

Session 15-18, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Don Stead at 6:33 p.m. on December 2, 2015 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS ERICKSON, HIGHLAND, BRADLEY, STEAD, STROOZAS,
AND VENUTI

ABSENT: COMMISSIONER BOS (EXCUSED)

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK KRAUSE

APPROVAL OF AGENDA

Chair Stead requested a motion to make the changes as requested by the City Planner.

ERICKSON/VENUTI - MOVED TO AMEND THE AGENDA TO REMOVE STAFF REPORT PL 15-80, ZONING FOR MARIJUANA FROM PUBLIC HEARINGS ITEMS 8 C TO PENDING BUSINESS ITEM 10 A AND STAFF REPORT PL 15-83 TOWER CONSIDERATIONS TO PENDING BUSINESS ITEM 10 B.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead called for a motion to approve the amended agenda.

STROOZAS/BRADLEY - SO MOVED.

There was no discussion.

VOTE. YES. 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).

Chair Stead opened the floor for public comment on regular agenda items.

Kevin Dee, resident, commented on Pending Business Item 10 B. Towers Considerations; he appreciated the information included in the packet, complimented the City Planner for providing the information from the Municipal Solutions Group that points out the technical aspects of towers that really need to be reviewed by experts. He appreciated the graphical evidence in the report showing manipulated propagation map, collapsed towers and all the rest. With the reduced budgets of the Planning Department have the tower companies who want to put up a tower pay for analysis of their proposals; he appreciates the ordinance requiring a technical review and many of the requirements in the model ordinance submitted by Municipal Solutions.

City Planner Abboud reminded the audience that the commission has removed the Public Hearing Item on Marijuana Zoning since it was not noticed properly and this is the time to comment on that topic.

George Frazier, resident, commented that he is a trained industry professional and looking forward to the progress of the cannabis industry developing on the lower Peninsula.

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 the minutes of November 4, 2015 meeting

Chair Stead requested a motion to approve the consent agenda.

HIGHLAND/BRADLEY - SO MOVED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS

REPORTS

A. Staff Report PL 15-77, City Planner's Report

City Planner Abboud provided a summary of his report. He noted the following:

- the Public Hearing for Marijuana Zoning did not get properly advertised, if any changes are made tonight then a second public hearing will be held at the January 6, 2016 regular meeting of the commission.
- City Council passed the ordinance for Bridge Creek
- City Council also discussed how the HART Funds were allocated regarding sidewalk down Soundview and the Planning Commission may be asked to review policy at some point.
- The Chamber of Commerce will be installing an informational kiosk at the Baycrest Overlook. This has been in the works for a few years.
- The All Hazard Mitigation Plan is posted on the Planning webpage for comment and review. Council person Reynolds continues to provide the Council with updates and will be sponsoring a resolution in January to adopt the plan.
- If you will not be here for the January 6th meeting please let staff know.
- Interesting and informational annual conference this year, they also had a presentation by Cynthia Franklin with the Marijuana Control Board.

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 15-78, Conditional Use Permit 15-06, 4242 Calhoun Street Construction of Four (4) Duplexes in the Urban Residential District

Chair Stead read the item into the record. Commissioner Venuti declared a possible conflict of interest.

STROOZAS/BRADLEY - MOVED THAT COMMISSIONER VENUTI HAS A CONFLICT.

A brief discussion on the limits of monetary gain for Commissioners and if Mr. Venuti had reached those levels ensued.

VOTE. NO. HIGHLAND, BRADLEY, ERICKSON, STEAD, STROOZAS

Motion failed.

Commissioner Erickson disclosed that she may have a conflict of interest as they are family friends.

Commissioner Stroozas asked if Commissioner Erickson if she was unable to provide an unbiased decision.

HIGHLAND/VENUTI - MOVED THAT COMMISSIONER ERICKSON MAY HAVE A CONFLICT.

There was a brief discussion.

VOTE. NO. STROOZAS, VENUTI, STEAD, BRADLEY, HIGHLAND

Motion failed.

City Planner Abboud reviewed his report for the record noting the following:

- 4 duplexes for a total of 8 dwellings
- Total of 1.89 acres/82,328 sf
- Zoning is Urban Residential
- Existing land is vacant
- Residential Areas and Vacant land surround this parcel
- No designated wetlands
- Flood Hazards are undetermined
- Notice was sent to 50 property owners
- City Utilities are available
- Not within the Bridge Creek Watershed Protection District

The applicant proposes to build four buildings. Each building will have two dwellings for a total of eight. There will be two designs/styles. Two structures will have single story units and two structures will have a one story structure and a two story structure.

Total Floor area is 10,888 sf which is under the 40% requirement. Staff has calculated the open area as more than 61,000 sf. This proposal provides ample open space and exceeds the requirement. The value of the adjoining property will not be negatively affected than any other permitted or conditionally permitted uses in the district. The surrounding properties are mainly single family homes on 9,000 to 20,000 sf lots. The proposed development is approximately one dwelling per 10,000 sf so the density is very similar. This is compatible with existing uses in the area and requiring connection to city services of water and sewer. This development is not expected to cause a greater amount of traffic. There is a down lit lighting requirement. The developer plans to leave as many trees as possible and is working closely with the city Public Works department.

Chair Stead asked if the applicant was present and wished to speak at this time.

Josiah Fisher, applicant, stated he was interested in hearing everyone's opinion, he has no plans to ruin the neighborhood and plans to preserve the vegetation and trail as much as possible.

Commissioner Highland requested information on the effects of the proposed project on the trail if any.

Mr. Fisher responded that he is required to construct a 20 foot wide driveway. The city also has specific areas and placement for the utilities.

Chair Stead opened the public hearing.

Justin Wickstrom, property owner resident on Svedlund Circle, his property borders the proposed development, expressed concerns regarding how it will be developed, rentals versus single family

homes, losing the value to his property, he recommends fencing to border the property, and creating more traffic in the area.

Patrick Church, resident Calhoun Court, commented that the proposed duplex complex and the impact on the immediate neighborhood please consider the following conditions regarding items 5 and 6 of Analysis, page 13 of the application:

1. That the Conditional Use Permit presupposes that the permit is conditional as the name implies.
2. That the proposed 20 foot driveway be constructed at the east side of the 60 foot right-of-way to minimize any conflict with the existing trail.
3. That the provisions are adopted to provide for Calhoun Trail to be suitably re-located west if Calhoun Trail is affected by the driveway placement and snow removal or berms.
4. That being Calhoun Street is not a through street, a 10 mph speed limit be placed on its vehicular traffic.
5. That planning is necessary to determine that the project needs further study regarding due consideration given to the preservation of access and current usage of Calhoun Trail without vehicular interference or contact with pedestrians before the CUP is granted.

As a concerned citizen living within 300 feet of the proposed project I ask that these conditions be considered and approved and believe that there will be less impact on the community. He additionally asked if there would be any additional hearings for this CUP. Mr. Church then continued on specific measurements for the trail.

Beth Cumming, resident on Gavin Court, commented regarding increase in population density not being appropriate within the surrounding area. The proposal reduces the area per family to 1/3 to 1/4 acre; she also had concerns about renters versus homeowners. It has been proven that renters have less concern over the property than owner occupied homes. This land has no covenants; she referenced the covenants of nearby similar neighborhoods and noted that beyond this meeting this matter will not go before the council.

Rick Foster, member of the Borough Planning Commission, former Planning Commissioner, reminded the commission that this commission can make any reasonable requirement such as painting all houses pink. The previous city attorney stated that as long as you have good reasons for those conditions.

Mike Dye, resident, commented that he did not believe that this issue has not been properly reviewed. He cited the population density being over the neighborhood needs and four duplexes is more than what is needed for this area. He referred to comments in the packet regarding that this issue needs additional analysis before moving forward. The comparative use of a railroad was not appropriate. Mr. Dye questioned the property access from Danview over Bayview. The neighborhood concerns should be considered over the property developers. He was not sure why they were going out of their way to avoid well developed processes. He additionally questioned the trail and effect on the project.

Beau Burgess, resident, owner of the adjoining lot, he responded to a question of closing the trail he would not want to see that closed either. He has personally spoken to Public Works and they are specific that the driveway be 20 feet and centered in the PW is very specific for safety reasons; accessing from Bayview instead Danview is the distance is shorter and thus less impact on the trail. He felt that the applicant has been very careful in planning. He requested the property owners consider the larger issues, this is urban residential and as such this should be the highest density area of the city and they lack housing. Mr. Burgess also spoke on the density issues and noted that the project has the same overall density as every surrounding property.

Jenny Medley, resident, understands the value of owner occupied however Homer has a distinct shortage of nice rental properties that are within walking distance of all the great things that make Homer great. There are a number of young people that live outside the city, paying high rents for tiny cabins and no utilities. She believed that this would be a good thing to have.

John Thompson, resident on Svedlund Circle, commented on the fencing in the east side and south side of the property and wanted to know what the height of the fencing would be, he has 250 feet

bordering this property and does not want to put up with people who cut across his property, Mr. Thompson also expressed concerns regarding concerns regarding lighting.

Carol Standart, resident, expressed concerns with lighting since this will be in her backyard, and she heard that the project may eliminate the trail. She cannot tell from the plans how all the trees will be saved.

Carol Coleman, resident on Bayview, opposed against having renters and losing the use of property as a playground for their kids. She was opposed to the unknown behaviors of the renters children and the property having no covenants when they have strict ones.

Michelle Lennan, resident, commented knowing that when she bought her home someone would build a home there but building multi-family homes for people who don't value the property as much as a single family home owner would and she also expressed concern on losing the trail.

Kristy Wickstrom, resident, maps received don't show the correct property lines, one corner of her property butts up to this project, she is not opposed to development but she disagrees that there will be no negative impact on the area which she disagrees. There will be 8 additional families, possibly 16 additional vehicles, she noted that some renters really take care of their homes but most don't and she has a preference single family. Mrs. Wickstrom acknowledged the need for housing but not in her back yard and not four duplexes, two she could support.

Catriona Reynolds, resident, wanted to put a green dot on this meeting and commented that renters are people that need homes too and can be just as good neighbors as anyone else and to categorize renters as what kind of families we don't know what they are, she thinks is very disappointing and not something she is proud of her community.

Lindianne Sarno, resident, commented on trails, safety, the common theme that is coming through is to continue to develop the charm and safety of Homer. The solution is taking an endless progression of single family homesteads throughout the neighborhoods forever which becomes a foundation powered by the young people who want to create homestead businesses, incubating small businesses, empowering them to do for the community on this charming landscape, it is not safe, this is a scary place for a kid, she appreciates the efforts to build the bridges of Homer.

Seeing no more public comment Chair Stead closed the public hearing.

Rebuttal to comments made during Public Hearing:

Josiah Fisher, applicant, stated he has lived in a couple of neighborhoods in Homer, plans to reside in one of the units that will be built. He plans to enact very strict rental agreements which will be rigorously enforced. He understood the concerns expressed on the unknowns with tenant behavior. This is less density than current lots on Bayview.

Commissioner Questions, Comments, Concerns:

Commissioner Erickson questioned the following: drainage issues on the property, type of renter will be targeted; and if the applicant was related to Timothy Fisher?

Mr. Fisher commented that the planned 3 bedroom unit in the far northeast unit is for his family; six of the units are two bedroom, and are more for the older renters and single professionals. He has expended time in planning diligently to address drainage issues and he stated he is not related to Timothy Fisher.

Commissioner Highland requested clarification on the placement of the driveway in relation to the trail. Mr. Fisher using the large map showed that it would proceed north in the middle of the easement/trail, utilities will be placed underground, there should be room but it is up to the public

works department as to determine the location of the driveway within the area indicated. Mr. Church requested by the Commission, using the map assisted by indicating where the trail was according to the information he provided. Mr. Fisher noted that he will build the driveway wherever the Commission dictated.

Commissioner Highland stated for clarification that the parcel is 1.88 acres, there will be 4 duplexes which she is aware that it make it appear to present a higher density, but does not and the district allows this project by the conditional use process, and the City Planner has shown that there is ample room. Chair Stead requested a motion so they can discuss this application.

VENUTI/HIGHLAND - MOVED TO ADOPT STAFF REPORT PL 15-78, CUP 15-06 FOR FOUR DUPLEXES AT 4242 CALHOUN STREET.

Discussion on the placement of the driveway and preserving the existing trail; making conditions for the developer; requiring offsite improvements to have the trail and driveway co-exist; buffer concerns; lighting requirements; a phased project build-out but application is for the entire project to go through the process one time ensued.

HIGHLAND/VENUTI - MOVED AMEND THE MOTION TO ADD THE REQUIREMENT THAT THE OWNER/DEVELOPER WORK WITH PUBLIC WORKS TO DEVELOP A DRIVEWAY TO COEXIST WITH THE TRAIL ON CUP 15-06.

There was a brief discussion and clarification on the intent of the motion.

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

Motion carried.

Commissioner Venuti commented on the resistance to tenants and acknowledged the existing large multiple family rental units in the area and is of no concern. He further stated that due to economic circumstances some persons must rent and there is no detriment to the community. This would not be unique to the area.

Commissioner Stroozas echoed the sentiment regarding renters and noted the Coast Guard housing nearby.

Commissioner Bradley reiterated the comments of Commissioner Highland and others that this project fits perfectly and is in favor of rental housing and there is a great need in Homer. This project is in alignment with the goals for the area and on a personal note she would be a perfect candidate since she is a young professional having a graduate degree and would rent one of these units.

Commissioner Stroozas commented on the opposition of this project by residents and that the commission must follow what the City Code says and since this project falls within the code they have no reason to deny the permit.

Chair Stead requested clarification on high the fence and type is planned for the project. Mr. Fisher responded that he will build it as high and as long as allowed. It will be a wood privacy fence at least 5 foot in height. He stated that the fence is to keep his kids from other property owners yards.

Commissioner Erickson asked if the CUP stays with the property if it is sold in the future.

City Planner Abboud responded that it generally stays with the property unless they add a sunset clause but they do not generally use sunset clauses here. He responded to Commissioner Stead regarding fencing and maintaining such fencing.

STROOZAS/HIGHLAND - MOVED TO AMEND THE MOTION THAT CONDITION THREE BE ADDED THAT THE APPLICANT BE REQUIRED TO ERECT A FENCE ALONG THE ENTIRE EAST SIDE OF THE PROPERTY.

Discussion ensued regarding adding a height requirement for the fence. The commission requested input from the applicant that the area motioned to be fenced is filled with very dense trees and would advocate for fencing up to the trees.

HIGHLAND/ VENUTI - MOVED TO AMEND THE AMENDMENT TO INCLUDE, INSTALLATION OF A FIVE FOOT FENCE FROM THE SOUTHEAST CORNER TO THE TREES THAT PROVIDE AN IMPASSABLE BARRIER ON THE EAST SIDE.

There was no additional discussion.

VOTE. (Amendment to the Amendment) YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead asked for any additional amendments or discussion on the amended motion.

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

Motion carried.

Chair Stead then asked if there was any additional discussion on the issues of lighting. There was a brief discussion on lighting which the City Planner stated is included in the staff recommendation.

Commissioner Erickson asked about inclusion of a sunset clause. City Planner Abboud was not supportive of including a sunset clause.

Chair Stead asked the Clerk to do a roll call vote.

VOTE. (Main as Amended) YES. HIGHLAND, BRADLEY, ERICKSON, STEAD, VENUTI, STROOZAS

Motion carried.

B. Staff Report PL 15-79 Vacation of Easement - Waddell Way/HEA

Chair Stead read the item into the record. City Planner Abboud reviewed his report noting the following:

- Vacation of an Easement at Waddell Way and Lake Street
- Central Business District
- Notice sent to 32 property owners
- The Commission has already approved the preliminary plat for the project
- Dedicate 30 feet of right of way to allow construction of Waddell Way to city standards
- this easement is no longer needed by the city
- Access is dedicated and property owner is working with the city prior to upgrading Waddell Way
- there are no issues for the Fire Department

Chair Stead opened the public hearing. Hearing no public comment the hearing was closed.

ERICKSON/BRADLEY - MOVED TO ADOPT STAFF REPORT PL 15-79 TO APPROVE THE VACATION OF EASEMENT ALONG WADDELL WAY.

There was a brief clarification that the easement was already being used as equipment storage by HEA.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead called a brief recess at 8:24 p.m. The meeting was reconvened at 8:28 p.m.

C. Staff Report PL 15-80 Zoning for Marijuana

This item was not properly advertised for Public Hearing and moved to Pending Business, Item 10. A

D. Staff Report PL 15-82 CUP 15-07 at 1242 Ocean Drive in the General Commercial 1 District

Chair Stead read the title into the record. City Planner Abboud reviewed the application for a CUP in the location of the former Quickie Mart for more than one building containing a permitted principle use on a lot and a planned unit development to reduce the setback from Ocean Drive. He noted the following points:

- There were several buildings, and vehicles on the property
- General Commercial 1 District
- Compatible to the surrounding land uses
- No designated wetlands and flood hazards are undetermined
- City utilities are available but not connected
- Notice was sent to 25 property owners
- The canopy was not permitted or the building currently in construction under the canopy.
- Several violation notices have been issued to the owner
- The owner plans to add a second story to the building under construction under the canopy
- Fire Chief has stated that the project has been in violation since it started and applicant has applied for Fire Marshal review which has been stalled and delayed. The Fire Chief is not in favor of permitting after the fact projects.
- The application is not valid without Fire Marshal certificate.

Staff recommendation was to approve CUP 15-07 with Findings 1-19 and Conditions 1-7

Chair Stead invited the applicant to comment to the commission.

Guy Chow, applicant, stated he would like to have the project approved and continue moving forward. He understood the changes that would be required and believed that the project would fill a big hole along Ocean Drive.

Chair Stead opened the Public Hearing. There were no public comments. The public hearing was closed. Chair Stead requested a motion to open discussion. The commission had a few questions for the applicant first. Items or issues questioned were as follows:

- old underground fuel tanks, condition/status and location
- type of foundation of the new structure under the canopy
- why Fire Marshal approval was not obtained prior to construction
- ability to connection to city utilities by the deadline date of December 31, 2015
- Why did he not use the old Quickie Mart building and what his plans were for the structure
- What his plans were for the location
- If he felt it was feasible to obtain Fire Marshal approval within 45 days
- Addressing the concerns expressed by adjoining property owners regarding the conditions on the property and prior complaints regarding sanitation and restroom facilities
- the intent was to open by spring of next year
- Request to extend the date to May to meet the setback requirements

HIGHLAND/ BRADLEY - MOVED TO ADOPT STAFF REPORT PL 15-82, CUP 15-07 at 1242 OCEAN DRIVE IN THE GENERAL COMMERCIAL 1 DISTRICT WITH CONDITIONS 1-7 AND FINDINGS 1-19.

VENUTI/STROOZAS - MOVED TO AMEND THE MOTION TO POSTPONE THE ACTION FOR 45 DAYS TO ALLOW THE APPLICANT TIME TO RECTIFY THE PROJECT FOR FIRE MARSHAL APPROVAL.

Discussion on obtaining the requirements established by the Fire Marshall, and arguing that they could approve the CUP with the Fire Marshal approval contingent, the commission debated the best approach that benefits and follows the life, health and safety issues. Staff explained that they are at the point that it is an enforcement issue and questions what happens if compliance is not followed through on by the applicant. Commissioners advocated for promoting business and adding conditions to allow the applicant to proceed.

Commissioner Erickson called for the question. Commissioner Highland requested the Clerk to read the motion on the floor.

VOTE.(Amendment) NO. STROOZAS, STEAD, ERICKSON, BRADLEY, HIGHLAND
YES. VENUTI

Motion failed.

ERICKSON/HIGHLAND - MOVED TO AMEND THE MOTION TO EXTEND THE DATE ON CONDITION NO. 6 TO MAY 1, 2016; ADD CONDITION NO. 8 THAT THE CONDITIONAL USE PERMIT IS CONTINGENT UPON FIRE MARSHAL APPROVAL OBTAINED IN THE 45 DAYS TIME LIMIT; ADD CONDITION NO. 9 THAT AN OPERATIONAL RESTROOM IS ONSITE BY MAY 1, 2016 AND ADD CONDITION NO. 10 DESIGNATED PARKING BEFORE MAY 1, 2016

Discussion on adding the condition regarding operational restrooms is to address the issues caused by previous occupants/tenants on the property and the designated parking was to address the issues brought forward by the Day Care facility. Discussion also included the feasibility of obtaining Fire Marshal approval within the 45 day period.

HIGHLAND/ERICKSON - MOVED TO AMEND THE FIRE MARSHAL APPROVAL TO 90 DAYS.

Discussion ensued on the approval process and that the applicant is comfortable with the 45 day approval requirement.

VOTE. (Secondary Amendment) NO. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead clarified the additional conditions that were stated in the motion.

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

Motion carried.

Commissioner Highland requested they extend the time of the meeting at this time.

HIGHLAND/BRADLEY - MOVED TO EXTEND THE MEETING TIME TO 10:00 PM

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead then inquired if there was any further discussion on the main motion as amended to approve the Conditional Use Permit. There was no further discussion. Chair then asked for a roll call vote on the motion.

VOTE. (Main as Amended) YES. HIGHLAND, BRADLEY, ERICKSON, STEAD, STROOZAS
VOTE. NO. VENUTI.

Motion carried

PLAT CONSIDERATION

A. Staff Report PL 15-81 Tsunami View No. 2

Chair Stead read the title into the record. City Planner Abboud reviewed his report. He noted the following:

- there may be a levy of assessments for the Natural Gas Special Assessment District to the this decision.
- this is located north and west of Bayview park
- Rural residential District
- No wetlands
- City utilities available
- Notice was sent to 75 property owners
- require a 15 foot utility easement adjacent to Right of Way
- Noted comments from Public Works regarding access and the steep grade
- Fire Department concerned with access

No Applicant was present to comment or to answer questions.

Chair Stead opened the public hearing. Hearing no comments the public hearing was closed and the Chair requested questions for the City Planner.

The commission asked questions of the City Planner on the viability of the hillside and expressed concerns with maintaining the stability of the hillside, noted that construction on the steep slope would be limited, and expressed concerns of the access by the Fire Department, and questioned if they can put conditions on the plat to accommodate the Fire Department and the comments from Public Works.

VENUTI/HIGHLAND - MOVED TO ADOPT STAFF REPORT PL 15-81 TSUNAMI VIEW NO 2 WITH STAFF RECOMMENDATIONS 1-7

The commission held additional discussion on the steep slope issues.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report PL 15-80 Zoning for Marijuana

Chair Stead read the title into the record. Staff teleconferenced in City Attorney Wells to the meeting.

City Planner Abboud stated that they combined the two items into one and they are running out of time having extended the time of the meeting to 10:00 p.m. He reported on the changes to the state regulations and that may bring about changing other rules; he still has concerns with bringing this issue of commercial grow operations in a Rural Residential Area, there are places to do business and that business does not belong in residential. He also doesn't believe that it should be allowed by CUP since that may open them to litigation. He stated that with the regulations imposed by the state the industry

will take care of itself. If they become too stringent and put too many limitations then they will end up with it on the outskirts of town and not have any of the benefits. The City Attorney recommended trying it a smaller area without having another layer of rules on top of the state's. City Planner Abboud stated that as far as limiting licenses there were concerns in limiting licenses without incurring litigation, the state handles the alcohol licenses and how would they choose or select who will get the license would open the city up to more problems. He did not see this as a business on every corner type of situation.

City Attorney Wells supported what City Planner Abboud stated, narrowly focus on what the City wants to have discretion since the city will be involved in every application but the state will be involved in any possible backlash. The city should narrowly focus its involvement.

Commissioner Erickson requested clarification with commercial ventures, questioning if they should keep it all in General Commercial until they see where it falls. Her other question is if they allow this type of commercial business in Rural Residential would they have to allow other types of commercial enterprises also.

City Attorney Wells stated that the commission should carefully review which districts to allow it and then allow it outright due to the nature of the CUP process. That they should limit the requirements. She further noted that the commission should consider that this is a new industry and look at each district and what they currently allow in each of those districts that is similar to this industry. She further stated that as far as allowing it in Rural Residential, the commissioners have to really consider if they want this business in that district, it is new, yes, but in many ways it is the same as any other business. It would be a good use of time to consider the challenges since it is still federally unlawful and there are many questions and concerns surrounding the legislation and regulation of the industry.

Commissioner Venuti questioned the status of the 1000 ft rule. City Planner Abboud explained that the Cannabis Advisory Commission (CAC) has discussed this issue too, especially regarding the federal requirements, and have questioned whether this rule would apply to the college. He will be checking more into that for both commissions.

There was a brief comment on extending the meeting since it was coming up on the deadline.

ERICKSON/HIGHLAND - MOVED TO EXTEND THE MEETING TO 10:15 PM

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ERICKSON/HIGHLAND - MOVED TO PROHIBIT SMALL CULTIVATION IN THE BRIDGECREEK WATERSHED PROTECTION DISTRICT, RURAL RESIDENTIAL AND SMALL AND LARGE CULTIVATION IS ALLOWED AND/OR PERMITTED IN GENERAL COMMERCIAL 1 AND GC 2

Brief discussion by the commission on the fact the Rural Residential comprises 75% of Homer and they encourage certain actions in rural residential.

VOTE. YES. HIGHLAND, BRADLEY, ERICKSON, STEAD, STROOZAS

VOTE. NO. VENUTI

Motion carried.

Highland questioned corrections to line 362-365 in the draft ordinance. Staff noted that all corrections will be done prior to the next regular meeting. He then asked the commission to consider allowance in the East End Mixed Use District.

ERICKSON/ STROOZAS - LARGE CULTIVATION IS ALLOWED IN EAST END MIXED USE TO BE CONSISTANT.

There was no discussion.

VOTE. YES. STROOZAS, STEAD, ERICKSON, BRADLEY, HIGHLAND.
VOTE. NO. VENUTI.

Motion carried.

City Planner Abboud inquired about actions on retail activities in any district. He noted that the General Commercial is good but the CBD is a toss-up.

ERICKSON/ HIGHLAND - MOVED THAT RETAIL ACTIVITIES BE ALLOWED IN GENERAL COMMERCIAL 1 AND GENERAL COMMERCIAL 2 AND THE EAST END MIXED USE DISTRICTS CONSISTANT WITH CULTIVATION IN THOSE DISTRICTS.

Discussion followed on changing from having the conditional use process in these districts and the fact the commission is limited to follow the law, offer areas where people who want to do the business they want to do and keep it out of areas that people don't want to have it. The fact that this has to be allowed somewhere and currently the way it is written there is no retail allowed in the city without a CUP.

VOTE. YES. HIGHLAND, BRADLEY, ERICKSON, STEAD, VENUTI, STROOZAS.

Motion carried.

Chair Stead noted that they are past the 10:15 p.m. deadline for the meeting and questioned if there is a desire to extend the meeting time again. The commission agreed by consensus to adjourn the meeting. Staff recommended that they allow comment since several people stayed throughout the entire length of the meeting.

Chair Stead noted for the record that they will postpone discussion on the item until the next regular meeting and go straight comments of the audience.

B. Staff Report PL15-81 Towers Considerations

NEW BUSINESS

A. Staff Report PL 15-84 Marijuana Business Licenses

INFORMATIONAL MATERIALS

A. City Manager's Report from November 23, 2015 City Council Meeting

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

Catriona Reynolds commented that the limit for Council financial conflict of interest is \$500. She further noted that CUP's put on Right of Way rather than the person's property have been problematic in the past.

COMMENTS OF STAFF

City Planner Abboud commented on the changes made by the Commission and that if they are going to allow this industry then they needed to pick the places to allow it, don't make the hurdles so high. If they don't want it, then ban it. He was afraid of an unending appeal of a CUP that they approve and if they went that way and what those costs to the city would do. It was a productive meeting.

Deputy City Clerk Krause noted the city code did not reflect a specific amount, just “substantial financial” for the Conflict of Interest and that it was probably outlined in their bylaws. It is always better to err to the side of caution. Very good meeting though long.

COMMISSION

Commissioner Highland had no comments.

Commissioner Bradley wished everyone Happy Holidays and reminded the commissioners to state the reasons they vote so it does not appear that they are coming out with random decisions and that they might need someone to speak at the next council meeting.

Commissioner Erickson wished everyone a Merry Christmas and Happy New Year and that it was a bit tense there for a bit. She doesn't like to make people unhappy but believes they made did their best in a tough situation

Commissioner Venuti tough meeting and commended the holdouts in the audience tonight. Commissioner Stroozas announced the tree lighting ceremony at the Chamber on Friday, December 4th with Santa and then Thursday is the Annual Raffle at the Elks Lodge at 6:00pm. He then wished everyone a Very Merry Christmas and Happy New Year.

Chair Stead echoed the sentiments wishing everyone a Merry Christmas and a very Safe New Year and he will see everyone on January 6, 2016.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 10:35 p.m. The next regular meeting is scheduled for WEDNESDAY, JANUARY 6, 2016 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession at 5:30 p.m. prior to the meeting.

Renee Krause, CMC, Deputy City Clerk

Approved: _____