Regular Planning Commission Meeting
CITY AND BOROUGH OF JUNEAU
Mike Satre, Chairman

September 8, 2015

I. ROLL CALL

Mike Satre, 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 7:00 pm.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Michael LeVine, Nicole Grewe, Ben Haight, Matthew Bell, Paul Voelckers

Commissioners absent: Bill Peters, Dan Miller

Staff present: Rob Steedle, Deputy City Manager and Acting Community Development Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Eric Feldt, Planner II, Chrissy McNally, Planner II; Jonathan Lange, Planner II; Rorie Watt, Public Works Director; Robert Palmer, Assistant City Attorney

II. APPROVAL OF MINUTES

- August 11, 2015 – Regular Planning Commission Meeting Minutes

MOTION: *by Ms. Grewe, to approve the minutes for the August 11, 2015, Regular Planning Commission meeting with any minor modifications by staff or Commission members.*

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Assembly Liaison Loren Jones reported that the Subdivision Ordinance was passed with one amendment at the last Assembly meeting. There was some discussion, noted Mr. Jones, that the Subdivision Ordinance was being enacted by the staff in a different way. That should be

coming back to the Planning Commission at its Committee of the Whole meeting slated for September 22, (2015) said Mr. Jones. This chiefly addresses the issues of defining frontage and access, he added.

The Assembly received a report from the hearing officer on the Bicknell appeal, said Mr. Jones. The assembly accepted the report noting that it was a legislative decision. The Assembly did not accept the portion of the report where the Hearing Officer stated that the Planning Commission did not have sufficient findings for its decision, said Mr. Jones. On a 5 - 4 vote the Assembly voted not to bring an ordinance over to rezone the property, he said. Therefore the property remains in Rural Reserve, he noted.

There will be an Assembly Committee of the Whole meeting Thursday, (September 10,2015) at 8:00 a.m. to discuss Bridge Park, said Mr. Jones. With bids going out for the sea walk and for the whale sculpture, the application period has been extended for 30 days beyond the date stated in the Request for Proposal (RFP), said Mr. Jones.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

SMF2015 0006:	Final Plat for 15 new lots for Phase 2B Montana Creek West Planned Unit Development.
Applicant:	Bicknell, Inc.
Location:	Montana Creek Area

Staff Recommendations

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Final Plat permit. The permit would allow for the recordation of 15 new lots with the following condition:

The applicant should consider amending the Planned Unit Development in regard to sidewalk design so that future phases would be reviewed for conformance with the potentially revised sidewalk plan.

MOTION: *by Ms. Grewe, to approve the Consent Agenda as read with staff's findings, analysis and recommendations including the recommendation by Planner Eric Feldt regarding the final plat.*

The motion was approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2015 0009:	Proposed changes to Title 49 Table of Permissible Uses for marijuana establishments.
Applicant:	City and Borough of Juneau
Location:	Borough-wide

Staff Recommendations

Staff recommends that the Planning Commission forward its recommendation of approval to the Assembly of Ordinance 2015-39 as recommended by the Title 49 Committee, with the exception of the recommended change to allow marijuana retail in the Rural Reserve (RR) zone district.

Ms. McNally explained that Alaska Statute (AS) 17.38 was the law passed in November, 2014. The state regulations are scheduled to be complete by November 24, 2015, said Ms. McNally. In January of this year the Assembly passed a local moratorium postponing permit applications for marijuana establishments to give time for the City and the State to complete the regulations, she said. An ordinance has been introduced to the Assembly to move this date to December 31, (2015) said Ms. McNally.

The State Marijuana Control Board has established four types of marijuana establishments, said Ms. McNally: marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores. The staff looked at the existing categories within the Table of Permissible Uses (TPU) to see where these categories might fall, noted Ms. McNally. Many interviews were conducted with counties and municipalities within the states of Colorado and Washington, garnering their experience with these types of facilities and the accompanying land-use codes, said Ms. McNally.

This information was used to determine if the existing use categories were adequate or if a new use category for marijuana establishments was necessary, she explained. The staff recommended a new use category is the appropriate approach for regulating marijuana establishments in Title 49 of the Land Use Code, said Ms. McNally. In general, the staff recommended that no marijuana establishments be allowed in residential zoning districts, or within the Waterfront Commercial (WC) and Waterfront Industrial (WI) districts. In addition, all marijuana establishment proposals would require a Conditional Use Permit, explained Ms. McNally.

Marijuana Cultivation

The Marijuana Committee made three changes to staff recommendations for allowed zoning districts, said Ms. McNally. The Committee moved to allow marijuana cultivation in the D1 zoning district outside the urban service boundary of the community and it further moved to allow marijuana retail in the WC and the WI districts, said Ms. McNally. No changes to the allowed zoning districts were recommended for marijuana cultivation, said Ms. McNally. The motion failed within the Marijuana Committee to remove cultivation from the D-1 zoning district based on the intent to treat all residential zoning districts equally, noted Ms. McNally.

The staff created a new use category at the recommendation of the Marijuana Committee within the Table of Permissible Uses for marijuana cultivation within the Rural Reserve and the D1 zoning district outside the urban service boundary and for Light Commercial, General Commercial and Industrial zoned districts, she added.

Product Manufacturing
The staff found product manufacturing to be most consistent with Medium Manufacturing, said Ms. McNally. The Marijuana Committee did recommend for this use to be allowed in the Light Commercial zoning district with a Conditional Use Permit, she added. However, the Title 49 committee recommended that this recommendation be removed, she said, since Medium Manufacturing was not allowed in Light Commercial districts. The Title 49 Committee also added product manufacturing to the Rural Reserve zoning district, said Ms. McNally.

Marijuana Testing Facility
The Title 49 Committee recommends allowing marijuana testing facilities in the RR District with an approved Conditional Use Permit. This recommendation is consistent with the allowed zoning districts for other research laboratory uses, noted Ms. McKibben.

Marijuana Retail Store
The Title 49 Committee added marijuana retail to the Rural Reserve zoning district with a Conditional Use Permit, and it also recommended to remove it from the Waterfront Commercial and the Waterfront Industrial districts, said Ms. McNally.

Waterfront Commercial and Waterfront Industrial Districts
The Waterfront Commercial district is intended to provide both land and water space for uses which are directly related to and dependent upon a marine environment, explained Ms. McNally. Other uses may be permitted if water dependent and water oriented, she added. It is difficult to ascertain where to place miscellaneous types of retail, she said.

The Waterfront Industrial district is intended for industrial port uses which need or substantially benefit from a shoreline location, said Ms. McNally. Water-oriented means uses that are mixtures of uses which would benefit from being near the water and are intrinsic to waterfront development and which must meet specified criteria, said Ms. McNally. Marijuana retail does not fit within these definitions, she said.

They did receive several letters and one phone call of public comment in opposition to the cultivation of marijuana within a D-1 zoning district, said Ms. McNally. There is also a letter in support of adding marijuana establishments to convenience store overlays, said Ms. McNally.

The staff finds that the proposed amendments to the Title 49 Table of Permissible Uses is consistent with the goals and policies in the Comprehensive Plan, said Ms. McNally. The staff does find one inconsistency with the allowance of retail within the RR district, she noted.

Commission Comments and Questions
Mr. Voelckers asked for a recap of why the Committee supported sales in Rural Reserve areas.

Ms. McNally replied that her understanding was that there was an intent to allow all the uses in one area, so that all of the activities to do with marijuana could be combined.

Mr. LeVine asked for an explanation of those D-1 districts which reside outside of the urban service boundary.

Those districts are located out Thane, said Ms. McNally, and just north of Auke Bay all the way out to the Shrine of St. Therese, and out North Douglas past the sewer extension.

Mr. LeVine asked if there has been an update on the discussions at the State level regarding permitting.

Ms. McNally asked Mr. LeVine if he was referring to the two different types of cultivation licenses.

He responded in the affirmative.

The draft State regulations currently have two types of cultivation licenses, said Ms. McNally: a limited cultivation license which allows for 500 square feet of grow space and the cultivation license for larger spaces. Nothing has been formally adopted, she added.

Ms. Grewe asked if Ms. McNally was aware of any movement in the State to allow all four marijuana-related activities in one area.

Ms. McNally responded that it was not as much a restriction on activities as on the restriction that no one individual could hold all four licenses for the four marijuana-related activities.

Ms. Grewe verified that all four activities would be possible with one area but that one entity could not hold four separate licenses; a different entity would have to hold a testing license.

Ms. Grewe asked what the current situation was regarding setting a certain number of licenses allowable per capita.

Ms. McNally responded that this issue has been raised at the Marijuana Committee, but that no decisions have been made.

Chairman Satre, a member of the Marijuana Committee, elaborated that the first time the issue of licenses per capita was raised on the Committee, there had been no decisions by the State on whether licenses would need to be limited or not. Chairman Satre said he had made the comment that the community's zoning regulations would effectively limit the number of

licenses issued. Chairman Satre said there is also the important distinction that although the number of licenses could be limited, there could feasibly be an unlimited number of Conditional Use Permits.

Ms. Grewe said it could be limited through zoning or through licensing, and that she was personally in favor of limiting the amount of licenses through licensing. She added that if permits are limited through licensing then she could be more open to zoning, but that if licenses were dependable upon zoning then she would feel more comfortable makingzoning decisions.

Mr. Watson verified that the Egan Drivedivides waterfront districts from other zoning districts

Ms. McNally said this was true.

Mr. LeVine said that the reason that the Title 49 Committee removed the Waterfront Industrial and Waterfront Commercial zoning from consideration was that current rules do not allow smoking clubs, and that the only water-oriented and water-dependent use they could construct was cruise ship traffic. He said there is no legal way for cruise ship passengers to purchase and use a marijuana product unless there is a place to use the product, and that this type of location does not currently exist. Therefore, they could not define a legal way to determine that marijuana establishments could be water-dependent, said Mr. LeVine.

Public Comment

Karen Crane, Assembly member and a resident out the road, said that she was appearing at the request of several of her neighbors. She referred to page 109 of the recommended changes to the Title 49 Table of Permissible Uses, where it states that the Title 49 Committee proposed the allowance of all marijuana establishments within the RR district. She said that she represents District Two on the Assembly, and that much of this area is located outside of the urban service boundary, and is zoned RR.

Rural Reserve is not devoid of neighborhoods, said Ms. Crane. She said she lives on a road with 19 homes which meets any definition of a neighborhood, as do many of her neighbors on other roads in the area. She said she believes that the definition of where growth processing and testing would occur in the RR area needs to be limited and strictly defined to eliminate neighborhoods. She said that her neighbors would like to see activity limited to industrial areas, until the community has experience with marijuana-related activities.

Juneau resident Adam Berkey spoke in favor of the establishment of marijuana retail stores on the waterfront. He said that as a “marijuana tourist” that he has visited Denver, Colorado and Seattle, Washington several times within the past year. He said that when he visits these communities for marijuana-related purposes that he desires ease of access to the purchase of marijuana. He said in Seattle he had to traverse very rough areas of town to locate a marijuana retail establishment, whereas in Denver he could locate a retail store with ease. There are

locations in Denver established for the use of marijuana, said Mr. Berkey. He said the majority of the populace voted in favor of marijuana use in the state and that it should be made readily accessible within the community and not treated as something which should be hidden and not easily accessible. He said if he visited Juneau on a cruise ship that he would want to be able to disembark from the ship, readily purchase marijuana and have a place to smoke it along the waterfront overlooking the ocean.

Juneau resident Ben Wilcox said that he has been both to the states of Washington and Colorado on marijuana industry related business. He said during several days on a tour that he took an informal survey of marijuana users and listed a number of varied users from young professionals to retired, older individuals. These types of people come to Juneau and get off of the cruise ships, said Mr. Wilcox. The State and the City and Borough of Juneau are restricting use to marijuana, said Mr. Wilcox. He quoted portions of the code which encourage entrepreneurship and stimulation of the tourist base. There is a massage parlor and a hair salon currently located along the waterfront, said Mr. Wilcox. Those services are already offered on the cruise ships, said Mr. Wilcox, and do not need to be located along the waterfront. There are restaurants and alcohol which offer consumable goods, which is just what marijuana is, said Mr. Wilcox. The CBJ should not selectively enforce its rules, excluding marijuana, said Mr. Wilcox,.

Thane resident Marjorie Menzie said she has lived in Juneau for 40 years and on Thane Road for 20 years. Even though it is outside the urban service area, Thane is a bona fide residential area, said Ms. Menzie. She said she opposed the change recommended to Title 49 allowing the use of marijuana establishments in D-1 residential areas outside of the urban service area. The staff made recommendations eliminating marijuana related activities within residential areas, she said. The states of Washington and Colorado have wisely chosen to keep marijuana-related activities outside of residential areas, she said. She said her area is not being treated equally with other residential areas. She said that even though they pay the same taxes, they do not receive City water and sewer, and should be entitled to those same recommendations as for the residential areas.

Ms. Menzie said she wondered how the wastewater from marijuana operations would impact their well levels and septic systems. Marijuana cultivation and processing is a controversial activity in a community which has significant addiction problems, said Ms. Menzie. More restrictive recommendations should be adopted now, with lessening of those restrictions with gained experience at a later date, she said. Ms. Menzie said that she hoped the proposed buffer zones of the contemplated 200 or 500 feet would include bus stops where children would be entering and exiting school buses. She emphasized that she would like to see the D-1 district removed from all residential areas in which marijuana establishments are allowed.

North Douglas resident Margo Waring requested that the cultivation and processing of marijuana be removed from D-1 zoning and also from the residential areas within Rural Reserve zoning. The use in these areas is primarily residential, she said, at least in certain parts of the

zone; other uses should be compatible with residential use. Marijuana processing, cultivation and sale is not a compatible use, she added. Medium manufacturing is by CBJ's own definition as not compatible with residential areas because it requires that this use have "no negative effect on property values", said Ms. Waring.

Ms. Waring commented that the effect of these uses in the RR districts have not yet been measured. She stated that D-1 and Residential Rural areas do not have sewer systems. The impacts on streams and other water bodies should be considered, she said, as well as the effects on water quality. CBJ's residential areas should all experience equal protection from the potential harm of this new industry, said Ms. Waring. Significant portions of RR zones are actually D-1 areas, which has not yet been recognized by the CBJ maps, commented Ms. Waring. She encouraged the Commission to move ahead slowly with its regulations, allowing adequate time for contemplation. The Conditional Use process is not an adequate platform on which to address these issues regarding the affected community, she said. The affected public is often not aware of the public hearing, she added.

Ms. Waring added that when property is purchased, most individuals who purchased this property believed that their residential area would not become a manufacturing zone at some unspecified, future date.

Juneau resident John Nemeth stated that he was in support of maintaining Waterfront Commercial and Waterfront Industrial zoning as a location for retail sales to operate. He stated that currently there are a number of businesses along the waterfront which do not meet the criteria of "water dependent". He said he felt the marijuana industry was being forced out of the waterfront zones from fear of the impression that would be given of Juneau.

He said in fact that this would drive the tourism industry in Juneau in a positive direction as it had affected the tourism industry in a positive manner in Denver, Colorado, which has witnessed a 70% increase in tourism.

Commission Comments and Questions
Mr. Bell asked for a brief definition of Mr. Nemeth's reference to "additional services".

Mr. Nemeth responded that he had been speaking primarily in reference to education, as in the area of medicinal products and in reference to a movement of individuals from flower products to products in the areas of concentrates and edibles, such as in the specified doses of marijuana, he added.

North Douglas resident Gavin Berkey stated that at one of the stores that he visited in Denver that there was a very large television screen which reflected the requirement of the patrons to hold up their identification so that it was visible to the staff within the store. He said it was ludicrous for the community to attempt to the zone Waterfront Commercial marijuana establishments out of the waterfront community.

Convenience store owner Jack Manning stated that he was in favor of the Commission recommending that marijuana retail be allowed in the Convenience Store Overlay District owner of the Duck Creek market in the Valley, Mr. Manning stated that he had no interest in his business becoming a marijuana dispensary. However, he added that in the future when marijuana may be labeled with a USP code, that they would like to be able to sell it if that was the desire of their customer base. They would like to be able to go through the Conditional Use process, he said.

Downtown business owner Tracy LaBarge spoke in support of placing the Waterfront Commercial zoning back on the zoning map. She added that there is already a limited amount of space on the waterfront which is self-limiting, and that she felt marijuana-related enterprises should be allowed on the waterfront. She said that they would support eliminating marijuana-related activities from the D-1 zoning area, but that they did support those activities in the waterfront zones.

Commission Comments and Questions
Mr. Voelckers said they are focusing on the Table of Permissible Uses and in which districts where these various activities can occur. He said the daycare ordinance recently enacted contained a lot of information on buffers and features in the various attributes which would form a conditional use process. He asked if there was any discussion on how to clarify functional aspects of what they would be identifying later as conditions to consider for the issuance of a Conditional Use Permit.

Chairman Satre asked the staff if there was still an intent to frame a special use provision within Title 49 to accompany the zoning maps.

Ms. McNally stated that the staff within the Community Development Department (CDD) is taking its direction from the Marijuana Committee. She added that it is challenging to implement proposed regulations which may differ from those of the State since it is still finalizing its regulations. As an example, she said the Marijuana Committee had proposed a 200 foot buffer from areas such as schools, churches and daycare centers. Meanwhile the State changed its recommendation regarding buffers to 500 feet, she added. She said she did believe the intent was to have a special use category that would in many instances simply mimic what the State adopts, with the addition of any items recommended specific for Juneau as well.

Chairman Satre said this is still a process and a bit of a chicken and egg type of situation.

Mr. Voelckers said it does not seem unreasonable to start at this point realizing that there is still quite a conversation to come on some of the particular conditions that would be applied.

Ms. Grewe asked the staff if in their studies of other communities in which marijuana is legalized if they came across any studies that marijuana cultivation and maybe processing were compatible within residential districts.

Ms. McNally responded that they had not spoken to any communities that allowedof marijuana cultivation or processing within residential districts. She said the most common advice these communities had to render was not to allow this type of activity in residential zoning districts, thus avoiding future conflicts. This was more of a challenge in Juneau, acknowledged Ms. McNally, due to Juneau's very limited space.

Ms. Grewe said she felt that marijuana agriculture differed from other commercial agriculture because it was a much more industrialized form of commercial agriculture.

Ms. McNally said given the climate of Juneau, probably indoor growing facilities would be used rather than commercial greenhouses. Other communities do treat indoor cultivation as an industrial use, mentioned Ms. McNally. The State is going to institute strong restrictions regarding ventilation and for odor control, said Ms. McNally.

Ms. Grewe asked if there was a way to carve neighborhoods out of rural Reserve Zoning to protect them from marijuana-related industry. Ms. Grewe said they could consider very large buffers around neighborhoods, even up to 1,000 feet in distance.

Chairman Satre said the idea of cultivation within the D-1 zone outside of the urban service boundary came from him, and this came about by looking at maps of the city to see where cultivation may be allowed. There are some D-1 zone lands which are quite a distance from other development, he said, which may be included as possibilities for cultivation. Regarding Ms. Grewe's Rural Reserve question, Chairman Satre said on the Wireless Ordinance regarding cell phone towers that certain towers were allowed within a certain number of feet of an established neighborhood, and there was another set of rules for towers which are located outside of neighborhoods.

Mr. Voelckers asked what has been learned from questioning Washington and Colorado communities about where marijuana is allowed to be cultivated. He asked if there was a precedent set in those communities for marijuana cultivation to be successful in Light Commercial and General Commercial zoned areas.

Ms. McNally responded in the affirmative. She said primarily their cultivation is allowed in commercial and industrial districts.

Mr. Watson asked Ms. McNally how many communities she had contacted regarding the marijuana industry.

Ms. McNally responded that she had contacted about 20 communities of various sizes.

Mr. LeVine asked if there has been any thought or study done on what might be the limiting factor in a city the size of Juneau regarding marijuana cultivation or sales.

Chairman Satre said they have maps which illustrate the proposed changes in the Table of Permissible Uses.

Mr. LeVine asked if any studies have been done on what limiting factors would be for the industry as it grows in Juneau.

Chairman Satre said he does not think they have that type of analysis available.

Mr. Watson said he felt it was the price of the building and/or land which would drive the market.

Chairman Satre outlined that the Commission could recommend the ordinance to the Assembly as it has been written by the Title 49 Committee, they could edit the ordinance this evening and make some additional recommendations, or they could table this ordinance pending additional information.

Ms. Grewe said she thought about this ordinance in terms of the sections of growing, processing, selling and testing. She said she would address her motions accordingly and that her first motion would address the cultivation of marijuana.

MOTION: *by Ms. Grewe, amending Marijuana Cultivation Facility CBJ 49.25.300 section 14.240 and 19.230 to remove the D-1 district from marijuana cultivation.*

In support of her motion Ms. Grewe stated that:

- D-1 is primarily used as a residential district and is listed in the Land Use Code as such
- They are basically creating a new industry for this community, and all residential districts should be protected
- With the State and the City working on regulations simultaneously, they cannot yet even define buffers until this regulation has been addressed by the State
- The number one warning coming repeatedly from the Washington and Colorado communities was to protect the residential districts
- Based upon her years on the Commission, Conditional Use Permits were passed the majority of the time, and that just relying on the Conditional Use Permit system would not be sufficient to protect residential zones
- A conservative approach should be taken when heading into this industry
- Licensing such as that done for package stores would be a controlling factor in development of this industry
- The cultivation of marijuana does not fit into the category of Commercial Agriculture Excluding Farm Animals

- People invest in their homes and expect a certain predictability in the development of their neighborhoods

Mr. Watson stated that he felt it was appropriate to rely on the Conditional Use process when dealing with the D-1 area, and that there was some land within that zone appropriate for marijuana cultivation. Mr. Watson shared his concern that the regulations would continue to be narrowed down until there would only be a small area left within the community in which this type of activity could take place. A result of this effect could result in the increase in the density of this activity, he said.

Mr. Voelckers spoke in favor of the motion, citing Ms. McNally's feedback from other communities in which development was not allowed in residential areas. He said he did agree that it was easier to add districts when the community had a better sense of how this development would proceed.

Mr. Haight stated that over the past year they have had several permits before them which addressed agricultural use, such as the Peony farm located in North Douglas. In those cases these permits were granted for commercial operations within residential areas, said Mr. Haight. He added that he also did recognize the value of maintaining a conservative stance at this point in time.

While stating that this was a close call, Mr. LeVine said that he would vote against the motion, because he felt they could effectively implement restrictions to protect neighborhoods.

Speaking in favor of the motion, Mr. Bell said that he supported the motion as it has been made.

Roll Call Vote:

Yeas: Bell, Haight, Voelckers, Grewe,

Nays: LeVine, Watson, Satre

The motion failed.

Chairman Satre said that he would entertain a motion for immediate reconsideration, which would result in further discussion on marijuana cultivation.

MOTION: *by Mr. Watson, for immediate reconsideration of the previous vote.*

The motion passed with no objection.

Chairman Satre asked if there is any additional discussion on removing the Conditional Use Permit from sections 12.240 and 19.230.

Mr. LeVine asked if they could put this motion aside and see if they could reach agreement on the remaining three related issues.

Ms. Grewe agreed to this, and withdrew her motion on amending Marijuana Cultivation Facility CBJ 49.25.300 section 14.240 and 19.230 to remove the D-1 district from marijuana cultivation.

MOTION: *by Mr. Voelckers, to remove the conditional use allowance for (Multiple Use) MU-2 for a marijuana product manufacturing facility.*

In support of his motion, Mr. Voelckers said that he found that use at odds with MU-2 zoning. The MU-2 zone was created to be a sort of mild version of General Commercial zoning, stated Mr. Voelckers. He said that the MU-2 district states that it places a greater emphasis on residential development with up to 80 units per acre. He said it was difficult to envision a marijuana product manufacturing facility located in what could be the most densely zoned district.

Ms. Grewe commented that if they remove the MU-2 zoning, then they are left solely with Rural Reserve, General Commercial and Industrial zones for manufacturing. She voiced the concern this may not leave enough area available for manufacturing facilities.

Mr. Voelckers commented they could potentially place this zoning within the (Mixed Use) MU zone instead of the MU-2 zone which carried an additional residential emphasis.

Ms. Grewe accepted the friendly amendment of Mr. Voelckers to move the Conditional Use process from MU-2 zoning to MU zoning.

The amendment passed with no objection.

MOTION: *by Ms. Grewe, to add back the Conditional Use process for Waterfront Commercial and Waterfront Industrial districts to Marijuana Retail Store Title 49 Section 2.300*.

Speaking in opposition to the motion, Mr. Voelckers said that when the specific terms are identified for Waterfront Commercial and Waterfront Industrial zoning, that there is no latitude for this particular use. While admitting that there have been exceptions in development along the waterfront, he did not feel that indiscretions in the past should be used as a precedential backdrop to future actions.

Mr. LeVine said he would oppose the motion because there is no legal tie to cruise ship passengers that could be found. If and when marijuana clubs are legal, then he would support this use for Waterfront Commercial and Waterfront Industrial zones, said Mr. LeVine. They

could also revisit some of the definitions for Waterfront Commercial and Waterfront Industrial districts to allow some additional uses within those districts, said Mr. LeVine. He said personally he felt these would be good areas for a retail store, but that he could not find the justification within the existing definitions for those districts.

Mr. Watson said that earlier public testimony highlighted that the Commission has in the past made exceptions for retail development within the Waterfront Commercial zones. He said he did have problems allowing retail activity within the Waterfront Industrial district.

Ms. Grewe asked Mr. Watson if he would like to offer a friendly amendment to separate the waterfront commercial and Waterfront Industrial zones.

Mr. Watson said he would like to make his suggestion into the form of a friendly amendment to remove Waterfront Industrial zoning from consideration in the main motion by Ms. Grewe.

Ms. Grewe accepted the friendly amendment to remove Waterfront Industrial zoning from her motion.

In support of her motion Ms. Grewe said that she would lean on the Comprehensive Plan and its language supporting economic development and encouraging a diverse economy.

Chairman Satre also spoke in support of the motion stating that he felt there was a misconception that many of the establishments within waterfront commercial zones were somehow an exception to the rules. He stated the fact of the matter is that they meet the rules by being tied to a clientele that is delivered via the water.

Roll Call Vote: (on Ms. Grewe's main motion with the friendly amendment offered by Mr. Watson to add back the Conditional Use process for Waterfront Commercial districts to Marijuana Retail Store Title 49 Section 2.300.)

Yeas: Grewe, Haight, Watson, Satre

Nays: LeVine, Bell, Voelckers

The motion failed.

MOTION: *by Mr. Haight, to approve the full ordinance with its amendment (to remove the conditional use allowance for Multiple Use [MU] for a marijuana product manufacturing facility) for recommendation to the Assembly with the understanding that all of the comments and discussions expressed by the Commission on the two topics of Marijuana Retail Store and Marijuana Cultivation Facility go forward to the Assembly with the recommendation for inclusion in its consideration of the ordinance.*

Ms. McKibben asked that the Commission discuss marijuana retail stores in Rural Reserve districts as this was recommended by the Title 49 Committee and not recommended by the staff.

Since Mr. Haight had moved to approve the full ordinance with its amendment, that item on marijuana retail stores within the rural reserve district was included within the ordinance, noted Chairman Satre.

Ms. Grewe verified that her motion to amend Marijuana Cultivation Facility CBJ 49.25.300 section 14.240 and 19.230 to remove the D-1 district from marijuana cultivation was currently not pending any Commission action.

Chairman Satre concurred, stating that she had withdrawn her motion and that she could amend Mr. Haight's motion through a friendly amendment, or failing that, it could be voted up or down.

Mr. LeVine stated that perhaps if Mr. Haight's motion did not pass, that the Commission could revisit earlier discussion.

Ms. Grewe offered the friendly amendment to remove cultivation in D-1 zones from Mr. Haight's motion.

Mr. Haight did not accept the friendly amendment offered by Ms. Grewe.

As an amendment to the main motion, Ms. Grewe moved to remove cultivation in D-1 zones from Mr. Haight's motion.

In support of her motion Ms. Grewe said she included all of her previous comments on this issue and added once again that other states have verified that marijuana cultivation is not compatible with residential districts.

Chairman Satre called for a roll call vote.

Roll Call Vote: (on Ms. Grewe's Amendment)

Yeas: Bell, Voelckers, Grewe, Haight,

Nays: LeVine, Watson, Satre

The motion to amend the main motion failed.

Speaking in support of Mr. Haight's motion, Mr. Watson stated that the Commission had given their best effort this evening to address the ordinance. He said he felt moving the ordinance forward to the full Assembly with the Commission's comments was the wisest course of action.

Mr. Voelckers also spoke in support of the motion, even though he said it felt awkward to him that they are still missing the specificity of buffers, adjacencies and protections which would fill in the ordinance.

Ms. Grewe spoke in opposition to the motion stating that she was not in support of cultivation in D-1 zones and that she was also concerned about the resulting density for neighborhoods within Rural Reserve zones.

Chairman Satre spoke in opposition to the motion stating that the debate held by the Commission this evening was indicative of the ordinance not being ready for forwarding to the Assembly. He said he felt there was still valuable debate which could be conducted on including waterfront commercial locations where retail stores could be situated. In addition, the Commission is divided on the cultivation issue in D-1 zones. The Commission has also not addressed whether retail sales of marijuana should be allowed in the convenience store overlay. Agreeing with Mr. Voelckers, Chairman Satre said he felt they would be more comfortable with any of these zone designations if they had some special use provisions to go along with them.

Roll Call Vote: (To approve the full ordinance with its amendment [to remove the conditional use allowance for Multiple Use [MU] for a marijuana product manufacturing facility] for recommendation to the Assembly with the understanding that all of the comments and discussions expressed by the Commission on the two topics of Marijuana Retail Store and Marijuana Cultivation Facility go forward to the Assembly with the recommendation for inclusion in its consideration of the ordinance.)

Yeas: Haight, Watson, LeVine

Nays: Grewe, Bell, Voelckers, Satre

The motion failed.

Mr. LeVine asked if the Commission felt that it needed more information that would enable it to become more unified in its recommendation, or if there was a version of this ordinance reflecting some of the motions made this evening which would enable the Commission to come to a consensus on the ordinance.

Chairman Satre said the basic question is should the Commission continue this item and request more information or should it continue this item and wait for a potentially larger number of Commission members to vote.

MOTION: *by Mr. Watson, to continue AME2015 0009 to the next regular Planning Commission meeting held on September 22, 2015.*

The motion passed with no objection.

CSP2015 0013:	Planning Commission Review of and Recommendation to the Assembly regarding the 2015 Capital Transit Schedule and Route Revision.
Applicant:	City and Borough of Juneau
Location:	Borough-wide

Staff Recommendations

Staff recommends that the Planning Commission recommend to the Assembly that CSP2015 0013, 2015 Capital Transit Schedule and Route Revision is consistent with Title 49 and the 2013 Comprehensive Plan. With the following recommendations:

1. Public Works/Engineering should continue to work with DOT to improve pedestrian and traffic safety at the Davis Avenue and Glacier Highway intersection, to possibly include a traffic light at this intersection in the future, to allow for service at all times to Davis Avenue, to control traffic, and to reduce potential collisions.

2. Special consideration should be made to ensure that the connecting stairways and paths from St. Ann's Avenue to Savikko Park are in good and stable condition for safe pedestrian access.

3. Maintenance of sidewalks and crosswalks along St. Ann's Avenue should be improved to allow pedestrians and people in wheelchairs to access transit services at Savikko Park or at the Douglas Library bus stop.

4. A partnership between UAS and Capital Transit should be made to allow drivers to use UAS facilities, such as restrooms, for breaks.

The proposal which came before them was to adopt a schedule change and route revisions that would provide a higher level of reliability, add service to Riverside Drive and the Dimond Park area, maintain service in the downtown core and provide adequate rest and recovery time for operators, explained Mr. Lange.

The 2014 update to the Capital Transit Plan was definitely a vision of what can transpire in the future, said Mr. Lange, but there is a lack of public funding to expand Capital Transit Services at this time, he noted.

In December 2014, the public did not approve a revised service change which limited services and did not provide enough rest and recovery time for transit operators as a result of public hearings held throughout the community, said Mr. Lange.

This iteration of the Capital Transit Schedule and Route Revision includes input from transit operators, said Mr. Lange.

The proposal recommends the following changes to the existing service:

- No weekday inbound service on Davis Avenue at 3:30 p.m., 4:00 p.m., 4:30 p.m. and 5:00 p.m.
- No service to St. Ann's on Douglas Island
- New service to Treadwell arena on Douglas Island - adjust the departure times from Douglas to downtown
- No express service on the UAS campus at the bottom of the hour, with service remaining at the top of the hour
- New service at Mendenhall Mall, Dimond Park, Riverside Drive and Stephen Richards Drive

Commission Comments and Questions
Mr. Watson asked if it was true that the University did not allow drivers to use their facilities.

The University does allow the transit operators to use its facilities, responded Mr. Lange. However, he said, when the school is closed the transit operators cannot access the building. An agreement between the University and Capital City Transit can be worked out so that transit operators can have use of the facilities when the University is closed, said Mr. Lange.

The proposal also recommends the following changes to the existing infrastructure:

- Create a dedicated transit bus stop at the State Museum in conjunction with the Whittier Street repaving project
- Relocation of the Airport stop to Yandukin drive just north of the Airport
- New signs at stops affected by Davis Avenue deviation
- New signs at Douglas stops affected by schedule adjustment
- Create an at-grade passenger waiting area at Cinema Drive
- Improve the paving, and install accessible curb and platform and Mendenhall Mall

Commission Comments and Questions
Mr. Watson said he thought from information garnered from previous presentations that Riverside Drive itself was an area of high density and the least served by Capital Transit. He said while there has been need of a decent bus stop in the Mendenhall Mall area, that has always

been a point of disagreement with the current property owners. He wondered if their opinion had changed.

Mr. Watt said that he felt it unlikely that the property owners would agree to a bus platform in the middle of Mall Road. They are talking to the owners about purchasing property for a potential Valley transit center, said Mr. Watt. The Assembly has approved a small amount of funds to pursue an appraisal for that property, added Mr. Watt. That would be an upgrade for the long term, he said.

A year ago they were at a difficult time for transit planning, said Mr. Watt. This resulted in upset members of the public and upset drivers, he said. The drivers' workgroup began meeting to try and achieve some core goals, said Mr. Watt. This included seeing that the routes ran on time and that the drivers were given rest periods, he said. As time has passed and the community has grown, the bus service has been strained to meet these needs and the drivers were squeezed out of their breaks, said Mr. Watt. They have received positive comments from the public on this particular plan, said Mr. Watt.

There are still some inherent problems with the plan which still need to be worked out, said Mr. Watt, and there are some service reductions as well as some additions. They would like to provide more service to the core Valley area said Mr. Watt, but that is not attainable at this time.

Mr. Voelckers said he appreciated that the current plan is a clever way of improving the service within the existing resources. He said in the Douglas service area around St. Ann's there seemed to be quite a distance for the public to access the buses.

Mr. Lange responded that the operational analysis for the plan indicates a very small ridership for that particular area. He said he thought it was a reasonable distance to be traversed to the bus stop.

Mr. Watt added he felt people would walk down St. Ann's itself to the bus stop.

Chairman Satre said there were aspects of the plan which he did not like such as the bus only visiting the University once an hour. The trade-offs are that there will be service to Dimond Park and they will still maintain service to the core areas, he said. He said he appreciated the City working with the transit operators to assure that they were treated fairly.

MOTION: *by Mr. Bell, to approve CSP2015 0003.*

The motion passed with no objection.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Mr. Steedle reported that they will be recruiting for the Planning Director shortly. At the August 26, (2015) meeting the Assembly Finance Committee approved hiring a Housing Development Coordinator, said Mr. Steedle.

Mr. Watson commented that a few members are having trouble with their passwords in the new City email system.

Mr. Steedle asked Mr. Watson to contact the MIS department with the City, and that they would assist with the password process.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

- July 23, 2015 Marijuana Committee Meeting DRAFT Minutes
- August 13, 2015 Marijuana Committee Meeting DRAFT Minutes
- August 21, 2015 Title 49 Committee Meeting DRAFT Minutes

Title 49 Committee
Ms. Grewe reported that the Title 49 Committee met and that the results of their meeting were already noted by the Commission this evening.

Auke Bay Steering Committee
Mr. Bell reported that he attended the Auke Bay Steering Committee meeting and that the Committee is aggressively tackling the development of the Auke Bay community.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers asked just how difficult it would be to address the current Waterfront Commercial zoning. He asked if it would be something which could be accomplished simultaneously with the recommendation of approval of the ordinance to the Assembly.

Chairman Satre said he did not know, but that it may be opening up a Pandora's box.

XV. ADJOURNMENT

The meeting was adjourned at 9:37 p.m.