

Session 20-02, a Regular Meeting of the Planning Commission was called to order by Chair Venuti at 6:30 p.m. on January 15, 2020 at Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS DAVIS, VENUTI, PETSKA-RUBALCAVA, HIGHLAND, SMITH
AND BOS

ABSENT: COMMISSIONER BENTZ (EXCUSED)

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK KRAUSE

The Commission met in a worksession at 5:30 p.m. prior to the meeting. On the agenda was a presentation from Dr. Barrett Salisbury, Ph.D. Neotectonic Geologist, Engineering Geology Section and Jacquelyn (Jaci) Overbeck, Coastal Hazards Program Manager of the Division of Geological & Geophysical Surveys with Alaska Department of Natural Resources. Deputy City Planner Engebretsen and Mayor Castner attended the worksession.

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

SMITH/HIGHLAND – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

Mayor Castner advised the Commission that he will be speaking later to the Commission as a member of the Commission and make comments on items that will be coming before the Commission this spring as a heads up.

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

- A. Planning Commission Regular Meeting Minutes of January 2, 2020
- B. Decisions and Findings document for Conditional Use Permit 20-01, to allow a second story addition to the NOMAR building and a four-plex at 104 E Pioneer Avenue

- C. Decisions and Findings document for Conditional Use Permit 20-02, an amendment to CUP 18-04 for multiple buildings at 680 Sterling Hwy.
- D. Memorandum from the Planning Commission to Mayor Castner and Homer City Council re: Kenai Peninsula Ordinance 2019-24 to Amend KPB Code 20.80 Subdivision Private Streets and Gated Subdivisions

Chair Venuti requested a motion to approve the Consent Agenda.

HIGHLAND/BOS – SO MOVED

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS

- A. Alaska Division of Geological & Geophysical Surveys (DGGS) to discuss an update of landslides and coastal erosion studies

Dr. Barrett Salisbury, Ph.D. Neotectonic Geologist, Engineering Geology Section and Jacquelyn (Jaci) Overbeck, Coastal Hazards Program Manager of the Division of Geological & Geophysical Surveys with Alaska Department of Natural Resources provided a summary of the presentation from the worksession conducted prior to the meeting. They answered questions from the Commission on the following:

- Structures built on sharp bluffs always cause concerns regarding safety
- Hillside above South Peninsula Hospital
- Use of soil sensors for soil saturation and monitoring
- Costs impacts to perform the monitoring processes
- Other areas of concern in Homer for potential landslides
- Development of an area that has been subject to unstable land shifts such as the Bluff Point landslide and continues to be not due to the potential of landslides
- The Bluff Point slide happened 2250 years ago and Kachemak Bay was covered by Glacier ice then
- Additional information available on catastrophic shaving and what is known by that slide and what actions created the sharp escarpment above Homer and how that is progressing
- The action is more alluvial and the material has been washed out over time with small periodic catastrophic episodes
- The slopes were destabilized before the 1964 earthquake and were not necessarily saturated
- The expectation to finish the project in September of this year

- New FEMA coastal bluff stability project in Homer to be used for establishing coastal policies for building in that zone and is expected to be developed over the next two years
- Commissioners can contact the City Planner with questions

REPORTS

A. Staff Report 20-01, City Planner's Report

City Planner Abboud provided a summary of Staff Report 20-05 and commented further on the following:

- Noted the Ordinances that were introduced and will be on the agenda at the next meeting for Public Hearing.
- Reviewed Commissioner attendance at Council meetings:
 - o January 27th – Commissioner Smith
 - o February 10th – Commissioner Highland
 - o February 24th – Commissioner Bos

Chair Venuti inquired if the City has made a decision to appeal the Planning Commission decision on the Parking Lot on the Spit and what is the next direction to deal with parking on the Spit.

City Planner Abboud responded that the city was not going to appeal that decision and that a Parking Study has been ordered for the Spit.

PUBLIC HEARING(S)

A. Staff Report 20-08, CUP 20-03 for townhouse developments at 436 & 450 Soundview Ave.

Chair Venuti introduced the item by reading of the title into the record.

Chair Venuti declared a conflict of interest.

HIGHLAND/BOS MOVED THAT CHAIR VENUTI HAD A CONFLICT OF INTEREST.

Discussion ensued with Chair Venuti providing the extent of the conflict concerned business dealings, financial gain and expected continue business and personal relationship with the applicant.

VOTE. YES. HIGHLAND, BOS, DAVIS, PETSKA-RUBALCAVA, SMITH.

Motion carried.

Chair Venuti turned the meeting over to Vice Chair Smith and left the table.

Commissioner Petska-Rubalcava declared she had a possible conflict of interest.

HIGHLAND/BOS MOVED THAT COMMISSIONER PETSKA-RUBALCAVA HAD A CONFLICT OF INTEREST.

There was a brief discussion with Commissioner Petska-Rubalcava explaining having a working relationship as a subcontractor on a project with the applicant and the perceived conflict and erring to the side of caution.

VOTE. YES. SMITH, DAVIS, BOS, HIGHLAND.

Motion carried.

Commissioner Petska-Rubalcava left the table.

Vice Chair Smith commenced by re-introducing the item into the record and requested City Planner Abboud to provide his report for the Commission.

City Planner Abboud provided a summary of Staff Report 20-08 and highlighted the following:

- Definition of townhouse and stressing this will be two townhouse units per structure
- Correction in the report on the location
- Correction of the street address for the second location with entrance on Wright Street
- The townhouse requirements were addressed in the report
- Public Works noted that an easement would be needed for Lot 9 to provide separate water and sewer services to Unit A
- Correction to the CUP number should be 20-03

Jason Weisser, applicant, was present, did not have a presentation and was available for questions.

Vice Chair Smith opened the Public Hearing.

Ken Castner, city resident, commented on deviation from city code with regards to the setback since the applicant is asking for a zero lot line. He supports this type of development.

Scott Adams, city resident, questioned the minimum lot size since he presumed the lots were originally intended for single family homes and provided a comparison with a subdivision done by Pioneer Homes and noted the increase in Conditional Use Permits for multi-family projects and the desire to have smaller and smaller lots sizes and more multifamily homes. He acknowledged that this was great addition for Homer.

Vice Chair Smith closed the public hearing seeing no additional members of the audience coming forward to provide testimony and opened the floor to rebuttal from the City Planner and the Applicant.

City Planner Abboud provided input in regards to the comment on deviating from Homer City Code regarding Townhouses was outlined in Chapter 21.53.010 Standards for Townhouses. This addressed the square footage required. He commented on the single family housing versus multi or duplex housing.

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

City Planner Abboud responded to questions on following:

- Zero lot lines and how this process was done
- It addresses and follows all requirements of City Code regarding setbacks
- Utilities and easements
- Lot size requirement of 7500 sf does not apply since this is for a townhouse development, that specific lot size was developed for the district.

Commissioner Bos commented that was directed for the applicant that he did not think that the depth shown on the drawings provided of twenty feet was deep enough.

Vice Chair Smith requested a motion hearing no further questions from the Commission.

HIGHLAND DAVIS MOVED TO ADOPT STAFF REPORT 20-08 AND APPROVE CUP 20-03 FOR A TOWNHOUSE DEVELOPMENT AT 436 & 450 SOUNDVIEW AVENUE WITH FINDINGS 1-10 AD CONDITION 1.

There was a brief comment on the positive effects of the development for the area.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti and Commissioner Petska-Rubalcava returned to the table.

Vice Chair Smith turned the meeting back to Chair Venuti.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 20-09, Medical Zoning District

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 20-09 and the objectives requested by staff for the Commission to address.

The Commission agreed by consensus to address item by item rather than the whole to limit the back and forth.

Item 1 Storm Water and Traffic

Commissioner Bos commented on information provided at a previous meeting from Public Works Director Meyer regarding the status of the existing storm water system, providing clarification that the impacts of drainage ditches being filled with debris of natural and manmade items was impacting the ability of the system and he felt that they should review that issue first.

City Planner Abboud provided clarification that the request was for the proposed medical district but that there was value in making the request for funding for a city wide storm water plan. He further explained that he views the system as a whole start to finish and would like to stop performing ad hoc planning.

Item 2 Draft Medical District Purpose Language

Chair Venuti requested a brief recess at 7:25 p.m. to allow the Commission to read the memorandum from planning staff containing a purpose statement recommendation from Commissioner Smith that was provided as a laydown. The meeting was called back to order at 7:28 p.m.

There was a brief discussion on the wordiness of the suggested purpose statement and the definitions to differentiate between a blue collar and white collar office for the general layperson and that the purpose statement could use further editing by staff.

The Commission discussed and questioned the following items with regard to the creation of the medical district:

- Differences from the Central Business District and Residential Office District regarding Professional Office terminology
- Allowing parking lots as an approved use without Conditional Use Permits, and exceptions for specific entities
- Creation and instituting design standards for the medical district

Chair Venuti requested a motion in regards to the request from Staff in the memorandum for item one.

DAVIS/HIGHLAND MOVE TO RECOMMEND CITY COUNCIL APPROPRIATE FUNDING TO CREATE A STORM WATER MASTER PLAN TO INCLUDE ATTENTION TO HOW INFILL DEVELOPMENT WILL AFFECT STORMWATER INFRASTRUCTURE PLANNING.

Discussion ensued on city wide versus district specific; clarification that the Commission is asking for a city wide storm water plan that deals with storm water from start to finish; management of storm water with green infrastructure planning, defining the limits of impervious surfaces, inclusion of verbiage that addresses green infrastructure in the storm water plan; getting away from parcel by parcel approach.

Commissioner Davis noted for the record that the motion did not request a “city wide” plan, that it was probably a typo and questioned the need to amend the motion.

Chair Venuti gaveled to suspend the rules to allow Mayor Castner to participate in the discussion.

Mayor Castner noting for the record that he was going to speak as a member of the commission, commented that it has to be a city wide plan, there are choke points to handling the water and currently the plan is to put it in a ditch and see where it goes. He then stated that the intent is to find the choke points, open them up, put pipes in the ground, sidewalks over the pipes and it will be funded by HART money.

City Planner Abboud added that the Commission has previously asked for this they are just redoubling their request.

Commissioner Highland requested clarification on the Mayor’s standing as member of the Commission.

Mayor Castner responded that in accordance with city code he is a member of a commission.

City Planner Abboud responded that Mayor Castner’s membership was as a consulting non-voting member similar to his or Public Works Director Meyer’s position.

Deputy City Clerk Krause called for a point of order going back to Commissioner Davis query that the motion can be amended to add that missing language it was overlooked.

Commissioner Highland requested permission to comment first citing previously that the Commission has gone from working on the medical district planning to requesting funding for a city wide storm water plan, they have asked for this for years but questioned if that will slow them down on the creation of the medical district.

Discussion ensued by the Commission with input from City Planner Abboud on creating commercial standards versus storm water planning and slowing down the progression of

creating the district by addressing the request for funding a city wide storm water plan. It was stated that the Residential Office district did not have requirements to have a retention pond to address storm water and if it's converted to office there is still no requirement to address storm water; and creation of the medical district is not contingent on the city wide storm water plan. Further comments were made on addressing infill in the request.

Commissioner Davis inquired if he could amend his motion on the floor.

DAVIS/SMITH MOVED TO AMEND THE MOTION TO INCLUDE THE WORDS, CITY WIDE, BEFORE THE WORDS STORMWATER.

There was no discussion.

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

Motion carried.

There was no further discussion.

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

Motion carried.

Chair Venuti then stated for the record the next request from Staff was a recommendation to Council to update the Transportation Plan.

City Planner Abboud provided input that this issue is more outside zoning code and deals with traffic controls, sides of streets that the city would like sidewalks on, streets that need improvements, traffic calming measures. This would deal with transportation solutions and make binding recommendations on transportation.

City Planner Abboud responded that it would be staying within the city so did not need to be city specific in response to a question on amending the suggested motion to include the language, "City of Homer", before the words, "Transportation Plan".

BOS/HIGHLAND MOVED TO RECOMMEND CITY COUNCIL UPDATE THE TRANSPORTATION PLAN BY 2023 INCLUDING HOW THE INCREASED DENSITY WILL AFFECT NEIGHBORHOOD ACCESS PATTERNS, TRAFFIC AND EMERGENCY SERVICE ACCESS TO SOUTH PENINSULA HOSPITAL.

Discussion ensued on the transportation plan being the responsibility of the Commission with approval by Council and submitting the recommendation that Council update the plan or should the motion state the Commission update the plan and planning staff recommends the plan be updated within the next three years.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Item 3 New Maps

Chair Venuti reviewed the next request from planning staff to review the proposed medical district boundary map.

City Planner Abboud referencing a large map depicting the proposed medical district boundary noted that this was presented as the cleanest and if the Commission had any input. He noted that if parcels outside the boundaries wanted to have medical and they kept the RO then they would need to get a CUP.

Discussion ensued on the vacant parcels that were south of Fairview Avenue and east of Swatzell over to Main Street would be appropriate to include in the proposed medical district.

City Planner Abboud was hesitant in increasing the boundaries and encouraged waiting to see if there was a demand in that area.

The Commission expressed the preference to increase the boundaries to include the areas over to Main Street and present that to the public then if the public did not agree it could be reduced.

SMITH/BOS MOVED TO AMEND THE PROPOSED MEDICAL DISTRICT EASTERN BOUNDARY LINE EAST ALONG FAIRVIEW AVENUE TO MAIN STREET SOUTH TO THE CENTRAL BUSINESS DISTRICT BORDER.

There was a brief discussion on the title of the proposed district and input received from the Clerk on the verbiage in the motion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Item 4 Land Uses

Chair Venuti then reviewed the item from the memorandum.

City Planner Abboud reviewed the following uses that should be permitted outright for consideration and input from the Commission.

Commissioners commented on the following:

- Homeless Shelter has no medical basis and should require a Conditional Use Permit.
- There was some question on permitting Group Care homes and the recent experience with Set Free as an example and that this use has pros and cons as to the appropriateness of placement in or out of a medical district
- Café being a permitted use as it was in the purpose statement
- The term clinic covers uses such as therapy or pregnancy center
- Yoga Center included in the term clinic
- Size limitations for the district

City Planner Abboud inquired if the Commission would like to consider design criteria such as green spaces or open space in the district and buffering.

Commissioners then discussed their preference on including open space or green space from the road way and parking lots and those inherent maintenance requirements thereof; preservation of natural vegetation, if possible and require leaving a percentage of existing trees and vegetation on parcels.

It was suggested to add a worksession to the Commission worklist for discussion on reducing removal of existing vegetation and or clear cutting for development.

NEW BUSINESS

- A. Staff Report 20-06, Amending the Homer Planning Commission Policies & Procedures Manual to form specific procedures for deliberations of quasi-judicial actions

Chair Venuti introduced the item by reading the title into the record and invited City Planner Abboud to provide his report for the Commission.

City Planner Abboud noted the updates to the Procedures and Policies Manual and that a motion is requested.

HIGHLAND/SMITH MOVED TO FORWARD STAFF REPORT 20-06 WITH UPDATED PROCEDURE AND POLICY MANUAL FOR THE AGENDA AT THE NEXT REGULAR MEETING A PENDING BUSINESS ITEM.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

A. City Manager Report for January 13, 2019 City Council Meeting

COMMENTS OF THE AUDIENCE

Scott Adams, city resident, commented on reviewing the proposed map of the medical district and that some developments have been constructed outside the lines. He recommended requiring larger setbacks if they allow medical in a residential area. He noted that people go in and buy their home in a residential area and the next thing they know is a clinic is being built right next to their home. He advocated getting a consensus from the neighborhood before they change it. He believed the City should address storm water wholeheartedly. He then noted that the responsibility of storm water falls on the home owner not the person subdividing the lot. He has seen this addressed by the city in the area above West Homer Elementary and the neighborhood off of Soundview. Developers should be responsible not the property owner. Larry Slone, city resident, with regards to the proposed Medical District and supported expanding the district, he believes that it will raise the value of those properties, he supported the natural scope in that area with the proximity to the hospital.

Mayor Castner commented on two of his goals to decrease Conditional Use Permits in an effort to reduce the possibility of litigation for the city. Those missions are now accomplished. There were two requests tonight for money and it is up to the Planning Staff to figure out what they are asking for and there are members of the Council that will weigh in on that decision making process, but he believed that very little was done out of the Transportation Plan. He commented on the rapidly evolving transportation and two years from now they will be talking about autonomous vehicles running people up and down the spit. Mayor Castner stated that Storm water planning is very important to him and he is tired of living with ditches, they solve very little, keep water on the surface, freeze, compound by people running their footer drains into the ditches. He wanted to keep storm water out of their sewer system to remove that impact from the Water Treatment Plant.

Mayor Castner continued by stating the real reason he attended was to speak about HAWSP fund. The Commission was asked several years ago to address comments on the appropriate use of these funds and there was no funding available until Monday night Council appropriate funding for the HAWSP fund. He provided the funding details for HAWSP as of Monday including old projects that were not closed, recent accounting analysis and the fund is now solvent. He is planning to submit a resolution to lift the moratorium on the HAWSP fund. Mayor Castner then provided a brief summary and intent of the use if the fund and believed that they should not take out loans and for the additional projects that are deemed needed by public Works should be paid for out of this fund or bonded out. The Council will be asking the Commission to do some work. He noted that there are several issues that need to be addressed and he provided a description of a solution that is used in Anchorage. Mayor Castner acknowledged the problems with parking at the hospital and possible paths forward that does not include the city giving them more land and the CEO has requested help. This could be one of those things that his generation is demanding more services but consideration is who is behind them in the future. He extended his appreciation for the work that the Commission does and wanted to

assure the Commission that they are appreciated and to not hesitate asking for assistance or resources that they may need as they are going to have a lot on their plate this year.

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

Commissioner Bos commented it was a good meeting tonight and congratulated Commissioner Smith on his first handling of the meeting, he did a great job.

Commissioner Davis requested excusal for the February and March meetings as he will be out of town.

Commissioners Highland, Smith, Petska-Rubalcava had no comments.

Chair Venuti commented that it has been a very interesting meeting and appreciated the worksession. There is a lot to learn. He acknowledged the comment by Mr. Adams regarding residential setbacks and that may be something that the Commission should consider reviewing. He also noted the recent passing of Gary Thomas and wanted to Thank all the volunteers that make their community what it is.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:39 p.m. The next regular meeting is scheduled for Wednesday, February 5, 2020 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession scheduled at 5:30 p.m. prior to the meeting.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: _____