

City Council

Monday

February 22, 2016

Worksession 4:00 p.m.

Committee of the Whole 5:00 p.m.

Regular Meeting 6:00 p.m.



**City Hall Cowles Council Chambers
491 E. Pioneer Avenue
Homer, Alaska**



February-March 2016

- Monday 22nd: CITY COUNCIL**
Worksession 5:00 p.m., Committee of the Whole 5:30 p.m., and Regular Meeting 6:00 p.m.
- Wednesday 24th: PORT & HARBOR ADVISORY COMMISSION**
Regular Meeting 5:00 p.m.
- Thursday 25th: CANNABIS ADVISORY COMMISSION**
Regular Meeting 5:30 p.m.
- Tuesday 1st : LIBRARY ADVISORY BOARD**
Regular Meeting 5:00 p.m.
- Wednesday 2nd: HOMER ADVISORY PLANNING COMMISSION**
Worksession 5:30 p.m., Regular Meeting 6:30 p.m.
- Tuesday 8th: ECONOMIC DEVELOPMENT ADVISORY COMMISSION**
Regular Meeting 6:00 p.m.
- Monday 14th: CITY COUNCIL**
Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

- City Council 2nd and 4th Mondays 6:00 p.m.
Library Advisory Board 1st Tuesday 5:00 p.m. with the exception of
January April August November
Economic Development Advisory Commission 2nd Tuesday 6:00 p.m.
Parks and Recreation Advisory Commission 3rd Thursday 5:30 p.m. with the exception of
July, December, January 6:30 p.m.
Planning Commission 1st and 3rd Wednesday 6:30 p.m.
Port and Harbor Advisory Commission 4th Wednesday 5 p.m. (May-August 6:00 p.m.)
Public Arts Committee Quarterly 3rd Thursday 5:00 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS

- BETH WYTHER, MAYOR – 16
BRYAN ZAK, COUNCILMEMBER – 16
GUS VAN DYKE, COUNCILMEMBER – 16
DAVID LEWIS, COUNCILMEMBER – 17
CATRIONA REYNOLDS, COUNCILMEMBER – 17
DONNA ADERHOLD, COUNCILMEMBER – 18
HEATH SMITH, COUNCILMEMBER – 18
City Manager, Katie Koester
City Attorney, Thomas Klinkner

<http://clerk.ci.homer.ak.us> for home page access, Clerk's email address is: clerk@ci.homer.ak.us Clerk's office phone number: direct line 235-3130, other number 235-8121 x2226.

HOMER CITY COUNCIL
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov



WORKSESSION
4:00 P.M. MONDAY
FEBRUARY 22, 2016
COWLES COUNCIL CHAMBERS

MAYOR BETH WYTHE
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER GUS VAN DYKE
COUNCIL MEMBER CATRIONA REYNOLDS
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

WORKSESSION AGENDA

- 1. CALL TO ORDER, 4:00 P.M.**
- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
- 3. HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) AND HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART)**

Memorandum 16-030 from City Manager as backup. **Page 7**
Memorandum 16-022 from Deputy City Clerk as backup. **Page 11**
Memorandum 15-099 from Economic Development Advisory Commission as backup.
Page 13
Memorandums 15-193 and 16-027 from Public Works Director as backup.
Page 15, 17
- 4. COMMENTS OF THE AUDIENCE**
- 5. ADJOURNMENT NO LATER THAN 4:50 P.M.**
Next Regular Meeting is Monday, March 14, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Worksession is scheduled for Monday, March 21, 2016 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.

how a district is approved, HART and HAWSP are treated differently for how votes are counted and costs are allocated.

HART

Vote: Each lot owner is given a vote that is weighted by assessed value

Cost: Lot owners are charged \$17/foot for paving \$30/foot gravel reconstruction. Fixed cost for lot owners, variable for City

Payment Schedule: 10 years

New assessment generated when lot subdivides: No

HAWSP

Vote 1: Each lot owner is given a vote that is weighted by assessed value

Cost: Every lot pays the same (75% of project cost)

Payment Schedule: 20 years

New assessment generated when lot subdivides: Yes

Why haven't people been using the HART SAD program?

The last SAD constructed was the Crittenden/Webber Subdivision SAD (2013).

For the most part it was a gravel reconstruction and paving SAD (most lots were assessed \$30/foot for gravel reconstruction and \$17/foot for paving; for a total of \$47/frontage foot).

Total Cost = \$664,310

Total Assessments = \$122,832

% paid by property owners = 18%

This is the lowest property owner % that Public Works Director Meyer has seen. His understanding is that the original intention of the HARP/HART program was that the HART program would pay the majority of the cost (I'm not sure what that percentage was), but increasing construction costs over the years has lowered the percentage paid by property owners. This is a great deal, why is there not more utilization?

Many of the City lots are owned by seasonal residents who do not value as much year round good road/driving conditions. Some residents do not want their roads improved because poor road conditions necessitate slower driving which is favored in residential areas. The recent gas assessment also may discourage residents from additional investments in their local infrastructure.

The Clerk's office has prepared a survey and sent it out to our last 3 road SADs (which all failed) asking questions to help Council. The overwhelming reason people did not choose to

vote for the SAD was because it was too expensive. However, comments ranged from people not feeling like the improvements were necessary to a desire for other improvements. See summary of survey results.

How can the road improvement SAD process become more useful/relevant?

The current methodology allows the City to establish the cost to the property owner up front with no chance of a change. If the methodology were revised to a percent of actual total cost, the final assessment can change (like the water/sewer assessments). The other advantage for the City is that the current methodology is based on frontage foot (which does not change when lots are subdivided); in water/sewer SADs the subdivision of a lot creates an administrative burden associated with collecting an additional assessment from the new lot. When every lot benefited pays the same, it introduces the issue of how does the new lot pay its fair share and how do lots that have already paid an assessment get reimbursed for their fair share of the additional assessment. One way to address that issue is for payment to be based on square footage.

An advantage to road assessments being a percentage of total cost might be that property owners would better understand what a good deal the program provides. Currently they are told they will pay so much per frontage foot without understanding what the real cost is and that the HART program is paying a majority of the cost.

Another advantage to assessments being based on percentage of total cost might be that assessments could cover things other than gravel and paving. Originally neighborhoods were very satisfied with upgraded gravel roads and stripe paving. In the future, neighborhoods may want concrete curb and gutters, storm drains, sidewalks, street lighting, etc. (the cost of which may never have been included in the current per frontage foot fixed assessment amounts).

Keep in Mind

We have 3 road SADs in process right now. They would all proceed in the same manner as they were initiated, regardless if changes were made at this point. One of the SADs involves SVT land worth over 4 million dollars. This gives them the ability to kill or force the project.

Policy Questions on the Table:

Should the City look at standardization of how HART and HAWSP special assessment districts function (re: how costs are allocated, payment schedule, how votes are counted)?

Vote: (based on property value or not)

Cost: (percent of project cost? per foot, benefited area, everyone the same)

Payment Schedule: (how many years)

New assessment generated when lot subdivides:

How could the City incorporate long term maintenance costs into the cost of a project (or should we)?

The original intent of HART was to lower maintenance costs by upgrading roads with paving. When HART is used for projects like new construction (of trails, roads, or sidewalks) the increased maintenance cost becomes an issue. To address this, for new construction projects Council could incorporate estimated maintenance costs for a period of time into the total project cost. This would require voter approval. If maintenance costs were incorporated, there would be less money for construction. Another option could be just reducing the percentage that goes to HART – the remainder would de facto go toward maintenance.

Should there be a sunset for creating new assessments with the subdivision of lots (HAWSP)?

Should the City amend the HART policy manual to specifically establish a process for other improvements such as sidewalks and/or street lights? (See Memorandum 15-193 from Public Works Director.)

What to do about deferred assessments? (See Memorandum 16-027 on Shellfish from Public Works Director Meyer.)

Enc:

Outline of Homer Special Assessment District Process

Memorandum 16-022 from Deputy City Clerk Summary of HART survey results

Sample subdivision maps

Memorandum 15-099 from EDC recommendation regarding SADs levy of assessments after subdivision

Memorandum 15-193 from Public Works Director on Sidewalks

Memorandum 16-027 from Public Works Director on Shellfish

HART Policy Manual

HAWSP Policy Manual



City of Homer

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Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

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(p) 907-235-3130

(f) 907-235-3143

Memorandum 16-022

TO: KATIE KOESTER, CITY MANAGER
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: FEBRUARY 1, 2016
SUBJECT: FEEDBACK FROM MATTOX AREA ROAD SPECIAL ASSESSMENT DISTRICT PETITION

Property owners within the boundaries of the Mattox, Virginia Lynn, Fritz Subdivision Road improvement district were mailed a petition in February, 2015 and the petition failed. On January 5, 2016 a survey was mailed to the 44 property owners who did not sign the petition and 18 responded.

Why did you choose not to support the Petition for Road Reconstruction and Paving for Mattox, Virginia Lynn, & Fritz Subdivisions?

13 It was too expensive

1 There wasn't enough information provided to me to make an informed choice

4 I don't agree with the methodology

If you don't agree with the assessment methodology of a per front foot cost, would you have supported the petition if property owners paid an equal amount?

1 Yes

3 No

12 I'm satisfied with the current conditions of my road

9 Other (summarized)

- There were too many pages in the petition and it was confusing
- Less expensive methods could be used, speed bumps, mirrors at blind corners, hand painted signage, more enforcement, remove trees that obstruct view, sidewalks or delineated walking area
- It would detract from the "country feel", gravel roads provide better traction
- People already drive too fast and paving would make it worse
- Natural Gas Assessment
- Street lights are a more needed improvement
- Per front foot assessment discourages owners of larger lots



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Memorandum 15-099

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: JUNE 22, 2015

SUBJECT: ECONOMIC DEVELOPMENT COMMISSION RECOMMENDATION REGARDING SPECIAL ASSESSMENT DISTRICTS LEVY OF ASSESSMENT AFTER SUBDIVISION

Throughout the course of discussion by the Economic Development Advisory Commission related to affordable housing, the Commission considered the impact of the Special Assessment District process, specifically related to the assessment of newly created lots within a district. It was the consensus of the Commission that the current methodology of levying an assessment on a newly created lot is a deterrent for property owners to subdivide larger lots. The Commission believes adding the full cost of the assessment along with the subdivision costs drives up the cost of the smaller lots making them more difficult to sell. The Commission also finds this inhibits a developer's opportunity to build affordable homes within the city.

At the June 9, 2015 regular meeting the Commission considered the following three options:

1. That the district stops collecting at the payoff date or other date specific;
2. That a formula be considered for a decreasing amount to be collected until zeroing out at the payoff or other specific date.
3. Do nothing.

They agreed unanimously to recommend option 1, that the district stops collecting at the payoff date, or other date specific, adding that it have a 5 year sunset for collections.

BROWN/ FRIEDLANDER RECOMMENDED THE NUMBER ONE SOLUTION AS PART OF A FAIRNESS DOCTRINE WITH A FIVE YEAR SUNSET CLAUSE FOR THE PAY OFF DATE TO ASSIST THOSE OWNERS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

RECOMMENDATION: Consider the proposal from the Economic Development Advisory Commission and determine whether to bring forward an ordinance to amend Title 17 relating to subdivision after levy of assessments.



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Public Works

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Memorandum 15-193

TO: Katie Koester - City Manager
FROM: Carey Meyer - Public Works Director
DATE: November 18, 2015
SUBJECT: **Homer Accelerated Roads and Trails Program (HART)**

HART - Is Sidewalk Construction Eligible?

Background: The Homer Accelerated Roads Program (HARP) was created by the community in 1987 and formally established by Council per Resolution 87-61(S). The original purpose of the program was to upgrade approximately 39.5 miles of city streets at an estimated cost of \$24.8M; reconstruct local substandard city roads, improve access, reduce maintenance costs, increase property values, and improve the quality of life. A schedule of proposed street improvements was developed by Public Works which consisted of Groups I-IV as shown on charts and maps approved by the City Council.

The following qualifying criteria were established for eligible road upgrade/reconstruction projects:

- a. Life, safety, and traffic flow;
- b. Correct deficiencies of the existing systems;
- c. System wide basis versus local needs;
- d. Complete traffic circulation patterns;
- e. Encourage economic development;
- f. Correct drainage problems;
- g. Reduce maintenance costs;
- h. Built to City standards prior to acceptance;
- i. First come, first serve;
- j. Reconstruction is a higher priority than new construction;
- k. Property owner contribution through LID process (originally \$20 per front foot for gravel and \$11 per front foot for paving of a residential standard street; changed in 1995 to \$30 and \$17), and City pays all costs for additional improvements deemed necessary;
- l. City share can apply to related utilities, sidewalks, street lighting, drainage, paving, and/or reconstruction of roads identified in Groups I-IV;
- m. City share of road money is prorated proportionally between Groups I-IV;
- n. Other factors deemed appropriate by the City Council.

In 2007, the voters approved continuing to provide a funding source for street reconstruction improvements and related utilities (see Resolution 07-33), authorized the program to fund trails projects, and changed the name of the program to Homer Accelerated Roads and Trails program (HART).

What have HART funds been used for? HART funds have generally been used to:

- Upgrade/reconstruction existing streets through an LID process,
- Repave streets originally paved through an LID process,
- Construct trails and improve trailheads.

The HART program allows for sidewalks (and other road improvements such as drainage, street lighting, minor utility extensions, utility relocations, etc.) to be constructed as part of a road improvement project. There has been one situation where HARP funds have been used to pay for a stand-alone sidewalk construction project, approximately 250 LF of sidewalk was constructed from the Sterling Highway to the Homer West Elementary school (along Soundview Avenue).

What have HART funds not been used for? No HART funds have been used to support the maintenance of the existing road system or purchase maintenance equipment.

What are some of the anticipated future demands on the HART fund?

- Continued funding of residential neighborhood SAD road paving projects,
- Continued funding of street repaving projects,
- Funds for storm drainage/water quality improvements associated with roads,
- Matching funds for road improvement projects shown in the Capital Improvement Plan,
- Funding of trail improvements shown in the Non-Motorized Trails Plan,

What is the difference between a sidewalk and trail? The policy has been that a pedestrian improvement that is constructed within street right-of-way and generally runs parallel to a street is a sidewalk; a trail leaves street right-of-way and is generally constructed in easements across private property.

Have sidewalks been constructed using HART funds? All HART street improvement projects must include pedestrian amenities per Council direction. In most cases, these pedestrian improvements have consisted of widened shoulders/pavement. Generally, sidewalks (including curb and gutters) have been constructed using HART funds, but only as part of a street LID/SAD improvement project (where drainage issues and right-of-way constraints existed).

How much would it cost to construct sidewalks along all streets in Homer? Approximately 20 miles of paved roads exist in Homer. Another 25 miles of gravel roads exists. Assuming that a sidewalk requires a curb and gutter, catch basins and storm drains, and water quality mitigation improvements (such as detention basins or oil/water separator vaults); the cost ranges between \$30 and \$60 per linear foot. Therefore, the cost to construct sidewalks along one side of the existing paved roads (using the median cost) would be \$4.8M; both sides \$9.6M. When the gravel roads are paved, the cost to provide sidewalks along one side of these additional roads would be approximately \$6M; both sides \$12M.

How is sidewalk construction funded in other communities? Nationwide, the cost of constructing, maintaining and replacing sidewalks is normally borne by the adjacent property owner. Cities generally provide for sidewalk assessment districts to help property owners finance the costs associated with sidewalk construction.



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Memorandum 16-027

TO: Mary K. Koester – City Manager
FROM: Carey Meyer – Public Works Director
DATE: January 4, 2016
SUBJECT: **Future Intention to Create Deferred Assessments
Shellfish Avenue/South Slope Drive Water Main Extension Project**

Question – How should benefitted property owners pay their fair share of the cost of a water main?

Background: The Water/Sewer Master Plan for the City of Homer calls for improvements to the City's water system that would improve the reliability of the water service to the community and provide piped drinking water to those that are not currently served. The extension of a water main along Shellfish Avenue/South Slope Drive (see attached map) is one of those improvements. Public Works has completed the design of the improvement and has obtained a grant to help pay for construction. Normally, these types of improvements are constructed through the formation of a Special Assessment District (SAD) where benefitted property owners are assessed for their fair share. Water and sewer SAD assessments have normally been distributed equally to all benefitted lots.

Public Works has engaged the property owners within the project area (see attached letters) to inform them of the project and discuss how they might be assessed for their fair share. There has been no support for creating a SAD. Those that have responded support deferred assessments as the preferred method of assessing their share, but feel that equal assessments were not fair because lots sizes vary dramatically in this neighborhood.

There is precedence for creating deferred assessments on benefitting properties to provide a mechanism for fairly charging the cost of water improvements to benefitted property owners. These deferred assessments are not created without the opportunity for the affected property owners to comment and if created do not become due until the property owner connects to the new water main. Connection to the water main may be contingent upon the installation of sewer service to the property before water service connections to the water main are approved.

Three schedules (A, B, and C) are attached that estimate the assessment for each benefitted lot (based on equal, per frontage foot and per benefitted area).

Equal assessments are calculated by dividing the total assessable cost by the number of benefitted lots. Frontage foot assessments are prorated for each lot based on the percent of

frontage each lot has on the right-of-way. Benefitted area assessments are based on the prorated share of the lot areas benefitted, except large parcels which the area is limited to the front 200 feet. Attached is a map showing in yellow the areas used to estimate assessments under Schedule C – benefitted area method.

Equal Assessments:

The attraction of equal assessments is simplicity. When every benefitted lot contains one house, the benefit received by each lot is essentially the same. The cost to provide service to the lot may not be equal because lots with more frontage cost more to serve. Larger lots are generally more costly to serve than smaller lots. When lot size within a district vary significantly, the large lots (which have a greater probability of being subdivided) are not initially assessed based on their ultimate capacity to support additional homes. There is a significant administrative burden associated with monitoring into the future the subdivision of large lots, collecting future assessments, and trying to reimburse other lots in the neighborhood. This method is most attractive when all benefitted lots are similar in size.

Frontage Foot Assessments:

The attraction of frontage foot assessments is that each lot is assessed based on the cost of extending a road, water main, or sewer main across the front of each benefitted property. Larger lots are generally more costly to serve than smaller lots. The disadvantage comes when dealing with lots in a cul-de-sac's or flag lots; because of their configuration results in very small lot frontages (not representative of the benefit they are receiving).

Benefitted Area Assessments:

The advantage of creating assessments using a benefitted area method is that the assessment for each lot can reflect the square footage of land benefitted by the road, water or sewer improvement. Larger parcels are assessed based on the area near the right-of-way that directly benefits from the improvement. The subdivision of larger lots in the future does not change the area benefitted; no unfairness is created as the neighborhood develops. Lot configurations (cul-de-sac and flag lots) do not distort assessment fairness. Areas that are not developable (i.e. - wet, steep sloped, or inaccessible areas) can accurately be removed from the assessment calculation. Larger lots are generally more costly to serve than smaller lots.

One More Thing:

It is good time to recognize that the cost per lot to provide road, water and sewer improvements in neighbor-hoods comprised of relatively large lots is higher than those comprised of smaller lots. Larger lots are generally more costly to serve than smaller lots, because they are generally wider and require more road or pipe to get across the front of the lots. The attached table (showing per lot assessments under the three scenarios) also shows what each lot would be assessed if the total cost of the proposed water main was assessed in a normal LID situation. Neighborhoods find it difficult to pay for road, water and sewer improvements when lot density is low. These improvements become affordable only when large lots are subdivided; reducing the cost per lot. In this case, because the City has obtained a grant that covers a significant portion of the design and construction costs, the cost per lot (in

this large lot neighborhood) is comparable to what it would cost per lot in a “normal” sized lot neighborhood. Housing is more affordable when lot sizes are small.

Recommendation: The City Council approve this Memorandum which reflects the Council’s intention to create deferred assessments on benefitted property owners based on the “benefitted area” method described herein. The intent of the City Council is to create deferred assessments by Resolution on benefitting property owners after actual costs are known and a public hearing is held where each property owner can be given the opportunity to comment. The Council may revise the method of assessment at that time.

OUTLINE OF HOMER'S SPECIAL ASSESSMENT DISTRICT (HSAD) PROCEDURE

Based on Homer City Code Chapter 17.04, effective April 10, 2012, the steps in the Homer Special Assessment District procedure may be described in a series of stages:

Stage 1 – Initiation of HSAD by resolution or petition

a. Resolution - Council may initiate a HSAD by resolution by a vote of no less than $\frac{3}{4}$ of the Council.

b. Petition - Property owners may initiate a HSAD by petition signatures of the record owners of not less than one half in value of the real property in the proposed district.

Stage 2 – Petition

a. If the HSAD is initiated by resolution of the Council there is no petition stage. Proceed to neighborhood meeting of owners within the district.

b. If the HSAD is initiated by property owner petition, the petition is prepared by the city clerk for distribution to all property owners in the district. If within 60 days the petition is returned with approving signatures of the owners of *at least 50% in value of the real property to be benefited*, the petition is forwarded to Council for adoption of a resolution to find the improvement is necessary.

If there are not sufficient signatures, Council is informed and adopts a resolution finding that the petition was insufficient and the HSAD fails.

Stage 3 – Neighborhood Meeting/Improvement Plan

a. Schedule a meeting of record owners of the real property in the proposed district. Property owners will receive an improvement plan that includes final boundaries, design, cost estimate, assessments against properties, method for allocating costs among the properties, time period which assessments will be financed, and a preliminary assessment roll.

Stage 4 – Public Hearing/Written Objection

a. A public hearing is scheduled and published. Property owners receive notice via certified mail no less than 60 days before the hearing.

b. A record owner of real property within the proposed district may file a written objection to the improvement plan no later than the day before the public hearing. If owners of real property that would bear 50% or more of the assessed cost of the improvement file timely written objections, Council may not proceed with the improvement unless it revises the improvement plan to reduce the assessed cost of the improvement that is borne by objecting owners to less than 50% of the assessed cost of the improvement. In the event of a boundary change Council must pass a resolution and all owners of property shall be notified of the change.

c. Council holds a public hearing and then adopts a resolution determining to proceed with the proposed improvement.

Stage 5 – Contract for Construction/Solicitation of Bids

a. After the HSAD has been created the City solicits bids for construction. If cost of constructing the improvement will exceed 115% of the estimated cost in the improvement plan, property owners will be notified via certified mail of the increased cost.

b. If record owners of property that would bear 50% or more of the cost of the improvement object in writing, the City will not contract to construct the improvement.

Stage 6 – Assessment Roll and Objections

a. After completion of the improvement, Council shall assess costs to each property benefitted in the district.

b. An assessment roll will include the name and address of the record owner, Kenai Peninsula Borough parcel number, property description, amount assessed, and assessed value of the property.

c. A hearing is scheduled to hear objections to the assessment roll.

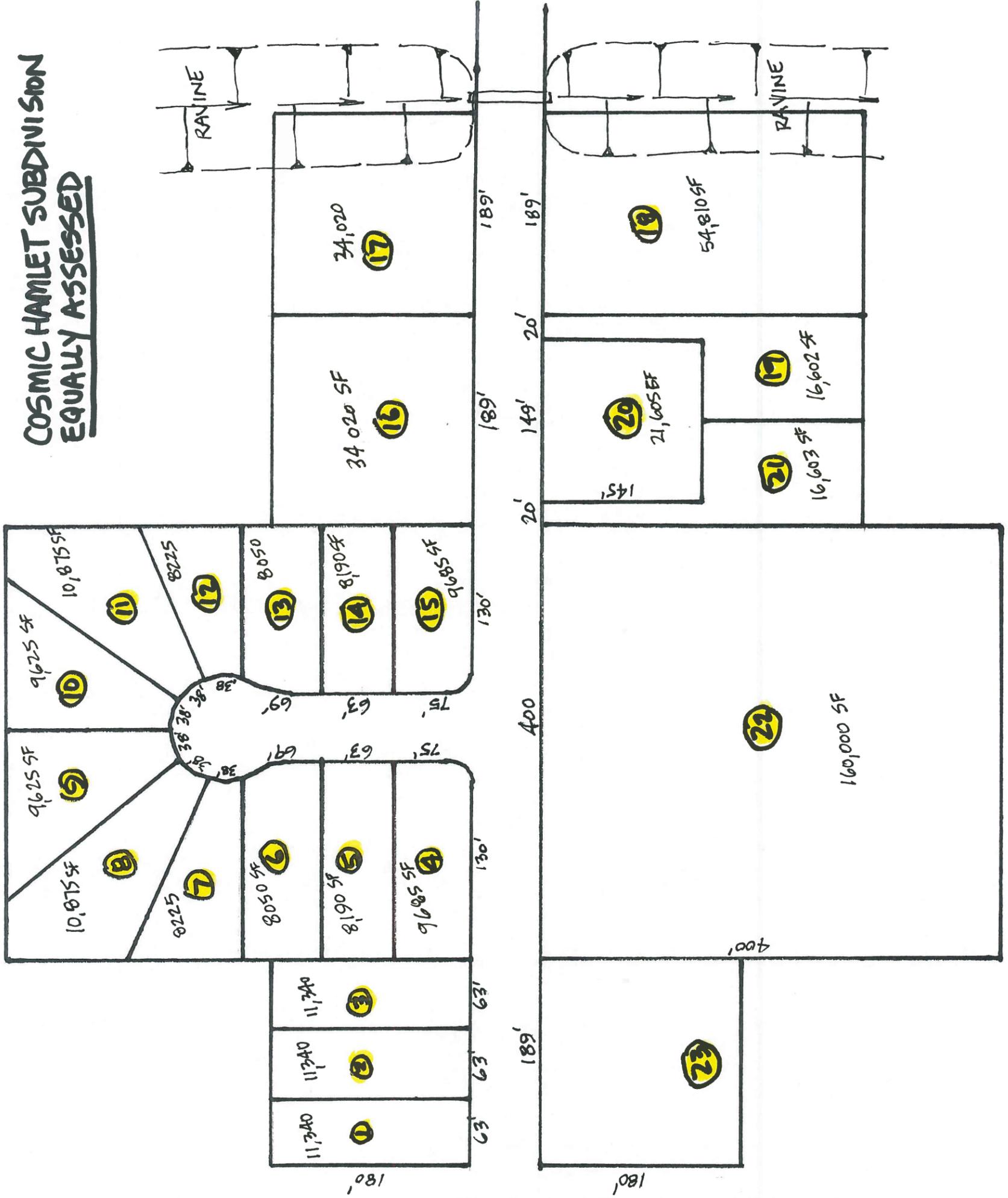
d. Property owners are notified of the hearing date and sent the assessment roll via certified mail.

e. Council corrects any errors or inequalities in the assessment roll and confirms the assessment roll by resolution. Council sets the time for payments, interest rate, and penalties for delinquent payments by resolution.

Cosmic Hamlet Subdivision SAD

Total Property Owner Cost = \$750,000

**COSMIC HAMLET SUBDIVISION
EQUALLY ASSESSED**

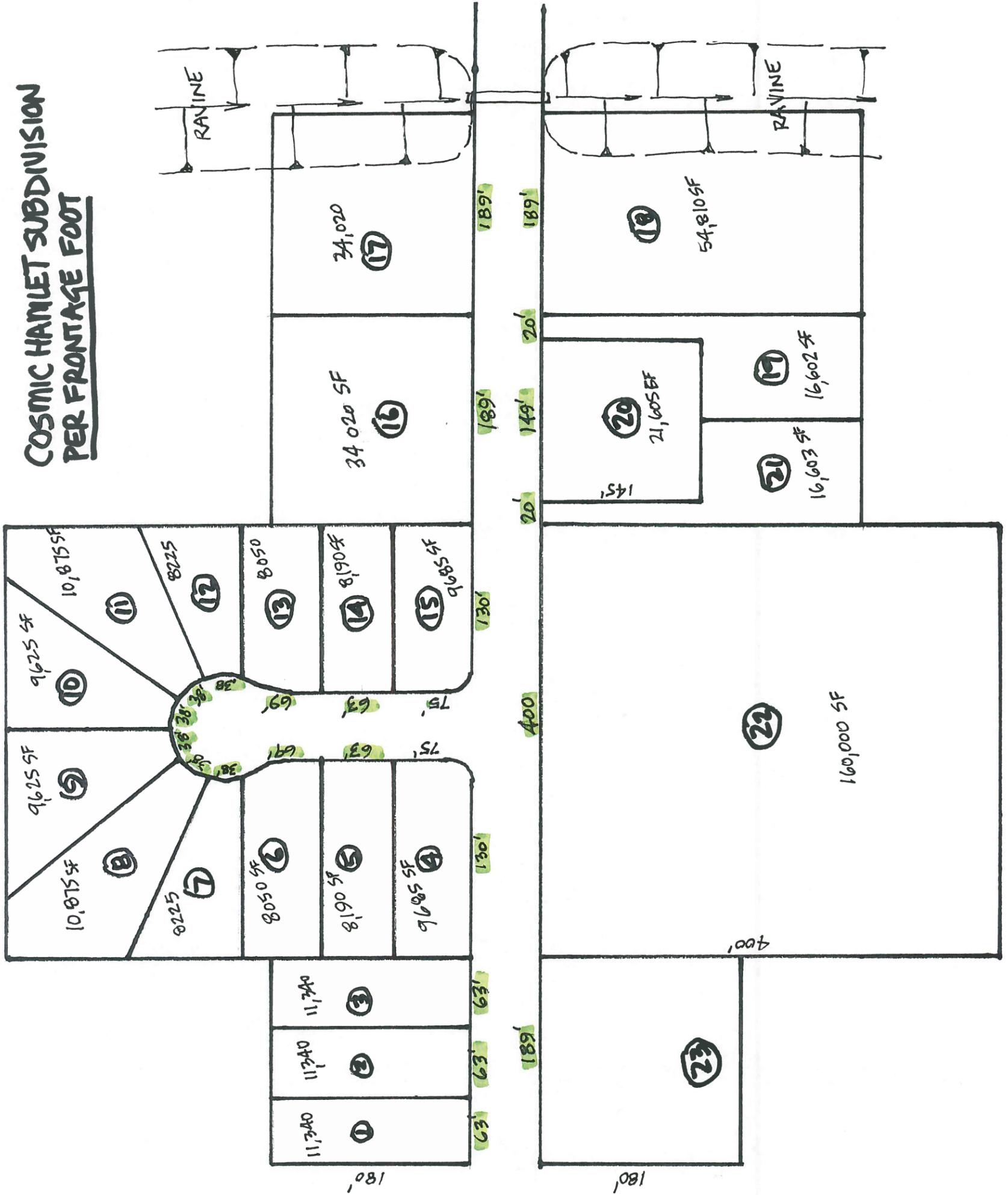


2286 514,999 397,169

Cosmic Hamlet Subdivision SAD

Total Property Owner Cost = \$750,000

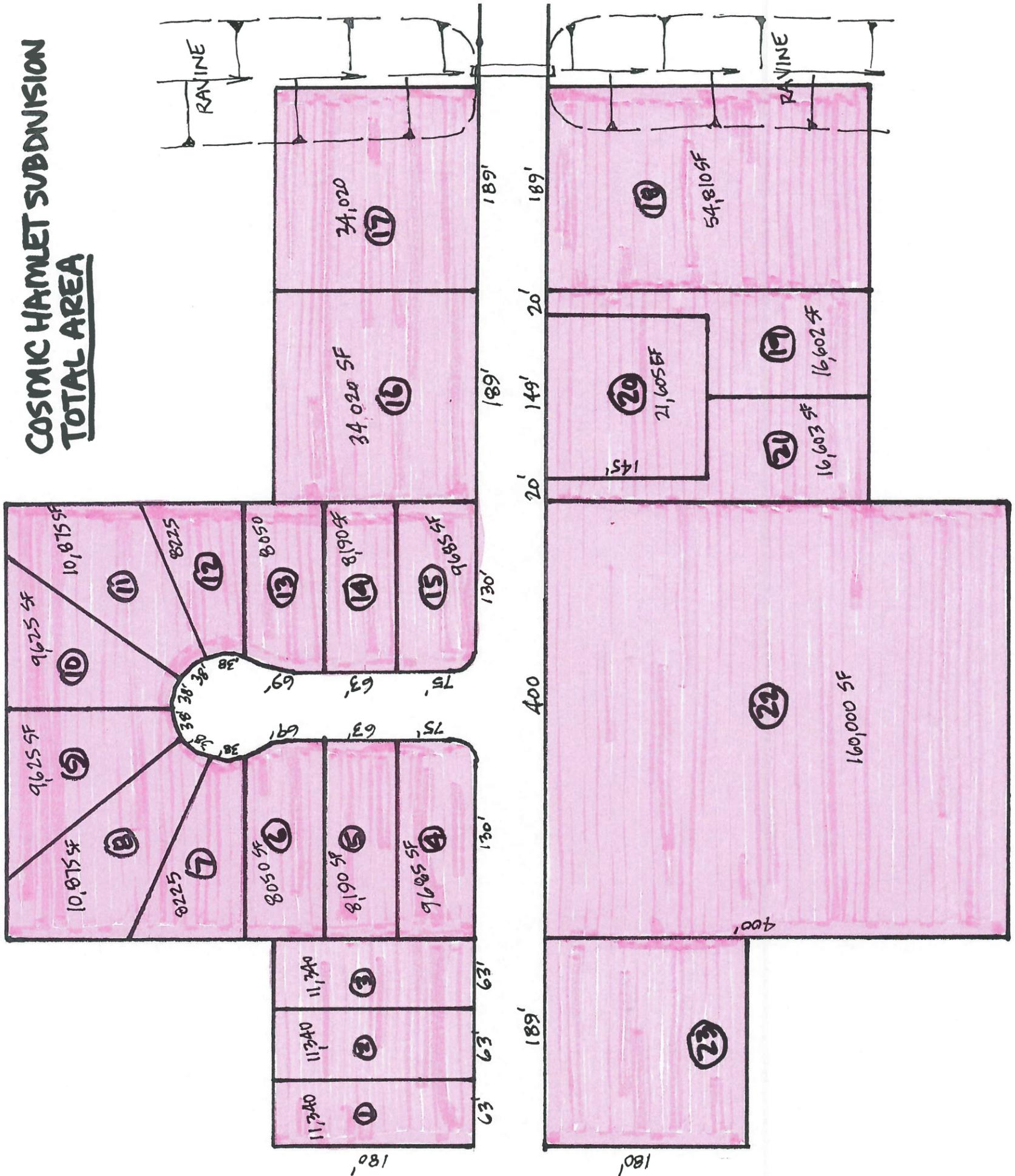
**COSMIC HAMLET SUBDIVISION
PER FRONTAGE FOOT**



lot	frontage foot	lot area (SF)	benefitted area (SF)	Assessment per frontage foot
Lot 1	63	11340	11340	\$20,669
Lot 2	63	11340	11340	\$20,669
Lot 3	63	11340	11340	\$20,669
Lot 4	130	9685	9685	\$42,651
Lot 5	63	8190	8190	\$20,669
Lot 6	69	8050	8050	\$22,638
Lot 7	38	8225	8225	\$12,467
Lot 8	38	10875	10875	\$12,467
Lot 9	38	9625	9625	\$12,467
Lot 10	38	9625	9625	\$12,467
Lot 11	38	10875	10875	\$12,467
Lot 12	38	8225	8225	\$12,467
Lot 13	69	8050	8050	\$22,638
Lot 14	63	8190	8190	\$20,669
Lot 15	130	9685	9685	\$42,651
Lot 16	189	34020	34020	\$62,008
Lot 17	189	34020	25200	\$62,008
Lot 18	189	54810	25800	\$62,008
Lot 19	20	16602	16602	\$6,562
Lot 20	149	21605	21605	\$48,885
Lot 21	20	16602	16602	\$6,562
Lot 22	400	160000	80000	\$131,234
Lot 23	189	34020	34020	\$62,008
				2286
				514,999
				397,169
				\$750,000

Cosmic Hamlet Subdivision SAD
 Total Property Owner Cost = \$750,000

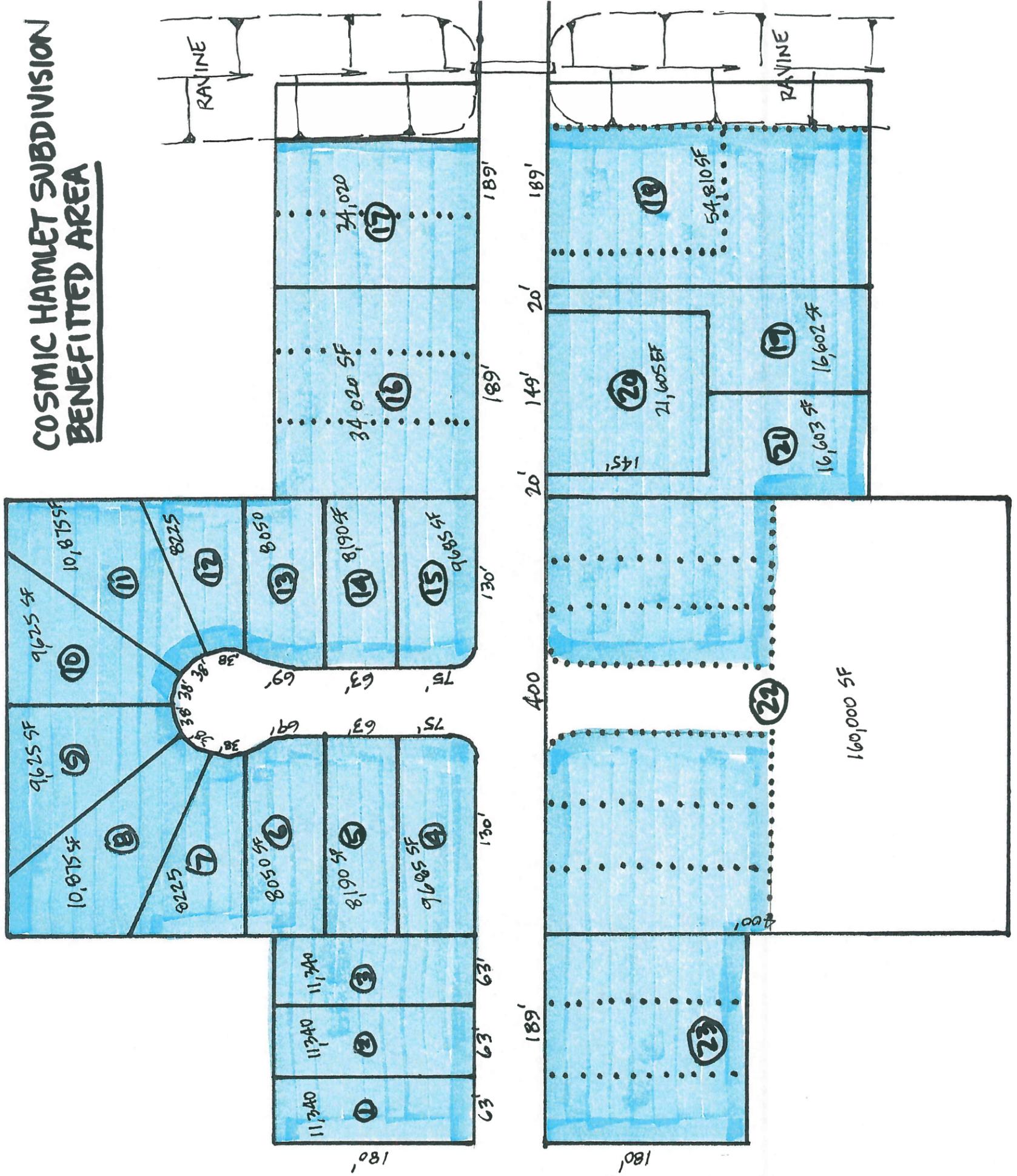
COSMIC HAMLET SUBDIVISION TOTAL AREA



Lot	frontage foot	lot area (SF)	benefitted area (SF)	Assessment per total lot area
Lot 1	63	11340	11340	\$16,515
Lot 2	63	11340	11340	\$16,515
Lot 3	63	11340	11340	\$16,515
Lot 4	130	9685	9685	\$14,104
Lot 5	63	8190	8190	\$11,927
Lot 6	69	8050	8050	\$11,723
Lot 7	38	8225	8225	\$11,978
Lot 8	38	10875	10875	\$15,837
Lot 9	38	9625	9625	\$14,017
Lot 10	38	9625	9625	\$14,017
Lot 11	38	10875	10875	\$15,837
Lot 12	38	8225	8225	\$11,978
Lot 13	69	8050	8050	\$11,723
Lot 14	63	8190	8190	\$11,927
Lot 15	130	9685	9685	\$14,104
Lot 16	189	34020	34020	\$49,544
Lot 17	189	34020	25200	\$49,544
Lot 18	189	54810	25800	\$79,821
Lot 19	20	16602	16602	\$24,178
Lot 20	149	21605	21605	\$31,464
Lot 21	20	16602	16602	\$24,178
Lot 22	400	160000	80000	\$233,010
Lot 23	189	34020	34020	\$49,544
TOTAL	2286	514,999	397,169	\$750,000

Cosmic Hamlet Subdivision SAD
 Total Property Owner Cost = \$750,000

COSMIC HAMLET SUBDIVISION BENEFITTED AREA



Lot	frontage foot	lot area (SF)	benefitted area (SF)	Assessment per benefitted lot area
Lot 1	63	11340	11340	\$22,081
Lot 2	63	11340	11340	\$22,081
Lot 3	63	11340	11340	\$22,081
Lot 4	130	9685	9685	\$18,859
Lot 5	63	8190	8190	\$15,948
Lot 6	69	8050	8050	\$15,675
Lot 7	38	8225	8225	\$16,016
Lot 8	38	10875	10875	\$21,176
Lot 9	38	9625	9625	\$18,742
Lot 10	38	9625	9625	\$18,742
Lot 11	38	10875	10875	\$21,176
Lot 12	38	8225	8225	\$16,016
Lot 13	69	8050	8050	\$15,675
Lot 14	63	8190	8190	\$15,948
Lot 15	130	9685	9685	\$18,859
Lot 16	189	34020	34020	\$66,244
Lot 17	189	34020	25200	\$49,069
Lot 18	189	54810	25800	\$50,238
Lot 19	20	16602	16602	\$32,327
Lot 20	149	21605	21605	\$42,069
Lot 21	20	16602	16602	\$32,327
Lot 22	400	160000	68000	\$132,409
Lot 23	189	34020	34020	\$66,244
TOTAL	2286	514,999	385,169	\$750,000

Cosmic Hamlet Subdivision SAD

Total Property Owner Cost = \$750,000

	Assessment						
	frontage foot	lot area (SF)	benefitted area (SF)	equally assessed	per frontage foot	per total lot area	per benefitted lot area
Lot 1	63	11340	11340	\$32,609	\$20,669	\$16,515	\$22,081
Lot 2	63	11340	11340	\$32,609	\$20,669	\$16,515	\$22,081
Lot 3	63	11340	11340	\$32,609	\$20,669	\$16,515	\$22,081
Lot 4	130	9685	9685	\$32,609	\$42,651	\$14,104	\$18,859
Lot 5	63	8190	8190	\$32,609	\$20,669	\$11,927	\$15,948
Lot 6	69	8050	8050	\$32,609	\$22,638	\$11,723	\$15,675
Lot 7	38	8225	8225	\$32,609	\$12,467	\$11,978	\$16,016
Lot 8	38	10875	10875	\$32,609	\$12,467	\$15,837	\$21,176
Lot 9	38	9625	9625	\$32,609	\$12,467	\$14,017	\$18,742
Lot 10	38	9625	9625	\$32,609	\$12,467	\$14,017	\$18,742
Lot 11	38	10875	10875	\$32,609	\$12,467	\$15,837	\$21,176
Lot 12	38	8225	8225	\$32,609	\$12,467	\$11,978	\$16,016
Lot 13	69	8050	8050	\$32,609	\$22,638	\$11,723	\$15,675
Lot 14	63	8190	8190	\$32,609	\$20,669	\$11,927	\$15,948
Lot 15	130	9685	9685	\$32,609	\$42,651	\$14,104	\$18,859
Lot 16	189	34020	34020	\$32,609	\$62,008	\$49,544	\$66,244
Lot 17	189	34020	25200	\$32,609	\$62,008	\$49,544	\$49,069
Lot 18	189	54810	25800	\$32,609	\$62,008	\$79,821	\$50,238
Lot 19	20	16602	16602	\$32,609	\$6,562	\$24,178	\$32,327
Lot 20	149	21605	21605	\$32,609	\$48,885	\$31,464	\$42,069
Lot 21	20	16602	16602	\$32,609	\$6,562	\$24,178	\$32,327
Lot 22	400	160000	68000	\$32,609	\$131,234	\$233,010	\$132,409
Lot 23	189	34020	34020	\$32,609	\$62,008	\$49,544	\$66,244
	2286	514,999	385,169	\$750,000	\$750,000	\$750,000	\$750,000



MAYOR BETH WYTHE
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER GUS VAN DYKE
COUNCIL MEMBER CATRIONA REYNOLDS
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

COMMITTEE OF THE WHOLE AGENDA

1. **CALL TO ORDER, 5:00 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)
3. **Ordinance 16-07**, An Ordinance of the Homer City Council Submitting to the Qualified Voters of the City the Question Whether Marijuana Establishments Shall be Prohibited in the City at the Regular Election to be Held in the City on October 4, 2016. Mayor. Recommended dates: Introduction February 22, 2016, Public Hearing and Second Reading March 14, 2016. **Page 275**

Ordinance 16-06, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 6.18, Marijuana Establishments, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores in the City. Smith/Van Dyke. Introduction February 8, 2016, Public Hearing and Second Reading February 22, 2016.

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Ordinance 16-04(A)(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities" Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Lewis. Introduction January 25, 2016, Public Hearings February 8 and 22, 2016, and Second Reading February 22, 2016.

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Ordinance 16-04(A)(S-2), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential; Homer City Code 21.18, Central

Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities **to be Effective Only Upon Certification of a Majority Vote Rejecting the Proposition to Prohibit Marijuana Establishments in the City at the Regular Election to be Held in the City on October 4, 2016.** Mayor. Recommended dates: Substitution February 22, 2016, Public Hearing and Second Reading March 14, 2016.

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Memorandums 16-016 and 16-032 from City Clerk as backup. **Page 177, 185**

Memorandums 16-017 and 16-023 from City Planner as backup. **Page 179, 183**

Memorandum 16-036 from Police Chief as backup. **Page 187**

Memorandum 16-037 from Police Chief and Fire Chief as backup. **Page 189**

4. CONSENT AGENDA

5. REGULAR MEETING AGENDA

6. COMMENTS OF THE AUDIENCE

7. ADJOURNMENT NO LATER THAN 5:50 P.M.

Next Regular Meeting is Monday, March 14, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Worksession is scheduled for Monday, March 21, 2016 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.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

HOMER CITY COUNCIL
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov



REGULAR MEETING
6:00 P.M. MONDAY
FEBRUARY 22, 2016
COWLES COUNCIL CHAMBERS

MAYOR BETH WYTHE
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER GUS VAN DYKE
COUNCIL MEMBER CATRIONA REYNOLDS
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

REGULAR MEETING AGENDA

Worksession 4:00 p.m. and Committee of the Whole 5:00 p.m. in Homer City Hall Cowles Council Chambers.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Department Heads may be called upon from time to time to participate via teleconference.

2. AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. RECONSIDERATION

A. Reconsideration issued by Councilmember Lewis:

Ordinance 16-05(S)(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds/Aderhold. **Page 319**

Memorandum 16-018 from City Manager as backup.

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Memorandum 16-031 from City Attorney as backup.

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B. Reconsideration issued by Councilmember Aderhold:

Ordinance 16-04(A)(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Reynolds/Aderhold. **Page 149**

Memorandums 16-016 and 16-032 from City Clerk as backup. **Page 177, 185**

Memorandums 16-017 and 16-023 from City Planner as backup. **Page 179, 183**

5. CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

A. Homer City Council unapproved Regular meeting minutes of February 8, 2016. City Clerk. Recommend adoption. **Page 45**

B. **Memorandum 16-033**, from Mayor Wythe, Re: Appointment of Cassandra Peterson to the Economic Development Advisory Commission and Jacque Peterson to the Library Advisory Board. Recommend adoption. **Page 65**

C. **Resolution 16-018**, A Resolution of the Homer City Council Noting the Insufficiency of the Petition for Road Reconstruction and Paving for Shelford Street. City Clerk. Recommend adoption. **Page 71**

D. **Resolution 16-019**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation from the Homer Animal Friends of a Bronze Dog by Alaskan Artist Steve Kelly to be Placed at the Memorial Garden at the Animal Shelter. City Clerk. Recommend adoption. **Page 73**

Memorandum 16-034 from Police Chief as backup. **Page 75**

E. **Resolution 16-020**, A Resolution of the Homer City Council Awarding the Contract for the Chip Pad Fence Demolition Project to the Firm of Alaska Marine Excavation, LLC of Anchor Point, Alaska, in the Amount of \$14,700 and Authorizing the City Manager to

Execute the Appropriate Documents. City Manager/Public Works Director.
Recommend adoption. **Page 79**

Memorandum 16-035 from Public Works Director as backup. **Page 81**

6. VISITORS **Page 85**

A. South Peninsula Hospital, Service Area Board, Ralph Brosches, 10 minutes.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Letter of appreciation to Councilmember Zak from Governor Walker **Page 99**

B. Borough Report

C. Commissions/Board Reports:

1. Library Advisory Board

2. Homer Advisory Planning Commission

a. Minutes of February 3, 2016 **Page 101**

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

5. Port and Harbor Advisory Commission

6. Cannabis Advisory Commission

8. PUBLIC HEARING(S)

A. **Ordinance 16-06**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 6.18, Marijuana Establishments, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores in the City. Smith/Van Dyke. Introduction February 8, 2016, Public Hearing and Second Reading February 22, 2016.

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B. **Ordinance 16-04(A)(S)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26,

General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Lewis. Introduction January 25, 2016, Public Hearings February 8 and 22, 2016, and Second Reading February 22, 2016. **Page 149**

Ordinance 16-04(A)(S-2), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities **to be Effective Only Upon Certification of a Majority Vote Rejecting the Proposition to Prohibit Marijuana Establishments in the City at the Regular Election to be Held in the City on October 4, 2016.** Mayor. **Page 163**

Memorandums 16-016 and 16-032 from City Clerk as backup. **Page 177, 185**

Memorandums 16-017 and 16-023 from City Planner as backup. **Page 179, 183**

Memorandum 16-036 from Police Chief as backup. **Page 187**

Memorandum 16-037 from Police Chief and Fire Chief as backup. **Page 189**

9. ORDINANCE(S)

- A. **Ordinance 16-07**, An Ordinance of the Homer City Council Submitting to the Qualified Voters of the City the Question Whether Marijuana Establishments Shall be Prohibited in the City at the Regular Election to be Held in the City on October 4, 2016 and Prohibiting Marijuana Establishments in the City Until Certification of the Result of the Election on that Question. Mayor. Recommended dates: Introduction February 22, 2016, Public Hearing and Second Reading March 14, 2016. **Page 275**

10. CITY MANAGER’S REPORT

- A. City Manager’s Report **Page 281**

- B. Bid Report **Page 307**

11. CITY ATTORNEY REPORT

- A. City Attorney Report **Page 311**

12. COMMITTEE REPORT

- A. Public Arts Committee
- B. Employee Committee Report
- C. Public Safety Building Review Committee

13. PENDING BUSINESS

A. **If Reconsideration passes:**

Ordinance 16-05(S)(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds/Aderhold. **Page 319**

Ordinance 16-05(S)(A)(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Lewis. **Page 323**

Memorandum 16-018 from City Manager as backup. **Page 327**
Memorandum 16-031 from City Attorney as backup. **Page 329**

- B. **Resolution 16-013**, A Resolution of the Homer City Council Concerning the Harbor Enterprises, dba Petro 49, (Formerly Petro Marine Services) Lease for Lot 8-E-1 Homer Spit #6 and Directing that it be Canceled at the Term of the Lease December 1, 2018, and that the Property be Advertised for Lease in a Request for Proposals. City Manager. Postponed from January 25, 2016. **Page 343**

Memorandum 16-012 from Port and Harbor Advisory Commission as backup. **Page 345**

- C. **Resolution 16-014**, A Resolution of the Homer City Council Amending the Harbor Enterprises, dba Petro 49, (Formerly Petro Marine Services) Lease on the Coal Point Fuel Float and the Terminal Tank Farm on the Coal Point Lot (Sec 1 T7S, R13W, S.M.) and to Enter Into a New 20-Year Term Lease With the City, and Authorizing the City

Manager to Execute the Appropriate Documents. City Manager. Postponed from January 25, 2016. **Page 349**

Memorandum 16-012 from Port and Harbor Advisory Commission as backup. **Page 345**

- D. **Resolution 16-016**, A Resolution of the City Council of Homer, Alaska, in Support of the Homer Public Safety Building as Presented by the Public Safety Building Review Committee. Mayor. Postponed from January 25, 2016. **Page 351**

14. NEW BUSINESS

15. RESOLUTIONS

- A. **Resolution 16-021**, A Resolution of the Homer City Council Awarding the Contract for the Deep Water Dock Uplands Improvements 2016 Project to a Firm to be Named in an Amount to be Announced and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. **Page 357**

16. COMMENTS OF THE AUDIENCE

17. COMMENTS OF THE CITY ATTORNEY

18. COMMENTS OF THE CITY CLERK

19. COMMENTS OF THE CITY MANAGER

20. COMMENTS OF THE MAYOR

21. COMMENTS OF THE CITY COUNCIL

22. ADJOURNMENT

Next Regular Meeting is Monday, March 14, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Worksession is scheduled for Monday, March 21, 2016 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.

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 16-03 a Regular Meeting of the Homer City Council was called to order on February 8, 2016 at 6:00 p.m. by Mayor Mary E. Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: ADERHOLD, LEWIS, REYNOLDS, SMITH, VAN
DYKE, ZAK

STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON
CITY ATTORNEY WELLS
CITY PLANNER ABBOUD
LIBRARY DIRECTOR DIXON

Council met for a Worksession from 4:00 p.m. to 4:55 p.m. to discuss Homer Accelerated Water and Sewer Program (HAWSP) and Homer Accelerated Roads and Trails Program (HART), Memorandum 16-030 from City Manager, Memorandum 16-022 from Deputy City Clerk, Memorandum 15-099 from Economic Development Advisory Commission, and Memorandums 15-193 and 16-027 from Public Works Director as backup. Council met as a Committee of the Whole from 5:00 p.m. to 5:49 p.m. to discuss **Ordinance 16-04(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.28, Marine Commercial; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Planning Commission; **Ordinance 16-04(A)(S)**, An Ordinance of the City Council of Homer, Alaska, Amending **Homer City Code 21.12, Rural Residential**; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Lewis; Memorandum 16-016 from City Clerk and Memorandums 16-017 and 16-023 from City Planner as backup.

Department Heads may be called upon from time to time to participate via teleconference.

AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

The following changes were made: **PUBLIC HEARINGS - Ordinance 16-04(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Planning Commission. Written public comments. **Ordinance 16-05**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds. Written public comments.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Lindianne Sarno, city resident, opposes Ordinance 16-06. A prohibition flouts the will of the people and wastes time of the Planning Commission and Cannabis Advisory Commission to prepare for the cannabis industry.

George Frazier, city resident, opposes Ordinance 16-06. It would be missing the boat to opt out of cannabis.

Jeremiah Emmerson, Homer resident, spoke in opposition of Ordinance 16-06 since people have put a lot of work in for a cannabis industry. His petition in support of cannabis garnered 121 signatures in three days.

Chad Matthews, local business owner, supports Ordinance 16-06. Large corporations are nasty and will spend millions of dollars to cultivate their interests. He is concerned about the kids and keeping the town small.

Bumppo Bremicker, city resident, opposes Ordinance 16-06 as the majority of city residents voted for the statewide referendum to regulate cannabis like alcohol.

Michele Holley, city resident and real estate broker, opposes Ordinance 16-06, dittoing Mr. Bremicker’s comments on the subject.

Misty Van Hooser, city resident, opposes Ordinance 16-06. Marijuana will bring much needed revenue to the City and an increase in tourism.

Loretta Franco, city resident, opposes Ordinance 16-06 as she believes marijuana needs to be decriminalized. The people voted for it and their wishes need to be represented.

Roberta Highland, city resident, expressed support for Ordinance 16-06 since cannabis is a C1 drug. It is a cash only business that will increase robberies with no limitation on the number of businesses.

Brandon Gomez, Coast Guard veteran and former assistant manager and head grower of a medical marijuana dispensary in Colorado, opposes Ordinance 16-06. Legalizing marijuana in Colorado resulted in reduced crime rates, increased revenue, and everyone benefitted.

Beth Carroll, Homer resident, opposes Ordinance 16-06. It is insulting and invalidating to the work of the Planning Commission and Cannabis Advisory Commission.

David Harris, city resident, opposes Ordinance 16-06. It is a slap in the face to the 53% of voters that voted to legalize cannabis cultivation, manufacturing, testing, and sales.

Patrick Brown, Homer resident, supports Ordinance 16-06. The economics do not justify legalization. Hidden costs include trauma to people. The number one and two reasons for abuse are alcohol and marijuana.

Andres Gustafson, Homer resident, opposes Ordinance 16-06. The marijuana industry will provide economic benefits, new opportunities, tourism dollars, and we can put money back into the community.

Duane Parlow, city resident, opposes Ordinance 16-06. Legalization of marijuana will have adverse effects on the youth and provide increased business for the police department.

Mako Haggerty, Homer resident, opposes Ordinance 16-06. If the ordinance passes the loser is the City; the winner is the black market.

Sage Santos, city resident, opposes Ordinance 16-06. Legalizing marijuana will take the drugs out of the hands of children and make it harder to find on the black market.

Shlomo Gherman, Homer resident, opposes Ordinance 16-06. Legalizing it will reduce it as a novelty, making it less enticing for kids to want to try it. Drug education in the schools is minimal; he urged Council to think of the educational factor.

Joni Wise, city resident, supports Ordinance 16-06. It is not appropriate to have drugs readily available to kids. We need to protect the children.

Robert Archibald, city resident, supports Ordinance 16-06. Transportation industry jobs require urinalysis so you cannot use marijuana. He doesn't see tourists coming to Homer just to smoke marijuana; they come to Homer for what it is.

James Donally, Homer resident, opposes Ordinance 16-06 since marijuana is peaceful and soothing. Alcohol removes inhibition and makes a person violent. Marijuana can become an addiction too.

Ryan Walker, Homer resident, opposes Ordinance 16-06 as the cannabis seed is healthy. It contains protein, Omega 3 and 6, and amino fluid. Biblically speaking it is endorsed.

Carrie Harris, city resident, opposes Ordinance 16-06. Council should respect the vote. She questioned what percentage of the vote it would take?

Frank Hodnik, city resident, opposes Ordinance 16-06. Every fear is based on the unknown and Council is adding propaganda slated to dishonesty.

Scott Adams, city resident, opposes Ordinance 16-06. He does have concerns of the amendments made from the Planning Commission presentation.

Mike Fairman, city resident, opposes Ordinance 16-06. It is disheartening when you vote for something and Council takes actions against the vote. Find a responsible way to regulate it.

Brandon Head, city resident, has a rare form of MS. He opposes Ordinance 16-06 as he needs medical marijuana and prefers that it be safely tested. It's for the people, not only the money.

Ken Landfield, city resident, opposes Ordinance 16-06. The residents voted and want it. Opting out won't decrease marijuana smoking; it will recriminalize marijuana. It should be regulated just like alcohol.

John Sheipe, city resident, opposes Ordinance 16-06. With the legalization of marijuana people will get lab-tested, regulated, and clean products.

Tim Clark, city resident, opposes Ordinance 16-06. The vote for cannabis should be respected.

Terry Reed, Homer resident, opposes Ordinance 16-06. It has been a continual spread of misinformation and the vote should hold. She quoted Councilmembers Smith and Van Dyke on their candidacy platform.

Susan Keefoile, Anchor Point resident, opposes Ordinance 16-06. There are a lot of facts and documentaries to substantiate the benefits of marijuana. She provided Council with a list of documentaries on cannabis.

Richard Carellho, city resident, opposes Ordinance 16-06. He would like to open an ancillary marijuana business based on tourism.

Mayor Wythe called for a recess at 7:20 p.m. and reconvened the meeting at 7:25 p.m.

RECONSIDERATION

CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Regular meeting minutes of January 25, 2016. City Clerk. Recommend adoption.
- B. **Memorandum 16-020**, from Mayor Wythe, Re: Reappointment of Steve Zimmerman to the Port and Harbor Advisory Commission.
- C. **Resolution 16-018**, A Resolution of the Homer City Council Awarding the Contract for City Hall, Parks, and Cemeteries Lawn Maintenance 2016, 2017, and 2018 to the Firm of Chugach Yard Care of Anchorage, Alaska, in the Amount of \$31,333.57 Per Year and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption.

Memorandum 16-021 from Parks Maintenance Coordinator as backup.

Moved to Resolutions, Item A. Smith.

- D. **Resolution 16-019**, A Resolution of the Homer City Council Establishing an Americans With Disabilities Act Compliance Committee to Develop a Transition Plan and Establish a Grievance Procedure to Comply with ADA Requirements and Appointing Deputy City Clerk Melissa Jacobsen as the ADA Coordinator for the City of Homer. City Manager. Recommend adoption.
- E. **Memorandum 16-028**, from City Clerk, Re: Vacation of the 30-Foot Wide (approximately 560 feet) Right-of-Way and Easement Along the South Lot Line of That Property Shown as Homer Electric Association on Plat HM 54-2021; Replatted as Lot E Heath Street Replat, HM 90-58, as Recorded in Book 165 Page 294 of the Homer Recording District. All Portions of the Requested Vacation are Located Within the W1/2 of the NE1/4 of Section 20, Township 06 South, Range 13 West, Seward Meridian, in the City of Homer, Alaska and Within the Kenai Peninsula Borough; KPB File 2016-003.

Item C, Resolution 16-018 was moved to Resolutions, Item A. Smith.

Mayor Wythe called for a motion for the approval of the recommendations of the consent agenda as amended.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. **Mayor's Proclamation**, Congenital Heart Defect Awareness Week, February 7 – 14, 2016

Councilmember Zak read and presented the proclamation to Dottie Zopp, grandmother to Chloe.

- B. **Mayor's Proclamation**, Brother Asaiah Bates Day – February 14, 2016

Mayor Wythe acknowledged the proclamation that will be mailed to Martha Ellen Anderson.

- C. **Mayor's Proclamation**, Winter Carnival and Parade, February 11 – 14, 2016

Mayor Wythe read and presented the proclamation to Karen Zak, Executive Director of the Homer Chamber of Commerce.

- D. Borough Report

Kenai Peninsula Borough Assembly Member Kelly Cooper provided an update on the Marijuana Task Force and the Healthcare Task Force.

- E. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission

Planning Commission Vice Chair Tom Stroozas reported on the commission's work on towers, Hickerson Memorial Cemetery, a birthing clinic on Shelford Street, and the preliminary plat to

create 16 lots between Little Fireweed Lane and Spruce Lane. The commission reviewed the Land Allocation Plan and forwarded recommendations to Council.

- a. Minutes of January 20, 2016
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Dave Brann reported the commission will revisit the beach policy in another year to see how it is working. They are working with Angie at Public Works on the number and placement of trash receptacles on the Spit and in town. Council provided \$5,000 to replace the picnic shelter on the Spit. To date \$20,100 has been raised towards the \$30,000 goal. He is now focused on meeting with retired timber framers and city engineers to make plans. Mr. Brann referenced a MatSu newspaper article about the amount of dollars that states and the nation receive from parks and trails.

5. Port and Harbor Advisory Commission
 - a. Memorandum 16-025 from Deputy City Clerk, Re: Port and Harbor Advisory Commission Recommendations for Camping on the Spit.
6. Cannabis Advisory Commission

Cannabis Advisory Commissioner Lindianne Sarno reported the commission spent the first few months reading, analyzing, and commenting on state regulations. She commended City Planner Rick Abboud and Attorney Holly Wells for the plans, drawings, and information presented to the commission. Now that the state regulations are finalized it is in the Council's hands for decisions. Regardless of how the Council votes, educators and the cannabis community has spoken in favor of public health education.

PUBLIC HEARING(S)

- A. **Ordinance 16-04(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27,

East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Planning Commission. Introduction January 25, 2016, Public Hearings February 8 and 22, 2016, and Second Reading February 22, 2016.

Ordinance 16-04(A)(S), An Ordinance of the City Council of Homer, Alaska, Amending **Homer City Code 21.12, Rural Residential**; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Lewis.

Memorandum 16-016 from City Clerk as backup.
Memorandums 16-017 and 16-023 from City Planner as backup.

Mayor Wythe opened the public hearing.

Roberta Highland, city resident, opposes Ordinance 16-04(A)(S), adding commercial operations to rural residential. She is concerned with lighting, security, armed guards, and robberies and no limitation on the number of licenses issued.

Jeremiah Emmerson, Alaska Small Cultivators Association, supports Ordinance 16-04(A)(S). A lot of commercial operations go on in rural residential now. There are security companies and cash excise taxes can be mailed to Juneau. People have a right to protest a license.

Beth Carroll, Homer resident, supports Ordinance 16-04(A)(S). Businesses already exist in rural residential. If neighbors have a problem they can address it with the license application.

Robert Archibald, city resident, opposes cultivation in rural residential. A commercial operation should go in commercial zoning since rural residential is quiet without a lot of light.

Carrie Harris, city resident, supports Ordinance 16-04(A)(S). There are already greenhouses, high tunnels, and bed and breakfasts in rural residential. People voted for this and she expects Council to represent their voice.

Tim Clark, city resident, supports Ordinance 16-04(A)(S). Legitimate operations will be tested and regulated and people can own small businesses.

Ryan Walker, Homer resident, supports Ordinance 16-04(A)(S). The State went through an extensive plan so limited cultivation facilities will be super safe and plants will be checked. People wouldn't even notice a 20x25 sq. ft. area.

Scott Adams, city resident, opposes Substitute Ordinance 16-04(A)(S). He would hate to see high tunnels popping up everywhere.

David Harris, city resident, supports Ordinance 16-04(A)(S) since people are growing in these areas.

Frank Hodnik, city resident, supports Ordinance 16-04(A)(S). Permitted growing areas are swamp land and privately owned; they are not suitable for growing.

August Weber, Homer resident, supports Ordinance 16-04(A)(S) and the ability to grow in rural residential. The black market can make a green market and the City can make revenue.

Amy Christiansen, Homer resident, supports Ordinance 16-04(A)(S). In her travels to Washington and Oregon she saw no loiters or no drug seeking weirdos. It was safe and employees knew their product.

Mike McGuire, business owner, supports Ordinance 16-04(A)(S). We have voted so it needs to be legal and taxed. Either we or the black market will benefit. The whole state is ready to follow Homer.

Sunrise Soberg, city resident, supports Ordinance 16-04(A)(S). Restrictions should not be made on marijuana when they are not made on alcohol.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion to substitute Ordinance 16-04(A)(S) for Ordinance 16-04(A).

LEWIS/REYNOLDS - SO MOVED.

Substitute Ordinance 16-04(A)(S) adds limited marijuana cultivation facility to rural residential district for lots greater than 20,000 square feet. Lighting, locks, air scrubbers, and cameras on the facility are required. Operations will be contained to within the building.

Questions regarding HCC 21.62 provisions were directed at the attorney. Attorney Wells deferred to City Planner Abboud.

City Planner Abboud explained rural residential is different than the business districts. Business districts already have nuisance standards; rural residential does not. The setback of 50 ft. is to keep rural residential rural. You don't want to impose on other people's land. In

other areas the requirement of a 50 ft. setback would be impeding businesses. HCC 21.59 is standard in all zoning, except rural residential.

VOTE: YES. LEWIS, ADERHOLD, REYNOLDS, VAN DYKE

VOTE: NO. SMITH, ZAK

Motion carried.

Another Public Hearing and Second Reading will be held on February 22nd.

Mayor Wythe called for a recess at 8:32 p.m. and reconvened the meeting at 8:37 p.m.

B. **Ordinance 16-05**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds. Introduction January 25, 2016, Public Hearing and Second Reading February 8, 2016.

Ordinance 16-05(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds/Aderhold.

Memorandum 16-018 from City Manager as backup.

Memorandum 16-031 from City Attorney as backup.

Mayor Wythe opened the public hearing.

Roberta Highland, city resident, supports the ordinance. It is a compromise. Motorized vehicles and pedestrians are not a good combination.

Ted Schmidt, Homer resident, opposes Ordinance 16-05(S). An easement might have enhanced beach use for all users. Most people with vehicles are respectful.

Jessica Shepherd, Homer resident, supports the ordinance. As the population grows it is logical to drive west of Bishop's Beach to the coal seams. Access at Mud Bay has no clear merits.

Steve Delehanty, Alaska Maritime Wildlife Refuge, supports Ordinance 16-05(S). The Refuge will partner with the City in protecting Beluga Slough. They are willing to bring staff time and interpretive signs or barriers.

Kathy Carssow, city resident, supports the ordinance. She sees traffic turning the berm into a gravel road. People are burning driftwood and staying overnight. The area has to be physically closed off.

Shlomo Gherman, city resident, uses the beach for swimming, bonfires, walks, and coaling. It appears that machinery flattened out the front part of the beach on the right side enabling people to drive out there more.

Ryan Walker, Homer resident, opposes Ordinance 16-05(S). Cars may be helping to hold the berm and he's never noticed anything harmful. He likes the beach the way it is.

Scott Adams, city resident, drives to Mariner Park to coal pick. The City wants to spend lots of money for boulders when pilings would work. It is not respectful to the people that use the beaches the right way to close them.

Louise Ashman, city resident, supports the ordinance and would like to ban all vehicles from city beaches.

Nolan Bunting, Homer resident, supports the ordinance. Beaches are key migratory areas and rest stops for the birds. We can be the first town to close off beaches and set a precedent for Alaska. We have a moral obligation to protect the environment and ideals.

Tim Clark, city resident, opposes Ordinance 16-05(S). He suggested a special use permit to access Zones 4 and 6. Closing vehicular traffic on the Spit may be an issue with some of the businesses there.

Frank Hodnik, city resident, opposes Ordinance 16-05(S). None of the issues he's heard are substantiated. There have been no accidents and deaths and no species being crushed. It is people with control issues that want to button things down.

August Weber, city resident, opposes Ordinance 16-05(S). Sections 6 and 8 should stay open for vehicular traffic. People that are disrespectful should be fined.

Robert Archibald, city resident, supports Ordinance 16-05(S). Coaling on Mariner Park beach in the winter is so much easier than Area 8. Everyone is not in favor of ATVs on the Spit.

Joe Spaeder, city resident, supports the ordinance. It is a compromise and a reasonable middle path. Barrier rocks with the support of Fish and Wildlife to share costs provides a good investment.

Jim Lenny, city resident, supports the ordinance. He supports people who want to get coal. His main concern is Beluga Slough.

Laura Brooks, city resident, supports the ordinance as a great compromise. It is important for the City to have a place for people to take their children who can run wild on the beach without cars.

Ken Landfield, city resident, supports the ordinance. He likes and uses Bishop's Beach. Most days he sees people walking on the beach, kids playing in the water, dogs, horses and an occasional truck.

Rika Mouw, city resident, supports the ordinance and changing the physical boundary for Area 1. People that are destroying the beach are doing it in a hidden area.

Daniel Perry, city resident, supports the ordinance. At low tide people are on the beach late at night racing around. It is reasonable to pick coal in the winter and he's never seen any wild behavior doing that.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion to substitute Ordinance 16-05(S) for Ordinance 16-05.

REYNOLDS/ADERHOLD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

REYNOLDS/ADERHOLD - MOVED TO AMEND LINE 48 TO READ: "A LINE EXTENDING SOUTH FROM THE SOUTHERN END OF THE VACATED EASEMENT FORMALLY KNOWN AS SHIRENE CIRCLE."

There was no discussion.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Council heard comments from people who pick coal from Mariner Park. Issuing permits would be burdensome to the City. Many people collect coal with five-gallon buckets; there

are very few vehicles driving on Mariner Park. Coal is plentiful in the Mariner Park beach area. Providing access for those that truly need it is a concern.

VOTE: (main motion as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- A. **Ordinance 16-06**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 6.18, Marijuana Establishments, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores in the City. Smith/Van Dyke. Recommended dates: Introduction February 8, 2016, Public Hearing and Second Reading February 22, 2016.

Mayor Wythe called for a motion for the adoption of Ordinance 16-06 for introduction and first reading by reading of title only.

VAN DYKE/SMITH – SO MOVED.

Councilmember Smith believes it is important to have the discussion. He has seen the element that comes with marijuana and doesn't share the view of many. A petition to prohibit marijuana has garnered over 110 signatures. He is representing the people that voted no on Ballot Measure 2. He has nothing to say against the medicinal value of marijuana and is not trying to limit the ability of anyone to purchase, grow, use, or transport marijuana. He questioned what the cost would be to the community. He wants to slow down and have the discussion; it merits the time.

Councilmember Lewis commented the prohibition will be government outreach since it affects a 10-mile wide circle around the City. That includes the area past McNeil to the Anchor Point Bridge, most of the North Fork, China Poot, and Halibut Cove. Legalization will not open this up to kids; it is up to the parents to keep it out of the reach of kids. Every edible is 5 mg. You can decide your level of intoxication. Hard drugs leave the system early, but pot doesn't. People don't OD on pot and child and spousal abuse happens with alcohol.

Councilmember Reynolds believes there is value to discussing what people thought they were voting for. She is curious to hear from people in the middle.

Councilmember Zak appreciates Councilmember Smith bringing the ordinance forward. We don't know the impact and being careful may be the right thing.

Mayor Wythe added information on the airplane pilots' scientific study that showed a greater landing variation when pilots smoked a joint. Continual smoking means a person never gets outside the impairment cycle as pot stores in fat cells.

VOTE: YES. ADERHOLD, ZAK, SMITH, VAN DYKE

VOTE: NO. REYNOLDS, LEWIS

Motion carried.

Mayor Wythe called for a recess at 10:22 p.m. and reconvened the meeting at 10:30 p.m.

CITY MANAGER'S REPORT

A. City Manager's Report

1. Memorandum 16-029 from Deputy City Clerk, Re: City Records Inventory.

City Manager's Office Staffing

I am happy to welcome Jennifer Carroll to the City Manager's Office as the new Special Projects/Communications Coordinator. Jenny brings a lot of experience working with the community as a grant writer, non-profit executive director and facilitator. I am looking forward to having the help in the office; we have a lot going on!

Website email subscriptions

When the City transferred from the old website to the new one, things went fairly smoothly except for a few broken links. However, one thing that did get dropped was the subscribers who had signed up to receive email notifications when various things were posted to the website (press releases, job offerings, bid openings, etc.) As soon as we became aware of this, we sent an email to all subscribers asking that they re-subscribe to the service. Sign up for email notifications on the City site under How Do I? Alerts & Notifications.

Dog Statue Donation for the Animal Shelter

Last fall, local area resident Alan Kelly passed away. Alan loved dogs and frequently walked them on Bishop's Beach. His brother, Steve Kelly, is a bronze sculpture artist. He has made a bronze sculpture of a dog as a memorial to Alan. Steve has been communicating with the Homer Animal Friends and would like to donate the statute to the Friends in his brother's memory. The Friends would like to place the statue in the memorial garden which is to the left of the driveway in the rocky area in front of the shelter. Alan's friend Ken Lewandowski has offered to pour a small concrete pad for the statue to sit on.

The statue is 2½ feet high and about 2 feet wide. It sits on a round bronze base and has a plaque at the base of its feet. It has horns and wings to represent a dog as being part angel and part devil. The artist estimates the value of this piece at \$6,000.

Since this artwork will be placed on city property, Homer Animal Friends will go before the Public Arts Committee on the 11th to discuss the statue and request Council accept it and authorize the installation.

A Road for the Big Boats

Bay Welding, a local welding and boat building business, requested a letter of support for a project proposal to the DOT/Marine Administration Small Shipyard grant program. With the approval of Council, I will draft a letter of support for their application.

The project consists of the construction of a road linking Bay Welding to the Northern Enterprises yard. This will allow more efficient transportation of larger vessels to the water without using the public roadways. With the construction of this road the size limitations for future boat construction, improvements, and repairs will be expanded. Future projects will encompass a broader customer base with services that up until now were not available in Homer. The road would benefit Homer by making our marine trades professionals more accessible to large vessels. This equates to jobs, quality, efficiency, and marketability in the marine market. See attached map for a visual.

Neighborhood Street Lighting

Public Works has received a number of calls this winter requesting installation of neighborhood street lighting. Currently we have around 50 lights that we pay HEA \$30 a month to operate. There is an installation cost for these lights of \$3,000 - \$4,000. Another option would be city-owned street lights; however installation costs are as much as \$20,000 and the monthly electric bill would be about what we pay HEA. Public Works has told people the funding is not there to install new street lights. I would like to get feedback from Council on how, or if, to approach this issue. See email from Public Works Superintendent Gardner for more information. Possible solutions include:

- 1) Establish a SAD program for street lighting. Pro is you get neighborhood buy-in and cost sharing (not everyone wants a street light on their corner). Con would be the administrative cost of a SAD for a relatively small project (estimate \$400 in staff time) and the ongoing electric bill.
- 2) Do nothing. At this time, the City cannot afford to take on new capital or operational costs.
- 3) Develop a criteria for when it justifies installing a neighborhood street light at the cost of the City.

City Manager Koester provided an update on her trip to Juneau with Mayor Wythe. She will include more information in her next report on the meetings with commissioners.

A civil complaint has been filed against the City by Clear Creek Cat Rescue. We will be working with the attorney on the complaint that challenges the ability to adopt animals from the Homer Animal Shelter and other points.

City Attorney Wells advised Council matters about the complaint should be discussed in Executive Session.

B. Bid Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

- A. Public Arts Committee
- B. Employee Committee Report
- C. Public Safety Building Review Committee

Mayor Wythe announced a meeting for the Public Safety Building Review Committee on Wednesday, February 10th at 5:30 p.m.

- D. Sustainable Animal Control Review Committee
 - 1. Memorandum 16-026 from Sustainable Animal Control Review Committee, Re: Final Report.

Francie Roberts and Casey Moss referenced the Sustainable Animal Control Review Committee's (SACRC) final report in the packet. There was a high level of interest in the committee and people expressed an interest in continuing a committee. The animal shelter contractor will have a committee that meets quarterly to keep looking at issues at the shelter. The SACRC recommends educating the public on the necessity of dog licenses via the website and an update to Homer City Code Chapter 20 to address the safety and rules of animals.

PENDING BUSINESS

NEW BUSINESS

- A. **Memorandum 16-024**, from City Clerk, Re: Authorization for Councilmember Zak to Serve on the Alaska Municipal League Legislative Position Committee and Travel to the Legislative Meeting and Conferences as Required.

Mayor Wythe called for a motion for the approval of the recommendations of Memorandum 16-024 for Councilmember Zak to serve on the AML Legislative Position Committee and travel to conferences.

REYNOLDS/VAN DYKE – SO MOVED.

Councilmember Aderhold asked what benefits the City will gain with Councilmember Zak's involvement versus his personal benefits.

Councilmember Zak answered he doesn't know what his personal benefits would be other than to better comprehend how policies are made in state government. The committee wrote AML policies for economic development and public safety. These policies are presented at the AML annual meeting and input is provided from AML membership from all different size communities. The benefit as a councilmember to serve on the committee is for growth and greater knowledge.

VOTE: YES. REYNOLDS, ADERHOLD, VAN DYKE, ZAK, SMITH, LEWIS

Motion carried.

RESOLUTIONS

- A. **Resolution 16-018**, A Resolution of the Homer City Council Awarding the Contract for City Hall, Parks, and Cemeteries Lawn Maintenance 2016, 2017, and 2018 to the Firm of Chugach Yard Care of Anchorage, Alaska, in the Amount of \$31,333.57 Per Year and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption.

Memorandum 16-021 from Parks Maintenance Coordinator as backup.

Mayor Wythe called for a motion for the adoption of Resolution 16-018 by reading of title only.

REYNOLDS/ADERHOLD – SO MOVED.

Councilmember Smith noted the winning bidder is from Anchorage. He questioned how much of the money will be spent here and if the City's 5% local bidder preference was enough.

Councilmember Zak wishes to sponsor an ordinance to increase the local bidder preference to 10%.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Scott Adams, city resident, questioned passage of Ordinance 16-05(S) that will prohibit vehicular use on beaches for coal collectors. He had thought beaches would be open from October through March from the discussion that occurred in October.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

COMMENTS OF THE MAYOR

Mayor Wythe commented on her recent trip to Juneau. The timing was phenomenal as her and Katie met with several commissioners and their deputies. The Commissioner of Corrections talked about a change to Title 47 where jails provide protective services for people under the influence or intoxicated. It is not a function of corrections to provide those services so they will be looking at protocols for who is responsible and to move it off of the State's bill of business. They are looking for cuts with the most impact for the dollar. Cities will have to look harder at how that will trickle down to them. They met with Deputy Chief Hozey who talked about the Governor's sustainable Alaska plan. Mayor Wythe presented several challenging questions to him. It became apparent to her there are a lot of moving parts in the proposed budget. Each division and each director have their own parts they are looking at, but don't know how it impacts what other groups are looking at and considering. They want to bring it all together to create a great plan that will bring the budget into balance. Mayor Wythe suggested they train all of them so they know what everybody else is

doing and how they influence each other. The Speaker of the House announced they are not going to take an action that doesn't result in the whole issue being resolved this year.

COMMENTS OF THE CITY COUNCIL

Councilmember Aderhold thanked the Sustainable Animal Control Review Committee for the great job and for staying until the end of the meeting. Volunteers in our commissions and committees make this work. The Council is dealing with contentious issues of the beach policy and marijuana zoning. She read a passage from the Alaska Constitution Section 1 on inherent rights. In summary, it is not all about me; it is about us as a people and doing what's best for the people as a whole.

Councilmember Smith knew there would be some consternation by introducing Ordinance 16-06 and a little bit of blow back. He was willing to broaden his shoulders and take that on because he cares about the community. He will stand up for things he thinks are in the best interest of the community as a whole. There are a number of people with enterprising minds who want to make some money off of this and he is not against people doing that. One of the most outspoken ones' who has been here a lot, is on committees, and heading up the grower groups, spoke frankly of his desire to see this move forward. On his Facebook page he has pictures of plants that exceed six. This is somebody that is leading to legalize and legitimize this type of industry and yet he can't even follow the law right now. If he's not willing to do it now what makes you think he will do it once he gets into operation? People need to walk the walk to make it work.

Councilmember Zak thanked the Mayor for allowing him to read the proclamation for the Congenital Heart Defect Awareness Week. It brought his awareness back to an individual he knew that was born with a congenital heart defect and what that family went through to raise that child. It was a good team tonight and there was leadership in our community coming out from both sides speaking out and taking part in democracy.

Councilmember Reynolds commented in January the Council passed Resolution 16-008 in support of the syringe exchange program being developed in Homer. There is a meeting of stakeholders tomorrow. She is hopeful she'll be able to give a progress update at the next meeting and what the timeframe will look like. She thanked the library for hosting lunch with a councilmember today. Dave and she jumped in and Katie joined them with some data to share. There were nine people. She thinks it is a great idea and hopes the other councilmembers enjoy it as much as her. She is interested to see the outcome of the Borough Healthcare Task Force. Working in the healthcare field in case management herself, it has been great to see access to quality local care with the infusion care center and being able to get biopsies on the same day as a mammogram. She hopes we can retain that while saving administrative costs. She thanked everyone for coming.

Councilmember Van Dyke commented we had a relatively productive meeting tonight. Not everybody is going to agree with what comes out of the Council, but that is why they call it politics. He gets to talk about one of his pet peeves, which is voting. One of the ladies said “don’t vote, shut up” and he agrees with that 100%.

Councilmember Lewis requested reconsideration of Ordinance 16-05(S) and would like to bring it up again at the next meeting. He asked if we can change the Council’s vote to a majority of three (instead of four votes) when just five members are present.

City Attorney Wells will check Title 29 to make sure there is not an overreaching state statutory authority.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 11:05 p.m. The next Regular Meeting is Monday, February 22, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Worksession is scheduled for Tuesday, February 16, 2016 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.

JO JOHNSON, MMC, CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 16-033

TO: HOMER CITY COUNCIL
FROM: MARY E. WYTHE, MAYOR
DATE: FEBRUARY 16, 2016
SUBJECT: APPOINTMENT OF CASSANDRA PETERSON TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION AND JACQUE PETERSON TO THE LIBRARY ADVISORY BOARD.

Cassandra Peterson is appointed to the Economic Development Advisory Commission to replace David Friedlander for a three year term that will expire April 1, 2019.

Jacque Peterson is appointed to the Library Advisory Board to replace Amy Alderfer for a term to expire April 1, 2018.

RECOMMENDATION:

Confirm the appointment of Cassandra Peterson to the Economic Development Advisory Commission and Jacque Peterson to the Library Advisory Board.

Fiscal Note: N/A



CITY OF HOMER
 COMMISSION, COMMITTEE, BOARD AND TASK FORCE
 APPLICATION FORM

JAN 19 2016 PM 12:15

CITY CLERK'S OFFICE
 CITY OF HOMER
 491 E. Pioneer Avenue
 Homer, AK 99603
 PH. 907-235-3130
 FAX 907-235-3143

Received by the Clerk's Office

The information below provides some basic background for the Mayor and Council
 This information is public and will be included in the Council Information packet

Name: Cassandra L. Harrison Peterson Date: 1/19/16
 Physical Address: 64145 Katamar Ave Homer, AK
 Mailing Address: P.O. Box-2394 Homer, AK 99603
 Phone Number: _____ Cell #: 907-299-0638 Work #: 907-226-3130
 Email Address: cassandraLharrison@horizonsatellite.com

The above information will be published in the City Directory and within the city web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council

Please indicate the commission(s), committee(s), board or other that you are interested in serving on by marking with and X or a v

	ADVISORY PLANNING COMMISSION	1 ST & 3 RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM
✓	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2 ND TUESDAY OF THE MONTH AT 6:00 P.M.
	PARKS & RECREATION ADVISORY COMMISSION	3 RD THURSDAY OF THE MONTH AT 5:30 P.M.
	PORT & HARBOR ADVISORY COMMISSION	4 TH WEDNESDAY OF THE MONTH OCT-APRIL AT 5:00 P.M. MAY - SEPTEMBER 6:00 PM
	PERMANENT FUND COMMITTEE	2 ND THURSDAY OF THE MONTH AT 5:15 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
	PUBLIC ARTS COMMITTEE	2 ND THURSDAY OF THE MONTH AT 5:00 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
	LIBRARY ADVISORY BOARD	1 ST TUESDAY OF THE MONTH AT 5:00 P.M.
	CITY COUNCIL	2 ND AND 4 TH MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 P.M. COMMITTEE OF THE WHOLE AT 5:00 P.M. REGULAR MEETING AT 6:00 P.M.
	OTHER - PLEASE DESIGNATE	

I have been a resident of the city for ___ yrs ___ mos. I have been a resident of the area for 21 yrs 6 mos.

I am presently employed at Horizon Satellite, LLC

Please list any special training, education, or background you may have which is related to your choice of commission, committee, board or task force:

Long term business owner

Have you ever served on a similar commission, board, committee or task force? If so please list when, where and how long:

None

Why are you interested in serving on the indicated commission, committee, board or task force?

Planning + Marketing development
assisting business's with ideas for change to enhance Community.

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on?

No

Please answer the following if you are applying for the Advisory Planning Commission:

Have you ever developed real property, other than your personal residence, if so briefly describe? N/A

Please answer the following if you are applying for the Port & Harbor Advisory Commission:

Do you use the Homer Port and/or Harbor on a regular basis? What is your primary use?

_____ Commercial _____ Recreational N/A

Please include any additional information that may assist the Mayor in his/her decision making:

Having
just purchased a business property, I'm interested in
helping other business's make improvements to help the city.

When you have completed this application please review all the information and return to the City Clerk's Office . You may also email this document to clerk@cityofhomer-ak.gov or fax to 907-235-3143. Thank you for applying!



CITY OF HOMER
 COMMISSION, COMMITTEE, BOARD AND TASK FORCE
 APPLICATION FORM

CITY CLERK'S OFFICE
 CITY OF HOMER
 491 E Pioneer Avenue
 Homer, AK 99603
 PH. 907-235-3130
 FAX 907-235-3143

Received by the Clerk's Office

The information below provides some basic background for the Mayor and Council
 This information is public and will be included in the Council Information packet

Name: Jacqueline (Jacque) E. Peterson Date: 2-12-2016
 Physical Address: 884 Larkspur Ct. Homer, AK 99603
 Mailing Address: Same
 Phone Number: 235-0112 Cell #: none Work #: none
 Email Address: JacqueAlaska@gmail.com

The above information will be published in the City Directory and within the city web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council

Please indicate the commission(s), committee(s), board or other that you are interested in serving on by marking with and X or a ✓

<input type="checkbox"/>	ADVISORY PLANNING COMMISSION	1 ST & 3 RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM
<input type="checkbox"/>	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2 ND TUESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3 RD THURSDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4 TH WEDNESDAY OF THE MONTH OCT-APRIL AT 5:00 P.M. MAY - SEPTEMBER 6:00 PM
<input type="checkbox"/>	PERMANENT FUND COMMITTEE	2 ND THURSDAY OF THE MONTH AT 5:15 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	2 ND THURSDAY OF THE MONTH AT 5:00 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
<input checked="" type="checkbox"/>	LIBRARY ADVISORY BOARD	1 ST TUESDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	CITY COUNCIL	2 ND AND 4 TH MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 P.M. COMMITTEE OF THE WHOLE AT 5:00 P.M. REGULAR MEETING AT 6:00 P.M.
<input type="checkbox"/>	OTHER - PLEASE DESIGNATE	

I have been a resident of the city for 1 yrs 8 mos. I have been a resident of the area for 1 yrs 8 mos.

I am presently employed at Retired

Please list any special training, education, or background you may have which is related to your choice of commission, committee, board or task force:

Masters degree Library and Information Science
20+ years as a school, university and public librarian

Have you ever served on a similar commission, board, committee or task force? If so please list when, where and how long:

No as it relates to government - too many to count
as it relates to my work life. I have served on budget
policy, curriculum committees and task force.

Why are you interested in serving on the indicated commission, committee, board or task force?

Community service in an area I believe I may
bring something of value to the table.

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on?

No

Please answer the following if you are applying for the Advisory Planning Commission:

Have you ever developed real property, other than your personal residence, if so briefly describe? _____

No

Please answer the following if you are applying for the Port & Harbor Advisory Commission:

Do you use the Homer Port and/or Harbor on a regular basis? What is your primary use?

Commercial

Recreational

Please include any additional information that may assist the Mayor in his/her decision making:

When you have completed this application please review all the information and return to the City Clerk's Office . You may also email this document to clerk@cityofhomer-ak.gov or fax to 907-235-3143. Thank you for applying!

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 16-018

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
NOTING THE INSUFFICIENCY OF THE PETITION FOR SHELFORD
STREET ROAD RECONSTRUCTION AND PAVING SPECIAL
ASSESSMENT DISTRICT.

WHEREAS, The petition was circulated from December 7, 2015 to February 5, 2016;
and

WHEREAS, Signatures from property owners in favor of the road improvements
petition equals 11% of the property value; and

WHEREAS, pursuant to HCC17.04.040(a)(2) the sufficiency of the petition requires
signatures of the record owners of not less than one half in value of the real property in the
proposed improvement district.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, notes the
insufficiency of the petition for Shelford Street Road Reconstruction and Paving
Improvements.

BE IT FURTHER RESOLVED this does not preclude further petitioning by property
owners for road improvements for a modified area or any other type of improvement by
initiating a new petition.

PASSED AND ADOPTED by the Homer City Council this 22nd day of February, 2016.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

MELISSA JACOBSEN, CMC, ACTING CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 16-019

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
APPROVING AND ACCEPTING THE DONATION FROM THE HOMER
ANIMAL FRIENDS OF A BRONZE DOG BY ALASKAN ARTIST STEVE
KELLY TO BE PLACED AT THE MEMORIAL GARDEN AT THE HOMER
ANIMAL SHELTER.

WHEREAS, Alan Kelly, local resident and lover of dogs, passed away last fall; and

WHEREAS, His brother Steve Kelly, a bronze sculpture artist, has made a bronze
sculpture of a dog that he would like to donate to the Homer Animal Friends in memory of
Alan; and

WHEREAS, Homer Animal Friends would like to place the sculpture in the memorial
garden in front of the Homer Animal Shelter; and

WHEREAS, a friend of Alan Kelly has offered to pour a small concrete pad for the
statue to sit on; and

WHEREAS, The Public Arts Committee is unable to make a recommendation regarding
the donation because they did not have a quorum at their February 11th regular meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves
and accepts the donation from the Homer Animal Friends of a bronze dog by Alaskan Artist
Steve Kelly to be placed at the Memorial Garden at the Homer Animal Shelter.

PASSED AND ADOPTED by the Homer City Council this 22nd day of February, 2016.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

MELISSA JACOBSEN, CMC, ACTING CITY CLERK

Fiscal Note: N/A



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM 16-034

DATE: February 1, 2016
TO: City Manager Koester
FROM: Mark Robl, Chief of Police
SUBJECT: Statue Donation

Last fall, local area resident Alan Kelly passed away. Kelly loved dogs and frequently walked them on Bishop's Beach. His brother, Steve Kelly, is a bronze sculpture artist. He has made a bronze sculpture of a dog as a memorial to Alan. Steve has been communicating with the Homer Animal Friends and would like to donate the statute to the Friends in his brother's memory. The friends would like to place the statute in the memorial garden which is to the left of the driveway in the rocky area in front of the shelter. Alan's friend Ken Lewandowski has offered to pour a small concrete pad for the statute to sit on.

The statute is 2 ½ feet high and about 2 feet wide. It sits on a round bronze base and has a plaque at the base of its feet. It has horns and wings to represent a dog as being part angel and part devil. The artist estimates the value of this piece at \$6,000.

Since this art work will be placed on city property, I request permission from the council to accept it and authorize the installation.





**CITY OF HOMER
HOMER, ALASKA**

City Manager/PW Director

RESOLUTION 16-020

A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE CONTRACT FOR THE CIP PAD FENCE DEMOLITION PROJECT TO THE FIRM OF ALASKA MARINE EXCAVATION, LLC OF ANCHOR POINT, ALASKA IN THE AMOUNT OF \$14,700 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, Competitive bids were solicited for the demolition of the Chip Pad fence in conformance with The City of Homer’s procurement policies; and

WHEREAS, Nine bids were received February 11, 2016 (see Memorandum 16-035); and

WHEREAS, Alaska Marine Excavation, LLC of Anchor Point, Alaska was found to be the lowest responsive bidder; and

WHEREAS, This project will remove the existing fence around the Chip Pad in preparation for the installation of a new chain link security fence, security cameras, and approach paving; and

WHEREAS, The work is funded by a State Legislative grant, the purpose of which is to make improvements to the Harbor operations at the Deep Water Dock; and

WHEREAS, This award is not final until written notification is received by the firm from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the contract for the Chip Pad Fence Demolition project to the firm of Alaska Marine Excavation, LLC of Anchor Point, Alaska, in the amount of \$14,700 and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 22nd day of February, 2016.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

MELISSA JACOBSEN, CMC, ACTING CITY CLERK

Fiscal Note: Account number 415-0926; \$14,700



MEMORANDUM 16-035

To: Katie Koester, City Manager

From: Carey Meyer, PW Director Through:

Date: February 17, 2016

Subject: Award of Construction Contract, Homer Chip Pad Fence Demolition

On February 11, 2016, fax-back bids were received for the **Homer Chip Pad Fence Demolition** project. This work was advertised via email/fax to 18 area contractors.

This project will remove the existing fence around the Chip Pad in preparation for the installation of a new chain link security fence, security cameras, and approach paving. The work is funded by a State Legislative grant, the purpose of which is to make improvements to the Harbor operations at the Deep Water Dock.

Nine responsive bids were received from qualified firms. The bid results were evaluated and the results are as follows.

Responsive Bidder's Names	Local Bidder?	Amount
Southern Exposure	Yes	\$ 23,200
R/C Land Improvements	No	\$ 18,512
Gregoire Construction	Yes	\$ 18,100
Alaska Marine Excavation	No	\$ 14,700
JC Johnson Construction	Yes	\$ 17,033
East Road Services	Yes	\$ 19,150
Homer Winter Services	Yes	\$ 22,620
Collins Excavation	No	\$ 75,000
Building Alaska Contracting	Yes	\$ 96,000
	Engineer's Estimate	\$ 55,000

The City's 5% local bidder's preference does apply. Local bidders were more than 5% higher than the low non-local bid.

Recommendation:

City Council pass a resolution awarding the construction contract for the **Homer Chip Pad Fence Demolition** project in the amount of **\$14,700** to Alaska Marine Excavation, LLC of Anchor Point, Alaska and authorizing the City Manager to execute all appropriate documents necessary to complete this project. (Fiscal Note - DWD Uplands Improvements 415-0926)

VISITORS

**South Kenai Peninsula Hospital
Service Area**



Presented by:
Ralph Broshe, SKPHSA Board Chair

In the beginning ...

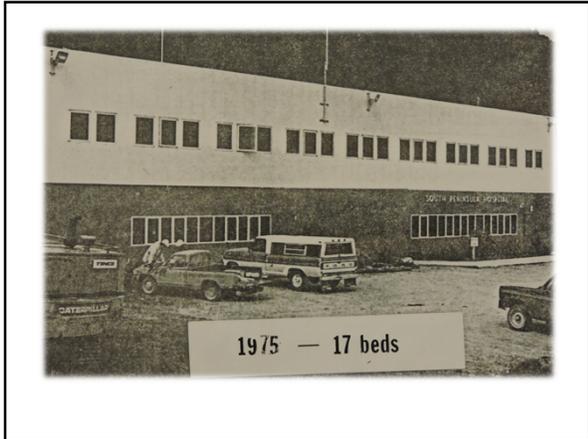


1956

Kenai Peninsula Borough
*Publicly Owned Facility via the
Service Area*

Homer Hospital, Inc.
Operations
(Now South Peninsula Hospital, Inc.)

City of Homer
Land



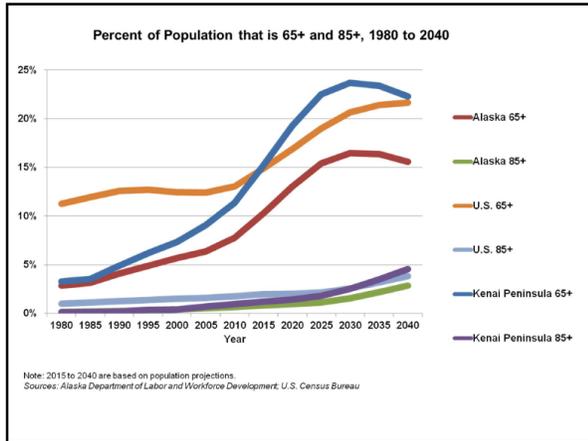


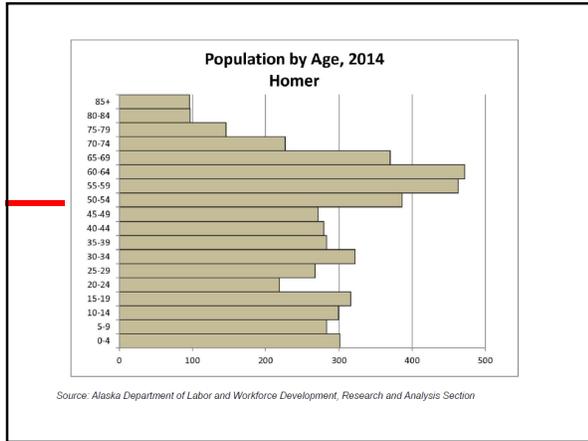


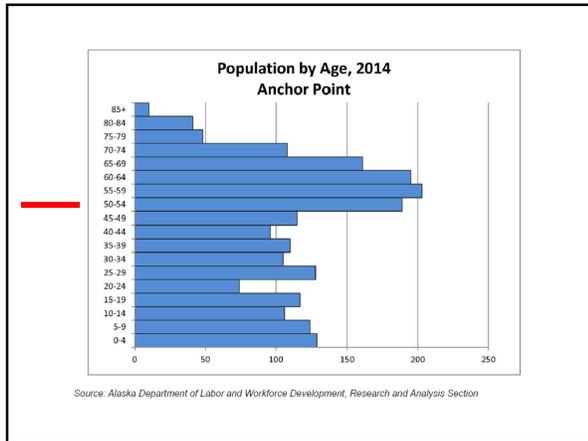


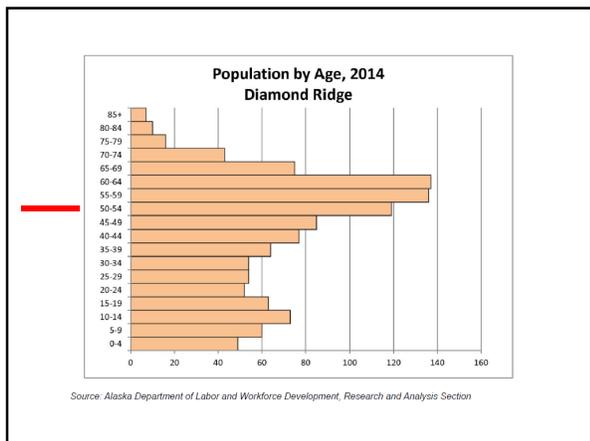
Unique service area ...
demographically AND geographically

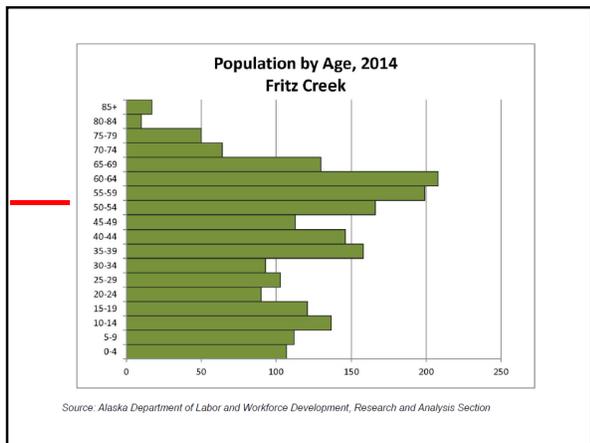
Area	Estimated Population 2014	
Anchor Point	2204	South Kenai Peninsula Hospital Service Area
Diamond Ridge	940	
Fox River	678	
Fritz Creek	1723	
Halibut Cove	21	
Happy Valley	582	
City of Homer	5150	
Kachemak City	704	
Nikolaevsk	175	
Ninilchik	694	
TOTAL 2014 POPULATION	12,871	
2010 Census Population	13,048	
<i>North of Ninilchik to Clam Gulch Tower</i>		

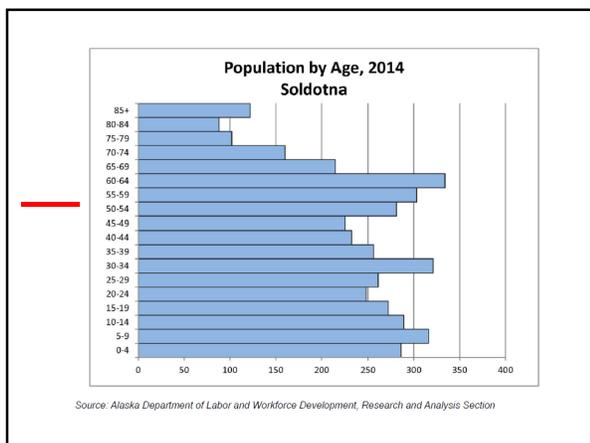


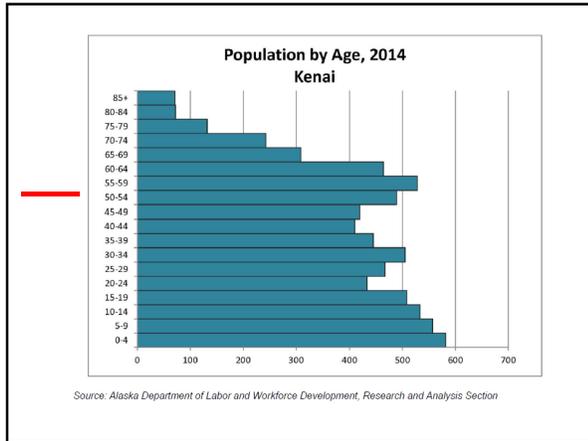


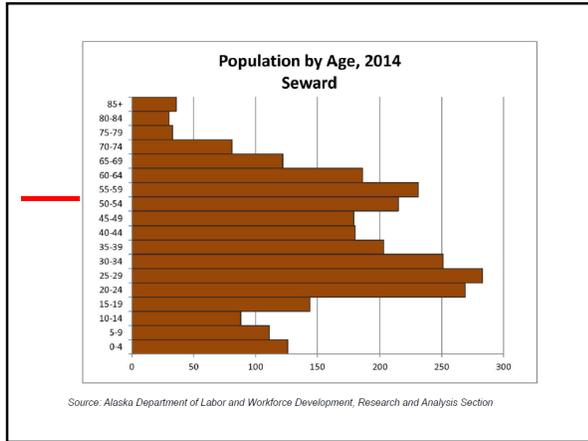


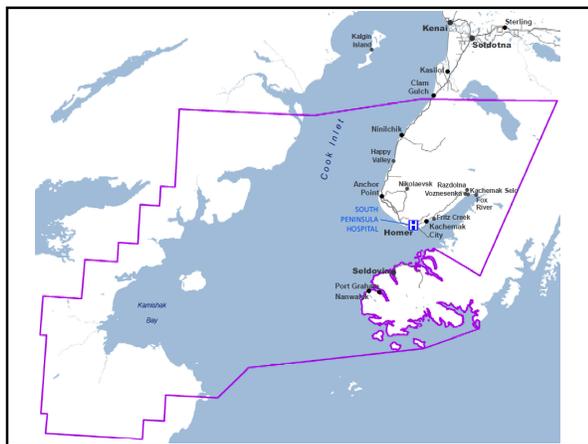














2016 South Kenai Peninsula Hospital Service Area Board

Roberta Highland
 Jacqueline "Jacque" Lenew
 Judith C. Lund
 Marie E. Walli
 Clyde T. Boyer, Jr.
 Doris Cabana
 Ralph Broshes
 Sara Jackinsky
 Kerri Ann Baker

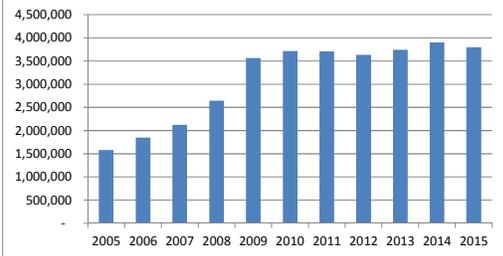
Who are we?

Service Area Board
16.24.080
Powers and Duties
 The service area board shall advise and make recommendations to the mayor and the assembly concerning the operation and management of service area activities, review and recommend the annual service area budget and perform such additional functions as the assembly may authorize.
Ord No 2007-28

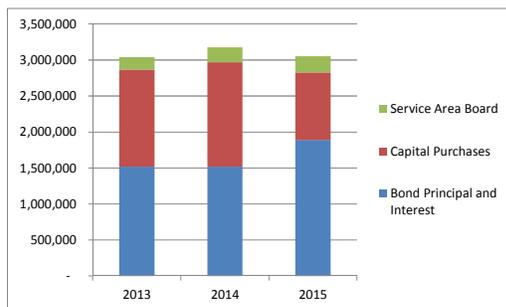
What does that mean?

- ✓ Allocate tax dollars
- ✓ Represent community
- ✓ Communicate health needs of community
- ✓ Provide balance and perspective
- ✓ MAPP

Property Tax Revenue



Expenses



General Obligations Bonds

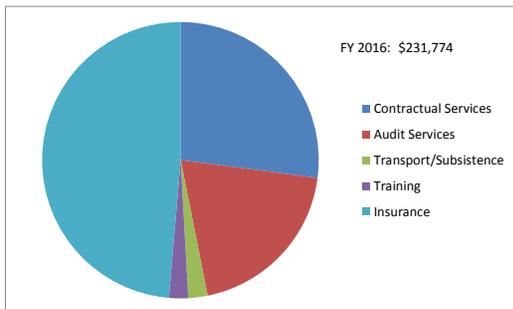
- 20 Year Bonds – Owed as of 6/30/14
 - Maturing September 2019 \$3,225,000
 - Maturing December 2023 2,990,000
 - Maturing September 2027 11,445,000

Capital Purchase Examples

- CT Upgrade to reduce radiation
- Updated Anesthesia Equipment
- New flooring for Long Term Care resident rooms
- eICU hardware
- Security System additions
- MRI



Service Area Board



South Peninsula Hospital, Inc.



Service Area / Community

Gather and Communicate Needs to SPH AND KPB

- Surveys
- Receive Personal Input
- MAPP of SKP
- Requests to fill unmet health needs (Kachemak Bay Family Planning)

Role of hospital in community

- Community vitality
- Attracts new residents
- Keeps and attracts physicians
- Major Employer
- Driver of the Economy
- Asset to the City and Borough







Healthcare Task Force

- Appointed in 2015 by Mayor Navarre
- Local representation
 - Kelly Cooper, assembly member
 - Julie Woodworth, SPH Board member
 - Bill Smith, former assembly member
 - Bob Letson, SPH CEO (advisory)
- Stroudwater consultants
- <http://www.kpb.us/>
Click on Healthcare Task Force

Thank You!



Questions?

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS



Governor Bill Walker
STATE OF ALASKA

February 1, 2016

Mr. Bryan Zak
City of Homer
491 East Pioneer Avenue
Homer, AK 99603

Dear Mr. Zak:

Bryan

Thank you so much for your recent participation in our Affordable Housing Summit. Lieutenant Governor Mallott and I were thrilled with the turnout for this event, which gathered more than 300 Alaskans hailing from Barrow to Ketchikan.

Your passion and expertise brought energy and innovation to this event, and by working collaboratively you helped identify steps we can take to continue to address critical housing needs in our state. Your optimism and creativity are an inspiration to us, and represent what is needed to make significant change amidst our current fiscal situation.

Our goal was to listen to you and to learn from you. We both look forward to reading the final reports from the eight focus groups, and continuing to partner with you as we work through identified solutions together.

Sincerely,

Bill

Bill Walker
Governor

Bryan - great to see you at the Summit. Appreciate all your help. Alex, thanks for your help with Pat Brown. All the best, Bill

Session 16-03, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Acting Chair Bos at 6:30 p.m. on February 3, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, BRADLEY, HIGHLAND, VENUTI

ABSENT: ERICKSON, STEAD, STROOZAS

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Acting Chair Bos called for a motion to approve the agenda.

HIGHLAND/BRADLEY SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

Reconsideration

Adoption of Consent Agenda

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

A. Approval of Minutes of January 20, 2016 Regular Meeting Minutes

Acting Chair Bos called for a motion to approve the consent agenda.

HIGHLAND/BRADLEY SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

A. Staff Report PL 16-07, City Planner's Report

City Planner Abboud reviewed the staff report.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 16-08 CUP 16-01at 3902 Shelford St. for a birthing center in the residential office district

City Planner Abboud reviewed the staff report.

Kenton Bloom, city resident and applicant, commented that staff did a good job of reflecting the intentions for the development and they agree with conditions in the staff report. He addressed the building setback, noting that city code calls for 7 feet for a single story and 10 feet for two stories in the residential office district. The Fire Marshall asks for a 15 foot setback from the property line because they look for 30 feet between buildings, unless you put in an exterior application that creates a one hour fire wall. With that, the setback can be moved back into the normal city setback area. He isn't sure if they will be in the setback with the new building but if it is, they have options to meet the Fire Marshall standards or may move the building if there's a problem. He noted the cottage on the property has a cement coating so it has the one hour fire rating for its exterior surface.

Acting Chair Bos opened the public hearing.

Dave Mastolier, city resident and property owner to the north of the proposed development, commented in opposition of the CUP. He does not want Shelford Street to be developed, he opposed the special assessment district petition that was circulated, and is concerned that property owners may be forced to pay if there is a future requirement to develop the road. He noted his concerns may be moot if they are able to use the access from Pioneer Avenue.

Steve Tutt, city resident, commented on behalf of himself and his mother in law, who owns two pieces of property at the end of Shelford Street. He expressed their opposition because they do not want the road developed. They had put a security fence across the two properties but had to open it up when the City developed the path through to Lee Street and since then, they have a lot of foot traffic going past. His main concern is that their security is gone and it will be worse if the road is developed and more traffic goes through there. He is also concerned about the accessibility of emergency vehicles. He agrees with Mr. Mastolier's concern about future requirement of developing the road and having to bear the cost associated with it.

Kevin Hogan, city resident, commented that his apartment on Herndon is next to the property being developed. He voiced his concern about the amount of time it has taken to build the cottage, which is

still unfinished, the mess that they are leaving at the worksite, and that it appears they are dumping their scrap onto the Senior Center's property. There is a berm over seven feet tall where the drainage is and the area is an eyesore. He supports the vision of the clinic but the project underway is crying out for adult supervision and they need to prove up on what they have started. He added that the access isn't adequate.

There were no further comments and the public hearing was closed.

Acting Chair Bos opened the floor to staff the applicant for rebuttal.

City Planner Abboud reiterated the comments about the setback requirements for a commercial building and the applicants plan in working with the City and the Fire Marshall will just need to be verified.

Mr. Bloom commented that the proposed access is a good faith effort to work with the design flaws in the existing access. He explained that Ms. Robertson, the other applicant, thought it would be beneficial to see if it was a good idea to use the platted right of way to build the road down from Lee Street and initiated a special assessment district as a step forward. Most of the city lives in a way where the streets are developed going by their businesses and houses and are oriented around that. He appreciates the areas that have a hidden and private feel, he doesn't have a way to ameliorate that in this project, but in the big picture we are all saying we all have an equal right to develop our property according to the rules. He can't address Mr. Hogan's concerns because he hasn't been involved with the building project. He encouraged everyone to take a look at the building. They can make the site plan work to drain properly for the site. Based on what they know today they will improve the access to connect their property to the right of way. It will actually provide improved access to the adjacent lots so they will have the benefit of access on the legal right of way at no cost to them.

Commissioner Highland questioned the access from Pioneer, noting that the parking at Kharacters creates a difficult situation, and also maintenance of the access and emergency vehicle accessibility. City Planner Abboud responded that this work will delineate the right of way and Kharacters has additional property they could develop into parking. The business owners will be responsible for maintaining the access.

There was also brief discussion about the timeline to complete a building project with a CUP and the special assessment district process for road improvement. City Planner Abboud noted that if someone wanted to come in and develop the road to city standards at their own expense, they could.

BRADLEY/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 16-08 AND APPROVE CUP 16-01 AT 3902 SHELFORD STREET. FOR A BIRTHING CENTER IN THE RESIDENTIAL OFFICE DISTRICT WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was discussion that the application meets the criteria outlined in city code. They hope the clutter will be taken care of and that it isn't necessarily an indication that the finish product won't be attractive. Cleaning up the right of way access will be beneficial and could make things safer. This is a good business opportunity.

VOTE: YES: BOS, HIGHLAND, VENUTI, BRADLEY

Motion carried.

Plat Consideration

A. Staff Report PL 16-09 Commercial Park Unit 1 Preliminary Plat

City Planner Abboud reviewed the staff report.

Mike Arno, applicant, commented the staff report addresses his proposal and he is available for questions.

Acting Chair Bos opened the floor to public comment.

Mike Kennedy, city resident, referenced the aerial photo to show his 30+ acres along the south property line and commented in support of the proposed subdivision He thinks it will benefit his property and it will be a benefit to have more industrial land available for development. The zoning is East End Mixed Use and it's his understanding that development conflicts will favor industrial over other uses. He hopes the developer will be allowed to improve the road in phases and not have the unnecessary burden of having to do it all at once.

There were no further public comments.

In response to questions Mr. Arno acknowledge the drainage in the area and explained when building the roads, ditch lines will be installed to help with drainage. His motivation for developing his property is to fill the need for commercial property in the city. In relation to the property being a discharge slope he explained that he has started the wetlands delineation process but it can't be completed until spring. He noted that discharge slope doesn't prohibit development in the area as there are development standards in place. It is not his intent to develop any lots, other than the subdivision requirements. He plans to make the lots available for sale.

There was discussion about flooding relating to discharge slope and property development. City Planner Abboud responded that the property can be developed within the parameters of code. Sewer will be addressed by city and borough requirements.

Question was raised if there will be covenants, noting that the proposed zoning allows for marijuana activities in the EEMU. Mr. Arno said personally he doesn't support it, but if it's allowed in the district, he doesn't know that there is anything he can do to stop it.

VENUTI/BRADLEY MOVED TO APPROVE STAFF REPORT PL 16-09 AND COMMERCIAL PARK UNIT 1 PRELIMINARY PLAT

Commissioner Highland reiterated her concern about wetlands but understands the need for more commercial property in the city.

Acting Chair Bos agreed that our wetlands are critical and that is why we have the Corps of Engineers to help protect those areas. He thinks this subdivision is a great opportunity for the City of Homer.

VOTE: YES: HIGHLAND, VENUTI, BRADLEY, BOS

Motion carried.

Pending Business

New Business

A. Staff Report PL 16-10, Land Allocation Plan

City Planner Abboud reviewed the staff report.

There was brief explanation of leases and options and discussion of the property on C-8 being on the market given the minimal developable area available. City Planner Abboud said in theory it could be developed and the City would like to sell the property.

Commissioner Venuti said he went to the open house for the Boat House. He thinks it's a good idea but isn't sure he agrees with the location. Other Commissioner's agreed with Mr. Venuti and expressed concern about losing the parking.

Acting Chair Bos expressed is extreme dissatisfaction with the bathrooms, fish cleaning tables, and fish carcass trailer by the Fishing Hole. It's a poor representation of the city facilities to people who spend a lot of money to come to our town and fish.

VENUTI/BOS MOVED TO DESIGNATE THE 40 ACRES ACQUIRED THROUGH TAX FORECLOSURE, PAGE F-7, FOR WATERSHED PROTECTION PURPOSES AND TO EXPAND THE DESIGNATION OF THE OLD HARBORMASTER PROPERTY ON PAGE D-20 TO INCLUDE THE BOAT HOUSE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Informational Materials

A. City Manager's Report

Comments of the Audience

Comments of Staff

City Planner Abboud commented briefly about getting started on the Comprehensive Plan.

Comments of the Commission

Commissioner Highland had no comment.

Commissioner Bradley said she will be absent at the next meeting.

Commissioner Venuti commented the Kenai Borough has determined the Kenai Borough Planning Commission will be the regulatory commission for marijuana for the Borough. It will be interesting because unlike Homer, the borough isn't zoned so it will be difficult to regulate where it will be acceptable. He will keep them posted as it moves along.

Acting Chair Bos said it was a good meeting. He commented that there were people here tonight talking about Shelford and you have to be sensitive that there hasn't been anything going on in that area for forty years, but still, we don't deny a right of a person. He thinks when the driveway or road goes in the area it will make things safer. He thinks they did a good job on the plat also. It will be a nice commercial area.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:13 p.m. The next regular meeting is scheduled for February 17, 2016 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

PUBLIC HEARING(S)

**CITY OF HOMER
PUBLIC HEARING NOTICE
CITY COUNCIL MEETING**

Ordinances 16-04(A)(S) and 16-06

A **public hearing** is scheduled for **Monday, February 22, 2016** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Ordinances 16-04(A)(S) and 16-06 internet address:

<http://www.cityofhomer-ak.gov/ordinances>

Ordinance 16-04(A)(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities" Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Lewis.

Ordinance 16-06, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 6.18, Marijuana Establishments, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores in the City. Smith/Van Dyke.



All interested persons are welcome to attend and give testimony. Written testimony received by the Clerk's Office prior to the meeting will be provided to Council.

** Copies of proposed Ordinances, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: clerk@ci.homer.ak.us or fax 235-3143.

Jo Johnson, MMC, City Clerk
Publish: Homer News: February 18, 2016

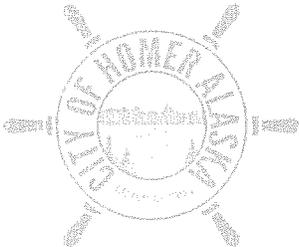
CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, Deputy City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for **Ordinance 16-04(A)(S)**, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities" Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities; and **Ordinance 16-06**, Enacting Homer City Code Chapter 6.18, Marijuana Establishments, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and Retail Marijuana Stores in the City was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Friday, February 12, 2016 and posted the same on City of Homer Website on Thursday, February 11, 2016.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 12th day of February, 2016.

Renee Krause

Renee Krause, CMC, Deputy City Clerk



ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-06

An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 6.18, Marijuana Establishments, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores in the City.

Sponsor: Smith/Van Dyke

1. Council Regular Meeting February 8, 2016 Introduction
 - a. Ballot Measure 2 Language

2. Council Regular Meeting February 22, 2016 Public Hearing and Second Reading
 - a. Ballot Measure 2 Language

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 Smith/Van Dyke

4 **ORDINANCE 16-06**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 ENACTING HOMER CITY CODE CHAPTER 6.18, MARIJUANA
8 ESTABLISHMENTS, PROHIBITING THE OPERATION OF
9 MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT
10 MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES,
11 AND RETAIL MARIJUANA STORES IN THE CITY.

12
13 WHEREAS, Under Ballot Measure 2 the voters supported each community's right to
14 choose whether to permit marijuana-related establishments; and

15
16 WHEREAS, A community's choice not to permit marijuana establishments will not
17 impact an individual's ability to cultivate marijuana for personal use in the individual's home;
18 and

19
20 WHEREAS, No economic or social data has been provided to show that marijuana
21 establishments will benefit a community the size of Homer.

22
23 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

24
25 Section 1. Homer City Code Chapter 6.18, Marijuana Establishments, is enacted to
26 read as follows:

27
28 Chapter 6.18
29 MARIJUANA ESTABLISHMENTS

30
31 Sections:

32 6.18.010 Definitions.

33 6.18.020 Interpretation.

34 6.18.030 Marijuana establishments prohibited.

35
36 6.18.010 Definitions.

37 In this chapter:

38 "marijuana" means all parts of the plant of the genus cannabis whether growing or
39 not, the seeds thereof, the resin extracted from any part of the plant, and every compound,
40 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin,
41 including marijuana concentrate; "marijuana" does not include fiber produced from the
42 stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is

43 incapable of germination, or the weight of any other ingredient combined with marijuana to
44 prepare topical or oral administrations, food, drink, or other products.

45 "marijuana cultivation facility" means an entity registered to cultivate, prepare, and
46 package marijuana and to sell marijuana to retail marijuana stores, to marijuana product
47 manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers;

48 "marijuana establishment" means a marijuana cultivation facility, a marijuana testing
49 facility, a marijuana product manufacturing facility, or a retail marijuana store.

50 "marijuana product manufacturing facility" means an entity registered to purchase
51 marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and
52 marijuana products to other marijuana product manufacturing facilities and to retail
53 marijuana stores, but not to consumers.

54 "marijuana products" means concentrated marijuana products and marijuana
55 products that are comprised of marijuana and other ingredients and are intended for use or
56 consumption, such as, but not limited to, edible products, ointments, and tinctures.

57 "marijuana testing facility" means an entity registered to analyze and certify the
58 safety and potency of marijuana.

59 "retail marijuana store" means an entity registered to purchase marijuana from
60 marijuana cultivation facilities, to purchase marijuana and marijuana products from
61 marijuana product manufacturing facilities, and to sell marijuana and marijuana products to
62 consumers.

63
64 6.18.020 Interpretation.

65 All terms used in this chapter that are defined in AS 17.38 or the regulations
66 promulgated thereunder shall be interpreted in accordance with such definitions.

67
68 6.18.030 Marijuana establishments prohibited.

69 The operation of marijuana cultivation facilities, marijuana product manufacturing
70 facilities, marijuana testing facilities, and retail marijuana stores in the city is prohibited.

71
72 Section 2. This Ordinance is of a permanent and general character and shall be
73 included in the City Code.

74
75 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
76 _____, 2016.

77 CITY OF HOMER

78
79
80 _____
81 MARY E. WYTHE, MAYOR

82 ATTEST:

83

84

85 _____

86 JO JOHNSON, MMC, CITY CLERK

87

88

89 AYES:

90 NOES:

91 ABSTAIN:

92 ABSENT:

93

94

95 First Reading:

96 Public Reading:

97 Second Reading:

98 Effective Date:

99

100

101 Reviewed and approved as to form:

102

103

104 _____

105 Mary K. Koester, City Manager

106

107 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

Ballot Measure No. 2

An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

BALLOT LANGUAGE

**Ballot Measure No. 2 – 13PSUM
An Act to Tax and Regulate the Production, Sale,
and Use of Marijuana**

This bill would tax and regulate the production, sale, and use of marijuana in Alaska.

The bill would make the use of marijuana legal for persons 21 years of age or older. The bill would allow a person to possess, use, show, buy, transport, or grow set amounts of marijuana, with the growing subject to certain restrictions. The bill would ban the public use of marijuana. The bill would prohibit a person under 21 years of age from using false identification to buy or try to buy marijuana or marijuana accessories.

The bill would allow validly registered marijuana-related entities and persons 21 years of age or older who own or are employed by these entities to make, possess, buy, distribute, sell, show, store, transport, deliver, transfer, receive, harvest, process, or package marijuana and marijuana products, subject to certain restrictions. Alaska Statute 17.30.020 (Controlled Substances) would not apply to these entities.

The bill would require the Alcoholic Beverage Control (ABC) Board to implement parts of the bill. But the bill would also let the legislature create a Marijuana Control Board to assume these duties. The bill would require the ABC Board to adopt regulations governing marijuana-related entities. The regulations would need to cover certain topics and be subject to certain restrictions. The bill would also create procedures for registering a marijuana-related entity. The procedures would be managed by the ABC board and local governments.

The bill would allow a local government to prohibit the operation of marijuana-related entities. A local government could do that by enacting an ordinance or through voter initiative. The ordinances could cover the time, place, manner, and registration of a marijuana entity's operations.

The bill would allow a person 21 years of age or older to possess, use, show, buy, or transport marijuana accessories. Marijuana accessories are products individuals use to grow or consume marijuana. The bill would also allow persons 21 years of age or older to make marijuana accessories and to distribute or sell them to persons who are 21 years of age or older.

The bill states that it is not intended to require an employer to allow marijuana use, transportation, possession, sale, growth, or transfer, or prevent an employer from prohibiting these activities. The bill does not intend to supersede laws prohibiting driving under the influence of marijuana. The bill does not intend to prohibit schools, correction facilities, hospitals, or private persons or entities from restricting marijuana on their property. The bill does not intend to limit the state's existing medical marijuana laws.

Ballot Measure No. 2

An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

The bill would impose a \$50 per ounce (or proportionate) excise tax on the sale or transfer of marijuana from a cultivation facility to a retail store or marijuana product manufacturing facility. The marijuana cultivation facility would pay the tax and send monthly tax statements to the Department of Revenue. The Department of Revenue could exempt certain parts of the marijuana plant from the tax. It could also establish a lower tax rate for certain parts of the plant.

The bill defines numerous terms. The bill contains a statement of purpose and findings. The bill would impose civil fines and penalties for violations.

Should this initiative become law?

Yes No

Jo Johnson

From: Mary (Beth) E. Wythe
Sent: Sunday, February 14, 2016 6:22 PM
To: Marianne and Bill
Cc: Jo Johnson; Katie Koester
Subject: Re: additional comment to Mayor Wythe

I'm glad that others have also replied to your email. I believe the reason this is feeling like an 11th hour change is that we have new members on the Council that have only just begun to understand the process for bringing questions to the table. Councilman Smith has only been on the Council for 5 meetings, the first two being totally focused on the budget.

Each member of the Council is allowed to present their Ordinances and if they have three other members support moving an item through the public process then it will move forward. It is not my custom to veto or question the Ordinances they bring forward.

I appreciate your concern for the Council listening to the will of the people as that is the very issue that was at hand when I first ran for office nearly 12 years ago. That too was an economic development issue (large footprint stores in Town Center). I have traditionally supported the will of the voters (suspending the food tax when other 1st Class cities were collecting it for example). Often when the Council has a weighty decision that they are undecided on it also represents the depth of the indecision within the community. When that happens it seems that making sure that all of the potential questions have been answered is the best path forward.

I appreciate your concern and am sorry that the processes of our system are frustrating. They are intended to ensure that the community as a whole can live with the decisions that are made.

Mayor Wythe

Sent from my iPad

On Feb 14, 2016, at 3:33 PM, Marianne and Bill <mlswds@gci.net> wrote:

Dear Mayor Wythe,

Thank you for responding to my note to you. As a voter, I assure you that I am well aware of the language of the issue that I voted on.

I will re-state that the timing of this proposal under discussion is very suspicious in that the council has had an entire year to discuss this and to seek public input. Why now at virtually the midnight hour has it become an issue?

My previous service on the comprehensive plan committee was an eye-opener for me. It was as agenda driven as anything I have ever seen. I will choose to never serve on such a commission again. From my perspective, the agenda driven nature of Homer politics has not changed much since then and it is not serving the voters of this community well. However, this is not the first city council I have seen keep re-introducing an issue until they get their way.

I also want to say that several, but not all, members of the council gave Bill and me the courtesy of a response. That alone restored some of our faith in the process and it is evident that they are well intentioned, however, it remains my assertion that the micromanaging of voter intent is not the job of any city government. Many, many Alaskan elections are won by small margins, but even those small margins are the majority—not any individual's interpretation of a majority, but a simple majority, and that is why we vote.

Bill and I are senior citizens and we have seen a lot of change, however, we will live out our lives believing in the democracy that we were raised with and that my husband fought for as a veteran of this country—and my father and grandfather before that.

May I respectfully remind you and the city council that you are representing the voice of the people, not replacing the voice of the people and in this already decided matter, the majority has spoken.

As for this council's attention to other important matters, If each of you were as intent on addressing those as you are this one matter, then I as a citizen, would not perceive the inertia that I have seen in addressing things like development, infrastructure—particular run off issues, and yes, the very frightening acceleration of crime in our community.

Most sincerely,

Marianne Schlegelmilch

Jo Johnson

From: Mary (Beth) E. Wythe
Sent: Sunday, February 14, 2016 1:19 PM
To: Marianne and Bill
Cc: Jo Johnson; Katie Koester
Subject: Re: marijuana prohibition

Thank you for your thoughts. I'm sorry that no reply was provided earlier, but I can assure you that your input was received and reviewed. The very legislation that was approved states that:

"The bill would allow a local government to prohibit the operation of marijuana-related entities. A local government could do that by enacting an ordinance or through voter initiative. The ordinances could cover the time, place, manner, and registration of a marijuana entity's operations."

The process currently taking place within the community and in the Council chambers is the process provided for fully vetting such decisions. Each individual is entitled to their personal opinion. The public process is intended to allow a venue for everyone to speak and also to help the Council arrive at a decision. In such cases as this (allowing or prohibiting marijuana industry in side the City limits), where the margin between supporters and objectors is very narrow, it is often best to narrow the question and allow for a second vote. This is a path that I will be proposing.

While the Cannabis Advisory Committee has provided valuable recommendations, they remain advisory in nature. The Council is responsible for understanding the potential impacts of any regulation they approve. They are reviewing the regulations with the intention of ensuring that they don't mis-step. This is a decision that will have a substantial influence on the future of this community. Whether that influence is positive or negative is the area that becomes divisive.

With regards to the larger issues you mentioned, they do not go un-noticed or discussed by the Council, but the Homer Police Department and State Troopers are carrying out the enforcement regarding those issues . The development of policy and regulations is the function of the Council, and they are in place. It is not our place to become involved in the daily functions of enforcement.

Thank you again for your input.

Mayor Wythe

Sent from my iPad

On Feb 11, 2016, at 12:12 PM, Marianne and Bill <mlswds@gci.net> wrote:

We are opposed to any attempt by the City Council of Homer to defy the will of the voters on the issue of marijuana. The people have spoken. The city's own Cannabis commission (which includes the police chief) have spent considerable time drafting recommendations, as has the state, and this note to you is completely and totally about government overreach and the mindset that members of our city council can impose their personal views and opinions on the electorate. This is arrogant, it disenfranchises voters, is wrought of the panic fired by misinformation, and it is wrong. It is similar to the plastic bag ban. Citizens of Homer did not vote for our city council members to impose their privately held beliefs on society or for them to try to override the will of the voters.

Homer has much bigger problems than nitpicking an already legalized drug.

Why have we seen no outrage from the council about the heroin or methamphetamine epidemic, the armed robberies, the water drainage issues that are far more serious issues?

Additionally, how ridiculous is it to impose an additional and unnecessary load and associated costs in trying to enforce this ban on a legal enterprise or even in holding lengthy hearings on an issue that has already been decided?

And finally, I recently wrote a letter similar to this to be read into public comment. It was addressed to the mayor, to the council and to individual council members who have initiated this ban. It was submitted through proper channels and in the letter, we requested a response. We did not get the courtesy of a response from anyone. This is also concerning and supportive of our sense that private political agendas are more important to this council than are the voters who elected them. Please correct me if this is not the case because we will be remembering this situation at the time of the next election when we once cast what seems to be, our disposable votes.

Thank you for allowing our input,
Marianne and Bill Schlegelmilch
4470 Kachemak Way
Homer
mlswds@gci.net
235-6913

Jo Johnson

From: Katie Koester
Sent: Saturday, February 13, 2016 7:28 AM
To: Mary (Beth) E. Wythe; Catriona Reynolds; Bryan Zak; Gus Van Dyke; Heath Smith; Donna Aderhold; David Lewis; Jo Johnson
Subject: Fwd: unicorperated boundaries

Hi Mayor and Council,

There has been a lot of confusion over what impact banning marijuana in the City would have on the surrounding 10 mile radius around Homer. Cynthia Franklin, staff to the Marijuana Control Board, sent the email below clarifying that because the City of Homer is within a local municipality (the Kenai Peninsula Borough) the 10mile radius rule would not apply.

I will include this email in the packet.

Happy winter carnival!

Katie

Sent from my iPhone

Begin forwarded message:

From: "Franklin, Cynthia A (CED)" <cynthia.franklin@alaska.gov>
Date: February 12, 2016 at 6:07:39 PM AKST
To: Rick Abboud <RAbboud@ci.homer.ak.us>
Cc: Holly Wells <hwells@bhb.com>, Katie Koester <kkoester@ci.homer.ak.us>, "Dinegar, Harriet C (LAW)" <harriet.dinegar@alaska.gov>
Subject: Re: unicorperated boundaries

Hi Rick,

I got an opinion on this issue from the Department of Law today. If the area outside the city's boundaries is within another local government, the 10 mile rule will not apply. If the city opts out by ordinance it need not include any reference to the 10 mile rule in the ordinance. The rule only applies if the area outside the city's boundaries, which we understand is not the case for Homer.

CF

On Feb 12, 2016, at 3:19 PM, Rick Abboud <RAbboud@ci.homer.ak.us> wrote:

Cynthia,

The City of Homer is now having a discussion about banning commercial marijuana activities. 3 AAC 306.250 has become a subject of conversation. Specifically, the consequences of a ban within the boundary of a local government to the unincorporated area within ten miles. Is the area around Homer (within the Kenai Peninsula Borough, not incorporated cities) considered unincorporated? Basically, would the ban for ten miles be in effect if the activity was allowed by the Borough? I am hoping to eliminated any misinterpretation of this for our next public hearing.

Thanks so much for your input!

Rick

RICK ABBODD, AICP

City Planner

491 E Pioneer Ave

Homer, AK 99603

(o) 907-235-3106

(f) 907-235-3118

Jo Johnson

From: Ken Landfield <ken@ak.net>
Sent: Tuesday, February 16, 2016 10:37 AM
To: Department Clerk
Subject: Dear Mayor and Councilmembers

For inclusion in the Council packet.
Please acknowledge receipt.
Thank you!

>> There is a tradition in this country, and this state, of a certain group of people believing that they know better than the general population what is best for all, particularly when it comes to intoxicants and private recreation. Prohibition gave us the 18th Amendment to the US Constitution. This proved to be such a bad idea that the 18th is the only amendment that has ever had to be repealed, by the 21st.

>>

>> In 1975, Homer attorney Irwin Ravin brought about the Ravin Decision, making possession of small amounts of marijuana by an adult for personal consumption legal in Alaska. While 1990 saw the recriminalization of pot by ballot initiative, its constitutionality was found lacking by the Alaska Court of Appeals (Noy v. State). Finally in 2014, possession, consumption and transportation were embraced by the electorate, both statewide and locally, with details to be worked out later.

>>

>> Now, the Homer City Council is considering making everything else concerning pot illegal within city limits. No buying, selling, cultivation or manufacture. No collecting of taxes. If this ordinance passes, it may be that Homerites will have to go all the way to Anchorage to buy legal, controlled, certified and taxed marijuana products. Illegal, uncontrolled, uncertified and untaxed pot will of course continue to be as available as always. Making pot illegal to purchase in Homer will in no way diminish its use or availability; it will, however, waste scarce police and judicial resources. It will continue the culture of contraband. It will in a real sense confound the expressed will of the electorate. The majority of those who voted surely did not intend to make pot difficult to acquire legally; and those who didn't vote, as always, gave up any right to complain. What is the point of making consumption and possession legal if it cannot be acquired readily and legally? Of course, anyone can grow their own; but not everyone is adept at or inclined toward cultivation. It's akin to suggesting that you may consume alcohol, but only if you brew, ferment or distill it yourself, or drive for hours to buy it.

>>

>> A certain majority of the Homer City Council thinks they know what is best for you, and are determined that their will supersede that of the majority of the voters. I think they're wrong.

>>

>> I say: Buy Local.

>>

>> Ken Landfield

>> Homer

>>

>>

>>

>>

Jo Johnson

From: Sarah Spencer <sarahspencerak@gmail.com>
Sent: Wednesday, February 10, 2016 1:29 PM
To: Jo Johnson
Subject: Fwd: question about cannabis
Attachments: marijuana-cannabinoids-and-legalization-9-21-2015.pdf

----- Forwarded message -----

From: Sarah Spencer <sarahspencerak@gmail.com>
Date: Wed, Feb 10, 2016 at 10:32 AM
Subject: Re: question about cannabis
To: Catriona Reynolds <CatrionaReynolds@ci.homer.ak.us>

Information to share with city council:

I generally don't speak publicly about marijuana. I personally support legalization and commercial sales. Marijuana dependence is fairly uncommon and I do not treat it. As my specialty is treating opioid addiction, I do not prohibit my patients from using cannabis as use is not shown to affect recovery rates from opioid addiction (and there is even a slight trend toward improved retention in programs for the medication assisted treatment of opioid addiction in patients who are using cannabis). Most opioid drug treatment programs do not require that patients remain abstinent from cannabis.

I do occasionally sign medical marijuana permits for those who qualify, however I do not encourage the use among my patients, just as I would not encourage someone to drink alcohol for its cardiovascular benefits if they are a non-drinker.

Being an intoxicating substance it has by its nature a risk of abuse and psychological dependence. All the medical data shows it to be much less harmful than tobacco or alcohol, so I support it being controlled and regulated in a similar fashion, with emphasis to try to keep it out of children's hands as their developing brains are most at risk from harm from any substance.

Legalization is unlikely to increase rate of use (see Lancet article last year [http://www.thelancet.com/journals/lanpsy/article/PIIS2215-0366\(15\)00217-5/abstract](http://www.thelancet.com/journals/lanpsy/article/PIIS2215-0366(15)00217-5/abstract)) but will shift money out of the black market and into the public sector which I support.

I have attached the ASAM policy statement on marijuana as well.

On Wed, Feb 10, 2016 at 9:48 AM, Catriona Reynolds <CatrionaReynolds@ci.homer.ak.us> wrote:

Hi Sarah,

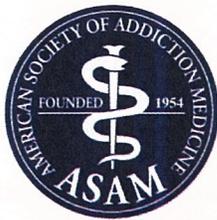
Thank you for being available for the meeting yesterday, I feel good progress was made.

As you know the City Council is considering two cannabis related ordinances at the meeting on 2/22/16. Ord 16-04 defines regulations for the different aspects of a commercial industry. Ord 16-06 outright prohibits all commercial practices and would impact a 10 mile radius by disallowing commercial development there, too.

I wonder whether you have an opinion about legal commercialization of the cannabis industry in Homer? In your opinion would it impact other substance addiction (negatively or positively)?

Thanks for any insight you are able to provide,
Catriona

Catriona Reynolds
Homer City Council Member
4658 Tamara Street
Homer, AK 99603



ASAM

The Voice of Addiction Medicine
American Society of Addiction Medicine

Public Policy Statement on Marijuana, Cannabinoids and Legalization

Background

In recent years, many states have considered or enacted policies to legalize cannabis use. As of this writing, Alaska, Colorado, Oregon, and Washington and Washington, D.C. have legalized cannabis use for adults, and 23 states and Washington, D.C. have legalized cannabis for non-FDA-approved medicinal uses under state law.¹ This expansion of access to legal cannabis use has occurred partly because of the perception among the public and lawmakers that marijuana use is harmless or that the harms are not significant, especially compared to the harms associated with the use of currently legal drugs, alcohol and tobacco. Indeed, the 2014 *Monitoring the Future* survey reported a five-year decline in the perceived harm of regularly smoking marijuana, from 52.4% of high school seniors to 36.1%.² However, as detailed below, recent research has revealed numerous medical harms associated with cannabis use, not the least of which is the likelihood of developing addiction^a related to cannabis use. As such, this increasing public access to legal cannabis use calls for a response from the field of addiction medicine.

Cannabis is a plant that has been used as a psychoactive recreational drug for a century in the United States and for longer in other cultures. Its use for purported medicinal benefits also has a long recorded history around the globe, and its use for medical indications has recently expanded in the United States as a non-FDA-approved medical product. Botanical cannabis is usually referred to as marijuana but it also goes by various nicknames, among them “pot” or “weed.” The primary psychoactive compound in cannabis is delta-9-tetrahydrocannabinol (THC), which is a partial agonist at cannabinoid receptors in the body. The THC content in botanical marijuana sold illicitly for recreational use in America has increased from roughly 3.4% in 1993 to roughly 8.8% in 2008.³ THC is also the active ingredient in many derivatives of cannabis, including hashish and hash oil, and it is more recently found combined with other substances in high-potency, harder-to-identify products. Other synthetic cannabinoid receptor agonists, such as JWH-018 and HU-210, have recently been gaining popularity as psychoactive substances. These synthetic substances are full agonists at cannabinoid receptors, are more potent than THC, and seem to have more intense and toxic clinical effects. They are used as alternatives to marijuana and some persons elect to use them since they can be obtained legally in many parts of the United States and are not detected by drug tests that solely analyze for THC.⁴ Cannabis has been found to be the most frequently used drug in the U.S. after alcohol, tobacco and caffeine. Moreover, marijuana is the most widely used illegal drug in the United States and it is estimated that it is used by 61% of all persons suffering from a substance use disorder related to drugs other than alcohol.⁵

^a Addiction is a primary, chronic disease of brain reward, motivation, memory and related circuitry. Dysfunction in these circuits leads to characteristic biological, psychological, social and spiritual manifestations. This is reflected in an individual pathologically pursuing reward and/or relief by substance use and other behaviors.

Empirical evidence associates THC with cannabis dependence^b (moderate to severe cannabis use disorder in *DSM-V*). In one study, 9.1% of users of cannabis developed cannabis dependence.⁶ A more recent study confirmed the risk of developing cannabis dependence to be about 8%, and demonstrated that the likelihood of using alcohol, nicotine and illicit drugs is significantly higher for continuous cannabis users as well as ex-users of cannabis as compared to those who have never used cannabis.⁷ The risk of developing addiction associated with cannabis use has been reported to increase to about 17% among those who start using marijuana in adolescence, and to 25-50% among those who smoke marijuana daily.⁸ For example, a twin study found that individuals who used cannabis by age 17 were about twice as likely as their twin to develop cannabis abuse^c or dependence, and 2.1 to 5.2 times as likely to use other drugs, develop alcohol dependence, or develop other drug abuse or dependence.⁹ While the prevalence of past-year marijuana use among the U.S. adult population appears to have remained stable at about 4.0% from 1991-1992 to 2001-2002, the percentage of past-year marijuana smokers who displayed evidence of abuse or dependence rose from 30.2% to 35.6%; some have hypothesized that this is related to the increased concentration of THC in marijuana available in the United States in recent years.^{10, 11, 12}

In addition to the risk of developing addiction, several other harmful long-term effects of marijuana use on health have been documented, including adverse psychiatric effects from its use. Specifically, the long-term effects of marijuana use include altered brain development and cognitive impairment, including impaired neural connectivity in specific brain regions, decreased activity in prefrontal regions, and reduced volumes in the hippocampus.¹³ These effects have been found to be more profound in users who began marijuana use in adolescence or young adulthood.^{14, 15} Other studies have found a correlation between the use of cannabis and the appearance of psychotic symptoms and the prevalence of psychotic disorders.¹⁶ Moreover, even prenatal exposure to marijuana has been shown to be predictive of psychotic symptoms in young adulthood.¹⁷ There is also evidence of a correlation between cannabis use and decreased academic performance, in addition to an increased likelihood of dropping out of school.¹³ A review of multiple studies found consistent associations between cannabis use and lower educational attainment.¹⁸ Another study found an association between cannabis use disorder and nonmedical use of prescription stimulants for studying, reduced class attendance and declining academic performance.¹⁹ Along with lower educational attainment, research on employed individuals has found consistent associations between cannabis use and reduced workplace productivity.²⁰ Many of these studies await replication. However, collectively, these data are sufficient to suggest that children, pregnant women, and youth with still-developing brains should not use cannabis or cannabinoids due to a variety of neuropsychiatric health effects and impacts on cognitive functioning.

Cannabis is most commonly consumed through smoking, a route of drug delivery that predictably has a variety of negative effects on pulmonary function. Smoke from marijuana combustion has been shown to contain a number of carcinogens and cocarcinogens,²¹ as well as many of the toxins, irritants, and carcinogens as tobacco smoke.²² Additionally, marijuana smokers tend to inhale more deeply and hold their breath longer than cigarette smokers, which

^b *Marijuana dependence* is defined in the *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV)* as increased tolerance, compulsive use, impaired control, and continued use despite physical and psychological problems caused or exacerbated by use.

^c *Marijuana abuse* is defined in *DSM-IV* as repeated instances of use under hazardous conditions; repeated, clinically meaningful impairment in social/occupational/educational functioning, or legal problems related to marijuana use.

leads to a greater exposure per breath to “tar” (the carcinogenic solids in smoke).²³ Regular smoking of marijuana, in the absence of tobacco, produces visible and microscopic injury to the large airways.²⁴

Short-term exposure to marijuana smoking is associated with bronchodilation, while long-term marijuana smoking is associated with increased respiratory symptoms suggestive of obstructive lung disease.²⁵ Yet, there is no clear link between marijuana smoking and obstructive pulmonary disease,²⁶ such as bronchitis and emphysema, and there is no conclusive evidence of marijuana smoking-induced lower respiratory tract infection.²⁷ Whereas evidence is mixed concerning possible carcinogenic risks of heavy, long-term marijuana smoking,²⁸ epidemiological findings to date do not suggest an increased risk for the development of either lung or upper airway cancer from light or moderate use. In fact, the findings of one study that had reported increased rates of lung, upper respiratory and digestive tract cancers in users who smoked the equivalent of no more than one joint or one pipeful of hashish per day were found to be not valid once cigarette smoking and other confounders were taken into account.²⁹

An increasingly popular route of administration for THC has been the incorporation of marijuana into edible products, including baked goods, candies and marijuana-infused beverages, which are readily available at retail outlets in states that have legalized cannabis use. For example, in Colorado, marijuana-infused edibles account for 45% of the legal marijuana marketplace.³⁰ Given their appearance and current trends in packaging and product names, edibles are often particularly attractive to young adults and even children. The absence of any quality control, consumer labeling, or predictability in dosing in edibles has led to appropriate cautionary commentaries and calls for action to protect the public health.³¹ The THC content of such products has a wide range, and a given edible can contain several individual doses-worth of THC. Importantly, research has found these products are not consistently labeled; in one study, of 75 products purchased, only 17% were accurately labeled.³² In part because consumers may be unaware of the THC content in edibles, hospital emergency departments are treating more children and adults who develop paranoia, anxiety and/or psychosis following intentional or accidental ingestion of marijuana edibles.^{33,34}

There are several potential medical and public health consequences of marijuana use that require further research. Still under investigation is the potential depressive effect of THC on the immune system.³⁵ More research is also needed on the impact of cannabis use on driving, motor vehicle collisions, and traffic injuries and fatalities. Evidence shows that marijuana use impairs cognitive function, reaction times, divided-attention tasks, and lane tracking,³⁶ all of which impact driving ability. A recent National Highway Transportation Safety Administration study found no significant increase in crash risk associated with the presence of marijuana when controlling for age, gender, ethnicity and alcohol use.³⁷ However, several other studies have reported increased crash and culpability risks, even after adjusting for such confounders as age, sex, risky behaviors, and polypharmacy.³⁷ Finally, it is worth noting the observed drop in opioid overdose death rates in states where marijuana use is legal for medicinal purposes. One study found that states with “medical marijuana” laws had a 24.8 percent lower average annual opioid overdose death rate compared to states without similar laws.³⁸ According to the study, in 2010 alone, that translated to about 1,729 fewer deaths than expected.

Marijuana contains at least 85 distinct cannabinoids,³⁹ several of which are being investigated for their potential therapeutic value. To date, the FDA has approved two pharmaceutical products for human use which contain active ingredients that are present or similar to those present in botanical marijuana: Marinol® and Cesamet®. Marinol®, a Schedule III drug whose active ingredient is a synthetic version of THC, is approved for the treatment of chemotherapy-

induced nausea and vomiting as well as anorexia associated with AIDS and increased intraocular pressure in cases of glaucoma.⁴⁰ Cesamet®, a Schedule II drug, contains the synthetic cannabinoid nabilone and is approved for the treatment of nausea and vomiting associated with chemotherapy.⁴¹ Other cannabis-derived or cannabis-like drugs are being developed and have been approved for use in other countries. One example is Sativex®, a fast-acting non-synthetic oral-mucosal cannabinoid spray containing 50% THC and 50% cannabidiol, which is available in Canada, New Zealand, the United Kingdom, and several European countries to treat spasticity in multiple sclerosis (MS).⁴² Cannabidiol (CBD), a non-psychoactive cannabinoid, is one of the main known active ingredients in marijuana besides THC that may have desirable medicinal effects.⁴³ CBD has been shown to have antipsychotic effects,⁴⁴ as well as anticonvulsant, neuroprotective and anti-inflammatory effects.⁴⁵ The medical literature contains only small and methodologically limited studies of CBD in human epilepsy, the results of which have been inconclusive; there is a clear need for further investigation into its potential in epilepsy and other neuropsychiatric disorders.⁴⁶ Pharmaceutical grade cannabidiol is being investigated, along with genetically modified strains of botanical marijuana which contain almost exclusively cannabidiol and essentially no THC,⁴⁷ and regulatory reform to facilitate research into the potential efficacy and safety of cannabidiol for possible medical uses has been proposed.⁴⁸ To date, 15 states have legalized limited access to marijuana products with low THC/high CBD content for medicinal purposes,⁴⁹ sometimes in response to reports in the popular media of benefits for neuropsychiatric conditions that are not yet substantiated by well-designed medical research studies.

Herbal marijuana is also increasingly sought out for its purported medicinal effects. However, unlike the above-mentioned regulated pharmaceuticals, which have been tested for safety and efficacy, the potency, purity, and effective doses of herbal marijuana and cannabis-infused edible products are unknown. A recent review of cannabinoids for medical use has called into question the efficacy of these types of products, finding only moderate-quality evidence to support the use of cannabinoids for the treatment of chronic pain and spasticity, and only low-quality evidence suggesting cannabinoids were associated with improvements in chemotherapy-related nausea and vomiting, weight gain in HIV, sleep disorders and Tourette syndrome.⁵⁰ The review also confirmed cannabinoids were associated with an increased risk of short-term adverse events. Given the uncertain evidence to support the safety and efficacy of cannabis and cannabinoid-products in the treatment of medical conditions, ASAM and a number of other professional medical societies have advised that all cannabis-based medicinal products, like all other medicinal products, should be approved by FDA. And given the current state of medical evidence, the American Medical Association has gone so far as to advise that marijuana and cannabis-containing products such as edibles should be required to be labeled with the statement: "Marijuana has a high potential for abuse. It has no scientifically proven, currently accepted medical use for preventing or treating any disease process in the United States."⁵¹

These various responses of professional and research entities to expanding knowledge of the health and public health aspects of marijuana and other cannabinoid use, and to the need for expanded knowledge via increased research, have developed in a larger sociological and political context in which approximately half of Americans support legalization. ASAM recognizes that an important factor in the changes in public attitudes about legalization, as well as philosophical positions held by physicians on such matters, is the perception that the current drug control policy which emphasizes criminalization ("The War on Drugs") hasn't been effective, has expanded incarceration in our nation in non-salutary ways, and is biased against minority citizens. There are indeed public health aspects of criminalization, but these are beyond the scope of this policy statement.

One of the suggested solutions to the problems of criminalization is legalization. In its extreme, legalization includes legal commercialization, with for-profit entities manufacturing, distributing, marketing, and wholesaling cannabis and psychoactive cannabis products for retail sale. The image of major corporations entering “the business” of marijuana is disturbing in its similarity to the presence of major corporations in the promotion and sale of tobacco products. Quite different from a policy of legalization is a policy of decriminalization, in which possession and personal use of cannabis and cannabis products is not tied to criminal penalties. One version of decriminalization has criminal penalties for possession and personal use reduced to lesser offenses such as misdemeanors; but this still results in those convicted of possession having criminal records which can lead to lifelong discrimination against them. Another version of decriminalization would reduce penalties for possession and use to civil offenses only (non-criminal citations, “tickets,” or fines), which could be linked to contingencies that would promote public health, such as mandatory clinical assessments, health education related to substance use and substance use disorders, and referral to addiction treatment when indicated. Common models of decriminalization retain criminal penalties for distribution or importation. The nation of Portugal has drawn attention for its drug policy reforms which strive to emphasize public health, including early identification of cases of addiction and referral to clinical interventions in lieu of criminal sanctions. Comparable models for drug policy reform can mandate follow-through with required clinical assessments and escalating civil penalties for individuals who fail to comply with medical recommendations or who become habitual offenders of civil regulations addressing cannabis possession and use. ASAM’s intention in developing the current policy statement is to assist health care professionals and the general public, as well as policy makers and the media, to better appreciate current evidence about the biology and health aspects of the use of cannabis, cannabis products, and synthetic cannabinoids. The overall response of American society to cannabis use is undeniably relevant to the medical and public health communities as they address the health aspects of human use of such products.

In light of the evolving legal landscape surrounding cannabis in the United States, which is giving rise to increased availability and use of cannabis and cannabis products, ASAM’s viewpoint is that it is imperative that Americans promote and adopt public policies that protect public health and safety as well as protect the integrity of our nation’s pharmaceutical approval process, which is grounded in well-designed and executed clinical research. Currently, the legalization of cannabis in some states but not others provides a unique opportunity for a thorough investigation into the societal and public health impact of broader cannabis use. Such research is critical to inform other jurisdictions in how they can best protect and promote public health as they consider the legal status of marijuana use.

Recommendations:

A. Policy Recommendations

- 1. ASAM supports the “decriminalization” of marijuana**, which would reduce penalties for marijuana possession for personal use to civil offenses linked to contingencies, such as mandated referral to clinical assessment, educational activities, and, when indicated, formal treatment for addiction or other substance-related disorders.
- 2. ASAM does not support the legalization of marijuana and recommends that jurisdictions that have not acted to legalize marijuana be most cautious and**

not adopt a policy of legalization until more can be learned from the “natural experiments” now underway in jurisdictions that have legalized marijuana.

3. **ASAM recommends that jurisdictions that have already legalized marijuana or that may act to legalize it in the future implement the following public health and safety measures to minimize potential harms to vulnerable populations.** ASAM encourages addiction medicine physicians to champion the implementation of these safeguards in all jurisdictions where marijuana has been legalized or may be legalized in the future.
 - a. Prohibit the legal sale of marijuana products to anyone younger than 25 years of age.
 - b. Prohibit marketing and advertising to youth, akin to the current restrictions on tobacco product advertising.
 - c. Require that products made available for retail sale be tested for potency and clearly labeled with THC content.
 - d. Require rotating warning labels to be placed on all marijuana and marijuana products not approved by the U.S. Food and Drug Administration (FDA) which are offered for sale in retail outlets, stating, “Marijuana use increases the risk of serious problems with mental and physical health, including addiction,” or “Marijuana should not be used by pregnant women or persons under age 25,” or “Marijuana should not be used by persons prior to operating motor vehicles and heavy machinery.”
 - e. Require that marijuana products (such as edibles and beverages) be sold only in child-proof packaging and be accompanied by the mandatory distribution of educational flyers regarding the risks of overdose and poisoning in cases of accidental ingestion by children or household pets.
 - f. Earmark taxes placed on marijuana and marijuana product sales, wholesale or retail, such that a majority of tax revenues are required to be devoted to public education about addiction, prevention of addiction, health effects of cannabis and synthetic cannabinoid use, prevention of initiation of cannabis and cannabinoid use by youth, addiction treatment, or research on the health risks and potential benefits of marijuana, “natural” cannabinoids, and synthetic cannabinoids.
 - g. Limit marijuana and marijuana product sales to state-operated outlets, akin to Alcohol Beverage Control regulations existing in several states and Canadian provinces, which preserve both public access and the potential for governmental revenues linked to sales, while limiting the broad commercialization of public sale of potentially harmful but brain-rewarding products.
 - h. Implement public awareness campaigns which highlight the risks of marijuana use to discourage vulnerable populations, including youth (i.e., adolescents and young adults), individuals with mental illness, and those with a history of addiction involving alcohol or other drugs, from using marijuana products.

4. **ASAM supports the use of cannabinoids and cannabis for medicinal purposes only when governed by appropriate safety and monitoring regulations, such as those established by the FDA research and post-marketing surveillance processes.**
 - a. ASAM supports the medicinal use of pharmaceuticals that contain cannabinoids that have gone through the FDA-approval process.
 - b. ASAM asserts that cannabis, cannabis-based products, and cannabis delivery devices should be subject to the same safety and efficacy standards that are applicable to other prescription medications and medical devices.⁵² Such products should not be distributed or otherwise provided to patients unless and until they have received marketing approval from the FDA.
 - c. In general, any product purported to be medicine should have the appearance of medicine, such as a pill, capsule or wafer, and should not appear to be candy or food.
 - d. Physicians who recommend marijuana use to patients should do so within the context of a patient-physician relationship that includes the creation of a medical record, and follow-up visits to assess the results of physician-recommended clinical interventions so that treatment plans can be amended, as indicated.
 - e. ASAM rejects smoking as a means of drug delivery.
5. **ASAM does not support the legalization of synthetic cannabinoid receptor agonists.** ASAM supports the establishment of legal controls on the manufacture and sale of synthetic cannabinoid receptor agonist compounds within the framework of controlled substances laws for other highly addictive compounds.

B. Clinical Recommendations

1. **ASAM recommends that addiction medicine physicians and other clinicians educate their patients about the known medical risks of marijuana use,** including the use of and accidental exposure to edible products, and the risks of use of synthetic cannabinoid receptor agonists.
2. **ASAM recommends a significant expansion of opportunities for youth with cannabis use disorder to receive medically necessary treatment** as well as for youth to receive appropriate clinical preventive services related to cannabis use, and that private and public insurance coverage be available for youth to be able to access such services.
3. **ASAM supports the consensus of most addiction professionals that clinicians should counsel persons suffering from addiction about the need for abstinence from marijuana and synthetic cannabinoids and the role of cannabis and cannabinoid use in precipitating relapse,** even if the original drug involved in their addiction is a substance other than marijuana.

4. **ASAM supports the expanded establishment of clinical entities such as Student Assistance Programs in middle schools, high schools, and post-secondary schools, including professional schools, which offer health promotion approaches and support services to persons, especially youth, who have been identified as having cannabis or cannabinoid use disorder or other unhealthy use of such substances.**
5. **ASAM recommends that medical professional societies educate the public, the media, and public policy makers that there is no such thing as a legal “prescription” for marijuana and that laws enacted to date provide for physicians to authorize “permits” for use and possession and nothing more.**

C. Professionalism Recommendations

1. **ASAM asserts that in states where physicians are placed in the gate-keeping role of authorizing marijuana use permits, professional licensure authorities should take steps to ensure that physicians who choose to discuss the medical use of cannabis and cannabis-based products with patients:**
 - a. Are able to have good-faith discussions with patients without conversations on such topics between clinicians and patients being considered illegal or unprofessional acts.
 - b. Adhere to the established professional tenets of proper patient care, including
 - i. History-taking and good faith examination of the patient;
 - ii. Development of a treatment plan with clinical objectives;
 - iii. Provision of informed consent, including discussion of potential adverse drug effects from use;
 - iv. Periodic review of the treatment’s efficacy;
 - v. Consultation, as necessary, with other clinical colleagues; and
 - vi. Proper record keeping that supports the clinical decision to recommend the use of cannabis.
 - c. Have a *bona fide* patient-physician relationship with the patient, i.e., should establish an ongoing relationship with the patient as a treating physician when there is not a pre-existing relationship, and should offer recommendations regarding the use of marijuana within the context of other indicated treatment for the patient’s condition; they should not offer themselves to the public as solely a permit-authorizing individual;
 - d. Ensure that the issuance of “recommendations” is not a disproportionately large aspect of their practice;
 - e. Have adequate training in identifying addiction and unhealthy substance use.

D. Research Recommendations

1. **ASAM supports research on marijuana, the various cannabinoids present in marijuana, and synthetic cannabinoid agonists and**

antagonists, including both basic science and applied clinical studies, as well as the development of pharmaceutical-grade cannabinoids. The mechanisms of action of marijuana and its constituent compounds, its effect on the human body, its addictive properties, and any appropriate medical applications should be investigated, and the results made known for clinical and policy applications. Research should be expanded on functional impairments associated with use of cannabis and related substances including effects on driving, how to distinguish impaired driving due to cannabinoids from impaired driving due to other factors, and effects on educational and occupational performance.

- a. Research should receive increased funding and appropriate access to marijuana for study.
 - i. ASAM recognizes that research into the medical benefits of marijuana is not within the remit of the National Institute on Drug Abuse (NIDA) and encourages other NIH institutes to sponsor additional research on the potential medicinal properties of cannabis and cannabinoids related to specific disease states.
 - ii. ASAM supports the expansion of NIH-approved research sites to grow different strains of marijuana with varying composition and concentration of specific cannabinoids. Thus, ASAM believes NIH should be able to grant multiple contracts to grow marijuana for research purposes.

2. **ASAM recommends that the federal and state governments establish robust health surveillance related to marijuana use.** The data should be made available to public health and health policy researchers to understand the public health impact of marijuana use as well as the relative effectiveness of different policy levers to discourage use among vulnerable populations, especially adolescents and young adults, persons with mental illness, and persons with pre-existing substance use disorders.

Adopted by the ASAM Board of Directors September 21, 2015.

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Marijuana Ord 16-06

February 8, 2016

Honorable Mayor and Esteemed Homer City Council

My name is Patrick Brown, Chair – Homer Economic Development Advisory Commission. I am responsible to provide sound economic advice to Council.

The facts are in: I vote to support Ordinance 16-06 Prohibiting Commercial Marijuana Activities. Changing the name of Marijuana to more respectable “Cannabis” does not alter its evil and negative ECONOMIC effects.

Homer prides itself on being the art capital of Alaska encouraging tourism from around the world. This past year has been our best in over a decade. The commitment from our community to enhance our art and culture presence including new building projects will be unattainable and not funded if this commercial drug business is implemented here. Tarnishing our Homer reputation by advocating our clean art capital become drug induced, drug promoted and drug supported is the wrong tourist ECONOMIC choice. Tourism in “drug states” WA, OR and CO are starting to decline and research indicates several factors including hard economic times and security and peace of mind. Other locations especially in Mexico steer clear of any “drug scenes” due to liability and safety. Passenger Cruise Ships and other tourist transportation systems will be held responsible, liable and forced to implement drug prevention programs to keep federally illegal drugs off their vessels leaving Homer. TSA Stations at the airport, docks and other locations paid by the City of Homer. One of our council members stated he preferred marijuana use over alcohol as it does not affect the person using it.

East Germany is the greatest example of a legalized drug culture nation. East Germany as the progressive, (socialist) government legalized all drugs as free, POT was preferred. The average EG Gross Domestic Product was \$30 Billion, the same as Vermont. West Germany the 4th most powerful economic nation in the world invested nearly \$2 Trillion USD to restore their nation and rescue their lost generation. When the Wall came down in 1991, their total investment equals one fifth of our national debt to restore their people. Does a legalized drug induced society make a difference? One of two greatest sources of Alaska air pollution is East German industry.

Law enforcement costs are increased in commercialized states due to drug related crime observed in San Francisco, Seattle and Denver. Observe the increased cost of security and compliance. Research the economic impacts for cancelled concerts and other public events since public federal illegal drug use at these events is a liability.

Health costs increased \$1 Million USD per year in one CO city for Paramedic rescue calls for drug overdoses. Hospital emergency rooms are swamped by new drug induced patients actually denying critical services to other patients, and some patients have died awaiting their turn. These costs are added and redirected to city budgets while the hospitals incur these non-recoverable costs. As non-profit businesses, hospitals are reducing their services and moving.

Cities report increased DUI accidents and deaths. The economic liability is similar to bars and clubs allowing DUI patrons to leave and later causing "accidents!" The establishments are sued! The City is vulnerable and certainly the businesses are liable. Promoting a federal illegal drug is way different than alcohol which is legal under federal law. Establishments are successfully sued for alcohol overindulgence and how will we implement, monitor and pay for a marijuana safety program to ensure tolerance levels and performance?

Increased illegal youth marketing including candy are documented. Schools are restricting DARE Campaigns since the logic is "knowledge about the drug will encourage use."

Ask any pharmaceutical company the cost of regulated Quality Control and failure of compliance when a worker "accidentally" messes up. Look at what 8 tainted bottles of over the counter Tylenol did to American medical and pharmaceutical industries? Are workers at marijuana facilities ZERO TOLERANCE? How do you ensure quality compliance and safety production? How will these costs be paid?

Check any government program for infrastructure costs to implement, execute and monitor a program. The Alaska PDF is a great example of administration costs for our free royalty money each year. The taxpayer always pays directly and indirectly!

Ask Haven House the #1 cause of abuse – alcohol and marijuana. Domestic violence, poverty, homelessness, date rape, unplanned pregnancies, and lack of productivity in the workplace are the documented results for these hidden costs.

The greatest deceit is the “Tax Myth as this industry will create millions of dollars for our coffers!” One great assumption is every dealer will pay their fair share of taxes. How will this be enforced and what will be the cost? As a federally illegal substance, there is no financial program available to assist this type of business. The restrictions make it improbable for startup operations to begin, incur all these costs and be a profitable business. Ask the Small Business Administration. It is an unsustainable business model.

For every dollar provided as tax revenue there are hidden costs for administration, enforcement, increased medical and social impacts. As an example, alcohol “hidden costs” are estimated at \$224 Billion USD each year for this \$198 Billion Retail Industry. Net loss to society is -\$26 BILLION USD PER YEAR plus the destruction of families and society. We do not know the ECONOMIC costs of legalized marijuana on our city, borough and state systems. Since President Obama stated Marijuana is only as bad as alcohol, will the costs be similar?

Marijuana is a federally controlled substance. Back in 1987 an Amtrak collision with a freight train occurred in Chase, Maryland. In that accident, investigators concluded that a Conrail freight train engineer was under the influence of MARIJUANA and ran three signals before colliding with the passenger train, killing 16. Anyone who stated marijuana does not affect the senses is deceived and this resulted in the ZERO TOLERANCE program and added costs of testing and administration.

Employment in health, communication, transportation, energy, housing, and food industries require ZERO TOLERANCE. Individuals who cannot obtain employment end up on social welfare rolls. Taxpayers are subsidizing their unwise decisions and behavior creating an unproductive economic class of “Takers!” In some communities such as San Francisco where legal medical marijuana has been available for several years, nearly 50% of residents are on social welfare and not worked in years. ENTITLEMENT IS NOT OK ECONOMICALLY!

Columbia and Mexico are countries where drugs rule. Gang wars fight, steal, kill and destroy for market share including brutal beheadings just as ISIS does. Thousands are killed, millions in fear and poverty stealing disposable incomes.

The legal Marijuana business is a zero sum game worse than the lottery and casinos economically and socially. Elected officials and administrations deciding critical policy issues should not be under fuzzy logic influence and clouded minds. I contest each member of a council or commission having powers to effect policy in our city should be held accountable for their actions including drug testing. The Emotional Minority is the tail wagging the dog. ARF!

There have been laws on the books since the 80's in Alaska for personal use of marijuana for medical and recreation. What this ordinance does is prohibit the commercial operations of marijuana saving our Homer MILLIONS OF DOLLARS ECONOMICALLY from costs, fees and liabilities to our residents. It is the good and the right thing to do!

Wasilla has taken the bold step to protect the good of its citizens by saying no to commercial marijuana operations. The Kenai Borough cities of Kenai, Soldotna, and Sterling already said no to commercial marijuana operations. Let's add Homer as a city properly concerned about its residents' future!

SUPPORT ORDINANCE 16-06 AS THE RIGHT CHOICE ECONOMICALLY!

YES! YES! YES! YES! To 16-06!

CITY OF HOMER, ALASKA Smith/Van Dyke ORDINANCE 16-06

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ENACTING HOMER CITY CODE CHAPTER 6.18, MARIJUANA ESTABLISHMENTS, PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, AND RETAIL MARIJUANA STORES IN THE CITY.

Jo Johnson

From: John Sigler <jsig123@aol.com>
Sent: Wednesday, February 17, 2016 6:32 AM
To: Jo Johnson
Subject: Ord. 16-06

This is to notify the Homer City Council that I am in favor of Ord. #16-06 prohibiting the sale and manufacture of marijuana in the city limits and against #16-04(A)(F) which would allow the above. John Sigler

Jo Johnson

From: Karen Berger/Homer Brewing Co. <homerbrew96@gmail.com>
Sent: Sunday, February 14, 2016 6:19 PM
To: Department Clerk
Subject: Opposition letter to Council

To The Homer City Council,

I am writing to oppose the current ordinances that are being proposed to prevent the sale of legal cannabis in Homer. I am in agreement with all points made by Ken Landfield in his letter to the Council, so I will not repeat what he has said. I am a business owner in this town and am governed by the Alaska Alcohol and Marijuana Control Board. Not Alcohol OR Marijuana. It would seem to me, if a community has allowed legal alcohol to be sold and taxes collected for their governing body, legal cannabis should be allowed to be sold and taxes collected as well. Having a local government select which legal, controlled and taxed product can be sold and which one cannot, is overstepping authority and voter wishes. Homer can stage itself as a progressive community and enjoy the benefits of taxation, control, safe and legal distribution of cannabis in our town and not send legal tax dollars out of the area. This is a state that voters elected the legal use cannabis. The Council needs to educate themselves fully on the benefits of cannabis use, both medical and recreational, before these broad, sweeping judgments are made to help save Homer from itself. As a voter, I do not feel a small group of local individuals are speaking for the majority of the voters that passed legal cannabis. It has been proven time and time again, prohibition does not work.

I am sorry I will not be in town for the Feb. 22nd meeting, but I am asking this letter be put in the Council's packet for consideration.

Respectfully submitted,
Karen Berger
1411 Lake Shore Dr.
Homer

This is a brief list of Documentaries about Cannabis in our world today. The information is current, valuable and factual.

1. Henry Rollins: "Ten Things You Didn't Know About Cannabis," on the History Channel
2. Dr. Sanjay Gupta: "Medical Marijuana" Series on CNN
3. "Hooked," Marijuana Series on the History Channel
4. "Grass: The History of Marijuana," narrated by Woody Harrelson
5. Also, there are countless U-Tube videos on the subject of Cannabis

Thank you, Susan Killfoile,

Member, Kachemak Cannabis Coalition and
proud resident of Anchor Point, Alaska

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-04

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.28, Marine Commercial; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities.

Sponsor: Planning Commission

1. Council Regular Meeting January 25, 2016 Introduction
 - a. Memorandum 16-016 from City Clerk as backup
 - b. Memorandum 16-017 from City Planner as backup
 - c. Commercial Cannabis Cultivation Map
 - d. Commercial Cannabis Retail and Manufacturing Map
 - e. State of Alaska Marijuana Regulations as of December 1, 2015

2. Council Regular Meeting February 8, 2016 Public Hearing and Second Reading
 - a. Ordinance 16-04(A) (as amended by Council on January 25, 2016)
 - b. Substitute Ordinance 16-04(A)(S) (Lewis)
 - c. Memorandum 16-016 from City Clerk as backup
 - d. Memorandum 16-017 from City Planner as backup
 - e. Memorandum 16-023 from City Planner as backup
 - f. Commercial Cannabis Cultivation, Retail, Testing, and Manufacturing Map
 - g. Rural Residential Cannabis Cultivation Map
 - h. State of Alaska Marijuana Regulations as of December 1, 2015 (see January 25, 2016 council packet)

3. Council Regular Meeting February 22, 2016 Reconsideration, Public Hearing and Second Reading
 - a. Substitute Ordinance 16-04(A)(S) (Lewis)
 - b. Substitute Ordinance 16-04(A)(S-2) (Mayor)
 - c. Memorandum 16-016 from City Clerk as backup
 - d. Memorandum 16-017 from City Planner as backup
 - e. Memorandum 16-023 from City Planner as backup

- f. Memorandum 16-032 from City Clerk as backup
- g. Memorandum 16-036 from Police Chief as backup
- h. Memorandum 16-037 from Police Chief and Fire Chief as backup
- i. Commercial Cannabis Cultivation, Retail, Testing, and Manufacturing Map
- j. Rural Residential Cannabis Cultivation Map
- k. State of Alaska Marijuana Regulations as of December 1, 2015 (see January 25, 2016 council packet)

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

Lewis

3
4 **ORDINANCE 16-04(A)(S)**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING **HOMER CITY CODE 21.12, RURAL RESIDENTIAL;**
8 HOMER CITY CODE 21.18, CENTRAL BUSINESS DISTRICT; HOMER
9 CITY CODE 21.24, GENERAL COMMERCIAL 1; HOMER CITY CODE
10 21.26, GENERAL COMMERCIAL 2; HOMER CITY CODE 21.27, EAST
11 END MIXED USE; HOMER CITY CODE 21.40 TO IDENTIFY THE
12 ZONING DISTRICTS PERMITTING MARIJUANA FACILITIES AND
13 ADOPTING CHAPTER 21.62 ENTITLED "MARIJUANA FACILITIES"
14 REGARDING GENERAL LAND USE REQUIREMENTS FOR
15 MARIJUANA CULTIVATION, MANUFACTURING, TESTING, AND
16 RETAIL FACILITIES.

17
18 WHEREAS, It is in the City's best interest to draft comprehensive regulations regarding
19 the use of property within the City to cultivate, manufacturer marijuana or to operate a retail
20 store selling marijuana; and

21
22 WHEREAS, The City is dedicated to drafting regulations that prevent the distribution of
23 marijuana to minors; prevents revenue from the sale of marijuana from going to criminal
24 enterprises, gangs, and cartels; prevents the diversion of marijuana from states where it is
25 legal under state law in some form to other states; prevents state-authorized marijuana
26 activity from being used as a cover or pretext for the trafficking of other illegal drugs or other
27 illegal activity; prevents violence and the use of firearms in the cultivation and distribution of
28 marijuana; prevents drugged driving and the exacerbation of other adverse public health
29 consequences associated with marijuana use; prevents the growing of marijuana on public
30 lands and the attendant public safety and environmental dangers posed by marijuana
31 production on public land; and prevents marijuana possession or use on federal property.

32
33 THE CITY OF HOMER ORDAINS:

34
35 Section 1. Homer City Code Chapter 21.12 is amended as follows

36
37 Section 21.12.020 Permitted uses and structures.

38
39 The following uses are permitted outright in the Rural Residential District:

40
41 a. Single-family dwelling;

42
43 b. Duplex dwelling;

44
[**Bold and underlined added**. Deleted language stricken through.]

- 45 c. Multiple-family dwelling, only if the structure conforms to HCC
46 21.14.040(a)(2);
47
48 d. Public parks and playgrounds;
49
50 e. Rooming house, bed and breakfast and hostel;
51
52 f. Home occupations, provided they conform to the requirements of
53 HCC 21.51.010;
54
55 g. Agricultural activities, including general farming, truck farming,
56 livestock farming, nurseries, and greenhouses; provided, that:
57
58 1. Other than normal household pets, no poultry or livestock may be
59 housed and no fenced runs may be located within 100 feet of any
60 residence other than the dwelling on the same lot;
61
62 2. No retail or wholesale business sales office is maintained on the
63 premises;
64
65 h. Private stables;
66
67 i. Private floatplane tie-down as an accessory use incidental to
68 residential use;
69
70 j. Storage of personal commercial fishing gear in a safe and orderly
71 manner and separated by at least five feet from any property line as an
72 accessory use incidental to residential use;
73
74 k. As an accessory use incidental to residential use, the private outdoor
75 storage of noncommercial equipment, including noncommercial
76 trucks, boats, and not more than one recreational vehicle in a safe and
77 orderly manner and separated by at least five feet from any property
78 line, provided no stored equipment, boat or vehicle exceeds 36 feet in
79 length;
80
81 l. Other customary accessory uses incidental to any of the permitted
82 uses listed in the RR district; provided, that no separate permit shall be
83 issued for the construction of any detached accessory building prior to
84 that of the main building;
85
86 m. Temporary (seasonal) roadside stands for the sale of produce grown
87 on the premises;

Added Deleted language stricken through.]

- 88 n. Mobile homes, subject to the requirements of HCC 21.54.100;
89
90 o. Day care homes; provided, however, that outdoor play areas must be
91 fenced;
92
93 p. Recreational vehicles, subject to the requirements of HCC 21.54.320;
94
95 q. Open space, but not including outdoor recreational facilities
96 described in HCC 21.12.030;
97
98 r. As an accessory use, one small wind energy system per lot having a
99 rated capacity not exceeding 10 kilowatts;
100
101 s. One detached dwelling unit, excluding mobile homes, as an
102 accessory building to a principal single family dwelling on a lot serviced
103 by City water and sewer services in compliance with HCC Title 14;
104
105 t. One detached dwelling unit, excluding mobile homes, as an accessory
106 building to a principal single family dwelling on a lot that is over one
107 acre and not serviced by City water and sewer services
108
109 **u. Limited marijuana cultivation facility as defined in state law**
110 **subject to the following provisions:**
111 **1. The facility shall only be located on lots greater than**
112 **20,000 square feet.**
113 **2. The facility shall comply with HCC 21.59, Off-site Impacts.**
114 **3. The facility shall be setback 50 feet from the lot line.**
115

116 Section 2. Homer City Code Chapter 21.18 is amended as follows:

117 Section 21.18.020 Permitted uses and structures.
.....

118 The following uses are permitted outright in the Central Business District,
119 except when such use requires a conditional use permit by reason of size, traffic
120 volumes, or other reasons set forth in this chapter:
.....

- 121 a. Retail business where the principal activity is the sale of merchandise
122 and incidental services in an enclosed building;
.....
123 b. Personal service establishments;
124 c. Professional offices and general business offices;
125 d. Restaurants, clubs and drinking establishments that provide food or
126 drink for consumption on the premises;

[Bold and underlined added. Deleted language stricken through.]

- 127 e. Parking lots and parking garages, in accordance with
128 Chapter 21.55 HCC;
129 f. Hotels and motels;
130 g. Mortuaries;
131 h. Single-family, duplex, and multiple-family dwellings,
132 including townhouses, but not including mobile homes;
133 i. Floatplane tie-up facilities and air charter services;
134 j. Parks;
135 k. Retail and wholesale sales of building supplies and materials, only if
136 such use, including storage of materials, is wholly contained within one
137 or more enclosed buildings;
138 l. Customary accessory uses to any of the permitted uses listed in the
139 CBD district; provided, that a separate permit shall not be issued for the
140 construction of any detached accessory building prior to that of
141 the main building;
142 m. Mobile homes, provided they conform to the requirements set forth
143 in HCC 21.54.100;
144 n. Home occupations, provided they conform to the requirements of
145 HCC 21.51.010;
146 o. Ministorage;
147 p. Apartment units located in buildings primarily devoted to business or
148 commercial uses;
149 q. Religious, cultural, and fraternal assembly;
150 r. Entertainment establishments;
151 s. Public, private and commercial schools;
152 t. Museums and libraries;
153 u. Studios;
154 v. Plumbing, heating and appliance service shops, only if such use,
155 including the storage of materials, is wholly within an
156 enclosed building;
157 w. Publishing, printing and bookbinding;
158 x. Recreational vehicle parks only if located south of the
159 Sterling Highway (Homer Bypass) from Lake Street west to the

[Bold and underlined added. Deleted language stricken through.]

160 boundary of the Central Business District abutting Webber Subdivision,
161 and from Heath Street to the west side of Lakeside Village Subdivision,
162 provided they shall conform to the standards in HCC 21.54.200 and
163 following sections;

164 y. Taxi operation limited to a dispatch office and fleet parking of no
165 more than five vehicles; maintenance of taxis must be conducted within
166 an enclosed structure, and requires prior approval by the City Planner
167 of a site, access and parking plan;

168 z. Mobile food services;

169 aa. Itinerant merchants, provided all activities shall be limited
170 to uses permitted outright under this zoning district;

171 bb. Day care homes and facilities; provided, however, that outdoor play
172 areas must be fenced;

173 cc. Rooming house, bed and breakfast and hostel;

174 dd. Auto repair and auto and trailer sales or rental areas, but only on
175 Main Street from Pioneer Avenue to the Sterling Highway,
176 excluding lots with frontage on Pioneer Avenue or the Sterling Highway,
177 subject to the following additional requirements: Vehicles awaiting
178 repair or service, inoperable vehicles, vehicles for parts, and vehicles
179 awaiting customer pickup shall be parked indoors or inside a fenced
180 enclosure so as to be concealed from view, on all sides. The fence shall
181 be a minimum height of eight feet and constructed to
182 prohibit visibility of anything inside of the enclosure. The portion of any
183 vehicle exceeding eight feet in height may be visible outside of the
184 fence. Vehicle parts (usable or unusable), vehicle service supplies, and
185 any other debris created in the repair or servicing of vehicles shall also
186 be stored indoors or inside the fenced enclosure out of view of the
187 public;

188 ee. Farmers' market;

189 ff. Dormitory;

190 gg. Financial institutions;

191 hh. As an accessory use, one small wind energy system per lot having a
192 rated capacity not exceeding 10 kilowatts;

[Bold and underlined added. Deleted language stricken through.]

193 ii. One detached dwelling unit, excluding mobile homes, as
194 an accessory building to a principal single-family dwelling on a lot.

195 **jj. Marijuana cultivation facilities, manufacturing facilities, retail**
196 **facilities, and testing facilities as defined by state law.**

197
198 Section 3. Homer City Code Chapter 21.24 is amended as follows:
199

Section 21.24.020 Permitted uses and structures.

200 The following uses are permitted outright in the General Commercial 1
201 District, except when such use requires a conditional use permit by reason of
202 size, traffic volumes, or other reasons set forth in this chapter.

- 203 a. Air charter operations and floatplane tie-up facilities;
204 b. General business offices and professional offices;
205 c. Dwelling units located in buildings primarily devoted to
206 business uses;
207 d. Auto repair;
208 e. Auto and trailer sales or rental areas;
209 f. Auto fueling stations and drive-in car washes;
210 g. Building supply and equipment sales and rentals;
211 h. Restaurants, including drive-in restaurants, clubs and drinking
212 establishments;
213 i. Garden supplies and greenhouses;
214 j. Heavy equipment and truck sales, rentals, service and repair;
215 k. Hotels and motels;
216 l. Lumberyards;
217 m. Boat and marine equipment sales, rentals, service and repair;
218 n. Mortuaries;
219 o. Open air businesses;
220 p. Parking lots and parking garages, in accordance with
221 Chapter 21.55 HCC;
222 q. Manufacturing of electronic equipment, electrical devices, pottery,
223 ceramics, musical instruments, toys, novelties, small molded products
224 and furniture;
225 r. Publishing, printing and bookbinding;

[Bold and underlined added. Deleted language stricken through.]

- 226 s. Recreation vehicle sales, rental, service and repair;
- 227 t. Retail businesses;
- 228 u. Trade, skilled or industrial schools;
- 229 v. Wholesale businesses, including storage and distribution services
- 230 incidental to the products to be sold;
- 231 w. Welding and mechanical repair;
- 232 x. Parks and open space;
- 233 y. Appliance sales and service;
- 234 z. Warehousing, commercial storage and mini-storage;
- 235 aa. Banks, savings and loans, credit unions and other financial
- 236 institutions;
- 237 bb. Customary accessory uses to any of the permitted uses listed in the
- 238 GC1 district; provided, that no separate permit shall be issued for the
- 239 construction of any type of accessory building prior to that of the main
- 240 building;
- 241 cc. Dry cleaning, laundry, and self-service laundries;
- 242 dd. Taxi operation;
- 243 ee. Mobile food services;
- 244 ff. Itinerant merchants, provided all activities shall be limited
- 245 to uses permitted outright under this zoning district;
- 246 gg. Recreational vehicle parks, provided they shall conform to the
- 247 standards in Article II of Chapter 21.54 HCC;
- 248 hh. Day care homes; provided, that a conditional use permit was
- 249 obtained for the dwelling, if required by HCC 21.24.030; all outdoor play
- 250 areas must be fenced;
- 251 ii. Rooming house and bed and breakfast;
- 252 jj. Dormitory;
- 253 kk. As an accessory use, one small wind energy system per lot.
- 254 **ll. Marijuana cultivation facilities, manufacturing facilities, retail**
- 255 **facilities, and testing facilities as defined by state law.**
- 256

257 Section 4. Homer City Code Chapter 21.26 is amended as follows:

258 Section 21.26.020 Permitted uses and structures.

[Bold and underlined added. Deleted language stricken through.]

259 The following uses are permitted outright in the General Commercial 2
260 District, except when such use requires a conditional use permit by reason of
261 size, traffic volumes, or other reasons set forth in this chapter:

- 262 a. Production, processing, assembly and packaging of fish, shellfish and
263 seafood products;
- 264 b. Construction, assembly and storage of boats and boat equipment;
- 265 c. Manufacture and assembly of pottery and ceramics, musical
266 instruments, toys, novelties, small molded products, electronic
267 instruments and equipment and electrical devices;
- 268 d. Research and development laboratories;
- 269 e. Trade, skills or industrial schools;
- 270 f. Publishing, printing and bookbinding facilities;
- 271 g. Auto, trailer, truck, recreational vehicle and heavy equipment sales,
272 rentals, service and repair, excluding storage of vehicles or equipment
273 that is inoperable or in need of repair;
- 274 h. Storage and distribution services and facilities, including truck
275 terminals, warehouses and storage buildings and yards, contractors'
276 establishments, lumberyards and sales, or similar uses;
- 277 i. Airports and air charter operations;
- 278 j. Underground bulk petroleum storage;
- 279 k. Cold storage facilities;
- 280 l. Parking lots and parking garages, in accordance with
281 Chapter 21.55 HCC;
- 282 m. Mobile commercial structures;
- 283 n. Accessory uses to the uses permitted in the GC2 district that are
284 clearly subordinate to the main use of the lot or building, such as
285 wharves, docks, restaurant or cafeteria facilities for employees; or
286 caretaker or dormitory residence if situated on a portion of the
287 principal lot; provided, that separate permits shall not be issued for the
288 construction of any type of accessory building prior to that of the main
289 building;
- 290 o. Taxi operation;
- 291 p. Mobile food services;

Added language Deleted language ~~stricken through.~~

- 292 q. Itinerant merchants, provided all activities shall be limited
293 to uses permitted outright under this zoning district;
294 r. Recreational vehicle parks, provided they shall conform to the
295 standards in Chapter 21.54 HCC;
296 s. Hotels and motels;
297 t. Dormitory;
298 u. As an accessory use, one small wind energy system per lot;
299 v. Open air business.
300 **w. Marijuana cultivation facilities, manufacturing facilities, retail**
301 **facilities, and testing facilities as defined by state law.**

302
303 Section 5. Homer City Code Chapter 21.27 is amended to read as follows:
304

305 Section 21.27.020 Permitted uses and structures.
306

307 The following uses are permitted outright in the East End Mixed Use
308 District, except when such use requires a conditional use permit by reason of
309 size, traffic volumes, or other reasons set forth in this chapter:

- 310 a. Auto, trailer, truck, recreational vehicle and heavy equipment sales,
311 rentals, service and repair;
312 b. Drive-in car washes;
313 c. Building supply and equipment sales and rentals;
314 d. Garden supplies and greenhouses;
315 e. Boat and marine equipment sales, rentals, manufacturing, storage
316 yard, service and repair;
317 f. Welding and mechanical repair;
318 g. Restaurants, including drive-in restaurants, clubs and drinking
319 establishments;
320 h. Religious, cultural, and fraternal assembly;
321 i. Studios;
322 j. Personal services;
323 k. Agricultural activities, including general farming, truck farming,
324 nurseries, tree farms and greenhouses;
325 l. Private stables;
326 m. Storage of heavy equipment, vehicles or boats;
327 n. Plumbing, heating and appliance service shops;
328 o. Home occupations on a lot whose principal permitted use is
329 residential, provided they conform to the requirements of HCC
330 21.51.010;
331 p. Mortuaries and crematoriums;

Added language. ~~Deleted language stricken through.~~

- 332 q. Open air businesses;
333 r. Parking lots and parking garages, in accordance with Chapter 21.55
334 HCC;
335 s. Manufacturing, fabrication and assembly;
336 t. Retail businesses;
337 u. Trade, skilled or industrial schools;
338 v. Wholesale businesses, including storage and distribution services
339 incidental to the products to be sold;
340 w. Parks and open space;
341 x. Warehousing, commercial storage and mini-storage;
342 y. Recreational vehicles, subject to the standards in HCC 21.54.320(a),
343 (b) and (c);
344 z. Dry cleaning, laundry, and self-service laundries;
345 aa. Mobile food services;
346 bb. As an accessory use, one small wind energy system per lot;
347 cc. Production, processing, assembly and packaging of fish, shellfish
348 and seafood products;
349 dd. Research and development laboratories;
350 ee. Storage and distribution services and facilities, including truck
351 terminals, warehouses and storage buildings and yards, contractors'
352 establishments, lumberyards and sales, or similar uses;
353 ff. Cold storage facilities;
354 gg. Mobile commercial structures;
355 hh. Single-family and duplex dwellings, only as an accessory use
356 incidental to a permitted principal use; provided, that no permit shall
357 be issued for the construction of an accessory dwelling prior to the
358 establishment of the principal use;
359 ii. The repair, replacement, reconstruction or expansion of a single-
360 family or duplex dwelling, including a mobile home, that existed
361 lawfully before its inclusion in the GC1, GC2 or EEMU zoning districts,
362 notwithstanding any provision of Chapter 21.61 HCC to the contrary;
363 provided, that a mobile home may not be used to replace or expand
364 such a dwelling;
365 jj. Customary accessory uses to any of the uses permitted in the EEMU
366 district that are clearly subordinate to the main use of the lot or
367 building, including without limitation wharves, docks, storage facilities,
368 restaurant or cafeteria facilities for employees; or caretaker or
369 employee dormitory residence if situated on a portion of the same lot
370 as the principal use; provided, that no permit shall be issued for the
371 construction of any type of accessory building prior to the
372 establishment of the principal use;
373 kk. Taxi operation;
374 ll. Itinerant merchants, provided all activities shall be limited to uses

Added language Deleted language stricken through.

375 permitted outright under this zoning district;
376 mm. More than one building containing a permitted principal use on a
377 lot;
378 nn. The outdoor harboring or keeping of dogs, small animals and fowl
379 as an accessory use to a residential use in a manner consistent with the
380 requirements of all other provisions of the Homer City Code and as long
381 as such animals are pets of the residents of the dwelling and their
382 numbers are such as not to unreasonably annoy or disturb occupants of
383 neighboring property.

384 **oo. Marijuana cultivation facilities, manufacturing facilities, retail**
385 **facilities, and testing facilities as defined by state law.**
386

387 Section 6. Chapter 21.62 is hereby enacted as follows:
388

389 **Chapter 21.62**

390
391 **Marijuana Cultivation, Manufacturing, Retail, and Testing Facilities**
392

393 **Sections:**

394 **21.62.010 Scope.**

395 **21.62.020 Intent**

396 **21.62.030 Definitions**

397 **21.62.040 Pre-application conference.**

398 **21.62.050 Costs**

399 **21.62.060 Safety and Security Plan**

400 **21.62.070 Buffers.**

401 **21.62.080 General restrictions on all marijuana facilities.**
402

403 **21.62.010 Scope**

404
405 **a. This chapter applies to the operation of all marijuana cultivation,**
406 **manufacturing, retail, and testing facilities within the city boundaries.**
407

408 **b. This chapter in no way protects marijuana facilities from enforcement of**
409 **federal law nor is it intended to sanction conduct or operations prohibited by**
410 **law. All persons engaged in the marijuana industry within the city operate at**
411 **their own risk and have no legal recourse against the City in the event that city**
412 **laws are preempted, negated or otherwise found unenforceable based upon**
413 **federal law prohibiting the sale, distribution, consumption or possession of**
414 **marijuana.**
415

416 **21.62.020 Intent**
417

[**Bold and underlined added.** Deleted language stricken through.]

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a. This chapter is intended to impose regulations that prevent:

- 1. The distribution of marijuana to minors;**
- 2. Revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;**
- 3. The diversion of marijuana from states where it is legal under state law in some form to other states where it is unlawful;**
- 4. State-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;**
- 5. Violence and the use of firearms in the cultivation and distribution of marijuana;**
- 6. Drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;**
- 7. The growing of marijuana on public lands and the attendant public safety and environmental dangers posted by marijuana production on public land; and**
- 8. Marijuana possession or use on federal property.**

21.62.030 Definitions [reserved]

21.62.040 Pre-application Conference.

21.57.050 Costs.

The cost of all permits, studies and investigation required under this chapter shall be borne by the applicant.

When Title 21 requires a conditional use permit for a marijuana facility, the applicant must meet with the City Planner to discuss the conditional use permit process and any issues that may affect the proposed conditional use. This meeting is to provide for an exchange of general and preliminary information only and no statement made in such meeting by either the applicant or the City Planner shall be regarded as binding or authoritative for the purposes of this title.

21.62.060 Safety and Security Plan

A conditional use permit for a marijuana facility required by this title shall include an analysis of the ways in which the intent and purpose of this chapter have been met and the safety concerns identified in Sections 21.62.010 and 21.62.020 will be addressed.

[Bold and underlined added. Deleted language stricken through.]

504
505 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
506 _____ 2016.

507
508 CITY OF HOMER

509
510
511 _____
512 MARY E. WYTHE, MAYOR

513 ATTEST:

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515
516 _____
517 JO JOHNSON, MMC, CITY CLERK

518
519 AYES:

520 NOES:

521 ABSTAIN:

522 ABSENT:

523
524
525
526 First Reading:

527 Public Reading:

528 Second Reading:

529 Effective Date:

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531
532
533 Reviewed and approved as to form:

534
535 _____
536 Mary K. Koester, City Manager

535 _____
536 Thomas F. Klinkner, City Attorney

537
538 Date: _____

Date: _____

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**CITY OF HOMER
HOMER, ALASKA**

Mayor

ORDINANCE 16-04(A)(S-2)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING **HOMER CITY CODE 21.12, RURAL RESIDENTIAL;** HOMER CITY CODE 21.18, CENTRAL BUSINESS DISTRICT; HOMER CITY CODE 21.24, GENERAL COMMERCIAL 1; HOMER CITY CODE 21.26, GENERAL COMMERCIAL 2; HOMER CITY CODE 21.27, EAST END MIXED USE; HOMER CITY CODE 21.40 TO IDENTIFY THE ZONING DISTRICTS PERMITTING MARIJUANA FACILITIES AND ADOPTING CHAPTER 21.62 ENTITLED “MARIJUANA FACILITIES” REGARDING GENERAL LAND USE REQUIREMENTS FOR MARIJUANA CULTIVATION, MANUFACTURING, TESTING, AND RETAIL FACILITIES **TO BE EFFECTIVE ONLY UPON CERTIFICATION OF A MAJORITY VOTE REJECTING THE PROPOSITION TO PROHIBIT MARIJUANA ESTABLISHMENTS IN THE CITY AT THE GENERAL ELECTION TO BE HELD IN THE CITY ON OCTOBER 4, 2016.**

WHEREAS, It is in the City’s best interest to draft comprehensive regulations regarding the use of property within the City to cultivate, manufacturer marijuana or to operate a retail store selling marijuana; and

WHEREAS, The City is dedicated to drafting regulations that prevent the distribution of marijuana to minors; prevents revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; prevents the diversion of marijuana from states where it is legal under state law in some form to other states; prevents state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; prevents violence and the use of firearms in the cultivation and distribution of marijuana; prevents drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; prevents the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public land; and prevents marijuana possession or use on federal property.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.12 is amended as follows

Section 21.12.020 Permitted uses and structures.

The following uses are permitted outright in the Rural Residential District:

[Bold and underlined added] Deleted language stricken through.]

- 45 a. Single-family dwelling;
46
47 b. Duplex dwelling;
48
49 c. Multiple-family dwelling, only if the structure conforms to HCC
50 21.14.040(a)(2);
51
52 d. Public parks and playgrounds;
53
54 e. Rooming house, bed and breakfast and hostel;
55
56 f. Home occupations, provided they conform to the requirements of
57 HCC 21.51.010;
58
59 g. Agricultural activities, including general farming, truck farming,
60 livestock farming, nurseries, and greenhouses; provided, that:
61
62 1. Other than normal household pets, no poultry or livestock may be
63 housed and no fenced runs may be located within 100 feet of any
64 residence other than the dwelling on the same lot;
65
66 2. No retail or wholesale business sales office is maintained on the
67 premises;
68
69 h. Private stables;
70
71 i. Private floatplane tie-down as an accessory use incidental to
72 residential use;
73
74 j. Storage of personal commercial fishing gear in a safe and orderly
75 manner and separated by at least five feet from any property line as an
76 accessory use incidental to residential use;
77
78 k. As an accessory use incidental to residential use, the private outdoor
79 storage of noncommercial equipment, including noncommercial
80 trucks, boats, and not more than one recreational vehicle in a safe and
81 orderly manner and separated by at least five feet from any property
82 line, provided no stored equipment, boat or vehicle exceeds 36 feet in
83 length;
84
85 l. Other customary accessory uses incidental to any of the permitted
86 uses listed in the RR district; provided, that no separate permit shall be

Added language Deleted language ~~stricken through.~~

87 issued for the construction of any detached accessory building prior to
88 that of the main building;

89
90 m. Temporary (seasonal) roadside stands for the sale of produce grown
91 on the premises;

92 n. Mobile homes, subject to the requirements of HCC 21.54.100;

93
94 o. Day care homes; provided, however, that outdoor play areas must be
95 fenced;

96
97 p. Recreational vehicles, subject to the requirements of HCC 21.54.320;

98
99 q. Open space, but not including outdoor recreational facilities
100 described in HCC 21.12.030;

101
102 r. As an accessory use, one small wind energy system per lot having a
103 rated capacity not exceeding 10 kilowatts;

104
105 s. One detached dwelling unit, excluding mobile homes, as an
106 accessory building to a principal single family dwelling on a lot serviced
107 by City water and sewer services in compliance with HCC Title 14;

108
109 t. One detached dwelling unit, excluding mobile homes, as an accessory
110 building to a principal single family dwelling on a lot that is over one
111 acre and not serviced by City water and sewer services

112
113 **u. Limited marijuana cultivation facility as defined in state law**
114 **subject to the following provisions:**

115 **1. The facility shall only be located on lots greater than**
116 **20,000 square feet.**

117 **2. The facility shall comply with HCC 21.59, Off-site Impacts.**

118 **3. The facility shall be setback 50 feet from the lot line.**

119
120 Section 2. Homer City Code Chapter 21.18 is amended as follows:

121 Section 21.18.020 Permitted uses and structures.

122 The following uses are permitted outright in the Central Business District,
123 except when such use requires a conditional use permit by reason of size, traffic
124 volumes, or other reasons set forth in this chapter:

125 a. Retail business where the principal activity is the sale of merchandise
126 and incidental services in an enclosed building;

127 b. Personal service establishments;

[Bold and underlined added. Deleted language stricken through.]

- 128 c. Professional offices and general business offices;
129 d. Restaurants, clubs and drinking establishments that provide food or
130 drink for consumption on the premises;
131 e. Parking lots and parking garages, in accordance with
132 Chapter 21.55 HCC;
133 f. Hotels and motels;
134 g. Mortuaries;
135 h. Single-family, duplex, and multiple-family dwellings,
136 including townhouses, but not including mobile homes;
137 i. Floatplane tie-up facilities and air charter services;
138 j. Parks;
139 k. Retail and wholesale sales of building supplies and materials, only if
140 such use, including storage of materials, is wholly contained within one
141 or more enclosed buildings;
142 l. Customary accessory uses to any of the permitted uses listed in the
143 CBD district; provided, that a separate permit shall not be issued for the
144 construction of any detached accessory building prior to that of
145 the main building;
146 m. Mobile homes, provided they conform to the requirements set forth
147 in HCC 21.54.100;
148 n. Home occupations, provided they conform to the requirements of
149 HCC 21.51.010;
150 o. Ministorage;
151 p. Apartment units located in buildings primarily devoted to business or
152 commercial uses;
153 q. Religious, cultural, and fraternal assembly;
154 r. Entertainment establishments;
155 s. Public, private and commercial schools;
156 t. Museums and libraries;
157 u. Studios;
158 v. Plumbing, heating and appliance service shops, only if such use,
159 including the storage of materials, is wholly within an
160 enclosed building;

Added Deleted language stricken through.]

- 161 w. Publishing, printing and bookbinding;
- 162 x. Recreational vehicle parks only if located south of the
- 163 Sterling Highway (Homer Bypass) from Lake Street west to the
- 164 boundary of the Central Business District abutting Webber Subdivision,
- 165 and from Heath Street to the west side of Lakeside Village Subdivision,
- 166 provided they shall conform to the standards in HCC 21.54.200 and
- 167 following sections;
- 168 y. Taxi operation limited to a dispatch office and fleet parking of no
- 169 more than five vehicles; maintenance of taxis must be conducted within
- 170 an enclosed structure, and requires prior approval by the City Planner
- 171 of a site, access and parking plan;
- 172 z. Mobile food services;
- 173 aa. Itinerant merchants, provided all activities shall be limited
- 174 to uses permitted outright under this zoning district;
- 175 bb. Day care homes and facilities; provided, however, that outdoor play
- 176 areas must be fenced;
- 177 cc. Rooming house, bed and breakfast and hostel;
- 178 dd. Auto repair and auto and trailer sales or rental areas, but only on
- 179 Main Street from Pioneer Avenue to the Sterling Highway,
- 180 excluding lots with frontage on Pioneer Avenue or the Sterling Highway,
- 181 subject to the following additional requirements: Vehicles awaiting
- 182 repair or service, inoperable vehicles, vehicles for parts, and vehicles
- 183 awaiting customer pickup shall be parked indoors or inside a fenced
- 184 enclosure so as to be concealed from view, on all sides. The fence shall
- 185 be a minimum height of eight feet and constructed to
- 186 prohibit visibility of anything inside of the enclosure. The portion of any
- 187 vehicle exceeding eight feet in height may be visible outside of the
- 188 fence. Vehicle parts (usable or unusable), vehicle service supplies, and
- 189 any other debris created in the repair or servicing of vehicles shall also
- 190 be stored indoors or inside the fenced enclosure out of view of the
- 191 public;
- 192 ee. Farmers' market;
- 193 ff. Dormitory;

[Bold and underlined added. Deleted language stricken through.]

- 194 gg. Financial institutions;
- 195 hh. As an accessory use, one small wind energy system per lot having a
- 196 rated capacity not exceeding 10 kilowatts;
- 197 ii. One detached dwelling unit, excluding mobile homes, as
- 198 an accessory building to a principal single-family dwelling on a lot.
- 199 **jj. Marijuana cultivation facilities, manufacturing facilities, retail**
- 200 **facilities, and testing facilities as defined by state law.**

201

202 Section 3. Homer City Code Chapter 21.24 is amended as follows:

203

204 Section 21.24.020 Permitted uses and structures.

205 The following uses are permitted outright in the General Commercial 1

206 District, except when such use requires a conditional use permit by reason of

207 size, traffic volumes, or other reasons set forth in this chapter.

208

- 209 a. Air charter operations and floatplane tie-up facilities;
- 210 b. General business offices and professional offices;
- 211 c. Dwelling units located in buildings primarily devoted to
- 212 business uses;
- 213 d. Auto repair;
- 214 e. Auto and trailer sales or rental areas;
- 215 f. Auto fueling stations and drive-in car washes;
- 216 g. Building supply and equipment sales and rentals;
- 217 h. Restaurants, including drive-in restaurants, clubs and drinking
- 218 establishments;
- 219 i. Garden supplies and greenhouses;
- 220 j. Heavy equipment and truck sales, rentals, service and repair;
- 221 k. Hotels and motels;
- 222 l. Lumberyards;
- 223 m. Boat and marine equipment sales, rentals, service and repair;
- 224 n. Mortuaries;
- 225 o. Open air businesses;
- 226 p. Parking lots and parking garages, in accordance with
- 227 Chapter 21.55 HCC;

[Bold and underlined added. Deleted language stricken through.]

- 226 q. Manufacturing of electronic equipment, electrical devices, pottery,
227 ceramics, musical instruments, toys, novelties, small molded products
228 and furniture;
229 r. Publishing, printing and bookbinding;
230 s. Recreation vehicle sales, rental, service and repair;
231 t. Retail businesses;
232 u. Trade, skilled or industrial schools;
233 v. Wholesale businesses, including storage and distribution services
234 incidental to the products to be sold;
235 w. Welding and mechanical repair;
236 x. Parks and open space;
237 y. Appliance sales and service;
238 z. Warehousing, commercial storage and mini-storage;
239 aa. Banks, savings and loans, credit unions and other financial
240 institutions;
241 bb. Customary accessory uses to any of the permitted uses listed in the
242 GC1 district; provided, that no separate permit shall be issued for the
243 construction of any type of accessory building prior to that of the main
244 building;
245 cc. Dry cleaning, laundry, and self-service laundries;
246 dd. Taxi operation;
247 ee. Mobile food services;
248 ff. Itinerant merchants, provided all activities shall be limited
249 to uses permitted outright under this zoning district;
250 gg. Recreational vehicle parks, provided they shall conform to the
251 standards in Article II of Chapter 21.54 HCC;
252 hh. Day care homes; provided, that a conditional use permit was
253 obtained for the dwelling, if required by HCC 21.24.030; all outdoor play
254 areas must be fenced;
255 ii. Rooming house and bed and breakfast;
256 jj. Dormitory;
257 kk. As an accessory use, one small wind energy system per lot.

[Bold and underlined added. Deleted language stricken through.]

258 **II. Marijuana cultivation facilities, manufacturing facilities, retail**
259 **facilities, and testing facilities as defined by state law.**
260

261 Section 4. Homer City Code Chapter 21.26 is amended as follows:

262 Section 21.26.020 Permitted uses and structures.

263 The following uses are permitted outright in the General Commercial 2
264 District, except when such use requires a conditional use permit by reason of
265 size, traffic volumes, or other reasons set forth in this chapter:

- 266 a. Production, processing, assembly and packaging of fish, shellfish and
267 seafood products;
- 268 b. Construction, assembly and storage of boats and boat equipment;
- 269 c. Manufacture and assembly of pottery and ceramics, musical
270 instruments, toys, novelties, small molded products, electronic
271 instruments and equipment and electrical devices;
- 272 d. Research and development laboratories;
- 273 e. Trade, skills or industrial schools;
- 274 f. Publishing, printing and bookbinding facilities;
- 275 g. Auto, trailer, truck, recreational vehicle and heavy equipment sales,
276 rentals, service and repair, excluding storage of vehicles or equipment
277 that is inoperable or in need of repair;
- 278 h. Storage and distribution services and facilities, including truck
279 terminals, warehouses and storage buildings and yards, contractors'
280 establishments, lumberyards and sales, or similar uses;
- 281 i. Airports and air charter operations;
- 282 j. Underground bulk petroleum storage;
- 283 k. Cold storage facilities;
- 284 l. Parking lots and parking garages, in accordance with
285 Chapter 21.55 HCC;
- 286 m. Mobile commercial structures;
- 287 n. Accessory uses to the uses permitted in the GC2 district that are
288 clearly subordinate to the main use of the lot or building, such as
289 wharves, docks, restaurant or cafeteria facilities for employees; or
290 caretaker or dormitory residence if situated on a portion of the
291 principal lot; provided, that separate permits shall not be issued for the

[Bold and underlined added. Deleted language stricken through.]

- 292 construction of any type of accessory building prior to that of the main
293 building;
294 o. Taxi operation;
295 p. Mobile food services;
296 q. Itinerant merchants, provided all activities shall be limited
297 to uses permitted outright under this zoning district;
298 r. Recreational vehicle parks, provided they shall conform to the
299 standards in Chapter 21.54 HCC;
300 s. Hotels and motels;
301 t. Dormitory;
302 u. As an accessory use, one small wind energy system per lot;
303 v. Open air business.
304 **w. Marijuana cultivation facilities, manufacturing facilities, retail**
305 **facilities, and testing facilities as defined by state law.**

306
307 Section 5. Homer City Code Chapter 21.27 is amended to read as follows:
308

309 Section 21.27.020 Permitted uses and structures.

310
311 The following uses are permitted outright in the East End Mixed Use
312 District, except when such use requires a conditional use permit by reason of
313 size, traffic volumes, or other reasons set forth in this chapter:

- 314 a. Auto, trailer, truck, recreational vehicle and heavy equipment sales,
315 rentals, service and repair;
316 b. Drive-in car washes;
317 c. Building supply and equipment sales and rentals;
318 d. Garden supplies and greenhouses;
319 e. Boat and marine equipment sales, rentals, manufacturing, storage
320 yard, service and repair;
321 f. Welding and mechanical repair;
322 g. Restaurants, including drive-in restaurants, clubs and drinking
323 establishments;
324 h. Religious, cultural, and fraternal assembly;
325 i. Studios;
326 j. Personal services;
327 k. Agricultural activities, including general farming, truck farming,
328 nurseries, tree farms and greenhouses;
329 l. Private stables;
330 m. Storage of heavy equipment, vehicles or boats;

[Bold and underlined added. Deleted language stricken through.]

- 331 n. Plumbing, heating and appliance service shops;
- 332 o. Home occupations on a lot whose principal permitted use is
- 333 residential, provided they conform to the requirements of HCC
- 334 21.51.010;
- 335 p. Mortuaries and crematoriums;
- 336 q. Open air businesses;
- 337 r. Parking lots and parking garages, in accordance with Chapter 21.55
- 338 HCC;
- 339 s. Manufacturing, fabrication and assembly;
- 340 t. Retail businesses;
- 341 u. Trade, skilled or industrial schools;
- 342 v. Wholesale businesses, including storage and distribution services
- 343 incidental to the products to be sold;
- 344 w. Parks and open space;
- 345 x. Warehousing, commercial storage and mini-storage;
- 346 y. Recreational vehicles, subject to the standards in HCC 21.54.320(a),
- 347 (b) and (c);
- 348 z. Dry cleaning, laundry, and self-service laundries;
- 349 aa. Mobile food services;
- 350 bb. As an accessory use, one small wind energy system per lot;
- 351 cc. Production, processing, assembly and packaging of fish, shellfish
- 352 and seafood products;
- 353 dd. Research and development laboratories;
- 354 ee. Storage and distribution services and facilities, including truck
- 355 terminals, warehouses and storage buildings and yards, contractors'
- 356 establishments, lumberyards and sales, or similar uses;
- 357 ff. Cold storage facilities;
- 358 gg. Mobile commercial structures;
- 359 hh. Single-family and duplex dwellings, only as an accessory use
- 360 incidental to a permitted principal use; provided, that no permit shall
- 361 be issued for the construction of an accessory dwelling prior to the
- 362 establishment of the principal use;
- 363 ii. The repair, replacement, reconstruction or expansion of a single-
- 364 family or duplex dwelling, including a mobile home, that existed
- 365 lawfully before its inclusion in the GC1, GC2 or EEMU zoning districts,
- 366 notwithstanding any provision of Chapter 21.61 HCC to the contrary;
- 367 provided, that a mobile home may not be used to replace or expand
- 368 such a dwelling;
- 369 jj. Customary accessory uses to any of the uses permitted in the EEMU
- 370 district that are clearly subordinate to the main use of the lot or
- 371 building, including without limitation wharves, docks, storage facilities,
- 372 restaurant or cafeteria facilities for employees; or caretaker or
- 373 employee dormitory residence if situated on a portion of the same lot

Added language Deleted language stricken through.

374 as the principal use; provided, that no permit shall be issued for the
375 construction of any type of accessory building prior to the
376 establishment of the principal use;
377 kk. Taxi operation;
378 ll. Itinerant merchants, provided all activities shall be limited to uses
379 permitted outright under this zoning district;
380 mm. More than one building containing a permitted principal use on a
381 lot;
382 nn. The outdoor harboring or keeping of dogs, small animals and fowl
383 as an accessory use to a residential use in a manner consistent with the
384 requirements of all other provisions of the Homer City Code and as long
385 as such animals are pets of the residents of the dwelling and their
386 numbers are such as not to unreasonably annoy or disturb occupants of
387 neighboring property.

388 **oo. Marijuana cultivation facilities, manufacturing facilities, retail**
389 **facilities, and testing facilities as defined by state law.**

390
391 Section 6. Chapter 21.62 is hereby enacted as follows:

392
393 **Chapter 21.62**

394
395 **Marijuana Cultivation, Manufacturing, Retail, and Testing Facilities**

396
397 **Sections:**

398 **21.62.010 Scope.**

399 **21.62.020 Intent**

400 **21.62.030 Definitions**

401 **21.62.040 Pre-application conference.**

402 **21.62.050 Costs**

403 **21.62.060 Safety and Security Plan**

404 **21.62.070 Buffers.**

405 **21.62.080 General restrictions on all marijuana facilities.**

406
407 **21.62.010 Scope**

408
409 **a. This chapter applies to the operation of all marijuana cultivation,**
410 **manufacturing, retail , and testing facilities within the city boundaries.**

411
412 **b. This chapter in no way protects marijuana facilities from enforcement of**
413 **federal law nor is it intended to sanction conduct or operations prohibited by**
414 **law. All persons engaged in the marijuana industry within the city operate at**
415 **their own risk and have no legal recourse against the City in the event that city**
416 **laws are preempted, negated or otherwise found unenforceable based upon**

[**Bold and underlined added.** Deleted language stricken through.]

417 **federal law prohibiting the sale, distribution, consumption or possession of**
418 **marijuana.**

419
420 **21.62.020 Intent**

421
422 **a. This chapter is intended to impose regulations that prevent:**

- 423
424 **1. The distribution of marijuana to minors;**
425 **2. Revenue from the sale of marijuana from going to criminal enterprises,**
426 **gangs, and cartels;**
427 **3. The diversion of marijuana from states where it is legal under state law in**
428 **some form to other states where it is unlawful;**
429 **4. State-authorized marijuana activity from being used as a cover or pretext**
430 **for the trafficking of other illegal drugs or other illegal activity;**
431 **5. Violence and the use of firearms in the cultivation and distribution of**
432 **marijuana;**
433 **6. Drugged driving and the exacerbation of other adverse public health**
434 **consequences associated with marijuana use;**
435 **7. The growing of marijuana on public lands and the attendant public safety**
436 **and environmental dangers posed by marijuana production on public**
437 **land; and**
438 **8. Marijuana possession or use on federal property.**

439
440 **21.62.030 Definitions [reserved]**

441
442 **21.62.040 Pre-application Conference.**

443
444 **21.57.050 Costs.**

445
446 **The cost of all permits, studies and investigation required under this**
447 **chapter shall be borne by the applicant.**

448
449 **When Title 21 requires a conditional use permit for a marijuana facility,**
450 **the applicant must meet with the City Planner to discuss the conditional**
451 **use permit process and any issues that may affect the proposed**
452 **conditional use. This meeting is to provide for an exchange of general and**
453 **preliminary information only and no statement made in such meeting by**
454 **either the applicant or the City Planner shall be regarded as binding or**
455 **authoritative for the purposes of this title.**

456
457 **21.62.060 Safety and Security Plan**

458
459 **A conditional use permit for a marijuana facility required by this title shall**
[Bold and underlined added. Deleted language stricken through.]

460 include an analysis of the ways in which the intent and purpose of this
461 chapter have been met and the safety concerns identified in Sections
462 21.62.010 and 21.62.020 will be addressed.

463
464 **21.62.070 Buffers**

465
466 a) The Commission may require buffers, including berms, fences, trees, and
467 shrubs, to minimize impacts to adjacent property. A landscaped buffer or
468 combination of landscaping and berms of no less than ten feet in width
469 will be required where the property with a marijuana facility adjoins
470 districts in which marijuana facilities are prohibited or permitted only as a
471 conditional use.

472
473 b) The following buffer zones shall be applied to all marijuana facilities in all
474 districts:

- 475
476 1. Schools 1000 feet
477 2. Churches 500 feet
478 3. Jail 500 feet
479 4. Youth/rec. center 500 feet
480 5. Library 200 feet

481
482 c) Marijuana facilities abutting the Jack Gist Municipal Park, Karen Hornaday
483 Municipal Park, Bayview Municipal Park, or Ben Walters Municipal Park
484 must have 1000 feet or more buffers measured from the boundary of the
485 park.

486
487 d) For purposes of this section, “schools” mean property primarily used as a
488 private or public elementary or secondary education facility or property
489 primarily used as a post-secondary education facility, including but not
490 limited to private, faith-based, and public colleges and universities.

491
492 **21.62.80 General restrictions applied to all marijuana facilities.**

493
494 a) All marijuana facilities in all districts shall comply with Section 21.59.030 of this
495 title.

496
497 b) An application for a conditional use permit under this chapter shall not be
498 approved if the location of the facility violates the regulatory intent in Section
499 21.62.020.

500
501 Section 7. This ordinance shall take effect upon certification of a majority vote
502 rejecting the proposition to prohibit marijuana establishments in the City at the regular

[Bold and underlined added. Deleted language stricken through.]

503 **election to be held in the City on October 4, 2016.**

504 Section 8. This ordinance is of a permanent and general character and shall be
505 included in the City code.

506
507 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
508 _____ 2016.

509
510 CITY OF HOMER

511
512
513 _____
514 MARY E. WYTHE, MAYOR

515 ATTEST:

516
517
518 _____
519 JO JOHNSON, MMC, CITY CLERK

520
521 AYES:
522 NOES:
523 ABSTAIN:
524 ABSENT:

525
526
527
528 First Reading:
529 Public Reading:
530 Second Reading:
531 Effective Date:

532
533
534
535 Reviewed and approved as to form:

536
537 _____
538 Mary K. Koester, City Manager

536
537 _____
538 Thomas F. Klinkner, City Attorney

539
540 Date: _____

539
540 Date: _____



City of Homer

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Memorandum 16-016

TO: MAYOR WYTHE AND CITY COUNCIL
FROM: JO JOHNSON, MMC, CITY CLERK
DATE: JANUARY 19, 2016
SUBJECT: RESULTS OF BALLOT MEASURE 2 TO LEGALIZE RECREATIONAL MARIJUANA FOR CITY OF HOMER VOTERS

Official election results from the General Election of November 4, 2014 of Ballot Measure 2 to legalize recreational marijuana for City of Homer voters are as follows:

BALLOT MEASURE 2	YES	NO	TOTAL VOTES
Homer No. 1	492	417	909
Homer No. 2	358	324	682
Totals	850	741	1,591

There were 4,499 registered voters in Homer No. 1 and 2 precincts with 1,591 people voting on Ballot Measure 2 for a 35% turnout.

53% of votes cast were YES for legalized recreational marijuana; 47% of votes cast were NO.

Informational only.



City of Homer

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Memorandum 16-017

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
 THROUGH: KATIE KOESTER, CITY MANAGER
 FROM: RICK ABBOUD, CITY PLANNER
 DATE: JANUARY 14, 2016
 SUBJECT: DRAFT ORDINANCE PROPOSING TO ZONE MARIJUANA RELATED ACTIVITIES WITHIN THE CITY OF HOMER

The Planning Commission has been working on this item since August. It has been an agenda item at six meetings, two of which have been public hearings. This proposed ordinance deals specifically with zoning regulations for the four activities defined by the state: Cultivation; Limited (small - under 500 square feet) and Standard (large - more than 5000 square feet), Manufacturing, Retail, and Testing. The best way to express this is the table below and the map attached. At this point, there is no distinction for zoning purposes between limited and standard cultivation operations.

Our goal with this ordinance is to provide a place to start with the regulation of the industry and to have some options available prior to the date when the state is scheduled to accept applications, February 24th. This will allow the City Council to introduce and hold two public hearing prior to this date. The Planning Commission wants to allow the industry to start in a somewhat limited area until we gain more experience, with the thought it would be much easier to loosen rules in the future rather than try to ratchet it back later and leave nonconformities behind. If the Council recommends something that needs to be review by the Planning Commission, I recommend passing the parts of the ordinance that are acceptable to the Council, so that entrepreneurs have reasonable options to apply for a license February 24th. If no ordinance is adopted, commercial marijuana will be an unlisted use, meaning every application will be a conditional use with a fairly high threshold for approval. This is an unreasonable expectation.

It is important to consider the regulation that is proposed by the state when considering the regulations proposed by the city. We may not propose anything that is more liberal than what the state proposes. A brief summary of the state regulation is provided and attached is the regulation proposed at the time of this report.

A = Allowed (reviewed by the Planning Office). C = Conditional Use Permit needed (hearing before the Planning Commission required).

Table 1. Cannabis Activity by Zoning District

Activity	District					
	CBD	GC1	GC2	EEMU	MC	
Retail	C	A	A	A	C	
MFG	C	A	A	A		
Testing	A	A	A	A		
Cultivation						
small	C	A	A	A		
large	C	A	A	A		

The Planning Commission also proposes some buffer distances in addition to the state provisions. These buffers are based on the federal governments' double penalty zone as defined in US Code. This includes 1000 feet buffers from the two colleges, the Alaska Bible Institute and the Kenai Peninsula College. 1000 feet buffers from Karen Hornaday, Jack Gist, Bayview, and Ben Walters Parks are also recommended. Another recommendation is a 200 foot buffer from the library. The language used by the state and the federal government does not describe a library, but after a request from the Library Advisory Board, the commission did recommend a 200 foot buffer. This buffer with the buffer extended from the college and consideration of the uses and ownership of nearby properties realistically ensures that operations will not be proposed anywhere in close proximity to the library. The combination of the library and college buffers, and existing land uses and land ownership (post office, banks) realistically ensures that operations will not be proposed anywhere close to the library.

You will surely be made aware of a petition that proposes that limited cultivation be allowed outright in the Rural Residential District and that marijuana activities be allowed outright in the Central Business District. Both of these subjects have been discussed at length by the Planning Commission. The commission believes that the limited cultivation in the Rural Residential District is too commercial to meet the purpose of the district. A limited cultivation operation is required by the state to have exterior lighting to facilitate surveillance (including within 20 feet of each entrance), a security alarm on all windows and doors, and continuous video monitoring. Approval for a commercial business from the Fire Marshal is required. All persons dealing with the product must have a marijuana handler permit. There must be a plan for odor control to ensure that it is not detectable off the premises. This is just a sampling of the many requirements of the state licensing requirements found in the final regulations through 12-1-15. Another concern about limited cultivation in the Rural Residential District is density. Because of the city regulations for lot size, many lots that have access to water and sewer are small. In any event, the commission would not entertain commercial activities on lots less than 20,000 square feet (about half an acre). In addition, there was discussion about the minimum distance between a commercial grow operation, and the adjoining property. In the end, commercial cultivation was not recommended for the district.

The Commission also thought that cannabis activities in the Central Business District would be best with additional review of the Planning Commission and an opportunity for neighbors to be noticed and participate in the hearing.

State of Alaska

While the City is looking at regulating relatively small aspects of the industry, the meat of requirements are found in the proposed regulations of the state. These regulations are quite extensive. There are requirements (Article 7) that apply to all of the activities along with more specific requirements that address each of the 4 individual licensing areas individually. One really needs to understand the state regulations to get an accurate picture of what these businesses may look like when approved. There are 127 pages that compose articles 1-9 of the proposed state regulations. I have highlighted some of these below, and draw particular attention to those that are a relevant consideration for zoning.

Many aspects of marijuana businesses are regulated by the state including:

- All waste disposal
- Transportation of the product
- Signage and advertising
- Inventory tracking
- No odor may be detectable off site

- None of the product may be consumed in any licensed facility (with the exception of the newly proposed consumption component of the retail license-more rules to come)
- No facilities may reduce or expand without board approval
- No delivery off-site
- No operation between the hours of 5 am and 8 am
- All business activities must be secured. This means that cameras and lighting needs to be adequate to identify those inside the facility and anyone within 20 feet of the outside entrances.
- Commercial grade locks will need to be installed.
- State application procedures require announcement in the newspaper for 3 consecutive weeks and announcements on the radio twice a week for 3 consecutive weeks, as well as on-site and nearby postings.

The state has proposed buffers such as:

- 500 feet from a school, a recreation or youth center, a building which religious services are regularly conducted, or a correctional facility.

Other aspects of the industry not addressed

During our conversation with the commission we received testimony and talked about other aspects of the industry not related to zoning such as; public consumption, driving under the influence, and a host of other concerns related to consumption. These items are for the police. Another item that came up frequently is the cannabis club or cafe. I put this in two categories.

I consider the cannabis club as a fraternal organization of sorts. This is not open to the general public in the sense that you have to be a member to enter, think ELKs. In this case, I would treat this use as the 'run-of-the-mill' fraternal assembly. The fraternal assembly may do anything that is not against the law. If they break the law, it would be the business of law enforcement to address.

I would describe a cannabis café as a place open to the general public where sales and consumption take place. The state is working on an allowance for a retail marijuana store to have a place for consumption. We do not have the specifics of this yet, but it is in the realm of a state licensed activity. I will not propose provision in city code for an activity that is not recognized by the state. If the state rules change in the future, the City can address it at that time.

Att.

1. Ordinance 16-04
2. Commercial Cannabis Cultivation Map 1/25/16
3. Commercial Cannabis Retail and Manufacturing Map, 1/25/16
4. State Regulations



City of Homer

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Memorandum 16-023

TO: MAYOR WYTHER AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABBOUD, CITY PLANNER
DATE: FEBRUARY 1, 2016
SUBJECT: DRAFT ORDINANCE 16-04(A)(S) PROPOSING TO ZONE MARIJUANA
RELATED ACTIVITIES WITHIN THE CITY OF HOMER

Council Member Lewis proposes a substitute ordinance to Ordinance 16-04(A). This leaves the ordinance as amended intact. What it does is add Limited Cultivation (under 500 square feet of cultivation area) as a permitted use in the Rural Residential District when proposed within a few parameters (found on lines 112-117):

1. It shall be located on a lot greater than 20,000 square feet (a bit less than ½ an acre).
2. It shall comply with HCC 21.59, Off-site Impacts (This section of code is our nuisance standards that are applied to businesses in commercial districts from Residential Office to General Commercial 2. There are no nuisance standards in the Urban Residential and Rural Residential. It is and has been a subject of discussion. In general, we would not expect business located in these districts to present much of a nuisance).
3. It shall be located 50 feet from the lot line (some lots of irregular shapes, especially those closer to 20,000 square feet may be challenged to meet the standard).

Att.

1. Ordinance 16-04(A)(S)



City of Homer

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Memorandum 16-032

TO: MAYOR WYTHE AND CITY COUNCIL
FROM: JO JOHNSON, MMC, CITY CLERK
DATE: FEBRUARY 12, 2016
SUBJECT: HISTORY OF ORDINANCE 16-04(A)(S) – IDENTIFYING ZONING DISTRICTS PERMITTING MARIJUANA FACILITIES

This summary is meant to provide the history of Ordinance 16-04(A)(S) to clarify the actions Council has taken, along with future actions the Council will consider.

January 25, 2016 – Ordinance 16-04 introduced and amended:

- ✓ Removed the Conditional Use Permit requirement from the Central Business District to allow marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by state law to be permitted outright.
- ✓ Designated that Marine Commercial be a no sale zone.

(Ordinance 16-04 becomes 16-04(A))

February 8, 2016 – Ordinance 16-04(A) public hearing and Substitute Ordinance 16-04(A)(S) adopted:

- ✓ Added limited marijuana cultivation facility in Rural Residential as defined in state law subject to the following provisions:
 1. The facility shall only be located on lots greater than 20,000 square feet.
 2. The facility shall comply with HCC 21.59, Off-site Impacts.
 3. The facility shall be setback 50 feet from the lot line.

(Ordinance 16-04(A) becomes 16-04(A)(S))

February 10, 2016 – Reconsideration of Ordinance 16-04(A)(S) issued timely by Councilmember Aderhold.

February 22, 2016 – Ordinance 16-04(A)(S) before Council for reconsideration. If reconsideration passes Ordinance 16-04(A)(S) will come back for further consideration and action under Public Hearings. If reconsideration fails, Ordinance 16-04(A)(S) stands as decided February 8th.

February 22, 2016 – Second Substitute Ordinance 16-04(A)(S-2) to be introduced by Mayor Wythe to add the following provision to marijuana zoning: **to be Effective Only Upon Certification of a Majority Vote Rejecting the Proposition to Prohibit Marijuana Establishments in the City at the Regular Election to be Held in the City on October 4, 2016.**

Public testimony is welcome for Ordinance 16-04(A)(S) and 16-04(A)(S-2) on February 22nd.

Informational only.



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM 16-036

DATE: February 16, 2016
TO: Katie Koester, City Manager
FROM: Mark Robl, Chief of Police
SUBJECT: Marijuana Legalization Impacts

Last week you requested that I research the possible impacts of the legalization of marijuana for the council's consideration. Based on meetings and various presentations I have attended I have some knowledge of the subject but I do not have any firm statistical data to present. I spoke with and emailed public safety agencies in Colorado and Washington, requesting arrest and contact data for marijuana related offenses both pre and post legalization. I have also tried to obtain data relating to the impact of legalization on juveniles. To date; I have not yet received any replies to my inquiries.

This is one subject where internet searches can be counted on to result in erroneous and corrupted results. There are dozens and dozens of internet sites proclaiming to be presenting the real facts and honest data relating to legalization. Close examination reveals the information to be at best a misinterpretation of crime statistics and in some cases simply concocted information. I attended a presentation by a captain from the Washington State Patrol last year. He warned our group about the vast amount of false data on the internet relating to marijuana. I think if we are going to base any decisions on realized statistics, the statistics need to come from a reliable source. Another important factor to consider is the relative newness of legalized marijuana to the scene. After just one year of legalization, can we blame legalization for any increase in crime rates? Normal crime statistic studies generally require five years of data before any causation factors are considered to be relevant.

Based on a presentation I attended at the crime conference last spring, Denver Police statistics show that the crime rate is up almost 7% post legalization. This is a summation across all crime types, about 35 in all. They showed drug violations to be up 20% and public use violations to be up 237%. Many statistical comparisons that would be very interesting to know do not exist because the categories were not tracked prior to legalization. Officials from Denver and Washington State both reported an increase in the amount of use by juveniles but no statistics were provided. Both also reported that the required security at licensed facilities seemed to be a deterrence to crime but they have experienced robberies and burglaries at all types of marijuana related businesses. Our local marijuana social club has been burglarized once, about two weeks ago.



CITY OF HOMER

POLICE DEPARTMENT

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TELECOPIER (907) 235-3151

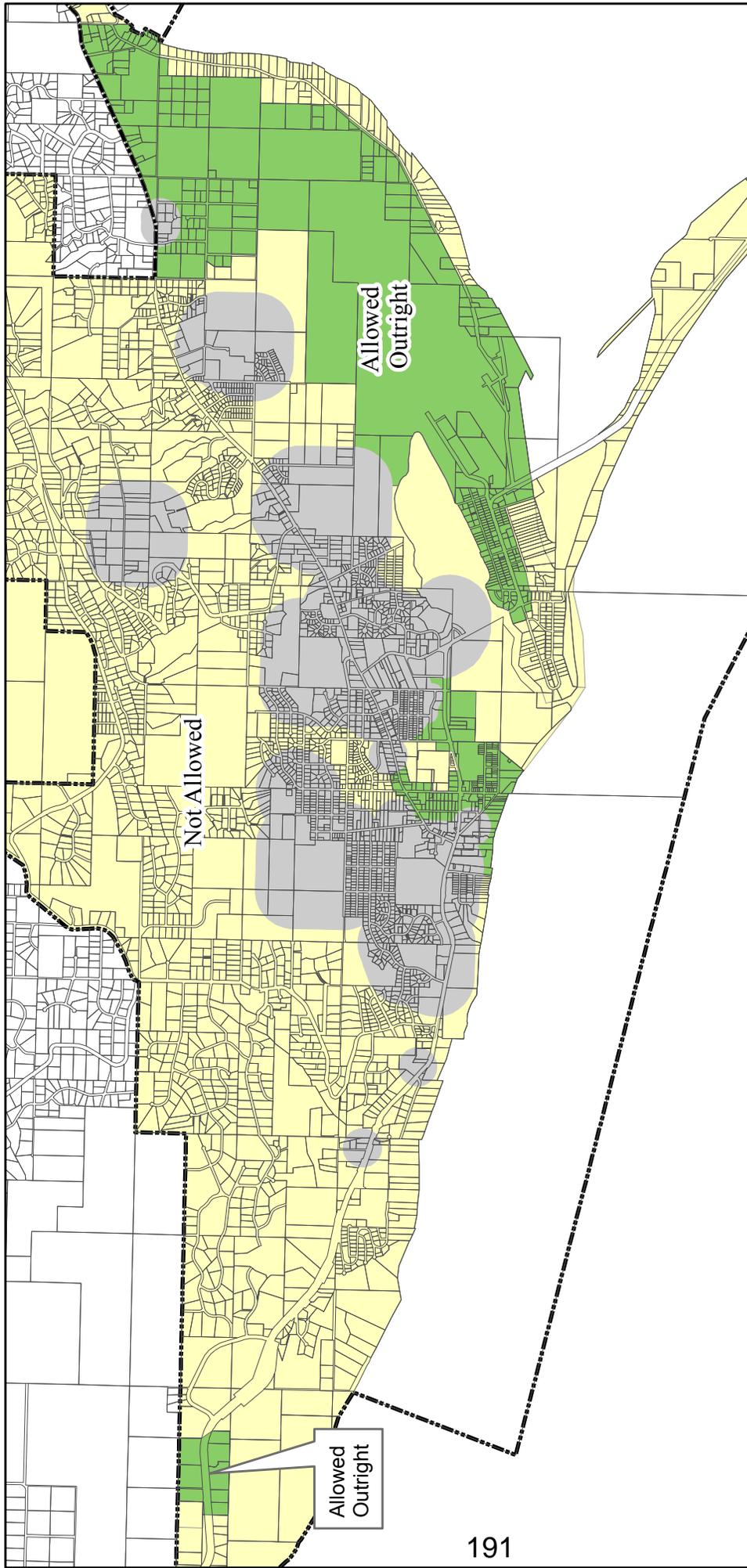
MEMORANDUM 16-037

DATE: February 1st 2016
TO: City Manager Koester
FROM: Mark Robl, Chief of Police, Bob Painter Fire Chief
SUBJECT: Second Hand Marijuana Smoke

Current proposals from the state will allow marijuana to be smoked in retail establishments. Marijuana Social Clubs are illegal under state law but how to conduct enforcement against them is not clearly defined. Clubs exist and are operating in Homer, Anchorage and Fairbanks. Nothing exists in state law to regulate the amount of smoke in these establishments, prescribe limits on smoke, or require ventilation.

We ask that the Council take into consideration the safety and potential exposure hazard of second hand smoke to City employees and volunteers when considering permitting the smoking of marijuana in retail establishments, marijuana social clubs or any public venue in the City of Homer. It is our responsibility to limit the exposure to second hand smoke of all types by our firefighters, police officers and EMS personnel whenever possible. Second hand marijuana smoke is arguably more dangerous than second hand cigarette smoke as it contains elements that may impair a person if subjected to excessive smoke for too long a period of time. The decision by the state to allow public smoking in retail stores and not to address it in social club situations without ventilation requirements or smoke concentration level restrictions produces potentially hazardous response situations and liability concerns for us. We would not want to send a police officer or firefighter into a dangerous scene after any exposure to second hand marijuana smoke, especially if they've been in a setting where the smoke level was very elevated. There is no known acceptable exposure level to second hand marijuana smoke for first responders. Any level of THC discovered in a police officer could result in their decertification by the Alaska Police Standards Council. The city passed an ordinance several years ago to ban cigarette smoking on any city owned property to protect city employees from second hand smoke.

Commercial Marijuana Map, February 8, 2016



Legend

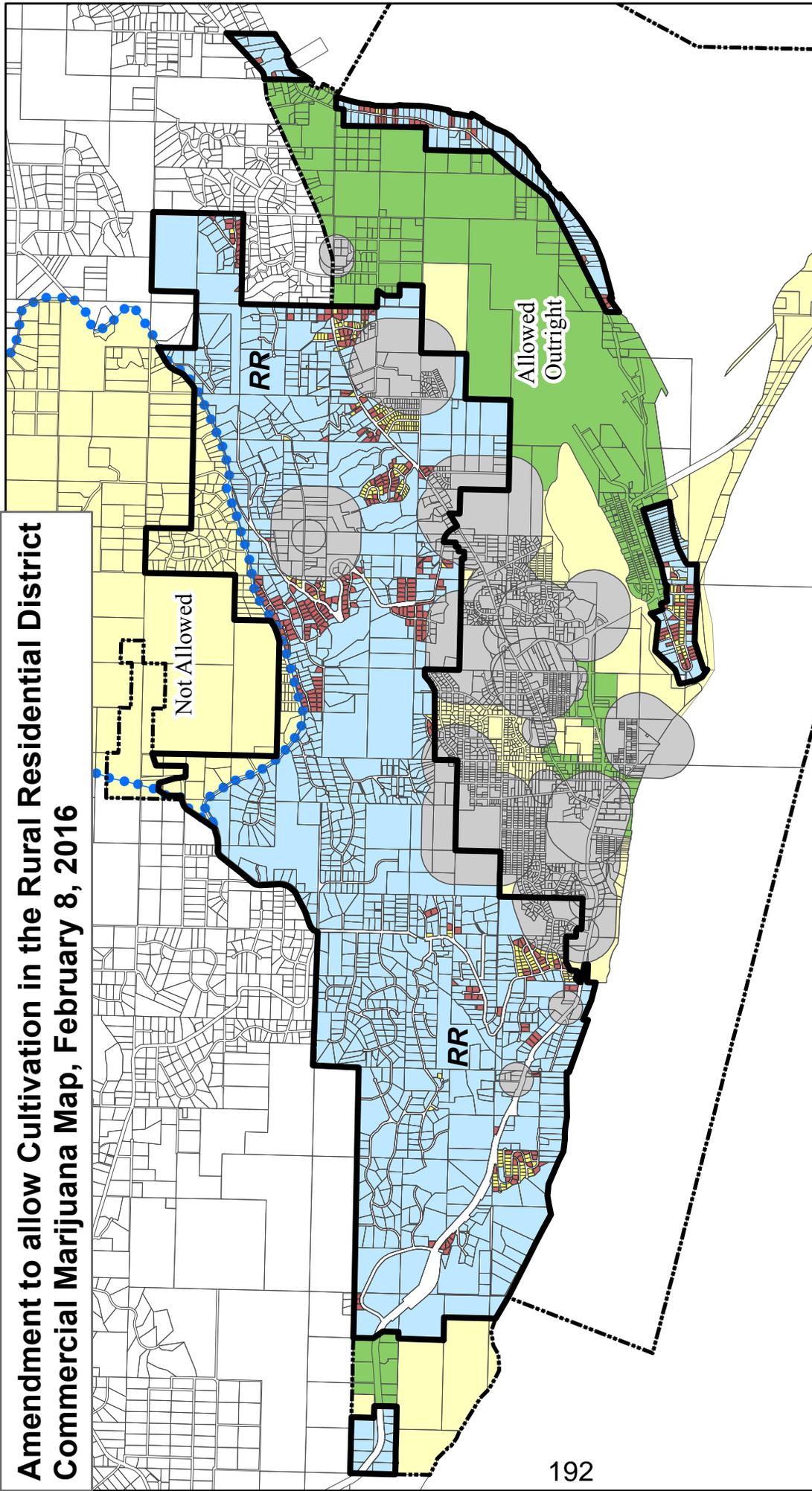
- City Limits
- Buffers
- No Commercial Cannabis Businesses
- Cultivation, Manufacturing Testing and Retail



Commercial Marijuana Activities

Proposed state regulations call for buffers to be measured between the public entrance of the cannabis business, and the public entrances of churches and jails. Distances for schools and youth/rec centers are measured from the boundaries to the front door of the cannabis business. All distances are measured by the shortest pedestrian route.

Amendment to allow Cultivation in the Rural Residential District Commercial Marijuana Map, February 8, 2016



Legend

Zone

- Rural Residential
- Bridge Creek Watershed Protection District
- RR Lots over 40,000 Sq Ft
- RR Lots over 20,000 Sq Ft
- Buffers
- City Limits

Commercial Marijuana Activities

- No Commercial Cannabis Businesses
- Cultivation, Manufacturing Testing and Retail



Proposed state regulations call for buffers to be measured between the public entrance of the cannabis business, and the public entrances of churches and jails. Distances for schools and youth/rec centers are measured from the boundaries to the front door of the cannabis business. All distances are measured by the shortest pedestrian route.

to (1) twice the maximum punishment authorized by [section 841\(b\) of this title](#); and (2) at least twice any term of supervised release authorized by [section 841\(b\) of this title](#) for a first offense. A fine up to twice that authorized by [section 841\(b\) of this title](#) may be imposed in addition to any term of imprisonment authorized by this subsection. Except to the extent a greater minimum sentence is otherwise provided by [section 841\(b\) of this title](#), a person shall be sentenced under this subsection to a term of imprisonment of not less than one year. The mandatory minimum sentencing provisions of this paragraph shall not apply to offenses involving 5 grams or less of marihuana.

You may also notice the provision for “playground” in the code. Below is the federal definition. It is defined as “containing three or more apparatus.

(e) Definitions For the purposes of this section—

(1)

The term “playground” means any outdoor facility (including any parking lot appurtenant thereto) intended for recreation, open to the public, and with any portion thereof containing three or more separate apparatus intended for the recreation of children including, but not limited to, sliding boards, swingsets, and teeterboards.

(2)

The term “youth center” means any recreational facility and/or gymnasium (including any parking lot appurtenant thereto), intended primarily for use by persons under 18 years of age, which regularly provides athletic, civic, or cultural activities.

(3)

The term “video arcade facility” means any facility, legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement containing a minimum of ten pinball and/or video machines.

(4)

The term “swimming pool” includes any parking lot appurtenant thereto.

Update

A few changes were made after the Planning Commission meeting.

After consulting with the City Attorney, it was felt that the industry and the city would be better served by allowance of permitted activities in appropriate locations rather than requiring Conditional Use Permits (CUP’s) over wide areas of the city. A CUP has some qualitative standards for the community to support. This may be particularly challenging to defend in some circumstances.

The federal government, through the Cole Memo, places a high priority on keeping the industry from the under aged. Most of the recommendations of the City Planner focus on being the best steward for this concept. This is why I recommend keeping distances from schools in line with the increased penalty zones for drug activities, which has been an accepted concept of both the Cannabis Advisory Committee (CAC) and the Planning Commission. This also plays a role in why I do not support these activities in residential districts that are meant to support families, many of which include children. Opening up marijuana activities in these areas is at the peril of not only the operator, but the city.

Cultivation is not supported in the rural residential district. Previously, the Commission was considering the option of allowing limited commercial grows (up to 500sf) with an approved CUP on lots greater than 20,000 square feet in the rural residential district. No examples or recommendations were found from Washington or Colorado of commercial grows in residential neighborhoods.

The intent of the rural residential? district is to provide for low density residential development and limited agricultural pursuits. The highly regulated nature of marijuana cultivation, as proposed by the state, does not resemble limited agriculture, it is a commercial activity. This commercial activity has many mandated security requirements and will require commercial building review, continuous video monitoring, and lighting of at least twenty feet in front of any outside access. This type of commercial activity is not found to support the intent of the district in code or the comprehensive plan. As such, the commission feels commercial marijuana businesses are better suited for commercial districts that were devised to support such activities.

The Planning Commission did decide to allow most marijuana related activities to be permitted in commercial districts (General Commercial 1 & 2 and East End Mixed Use), as these districts restrict dwelling options. The exception, for now, is manufacturing which is still proposed to require a CUP. I do **request that the Planning Commission make a motion to allow manufacturing as permitted in these districts** to be consistent with the other prosed recommendations.

The state is now proposing to allow a consumption component to a retail facility. This is a bit tough to judge at the moment. While there is a great deal of rules and regulation regarding how the retail component will operate, there is no additional information (so far) regarding any other regulation regarding the operation of the facility with an attached place of consumption. This certainly adds to the complexity of the subject of retail facilities. The model that I have observed in Washington and Colorado (without consumption) was one that I saw as having little negative consequences compared to other retail operations such as liquor or convenience stores. Thoughts and discussion are welcome.

A = Allowed. C = Conditional Use Permit needed.

Table 1. Cannabis Activity by Zoning District

Activity	District					
	CBD	GC1	GC2	EEMU	MC	
Retail	C	A	A	A	C	
MFG		C	C	C		
Testing	A	A	A	A		
Cultivation						
small	C	A	A	A		
large	C	A	A	A		

29th Legislature(2015-2016)
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Sec. 17.38.210. Local control..

(a) A local government may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or by a voter initiative.

(b) A local government may enact ordinances or regulations not in conflict with this chapter or with regulations enacted pursuant to this chapter, governing the time, place, manner, and number of marijuana establishment operations. A local government may establish civil penalties for violation of an ordinance or regulation governing the time, place, and manner of a marijuana establishment that may operate in such local government.

(c) A local government may designate a local regulatory authority that is responsible for processing applications submitted for a registration to operate a marijuana establishment within the boundaries of the local government. The local government may provide that the local regulatory authority may issue such registrations should the issuance by the local government become necessary because of a failure by the board to adopt regulations pursuant to AS 17.38.190 or to accept or process applications in accordance with AS 17.38.200.

(d) A local government may establish procedures for the issuance, suspension, and revocation of a registration issued by the local government in accordance with (f) of this section or (g) of this section. These procedures shall be subject to all requirements of AS 44.62 (Administrative Procedure Act).

(e) A local government may establish a schedule of annual operating, registration, and application fees for marijuana establishments, provided, the application fee shall only be

Title 17. FOOD AND DRUGS
Chapter 17.38. THE REGULATION OF MARIJUANA

Jo Johnson

From: Mary (Beth) E. Wythe
Sent: Sunday, February 14, 2016 12:43 PM
To: Jeremiah Emmerson
Cc: Mayor Email; Jo Johnson; Katie Koester
Subject: Re: Homer Resident..Looking Towards Hemp

Thank you for sharing Taneeka's reply. Neither medical use, nor the hemp industry are the topic of the discussion in Homer at this time. Either could change the nature of the discussion. I agree that for the near term everyone will be watching to see how recreational use implementation shakes out.

I have a strong history of supporting economic development, but whenever zoning regulations are developed, it is necessary to ensure that all sides of the discussion are heard.

I am proposing a ballot measure to allow the residents of Homer to weigh in on the question of cultivation, manufacturing, testing and retail sales within City Limits. This is a very important issue for our community as it will influence our future heavily. Whether that influence is positive or negative is the area that becomes divisive and requires resident input. While there are very specific beneficial uses for marijuana medically, the focal discussion right now is where to allow the cultivation, manufacturing, testing and retail sale, which brings up the question of whether the community even wants to allow for this.

I look forward to the continued discussion. Thank you again for your input.

Mayor Wythe

Sent from my iPad

On Feb 11, 2016, at 6:44 PM, Jeremiah Emmerson <ezjtharocka@gmail.com> wrote:

Paul Seaton supports an industry. Just food for thought.

Regards,

Jeremiah Emmerson

Alaska Small Cultivators Association

----- Forwarded Message -----

Subject:RE: Homer Resident..Looking Towards Hemp

Date: Wed, 30 Dec 2015 21:55:22 +0000

From:Taneeka Hansen <Taneeka.Hansen@akleg.gov>

To:ezjtharocka@gmail.com <ezjtharocka@gmail.com>

Mr. Emmerson,

Thank you for contacting our office regarding this issue. Representative Seaton is currently away from the office, but I will discuss your points with him when he returns. In general, Representative Seaton supports a safely regulated marijuana industry and see it as an opportunity to increase

personal choice and revenues while decreasing unnecessary law enforcement and incarceration.

I will discuss your interest in additional hemp and marijuana regulation with Representative Seaton. However, as the regulations for recreational marijuana have only just been completed, I anticipate much of our energy during the upcoming session will be committee to following the progress of that new industry and determining what is working well and what may need adjusting.

Hemp is an interesting sub-topic. While it could be part of a valuable industry, even with the language included in the recent funding bill it is still only federally allowed as research, not commercial growth. The ballot initiative which legalized recreational marijuana in Alaska did not express address hemp, which means it is still very much in a legal gray zone on a state and federal level. It is certainly a topic of interest to many legislative offices, but one that may need to take a back seat as the details of recreational marijuana are fine-tuned.

Thank you again for your interest. Please let me know if there are any other questions or comments that I can answer. If Representative Seaton chooses to explore legislation relating to hemp this session I will contact you.

Sincerely,

Taneeeka Hansen
Legislative Aide
Representative Paul Seaton
Committee Aide, Health and Social Services
(907) 235-2921

-----Original Message-----

From: Jeremiah Emmerson [<mailto:ezjtharocka@gmail.com>]
Sent: Tuesday, December 22, 2015 7:53 AM
To: Rep. Paul Seaton <Rep.Paul.Seaton@akleg.gov>
Subject: Homer Resident..Looking Towards Hemp

Hello Sir,

I think I saw you at a planning meeting recently in Homer and I should have introduced myself. Nonetheless, I will in the future.

I have to be completely honest here, I myself am one of those folks looking to get into the cannabis industry, most specifically: Cultivation.

Something happened at the federal level recently that allows the states to move forward with the production of hemp as well as research.

Please do read this article, it was just published in the ADN yesterday:

<https://www.adn.com/article/20151221/congress-softens-marijuana-policy-key-obstacles-remain-alaskas-path>

So, here's what I want to know, can you or will you push for a hemp bill? I know there is one sitting there collecting dust, but if we could push for hemp, that would be yet another industry that we can capture as Alaskans. Hemp grows almost anywhere and there is a lot of land here in Alaska that can be used to grow it.

Remember, hemp doesn't get you high, its simply for food, medicine, clothing, and a whole slew of other things. We should go for it now that we have a chance.

One last thing that I really want to see: a more robust medical marijuana program in the state. We have one, but we are not saying that doctors can prescribe nor are we conducting any research on dosing, remedies, etc. We need to do something like this and I think our universities could tackle this.

Your thoughts?

Jeremiah Emmerson

Homer

Jo Johnson

From: Dkrajdp@aol.com
Sent: Saturday, February 13, 2016 10:02 AM
To: Department Clerk
Subject: commercial sales monies

Hi

I live within the 10 mile radius of Homer, so have no voting right in the issue of commercial marijuana sales. But I will be impacted, as all of my shopping and services are located in Homer.

I do not want commercial sales, growing or warehousing of marijuana in Homer. Personal use is not OK for me, but I can accept it and support decriminalizing possession for personal use.

I am not sure how the proponents of commercial sales get the idea that it will create jobs and income. It will only circulate money already here, unless they plan to export the product and bring in lot of new money sales from outside. I don't see that happening. Growing a temperate climate plant in AK will be expensive. There would be many more less expensive products on an open market. And no one is going to travel 4000 miles to smoke pot, when they can get in the lower 48.

Also, do we have the water resources to support large grow operations? What would be the impact on the electric grid? on the sewer system? Lots of questions, most of which indicate there is no money benefit for the area. If Homer has surplus water and sewer, how about extending it to Kachemak City?

Thank you
Joan Frederick
Kachemak City

From: Mary (Beth) E. Wythe
Sent: Sunday, February 14, 2016 6:26 PM
To: Jeremiah Emmerson
Cc: Jo Johnson; Katie Koester
Subject: Re: Homer Resident..Looking Towards Hemp

Thank you. I will review this information before our next meeting. I appreciate your time.

Also, is your video available anywhere without subscription?

Beth

Sent from my iPad

On Feb 14, 2016, at 5:57 PM, Jeremiah Emmerson <ezjtharocka@gmail.com> wrote:

Here are some figures for how many of us per capita consume. We score really high. Some figures we score number 1.

<https://www.nerdwallet.com/blog/cities/how-much-money-states-make-marijuana-legalization/>
<http://www.cbsnews.com/pictures/17-stoner-states-wheres-marijuana-use-highest/6/>
<https://www.washingtonpost.com/news/wonk/wp/2014/08/05/where-americans-smoke-marijuana-the-most/>
<http://brobible.com/life/article/top-10-states-marijuana-weed-use/>

Regards,

Jeremiah Emmerson

On 2/14/2016 5:31 PM, Jeremiah Emmerson wrote:

Here is a good starting point. Numerous studies have been done and I am sure that the revenues will dwarf the conservative estimate they gave here, mostly because it does not include local sales taxes and because it is still taboo to admit cannabis use.

<http://www.adn.com/article/20150707/state-weighs-how-much-money-will-marijuana-bring-alaska>

<http://www.adn.com/article/20160116/prolonged-low-oil-price-alaska-production-tax-could-raise-little-marijuana-tax>

Remember, this is just excise taxes. It doesn't talk about sales taxes, nor does it talk about ancillary businesses that support the cannabis industry.

Everyone from construction companies to lawyers will benefit from this industry...

I believe wholeheartedly Homer could capture over 1 million in taxes annually.

We won't collect a dollar if we opt out. I can guarantee that.

Best Regards,

Jeremiah Emmerson

On 2/14/2016 2:33 PM, Mary (Beth) E. Wythe wrote:
Jeremiah,

Do you have any statistical findings on the number of regular marijuana users in Alaska, and our area? Everyone throughs out potential earnings based on other states, but given the small population of Alaska it would be interesting to have some realistic numbers.

Thanks, Beth

Sent from my iPad

On Feb 14, 2016, at 1:43 PM, Jeremiah Emmerson <ezjtharocka@gmail.com> wrote:

Kenai voters weren't even in support of Ballot Measure 2, yet they are moving forward with commercial cannabis.

That's another thing that makes no sense whatsoever. A community that has every indication to opt out doesn't, yet a community that has every indication to opt in, doesn't.

Absolute nonsense.

Regards,

Jeremiah Emmerson

On 2/14/2016 1:37 PM, Jeremiah Emmerson wrote:
I appreciate your reply. Thank you.

I am very concerned with the idea of putting the vote back before the people and understand, that will make it so that folks will not be able to get their licenses until December. See attached timeline for license from last MCB meeting.

If the election is in October, and we find out in October. We can apply, but the MCB won't be reviewing the license until December.

So your saying you want to community to wait until December before they can even begin growing cannabis legally?

Not to mention, your allowing other cannabis businesses in other communities to get ahead of

Homer based businesses and as soon as the city allows the industry into Homer, these folks will show up and have more resources available to them than Homer residents, simply because they are in operation longer.

There are already numerous retailers looking at real estate in Homer, folks that aren't even from Homer. My biggest fear is that Homer residents will not get the first chance at this and if we don't let Homer start, when everyone else is starting they are going to be behind.

How can 54% of voters not be enough proof that the majority has spoken?

This is absolutely absurd Mayor Wythe.

Jeremiah Emmerson

On 2/14/2016 12:43 PM, Mary (Beth) E. Wythe wrote:

Thank you for sharing Taneeka's reply. Neither medical use, nor the hemp industry are the topic of the discussion in Homer at this time. Either could change the nature of the discussion. I agree that for the near term everyone will be watching to see how recreational use implementation shakes out.

I have a strong history of supporting economic development, but whenever zoning regulations are developed, it is necessary to ensure that all sides of the discussion are heard.

I am proposing a ballot measure to allow the residents of Homer to weigh in on the question of cultivation, manufacturing, testing and retail sales within City Limits. This is a very important issue for our community as it will influence our future heavily. Whether that influence is positive or negative is the area that becomes divisive and requires resident input. While there are very specific beneficial uses for marijuana medically, the focal discussion right now is where to allow the cultivation, manufacturing, testing and retail sale, which brings up the question of whether the community even wants to allow for this.

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Your thoughts?

Jeremiah Emmerson
Homer

Jo Johnson

From: Beth Wythe <mewjcw@acsalaska.net>
Sent: Sunday, February 14, 2016 2:11 PM
To: Jo Johnson
Cc: Katie Koester
Subject: DHSS DATA AND STATISTICS
Attachments: MJ_AKandUS_DataSurveySummary.pdf

Can you please share this with the Council? It has some good information regarding the number of people in the State that actually use marijuana on a regular basis. Unless all of them live in Homer, I don't see this as a major profit center.

Beth

Data & Statistics

Marijuana Use in Alaska and the United States

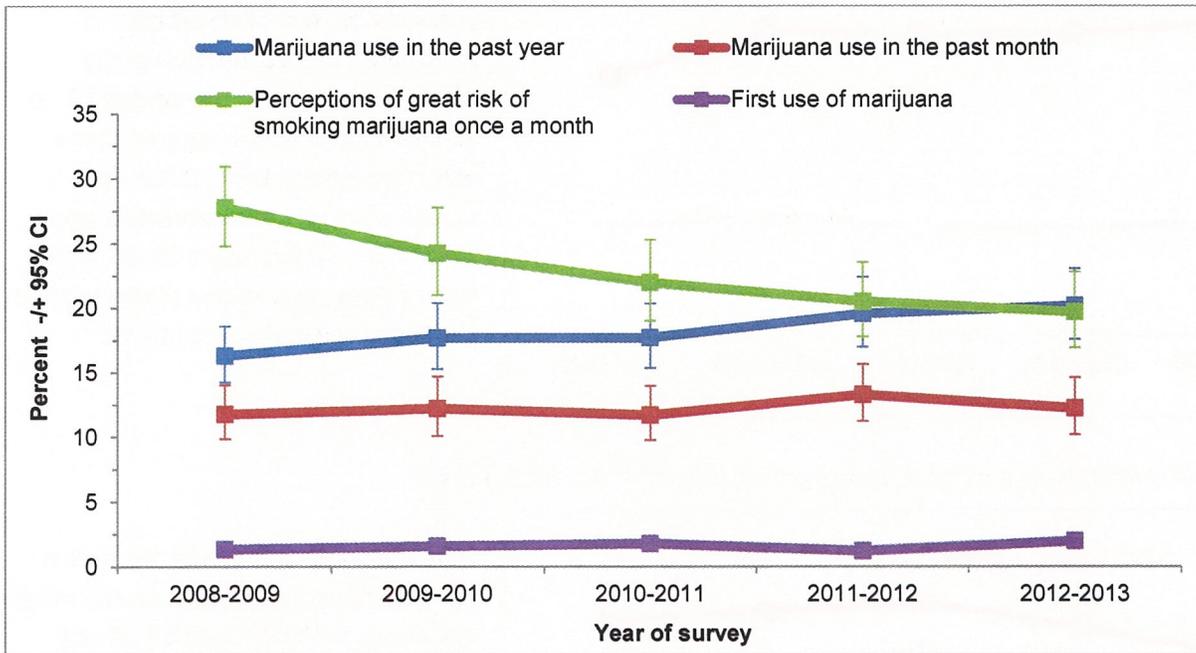
The Alaska Department of Health and Social Services, Division of Public Health has created graphs to help Alaskans better understand marijuana use among adults, pregnant women, and youth, as well as perceptions linked with marijuana use. Graphs at the end of this website focus on medical marijuana use.

Note: All trends noting statistical significance in this report are at the $\alpha=0.05$ level. For other trends, tests of statistical significance could not be conducted because raw data were not accessible.

National Survey on Drug Use and Health (NSDUH): Marijuana use and perceptions in Alaska, 2008–2013

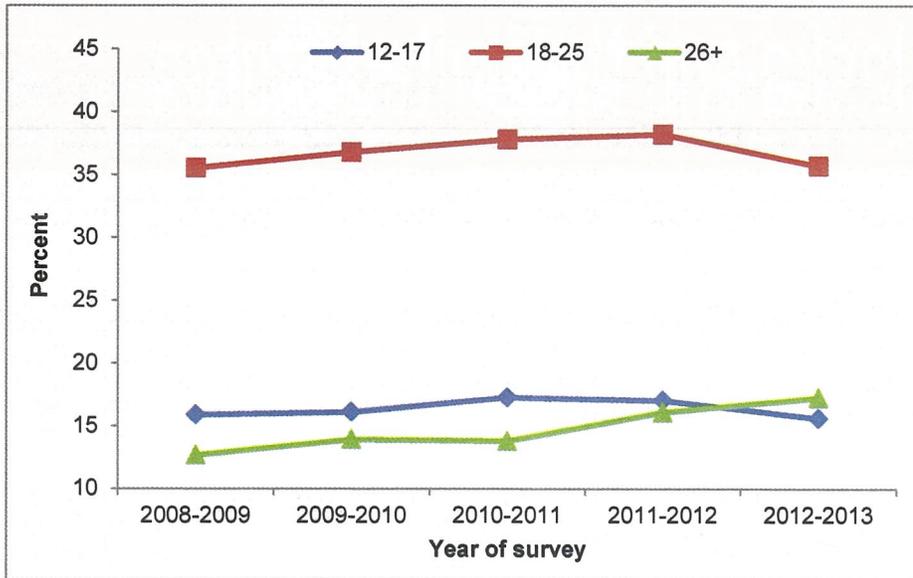
Data for this section were obtained from the Substance Abuse and Mental Health Services Administration (SAMHSA) website (available at: <http://www.samhsa.gov/data/>).

Figure 1.1: Marijuana use and perceptions among adults (ages 18 and older), NSDUH 2008–2013, Alaska



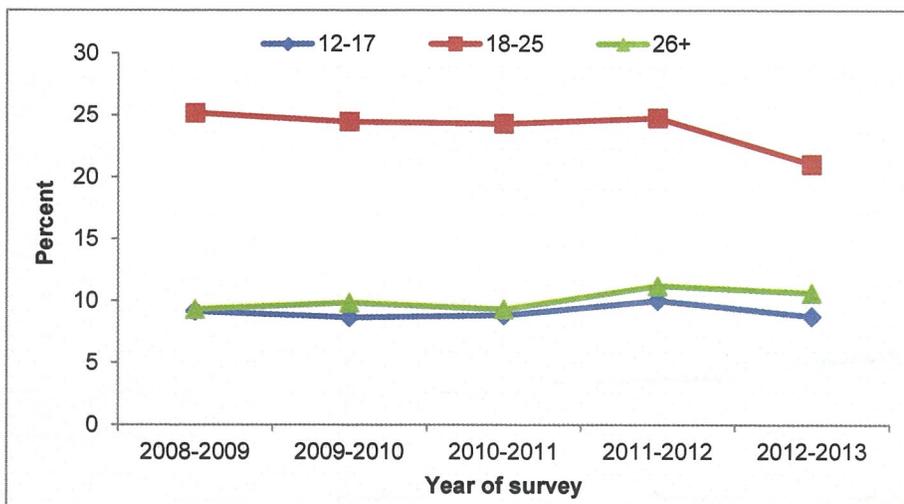
Among Alaska adults ages 18 and older during 2008–2009 to 2012–2013, there was a statistically significant decrease in the perception of great risk of monthly marijuana use. There were no statistically significant trends in monthly or yearly use of marijuana or first use during the year before the survey. In the 2012–2013 surveys, about 20% of adults perceived great risk of smoking marijuana once per month, about 20% reported using marijuana in the last year, about 12% reported use in the past month, and about 2% reported using marijuana for the first time in the past year. First use of marijuana refers to the number of adults who first used marijuana during the past 24 months.

Figure 1.2: Marijuana use in the past year, by age group, NSDUH 2008–2013, Alaska



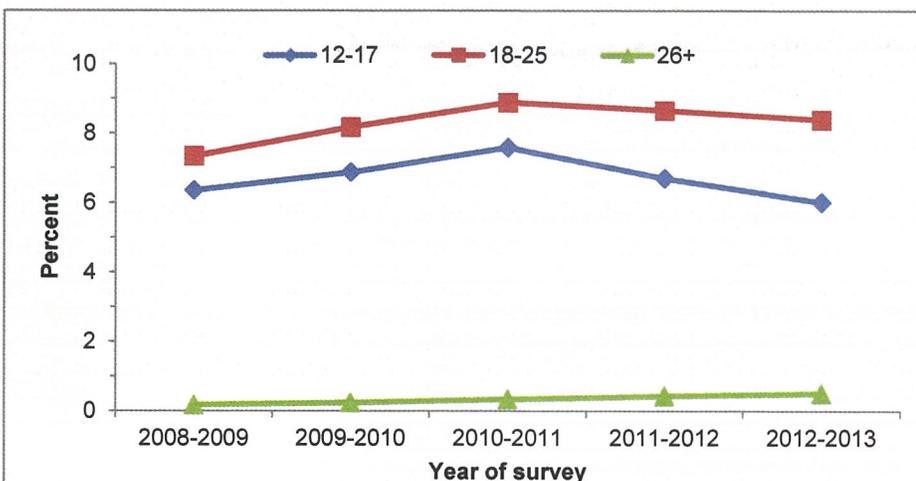
Marijuana use in the past year has consistently been highest among 18- to 25-year-olds, with no apparent increasing or decreasing trend since the 2008–2009 survey. No test of statistical significance was conducted for the observed increase in use among adults ages 26 and older or for trends among the other age groups. In the 2012–2013 survey, about 16% of respondents ages 12–17, 37% of those ages 18–25, and 15% of those ages 26 and older reported marijuana use in the past year.

Figure 1.3: Marijuana use in the past month, by age group, NSDUH 2008–2013, Alaska



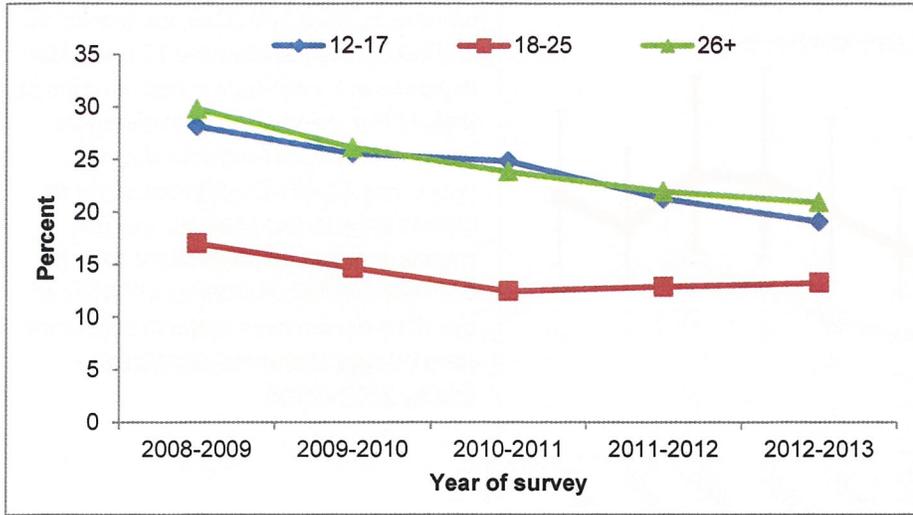
Marijuana use in the past month was consistently highest among 18- to 25-year-olds. No test of statistical significance was conducted for the observed decrease in use among 18- to 25-year-olds or for trends among the other age groups. In the 2012–2013 survey, about 9% of respondents ages 12–17, 24% of those ages 18–25, and 10% of those ages 26 and older reported marijuana use in the past month.

Figure 1.4: First use of marijuana in past year, by age group, NSDUH 2008–2013, Alaska



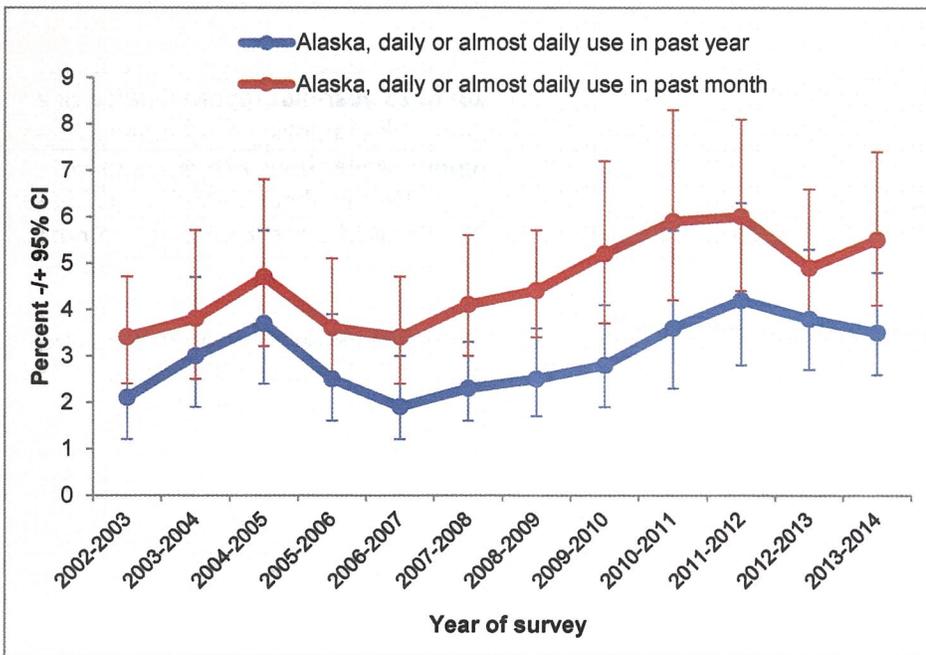
More Alaskans ages 18–25 report first using marijuana annually than any other age group. In the 2012–2013 survey, about 8% of 18- to 25-year-olds, about 6% of 12- to 17-year-olds, and less than 1% of adults ages 26 and older used marijuana for the first time in the year before being surveyed. No consistent trends were observed over this time period.

Figure 1.5: Perception of great health risk of smoking marijuana once per month, by age group, NSDUH 2008–2013, Alaska



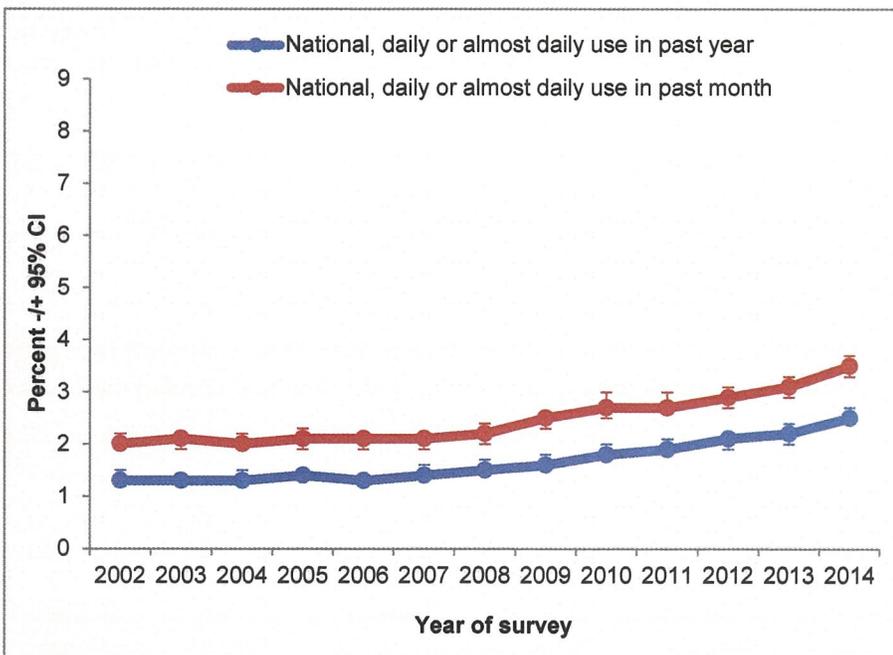
In the 2012–2013 survey, about 13% of 18- to 25-year-olds reported perceiving great risk of smoking marijuana once per month, while about 19% of 12- to 17-year-olds and about 21% of adults over 25 perceived great risk of once monthly use. These data suggest a decreasing perception of health risk of occasional marijuana use over the 5 survey years, but tests for statistical significance were not conducted for these trends.

Figure 1.6A: Percentage of people ages 12 and older using marijuana daily or almost daily in the past month and in the past year, NSDUH 2002–2003 through 2013–2014, Alaska



Based a combination of data from surveys in 2013 and 2014, an estimated 20,000 (3.5%) people ages 12 and older in Alaska used marijuana daily or almost daily in the previous year (defined as use on 300 days or more in the past year), and 32,000 (5.5%) used daily or almost daily in the previous month (defined as use on 20 or more days in the past month). Statistical analyses of the data shown here indicate that both percentages increased significantly during 2002–2014.

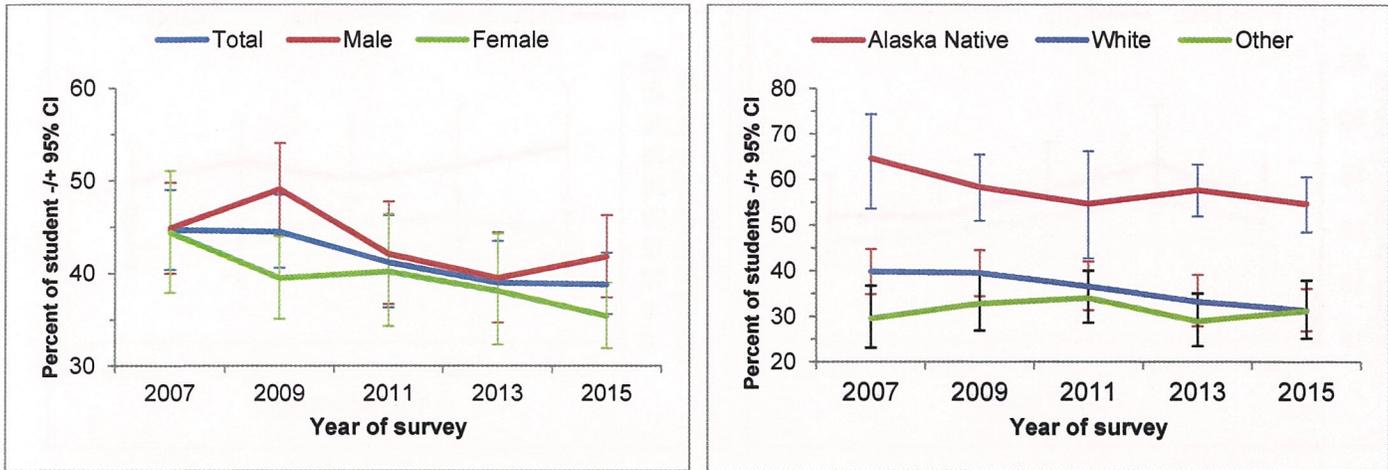
Figure 1.6B: Percentage of people ages 12 and older using marijuana daily or almost daily in the past month and in the past year, NSDUH 2002-2014, United States



In 2014, an estimated 6.5 million (2.5%) people ages 12 and older in the United States used marijuana daily or almost daily in the previous year (defined as use on 300 days or more in the past year), and 9.2 million (3.5%) used daily or almost daily in the previous month (defined as use on 20 or more days in the past month). Statistical analyses of the data shown here indicate that both percentages increased significantly during 2002–2014. National values tended to be lower than corresponding Alaskan values (Figure 1.6A), but statistical comparisons were not possible because of different time intervals associated with the two datasets.

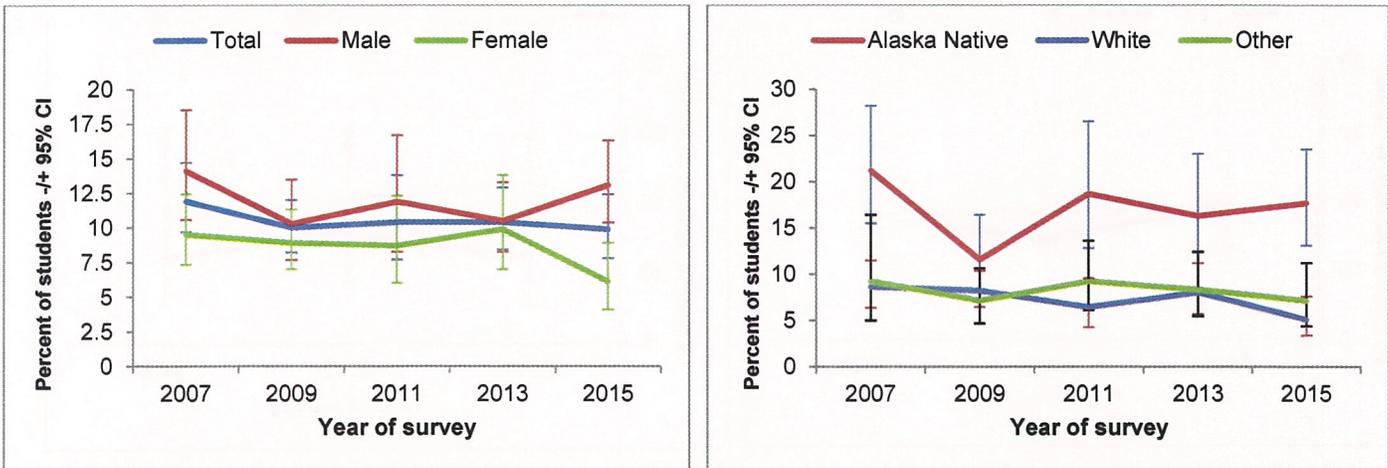
Youth Risk Behavior Survey (YRBS): Marijuana use and perceptions, 2007–2015

Figure 2.1: Percentage of high school students in traditional schools who ever used marijuana (one or more times during their life), YRBS 2007–2015, Alaska



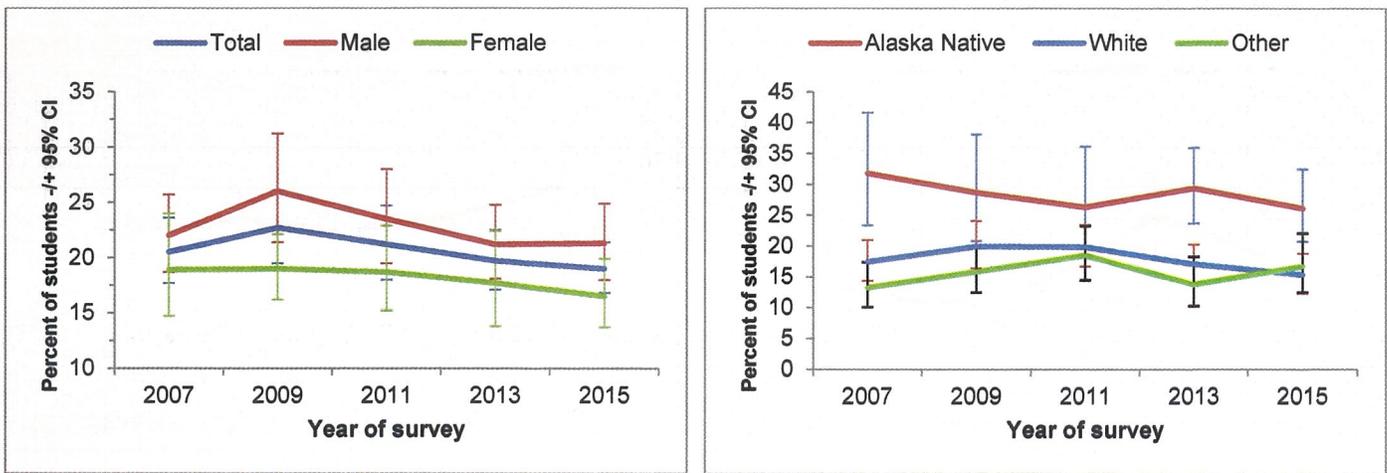
There was no statistically significant difference between the percentage of high school girls and boys who reported ever using marijuana (one or more times in their lives) in any of the years for which data are presented. The percentage of high school students who reported ever using marijuana decreased significantly from 45% in 2007 to 39% in 2015. Alaska Native high school students were significantly more likely than white high school students to report having used marijuana at least once in their lives over the 9-year period for which data are presented. The percentage of Alaska Native high school students who reported ever having used marijuana decreased from 65% in 2007 to 55% in 2015. For white high school students, the percentage declined from 40% to 31% over the same period. Declines were statistically significant for both of these racial groups. Data for other racial groups did not meet the minimum reporting threshold of 100 respondents per year in one or more years and were therefore combined into a single category (“other”).

Figure 2.2: Percentage of high school students in traditional schools who first tried marijuana before age 13, YRBS 2007–2015, Alaska



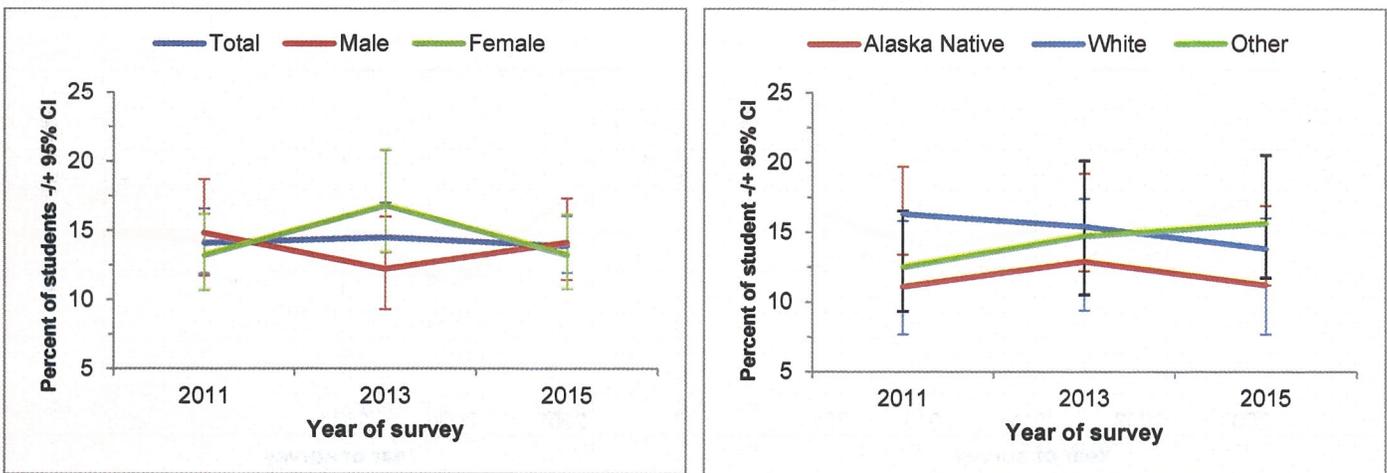
There was no statistically significant difference between the percentage of high school boys and girls who reported first trying marijuana before age 13 in any of the years for which data are presented. The percentage of high school students who reported first trying marijuana before age 13 did not change significantly over the 9-year period for which data are presented and had a value of 10% in 2015. Alaska Native high school students tended to report having first used marijuana before age 13 at a higher rate than white high school students over this period, but the difference was not statistically significant in all survey years. There was no statistically significant change for either Alaska Native or white high school students in the percentage reporting having first used marijuana before age 13 over this period. In 2015, 18% of Alaska Native high school students and about 5% of white high school students reported having first tried marijuana before age 13. Data for other racial groups did not meet the minimum reporting threshold of 100 respondents per year in one or more years and were therefore combined into a single category (“other”).

Figure 2.3: Percentage of high school students in traditional schools who currently used marijuana (at least once in the 30 days before survey), YRBS 2007–2015, Alaska



There was no statistically significant difference between the percentage of high school boys and girls who reported currently using marijuana (one or more times in the 30 days before being surveyed). The percentage of high school students who reported currently using marijuana did not change significantly over the 9-year period for which data are presented and had a value of 19% in 2015. Alaska Native high school students tended to report current marijuana use at a higher rate than white high school students over this period, but the difference was not statistically significant in all survey years. There was no statistically significant change for either Alaska Native or white high school students in the percentage reporting current marijuana use over this period. In 2015, 26% of Alaska Native high school students and 15% of white high school students reported currently using marijuana. Data for other racial groups did not meet the minimum reporting threshold of 100 respondents per year in one or more years and were therefore combined into a single category (“other”).

Figure 2.4: Percentage of high school students in traditional schools who think there is a pretty good or very good chance they would be seen as cool if they smoked marijuana, YRBS 2011–2015, Alaska

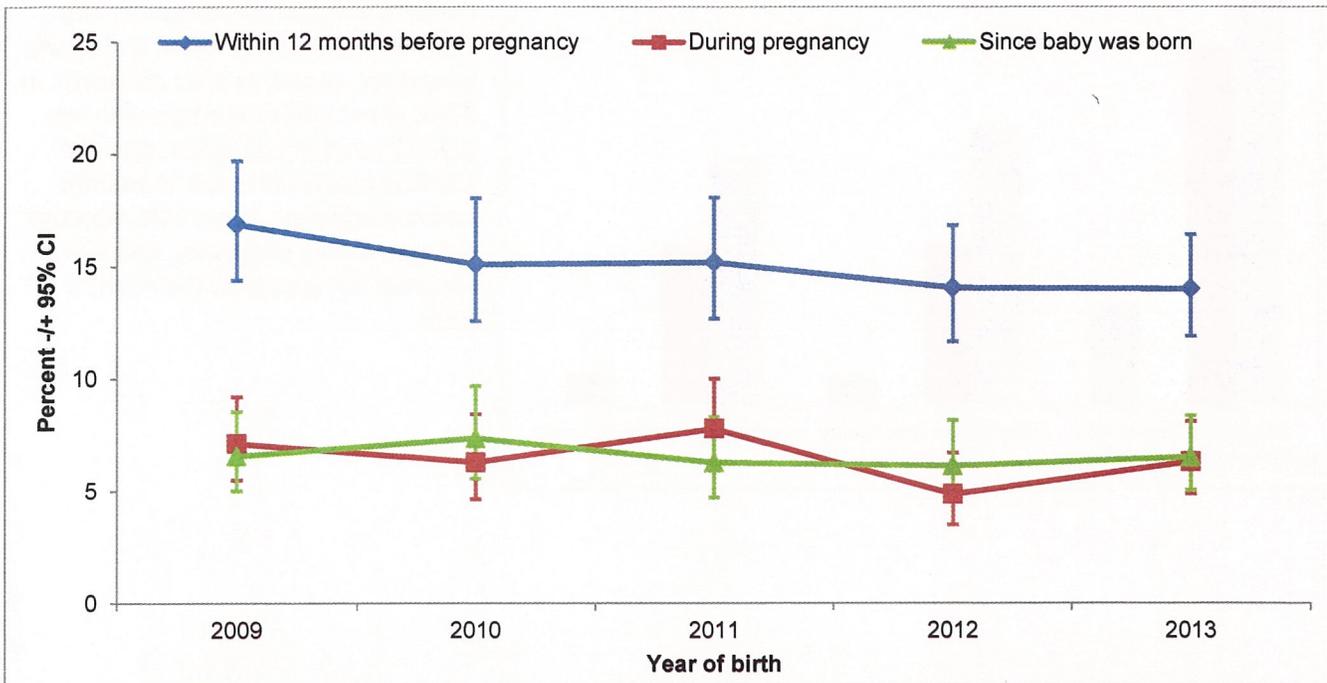


There was no statistically significant difference between the percentage of high school boys and girls who thought there was a pretty good or very good chance of being seen as cool if they smoked marijuana. The percentage of high school students who reported this perception did not change significantly over the 5-year period for which data are presented and had a value of 14% in 2015. Alaska Native high school students tended to report this perception at a lower rate than white high school students over this period, but the difference was not statistically significant in any of the survey years. There was no statistically significant change for either Alaska Native or white high school students in the percentage reporting this perception over this period. In 2015, 11% of Alaska Native high school students and 14% of white high school students reported this perception. Data for other racial groups did not meet the minimum reporting threshold of 100 respondents per year in one or more years and were therefore combined into a single category (“other”).

Pregnancy Risk Assessment Monitoring System (PRAMS): Marijuana use, 2009–2013

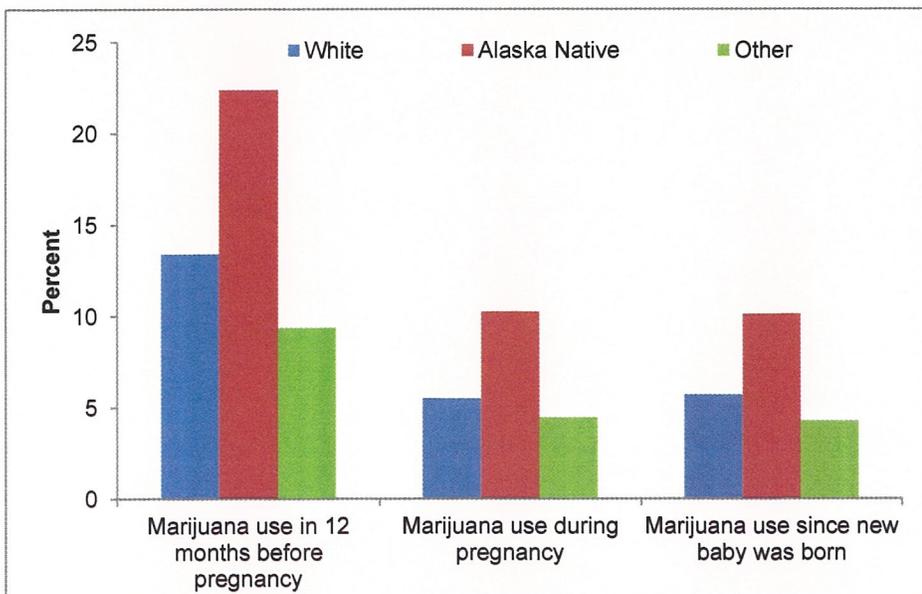
Note: Tests of statistical significance for the trends shown in this section were not conducted because overall raw data were not available at the time of publication.

Figure 3.1: Percentage of pregnant women who reported smoking marijuana, by year, PRAMS 2009–2013, Alaska



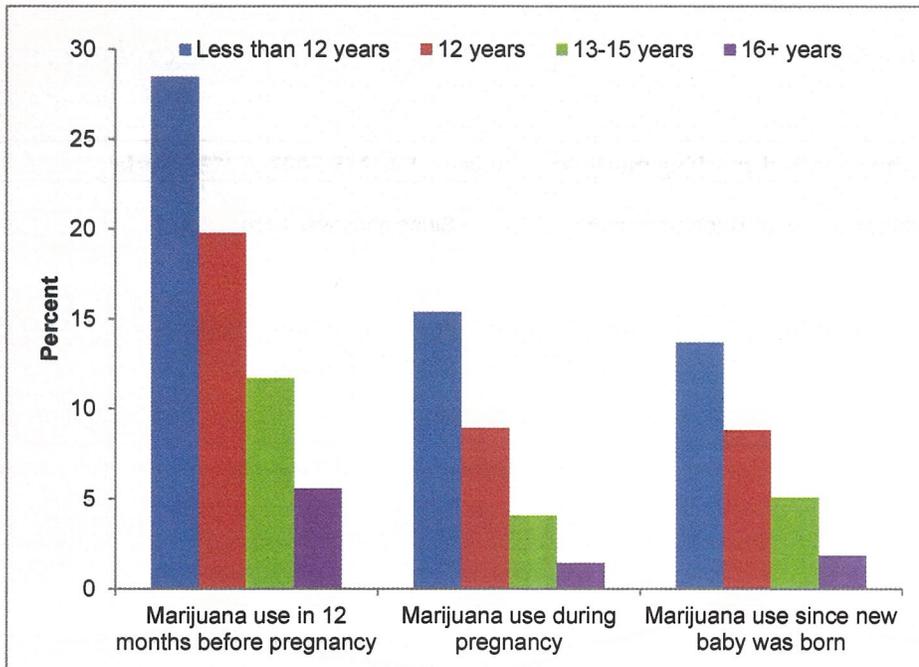
In 2013 in Alaska, about 14% of pregnant women reported smoking marijuana in the 12 months before getting pregnant, about 6% reported smoking marijuana during pregnancy, and about 7% reported smoking marijuana since their baby was born. No statistically significant changes in marijuana smoking rates were seen in any of the three groups over the 5-year time period shown.

Figure 3.2: Average annual percentage of pregnant women who reported smoking marijuana, by maternal race, PRAMS 2009–2013, Alaska



During 2009–2013, the average annual percentage of pregnant women who reported smoking marijuana was higher for Alaska Native mothers than for white mothers and mothers of other races. This was true for smoking before and during pregnancy, as well as after childbirth. In 2013, about 22% of Alaska Native mothers smoked marijuana in the 12 months before getting pregnant, about 9% did so during their pregnancy, and 9% did so after their baby was born. Among white mothers, about 14% reported smoking marijuana before pregnancy, while 7% reported doing so during pregnancy, and 6% reported doing so after pregnancy in 2013.

Figure 3.3: Average annual percentage of pregnant women who reported smoking marijuana, by maternal education, PRAMS 2009–2013, Alaska



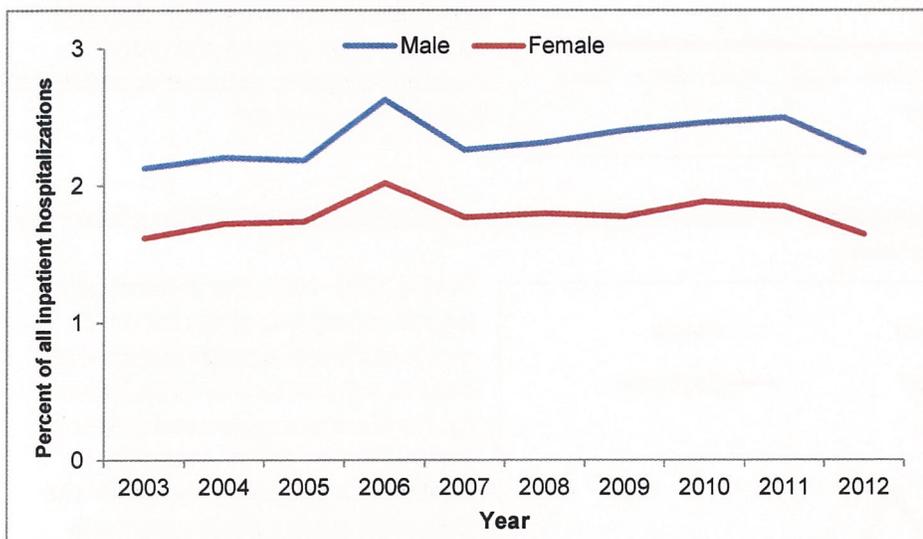
During 2009–2013, the average annual percentage of pregnant women who reported smoking marijuana consistently declined with increasing duration of maternal education. This was true for smoking before and during pregnancy, as well as after childbirth. In 2013, about 24% of mothers with less than 12 years of education reported smoking marijuana in the 12 months before pregnancy, about 14% reported doing so during pregnancy, and 10% reported doing so after their baby’s birth.

Hospital Discharge Database (HDD): Marijuana abuse and dependence, 2003–2012

The following figures pertain to inpatient hospitalizations during 2003–2012 at the following 10 health centers in Alaska for which marijuana *abuse or dependence* (in ICD-9 codes) was cited as a primary or secondary diagnosis:

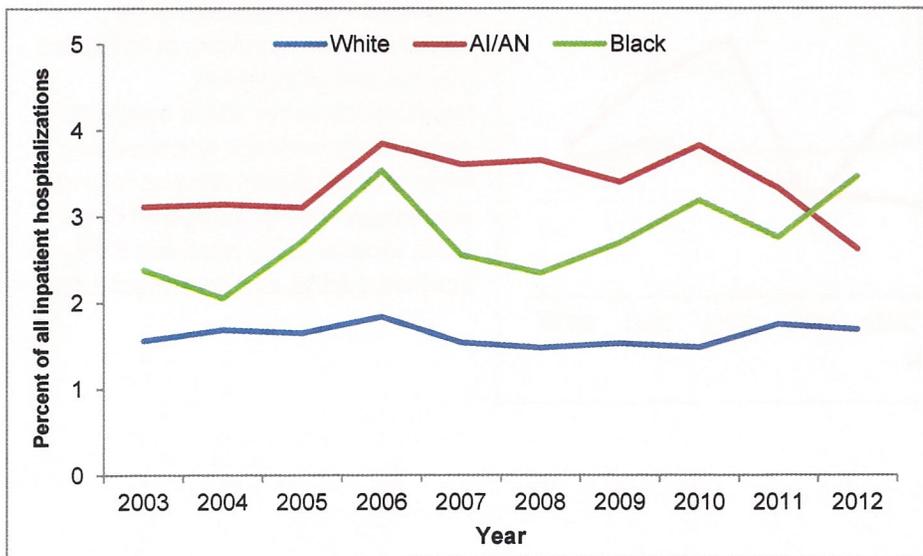
- Alaska Regional Hospital
- Bartlett Regional Hospital
- Central Peninsula Hospital
- Fairbanks Memorial Hospital
- PeaceHealth Ketchikan
- Providence Alaska Medical Center
- Providence Kodiak Island Medical Center
- Providence Seward Medical Center
- Alaska Native Medical Center
- Providence Valdez Medical Center

Figure 4.1: Percentage of all inpatient hospitalizations for which marijuana abuse or dependence was cited as a factor, by sex, HDD 2003–2012, 10 Alaska Health Centers



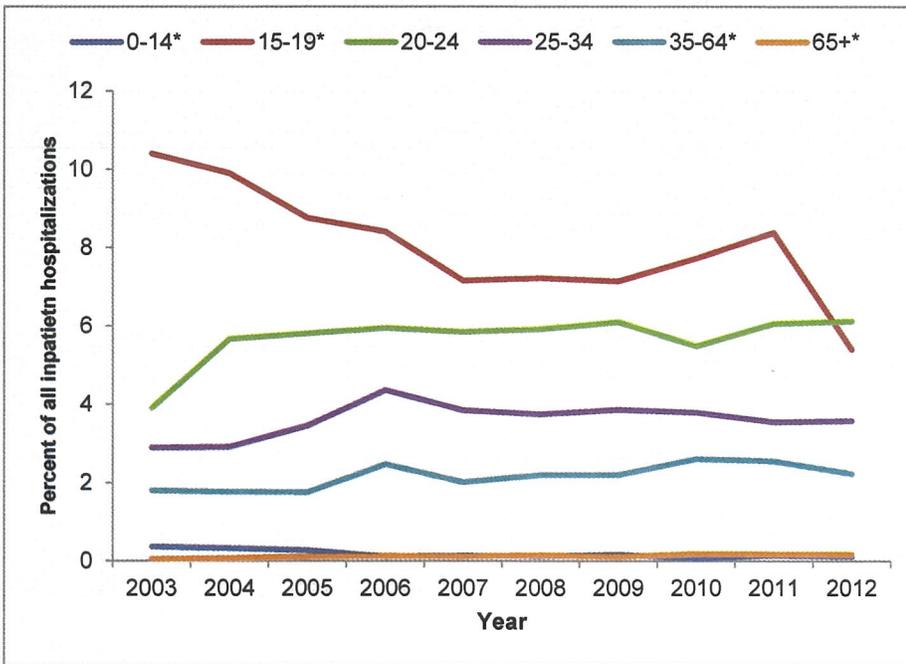
Every year from 2003 through 2012, the percentage of inpatient hospitalizations for which marijuana abuse or dependence was cited as a factor was higher for males than for females. In 2012, 2.2% of hospitalizations for males and 1.6% of hospitalizations for females were related to marijuana abuse or dependence.

Figure 4.2: Percentage of all inpatient hospitalizations for which marijuana abuse or dependence was cited as a factor, by race, HDD 2003–2012, 10 Alaska Health Centers



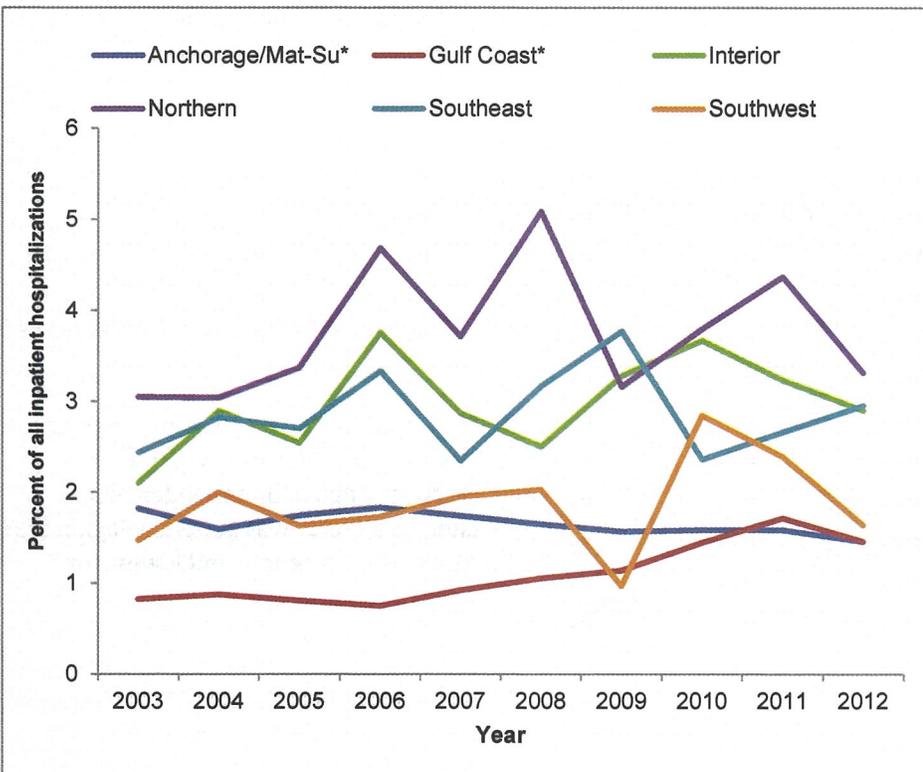
During 2003–2012, the percentage of inpatient hospitalizations for which marijuana abuse or dependence was cited as a factor was generally highest for Alaska Native people and lowest for white people. However, in 2012, 2.6% of hospitalizations for Alaska Native people, 3.5% of hospitalizations for black people, and 1.7% of hospitalizations for white people cited marijuana abuse or dependence as a factor. There was no statistically significant increase or decrease among any of these groups over these 10 years.

Figure 4.3: Percentage of all inpatient hospitalizations for which marijuana abuse or dependence was cited as a factor, by age group, HDD 2003–2012, 10 Alaska Health Centers



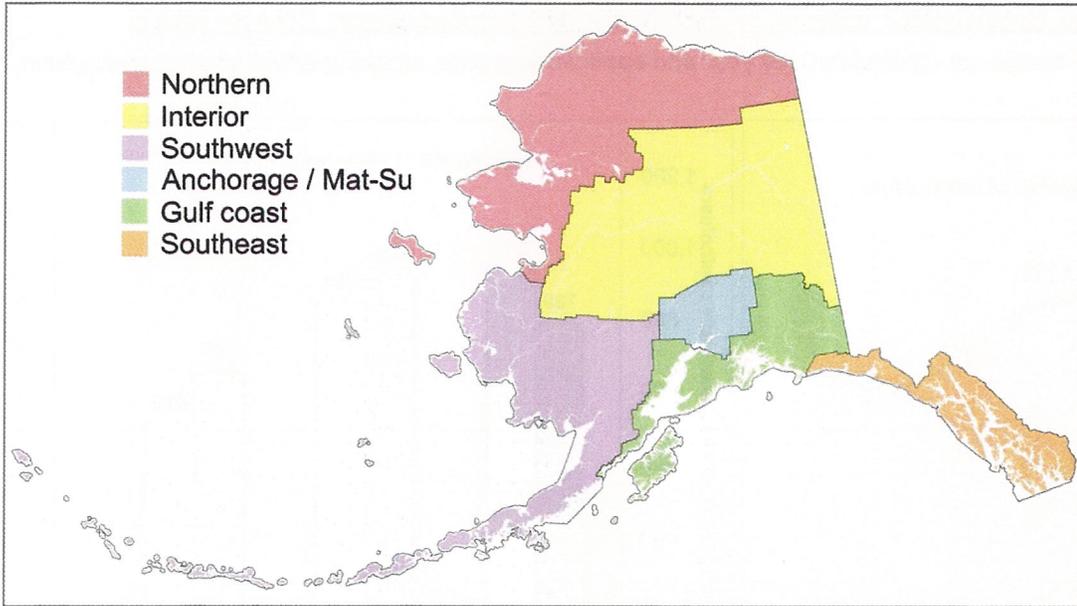
During 2003–2012, the percentage of inpatient hospitalizations for which marijuana abuse or dependence was cited as a factor was generally highest for 15- to 19-year-olds, and lowest for 0- to 14-year-olds and adults ages 65 and older. A significant decrease in inpatient hospitalizations associated with marijuana use was seen among 15- to 19-year-olds during these years, while a statistically significant increase was seen among adults ages 35–64. In 2012, 0.1% of hospitalizations for 0- to 14-year-olds, 5.4% for 15- to 19-year-olds, 6.1% for 20- to 24-year-olds, 3.6% for 25- to 34-year-olds, 2.2% for 35- to 64-year-olds, and 0.2% for adults ages 65 and older involved marijuana abuse or dependence being cited as a factor.

Figure 4.4: Percentage of all inpatient hospitalizations for which marijuana abuse or dependence was cited as a factor, by region, HDD 2003–2012, 10 Alaska Health Centers



During 2003–2012, the percentage of inpatient hospitalizations for which marijuana abuse or dependence was cited as a factor tended to be highest for the Northern region and lowest for the Gulf Coast region. A statistically significant increase was noted for the Gulf Coast region, and a statistically significant decrease was noted for the Anchorage/Matanuska-Susitna region, but numbers varied greatly from year to year, so these trends should be interpreted with caution. In 2012, the percentages of inpatient hospitalizations for which marijuana abuse or dependence was cited as a factor in each region were as follows: Anchorage/Mat-Su 1.5%, Gulf Coast 1.5%, Interior 2.9%, Northern 3.3%, Southeast 3.0%, and Southwest 1.6%.

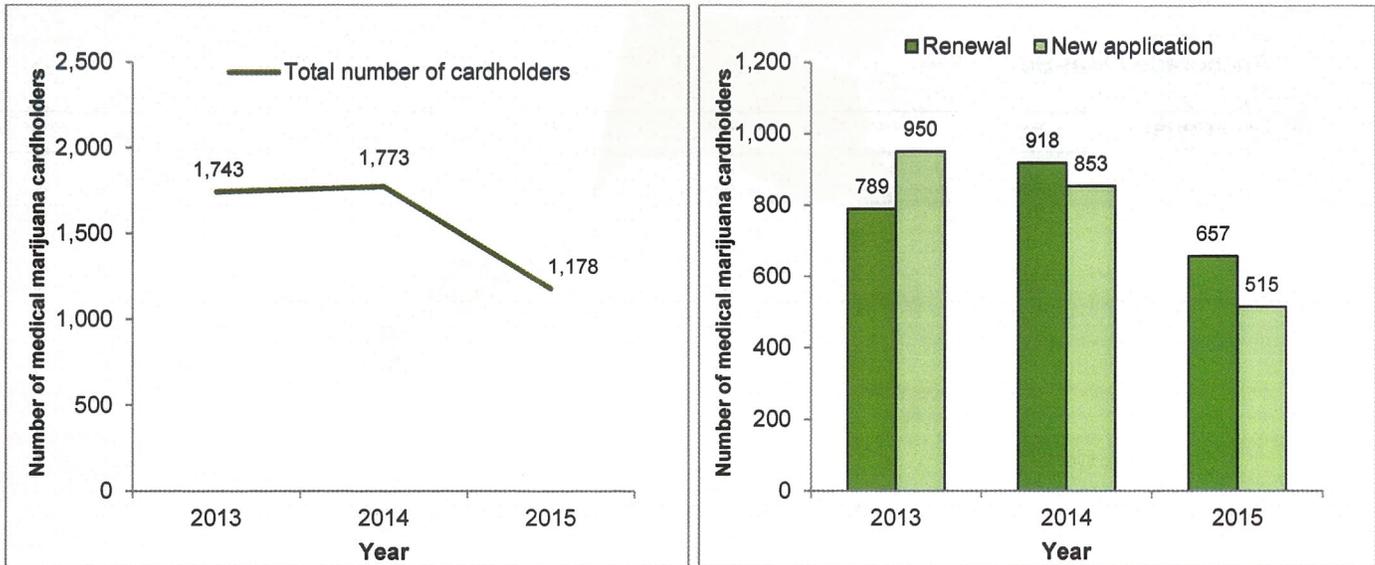
Figure 4.5: Map depicting the six economic regions of Alaska*



*Courtesy of the Alaska Department of Labor and Workforce Development, Research and Analysis group.

Alaska Medical Marijuana Registry: Number of Cardholders, 2013–2015

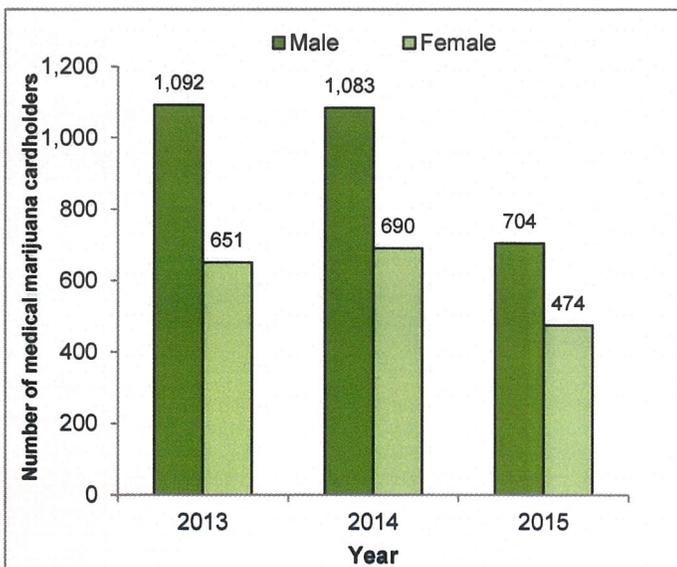
Figure 5.1: Number of medical marijuana cardholders, by year and application status, Alaska Medical Marijuana Registry, 2013–2015*



* Counts for a given year are made on January 1 of the following year

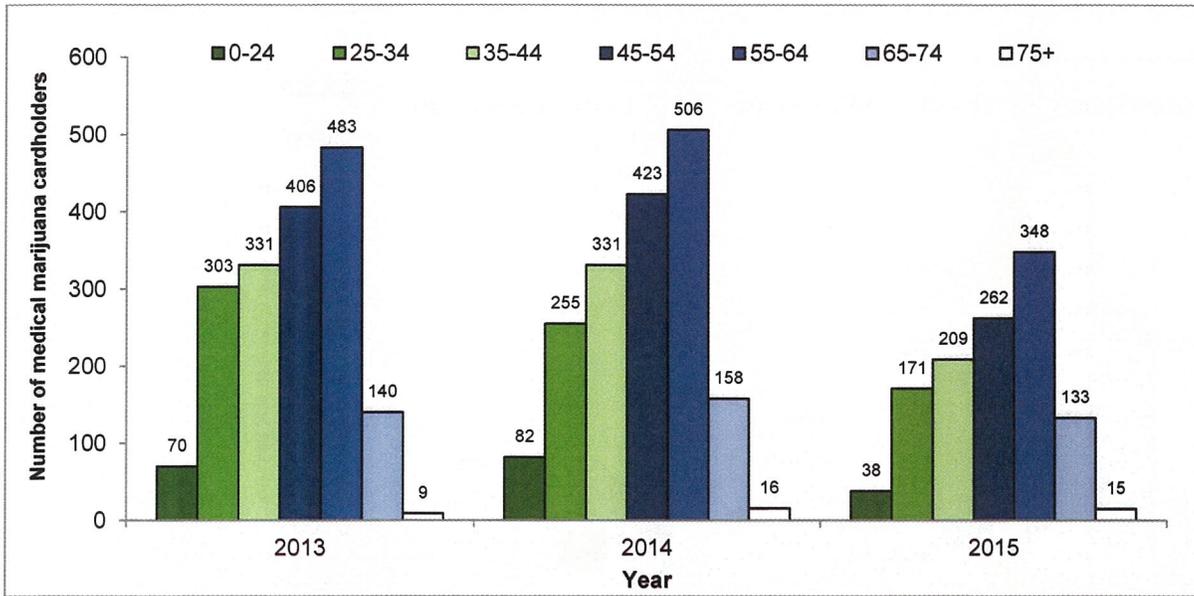
In 2013, the first year that marijuana was legal for medicinal purposes in Alaska, 1,743 Alaskans registered for medical marijuana cards. The number increased slightly to 1,773 by the end of 2014, but then dropped to 1,178 by the end of 2015. The 1,773 cardholders at the end of 2014 were comprised of 853 (48%) new applications and 918 (52%) renewals, while the 1,178 at the end of 2015 were comprised of 515 (44%) new applications and 657 (56%) renewals. In the three years for which data are presented, four, two, and six cardholders had unknown status relative to renewal versus new application.

Figure 5.2: Number of medical marijuana cardholders, by year and sex, Alaska Medical Marijuana Registry 2013–2015



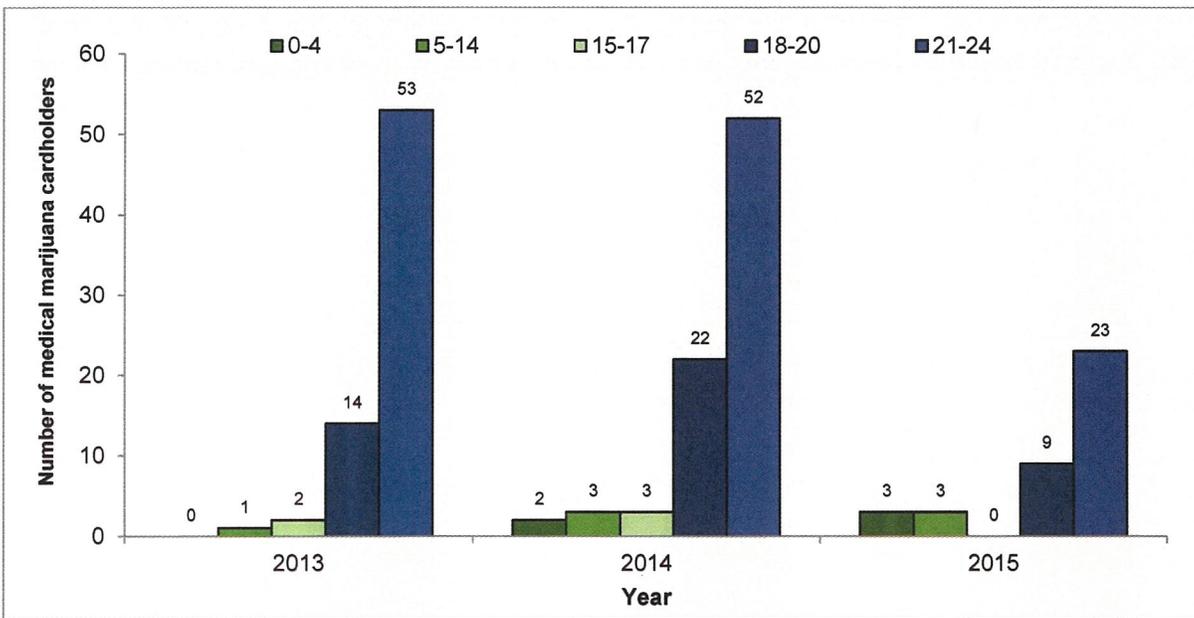
In 2013, 63% of medical marijuana cardholders were male and 37% were female. In 2014, 61% of medical marijuana cardholders were male and 39% were female. In 2015, 60% of cardholders were male and 40% were female.

Figure 5.3: Number of medical marijuana cardholders, by age group, Alaska Medical Marijuana Registry 2013–2015



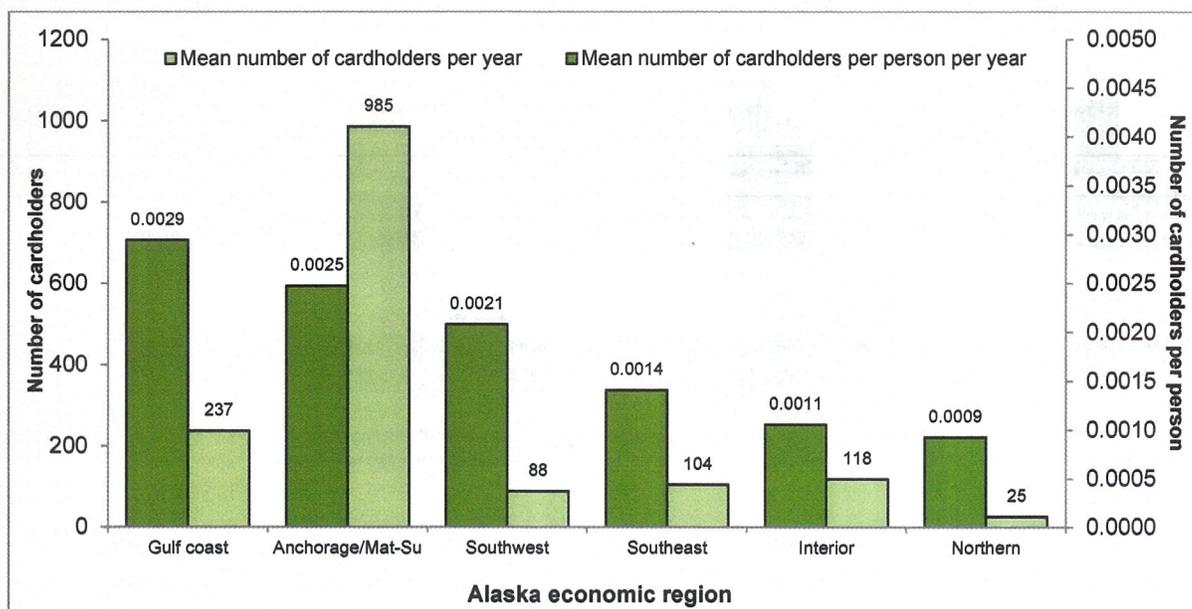
Each year, the largest number of medical marijuana cardholders were ages 55–64 and the fewest number were ages 75 and older. As in the previous figures, not all cardholders from one year renewed their cards in the following year.

Figure 5.4: Number of pediatric and young adult medical marijuana cardholders (ages 0–24), by age group, Alaska Medical Marijuana Registry 2013–2015



Among medical marijuana cardholders younger than 24 years old, the highest number of cardholders was in people ages 21–24. While sample sizes are small, the percentage of cardholders younger than 14 years old rose from 6% in 2014 to 16% in 2015 due to declines in the number of cardholders ages 18–24. As in the previous figures, not all cardholders from one year renewed their cards in the following year.

Figure 5.5: Mean annual number of medical marijuana cardholders, by region, Alaska Medical Marijuana Registry 2013–2015*



*2014 population estimates for each region, obtained from State of Alaska Department of Labor and Workforce Analysis, were used to calculate the number of cardholders per person in each of the three years

When averaged across the 3 years, the highest mean annual number of medical marijuana cardholders occurred in the Anchorage/Matanuska-Susitna region, the most populous of the six Alaska economic regions. In contrast, when raw cardholder counts were adjusted for region population size, the Gulf Coast region had the highest mean annual number of cardholders per 100,000 residents. As in the previous figures, not all cardholders from one year renewed their cards in the following year.

This is a brief list of Documentaries about Cannabis in our world today. The information is current, valuable and factual.

1. Henry Rollins: “Ten Things You Didn’t Know About Cannabis,” on the History Channel
2. Dr. Sanjay Gupta: “Medical Marijuana” Series on CNN
3. “Hooked,” Marijuana Series on the History Channel
4. “Grass: The History of Marijuana,” narrated by Woody Harrelson
5. Also, there are countless U-Tube videos on the subject of Cannabis

Thank you, Susan Killfoile,

Member, Kachemak Cannabis Coalition and
proud resident of Anchor Point, Alaska

Smith, knew consternation a blow back,
Care about comm. & w/ stand up. People
have enterprising minds & want to make
\$. Outspoken one his desire to move this
forward. Has plans that exceed fix

Jo Johnson

From: Brittany Foster <bafoster36@hotmail.com>
Sent: Saturday, February 06, 2016 5:25 AM
To: Department Clerk

Dear council members,

I am a voter. I support cannabis businesses, retail, manufacturing, testing, and cultivation on the Spit, Town Center, Central Business District, general commercial 1 and 2, and East End mix use. I also support limited cultivation in rural residential areas. Please respect my vote, along with the others who believe the same as I do. If we could all work together to find a common solution then you would see how beneficial the cannabis market can be for Homer, as well as the entire state of Alaska. Thank you for your time.

Sincerely,

Brittany Foster

Jo Johnson

From: Shelly Erickson <homerunoil@alaska.net>
Sent: Monday, February 08, 2016 11:57 AM
To: Jo Johnson
Subject: Marijuana ordinance

I have a few thoughts that I wanted to pass on to you that I think have serious consequences.

1. Personal use vs Commercial. The zoning is all about commercial. To allow commercial commerce no matter what type in rural residential will open the city up to having to allow anything (types of business) by CUP.. otherwise there will be lawsuits.
2. The zoning needs to be kept tight, until we see what the effects of the commercial aspects of marijuana are going to be on our town in terms of resources, crimes, etc.. To be hasty and allow too much flexibility will make it hard to control later on if it doesn't be the "great financial savior" to our economy. In fact, it would be better to not allow it at all at this time, and let other communities work out all the details with success and pitfalls. We can always revisit this later.
3. CUP's are not the vehicle to regulate where these activities can be. The reason is, if someone can fit the letter of the law, they are able to get a CUP. The problem is that their neighbors have no rights when it comes to opposing the activity. (this happens for any CUP). Until there is weight given to the adjoining properties, the commercial grows will be the only one with rights. This too could open you up to law suits. I sincerely hope that this CUP issue would be fixed quickly. It has been a problem for quite a few years.

I have found it interesting in talking to people around the town from different walks of life, that they voted for the marijuana, but they don't want it next to their property.

Do we want our town to be known by the Marijuana industry here versus the beauty, and the other types of commerce that we have worked so hard to build?

Thank you for looking at these concerns.
Shelly Erickson

Jo Johnson

From: pfagan99@aol.com
Sent: Monday, February 08, 2016 11:17 AM
To: Department Clerk
Subject: Cannabis Overlay

As an Anchor Point Resident and Business Owner on Homer Spit, I **do not** support Retail or Cultivation in City Limits. The tourism we experience here in Homer is not a result of the Cannabis industry and as a grandmother of 4, I don't see that the commercialization of this industry and its risks to public safety to be worth any sales tax revenue expected as trickle down. After hiring new police to enforce the public consumption aspect, I don't foresee that the costs outweigh the hopeful benefit. I was not yet a resident of the 2014 vote but I am now and wish to have my vote count. It saddens me that those who have a conservative "Family Values" concern are being verbally attacked for their support in asking City Council to return HOW state legislation will be implemented HERE back to vote. Supporting Local Businesses will grow our Businesses. Homer needs to consider those businesses that already contribute to its economy.

Sincerely,

Paula Fagan, Owner

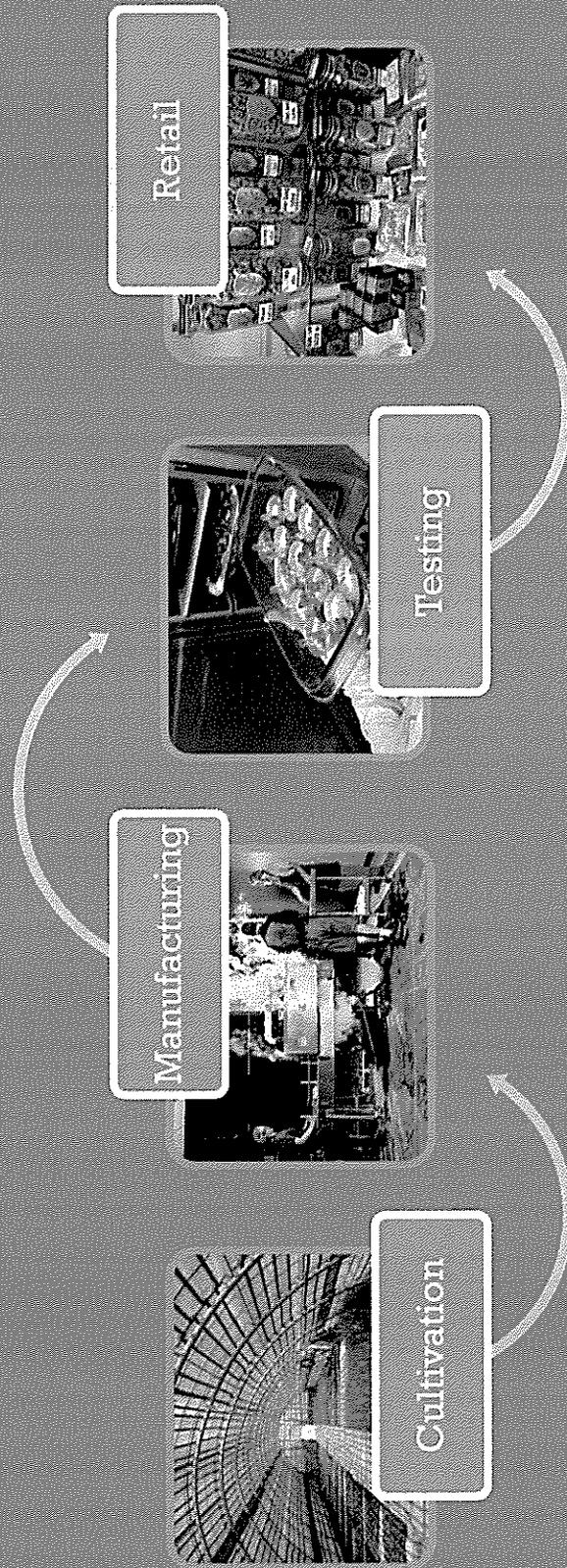
Kachemak Bay Apothecary and Spa, Homer Spit

THE ALASKA MARIJUANA INDUSTRY

*A step by step introduction to facility licensing in
Alaska*

Holly C. Wells
Katie S. Davies
Birch Horton Bittner & Cherot

FROM BUD TO BROWNIE



Cultivation Facility



Cultivation Facility License

Cultivation license allows a person to:

- Plant
- Propagate
- Cultivate
- Harvest
- Trim
- Dry
- Cure
- Package

Cultivation Facility License Types

❖ Limited marijuana cultivation license (smaller than 500 square feet)



❖ Standard marijuana cultivation license



Cultivation Facility

Licensed marijuana cultivation facility is authorized to:

- Sell marijuana to a licensed retail, another cultivation facility, or manufacturing facility
- Provide Samples to licensed testing, retail and/or manufacturing facilities
- Store inventory in a restricted area on the premises
- Transport marijuana
- Conduct in-house testing for the facility's own use

Cultivation Facility

- Licensed marijuana cultivation facility may not:
 - Sell, distribute, or transfer marijuana product to a consumer
 - Allow any person to consume marijuana on the premises or within 20 feet of the exterior
 - Treat or otherwise adulterate marijuana with organic or nonorganic chemicals or compounds to alter the color, appearance, weight, or odor of the marijuana

Cultivation Facility

- Licensed marijuana cultivation facility may not:
 - Except as permitted under a product manufacturing license, extract marijuana concentrate at the licensed premises
 - Sell marijuana that is not packaged and labeled in compliance with the state law

Testing Facility



Testing Facility License

Testing license tests for:

- THC, THCA, CBD, CBDA and CBN potency
- Harmful microbials including E.Coli/Salmonella
- Residual solvents
- Poisons/toxins
- Harmful chemicals
- Dangerous molds, mildew or filth
- Pesticides

Testing Facility Operations



Testing facilities must:

- Employ a scientific director to oversee lab methods, and the maintenance of quality standards of practice
- Use specified guidelines for testing, including for example *Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control*

Testing Facility Operating Manual

A testing facility must have a standard operating procedure manual that explains how to conduct each test, including but not limited to:

- Sample and solution preparation
- Instrument setup
- Calculation of results, and
- Quality control acceptance criteria

Testing Facility Chain of Custody

A testing facility must establish an adequate chain of custody...

- Issuing instructions for the minimum sample and storage requirements
- Documenting the condition of product, its packaging, and integrity of packaging seals
- Documenting each person and transfer handling the original samples

Testing Facility Chain of Custody

Continued...

- Maintaining a list of authorized personnel and restricting facility entry to those individuals
- Securing the facility and sample storage areas
- Adopting an inventory tracking system
- Instrument setup
- Calculation of results, and
- Quality control acceptance criteria

Testing Facility Inspection & Reporting

A testing facility is subject to inspection by the MCB and must:

- Report the result of each lab test to the “marijuana inventory control system” within 24 hours after the test is completed
- Provide a final report on each test to the cultivation facility timely & to the director of the MCB within 72 hours

Manufacturing Facility

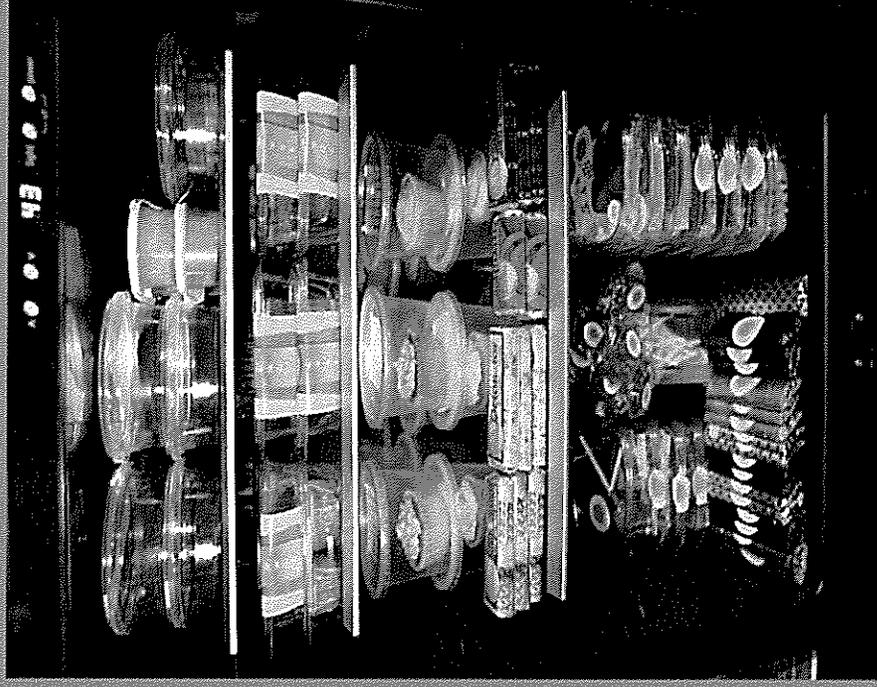


Manufacturing License Types

- Standard marijuana product manufacturing facility license

OR

- Marijuana concentrate manufacturing facility license



Manufacturing License

Licensed manufacturing facility (including concentrate manufacturing) is authorized to:

- Purchase marijuana from a cultivation facility or from another product manufacturing facility
- Extract marijuana concentrate
- Manufacture, refine, process, cook, package, label, and store marijuana products

Manufacturing License

- Licensed manufacturing facility (including concentrate manufacturing) is authorized to:
 - Sell, distribute, or deliver marijuana extract or any marijuana product only to a license retail marijuana store or to another licensed product manufacturing facility
 - Provide and transport samples of concentrate or other produces to the lab for testing

Manufacturing License

- Provide a sample of marijuana concentrate or a product to a licensed retail store for purposes of negotiating a sale
- Store inventory in a restricted access area on the premises
- Conduct in-house testing

Retail Facility



Retail License

- A person must have a retail license to “sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver marijuana or any marijuana product to a consumer”
- Retail licensees must comply with each applicable health, fire, safety, and tax code and ordinance of the State or a local government

Retail License:

The “Mays” and “May Nots”

THE “MAYS”

- Sell marijuana purchased from a licensed cultivation or manufacturing facility for consumption off-premises
- With prior MCB approval, permit consumption of marijuana or marijuana products in designated area on-premises

THE “MAY NOTS”

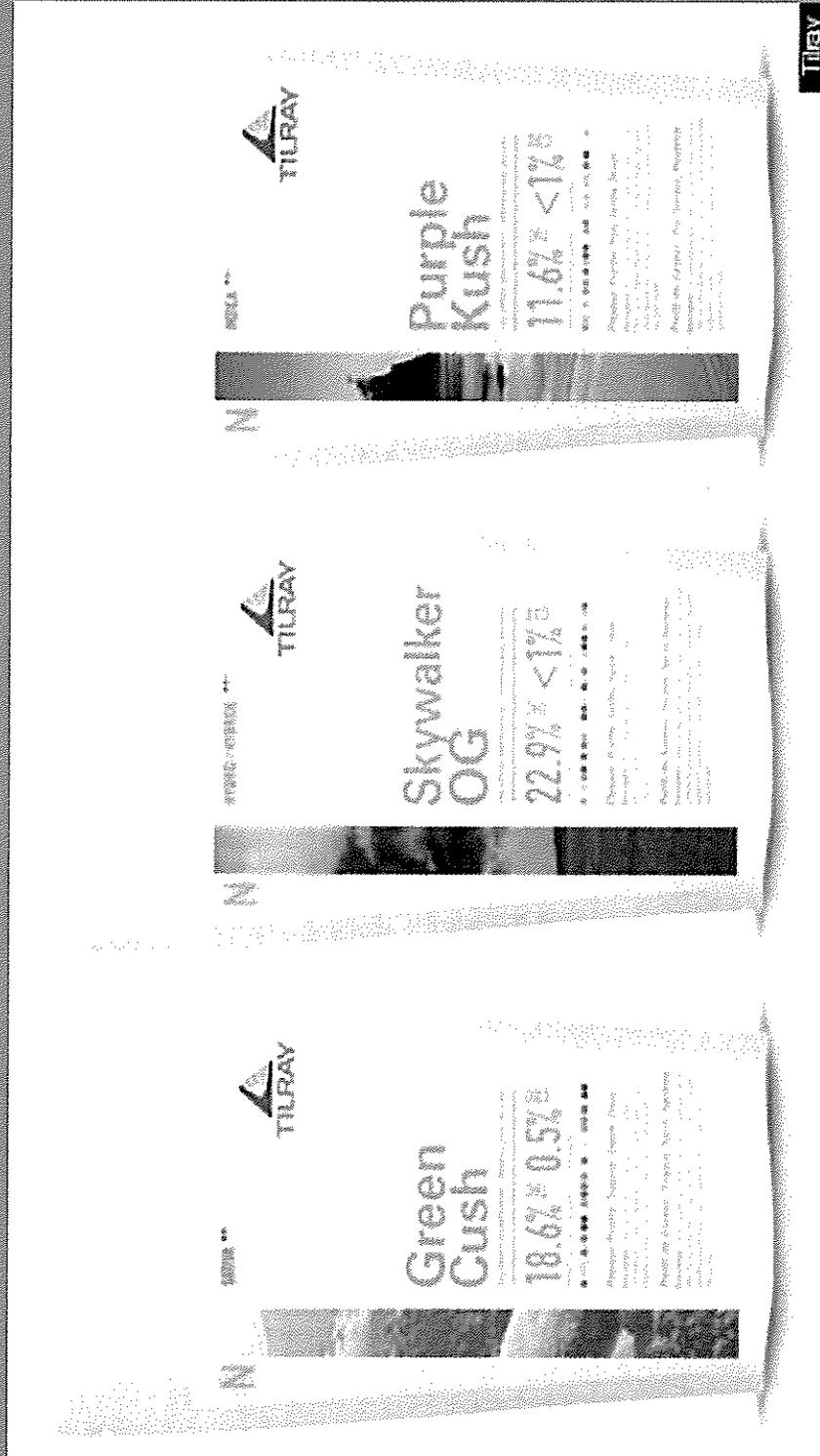
- Sell, give, or offer marijuana to persons under 21 or under the influence of drugs or alcohol
- Sell, give, or offer marijuana over the internet
- Conduct any business at the store between 5-8am
- Offer or deliver free marijuana or marijuana product or alcoholic beverages to a consumer as a marketing promotion

Retail License: *Packaging and Labeling*

Retail facilities must assure that:

- ✓ Marijuana is packaged not exceeding 1 ounce except for wholesale flower or bud sold by weight to consumers
- ✓ Only 1 oz. of marijuana, 7 gms of marijuana concentrate for inhalation or marijuana or products with more than 5600 mgs of THC sold in a single transaction
- ✓ No printed images, including cartoon characters, that specifically target individuals under 21
- ✓ Include warning labels specified in regulations
- ✓ Packaged in opaque, resealable, child-resistant packaging
- ✓ Include a label with the name of the store, the estimated amount of THC, and license number

Retail License: Packaging and Labeling



General License Requirements:

Marijuana Handler Permit

- All marijuana establishments must obtain a handler permit by completing a course and written test. The permit is good for 3 years.
- A handler permit course covers:
 - The effects of mj and mj products
 - Identifying an mj-impaired person
 - Determining valid id
 - Intervening to prevent unlawful consumption
 - The penalties for unlawful acts

General License Requirements:

Filing an Application

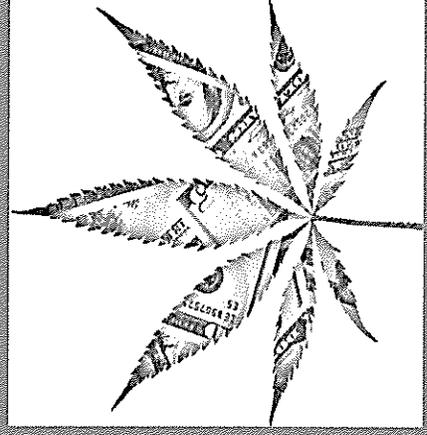
All license applicants must:

- Provide public notice by posting the application on MCB specified forum, the proposed location, and one other conspicuous location in area of proposed premises
- Publishing an announcement each wk. for 3 wks in a newspaper or, if there is no newspaper, 2x per wk for 3 wks on the radio
- Submit a copy of the application to the local government and any community council in the area

General License Requirements: *Application Fees*

All license applicants must pay \$1000 for new application plus:

- \$5000 marijuana manufacturing, retailer or cultivation
- \$1000 limited cultivation
- \$1000 extract-only manufacturing
- \$1000 testing facility



General License Requirements:

License Restrictions

No license will be issued if:

- The facility is within 500 ft of school grounds, a recreation or youth center, a building where religious services are regularly conducted, or a correctional facility.
- The facility would be in a liquor license premises
- The local government protests the license because a local zoning ordinance prohibits the marijuana establishment
- The applicant or one of its officers is a convicted felon

General License Requirements:

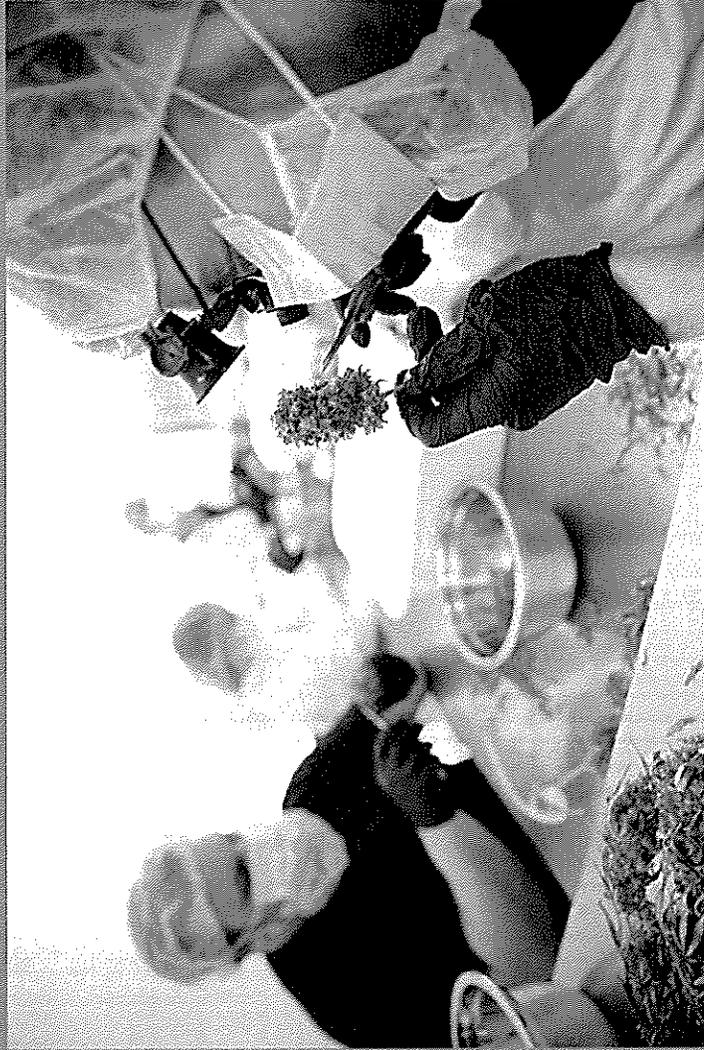
Health and Safety Standards

All marijuana facilities are subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that no health or safety concerns are present.

The regulations provide specific health and safety standards to:

- Prevent individuals with open sores or illness from coming into contact with the product
- Maintain good hygiene practices, hand washing practices, clean facilities, and sanitation practices

General License Requirements: *Health and Safety Standards*

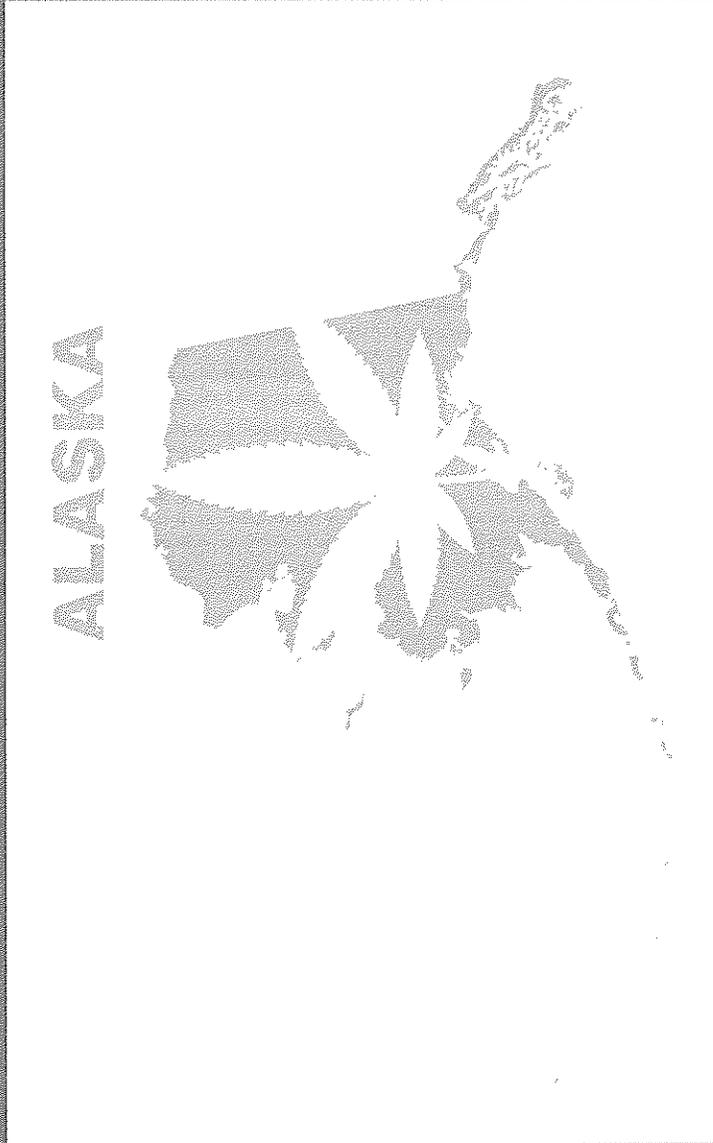


General License Requirements: *Waste Disposal*

Regulations provide specific waste disposal practices, requiring:

- Marijuana plant waste is made unusable by grinding it and mixing it with other compostable and non-compostable materials
- 3 days notice to the MCB director before disposing of marijuana

Questions?



FEB -4 2016
JD

Hi I am Carrie Harris;

I am representing myself as a voter, one of many representing the cannabis community, the 54 % of the voters within the city limits who voted to pass the cannabis initiative. I am also a commissioner on the City Cannabis Advisory Commission.

You have seen the planning commissions zoning map for cannabis, and as you heard at the introduction I do not feel this represents what the voters wanted.

At the Cannabis Advisory Commission meetings we regularly have people speaking in favor of cannabis cultivation, retail, manufacturing, and we have someone ready and qualified to open a testing center, we also have had people speaking against being too restrictive.

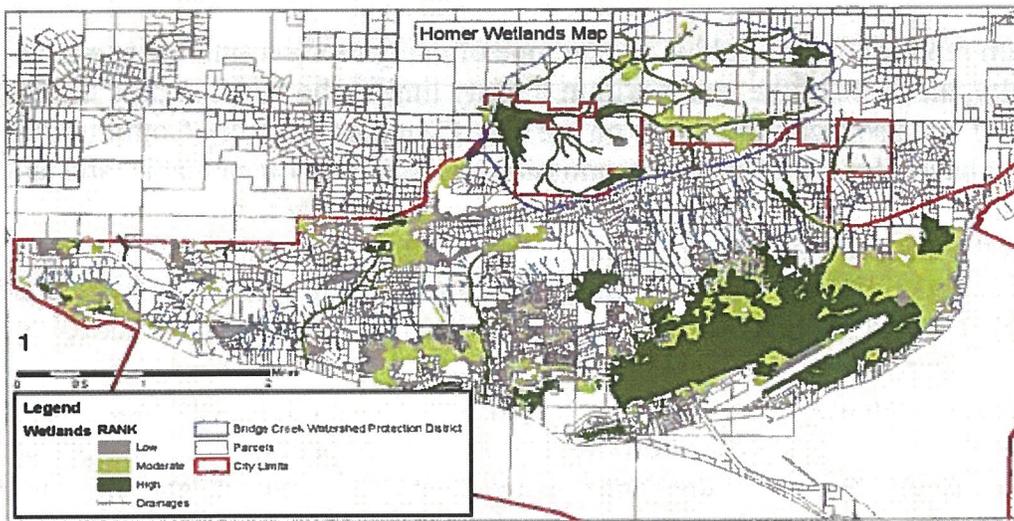
I drove a cab here for a year, I have talked to almost all my customers about the cannabis initiative. In that year of driving the majority of people were very pro cannabis. Many like myself who do not use cannabis are in favor of cannabis, and the benefits it may hold for the city in retail, cultivation, and manufacturing. They were also vocal about local and state government placing too many restrictions on it.

The cannabis advisory commission was a bit surprised when the planning commission decided to take this to public hearings. We did not supported this map, we have argued against it each time Rick brought it in, and there has never been a vote in favor of it. I thought that the planing commission was working with the cannabis commission on zoning. I found out it was going to public hearing when I saw a posting at the library, I went the the meeting.

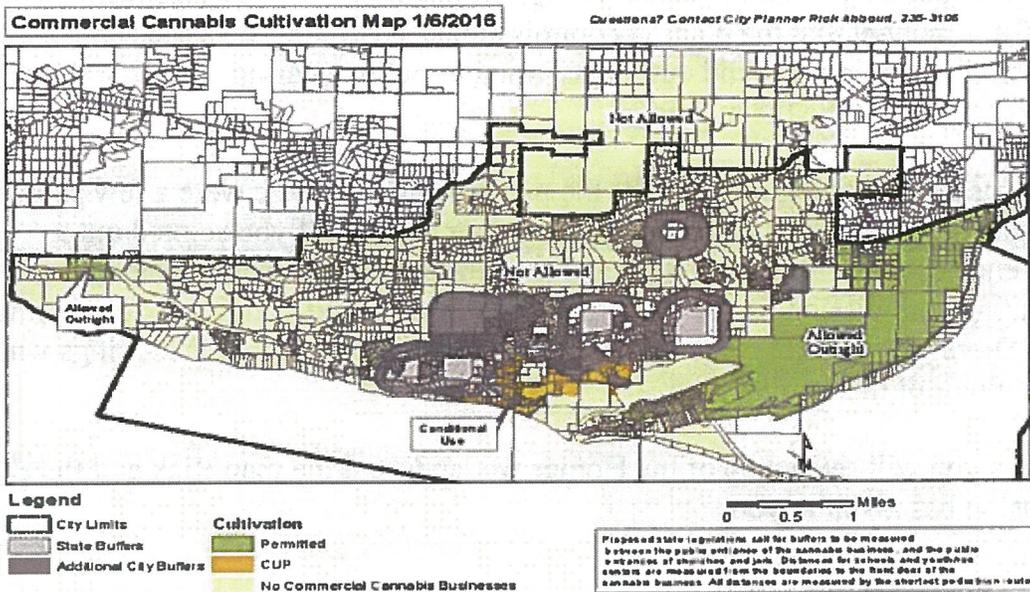
I was at the Zoning meeting for the public hearings, there were a few people who spoke against the cannabis zoning map, including myself. If you printed out a transparency of the zoning map, high and moderate wetlands would match up to where the planning commission has decided to allow cannabis cultivation, manufacturing, and testing. There was not one person at the Planning commission public hearings who spoke in favor of this zoning map.

On page 2 you will see a map of the Homer wetlands and the map Rick and the Planning commission has given to you.

This is the Wetlands Map



This is the map Rick and the panning commission created. The Cannabis Advisory Commission has never agreed with this map.



Even the green corner on Bay Crest Hill is in wetlands. This map is Deceptive and an insult to the voters.

I would like you to introduce option B and pass it, this cannabis plan is more in line with what the voters would like to see. This option would allow for rural residential limited marijuana cultivation as defined by state law, retail on the spit, retail and manufacturing in the town center, and organic cultivation in the watershed area.

See Pages 5-7

An amendment was proposed at the city council meeting, I was happy it opened the discussion. You guys had some great questions, and I am going to answer a few of them for you.

Limited cultivation;

One question that was asked and this is not the exact wording of the question, Does the city currently allow for agricultural activities in rural residential areas, City Planner Rick Abboud answered it, he was a bit vague and disingenuous.

Here is the city code

21.12.010 Purpose.

The purpose of the Rural Residential District is primarily to provide an area in the City for low-density, primarily residential, development; allow for limited agricultural pursuits; and allow for other uses as provided in this chapter. [Ord. 08-29, 2008].

I have included this ordinance and 21.12.020 Permitted uses and structures

On page 6, _____

I believe this clearly states agricultural is in allowed in the area. If you take the time to drive around the rural residential areas you will see green houses, storage sheds, farm buildings, and high-tunnels doted all over it, you will also find business that look far more “commercialized” than what limited marijuana cultivation would look.

Their was concern about buffer requirements.

3 AAC 306.430. Restricted access area. (a) A marijuana cultivation facility shall conduct any operation in a restricted area in compliance with 3 AAC 306.710 and this section.

(b) A marijuana cultivation facility shall conduct any marijuana growing operation within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Where not prohibited by local government, outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscuring wall or fence at least six feet high.

I do not see any issues with requiring a buffer of 20-50 feet from property lines, or even adding shrubbery and State required fence of 6 feet.

I do see an issue with The planning commission requiring a buffer found in the proposed ordnance on starting on line 427 21.62.070; Berns 10 feet wide. That is f*** b.s. Buffering has come up at the Cannabis meeting and they thought my ideas were too strict. This is sicking, it was also never brought to the CAC. Please remember that a limited cultivation facility can not sale or have an odor, they must give public notice when they apply for a license, and those who are opposed to the licenses have the opportunity to protest the license with the state.

Limited cultivation facilities must be under 500sq feet. On any lot over 10,000sq feet a 500sq foot green house will not take up that much room on the land, most people will be using existing structures, or small green houses.

Planning Commissioner Rick Abboud has expressed many times that the regulations make cultivation of cannabis too commercial for the rural residential area.

You must have lights and a camera to record anyone coming into and leaving the growing area.

There is an extensive amount paperwork and tracking involved, as there is with any business. Lights and a security camera directed at the entry and on the cultivation area is no more commercial than what is required for a bed and breakfast, or any business allowed in the RR district. I am sure there are security cameras at many of the rural residential business.

Retail:

The question was asked what would a retail business with a cannabis use area look like. I am not sure, most likely they would have a designated area or room that would allow consumption of cannabis edibles. If they choose to have an area where people could smoke cannabis the area would have to air filtration system so there would be no smell.

Spit:

Their was a bit of discussion about the spit.

The spit is not a child friendly area, it is a non-stop construction zone.

The fishing hole is a great family place, but there had better be an adult with that child! The tides coming in can be rough, there are no play grounds or even gardens.

Family's do camp on the spit, Many working for the summer here in homer camp on the spit, most are here to fish and party. The Salty Dog is open late in the summer to serve those in party mode.

The spit would be a prime location for a retail shop, those family's with children will not be forced to walk into a cannabis shop, the religious can walk past the cannabis shop, just as they do the Salty Dog.

“The model that I have observed in Washington and Colorado (without consumption) was one that I saw as having little negative consequences compared to other retail operations such as liquor or convenience stores.” A quote from the planning commission zoning meeting STAFF REPORT PL 16-02 on the map approved, it is from page 361 of your packet from the meeting on 1/25.

A Retail store can not sell more than 1 ounce of cannabis to an individual per state regulations. The City of Homer could take that a step farther if you still fear someone is going to take it on a ship back to Washington and their home state, and limit the sale to non-residence to not more than a ¼ ounce.

What is the value;

I can't give you a number on how much the town could make off of cannabis, the city will receive part of the license fee, sales tax, and any excise tax if one is place on it.

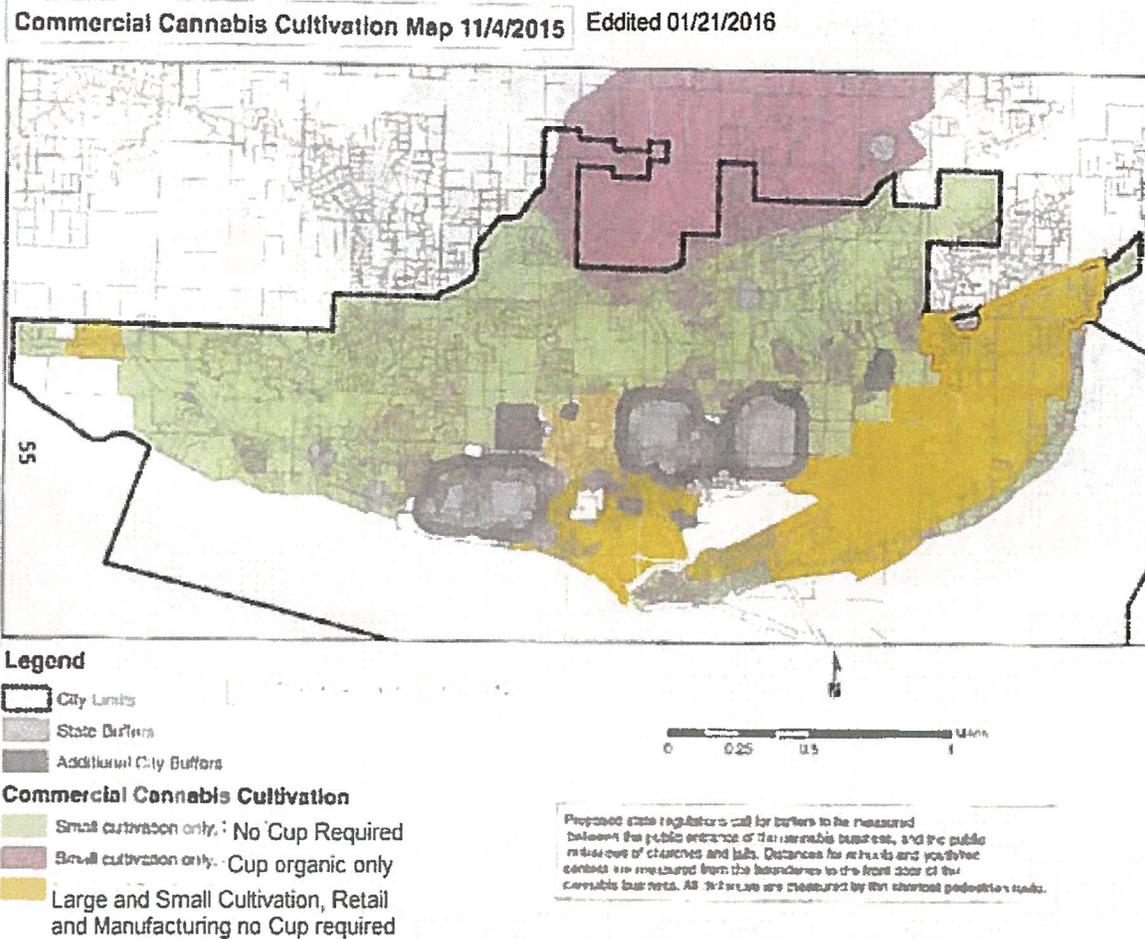
I believe with many towns opting out of the cannabis industry and the limiting areas for the cultivation of cannabis, Homer could export what it grows. There will not be enough legal cannabis to keep retail stores from running out. I believe we will see an influx of instate tourists, homer is a fishing town, and you can get legal pot here.

Even if we don't make a lot off legal cannabis, the money we do make will be kept here in our local economy. The Fact still stands that 54% of the voters in this town voted for it, this is not a special interest group WE ARE THE VOTERS!

The planing commission has said they would rather start small and grow later, because it is easier to grow than to ratchet back. The voters did not and have not been concerned with the ease of the planning commission positions If it fails you can blame the voters.

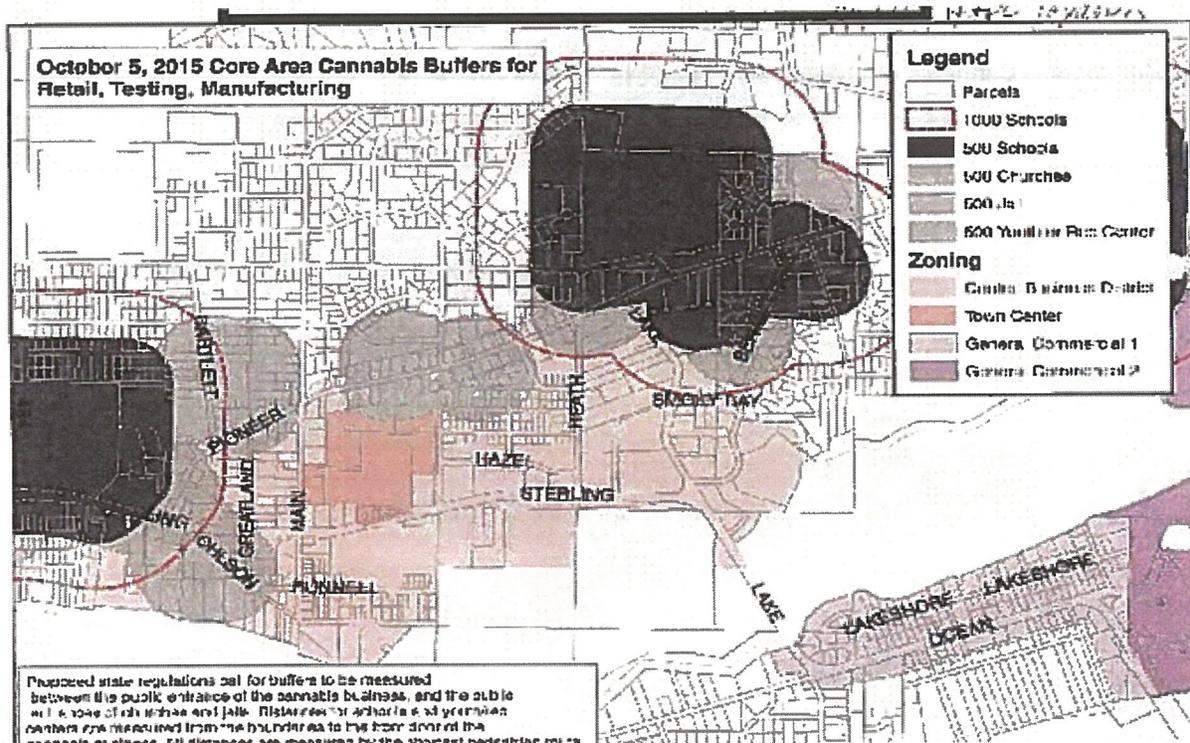
Option B is found below, We hope you will work with the voters and not against us.

This is option B it is what the voters voted for.



The only condition placed is on the watershed which is in purple and should only be the use of organic fertilizers and pesticides

Cannabis retail, manufacturing, and testing allowed out right in the town center, and the central business district



Amendments to Homer city code

Homer City Code Chapter 21.18 should be amended as follows in bold:

Section 21.18.020 Permitted uses and structures.

Add line 117 **jj. Marijuana testing facility as defined by state law.**

Add line 118 **kk. Marijuana retail facilities as defined by state law.**

Add line 119 **ll. Marijuana testing facilities as defined by state law.**

Changes to city code title 21 definitions.

Addition to definitions to add (in bold)

Homer City Code Title 21 ZONING AND PLANNING

“Agricultural activity” shall mean farming, including plowing, tillage, fertilizing, cropping, irrigating, seeding, cultivating or harvesting for the production of food and fiber products (excluding commercial logging and timber harvesting operations); the grazing or raising of livestock (excluding feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; **limited marijuana cultivation as defined by state law**; and the cultivation of products as part of a recognized commercial enterprise. “Agricultural activity” excludes private stables and public stables

“Agricultural building” means a building used to shelter farm implements, hay, grain, poultry, livestock, horticulture, **marijuana**, or other farm products, in which there is no human habitation and which is not used by the public.

Amendments to Homer city code 21.22.010 Amendments in bold.

21.12.010 Purpose.

The purpose of the Rural Residential District is primarily to provide an area in the City for low-density, primarily residential, development; allow for limited agricultural pursuits; and allow for other uses as provided in this chapter. [Ord. 08-29, 2008].

21.12.020 Permitted uses and structures. The following uses are permitted outright in the Rural Residential District:

- a. Single-family dwelling;
- b. Duplex dwelling;
- c. Multiple-family dwelling, only if the structure conforms to HCC 21.14.040(a)(2);
- d. Public parks and playgrounds;
- e. Rooming house, bed and breakfast and hostel;
- f. Home occupations, provided they conform to the requirements of HCC 21.51.010;
- g. Agricultural activities, including general farming, **limited marijuana cultivation as defined by state law**, truck farming, livestock farming, nurseries, and greenhouses; provided, that:
 1. Other than normal household pets, no poultry or livestock may be housed and no fenced runs may be located within 100 feet of any residence other than the dwelling on the same lot;
 2. No retail or wholesale business sales office is maintained on the premises;
- h. Private stables;
- i. Private float plane tie-down as an accessory use incidental to residential use;
- j. Storage of personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to residential use;

The Homer City Code is current through Ordinance 15-45(S), passed December 7, 2015.

Zoning for retail on the spit. All of the spit should be zoned for Retail.

Thanks
Carrie Harris

Jo Johnson

From: Shelly Erickson <homerunoil@alaska.net>
Sent: Monday, February 08, 2016 11:57 AM
To: Jo Johnson
Subject: Marijuana ordinance

I have a few thoughts that I wanted to pass on to you that I think have serious consequences.

1. Personal use vs Commercial. The zoning is all about commercial. To allow commercial commerce no matter what type in rural residential will open the city up to having to allow anything (types of business) by CUP.. otherwise there will be lawsuits.
2. The zoning needs to be kept tight, until we see what the effects of the commercial aspects of marijuana are going to be on our town in terms of resources, crimes, etc.. To be hasty and allow too much flexibility will make it hard to control later on if it doesn't be the "great financial savior" to our economy. In fact, it would be better to not allow it at all at this time, and let other communities work out all the details with success and pitfalls. We can always revisit this later.
3. CUP's are not the vehicle to regulate where these activities can be. The reason is, if someone can fit the letter of the law, they are able to get a CUP. The problem is that their neighbors have no rights when it comes to opposing the activity. (this happens for any CUP). Until there is weight given to the adjoining properties, the commercial grows will be the only one with rights. This too could open you up to law suits. I sincerely hope that this CUP issue would be fixed quickly. It has been a problem for quite a few years.

I have found it interesting in talking to people around the town from different walks of life, that they voted for the marijuana, but they don't want it next to their property.

Do we want our town to be known by the Marijuana industry here versus the beauty, and the other types of commerce that we have worked so hard to build?

Thank you for looking at these concerns.
Shelly Erickson

Jo Johnson

From: pfagan99@aol.com
Sent: Monday, February 08, 2016 11:17 AM
To: Department Clerk
Subject: Cannabis Overlay

As an Anchor Point Resident and Business Owner on Homer Spit, I do not support Retail or Cultivation in City Limits. The tourism we experience here in Homer is not a result of the Cannabis industry and as a grandmother of 4, I don't see that the commercialization of this industry and its risks to public safety to be worth any sales tax revenue expected as trickle down. After hiring new police to enforce the public consumption aspect, I don't foresee that the costs outweigh the hopeful benefit. I was not yet a resident of the 2014 vote but I am now and wish to have my vote count. It saddens me that those who have a conservative "Family Values" concern are being verbally attacked for their support in asking City Council to return HOW state legislation will be implemented HERE back to vote. Supporting Local Businesses will grow our Businesses. Homer needs to consider those businesses that already contribute to its economy.

Sincerely,

Paula Fagan, Owner

Kachemak Bay Apothecary and Spa, Homer Spit

Jo Johnson

From: Brittany Foster <bafoster36@hotmail.com>
Sent: Saturday, February 06, 2016 5:25 AM
To: Department Clerk

Dear council members,

I am a voter. I support cannabis businesses, retail, manufacturing, testing, and cultivation on the Spit, Town Center, Central Business District, general commercial 1 and 2, and East End mix use. I also support limited cultivation in rural residential areas. Please respect my vote, along with the others who believe the same as I do. If we could all work together to find a common solution then you would see how beneficial the cannabis market can be for Homer, as well as the entire state of Alaska. Thank you for your time.

Sincerely,

Brittany Foster

ORDINANCE(S)

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-07

An Ordinance of the Homer City Council Submitting to the Qualified Voters of the City the Question Whether Marijuana Establishments Shall be Prohibited in the City at the Regular Election to be Held in the City on October 4, 2016 and Prohibiting Marijuana Establishments in the City Until Certification of the Result of the Election on that Question.

Sponsor: Mayor

1. Council Regular Meeting February 22, 2016 Introduction

**CITY OF HOMER
HOMER, ALASKA**

Mayor

ORDINANCE 16-07

AN ORDINANCE OF THE HOMER CITY COUNCIL SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY THE QUESTION WHETHER MARIJUANA ESTABLISHMENTS SHALL BE PROHIBITED IN THE CITY AT THE REGULAR ELECTION TO BE HELD IN THE CITY ON OCTOBER 4, 2016, AND PROHIBITING MARIJUANA ESTABLISHMENTS IN THE CITY UNTIL CERTIFICATION OF THE RESULT OF THE ELECTION ON THAT QUESTION.

WHEREAS, the State of Alaska voters passed Ballot Measure 2 at the November 4, 2014 regular State of Alaska election, effectively permitting marijuana establishments in the State of Alaska subject to State regulations; and

WHEREAS, the State of Alaska Marijuana Control Board recently adopted regulations regarding marijuana facilities in the State of Alaska that become effective February 21, 2016; and

WHEREAS, the voters' support for Ballot Measure 2 at the Statewide 2014 election may not reflect the support for the operation and regulation of marijuana establishments within the City of Homer, Alaska; and

WHEREAS, the benefits and potential consequences of permitting the commercial marijuana industry to operate within the City are significant and warrant voter approval by the qualified voters at the next regular election;

THE CITY OF HOMER ORDAINS:

Section 1. Commercial marijuana establishments shall not be permitted within the boundaries of the City of Homer prior to the certification of the election results on Proposition No. 1.

Section 2. The City Clerk is hereby directed to submit Proposition No. 1 to the qualified voters at the October 4, 2016 regular municipal election in substantially the following form:

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PROPOSITION NO. 2

Shall the City of Homer adopt a local option to prohibit the sale and importation for sale of marijuana and any marijuana product; the operation of any marijuana establishment, including one or more of the following license types: a retail marijuana store; a cultivation facility; a marijuana product manufacturing facility; or a marijuana testing facility?

YES NO

A "YES" vote would prohibit the operation of any commercial marijuana establishments, including cultivation facilities, testing facilities, manufacturing facilities, and retail stores or facilities from operating within the boundaries of the City of Homer.

A "NO" vote would permit the City of Homer City Council to permit operations of commercial marijuana establishments, including cultivation facilities, manufacturing facilities, testing facilities, and/or retail stores or facilities within the boundaries of the City of Homer.

Section 3. This ordinance shall become effective immediately upon its enactment.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ____ day of _____ 2016.

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

AYES:
NOES:
ABSTAIN:
ABSENT:

77

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79 First Reading:

80 Public Reading:

81 Second Reading:

82 Effective Date:

83

84 Reviewed and approved as to form:

85

86

87 _____
Mary K. Koester, City Manager

88

89 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

City Manager's Report

TO: Honorable Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: February 22, 2016
SUBJECT: City Manager's Report

New Customer at DWD in March

Furie Alaska has been working out the details with the Port and Harbor Staff for bringing a MODU (mobile offshore drilling unit) to the Deep Water Dock beginning early in March. The Rig Randolph Yost will be transported by heavy lift ship from Singapore to Kachemak Bay, offloaded and then come into the dock for 30 to 45 days of dockage. While at Port crews will work to ready the Randolph Yost for work in upper Cook Inlet for the 2016 drilling season. Soon the Randolph Yost will be drilling new gas wells for Cook Inlet's newest production platform in Trading Bay, installed just last year. Furie Alaska is contracted with HEA to provide natural gas to the new gas turban electric plant in Nikisiki.

February Trip to Juneau

Mayor Wythe and I had a fast paced and productive trip to Juneau February 2. After a debrief with Anderson Group, we met with Deputy Commissioners Neussl and Hatter of AKDOT&PF. DOT wanted to visit with us about the marine highway and its importance to Homer. I brought up drainage issues that the St. Augustine subdivision is having as the result of a how DOT channels the drainage from the Sterling Highway. We spoke with DOT about ongoing projects in the area: Lake, Pioneer and the status of the stop light at Sterling Highway and Main Street. Latest update on that project according to DOT "We are currently approaching the 65% design phase and preparing to submit the Plans, Specifications, and Estimate for Plans In Hand (PIH) review. We are looking at a few options to reduce Right Of Way needs. This may eliminate the dedicated right turn lanes on the Main Street legs of the intersection. With a HSIP (Highway Safety Improvement Project) the main objective is to meet standards that are safety related. The downhill grade on Main Street is steep and a landing that meets current design standards could help prevent people from sliding into the intersection. Meeting grade/landing standards with the turn lanes was having significant impacts to the NAPA property." See attached flyer for more info.

The evening of the 2nd, Linda hosted an informal dinner in her home where we got to spend time visiting with our delegation and their staff. We were down there during week three of the session, and they already had the telltale end of session war-worn look. The legislature has hit the ground running this year and has their work cut out for them.

Wednesday was an early meeting with the Commissioner of Corrections and both his Deputies on the Community Jail program. Commissioner Dean Williams, newly appointed, is very concerned with the health of the Community Jails. He made some interesting points about title 47 prisoners and whose responsibility they are. Title 47 prisoners are people taken into protective custody because the Police Department judges them to be in danger of harming themselves or others and they haven't committed any crimes. This can be due to acute intoxication by alcohol or other substances or by mental illness. Commissioner Williams argued that the local hospital bears the responsibility for these patients. State statute says that they have to go to a local treatments center. In Homer we do not have a local treatment center nor does our hospital have the capacity to handle the patient. This leaves the jail often in the case of babysitting prisoners when they detox or have suicide risk. As you can imagine, this is a source of exposure to the City. Nevertheless, as the Mayor pointed out, these individuals need somewhere to go and it is a community problem that requires a community solution. Though the administration gave no indication they were proposing new cuts to community jails, they are looking at cost saving measures, like how Title 47 prisoners are taken care of, and are paying close attention to the program.

Commerce Commissioner Chris Hladick gave his time to talk about the business potential of the Homer Port and Harbor and how it could fit into the economic development picture in the State. The 4 page "Business Begins where Land Ends" informational booklets were a great launchpad for talking about the present and potential for Homer. As a former City Manager, Commissioner Ladick gave me some great tips on management. One of them was to include a section at the end of every meeting titled 'directives from Council.' We do this informally in the City Manager's report, but it may be worth putting an extra item on the agenda to give you the opportunity to reflect on the report, meeting, and any City business you need follow up on.

Throughout Thursday we met with Senator Gary Stevens, Representative Paul Seaton, Speaker Mike Chenault and Senator Peter Micchice. All legislators have the budget issues front and center. Sen. Stevens mentioned that the State may issue GO bonds for capital projects, a rumor backed up by the governor's office. This is one of the reasons why it is important to provide legislators with our priorities even in the lean years and put effort into advancing our projects – you never know what may pop up and we need to be prepared. In addition to touching on capital projects, we spoke with legislators about Homer's concerns with Senior property tax exemptions (Resolution 15-111), PERS issues including the threat to increase the required contribution from municipalities, and Homer's support of action by the legislature to solve the budget crisis, Resolution 16-017. This latest action was well received and we were approached by a number of legislators thanking the City of speaking up. There

seemed to be a commitment to tackle the budget issues the state is facing with each of the legislators we met with, which is encouraging.

We also met with Deputy Chief of Staff to Governor Walker John Hozey. We spent almost an hour with him, focusing on general budget issues and revenue concerns for municipalities, the concerns with addressing PERS issues including termination studies (where municipalities have to pay a fine in perpetuity if they get rid of a class of employees) and PERS contribution rates. The later issue is going to be a big fight on the hill – every % increase in PERS contribution rate equates to an additional \$59,000 for the City of Homer.

We were able to touch base with Commissioner of Revenue Hoffbeck and OMB Director Pitney briefly and share information on Resolution 16-017. In addition to making some important connections during the trip, we were able to get insight on what the administration is thinking and bring the Homer perspective to Legislators in Juneau.

Hickerson Cemetery Neighborhood Meeting

Public Works Director Meyer and I had an almost 2 hour neighborhood meeting with 8 residents who live around Hickerson Cemetery and a couple other citizens concerned about the impact of development of the cemetery, including Cook Inlet Keeper. Many thanks to Councilmembers Aderhold and Reynolds who also attended. The residents were frustrated and felt like they had not been given proper notice of the project, though staff did point out all aspects of the project: purchase of the land and funding for design, have gone through the public notice requirements of the City. Their recommendation was for the City to send out public notice directly to area residents like the City would for a project within City limits. The City did send 210 individual notices to everyone in the surrounding area for the neighborhood meeting. The group had many items that they would like to see considered in the project including:

- No chain link fence should be installed around the cemetery a higher quality and more attractive fence should be used.
- Use trees and berms as visual buffers.
- Leave existing trees on the property/add more.
- Develop regulations that require burial vaults to eliminate potential for groundwater contamination.
- Make new expanded area more beautiful. Existing cemetery not maintained and an eye sore.
- Monitor groundwater for evidence of contamination.
- Planning Commission should hold public hearings.
- Enforce requirement that all headstones be flat to the ground to make them less visible.
- Down size the expansion.

- Take into account reduced property values of surrounding neighborhood due to expansion.
- Move existing shelter to allow for more burial plots in existing cemetery, no need for expansion right now.

There are no State, Federal or Borough regulations guiding Cemetery development. Many of these items would increase the cost of the project. If the City wants to mitigate the subsidization of the Cemetery, increasing the cost of plots is the only way to recoup these costs (currently \$1,000 a plot). One way to move forward with the project would be to refer details of the expansion to the Planning Commission with specific parameters and guidelines from Council.

Draft WSRN Letter of Support

In July of 2015 Council passed a resolution to include Beluga Slough in the Western Hemisphere Shorebird Reserve Network. In the nomination letter the City must agree to the following three conditions:

- To make shorebird conservation a priority at the site;
- To protect and manage the site for shorebirds; and
- To update the Network at least annually in the event of changes in the site's status (boundaries, degree of protection) or in the contact information of the person responsible.

On the eastern parcel of almost 40 acres, there is a BLM conservation easement, and agreeing to these three conditions is not an issue. The parcel below the Public Works complex, 21 acres, is not under a conservation easement, however, its tidal wetland, and zoned Open Space Recreation (see attached map). Because these conditions were not spelled out in the Resolution, I wanted to let Council know before we forward the attached nomination letter to WRSN and confirm that the conditions are consistent with Council's intent.

Moving Beluga Slough

Property owners who live near the outlet of Beluga Slough have organized and petitioned the Corps for a permit to move Beluga Slough. The Slough has been relocated back to the west to eliminate erosion of lots in the Ocean Drive Loop neighborhood many times over the years. Permits to accomplish this work again are currently being reviewed by state and federal agencies.

Decades ago, no permits were secured, but in the last 12 years or so, a Corps permit has been obtained. The City has prepared and submitted permit applications in the past, but the last few permits have been submitted by the affected property owners (with oversight by Public Works). US Fish and Wildlife has given the land owners authority to access the site within certain guidelines. The cost of relocating the outlet has been paid for by the property owners.

Permit agencies are requiring that the City monitor work on the beach as part of their proposed permit conditions. Public Works has played this role in the past and will continue to support this work as directed by the City Council. Work won't begin until winter to minimize

impacts to wildlife. The City will work with the land owners to provide notice on the radio and website so the public is aware of when and why heavy equipment is working on the beach.

Strategic Planning at HVFD

The Homer Volunteer Fire Department is looking at putting together a work group to assist the fire department in a strategic planning effort. Ideally, the group would be made up of , 1 staff member, 1 or 2 volunteers (EMS/Fire or cross trained), a councilmember the Mayor from Homer and Kachemak City, and a member of the public. The goal of the group will be to establish the long-term vision of fire department by establishing strategic goals and objectives. If anyone is interested in participating in this process, please let me know.

Comprehensive Plan Update

Planning has been gearing up for an update of the Comprehensive Plan. Through the strategic doing process Council and staff has been working on, it has become clear that the City has checked off many items of the Comprehensive Plan implementation table and that others may need to be updated or reconsidered given the changing environment. The Commissions are currently reviewing the Plan and plan on brining recommendations to Council this summer. See the attached memo from Planning for more information.

Out of Office

Both City Clerk Johnson and I will be out of the office February 25 through March 4. During that time, Chief Mark Robl will be Acting City Manager. I will have multiple communication devices with me and can be reached via email or phone.

ENC:

Main Street and Sterling Highway fact sheet
Draft WSRN Letter
Resolution 15-054
Map of City and USFW land in Downtown Homer
Email on Hickerson Cemetery
Memo on Comprehensive Plan Updates
Legal Opinion on Natural Gas HSAD exemption for CIRI
Population Determination from DCCED
Bay Welding letter of support



HSIP: STERLING HWY & MAIN STREET INTERSECTION IMPROVEMENTS

Project No. 0211060/Z559840000

Project Scope

The State of Alaska Department of Transportation & Public Facilities (DOT&PF) in cooperation with the Federal Highway Administration (FHWA) is proposing to improve the intersection of Sterling Highway and Main Street in the City of Homer. This project is a Highway Safety Improvement Program (HSIP) project. The primary purpose of a HSIP project is to construct highway improvements that maximize lives saved and major injuries eliminated per dollar spent. They are developed and designed in a manner that identifies and incorporates safety improvements.



The proposed work may include:

- Widening for dedicated turn lanes
- Improving sight distance
- Improving drainage and culverts, as needed
- Installing Americans with Disabilities Act (ADA) compliant pedestrian facilities
- Installing inlaid pavement markings and signage
- Relocating utilities, as needed

Current Work

Three alternatives were considered and presented to the public. The three alternatives analyzed were a roundabout, a signal with no turn lanes, and a signal with turn lanes.

After analysis and public input, a signal with turn lanes was chosen as the preferred alternative. This is expected to reduce all types of crashes, reduce ROW impacts, and reduce intersection delays.



The Categorical Exclusion (CE) for this project was approved by the FHWA in Dec 2014.

Plans in Hand (PIH) design (65%) is almost complete and formal review is expected in Feb 2016.

Schedule

- Preliminary Design – March 2015 to Feb 2016
- Right of Way Mapping – June 2016 to December 2016
- Right of Way Acquisition – December 2016 to April 2017
- Final Design – Feb 2016 to April 2017
- Construction – Anticipated start in summer of 2018

For more information

Please contact the project team anytime with questions, concerns, comments or compliments.

Project Team

Anne Brooks, P.E.
Public Involvement Coordinator
Brooks & Associates
Toll Free: 1(866) 535-1877
anne.brooks.alaska@gmail.com

Steven Kari, P.E.
Design Project Manager
Stantec
Telephone: 907-343-5277
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Edith McKee, P.E.
Project Manager
DOT&PF
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Edith.mckee@alaska.gov



City of Homer

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Office of the City Manager

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(f) 907-235-3148

WHSRN Executive Office
P.O. Box 1770,
125 Manomet Point Rd
Manomet, Massachusetts 02345 USA

February 16, 2016

Dear Dr. Clay,

The City of Homer wishes to include additional city lands in the Kachemak Bay WHSRN site. The two city parcels containing 60.24 acres lay within the Beluga Slough estuary, where the fresh water of Beluga Lake mixes with salt water from Kachemak Bay. The eastern parcel of nearly 40 acres was acquired through the Exxon Valdez Oil Spill Trustees, and has a conservation easement held by the United States Bureau of Land Management. The western lot, of which 21 acres is included in the nomination, is adjacent to properties owned by the Fish and Wildlife Service, which are also part of this nomination package. USFW operates the Islands and Ocean Visitor Center, and offers guided bird watching and nature walks along the Beluga Slough Trail. The City of Homer recently completed a nearly \$600,000 reconstruction of this trail to install light penetrating boardwalks, and complete ADA accessibility along the length of the trail. This trail provides year round fully accessible birding and is used by residents and visitors of all ages.

The City of Homer agrees:

- To make shorebird conservation a priority at the site;
- To protect and manage the site for shorebirds; and
- To update the Network at least annually in the event of changes in the site's status (boundaries, degree of protection) or in the contact information of the person responsible.

The City of Homer City Council passed Resolution 15-064 on July 27th, 2015, supporting the inclusion of these City lands in the Kachemak Bay WHSRN site. Please accept this letter of nomination for these important habitat and bird viewing areas.

Sincerely,

Katie Koester, City Manager

Attachments:

Map of subject properties
Resolution 15-064

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

Lewis

3
4 **RESOLUTION 15-064**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 SUPPORTING THE INCLUSION OF CITY-OWNED PROPERTY IN
8 BELUGA SLOUGH INTO THE WESTERN HEMISPHERE SHOREBIRD
9 RESERVE WITH THE EXCEPTION OF THE PUBLIC WORKS
10 COMPLEX.
11

12 WHEREAS, The Western Hemisphere Shorebird Reserve Network (WHSRN) promotes
13 awareness of shorebird areas at the international level; and
14

15 WHEREAS, There are no binding treaties or formal obligations involved with joining
16 the WHSRN; and
17

18 WHEREAS, The Beluga Slough area attracts numerous shorebirds which are of interest
19 to many residents of Homer as well as visitors; and
20

21 WHEREAS, Nearly 40 acres of these lands were purchased with Exxon Valdez Oil Spill
22 funds and are already in a conservation easement; and
23

24 WHEREAS, The City supported inclusion of Mariner Park Lagoon and Mud Bay into
25 WHSRN in 1994 via resolution 94-32.
26

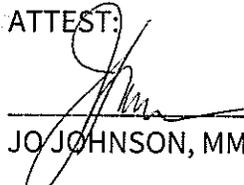
27 NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the City
28 of Homer supports the inclusion of City Lands in Beluga Slough, excluding the Public Works
29 Complex, into the Western Hemisphere Shorebird Reserve Network.
30

31 PASSED AND ADOPTED by the Homer City Council this 27th day of July, 2015.
32

33 CITY OF HOMER

34
35 
36 MARY E. WYTHE, MAYOR

37 ATTEST:

38
39 
40 JO JOHNSON, MMC, CITY CLERK

41
42 Fiscal information: N/A

City and US Fish and Wildlife Lands, Downtown Homer, Alaska

This area not included

I&O Visitor Center

Beluga Slough Trail

City
21 Acres

City
39.24 acres

USFW
8.83 acres

USFW
34.72 acres

Beluga Slough Estuary

Private Lands

PARK

Kachemak Bay

2013 Photo. Map created by the City of Homer, Alaska
February 4, 2016

Legend

- USFW Parcels
- City Parcels
- Parcels

From: [Jill Gann](#)
To: [Katie Koester](#); [Carey Meyer](#)
Subject: Hickerson Memorial Cemetery
Date: Thursday, February 11, 2016 11:11:33 AM

Dear Katie and Carey,

Thank you for providing the community with a forum for the public meeting about the Proposed Expansion of the Hickerson Memorial Cemetery. The information you provided was very helpful to understand the project plan.

We expect you will inform the City Council of our requests:

1. Create a buffer zone of trees around the North and West sides of the cemetery.
2. Do not remove or otherwise disturb the grove of trees on the West portion of the site adjacent to Stacy Street. Plant addition trees for aesthetics purposes. There was much concern from numerous people about improving the image of the cemetery to include the existing cemetery appearance.
3. Downsize the proposed project footprint by 50% and utilize the vacant areas adjacent to the American Legion Post 16 pavilion. Inquire with the American Legion about moving the pavilion. Contact Lynn Whitmore for assistance when talking to the American Legion about relocating the facility. This can be done with volunteer work.
4. Change the municipal code to require vaults as part of the burial requirement. This will eliminate the concern for water contamination and can save the city thousands of dollars in monitoring well costs and hydrology studies.
5. Do not use chain link fence – use something different that will be aesthetically pleasing.
6. Consider building an earthen berm around portions of the cemetery to create a natural barrier which will promote growth and vegetation.
7. Do not place the overburden in the lower South section of the site Near Stacy Street, utilize the top soil and overburden to create an earthen berm; seed the berm. This will eliminate the risk of runoff into the streets and lower lots adjacent to the proposed cemetery.

Your time and efforts are greatly appreciated. We look forward to hearing from you soon about future developments and recommended changes to the projects. If the City Council considers these changes the City of Homer will realize substantial cost savings.

Thank you

Jill Gann



City of Homer

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Planning

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Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum

TO: Homer Advisory Commissions and Library Advisory Board
THROUGH: Rick Abboud, AICP, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: January 13, 2016
SUBJECT: 2016 Comprehensive Plan Update

Starting soon, the Planning Department will be working on updating the City's Comprehensive Plan. The last major update of the Homer Comprehensive Plan was adopted in 2010. Most of the work was done between fall 2006 and spring 2008, right about the peak of the local and national economy prior to the recession. Much of the plan infers that there are unlimited financial and personnel resources within the City and the community to expand services and regulation. This is clearly not the financial reality of the City and community today, or in the next 5-10 years. A new tax base could evolve and change the fiscal environment, but in the meantime, our Comprehensive Plan should be realistic and help guide us on what is most important and how to make the most of what we have.

Between adoption and 2015, many of the goals and implementation items have been addressed. It is time to update the plan to reflect the work that has been accomplished, add new work items, possibly prioritize items within the plan, and change the character of the plan to reflect the City's fiscal reality.

This work will begin in January 2016, with City Planner Rick Abboud communicating with department heads about their respective chapters of the plan. Next, the Commissions will review their portion of the plan, with the department head comments (Draft 1). Planning staff will likely make some formatting changes in the document in this timeframe. Having worked with this plan for a number of years, there are some changes that can be made to make it user friendly, such as the implementation tables. After the Commissions have reviewed the first draft, a second draft with Commission recommendations will be released and public meetings will be held. Changes to the draft will be made based on public comment, and a public hearing draft will be presented to the Commissions. Eventually the Planning Commission will hold a hearing, passing the document to the City Council, and then the Kenai Peninsula Borough for final adoption.

A project timeline is presented on the next page. Timing may change depending on workload and project progress.)

	2016							2017						
	Jan	Feb	Mar	Apr	May	Jun	Jul- Aug	Sept- Nov	Dec	Jan- Feb	Mar	Apr- May	June- ?	
Department Comments	X													
Draft 1		X	X											
Initial Commission Review			X	X	X									
Draft 2						X	X							
Public Meetings								X						
Public Hearing Draft									X					
Commission Review									X	X				
Advisory Planning Commission Hearing											X			
City Council												X		
KPB review (3-4 months)													X	



Birch Horton Bittner & Cherot

a professional corporation

MEMORANDUM

TO: MAYOR AND COUNCIL MEMBERS

FROM: THOMAS F. KLINKNER

RE: COOK INLET REGION, INC. ASSESSMENT EXEMPTION

FILE NO.: 506,742.205

DATE: FEBRUARY 12, 2016

1. *Summary and Conclusion.*

This responds to a question regarding Resolution 16-005, adopted at the January 11, 2016 Council meeting, excluding Kenai Peninsula Borough Tax Parcel No. 17708014, owned by Cook Inlet Region, Inc. ("CIRI") from the Homer Natural Gas Distribution Special Assessment District ("District"). In summary, we conclude that the Alaska Native Claims Settlement Act ("ANCSA") exemption of undeveloped land conveyed under ANCSA from real property taxes would exempt this property from assessment in the District.

2. *The ANCSA Tax Exemption.*

Two provisions of ANCSA address the exemption of undeveloped lands conveyed to an Alaska Native Corporation under ANCSA from real property taxes. 43 U.S.C. § 1620(d)(1) provides in relevant part:

Real property interests conveyed, pursuant to this chapter, to a ... Regional Corporation ... which are not developed or leased to third parties or which are used solely for the purposes of exploration shall be exempt from State and local real property taxes for a period of twenty years from the vesting of title pursuant to the Alaska National Interest Lands Conservation Act or the date of issuance of an interim conveyance or patent, whichever is earlier, for those interests to such ... corporation: *Provided*, That municipal taxes, local real property taxes, or local assessments may be imposed upon any portion of such interest within the jurisdiction of any governmental unit under the laws of the State which is leased or developed for purposes other than exploration for so long as such portion is leased or being developed ...

While this exemption is of limited duration (20 years from vesting of title or the date of issuance of an interim conveyance or patent), the exemption is restated in 43 U.S.C. § 1636(d)(1)(A) without limit as to duration:

Notwithstanding any other provision of law or doctrine of equity, all land and interests in land in Alaska conveyed by the Federal Government pursuant to the Alaska Native Claims Settlement Act ... to a Native Corporation ... shall be exempt, so long as such land and interests are not developed or leased or sold to third parties from—

* * *

(ii) real property taxes by any governmental entity;

3. Inclusion of Special Assessments in the Exemption from Real Property Taxes

Neither 43 U.S.C. § 1620(d)(1) nor 43 U.S.C. § 1636(d)(1)(A) explicitly identifies municipal special assessments as a form of “real property taxes” from which they exempt property conveyed under ANCSA. However, 43 U.S.C. § 1620(d)(1) follows its exemption from real property taxes with a proviso that a governmental unit may impose “municipal taxes, local real property taxes, or *local assessments*” (emphasis added) upon property conveyed under ANCSA which is leased or developed. The highlighted reference to “local assessments” in this proviso would only have been necessary if the exemption from real property taxes in 43 U.S.C. § 1620(d)(1) included exemption from local assessments. A court will construe a statute “so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant.”¹ Thus, a court would interpret the exemption from “real property taxes” in 43 U.S.C. § 1620(d)(1) to include “local assessments”, so that the permission for local assessments to be imposed on leased or developed property would not be superfluous.

Moreover, “[w]hen construing statutes that affect the rights of Native Americans, [courts] liberally construe these statutes and resolve ambiguities in favor of Native Americans.”² The statute that enacted 43 U.S.C. § 1636(d)(1)(A) explicitly provided, “[t]he Alaska Native Claims Settlement Act and this Act are Indian legislation enacted by Congress pursuant to its plenary authority under the Constitution of the United States to regulate Indian affairs”,³ invoking this rule of interpretation. Under this rule of interpretation, the ambiguity in 43 U.S.C. § 1620(d)(1) and 43 U.S.C. § 1636(d)(1)(A) regarding the exemption of property conveyed under ANCSA from special assessments would be resolved in favor of exemption.

¹ *Alliance of Concerned Taxpayers, Inc. v. Kenai Peninsula Borough*, 273 P.3d 1128, 1139 (Alaska 2012).

² *Simmonds v. Parks*, 329 P.3d 995, 1007 (Alaska 2014).

³ PL 100-241, February 3, 1988, Section 2(9).

4. Conclusion.

The rules of statutory interpretation that (i) effect should be given to all parts of a statute, and (ii) statutes affecting the rights of Native Americans are construed to resolve ambiguities in favor of Native Americans, both indicate that ANCSA exempts undeveloped property conveyed under ANCSA from special assessments. Thus, we conclude that the Council correctly excluded the CIRI property identified in Resolution 16-005 from the District.

TFK/



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

P.O. Box 110809
Juneau, Alaska 99811-0809
Main: 907.465.3961
Programs fax: 907.465.4761

January 15, 2016

City of Homer
491 East Pioneer Ave.
Homer, AK 99603

RE: POPULATION DETERMINATION

Dear Mayor:

The Department of Commerce, Community, and Economic Development annually certifies the population of each municipality for use in various financial assistance programs based upon population estimates prepared by the State Demographer at the Department of Labor and Workforce Development. The following population will be used for all FY17 programs that the Department administers.

The 2015 population of the City of Homer has been determined to be 5,153.

If you do not agree with this figure, you may request an adjustment to your population by using two approved methods – Head Count Census and Housing Unit. Municipalities with a population of less than 1,000 must conduct a “head count census”. Municipalities with a population of 1,000 or more may conduct a “head count census” or use the “housing unit” method, to estimate the population. The department requires that the population adjustment process be completed and postmarked by April 1, 2016 and that the request include:

1. Comprehensive documentation of the proposed population figure using either of the approved methods, and
2. A resolution of the governing body (assembly or council) adopting the new population.

If you choose to request a population adjustment, please review the Head Count Census and Housing Unit Method manuals that the department has published to assist you with this process. These manuals are available at <https://www.commerce.alaska.gov/web/dcra/>. You may also contact the department for a copy of the manuals. Call (907) 269-7959 or send an email to DCRAResearchAndAnalysis@alaska.gov for additional information.

Sincerely,

Handwritten signature of Katherine Eldemar in cursive.

Katherine Eldemar
Division Director

Cc: Division of Community and Regional Affairs, Research and Analysis Section
Division of Community and Regional Affairs, Community Aid and Accountability Section



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue

Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

February 9, 2016

To Whom it May Concern,

The City of Homer would like to voice support for Bay Welding's application to the DOT/Marine Administration Small Shipyard grant program to construct a road linking Bay Welding to the Northern Enterprises yard.

This project will allow more efficient and safer transportation of larger vessels to the water than public roads. Using a busy public transportation corridor causes congestion, conflicting uses, and limits the size of vessel that can be transported. With the construction of this road the size limitations for future boat construction, improvements, and repairs will be expanded. Future projects will encompass a broader customer base with services that up until now were not available in Homer. The road would benefit Homer by making our marine trades professionals more accessible to large vessels. This equates to jobs, quality, efficiency, and marketability in the marine market.

I encourage your favorable consideration of Bay Welding's application.

Sincerely,

Katie Koester
City Manager



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MAYOR WYTHE AND CITY COUNCIL
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: FEBRUARY 16, 2016
SUBJECT: BID REPORT

Waddell Way Road and Water Main Improvements 2016

Sealed bids for the construction of the Waddell Way Road and Water Main Improvements 2016 project will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until 2:00 p.m. Thursday, March 3, 2016, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>

Invitation to Bid a New Ambulance

Sealed bids for the manufacture of a new ambulance will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until 2:00 p.m. Friday, February 26, 2016, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>

Deep Water Dock Uplands Improvements 2016

Sealed bids for the construction of the Deep Water Dock Uplands Improvements project will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until 2:00 p.m., Thursday, February 18, 2016, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>

CITY ATTORNEY REPORT



Birch Horton Bittner & Cherot

a professional corporation

MEMORANDUM

**TO: MAYOR AND CITY COUNCIL MEMBERS
CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: CITY ATTORNEY REPORT FOR JANUARY 2016

FILE NO.: 506,742.23

DATE: FEBRUARY 8, 2016

The following summarizes our activities as City Attorney during the month of January 2016.

City Council. I attended the January 11 Council meeting.

City Manager. We continued to research the interpretation and enforceability of an agreement with the Homer Society of Natural History. Holly Wells met with department heads regarding outstanding legal issues.

Marijuana Regulation. We worked with the Planning Department to develop zoning code amendments to address marijuana establishments. Holly Wells met with the Council to discuss the zoning code amendments.

Natural Gas Assessments. We reviewed and proposed amendments to the Borough loan agreement and the Borough ordinance authorizing the amendment. We researched the basis for excluding property conveyed to Native corporations under ANCSA from special assessment.

City Clerk. We continued work on drafting an ordinance amending City election procedures to address issues that arose in the recent regular and runoff elections. We also drafted a revised ordinance regarding the investment of the City's permanent fund. We researched the availability of incentives for voting, to increase voter turnout.

Police Department. We advised the Police Department regarding the enforcement of winter camping restrictions on the Spit.

Port & Harbor. I drafted a lease for a communications tower site in the harbor. Holly Wells advised the Harbormaster regarding crane operator training and a proposal to install a fish pump on the Fish Dock.

Griswold v. City of Homer (Public Records Appeal). Katie Davies briefed this appeal to the Superior Court, which affirmed the decision of the Council regarding Mr. Griswold's public records request for attorney billing records, except for requiring production of the billing records without the client name or number of hours redacted.

Griswold v. City of Homer (CUP 14-05). Holly Wells argued this appeal before the Superior Court, which affirmed the decision of the Board of Adjustment that Mr. Griswold did not have standing to appeal CUP 14-05.

Holly Wells will be available to answer questions regarding these matters at the February 8, 2016 Council meeting.

cc: Katie Koester
Jo Johnson

TFK/

COMMITTEE REPORTS

PENDING BUSINESS

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-05

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas.

Sponsor: Reynolds

1. Council Regular Meeting January 25, 2016 Introduction
 - a. Memorandum 16-018 from City Manager as backup
 - b. HCC 19.16
 - c. Vehicles on Homer Beaches Map (revised)

2. Council Regular Meeting February 8, 2016 Public Hearing and Second reading
 - a. Substitute Ordinance 16-05(S) (Reynolds/Aderhold)
 - b. Memorandum 16-018 from City Manager as backup
 - c. Memorandum 16-031 from City Attorney as backup
 - d. HCC 19.16
 - e. Vehicles on Homer Beaches Map (revised)

3. Council Regular Meeting February 22, 2016 Reconsideration, Public Hearing and Second reading
 - a. Substitute Ordinance 16-05(S)(A) (Reynolds/Aderhold)
 - b. Substitute Ordinance 16-05 (S)(A)(S) (Lewis)
 - b. Memorandum 16-018 from City Manager as backup
 - c. Memorandum 16-031 from City Attorney as backup
 - d. HCC 19.16
 - e. Vehicles on Homer Beaches Map (revised)
 - f. Vehicles on Homer Beaches Map (revised-Lewis)

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 Reynolds/Aderhold

4 **ORDINANCE 16-05(S)(A)**

5 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
6 AMENDING HOMER CITY CODE 1.16.040, DISPOSITION OF
7 SCHEDULED OFFENSES—FINE SCHEDULE, ENACTING HOMER
8 CITY CODE CHAPTER 7.16, VEHICLES IN BEACH AREAS, AND
9 REPEALING HOMER CITY CODE CHAPTER 19.16, VEHICLES ON
10 HOMER SPIT BEACH, TO RESTRICT THE OPERATION, STOPPING
11 AND PARKING OF MOTOR VEHICLES IN BEACH AREAS.
12

13 THE CITY OF HOMER ORDAINS:

14 Section 1. Subsection (c) of Homer City Code 1.16.040, Disposition of scheduled
15 offenses—fine schedule, is amended by adding new lines to read as follows:
16
17
18

Code Section	Description of Offense	Fine		
		1st offense	2nd offense	3rd & subsequent offenses
7.16.020	Motor vehicle in beach area	\$25	\$250	\$500
7.04.030	Motor vehicle on storm berm	\$25	\$250	\$500

19 Section 2. Homer City Code Chapter 7.16, Vehicles in Beach Areas, is enacted to read
20 as follows:
21

22 7.16.010 Definitions.

23 In this chapter:

24 “Beach area” means all of the following, whether publicly or privately owned:
25 submerged land, tideland, and the zone of sand, gravel and other unconsolidated materials
26 that extends landward from the elevation of mean high water to the place where there is a
27 marked change in material or physiographic form.

28 “Berm” means a natural, linear mound or series of mounds in a beach area composed
29 of sand, gravel, or both, generally paralleling the water at or landward of the elevation of
30 mean high water.

31 “Motor vehicle” means a device in, upon, or by which a person or property may be
32 transported or drawn upon or immediately over land, that is self-propelled except by human
33 or animal power.
34

35 “Storm berm” means a berm formed by the upper reach of storm wave surges or the
36 highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and
37 other waterborne materials. A beach area may have more than one storm berm.

38 “Submerged land” means land covered by tidal water from the elevation of mean low
39 water seaward to the corporate boundary of the city.

40 “Tideland” means land that is periodically covered by tidal water between the
41 elevation of mean high water and mean low water.

42
43 7.16.020 Operating, stopping or parking of motor vehicles in beach areas prohibited;
44 Exceptions.

45 a. Except as provided in subsections b and c of this section, no person may operate,
46 stop or park a motor vehicle within or upon any beach area.

47 b. A person may operate, stop or park a motor vehicle within and upon the beach area
48 east of ~~Airport Access Road~~, **a line extending south from the southern end of the vacated**
49 **easement formally known as Shirlene Circle**, and within and upon the beach area west of
50 Bishops Beach Park Access.

51 c. An owner of property immediately adjacent to a beach area may operate, stop and
52 park a motor vehicle within or upon a beach area as is reasonably necessary to maintain the
53 owner’s property, in accordance with the terms of a permit issued for that purpose by the
54 chief of police.

55 **d. Nothing in this section permits a person to operate, stop or park a motor**
56 **vehicle within or upon privately owned property in a beach area without the permission**
57 **of the property owner.**

58
59 7.16.030 Operating, stopping or parking of motor vehicles on storm berms prohibited.

60 No person may operate, stop or park a motor vehicle upon a storm berm.

61
62 7.16.040 Impoundment authorized.

63 A vehicle that is stopped or parked in violation of this chapter may be impounded as
64 provided in HCC Chapter 7.08.

65
66 Section 3. Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, is repealed.

67
68 Section 4. This Ordinance is of a permanent and general character and shall be
69 included in the City Code.

70
71 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
72 _____ 2016.

CITY OF HOMER

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ATTEST:

MARY E. WYTHE, MAYOR

JO JOHNSON, MMC, CITY CLERK

AYES:
NOES:
ABSTAIN:
ABSENT:

First Reading:
Public Reading:
Second Reading:
Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Thomas F. Klinkner, City Attorney

Date: _____

Date: _____

**CITY OF HOMER
HOMER, ALASKA**

Lewis

ORDINANCE 16-05(S)(A)(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 1.16.040, DISPOSITION OF SCHEDULED OFFENSES—FINE SCHEDULE, ENACTING HOMER CITY CODE CHAPTER 7.16, VEHICLES IN BEACH AREAS, AND REPEALING HOMER CITY CODE CHAPTER 19.16, VEHICLES ON HOMER SPIT BEACH, TO RESTRICT THE OPERATION, STOPPING AND PARKING OF MOTOR VEHICLES IN BEACH AREAS.

THE CITY OF HOMER ORDAINS:

Section 1. Subsection (c) of Homer City Code 1.16.040, Disposition of scheduled offenses—fine schedule, is amended by adding new lines to read as follows:

Code Section	Description of Offense	Fine		
		1st offense	2nd offense	3rd & subsequent offenses
7.16.020	Motor vehicle in beach area	\$25	\$250	\$500
7.04.030	Motor vehicle on storm berm	\$25	\$250	\$500

Section 2. Homer City Code Chapter 7.16, Vehicles in Beach Areas, is enacted to read as follows:

7.16.010 Definitions.

In this chapter:

“Beach area” means all of the following, whether publicly or privately owned: submerged land, tideland, and the zone of sand, gravel and other unconsolidated materials that extends landward from the elevation of mean high water to the place where there is a marked change in material or physiographic form.

“Berm” means a natural, linear mound or series of mounds in a beach area composed of sand, gravel, or both, generally paralleling the water at or landward of the elevation of mean high water.

“Motor vehicle” means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over land, that is self-propelled except by human or animal power.

35 “Storm berm” means a berm formed by the upper reach of storm wave surges or the
36 highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and
37 other waterborne materials. A beach area may have more than one storm berm.

38 “Submerged land” means land covered by tidal water from the elevation of mean low
39 water seaward to the corporate boundary of the city.

40 “Tideland” means land that is periodically covered by tidal water between the
41 elevation of mean high water and mean low water.

42
43 7.16.020 Operating, stopping or parking of motor vehicles in beach areas prohibited;
44 Exceptions.

45 a. Except as provided in subsections b through d of this section, no person may
46 operate, stop or park a motor vehicle within or upon any beach area.

47 b. A person may operate, stop or park a motor vehicle within and upon the beach area
48 east of a line extending south from the southern end of a line extending south from the
49 southern end of the vacated easement formally known as Shirlene Circle, and within and
50 upon the beach area west of Bishops Beach Park Access.

51 **c. A person may operate, stop or park a motor vehicle within and upon the beach**
52 **area between the Beluga Slough outlet and the Mariner Park Lagoon outlet from March**
53 **1 through October 31 solely for the purpose of gathering sand and coal.**

54 d. An owner of property immediately adjacent to a beach area may operate, stop and
55 park a motor vehicle within or upon a beach area as is reasonably necessary to maintain the
56 owner’s property, in accordance with the terms of a permit issued for that purpose by the
57 chief of police.

58 e. Nothing in this section permits a person to operate, stop or park a motor vehicle
59 within or upon privately owned property in a beach area without the permission of the
60 property owner.

61
62 7.16.030 Operating, stopping or parking of motor vehicles on storm berms prohibited.

63 No person may operate, stop or park a motor vehicle upon a storm berm.

64
65 7.16.040 Impoundment authorized.

66 A vehicle that is stopped or parked in violation of this chapter may be impounded as
67 provided in HCC Chapter 7.08.

68
69 Section 3. Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, is repealed.

70
71 Section 4. This Ordinance is of a permanent and general character and shall be
72 included in the City Code.

73
74 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
75 _____ 2016.

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CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

AYES:
NOES:
ABSTAIN:
ABSENT:

First Reading:
Public Reading:
Second Reading:
Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 16-018

TO: Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: January 20, 2015
SUBJECT: Ordinance 16-05

Ordinance 16-05 would prohibit vehicles east of the Bishops Beach parking lot (Beluga Slough to Mariner Park). A physical barrier and educational signage at entry points to this newly prohibited area was suggested by the Parks and Recreation Advisory Commission. Fish and Wildlife, who owns the property just east of the parking lot, is interested in partnering with the City on this project to protect their land and habitat. Councilmember Reynolds and I met with Refuge Manager Steve Delehanty before the holidays to discuss what this might look like. The conclusion we came to was that each organization should cater to its strengths: Fish and Wildlife should take the lead on signage and the City in creating a physical barrier, budget permitting for both organizations.

According to Public Works Director Meyer, the most cost effective barrier would be a series of boulders (20) above the high tide line. Though vehicles could still access the area at low tide, the barrier and the signage would make it very clear that if they did, they would be engaging in a prohibited activity. Any work below the high tide line would be more expensive because of the high wave energy at the beach and would require permitting. Cost estimate for labor and materials above high tide only is \$9,000.

Fish and Wildlife would like to see signage at Bishops Beach parking lot that is informative, educational and friendly. The cost for the signage will be dependent on the quality – according to Steve, high quality long lasting interpretive signage to Fish and Wildlife standards would run around \$10,000. The City would like similar signage at Mariner Park so we can send the public a consistent message on beach access. I anticipate there is an acceptable compromise between cost and quality.

If Ordinance 16-05 passes, a Resolution amending the Beach Policy and an Ordinance asking for the appropriation of funds will follow. Funding will have to come from general fund as there are no funds in the parks and recreation reserve (the balance was eliminated for the Hickerson Cemetery expansion during the 2016 budget).



Birch Horton Bittner & Cherot

a professional corporation

Memorandum 16-031

**TO: KATIE KOESTER
CITY MANAGER, CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: REGULATION OF MOTORIZED VEHICLES ON BEACHES

FILE NO.: 506,742.1003

DATE: AUGUST 26, 2015

This memorandum supplements and replaces my memorandum of August 18, 2015, on this subject, providing supporting citations and a more detailed analysis of the relationship between City regulation of motorized vehicle use in beach areas and state regulation of activities in beach areas within the Kachemak Bay Critical Habitat Area ("KBCHA"). I begin by discussing what constitutes the "beach area" under the current Homer City Code and proposed Ordinance 15-29, the geographic terms conventionally used to categorize the components of the "beach area," and how those terms are related to property boundaries in the "beach area." I then describe state regulation of motorized vehicle use in the KBCHA, and compare it to the regulation of motorized vehicle use under proposed Ordinance 15-29.

What is the "Beach Area"? Both current HCC 19.16.020 and proposed Ordinance 15-29 define the term "beach area" to include "the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form." This definition differs from the usual categorization of areas along a shoreline: (i) the area below the elevation of mean low water, referred to as "submerged lands"; (ii) the area between the elevations of mean low water and mean high water, referred to as "tidelands"; and (iii) the area above the elevation of mean high water, referred to as "uplands".¹ The "beach area" as defined in HCC 19.16.020 and proposed Ordinance 15-29 begins at the elevation of mean low water—the boundary between submerged lands and tidelands—and extends landward to a "place where this is a marked change in material or physiographic form"—the bottom of road and other embankments on the Spit, and the toe of the bluff at most other locations—which includes uplands above the elevation of mean high water as well as tidelands.

¹ *City of Saint Paul v. State, Dept. of Natural Resources*, 137 P.3d 261, 262 (Alaska 2006).

Property Ownership in the "Beach Area." Subject to the exception discussed below, the City owns the tidelands within the beach area,² while most of the uplands within the beach area are privately owned.³ In most cases, the boundary between tideland and upland property is "ambulatory," moving seaward or landward with the erosion or accretion of material on the beach that determines the current mean high water line.⁴ The exception to this general rule occurs when the mean high water line changes as the result of a sudden subsidence or uplifting of the beach area caused by an event such as an earthquake. In such a case, the boundary of property ownership continues to be located at the mean high water line that existed before the sudden subsidence or uplifting event.⁵ This exception may affect property boundaries in beach areas in the City that experienced sudden subsidence during the 1964 earthquake. Where such subsidence occurred, the boundary of an upland parcel may extend seaward of the current mean high water line, resulting in private ownership of some beach areas that presently are tidelands. Determining the precise boundary of property ownership in such cases would require a detailed investigation of changes in the beach area topography at and after events such as the 1964 earthquake.

Regulation of Motorized Vehicle Use in the KBCHA. The KBCHA initially included all beach areas within the City that are below mean high water.⁶ In 2014, the legislature excluded certain areas on the north side of the Spit in and around the Homer Harbor from the KBCHA.⁷ This was done to accommodate the long-term docking of a jack-up rig at the Deep Water Dock, which it was believed otherwise would conflict with the regulations governing the KBCHA.⁸

Two regulations govern activities in the KBCHA. One regulation, 5 AAC 95.610, adopts by reference the goals and policies of the Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan (the "Plan"). Although the Plan provides that off-road use of motorized vehicles generally is not permitted in the KBCHA, the Plan states that it does not apply to City of Homer lands.⁹ Thus, the Plan's provisions regarding off-road use of motorized vehicles do not apply to beach areas in the City.

² Before Alaska statehood, the federal government owned all of the tide and submerged lands in Alaska. Upon Alaska's admission as a state, the Alaska Statehood Act transferred tide and submerged lands to the State of Alaska. *City of St. Paul*, 137 P.3d at 262 n. 1. The state later transferred to the City the tide and submerged lands located within the City limits.

³ Upland parcels owned by the City are identified in the City's Land Allocation Plan.

⁴ *DeBoer v. United States*, 653 F.2d 1313, 1314-1315 (9th Cir. 1981).

⁵ *Honsinger v. State*, 642 P.2d 1352, 1354 (Alaska 1982).

⁶ AS 16.20.590(a).

⁷ Ch. 3 SLA 2014, enacting AS 16.20.590(b).

⁸ 5 AAC 95.420(a)(5) requires a special area permit for "natural resource or energy exploration, development, production or associated activities" in the KBCHA.

⁹ "The plan does not apply to federal or municipal lands within the critical habitat areas." Plan, p. 1. "Both state land and private land are included in the critical habitat areas but

The other regulation, 5 AAC 95.420, requires a special permit from the Commissioner of Fish and Game to engage in certain activities in the KBCHA. Among those restricted activities is “off-road use of wheeled or tracked equipment unless the commissioner has issued a general permit under 5 AAC 95.770.”¹⁰ The restrictions in 5 AAC 95.420 are not subject to an exception for City of Homer lands, and therefore apply within the beach areas in the City that lie within the KBCHA. However, the Commissioner of Fish and Game has invoked the exception in 5 AAC 95.420(a)(7) by issuing a general permit under 5 AAC 95.770 that permits the off-road use in the KBCHA of vehicles of 10,000 pounds or less gross vehicle weight on unvegetated tidelands below mean high tide in motorized vehicle corridors that extend westward from Bidarki Creek and eastward from Miller’s Landing, to provide “normal personal and recreational transit.”¹¹

Comparing Proposed Ordinance 15-29 to the KBCHA Regulations. Proposed Ordinance 15-29 would permit motorized vehicle use in beach areas (i) on the southern side of the Spit from October 1 through March 31, and (ii) by owners of property immediately adjacent to a beach area as reasonably necessary to maintain the owner’s property, in accordance with the terms of a permit issued for that purpose by the chief of police. There are three distinct parts to the relationship between the permission of motorized vehicle use under proposed Ordinance 15-29 and the state’s regulation of motorized vehicle use in the KBCHA:

- To the extent that Ordinance 15-29 permits motorized vehicle use in beach areas above the mean high water line, it does not conflict with the state’s regulation of motorized vehicle use in the KBCHA, as beach areas above the mean high water line lie outside the KBCHA.
- To the extent that proposed Ordinance 15-29 permits motorized vehicle use in beach areas below the mean water line, it does not conflict with the Plan as incorporated in 5 AAC 95.610, because the Plan does not apply to City of Homer lands.
- The permission of motorized vehicle use in beach areas below the mean water line in proposed Ordinance 15-29 does conflict with 5 AAC 95.420(a)(7), which prohibits such use except under the general permit for motorized vehicle use in the areas west of Bidarki Creek and east of Miller’s Landing.

TFK/lcj

municipal (City of Homer and City of Seldovia tidelands) and federal lands are not under critical habitat area authority.” Plan, p. A-1.

¹⁰ 5 AAC 95.420(a)(7).

¹¹ Special Area Permit 15-V-0005-GP-SA, issued December 16, 2014.

Chapter 19.16

VEHICLES ON HOMER SPIT BEACH¹

Sections:

- 19.16.010 General.
- 19.16.020 Definitions.
- 19.16.030 Use of vehicles prohibited.
- 19.16.040 Violation – Penalty.

Prior legislation: Ord. 77-10.

19.16.010 General.

It is the intent of this chapter to preserve and protect certain beach areas of the Homer Spit from the uncontrolled and ever increasing use of such areas by persons driving wheeled, motorized vehicles thereon. [Code 1967 § 12-600.1].

19.16.020 Definitions.

For the purposes of this chapter, “beach area” shall include the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form.

“Berm” means a natural, linear mound or series of mounds of sand or gravel, or both, generally paralleling the water at or landward of the line of ordinary high tide.

“Storm berm” means a berm formed by the upper reach of storm wave surges or the highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and other waterborne materials. A beach may have more than one storm berm. [Ord. 02-14(A) § 2, 2002. Code 1967 § 12-600.2].

19.16.030 Use of vehicles prohibited.

a. No person shall operate a recreational vehicle, motorcycle, motor bike, or motor scooter within or upon that beach area as defined in HCC 19.16.020 located from a line bisecting the Homer Spit at the centerline of the mouth of the Fishin’ Hole to the tip of the Spit.

b. For the purpose of this section, recreational vehicle is defined as a self-propelled vehicle having wheels, tracks or rollers that may be operated on land areas located off the public roads. Use of vehicles engaged in commercial activity, as opposed to recreational, is exempted from this prohibition.

c. No person shall operate any motorized vehicle upon a storm berm on any beach within the City limits of Homer except in designated areas.

d. No person shall operate any motorized vehicle upon the following beach or tidal areas:

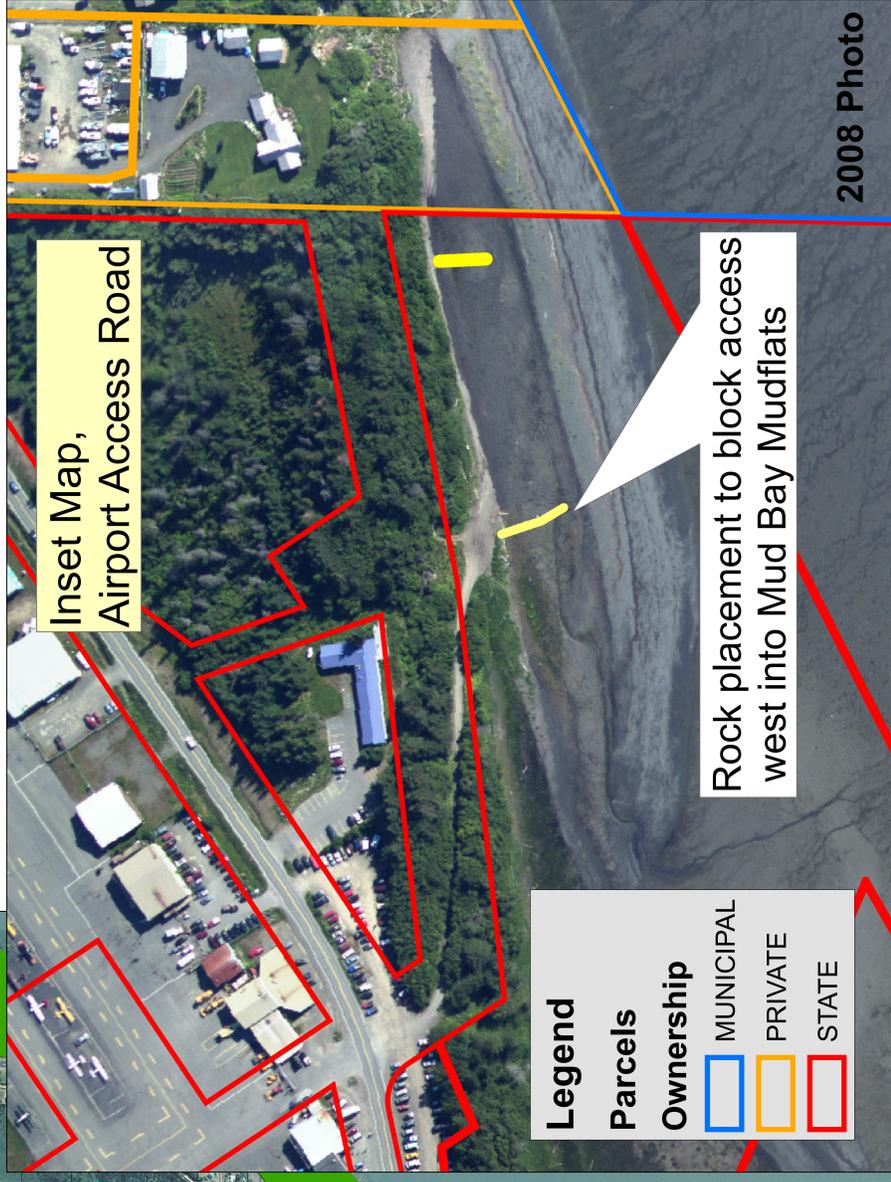
1. Mud Bay;
2. Louie's Lagoon;
3. Mariner Park Lagoon;
4. Beluga Slough.

e. The official "Beach Policy Map of the City of Homer" is enacted by reference and declared to be part of this chapter in its exact form as it exists on the date that the ordinance codified in this chapter is adopted by the City Council. [Ord. 02-14(A) § 2, 2002; Ord. 01-39, 2001; Ord. 78-16 § 1, 1978. Code 1967 § 12-60s.pdf">12-600.4].

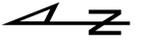
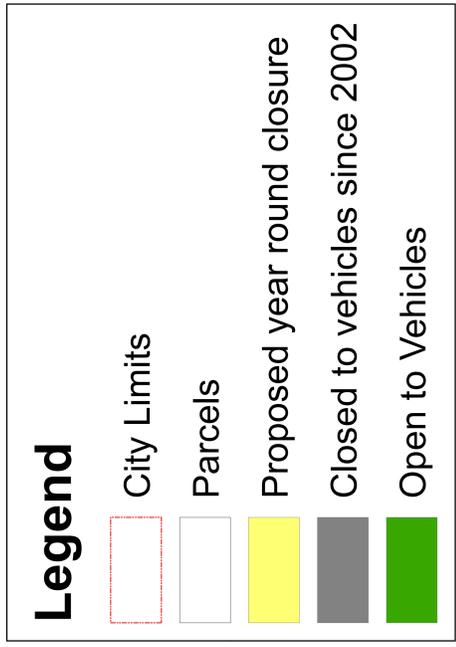
19.16.040 Violation – Penalty.

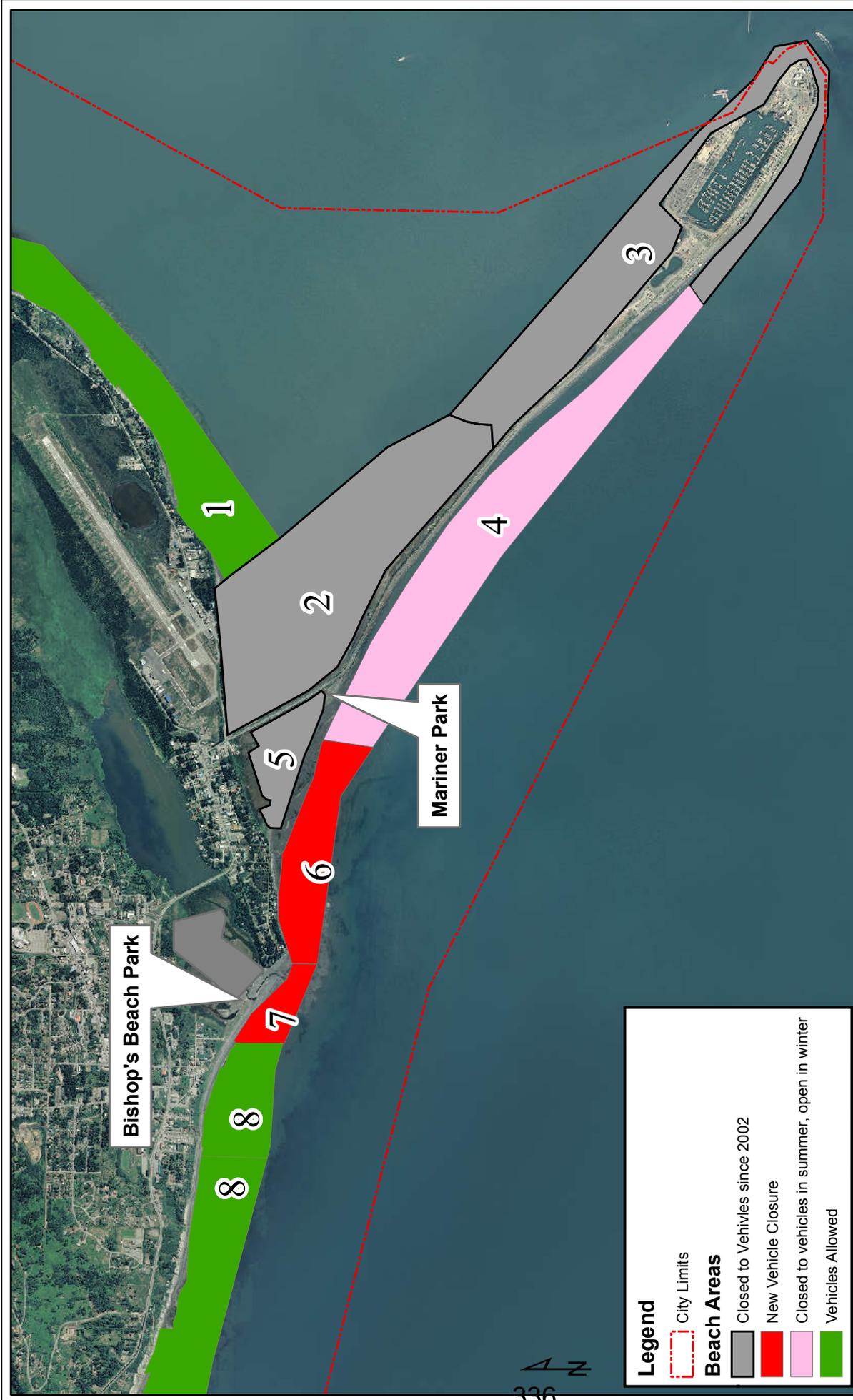
The violation of any provision contained in this chapter shall be punished as follows:

- a. First offense: \$25.00 fine;
- b. Second offense: \$250.00 fine;
- c. Third and subsequent offenses: \$499.00 fine. [Ord. 02-14(A) § 1, 2002. Code 1967 § 12-600.6].



Vehicles on Homer Beaches Map
Feb. 8 2016





Vehicles on the Beach - Lewis Amendment

From: Litchfield, Virginia P (DFG) <ginny.litchfield@alaska.gov>
Sent: Thursday, February 04, 2016 8:26 AM
To: Julie Engebretsen
Cc: Litchfield, Virginia P (DFG)
Subject: RE: Kachemak Bay CHA questions

Julie,

My responses to your questions are below. Please feel free to contact me if you need additional clarification on any of the questions.

There is a lot of concern about upper beach habitat. Does the CHA include the storm berms and grassy upland areas? What is the tidal CHA boundary?

Generally, the storm berm and grassy upland areas of the beach are not included in the KBCHA. KBCHA includes tide and submerged land and waters and is described in detail in AS 16.20.590.

State statutes define tidelands in AS 38.05.965(26) as "*land that is periodically covered by tidal water between the elevation of mean high water and mean low water*". The upland boundary of tidelands, the elevation of mean high water, is ambulatory, moving as the shoreline changes due to the action of the water (erosion, accretion or reliction). In the Homer area this is approximately 17 to 17.5 feet but is determined by data collected according to survey standards found in 11 ACC 53.120(1).

How does the relationship between the state and the City work below Mean High tide? The City is the land owner and, and can decide how people can use these lands as a land owner, and the state also has CHA rules that apply, right?

Yes, certain activities that have the potential to disturb fish and wildlife or their habitat in the KBCHA require a Special Area Permit. Each activity or project is reviewed on a case-by-case basis and all relevant information is considered in reaching a decision to approve, approve with conditions, or deny a permit application based on the criteria set out in the goals and policies in the Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan (Management Plan).

The state has issued a Special Use Permit, FH 16-IV-GP15-SA, which allows for motorized use within the CHA, i.e. below mean high tide, between Bidarki Creek and Anchor Point, and east of Millers Landing. Can this permit be amended to include parts of the City where vehicles are allowed on the beach, below mean high tide? What's the process?

The permit allowing motorized use within the boundaries of the KBCHA is **16-V-0005-GP-SA**. Yes, this permit can be amended to serve both the public interest and the proper protection of fish and wildlife and their habitat. I will meet with City officials to discuss potential boundary changes to the permit.

What kinds of activities are allowed within the CHA? Coal gathering? Accessing property? Spinning Brodie's and mud bogging?

The gathering of loose coal is an allowable activity on Kachemak Bay beaches. General permit 16-V-0005-GP-SA allows motorized use for the purpose of providing normal personal recreational transit within and through the KBCHA and includes conditions to protect and preserve habitat areas that are crucial to the perpetuation of fish and wildlife. Activities that fall outside of this general permit require an individual permit. Activities such as mud bogging are not covered in the general permit and must be authorized under an individual permit. As in the above response, each application is reviewed individually taking all relevant information into account. Activities that are not compatible with the protection of fish and wildlife and their habitat will not be allowed.

Many folks have testified that the introduction of the Kachemak Bay CHA Plan page 1, states that the rules of the CHA don't apply to federal or municipal lands. Is this true? What was actually adopted in statute?

The statement in the Introduction of the Kachemak Bay and Fox River Flats CHAs Management Plan regarding municipal lands was based on a misunderstanding during plan development and is incorrect. Only the goals and policies of the Management Plan were adopted into regulation (5 AAC 95.610).

The CHA Plan is from 1994. If citizens feel circumstances have changed and the plan should be revisited, what is the process? Is there a plan to update the CHA Plan?

Updating the Management Plan is a public process and initiated by ADFG. Habitat Division is in the process of prioritizing Special Area plan development as well as existing plan revisions statewide. It has not been determined where the Kachemak Bay Management Plan ranks on this list.

If Council or citizens have questions about the CHA, who should they speak with?

Any questions regarding KBCHA please contact Ginny Litchfield at (907) 714-2477 or emailed to ginny.litchfield@alaska.gov.

Ginny Litchfield

(907) 714-2477

Kenai Peninsula Area Manager

ADF&G – Division of Habitat

514 Funny River Road

Soldotna, AK 99669

(State agency housed in Kenai Peninsula Borough Building)

From: Julie Engebretsen [<mailto:JEngebretsen@ci.homer.ak.us>]
Sent: Monday, February 01, 2016 3:37 PM
To: Litchfield, Virginia P (DFG)
Subject: Kachemak Bay CHA questions

Hi Ginny,

I am looking for some clarification of the Kachemak Bay Critical Habitat Area and vehicle use on Homer beaches.

There is a lot of concern about upper beach habitat. Does the CHA include the storm berms and grassy upland areas? What is the tidal CHA boundary?

How does the relationship between the state and the City work below Mean High tide? The City is the land owner and, and can decide how people can use these lands as a land owner, and the state also has CHA rules that apply, right?

The state has issued a Special Use Permit, [FH 16-IV-GP15-SA](#), which allows for motorized use within the CHA, i.e. below mean high tide, between Bidarki Creek and Anchor Point, and east of Millers Landing. Can this permit be amended to include parts of the City where vehicles are allowed on the beach, below mean high tide? What's the process?

What kinds of activities are allowed within the CHA? Coal gathering? Accessing property? Spinning Brodie's and mud bogging?

Many folks have testified that the introduction of the Kachemak Bay CHA Plan page 1, states that the rules of the CHA don't apply to federal or municipal lands. Is this true? What was actually adopted in statute?

The CHA Plan is from 1994. If citizens feel circumstances have changed and the plan should be revisited, what is the process? Is there a plan to update the CHA Plan?

If Council or citizens have questions about the CHA, who should they speak with?

Thanks!

Julie

Julie Engebretsen
Deputy City Planner
City of Homer
907-435-3119

8 February 2016

Dear Homer City Council:

The proposed vehicles-on-beaches policy prohibits vehicles on storm berms (as does the current policy). A storm berm is defined in the policy as:

“...a berm formed by the upper reach of storm wave surges or the highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and other waterborne materials. A beach area may have more than one storm berm.”

The secondary berm that lies seaward of the Bishop's Beach parking lot and beach access road is a storm berm. Seawater flows over this berm only very rarely, when the highest tides and storm waves coincide. Logs, seaweed, and other waterborne materials have accumulated on this berm through recent years, and beach rye grass has become established.

The proposal does not address the area of the secondary storm berm that has become a flattened beach-gravel parking lot--this is the area in front of the paved city parking lot and the private parcel to the west of and adjacent to the paved area.

Parking should be limited to the paved area and not extend to the storm berm. If the storm berm there is not designated with signage, this area could be considered by some to be within the newly designated vehicle zone. It is difficult to discern from the map in the Council's current information packet whether this area is in Area 7 or Area 8. It should be specifically designated as off-limits. It is a storm berm--compare it with the protected private property to the west, which is covered with driftwood and beach rye. It is also the view toward the sea from the parking lot. Just as some may like to park out on the beach with an unobstructed view, others would like to have that view from the paved area.

This new proposal that allows cars to drive on the beach west of the parking lot also does not address the fact that vehicles would need to drive over the storm berm to access the beach. Perhaps a new road would need to be delineated through the storm berm, if the beach to the west is to be legally accessed.

The simplest and perhaps the fairest solution is to prohibit from the beach all motor vehicles (except those of permitted coal-collectors and beach-property owners who can access their property only from the beach), so that the many pedestrians may enjoy it free of parked or approaching vehicles.

Thank you for your work on this--

Arthur Kettle

Jo Johnson

From: Mary Lou Kelsey <mlkelsey53@gmail.com>
Sent: Monday, February 08, 2016 3:19 PM
To: Department Clerk
Cc: Catriona Reynolds
Subject: ordinance 16-05 support

We're writing in support of Ordinance 16-05 which closes the beach to motorized traffic from the east end of Bishop's Beach entrance to the end of the Homer Spit. We're private landowners who are closest across the Beluga Slough from Beluga Beach. Our beach is a dynamic beachfront with dramatic daily tidal changes and an ever changing coastline. Over the 35 years we have lived here (a brief moment in geologic time!), we have seen a tremendous increase in motorized traffic on the storm berms in front of us; cars, trucks, ATVs and motorbikes. We feel they do degrade the underlying marine habitat and the storm berm integrity which offers the beach protection. Thank you for offering this ordinance 16-05 in the interest of protecting one of the city's greatest assets and preserving safe public access.

Mary Lou Kelsey and William Bell
598 Ocean Drive Loop, Homer, Alaska, 99603

36 NOW, THEREFORE, BE IT RESOLVED by the Homer City Council that at the termination
37 of the lease for Lot 8-E-1 Homer Spit #6 on December 1, 2018 with Harbor Enterprises, dba
38 Petro 49, (formerly Petro Marine Service), the property will be advertised for lease in a RFP.

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40 PASSED AND ADOPTED by the Homer City Council this 25th day of January, 2016.

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CITY OF HOMER

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MARY E. WYTHE, MAYOR

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48 ATTEST:

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JO JOHNSON, MMC, CITY CLERK

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54 Fiscal Note: Current leases are \$11,475.00 annually, plus wharfage on petroleum products.
55 Amount is based on the appraised value of land and adjusted annually to keep pace with the
56 Consumer Price Index.



Memorandum 16-012

TO: MAYOR BETH WYTHE & HOMER CITY COUNCIL
FROM: PORT & HARBOR ADVISORY COMMISSION
DATE: DECEMBER 22, 2015
SUBJECT: HARBOR ENTERPRISE LEASE RENEWAL RECOMMENDATION

The purpose of this memorandum is to amend Memorandum 15-011, which originally gave the Lease Committee and Port and Harbor Advisory Commission's recommendations relating to the Harbor Enterprises leases. Memorandum 15-011 was submitted to the City Council at their regular meeting on January 26, 2015 and included three separate lease recommendations, but was accompanied by a resolution pertaining to only one of the recommendations, not the one specific to Harbor Enterprises. Resolutions 16-013 and 16-014, along with this supporting memorandum, resolve the issue.

Background

On November 21, 2014, Petro 49, dba Harbor Enterprises, submitted a request to the City Manager asking for two new, long-term leases as both their Homer Spit leases for the Coal Point lot and Lot 8-E-1 (30 Acres lease) will be expiring December 1, 2018.

The Lease Committee reviewed the request on December 3, 2014 and concluded that the Coal Point lease should be extended for another 20 years, with two 5-year options, under a new long-term lease. This recommendation was determined based on Petro 49's track record, investment in infrastructure, the services it provides to the community and the port and Harbor, and the jobs, revenue, and taxes it generates. The other leased lot, near the Deep Water Dock, is recommended by the Lease Committee that it go through the RFP process when the current term expires. The committee bases their recommendation for a RFP process on several reasons:

1. The Lease Policy states a preference for putting leased parcels out for RFP when they expire so that other businesses have an opportunity to benefit from leasing these properties and the City has a chance to secure the highest and best use of the land. Since the Coal Point parcel is being recommended for renewal without competitive bidding, providing this lot for RFP seemed to be the best course of action.
2. The City has an interest in promoting competition where possible, including at the port and harbor.
3. The existing lease calls for Petro 49 to engage in a second phase of site development, which is constructing another tank and a petroleum delivery pipeline to serve vessels at the Deep Water Dock. This expansion is a significant improvement and long-term business opportunity and the City would like to gauge the level of interest and see what types of proposals are submitted.

Per the City of Homer's Property Management Policies, after the Lease Committee has reviewed and made recommendations on Spit lease proposals, the Port and Harbor Advisory Commission shall supply their recommendations, along with the Lease Committee's, to City Council. At their meeting on December 17, 2014, the commission reviewed the proposal and recommends the following:

MOVED TO SUPPORT THE RECOMMENDATIONS OF THE LEASE COMMITTEE.

Recommendation

The Lease Committee and Port and Harbor Advisory Commission recommend that the Homer City Council adopt Resolution 16-014, approving the City enter into a new 20 year-term lease with two 5-year options to renew with Harbor Enterprises (dba Petro 49) lease for the Coal Point lot and authorizes the City Manager to execute the appropriate documents; and Resolution 16-013, approving that at the expiration of the lease for Lot 8-E-1 Homer Spit #6 on December 1, 2018 with Harbor Enterprises (dba Petro 49), the property will be advertised for lease in a RFP, and authorizes the City Manager to execute the appropriate documents.



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4350 Homer Spit Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

Memorandum 15-011

TO: MAYOR BETH WYTHE & HOMER CITY COUNCIL
FROM: PORT & HARBOR ADVISORY COMMISSION
DATE: JANUARY 6, 2015
SUBJECT: RECOMMENDATIONS FOR SPIT LEASE PROPOSALS

Per the City of Homer's Property Management Policies, after the Lease Committee has reviewed and made recommendations on Spit lease proposals, the Port and Harbor Advisory Commission shall supply their recommendations, along with the Lease Committee's, to City Council. At their meeting on December 17, 2014, the commission reviewed three lease proposals. Below are their recommendations:

U.S Coast Guard Lease Renewal for Lot 20: MOVED TO GRANT THE COAST GUARD 20, ONE YEAR LEASE RENEWALS

Pacific Star Seafoods New Lease Proposal for Lot 10A: MOVED THAT THE PORT AND HARBOR COMMISSION DOES NOT RECOMMEND PACIFIC STAR SEAFOODS PROPOSAL FOR A LEASE BUT THAT THEY ALLOW THEM TO RENT MONTH TO MONTH UNTIL THERE IS A BETTER USE FOR THE PROPERTY.

Petro Marine Lease Extension for their Coal Pt. and 30 Acre Leases: MOVED TO SUPPORT THE RECOMMENATIONS OF THE LEASE COMMITTEE.

Recommendation

For informational purposes

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager

4 **RESOLUTION 16-014**

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6 A RESOLUTION OF THE HOMER CITY COUNCIL AMENDING THE
7 HARBOR ENTERPRISES, DBA PETRO 49, (FORMERLY PETRO
8 MARINE SERVICES) LEASE ON THE COAL POINT FUEL FLOAT AND
9 THE TERMINAL TANK FARM ON THE COAL POINT LOT (SEC 1 T7S,
10 R13W, S.M.) AND TO ENTER INTO A NEW 20-YEAR TERM LEASE
11 WITH THE CITY, AND AUTHORIZING THE CITY MANAGER TO
12 EXECUTE THE APPROPRIATE DOCUMENTS.

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14 WHEREAS, Harbor Enterprises dba Petro 49 (formerly Petro Marine Services) is
15 currently in a long-term lease with the City for the Coal Point Lot and adjoining fuel float; and

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17 WHEREAS, The current lease for Coal Point Lot expires November 30, 2018; and

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19 WHEREAS, Harbor Enterprises, dba Petro 49, desires to enter into a new long-term
20 lease for this property; and

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22 WHEREAS, Both the Lease Committee and the Port and Harbor Advisory Commission
23 reviewed this proposal and endorses issuing a new, 20 year-term lease with two 5-year
24 options to renew, for the Coal Point lot (SEC 1 T7S, R13W, S.M.) for the expressed purpose of
25 continuing to provide fuel float services to the Homer Small Boat Harbor.

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27 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves that
28 the City of Homer enter into a new, 20 year-term lease with two 5-year options to renew, with
29 Harbor Enterprises dba Petro 49 (formerly Petro Marine Services) lease for the Coal Point lot
30 (SEC 1 T7S, R13W, S.M.) and authorizes the City Manager to execute the appropriate
31 documents.

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33 PASSED AND ADOPTED by the Homer City Council this 25th day of January, 2016.
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CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Current leases are \$4,975.00 annually, plus wharfage on petroleum products.
Amount is based on the appraised value of land and adjusted annually to keep pace with the
Consumer Price Index.

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 16-016

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, IN SUPPORT OF THE HOMER PUBLIC SAFETY BUILDING AS PRESENTED BY THE PUBLIC SAFETY BUILDING REVIEW COMMITTEE.

WHEREAS, The Homer City Council appointed the Public Safety Building Review Committee (PSBRC) on January 13, 2014 via Resolution 14-020 with the scope of work to include:

- Review and rate GC/CM proposals and make a recommendation to the Council;
- Review the proposed contract and provide input on the scope of work and deliverables;
- Review work products and participate in regular briefing with the contractor;
- Make recommendations and provide direction to staff and the contractors as the project proceeds;
- Make recommendations to Council as to how to proceed as various benchmarks are achieved; and

WHEREAS, The PSBRC has met regularly since that time working with the selected GC/CM contract team; and

WHEREAS, The PSBRC has considered space needs, lot size requirements, and estimated costs for various construction options; and

WHEREAS, The top three options for constructing the required public safety building were presented to the Council for consideration at the January 11, 2016 worksession; and

WHEREAS, The immediate need for safe and hygienic facilities require action of the City Council and the community if police and fire services are to continue being provided by the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, supports continuing with the public outreach process required to bring a bonding request for Option 2 (Option 1, or Option 3), the construction of a reduced size, full public safety building campus (full public safety campus, or a phased public safety campus with police station only) to the voters of the City of Homer during the general election in October 2016 in the amount not to exceed 25 million dollars.

44 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 25th day of January,
45 2016.

46 CITY OF HOMER

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MARY E. WYTHE, MAYOR

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52 ATTEST:

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56 JO JOHNSON, MMC, CITY CLERK

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58 Fiscal Note: N/A

NEW BUSINESS

RESOLUTIONS

**CITY OF HOMER
HOMER, ALASKA**

City Manager/PW Director

RESOLUTION 16-021

A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE CONTRACT FOR THE DEEP WATER DOCK UPLANDS IMPROVEMENTS 2016 PROJECT TO A FIRM TO BE NAMED IN AN AMOUNT OF TO BE ANNOUNCED AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was advertised in the Homer News on January 21 and 28, 2016 and the Peninsula Clarion on January 24, 2016 and posted on the City's webpage ; and

WHEREAS, Bids were due by 2:00 p.m. on Thursday, February 18, 2016 and _____ bids were received by the City Clerk's Office; and

WHEREAS, A firm to be determined was found to be the lowest responsive bidder; and

WHEREAS, This award is not final until written notification is received by the firm from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the contract for the Deep Water Dock Upland Dock Improvements 2016 project to a firm to be determined, in an amount to be announced and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 22nd day of February, 2016.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

MELISSA JACOBSEN, CMC, ACTING CITY CLERK

Fiscal Note:

COMMENTS OF THE AUDIENCE
COMMENTS OF THE CITY ATTORNEY
COMMENTS OF THE CITY CLERK
COMMENTS OF THE CITY MANAGER
COMMENTS OF THE MAYOR
COMMENTS OF THE CITY COUNCIL
ADJOURNMENT

