

Session 16-01, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on January 6, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

Approval of 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

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).

Chad Jones, borough resident next to the Hickerson Cemetery expansion area expressed concern about expansion of cemetery near his home. He is concerned about contaminants to the soil and water in the area as he explained in his email to the Commission. He is also concerned that this doesn't involve the Planning Commission since it is outside the city and also with the lack of community involvement and any studies. He noted his research and percentages of people who want to be buried at around 19% and many people know they don't want to be buried. He suggested a task force be developed and a study to advise the city how best to proceed. He believes there is a better way to do this to better represent the people in the community.

Jill Gann, borough resident next to the Hickerson Cemetery expansion area said she recently became aware of the plan for the expansion. She expressed her concern for lack of public outreach for a project that could impact adjacent property values, privacy, and potentially the health and wellness of the community. Some things she and her neighbors are concerned about are borough requirements, contaminants, easements, right of way, buffers, water contamination, and access. Her request is the City of Homer call a public meeting with surrounding property owners sooner than later since ground breaking could start as soon as this winter. We would like to work with the City to resolve our issues and concerns and gain a better understanding of the project and plan, and address the needs and concerns of all the parties.

Reconsideration

Adoption of Consent Agenda

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 6, 2016

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 December 2, 2015 Regular Meeting Minutes
- B. Bayview Subdivison 2013 Replat time extension request
- C. Tulin Terrace Subdivison, East Tulin Addition time extension request
- D. Lillian Walli Estatates Plat Note Removal
- E. Decision and Findings for CUP 15-06 at 4242 Calhoun St.
- F. Decision and Findings for CUP 15-07 at 1242 Ocean Dr.

Chair Stead 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 16-01, City Planner's Report

City Planner Abboud reviewed his staff report.

Commissioner Highland asked for an agenda items about cemetery. City Planner Abboud said he will bring an update to the next 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 PL 16-02 Zoning for Marijuana

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing.

Lindianne Sarno, city resident, thanked the commissioners for their work. She encouraged they continue to look at ways to keep this moving forward, emphasizing flexibility. We don't have all the answers yet but we are educating each other and moving forward. It's important to inform, assure,

and educate potential investors about what we are envisioning. Also how to support the limited grows which will be the foundation of the whole thing.

Carrie Harris, city resident, commented the current zoning is very restricted for limited grow operations. It doesn't represent what a majority of the people in the City of Homer voted for. Limited growing isn't big money, but the money that comes from it stays in the town. She encouraged the Commission to lessen the restriction and make it profitable for people to grow and to the city for their share of licensing fees. She appreciates the Commissions work, but the current map is completely against the spirit of what all Alaskans voted on, especially in Homer.

Jeremiah Emerson, city resident, is excited about this opportunity. He thought there wouldn't be a CUP for the central business district and doesn't think it's good for the industry. In looking at the number of bars in the CBD he questions why cannabis isn't regulated like alcohol. It should have zoning equivalent to bars. Limited grows were intended for a person to bring their home grow into the legal market where they can test their product. In looking at child safety and strengthening community, keeping black market products on the street removes the opportunity to test for mold and contaminants are in the product. Allowing limited grows results in a safer product.

Tim Clark, city resident, appreciates the Commissions work and agrees that the map is pretty restrictive. It might not be enough room for everyone who wants to be involved and open these types of facilities. He also questions restriction in the central business district with all the bars there. Maybe they could consider CUP's in the not allowed areas. There are a lot of people who want to convert over and grow legally. The state laws are there to protect the people around them.

Mike Glasgow, city resident, encouraged the Commission to keep working on this. There could be a lot of revenue from this and he wants them to keep going forward.

Derrick Hartman, city resident, expressed his concern on the restriction in rural residential and how it will bolster the black market. It's already here, we might as well do what we can to bring these people out at light. It's what we voted on.

There were no further comments and the hearing was closed.

VENUTI/BOS MOVED TO ADD A 1000 FOOT BUFFER FROM THE COLLEGES AND PLAYGROUNDS AND TO ALLOW MANUFACTURING AS A PERMITTED ACTIVITY IN GC1 AND GC2, AND EAST END MIXED USE DISTRICTS.

There was discussion regarding Jack Gist Park being included as a playground area. It was noted it doesn't meet the apparatus limit as a playground and is in a residential district.

Commissioner Erickson noted the ball fields are also used by the high school.

ERICKSON/VENUTI MOVED TO ADD JACK GIST PARK TO THE AMENDMENT.

There was procedural discussion in that Jack Gist is called out on line 510 of the draft ordinance. It was also noted that Ben Walter's Park is not included.

ERICKSON/BOS MOVED TO AMEND THE AMENDMENT TO ALSO INCLUDE BEN WALTERS PARK.

There was brief discussion.

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

Motion carried.

There was no further discussion on the primary amendment.

VOTE (Primary amendment as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Highland commented about manufacturing. It can be dangerous if done improperly so what is in place to ensure safety? City Planner Abboud commented that there are regulations through permitting. A manufacturing facility will have to have a plan to submit to the state for the operation and it should be as safe as any other manufacturing facility.

VOTE (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

City Planner Abboud commented that the buffers adopted have excluded the residential area and central business district. He would rather not have CUP's on any of the uses and either allow it outright or not at all. He encouraged having that discussion. Comment was raised about retail by CUP on the spit. City Planner Abboud doesn't know if it is a viable tourist season business with the cost and permitting requirements.

There was discussion reiterating the Commissions comments at previous meetings that this is a new opportunity and they felt this was a good place to start. If they want to relax some of the zoning once things get underway they can. But it is challenging to make zoning stricter once it has started. They also touched on enforcement, which will likely be done by police and the state through licensing.

VENUTI/HIGHLAND MOVED TO APPROVE THE ORDINANCE WITH THE CHANGES THAT WERE MADE THIS EVENING.

Comment was made to confirm retail will require a CUP in CBD and on the spit.

City Planner Abboud added if they want to allow manufacturing in CBD they will need to make that amendment. He also confirmed testing is allowed outright and cultivation small and large are conditional use.

STROOZAS/VENUTI MOVED TO AMEND TO ALLOW MANUFACTURING AS A CUP IN CBD.

There was comment they had looked at manufacturing as having some potential for danger. It was noted there is a system of checks and balances with a CUP requirement.

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

Motion carried.

VOTE (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Plat Consideration

Pending Business

A. Staff Report PL 16-03 Towers

City Planner Abboud reviewed the staff report.

The Commission discussed:

- Equipment failures and inspections
- Insurance
- The 1.1 times the total height buffer
- Concern about codifying ANSI 222 G

ERICKSON/VENUTI MOVED TO ACCEPT THE CHANGES AND MOVE THE ORDINANCE FORWARD TO PUBLIC HEARING.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

City Planner Abboud commented the public hearing will be scheduled in February.

New Business

Informational Materials

- A. City Manager's Report December 7, 2015
B. Letter from Chad Jones Re: Hickerson Memorial Cemetery Expansion Concerns

Comments of the Audience

None

Comments of Staff

None

Comments of the Commission

Commissioner Highland and Bradley had no comment.

Commissioner Erickson said they accomplished some major things and she's pleased with what they got done.

Commissioner Bos agrees that it's good to get the marijuana and tower ordinances moving forward. He is excited about the Comp Plan.

Commissioner Venuti is relieved these are done and they are moving on to something else. It was an interesting meeting and he was surprised they didn't have a larger audience.

Commissioner Stroozas was also surprised at the low audience turnout and it's good they got this accomplished.

Chair Stead wished everyone a happy and prosperous New Year.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:20 p.m. The next regular meeting is scheduled for January 20, 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: _____