

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.

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.



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Staff Report PL 17-91

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: December 6, 2017
SUBJECT: Retail marijuana in the Marine Commercial District

Introduction

This subject is back to the Planning Commission after a request made by the Cannabis Advisory Commission (CAC) for the City Council to reconsider the decision to add a provision for retail marijuana operations in the Marine Commercial District.

Analysis

The Port and Harbor Commission reviewed the request and support the allowance of Retail Marijuana in the Marine Commercial District. I have provided backup of the discussion that lead to the negative recommendation for marijuana business on the spit last year. Basically, the votes were split on both the Planning Commission and City Council.

My review of any ordinance involving the addition of an activity to a district includes how the change is aligned with the purpose of the district and relevant information found in the comprehensive plan.

Marine Commercial District

The purpose of the Marine Commercial District is primarily for water-related and water-dependent uses and the business and commercial uses that serve and support them, including but not limited to fishing, marine transportation, off-shore energy development, recreation and tourism. It is recognized that unique natural features of Homer's marine environment contribute significantly to the economic and social environments; therefore, performance standards are required to minimize the impact of development on the natural features on which they depend.

A retail marijuana facility in this district does not necessarily enhance or support water-dependent use. The use would have to be found to fit into the 'tourism' aspect. Justifying this business in the Marine Commercial District depends on how the community feels that this activity supports tourism. I am sure that we will enter into a debate about how this use will benefit or harm existing businesses on the spit. I am providing the thought I have 'through the

planning lens', in the end, it is for the community to provide guidance and determine community standards.

The support for this activity seems to revolve around the concept that it should be allowed to prosper and contribute to the economic benefit of the city. Like most other retail business, retail marijuana is confined to business districts. Marijuana business in the Marine Commercial district is unique in that much of the land is owned by the city and leased. Attached is a map of the district indicating the private property that will likely be the only opportunity for the use, as the City has taken the position that we will not allow the operation of an activity that conflicts with federal law on City owned land.

Comprehensive Plan

In consideration of the Marine Commercial District and the Spit Plan, I am not finding any direct support. It may be found to be supported in aspects of the Economic Vitality Chapter. The benefits to the community are debatable. It would have to be construed to be an amenity that enhances the tourism industry such as the selling of arts and crafts or curios, currently permitted uses.

Staff Recommendation

Hold a public hearing, discuss the merits of the proposal and make recommendation to the City Council.

Attachments

Draft Ordinance
Memorandum PL 17-07
November 15, 2017 Marine Commercial Properties Map
August 28, 2017 Memo of the Cannabis Advisory Commission
October 10, 2017 Memo from the City Planner to Port and Harbor Commission
October 25, 2017 Port and Harbor Commission Meeting Minutes
September 6, 2017 Letter from Jeremiah Emmerson to City Council
January 25, 2016 City Council Minutes - Discussion of Retail Marijuana in Marine Commercial
January 14, 2016 Memorandum 16-017 from the City Planner to City Council
Nov. 4, Oct. 21, Oct. 7, 2015 HAPC Meeting Minutes
Public Comments

1
2 CITY OF HOMER
3 HOMER, ALASKA
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5 Planning Commission
6

7 ORDINANCE 18-____
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9 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
10 AMENDING HOMER CITY CODE 21.28.020, PERMITTED USES AND
11 STRUCTURES; ADDING MARIJUANA RETAIL FACILITIES IN THE
12 MARINE COMMERCIAL DISTRICT.
13

14 WHEREAS, it is in the City's best interest to draft comprehensive regulations
15 regarding the use of property within the City to cultivate, manufacturer marijuana or to
16 operate a retail store selling marijuana; and
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18 WHEREAS, the City is dedicated to drafting regulations that prevent the
19 distribution of marijuana to minors; prevents revenue from the sale of marijuana from
20 going to criminal enterprises, gangs, and cartels; prevents the diversion of marijuana from
21 states where it is legal under state law in some form to other states; prevents state-
22 authorized marijuana activity from being used as a cover or pretext for the trafficking of
23 other illegal drugs or other illegal activity; prevents violence and the use of firearms in the
24 cultivation and distribution of marijuana; prevents drugged driving and the exacerbation
25 of other adverse public health consequences associated with marijuana use; prevents the
26 growing of marijuana on public lands and the attendant public safety and environmental
27 dangers posed by marijuana production on public land; and prevents marijuana possession
28 or use on federal property.
29

30 THE CITY OF HOMER ORDAINS:
31

32 Section 1. Homer City Code Chapter 21.28 is amended as follows:
33

34 Section 21.28.020 Permitted uses and structures.
35

36 The following uses are permitted outright in the Marine Commercial District,
except when such use requires a conditional use permit by reason of size, traffic volumes,
or other reasons set forth in this chapter:
37

38 a. Offices for tourism-related charter and tour businesses, such as fishing,
flightseeing, day excursions and boat charters and tours;
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40 b. Marine equipment sales, rentals, service, repair and storage;
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42 c. Retail stores limited to the sale of seafood products, sporting goods, curios, and
43 arts and crafts;

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

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d. Business offices for water-dependent and water-related activities such as fish brokers, off-shore oil and gas service companies, and stevedores;

e. Customary accessory uses that are clearly subordinate to the main use of the lot or building such as piers or wharves; provided, that separate permits shall not be issued for the construction of an accessory structure prior to that of the main structure;

f. Mobile food services;

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

h. Recreational vehicle parks, provided they shall conform to the standards in Chapter 21.54 HCC;

i. Restaurants;

j. Cold storage facilities;

k. Campgrounds;

l. Manufacturing, processing, cooking, and packing of seafood products;

m. Parks;

n. Boat launching or moorage facilities, marinas;

o. Caretaker, business owner or employee housing as an accessory use to a primary use, and limited to no more than 50 percent of the floor area of a building and for use by an occupant for more than 30 consecutive days;

p. Lodging as an accessory use, limited to no more than 50 percent of the floor area of a building;

q. As an accessory use, one small wind energy system per lot;

r. Marijuana retail facilities as defined by state law.

Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

Section 3. This ordinance is of a permanent and general character and shall be included in the City code.

91 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____
92 day of _____ 2018.

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CITY OF HOMER

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BRYAN ZAC, MAYOR

98 ATTEST:

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101 _____
MELISSA JACOBSON, MMC, CITY CLERK

102

103 AYES:

104 NOES:

105 ABSTAIN:

106 ABSENT:

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108 First Reading:

109 Public Reading:

110 Second Reading:

111 Effective Date:

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113 Reviewed and approved as to form:

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115

116 _____
Kate Koester, City Manager

117

118 Date: _____

City Attorney

Date: _____



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Memorandum PL 17-07

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: November 28, 2017
SUBJECT: Planning Staff review of Retail Marijuana in the Marine Commercial District

Planning Staff review per 21.95.040

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

A. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

1. *Staff response:* This proposal to varying degrees supports the goals and objectives listed below.
 - a. 2008 Comprehensive Plan Chapter 8, Economic Vitality Goal 1, Define and encourage economic development that meets the desires and interests of Homer residents and positively supports the unique character of the community.
 - b. 2008 Comprehensive Plan Chapter 8, Economic Vitality Goal 1, Define and encourage economic development that meets the desires and interests of Homer residents and positively supports the unique character of the community, economic development strategies;
 1. #2, Encouraging the production or sales of goods and services to better serve the local economy.
 2. #3, Amend land use and taxation regulations to encourage production of custom or unique products to sell locally and outside the community; such as art, technology, or value added seafood products.
 3. #4, Encourage “import substitution;” i.e., leakage control by producing locally what is otherwise imported. An example is the local farmer’s market, which provides produce which would otherwise be trucked into the community with profits leaving the community
 - c. 2008 Comprehensive Plan Chapter 8, Economic Vitality Goal 2, Encourage the creation of more year-round, higher wage jobs, implementation strategies;

- i. #3, Ensure that zoning and land use regulations do not unduly restrict entrepreneurial development and new business formation. Also ensure that the value of adjacent property is not degraded through noise, odor or similarly negative impacts.
- ii. #6, Promote and enable small-scale employers who may have different land use and infrastructure needs than one or two-person sole proprietorships.
- iii. #10 Establish and maintain consistent municipal standards and policies relating to the establishment and/or expansion of business activities on private and municipal lands.
- iv. #13 Examine and replicate appropriate regional successes.

B. Will be reasonable to implement and enforce.

Staff response: Working in conjunction with state officials in the highly regulated industry, the addition of the use will be reasonable to implement and enforce.

C. Will promote the present and future public health, safety and welfare.

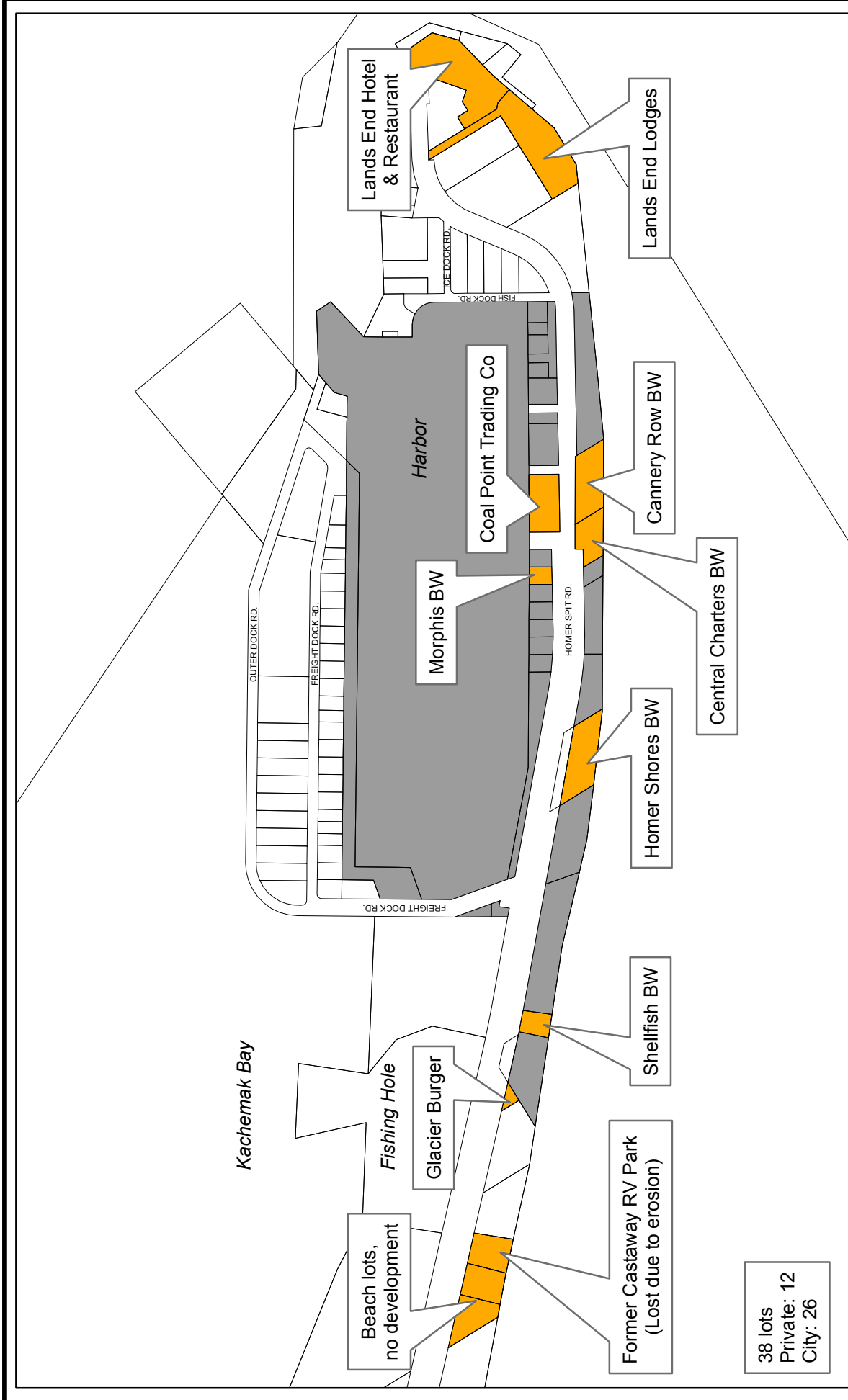
Staff response: This amendment promotes health, safety and welfare by locating the industry in a commercial area that is regulated in order to limit incompatible uses.

D. Is consistent with the intent and wording of the other provisions of this title.

Staff response: This amendment has been reviewed by the City Attorney and is consistent with the intent, wording and purpose of HCC Title 21.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per 21.95.040 and recommends the Planning Commission conduct a public hearing, and make a recommendation to the City Council.



38 lots
Private: 12
City: 26



Disclaimer:
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

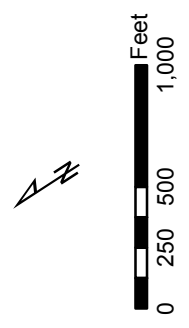
Legend

Owner

- Private
- City

Marine Commercial Properties on the Homer Spit

November 15, 2017



City of Homer
Planning and Zoning Department



City of Homer

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MEMORANDUM

TO: CITY COUNCIL AND MAYOR ZAK

FROM: CANNABIS ADVISORY COMMISSION

THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: AUGUST 28, 2017

SUBJECT: RECOMMENDATION TO AMEND ZONING ON THE HOMER SPIT TO ALLOW CANNABIS

At the regular meeting of the Cannabis Advisory Board the following recommendation was discussed and passed regarding forwarding a request to Council to consider amending the zoning on the Homer Spit to allow commercial cannabis. Following is the excerpt from the minutes of that meeting reflecting the discussion and subsequent motion:

NEW BUSINESS

B. Cannabis on the Spit – Recommendation to Council to Amend the Regulations to allow Cannabis Operations on the Spit

City Planner Abboud briefly clarified that the memorandum in the packet was referring to city owned land when saying that the city would not approve cannabis related businesses and that was advice received from the City Attorney. Private owners are allowed.

Additional discussion on the lack of support from the current City Council a recommendation to reconsider zoning for cannabis on the spit might receive and the responsibility and job of this commission ensued.

HARRIS/LEWIS - MOVED TO FORWARD A RECOMMENDATION IN SUPPORT OF CANNABIS BUSINESSES ON THE SPIT AND THAT CITY COUNCIL REVIEW HOMER CITY CODE TOWARDS THAT GOAL.

Discussion ensued on reasons for prohibiting businesses on the spit, it is not the City's responsibility to govern how, when or what the public does with the merchandise as long as it was purchased legally; it was noted that the US Coast Guard still enforces the regulations against marijuana on vessels and if there was a business in town a passenger could purchase it there and they would have no control over what happened after that it was further noted that there were private property owners on the spit that were interested but were unable to have commercial cannabis since it is not zoned.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.



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Memorandum

TO: PORT AND HARBOR COMMISSION

FROM: RICK ABOUD, CITY PLANNER

DATE: October 10, 2017

SUBJECT: Retail sales of marijuana in the Marine Commercial District

At the August 28th meeting of the Cannabis Advisory Commission a motion was made for the City Council to support an allowance for marijuana businesses to be located in the Marine Commercial District.

The Planning Commission last had a discussion about the allowance of retail marijuana facilities in the Marine Commercial District in November of 2015. Several members of the public, including the owners of a boardwalk, testified against the provision. The motion for allowing the activity failed for lack of a majority, ending in a 3-3 vote.

At this time, the city has been advised against supporting marijuana businesses on city property in order to not aggravate the city's relationship with the federal government. Practically, this activity would be a consideration for only privately owned property at this time, although the provision would comprise the entire Marine Commercial District.

In consideration of the purpose of the Marine Commercial District, I believe it would be best to only consider a provision for the retail sales as manufacturing, testing, and cultivation is best addressed in districts where there is not so much emphasis on water dependent activities.

The Port and Harbor Commission is asked whether or not it supports retail marijuana businesses in the Marine Commercial District. The recommendation will be forwarded to the Planning Commission and then the City Council for consideration.

Att.

CC Memo from CAC

- Stall Retention is higher than previous years and the Harbor desperately needs new stalls to lower the stall retention.
- Fished the LED project with Puffin Electric and have seen some good results
- Small Boat Harbor Potable Water , Fish cleaning Stations, and the ECO barge have all been shut down and winterized
- The Deep water Dock inside berth fender attachment points are breaking off. Repairs are being made, but some bigger repairs will need to be made in the near future to keep this from happening.
- AAHPA has two Resolutions that they would like the City of Homer to Support.
- Harbor Facility Grant Program was used to replace the Floats in the City of Homer Harbor. This is the only funding that the State provides that goes directly to the Harbor.
- Agenda was included for the AAHPA Conference in Petersburg, Alaska

Harbor Master Hawkins stated that if anyone has questions about the AAHPA Conference or the Agenda to contact him at a later time to discuss it.

PUBLIC HEARING

PENDING BUSINESS

NEW BUSINESS

- A. Marijuana Zoning on the Spit
- I. Memo from Planning Commission To Port and Harbor Advisory Commission Re: Retail of marijuana in the Marine Commercial District
 - II. Memo from the Cannabis Advisory Commission to City Council Re: Recommendation to Amend Zoning on the Homer Spit to Allow Cannabis

Commissioner Zimmerman stated that in the past the Port and Harbor Commission had made a recommendation to City Council to allow marijuana on the Spit. However, he could not recall that the recommendation went forward to City Council and asked if anyone on the Commission remembered if the recommendation was heard. Harbor Master Hawkins replied that he believe the recommendation did go before City Council and that City Council voted against the Port and Harbors recommendation.

The Commission discussed the Memorandum from the City Planner and clarified that the recommendation would only be for privately owned property at this time.

Commissioner Zieset stated that since the Federal level has not yet recognized marijuana usage, that it may be wise for the City to restrict the use to privately owned property only.

Commissioner Hartley asked if the US Coast Guard still enforced the regulations against marijuana on vessels. Commissioner Stockburger clarified that the US Coast Guard, the FAA, and the DOT all enforce regulations against the use of marijuana in any kind of transportation.

STOCKBURGER/ ZIESET- MOVED TO FORWARD A RECCOMENDATION TO THE PLANNING COMMISSION AND TO CITY COUNCIL IN SUPPORT OF MARIJUANA RETAIL ON PRIVATELY OWNED SPIT PROPERTY.

Commissioner Zieset echoed his earlier comment. He believes it is wise to keep marijuana retail off of the City leased properties until there is a general idea of how everything will be run.

VOTE: 4 YES 0 NO. UNANIMOUS CONSENT.

Motion Carried

- B. Purchase of Lot 42 on Homer Spit
 - I. Memo from City Manager to Port and Harbor Commission Re: Purchase of Lot 42 on Homer Spit.
 - II. Draft Ordinance from City Manager Koester and Exhibit A map Overlay Sketch from TLO

Commissioner Stockburger asked Bryan how the City got into this mess with the Mental Health Land Trust to begin with.

Harbor Master Hawkins replied with a brief history between the Mental Health Land Trust and the City of Homer on Lot 42. In 1964 there was a different plat in place that was obliterated due to the 1964 Earthquake. The City re-platted that section of the Spit and gave notice to the State that the previous plat was void. Two years later the Borough became the Platting authority and also recognized the City's re-plat of the Spit. Now, the Mental Health Land Trust is stating that some of the previous plat still applies and was never voided. The City was served with a trespass notice, and since then has been in discussion with the Mental Health Land Trust. There was a special meeting held between the City of Homer and the Mental Health Land Trust with attorneys present, and the outcome was the compromise brought forth now. The City of Homer is not admitting that the Mental Health Land Trust owns Lot 42, but has taken the attorney's fees and everything else at risk into consideration. Ultimately, the City feels that buying Lot 42 would be the wisest and cheapest option moving forward.

The Commission clarified the property line of Lot 42 and had a small discussion about Mental Health Land Trust relinquishing their rights to the other Lots, along with the City purchasing Lot 42 for \$550,600.

Harbor Master Hawkins stated he looked at the business opportunity like this; "if I were looking back on this deal 10 years from now, would I see it as a bad deal?" He believes this deal is one that will benefit the City and the Harbor for years to come, so he doesn't think this is a "bad deal".

Commissioner Zimmerman expressed that his only issue with this deal is that the City is taking the money out of the General Fund, which in return the Harbor has to pay back plus interest. The City should pay for Lot 42 and not make the Harbor pay back interest, because it's in the best interest for the entire City, not just the Harbor.

Harbor Master Hawkins explained that this is the agreement that he and the City Manager has come up with, the other option would be for the Harbor to pay for the Lot out of their reserve fund, which they did not see feasible.

From: Jeremiah Emmerson
To: [Department Clerk](#)
Subject: Cannabis Advisory Commission Recommendations
Date: Wednesday, September 06, 2017 12:50:07 PM

City clerk,

Please send this to all council members or add this to the next agenda packet. Thank you.

--

Dear Council,

As you all are probably aware, the Cannabis Advisory Commission has made a recommendation to you to make a zoning change and allow cannabis retail establishments to operate on the spit.

I fully support their recommendation and believe it would be an acceptable way to bring more jobs and revenue to the City of Homer. It seems many always ask and consider, how do we bring jobs and new revenue to Homer?

First of all you need a retail outlet in town for this to happen. We have one retail license in limbo right now on Ocean Drive and my guess is they will be approved as this isn't their first rodeo with the state. This will be their second establishment.

I would have preferred that it be a Homer resident or local, but this will do for now and opens up the door for other local cultivators (such as myself) to have an incentive to start a cultivation and extraction facility. I know of several others who have expressed the same desire to go to a local outlet.

I do not want to license and then have to drive 2+ hours one way to deliver products. I would much rather retail at my local Homer retailer and service local residents within the legal market.

I know of at least 3 Homer locals who had plans to build a retail establishment on the spit last year before zoning pushed them out. Their plans were crushed by the council last year. One of them had to sell his building he had purchased to start a retail establishment. Others were simply hosed out of an opportunity that many in the rest of the state were able to take advantage of.

I've said it before and I will say it again; Homer is losing out on new revenues while other port cities, including Juneau, Sitka, and Valdez all have retail establishments and aren't having the issues that some folks predicted would happen.

I've heard just about every single concern folks have about spit retail and I will try to provide my opinion on the matter and hope that you will not only consider it, but actually listen..and do the right thing for Homer.

#1- Drugged Driving; You DO NOT have to approve licenses that have an onsite consumption endorsement. The city needs to be aware that they can reject these types of establishments. If

the city wanted to take a small step and just open spit retail up (with no onsite consumption) they can do so. If you do decide to go that route please consider that there will be people (tourists) smoking in their vehicles or hotels or on the beach as they may not have anywhere to go (except for their RV which would be acceptable and outside of a public place).

The city could do a conditional use permit for onsite consumption with stipulations that the establishment provide an operating plan that highlights HOW the establishment will take steps to keep people from leaving their establishment while stoned. If they can provide an acceptable plan and follow through with it, I don't see where there would be a problem.

#2- Cannabis on Boats or Planes; Cannabis is already on boats and planes and there has been 0 federal interference thus far. It flies in and out of Juneau and Sitka regularly. How else would these folks be able to move their product back and forth to the testing lab or to other establishments?

Every business also has their own policies and as an employee in the charter industry I can tell you that our business doesn't accept it on the boat and each time we brief our passengers we inform them that there is no tolerance for cannabis or other drugs on the boat and we have posted signs on the boat. From there, the customer makes their own choice and are liable to be kicked off the boat if they bring it on. This mostly has to do with the Coast Guard regulations and something already being dealt with.

#3- Law enforcement concerns; Mark Robl has made the statement that he is worried about second hand inhalation when entering a cannabis establishment with onsite consumption. These are actually valid concerns, however, it is much harder to obtain a contact high or test positive for cannabis from second hand smoke than most believe. Studies have been done to show that the likelihood of this occurring is low. If the police department wanted to purchase "gas masks" or filter masks that can filter out the smoke, that would be acceptable and an understandable expense.

I urge the city council to have an open mind about this issue. You told us that if the zoning was too strict you would loosen things up. Here is your opportunity to fix the wrongs of the past. There are more improvements to be made, however, this would be a big step and a boon to our economy and tourism offerings.

People have asked numerous times, where do I go to get it? We need to be able to answer that question and provide our guests with an outlet or they will spend their money in Anchorage, Kenai, or Sterling on the way in or out.

Warm Regards,

Jeremiah Emmerson

Memorandum 16-017 from City Planner as backup.

Mayor Wythe called for a motion for the adoption of Ordinance 16-04 for introduction and first reading by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

REYNOLDS/LEWIS - MOVED TO AMEND TO STRIKE SECOND READING ON FEBRUARY 8TH AND HAVE A PUBLIC HEARING ON FEBRUARY 8TH AND A SECOND PUBLIC HEARING AND FINAL READING ON FEBRUARY 22ND.

Mayor Wythe and Council expressed the need for an additional public hearing for people that are concerned or interested in the ordinance. Council may have changes to the ordinance also.

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

Motion carried.

LEWIS/REYNOLDS – MOVED TO AMEND THE CENTRAL BUSINESS DISTRICT (CBD) WHICH IS CUP (CONDITIONAL USE PERMIT) ONLY TO HAVE IT TO WHERE IT IS PERMITTED OUTRIGHT.


The amendment would require complaints to be presented at the state level instead of litigation against the city.

Asked about the liability of the CUP process, City Attorney Wells advised the CUP process has criteria with substantially related terms and wiggle room that creates vulnerability for legal challenges. Communities are putting a moratorium on the CUP process while others are using CUPs. It comes with legal costs that cannot be predicted. We will have a better understanding once the industry gets going in communities that are using CUPs.

Councilmember Lewis reminded Council the City has had a lot of litigation on CUPs and zoning issues. He would just as soon pass that cost off to the State instead of us bearing that cost.

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

Motion carried.



Councilmember Van Dyke commented on Marine Commercial. The Homer Spit draws people from all over the state with families. There is the Homer Ice Rink, Nick Dudiak Fishing Lagoon, and parks and campgrounds up and down the Spit. Each one has tons of families and children. He would like to see no cannabis activity on the Spit.

VAN DYKE/SMITH– MOVED THAT MARINE COMMERCIAL BE A NO SALE ZONE.

Councilmember Lewis questioned the depiction of the Spit as a great, wholesome place with Salty Dawg Saloon, other bars and liquor stores, and five or six guys sitting out at night after a day's charter pounding down beers. It's not a good analogy to restrict the cannabis business there. On his visit to Denver he did not see derelicts hanging outside. There are laws on advertising.

Councilmember Smith asked what the economic benefit is that we are projecting versus the social costs.

Councilmember Lewis answered the problems are already there; we aren't going to bring anything new. The product and alcohol are there and some will use both. Those that want to use one or the other will use one or the other. It will not create more smoking and driving. Those that are going to do it will regardless if it is legal or not.

Mayor Wythe commented the majority of properties on the Spit are City of Homer properties. In complying with the eight guiding principles to keep us out of the federal target zone, one of those is growing marijuana on public lands and the public safety and environmental dangers posed by marijuana production. Although there wouldn't be marijuana growing on the Spit, people could not lease city properties to sell marijuana. We can start smaller and if it makes sense we can grow.

VOTE: (amendment) YES. ADERHOLD, ZAK, SMITH, VAN DYKE
VOTE: NO. REYNOLDS, LEWIS

Motion carried.

ZAK/VAN DYKE – MOVED TO AMEND TO MAKE THE HOMER SPIT A BUFFER ZONE.

City Planner Abboud advised no buffer is needed if Marine Commercial is a no sale zone. Adding a buffer to the Spit could be decided by the Planning Commission at a later date.

VOTE: (amendment) YES. VAN DYKE, ZAK, SMITH
VOTE: NO. REYNOLDS, ADERHOLD, LEWIS

Mayor Wythe broke the tie with a NO vote.

Motion failed.

ADERHOLD/LEWIS - MOVED TO AMEND LINE 20 to CHANGE the WORD "MANUFACTURER" TO "MANUFACTURE."

There was no discussion.



City of Homer

www.cityofhomer-ak.gov

Planning

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Homer, Alaska 99603

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(f) 907-235-3118

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

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.

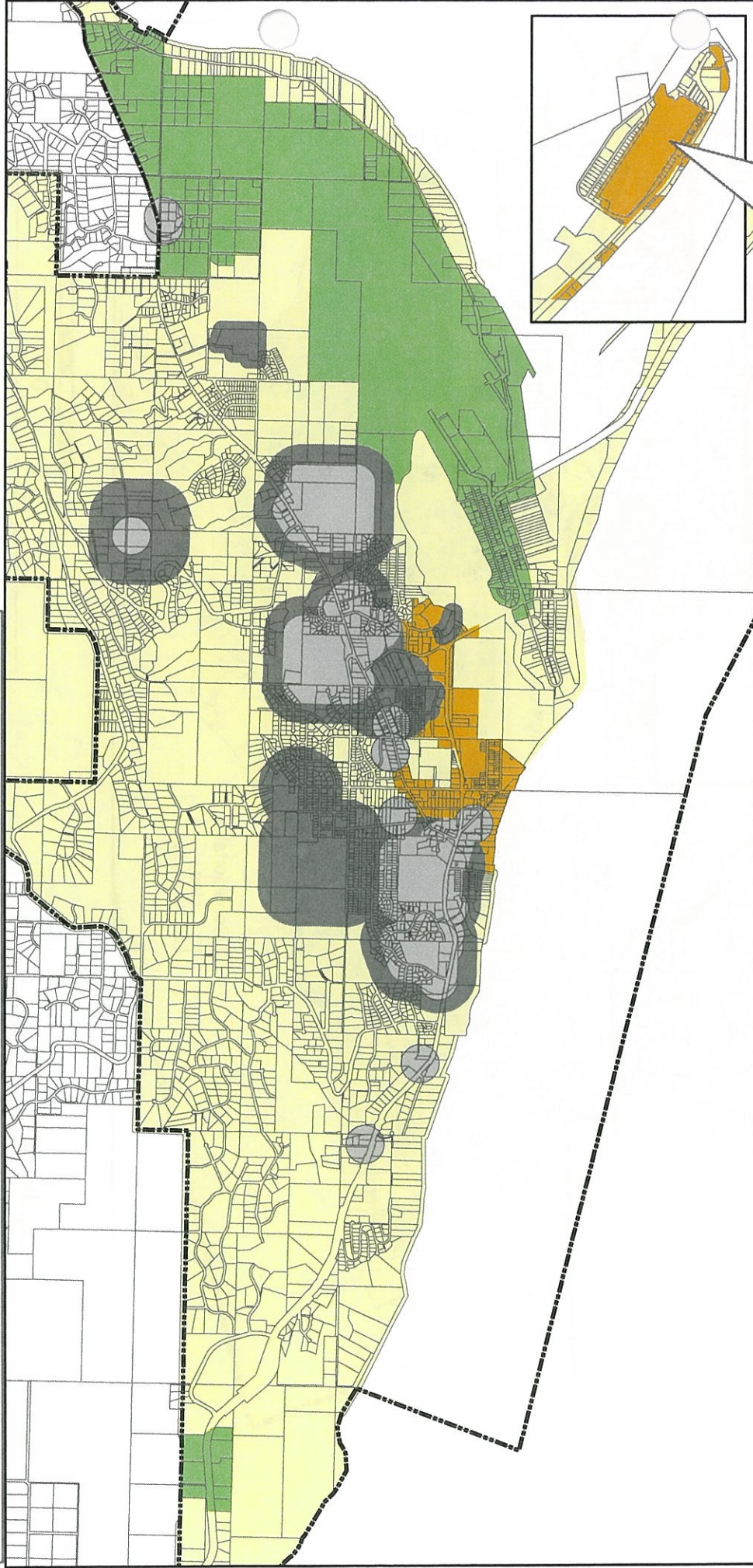
I would describe a cannabis café as a place open to the general public where sales and consumption take place. The state is working on an allowance for a retail marijuana store to have a place for consumption. We do not have the specifics of this yet, but it is in the realm of a state licensed activity. 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

**January 6, 2016 Public Hearing Version Homer Advisory Planning Commission
2016 Commercial Cannabis Retail and Manufacturing Map.
Testing is allowed outright in the green areas, and in downtown Homer.**

Questions? Contact City Planner Rick Abboud



Retail Only the Spit -
no testing or manufacturing



Legend

City Limits

State Buffers

Additional City Buffers

Commercial Cannabis Activities

Retail by Conditional Use Permit

Retail allowed outright, Manufacturing by CUP

No Commercial Cannabis Businesses

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.

Presentations

Reports

A. Staff Report PL 15-74, City Planner's Report

City Planner Abboud reviewed his 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 15-75 Zoning for Marijuana

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing.

Jackie Dentz, city resident, commented in opposition to allowing retail sales on the spit because it's a recreational area. She owns Frosty Bear Ice Cream parlor which draws kids, families, and elderly visitors. She also noted visitors from cruise ships are not allowed to bring marijuana on the ship. She doesn't think a retail establishment for marijuana belongs on the spit. She is fine if locals want to buy it and if it's done safely, but encouraged the Commission to think about where they recommend putting retail.

Crisi Mathews, city resident, owns a boardwalk on the spit and real estate in town with her husband Chad. She commented that a CUP is warranted for any grow or retail facility in a residential area, she thinks they will hurt residential property values. She also expressed opposition to allowing retail for marijuana on the spit. She noted several recreational venues that draw youth and families throughout the summer including Islands and Ocean, Alaska Coastal Studies, and HOWL which conduct many of their outings on the beaches, trails, docks, and campgrounds, as well as the Kevin Bell arena in the winter. She added that if retail is allowed and is available year round, there will be minimal oversight as a majority of the area shuts down off season. With a business in Homer and rental cabins in Anchor Point, as well as raising four children here, they have a lot of vested interest in seeing this continue to be a family community.

Chad Mathews, city resident, added that there are buildings on their boardwalk. The way it is worded now, the people who own those buildings, don't have to their permission as the boardwalk owner, to open a dispensary. He encouraged that be readdressed. He thinks with the amount of accidents and almost accidents they see on the spit and impaired drivers could be an issue, as well as the potation for increased break in attempts.

Garth Bradshaw had a business on the spit for many years and his preference is no sales at all within the community, as other communities in Alaska have done. He encourages them to follow suit. That being said, if they allow one person to sell it, how will they restrict others? He suspects there will need

to be limits on licenses, like with alcohol. He supports not selling it in Homer at all, his adult kids and his grandchildren are here and he doesn't like the exposure, and doesn't think it's the thing to do to our community.

Megan Murphy attempted to comment regarding the Waddell Park 2016 Replat Preliminary Plat. It was explained that topic would be addressed under Plat Consideration and if she was unable to stay, she could contact the planning staff for more information regarding the preliminary plat.

Shlomo Gherman commented that if the recreational sale of marijuana in town is done right it could be really effective, specifically bringing in more taxable revenue to the city. We could have a PFD type situation for many of the people living here. Colorado school district received \$6 million in additional funding from sales. No matter where you place a dispensary, once it's known the town has one, there is no stopping purchasing it. Whether it's on the spit or in town, it won't really make a difference, the real concern is managing how it's sold and who is able to purchase. It's very accessible now. If the issue is stoned people on the spit, they are already there.

There were no further public comments.

City Planner Abboud said limiting the number of establishments will be in the code under licensing and not zoning. He will have something on the next agenda for the Commission to make a recommendation.

VENUTI/STROOZAS MOVED THAT EAST END MIXED USE AREA BE ALLOWED TO HAVE SMALL VOLUME CULTIVATION.

There was brief discussion to clarify small grow operations would be allowed anywhere in the district with this motion. Other comments were that this should be more restrictive to begin with.

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

Motion carried.

HIGHLAND/VENUTI MOVED TO ADD A CUP FOR ALL SMALL CULTIVATION IN RURAL RESIDENTIAL.

Commissioner Highland commented that rural residential is the largest district, it is family oriented, and there are a lot of lots over 40,000 square feet. Allowing it outright doesn't give the residents the opportunity to speak about small grow operations in their neighborhood. Lighting is also an issue, as well as security, in rural residential.

It was noted that currently no small cultivation is allowed on lots under 20,000, and this motion allows it in all of rural residential with a CUP. It would include the smaller lots if approved as presented.

ERICKSON/HIGHLAND MOVED TO AMEND THAT A CUP BE REQUIRED ON LOTS OVER 20,000 SQUARE FEET.

There was brief discussion.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion.

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

Motion carried.

There was discussion about buffers that are outlined by the state. City Planner Abboud said he would bring that back with information along with the license restrictions.

Discussion ensued regarding allowing retail on the spit and the comments from the public tonight.

HIGHLAND/ERICKSON MOVED TO DISALLOW RETAIL FOR MARIJUANA IN MARINE COMMERCIAL.

Commissioner Highland said tonight's public comments included good reasons to be concerned about retail sales out there.

Commissioner Venuti noted there are bars and liquor stores on the spit now that sell cheap liquor which he thinks is more dangerous.

Commissioner Erickson agrees with the public comments about not allowing retail in marine commercial.

Commissioner Bradley commented that a CUP is required for retail in marine commercial which is fairly restrictive.

Commissioner Stroozas expressed his thought that the fishing hole is a recreational facility for families with kids and youth based fishing events that are held there. Based on state buffers, that could justify disallowing retail on the spit. If the CUP remains in place, then an applicant complies with all the regulations, the Commission would have to allow it.

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

Motion failed for lack of a majority.

No further amendments were proposed and another public hearing is scheduled for December 2nd.

Plat Consideration

and applicants have 90 days to act up on the license. He noted retail places won't likely have product to sell right away because cultivators would have to have a license before they could grow. He predicts the scenario would likely be the end of summer at best before product would be available.

He is working on a manageable schedule for the Comp Plan review.

Comments of the Commission

Commissioner Highland and Erickson had no comment.

Commissioner Bradley commented she is looking forward to speaking at the city council meeting on the 23rd and will be getting ahold of the City Planner for assistance with talking points. She thought the comments tonight were interesting.

Commissioner Stroozas said he expected standing room only tonight for the public hearing. It's nice to get done early. It was a well conducted meeting and thanked Chair Stead for moving things along.

Commissioner Venuti agreed it was interesting discussion tonight. He thinks that for what it will cost to get licensed and into operation on the spit for a three month season, doesn't make economic sense. He doesn't think there will be a lot of people jumping at that opportunity. Regarding commissioner comments at council meetings he encouraged that speakers work with staff to get a script or talking points to ensure they aren't giving personal feedback.

Chair Stead said he thinks they did good tonight.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:01 p.m. The next regular meeting is scheduled for December 2, 2015 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: _____

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 21, 2015

It was suggested this is a good place to start, and they will have the opportunity to add CBD later if it seems reasonable.

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

Motion failed.

Commissioner Erickson feels there are people who will be very offended by these activities.

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

Motion carried.

HIGHLAND/STROOZAS MOVED TO ALLOW RETAIL IN COMMERCIAL AND INDUSTRIAL WITH A CUP.

There was brief discussion.

HIGHLAND/BOS MOVED TO EXTEND THE MEETING ADJOURNMENT 15 MINUTES UNTIL 9:45 P.M.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

BOS/HIGHLAND MOVED TO AMEND TO INCLUDE MARINE COMMERCIAL AS CUP.

There was brief discussion recognizing that it will be important to get public input for these activities. It was noted that they recommended testing be allowed outright with the understanding that it will be a laboratory environment.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT

There was no further discussion on the main motion as amended.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

City Planner Abboud expressed his frustration with having to take these recommendations to the Cannabis Advisory Commission.

Commissioner Bos reiterated that this is a good place to start and there may be some changes here and there after they get public testimony.

Commissioner Highland commented that residential is mixed in most of the districts and there are ramifications of marijuana related activities that warrant something keeping it more restrictive in the beginning. If it is less restrictive and down the road we want to change regulation, we are left dealing with nonconforming uses.

Deputy City Planner Engebretsen confirmed for the next meeting staff will bring back two options to consider for rural residential, one not at all and two by CUP with rigorous standards like minimum lot size and separation distances to establish grounds to allow or deny.

There was general discussion about the lengthy process of getting licensed for an operation, and the stringent regulations for the marijuana related activities once they are licensed.

Under the manufacturing table it was suggested to eliminate CBD and include GC1 and GC2 as a CUP. Lot sizes in the CBD are too small and flammable materials are used at times in the process. Exclude Town Center and Gateway Business and Marine districts as well.

No changes were suggested for the table under testing.

Regarding retail, there was discussion of the notion of limiting the number of retail operations. Deputy City Planner Engebretsen explained that in staff's discussion, these stores can't sell other things. It raises the question how many can the community really support? The spit has a short retail season and there are a lot of hurdles to get a license from the state. It's questionable if it will be worth doing it out there. No changes were suggested.

Deputy City Planner Engebretsen said they will bring back a draft ordinance for the Commission to review.

B. Staff Report PL 15-71 Transportation Recommendations

Deputy City Planner Engebretsen reviewed the staff report.

BOS/HIGHLAND MOVED TO FORWARD THE TRANSPORTATION RECOMMENDATIONS TO COUNCIL.

There was brief discussion in support of the recommendations.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Informational Materials

- A. City Manager's Report September 28, 2015
- B. Town Hall Potential Revenue Solutions Pros/Cons

Comments of the Audience

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

Diamond Ridge Art Studio

November 4, 2015

City of Homer

Planning Commission

491 E. Pioneer Avenue

Homer, AK 99603

RECEIVED

DEC 21 2015

CITY OF HOMER
PLANNING/ZONING

RE: Cannabis Advisory/Oversight Committee Proposed Spheres

Dear Commission Members:

In May of 2014, I opened Diamond Ridge Art Studio at 4025 Homer Spit Road, #17. My decision to locate my business there was based primarily on the nature of the prospective clientele that visits the area. The Homer Spit attracts large numbers of vacationing families, tourists, fishermen and boaters. Between May 4th and Labor Day of this year, I logged over 5,000 visitors to my gallery. Many of these visitors were families with children of all ages. Also, many were residents of Homer. I organized painting demonstrations that were attended by both children and adults, both from Homer and elsewhere. In addition, I carry art items that are appropriate for families.

The proposed city ordinance permits the retail sale of marijuana on the Spit. I would ask the Commission to consider establishing a buffer zone due to its proximity to the Nick Dudiak Lagoon, adjacent campgrounds (which serve as temporary residences) and the small boat harbor.

The Homer Spit is a seasonal retail environment. Virtually all of the businesses close for the winter. A police presence is a challenge to the city to maintain during the busy summer season and would need to become a greater presence during the winter should marijuana sales be conducted there.

I know that there are several families who would no longer come to my business for any reason if there is an establishment selling marijuana nearby. As a small business owner, I strive to attract every potential customer by providing an environment that is family-friendly and wholesome.

Homer has demonstrated its commitment to promoting tourism. The city, the Chamber of Commerce, and the business community have successfully collaborated to attract tourists and to grow the cruise

Olga Amara, Owner
#17 Homer Spit Road
Homer, AK 99603
(907)299-7750
Diamond.ridge.art@gmail.com

Diamond Ridge Art Studio

ship business. Much of that is centered on the Spit. The retail sale of marijuana and cannabis products does not seem to me to be consistent with the promotion of a family-centered vacation destination.

I would welcome the opportunity to discuss this further with you and can be reached at the number listed below.

Sincerely,

Olga Amaral

*Olga Amaral, Owner
#17 Homer Spit Road
Homer, AK 99603
(907)299-7750
Diamond.ridge.art@gmail.com*

Dotti Harness

From: Crisi Matthews <broker@cmreagent.com>
Sent: Wednesday, December 02, 2015 3:28 PM
To: Department Planning
Subject: Public Comment for Planning Commission Meeting Tonight

I find it rather disappointing that members of the community came forward in support of limiting cannabis sales here in Homer from recreational areas such as the Spit and resulted in such minute support from the Commission. This conversation is not about alcohol on the Spit as was Council's statement in opposition of our request for restrictions to sales on the Spit. As a governing body, one member went on to read the definition of the City Code for recreation and it's facilities as they exist in Homer. In addition, the General Plan also designates OSR zones on Homer Spit and therefore it seems natural that RECREATION as defined by your code should have the same buffer zone as the 'Park' does. Children congregate in these zones while visiting Homer more than any other Zone in our City. I'm still not clear how the Council who has defined Recreation and it's Zones so clearly isn't placing any protection on them now. Buffer Zones for the zones of OSR need to be identified also as there won't be specific designations addressed in the state code such as these nor on marine OSR zones as this designation pertains to Homer not the state at large. The code limits construction so as to preserve them and their use a buffer zone here seems only logical.

To date, the state committee is still answering public questions on these same texts and they haven't completed the adoption of their guidelines as they apply to Alaska. It also states at this time that the local jurisdiction must approve a license request before the state will issue it once these guidelines are in place, so I'm not sure why there is such haste in generating Homer's guidelines ahead of the state. If ANYTHING it would seem prudent to allow them to lead not to supersede local recommendations ahead of theirs. The idea that we need to have our doors open first is extremely liberal and not reflective of the overall populous of Homer. As shown in the last public hearing the opponents far outweighed those in support and none from the Cannabis committee even attended.

According to the 2010 Census nearly 25% of Homer's population is under 19. In addition, a call to the Chamber of Commerce identified that 11,600+ visitors came into the Chamber not including the City of Homer in general from May 1 to August 31 and 9 cruise ships distributing 4500 visitor guides to these. Big draws like the Birding Week and Salmon Derby are big draws here also. It seems pretty obvious to me, a business owner in town and to the others that spoke last month requesting your expressed protection of the Spit that the Planning Commission HAS the authority and the obligation to protect the OSR Zones they've created for outdoor use. The families that live here came for all that is Homer; a safe community to raise healthy families. The residents and the visitors came for every reason OTHER than access to Cannabis Sales. Tourism is the heart of Homer's summer revenue as a City and for small time business owners that depend on the summer commerce, not a hope for retail tax from these proposed businesses.

We ask that you revisit the OSR and place a buffer zone on them just the same as you have identified for the Hornaday Park.

--
Loyally,
Crisi Matthews, Broker
c: 907-299-8700
f: 888-552-2805
www.CMREagent.com

RECEIVED

DEC 2 - 2015

CITY OF HOMER
PLANNING/ZONING

Dotti Harness

Subject: FW: Comments for public hearing December 2nd planning commission

RECEIVED

DEC 2 - 2015

From: Chad Matthews <info@ofishial.com>
Date: December 2, 2015 at 3:59:47 PM AKST
To: planning@ci.homer.ak.us

Subject: Comments for public hearing December 2nd planning commission

CITY OF HOMER
PLANNING/ZONING

I apologize ahead of time for being a terrible public speaker and my wife and I can't be there tonight but ask that you be patient for a couple of serious points not only on the Cannabis subject but how I have witnessed it address by this board. Neither point will mean anything unless you know my background. So please humor me for a minute down a quick blink of my life which I promise is all relevant to this town that I/We call home. I was born and raised in San Jose California more specifically the East side "the wrong side of town". It was ridden by drugs and gangs and my father and I were only there to grant my grandmother's dying wish to live out her years in the house that my grandfather built. As much as I loved my grandmother we said every year that this would be grandma's last Christmas living in what became one of the top rated ghettos in the lower 48. My grandfather's hand built home was built in the middle of an almond orchard that in 40 years became the festering grounds for gang activity, drug trafficking and violence. There I both witnessed and was a victim of violence based on drug trade both from gang selling and at the hands of the childhood product of druged out parenting. I went to school everyday sick to my stomach about about what would happen before the day was out. To save you the long "opera" moment I have been beaten to an inch of the end of my life more than once. Many of these kids who were violent in the name of gang involvement began their drugged lives at the hand of marijuana. It was a gateway drug for them. My rear neighbors who were 5th graders had access to marijuana and sold it within the neighborhood. How is that related to the pot here, in Homer I am sure you ask as well as this is not a forum to discuss the legality legalizing it since that has already been done.

I offer further evidence of the effects of it and ask what basis anyone in this room has to offer to the affects on this town? The Cannabis of the 70s when pot was a fraction of the potency and was a part of a free loving era that was the platform of counter capitalism has evolved. Those who believe the legality is just are ignoring that it is a controlled substance and it has become a more potent, more marketed, more effectively and illegally grown product that has lead to continual growth and profitability of major gangs and cartels that have changed everything from those fun loving hippy days. My story does not end there, at 13; the year before my grandmother passed and I had an out to get out of the ghetto based on my parents' divorce. I moved with my mother to a small dairy town in the Central Valley of California. This is the town that shaped me but I've been told by the teachers there that we were the last good class to come through a long history of a good wholesome town. Even my younger brother was on the wrong path. He harmlessly thought smoking pot was a good idea in contrast to myself who saw the devastating effects as a kid in the ghetto. I have not spoken to him in 10 years. He now sells marijanua through California's medical marijuana laws, he has multiple convictions of driving under the influence and theft still living with our mother at nearly 30 years old. I watched his demise which started with pot.

As an adult man legally hunting pigs in the mountains of California, I've been shot at by those growing illegally on forestry land. The crime report we produced for this board a month ago regarding the effects of legalization in Colorado, who read it? Was it a priority to look at those unbiased statistics before making decisions on how it will be implemented here before THE STATE OF ALASKA has even completed it's editing process of this document to serve as our template here in Homer?

Back to this board their basis for addressing this issue. In the first meeting I addressed specific questions that were brought up but not addressed in discussion since they clearly did not conform to what appeared to be personal agenda. Only one proponent without a logical presentation showed up

to the meeting to state 'it's already here' in our town yet the appeal by business owners who are the lifeline of the City's revenue was largely ignored. 44% of the City's Budgeted Revenue is generated by taxes; sales and property therefore, why would the Plannign Commission ignore that this is largely based on the series Homer currently offers; safety, community, clean wholesome family activities and tourism of this town? When only 2 of the board both Roberta and Shelia tried to address questions by the people they were shut down or it was likened to rot gut sales on the Spit which has nothing to do with this issue nor minimized in light of alcohol a legalized and VERY REGULATED industry. How is it that in representing the people, their comments are ignored? What experience (like mine in seeing direct result of loose oversight of controlled substances) does the rest of the board have in this matter? I'm not sure why in Homer there is the need to be the trendsetter with this legislation in rushing to approval ahead of the state? I don't see more advocates for looser restrictions appearing than the opposite asking for more restriction. I'm a staunch advocate of the exact draw there is for people to Homer—1. tourism, 2. family based community 3. small town and low crime rates
The mission statement of Homer is:

The City of Homer Community Recreation will promote community involvement and life-long learning through educational and recreational opportunities for people of all ages. This will be accomplished through maximizing usage of all community facilities and resources, while utilizing, expanding and uniting local business and school resources and expertise. Our program shall be designed to recognize cultural diversity and to address social and community concerns.

Is your direction to allow pot retail in nearly all parts of Homer a reflection of that?
Do you see the need for liberal Cannabis legislation to be paramount to building our community and the families here? You've outlined Recreation should have a buffer and in the General Plan there are numerous OPEN SPACE RECREATION areas and you further defined those at the last meeting per the City Code yet no consideration is being given to a buffer zone for those even at the request of those who conduct business there. I'm a little frustrated as I have seen first hand the effects of liberalization and left behind all of that for a place to conduct a family-run business and a community like many here to raise our family.

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