

Session 18-02, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Don Stead at 6:30 p.m. on January 17, 2018 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS HIGHLAND, BERNARD, BOS, STEAD, VENUTI AND BANKS

ABSENT: COMMISSIONER BENTZ (EXCUSED)

STAFF: CITY PLANNER ABBOD  
DEPUTY CITY CLERK KRAUSE  
DEPUTY CITY CLERK SMITH

### **Approval of the Agenda**

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BOS SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **Public Comment**

### **Reconsideration**

### **Adoption of Consent Agenda**

A. Approval of minutes of January 3, 2018

Chair Stead requested a motion to approve the consent agenda.

HIGHLAND/ VENUTI SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PRESENTATIONS**

## **REPORTS**

### **A. Staff Report 18-05, City Planner's report**

City Planner Abboud reviewed the staff report. He requested volunteers for the City Council meetings.

Commissioners volunteered as follows:

February 12, 2018	Commissioner Bernard
February 26, 2018	Commissioner Stead
March 12, 2018	Commissioner Bernard
March 27, 2018	Commissioner Venuti

## **PUBLIC HEARINGS**

### **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 reviewed his report for the commission summarizing previous actions.

Chair Stead opened the public hearing seeing no one coming forward to testify Chair Stead closed the public hearing.

HIGHLAND/BOS MOVED TO ADOPT STAFF REPORT 17-91 AN ORDINANCE TO ADD RETAIL MARIJUANA FACILITIES AS A PERMITTED USE IN THE MARINE COMMERCIAL DISTRICT UNDER HOMER CITY CODE 21.28.020 AND FORWARD TO CITY COUNCIL FOR APPROVAL.

Discussion ensued on the legality of marijuana at the federal level as it affects mariners and associated activities; allowing an additional retail business to be in a previously permitted retail zone; legality at the state level; Port & Harbor Advisory Commission support for the zoning change; prohibiting the action based solely on the commodity for sale; the sale of marijuana does not lend to the marine atmosphere but falls along the lines of recreational and could be categorized with the sale of alcohol; level of interest from private land owners on the spit to establish a business; ability of future property owners to establish a business in the marijuana industry; written public comment was acknowledged as well as the many opportunities for public testimony.

VOTE. YES. BANKS, VENUTI, STEAD, BERNARD, BOS

VOTE. NO. HIGHLAND.

Motion carried.

## **PLAT CONSIDERATION**

### **PENDING BUSINESS**

#### A. Staff Report 18-06, Natural Hazards Planning

Chair Stead introduced the item for discussion.

City Planner Abboud reviewed his staff report. He noted some of the following:

- Physical Mitigation efforts
- Funding Options available
- Focus on regulating for future development

Discussion ensued on the information provided by City Planner Abboud regarding the best routes open to the city to mitigate current issues; it was noted that zoning would not solve the current issues but could mitigate future issues.

City Planner Abboud stated he is seeking funding for mitigation and mapping. The problem is that there is usually not enough funding in small towns to perform a detail study and the result is reviewing a larger area and specific areas that require extra research is then left to the developers to perform. Sometimes, he found, the individual city charged or withheld fees from the developer to fund the mapping. City Planner Abboud proceeded to provide an example and detail summary of the process and possible results in the scenario.

City Planner Abboud also informed the commission on a discussion he had with the City Planner of Sitka and possible resulting liabilities. Some of the bottom line is the land can be purchased but then there is a problem on how to determine the value of the property. He noted that there are more professionals needed such as geologists and lawyers and more funding than the City of Homer has available.

It was agreed that this issue was a challenge and will be very difficult.

Commissioner Highland provided some LiDAR<sup>1</sup> information she received from Soil and Water Conservation on the area she lives and that it provides in her opinion better information on the land that someone may want to build on and opined they should use those tools available to them.

Additional discussion by the commission included:

- Receiving assistance from federal agencies
- Regulating may bring liability to the city
- Application of the steep slope requirements
- Steep slope is site specific

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<sup>1</sup> Questioned if this is the correct term that was being referenced since it was unclear in the meeting

- It is unknown if there is any liability to the city on existing situation
- Majority of issues are dealt with in established building codes
- Citing a portion of the information regarding Reserved Powers Doctrine
- Alaska law requires disclosure on existing homes but there is no requirement on vacant land

Commissioner Banks requested staff to take the immediate area of concern and establish the slope percentages to facilitate discussions.

City Planner Abboud responded the current city code requires a site plan, and depending on the percentage that will be built out will determine if a geotech report will be required

A brief discussion on the Steep Slope requirements in city code and when certain requirements outlined in code would be applied followed.

Commissioner Banks requested further information on Homer City Code Title 21.44 and the average slopes in the Baycrest Subdivision for the next meeting.

Commissioner Highland asked if there was a way to perform a LiDAR study/photo on the Baycrest Subdivision. She would be interested in reviewing the information provided at the January 3, 2018 meeting and this meeting regarding landslides, etc. for the next meeting.

Commissioner Bernard asked the City Planner Abboud on a timeline for the recommendation and if a worksession is not deemed appropriate on this topic. Also if the Commission could have someone scheduled that can provide the information such as a parcel overview on a LiDAR map.

Brief discussion on the existing problem and the expectation of recommendations to City Council sooner rather than later since Council requested recommendations from the Commission in late September 2017; the removal of vegetation and movement of water from the upper area across the water; the road into the subdivision is substandard.

Chair Stead provided some information on the geology of the area, history and stability issues for the commission.

The commission commented and discussed various aspects of the issues, what could be done, how to implement regulations; collected impact to the city and recommendation to bring back the info from each meeting to refer to at the next.

## **NEW BUSINESS**

### **INFORMATIONAL MATERIALS**

A. City Manager's Reports for the January 8, 2018 City Council Meeting

Commissioner Bos inquired about sidewalks in the proposed subdivision of Quiet Creek.

City Planner Abboud explained that currently in city code there is no requirement to construct sidewalks in developments.

Commissioner Bernard asked how the commission could implement some of these necessary requirements due to the fact that in her short tenure on the commission she has heard that response numerous times and it appears that it would benefit the city to implement some of these requirements.

City Planner Abboud explained the process to submit recommendations to City Council but it would be better to have a member of Council request and support the changes.

A brief discussion ensued on the costs and barriers to achieve those changes.

### **COMMENTS OF THE AUDIENCE**

### **COMMENTS OF THE STAFF**

City Planner Abboud had nothing further to add.

Deputy City Krause informed the commission that Ms. Smith will be the Clerk for the February 6, 2018 meeting.

### **COMMENTS OF THE COMMISSION**

Commissioners Highland, Bernard and Banks had no comments.

Commissioner Bos commented on the outstanding Chair's agenda and it was a good debate and meeting. Thank you.

Commissioner Venuti commented that it was an interesting meeting. He reminded those interested that the Women's March was Saturday, starting at HERC and goes to WKFL Park. Keep the Dream Alive.

Chair Stead agreed that it was an interesting meeting and added that he will not be at the next meeting, February 7, 2018 as he will be visiting family and he will be in attendance for the February 21, 2018 but will be missing the March 7th and possibly the following meeting but will confirm in in February.

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 8:38 p.m. The next regular meeting is scheduled for Wednesday, FEBRUARY 6, 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: \_\_\_\_\_