August 5, 2015

Mr. John Calder  
Marijuana Control Board  
550 W 7th Ave., Suite 1600  
Anchorage, AK 99501

Dear Mr. Calder:

The City and Borough of Juneau respectfully provides the following comments to the Board’s proposed second set of regulations. We appreciate the thorough work staff has done and offer the following for the Board’s consideration:

1. AS 17.38.110 outlines the scope of control local government may exert over marijuana establishments. Subsection (b) provides that local government may enact ordinances, not in conflict with state law, concerning the time, place, manner, and number of marijuana establishments. The ability to establish and enforce land use regulations – in other words, the time, place, and manner of the use and development of its property – is a critical function held by municipalities (see AS 29.40.040). Accordingly, the City and Borough of Juneau requests that the Board leave the following issues to the municipalities to regulate, in accordance with AS 17.38.110:

a. The setting of buffers (3 AAC 306.010 and 3 AAC 306.350(c)(3));
b. The size and location of signs advertising the establishment (3 AAC 306.350);
c. The decision to permit, or not, consumption on licensed premises (3 AAC 306.310).

2. The proposed regulation at 3 AAC 306.055 provides that a municipality may protest any license action within “60 days after the board sends notice of the application.” But there is no related statutory or regulatory requirement that the Board provide the municipality notice of license applications. The CBJ requests the Board adopt a regulation that requires notice to the local governing body, similar to the statutory requirement imposed with respect to liquor licenses (see AS 04.11.520).
3. We applaud the proposed regulations governing the Board’s response to municipal protest of a license at 3 AAC 306.010(c), .055, and .070. Municipal governments will serve an important function in monitoring commercial marijuana establishments. The proposed regulations instruct the board to defer to local government’s expertise, while reserving the board’s discretion to set aside inappropriate protests.

Thank you for the opportunity to comment.

Sincerely,

Kimberly A. Kiefer
City and Borough Manager

cc: Borough Assembly