

Session 21-14, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:32 p.m. on June 2, 2021 at Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska, via Zoom Webinar. One seat remains vacant. There was no worksession conducted prior to the regular meeting.

PRESENT: COMMISSIONERS VENUTI, HIGHLAND, CONLEY, BARNWELL, AND SMITH

ABSENT: COMMISSIONER BENTZ (EXCUSED)

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK KRAUSE
PORT DIRECTOR/HARBORMASTER HAWKINS

APPROVAL OF THE AGENDA

Chair Smith requested a motion to approve the agenda.

VENUTI/ HIGHLAND– MOVED TO APPROVE THE AGENDA PRESENTED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

- A. Planning Commission Regular Meeting Minutes of May 19, 2021
- B. Decisions and Findings Conditional Use Permit (CUP) 21-05 to expand a deck for outdoor seating at the Harbor Grill restaurant, 4262 Homer Spit Rd
- C. Memo from City Clerk, Re: Motion to Dismiss Appeal in the Matter of Conditional Use Permit 2020-15 and Order Granting Motion to Dismiss Appeal

Chair Smith read the Consent Agenda into the record and requested a motion.

HIGHLAND/CONLEY – SO MOVED.

There was no discussion.

VOTE. NON- OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS / VISITORS

REPORTS

A. Staff Report 21-34, City Planner's Report

Chair Smith introduced the item by reading of the title and requested City Planner Abboud to present his report to the Commission.

City Planner Abboud provided a summary of Staff Report 21-34 that was provided in the packet. He did note that he had some correspondence from the Kenai Peninsula Borough regarding the lots that were owned by the Borough next to and neighboring the Homer Boatyard. They would like to have them designated Commercial. He reported on the conversations he had with the Corps of Engineers and the lots closest to the Homer Boatyard were not high-valued wetlands. City planner Abboud also noted the potential value for stormwater management.

Commissioner Highland volunteered for June 28, 2021 Council Meeting and Chair Smith volunteered for the June 14, 2021 Council meeting.

City Planner Abboud responded and facilitated discussion on the Homer Boatyard expansion, the travel lift and the previous decisions from the Planning Commission to allow building heights to 75 feet. Points and comments made during the ensuing discussion covered the drainage mitigation efforts that may be required, and the impact with future development that the Boatyard expansion will bring to the area.

B. Public Works Campus Task Force Report

Chair Smith introduced the item and asked for Commissioner Barnwell to provide his report.

Commissioner Barnwell stated that he did not attend that meeting.

Deputy City Clerk Krause reported that she provided a written report for the packet and would be happy to answer questions.

There was no discussion on the report provided.

PUBLIC HEARINGS

A. Staff Report 21-35, An Ordinance to add onsite consumption endorsement for marijuana retail facilities as an allowed use

Chair Smith introduced the item by reading of the title. He invited City Planner Abboud to provide his report.

City Planner Abboud provided a summary of Staff Report 21-35.

Chair Smith opened the public hearing.

Chris Logan, owner of Cosmic Seaweed located in Old Town, commented in support of the proposed ordinance and noted the State regulations required to conduct onsite consumption.

Chair Smith closed the public hearing seeing no further audience members wishing to provide testimony. He opened the floor to questions from the Commission.

There was discussion on the following:

- Smoke and ventilation requirements and concerns for inebriated patrons driving
- Exposure of employees to the smoke from patrons
- Number of businesses in Homer (there are two) that could be allowed to provide onsite consumption
- Location of a proposed onsite consumption is near Bishop's Beach which is considered a destination for families with children and young teenagers
- The effect of prevailing winds on neighboring businesses and residents

Chair Smith hearing no further questions requested a motion.

VENUTI/HIGHLAND MOVE THAT THE PLANNING COMMISSION RECOMMENDS CITY COUNCIL APPROVE THE ORDINANCE TO AMEND HOMER CITY CODE TO ALLOW ONSITE CONSUMPTION.

Discussion ensued regarding the concept of allowing the consumption of marijuana; effects to neighboring property owners; not allowing onsite consumption in the Central Business District where most of the younger population congregates; concerns for public safety and increased threats to life safety; City Council is the final authority; alcohol has higher safety issues and concerns; not many local examples as there are only three onsite consumption businesses in the state; process in presenting draft ordinances to the Commission and that all amendments to Title 21 are required to come before the Commission and for them to hold a public hearing; additional opportunity at the Council level for public input; the State has final approval of permitting but each permit comes to the City for review and input prior to approval.

VENUTI/HIGHLAND MOVED TO SUSPEND THE RULES TO ALLOW CHRIS LOGAN OF COSMIC SEAWEEED TO PARTICIPATE IN THE DISCUSSION.

There was no discussion.

VOTE. NON-OBJECTION. UANNIMOUS CONSENT.

Motion carried.

Chair Smith facilitated discussion and questions from the Commission with Ms. Logan on the following:

- Conducting tours for City Law Enforcement officials and members of City Council on the proposed onsite consumption operation (this was an undocumented and informal tour).
- Benefits to the existing business in the increase in business revenue, employees, additional activities such as paint night, pop-up dinners with a visiting chef, etc.
- COVID 19 precautions and preventions.

City Planner Abboud commented on other options for onsite consumption for the general public that are being discussed at this time by City Council, and how there were none. He stated that it would not be allowed on city property in regards to leased lands. The City cannot declare something that conflicted with state statutes.

Chair Smith reviewed the motion on the floor.

Commissioner Venuti called for the vote.

VOTE. YES. HIGHLAND, BARNWELL

VOTE. NO. CONLEY, SMITH, VENUTI

Motion failed.

PLAT CONSIDERATION

PENDING BUSINESS

NEW BUSINESS

- A. Memo from City Clerk, Re: Introduction of an Ordinance amending the administrative appeals process for City Planning decisions under Homer City Code 21.91 and 21.93

Chair Smith introduced the item into the record and invited the City Planner to provide input on the matter.

City Planner Abboud provided a summary review of what and how the draft ordinance would be applied referencing the information provided in the memorandum from City Clerk Jacobsen.

Commissioner Highland requested a brief recess.

Chair Smith called for a recess at 7:55 p.m. The meeting was called back to order at 8:01 p.m.

City Planner Abboud finalized his review of the proposed changes to Title 21.91 and 21.93.

Commissioner Highland requested clarification on page 49 in the packet, section 21.93.300, regarding how items would not come before the Commission and the qualifications of a Hearing officer since they would not necessarily have the experience that the Planning Commission would have.

Chair Smith commented that he reviewed the draft and believed it to be incredibly thorough and very timely.

VENUTI/HIGHLAND MOVE TO RECOMMEND THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.91 TO REMOVE BOARD OF ADJUSTMENT AND HOMER CITY CODE 21.93 ADMINISTRATIVE APPEALS, ESTABLISHING THAT ADMINISTRATIVE APPEALS FROM CERTAIN FINAL CITY PLANNING DECISIONS SHALL BE FILED BEFORE A HEARING OFFICER AND SUPPLEMENTING NOTICE REQUIREMENTS BE MOVED TO PUBLIC HEARING.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report 21-36, Extending the No Wake Zone in City Tidelands, Closing Areas to Motorized Vessels & Funds for Regulation Changes.

Chair Smith introduced the item by reading of the title and noted that they received public comment and confirmed with the Commission that they had a chance to review the comments received

The Commissioners present did not indicate that they needed additional time for review of public comment.

City Planner Abboud reviewed Staff Report 21-36 for the Commission and noted that Port Director Hawkins was present to answer any questions.

Port Director Hawkins facilitated discussion and responded to the following topics:

- This went before the Port and Harbor Advisory Commission and they supported it as written.
- The previous action taken by the Parks, Art, Recreation and Culture Advisory Commission to prohibit personal watercraft from being launched from city beaches and in fact widen it to encompass any motorized watercraft to launch from city beaches without the harbormaster's approval.
- Limited the launching of watercraft to the Load and Launch Ramp in the Harbor.
- City Council is directing this change to Title 10.08.210 regarding the vessel speed and no wake zones.
- There has only been one recent incident of some horseplay that was immediately handled by Harbor staff.
- Contact with the Harbormasters in Seward, Whittier, Valdez regarding personal watercraft use since they have always been allowed there and they have rental companies in their communities. Seward reported having an issue with one private operator and he put a boot on the trailer and dealt with the issue.
- Clarifying the areas, using the map provided in the packet where vessels could be operated. It was noted that the map was for discussion purposes only.

City Planner Abboud responded that the purpose and intent was preemptive in nature and the issue was new for him.

Commissioner Conley questioned whether they were solving a problem or not.

VENUTI/HIGHLAND MOVED THAT THE PLANNING COMMISSION RECOMMENDS APPROVAL OF ORDINANCE 21-26 AS WRITTEN.

Discussion ensued on the nature of the ordinance addressing the issue of prohibiting motorized watercraft in these sensitive areas are a good idea; addressing the amendments proposed at the Council level; safety issues do promulgate regulations; will not negatively affect anyone to promote lower speed limits in city waters; and this is a form of zoning and planning and makes sense.

HIGHLAND/BARNWELL MOVED TO AMEND THE MOTION TO RECOMMEND CITY COUNCIL INCLUDE IN ORDINANCE CLOSING THE SLOUGH BEHIND MARINER PARK, THE AREA OF MUD BAY CLOSEST TO SHORE, AND THE NICK DUDIAK FISHING LAGOON TO MOTORIZED VESSELS.

There was a brief discussion on the verbiage in the motion as this was a recommendation to City Council and including the map for reference; and review of the amendments that were proposed by Councilmember Aderhold and Evensen.

Deputy City Clerk Krause read the proposed amendment on the floor.

Chair Smith called for further questions.

Port Director Hawkins responded to Commissioner Conley that in comparison to other harbors, Homer is different in that Kachemak Bay is a critical habitat area and the other harbors do not have anything specific as far as wake speed to his knowledge. He then addressed enforcement and acknowledged that their limits are ¼ mile outside the harbor entrance and it will be difficult to have harbor employees enforce wake speed; age limits of vessel operators. He stated that he was supportive of the ordinance.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

A. City Manager's Report for May 24, 2021 City Council Meeting

Chair Smith commented in support of having the inbound EMS Patient Loading at Ramp 7 stating that he has had several incidents over the last 10 years with people overboard and expressing that this was a great asset.

B. Planning Commission Calendar

City Planner Abboud commented on getting Public Works Director Keiser on the agenda to talk to them about the storm water planning and to get information from Port Director Hawkins on the Spit Parking Study.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY STAFF

Deputy City Clerk Krause commented that it was an interesting meeting with a variety of topics and opined that it may be time for the City to start thinking about funding for a harbor patrol or HPD in boats similar to other communities. Homer is growing and with the popularity of the beaches and such it gets more crowded each year.

COMMENTS OF THE COMMISSION

Commissioner Highland commented interesting topics and thoughtful comments.

Commissioner Venuti expressed his appreciation also for the topics and addressing the appeals process.

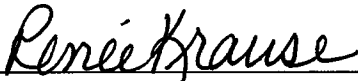
Commissioner Conley commented it was an interesting meeting.

Commissioner Barnwell commented that he was not a fan of PWCs and great discussions.

Chair Smith commented that he appreciated the discussions tonight, the efforts of staff and related an incident he experienced with the Coast Guard and Troopers being able to board his boat to check out his licenses.

ADJOURN

There being no further business before the Commission the meeting was adjourned at 9:00 p.m. Next Regular Meeting is Wednesday, June 16, 2021 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings scheduled to be held virtually by Zoom Webinar from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: 