MINUTES  
CITY AND BOROUGH OF JUNEAU  
MARIJUANA COMMITTEE  
WORK SESSION  
Thursday, April 9, 2015, 6:00 p.m.  
City Hall Assembly Chambers  

I. ROLL CALL  
The meeting was called to order by Chair Jesse Kiehl at 6:04 p.m.  

Committee members present: Jesse Kiehl; Mary Becker; Debbie White; Mike Satre; Bill Peters; Maria Gladziszewski  

Staff present: Kim Kiefer, Manager; Rob Steedle, Deputy Manager; Christine McNally, Planner I, CDD; Beth McKibben, Planning Manager, CDD; Robin Potter, Assessor; Chief Bryce Johnson, JPD; Amy Mead, Municipal Attorney; Jane Sebens, Deputy Municipal Attorney; Deb Senn, Law Office Manager/Committee Clerk  

II. APPROVAL OF AGENDA  
The agenda was approved as submitted.  

III. APPROVAL OF MINUTES  
The March 12, 2015 Draft Minutes were approved as presented by unanimous consent.  

IV. PUBLIC PARTICIPATION  
(Limited to 20 minutes, five minutes per speaker)  

Zach Bowhay:  
Mr. Bowhay said he wished to provide a little background on himself. He is currently employed at Glacier Gardens. He discussed his own business startup, which is called Panhandle Produce. Panhandle Produce will include a commercial sized hydroponic greenhouse, specifically for lettuce and herbs such as cilantro and basil.  

Mr. Bowhay asked that CBJ not make opening a marijuana business establishment any more onerous than need be. He discussed the differences between Washington and Colorado regulations, as compared to what Alaska currently has. He stated that Juneau regulations will need to be written specifically for Southeast, Alaska.  

Mr. Bowhay offered to be a resource for the Committee as it addresses marijuana technologies and issues facing marijuana business owners.
Giono Barrett:

Mr. Barrett invited the Committee to the Southeast Alaska Cannabis Celebration at the Juneau Arts and Culture Center (JACC) on April 17th at 5:00p.m. The event planners will follow state and local laws. Mr. Barrett said details have been finalized, and he will provide an agenda and invitation to the Committee and the public.

Mr. Barrett said that the event will include vendors from the Lower 48 and local businesses. It will be a no smoking event, and an entrepreneur event. He expects a wide demographic for the event, with 200 – 300 people attending. Entertainment will take place in the evening.

Samantha Thompson:

Ms. Thompson had a question regarding medical marijuana for people under the age of 18. For instance, if a student held a prescription for medical marijuana and they attended school while ‘high’, would they get in trouble for going to school ‘high’ even if they held a valid prescription for medical marijuana?

Mr. Kiehl said the Alaska legislature is grappling with parents providing marijuana products to children in their own homes. He was not aware of Ms. Thompson’s question being addressed by the legislature or the schools. The Juneau School District has been invited to participate in the Marijuana Committee meetings.

V. AGENDA TOPICS

A. Community Development Department Memo and Presentation re: Marijuana Establishments - Table of Permissible Uses, by Beth McKibben, Planning Manager and Chrissy McNally, Planner

See presentation materials at:

Ms. McNally has conducted research from Washington and Colorado on how various communities address lands issues relating to marijuana establishments. She discovered that Colorado law aligns more closely with the direction of Alaska state law.

Ms. McKibben discussed the Table of Permissible Uses and CBJ zoning maps in relation to marijuana establishments.

Discussion topics included marijuana establishment application and licensing fees, retail regulations, operating hours, smoking marijuana at a private residence, city licensing, buffers between retail and places frequented by children, size of cultivation facilities, portable production (non-portable foundations), in-home growers, and additional impacts such as security, odor, illegal sales, illegal open use, fire hazards from equipment and processing, waste products, fertilizers and grow chemicals and their impacts to ground water and wastewater and sewer systems, disposal of
agriculture waste after harvest, mold and mildew for crops grown indoors posing environmental health risks to users and workers.

Ms. McNally stated that Denver, Colorado has prepared an ordinance limiting the number of plants grown in a warehouse to 3,600; and limited the number of plants grown in a greenhouse to 1,800. Plants in a greenhouse grow larger, so they are producing the same amount of product with fewer plants.

Ms. Gladziszewski asked what constitutes marijuana processing.

Ms. McNally defined processing, referencing Alaska state law, as cultivation, preparing, and packaging and selling to retail stores and to other marijuana cultivation facilities, but not to consumers.

A manufacturing facility means an entity registered to purchase, manufacture, prepare and package marijuana products to other marijuana manufacturing facilities and to retail stores, but not to consumers.

Mr. Satre said this would allow for a new line in the Table of Permissible Uses. The definition of cultivation in Title 49 allows for growing only. He said that CBJ must define marijuana cultivation and processing and allow those to co-exist in the appropriate zoning district.

Ms. McNally addressed retail sales and clubs, stating the State will likely regulate marijuana clubs similar to a bar. The TPU allows clubs outright in certain zones. The social paternal clubs would allow a private smoking club without alcohol or food being served in certain zones. One issue would be if edibles (marijuana) would be allowed in a smoking club?

Ms. Mead advised the Committee to be aware House Bill 75 which has passed through the House and is going to the Senate. House Bill 75 contains a definition of Marijuana Club that specifically excludes Marijuana Club from the definition of Public Place. It is unknown if the State will allow for a retail and smoking club in the same place, and what the interplay will be with Title 4 licenses for alcohol.

Ms. Mead said that local licensing is not in the regulatory scheme yet, at least under HB75. CBJ cannot require a separate registration for marijuana establishments, unless the State fails to do so.

Ms. Mead said that CBJ could chose to require a business license. Under state law right now CBJ can make regulatory laws only if the State fails to do so.

Mr. Kiehl said there is an opportunity for local laws even if the State does regulate.

Ms. Mead said this allows municipalities to process the State regulations and share in the fee. CBJ would share in the fee submitted to the State. CBJ would not be able to duplicate our own regulation process. If the State fails to issue or put in place a regulatory scheme within 90 days, CBJ could step in and issue our own registrations.
B. Marijuana Establishment Zoning Maps

Mr. Kiehl referred the Committee back to the CDD presentation.

Ms. McKibben discussed the Downtown Waterfront Commercial zoning districts and how restaurants are allowed as they benefit from the view. Marijuana could potentially take the same view for zoning of marijuana clubs. The zoning decision is based on the use being water dependent, water related, or water oriented.

Ms. White asked why would jewelry stores be zoned Waterfront Commercial.

Ms. McKibben said that decision was based on the relationship that jewelry stores have with the cruise ship industry.

Ms. Becker asked if the marijuana club bill addressed setting standards with regard to number of people, size, serving alcohol, and what, if any, other restrictions were included.

Ms. Mead said that patrons would pay to enter a marijuana club - not as a membership fee, and that standards were very broad as of now and would be further defined. The time, place, and manner are to be left to the local government to regulate.

Ms. McKibben said the Committee should consider regulations for a buffer between retail and club locations, signage limitations, how the building facade should appear - screening or opaque - to prevent viewing from the outside in.

Ms. McKibben stated that CDD staff will be out of town for the regular April 23rd Marijuana Committee meeting, and asked for any requests from the Committee for the May meeting.

VI. COMMITTEE MEMBER COMMENTS AND QUESTIONS

Ms. Gladziszewski requested that CDD staff contact other communities by phone, and inquire about their laws and how they feel about their current processes. She asked that two or more communities be contacted.

Ms. Becker requested an electronic copy of the PowerPoint presentation and the zoning maps.

Ms. Gladziszewski stated that the cultivation and processing definitions were needed. That CBJ would use the State of Alaska definitions, and CBJ would zone pursuant to CBJ’s needs.

Mr. Kiehl asked the attorney to provide a legislation update at the April 23rd Marijuana Committee meeting, explaining to the Committee what the State has done and why.

Mr. Kiehl asked CDD staff to work with Mr. Satre (Planning Commission) and himself to add to the list of questions taken from the Considerations for Cultivation slide of CDD’s
PowerPoint presentation. The questions will be posted on the Marijuana Committee website. Mr. Kiehl asked for one month to hear the public’s feedback and recommendations to the list of questions.

Ms. Mead said she had received a request for a letter of support for HB75 from the governing body. This request came from Representative Cathy Tilton’s office. Ms. Mead asked the Committee to consider a letter of support for the bill, and if the Committee would make a recommendation to the Assembly.

Ms. Mead said that HB75 focuses on municipalities and their interaction with state law. HB75 deals with issues that were unclear in the initiative. Ms. Sebens was instrumental in getting this through Representative Tilton’s office. House Bill 75 provides a protest process for municipalities, giving municipalities a say in registration applications or renewals, similar to a liquor license. This process does not exist currently in the initiative. House Bill 75 adds the definition of marijuana clubs, and allows municipalities to use their own appeal codes, and also gives a bright line rule for the number of plants allowed in a dwelling.

Mr. Kiehl said he supports the letter of recommendation from the Assembly for those specific items referenced by Ms. Mead – items that would be useful for all cities moving forward.

Ms. Gladziszewski said she is concerned for CBJ’s lack of authority on regulating.

Ms. Mead said that HB75 would give municipalities control over who gets registration within the community, and that is why the letter of support is very important. She said that attempts to add additional material to HB75 could stall the bill moving through the legislature at this point. CBJ’s regulating authority may be something to ask the CBJ lobbyist to address, or it could be addressed at a later date in a different bill.

Ms. Gladziszewski said CBJ needs authority to regulate registrations / licenses – otherwise CBJ is protesting another body’s action, instead of deciding its own licensing for establishments.

Ms. Mead asked if the Committee approves drafting a letter of support for the Assembly’s approval.

Mr. Kiehl clarified two questions for the HB 75 Assembly letter of support, he asked that the letter:

1) State support for the critical elements of the bill listed by Ms. Mead; and

2) State support for a greater municipal government role in issuance of licenses.

The Committee, by unanimous consent, supported a request to the Assembly for a letter of support for House Bill 75.

Ms. Kiefer asked that the letter be prepared by Ms. Mead for presentation to the Assembly at Monday night’s (April 13, 2015) Committee of the Whole meeting.
Mr. Kiehl asked for additional Committee comments and clarification of staff requests.

Staff requests included:

Contact law enforcement agencies / police chief in one or two communities with legalized marijuana. Inquire about law enforcement issues and lessons learned with regard to legalized marijuana. (Chief Johnson/JPD)

Contact one or two communities in states with legalized marijuana, and collect information from those communities that have experience regulating legalized marijuana. Inquire about issues they have encountered regarding industry, zoning, retail, security, etc., and ask what they wish they had done differently, if anything. (CDD staff)

Provide information regarding fire risk for residential / commercial growers. (CDD staff)

Provide information on regulating green houses and warehouses. (CDD staff)

Provide information on HVAC and noise issues. (CDD staff)

Provide information on butane extraction / volatile extraction of THC. (CDD staff / Law)

Post an updated list of land use questions on the Marijuana Committee’s website, for public comment. (CDD/Law staff)

VII. ADJOURNMENT

The meeting was adjourned at 7:24p.m.

Next meeting was scheduled for April 23rd

Note: Agenda packets are available for review at the Juneau Municipal Libraries and online at www.juneau.org

ADA Accommodations Available Upon Request: Please contact the Clerk’s office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly’s agenda made available. The Clerk’s office telephone number is 586-5278, TDD 586-5351, e-mail: city_clerk@ci.juneau.ak.us.