance are required to be confidential

## OMA definitions

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A board or commission with the authority to advise or make recommendations to the public entity is a Governmental Body;

"governmental body" includes the members of a subcommittee or other subordinate unit of a governmental body if the subordinate unit consists of two or more members

**Meeting-** means a gathering of members of a governmental body when

- more than three members or a majority of the members, whichever is less, are present,
- the gathering is prearranged for the purpose of considering a matter upon which the governmental body is empowered to act,
- and the governmental body has only authority to advise or make recommendations for a public entity but has no authority to establish policies or make decisions for the public entity;

## Commission Strategic Planning

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- Benefits of Annual Strategic Planning
  - Aligns the Commission and Council priorities,
  - Establishes the Commission's near term, mid term, and long term goals and priorities,
  - Provides a work plan for the Commission and staff.