

# Office of the City Clerk

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## MEMORANDUM – AGENDA CHANGES/SUPPLEMENTAL PACKET

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL  
FROM: JO JOHNSON, CMC, CITY CLERK   
DATE: FEBRUARY 28, 2011  
SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

### PENDING BUSINESS

**Resolution 11-007**, Comprehensive Economic Development Strategy (CEDS),  
Public comment Page 1

### RECOMMENDATION:

Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A

## Jo Johnson

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**From:** Frank Griswold [fsgriz@alaska.net]  
**Sent:** Monday, February 28, 2011 9:58 AM  
**To:** Jo Johnson  
**Cc:** Department Planning  
**Subject:** Resolution 11-007 (CEDS)

Dear Mayor and Council,

The objectives of the Comprehensive Economic Development Strategy (CEDS) are fiscal in nature. It would be inappropriate to incorporate the CEDS into the Homer Comprehensive Plan because fiscal zoning per se is irrelevant to the statutory purposes of zoning. The Alaska Supreme Court stated that "increasing the tax base and the employment of a community is not automatically a legitimate zoning goal." *Griswold v. City of Homer* 925 P.2d 1015, 1023 n. 9 (citing *Concerned Citizens for McHenry, Inc. v. City of McHenry*, 76 Ill. App.3d 798 (an increase in the tax base of the community as the primary justification for a rezone is "totally violative of all the basic principles of zoning")). Even if the Homer Advisory Planning Commission had the authority to adopt CEDS into the Homer Comprehensive Plan (which it does not), the objectives of the Economic Development Commission and those of the Homer Advisory Planning Commission should not be blurred. Resolution 11-007 should be voted down.

Frank Griswold