

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

April 4, 2016, 6:30 PM.

Municipal Building - Assembly Chambers - Start time to immediately follow the Special
Assembly Meeting which begins at 6 pm.

Assembly Worksession - No Public Testimony

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. **February 22, 2016 Committee of the Whole Minutes**
- B. **March 14, 2016 Committee of the Whole Minutes**

IV. AGENDA TOPICS

- A. **Ordinance 2015-38 An Ordinance Amending the Land Use Code to Provide for the Regulation of Marijuana Use and Marijuana Establishments, and Providing for a Penalty.**

This ordinance would amend the Land Use code to provide for the regulation of marijuana establishments in two ways:

(1) It expands upon the conditional use permit application process by requiring marijuana establishments to provide certain industry-specific information (such as odor, waste, and security plans); and

(2) It establishes certain generally applicable regulations that will apply to all establishments, such as the requirement that certain signs be posted.

In addition to the enforcement options already available under Title 49, the ordinance would require marijuana businesses to obtain a CBJ marijuana business license in order to operate. In this instance, the license acts as an enforcement mechanism to facilitate voluntary compliance with the new regulations.

V. ADJOURNMENT

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@juneau.org

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

February 22, 2016, 7:00 PM.
Municipal Building - Assembly Chambers

Assembly Worksession - No Public Testimony

I. ROLL CALL

Deputy Mayor Jesse Kiehl called the meeting to order at 7:00 p.m. in the Assembly Chambers.

Assemblymembers Present: Mary Becker, Karen Crane, Debbie White, Loren Jones, Jesse Kiehl, Jerry Nankervis, and Kate Troll.

Assemblymembers Absent: Maria Gladziszewski.

Staff present: Kim Kiefer, City Manager; Amy Mead, City Attorney, Mila Cosgrove, Deputy City Manager; Laurie Sica, Municipal Clerk

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. January 4, 2016 Committee of the Whole Meeting Minutes

Hearing no objection, the minutes of the January 4, 2016 Committee of the Whole meeting were approved.

B. February 1, 2016 Committee of the Whole Meeting Minutes

Hearing no objection, the minutes of the February 1, 2016 Committee of the Whole meeting were approved.

IV. AGENDA TOPICS

A. Juneau Hydro Sweetheart Creek and District Heating

Keith Comstock spoke about the Juneau Hydropower Inc. Sweetheart Lake Hydroelectric Facility and an associated Juneau District Heating proposal. They are waiting for a final EIS and expect to have that during July, also the 404 permit from the Corps, to be under construction of the hydro project by fall. He introduced Greg Smith, project manager for Juneau District Heating. He has been in over 100 buildings downtown to ensure there is demand for the product. Duff Mitchell is the general manager.

Mr. Mitchell provided a slide presentation to the Assembly about the project. The project will power the Kensington mine. The Juneau District Heating, with a seawater heat pump, would take most of the remaining power. He said the Sweetheart Lake Hydro project has been heavily studied. It is past the avalanche path and eight miles from the state owned Snettisham power line, and 30 miles south of Juneau. He said there are 700 district heating facilities in the United States and they are usually large campuses, airport terminals, and it is also popular in many European towns, including Bodo, Norway, which is above the Arctic Circle. He explained the efficiency of the system and the

reduction in the use of costly diesel fuel that must be brought in to the community which reduces emissions. The facility uses a heat pump to cycle heat Gastineau Channel seawater to the downtown area facilities. He said that oil systems could be redundant systems and did not need to be removed. He anticipated the facility would be located near the Seadrome building. Their partners include Emerson Climate Technologies, Star Refrigeration, and Ever-Green Energy. He spoke about the direct and indirect jobs of such an installation. They want to hire locally.

Mr. Nankervis said this project sounded very positive. He asked about the hoops that the district heating project would need to go through. Mr. Mitchell said that it would be state and local permitting, including a DEC permit for the plant and the local permits for digging up the streets to install the system.

Mr. Jones asked if the project anticipated using any city land and Mr. Mitchell said no.

Mayor Becker asked Mr. Mitchell what he was seeking from the Assembly. He said he would like a letter of support for the project.

Ms. Bursell asked about the logistics of the installation including the tunnel. Mr. Comstock said their design had been copied by two other projects since its conception and would provide cost savings.

Ms. Troll asked about the financial viability of the project and if it was likely to happen. She asked about funding from the Federal Department of Energy. Mr. Mitchell said for support from the Dept of Energy a project has to meet four criteria, 1) built in the United States, 2) Innovative technology, 3) reduction of greenhouse gases, and 4) it much be paid back. He said they meet the qualifications and DOE likes the project as it is a new type of project in their portfolio.

Ms. Sheinberg asked if the Federal Energy Regulatory Commission (FERC) license, the record of decision on the environmental impact statement (EIS) and the Corps of Engineers permit would all be issued simultaneously in July. Mr. Mitchell said that was the timeline given by FERC. The homework has been done, and 23 environmental and construction plans have been submitted ahead of time so they will be approved with the notice of record, so they can obtain the notice to proceed more quickly. He said that was an expensive action.

MOTION, by Mayor Becker, to write a letter of support for the project.

Ms. White asked for it to be a strong letter of support.

Mr. Nankervis asked who the letter would be addressed to. Mr. Comstock said it would be good to address it to the Legislature in its review of HB143, the reauthorization of AIDEA to invest up to \$120 million in the project. It would also be good to send a copy to DOE or any other lending organization. There are no grants in this project. He could provide a list to "whom it may concern."

Ms. Troll echoed Ms. White's request for a strong letter of support.

Hearing no objection , it was so ordered.

Mr. Mitchell said he would provide a more complete report to the Downtown Improvement Group, if there was further interest from Assemblymembers and the public.

B. Mendenhall River Reports

Emergency Programs Manager Tom Mattice provided an informational presentation on the flood report, which provided a worst case scenario based on information from the 2011 and 2014 flooding on the Mendenhall River. Staff would be meeting with residents along the river corridor.

Brett Nelson, State Conservation Engineer with the Natural Resources Conservation Service, an agency of the U.S. Department of Agriculture, administers the Emergency Watershed Protection Program. They help to restore areas to pre-storm event conditions. If there is bank damage, they can assist. His agency was requested to assist in 2014 and in March 2015 they looked at four spots of significant erosion on the Mendenhall River. Of the four, there is only one area that is likely to qualify for assistance and that is the Meander Way bend. He displayed photos. The height of the bank complicates the problem and there are 8 homes immediately threatened, that number is likely to grow. There is some old rip rap but the toe of the bank is eroded and it will eventually fail. If erosion is not stopped, it will continue to progress and it is not known how far it will go - it is best to treat it now as it will not go away on its own. There are some fish habitat issues, so some bio-engineering was considered, but considering the height of the bank, more severe measures may be needed. We recommend a sheet pile structure down low with rip rap above, which have esthetic and cost issues. There is not bed stability in this river but sheet pile can withstand stability uncertainties. To qualify for funding, there needs to be a qualifying event. We know there will be another jokhelup, so it will qualify eventually. A qualifying agency in government must sponsor this work. There are ways to pass on the responsibilities to the homeowners. The sponsor responsibilities include a 75 % federal / 25 % local cost share, ten year operations and maintenance for the installation, obtaining land rights and permits. His agency can assist with obtaining permits but can not be the sponsor. His agency does one or two of these types of projects across the state each year.

Tom Mattice said a do-nothing mentality is not recommended and is not a no cost solution. There is a need to do several homes at one time to qualify and we will be working with each homeowner individually.

Ms. Sheinberg said she was glad to see the airport area was not affected. She has questions about investing money to protect homes here vs. avalanche and mass wasting zones, and how to make those policy calls. She asked if there is a way to use an LID to recover some of the cost or pass on some of the cost. Ms. Kiefer said staff has considered this. LIDs are usually done on public property, not private property, so this would be new, and there would need to be group agreement in the whole area. Mr. Mattice said that there also needs to be follow up if the project fails and the city needs to consider that possibility.

Ms. Troll asked about the elbow in the river and if it broke through would that provide relief to Meander Way. Mr. Nelson said he did not believe so.

Mayor Becker asked for a cost estimate of such a project. Mr. Nelson said a rough estimate would be \$2.1 million. That is strictly construction costs. The cost share is only on construction costs. If there is a level of confidence that the project would go forth, the Federal government will do the engineering at its cost.

More questions were asked and answered and Ms. Kiefer said the presentation was informational only and staff was not taking a position on any action. We have held meetings on the information and we have many questions as well about the ability to get access to the property to be able to do the project.

Ms. Troll asked what the next steps might be in a proactive approach. Mr. Nelson said if there is strong interest they can refine the design in the next few months. As we refine the design, the costs get refined. There are a myriad of local issues to sort out.

Mr. Jones asked how much funding was available today, and how much was committed each year. Mr. Nelson said Congress funded the program at \$100 million nationally, which cleared the entire wait list across the country and there was still some money in the account. It was impossible to predict when more money will be deposited.

Mr. Kiehl said it makes sense to have intensive conversations with the neighbors now. He asked when the community outreach can be done and a report back on that to the Assembly. Mr. Mattice said that contact can begin soon and there is significant study to be done.

C. Direction on the CBJ Annexation Petition

Ms. Mead gave a status report on the recent history of CBJ's annexation petition, which was filed approximately 60 days after Petersburg files its petition to incorporate. The Local Boundary Commission (LBC) declined to consolidate or hear the petitions concurrently. This resulted in the LBC hearing the Petersburg petition first before CBJ's was scheduled for public hearing and when the LBC made a decision on the Petersburg Borough, for all intents and purposes it made a decision on CBJ's annexation petition. It awarded to Petersburg Borough all of the land CBJ was seeking to annex with the exception of Tracy Arm, which was left in the unorganized borough. At the time the LBC made its decision, CBJ appealed, stayed the petition while in litigation, and now that the litigation is over we need to decide what to do with the petition. At this point it is outdated, so whatever we do, short of withdrawing the petition, will need updating. The question for the Assembly is what action to take - withdraw the petition entirely, withdraw and amend to seek annexation of Tracy Arm, or withdraw and or amend to seek Tracy Arm and any other land CBJ has looked at in the past, such as the land towards Hobart Bay, or other areas. Waiting has not turned out well for CBJ in the recent past, so Mr. Chaney was present to inform the Assembly of the potential lands for annexation.

Mr. Chaney explained a map showing the Juneau Borough, the Juneau Model Borough boundary lines, which were a guideline, and the neighboring model boroughs. The Chatham and Glacier Bay model boroughs have not been created yet, and other existing boroughs such as Haines and Petersburg would likely react to any petition for such properties.

Ms. Sheinberg advocated to amend the petition to include the Tracy Arm area. The other areas are would likely raise objections. Funter Bay is not in CBJ now but it is in the model borough. Ms. Sheinberg said there are a lot of Juneau homeowners in the outlying areas but you should get \$2.65 mil of property you bring in because you will have to pay that in increased education local requirements, but she hoped there would be a provision for inaccessible areas to pay very minor contributions.

Ms. Troll asked if staying with the previous model borough would be a better position for success. Ms. Mead said not necessarily. CBJ has a pending petition for the Tracy Arm area and if CBJ proceeds with that, the petition would need to be amended. The LBC staff and a commissioner decided to put this matter on its agenda for the last LBC meeting and she was called advising her that the expediting of Juneau's petition would be heard. At that meeting there was one commissioner that argued that since CBJ had already gone through so much process, he would be willing to expedite the petition for the Tracy Arm area. She has not heard support for that from the rest of the commissioners. . We could ask for an expedited petition for Tracy Arm, or we could pull and amend to seek additional land areas in the model borough if that is the wish of the Assembly.

Ms. Troll said it seems prudent to go ahead with the existing petition to see how that comes out and she would like to hear more from the public on any other areas.

Ms. White said she saw Mr. Albert Shaw's point about going north in the Berners area, but we will get significant pushback from Horse, and Colt Islands and Funter Bay. There will be significant resources north - the mountains past there must contain minerals and she would like to go as far north as possible, but is not comfortable going west. Mr. Chaney said a ridgeline boundary adjustment would need to be discussed with Haines.

Mr. Kiehl asked if there have been any discussions regarding the Chichagof and Admiralty boundaries. Mr. Chaney said no, only that Angoon felt it should have all of Admiralty.

Mr. Jones supported only seeking Tracy Arm. So much of the model borough program has been ignored. Without more study, in terms of Admiralty and Funter Bay, he would only support Tracy arm. We may need to start some discussions.

Mr. Nankervis concurred with moving forward with the Tracy Arm section, and the rest within the model borough boundaries, provided we have more public comment on the northern Admiralty area, but was sensitive regarding the taxation of those areas. They do get limited services in those areas compared to what those on the roaded system get.

Mr. Kiehl said he did not object to the Tracy Arm section now that Petersburg annexation was settled. The area does not bring costs or benefits now but perhaps some future costs. We are perceived as swinging a big stick in the region and that did not go well with our neighbors so he would be very reluctant to annex land on Admiralty without extensive conversations with Angoon, Hoonah and the landowners in those areas.

***MOTION**, by Troll, to continue with the existing petition, to include the Tracy Arm triangle. Hearing no objection, it was so ordered.*

Ms. Mead said the LBC decision was made because they were uncomfortable moving the borough boundary north because it was an unnatural boundary. It is LBC's goal to get all land within a borough. A group of landowners can not determine to stay in the unorganized borough forever. There is no one that lives in the area now, our petition anticipated an election, but I will go back to the LBC staff and let them know of your decision and find out our options and report back.

D. Amending CBJ Code Relating to Succession of Office and the Filling of Vacancies

Ms. Mead referred to her memo to the Assembly and said the "hole" in the code regarding succession of office is the lack of clarity regarding what happens in the situation in which the deputy mayor succeeds to the office of mayor, as happened in November. She recommended that a provision should be outlined in code to clarify the deputy mayor interim succession in code. She recommends that the code be amended to provide for an interim succession process not only for those situations when the seated mayor and deputy mayor are both unable to preside at some given meeting, but in situations where the deputy mayor must succeed to the office of mayor in accordance with Charter Section 3.9. She also recommended amending code to provide a process for filling a mayoral vacancy by specifically stating what happens to the deputy mayor's seat once the deputy mayor succeeds. She said some jurisdictions require the deputy mayor to step down upon succession, while others provide that the succession is temporary until a permanent replacement is seated. She said either process would be permissible under CBJ Charter, as section 3.9 was silent as to whether the succession is permanent or temporary.

Ms. Becker said it seemed wrong to require the deputy mayor to step into the mayor seat, but have to step down and not be able to go back to the elected Assembly seat. She thought there should be an expectation that the person would return to their elected seat. Ms. Mead said that in the codes that she reviewed in which there was a provision for a deputy mayor, or mayor pro temp, it was a temporary succession. In the places where it provided that upon the vacancy in the office of mayor, should an assemblymember succeed to the office, they resigned their seat. The decision is made at the time of succession whether to resign from office, and the assemblymember would need to affirmatively make that choice - that was the missing piece in the CBJ code. CBJ has an election process for the deputy mayor.

Mr. Nankervis said he feels that the deputy mayor stepping in to the mayor's role is a temporary assignment, and there should be a fall back to their seat when there is a mayor. They step in the office because they have been the deputy mayor and at such point there is a special election or the next regular election and they go back into their seat.

Ms. White asked if there was any distinction between the communities and their procedures based on whether or not they have a strong city manager form of government. Ms. Mead said she did screen the communities as examples that did not provide for a mayoral succession or that were not applicable to the CBJ situation.

Ms. Troll concurred with Mayor Becker and Mr. Nankervis, that if the deputy mayor steps up they should not have to relinquish their own seat. It seemed unfair otherwise. The deputy is doing an extra set of duties under unusual circumstances and the person should not be penalized. She liked the consistency of calling for an election or not - it seems that 6 months before a regular election was the common time frame if there was a vacancy.

Mr. Kiehl asked if there was any disagreement that the deputy mayor that succeeds to the office of mayor does this in a temporary manner.

Ms. Bursell said if it was not temporary, there would be valuable knowledge lost in the transition.

Mr. Jones agreed and said he saw no purpose in the person stepping up into the mayor role losing the seat on the Assembly. Not having to vacate the assembly seat is important. He said there is some discussion needed on the succession to deputy mayor and that may be a separate decision.

Mayor Becker said by calling the person who succeeds to the mayor seat temporary / acting or interim, the position is diluted. The role has all of the responsibilities and duties, and it confuses the public to use those temporary type of words. She said that once the mayor role was filled in any manner, the issue of an election of a deputy mayor would be back before the assembly.

Without objection, Mr. Kiehl said there was consensus that when a deputy mayor assumes the position of mayor that does not shorten their elected term on the assembly.

Ms. Mead said that other jurisdictions provide that the deputy mayor succeeds on an interim basis or pro-temp basis to the office of mayor. It sets by code when a special election can be called and it does that so it doesn't become a politicized process, because otherwise you have an assembly making a decision about whether to call a special election based on who they appoint, and that is what the code is trying to avoid. If the deputy mayor succeeds on an interim basis, then the interim succession for deputy mayor that is currently in the code works. That provision says that if the elected deputy mayor is unable to serve as deputy mayor and there is not a mayor at a particular meeting, then the person with the most seniority steps in on an interim basis. Putting it all together, if we had a code section in place that had the deputy mayor succeeding on an interim basis to the mayoral seat, what would have happened in November would be that the deputy mayor would have succeeded to the office of mayor, the most senior person would have succeeded to the office of deputy mayor on an interim basis, and if the code had provided for a special election if the vacancy occurred more than six months out then a special election would have been called and then we would have proceeded. If it had happened in August, the same succession would have happened and we would have had the election in October.

Mr. Jones said that needed to be clearer if there was to be an ordinance. He liked the model code and state statute in the other municipalities that put in a six month dividing line for the special election requirement.

Mayor Becker said she did not agree. The Assembly should not be forced to spend money for a special election if it places a requirement to have a special election with a greater than six month timeline.

Ms. Troll said she understood that if it was greater than six months out from the regular election, she thought it would be an option to hold a special election, not a requirement. Ms. Mead said the codes in other jurisdictions required the special election, but they do so in order for it not to be a political decision.

Mr. Nankervis said if there was not a hard line, then there is a mess like we have now, where we choose or don't choose. He did not favor the six months. It would not ever be more than 11 months and he preferred to wait to the next regular election as he was not a fan of special elections. If the vacancy hits at six months, and there is a minimum of two months to hold the election, there is only four months left until the regular election anyway. He would prefer to say that the position would be replaced at the next election cycle and it is rolled into the general election.

Ms. White said it happens infrequently, but it did happen in 1995. If there is a set procedure, then there would be less strife.

Ms. Mead said the same options were provided to the Assembly in 1995 and they had the same options that were before the Assembly. In the jurisdictions that provide for the temporary/interim deputy mayor, that person sits as mayor not until the election, whether a special or regular, but literally very temporarily, and the assembly still appoints someone to the mayoral seat, be it until the election or the special election. In those jurisdictions, the assemblymember assuming the mayoral seat resigns from their seat. If that is not where the Assembly wants to go, which is most like Yakutat, then what the assembly is considering is something akin to what we have with Mayor Becker, and codifying something like the ordinance we past recently to allow her to return to her seat. If the deputy mayor succeeds to the mayoral seat until the regular or special election, there is still the issue of a vacancy on the Assembly and there is still an issue of what happens if the deputy mayor's term doesn't end upon the special or regular election.

Ms. Sheinberg liked de-politicizing and the state statute provided six months and she felt that the cost was not a significant factor so she supported the six months.

Mr. Jones said there needs to be a certainty - not a choice, but he did not have an opinion on a time frame.

Ms. Troll supported an special election to be held if there was more than six months until the next regular election and a clear process.

Mr. Kiehl liked a set process, and removing discretion can be helpful. The time remaining in the mayor's term might be a better call regarding the appropriate trigger for a special election. Perhaps 15 or 18 months remaining in a term, for example.

There was some discussion about Mr. Anderson and Mr. Doll's resignation, who resigned in the summer, the year their term was ending.

Ms. Mead spoke about an Anchorage ordinance which allowed a seat to remain vacant if there was 90 days or less in the term.

Mr. Jones suggested it would be helpful if the Law Department could draft an ordinance for the Assembly to review and edit, that would provide options, given the time remaining in the meeting.

Mayor Becker said the Assembly could take its time on this issue.

Mr. Nankervis said the Assembly was trying to accomplish a solution to what happens to the mayor's position when the deputy mayor steps into the mayor's position and the newly vacated assembly position. Ms. Mead said there was only a newly open vacancy on the Assembly if the deputy mayor is succeeding permanently to the office of mayor, until the next regular election or a special election. The language for the filling of an assembly seat in code now is sufficient.

Mr. Kiehl said that hearing no objection to Mr. Jones' request for "something concrete," this issue will appear before a future Committee of the Whole meeting at an earlier time in the evening. Ms. Mead said by her providing an ordinance, she would be the one choosing the parameters, and the Assembly could amend it at a future meeting.

Ms. Becker acknowledged the Assembly was not providing direct direction.

MOTION, by Jones, to request the attorney to draft an ordinance on the succession of the mayor to a vacant mayor position, to bring back to a committee of the whole at an appropriate time, that allows for the succession of the deputy mayor to the mayor, on an interim basis, so that the Assembly does not have to fill that person's seat, that allows that temporary mayor to go back to

their district seat, and that the attorney state that the election for the remaining term of the mayor be set for the next election, as a start of the draft, for amendments.

Ms. Sheinberg said that anything that depoliticizes the process would be good.

Ms. Troll said the six month dividing line was a good place to start.

Mr. Nankervis said he was fine with the motion calling for a "talking points" ordinance.

Hearing no objection, it was so ordered.

E. Lands Management Plan

Ms. Kiefer asked if the issue should be forwarded to a future meeting or addressed tonight.

Mr. Kiehl asked Mr. Chaney to answer the questions that had been asked. Mr. Chaney said he drafted a memo for inclusion in the packet - but it was not included in the packet. He summarized the comments. Mr. Kiehl asked that the comments be sent to the Assembly and included in a future meeting packet.

V. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

Mr. Nankervis welcomed Ms. Bursell to the Assembly.

Mr. Jones asked how to address the concerns presented by the citizens who spoke to the issue of marijuana commercial operations in residential zones. He said he would like to discuss the matter at a Committee of the Whole meeting. He would like to have a noticed meeting to discuss the concerns brought to the assembly.

Mr. Kiehl said he will work with staff to get the matter before the committee at a future meeting.

Ms. Sheinberg said she has received conflicting information from staff and others regarding the initial recommendation from staff on the Table of Permissible Uses and sections 14. 245 and 19.240 - she would like the history and rationale. Ms. Mead said she could provide that for all.

VI. ADJOURNMENT

There being no further business to come before the committee, the meeting adjourned at 9:48 p.m.

Submitted by Laurie Sica, Municipal Clerk

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

March 14, 2016, 6:30 PM.
Municipal Building - Assembly Chambers

Assembly Worksession - No public testimony This meeting will immediately follow the
Special Assembly Meeting No.

I. ROLL CALL

Deputy Mayor Jesse Kiehl called the meeting to order at 6:40 p.m. in the Assembly Chambers.

Assemblymembers Present: Mary Becker, Jamie Bursell, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Jerry Nankervis, Kate Troll and Debbie White.

Assemblymembers Absent: Barbara Sheinberg.

Staff present: Kim Kiefer, City Manager; Amy Mead, City Attorney; Laurie Sica, Municipal Clerk, Greg Chaney, Lands and Resources Manager; Rob Steedle, Community Development Director; Christine Steadman, Planner.

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

None.

IV. AGENDA TOPICS

A. Land Management Plan

Greg Chaney said he was present to provide answers to any questions about the Draft Land Management Plan 2016. He recommended that the COW accept the plan following discussion and move it to the Assembly for public hearing.

Ms. White asked about the word "retain" and its meaning if there was a large parcel of land to sell, but the access lot said retain. Ms. Chaney said it was very site specific, but the word retain meant that it was to be kept, and to dispose would take significant public process. There could be a dedicated right of way through an access lot. She asked if there is any commercial or industrially zoned land set to be disposed by CBJ. Mr. Chaney said there was some in Lemon Creek behind Costco / Home Depot. The area is down to the lower level gravel and if there is a good proposal, we could dispose of the property.

Ms. Troll said there were some recommendations from the Parks and Recreation Advisory Committee (PRAC) and the Juneau Commission on Sustainability (JCOS) and she thought that some of the comments might be more appropriate for inclusion in the comprehensive plan. Mr. Chaney said there were significant comments on parkland, the last update to the Parks and Recreation Comprehensive plan was long ago. After PRAC has done its work to review its comprehensive plan, he recommended adopting an update to the Lands Management Plan and the Parks and Recreation Comprehensive Plan in tandem at a future date.

Ms. Troll said that there was direction from JCOS regarding infill and other topics and it may not fit with this Lands Management plan but we need to have a way to track their good thoughts. Mr. Chaney said he thought that their ideas were included in the general section of the plan and incorporated - the plan holds up well to the principles the JCOS provided. He did not feel they were lost by any means.

MOTION, by Troll, to forward the approval of the Land Management Plan to the full Assembly.
Hearing no objection, it was so ordered.

B. Update on Marijuana Legislation

Mr. Kiehl said this was an Assembly generated item and he asked staff for any input. Ms. Kiefer said staff was available to answer questions.

Mr. Kiehl asked if the Assembly was prepared to open the discussion to review its decision on zoning marijuana establishments.

Mr. Jones said there were two choices: to uphold an ordinance adopted in November, or to instruct staff to bring forward an ordinance to change the ordinance we adopted in November. Mr. Jones said as he read the ordinance that came out of the Planning Commission, when it gets before the Assembly, if we are to make some amendment to that he asked if it would require reintroduction, as it would change the title, and he did not see that action solving the problem that has been brought to us.

Mr. Kiehl agreed that Ordinance 2015-38 was not a vehicle to change zoning, even though it was in Title 49. That was a separate question. Ms. Mead said the ordinance was drafted as a special use chapter and did not include a zoning component.

Mayor Becker said the issue of cultivation in D-1 zones is of concern. She said she would like to have a discussion about the significant concerns expressed by the community, whether the ordinance is reopened or not.

Ms. Gladyszewski said she would like to see Ordinance 2015-38 come before the COW for review.

Ms. Sheinberg asked if at the upcoming Assembly meeting there would be proposed changes to the special use chapter in Title 49. Ms. Mead said yes. Ms. Sheinberg said she was pleased to hear that and thought that would address some of the concerns that have arisen.

Mr. Jones said he read the packet thoroughly and said he was torn on the topic of reopening the issue. He voted to remove cultivation from D-1 and that motion failed. He serves on the statewide marijuana control board and has watched what other communities are doing with zoning. This is a unique debate that Alaska is having. When you talk with people, they are supportive of personal use, of decriminalization, and some are surprised about the business side of the initiative - even though the four possible uses were listed - so now we have to regulate a business that has been legitimized by law. The federal government has made it clear that if we regulate, they will allow the state and locals to control. This city got ahead of it, the marijuana committee worked hard, and by the number of votes we took, which were close, we took the time and put a lot of effort into it. I am not sure if I would support reopening this again. It will be never-ending, no matter which way we go, and it has ignited enough interest between various groups, we will have many upset people in either direction. We have done enough of due diligence, enough discussion, enough close votes, and I don't see enough of those votes changing if we go out again. I would personally like to see cultivation in D-1 removed, but at this point I am not sure we need to spend time re-opening this discussion.

Ms. Troll said she concurred with much of what Mr. Jones said, and our previous vote was a 4-4, and not a clear majority. Her interest has been to see the industry succeed. Washington and

Colorado had primary recommendations to not allow commercial marijuana operations in residential districts. I think we should start off by allowing all of our residential districts to be the same. I respect the majority vote and due process. I would like for us to consider using some of our commercially zoned land to be leased for greenhouses, warehouses, to give the industry a chance, and we need to respect basic zoning principles. She was willing to revisit the issue as the previous vote was 4-4.

Ms. Becker said that she did not know that the industry could begin only if CBJ allowed cultivation in D-1. We are talking about a 500 foot area, and the manager is prepared to tell us the size of operation in a D-1 zone. Ms. Kiefer outlined the area within the room, measured to include the first row of seats, the two white pillars, and to the back wall of the room. Ms. Becker said she was not sure how many plants could be grown in that space.

Ms. White said 500 square feet was the size of a two car garage. She had trouble revisiting this, there was significant time spent on this. This is an industry that the public has voted to legitimize. This is an industry that is currently operating without us and we do not want to drive this industry under ground. There can be significant regulations on light, odor and other issues in the conditional use permit process. We can address setbacks. This use can still be done and if we are not careful, there will be other businesses not allowed in D-1, such as child care centers. The requirement for a marijuana establishment to hold two open houses for the public as a requirement for a marijuana establishment permit in a D-1 zone seems over the top and she said she would not be comfortable in a situation such as that. The Assembly, staff and the law department have spent a lot of time on this issue and she did not want to open the topic.

Ms. Bursell said she did not believe that by removing marijuana cultivation from D-1 it would mean that no one could grow it. She asked about D-1 inside the urban service boundary, and did this give certain people an advantage. An area under cultivation of 500 square feet needs 31 grow lights and for each light you can get a pound a month. One pound is about \$2000 so she figured an income of \$62,000 a month in such a facility. This is a large income. Her concern was about the money, because it was federally illegal, and there was not the ability to use a bank, there could be a lot of cash on hand at a business. This is the concern of the crime rate. Filing taxes will also be an issue federally, the business owner cannot deduct payroll expenses and rent complicates the issue. The Denver Police Department has some statistics since legalization and they found the rate of criminal activity in licensed facilities was higher than in non-licensed facilities. She felt strongly that on your own property you should be able to do what people want to do and she respects her neighbors, but this is about what is the best for Juneau. So many people have come forth to say this would negatively effect Juneau and to see this neighborhood conflict is sad. We need to listen to people and see what they really want within their neighborhoods and not make the decision for them. It would be a good thing to come to the vote of the citizens. I do not want to see more disharmony and this is a potential for increased conflict.

Mr. Nankervis said he was not available to vote on that 4-4 vote. He was not on the marijuana committee but followed the discussions closely. He did not support the ballot initiative, but if he was here on that night, he would have supported cultivation in D-1 and he has not heard any arguments to make him believe that what was done is so fatally flawed that we need to open it again. Once we start applying the law we may change our minds. Some of this is a horse out of the barn, and we find ourselves with trying to do the right thing in the best interest of the community. If this is going to be a business, I would prefer it to be treated like any other business and that we don't create unnecessary obstacles.

Ms. Sheinberg thanked the staff for the time to put together the review materials in the packet, to synthesize, refresh and walk through a record that she was not part of creating. She thanked everyone for the many comments on both sides of the issue and she has had some heartfelt discussions with people on both sides. She was not on the Planning Commission or the Assembly at the time and she read every word of the record to understand where we got to where we are and what she found was that there was some agony behind votes. At the end, she felt that there was a good credible process. She had a running list of the arguments for and against a small cultivation in and outside of the urban service boundary. Some people did raise concerns on many issues

and the Planning Commission took those issues up and debated them. Planning Commission Chair Satre's action allowed for additional comment and time for voting. It was a good process on a tough decision. She did not think the Assembly should revisit a good process. If there had not been vigorous debate, then it would be worth it. She did not favor opening this up again and revisiting this. We have reinstatement of the zoning officer in the upcoming budget and that is important. Having been on the Planning Commission, she believes in the conditional use process, she has seen them approved and denied and had many conditions put on them.

Ms. Gladziszewski said she appreciated Ms. Sheinberg's comments. She sat on the marijuana committee and as a past member of the Planning Commission she believes that a conditional use process works and small grows can be permitted in the D-1 area. This is a contentious issue, a new industry and she wished for more agreement than a 5 -4 vote. We have an additional petition that was submitted tonight and there won't be consensus on this issue, that is clear. The process was thoroughly debated and she did not favor opening the ordinance for amendment.

Mr. Kiehl said the marijuana committee started its work in February and as chair we attempted to do significant research, to do a thorough job, to gain public comment and participation, and have an open process. When the zoning ordinance was before us we held an additional public hearing beyond what we normally do for an ordinance. For all the public process, we do not have consensus. As Chair Satre said, in a land limited town, these disagreements will arise frequently and we can not eliminate them. We have some long-standing disagreements about zoning and uses allowed. He voted to keep marijuana cultivation in D-1 outside of the urban service boundary and he still thought it was a good decision. He spoke about the research he had done on the topic, particularly regarding crime rates. He said he could not promise there would not be a business that got robbed, as he could not promise his house would not be robbed. He was looking forward to the ordinance that would come before the Assembly in a few weeks and he was satisfied with the decision made in November. Absent a motion, he asked if the Assembly was ready to move on to the next topic.

MOTION, by Becker, to re-open the ordinance regarding cultivation of marijuana in D-1 zoning districts.

Roll call:

Aye: Becker, Bursell

Nay: Jones, Gladziszewski, Kiehl, Nankervis, Sheinberg, Troll, White.

Motion failed: 2 ayes, 7 nays.

Ms. Troll asked about the possibility of leasing CBJ land in commercial or industrial zones for this industry.

Mr. Jones said he thought the private sector would be competing for this new business.

Ms. Gladziszewski said that when staff is directed there needs to be five members to request that. She said that if someone was interested they could do research and contact the lands division. What good would the research do? Ms. Troll said that she thought this was being proactive, as a gesture to make sure that this industry succeeds and whether or not it is market rate or reduced, that is a separate discussion.

Mr. Jones asked, as part of the current housing plan, is there are commercial businesses or industrial uses that might be better suited to move to free up land useful for housing. Was this an idea in some plan that may already get to what Ms. Troll is asking for. Also CDD was asked to compile a list of industrial / commercial land - does this exist? Ms. Kiefer said there is about 1400 acres of industrial land in CBJ and about 650 acres is the airport, 100 acres is the landfill, the golf course is a significant amount and there is some in wetlands. She was not aware of a review done for commercial properties, and asked for more specific instructions.

Mr. Nankervis said he appreciates the effort, but there is not a demonstrated need. There is nothing to prohibit any business from approaching us as a landowner to see if they can lease or

purchase property. We don't need to change anything that we do now - we have an open door policy. Ms. Troll said just by having the discussion, the Assembly has elevated the willingness to look at the issue.

Ms. Troll said she attended an AML program on the marijuana industry. If we only allow a retail source to sell edibles, they are potentially more harmful than for someone to purchase it and smoke it. If we are going to have people consume marijuana the more appropriate way is to allow them to smoke it, but they can only have edibles because of the smoking ordinance. She would like the Assembly to evaluate allowing marijunana retail stores to allow consumers to smoke on the premises in a way that doesn't negate the smoking ordinances. My discussion with the law department has been that there is no resolution on this issue yet. We are getting inquiries from tourists now on how to participate.

Mr. Kiehl said that in his experience, the question is premature. No zoning has come forward that allows people to consume at a marijuana retail establishment. Mr. Jones said that was correct. In the MCB regulations adopted, we might consider an endorsement on a retail license to allow consumption, but this has not been discussed regarding what those regulations might look like. We don't anticipate issuing the first licenses for retail until September. Whatever we do will run afoul of the initiative that states that you may not consume in public. I understand Ms. Troll's concern and there may be an issue in the summer, but the majority of product will be consumed in the home.

Ms. Gladziszewski said that this issue was discussed in the Marijuana Committee many times, and the smoking ordinance was important. She also said she would like to do more work on Ordinance 20015-38 and hoped that it could be referred to committee at some point.

C. Ordinance 2016-11 An Ordinance Amending Title 11 of the City and Borough of Juneau Code of Ordinances Relating to the Filling of Vacancies on the Assembly.

Ms. Mead said the intention behind the ordinance was to provide talking points for the Assembly. I understood from the last meeting that the Assembly wanted the deputy mayor to fill the mayor's spot on a temporary or interim basis. What she did not know was if that was meant to be until there was an election or until the Assembly appointed someone to sit in the seat until the election, so she based the draft ordinance off of state law, which provides for the latter. The ordinance passed in January was a non-code ordinance and allowed Mayor Becker to return to her Assembly seat after the special election. That language could be incorporated into this draft ordinance before you. The other direction she received from the Assembly was to provide a set point for determining whether or not to have a special election in the case of a mayoral vacancy and again she based this off of state law.

Mr. Nankervis provided a hand out with his talking points on the ordinance, in which he lined out language that had been proposed by Ms. Mead and underlined new language, trying to mirror what Ms. Mead drafted and what he thought the Assembly intended with the exception of time specific issues. Mr. Nankervis said that the vacancies refer to all members of the assembly. The draft states that when the deputy mayor succeeds to the office of mayor that when that mayor is elected at an election, the deputy would have the option to go back to the regular Assembly seat.

Ms. Mead said the difference with Mr. Nankervis memo is that it treats all seats the same. The Charter defines all nine members as Assemblymembers and one is called out as the mayor, which is why the law only calls out the filling of a vacant assembly seat and not a special circumstance of the filling of a mayoral seat. There needs to be an amendment regarding the interim deputy mayor position, because the one thing that is left unstated under Mr. Nankervis' scenario is how to refill the Deputy Mayor position.

Ms. White was concerned with the drafting by the attorney that does not provide for succession by the deputy mayor. She did not want the Assembly to take applications for appointing a member of the community to be Mayor. Ms. Mead said other codes from communities provide that the deputy mayor fills the vacancy only temporarily, only until the next election. It is not a permanent

succession. In other codes they require that if one of the Assemblymembers succeeds to the office of the mayor, including the deputy mayor, they need to resign their seat.

Mr. Jones said that Mr. Nankervis's suggestion allows a deputy mayor to serve as mayor for an 11 + month term of service until the next regular election. No matter how long the vacancy is for the deputy mayor will serve until the next election.

Ms. Gladziszewski said it had not occurred to her that the assembly would pick a mayor, not automatically the deputy mayor.

Ms. Troll said it makes more sense to have the deputy step up to mayor.

Mr. Nankervis said he was assuming what was done in the past and he was trying to codify this. He read that the deputy is selected by the assembly after the election, and did not add this in here because it is somewhere else.

Ms. Mead said if the Assembly chooses to have the deputy mayor succeed to the office of mayor, whether it is until a special election or the next regular election, the ordinance needs to determine the choosing of the deputy mayor, because there would not be another election until the regular election, and what happens to the deputy mayors term if the deputy mayor's term does not end /coincide with the regular election (so a provision for a return) so that the person appointed must be only until the next regular election or the deputy mayor returns.

MOTION by White, that the deputy mayor succeeds to the office of mayor.

Ms. Gladziszewski said it made a difference if it was a six month period or forever. If the person is going to be mayor for ten months, we may want to pick that person from the current Assembly. If the deputy will only be there for a short period of time, that would be different.

Ms. Sheinberg said it made sense that if it was less than six months to the next election, the deputy mayor becomes the mayor until the next regular election, or if it is more, the deputy mayor steps in as mayor until a special election.

MOTION, by White, modified her motion, that the deputy mayor succeeds to the office of mayor, whether it is a regular or special election.

Ms. Troll said she would like to de-politicize the decision about the special election and supported Ms. White's motion.

Ms. Gladziszewski said she always thought that the deputy mayor should step in to be the mayor, and she thought there was also merit to having another member possibly step in as mayor.

Ms. Becker said the Assembly does pick the person who becomes mayor - the Assembly elects the deputy mayor. Typically this has been done by seniority, but not always. People in the community have said to her, when she was deputy mayor, that she would need to be ready to be the mayor if something happened.

Mr. Kiehl said that having the deputy mayor succeed was the least political choice.

Hearing no objection, the modified motion was approved.

Mayor Becker said she agreed the term of service should be until the next regular election. The public has to feel that you have made such a horrible mistake about who you chose as deputy mayor to hold a special election. It is a huge effort on the part of the staff. When we don't have minutes to review we can blame the special election. She hoped this decision was never before the Assembly again. She asked the Assembly what they thought the mayor could possibly do that would be so all powerful.

Ms. Troll said the holding of an election was not just about the money. We need to respect the vote of the people. The time was longer than six months and this is what other communities have done. \$35,000 in a \$300 million budget is not an exorbitant expense and the downside of missing a set of minutes in order to allow the public to have their say as to who is to be mayor, she thought it was worth the cost. She perceived people want to be able to vote for who is mayor. She did not support Mr. Nankervis' wording.

MOTION, by Gladziszewski, to conduct a special election for Mayor if the vacancy is longer than six months.

Mr. Nankervis said the odds were 50/50 that it would be more than six months. He had faith that Mary and Jesse could fill the void until the next election. He believed it is satisfactory to wait to the next regular election.

MOTION, by Gladziszewski, to amend her motion to use "eight months."

Ms. Becker disagreed with the need to say to the public, "we have to have another election, because we have to elect our mayor." She was elected four times. Perhaps the mayor has some connotation but the position is an Assemblymember, and she found this personally insulting. She was elected as an Assemblymember and the mayor is an Assemblymember serving as the mayor.

Mr. Kiehl said there can be a situation in which there is two years and eight months or just 8. In the longer time it makes sense, but in terms of the case at the end of a mayoral term, eight months makes more sense.

MOTION, by Becker, to amend the motion to say "may" call a special election, rather than shall.

Ms. Troll objected because the word may did not achieve "de-politicizing" the decision.

Mr. Nankervis objected for the same reasons.

Roll call:

Aye: Becker

Nay: Bursell, Jones, Gladziszewski, Kiehl, Nankervis, Sheinberg, Troll, White.

Motion failed, 1 aye, 8 nays.

Ms. Mead clarified the timeline being based on the remaining time in the mayoral term, as in Anchorage, or as the other communities which the timeframe to the next regular election.

Mr. Kiehl restated the motion on the floor to be if a vacancy occurs in the office of mayor with 8 months or more before the next regular election, a special election shall be called.

Ms. Sheinberg appreciated Ms. Becker's comments and she would vote for this motion because it made sense that the position of Mayor be elected and it was important to make the distinction.

Ms. Gladziszewski wanted to codify a process so hard feelings were avoided, and she felt bad that Ms. Becker felt bad.

Roll Call:

Aye: Bursell, Gladziszewski, Kiehl, Sheinberg, Troll

Nay: Jones, Nankervis, White, Becker

Motion passed 5 ayes, 4 nays.

Ms. Mead said she suggested that for the refilling of the deputy mayor position, that the code be amended that provides for interim succession so that it applies to both in cases when the mayor and deputy mayor is absent and in the case when the deputy mayor succeeds to the office of mayor. The intent of the current code was only to apply when the mayor and deputy mayor were both absent from a meeting - to determine who would provide over a meeting. This same provision

could be used for the filling of the office of deputy mayor when the deputy mayor succeeds to the office of mayor.

MOTION, by Nankervis, that upon succession of the deputy mayor to the office of the mayor, the Assembly shall fill the vacancy of deputy mayor by a majority vote of the body. Hearing no objection, it was so ordered.

Mr. Kiehl said he was still confused about the return of the deputy mayor to the office of mayor. Ms. Mead said that was a remaining question which was not in current code. Most other jurisdictions provide that if a seated Assemblymember succeeds to the office of mayor, they must resign from their seat. CBJ could provide, as we did in January, where the deputy mayor can go back. We would need to provide for two different scenarios for the filling of an Assemblymember's seat. When there is a vacancy in the office of an Assemblymember - not the Mayor, one is as it is in current code where you elect someone by majority vote and that person serves until the next regular or special election. Then we would also have to provide for something different, in the case of filling of an open Assemblymember seat, when it is open because the deputy mayor has succeeded. Either resignation or return to seat, in which the person filling the seat serves until the next regular election or the deputy mayor returns.

Ms. Mead asked if the Assembly wished to retain the ability to hold a special election for a vacant Assembly seat that is not the Mayor.

MOTION, by Gladziszewski, to draft language to allow the deputy mayor to get their seat back, if they choose not to run for mayor. Hearing no objection, it was so ordered.

MOTION, by White, to determine that appointing an assemblymember until the next regular election was sufficient, rather than holding a special election for a vacancy on the assembly other than the mayor. Hearing no objection, it was so ordered.

Ms. Troll acknowledged the work of Mary Becker in stepping up in this difficult situation and it has been a difficult time for all and she thanked her for her work as Mayor.

V. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

None.

VI. ADJOURNMENT

There being no further business to come before the committee, the meeting adjourned at 9:04 p.m.

Submitted by Laurie Sica, Municipal Clerk



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: CBJ Assembly

FROM: Amy Gurton Mead, Municipal Attorney 

DATE: March 9, 2016

SUBJECT: Ordinance 2015-38

In order to understand the evolution of Ordinance 2015-38 from its inception with the Marijuana Committee, through the Planning Commission, to the version as it appears in your packet for introduction, I am providing the following materials and information:

Ordinance 2015-38 began with the Marijuana Committee. After many meetings and discussions, the Committee forwarded a draft of the ordinance to the Planning Commission, which first considered the ordinance at its January 26 committee of the whole meeting. Attached you will find Ordinance 2015-38 (PC v. 1) and a memo explaining the changes to the ordinance made by the Committee. That version of the ordinance is the version forwarded to the Commission by the Marijuana Committee.

Ordinance 2015-38 (PC v. 2) and the memorandum that accompanied it dated February 2, 2016, reflect the changes the Commission made to ordinance following its January 26th committee of the whole meeting.

Ordinance 2015-38 (PC v. 3) accepts all of the prior changes, and reflects – in italics – the changes made to the ordinance by the Commission at its February 9, 2016, meeting. Version 3 was considered at the Commission's February 23rd meeting.

Ordinance 2015-38, the version being introduced, is the final version as amended by the Planning Commission at its meeting on February 23rd. Differences between the last draft reviewed by the Commission (2015-38 PC v.3) and this draft are as follows:

1. CBJ 49.65.1130, License suspension or revocation.

The Commission suggested amending this to give the director the discretion as to the consequences to impose if a licensee fails to comply with a corrective order.

I amended the draft ordinance to allow the director the discretion to either suspend or revoke a license for failure to comply with a corrective order (changing the "shall" to a "may"), and added a subsection (b) setting sidebars on that discretion to guide the director's decision.

2. CBJ 49.65.1140, Inspections.

The commission asked that the ordinance clarify that licensed premises are subject both to inspection at the discretion of the director, as well as required to submit to an annual inspection for the purpose of ensuring compliance with the chapter in order to be eligible for license renewal. Those changes were made (*see* CBJ 49.65.1120 and 49.65.1140).

3. CBJ 49.65.1145 and conditional use permits.

The commission considered either imposing a sunset provision automatically terminating marijuana establishment conditional use permits every five years, or providing for a mandatory review. The commission decided on the latter, making conditional use permits reviewable every five years. Section 49.65.1145 was amended to provide for a five year review cycle, and to give the commission the authority to amend conditions if deemed necessary.

4. CBJ 49.65.1170, Penalties.

The commission asked that CBJ 49.65.1170 be amended to remove the sentence that read: Each and every day during which a violation of this chapter is committed, permitted, or continued shall be treated as a separate offense and subject the offender to separate charges and fines, in accordance with CBJ 03.30.075.”

That was done.

5. CBJ 49.85.100 relating to license fees.

The commission directed that the license fee be increased from \$50 to \$450 to more accurately cover administrative costs. That was done.

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-38 (PC v.1)

An Ordinance Amending the Land Use Code to Provide for the Regulation of Marijuana Use and Marijuana Establishments and Providing for a Penalty.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Chapter. CBJ 49.65 Specified Use Provisions is amended by adding a new article to read:

ARTICLE X. MARIJUANA ESTABLISHMENTS

49.65.1100 Purpose.

It is the purpose of this article to establish reasonable regulations that allow for the operation of marijuana establishments within the City and Borough in a manner that promotes public health, safety, and general welfare.

49.65.1105 License required.

(a) No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license issued by the State of Alaska. The following types of licenses may be issued under this article:

- (1) Marijuana retail store license;
- (2) Marijuana cultivation facility license;
- (3) Marijuana product manufacturing facility license; and
- (4) Marijuana testing facility license.

(b) A separate license shall be required for each specific business or business entity or for each geographic location.

(c) Upon denial or revocation of a marijuana establishment license issued by the State of Alaska, any license issued by the City and Borough under this article shall be null and void. If a court of competent jurisdiction determines that the issuance of local licenses violates State or federal law, all licenses issued under this article shall be deemed immediately revoked by operation of law, with no ground for appeal or redress on behalf of the licensee.

49.65.1110 Prohibited Acts.

(a) It is unlawful for any licensee to engage in business contrary to any term or condition of any City and Borough of Juneau marijuana establishment license or any provision of this chapter.

(b) It is unlawful for any person to obtain or attempt to obtain a license by making a false statement in any application for a license, or by any other fraudulent or deceptive means.

(c) It is unlawful for any person to forge, counterfeit, or fraudulently alter a license issued under this chapter.

(d) It is unlawful for any person to obstruct, impede or otherwise refuse to allow an administrative inspection authorized under CBJ 49.65.1140.

(e) It is unlawful for any person licensed or regulated under this article to knowingly or

willfully authorize, order, instruct or permit an employee, agent or person under the licensee's control to do an act in connection with the licensed activity which violates any provision of this article or any license issued under this article.

49.65.1115 Application for license.

(a) An applicant for a marijuana establishment license shall submit an application on a form provided by the director accompanied by the appropriate fee. Applications must include the following documentation:

- (1) If the applicant is not a natural person, the organizational documents for all entities identified in the application;
- (2) A copy of the lease or deed for the property upon which the marijuana establishment will be located;
- (3) A list of all other uses on the property;
- (4) A statement verifying compliance with any buffer requirements imposed by 3 AAC Chapter 306 of the Alaska Administrative Code;
- (5) A copy of the Notice of Decision approving the conditional use permit by the City and Borough of Juneau Planning Commission; and
- (6) Any additional documentation determined by the director to be necessary to make a decision whether to approve or deny the license application, or approve with conditions.

49.65.1120 Term of license; renewal.

(a) No license granted or issued under any of the provisions of this title shall be in any

manner assignable or transferable.

(b) Licenses are valid only as long as the applicant holds a current license from the State and is in compliance with the applicable conditional use permit.

(c) Licenses issued under this chapter are effective from the date of issuance through December 31 of the same year.

(d) Licenses shall automatically renew upon the timely remittance of the annual license fee, due by January 1. Failure to timely remit the annual license fee shall result in the license expiring and will require a new license application.

49.65.1125 Corrective orders.

(a) The director may issue a corrective order whenever a licensee:

- (1) Has violated any provision of this chapter;
- (2) Has relinquished legal control of the licensed establishment to any other person;
- (3) Has failed, refused or neglected to comply with any general or special term or condition of the license issued under this chapter, or any provision of Alaska Statute Chapter 17.38, or regulations adopted pursuant to that chapter;

(b) A corrective order shall be served on the licensee by hand-delivery or certified mail and shall specify:

- (1) The term or condition of the license that has been violated;
- (2) The corrective action, if any, the licensee may take to prevent suspension or revocation of the license, and the time limited for such corrective action, which shall be no earlier than seven (7) days following date of issuance of the corrective order;
- (3) Notification of the penalties provided by this title; and

1
2 (4) That the licensee may request an informal meeting before the director prior to
3 suspension or revocation of the license in order to allow the licensee to contest the grounds
4 for issuance of the corrective order and to provide the licensee the opportunity to provide
5 information to the director relevant to the grounds for the corrective order.

6 (c) Based on information timely received from the licensee, or from any other source, the
7 director may amend the terms or conditions of the corrective order, or after consideration of the
8 information provided by the licensee, affirm the corrective order as issued.
9

10
11 **49.65.1130 License suspension or revocation.**

12 Upon the expiration of the time allowed in a corrective order issued in CBJ 49.65.1125, if the
13 licensee has not complied with the corrective order, the marijuana establishment license will be
14 suspended or revoked. Upon suspension or revocation of any license, the director shall notify
15 the person whose license has been suspended or revoked by certified mail or by hand-delivery.
16 Following such suspension or revocation and after notification, it is unlawful for the licensee to
17 continue to operate the marijuana establishment.
18

19
20 **49.65.1135 Appeal.**

21 The denial, revocation, or suspension of a marijuana establishment license is appealable in
22 accordance with CBJ 01.50.
23

24 **49.65.1140 Inspection of premises.**

25 A marijuana establishment or an applicant for a marijuana establishment license under this
chapter shall, upon request, make the licensed premises or the proposed licensed premises,

1 including any place for storage, available for inspection by the director for the purpose of
 2 ensuring compliance with this chapter and any applicable marijuana establishment license.
 3
 4 Inspection shall include access to any marijuana or marijuana product on the premises,
 5 equipment used in cultivating, process, testing or storing marijuana, the inventory tracking
 6 system and business records of the licensee or applicant.
 7

8
 9 **49.65.1145 Marijuana establishment conditional use permits.**

10 (a) In addition to the permit application and supporting materials required by CBJ
 11 49.15.330(c), an applicant for a conditional use permit for a marijuana establishment must
 12 submit the following additional materials:

- 13 (1) A site plan of all buildings on the property where the marijuana use will be
 14 located, including, but not limited to: a floor plan showing how the floor space is or will be
 15 used to include but not limited to restricted access areas and the total floor area of the
 16 building(s);
- 17 (2) A security plan indicating how the applicant will comply with the requirements
 18 imposed by State law.
- 19 (3) A waste disposal plan indicating how the applicant will comply with the
 20 requirements imposed by State law.
- 21 (4) Marijuana cultivation facility license applicants must provide a ventilation and
 22 filtration plan describing the systems that will be used to ensure compliance with CBJ
 23 49.65.1155 and whether the applicant intends on using carbon dioxide. If carbon dioxide
 24 will be used by applicant, the plan should identify the storage area for the gas.
 25
- (5) Marijuana product manufacturing facility license applicants and marijuana

1
2 testing facility license applicants must specify all means to be used for extraction, heating,
3 washing or otherwise changing the form of the marijuana plant, along with proposed
4 ventilation and safety measures to be implemented for each process.

5 (6) Marijuana cultivation facility license applicants and marijuana product
6 manufacturing facility license applicants must specify the methods to be used to prevent
7 the growth of harmful mold and compliance with limitations on discharge into the
8 wastewater system.
9

10 (7) Any additional documentation determined by the director to be necessary for the
11 commission to make a decision whether to approve or deny the permit, or approve with
12 conditions.

13 (b) If a licensee desires to modify the licensed premises by changes to equipment, increased
14 use, such as in accordance with an approved State license endorsement, or any approved plan,
15 an amendment to the original application and required fee shall be submitted for review and
16 approval.
17

18 (c) In addition to any conditions imposed under CBJ 49.15.330(g), the commission may
19 impose any conditions necessary to ensure compliance with this chapter or State law.
20

21 **49.65.1150 Hours of operation – marijuana retail stores.**

22 Unless otherwise specified by a conditional use permit, licensed premises may open no earlier
23 than 8 a.m. and shall close no later than 11 p.m. the same day, Monday through Sunday. No
24 marijuana may be distributed, sold or dispensed at a licensed premises when the licensed
25 premises is required to be closed pursuant to this section.

49.65.1155 Documents to be displayed.

(a) A licensee shall prominently display the marijuana establishment license, in the same size and font as the original license issued by the director, in a conspicuous location inside the licensed premises near the main entrance.

(b) A licensee shall display two separate warning signs as follows:

(1) A sign containing the following health warnings:

(A) "Marijuana has intoxicating effects and may be habit forming.";

(B) "Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence.";

(C) "There may be health risks associated with consumption of marijuana.";

(D) "For use only by adults twenty-one and older. Keep out of the reach of children."; and

(E) "Marijuana should not be used by women who are pregnant or breastfeeding."

(2) A sign containing the following warnings:

(A) "Consumption of marijuana in public is prohibited by law. AS 17.38.040; CBJ 42.20.230.";

(B) "The transportation or shipment of marijuana and marijuana products outside of the City and Borough of Juneau by U.S. mail, air travel or in the waters of the United States is prohibited by federal law. AS 17.38.010(d)."

(c) The warning signs required by subsection (b) of this section must be at least 11 inches by 14 inches in size, and the lettering must be at least one-half inch high and in contrasting colors. The warning signs must be displayed in conspicuous location inside the licensed

premises near the main entrance.

49.65.1160 Odor.

All marijuana establishments shall utilize a ventilation and odor system that prohibits the detection of noxious odors from outside the licensed premises. For purposes of this section, noxious odors are those odors a reasonable person of ordinary sensibilities would find affect the person's enjoyment of life, health or property.

49.65.1170 Penalty.

(a) A person who violates or causes or permits to be violated a provision of this chapter is guilty of a civil violation.

(b) In addition to any other remedies provided by law, the City and Borough may seek a court order enjoining the continued operation, within the municipality, of any business whose owner or operator fails to comply with correction orders issued under CBJ 49.65.1125, terms of any decision on appeal under CBJ 49.65.1135, or who fails to cease operation following suspension or revocation of a license under CBJ 49.65.1130.

Section 3. Amendment of Section. CBJ 49.80.120 Definitions, is amended by the addition of the following definitions to be incorporated in alphabetical order:

Marijuana means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; "marijuana" does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

Marijuana cultivation facility means an entity that cultivates, prepares, and packages marijuana and sells marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

Marijuana product manufacturing facility means an entity that purchases marijuana; manufactures, prepares, and packages marijuana products; and sells marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

Marijuana retail store means an entity that purchases marijuana from marijuana cultivation facilities, purchases marijuana and marijuana products from marijuana product manufacturing facilities, and sells marijuana and marijuana products to consumers.

Marijuana testing facility means an entity that analyzes and certifies the safety and potency of marijuana.

Section 4. Amendment of Section. CBJ 49.85.100 Generally, is amended to read:

49.85.100 Generally.

Processing fees are established for each development, platting and other land use action in accordance with the following schedule:

...

(19) Marijuana license fee, \$50.00.

Section 5. Amendment of Table. CBJ 03.30.070 Violations; civil fines, is amended to read:

TBD

Section 6. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2015.

Attest:

Mary E. Becker, Mayor

Laurie J. Sica, Municipal Clerk



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: Planning Commission

FROM: Amy Gurton Mead, Municipal Attorney *AGM*

DATE: January 7, 2016

SUBJECT: 2015-38 Planning Commission v. 1 – Marijuana Special Use Chapter

At the last Marijuana Committee meeting, the Committee members considered a number of amendments to the draft ordinance now coming before you. This memo outlines those changes.

1. The Marijuana Committee recommended that 49.65.1145 (marijuana establishment conditional use permits) be amended to list only marijuana-specific items and to delete any references to items required as part of the conditional use process in general. As conditional use permit applications submittals aren't in code (and I had nothing to refer to), I relied upon CDD to make this change.
2. The Committee asked that there be a requirement for two warning signs: one related to health issues and one that covered transportation and consumption in public, with the required size and font to be consistent with similar provisions relating to alcohol in AS Title 04. See 49.65.1155 Documents to be displayed.
3. The Committee decided to leave the question of penalties to be imposed (the amount of the civil fine to impose) to the Planning Commission process.
4. The Marijuana Committee discussed the appeal process that should flow from the revocation or suspension of a marijuana license. The Committee decided the appeal would not be properly handled by the Planning Commission. There was a motion that an appeal of a director decision to revoke or suspend a license instead to go the "city manager and then the assembly."

Having the director decision on license actions go to the manager first before being appealed to the Assembly, though in keeping with the two step process for director decision appeals outlined in 49.20.110, is not necessary. The decision can be directly appealed to the Assembly. If it is decided that adding another layer of review is necessary, meaning an interim appeal to the Manager before the appeal is heard by the Assembly, we will need to amend the ordinance to specify the mechanics for handling that new process. Though I wasn't at the meeting when this issue was discussed, after reviewing the minutes I think the intent behind the motion was just to remove the requirement that the license action appeals be heard by the Planning Commission.

That was done by specifying appeal decisions can be appealed under the process in CBJ 01.50, instead of referencing 49.20.110 as originally done.

5. The Committee asked about the denial of a license (49.65.1115) and why appeals of denials weren't addressed in the draft. "Denial" was added to revocation and suspension decisions as being appealable under 49.65.1135.

6. There was a suggestion that the 49.65.1145 be amended to address license endorsements (as are being contemplated by the State). That was done.

7. The Committee wanted the corrective orders provision (49.65.1125(a)(3)) amended to clarify that only violations of marijuana-related laws were relevant. This was done.

8. There were questions about the references to "persons" in the proposed code, and what that meant. Title 49 contains a definition of "person" to mean "an individual, partnership, firm, company or corporation." CBJ 49.80.120.

9. The Committee set the license fee at \$50. (49.85.100).

10. The Committee directed that the definitions for marijuana and the marijuana establishments proposed for inclusion at 49.80.120 be consistent with State law. This was done (see Section 3 of the ordinance). The language is not verbatim because State law refers to "entities that are registered," meaning entities that have registered under State law to operate as marijuana establishments. Since our licensing and CUP process will come before the State licenses (or registrations) are issued, our definition had to be slightly tweaked.

11. The version of 2015-38 reviewed by the Marijuana Committee on December 10, 2015, contained a provision prohibiting certain types of manufacturing in residential neighborhoods. The Committee felt that provision was misplaced and needed to be moved to a different section of code. That was done (see Ordinance 2016-02, An Ordinance Amending the Nuisance Code Relating to Marijuana in Residential Zones and Providing for a Penalty.)

12. The Committee noted an ambiguity in 49.65.1125 relating to the time a licensee may ask for an informal meeting with the director prior to suspension or revocation of a license. The original version provided that the director could order a licensee to take corrective action within a certain time period, which time period could be no earlier than seven days following the date of issuance of the order, and that the licensee could request an informal meeting during the seven day period specified above..." Since the timeline set by the director can be longer than seven days, 49.65.1125 was amended to simply allow a licensee to request an informal meeting at any time prior to the revocation or suspension.

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-38 (PC v.2)

An Ordinance Amending the Land Use Code to Provide for the Regulation of Marijuana Use and Marijuana Establishments and Providing for a Penalty.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Chapter. CBJ 49.65 Specified Use Provisions is amended by adding a new article to read:

ARTICLE X. MARIJUANA ESTABLISHMENTS

49.65.1100 Purpose.

It is the purpose of this article to establish reasonable regulations that allow for the operation of marijuana establishments within the City and Borough in a manner that promotes public health, safety, and general welfare. It is not the intent of this chapter to authorize anything specifically prohibited by State law.

49.65.1105 License required.

(a) No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license

issued by the State of Alaska. The following types of licenses may be issued under this article:

- (1) Marijuana retail store license;
- (2) Marijuana cultivation facility license;
- (3) Marijuana product manufacturing facility license; and
- (4) Marijuana testing facility license.

(b) A separate license shall be required for each specific business or business entity or for each specific location identified on the license as the licensed premise geographic location.

(c) Upon denial or revocation of a marijuana establishment license issued by the State of Alaska, any license issued by the City and Borough under this article shall be null and void. If a court of competent jurisdiction determines that the issuance of local licenses violates State or federal law, all licenses issued under this article shall be deemed immediately revoked by operation of law, with no ground for appeal or redress on behalf of the licensee.

49.65.1110 Prohibited Acts.

(a) It is unlawful for any licensee to engage in business contrary to any term or condition of any City and Borough of Juneau marijuana establishment license or any provision of this chapter.

(b) It is unlawful for any person to obtain or attempt to obtain a license by making a false statement in any application for a license, or by any other fraudulent or deceptive means.

(c) It is unlawful for any person to forge, counterfeit, or fraudulently alter a license issued under this chapter.

(d) It is unlawful for any person to obstruct, impede or otherwise refuse to allow an administrative inspection authorized under CBJ 49.65.1140.

(e) It is unlawful for any person licensed or regulated under this article to knowingly or willfully authorize, order, instruct or permit an employee, agent or person under the licensee's control to act in connection with the licensed activity which violates any provision of this article or any license issued under this article.

49.65.1115 Application for license.

(a) An applicant for a marijuana establishment license shall submit an application on a form provided by the director accompanied by the appropriate fee. Applications must include the following documentation:

- (1) If the applicant is not a natural person, the organizational documents for all entities identified in the application;
- (2) A copy of the lease or deed for the property upon which the marijuana establishment will be located;
- (3) A list of all other uses on the property;
- (4) A statement verifying compliance with any buffer requirements imposed by 3 AAC Chapter 306 of the Alaska Administrative Code;
- (5) A copy of the Notice of Decision approving the conditional use permit by the City and Borough of Juneau Planning Commission; and
- (6) Any additional documentation determined by the director to be necessary to make a decision whether to approve or deny the license application, or approve with conditions.

49.65.1120 Term of license; renewal.

- (a) No license granted or issued under any of the provisions of this title shall be in any manner assignable or transferable.
- (b) Licenses are valid only as long as the applicant holds a current license from the State and is in compliance with the applicable conditional use permit.
- (c) Licenses issued under this chapter are effective from the date of issuance through December 31 of the same year.
- (d) Licenses shall automatically renew upon the timely remittance of the annual license fee, and proof of the inspection required by CBJ 11.65.1140, by January 1. Failure to timely remit proof of inspection or the annual license fee shall result in the license expiring and will require a new license application.

49.65.1125 Corrective orders.

- (a) The director may issue a corrective order whenever a licensee:
- (1) Has violated any provision of this chapter;
 - (2) Has relinquished legal control of the licensed establishment to any other person;
 - (3) Has failed, refused or neglected to comply with any ~~general or special term or condition of~~ provision of the license issued under this chapter, any conditional use permit issued to the marijuana establishment, or any provision of Alaska Statute Chapter 17.38 or regulations adopted pursuant to that chapter;
- (b) A corrective order shall be served on the licensee by hand-delivery or certified mail and shall specify:
- (1) The provision of the license, State law, or CBJ code that has been violated;

(2) The corrective action, if any, the licensee may take to prevent suspension or revocation of the license, and the time limited for such corrective action, which shall be no earlier than seven (7) days following date of issuance of the corrective order;

(3) Notification of the penalties provided by this title; and

(4) That the licensee may request an informal meeting before the director prior to suspension or revocation of the license in order to allow the licensee to contest the grounds for issuance of the corrective order and to provide the licensee the opportunity to provide information to the director relevant to the grounds for the corrective order.

(c) Based on information timely received from the licensee, or from any other source, the director may amend the terms or conditions of the corrective order, or after consideration of the information provided by the licensee, affirm the corrective order as issued.

49.65.1130 License suspension or revocation.

Upon the expiration of the time allowed in a corrective order issued in CBJ 49.65.1125, if the licensee has not complied with the corrective order, the marijuana establishment license will be suspended or revoked. Upon suspension or revocation of any license, the director shall notify the person whose license has been suspended or revoked by certified mail or by hand-delivery. Following such suspension or revocation and after notification, it is unlawful for the licensee to continue to operate the marijuana establishment.

49.65.1135 Appeal.

The denial, revocation, or suspension of a marijuana establishment license is appealable to the assembly in accordance with CBJ 01.50.

49.65.1140 Inspection of premises.

(a) A marijuana establishment or an applicant for a marijuana establishment license under this chapter shall, upon request, make the licensed premises or the proposed licensed premises, including any place for storage, available for inspection by the director for the purpose of ensuring compliance with this chapter and any applicable marijuana establishment license. Inspection shall include access to any marijuana or marijuana product on the premises, equipment used in cultivating, process, testing or storing marijuana, the inventory tracking system and business records of the licensee or applicant.

(b) Marijuana establishments shall be inspected on an annual basis. The licensee shall schedule the inspection no later than sixty days prior to the annual expiration of the license.

49.65.1145 Marijuana establishment conditional use permits.

(a) In addition to the permit application and supporting materials required by CBJ 49.15.330(c), an applicant for a conditional use permit for a marijuana establishment must submit the following additional materials:

- (1) A site plan of all buildings on the property where the marijuana use will be located, including, but not limited to: a floor plan showing how the floor space is or will be used to include but not limited to restricted access areas and the total floor area of the building(s);
- (2) A security plan indicating how the applicant will comply with the requirements imposed by State law.
- (3) A waste disposal plan indicating how the applicant will comply with the

1
2 requirements imposed by State law.

3 (4) A screening plan illustrating the applicants compliance with AS 17.38.070
4 making it unlawful to display marijuana or marijuana products in a manner that is visible
5 to the general public from a public right-of-way.

6 (5) If the establishment is to be served by a private septic system, certification from
7 a registered, qualified engineer licensed by the State of Alaska that the system has
8 adequate capacity for the proposed use, or will with improvements.

9
10 (6) Marijuana cultivation facility license applicants must provide a ventilation and
11 filtration plan describing the systems that will be used to ensure compliance with CBJ
12 49.65.1160 and whether the applicant intends on using carbon dioxide. If carbon dioxide
13 will be used by applicant, the plan should identify the storage area for the gas.

14 (7) Marijuana product manufacturing facility license applicants and marijuana
15 testing facility license applicants must specify all means to be used for extraction, heating,
16 washing or otherwise changing the form of the marijuana plant, along with proposed
17 ventilation and safety measures to be implemented for each process.

18 (8) Marijuana cultivation facility license applicants and marijuana product
19 manufacturing facility license applicants must specify the methods to be used to prevent
20 the growth of harmful mold and compliance with limitations on discharge into the
21 wastewater system.

22
23 (9) Any additional documentation determined by the director to be necessary for the
24 commission to make a decision whether to approve or deny the permit, or approve with
25 conditions.

(b) If a licensee desires to modify the licensed premises by changes to equipment, increased

1
2 use, such as in accordance with an approved State license endorsement, or any approved plan,
3 an amendment to the original application and required fee shall be submitted for review and
4 approval.

5 (c) In addition to any conditions imposed under CBJ 49.15.330(g), the commission may
6 impose any conditions necessary to ensure compliance with this chapter or State law.

7 (d) Conditional use permits issued to marijuana establishments shall expire five years from
8 the date of issuance.

9
10
11 **49.65.1150 Hours of operation – marijuana retail stores.**

12 Unless otherwise specified by a conditional use permit, licensed premises may open no earlier
13 than 8 a.m. and shall close no later than 11 p.m. the same day, Monday through Sunday. No
14 marijuana may be distributed, sold or dispensed at a licensed premises when the licensed
15 premises is required to be closed pursuant to this section.

16
17 **49.65.1155 Documents to be displayed.**

18 (a) A licensee shall prominently display the marijuana establishment license, in the same
19 size and font as the original license issued by the director, in a conspicuous location inside the
20 licensed premises near the main entrance.

21 (b) A licensee shall display two separate warning signs as follows:

22 (1) A sign containing the following health warnings:

23 (A) “Marijuana has intoxicating effects and may be habit forming.”;

24 (B) “Marijuana can impair concentration, coordination, and judgment. Do not
25 operate a vehicle or machinery under its influence.”;

(C) “There may be health risks associated with consumption of marijuana.”;

(D) “For use only by adults twenty-one and older. Keep out of the reach of children.”; and

(E) “Marijuana should not be used by women who are pregnant or breastfeeding.”

(2) A sign containing the following warnings:

(A) “Consumption of marijuana in public is prohibited by law. AS 17.38.040; CBJ 42.20.230.”;

(B) “The transportation or shipment of marijuana and marijuana products outside of the City and Borough of Juneau by U.S. mail, air travel or in the waters of the United States is prohibited by federal law. AS 17.38.010(d).”

(c) The warning signs required by subsection (b) of this section must be at least 11 inches by 14 inches in size, and the lettering must be at least one-half inch high and in contrasting colors. The warning signs must be displayed in conspicuous location inside the licensed premises near the main entrance.

49.65.1160 Odor.

All marijuana establishments shall utilize a ventilation and odor system that prohibits the detection of noxious odors from outside the licensed premises. For purposes of this section, noxious odors are those odors detectable outside of the licensed premises that a reasonable person of ordinary sensibilities would find affect the person’s enjoyment of life, health or property.

49.65.1170 Penalty.

- (a) A person who violates or causes or permits to be violated a provision of this chapter is guilty of a civil violation. Each and every day during which a violation of this chapter is committed, permitted, or continued shall be treated as a separate offense and subject the offender to separate charges and fines, in accordance with CBJ 03.30.075.
- (b) In addition to any other remedies provided by law, the City and Borough may seek a court order enjoining the continued operation, within the municipality, of any business whose owner or operator fails to comply with correction orders issued under CBJ 49.65.1125, terms of any decision on appeal under CBJ 49.65.1135, or who fails to cease operation following suspension or revocation of a license under CBJ 49.65.1130.

Section 3. Amendment of Section. CBJ 49.80.120 Definitions, is amended by the addition of the following definitions to be incorporated in alphabetical order:

Marijuana means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; “marijuana” does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

Marijuana cultivation facility means an entity that cultivates, prepares, and packages marijuana and sells marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

Marijuana product manufacturing facility means an entity that purchases marijuana; manufactures, prepares, and packages marijuana products; and sells marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

Marijuana retail store means an entity that purchases marijuana from marijuana cultivation facilities, purchases marijuana and marijuana products from marijuana product manufacturing facilities, and sells marijuana and marijuana products to consumers.

Marijuana testing facility means an entity that analyzes and certifies the safety and potency of marijuana.

Section 4. Amendment of Section. CBJ 49.85.100 Generally, is amended to read:

49.85.100 Generally.

Processing fees are established for each development, platting and other land use action in accordance with the following schedule:

...

(19) Marijuana license fee, \$50.00.

Section 5. Amendment of Table. CBJ 03.30.070 Violations; civil fines, is amended to read:

03.30.070 Violations; civil fines.

(a) Notwithstanding any provision of the CBJ Code to the contrary, the offenses listed in the table below shall be considered violations subject to a civil fine not to exceed that set forth in the table below; payment of the listed civil fine shall be accepted in satisfaction of the violation; and the violation shall be subject to the procedure set forth in CBJ 03.30.075—03.30.085:

CBJ	Type of Violation	Civil Fine
...		
49.45.270	Prohibited signs and sign materials	500.00
<u>49.65</u>	<u>Marijuana Establishments</u>	
<u>49.65.1105</u>	<u>License required</u>	<u>500.00</u>

<u>49.65.1110</u>	<u>Prohibited acts</u>	<u>500.00</u>
<u>49.65.1140</u>	<u>Inspection of premises</u>	<u>500.00</u>
<u>49.65.1145(b)</u>	<u>Modification of licensed premises requires amendment of conditional use permit</u>	<u>500.00</u>
<u>49.65.1150</u>	<u>Hours of operation</u>	<u>500.00</u>
<u>49.65.1155</u>	<u>Documents to be displayed</u>	<u>500.00</u>
<u>49.65.1160</u>	<u>Odor</u>	<u>500.00</u>
...		

Section 6. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2016.

Mary E. Becker, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: Planning Commission

FROM: Amy Gurton Mead, Municipal Attorney *AGM*

DATE: February 2, 2016

SUBJECT: 2015-38 Planning Commission v. 2 – Marijuana Special Use Chapter

At the last Planning Commission meeting, the Commission asked for revisions to Ordinance 2015-38. This memo outlines those changes.¹

1. A request that the reference to the state license in 49.65.1105 (License Required) be moved to 49.65.1115 (Application for License).

These two code sections have very distinct purposes. Since it would be illegal to operate an establishment in the CBJ without a valid state license, that language should not be removed from 49.65.1105. Adding a requirement that the applicant provide proof of the state issued license by adding that reference to 49.65.1115 would prohibit an applicant for a CBJ license before a State license is obtained. If that's intended, we can add that requirement to 49.65.1115.

2. Amend 49.65.1105 to change the reference to "geographic location" to "parcel." Currently, CBJ code would not prohibit two different establishments from operating on the same parcel. Under State law, some concurrent licenses are allowed. For example, a marijuana cultivation facility may also apply for a marijuana retail store license. If both establishments are owned by the same business owner and both establishments are located on the same parcel, changing this section to refer to a 'parcel' would be confusing in light of the requirement that each establishment be separately licensed.

I amended the section to refer to read "A separate license shall be required for each specific business or business entity or for each specific location identified on the license as the licensed premise." This is the same language used in the State regulations.

3. There was discussion about asking for a copy of the lease or deed at CBJ 49.65.1115.

If not recorded, and if the applicant has concerns over providing information related to the rental rate, or any other information contained in the lease, the applicant is free to redact that sensitive information as long as doing so will not interfere with CDD's ability to make a finding that the applicant is the legal lessee of the premise to be licensed. (See 49.65.1120).

¹ A line was also added to the purpose section to make clear that nothing in the chapter was intended to authorize anything prohibited by state law. Minor amendments to 49.65.1125 were also made for clarity.

4. 49.65.1125 Corrective orders, was modified to add a reference to CUPs.
5. 49.65.1135 was amended to clarify appeals go directly to the Assembly.
6. A provision requiring establishments be inspected annually was added to 49.65.1140. Proof of annual inspection was added as a license renewal condition (49.65.1120).
7. A requirement that applicants submit a screening plan to assure compliance with AS 17.38.070 was added to 49.65.1145.
8. A requirement that if the licensed premise will be served by a private septic system, that the applicant provide certification from a licensed engineer that the system has adequate capacity for the proposed use (or will with improvements.) 49.65.1145. The improvements would then be a condition of the CUP approval. (This concept is similar to the approach taken with accessory apartments. 49.25.510(k)(1)(E) & (k)(2)(D)(v)).
9. Use of combustible materials in the manufacturing of marijuana. Public hearing on Ordinance 2016-02, prohibiting the manufacturing of marijuana by any means other than water-based or food-based extraction except with a permit, is scheduled for February 8, 2016. With respect to obtaining such a permit (assuming allowed under State law), 49.65.1145(a)(7) requires applicants to specify all means to be used for extraction, heating, washing or otherwise changing the form of the marijuana plant. Such plans would go through the same internal review as is currently in place (including review by the Fire Department.) If the Commission prefers the code articulate specific standards applicants must meet, that can be done.
10. A provision providing for the automatic termination of conditional use permits five years after expiration was added. 49.65.1145.
11. I understand there was discussion concerning hours of operation (49.65.1150), and potentially the desire to address hours of operations for marijuana establishments in the same way CBJ Code addresses hours of operation for alcohol operations. 49.65.1150 was left “as is” pending further direction from the Commission.

The code section regarding hours of sale for alcohol establishments is at 20.25.110, which provides:

20.25.110 - Hours of sale.

It is unlawful for any beverage dispensary, restaurant, cafe, beer parlor, package liquor store, or other place licensed by the state to sell, dispense or serve intoxicating beverages, situated within the City and Borough, where intoxicating liquors of any kind whatsoever are sold or kept for sale or to be served or consumed on the premises, to sell, offer for sale, or permit to be sold, or delivered or served for consumption on the premises, any intoxicating liquors as defined in section 20.25.010, at any other times than between the lawful opening and closing times which are established as follows:

- (1) No person may consume, sell, offer for sale, furnish or deliver from any authorized licensee any intoxicating liquor on any licensed premises inside the City and Borough between the hours of 1:00 a.m. and 8:00 a.m., Monday through Friday of each week.
- (2) No person may consume sell or offer for sale, give, furnish or deliver from any authorized licensee any intoxicating liquor on any licensed premises inside the City and Borough between the hours of 3:00 a.m. and 8:00 a.m. on Saturday and Sunday of each week and on legal holidays, provided that annually on the first day of daylight saving time, such hours shall be 4:00 a.m. and 8:00 a.m.

12. A provision was added to specify that noxious marijuana odors shall not be “detectable outside the licensed premises.” 49.65.1160. The licensed premises standard was used instead of “the property lines” to ensure that if a marijuana establishment was located in a mixed use building, the other tenants would also be protected from noxious odors, which would not occur if the “property line” standard was used.

13. Lastly, the penalty provision at 49.65.1170 and the amendment to the civil fine table in Chapter 03 (Section 5 of the ordinance, Amendment of Table) were revised to make consistent with the approach taken in the Signs Code.

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-38 (PC v.3)

An Ordinance Amending the Land Use Code to Provide for the Regulation of Marijuana Use and Marijuana Establishments and Providing for a Penalty.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Chapter. CBJ 49.65 Specified Use Provisions is amended by adding a new article to read:

ARTICLE X. MARIJUANA ESTABLISHMENTS

49.65.1100 Purpose.

It is the purpose of this article to establish reasonable regulations that allow for the operation of marijuana establishments within the City and Borough in a manner that promotes public health, safety, and general welfare. It is not the intent of this chapter to authorize anything specifically prohibited by State law.

49.65.1105 License required.

(a) No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license

issued by the State of Alaska. The following types of licenses may be issued under this article:

- (1) Marijuana retail store license;
- (2) Marijuana cultivation facility license;
- (3) Marijuana product manufacturing facility license; and
- (4) Marijuana testing facility license.

(b) A separate license shall be required for each specific business or business entity or for each specific location identified on the license as the licensed premise.

(c) Upon denial or revocation of a marijuana establishment license issued by the State of Alaska, any license issued by the City and Borough under this article shall be null and void. If a court of competent jurisdiction determines that the issuance of local licenses violates State or federal law, all licenses issued under this article shall be deemed immediately revoked by operation of law, with no ground for appeal or redress on behalf of the licensee.

49.65.1110 Prohibited Acts.

(a) It is unlawful for any licensee to engage in business contrary to any term or condition of any City and Borough of Juneau marijuana establishment license or any provision of this chapter.

(b) It is unlawful for any person to obtain or attempt to obtain a license by making a false statement in any application for a license, or by any other fraudulent or deceptive means.

(c) It is unlawful for any person to forge, counterfeit, or fraudulently alter a license issued under this chapter.

(d) It is unlawful for any person to obstruct, impede or otherwise refuse to allow an administrative inspection authorized under CBJ 49.65.1140.

(e) It is unlawful for any person licensed or regulated under this article to knowingly or willfully authorize, order, instruct or permit an employee, agent or person under the licensee's control to act in connection with the licensed activity which violates any provision of this article or any license issued under this article.

49.65.1115 Application for license.

(a) An applicant for a marijuana establishment license shall submit an application on a form provided by the director accompanied by the appropriate fee. Applications must include the following documentation:

- (1) If the applicant is not a natural person, the organizational documents for all entities identified in the application;
- (2) A copy of the lease or deed for the property upon which the marijuana establishment will be located;
- (3) A list of all other uses on the property;
- (4) A statement verifying compliance with any buffer requirements imposed by 3 AAC Chapter 306 of the Alaska Administrative Code;
- (5) A copy of the Notice of Decision approving the conditional use permit by the City and Borough of Juneau Planning Commission; and
- (6) Any additional documentation determined by the director to be necessary to make a decision whether to approve or deny the license application, or approve with conditions.

49.65.1120 Term of license; renewal.

- (a) No license granted or issued under any of the provisions of this title shall be in any manner assignable or transferable.
- (b) Licenses are valid only as long as the applicant holds a current license from the State and is in compliance with the applicable conditional use permit.
- (c) Licenses issued under this chapter are effective from the date of issuance through December 31 of the same year.
- (d) Licenses shall automatically renew upon the timely remittance of the annual license fee, and proof of the inspection required by CBJ 11.65.1140, by January 1. Failure to timely remit proof of inspection or the annual license fee shall result in the license expiring and will require a new license application.

49.65.1125 Corrective orders.

- (a) The director may issue a corrective order whenever a licensee:
- (1) Has violated any provision of this chapter;
 - (2) Has relinquished legal control of the licensed establishment to any other person;
 - (3) Has failed, refused or neglected to comply with any provision of the license issued under this chapter, any conditional use permit issued for the marijuana establishment, or any provision of Alaska Statute Chapter 17.38 or regulations adopted pursuant to that chapter;
- (b) A corrective order shall be served on the licensee by hand-delivery or certified mail and shall specify:
- (1) The provision of the license, State law, or CBJ code that has been violated;

(2) The corrective action, if any, the licensee may take to prevent suspension or revocation of the license, and the time limited for such corrective action, which shall be no earlier than seven (7) days following date of issuance of the corrective order;

(3) Notification of the penalties provided by this title; and

(4) That the licensee may request an informal meeting before the director prior to suspension or revocation of the license in order to allow the licensee to contest the grounds for issuance of the corrective order and to provide the licensee the opportunity to provide information to the director relevant to the grounds for the corrective order.

(c) Based on information timely received from the licensee, or from any other source, the director may amend the terms or conditions of the corrective order, or after consideration of the information provided by the licensee, affirm the corrective order as issued.

49.65.1130 License suspension or revocation.

(a) Upon the expiration of the time allowed in a corrective order issued in CBJ 49.65.1125, if the licensee has not complied with the corrective order, the marijuana establishment license will be suspended or revoked. Upon suspension or revocation of any license, the director shall notify the person whose license has been suspended or revoked by certified mail or by hand-delivery. Following such suspension or revocation and after notification, it is unlawful for the licensee to continue to operate the marijuana establishment.

(b) Any person whose marijuana establishment license has been revoked shall be prohibited from applying for a license under this chapter for a period of one year.

49.65.1135 Appeal.

The denial, revocation, or suspension of a marijuana establishment license is appealable to the assembly in accordance with CBJ 01.50.

49.65.1140 Inspection of premises.

(a) A marijuana establishment or an applicant for a marijuana establishment license under this chapter shall, upon request, make the licensed premises or the proposed licensed premises, including any place for storage, available for inspection by the director for the purpose of ensuring compliance with this chapter and any applicable marijuana establishment license. Inspection shall include access to any marijuana or marijuana product on the premises, equipment used in cultivating, processing, manufacturing, testing or storing marijuana, the inventory tracking system and business records of the licensee or applicant.

(b) Marijuana establishments shall be inspected on an annual basis. The licensee shall schedule the inspection no later than sixty days prior to the annual expiration of the license.

49.65.1145 Marijuana establishment conditional use permits.

(a) In addition to the permit application and supporting materials required by CBJ 49.15.330(c), an applicant for a conditional use permit for a marijuana establishment must submit the following additional materials:

- (1) A site plan of all buildings on the property where the marijuana use will be located, including, but not limited to: a floor plan showing how the floor space is or will be used to include but not limited to restricted access areas and the total floor area of the

1
2 building(s);

3 (2) A security plan indicating how the applicant will comply with the requirements
4 imposed by State law.

5 (3) A waste disposal plan indicating how the applicant will comply with the
6 requirements imposed by State law.

7 (4) A screening plan illustrating the applicants compliance with AS 17.38.070
8 making it unlawful to display marijuana or marijuana products in a manner that is visible
9 to the general public from a public right-of-way.

10 (5) If the establishment is to be served by a private septic system, certification from
11 a registered, qualified engineer licensed by the State of Alaska that the system has
12 adequate capacity for the proposed use, or will with improvements.

13 (6) Marijuana cultivation facility license applicants must provide a ventilation and
14 filtration plan describing the systems that will be used to ensure compliance with CBJ
15 49.65.1160 and whether the applicant intends on using carbon dioxide. If carbon dioxide
16 will be used by applicant, the plan should identify the storage area for the gas.

17 (7) Marijuana product manufacturing facility license applicants, marijuana
18 cultivation facility license applicants, and marijuana testing facility license applicants
19 must specify all means to be used for cultivating, growing, extracting, heating, washing or
20 otherwise changing the form of the marijuana plant, along with proposed ventilation and
21 safety measures to be implemented for each process.

22 (8) Marijuana cultivation facility license applicants and marijuana product
23 manufacturing facility license applicants must specify the methods to be used to prevent
24 the growth of harmful mold and compliance with limitations on discharge into the
25

wastewater system.

(9) Any additional documentation determined by the director to be necessary for the commission to make a decision whether to approve or deny the permit, or approve with conditions, to ensure compliance with this chapter or CBJ 49.15.330(f), including but not limited to ensuring neighborhood harmony.

(b) If a licensee desires to modify the licensed premises by changes to equipment, increased use, such as in accordance with an approved State license endorsement, or any approved plan, an amendment to the original application and required fee shall be submitted for review and approval.

(c) In addition to any conditions imposed under CBJ 49.15.330(g), the commission may impose any conditions necessary to ensure compliance with this chapter or State law.

(d) Conditional use permits issued to marijuana establishments shall expire five years from the date of issuance. [to be discussed 2/23]

49.65.1150 Hours of operation – marijuana retail stores.

Unless otherwise specified by a conditional use permit, licensed premises may open no earlier than 8 a.m. and shall close no later than 1 a.m. the same day, Monday through Sunday. No marijuana may be distributed, sold or dispensed at a licensed premises when the licensed premises is required to be closed pursuant to this section.

49.65.1155 Documents to be displayed.

(a) A licensee shall prominently display the marijuana establishment license, in the same size and font as the original license issued by the director, in a conspicuous location inside the

licensed premises near the main entrance.

(b) A licensee shall display two separate warning signs as follows:

(1) A sign containing the following health warnings:

(A) "Marijuana has intoxicating effects and may be habit forming.";

(B) "Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence.";

(C) "There may be health risks associated with consumption of marijuana.";

(D) "For use only by adults twenty-one and older. Keep out of the reach of children."; and

(E) "Marijuana should not be used by women who are pregnant or breastfeeding."

(2) A sign containing the following warnings:

(A) "Consumption of marijuana in public is prohibited by law. AS 17.38.040; CBJ 42.20.230.";

(B) "The transportation or shipment of marijuana and marijuana products outside of the City and Borough of Juneau by U.S. mail, air travel or in the waters of the United States is prohibited by federal law. AS 17.38.010(d)."

(c) The warning signs required by subsection (b) of this section must be at least 11 inches by 14 inches in size, and the lettering must be at least one-half inch high and in contrasting colors. The warning signs must be displayed in conspicuous location inside the licensed premises near the main entrance.

49.65.1160 Odor.

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2 All marijuana establishments shall utilize a ventilation and odor system that prohibits the
3 detection of noxious odors from outside the licensed premises. For purposes of this section,
4 noxious odors are those odors detectable outside of the licensed premises that a reasonable
5 person of ordinary sensibilities would find affect the person's enjoyment of life, health or
6 property.

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8
9 **49.65.1170 Penalty.**

10 (a) A person who violates or causes or permits to be violated a provision of this chapter is
11 guilty of a civil violation. Each and every day during which a violation of this chapter is
12 committed, permitted, or continued shall be treated as a separate offense and subject the
13 offender to separate charges and fines, in accordance with CBJ 03.30.075. Civil fines and
14 penalties for violations of this chapter may be imposed in addition to any other remedies
15 provided by law, including the imposition of corrective orders or license actions authorized by
16 this chapter.

17 (b) In addition to any other remedies provided by law, the City and Borough may seek a
18 court order enjoining the continued operation, within the municipality, of any business whose
19 owner or operator fails to comply with correction orders issued under CBJ 49.65.1125, terms of
20 any decision on appeal under CBJ 49.65.1135, or who fails to cease operation following
21 suspension or revocation of a license under CBJ 49.65.1130.

22
23
24 **Section 3. Amendment of Section.** CBJ 49.80.120 Definitions, is amended by the
25 addition of the following definitions to be incorporated in alphabetical order:

Marijuana means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound,

manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; "marijuana" does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

Marijuana cultivation facility means an entity that cultivates, prepares, and packages marijuana and sells marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

Marijuana product manufacturing facility means an entity that purchases marijuana; manufactures, prepares, and packages marijuana products; and sells marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

Marijuana retail store means an entity that purchases marijuana from marijuana cultivation facilities, purchases marijuana and marijuana products from marijuana product manufacturing facilities, and sells marijuana and marijuana products to consumers.

Marijuana testing facility means an entity that analyzes and certifies the safety and potency of marijuana.

Section 4. Amendment of Section. CBJ 49.85.100 Generally, is amended to read:

49.85.100 Generally.

Processing fees are established for each development, platting and other land use action in accordance with the following schedule:

...

(19) Marijuana license fee, \$50.00.

Section 5. Amendment of Table. CBJ 03.30.070 Violations; civil fines, is amended to read:

03.30.070 Violations; civil fines.

(a) Notwithstanding any provision of the CBJ Code to the contrary, the offenses listed in the table below shall be considered violations subject to a civil fine not to exceed that set forth in the table below; payment of the listed civil fine shall be accepted in satisfaction of the violation; and the violation shall be subject to the procedure set forth in CBJ 03.30.075—03.30.085:

CBJ	Type of Violation	Civil Fine
...		
49.45.270	Prohibited signs and sign materials	500.00
<u>49.65</u>	<u>Marijuana Establishments</u>	
<u>49.65.1105</u>	<u>License required</u>	<u>500.00</u>
<u>49.65.1110</u>	<u>Prohibited acts</u>	<u>500.00</u>
<u>49.65.1140</u>	<u>Inspection of premises</u>	<u>500.00</u>
<u>49.65.1145(b)</u>	<u>Modification of licensed premises requires amendment of conditional use permit</u>	<u>500.00</u>
<u>49.65.1150</u>	<u>Hours of operation</u>	<u>500.00</u>
<u>49.65.1155</u>	<u>Documents to be displayed</u>	<u>500.00</u>
<u>49.65.1160</u>	<u>Odor</u>	<u>500.00</u>
...		

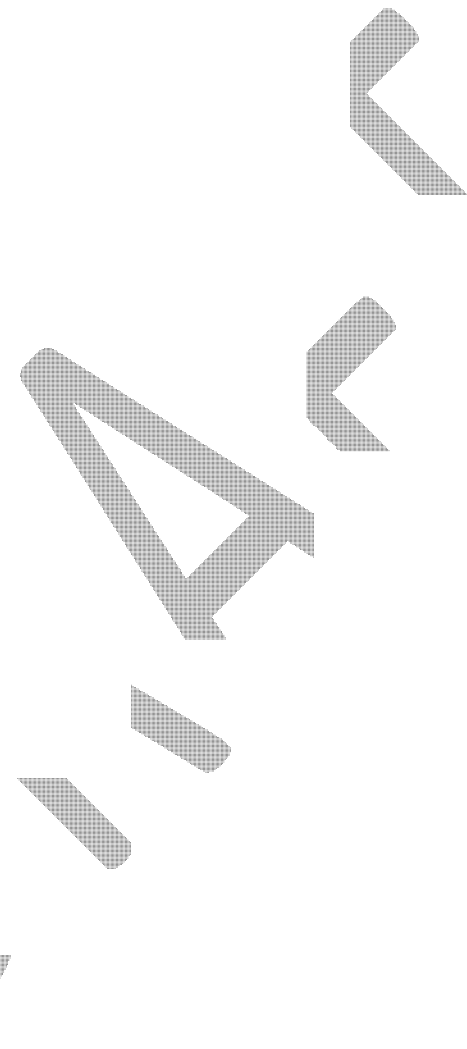
Section 6. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2016.

Attest:

Mary E. Becker, Mayor

Laurie J. Sica, Municipal Clerk



Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-38

An Ordinance Amending the Land Use Code to Provide for the Regulation of Marijuana Use and Marijuana Establishments and Providing for a Penalty.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Chapter. CBJ 49.65 Specified Use Provisions is amended by adding a new article to read:

ARTICLE X. MARIJUANA ESTABLISHMENTS

49.65.1100 Purpose.

It is the purpose of this article to establish reasonable regulations that allow for the operation of marijuana establishments within the City and Borough in a manner that promotes public health, safety, and general welfare. It is not the intent of this chapter to authorize anything specifically prohibited by State law.

49.65.1105 License required.

(a) No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license

1
2 issued by the State of Alaska. The following types of licenses may be issued under this article:

- 3 (1) Marijuana retail store license;
4 (2) Marijuana cultivation facility license;
5 (3) Marijuana product manufacturing facility license; and
6 (4) Marijuana testing facility license.

7
8 (b) A separate license shall be required for each specific business or business entity or for
9 each specific location identified on the license as the licensed premise.

10 (c) Upon denial or revocation of a marijuana establishment license issued by the State of
11 Alaska, any license issued by the City and Borough under this article shall be null and void. If
12 a court of competent jurisdiction determines that the issuance of local licenses violates State or
13 federal law, all licenses issued under this article shall be deemed immediately revoked by
14 operation of law, with no ground for appeal or redress on behalf of the licensee.
15

16 **49.65.1110 Prohibited Acts.**

17 (a) It is unlawful for any licensee to engage in business contrary to any term or condition of
18 any City and Borough of Juneau marijuana establishment license or any provision of this
19 chapter.
20

21 (b) It is unlawful for any person to obtain or attempt to obtain a license by making a false
22 statement in any application for a license, or by any other fraudulent or deceptive means.

23 (c) It is unlawful for any person to forge, counterfeit, or fraudulently alter a license issued
24 under this chapter.

25 (d) It is unlawful for any person to obstruct, impede or otherwise refuse to allow an
administrative inspection authorized under CBJ 49.65.1140.

1
2 (e) It is unlawful for any person licensed or regulated under this article to knowingly or
3 willfully authorize, order, instruct or permit an employee, agent or person under the licensee's
4 control to act in connection with the licensed activity which violates any provision of this article
5 or any license issued under this article.
6

7
8 **49.65.1115 Application for license.**

9 (a) An applicant for a marijuana establishment license shall submit an application on a
10 form provided by the director accompanied by the appropriate fee. Applications must include
11 the following documentation:

- 12 (1) If the applicant is not a natural person, the organizational documents for all
13 entities identified in the application;
- 14 (2) A copy of the lease or deed for the property upon which the marijuana
15 establishment will be located;
- 16 (3) A list of all other uses on the property;
- 17 (4) A statement verifying compliance with any buffer requirements imposed by 3
18 AAC Chapter 306 of the Alaska Administrative Code;
- 19 (5) A copy of the Notice of Decision approving the conditional use permit by the City
20 and Borough of Juneau Planning Commission; and
- 21 (6) Any additional documentation determined by the director to be necessary to
22 make a decision whether to approve or deny the license application, or approve with
23 conditions.
24
25

49.65.1120 Term of license; renewal.

- (a) No license granted or issued under any of the provisions of this title shall be in any manner assignable or transferable.
- (b) Licenses are valid only as long as the applicant holds a current license from the State and is in compliance with the applicable conditional use permit.
- (c) Licenses issued under this chapter are effective from the date of issuance through December 31 of the same year.
- (d) In order to be eligible for renewal, a licensee must submit proof of inspection by the department or the department's designees for compliance with this chapter and any applicable permit. The licensee shall schedule the inspection no later than sixty days prior to the annual expiration of the license.
- (e) Licenses shall automatically renew upon the timely remittance of the annual license fee and proof of inspection, by January 1. Failure to timely remit proof of inspection or the annual license fee shall result in the license expiring and will require a new license application.

49.65.1125 Corrective orders.

- (a) The director may issue a corrective order whenever a licensee:
- (1) Has violated any provision of this chapter;
 - (2) Has relinquished legal control of the licensed establishment to any other person;
 - (3) Has failed, refused or neglected to comply with any provision of the license issued under this chapter, any conditional use permit issued for the marijuana establishment, or any provision of Alaska Statute Chapter 17.38 or regulations adopted pursuant to that chapter;

(b) A corrective order shall be served on the licensee by hand-delivery or certified mail and shall specify:

- (1) The provision of the license, State law, or CBJ code that has been violated;
- (2) The corrective action, if any, the licensee may take to prevent suspension or revocation of the license, and the time limited for such corrective action, which shall be no earlier than seven (7) days following date of issuance of the corrective order;
- (3) Notification of the penalties provided by this title; and
- (4) That the licensee may request an informal meeting before the director prior to suspension or revocation of the license in order to allow the licensee to contest the grounds for issuance of the corrective order and to provide the licensee the opportunity to provide information to the director relevant to the grounds for the corrective order.

(c) Based on information timely received from the licensee, or from any other source, the director may amend the terms or conditions of the corrective order, or after consideration of the information provided by the licensee, affirm the corrective order as issued.

49.65.1130 License suspension or revocation.

(a) Upon the expiration of the time allowed in a corrective order issued in CBJ 49.65.1125, if the licensee has not complied with the corrective order, the marijuana establishment license may be suspended or revoked, as determined by the director. Upon suspension or revocation of any license, the director shall notify the person whose license has been suspended or revoked by certified mail or by hand-delivery. Following such suspension or revocation and after notification, it is unlawful for the licensee to continue to operate the marijuana establishment.

(b) In deciding whether a license should be suspended or revoked, and in deciding what

conditions to impose in the event of a suspension, if any, the Director shall consider:

- (i) The nature and seriousness of the violation;
 - (ii) Corrective action, if any, taken by the licensee;
 - (iii) Prior violation(s), if any, at the licensed premises by the licensee and the effectiveness of any prior corrective action;
 - (iv) The likelihood of recurrence;
 - (v) All circumstances surrounding the violation;
 - (vi) Whether the violation was willful;
 - (vii) The length of time the license has been held by the licensee;
 - (viii) The number of violations by the licensee within the applicable 12 month period;
 - (ix) Previous sanctions imposed, if any, against the licensee; and
 - (x) Any other factor making the situation with respect to the licensee or the licensed premises unique or the violation of greater concern.
- (c) Any person whose marijuana establishment license has been revoked shall be prohibited from applying for a license under this chapter for a period of one year.

49.65.1135 Appeal.

The denial, revocation, or suspension of a marijuana establishment license is appealable to the assembly in accordance with CBJ 01.50.

49.65.1140 Inspection of premises.

- (a) A marijuana establishment or an applicant for a marijuana establishment license under this chapter shall, upon request, make the licensed premises or the proposed

1
2 licensed premises, including any place for storage, available for inspection by the director for
3 the purpose of ensuring compliance with this chapter and any applicable marijuana
4 establishment license. Inspection shall include access to any marijuana or marijuana product
5 on the premises, equipment used in cultivating, processing, manufacturing, testing or storing
6 marijuana, the inventory tracking system and business records of the licensee or applicant.
7

8
9 **49.65.1145 Marijuana establishment conditional use permits.**

10 (a) In addition to the permit application and supporting materials required by CBJ
11 49.15.330(c), an applicant for a conditional use permit for a marijuana establishment must
12 submit the following additional materials:

13 (1) A site plan of all buildings on the property where the marijuana use will be
14 located, including, but not limited to: a floor plan showing how the floor space is or will be
15 used to include but not limited to restricted access areas and the total floor area of the
16 building(s);

17 (2) A security plan indicating how the applicant will comply with the requirements
18 imposed by State law.

19 (3) A waste disposal plan indicating how the applicant will comply with the
20 requirements imposed by State law.

21 (4) A screening plan illustrating the applicants compliance with AS 17.38.070
22 making it unlawful to display marijuana or marijuana products in a manner that is visible
23 to the general public from a public right-of-way.

24 (5) If the establishment is to be served by a private septic system, certification from
25 a registered, qualified engineer licensed by the State of Alaska that the system has

adequate capacity for the proposed use, or will with improvements.

(6) Marijuana cultivation facility license applicants must provide a ventilation and filtration plan describing the systems that will be used to ensure compliance with CBJ 49.65.1160 and whether the applicant intends on using carbon dioxide. The applicant shall specify if carbon dioxide enrichment will be used in cultivation and by what means the carbon dioxide will be produced. Plans should indicate the storage area for fuels used to produce carbon dioxide.

(7) Marijuana product manufacturing facility license applicants, marijuana cultivation facility license applicants, and marijuana testing facility license applicants must specify all means to be used for cultivating, growing, extracting, heating, washing or otherwise changing the form of the marijuana plant, along with proposed ventilation and safety measures to be implemented for each process.

(8) Marijuana cultivation facility license applicants and marijuana product manufacturing facility license applicants must specify the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system.

(9) Any additional documentation determined by the director to be necessary for the commission to make a decision whether to approve or deny the permit, or approve with conditions, to ensure compliance with this chapter or CBJ 49.15.330(f).

(b) If a licensee desires to modify the licensed premises by changes to equipment, increased use, such as in accordance with an approved State license endorsement, or any approved plan, an amendment to the original application and required fee shall be submitted for review and approval.

(c) In addition to any conditions imposed under CBJ 49.15.330(g), the commission may impose any conditions necessary to ensure compliance with this chapter or State law.

(d) Conditional use permits issued to marijuana establishments under this chapter shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title. If an appeal challenging the amendments to a conditional use permit is filed, the new conditions shall be stayed and the existing permit shall govern the operations of the marijuana establishment until the conclusion of the appeal. The scope of review on appeal is restricted solely to the amended conditions.

49.65.1150 Hours of operation – marijuana retail stores.

Unless otherwise specified by a conditional use permit, licensed premises may open no earlier than 8 a.m. and shall close no later than 1 a.m. the same day, Monday through Sunday. No marijuana may be distributed, sold or dispensed at a licensed premises when the licensed premises is required to be closed pursuant to this section.

49.65.1155 Documents to be displayed.

(a) A licensee shall prominently display the marijuana establishment license, in the same size and font as the original license issued by the director, in a conspicuous location inside the licensed premises near the main entrance.

(b) A licensee shall display two separate warning signs as follows:

(1) A sign containing the following health warnings:

(A) “Marijuana has intoxicating effects and may be habit forming.”;

(B) “Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence.”;

(C) “There may be health risks associated with consumption of marijuana.”;

(D) “For use only by adults twenty-one and older. Keep out of the reach of children.”; and

(E) “Marijuana should not be used by women who are pregnant or breastfeeding.”

(2) A sign containing the following warnings:

(A) “Consumption of marijuana in public is prohibited by law. AS 17.38.040; CBJ 42.20.230.”;

(B) “The transportation or shipment of marijuana and marijuana products outside of the City and Borough of Juneau by U.S. mail, air travel or in the waters of the United States is prohibited by federal law. AS 17.38.010(d).”

(c) The warning signs required by subsection (b) of this section must be at least 11 inches by 14 inches in size, and the lettering must be at least one-half inch high and in contrasting colors. The warning signs must be displayed in conspicuous location inside the licensed premises near the main entrance.

49.65.1160 Odor.

All marijuana establishments shall utilize a ventilation and odor system that prohibits the detection of noxious odors from outside the licensed premises. For purposes of this section, noxious odors are those odors detectable outside of the licensed premises that a reasonable person of ordinary sensibilities would find affect the person’s enjoyment of life, health or

property.

49.65.1170 Penalty.

(a) A person who violates or causes or permits to be violated a provision of this chapter is guilty of a civil violation. Each and every day during which a violation of this chapter is committed, permitted, or continued shall be treated as a separate offense and subject the offender to separate charges and fines, in accordance with CBJ 03.30.075. Civil fines and penalties for violations of this chapter may be imposed in addition to any other remedies provided by law, including the imposition of corrective orders or license actions authorized by this chapter.

(b) In addition to any other remedies provided by law, the City and Borough may seek a court order enjoining the continued operation, within the municipality, of any business whose owner or operator fails to comply with correction orders issued under CBJ 49.65.1125, terms of any decision on appeal under CBJ 49.65.1135, or who fails to cease operation following suspension or revocation of a license under CBJ 49.65.1130.

Section 3. Amendment of Section. CBJ 49.80.120 Definitions, is amended by the addition of the following definitions to be incorporated in alphabetical order:

Marijuana means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; “marijuana” does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

Marijuana cultivation facility means an entity that cultivates, prepares, and packages marijuana and sells marijuana to retail marijuana stores, to marijuana product manufacturing

facilities, and to other marijuana cultivation facilities, but not to consumers.

Marijuana product manufacturing facility means an entity that purchases marijuana; manufactures, prepares, and packages marijuana products; and sells marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

Marijuana retail store means an entity that purchases marijuana from marijuana cultivation facilities, purchases marijuana and marijuana products from marijuana product manufacturing facilities, and sells marijuana and marijuana products to consumers.

Marijuana testing facility means an entity that analyzes and certifies the safety and potency of marijuana.

Section 4. Amendment of Section. CBJ 49.85.100 Generally, is amended to read:

49.85.100 Generally.

Processing fees are established for each development, platting and other land use action in accordance with the following schedule:

...

(19) Marijuana license fee, \$450.

Section 5. Amendment of Table. CBJ 03.30.070 Violations; civil fines, is amended to read:

03.30.070 Violations; civil fines.

(a) Notwithstanding any provision of the CBJ Code to the contrary, the offenses listed in the table below shall be considered violations subject to a civil fine not to exceed that set forth in the table below; payment of the listed civil fine shall be accepted in satisfaction of the violation; and the violation shall be subject to the procedure set forth in CBJ 03.30.075—03.30.085:

CBJ	Type of Violation	Civil Fine
...		
49.45.270	Prohibited signs and sign materials	500.00
<u>49.65</u>	<u>Marijuana Establishments</u>	
<u>49.65.1105</u>	<u>License required</u>	<u>500.00</u>
<u>49.65.1110</u>	<u>Prohibited acts</u>	<u>500.00</u>
<u>49.65.1140</u>	<u>Inspection of premises</u>	<u>500.00</u>
<u>49.65.1145(b)</u>	<u>Modification of licensed premises</u> <u>requires amendment of</u> <u>conditional use permit</u>	<u>500.00</u>
<u>49.65.1150</u>	<u>Hours of operation</u>	<u>500.00</u>
<u>49.65.1155</u>	<u>Documents to be displayed</u>	<u>500.00</u>
<u>49.65.1160</u>	<u>Odor</u>	<u>500.00</u>
...		

Section 6. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2016.

Mary E. Becker, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



**PLANNING COMMISSION
NOTICE OF DECISION**

Date: March 24, 2016

File No.: USE2016 0001

June E. Hall & Paul Disdier
8393 North Douglas Highway
Juneau, AK 99801

Application For: Limited marijuana cultivation facility
Legal Description: USS 3543 Lot 130
Property Address: 8393 North Douglas Highway
Parcel Code No.: 6-D09-0-107-003-0
Hearing Date: March 22, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 15, 2016 and approved the limited marijuana cultivation facility in the D-1 zoning district outside the urban service boundary to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. An As-built survey shall be conducted and submitted to the CDD prior to issuance of a building permit.
2. The existing shed shall be relocated to meet the setbacks requirements for the D-1 zoning district prior to the issuance of a building permit.
3. The existing and proposed structures shall have no windows.
4. The door on the existing shed shall be relocated to the rear of the structure.
5. Renovation of the existing shed and construction of the proposed shed shall meet the Sound Transmission Classification (STC) regulations to eliminate any detectable noise from fans or generators outside of the structures.
6. Wastewater generated by the marijuana cultivation facility is prohibited from entering the septic system and the septic system is prohibited from being connected to any building where marijuana is grown or processed.
7. No back out parking shall be allowed onto the North Douglas Right of Way.
8. No parking for the marijuana cultivation facility or the residence shall be located in the North Douglas ROW.
9. Trees shall be planted on the north side of each building to provide additional screening.
10. The applicant shall pass the CBJ Fire Marshal's inspection.
11. Charcoal filters shall be replaced no less than once annually.
12. Lighting shall be installed at each doorway to the processing building and cultivation building.
13. No offsite glare shall be produced by exterior doorway lights.
14. Each door shall have either a grade 2 lock with deadbolt or grade 1 lock.

June E. Hall

File No.: USE2016 0001

March 24, 2016

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15. Outside swinging doors shall have security hinges
16. Security cameras shall record in no less than high definition 1080p resolution with UV/night vision capabilities.
17. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
18. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixture or other equipment in the processing building and cultivation building.
19. Security cameras shall have a battery back-up system installed capable of supporting one hour of recording time.
20. Batteries shall be replaced no less than once annually.
21. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational.
22. This CUP expires if the applicant does not receive a state marijuana license approval within 18 months.
23. The applicant has notice of pending legislation (Ordinance 2015-38) that may affect this approval. The applicant will comply with all requirements that Ordinance 2015-38 imposes when it is passed even if more restrictive than the approved conditions of USE2016 0001. If the Director determines that Ordinance 2015-38 imposes more substantial submittal requirements and/or more restrictive approval requirements than what was analyzed or imposed by this permit the Director may schedule USE2016 0001 for further review by the Planning Commission within three months of the adoption of Ordinance 2015-38.

Attachments: March 15, 2016 memorandum from Chrissy Steadman, Community Development, to the CBJ Planning Commission regarding USE2016 0001.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission, March 22, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or August 22, 2017, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

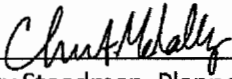
June E. Hall

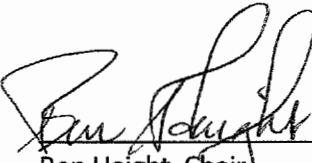
File No.: USE2016 0001

March 24, 2016

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Project Planner:


Chrissy Steadman, Planner
Community Development Department


Ben Haight, Chair
Planning Commission

 3/25/2016
Filed With City Clerk Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: March 15, 2016

TO: Planning Commission

FROM: Chrissy Steadman, Planner *Chris Medley*
Community Development Department

FILE NO.: USE2016 0001

PROPOSAL: Limited marijuana cultivation facility

GENERAL INFORMATION

Applicant: June E. Hall & Paul V. Disdier

Property Owner: June E. Hall & Paul V. Disdier

Property Address: 8393 North Douglas Highway

Legal Description: USS 3543 Lot 130

Parcel Code Number: 6-D09-0-107-003-0

Site Size: 1.35 Acres (58,806 Square Feet)

**Comprehensive Plan Future
Land Use Designation:** Rural Dispersed Residential (RDR)

Zoning: D-1

Utilities: City water & private septic

Access: North Douglas Highway

Existing Land Use: Single family residence

Surrounding Land Use:

North	-	D-1 single family
South	-	Rural Reserve (RR) Vacant
East	-	D-1 Single family
West	-	D-1 Single family

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Vicinity Map



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ATTACHMENTS

Attachment A: Conditional Use Permit Application
Attachment B: Applicant supplemental narrative
Attachment C: Site plan & floor plans
Attachment D: Open house invitations
Attachment E: Public comment

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a 500 square foot marijuana cultivation facility in the D-1 zoning district.

BACKGROUND

In November 2015, the Assembly passed Ordinance 2015-39 amending CBJ 49.25.300 Table of Permissible Uses (TPU) to include marijuana uses. Marijuana uses allowed by the TPU include marijuana cultivation, marijuana product manufacturing, marijuana testing, and marijuana retail. The D-1 zoning district outside the urban service boundary is the only residentially zoned area as defined in CBJ 49.25.210 where marijuana cultivation is allowed. Cultivation in this area is limited to 500 square feet of grow space in accordance with the state regulations found in 3 AAC 306.410. The state will be issuing standard marijuana cultivation facility licenses with no size restrictions and limited marijuana cultivation facility licenses which are limited to 500 square feet of grow space.

A moratorium was placed on applications for marijuana establishments within the CBJ through December 31, 2015 in order to complete amendments to the TPU. Because the moratorium was not extended the Community Development Department has scheduled this application for a public hearing in accordance with CBJ 49.15.330 Conditional use permit.

In addition to the amendments to the TPU, the Marijuana Committee recommended a special use ordinance for the Planning Commission to consider amendments to Title 49. Ordinance 2015-38 contains Conditional Use Permit application requirements specific to marijuana uses, odor management standards, and a local license requirement for marijuana uses. The Planning Commission forwarded a positive recommendation to the Assembly on Ordinance 2015-38 at the February 23, 2016 PC meeting.

While Ordinance 2015-38 has not yet been considered by the Assembly, CDD staff recommended the applicant submit the additional materials consistent with the Planning Commission's recommendation to the Assembly. Additional information required germane to

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this proposal includes:

- Security plan which indicates compliance with State law
- Waste disposal plan
- Screening plan
- Private septic inspection
- Ventilation and filtration plan
- Carbon dioxide use disclosure
- Mold prevention methods

The applicant has addressed each of these topics in the application narrative.

ANALYSIS

Project Site – The proposed site is located at 8393 North Douglas Highway. The site is located in the D-1 zoning district outside the urban service boundary. City water is available, but sewer is not. The site is 58,806 square feet or 1.35 acres. Setbacks in the D-1 zoning district are 25 feet in the front and rear yard and 15 feet on the side yards. During a site visit, staff was able to confirm the eastern property line which was recently surveyed. According to the CBJ Assessor's Office database, the house was built in 1965. The existing single family dwelling does not meet the front yard setback, but is legally nonconforming as it was constructed prior to the adoption of zoning in North Douglas in 1969 and the platting of that portion of North Douglas Highway in 1971. The lot has direct access onto North Douglas Highway as shown on the site plan provided in Attachment C. Parking for the single family residence is located in the ROW.

The proposed plan includes utilizing the existing 12'x24' shed. The shed is 25 feet from the eastern property line but approximately half of the shed encroaches into the ROW as indicated on page 12 of the application. The property lines on this site plan are not surveyed property lines and therefore, an As-built survey is needed for the property to confirm the extent of the encroachment.

Staff discussed the encroachment with the applicant, and they amended their plans to relocate the shed to meet the setback requirements once an As-built survey is conducted. Once an As-built survey of the property has been conducted, the existing shed will be relocated to meet the front and side yard setbacks. As a condition of approval staff recommends the applicant must provide an As-built survey to the CDD and relocate the existing shed to meet the D-1 setback requirements.

The D-1 zoning district has a vegetative cover requirement of twenty percent. Therefore, the subject lot has a vegetative cover requirement of 11,761 square feet. The existing and proposed buildings cover approximately 2,289 square feet. Therefore, vegetative cover on the subject site

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exceeds the twenty percent vegetative cover requirement.

Project Design – As previously stated, the applicant proposes using the existing 288 square foot storage shed for processing the harvested marijuana. However, given the shed is within the platted ROW, use of this building for commercial marijuana cultivation will require the building to meet the required setbacks. The existing windows will be removed and the existing door facing the ROW will be relocated to the south facing rear of the building. Relocating the door to the rear of the building will serve to shield the transfer of marijuana between buildings. Equipment necessary for the drying and packaging room includes charcoal filters, an electric heater and a dehumidifier.

A second 576 square foot building is proposed to be constructed directly behind the existing storage shed. The design for the proposed cultivation building includes two rooms for cultivation and a 72 square foot enclosed entryway (Attachment D). The entryway is designed to shield the transfer of plants from the cloning and propagation room to the flowering room from anywhere outside the building. The door from the exterior of the building into the entryway will be locked at all times, including when handlers are inside.

The applicant estimates the structure will accommodate 390 flowering plants. This number of plants is estimated to produce approximately 73 to 94 pounds of marijuana bud annually. The applicant intends to find a suitable retail location to sell their cultivated product while subcontracting for their product manufacturing needs.

The cultivation building will be supported by a closed loop system, meaning no air or water will exit the building. This structure will include an air conditioning and heating unit as well as dehumidifiers to provide for the atmospheric conditioning required to yield a successful marijuana crop. The heating and cooling system along with fans will also protect against mold, mildew and pesticides.

A propane fueled CO₂ generator will be installed to assist in cultivation. Plant growth is accelerated by increasing the CO₂ parts per million (ppm) in the grow room and therefore is a common feature in commercial facilities. There is an automatic shut off once CO₂ levels reach a certain point. Also, handlers will have the ability to shut off the fuel source to the generator inside and outside the building. The applicant intends to maintain a 100 gallon propane tank onsite for CO₂ generation. The International Fire Code requires propane tanks of 125 gallons to have 5 foot separation from a building. According to the Capital City Fire and Rescue, the CO₂ generator will require an annual inspection.

Normal ambient air has anywhere from 250 to 350 CO₂ ppm. CO₂ used in marijuana cultivation ranges from 800 to 1800 ppm. According to the Federal Department of Labor's Occupational Safety & Health Administration (OSHA) a general permissible exposure limit in an eight hour

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work day is CO₂ levels of 5,000 ppm¹.

Additional equipment includes carbon filters for odor control and fluorescent and LED grow lights in both the cloning and flowering rooms. The structure will not have windows ensuring no light is emitted or any marijuana visible. The enclosed entry way will also serve to shield the use from adjacent properties.

The commercial use will require the installation of a water meter which will be addressed through the building permit required for this facility. The building upgrades to the existing shed and new construction will require a building permit which will include all related inspections to ensure compliance with Title 19 and Title 49.

Traffic – Currently, the applicant does not plan to have employees beyond the current residents of the property. Therefore, there is no anticipated traffic beyond the distribution of the packaged product. The applicant plans to transport product every two weeks to either a retail or product manufacturing location in an unmarked private vehicle and in accordance with the state required transport methods. This includes a manifest of the product being transported and all products must be in secure containers.

Parking and Circulation – The site currently provides parking for four vehicles on the paved driveway directly in front of the house. The driveway is in the North Douglas Right of Way. There is also a one stall garage attached to the house. The single family home requires two parking spaces. According to the parking table in CBJ 49.40.210 the marijuana cultivation facility requires one additional parking space. Therefore, the site requires a total of three parking spaces.

Parking for the single family dwelling is considered legally non-conforming since the ROW was platted after construction of the residence. The residence was also built prior to parking standards for this area of North Douglas. CBJ 49.40.200 requires all required parking spaces be provided onsite. In addition, CBJ 49.40.230(b)(7) requires that parking areas have adequate space for circulation to prevent back out parking on the right of way. According to the Alaska Department of Transportation (AKDOT), no driveway permit is required as AKDOT recently paved a 39 foot apron at the subject property. The recent paving is considered a permitted approach by AKDOT. Parking space is available to the west of the single family residence which would provide onsite parking in addition to the one stall garage.

Staff recommends as a condition of approval that no parking for the residence or marijuana cultivation facility shall be in the ROW.

1 https://www.osha.gov/dts/chemicalsampling/data/CH_225400.html

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Noise – As previously stated, the proposal includes a closed loop system with structures that do not have windows. All equipment for the operation will be inside the building. No externally perceptible noise is expected from the heating and cooling air to air system, fans, CO₂ generator, or dehumidifiers. There are no other potentially noise emitting processes or equipment associated with a limited marijuana cultivation facility. Staff recommends as a condition of approval that the structures meet the Sound Transmission Classification requirements as provided in the International Building Code to eliminate any detectable noise from fans or generators outside of the structures.

Lighting – One downward facing light is proposed by the entry to the cultivation building to comply with state security requirements. As previously stated, the processing building and cultivation building will not have any windows and an internal door will be closed prior to exiting the building so no internal light will be visible from outside the building. Staff recommends an additional light be installed at the doorway to the processing building. Given the door will be in the rear of the building, off site glare will not be a concern. Staff recommends as a condition of approval a light at each doorway to the marijuana cultivation facility buildings. Staff further recommends that each light shall not produce any offsite glare.

Odor - 3 AAC 306.430(c)(2) and proposed Ordinance 2015-38 require marijuana cultivation licensees to prevent odor from being detectable outside of the licensed premise. As described under project design, the building will have carbon filters to absorb plant odor. Carbon filters are the primary method for odor elimination in marijuana facilities. Staff recommends a condition that the filters be replaced no less than once annually to ensure their proper functioning.

Waste – State regulations require each plant to be tracked from seed or the cloning stage to final sale or disposal. Licensees must give the state a minimum of three days' notice prior to rendering the marijuana unusable. Marijuana to be destroyed must be rendered unusable by grinding the plant waste and then mixing the ground material with compostable or non-compostable material. Marijuana product manufacturing processes allow for much of the plant to be used for extraction of oil. Therefore, there is typically little beyond plant stems that will be left over to dispose of. The applicant intends to compost plant waste for personal use. Staff recommends as a condition of approval that the compost be stored in the processing building.

According to the applicant no wastewater will be produced by the cultivation facility. Rainwater runoff and water captured in the dehumidifiers will be the main source for watering the plants. Otherwise, water would be transferred from the residence. Plants are expected to absorb the water fed to them with little to no runoff. Therefore, inspection of the existing septic is not required.

Public Health or Safety – Security is a primary concern in the legal marijuana industry and the

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state regulations provide for processes and standards to ensure legal marijuana does not end up in the illegal market, is sold only to those 21 and over and that licensed marijuana establishments are secure from theft. Proposed Ordinance 2015-38 requires that CUP applications include a security plan indicating how the applicant will comply with the requirements imposed by State law. Those requirements include;

- Exterior lighting
- Security alarm system on exterior doors
- Continuous video monitoring
- Commercial grade door locks on exterior points of entry

Each of the state security requirements are addressed in the security plan provided by the applicant found on page 8 of Attachment A. Staff recommends as a condition that prior to issuance of a Certificate of Occupancy that staff ensure that each security element is operational.

The proposal includes high resolution cameras that will have the ability to record in infrared spectrum. Infrared recording would be necessary if electricity was shut off or someone entered either building while the lights were shut off. Staff interviewed local security specialists to determine if the proposed resolution would provide the necessary imaging should a burglary take place. Specialists confirmed that the megapixel resolution proposed by the applicant would provide high quality imaging.

The proposal identifies the use of ventilation, pesticides and sanitation as all methods to be used to reduce the chance of mold, mildew, fungus, or pests. Samples of marijuana and manufactured product must be tested in a state licensed facility prior to sale. Testing facilities are required to test for harmful contaminants and residual solvents from extraction processes. Therefore, any harmful chemicals or microbial will be detected prior to consumer consumption. Further the applicant has identified in a supplemental narrative that no toxic chemicals will be used in fertilizing the plants (Attachment B).

Habitat – No habitat regulated by Title 49 is affected by the proposal.

Property Value or Neighborhood Harmony – At the time this staff report was due, staff had received 15 letters in support of the proposal and 4 letters opposing the proposal (Attachment F). The applicant hosted an open house on January 23, 2016 for neighboring property owners and residents. The invitation letter, sent to 22 properties, can be seen in Attachment E. According to the applicant five neighbors attended. According to the applicant they addressed questions related to off-site glare from lights, odor, noise, security and number of employees. The applicant stated that approximately seven additional neighbors stopped by individually to discuss the proposal. None of those that attended the open house or visited the applicants

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voiced opposition to the proposal. The applicants intend to host a second open house on March 19th.

The letters in opposition to the proposal were concerned about potential effects on property values, odor, and noise. Staff has included an email from City Assessor Robin Potter addressing property value concerns (Attachment G). There is no evidence to indicate that property values will be adversely affected by the proposal with appropriate conditions placed on approval of this permit application.

The letters in opposition also requested a delay in hearing this proposal until Ordinance 2015-38 was adopted. As previously stated, the Director made the determination to present this application because the moratorium has expired. Those residents opposed to the proposal were also concerned in general about commercial operations in the D-1 residential zoning district. However, directly to the north of the subject property a 23 acre commercial peony farm was approved with USE2014 0007. In addition to commercial agriculture, the TPU allows other commercial uses in the D-1 zoning district such as recreational facilities, veterinarian clinic, and sand and gravel operations with an approved conditional use permit.

Conformity with Adopted Plans – The property has a Comprehensive Plan designation of Rural Dispersed Residential (RDR). Chapter 10 of the City and Borough of Juneau Comprehensive Plan defines RDR as the following;

These lands are characterized by dispersed, very low density development not provided with municipal sewer or water. Densities are intended to permit one dwelling unit per acre or larger lot sizes, based on existing platting or the capability of the land to accommodate on-site septic systems and wells. Uses may also include small-scale, visitor-oriented, seasonal recreational facilities.

The subject site is provided with municipal water, though outside the urban service boundary. The Planning Commission and Assembly deemed the limited cultivation facilities to be appropriate for the lowest density zoning district due to their minimal offsite impacts. This lot is substantially over the minimum lot size for the zoning district of 36,000 square feet at 58,806 square feet with only a single family residence. The site provides adequate space and screening to operate a limited cultivation facility.

Staff further reviewed the 2013 Comprehensive Plan for policies that may be relevant to the proposal:

POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.

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POLICY 5.18. TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA.

The proposed development would help to diversify the economy and is a new business as encouraged by these policies.

The Comprehensive Plan identifies neighborhood concerns related to traffic, noise, glare, and loss of privacy in relation to higher intensity incompatible uses. Chapter 10 Land Use provides guidance on how to avoid residential land use conflicts

POLICY 10.4. TO MINIMIZE CONFLICTS BETWEEN RESIDENTIAL AREAS AND NEARBY RECREATIONAL, COMMERCIAL, OR INDUSTRIAL USES THAT WOULD GENERATE ADVERSE IMPACTS TO EXISTING RESIDENTIAL AREAS THROUGH APPROPRIATE LAND USE LOCATIONAL DECISION AND REGULATORY MEASURES.

Implementing Actions:

10.4 – IA2 Maintain and consider enhancing Title 49 Land Use Code requirements for buffering and screening between residential and commercial/industrial uses and careful review of site development plans. Great care should be taken to incorporate design features, materials and good neighbor operating practices into the non-residential development permit in order to mitigate potential adverse noise, dust, odor and glare impacts to adjacent residential neighbors. Such operating practices should be incorporated as conditions of any permit for a non-residential land use located within 200 feet of a residential use or neighborhood.

While this implementing action is intended to address large commercial or industrial activity, it does provide guidance on how to address potential off site impacts between commercial and residential uses in the same area. With appropriate conditions potential impacts from the proposed use can be mitigated to offset any impacts to existing residences.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it

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finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 14.240 for the D-1 zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the March 11, 2016 and will be provided in the March 21, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. Will the proposed development materially endanger the public health or safety?

No. Public comment in opposition of the proposed use has spoken to the potential for material endangerment because the use may attract crime. The proposal includes a 24 hour, 7 day per week surveillance and alarm system. The cultivation process will occur in a closed loop system and therefore no odor or product will be detectable offsite. The proposal includes necessary safety measures to ensure the product is free of contaminants and will further be

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tested prior to consumption according to State regulations. Therefore, as proposed, the limited marijuana cultivation facility will not materially endanger the public health or safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. Based on the preceding analysis including comments from the Assessor's Office staff does not find evidence to suggest that the proposal with conditions will substantially decrease the value of neighboring properties. State and local regulations as well as the applicants' design proposal minimize any visible evidence of the use in the existing structure and proposed structure. The applicant hosted an open house and addressed any concerns neighbors had about the proposal and have adapted their plans to meet neighborhood concerns. Further, other commercial uses are allowed in the D-1 zoning district including a permitted 26 acre peony farm directly to the north.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. Based on the preceding analysis, staff finds the proposal to generally conform to the land use plan and the 2013 Comprehensive Plan.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

N/A

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit, USE2016 0001. The permit would allow the development of a 500 square foot marijuana cultivation facility in the D-1 zoning district. The approval is subject to the following conditions:

1. An As-built survey shall be conducted and submitted to the CDD prior to issuance of a building permit.
2. The existing shed shall be relocated to meet the setbacks requirements for the D-1 zoning district prior to the issuance of a building permit.

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March 15, 2016
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3. The existing and proposed structures shall have no windows.
4. The door on the existing shed shall be relocated to the rear of the structure.
5. Renovation of the existing shed and construction of the proposed shed shall meet the Sound Transmission Classification (STC) regulations to eliminate any detectable noise from fans or generators outside of the structures.
6. Wastewater generated by the marijuana cultivation facility is prohibited from entering the septic system and the septic system is prohibited from being connected to any building where marijuana is grown or processed.
7. No back out parking shall be allowed onto the North Douglas Right of Way.
8. No parking for the marijuana cultivation facility or the residence shall be located in the North Douglas Right of Way.
9. Trees shall be planted on the north side of each building to provide additional screening.
10. The CO₂ generator shall have an automatic shut off.
11. A propane sensor shall be installed in the cultivation building.
12. Charcoal filters shall be replaced no less than once annually.
13. Lighting shall be installed at each doorway to the processing building and cultivation building.
14. No offsite glare shall be produced by exterior doorway lights.
15. Each door shall have either a grade 2 lock with deadbolt or grade 1 lock.
16. Security cameras shall record in no less than high definition 1080p resolution.
17. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
18. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixture or other equipment in the processing building and cultivation building.
19. Security cameras shall have a battery back-up system installed.
20. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational.
21. The applicant shall obtain a CBJ marijuana business license if and when applicable.
22. The property owner shall schedule an annual inspection to ensure conditions of this permit are met.
23. This CUP expires if the applicant does not receive a state marijuana license approval within 18 months.
24. No marijuana cultivation may occur without all other required state and local approvals.

DEVELOPMENT PERMIT APPLICATION

Project Number		CITY and BOROUGH of JUNEAU		Date Received: 1/12/16	
Project Name (City Staff to Assign Name)					

INFORMATION	Project Description <u>Limited Cultivation Establishment</u>				
	PROPERTY LOCATION				
	Street Address <u>8393 No. Douglas</u>			City/Zip <u>Juneau 99801</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)				
	Assessor's Parcel Number(s)				
	LANDOWNER/ LESSEE				
	Property Owner's Name <u>June E. Hall</u>			Contact Person: <u>June</u>	
	Mailing Address <u>8393 No. Douglas Juneau AK 99801</u>			Home Phone: <u>586-6790</u>	
	E-mail Address <u>renoir e gci.net</u>			Fax Number: <u>723-5995</u>	
	Other Contact Phone Number(s):				

PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT *****Required for Planning Permits, not needed on Building/ Engineering Permits*****				
	I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:				
	A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.				
	B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.				
	X	Landowner/Lessee Signature <u>June E. Hall</u>			Date <u>1.12.2016</u>
	X	Landowner/Lessee Signature <u>Paul V. Hissin</u>			Date <u>1.12.2016</u>
	NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.				
	APPLICANT If the same as OWNER, write "SAME" and sign and date at X below				
	Applicant's Name <u>June E. Hall</u>			Contact Person: <u>Same</u>	
	Mailing Address <u>8393 No. Douglas</u>			Home Phone: <u>Same</u>	
E-mail Address <u>Same</u>			Fax Number: <u>Same</u>		
Other Contact Phone Number(s):					
X	Applicant's Signature <u>June E. Hall</u>			Date of Application <u>1.12.2016</u>	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE				
	☒	Permit Type	SIGN	Date Received	Application Number(s)
		Building/Grading Permit	[]		
		City/State Project Review and City Land Action	[]		
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)	[]		
		Mining Case (Small, Large, Rural, Extraction, Exploration)	[]		
		Sign Approval (If more than one, fill in all applicable permit #s)	[]		
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)	[]		
	X	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	X	1/12/16	USE 20160001
		Variance Case (De Minimis and all other Variance case types)	[]		
		Wetlands Permits	[]		
		Zone Change Application	[]		
		Other (Describe)	[]		
	***Public Notice Sign Form filled out and in the file.				
	Comments:				Permit Intake Initials <u>ESF</u>

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
 I:\FORMS\2010 Applications Revised November 2009

TO BE COMPLETED BY THE APPLICANT

Page 1 of 2
Attachment A

CBJ Conditional Use Permit Application:
Narrative and Site Plan January 12, 2016

The Fireweed Factory LLC

RECEIVED
JAN 12 2016
PERMIT CENTER/CDD



Narrative Contents

Business Structure and Operations

Site Use and Development

Cultivation

Processing

Safety and Security

Summary

Site Plan and Drawings

Attachments

Business Structure and Operations

The Fireweed Factory is a LLC licensed in the State of Alaska. As a manager/owner company some members will oversee its operation. The State marijuana regulations spell out four types of facilities that can be established. The company plans to apply for the State of Alaska limited cultivation permit to grow and process cannabis for sale. It will operate under and comply with all the legal requirements of the State and CBJ. We may have one to two employees. All marijuana handlers will be licensed per State regulation 3 ACC 306.425.

The Fireweed Factory will be operated as a vertically integrated company that incorporates the "seed to sale" business model. The company is classified as a limited cultivation establishment as defined by State regulation, and limited by the CBJ zoning, to less than 500 square feet of grow space.

Our company policies will reflect our values: to grow only premium cannabis that will be held to the highest safety standards, be sensitive to community concerns and to be protective of the environment. The owners have lived in Juneau since 1974 and have had some of the same neighbors for many years. We will address their interests and concerns by inviting them to an open house to view our planned facility and explain its operations. An emphasis will also be placed on informing them about the safety and security of our facility, our company mission and aspects of cannabis based on facts.

No manufactured products such as concentrates, edibles or extracts from the plants will be made on site and we do not intend on applying for those State permits. A company-owned retail store is planned for downtown Juneau in the future.

Site use and development

A limited cultivation marijuana establishment on North Douglas is allowed under the CBJ Land Use Code as amended by CBJ Ordinance #2015-39. Under CBJ Title 49.25.300, and by standard definition, the cultivation facility is designated as a Commercial Agricultural Operation limited to under 500 square feet as outlined by Section 14.245. The total lot size is 1.54 acres and the area affected by facility development is less than 1/20 of the lot. The site was cleared and filled many years ago. After a small amount of brush is cleared, it will be ready to build on. There will be no environmental habitat impacts to the site.

As cannabis cultivation parallels other forms of indoor farming and gardening, the schedule for all work performed is 8 am to 8 pm, seven days a week throughout the year. Unlike greenhouses, no light will be emitted from the buildings. Owners live on site in a single family home in close proximity to the grow facilities. The site will not be open to the public and access will be limited only to those who have a State handler's permit.

Facilities overview

At the proposed site TFF is planning to make use of one existing building for processing and construct one new building for growing. Use and occupancy will conform to the International Code Council's Chapter 3, Section 312.1 Utility and Misc. Group U - Agricultural Buildings category. Appendix C was added to the agricultural buildings section and CBJ adopted this appendix under 19.03 (Serial No. 2009.16b). The scope of this appendix outlined provisions that apply exclusively to agricultural buildings. Such buildings in Group U include, but were not limited to, horticultural structures including detached production greenhouses and crop protection shelters.

The existing building is 288 square feet and will only serve as a location for drying, trimming and packaging. The proposed new building of 494 square feet will be for propagation and flowering of plants. This new building is being designed to blend with

other structures on the site. Shielded by big trees the two buildings will have low visibility from North Douglas Highway and neighbors; in addition they will be highly secured. Construction of the new building will begin in early spring and depending on the weather could be completed in approximately four weeks. The noise produced by construction will be short term and at typical levels for the size and building type; sounds produced by operations will be minimal and not audible to our neighbors.

A new electrical service of 200 amps will be run to the new cultivation building. A new circuit breaker box will be installed and power will be split up into both 120v and 240v supply lines running through conduit to multiple outlets throughout the building. Power will also be run in conduit to the existing processing building.

Water for hydration will be stored in a tank from roof runoff and/or supplied to the building from the single family dwelling on site, then pumped into the building for watering plants. The water from the humidifiers will be recycled to water the plants.

Because we may not have any employees and certainly less than fifteen, the accessible standards set by ADA Title 1 do not apply to the bathroom we will provide. In addition, under ADA Section 203.9 Employee Work Areas, work spaces under 300 square feet shall not be required to comply with the standard accessible requirements. The ADA Advisory 203.9 section suggests that "Although areas used exclusively by employees for work are not required to be fully accessible, consider designing such areas to include non-required turning spaces . . . consider accessible elements whenever possible," and this is what we intend to do if we hire a ADA qualified individual as an employee.

See attached building plans.

Building 1: Cultivation

Propagation

Building 1 will provide 494 square feet of cultivation space and fulfills the less than 500 square feet requirement of the State and CBJ zoning for a limited cultivation establishment. The facility will have an enclosed entry of 5'x12' with a secure door and surveillance. The building will be an insulated structure of wood construction with no windows and have a

metal roof. It will be divided by a partition wall into two sections: the propagation room and a flowering room. The interior walls will be covered with smooth finished drywall and painted with a coating that is capable of being frequently washed and sanitized.

Equipment installed will include an air conditioning/heating system, CO2 generator, activated carbon filter system, and fluorescent grow lights. The propane supply for the CO2 generator will have manual shut-off valves inside and outside the building. The generator will have an electronic monitoring system that will have an automatic safety shut-off feature.

It is in Building 1 that the process of growing begins with the "mother plants." Mother plants are large mature plants that are kept solely for the production of clones (small cuttings). A mother plant is used for long periods of time and is not harvested for sale. The clones are taken from the mother plants and put into aeroponic cloning machines where they sprout roots. After rooting, the clones are then transplanted into small pots containing coco coir (shredded coconut husks) where they will grow under fluorescent lights for the next two weeks. All plants will be fertilized with high quality organic nutrients.

Each 8" clone is given an official Marijuana Inventory Tracking System (MITS) number. This section of the cultivation building must be kept scrupulously clean to avoid invasion of any contaminants like molds, mildew, fungus, etc. Pest contamination will be controlled by a variety of methods, including regular cleaning of growing equipment and keeping the proper environment at all times (i.e humidity, temperature and light). Personnel will put on clean Tyvek suits and gloves to prevent bringing in any contaminants. Any pest contaminations will be eliminated with organic pesticides and fungicides only. Any smell of cannabis to the outside will be eliminated by the activated charcoal filter system.

Flowering

The cannabis clones are repotted into larger containers and moved to the flowering room along with their MITS tags. These plants will be fed organic nutrients for a total of two months until they are harvested.

Equipment includes: an air conditioning/heating system, CO2 generator, activated carbon filter system, fans and LED lighting fixtures. Light is supplied in a cycle of 12 hours on and

12 hours off. No light will be emitted to the outside. Any smell of cannabis to the outside will be eliminated by the activated charcoal filter system.

This building must also be kept extremely clean to avoid any contaminants like molds, mildew, insect and fungus, etc. Pest contamination will be controlled by a variety of methods, including regular cleaning of growing equipment and keeping the proper environment at all times (i.e humidity, temperature and light). Personnel will put on clean Tyvek suits and gloves to prevent bringing in any contaminants. Any pest contaminations will be handled with organic pesticides and fungicides only.

When mature plants are harvested, they will be separated into batches of a single strain. Labeling and tracking of each batch is also entered into the State MITS per regulation 3 AAC 306.730.

See attached for plans and sample equipment.

Building 2: Processing

Drying, Trimming, and Packaging

Building 2 is the existing 288 square foot is an insulated structure of wood construction with metal roof and siding previously used for storage. The two windows and one of the two existing doors will be infilled and covered with siding and made secure. The interior smooth drywall surfaces will be repainted with a coating capable of being frequently washed and sanitized.

Equipment installed will include an electric heater, activated charcoal system for odor control and a dehumidifier for drying plants. A portion of this building will be separated from the packaging area for the drying and trimming of harvested plants. All personnel will wear clean Tyvek suits and gloves to prevent contamination of the marijuana during trimming and packaging.

After harvesting, plants will be hung to dry for seven to ten days in a climate controlled environment. Trimming of the flower buds and the topmost smaller leaves will be done by hand to ensure optimum quality. The byproduct of the trimming process (trim) will be sold

to other businesses who will manufacture refined items such as extracts and edibles. The flower buds and trim will be put into in a light proof and air-tight container and securely stored at a cool temperature until it is packaged.

Before any cannabis is packaged, it must be tested by a licensed lab for cannabinoid potency and contaminants per 3 AAC 306.645. Only after it meets the testing requirements can it be packaged. Packaging and labeling will be done in compliance with 3 AAC 306.470 and 3 AAC 306.475. Child-resistant plastic opaque bags will be sealed and labeled with our company name and logo as well as the required MITS and labels. Packages will be securely transported to other licensed businesses that retail or manufacture refined items, or to our permitted retail store. Before distribution the State excise taxes must be paid.

Plant waste will be shredded and disposed of according to regulation 3 AAC 306.740. Because extensive flower beds and a large vegetable garden are maintained on the property, composting the shredded material, mixed owner-provided chicken manure, will be the first choice for disposal.

Safety and Security

The health and safety of our cannabis and those that produce it are a primary concern for our business. Personnel will have access to a separate toilet facility and shop sink on the lower level of the owners' house within 60 feet of the cultivation buildings. The available bathroom is not completely handicapped accessible but the sink, toilet and grab bars are ADA compliant.

All buildings including the family home will have the most advanced security systems available, fulfilling regulations 3 AAC 306.715 and 3 AAC 306.720. Camera systems will be IP based and will capture and transmit images over an IP network. IP video allows the user to view and record footage remotely from a smartphone or tablet.

Cameras will record in HD 1080p and have the ability to record in the infrared spectrum to provide detailed images even in total darkness. The cameras will also record in Wide Dynamic Range (WDR), which creates a clearer more identifiable image and ensures optimal image detail, along with facial recognition software. Surveillance cameras will be

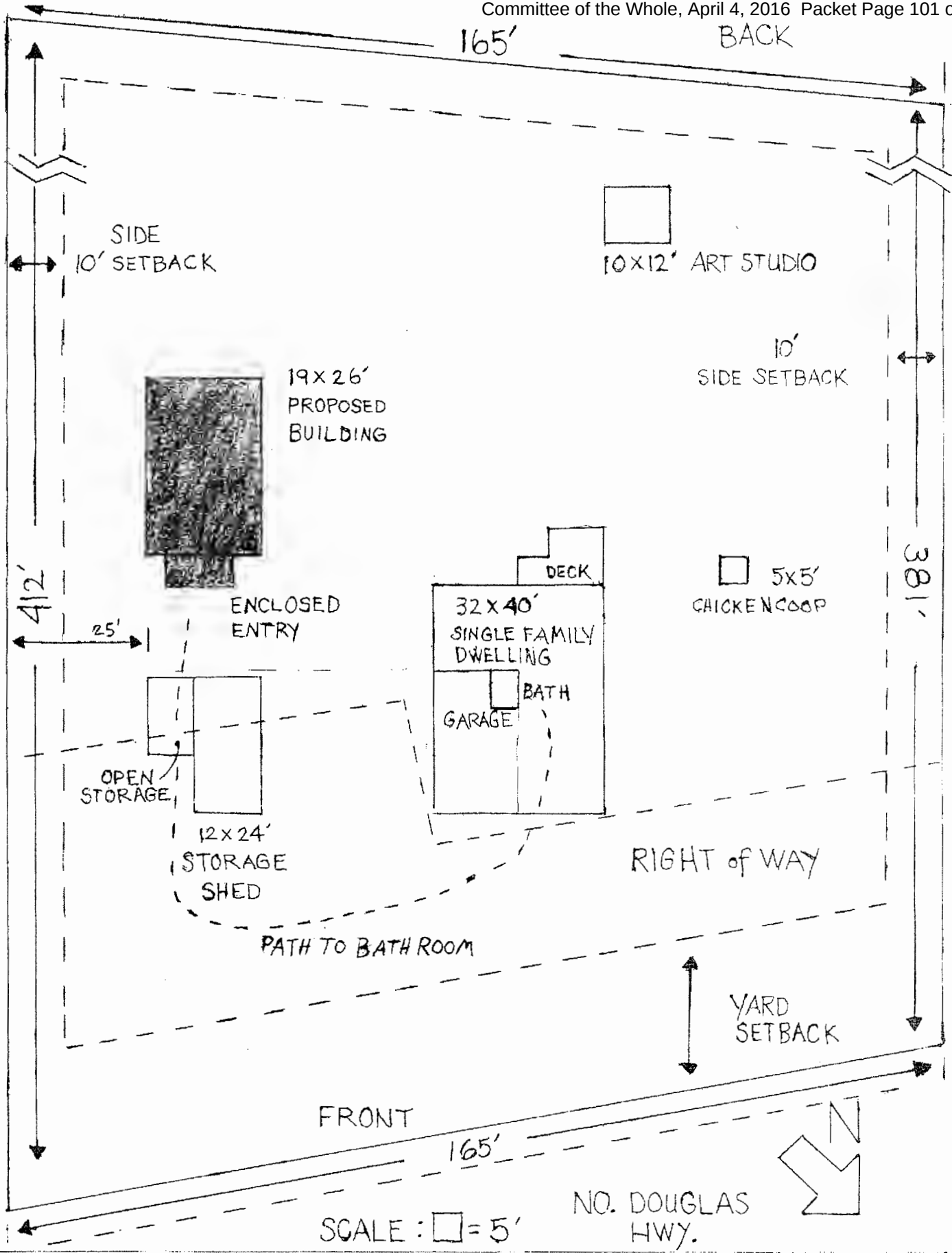
outfitted with vandal-proof enclosures. These enclosures help to minimize physical damage to the camera lens. For outside placement a weather-resistant enclosure will be used to prevent water damage. These cameras will be placed strategically at all entrances to prevent robbery and catch detailed imagery in case an unauthorized person breaks into the buildings. Cameras will record 24 hours a day and have a battery backup system.

Video Management Software will be used in conjunction with a network video recorder to view, record and manage all cameras from a monitoring station or a remote device such as a smartphone or tablet. Motion detecting spotlights will be used at the entrance of each building. Industrial grade security doors and locks will be installed on all buildings.

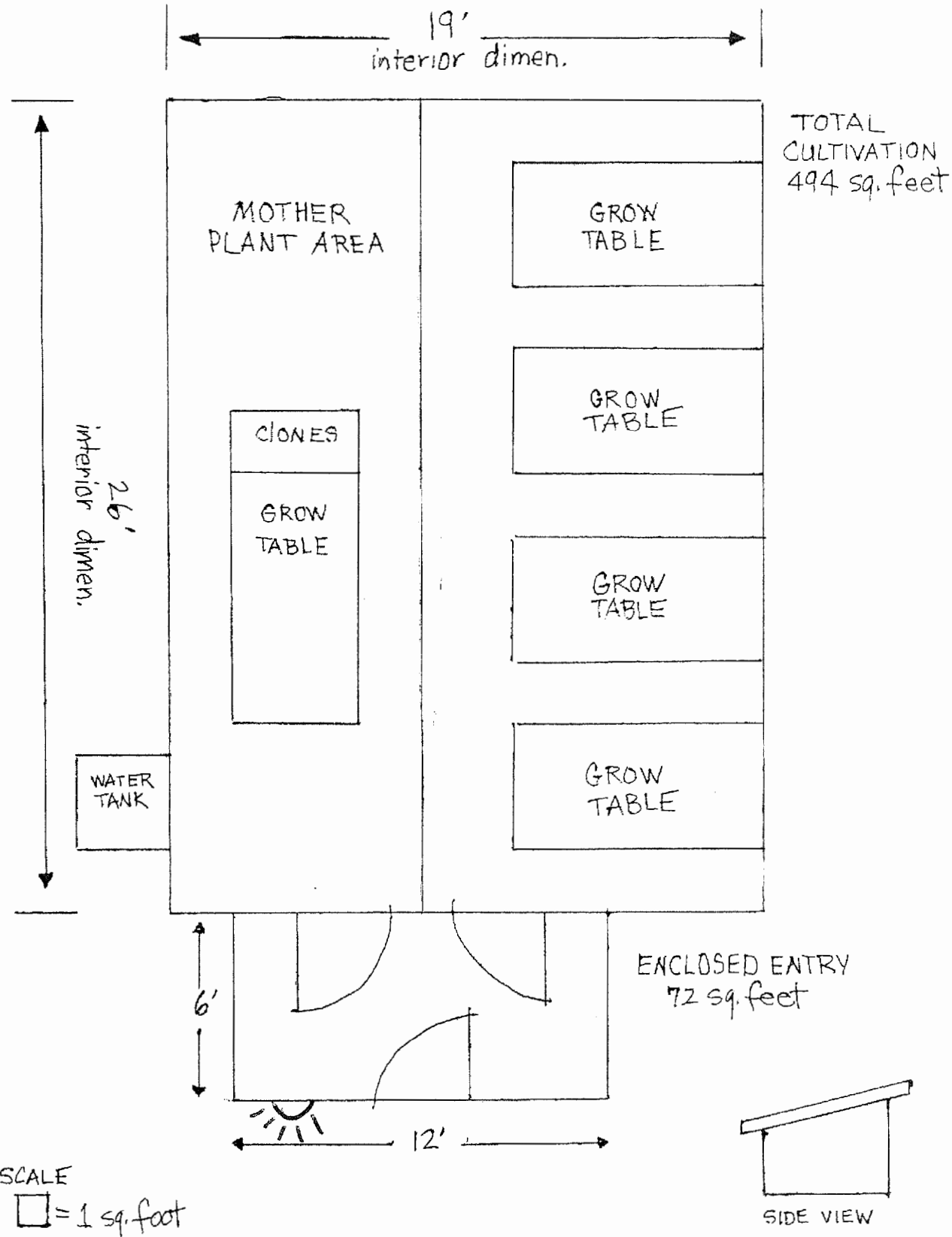
The alarm system will include multiple duress alarm access points, multiple panic alarm access points, digital dialer with cellular backup, and equipment failure notification alarm. Real-time monitoring of security systems will be provided by a professional security company.

Summary

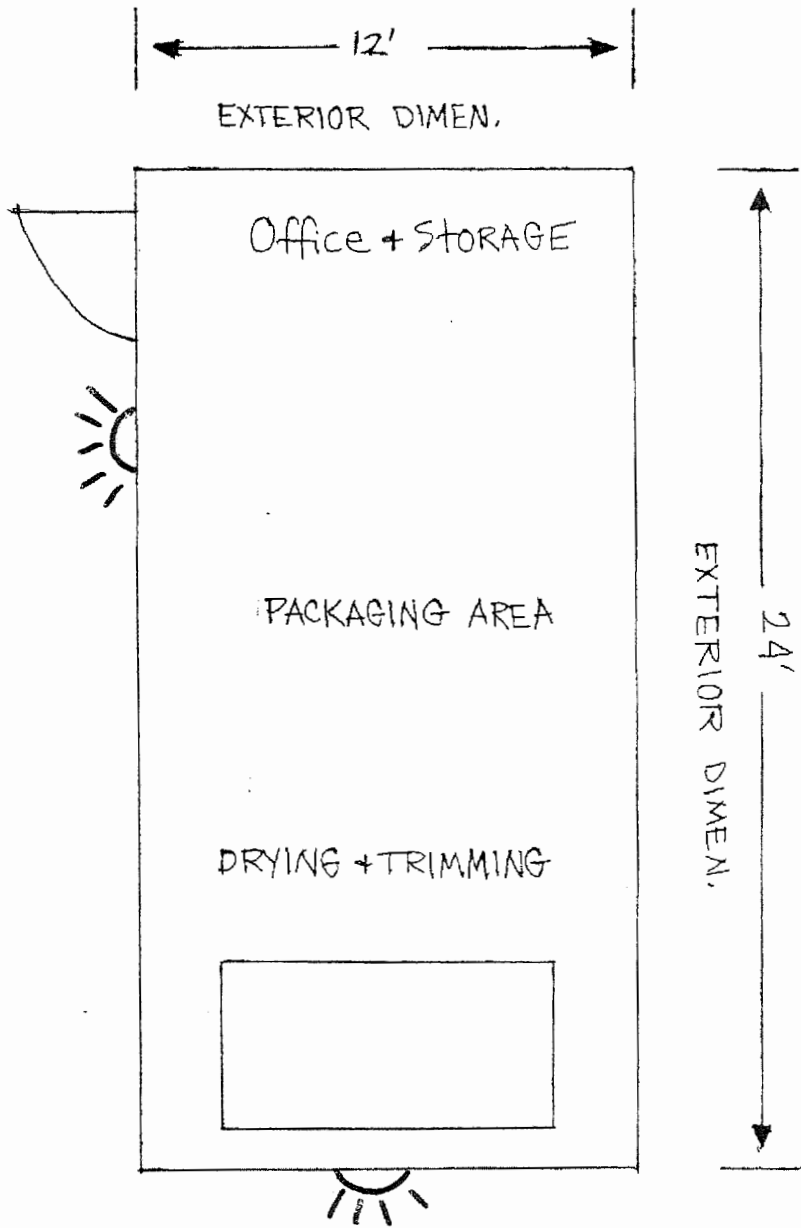
The primary goals of this limited cultivation business will be to provide the highest quality legal cannabis, grown with environmentally friendly and all natural methods. It is our desire to integrate this new product into the local market in a socially responsible way. The interests of our customers are not separate from our own. We plan to help educate our local community on the benefits of both medical and recreational cannabis. We see this company as "value driven" and contributing to positive social change in our community.



PROPOSED CULTIVATION BLDG.



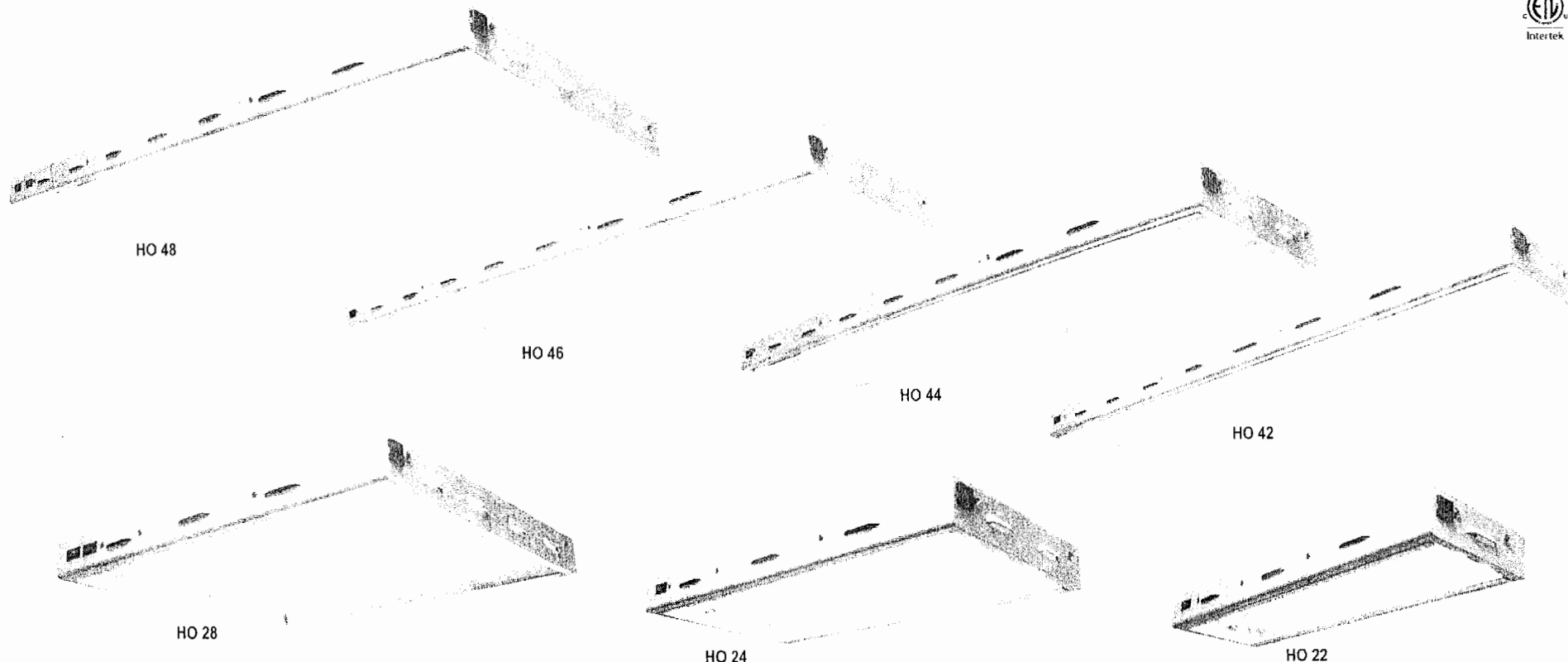
EXISTING PROCESSING BUILDING



Lighting fixture
will be downward
facing

SPECIFICATIONS

Sun Blaze T5 HO 120 Volt Fluorescent Fixtures



• = yes

ITEM NUMBER	PRODUCT NAME	HO	VHO	ETL LISTED	VOLTS	AMPS	# OF LAMPS	LAMP WATTAGE		MAXIMUM DAISY CHAIN	POWER SWITCHES	DIMENSIONS (INCHES)			WEIGHT (LBS)
								EACH	TOTAL			LENGTH	WIDTH	HEIGHT	
960290	Sun Blaze T5 HO 22	•		•	120	0.56	2	24	48	16	1	23.75	7.75	2.5	6
960295	Sun Blaze T5 HO 24	•		•	120	1.15	4	24	96	8	1	23.75	12.75	2.5	8.5
960293	Sun Blaze T5 HO 28	•		•	120	2.3	8	24	192	4	2	23.75	22.5	2.5	13
960296	Sun Blaze T5 HO 42	•		•	120	1	2	54	108	10	1	47	7.75	2.5	10
960300	Sun Blaze T5 HO 44	•		•	120	2	4	54	216	5	1	47	12.5	2.5	15
960302	Sun Blaze T5 HO 46	•		•	120	3	6	54	324	3	1	47	17.5	2.5	19
960305	Sun Blaze T5 HO 48	•		•	120	4	8	54	432	2	2	47	22.5	2.5	22.8

Attachment A



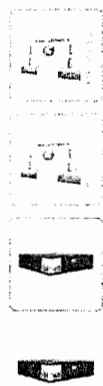
Sunlight Supply, Inc.
National Garden Wholesale.

This document is not intended to be used for installation purposes. We cannot cover all specific applications or anticipate all requirements. All specifications are subject to change without notice.

HOME (<https://www.sunlightsupply.com/>) / SHOP (<https://www.sunlightsupply.com/shop/>) / ENVIRONMENTAL CONTROLLERS (<https://www.sunlightsupply.com/shop/bycategory/environmental-controllers>) / TITAN CONTROLS® HELIOS® 13 - 16 LIGHT 240V CONTROLLER WITH TIMER

Titan Controls® Helios® 13 - 16 Light 240V Controller with Timer

Overview Documents Specs



Product Diagram

(<https://sunlightsupply.s3.amazonaws.com/document>

Product Selector

(</page/titanproductselector>)

Part #702828



702828

This controller will run sixteen (16) HID lights at 240 Volts. The only lighting controllers featuring industrial-grade ballast rated relays. Premium quality timer with battery back-up keeps lighting schedule in the event of power failure (located on the bottom of unit). Sequenced lighting delays for each light bank. NEMA 6-15 UL Listed 240 VAC power outlets. 100 Amps input power/80 Amps output power/240 Volts/60 Hz./16,000 Watts.

EXCLUSIVE



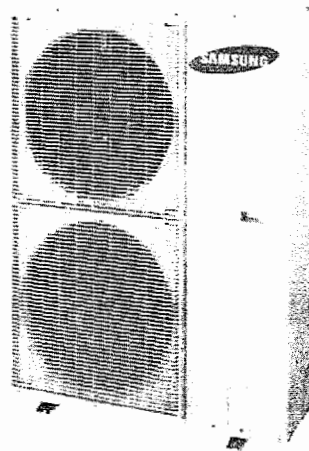
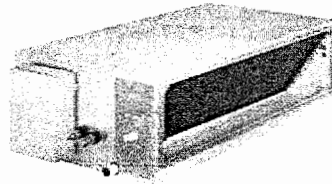
Part#	Title	MSRP	Wish List
702828	Titan Controls Helios 13 - 16 Light Controller w/ Timer	\$1,191.95	+ Wish List

[Find Retailer \(/page/findretailer\)](/page/findretailer)

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/ AC DEHUMIDIFICATION HUMIDIFICATION (<https://www.sunlightsupply.com/shop/bycategory/ac-dehumidification-humidification>)
/ SAMSUNG MINI SPLIT SYSTEM CEILING MOUNTED HEAD 20+ SEER - HEATING & COOLING - 48,000 BTU

Samsung Mini Split System Ceiling Mounted Head 20+ SEER - Heating & Cooling - 48,000 BTU

Overview Specs



Part #700542



FAMILY

48,000 BTU Heating & Cooling Ductable, Ceiling Hung system. Professional Install Only. 208/230 Volt, 1 phase. Minimum circuit 25 amps. Requires 3/8 in x 5/8 in Line set (700577 & 700579 sold separately). Includes (1) 48K BTU ceiling hung indoor unit. SEER = 18.1, HSPF = 9.6. The Samsung Wireless Interface Kit for the 48,000 BTU Unit (700542) is required for operation but sold separately. This kit includes the receiver, wall display and 32 ft wire harness to interface with the Samsung Wireless Controller (700544), which is also sold separately but required for operation. Refrigerant line sets are offered separately and should be installed by a qualified HVAC Technician.

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Titan Controls® Ares® 10 - Ten Burner CO2 Generators

Overview Documents Specs



Product
Diagram

(<https://sunlightsupply.s3.amazonaws.com/document>



Part #702869

FAMILY

CO2 is scientifically proven to improve the performance of plants! The Ares® Series CO2 generators provide a clean & efficient way to enrich your grow area with CO2. Ares® Series CO2 generators comes with everything you need to get your CO2 system started. Switchable from 2, 6, or 10 burners. Includes: CO2 Generator, AC power supply, hanging chain, ceiling hook, appropriate hose and regulator. All you need to provide is a gas source! 1.5 Amps/120 Volts/60 Hz.

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Titan Controls® Atlas® 8 - Digital CO2 Controller with Fuzzy Logic

Overview Documents Specs



Product
Diagram

(https://sunlightsupply.s3.amazonaws.com/documents/product/702853_Application-Diagram.pdf)

Product
Selector

(</page/titanproductselector>)



Part #702853



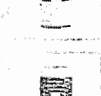
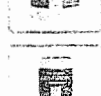
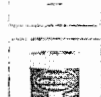
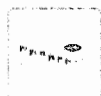
FAMILY

The Atlas® 8 is a digital CO2 monitor/controller. Once the CO2 level has reached your desired set point it will disable the CO2 device. It features a photocell to ensure daytime only dosing of CO2 via a generator or regulator. This controller comes with a 15 ft remote sensor that houses the photocell and CO2 sniffer. Besides having

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Can-Filters®

Overview Specs



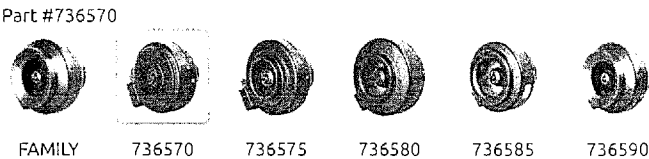
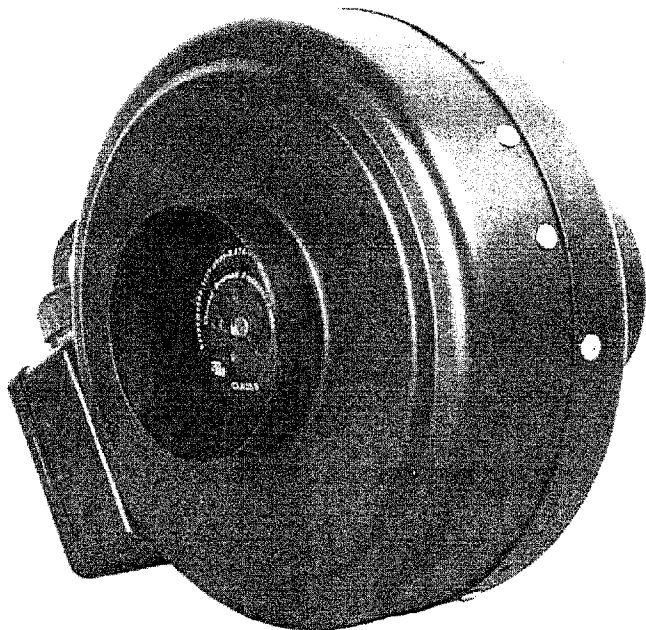
Part #700595

FAMILY

HOME (<https://www.sunlightsupply.com/>) / SHOP (<https://www.sunlightsupply.com/shop/>) / FANS VENTILATION DUCTING (<https://www.sunlightsupply.com/shop/bycategory/fans-ventilation-ducting>) / HURRICANE® CENTRIFUGAL INLINE FANS

Hurricane® Centrifugal Inline Fans

Overview Documents Specs

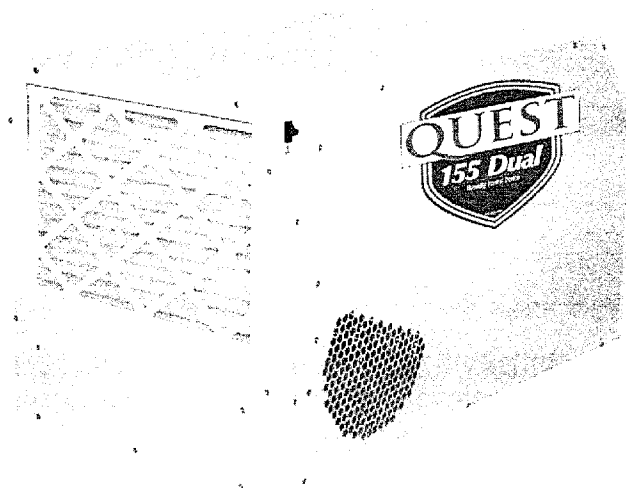


Hurricane® Inline Fans are commercial grade, high performance fans. The housings are made of steel with a durable powder coated finish. Made with quality UL components for quiet operation. Include mounting brackets with easy to follow instructions. Easily installs in minutes. These fans come with an 8 ft 120 volt power cord. Recommended for use with: Phresh® & Black Ops™ Carbon Filters, Ideal-Air™ Ducting and Clamps, and Titan Controls® Fan Speed & Ventilation controllers. Extremely reliable, high performance operation.

	Part#	Title	MSRP	Wish List
EXCLUSIVE	736570	Hurricane inline Fan 4 in 171 CFM	\$104.95	+ Wish List
EXCLUSIVE	736575	Hurricane inline Fan 6 in 435 CFM	\$129.95	+ Wish List
EXCLUSIVE	736580	Hurricane inline Fan 8 in 745 CFM	\$169.95	+ Wish List
EXCLUSIVE	736585	Hurricane inline Fan 10 in 780 CFM	\$219.95	

[HOME \(https://www.sunlightsupply.com/\)](https://www.sunlightsupply.com/) / [SHOP \(https://www.sunlightsupply.com/shop/\)](https://www.sunlightsupply.com/shop/)/ [AC DEHUMIDIFICATION HUMIDIFICATION \(https://www.sunlightsupply.com/shop/bycategory/ac-dehumidification-humidification/\)](https://www.sunlightsupply.com/shop/bycategory/ac-dehumidification-humidification/) / QUEST DUAL 155 OVERHEAD DEHUMIDIFIER

Quest Dual 155 Overhead Dehumidifier

[Overview](#)[Documents](#)[Specs](#)

Part #700818



700818

Quest Dual 155 was designed to be placed overhead and out of the way, but can also be placed at ground level for plug and play operation. It is designed to be very energy efficient. The Quest 155 performs at 7.3 pints per kilowatt-hour. Compared to most standard dehumidifiers (3.8 pints/kwh), the Quest 155 is nearly twice as efficient. The Quest Duals' horizontal configuration, patent pending dual outlet design and insulated cabinet for quieter operation enable their exceptional performance in almost any application. The Quest Duals are plug-n-play, requiring no installation. Optional condensate pump and ducting kits provide the ultimate in flexibility for the most challenging space restrictions and specialized applications. MERV-11 filtration is standard on these units, capturing particles (including mold spores) down to 1 micron in size. Made in the USA.

Warranty: 1 year parts and labor • 5 year compressor and refrigerant system

Part#

Title

MSRP

Wish List

700818

Quest Dual 155 Overhead Dehumidifier

\$2,072.95

[+ Wish List](#)

EXCLUSIVE

[Find Retailer \(/page/findretailer\)](#)

Comments and information to be included in the Hall/Disdier CUP for North Douglas
CBJ Planning Commission March 2016
The Fireweed Factory

Here are some facts about our business plans that address the concerns of our neighbors.

- The buildings used will have no windows and will not emit any light.
- Smell from plants will be controlled with charcoal filters and will not be detectable from outside the buildings.
- No operational sounds will be audible outside the buildings.
- A high-tech security system will be installed inside and out and monitored 24/7 by a professional security company.
- Foot traffic will be minimal as only one to two workers will be on site and they will have a handler's permit as required by State regulations.
- No signage will appear on the cultivation building that will be constructed behind the existing storage building. It will have low visibility from the highway
- No manufactured products such as extracts or edibles will be produced on site.
- None of our packaged product is allowed to be sold on site
- All work will be done in an enclosed environment and at no time will plants be visible to the public
- There will be no public access to any part of the facilities. We do not intend on having tours of our facility. Additional trees will be planted on the north side of the buildings.
- There will be no fertilizer runoff or wastewater. The demands on the existing septic system will not exceed the current usage.
- All plant waste will be shredded, mixed with chicken manure, coffee grounds and composted for use in the owners' extensive on-site flower gardens.
- No flammable liquids (i.e alcohol, gasoline, etc.) will be used inside the grow facilities
- All CO2 burners used in the two grow rooms will be computer controlled and will automatically keep CO2 levels safe at all times. They will have an automatic shut off valve
- The propane tank used to power the CO2 burners will be located away from the grow facility at a distance in compliance with CBJ code.

Putting things into perspective:

Though our name is The Fireweed Factory which has been wrongfully used to imply that we are an industrial operation, the truth is that the name was chosen because Fireweed Farms was taken, because of its aliteration and link to old Juneau history when the gold mines were active. An unfortunate choice but we like it.

No toxic chemicals are going to be used in our operations. Previous testimony before the Planning Commission alleged that denatured alcohol would be used in the cultivation process somehow and that it is dangerous and explosive. In fact, denatured alcohol is the same type of ethanol that is found in alcoholic drinks like vodka. Denatured alcohol is a natural solvent and a chemical poison is added so people won't drink it. Denatured alcohol is no more worrisome than the bottle of gin in a liquor cabinet.

Electrical power for operations will come from the grid and not by generators. Typical grow operations take a large amount of power and generators are not feasible.

The propane system for the CO2 will be no more hazardous than the propane system used for the average cook stove and in fact will be safer with an automatic shut-off valve.

Encouraging small businesses or not:

CBJ has set forth as its goals the encouragement and support for small businesses in its 2013

Comprehensive plan:

Policy 5.1 *To develop and sustain a diverse economy, providing opportunity for employment for all residents.*

Policy 5.18 *To encourage and support entrepreneurship and innovation in the economy of Juneau and Southeast Alaska.*

Entrepreneurship is a major driver of economic growth in the United States. The innovation created through entrepreneurship can open doors to many forms of economic and social development with positive implications for Juneau and Southeast Alaska.

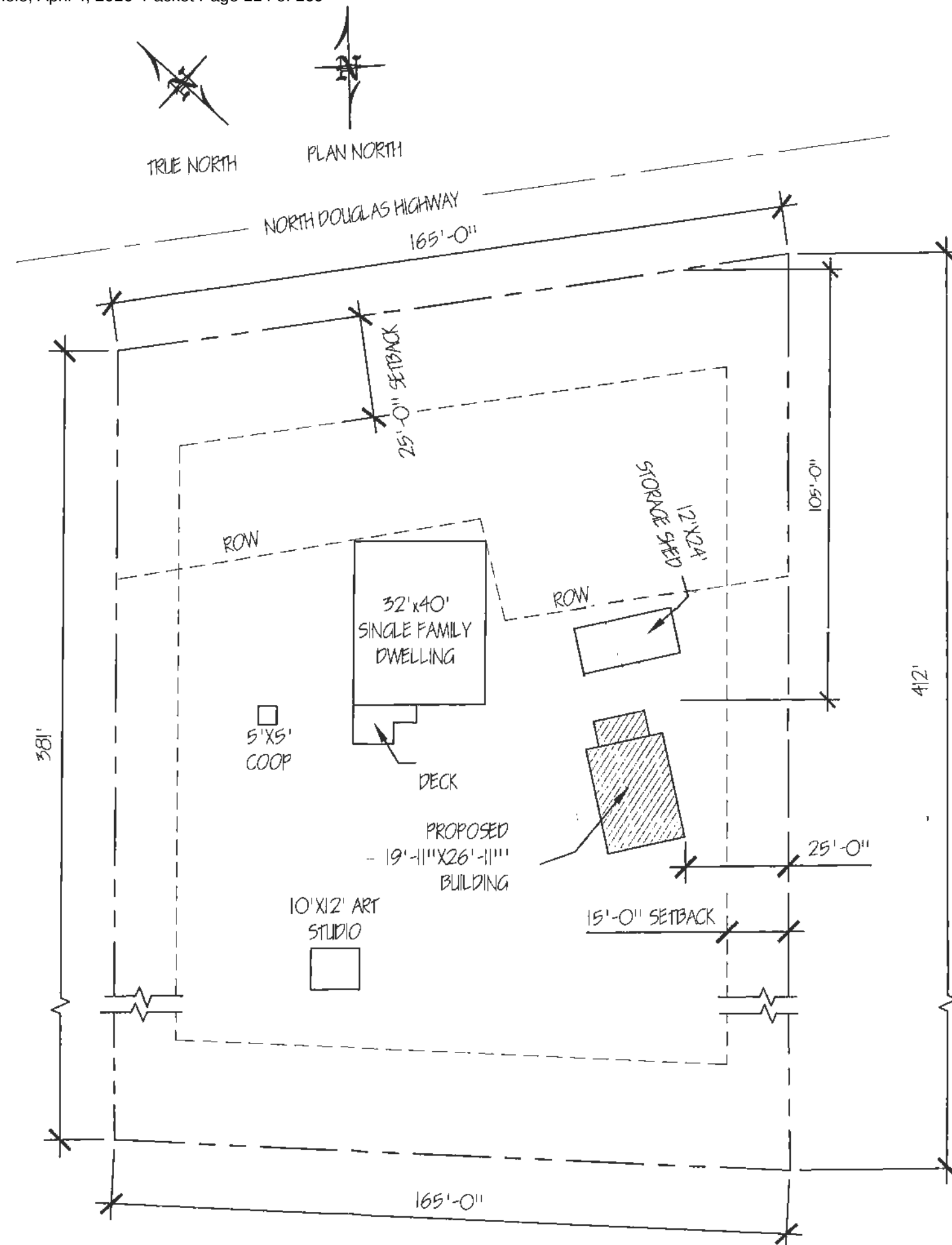
Real diversity is allowed in the D1 Table of Permissible Uses. Some of the businesses that could be allowed are a bit surprising: library, golf course, swimming club, tennis club, horseback riding stables, recycling operation, and wild animal habitation or zoo with a visitor component.

Some residents of D1 zones are worried that there will be a flood of small cannabis farms or horticultural buildings. With a grow space of less than 500 sq. feet, an operation would consume a whopping 1/86 of a D1 lot of one acre (43,560 sq. feet). Certainly an owner could divide his two acre or four acre lot into one acre lots and put up 500 foot grow building on each, but the cost of developing land with surveying, building and wetland issues through the Army Corps of Engineers it is not practical, nor cost effective, when you also add in electrical, water and septic systems. If someone wants to go BIG they are not going to erect several, or even a few, buildings in separate locations. The hundreds of cannabis facilities envisioned by some to be cheek to jowl will only exist in their imagination.

We do not feel that getting a CUP approved is a privilege. Each individual CUP must be earned by compliance and retained by inspection and license approval.

Keeping it legal

If CBJ wants to get control of the marijuana market in Juneau they need to help the small responsible growers, not obstruct or punish them. They must be given a chance like any other legal business to prove that they can contribute to the community and their neighborhoods.



JUNE HALL & PAUL DISDIER
8393 NORTH DOUGLAS
HIGHWAY
JUNEAU, ALASKA
99801
586-9760

PROPOSED HORTICULTURE
FACILITY

ALCAN ELECTRIC

XX ENGINEER

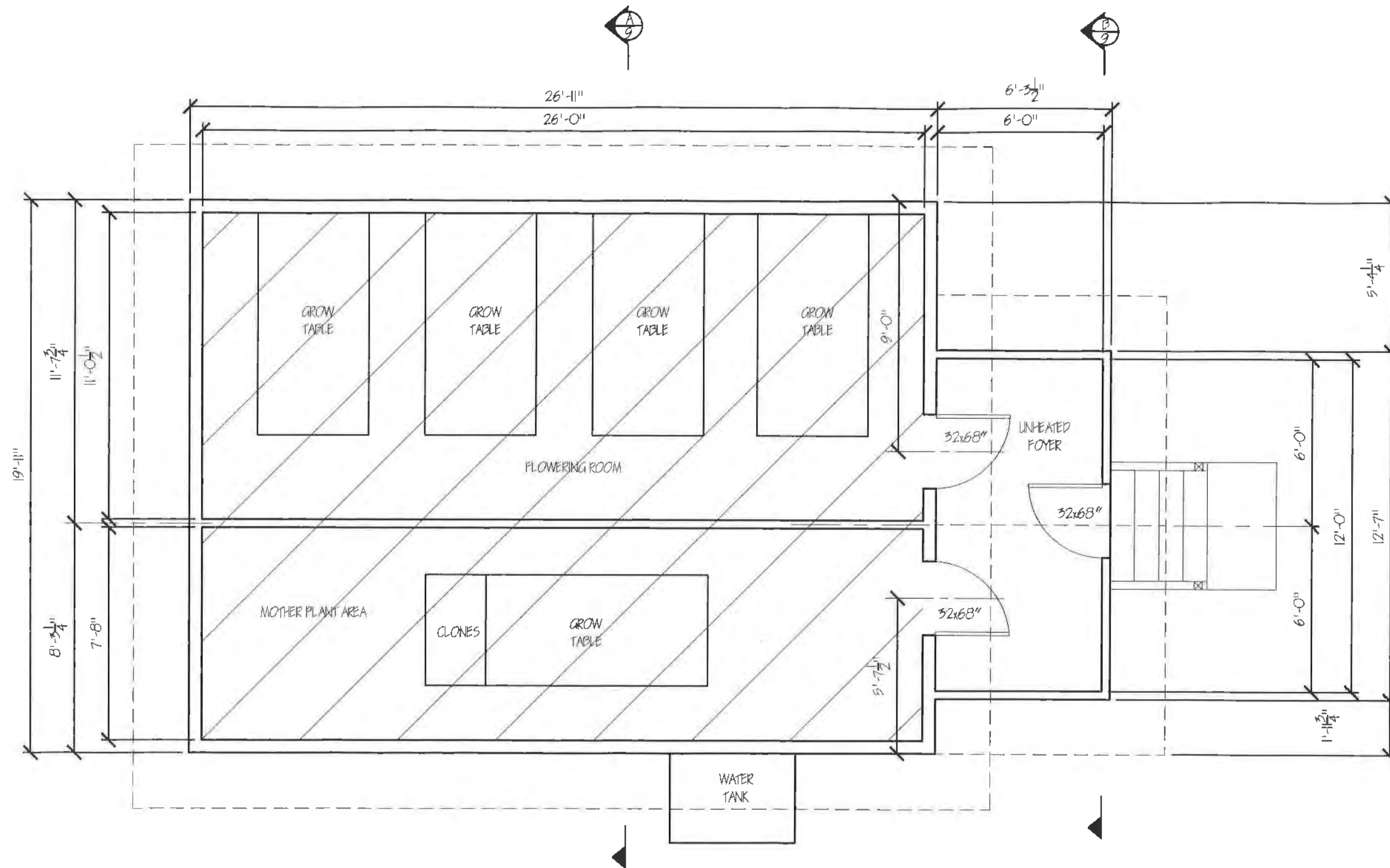
PROPOSED 574 SQ. FT.
HORTICULTURE FACILITY

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JANUARY 2016

LOT DRAWING
SCALE:
1" = 30'-0"



CULTIVATION AREA
494 SQ. FT.
SCALE:
1/4" = 1'-0"



PLAN NORTH
sheet 2 of 9
Attachment D

The Fireweed Factory LLC
Open House
Saturday January 23 from 1:30pm to 3:30pm

You may have received by now a notice in the mail concerning our CBJ Conditional Use Permit for a limited cannabis cultivation facility on North Douglas. We understand that this is a new industry and we would like to invite you to an open house to answer any questions you may have.

In November 2015, the city council voted to allow small scale cannabis cultivation of up to 500 square feet in specific areas zoned along North Douglas Highway. Our plans are to construct a 494 square foot growing building and use a small existing building for processing and packaging. Our high quality organic cannabis will be safe and grown under optimal conditions. Here are some of the key points about our operation:

- The buildings will have no windows and will not emit any light.
- Smell from plants will be controlled with charcoal filters and will not be detectable from outside the building.
- No loud operational sounds will be audible outside the buildings.
- A high-tech security system will be installed inside and out and monitored 24/7 by a professional security company.
- Foot traffic will be minimal as only one to two workers will be on site and they will have a handler's permit as required by State regulations.
- The cultivation building will have low visibility with no signage.
- No manufactured products such as extracts or edibles will be produced on site.
- No products are allowed to be sold on site.
- All work will be done in an enclosed environment and at no time will plants be visible to the public.
- There will be no public access to any facilities.

We look forward to this opportunity to explain further details of our business. Plans for our new cultivation building will be on display. We hope you will be able to join us.

June E. Hall and Paul V. Disdier
8393 No. Douglas 586-6790 thefireweedfactory@gmail.com

The Fireweed Factory LLC

Open House

Saturday March 19, 2016 1:30pm to 3:30pm

Presentations every half hour

We are hosting our second Open House for our CBJ Conditional Use Permit limited cannabis cultivation facility on North Douglas. We understand that this type of business is little understood and answer any questions you may have.

In November 2015, the city Assembly voted to allow small scale cannabis cultivation of up to 500 square feet in specific D1 areas zoned along North Douglas Highway and other parts of town. Our plans are to construct a 494 square foot cultivation building and possibly use an existing building for packaging. Our high quality organic cannabis will be tested, safe and grown under optimal conditions required by State and CBJ regulations.

Here are some of the key points about our operation:

- The buildings will have no windows and will not emit any light.
- Smell from plants will be controlled with charcoal filters and will not be detectable from outside the building.
- No loud operational sounds will be audible outside the buildings.
- A high-tech security system will be installed inside and out and monitored 24/7 by a professional security company.
- Foot traffic will be minimal as only one to two workers will be on site and they will have a handler's permit as required by State regulations.
- The cultivation building will blend with the existing building and have low visibility with no signage.
- No manufactured products such as extracts or edibles will be produced on site.
- No products are allowed to be sold on site.
- All work will be done in an enclosed environment and at no time will plants be visible to the public.
- There will be no public access to any facilities.
- Water from operations will be recycled.

We look forward to this opportunity to explain further details of our business. Plans for our new cultivation building will be on display. We hope you will be able to join us.

June E. Hail and Paul V. Disdier

8393 No. Douglas 586-6790 thefireweedfactory@gmail.com

For complete information on State marijuana regulations please visit the online Alcohol and Marijuana Control Board Office website.

Megan Daniels

From: Taiga Bell <floatingfool@hotmail.com>
Sent: Wednesday, February 10, 2016 9:20 PM
To: Christine Steadman
Subject: Fireweed Factory

To Whom It May Concern,

We'd like to express our support for the proposed Fireweed Factory cannabis farm on North Douglas, in Juneau. Our family has lived in the Bonnie Brae neighborhood on North Douglas for the last few years and we don't consider the farm a negative addition to the community.

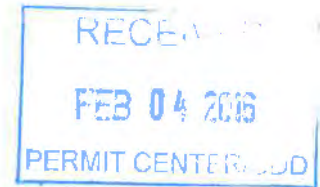
Recently our state voted to legalize marijuana, so hopefully we can support people who want to start legally growing it within our community. We need to educate our family and friends about marijuana, as we do alcohol and tobacco. We don't need to hide marijuana from the public.

We don't hesitate to support this family farm and hope that others will realize they are good people who intend to operate within the law.

Sincerely,

Taiga Bell, Amy Nye and Ronin

Bell

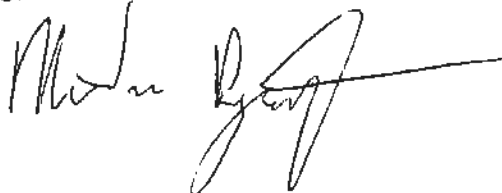


CBJ
Community Development
155 So. Seward
Juneau, AK 99801

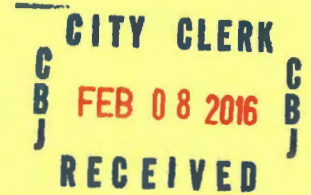
Feb. 3, 2016

Dear Planning Commision,

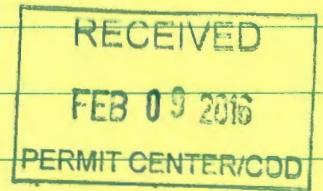
I have been a resident of North Douglas for over 30 years. I fully support June Hall and Paul Disdier in starting a small cannabis farm on North Douglas. I know them to be responsible and hard working, and believe that their farm will be a valuable part of our economy.

Sincerely, 

Miles Byington
9160 N. Douglas Hwy
Juneau, Ak 99801



TO: CBJ PLANNING COMMISSION
% 155 S. Seward St.
Juneau, Ak. 99801



FROM: Anthony A. Cebrynski III
9160 N. Douglas Hwy. / P.O. Box 22879
Juneau, Ak. 99802 C. 907-321-9001

CONCERNING: PROPOSED MARIJUANA CULTIVATION FACILITY
- CONDITIONAL USES FOR MARIJUANA CULTIVATION
PERMIT # USE 20160001
- DBA: THE FIREWEED FACTORY
8393 N. Douglas Hwy.
JUNEAU, AK. 99801

I AM IN FAVOR of ALLOWING this FACILITY.
AS A SMALL BUSINESS OWNER AND RESIDENT of N. Douglas,
I feel that the POPULATION DENSITY AND LACK of
SCHOOLS MAKE N. Douglas AN IDEAL PLACE FOR
THIS TYPE OF BUSINESS TO OPERATE.

THANK YOU,
A.A. C
7 Feb 16

February 8, 2016

TO THE CBJ PLANNING COMMISSION and CBJ ASSEMBLY:

My family and I support the tradition of the small American family farm. Personally, I come from a long family history of farming. We are proud that our daughter continues this tradition and owns our family farmstead in Nebraska (corn and beans). With this in mind, my family and I SUPPORT the application of June Hall and Paul Disdier to grow marijuana at their North Douglas homestead, located about half a mile from our house..

The Hall-Disdier family's decision to take a financial risk by putting in a cash crop is courageous and admirable. Their decision to begin a new venture in small agriculture should be encouraged in every way. We view their endeavor as ecologically sound and a beneficial addition to the CBJ community. Their small farmstead will remain their home, so they will have every incentive to avoid the potential harms (noise, smell, pollution) hypothesized by their opponents. We see no conflict with this small agricultural enterprise and the clean, quiet, North Douglas residential neighborhood we love.

When another North Douglas neighbor began a small agricultural operation (raising amaryllis for commercial sale) at his home at 6 mile, we supported his application, too. Small family farms are consistent with the clean and quiet North Douglas neighborhood and our semi-rural, residential life.

Although we have no personal knowledge of the matter, it has been my understanding for many years that there are already quite a few illicit "grow" operations in the CBJ. Granting the Hall-Disdier application for a CUP should encourage shadow growers to come clean and operate within the law. This is just one of the benefits Alaskans hoped to gain by passing the Marijuana Initiative in 2014 (Ballot Measure #2). More than 67 percent of voters in District 33 and more than 57 percent in District 34 said yes to Ballot Measure 2.

The Hall-Disdier family have been great neighbors ever since we moved out North Douglas in 1979. They exemplify a lifestyle of small agriculture and care for their acreage that is consistent with our semi-rural, residential neighborhood. This is a family that has earned its spurs living for over four decades on the North Douglas Highway as hard-working, decent folks. They deserve our trust.

It is our understanding that the Hall-Disdier marijuana farm would not add significant additional vehicular traffic on the North Douglas Highway; that it would not cause significant noise through the use of utilities; and that it would not significantly pollute waterways or groundwater.

We respectfully disagree with those who have criticized the Hall-Disdier application as a nuisance or destructive influence on health, safety, or property values. The Hall-Disdier homestead has been neat and tidy for the 36+ years we have been neighbors. It is obviously in their own best interest to continue those habits while they grow marijuana.

Our North Douglas neighborhood has been degraded more by traffic and noise from huge trucks hauling quarried rock and by a summer procession of tour buses, than could possibly result from the Hall-Disdier farming plan. Claims of "Increased Crime!" voice an anachronistic attitude Alaska's voters rejected in 2014. The 2014 Ballot Measure 2 was supported by a very large plurality of North Douglas residents.

North Douglas is a unique and wonderful place to live with incomparable beauty, privacy, and freedom. Our neighborhood is linear; we have only one street. The Hall-Disdier homestead (like ours) is on the uphill side of the road, with only the forest, muskegs, and mountains behind them and a low density of housing on each side. These are just a few of the reasons that one cannot fairly compare our North Douglas neighborhood to urban residential neighborhoods in other parts of the CBJ, much less to other states.

My family is confident the Hall-Disdier family will continue to be good neighbors, they will stay respectful of others, and their small farm will not produce any of the "Parade of Horribles" voiced by opponents of their farm.

When presented with identical facts, reasonable people sometimes reach different conclusions. We respect the opinions of our North Douglas friends and neighbors who may disagree with this letter. All of us want to live free in this gorgeous place we call "Home."

We wish the Hall-Disdier family success and ask that you GRANT their CUP application. Please support the independent, small family farm tradition.

Thank you.

Respectfully.

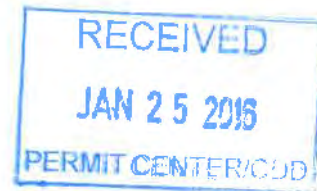
Greg Cook

5 mile North Douglas Highway resident since 1979

--

Paul Davis
1908 Ladysmith Lane
Juneau, Ak 99801

January 21, 2016



Christine McNally
City and Borough of Juneau
Community Development Department
155 So. Seward
Juneau, AK 99801

Ms. McNally,

This letter is concerning the proposed Conditional Use Permit for a limited marijuana cultivation business to be located at 8393 No. Douglas Hwy.

I have lived directly across the street from the applicants for many years. I talked to them about there plans and I feel that they will run this business in a responsible way.

I have no objections to this Conditional Use Permit.

Sincerely yours,

Paul Davis

A handwritten signature in black ink, appearing to read "Paul Davis", written over a horizontal line.

Megan Daniels

From: Herky Deppner <herkyd@hotmail.com>
Sent: Thursday, February 04, 2016 10:19 PM
To: Christine Steadman; andideppner@hotmail.com
Subject: Conditional Use Permit USE20160001

Hello Christine,

We are writing to confirm our support of the conditional use permit # USE20160001 for 8393 North Douglas Highway.

We know Paul and June Disdier to be responsible and trustworthy members of the community. Michael worked for Paul's painting business from 1998 to 2003. Paul was professional and a pleasure to work for. We're confident that he will continue this work ethic into his next business venture, which is why we strongly support their efforts in acquiring this conditional use permit and establishing a successful business.

As North Douglas residents, we feel certain the Disdiers will do everything possible to ensure a safe and amenable setting for their business, with minimal impact on the surrounding neighborhood.

Thank you for the chance to support a new, sustainable economic opportunity which will benefit our community.

Michael & Andrea Deppner
10055 N. Douglas Highway

8 February 2016

City & Borough of Juneau Planning Commission,

I have lived in the North Douglas neighborhood near Paul Disdier & June Hall since the late 1970's. From my mailbox I can see the Hall/Disdier mailbox. My wife Linda Zagar and I are **100% supportive of the Conditional Use Permit application and approval for the Hall/Disdier marijuana growing facility in our D-1 zoning district.**

I believe property owners should have the right to use and benefit from being property owners. We pay property taxes; property owners should not be restricted from pursuing conditional or allowable activities as permitted on their property.

North Douglas has a long history of supporting legalized marijuana. I recall in 1990 the North Douglas precinct voted a majority for legalization even garnering more votes than Governor Hickel did in his election victory in our precinct. Again, North Douglas demonstrated overwhelming support with ballot measure 2 to legalize recreational marijuana.

I do not share the concerns my neighbors have regarding marijuana cultivation in a D-1 zoning district. Personally, I feel that D-1 is a very appropriate location for this type of activity. The lots are large enough to provide good siting and spacing for small scale farming. If I understand it correctly, D-1 zoning is around a 40,000 square foot minimum lot requirement. With marijuana cultivation limited to 500 square feet, that is less than 2% of the available lot for this activity. In my neighborhood I see single-family residential lots allowing the homeowner the ability to provide maintenance and a watchful eye. I have driven past the Hall/Disdier residence probably thousands of times over the years, and I can attest that their property is always well kept and pleasing to the eye. I would doubt that if approved, when walking along the highway in front of the Hall/Disdier residence that you would not be able to know that marijuana was being grown.

Both June and Paul are, and have been excellent assets to the community of Juneau. Their involvement in the arts, business world, as an employer, and neighbor all demonstrate to me that approving their Conditional Use Permit is the right thing to do.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marquam George", followed by a long, sweeping horizontal flourish.

Marquam George
8752 North Douglas

Megan Daniels

From: Beth McEwen on behalf of City Clerk
Sent: Monday, February 08, 2016 1:59 PM
To: PC_Comments
Cc: 'Greg Cook'; City Clerk; Rob Steedle; Brenwynne Grigg; Megan Daniels
Subject: RE: Planning Commission

Please see the below comments to the Planning Commission that were received via our City.Clerk@juneau.org email address.

Beth McEwen, MMC
Beth.McEwen@juneau.org
Deputy Clerk
City & Borough of Juneau
907-586-0203

From: Greg Cook [mailto:gregcookalaska@gmail.com]
Sent: Monday, February 08, 2016 1:39 PM
To: City Clerk
Subject: Planning Commission

Dear CBJ,

Please include the letter below in the packets prepared for and distributed to the members of the CBJ Planning Commission supporting the Hall-Disdier Conditional Use Permit.

Thank you.

Greg Cook
7745 North Douglas Highway

February 8, 2016

TO THE CBJ PLANNING COMMISSION and CBJ ASSEMBLY:

My family and I support the tradition of the small American family farm. Personally, I come from a long family history of farming. We are proud that our daughter continues this tradition and owns our family farmstead in Nebraska (corn and beans). With this in mind, my family and I SUPPORT the application of June Hall and Paul Disdier to grow marijuana at their North Douglas homestead, located about half a mile from our house..

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Although we have no personal knowledge of the matter, it has been my understanding for many years that there are already quite a few illicit "grow" operations in the CBJ. Granting the Hall-Disdier application for a CUP should encourage shadow growers to come clean and operate within the law. This is just one of the benefits Alaskans hoped to gain by passing the Marijuana Initiative in 2014 (Ballot Measure #2). More than 67 percent of voters in District 33 and more than 57 percent in District 34 said yes to Ballot Measure 2.

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My family is confident the Hall-Disdier family will continue to be good neighbors, they will stay respectful of others, and their small farm will not produce any of the "Parade of Horribles" voiced by opponents of their farm.

When presented with identical facts, reasonable people sometimes reach different conclusions. We respect the opinions of our North Douglas friends and neighbors who may disagree with this letter. All of us want to live free in this gorgeous place we call "Home."

We wish the Hall-Disdier family success and ask that you GRANT their CUP application. Please support the independent, small family farm tradition.

Thank you.

Respectfully,

Greg Cook

5 mile North Douglas Highway resident since 1979

--

Greg Cook
Active Recreational Consultant
Batifolages, vadrouilles, frasques et fredaines
P.O. Box 240618
Douglas, ALASKA 99824
907-586-9719

Megan Daniels

From: Valerie Kelton <valk@gci.net>
Sent: Monday, February 08, 2016 5:31 PM
To: Christine Steadman
Subject: Conditional Use Permit USE20160001

Hello Christine,

I'm writing to say that I'm in support of the conditional use permit # USE20160001 (Conditional Use Permit for a limited marijuana cultivation business in the D-1 zoning district) for 8393 North Douglas Highway, Paul and June Disdier.

Thank you,

Valerie Kelton
9375 N Douglas Hwy

To the CBJ Community Development Department
Re: file # USE2016 0001, June Hall

My name is Joe Lilly, my wife and I live at 8367 North Douglas Highway.

Our property will be more effected by this proposal than any other properties in the area as we share a common property line of approximately 350 feet and the proposed building will be clearly visible from our house facing east. We have put eight years of hard work and substantial amounts of money toward improving our home and surrounding property. With such an investment, we plan on residing here for many years to come.

The neighbors, June Hall and Paul Disdier, seeking this conditional use permit, have lived in their house longer than most of the rest of the North Douglas residents. In the eight years that we have lived here, they have been nothing but honest, decent, hard working and helpful neighbors.

I am a supporter of small, local businesses in Juneau. I have seen their plans for the small, proposed operation and feel that if all state and local laws, regulations, codes, etc., are followed, I have no reason to oppose this conditional use permit.

Commercial space is difficult to find in Juneau and if it is available, the prices are often too high for a small business trying to start out. North Douglas is not a tight, cohesive neighborhood like some others in Juneau, just a strip highway with houses and a few businesses. I believe this very small scale farming operation set well back from the road will be all but unnoticeable once up and running.

In closing, I would just like to restate to the Community Development Department that our property, 8367 North Douglas, will be directly effected more than any other property and that we do not oppose this conditional use permit.

Thank you for your consideration.

Joe Lilly

Megan Daniels

From: Stephen Davis <stevieelectric@hotmail.com>
Sent: Tuesday, February 09, 2016 11:36 AM
To: Christine Steadman
Subject: Paul Disdier Application to grow marijuana.

February 7, 2016

Christine Steadman,

I'm sending this email in support of Paul Disdier being granted a permit (license) to grow marijuana subject to all CBJ codes and regulations on his property on North Douglas.

I have known Paul since 1977 and have found him to be an extremely honest, consciences, and law abiding individual and a very well respected small business owner.

I live approximately one mile down the road from where Mr. Disdier intends to set up this operation and my son and young grandsons live directly across the street from where this operation will be located. I mention this only because if I had any fears or misgivings about the way Paul would control and manage this operation I would oppose it.

I have absolute confidence that Paul Disdier will comply with all regulations, will pay all fees and taxes owed to the various government agencies and will be a totally responsible owner/operator.

It is my sincere hope that you will look favorably on Paul Disdier's application.
If you have any other questions please contact me.

Most sincerely yours,
Stephen A. Davis

1011 Ski Street, Juneau, Alaska 99801
Home Phone: 907-586-9099 iPhone 907-321-0902
stevieelectric@hotmail.com

• 1

Megan Daniels

From: Michael Stark <mjx2@att.net>
Sent: Monday, January 25, 2016 2:55 PM
To: Christine Steadman
Cc: mjx7@hotmail.com
Subject: Conditional Use Permit for limited marijuana cultivation business at 8393 N. Douglas Hwy.

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms. McNally: My name is Michael Stark. My wife, MJ Grande, and I live at 8270 N. Douglas Hwy, across the street and about a quarter mile closer to town than Paul and June Disdier. MJ and I visited the Disdiers over the past weekend and spoke with them for over an hour. We reviewed their site plans and discussed in depth all aspects of their proposed limited marijuana cultivation business. All our questions and concerns were adequately addressed, and we have no objections to the proposed conditional use permit. If we may assist you or the Planning Commission with more information on the proposed conditional use permit, please let us know. Thanks for the opportunity to comment. Michael Stark and MJ Grande, 586-1653

Megan Daniels

From: Megan Daniels
Sent: Monday, March 14, 2016 9:01 AM
To: Christine Steadman
Cc: Beth McKibben
Subject: FW: Marijuana Cultivation

From: Mark Stopha [mailto:mark_stopha@yahoo.com]

Sent: Sunday, March 13, 2016 7:45 PM

To: PC_Comments

Subject: Marijuana Cultivation

Dear CBJ Planning Commission:

I support commercial cultivation of marijuana or any other legal crop in my neighborhood in North Douglas or any where in Juneau.

--

Mark Stopha Alaska Wild Salmon Company 4455 N. Douglas Hwy
Juneau, AK 99801

Megan Daniels

From: Beth McEwen on behalf of City Clerk
Sent: Monday, February 08, 2016 3:04 PM
To: PC_Comments
Cc: Rob Steedle; Megan Daniels; Brenwynne Grigg
Subject: FW: Hall-Disdier Permit

FYI

From: tamara cook [<mailto:tamcook50@gmail.com>]
Sent: Monday, February 08, 2016 2:58 PM
To: City Clerk
Subject: Hall-Disdier Permit

Dear CBJ,

Please include this letter in the packets for members of the Planning Commission.

Thank you, Tamara Cook

To the CBJ Planning Commission and CBJ Assembly:

I support the Hall-Disdier Conditional Use Permit application and recommend that it be granted. The marijuana growing operation would be confined and seems small enough not to pollute, create a nuisance, or bother other N. Douglas residents.

I also support including appropriate conditions in the Permit to ensure that, if a problem arises, the Permit can be revoked or action under the Permit curtailed. This safety net would, I think, reasonably address concerns about the operation.

Respectfully, Tamara Cook

7745 N Douglas Highway

Megan Daniels

From: Megan Daniels
Sent: Monday, February 29, 2016 9:53 AM
To: Christine Steadman; Rob Steedle; Beth McKibben
Subject: In support of allowing commercial cultivatin of marijuana in D-1 zones

From: Tony Yorba [<mailto:tony@jensenyorbalott.com>]
Sent: Thursday, February 25, 2016 11:35 AM
To: PC_Comments
Subject: In support of allowing commercial cultivatin of marijuana in D-1 zones

Planning commission members:

I live near a proposed commercial marijuana cultivation project on North Douglas. After review of the issue, I as a neighbor have no objection to allowing such a use in a D-1 zone. The size of the operation is limited to 500 square feet, which is smaller than a conventional 2 car garage. The concerns expressed about pesticides, lights, on site power etc may pertain to very large operations but in no way translate to an operation of 500 square feet. There are many greenhouses and hydroponics growers in Juneau of this size or even larger and they have no impact on their neighbors.

Unsupported fear is no basis for enacting regulations that will limit personal use of one's own property. As a non-pot smoking property owner living near a proposed commercial marijuana facility, I do support allowing commercial pot cultivation in a D-1 zone.

Tony Yorba

Principal Architect

JENSEN YORBA LOTT, INC.

Architecture Interiors Construction Management

522 West Tenth Street | Juneau, AK 99801

D 907-789-4520 | C 907-209-9946 | O 907-586-1070 | F 907-586-3959

www.jensenyorbalott.com

[Click here](#) to upload files.

Megan Daniels

From: Beth McKibben
Sent: Friday, January 29, 2016 5:29 PM
To: Christine Steadman
Subject: FW: USE2016 0001 public hearing notice

Follow Up Flag: Follow up
Flag Status: Completed

Beth McKibben, AICP
Planning Manager, CDD
City & Borough of Juneau
907.586.0465

☞ Please consider the environment before printing this email.

-----Original Message-----

From: Rob Steedle
Sent: Friday, January 29, 2016 3:11 PM
To: Beth McKibben
Subject: FW: USE2016 0001 public hearing notice

-----Original Message-----

From: tboris@alaska.net [<mailto:tboris@alaska.net>]
Sent: Friday, January 29, 2016 3:02 PM
To: Rob Steedle
Subject: USE2016 0001 public hearing notice

Dear Mr. Steedle,

I recently received the USE2016 0001 public hearing notice regarding a conditional use permit for a limited marijuana cultivation business in the D1 zone. The public hearing is scheduled for February 9, 2016. It is alarming the Planning Commission will be considering the borough's first marijuana farm, in the D1 zone, prior to adoption of all ordinances related to marijuana establishments. I'm particularly interested in any ordinance amendments that might offer important protections for residences located in the D1 zone.

I respectfully request a delay in the public hearing for USE 2016 0001 until after the all marijuana ordinances have been adopted by the Assembly. At the very minimum, I would expect the Planning Commission could fully deliberate final ordinance recommendations without the pressure of a pending application. This simply IS NOT fair to D1 residences located outside the urban service area.

Thanks for your consideration.

Sincerely,
Todd Boris

North Douglas Resident

tboris@alaska.net

907.586.8808

Megan Daniels

From: Beth McKibben
Sent: Friday, January 29, 2016 5:28 PM
To: Christine Steadman
Subject: FW: February 9 Public Hearing on CUP for Marijuana Cultivation Business

Follow Up Flag: Follow up
Flag Status: Completed

Beth McKibben, AICP
Planning Manager, CDD
City & Borough of Juneau
907.586.0465

☞ Please consider the environment before printing this email.

-----Original Message-----

From: Rob Steedle
Sent: Friday, January 29, 2016 5:15 PM
To: Beth McKibben
Subject: FW: February 9 Public Hearing on CUP for Marijuana Cultivation Business

-----Original Message-----

From: robin [<mailto:mrdales@gci.net>]
Sent: Friday, January 29, 2016 5:13 PM
To: Rob Steedle
Subject: February 9 Public Hearing on CUP for Marijuana Cultivation Business

Dear Mr. Steedle,

It has come to my attention that June Hall and Paul Disdier have applied for a Conditional Use Permit (CUP) for a commercial marijuana cultivation business in the D-1 zoning district (North Douglas), and that there is a public meeting scheduled on February 9, 2016. This is the first I've heard of this hearing or the permit application.

It is my understanding that all city ordinances related to marijuana establishments have not yet been adopted by the Assembly. It is very alarming that the Planning Commission would consider and respond to a pending application before these ordinances, and any possible ordinance amendments that might protect residential areas in the D-1 zoning district, have been adopted.

Commercial marijuana cultivation businesses have been shown to have significant effects in terms of noise, odors, water quality, and security, not to mention other effects related to parking/traffic, aesthetics, property values, and other effects on residential areas. I believe it is very important for the Planning Commission to understand and dutifully consider all of these effects, and to have ordinances in place that would at least mitigate some of these significant effects, prior to responding to a CUP application for such a business. Therefore, I urge you to delay the public hearing on this CUP request (USE 2016 0001) until after all the marijuana ordinances have been adopted by the Assembly. Rushing

this CUP through the process before doing so is not fair to D-1 residents, not only those directly affected by this particular business (neighbors), but all D-1 residents in the Borough who will be indirectly affected if CUPs such as this are passed without thoughtful consideration and review.

Sincerely,
Robin Dale
North Douglas Resident

Megan Daniels

From: Beth McKibben
Sent: Friday, January 29, 2016 5:29 PM
To: Christine Steadman
Subject: FW: Disdier/Hall Conditional Use Permit

Follow Up Flag: Follow up
Flag Status: Completed

Beth McKibben, AICP
Planning Manager, CDD
City & Borough of Juneau
907.586.0465



Please consider the environment before printing this email.

From: Rob Steedle
Sent: Friday, January 29, 2016 2:43 PM
To: Beth McKibben
Subject: FW: Disdier/Hall Conditional Use Permit

From: Merry Ellefson / Wayne Carnes [<mailto:merrywayne@gmail.com>]
Sent: Friday, January 29, 2016 1:58 PM
To: Rob Steedle
Subject: Disdier/Hall Conditional Use Permit

Rob,

I'm not pleased that a grow facility is proposed across the street from my house. I don't think anyone will want to live around that smell. Property values?

I'm requesting a request delay in consideration of Disdier and Hall's conditional use permit application until after the Planning Commission has forwarded draft Ordinance 2015-38.

Best Regards,
Wayne Carnes

Megan Daniels

From: PC_Comments
Sent: Monday, February 08, 2016 12:55 PM
To: Megan Daniels
Subject: FW: marijuana conditional use permitting

From: Beth Leban [<mailto:coleevan9@hotmail.com>]
Sent: Monday, February 08, 2016 9:32 AM
To: PC_Comments
Subject: marijuana conditional use permitting

To: Planning Commission members

It is my understanding that Juneau residents at 8393 N. Douglas Hwy (Disdier and Hall) filed a permit application to establish a marijuana farm on their property. As a resident of North Douglas living within a mile of this proposed business operation, I am urging the Planning Commission to reconsider the suitability of such an enterprise in what is a non-commercial area. I am concerned about the environmental impacts as well as the business impacts to what is a rural neighborhood.

I think it advisable that the Assembly reconsider the original zoning ordinance that allowed marijuana farms in D1 and rural reserve neighborhoods. Commercial marijuana farms/operations are not compatible with residential zones. Other states that have legalized marijuana have chosen to keep marijuana farms out of zoned residential areas. This is a prudent precedent.

The Planning Commission will consider Disdier/Hall Conditional Use Permit application on February 9, 2016 (USE2016 0001). I strongly urge the commission to deny this permit. At a minimum, I am requesting a delay in consideration of their conditional use permit. It is my understanding that the Planning Commission is empowered to approve the permit, deny the permit, or approve with conditions. With issues such as licensing, conditional use permit requirements, odor, buffers, sunset clauses, and eliminating running with land provisions, it would seem premature to be approving this permit application.

Respectfully,
Elizabeth Leban
9161 N. Douglas Hwy.
Juneau, AK 99801

Megan Daniels

From: Robin Potter
Sent: Monday, February 01, 2016 3:38 PM
To: Christine Steadman
Subject: RE: Marijuana Cultivation and Property Value

Follow Up Flag: Follow up
Flag Status: Completed

Christine,

The cultivation of marijuana should have little to no impact on neighboring property values as long as the cultivation and production does not infringe on the following;

- **Traffic** – Will it increase the amount of traffic significantly? Street noise and quantity of vehicles coming and going particularly during off peak hours, can have an adverse effect.
- **Noise in general** – Will the cultivation process create loud noise?
- **Crime** – Will the cultivation process attract potential criminal activity? Signage, or other means to indicate what is being cultivated could increase potential for criminal activity.
- **Odor** – Bothersome odor can affect neighboring residents. Will there be odor controls imposed on the cultivation to eliminate the problem?
- **Litter or Deterioration of the structures** – Will the property be well maintained without causing visual blight of any type?

Please note these are considered nuisances that adversely affect neighborhoods, regardless of the source. As long as controls are in place to minimize or eliminate these type of problems, the cultivation of marijuana should have no adverse impact on neighboring property values.

Robin

Robin Potter ACAA III
Assessor, Finance Department
City & Borough of Juneau
155 S. Seward Street
Juneau, AK 99801
907.586.0333
http://www.juneau.org/financeftp/assessor_main.php

Note new email address: Robin.Potter@juneau.org

From: Christine Steadman
Sent: Monday, February 01, 2016 3:16 PM
To: Robin Potter
Subject: Marijuana Cultivation and Property Value

Hi Robin,

I am reviewing an application for a marijuana cultivation facility in the D-1 zoning district located at 8393 North Douglas Highway. As you know, one criteria we analyze in a Conditional Use Permit is the proposed use's effect on neighboring property value. I would like to include any analysis from the Assessor's Office of the potential impact this use may have on neighboring property values, if any.

Please let me know if there is any additional information I can provide. Thank you for any assistance you can provide.

Regards,

Chrissy Steadman, Planner II
ph 907.586.0761
Community Development Department
City & Borough of Juneau
Christine.Steadman@Juneau.org

MINUTES
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
March 22, 2016

ROLL CALL

Ben Haight, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:01 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Bill Peters, Michael LeVine, Nathaniel Dye, Matthew Bell, Carl Greene

Commissioners absent: Percy Frisby

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Jonathan Lange, Planner II; Chrissy Steadman, Planner II; Robert Palmer, Assistant Municipal Attorney; Mila Cosgrove, Deputy City Manager

Assembly members: Debbie White, Assembly Liaison

I. APPROVAL OF MINUTES

- February 23, 2016 Regular PC Meeting

MOTION: *by Mr. Peters, that the minutes of the February 23, 2016 Planning Commission be approved with any minor alterations by staff or Commission members.*

The motion passed with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Juneau resident Nancy Waterman said that Title 49 requires that new growth areas require a master plan. She said that a master plan has not been formulated for West Douglas. She said

for the future of the community that the City should follow its own rules. She asked that a new development area which is outside the urban service boundary be carefully studied by the staff.

IV. PLANNING COMMISSION LIAISON REPORT

New City Manager and Deputy City Manager

Assembly Liaison to the Planning Commission Debbie White reported that Rorie Watt and Mila Cosgrove are stepping into their new positions as City Manager and Deputy City Manager.

New Mayor

The new mayor will be sworn in on Monday, March 28, at 6:00 p.m.

Marijuana-related Ordinance

Ordinance 2016 0038 (Marijuana) will be before the Assembly Committee of the Whole on April 14, (2016).

Commission Comments and Questions

Mr. LeVine asked if any substantive changes have been made to the ordinance, and Ms. White said not at this point.

New Planning Commission Member

It may be as late as May 4, (2016) before the Assembly can make an appointment to fill the vacant Planning Commission seat.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA - None

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS

The Commission was adjourned by Chairman Haight and reconvened as the Board of Adjustment.

BOARD OF ADJUSTMENT

VAR2015 0030:	A Variance request to the requirement for access on publicly maintained right-of-way for a proposed minor subdivision. Proposed access is a private easement.
Applicant:	Olmo, LLC.
Location:	North Douglas Highway

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and DENY the requested Variance, VAR2015 0030.

Ms. Boyce told the Commission that four letters of support of this variance request arrived in the CDD offices after business hours, so the copies will be forthcoming to the Commission, she said. This is a variance request to the requirement for access on a publicly maintained right-of-way for a proposed minor subdivision, said Ms. Boyce. The proposed access is a private driveway easement. The property is about three quarters of an acre, said Ms. Boyce.

The property is zoned D-18, which allows 18 units per acre, said Ms. Boyce. Property of this size could have 14 multi-family dwelling units, she added. Access to the property is via North Douglas Highway through a private easement, said Ms. Boyce. North Douglas Highway is designated by the CBJ as a minor arterial, she explained.

The initial proposal is for three lots to be subdivided from the main parcel, USMS 569 Tract 2, with common wall dwellings to be constructed on each of those lots. The property would then need to be subdivided to create the six lots total resulting in three, two-unit common walls. The applicant has also proposed an additional pedestrian access path through the property to the south to North Douglas Highway as a secondary means of access, said Ms. Boyce.

The parcel is very steep, located approximately 40 feet above Douglas Highway, but has a flat bench on which to build, said Ms. Boyce. This parcel was created in 1982 through a plat waiver, said Ms. Boyce. Access to the parcel was approved by the Planning Commission through a shared, 20 foot existing driveway easement across Tract 1. That driveway also serves as access for adjacent Lot B, said Ms. Boyce. In 1987, the land was rezoned to D-3 transitioning to D-18, she said. In 2001, when City water was extended, the parcel on which the easement is located was rezoned to D-18, said Ms. Boyce. The subject parcel was zoned D-18 in 2011, she said.

The applicant submitted a request for a major subdivision in 2014, said Ms. Boyce. At the time the application was submitted, the six total lots proposed met the threshold for a major subdivision, said Ms. Boyce. A subsequent code change last fall now designates that parcel as a minor subdivision, she said.

A subdivision triggers the need for a road and additional improvements, said Ms. Boyce. This section of code requires that all lots created through a subdivision must have a minimum of 30 feet of frontage maintained on a publicly maintained right-of-way, she said. They must have direct access to that right-of way, said Ms. Boyce.

Title 49 chapter 35 also has provisions for new subdivisions along arterial roadways, said Ms. Boyce. This portion of Douglas Highway is a minor arterial, she added. This portion of the code allows subdivisions of arterial lots in certain circumstances, said Ms. Boyce. Either a street needs to be built, or a shared driveway could be used as long as the lot meets certain

requirements, said Ms. Boyce. The size parameters are listed in 49.35.210 (B) (3), said Ms. Boyce. Each resulting lot must be 36,000 square feet for a proposed subdivision, said Ms. Boyce, and the subject parcel is less than that.

The applicant is seeking a variance because this proposed subdivision would not directly access North Douglas Highway, she said, which is currently required by code. The current proposal is for all lots to have the required frontage on North Douglas Highway yet have indirect access via the existing driveway, said Ms. Boyce. In the current situation, the lots would not be provided with direct access to North Douglas Highway, said Ms. Boyce, which is required. Instead, the access is proposed to be to the adjacent easement, which then provides access to North Douglas Highway, said Ms. Boyce.

Minimum code requirements are that a 60 foot wide right-of-way be dedicated, which could be reduced by the director, and a street could be built to standards based upon average daily trips, explained Ms. Boyce. The Table of Street Construction Standards, CBJ 49.35.240, within the code is based upon average daily trips, said Ms. Boyce. These standards became effective in September, 2015, said Ms. Boyce. Since this parcel of land is located within the Urban Service Area, said Ms. Boyce, the minimum standard would be a 22 foot wide travel-way with a 60 foot right-of-way for a paved road. It would be publicly maintained, she said. The only privately maintained road option is available outside the Urban Service Area, explained Ms. Boyce.

The staff is proposing to change the code for shared access requirements, said Ms. Boyce. The Assembly has directed the staff to work on shared driveway requirements, she said, since it has been a common practice to approve some smaller subdivisions with shared access. This proposed change in the newly adopted code will be coming before the Commission soon, said Ms. Boyce. The current draft states that shared driveways may be considered when no more than three lots will share access. The access would be a minimum of a 20 foot wide gravel or paved driveway within a 50 foot easement. That easement size could be reduced if it was found that all infrastructure improvements needed could fit into a smaller width, said Ms. Boyce.

This would only apply for single family-zoned districts, said Ms. Boyce. That way traffic would be limited, she said. The homes could have an accessory apartment, she explained. An owner's association would be required, among other requirements, to maintain that private drive, she said.

The staff contacted the Fire Department, the Streets and Fleets department within the City, and General Engineering which approved the proposal as formulated by the applicant. The Department of Transportation had no comments about this variance request other than to require the driveway and approach permit, which has already been approved by DOT, said Ms. Boyce.

Variance requirements stipulate that an applicant must demonstrate hardship and practical difficulties resulting from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures making it difficult to follow the provisions of Title 49, said Ms. Boyce. The Board of Adjustment may grant a variance if it is in harmony with the general purpose and intent of Title 49, said Ms. Boyce. She listed for the Commission examples of the purpose and intent of the Title.

There are six criteria for variances, said Ms. Boyce. All six criteria must be met in order to grant a variance, she explained.

1. *That the relaxation applied for or a lesser relaxation by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.*

The staff found that this requirement was not met, said Ms. Boyce.

2. *That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.*

The staff found that this requirement was not met, said Ms. Boyce. Street standards in the code are declared to be the minimum, she said, for public health, safety and welfare. The 20 foot wide driveway does not meet these standards, said Ms. Boyce.

3. *That authorization of the variance will not injure nearby property.*

Since up to 14 dwelling units could have been constructed for this property, the applicant's proposal leaves a smaller impact on the neighborhood, she said.

4. *That the variance does not authorize uses not allowed in the district involved.*

The subject property divisions result in less than the required 36,000 square feet, said Ms. Boyce. If the Commission finds that CBJ 49.35.210(b) section of the code applies to this project then the criteria are not met, said Ms. Boyce. If it determines that it does not apply, then the criterion is met, she said.

5. *Compliance with existing standards; (A), (B), (C), or (D).*

Only one of the four parts to Criterion five need to be met, said Ms. Boyce. The staff found the Criteria were not met, said Ms. Boyce.

6. That a grant of the variance would result in more benefits than detriments to the neighborhood.

The staff found that this criterion was not met, said Ms. Boyce. Increased development could cause potential increased traffic on North Douglas Highway, said Ms. Boyce.

None of the criteria have been met for a variance except for criterion 3 and possibly number 4, said Ms. Boyce.

The Board of Adjustment can either approve, disapprove, or conditionally approve, or modify the request based on the six criteria, said Ms. Boyce. The Commission could also attach conditions to its approval regarding the location, character, and other features, she explained.

Applicant

Mark Pusich, of R&M Engineering, said he is representing the applicant as a consultant on this project. He said the reason the applicant is before the Commission is to obtain a variance for the requirements of a direct and practical access to a publicly maintained public right-of-way. This property has unique characteristics and physical constraints which need to be considered, he said.

Mr. Pusich said the site is on an extreme slope. When this land was initially platted, the Commission at that time noted that it was not a practical way to access North Douglas Highway, from the top of the slope, said Mr. Pusich. It is impractical, he said. At that time the driveway access easement was to serve the future Lot 2, he said, and a fraction of Lot B. The applicant maintains the access easement, said Mr. Pusich. Mr. Brantner is the actual owner of the easement, said Mr. Pusich.

There have been no recorded accidents on this driveway, said Mr. Pusich. The road has been functioning for over twenty years for the applicant, said Mr. Pusich.

There is a way to craft variance language in favor of the applicant, said Mr. Pusich.

The CBJ code allows the Board of Adjustment to grant a variance if it can be demonstrated that hardship and practical difficulties resolve in an extraordinary situation or unique physical features rendering it difficult to carry out the provisions in Title 49. Mr. Pusich said the property has unique, physical features. The slope is so steep and projects so far up the hillside that it is not physically possible to access North Douglas Highway, said Mr. Pusich. Driveway grades would be in excess of 50 percent if they were to try to make a direct access to North Douglas Highway, said Mr. Pusich.

When the Planning Commission agreed to the easement in 1982, it was with the understanding that Tract 2 would be developed, and that the access provided by the easement would be adequate, said Mr. Pusich.

Mr. Pusich said this is an extraordinary situation because the application has been enmeshed within code changes. They originally applied in June, 2014 under the existing code. As they progressed through the process, the code was under review. On the one hand they were getting advice from the CDD staff that they may want to wait for the variance request, for the code change. The Title 49 changes enacted in September have had an impact on the current standing of the variance request, said Mr. Pusich.

This is classified as a minor development, said Mr. Pusich. It is six lots. Thirteen lots and under is a minor subdivision, he said. The costs for development, at over \$500,000 is extraordinary, he said. There are hardships and practical difficulties involved with this project. It would be a financial hardship to construct this project according to current Title 49 code, he said.

Development of these lots would be helping to reduce the housing shortage, especially since they are within walking distance of the downtown core, said Mr. Pusich. Unless there is an approval for the driveway to be shared by the lots this project cannot proceed, he said.

The applicant could construct eight multi-family units without having to obtain a variance, said Mr. Pusich. The applicant does not want to construct multi-family units, feeling that the shared wall homes better reflect the character of the neighborhood, he said.

It does not make sense to have to construct a 22 foot paved roadway to serve the dwelling units when there is already a driveway that can be shared, said Mr. Pusich. He said they have done some research and found that there are existing developments in Juneau which have received a variance with a common shared driveway access.

The Department of Transportation (DOT) is not concerned about a negative traffic impact on North Douglas Highway from the proposed six dwelling units, said Mr. Pusich. They want the traffic to be filtered through one common spot, he said.

Commission Comments and Questions

Mr. Voelckers asked for clarification on where the right-of-way abuts the applicant's residence. He said he was not sure if the right-of-way was on the applicant's property or the Brantner property.

The lines which Mr. Voelckers was referencing are utility easements to the applicant's property, said Mr. Pusich.

Once the three lots were split into six lots, some of the lots would be 22 feet wide, said Mr. Voelckers. He asked if that was a legal width. He asked why the property could not be three lots with three duplexes instead of six individual lots with common wall homes.

The lot areas do meet the minimum requirements, said Mr. Pusich, for the D-18 zoning. The applicant has selected the common wall business model rather than duplexes, said Mr. Pusich.

Mr. LeVine said they are currently addressing a variance to divide the lots into three parcels, which would eventually become six lots. He asked why they were not addressing the plan of six lots now, instead of three lots.

The process for common wall dwelling units on six lots is that the structure has to first be constructed, with the common wall then verified through a subdivision, said Ms. Boyce. The lots cannot be subdivided prior to construction of those common wall homes, she said.

Mr. LeVine asked if when the subdivision of three lots into six lots came before the Commission in the future, if they would have to address the same issues all over again.

The intent is that if this variance was approved, that it would be for the six lots total, said Ms. Boyce. The variance would not have to come before the Commission again, she said. It would have the effect of approving all six lots.

Mr. LeVine asked if there were other development scenarios considered which did not involve subdivision of the property.

Mr. Pusich said the applicant did consider multi-family development, which they discarded as not being in harmony with the neighborhood.

Chairman Haight said he saw three components to the variance:

1. Relaxation of the requirement for direct access
2. Relaxation of the allowance for a private driveway
3. Relaxation of the right-of-way width for the driveway

In accordance with the recent subdivision ordinance, said Mr. Haight, the Director has the ability to reduce right-of-way widths. He asked if this had been discussed with the Director.

Ms. Boyce said this has not been discussed with the Director. She said if the CDD Director and the head of Engineering determine that a smaller right-of-way could meet the needs of the subdivision that it could be reduced to 35 feet. With the proposed shared access they are proposing a 50 foot easement, she said, but it could be reduced to 30 feet, she added.

With the reduced width of the right-of-way, Chairman Haight asked how snow removal would be addressed.

Mr. Pusich said he thought it would be pushed to the shoulder of the road.

Mr. Greene asked how the parking for the dwellings would be situated.

There would be two parking spaces per unit, with one space located inside the garage, said Mr. Pusich. He said there is no need for a turn-around for fire trucks because since they are installing sprinklers in the buildings, that requirement is no longer necessary.

Applicant

Applicant Haifa Sadighi said this project was initially presented to the Planning Department in 2014. Because of the time involved getting the project to this point, she said, they have missed the peak real estate market which was in 2014.

Ms. Sadighi said she has lived on this property for the past 20 years, and they have used the one driveway for access, and never had any problems with the driveway to access their homes. They have maintained the driveway, and constructed drainage for the road on both the left and the right side of the driveway. They plow the snow and gravel the road, she said. She has the support of the neighbors for the project, said Ms. Sadighi.

The vision for the project is to provide individual housing for young couples who want to get a start in Juneau, and to make it possible for them to own their own homes, she said. Ms. Sadighi said she felt it was unfair that they should have to abide by the new subdivision ordinance when they had started the process long before that ordinance came into effect. Without a variance, they cannot develop this project, she said.

Mr. Voelckers asked Ms. Sadighi what she perceived as the difference between a duplex and a common wall dwelling.

Ms. Sadighi said it was important for her to provide housing for people who would have a sense of ownership over their own homes, which living in a duplex would not provide.

Public Comment

Paula Mcneen spoke in support of the project. She said it is a beautiful piece of property and that it was a great concept that people own their own homes. She said she has navigated the road to the applicant's home all different times of the year and has had no trouble navigating the drive. Ms. Mcneen said she felt this subdivision would add quality housing for Juneau residents who wanted to own their own home within walking distance of town.

Richard Steele said he supported the project because more housing is needed in Juneau, and if the map of the area was examined, that they could see there was really no other alternative to construct a drive. Mr. Steele said this project would help alleviate Juneau's housing shortage. He said shared driveways are common in Juneau, and appropriate for this project.

Luann McVey said she knows the heart of the applicant is focused on helping others. This project will provide housing for people who cannot afford larger homes with big yards. She said she could not imagine putting individual driveways down the steep slope. The existing driveway provides adequate access, she said.

Jessica Quintera said she is the tenant who lives below the applicant. She said she has not experienced any problems with the driveway, and that as a tenant she really appreciates the opportunity to live in such a beautiful area.

Sally Donaldson spoke in favor of the project and said the drive affords easy access to the property at all times of the year.

Adjacent property owner Steve Brantner said they are in support of additional housing in Juneau. He objected to what he said is activity on their property without their knowledge or permission. Trees have been cut and removed from his property, he said. This work took place outside of the bounds of either of the easements, he said. He said he found no evidence in the record that CBJ had recommended a 20 foot width, as he said Mr. Pusich had stated. The records from the Planning Commission from 1982 indicate they found the 20 foot road width to be acceptable for a single family residence, he said.

Mr. Pusich said that the easement for Tract 2 has been in use for 20 years for the applicant to access her home, and that this is all part of the 1982 easement. He said there could have been better communication between the two parties. The site was full of trees which had been felled, and that there was minor disturbance on the Brantner property, and that the applicant had never directed the contractor to disturb the Brantner property. The applicant has maintained the driveway, he said.

Commission Comments and Questions

Mr. Voelckers asked if Mr. Pusich could elaborate on the next steps in the process of development.

Mr. Pusich said the entire road would be extended to 20 feet in width. There would be no additional need for additional easement from the Tract 1 owner, he said.

Mr. LeVine asked if this project could meet lot size requirements once it was subdivided. He said there are certain requirements in code for lot size when they front certain arterials.

Mr. Pusich verified that Mr. LeVine was referring to the D-1 lot size. He said they had examined that, but found that was not justifiable for this project.

Ms. Boyce clarified that one of the Code sections cited by Mr. Pusich regarding flexibility of lot design due to topographical issues is no longer in current code. It was removed with the recent Code update in September.

Chairman Haight said they should first consider the relationship between CBJ 49.15.424 and CBJ 49.35.210.

Mr. LeVine asked Mr. Palmer how they should approach deciding the relationship between the two portions of the code mentioned by Mr. Haight.

Mr. Palmer said it is element four of the variance criteria in which this relationship arises. He said to his knowledge since the new subdivision ordinance was passed in September that 49.35.210 has never been interpreted by the Commission, so this would be the initial decision based upon this portion of the code. The access provisions are in the 49.15.424 which are the access provisions which were specifically placed under the design category, said Mr. Palmer.

The 49.35.210 portion of the code has not been varied by the Commission, said Mr. Palmer, since the subdivision ordinance was passed. It is up to the Commission to decide if the provisions in 49.35 should be subject to a variance. The answer would vary depending on if the Commission went by a design standard, or a construction standard, said Mr. Palmer. The decision of the Commission has the potential to provide relief to the applicant, while at the same time opening up a significant section of the code.

Mr. LeVine said assuming that the variance was granted, if they would be in the situation where they had a project with frontage on a minor arterial. He said it seemed to him that was the crux of the matter. He said it seemed they needed to address the question of whether it was a minor arterial, and whether if the variance were granted that it had frontage.

Mr. Palmer said it is his understanding that North Douglas Highway is classified as a minor arterial by CBJ code. It is not relevant what the DOT classifies the road as for the land use code is irrelevant, he said. The second issue is frontage and direct and practical access, said Mr. Palmer. This property as currently designed has a frontage on North Douglas, said Mr. Palmer. However, as described by the applicant and other testimony on this issue, there is no practical access available through the frontage, he said. In order for the City to have the frontage requirement, said Mr. Palmer, there needs to be a purpose for it. Requiring that direct access be available through that frontage gives it purpose, he said.

If those two concepts are altered, said Mr. Palmer, then some of the fabric which holds Title 49 together begins to come apart.

Mr. LeVine said if the Commission varied the access portion of the code, then it was still left with the portion of the code dealing with frontage.

Mr. Palmer said he felt there was a way to decipher section 49.35.210 to state that for those parcels that have shared access but not a public road do not have to have frontage on a right-of-way. He added that 49.35.210 allows that parcel to be subdivided if they use a shared access, and the parcel has to be a D-1 size. If that occurs, said Mr. Palmer, there is likely a way to read that provision such that they do not have to have frontage on to the right-of-way.

Mr. Voelckers said when he studies 49.35.210 that it struck him as an old piece of code that had not been brought to the Subdivision Review Committee. He said had they addressed this, they would probably have decided that it seemed like an artifact from a decade or two earlier. He said he felt this portion of the code was given too much credence because there are variance

examples that do not even approach the types of sizes and conditions being addressed by the Commission on this variance request.

Ms. Boyce said this section of code lived in the "Access" Chapter of the code prior to September of 2015. During the subdivisions re-write when one subdivision chapter was envisioned, this section of Code was in the draft street design section which was separate from street construction standards, she said. However, with the final subdivision changes, all street requirements were moved to the public improvements chapter. The D-1 lot size requirement for proposed subdivisions along minor arterials was added to the code for a particular subdivision on Back Loop Road in 1991, she said.

Mr. Voelckers said this is an example of language coming from a specific project. He asked Ms. Boyce for her comment on the sheer size of the land parcels in the code, which are so much larger than current standards. He said they were hardly applicable to any of the current examples of other small and minor subdivisions.

In this section of the code there are two options, which are either to build an interior street or to construct a shared driveway, said Ms. Boyce.

Mr. Voelckers said he knew this would not be resolved this evening, but in his opinion criterion 3-6 should be struck from the language all together.

Mr. LeVine said it appears they are discussing (B) (2) which is that access shall be provided onto an interior access street. Mr. LeVine asked if he was correct in surmising the Commission was to decide whether to vary the interior access street requirements.

Mr. Palmer said that (B) (2) lists one option, which is that a subdivision can take place on a minor arterial as long as an interior access or frontage street was provided. Mr. Palmer said that (B) (3) provides the alternative.

Mr. Levine asked if the problem was that the driveway was being defined as an interior access street, but the driveway does not meet the standards for an interior access street.

Mr. Palmer concurred.

If they decide that 49.35.210 applies in this case, then they would have to decide if it was subject to variance which would be for the street requirements for an interior access, stated Mr. LeVine.

The staff read that section as not being applicable, because the frontage in front of this subdivision would not result in an access point whether that is an interior or an access street, or a shared driveway, said Ms. Boyce. The access point is offsite, she said, and a new one is not being created.

Mr. LeVine said he could not see how the Commission could decide that the provision did not apply. He said he could not see how it did not involve frontage along an arterial street. They could perhaps decide that frontage meant access that is in use. But then it would be inconsistent with section (B) (2) which states that access can be provided along an interior street, said Mr. LeVine.

Mr. Haight said they need to decide if it was a construction standard or a design standard.

Mr. LeVine said he saw that decision as the next step in the process.

Mr. Voelckers said it seems to him that on a common sense basis that they should allow continuation of the use of the driveway and to facilitate the development, which has less density than the option which would not even entail coming before the Commission. He said he would like to find a way to proceed with this variance request instead of holding it up even further while the Commission had a chance to delve into the 49.35.210 portion of the code.

Mr. Voelckers added there has been an ongoing precedent over a number of years that small, minor uses of private easements instead of right-of-ways have been used to access three or four lots. He said their packet lists numerous examples of instances where this has happened in the past. Mr. Voelckers said he thought maybe the cleanest variance approval for this request would be to mirror some of the language that they know is being very close to being presented to the Commission.

Mr. LeVine said he agreed the correct result is to allow this project to proceed. He said he doesn't think that this project would comply with the new language which is about to be reviewed by the Commission. He said he did not see a way to grant the variance without changing the code to accommodate it. This may say something about the new code they will soon be reviewing if this sort of project is not allowed, said Mr. LeVine.

Mr. Bell said they are basically setting a precedent for a piece of code which is not well defined. He said they would be making a decision based upon stale code language which is years old.

Mr. Haight said if they can go over each of the criterion and give an affirmative answer, then the project could proceed.

MOTION: *by Mr. Voelckers, that the variance is granted to modify 49.15.424 to allow a limited subdivision access serving three lots maximum in Tract 2MS569 as proposed except that the private easement extension within the subdivision should be a minimum 30 foot width.*

Mr. Voelckers said setting a 30 foot width would make it consistent with the language being proposed for minor subdivisions of three or four lots.

Mr. Voelckers said criterion one could be answered in the affirmative because allowing use of a private driveway easement due to physical constraints for access to a limited number of lots is

consistent with past practices of the City and with proposed draft ordinance language as enumerated by staff.

Criterion 2 is an affirmative answer because the limited private easement driveway will be improved to meet driveway width, gradient requirements, and safely serves the low vehicular counts anticipated.

Under item 5, Mr. Voelckers said he felt option (B) best suited this circumstance. He said granting of the variance would provide three lots facilitating development of single family or duplex residences consistent with North Douglas residential development at an equivalent or lower density than allowed without a variance.

Criterion six could be answered in the affirmative that granting of this variance would result in more benefits than detriments to the neighborhood, said Mr. Voelckers. Granting the variance would result in overall benefits to the neighborhood. Additional housing of a consistent scale and nature would be allowed without unduly affecting the traffic and access issues, said Mr. Voelckers.

Mr. LeVine said he felt they needed to address the question posed by condition four about the consistency with section 210(B). He said at some point they would have to make specific findings or elaborate on the findings in the staff report if they are to grant the variance. He said he understood Mr. Palmer to say that if they were to make a finding that they would have to address that code section.

Mr. Peters asked if the Commission found that 49.35.210 (B) is a construction standard or could be varied; his concern was how this would affect any other 49.35. portion of the code in terms of variances.

Mr. Palmer said he thought Mr. Peters was expressing concern about just what the consequences would be if Chapter 49.35 was opened up in terms of variances. He said that is one of the ultimate questions before the Commission. If it determined that 49.35.210(B) was a design or dimensional standard then it would be helpful for the staff and for other applicants to understand how that is either different or the same as other provisions in Chapter 35.

Mr. Voelckers said there is precedent for access being granted via private easement. He asked Mr. Palmer if he could help the Commission to suggest language that does not create a poor precedent, even though it has been practiced in the community for many years. They would like to vary the requirement that instead of a street there would be a private easement driveway.

Mr. Palmer answered if they would like to obtain that as an end result they would need to explain that the interior street or frontage road did not mean a public street.

Mr. LeVine asked if they were to try to make the street meet code, independent of the right-of-way size which the Director can narrow to 30 feet that the roadway itself would have to be 22 feet wide and paved.

Mr. Palmer responded that would be the presumption under the current code.

If they widened the road to 22 feet and require that it be paved, the problems would be resolved, said Mr. LeVine.

Mr. Palmer said that is one possibility.

Mr. Voelckers said in the draft from October 27, (2015) of this consideration of shared access, that the current language addresses the topic that the road may be unpaved. Mr. Voelckers said he would hate for this applicant to be waiting indefinitely while that language was further refined and approved.

Mr. Peters offered as a friendly amendment to the motion of Mr. Voelckers that it be stipulated this was for six lots, not three lots.

Mr. Voelckers accepted the friendly amendment.

Mr. LeVine asked how far they were from the completion of the frontage ordinance.

Ms. Boyce said they anticipate this would be before the Commission within the next month or two.

Mr. LeVine said he reads enough in that language to preclude just this type of project.

Mr. Palmer said one of the items the Commission may want to consider is that if this motion was approved, that they could be putting the Assembly into a situation in which it would have to differentiate this project allowing indirect access to at least seven lots and that may put the Assembly into a position where it has to split hairs to find a rational basis for the current street standards in the current structure for access within the code.

Mr. Peters said the reason they are moving in the current direction with the variance is because of the topography of the lots.

Mr. LeVine asked if there could be a way the Commission could show this variance is vastly superior to the project the applicant could build without a variance requirement.

They would still have to confront criterion number four, said Mr. Palmer.

Mr. Haight said they cannot move the motion until they come up with a positive finding for number four.

A solution, said Mr. LeVine, is that the Commission could find that 49.35.210(B) does not apply so they would not have to deal with it. They could decide it does not apply because once the access is not through the frontage, the subdivision no longer involves frontage on a minor arterial.

Mr. LeVine said he offered as a friendly amendment to the main motion that 49.35.210 does not apply because this subdivision, subject to the variance, will not involve frontage along a minor arterial.

Mr. Voelckers said he accepted that as a friendly amendment to his motion.

Roll Call Vote on the friendly amendment offered by Mr. LeVine:

Ayes: Peters, Voelckers

Nays: Greene, Dye, Bell, LeVine, Haight

The motion failed.

Mr. Voelckers said the staff report stated that item four had been met. He asked what change in this has occurred creating a different answer.

Mr. Voelckers withdrew his motion.

He said it did not appear they would be able to resolve item four this evening.

MOTION: *by Mr. LeVine, that they continue this item to the next meeting so that they have additional time to come up with a solution with further insight and assistance from the legal staff and the CDD staff.*

In support of his motion, Mr. LeVine said they are concerned about the consequences should the Commission decide to vary 49.35.210 (B).

The motion passed with no objection.

This variance request has been continued to the next meeting, said Chairman Haight.

Chairman Haight adjourned the body as the Board of Adjustment and reconvened as the Planning Commission.

IX. REGULAR AGENDA

USE2016 0001: Conditional Use Permit for a limited marijuana cultivation business in the D-1 zoning district.

Applicant: June Hall and Paul V. Disdier

Location: 8393 North Douglas Highway

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit, USE2016 0001. The permit would allow the development of a 500 square foot marijuana cultivation facility in the D-1 zoning district. The approval is subject to the following conditions:

1. An As-built survey shall be conducted and submitted to the CDD prior to issuance of a building permit.
2. The existing shed shall be relocated to meet the setbacks requirements for the D-1 zoning district prior to the issuance of a building permit.
3. The existing and proposed structures shall have no windows.
4. The door on the existing shed shall be relocated to the rear of the structure.
5. Renovation of the existing shed and construction of the proposed shed shall meet the Sound Transmission Classification (STC) regulations to eliminate any detectable noise from fans or generators outside of the structures.
6. Wastewater generated by the marijuana cultivation facility is prohibited from entering the septic system and the septic system is prohibited from being connected to any building where marijuana is grown or processed.
7. No back out parking shall be allowed onto the North Douglas Right of Way.
8. No parking for the marijuana cultivation facility or the residence shall be located in the North Douglas Right of Way.
9. Trees shall be planted on the north side of each building to provide additional screening.
10. The applicant shall pass the CBJ Fire Marshal's inspection.
11. Charcoal filters shall be replaced no less than once annually.
12. Lighting shall be installed at each doorway to the processing building and cultivation building.
13. No offsite glare shall be produced by exterior doorway lights.
14. Each door shall have either a grade 2 lock with deadbolt or grade 1 lock.
15. Outside swinging doors shall have security hinges.
16. Security cameras shall record in no less than high definition 1080p resolution.
17. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
18. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixture or other equipment in the processing building and cultivation building.
19. Security cameras shall have a battery back-up system installed capable of supporting one hour of recording time
20. Batteries shall be replaced no less than once annually.
21. Prior to the issuance of a Certificate of Occupancy, all security devices shall be

inspected to ensure they are fully operational.

22. This CUP expires if the applicant does not receive a state marijuana license approval within 18 months.
23. The applicant has notice of pending legislation (Ordinance 2015-38) that may affect this approval. The applicant will comply with all requirements that Ordinance 2015-38 imposes when it is passed even if more restrictive than the approved conditions of USE2016 0001. If the Director determines that Ordinance 2015-38 imposes more substantial submittal requirements and/or more restrictive approval requirements than what was analyzed or imposed by this permit the Director may schedule USE2016 0001 for further review by the Planning Commission within three months of the adoption of Ordinance 2015-38.

Mr. Peters said he would like to recognize that they are bringing a Conditional Use Permit before them before the ordinance has been approved. He asked what kind of situation this creates.

Mr. Palmer said that Ordinance 2015 0038 was introduced to the Assembly at its meeting on March 21, (2016). That is the substantive ordinance for marijuana establishments, he said. The Commission can either hear this Conditional Use Permit or it could continue this project until the ordinance was adopted by the Assembly.

Finally, said Mr. Palmer, there may be a way to provide a condition that if there are significant differences in Ordinance 2015 0038 compared to the Conditional Use Permit, if it was approved, that the applicant and the Commission could possibly reevaluate some of those implications stemming from the ordinance.

Mr. LeVine said they can consider this application because it is allowed with the CUP (Conditional Use Permit). He said the application is legally before the Commission because it is an authorized use with a CUP. He asked if his interpretation was correct.

Mr. Palmer concurred, stating that this CUP is before the Commission and that it could address it tonight.

Mr. LeVine added they could also decide to wait on the CUP until the ordinance was approved.

Mr. Palmer said this was correct.

Ms. Steadman told the Commission that the applicants, June Hall and Paul Disdier, were also the property owners. They live on North Douglas on 1.35 acres, she said. It is in the Comprehensive Land Use Plan as Rural Dispersed Residential, said Ms. Steadman. The land resides within the D-1 zoning district, and outside the urban service boundary, she said.

There is one single family residence on the property, said Ms. Steadman. The Urban Service Area boundary ends right after Bonnie Brae Subdivision, said Ms. Steadman. The entire D-1 area outside of the Urban Service area is where limited cultivation of marijuana is allowed with a Conditional Use Permit, she explained.

The staff does recommend that an as built survey be provided to accurately place the boundaries. It would be submitted with their building plan so they could ascertain that each structure meets the required set-backs, said Ms. Steadman, which are 25 feet in the front and 15 feet on the side. The applicant is proposing a 25 foot side setback for both of the structures, she said. The existing parking is currently in the right-of-way, and Title 49 requires that it be located on the site, she said. The single family residence requires two parking spaces and the marijuana cultivation facility requires one parking space, and they do require that those spaces be located on the site, said Ms. Steadman. There is a single car garage and adequate space for the required parking, she said.

There will be a packaging and drying facility, and behind that is the proposed cultivation facility, said Ms. Steadman. The entrance to the cultivation facility is separated somewhat from the cloning and flower rooms so nothing from inside those rooms is visible when the door is opened, said Ms. Steadman. The entire cultivation area is just under 500 square feet, she said.

Both areas within the facility would have dehumidifiers, fans and LED grow lights, said Ms. Steadman. There would also be fluorescent lights as well as a CO2 generator, said Ms. Steadman. The generator would be supported by propane, said Ms. Steadman. The applicant estimates the facility could support 390 plants, she said.

They were asked to analyze this application in light of what the Planning Commission had recommended in the ordinance, said Ms. Steadman, which includes requirements such as:

- ❖ Security plan that shows they meet the state requirements
- ❖ Waste disposal plan
- ❖ Screening plan
- ❖ Private septic inspection
- ❖ Ventilation/infiltration plan
- ❖ Carbon dioxide use disclosure
- ❖ Mold prevention methods

The applicant has proposed to use high resolution cameras as part of their security plan, said Ms. Steadman. There is an alarm system, and the staff recommends commercial-grade locks, said Ms. Steadman. Both of the buildings will have outside lights, said Ms. Steadman. The applicant has chosen a compost method for disposal of its plant waste, said Ms. Steadman. Neither building will have any windows. A secure container must be used for public transport,

said Ms. Steadman. That would happen in the drying facility before being placed in a transport vehicle, said Ms. Steadman.

The applicant is proposing a closed loop system which means there will be no vents to the outdoors, she explained. The fire department will be inspecting the carbon dioxide generator, said Ms. Steadman. The other two requirements are odor management and signage, said Ms. Steadman. Both buildings will have carbon filters to manage any odors, explained Ms. Steadman. Five signs are proposed, three health related, and one regarding public consumption and public transport. There will be minimal traffic involved, said Ms. Steadman, with deliveries expected every two weeks to the testing facility, a product manufacturing facility or a retail location.

A light in front of each of the buildings is suggested, said Ms. Steadman. That is a State requirement, she added. They have received comment from the City Assessor's office, said Ms. Steadman, that with appropriate conditions, the business would not affect the property values. Regarding neighborhood harmony, said Ms. Steadman, they have received sixteen letters in support of the venture and four letters in opposition, she said. The business does fit in with the Comprehensive plan, said Ms. Steadman.

All of the findings were met, said Ms. Steadman.

Commission Comments and Questions

Mr. LeVine said at least some of these conditions were part of the ordinance the Assembly is evaluating. He asked Ms. Steadman which of the conditions were part of the ordinance.

She said numbers 24, 22 and 21 were items addressed with the ordinance.

Applicants June Hall and Paul Disdier

Ms. Hall said the buildings will create no outside light. The plant odor will be controlled with the charcoal filter system, she said. The cultivation building will be a closed system, with no odor or air escaping the building, she said. The rooms will be hermetically sealed with no vents, she said. The light, humidity and temperature will all be controlled, she said. This will be a very technical and very sanitary grow room, said Ms. Hall. They will have the best of equipment and they will take care of any of the issues that need to be addressed, she said.

Mr. Disdier said the fans are very small that will be used in the buildings.

There will be no smell emanating from the building, nor will there be any loud noise, said Ms. Hall. They will not be using any generators, said Ms. Hall. There will be no wastewater to be disposed of, said Ms. Hall. It will be recirculated to the plants, she said. They will be using organic fertilizers, said Ms. Hall, they will not need to flush the growing medium from any salts

which would be created by non-organic fertilizer, she said. They will dispose of their plant waste through composting, said Ms. Hall.

They will have minimal traffic, with maybe one or two handlers on site, said Ms. Hall. The cultivation building will blend with the existing buildings and have low visibility, said Ms. Hall. They will plant trees to shield the buildings, said Ms. Hall. No products will be held on site, nor will any money be held on site, said Ms. Hall. There will be no public access to the buildings, she said.

Commission Comments and Questions

Mr. Voelckers asked how many trips they anticipated to and from the site.

Ms. Hall said they would hope to have a certain rotation of their plants at maturity at every two weeks. Mr. Disdier said they could transport the growing medium at the same time as product transport occurred. He said there would be very little traffic.

Mr. Dye asked if there was a reason why they would like to get the Conditional Use Permit now instead of waiting for the ordinance to be enacted by the City.

Ms. Hall said they would rather have approval sooner than later.

Public Comment

Juneau resident Dixie Hood said she has known Ms. Hall and Mr. Disdier for many years and finds them very trustworthy friends and neighbors to have in the community. She said she hoped the process could move smoothly for the applicants and that a Conditional Use Permit would be granted.

Juneau resident James Barrett said from an industry perspective that this operation is a state of the art, top of the line operation.

Juneau resident John Chapman said he and his wife live next door to June Hall and Paul Disdier. He said in all honesty that he voted against the marijuana initiative, but that he feels they will do a good job, and that private enterprise on private property is encouraged and good for the economy.

Carol Barril said she lives down the road from the applicants. She said she has looked at the plans and is impressed with how thoroughly they are following the rules. She said she was in support of the Conditional Use Permit for the applicants.

Benjamin Wilcox said he was in support of the facility. He said they will be marketing an organic, clean product, which is what the market will demand. He asked that the Commission not submit to scare tactics, and to give the applicants the chance they need to succeed.

Resident John Kremgrs said this is such a good model operation that it will be setting the standard for all operations following after it.

Giono Barrett said he has seen a lot of growing setups in Juneau. The equipment is truly state of the art, he said. The setup is immaculate, he said.

Resident Todd Boris said a lot of times state of the art systems fail. If that is what they would like to use, then Mr. Boris said he would like to see that stipulated in the CUP. He said they could go at a slower pace by waiting for the ordinance and to see the process was done correctly.

Resident Robin Dale said she would like the Commission to know that she has obtained an attorney who wished to call in telephonically this evening, and was denied the opportunity. She submitted written comments to the Commission. She said at the March 14 (2016) Committee of the Whole meeting, that several of the Assembly members acknowledged that important provisions to protect the health, safety, wellbeing and property interests of neighboring residents were missing from the current ordinances (sic). This is not a new concern, said Ms. Dale to Mr. Voelckers. She said back in September that Mr. Voelckers had believed that Ordinance 2015 0039 was missing specificity of buffer adjacencies and protections. To date none of those setbacks or buffers have been considered, said Ms. Dale.

Mr. Greene asked Ms. Dale why she had obtained an attorney.

She replied she felt there had been several process violations. She added that she is not entirely sure that her comments have been included in the record to date. This hearing announcement and the information in the staff report was not made available to the public until a week ago, said Ms. Dale. There are things missing from the application, said Ms. Dale, such as additional setbacks according to the CBJ code which have not been addressed. She said the staff is recommending approval of the application without ascertaining that the requisite information was in the application.

Resident Robert Minch said he has known the applicants for years. He said he read the staff report which he obtained online. He advised the Commission not to delve into areas that are already covered by another body, such as the State.

Resident Paul Dillon said he lives a few houses down the street from June Hall and Paul Disdier. He said it is dangerous to get into a situation of over regulating the industry. He said he and his wife are in support of the applicant's new business venture.

Resident Zane Luther said he did not know of anyone that he could recommend more highly than the applicants as pioneers in the new business of marijuana cultivation.

Applicants

Mr. Disdier said he would like to make one comment referring to the July deadline mentioned during public comment. When July arrives and the permits are issued for cultivation, they have to have a building, said Mr. Disdier. Once this is approved, they then start going through the building permit process, he added. Ms. Hall said if anything is changed about their operation, they have to notify the State. They do not need extra strictures in the Conditional Use Permit forbidding them to make any changes, since they have to notify the State about any changes already, she said.

Commission Comments and Questions

Mr. LeVine said that since the Assembly is currently considering the ordinance, if the applicants would comply with anything that came out of that process.

Ms. Hall said they did plan on complying with the new ordinance, as long as the requirements were reasonable. She said she would find huge setback requirements of 60 or 80 feet to be unreasonable. They have no choice but to comply with any regulations that came their way, said Ms. Hall.

Mr. Voelckers noted that the 25 foot side setbacks in the applicant's proposal are actually larger than those required in the CUP.

They measured out the space and decided that 25 foot setbacks would be adequate, and maybe make the neighbors feel more comfortable, said Ms. Hall.

MOTION: *by Mr. Peters, to move approval of USE20016 0001 with staff's findings and analysis, and the list of conditions as presented.*

Mr. Dye said he would like to add a friendly amendment adding security hinges to outward swinging doors on item number 15 which addresses the doors.

Mr. Peters agreed to the friendly amendment.

Mr. Dye said he would like to add to number 16 that UV or night vision capabilities be added to the cameras.

Mr. Peters said that would be fine.

Mr. LeVine asked to add a friendly amendment that they take conditions 21, 22 and 24 which were the items the staff had identified as already existing within the ordinance and replace them with the item that the applicants are to comply with the requirements of the ordinance and to give the Director the discretion to have the permit placed before the Commission again

if there are substantial changes mandated by the ordinance. He proposed the language state that, "The applicant has notice of pending legislation that may affect this approval. The applicant will comply with all requirements that Ordinance 2015 0038 imposes when it is passed, even if they are more restrictive than what is granted in this permit. If the Director determines that Ordinance 2015 0038 requires more substantial submittal requirements or more restrictive approval requirements than what was analyzed or imposed in this permit the Director may schedule USE2016 0001 for further review by the Planning Commission within three months of the ordinance being adopted.

Mr. Peters accepted that friendly amendment.

Speaking in favor of the motion, Mr. LeVine said as a general matter it would be better to have the ordinance passed prior to approving the Conditional Use Permit. He said in this case the use is already permitted without the ordinance being passed. They also have by all accounts an exemplary application and applicant; he could see no reason not to approve this permit, but that it would not create a precedent on passing Conditional Use Permits prior to the ordinance being enacted.

Mr. Haight said this application is setting a standard and placing the bar up high.

Roll Call Vote: *(on the final motion by Mr. Peters that USE20016 0001 with staff's findings and analysis be approved, with the list of conditions as presented, with the friendly amendment of Mr. Dye that security hinges to outward swinging doors be added to item number 15 which addresses the doors, and that it be added to number 16 that UV or night vision capabilities be added to the cameras. In addition, the amendment of Mr. LeVine's was added to the main motion that the applicant has notice of pending legislation that may affect this approval. The applicant will comply with all requirements that Ordinance 2015 0038 imposes when it is passed, even if they are more restrictive than what is granted in this permit. If the Director determines that Ordinance 2015 0038 requires more substantial submittal requirements or more restrictive approval requirements than what was analyzed or imposed in this permit, the Director may schedule USE2016 0001 for further review by the Planning Commission within three months of the ordinance being adopted.)*

Ayes: Dye, LeVine, Peters, Voelckers, Greene, Bell, Haight

Nays:

The motion passed by a unanimous vote.

AME2016 0008: A Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed Use.

Applicant: GMD Development, LLC.
 Location: Lots on Clinton Drive and 2797 Postal Way

AME2016 0008 has been rescheduled to April 12, 2016.

Staff Recommendation

Based upon the proposed project (identified as Attachments A), and the findings and conclusions stated above, staff recommends the Planning Commission adopt the director's analysis and findings and RECOMMEND APPROVAL to the Assembly to rezone the subject parcels from LC to MU.

CSP2016 0002: A City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway.
 Applicant: City and Borough of Juneau
 Location: North Douglas Highway

CSP2016 0002 has been rescheduled until April 12, 2016.

Staff Recommendation

Staff recommends that the Planning Commission recommend to the Assembly that CSP2016 0002, City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway is consistent with Title 49, the 1997 West Douglas Concept Plan, and the 2013 Comprehensive Plan, with the following recommendations:

1. Development of the pioneer road shall strictly adhere to CBJ Manual of Stormwater Best Management Practices.
2. Prior to development of culverts and bridges in the proposed project, Fish Habitat Permits shall be acquired and approved.

XI. OTHER BUSINESS – None

X. BOARD OF ADJUSTMENT – See UNFINISHED BUSINESS

XII. DIRECTOR'S REPORT

- Housing Action Plan Community Meetings

Mr. Steedle announced that there are two upcoming workshops on the Housing Action Plan: one on March 30, (2016) at the KTOO 360 studio and the other on March 31, (2016) at the

Valley Library.

- Joint Meeting with the Assembly

There is still a joint meeting with the Assembly scheduled for April 25, (2016).

- Commission Training

There may be a new commissioner appointed on May 4, (2016) said Mr. Steedle. He asked the Commission if it still wanted to proceed with the training for new members on April 26, (2016).

The Commission decided to keep that training date of Aril 26, 2016.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

The meeting was adjourned at 11:15 p.m.