

Session 17-14, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Don Stead at 6:30 p.m. on December 6, 2017 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BANKS, HIGHLAND, STEAD AND VENUTI

ABSENT: COMMISSIONER BOS, BERNARD, AND BENTZ (EXCUSED)

STAFF: CITY PLANNER ABOUD  
DEPUTY CITY CLERK KRAUSE

### **Approval of the Agenda**

Chair Stead called for a motion to approve the agenda.

HIGHLAND/VENUTI 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 November 1, 2017

B. Time Extension Requests

1. Marley Subdivision Time Extension Request

C. Decisions and Findings for Cup 17-08, for a three story 72 room hotel at 91 Sterling Highway

Chair Stead requested a motion to approve the consent agenda.

VENUTI/BANKS – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **PRESENTATIONS**

### **REPORTS**

A. Staff Report 17-90, City Planner's report

City Planner Abboud reviewed the staff report. He requested volunteers for the January 8, 2018 Council meeting.

It was agreed by consensus that a volunteer could be solicited at the next commission meeting.

### **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 17-91, Ordinance to Add Retail Marijuana Facilities as a permitted use in the Marine Commercial District under Homer City Code 21.28.020

City Planner Abboud stepped to the map displaying the areas on the Spit where this ordinance would be applied then reviewed the staff report.

Chair Stead opened the public hearing.

Don Tippy, city resident, commented he has managed a store on the spit for 2 years, that he receives numerous inquiries from visitors where they can find a dispensary, the city is in fact losing a lot of money. He reported that eleven times he was asked where a dispensary was this past summer and that they received 11 cruise ship visits.

Chair Stead closed the public hearing having no further testimony from the public present.

Staff did not have any comments or rebuttal. Chair Stead asked for questions from the commission.

A question and response period ensued between Commissioners and City Planner Abboud on the following:

- changes and considerations that may have come up since the first time this issue was brought before them;

- Could try a limited or trial period zoning to see how this zoning would work.
- Postponement until a full Commission is present
- Laws regarding open container alcohol versus open consumption marijuana is not a zoning issue
- Legality on cruise ships is not a zoning issue
- Liquor stores are considered retail operations, and are legal
- Marijuana is different in that the State has decided to abide by the Cole Memorandum
- Marijuana is on the spit and currently would be considered black market, the voters have spoken, it is legal and as testified tonight there is the revenue aspect
- Marijuana is still illegal in Federal waters, is not allowed on a vessel and so there is hesitation on providing a legal source on the spit.
- Letters received in support and against and it still carries the connotation of illegality

VENUTI/BANKS MOVED TO RECOMMEND CITY COUNCIL ALLOW RETAIL MARIJUANA FACILITIES AS A PERMITTED USE IN THE MARINE COMMERCIAL DISTRICT UNDER HOMER CITY CODE 21.28.020

Discussion ensued on separating the law enforcement issues from the zoning issues.

HIGHLAND/VENUTI MOVED TO POSTPONE TO THE JANUARY 17, 2018 MEETING UNTIL A FULL COMMISSION IS PRESENT.

Brief discussion on attendance of commissioners.

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

Motion carried.

B. Staff Report 17-92, Ordinance to Allow One Employee Occupied RV per lot in the Marine Commercial and Marine Industrial Districts under Homer City Code 21.54

City Planner Abboud reviewed the staff report.

There was no applicant and Chair Stead opened the Public Hearing.

Don Tippy, city resident, commented and requested clarification on the definition that the recreational vehicle is provided to an employee by his or her employer for housing, he manages a business on the spit, works 16 hours days and owns an RV. He would like to know why that is a preference for the employer to provide the RV since if he owned a business he would not be buying an employee a RV to live in unless they could charge the employee but according to the rules that's not allowed.

Chair Stead allowed City Planner Abboud to respond to the request for clarification.

City Planner Abboud responded that it was a provision provided by the City Attorney to assist in enforcement of the regulation.

There was no more public testimony and Chair Stead closed the Public Hearing.

A discussion ensued on the intent of the definition and application, what was covered under the term “recreational vehicle”; that a business owner was not an employee in accordance with the Internal Revenue Service; the requirement on the owner to provide the housing; the difficulty to enforce; suggestions to reword the definition to address the intent of the Commission and provide clarification and comment received from the public.

VENUTI MOVED TO AMEND LINE 289 TO READ EMPLOYEE OCCUPIED RECREATIONAL VEHICLE MEANS A RECREATIONAL VEHICLE UTILIZED BY AN EMPLOYEE OR OWNER FOR HOUSING.

BANKS/VENUTI MOVED TO AMEND TO READ AS EMPLOYEE OCCUPIED RECREATIONAL VEHICLE MEANS A RECREATIONAL VEHICLE UTILIZED BY AN EMPLOYEE OR THE OWNER FOR HOUSING.

There was a brief discussion on the intent of the motion. There was a question on including his or her term in the definition.

Chair Stead re-stated the amendment to the main motion:  
MOVED THAT “EMPLOYEE OCCUPIED RECREATIONAL VEHICLE” MEANS A RECREATIONAL VEHICLE UTILIZED BY AN EMPLOYEE OR OWNER FOR HOUSING

There was no additional discussion.

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

Motion carried.

Chair Stead inquired if there was additional discussion on the main motion as amended.

Hearing none, Chair Stead re-stated the main motion as amended:  
MOVED TO AMEND LINE 289 TO READ EMPLOYEE OCCUPIED RECREATIONAL VEHICLE MEANS A RECREATIONAL VEHICLE UTILIZED BY AN EMPLOYEE OR OWNER FOR HOUSING.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried

Chair Stead requested a motion to recommend the draft ordinance to City Council.

VENUTI/HIGHLAND MOVED TO ADOPT STAFF REPORT 17-92 TO ALLOW ONE EMPLOYEE OR BUSINESS OWNER OCCUPIED RECREATIONAL VEHICLE PER LOT IN THE MARINE COMMERCIAL AND INDUSTRIAL DISTRICTS UNDER HOMER CITY CODE 21.54

BANKS/HIGHLAND MOVED TO APPEND THE MOTION TO FORWARD THE DRAFT ORDINANCE AS AMENDED TO CITY COUNCIL.

There was brief discussion on public comments submitted and enforcement once this is implemented.

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

Motion is carried.

Chair Stead inquired is there was any additional discussion on the motion as amended.

There was no further discussion.

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

Motion carried.

## **PLAT CONSIDERATION**

### **PENDING BUSINESS**

A. Staff Report 17-93, Comprehensive Plan Update, Chapter 6 Public Services and Facilities

Chair Stead read the title into the record and invited City Planner Abboud to review his report.

Commissioner Banks requested a brief recess. Chair Stead called for a five minute recess at 7:48 p.m. The meeting was called back to order at 7:53 p.m.

City Planner Abboud reviewed the additions submitted to Chapter 6 by Public Works Director Meyer. He provided clarification at the request of commissioners on the following:

- pages 141 and 142, Section I-F-4 and I-F-7
- The existing sewer system is adequate to handle additional needs of the city as shown by the information provided by Public Works Director Meyer.

City Planner Abboud noted that this document will be combined and a draft comprehensive plan should be available for input from the public after the first of the year. He anticipated conducting possibly an Open House event, putting notices in the paper and having electronic options for public input.

## **NEW BUSINESS**

### **INFORMATIONAL MATERIALS**

#### **A. City Manager's Report for October 30, 2017 City Council Meeting**

Chair Stead recommended reading the City Manager's report as it was very informative.

### **COMMENTS OF THE AUDIENCE**

### **COMMENTS OF THE STAFF**

City Planner Abboud had no further comments.

Deputy City Clerk Krause wished the commission Happy Holidays.

### **COMMENTS OF THE COMMISSION**

Commissioner Banks had no comments.

Commissioner Venuti commented on elections being conducted in August. Commissioner Stead responded that he thought he was re-elected and Commissioner Highland could not recall. Commissioner Venuti then wished everyone a Merry Christmas and Happy New Year.

It was noted that Staff will double check on that issue of elections.

Commissioner Highland commented on looking forward to discussing the natural hazards next meeting and wanted to include other areas of the city. If I don't see anyone before, see you next year.

Chair Stead wished everyone a Merry Christmas and Happy New Year. See everyone next year.

## **ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 8:30 p.m. The next regular meeting is scheduled for Wednesday, JANUARY 3, 2018 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession scheduled at 5:30 p.m. prior to the meeting.

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RENEE KRAUSE, CMC, DEPUTY CITY CLERK I

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