MINUTES
CITY AND BOROUGH OF JUNEAU
MARIJUANA COMMITTEE
WORK SESSION
Thursday, May 21, 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: Chair Jesse Kiehl; Mary Becker; Maria Gladziszewski; Vice Chair, Mike Satre; and Debbie White (by telephonic participation). Bill Peters was absent.

Staff present: Kim Kiefer, Manager; Rob Steedle, Deputy Manager; Amy Mead, City Attorney; Chief Bryce Johnson; Deb Senn, Law Office Manager/Clerk; and Beth McKibben, Planning Manager, Community Development Department.

II. APPROVAL OF AGENDA

The agenda was approved as written.

III. APPROVAL OF MINUTES

The Minutes from the May 7, 2015 Marijuana Committee meeting will be presented at the next regular Committee meeting.

IV. PUBLIC PARTICIPATION

(Limited to 20 minutes, three minutes per speaker)

Benjamin Wilcox – Mr. Wilcox stated his concerns regarding space for the marijuana industry in areas zoned Waterfront Commercial. He had addressed the Planning Commission recently regarding the number and type of businesses in the areas zoned Waterfront Commercial. He walked from the Juneau-Douglas Bridge to the Twisted Fish Restaurant and counted over 35 different types of businesses, and he counted about 50 businesses altogether. He stated, by his count, only five businesses met the criteria of being water oriented, water dependent, or water related. He said that marijuana meets all three criteria, and marijuana establishments should be allowed in areas zoned Waterfront Commercial.
Mr. Wilcox went on to say that he was in Anchorage recently to attend the Northwest Cannabis Classic (NWCC), and had a wonderful experience. He has bartended for nearly 27 years. While at a party sponsored by Pot Luck Events in downtown Anchorage, he noted that the hosts had created an environment where marijuana was shared, samples were provided, and consumption rate was unregulated. Unlike issues he has typically seen in bars, there were no problems. Nobody passed out, nobody got sick, there were no fights, and nobody argued.

Adam Burke – Mr. Burke stated he also wanted to know more about the planning and zoning for marijuana establishments. He stated that tourists will be looking for such establishments. He thanked the Committee for their work on legalized marijuana issues and went on to explain his personal stance on use. He said it is a civil rights issue, and although some people may not care for marijuana, he “is cannabis” - he is a teacher, a husband, a father, and, at the end of the day, he smokes weed.

Gavin Burke – Mr. Burke agreed with the zoning concerns voiced by Mr. Wilcox and his brother, Adam Burke, particularly regarding waterfront zoning issues. He stated that all businesses need to be held to the same standard across the board as to zoning. He stated that zoning is a great concern to many people in the industry.

John Nemeth – Mr. Nemeth is a new Juneau resident from Phoenix, Arizona. He said he is very excited about the new legislation and he is also interested in zoning along the waterfront. He noted a need to attract people to downtown Juneau year-round. He said a huge focus of his business will be charity around the community, and also meeting the medical marijuana needs of people with illnesses. He stated that he is glad to see the State of Alaska being so progressive and that he is honored to be a part of it.

Ariel Chamberlin – Ms. Chamberlin stated she has been traveling around the country for the last three years observing medical and recreational marijuana issues. She stated that there is a great opportunity in Alaska. She stated she has seen what works and what has not worked in Colorado. She said she’d like to help the Committee with zoning issues. She stated the revenue generated will put money back into the community, draw people to Alaska, build up Alaska, and will improve schools and roads. She stated the money should stay in Alaska.

Chad Fishel – Mr. Fishel asked if the Committee had met with the citizens who offered to share their expertise on the industry.

Chair Kiehl requested that questions be posed after the public comment period.

Mr. Fishel stated that the other state ordinances within the meeting packet do not compare in any way to Juneau’s land size and population. He stated that the buffer zones on the draft maps would eliminate half the property available for marijuana-related business. He stated a 200 foot buffer similar to that used for alcohol would provide for more business opportunity.
Mr. Satre stated that he has been reading the emails received via the Marijuana Committee email address. A lot of information has been sent to the Committee and he appreciates that information.

Mr. Satre continued by noting the first draft of the State regulations went out this week and the CBJ is waiting for those regulations to be finalized. There may be issues that the State takes out of the CBJ’s (local government's) hands. What comes out of the Marijuana Committee will not be the end of the process. The portions that modify Title 49 will go before the Planning Commission, and there will also be a public process that goes through the Planning Commission. The Assembly will have a great deal of work pertaining to local licensing and taxation issues. The sample ordinances do not mean that is the direction the Committee is going, they were provided as samples of legislation from other jurisdictions. The draft zoning maps are to give the Committee a feel for what the community may look like with different buffer zone sizes.

V. AGENDA TOPICS

A. Community Development Department presentation, by Beth McKibben, Planning Manager - Marijuana Establishments and Buffers


Discussion included review of the draft zoning district maps illustrating where marijuana related businesses might be allowed, by color (green is allowed, white is not allowed – primarily residential districts); also depicted are buffer zone determinations for sensitive areas, such as churches, schools, and licensed childcare facilities, and zoning for cultivation, testing and processing, retail and clubs, and conditional use applications.

Ms. Mead stated that for purposes of the Committee’s work, CBJ is using the State of Alaska’s Title 4 (Alcohol regulations) for determining sensitive areas.

Ms. McKibben stated that a childcare facility with up to 12 children is required to be in a home, and the majority will be in residential districts. A childcare facility with 13 or more children will likely be in a non-residential or other zoning district.

Mr. Satre stated that in Douglas the 200-foot buffer would provide land for marijuana-related businesses, a larger buffer would not. He stated that, potentially, there is land for cultivation businesses outside the Urban Service Boundary, which ends in the Auke Bay area, and in remote locations such as near Tee Harbor and out the road, and potentially on the north end of Douglas Island.
Ms. White stated that cultivation businesses would need a certain lot size and would need to consider the issue of odor.

Chair Kiehl stated that he needs to better understand how the Waterfront Commercial determination process works – determining a business to be water-related, water-dependent, or water-oriented.

Mr. Satre stated that determinations could have been made based on a property’s Conditional Use Permit, or the old Allowable Use Permit, on a case-by-case basis on each individual permit, and may differ from property to property.

Ms. Mead stated that CBJ 49.25.250, the zoning designation for Waterfront districts, does specify types of activities in the Waterfront Commercial district to include retail services directly linked to a maritime clientele.

Ms. White requested that the map be modified for Waterfront Commercial (WC) and Waterfront Industrial (WI) to be shown in the green area.

Chair Kiehl stated the Committee requested revised maps with Waterfront Commercial and Waterfront Industrial included – each to be a different color.

Hearing no objection, Chair Kiehl requested staff to include 3N in Waterfront Commercial (3N = conditional use permit – the ‘N’ is language tied to the waterfront or waterfront clientele) for marijuana retail on the draft Table of Permissible Uses, with the understanding that these proposed changes will be sent to the Planning Commission for their expertise.

Ms. Gladziszewski requested that the 1,000-foot buffer be removed from the buffer maps, as it is too large for the Juneau area.

Hearing no objection, Ms. Gladziszewski requested a Retail and Club map showing WI and WC in different colors, a Cultivation map, and a Testing and Processing map. The buffers requested were 200-foot and 500-foot.

Ms. Mead asked the Committee if they wanted to limit sensitive areas to those listed in Title 4, which would be different than how Washington and Colorado regulate.

Mr. Satre stated he preferred to keep sensitive areas the same as those listed in Title 4. He stated that the CBJ can always add to the list later.

Ms. Becker requested that childcare remain a buffered zone on the maps.

Hearing no objection, Chair Kiehl directed staff to retain the childcare facilities on the maps as a buffered zone for future discussion.
Hearing no objection, Mr. Satre requested staff to include D1 lands for cultivation outside of the Urban Service Boundary on the Cultivation map, and to change the TPU to include the D1 lands as well.

Chair Kiehl stated the Committee will vote on a recommendation to the Planning Commission at the next Marijuana Committee meeting on June 8th.

B. Marijuana Regulation and Licensing - Colorado and Washington Legislation

- City of Telluride, Colorado - Ordinance No. 1394
- Town of Pagosa Springs, Colorado – Ordinance No. 825
- Steamboat Springs, Colorado – Chapter 12, Art. III
- City of Bellevue, Washington – Ordinance No. 6133 B-1
- City of Union Gap, Washington – Ordinance No. 2861


Ms. McKibben stated that the sample ordinances are meant to provide an array of different approaches by other municipalities. One primary difference is that Colorado uses local licensing as a primary source of regulating marijuana-related businesses and Washington does not. Local licensing can go far beyond what land use codes can regulate.

Ms. Mead stated that the majority of sample codes provided do relate to licensing. There are pieces from each of the codes that may relate to CBJ’s potential Special Use chapter, such as regulations relating to public health, safety, and welfare. These are things that could be contained in CBJ’s Land Use Code (such as regulations on signage, odor, security, and bookkeeping requirements).

Ms. Mead stated it would be helpful to compile a list of issues that other communities have regulated, detailing those that aren’t addressed in the TPU, and provide those to the Committee to consider.

Hearing no objection, Chair Kiehl requested that the list specify what can be done through the Land Use Code and what can be done only through licensing. Valuable examples would be the bookkeeping requirements and the inspections to premises.

Ms. Mead stated there are provisions for the inspections within Title 49 and also in Title 19. Depending on what the inspectors are looking for (marijuana-related), additional provisions for inspection could be included in Title 49.
VI. COMMITTEE MEMBER COMMENTS AND QUESTIONS

Mr. Satre stated he will name a new Marijuana Committee member at Tuesday’s Planning Commission meeting to fill the vacancy left by Mr. Jackson.

Chair Kiehl stated that the first round of draft regulations from the State primarily covers local options of opting in or out, and licenses. He encouraged the Committee to review the draft regulations. If there is some portion of the draft regulations that the CBJ needs to weigh in on, please bring that forward to the Committee. The Committee will then take those comments to the Assembly and the Assembly, as a body, will comment on the State regulations. Those in the public can talk to the State individually as needed.

Chair Kiehl pointed out one very interesting regulation to flag – one that lets a municipality opt out of the sale of marijuana and marijuana products, except on premises operated by the municipality under a retail marijuana license. That contemplates a smaller community where the city wants to run the marijuana product store. Possibly, a city would contract out operations to a licensee. He asked that the Committee think about this for discussion at the next meeting.

Ms. Becker complimented Chair Kiehl on his presentation on marijuana at the Chamber of Commerce meeting on May 21st.

VII. ADJOURNMENT

The meeting was adjourned at 7:18pm