

Agenda

**Planning Commission - Title 49 Committee
City and Borough of Juneau
Nicole Grewe, Chairman**

August 21, 2015

Marine View Buidling 230 S. Franklin Street, 4th Floor Conference Room

11:30 AM

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. June 12, 2015 Title 49 Committee Workession Minutes

IV. AGENDA TOPICS

A. Proposed amendments to Title 49 regarding marijuana uses.

V. COMMITTEE MEMBER COMMENTS AND QUESTIONS

VI. ADJOURNMENT

TITLE 49 COMMITTEE

PLANNING COMMISSION, CITY AND BOROUGH OF JUNEAU

JUNE 12, 2015 MEETING, 11:30 AM – 1:00 PM

COMMUNITY DEVELOPMENT DEPARTMENT (CDD) CONFERENCE ROOM

DRAFT MEETING MINUTES



Committee Members Present:

Nicole Grewe (Chair), Paul Voelckers, Bill Peters, Dennis Watson (Alternate)

Committee Members Absent:

Mike LeVine

Staff Present:

Beth McKibben, Planning Manager, Community Development Department (CDD)

Rob Palmer, Attorney, Department of Law (DOL)

Public or Other Present:

None present

Reading of Agenda

- Motion by Peters: To approve the agenda for the June 12, 2015 meeting.
- Vote: Motion carried.
- Resolved: Agenda for the meeting of June 12, 2015 approved without modification.

Approval of Minutes

- Motion by Peters: To approve the minutes for May 26, 2015 meeting as developed by CDD staff with any technical corrections presented by planning commissioners or CDD staff.
- Vote: Motion carried.
- Resolved: Minutes for May 26, 2015 meeting approved as developed by CDD staff with any technical corrections presented by planning commissioners or CDD staff.

Agenda Topic – Transitional Housing

- DOL provided brief overview of recent Haven House decision(s) and potential appeal to superior court. The Haven House decision, and related concerns, serves as impetus (and context) for considering changes to the Table of Permissible Uses (T49) related to group homes, transitional housing, correctional facilities, and corresponding definitions. Notably, DOL asserted the T49 Committee has any amount of time needed to fully consider proposed T49 changes. While Haven House, and related PC and Assembly decisions, remain in the forefront – there is time to fully deliberate PC decisions.
- Committee discussion focused on documents submitted by CDD staff prior to meeting including:
 1. June 1, 2015 Staff Memorandum to Planning Commission regarding Transitional Housing
 2. October 13, 2014 Department of Corrections Letter
 3. August 26, 2014 Unlisted Use Notice of Decision re Transitional Housing
 4. August 14, 2014 Memorandum from CBJ Law Department
 5. Anchorage Municipal Code definitions (AMC 21.05.040)

- Grewe expressed preference for considering any changes to T49's TPU comprehensively – not simply a reaction to the recent discussions and public hearings related to Haven House. And, that the Code of Ordinances in place at the time of Haven House decisions will be used in any appeal. Finally, expressed concern in jumping to code changes while Haven House decisions might be under appeal.
- Palmer indicated it is appropriate to consider TPU changes at this time regarding transitional housing, group homes, and correctional facilities.
- McKibben further affirmed that the Haven House decision(s) highlighted the need to clean up our code – especially to resolve “use not listed” issues.
- Voelckers initial reaction affirmed suggested edits – noted they were simple, elegant, and with brevity.
- Peters discussed details related to group homes. Namely, group home category is eliminated and will be considered as single or multi-family structure.
- Palmer emphasized the PC should remain focused on planning impacts, not categories of people. Also, stressed the importance of federally-protected classes of people.
- Grewe inquired about any missing use categories that should also be further studied, at this time, to ensure full context of proposed TPU changes are adequately deliberated.
- Palmer discussed substantive definition changes including transitional housing, correctional facility, assisted living, and a variety of deletions from the current TPU.
- Peters suggested change to correctional facility from “prisoner” to “persons”. All agreed.
- Motion by Peters: To recommend approval to the full PC of all changes to Table of Permissible Uses (and associated definitions) as crafted by CDD and DOL and with the exception language change presented by Peters.
- Vote: Motion carried by unanimous consent.
- Resolved: Final ordinance will be drafted by CDD staff, reviewed by DOL, and forwarded for full PC consideration. Ordinance's first public hearing likely to occur July 2015.

Committee Member Comments and Questions

- Discussion regarding three rezone protests heard by Assembly the prior evenings.

CDD Staff Discussion

- Will continue to work on high priority T49 changes throughout summer and fall season to address remaining Assembly and Planning Commission priorities. Will move towards lower-priority T49 changes during late fall/early winter.

Meeting adjourned at 1:00 PM



Community Development

City & Borough of Juneau • Community Development

155 S. Seward Street • Juneau, AK 99801

TO: Title 49 Committee

FROM: Chrissy McNally, Planner
Community Development Department

DATE: August 10, 2015

RE: Allowable areas for marijuana establishments

The Marijuana Committee has worked with CDD staff to determine which zoning districts would allow marijuana establishments. Marijuana establishments currently include cultivation facilities, processing facilities, testing facilities, and retail stores. The committee determined that the question of marijuana clubs, or places to legally consume purchased marijuana product, required more time and analysis of the CBJ smoking ordinance.

Staff contacted planning departments throughout Colorado and Washington to discuss how their jurisdictions handled legalized recreational marijuana in the land use codes. While the statewide laws regarding marijuana are different in each state, several themes ran through many jurisdictions;

- Marijuana establishments are prohibited in residential zoning districts
- Buffers from residential zones
- Greenhouses have more odor problems than indoor cultivation facilities
- Odor is a manageable problem
- Hours of operation for retail limited beyond state requirements
- Public consumption is a concern that can be addressed with education
- Limited number of establishments
- Buffers between marijuana establishments

Staff initially presented the relevant use categories that the establishments could potentially fit into. Over several meetings the committee determined that a special use category for marijuana establishments was required.

The Table of Permissible Uses Section 2.000 **Sales and Rental Goods, Merchandise, or Equipment** would be amended to include 2.300 "marijuana retail" allowed with a Conditional Use Permit in the following zoning districts.

	Use Description	RR	D1	D3	D5	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
...																
<u>2.300</u>	<u>Marijuana retail store</u>									<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3^N</u>	<u>3^N</u>	<u>3</u>

Title 49 Committee
 Allowable areas for marijuana establishments
 August 10, 2015

Section 3.000 **Professional, Office, Clerical, Research, Real Estate, Other Office Services** would be amended to include 3.500 “marijuana testing facility” allowed with a Conditional Use Permit in the following zoning districts.

	Use Description	RR	D1	D3	D5	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
...																
<u>3.500</u>	<u>Marijuana testing facility</u>									<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	-	-	<u>3</u>

Section 4.000 **Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods** would be amended to include 4.220 “marijuana processing” allowed with a Conditional Use Permit in the following zoning districts.

	Use Description	RR	D1	D3	D5	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
...																
<u>4.220</u>	<u>Marijuana processing</u>									<u>3</u>	<u>3</u>		<u>3</u>			<u>3</u>

Section 14.000 **Aquaculture, Agriculture, Silviculture, Mining, Quarrying, Operations, Spring Water Bottling** would be amended to include 14.240 “marijuana cultivation” allowed with a Conditional Use Permit in the following zoning districts. The use is recommended in the D-1 zoning district outside of the urban service boundary.

	Use Description	RR	D1	D3	D5	D10SSF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
...																
<u>14.000</u>	Commerical agricultural operations															
...																
	<u>14.240</u> <u>Marijuana Cultivation</u>	<u>3</u>	<u>3</u>							<u>3</u>	<u>3</u>					<u>3</u>

Marijuana Committee
Allowable areas for marijuana establishments
August 10, 2015

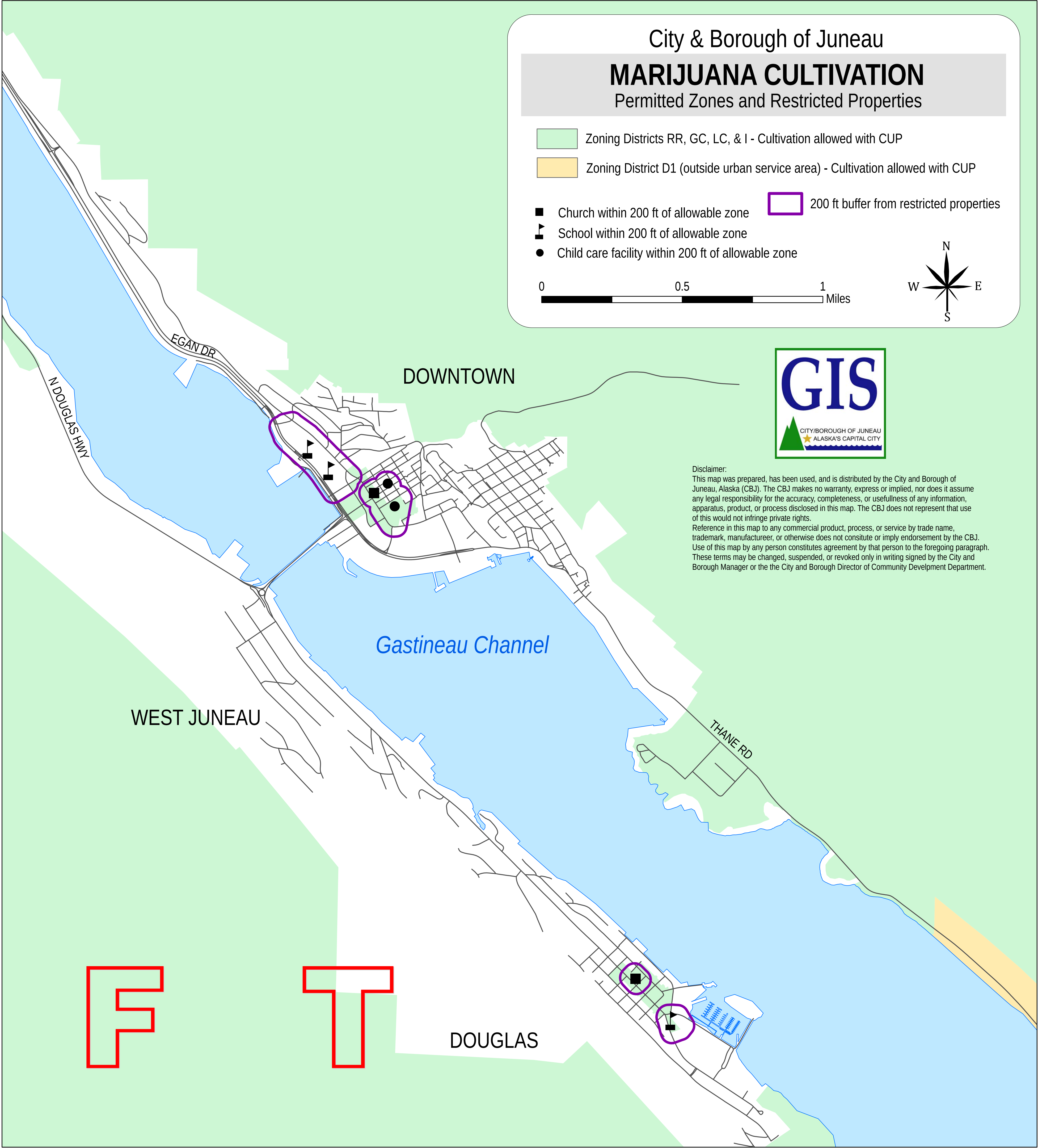
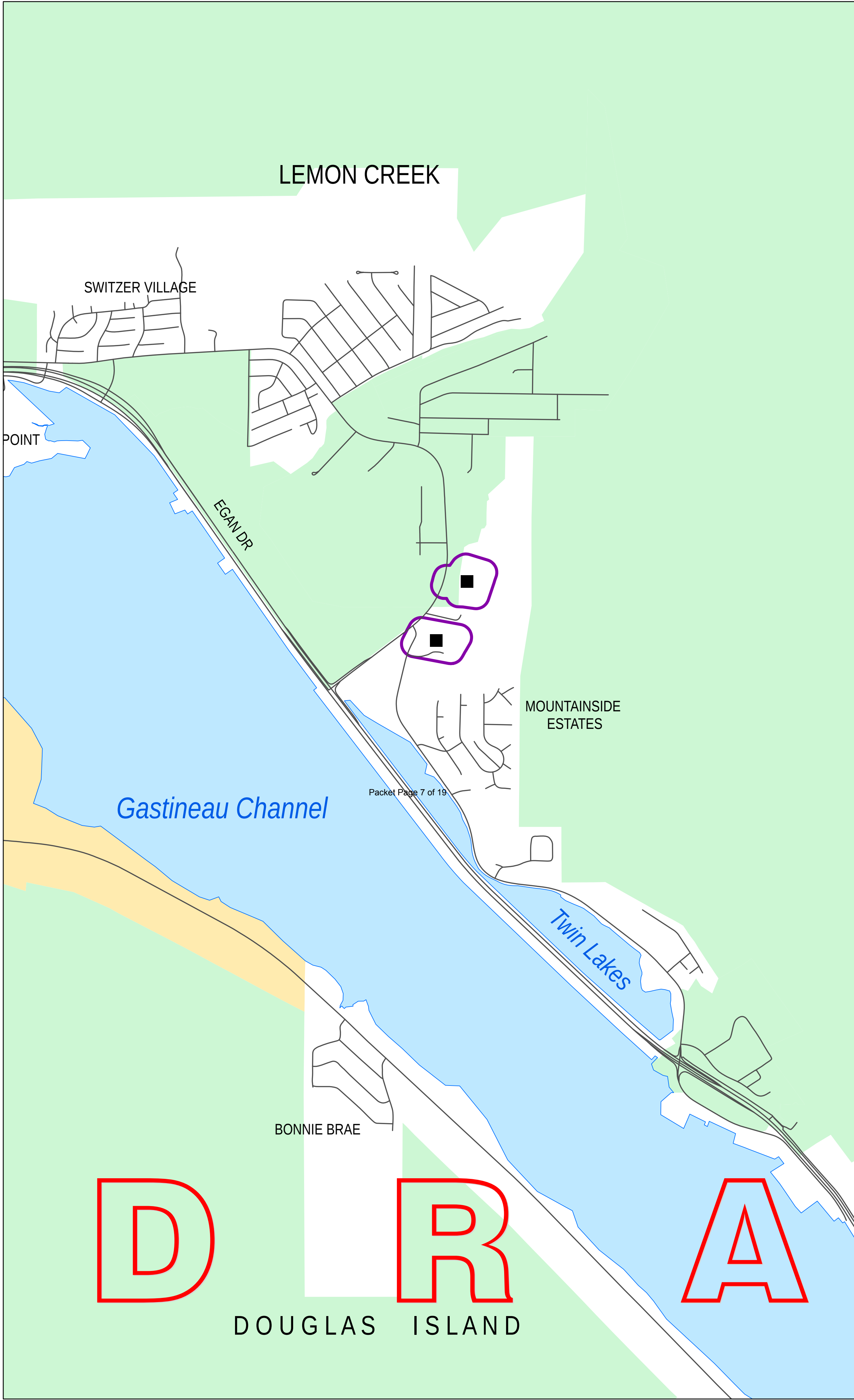
Cultivation would also be allowed under Section 19.000 **Open Air Market, Nurseries, Greenhouses**

	Use Description	RR	D1	D3	D5	D10SSF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
...																
<u>19.200</u>	Nurseries, commercial greenhouses															
...																
	<u>19.230</u> <u>Marijuana Cultivation</u>	<u>3</u>	<u>3</u>							<u>3</u>	<u>3</u>					<u>3</u>

Buffers

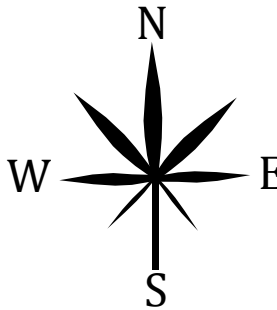
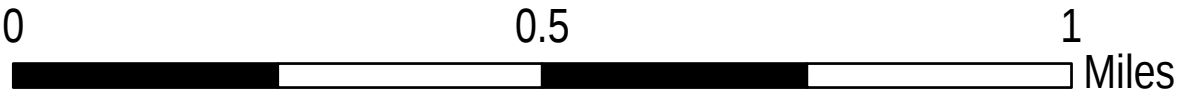
The Marijuana Committee compared 1,000, 500, and 200 foot buffers from schools, churches and child cares. Both the 1,000 and 500 foot buffers were considered too restrictive on the available land for such uses. The Marijuana Committee is recommending a 200 foot buffer from the property lines of churches, schools and day cares in all zoning districts.

Attachments: Proposed buffer maps
Zoning maps
Draft Ordinance

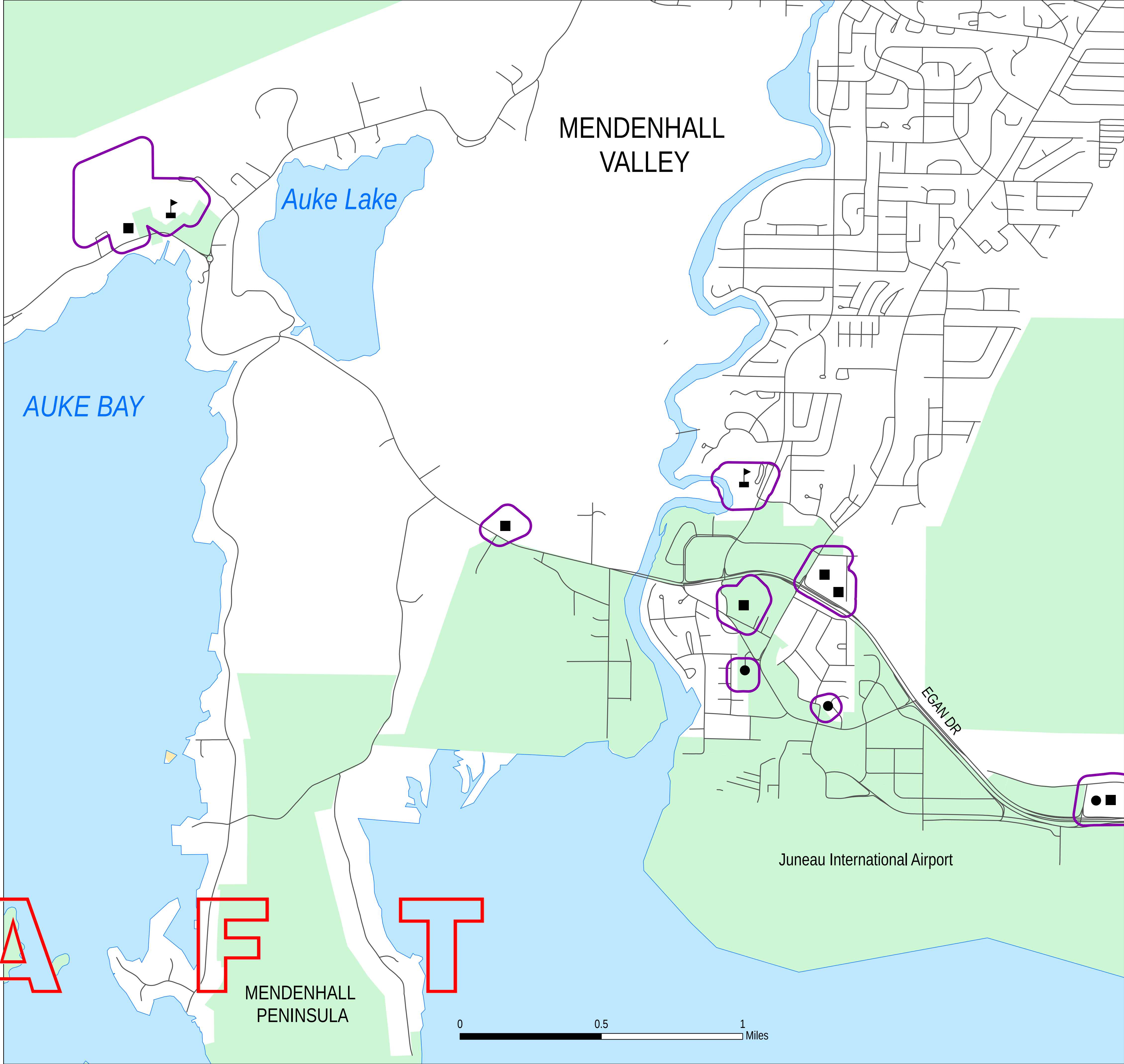


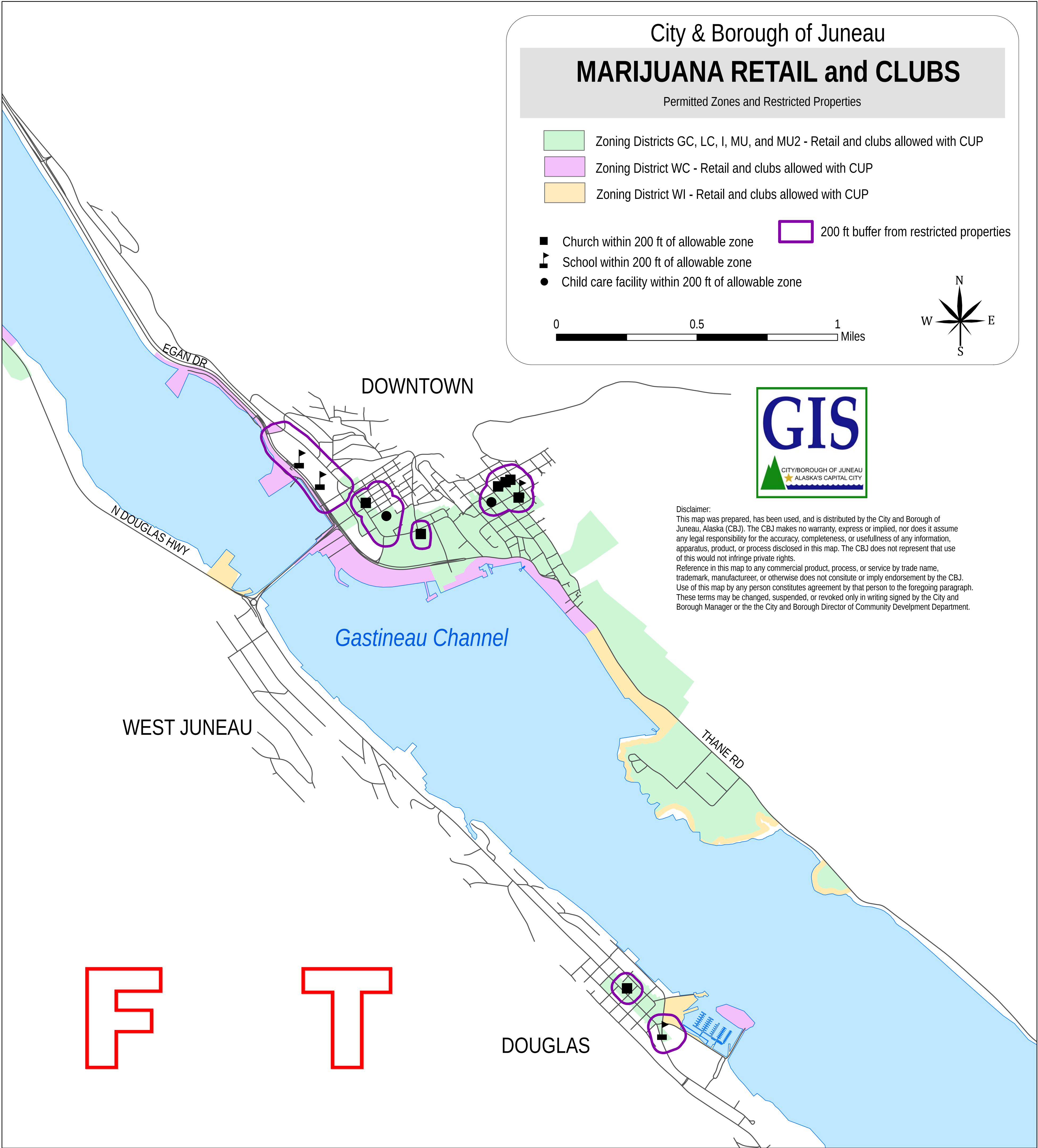
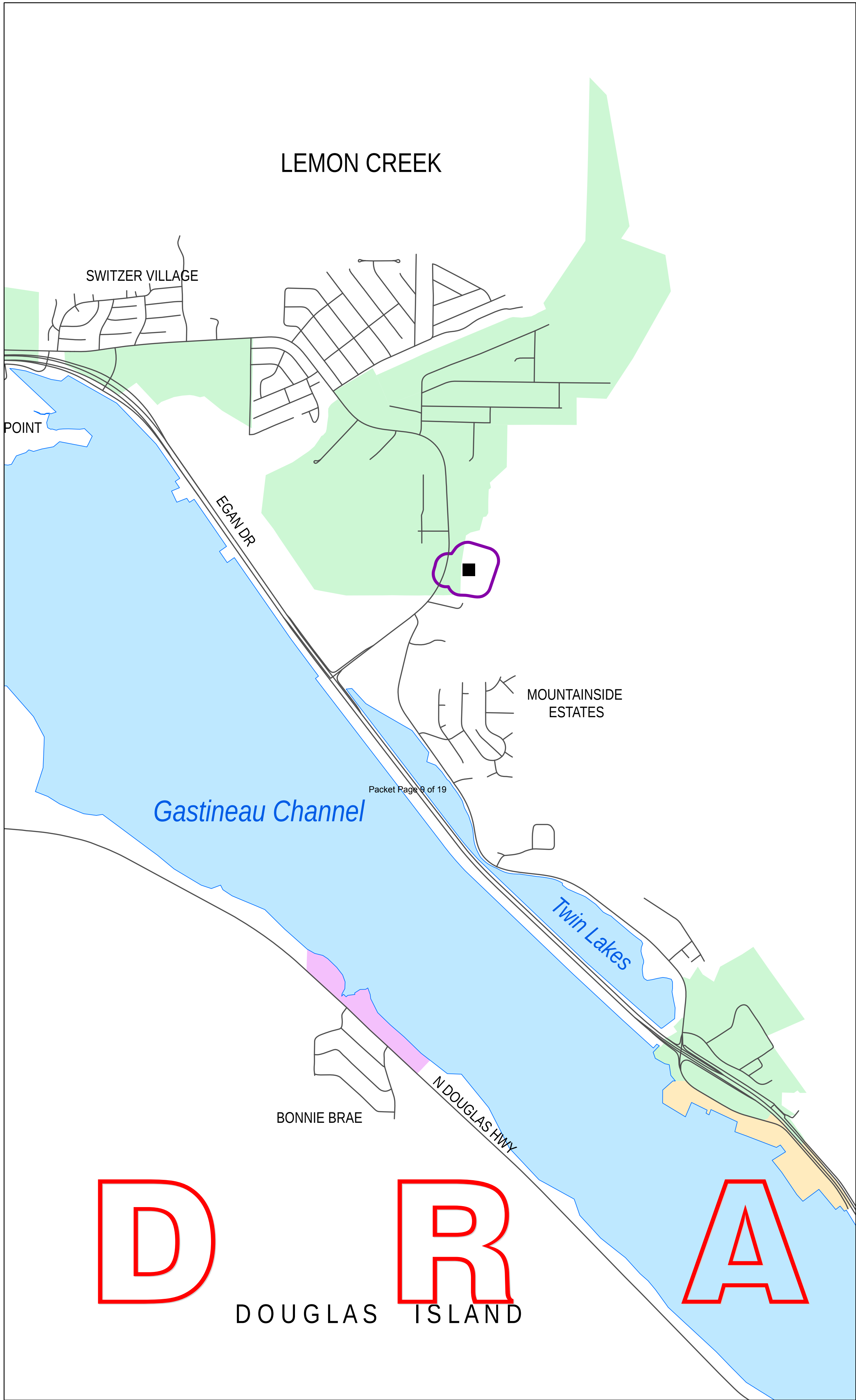
City & Borough of Juneau
MARIJUANA CULTIVATION
Permitted Zones and Restricted Properties

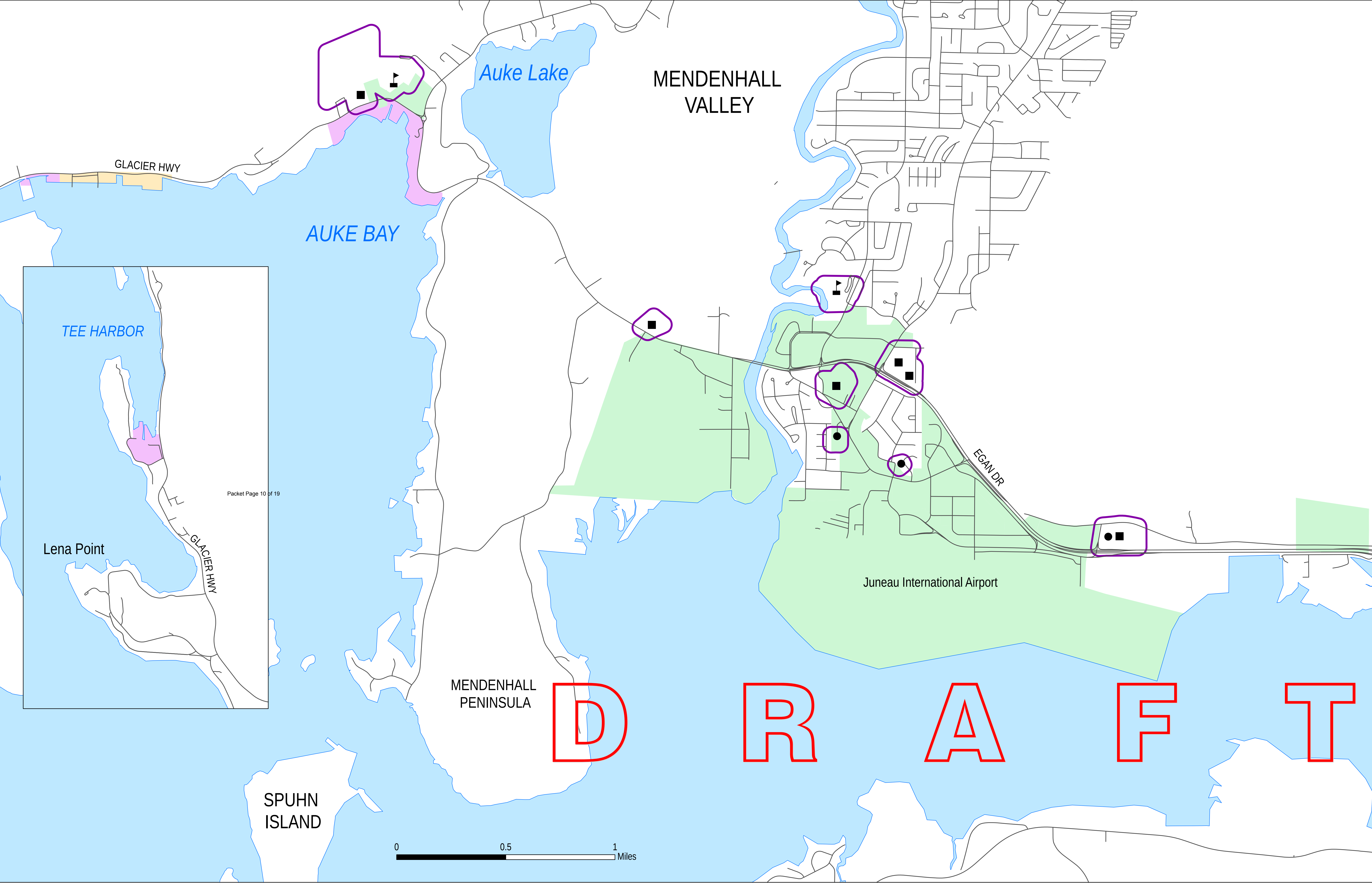
- Zoning Districts RR, GC, LC, & I - Cultivation allowed with CUP
- Zoning District D1 (outside urban service area) - Cultivation allowed with CUP
- Church within 200 ft of allowable zone
- School within 200 ft of allowable zone
- Child care facility within 200 ft of allowable zone
- 200 ft buffer from restricted properties

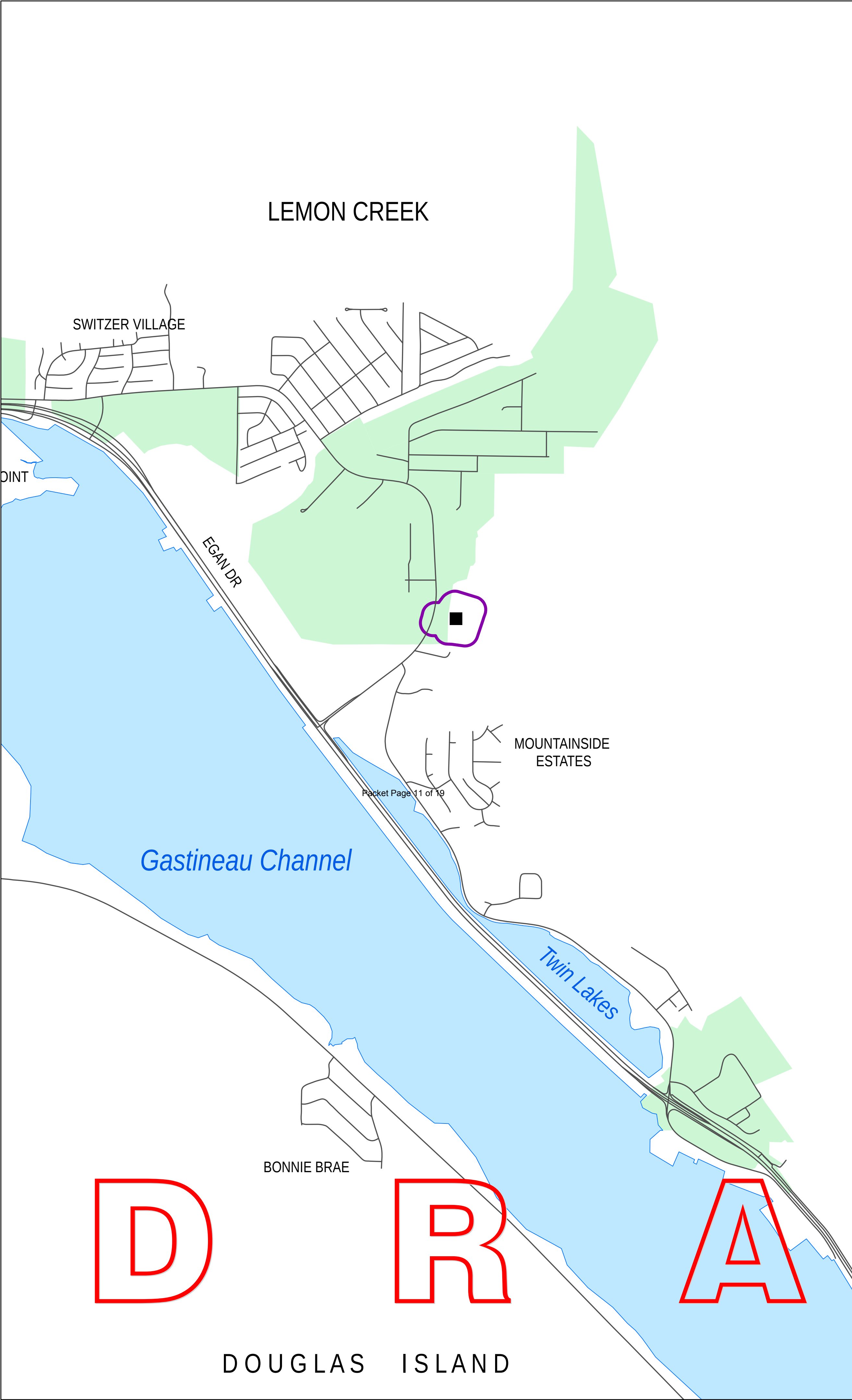


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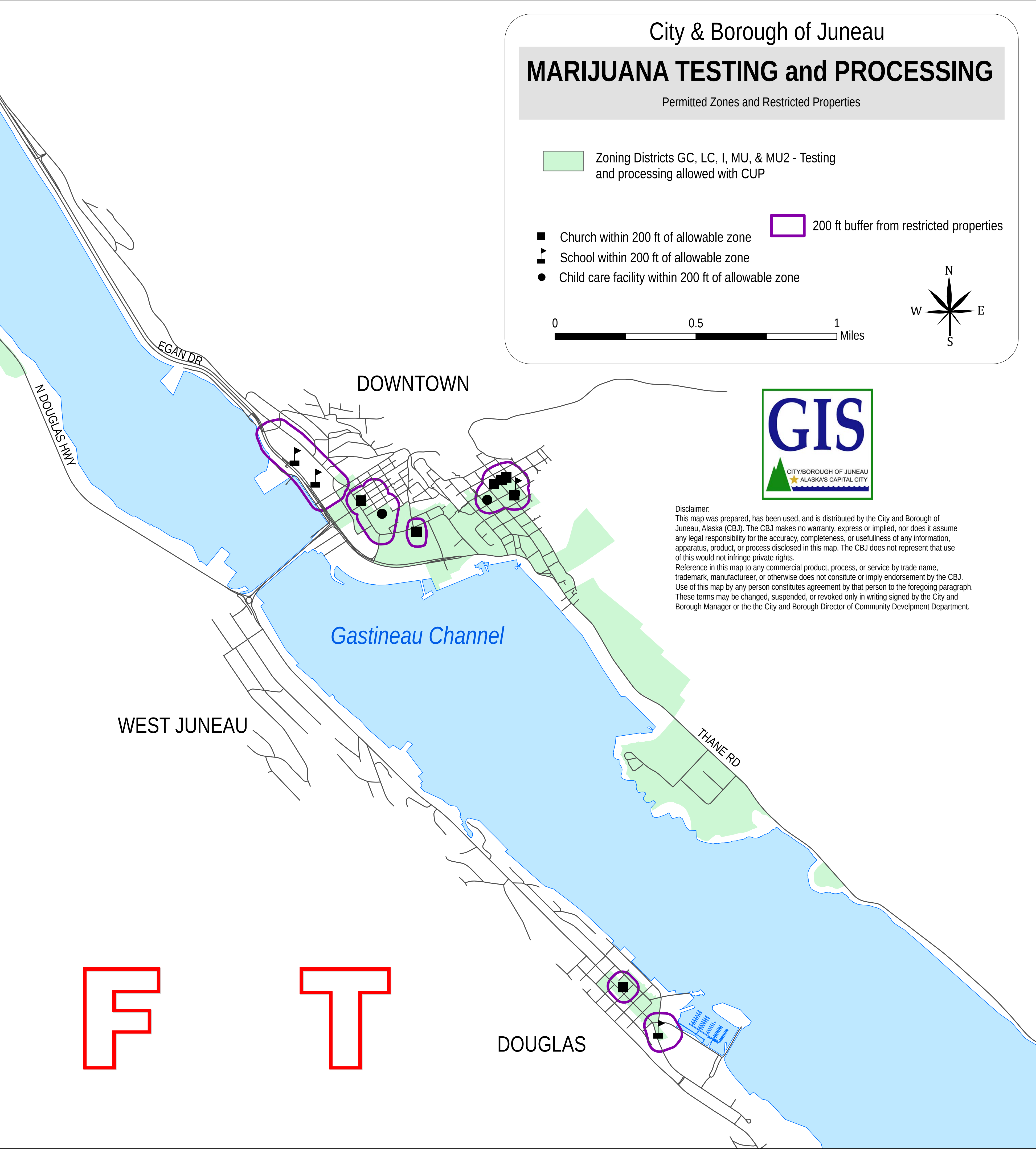


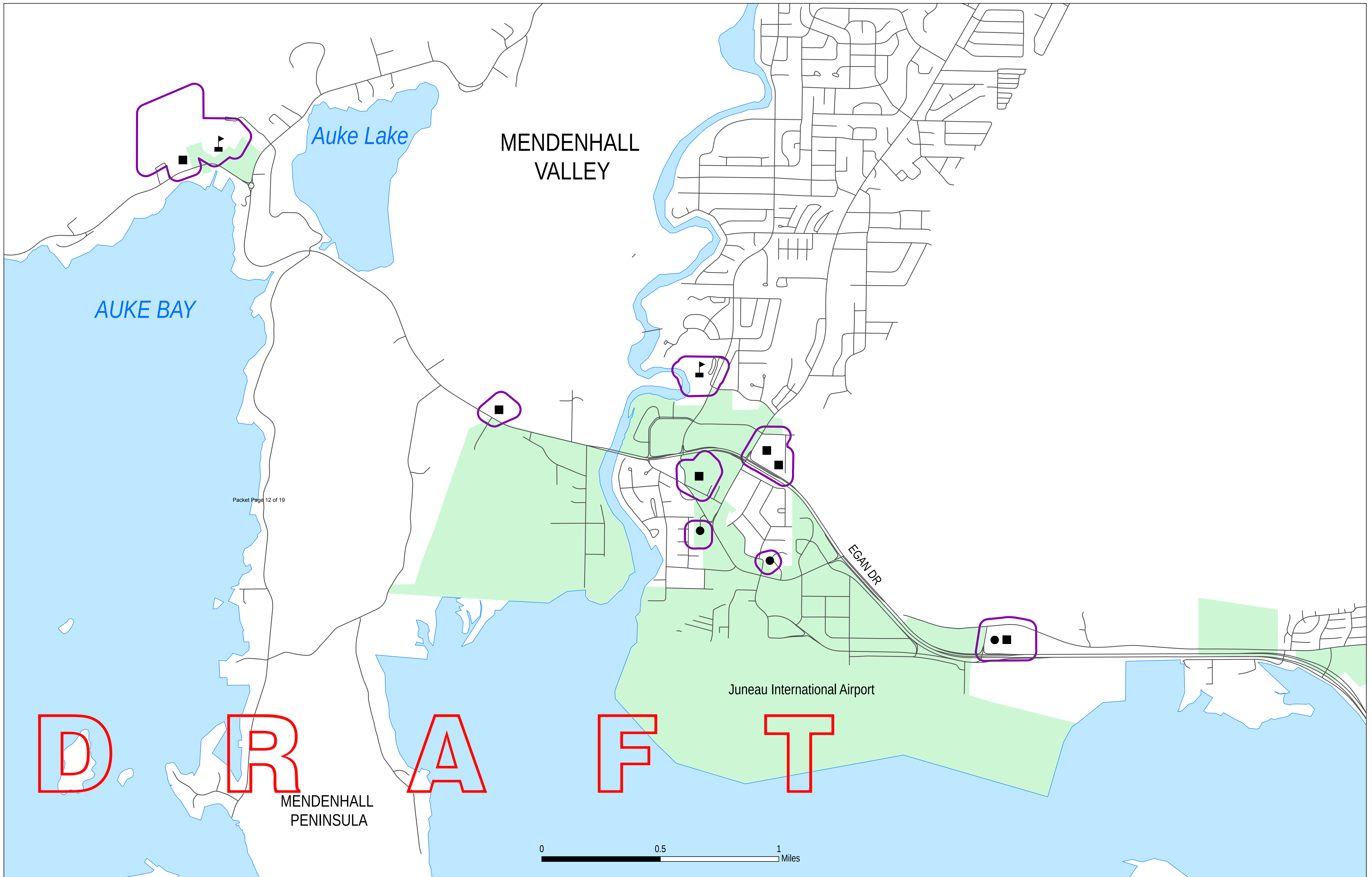


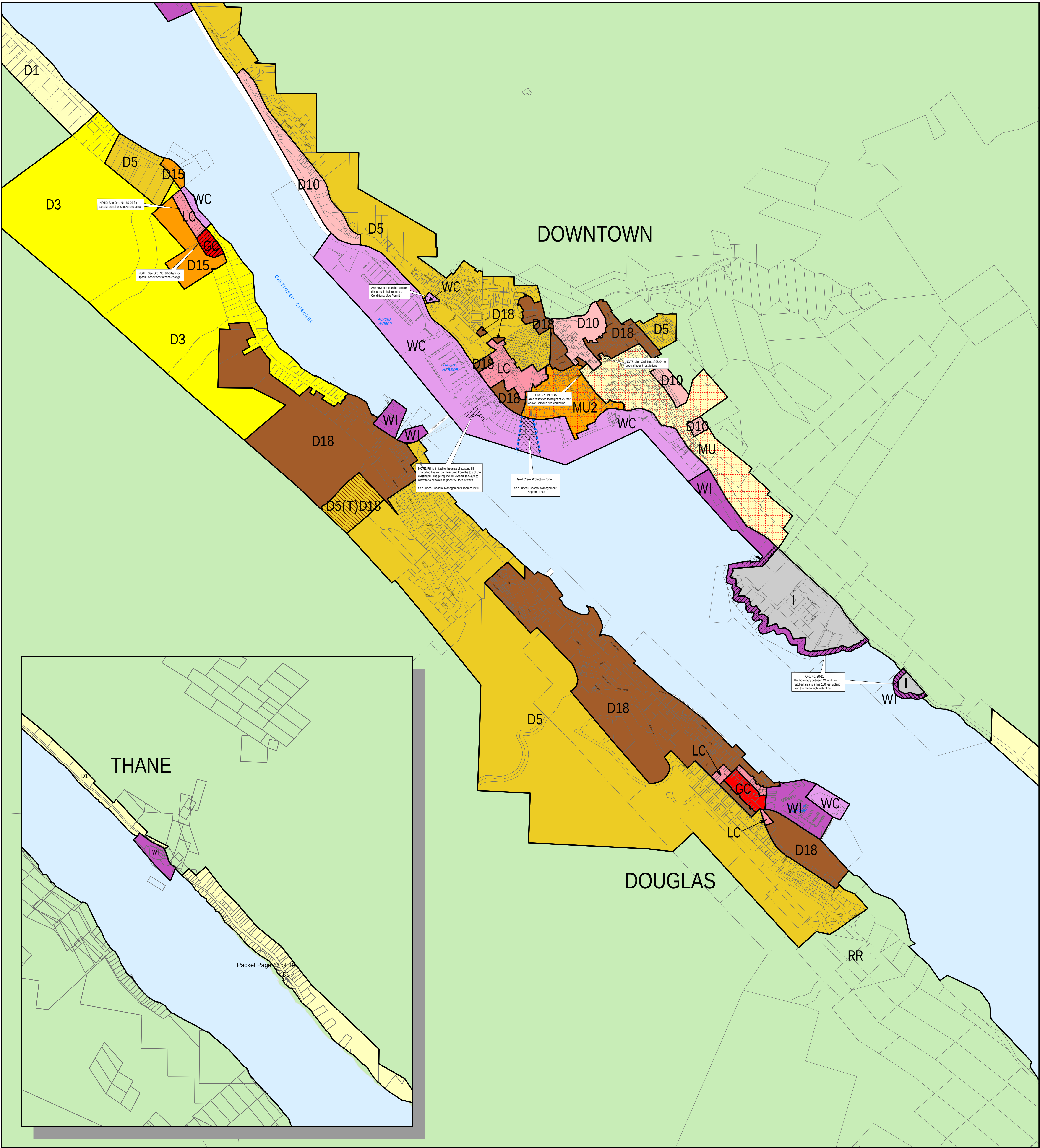




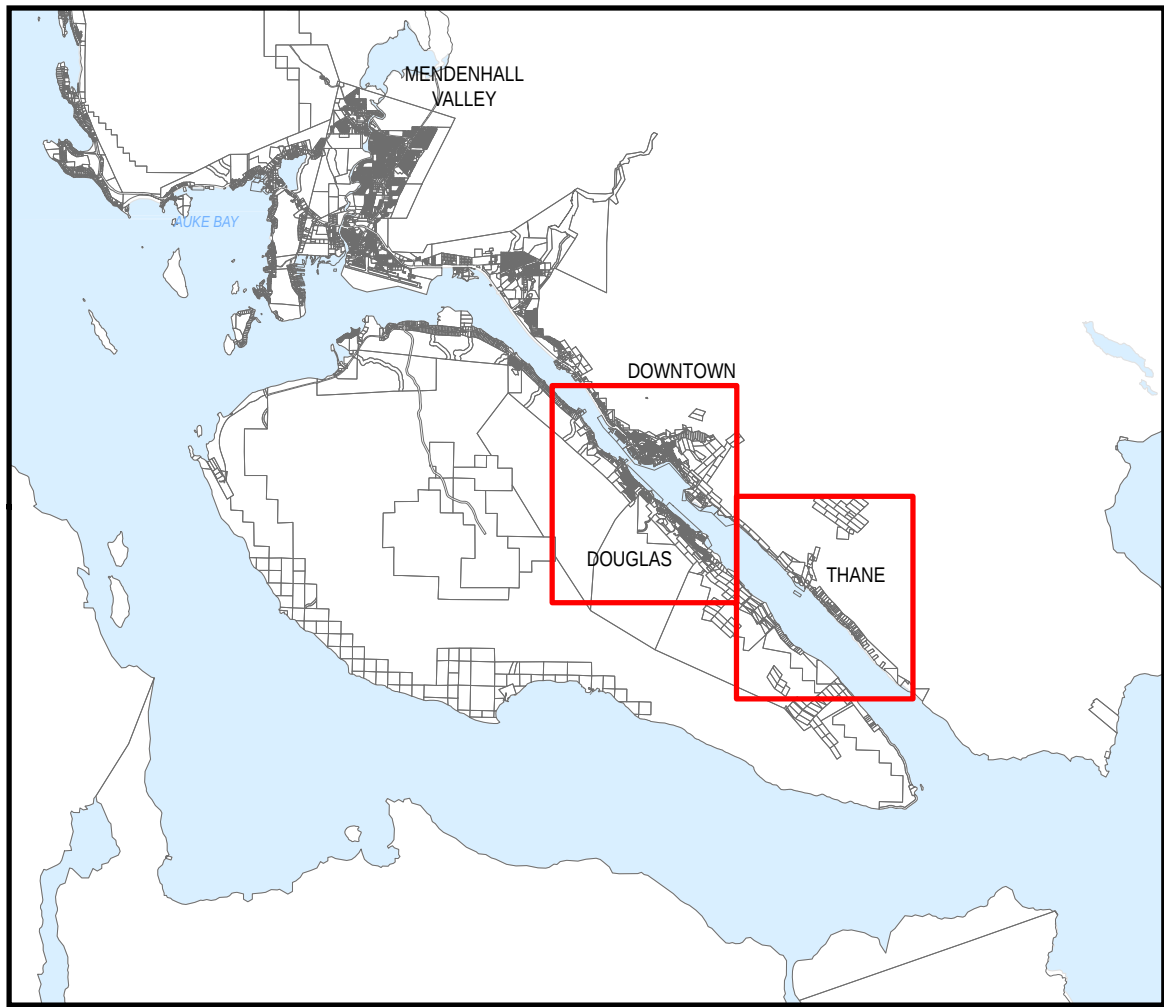
Testing and Processing Map page 1 of 2







Map current as of May 7th, 2015



Downtown Juneau & Douglas ZONING MAP

ZONING DISTRICTS					
D1 Single Family & Duplex	I Industrial	D1(T)D3	Single Family & Duplex Transition Zones		
D3 Single Family & Duplex	MU Mixed Use	D1(T)D10			
D5 Single Family & Duplex	MU2 Mixed Use	D1(T)D5			
D10 Multi Family	WC Waterfront Commercial	D10(T)D15			
D10SF Single Family	WI Waterfront Industrial	D3(T)D18			
D15 Multi Family	RR Rural Reserve	D3(T)D5			
D18 Multi Family	RR(T)D15 Transition Zones	D5(T)D10			
LC Light Commercial	RR(T)D3 Transition Zones	D5(T)D18			
GC General Commercial					

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Suggestions for corrections and improvements to the CBJ zoning maps should be directed to:

Geographic Information Systems
gis@ci.juneau.ak.us
(907) 586-0762





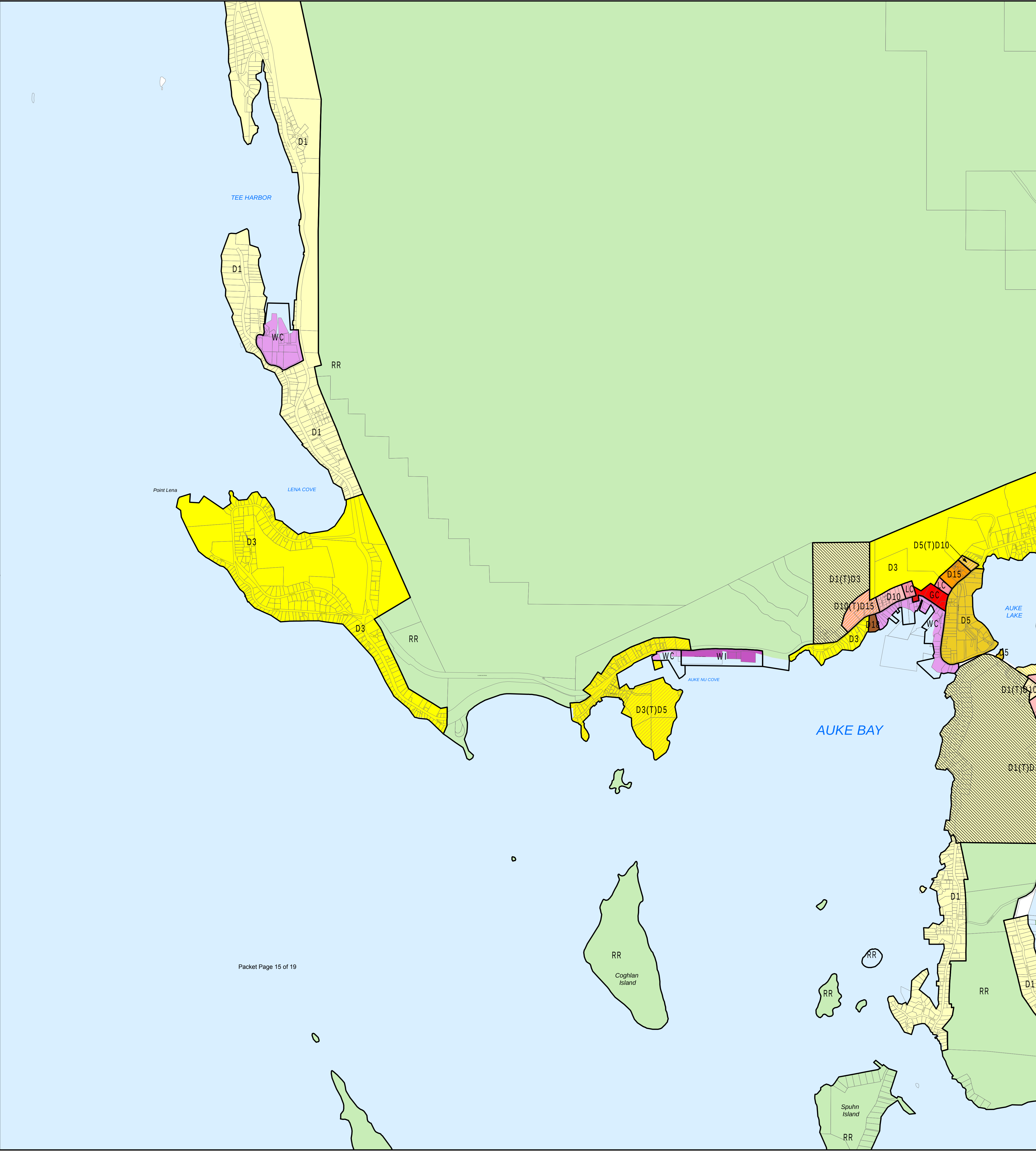
A map of Douglas Island, Alaska, showing the Mendenhall Valley and Lemon Creek area highlighted by a red rectangle. The map includes labels for Mendenhall Valley, Lemon Creek, Auke Bay, and Douglas Island. The highlighted area is the focus of the study.

ZONING DISTRICTS

D1 Single Family & Duplex	I Industrial	D1(T)D3	Single Family & Duplex Transition Zones
D3 Single Family & Duplex	MU Mixed Use	D1(T)D10	
D5 Single Family & Duplex	MU2 Mixed Use	D1(T)D5	
D10 Multi Family	WC Waterfront Commercial	D10(T)D15	
D10SF Single Family	WI Waterfront Industrial	D3(T)D18	
D15 Multi Family	RR Rural Reserve	D3(T)D5	
D18 Multi Family	RR(T)D15	D5(T)D10	
LC Light Commercial	RR(T)D3	D5(T)D18	
GC General Commercial			
	Transition Zones		

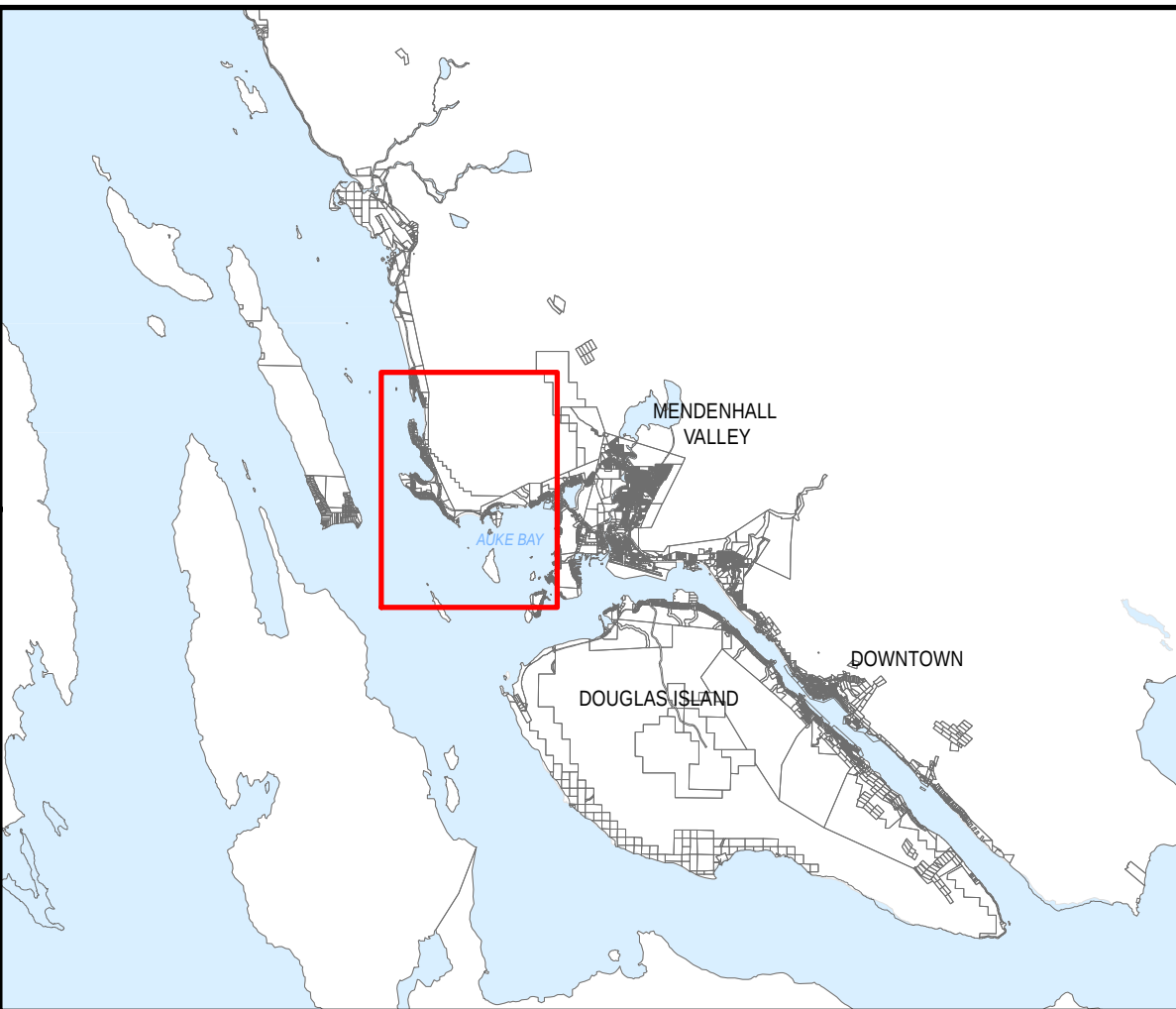
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Map current as of October 29th, 2014



Auke Bay to Tee Harbor ZONING MAP

ZONING DISTRICTS

D1 Single Family & Duplex	I Industrial	D1(T)D3
D3 Single Family & Duplex	MU Mixed Use	D1(T)D10
D5 Single Family & Duplex	MU2 Mixed Use	D1(T)D5
D10 Multi Family	WC Waterfront Commercial	D10(T)D15
D10SF Single Family	WI Waterfront Industrial	D3(T)D18
D15 Multi Family	RR Rural Reserve	D3(T)D5
D18 Multi Family	RR(T)D15 Transition Zones	D5(T)D10
LC Light Commercial	RR(T)D3 Transition Zones	D5(T)D18
GC General Commercial		

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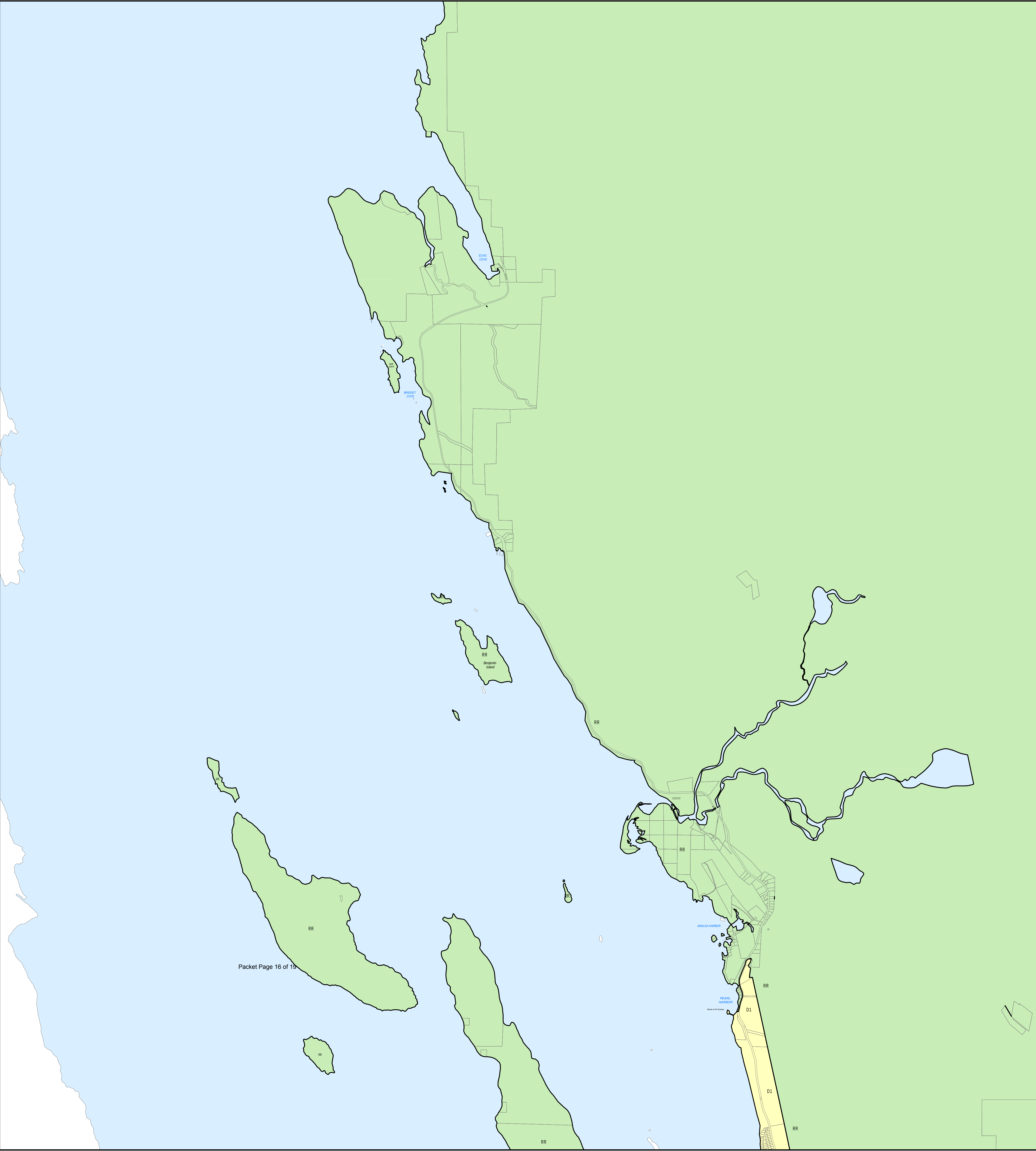
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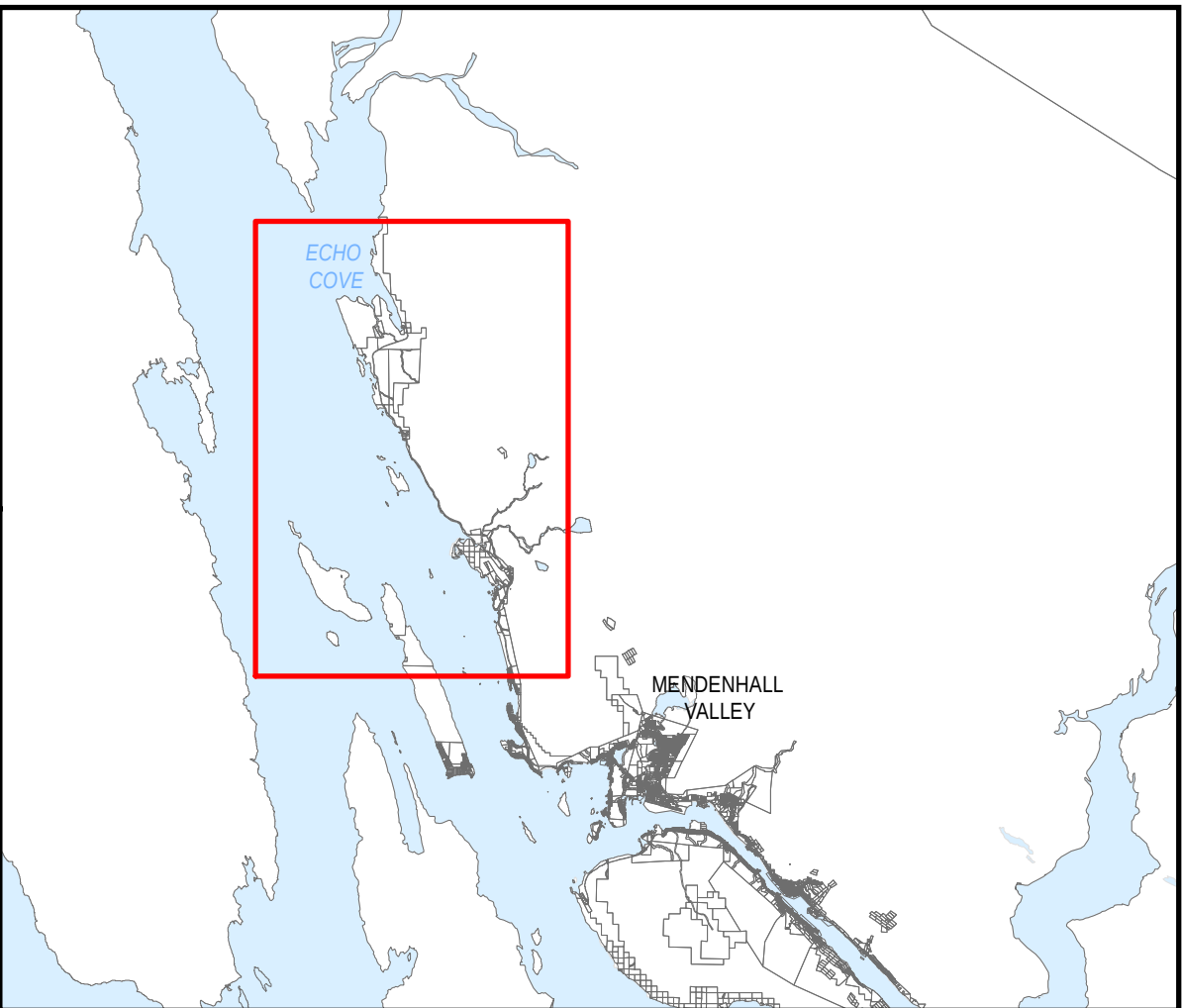
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gis@ci.juneau.ak.us
(907) 586-0762





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Map current as of October 29th, 2014



Tee Harbor to Echo Cove ZONING MAP

ZONING DISTRICTS					
D1 Single Family & Duplex	I Industrial	D1(T)D3	Single Family & Duplex Transition Zones		
D3 Single Family & Duplex	MU Mixed Use	D1(T)D10			
D5 Single Family & Duplex	MU2 Mixed Use	D1(T)D5			
D10 Multi Family	WC Waterfront Commercial	D10(T)D15			
D10SF Single Family	WI Waterfront Industrial	D3(T)D18			
D15 Multi Family	RR Rural Reserve	D3(T)D5			
D18 Multi Family	RR(T)D15 Transition Zones	D5(T)D10			
LC Light Commercial	RR(T)D3 Transition Zones	D5(T)D18			
GC General Commercial					

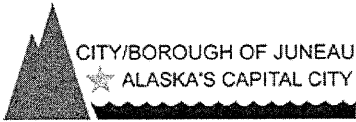
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Suggestions for corrections and improvements to the CBJ zoning maps should be directed to:



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: Beth McKibben, Planning Manager

FROM: Amy Gurton Mead, Municipal Attorney

DATE: July 13, 2015

SUBJECT: Draft language amending TPU to address commercial marijuana establishments

Dear Beth

As directed by the Marijuana Committee, please find below draft language amending the table of permissible uses to address commercial marijuana establishments.

Section ____. **Amendment of Table.** Category 2.000 Sales and Rental Goods, Merchandise or Equipment, of CBJ 49.25.300 Table of Permissible Uses, is amended to add a new use description to read as follows:

	Use Description	RR	D1	D3	D5	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
...																
2.200	Storage and display of goods with greater or equal									1,3	1,3	1,3	1,3	3 ^N	3 ^N	3
<u>2.300</u>	<u>Marijuana retail store</u>									<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3^N</u>	<u>3^N</u>	<u>3</u>

Section ____. **Amendment of Table.** Category 3.000 Professional Office, Clerical, Research, Real Estate, Other Office Services, of CBJ 49.25.300 Table of Permissible Uses, is amended to add a new use description to read as follows:

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 AGM to B McKibben
 Amending TPU re: marijuana establishments

	Use Description	RR	D1	D3	D5	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
...																
3.400	Offices greater than 2,500 square feet									1,3	1,3	1,3	1,3	1 ^N ,3 ^N		3 ^S
<u>3.500</u>	<u>Marijuana testing facility</u>									<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>			<u>3</u>

Section ____. Amendment of Table. Category 4.000 Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, of CBJ 49.25.300 Table of Permissible Uses, is amended to add a new use description to read as follows:

	Use Description	RR	D1	D3	D5	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
...																
4.210	Seafood processing	3 ^T												3,	1,3	1,3
<u>4.220</u>	<u>Marijuana processing</u>									<u>3</u>	<u>3</u>		<u>3</u>			<u>3</u>

Section ____. Amendment of Table. Category 14.000 Aquaculture, Agriculture, Silviculture, Mining, Quarrying Operations, Spring Water Bottling, of CBJ 49.25.300 Table of Permissible Uses, is amended to add a new use description to read as follows:

	Use Description	RR	D1	D3	D5	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
...																
14.00	Commercial agricultural operations															
...																
<u>14.240</u>	<u>Marijuana cultivation</u>	<u>3</u>	<u>3</u>							<u>3</u>	<u>3</u>					<u>3</u>

July 13, 2015
AGM to B McKibben
Amending TPU re: marijuana establishments

Section ____. **Amendment of Table.** Category 19.000 Open Air Markets,

Nurseries, Greenhouses, of CBJ 49.25.300 Table of Permissible Uses, is amended to add a new use description to read as follows:

	Use Description	RR	D1	D3	D5	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
...																
19.200	Nurseries, commercial greenhouses															
	...															
	<u>19.230</u>	<u>Marijuana</u> <u>cultivation</u>	<u>3</u>	<u>3</u>						<u>3</u>	<u>3</u>					<u>3</u>