

43 only and no statement made in such meeting by either the applicant or the City
44 Planner shall be regarded as binding or authoritative for the purposes of this
45 title.

46
47 b. Council is designated as the “local regulatory authority” as that term is used
48 in AS 17.38.

49
50 c. The City Planner shall review all applications filed with the State of Alaska
51 under AS 17.38, once those applications have been transmitted to the City for its
52 review by the Marijuana Control Board or other designated agency of the State
53 of Alaska, for compliance with the Code. Within 15 days of receipt of an
54 application under this section, the City Planner shall provide the City Clerk with
55 the application with a written notice to Council stating whether the application
56 complies or fails to comply with the Code.

57
58 d. Upon receipt of the application and the City Planner’s notification regarding
59 compliance, Council shall consider whether or not to protest the application at
60 its next regularly scheduled meeting. Council may protest any application
61 under this section or may recommend that an application under this section be
62 approved subject to conditions.

63
64 e. The review of an application under this section shall not be subject to formal
65 rules of evidence or procedure and Council may consider any facts or factors it
66 deems relevant to its review so long as such facts or factors are not arbitrary,
67 capricious or unreasonable.

68
69 f. Council’s decision regarding whether or not to protest an application under
70 this section shall be final and is not subject to appeal.

71
72 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

73
74 Section 3. This ordinance is of a permanent and general character and shall be included
75 in the City Code.

76
77 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 22nd day of October, 2018.



CITY OF HOMER

KEN CASTNER, MAYOR

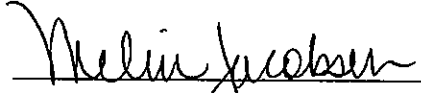
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85 ATTEST:

86

87

88



89 MELISSA JACOBSEN, MMC, CITY CLERK

90

91 YES: 6

92 NO: 0

93 ABSTAIN: 0

94 ABSENT: 0

95

96 First Reading: 9.10.18

97 Public Hearing: 10.22.18

98 Second Reading: 10.22.18

99 Effective Date: 10.23.18

100

101

102

103

104 Reviewed and approved as to form:

105

106

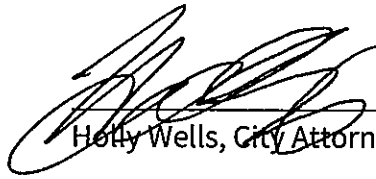
107



108 Katie Koester, City Manager

109

110 Date: 10.26.18



Holly Wells, City Attorney

Date: 11.6.18