



Planning Commission Meeting Agenda

Regular Meeting Thursday, April 14, 2016– 6:30PM
City Hall Council Chambers 300 Chief Eddie Hoffinan Highway

MEMBERS

Joy Shantz
Chair
Term Expires
12/2017

John Guinn
Vice-Chair
Term Expires
12/2016

Nikki Hoffman
Council Rep.
Term Expires
10/2017

Kathy Hanson
Committee Member
Term Expires
12/2017

Cliff Linderth
Committee Member
Term Expires
12/2017

Lorin Bradbury
Committee Member
Term Expires
12/2017

Kurt Kuhne
Committee Member
Term Expires
12/2017

Ted Meyer
Ex-Officio Member

Betsy Jumper
Recorder

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD – (5 Minute Limit)
- IV. APPROVAL OF THE MINUTES FROM THE MARCH 10, 2016 MEETING
- V. APPROVAL OF THE AGENDA
- VI. NEW BUSINESS
 - A. Discussion: Preparing for Marijuana Facility Zoning – Ordinance examples and issues from other communities.
 - B. Discussion: Conditional Use Permit Request– YKHC Expansion Project
- VII. PLANNER'S REPORT
- VIII. COMMISSIONER'S COMMENTS
- IX. ADJOURNMENT

City of Bethel, Alaska

Planning Commission Meeting

March 10, 2016

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Planning Commission was held on Thursday, March 10, 2016, at 6:30 PM at the City Hall Chambers in Bethel, Alaska. Vice-Chair Guinn called the meeting to order at 6:30 pm.

II. ROLL CALL

Compromising a quorum of the Commission, the following members were present for roll call: John Guinn, Lorin Bradbury, Kathy Hanson, and Cliff Linderoth; Nikki Hoffman arrived after roll call. Joy Shantz was excused. Also present was Planning Director Ted Meyer and Recorder Betsy Jumper.

III. PEOPLE TO BE HEARD

Nobody wished to be heard.

IV. MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 11, 2016 MEETING

MOVED:	Lorin Bradbury	To approve the Feb. 11, 2016 minutes.
SECONDED:	Kathy Hanson	
VOTE ON MOTION	All in favor 4 yes and 0 opposed. Motion carries.	

V. APPROVAL OF THE AGENDA

MOTION TO APPROVE THE AGENDA OF MARCH 10, 2016

MOVED:	Kathy Hanson	To approve the agenda.
SECONDED:	Cliff Linderoth	
VOTE ON MOTION	All in favor 4 yes and 0 opposed. Motion carries.	

VI. NEW BUSINESS: A. A resolution of the Planning Commission recommending an ordinance amending chapter 18.36.030 of the Bethel Municipal Code to add alcohol sales and dispensing as a conditional use permit designation in the General Use District. (Action Item)

MOTION MADE TO RECOMMEND ORDINANCE 16- TO THE CITY COUNCIL

MOVED:	Kathy Hanson	To recommend to Council that Ordinance 16- amending chapter 18.26.030 be approved .
SECONDED:	Lorin Bradbury	
VOTE ON MOTION	All in favor 5 yes and 0 opposed. Motion carries.	

VII. PLANNER'S REPORT: Ted went over the Planning Director's monthly activity report.

IX. COMMISSIONER'S COMMENTS: **Lorin:** no comment; **Nikki:** no comment; **Kathy:** asked about the Planning office moving to the Log Cabin; **Cliff:** wanted to alert everyone about the YKHC crossing lights not working; **John:** no comment.

X. ADJOURNMENT

MOVED:	Kathy Hanson	Motion to adjourn the meeting at 8:10 PM
SECONDED:	Cliff Linderoth	
VOTE ON MOTION	5 yes and 0 opposed. Motion carries.	

The next meeting will be on April 14, 2016

_____, Joy Shantz, Chairman
ATTEST: _____, Betsy Jumper, Recorder

DRAFT

Anchorage Assembly to finalize marijuana regulations at Tuesday meeting

ANCHORAGE -

The Anchorage Assembly will vote on two ordinances at a Tuesday meeting that will finalize marijuana regulations within the municipality. While both ordinances are expected to pass, lawmakers are less certain about which of the eight amendments will be included in the new regulations.

The first of the ordinances, Title 21, deals with zoning and land use. A major concern voiced at the municipality's last public hearing were the proposed buffer zones between schools and businesses selling marijuana. Currently, the ordinance sets the buffer at 1000 feet.

Federal law requires that drug-free school zones be placed 1,000 feet from schools and playgrounds. The state requirement however, is 500 feet.

"The idea that we have students walk to school around those areas and not having to encounter that activity is one that I think makes the most sense in terms of looking at the safety of our students," said Ed Graff, Superintendent of the Anchorage School District.

While Graff and other school officials believe the 1,000 foot buffer is necessary, prospective marijuana business owners say this doesn't give them much space to establish their businesses in Anchorage.

"I can tell you personally if I'm downtown in different areas, that a thousand feet is really going to hinder different businesses doing business in Anchorage," said Terrisa Collins who testified at the public hearing.

"The big thing is there is not a bunch of industrial space in our community and there are a lot of folks that say even when they find industrial space, they are not running into them." said Assembly member Elvi Gray-Jackson.

Assembly member Patrick Flynn has proposed an amendment that would shorten the buffer zone to 500 feet, making it more favorable for marijuana businesses. Another amendment proposed by Assembly member Bill Evans would leave Girdwood as the only place outside of the Anchorage Bowl where the buffer zone would be 500 feet.

QUESTION TO Consider: Because outdoor cultivation of POT is water intensive, should the City of Bethel Limit outdoor cultivation to areas of the city that have Piped water? Don't Forget to Water the Weeds

NICHOLAS R. SINGO APRIL 22, 2014



BACKGROUND

In 2012, Colorado and Washington became the first two states to legalize marijuana for recreational use. While using, possessing, and growing marijuana remains illegal at the federal level, twenty states and Washington, DC have legalized marijuana for medical purposes. Maryland also allows medical use as a defense in court. Notwithstanding its illegality at the federal level, the medicinal and recreational marijuana industries have been operating under tricky circumstances, namely the lack of access to banking and insurance services. While the burgeoning industry works out its financial issues, the challenge of bringing an illegal crop into the semi-legal market requires addressing an issue that farmers across the arid west encounter: Where to get water to grow plants.

GROWING MARIJUANA

Legalization does not change the fact that growing marijuana is a water intensive endeavor. Outdoor growing operations may require anywhere from one to fifteen gallons per plant per day. For comparison, growing one square foot of potatoes in Colorado requires only about sixteen to twenty nine gallons of water per growing season. The retail price for marijuana ranges from \$150.00 to \$300.00 per ounce, whereas the recent price of potatoes is about \$0.04 per ounce. Given the wide ranges of potential revenue and estimates of water requirements for growing marijuana, growers can expect a return of about \$0.22 to \$6.67 per gallon of water "invested" in each plant of marijuana grown outdoors (assuming two ounces of marijuana are harvested from each plant). Compare those figures with the return of about \$0.02 to \$0.03 per gallon of water to grow one square foot, yielding about eleven to fourteen ounces of potatoes. The cost of obtaining water sufficient to maintain the marijuana growing operation may constrain production, but clearly, there is an economic advantage to growing weed. However, water is but a single cost that a business must account for among many.

Hydroponics →

Growing indoors is another option for marijuana growers, especially since grow operations in Colorado must be in an enclosed and locked space. Indoor growers can expect a return close to, or even exceeding, the upper range noted above. Further, there are many methods of growing indoors, and water use varies greatly. Although water savings from reduced evapotranspiration – the amount of water lost by evaporation and released from plants – growing indoors are significant, growing indoors requires energy-intensive equipment that increases energy costs. The growing area is also restricted, constraining the number of plants that a grower can cultivate. Nonetheless, the quantity of water required to cultivate marijuana outdoors or indoors is sure to raise an eyebrow or two, especially given persisting drought conditions in western states.

ENVIRONMENTAL CONCERNS

One of the problems legalization may remedy is that illegal grow operations cause environmental degradation. The United States Forest Service estimates a cost of up to \$15,000 per acre to remediate polluted watersheds from illegal marijuana growing operations, partly due to the uncontrolled use of fertilizers and pesticides. In California, illegal grow operations are blamed for pollution harming salmon populations in the Eel and Klamath Rivers. By bringing marijuana out of the black market, states could allocate the use of water in producing marijuana and hold growers accountable for environmental violations, instead of chasing down criminals (or so the thinking goes). However, unless the cost to obtain water legally is less than that of the illegal method, the economic incentive is to stay on the run and use "free" water for grow operations. Illegal marijuana growers, as opposed to legitimate farmers, operate in the black market and have no incentive to follow water use rules. The risk to an illegal marijuana grower's investment remains constant even when following the rules because the product is illegal. Proponents of the newly legalized industry point to the self-regulating nature of the business, where law-abiding companies single out rule-breakers to maintain market competitiveness, advance the legitimacy of the industry, and create an incentive to follow the rules.

POLITICAL CONCERNS

In July 2013, the Board of Pueblo County Commissioners unanimously approved a plan to build greenhouses and grow marijuana on a property with groundwater rights. Rural residents who depend on water to sustain their agriculture-based community opposed the plan. Residents resisted the use of water rights for marijuana cultivation, with one neighbor noting the scarcity of water in a nearby ditch. In September 2013, La Plata County commissioners heard concerns from a resident forced to haul water by truck to his home because of a lowered water table, allegedly due to a marijuana grow operation. Notably, La Plata County prohibits commercial operations from using its water to grow marijuana, potentially affecting a grow operation's ability to obtain reliable water.

Both opponents of the marijuana industry and those concerned with water conservation are likely to voice their disapproval to city and county commissioners who approve land for growing marijuana. These stakeholders possess a political check and can back up their resistance to the industry by voting for marijuana foes. Such a scenario may force municipal governments to address new water issues typically left for state administrative bodies to address, as opposed to water issues limited to their local jurisdictions.

CONCLUSION

Newfound industries face unique challenges. Emerging from the black market, the marijuana industry is only beginning to address issues that will lend itself to the world of legitimate business. From the Federal Government to the local board of commissioners, legalizing marijuana affects every regulatory aspect of business. Of course, if Uncle Sam decides to enforce his laws and send the industry back to the black market, marijuana growers will have more concerns than water use alone.

Pertinent Sections of the Recent Draft Anchorage Marijuana Zoning Ordinance

I. APPLICATION INFORMATION

A site plan to scale and dimensioned, depicting the building footprint, parking areas, vehicle circulation and driveways, pedestrian facilities, lighting, landscaping, loading facilities, freestanding sign location(s), required open space, snow storage area or alternative strategy, trash receptacle location and screening detail, and fences.

A security plan indicating how the applicant will comply with the requirements of municipal and state law and regulation. ??

A waste disposal plan.

For marijuana cultivation facilities:

The projected amount of water that will be used.

The projected amount of wastewater that will be discharged.

A letter from the applicable electric utility stating that the power capacity at the proposed location is sufficient for the intended use.

An odor control plan indicating how the applicant will comply with the requirements of municipal and state law and regulation.

For marijuana manufacturing facilities:

A description of the type of products to be processed and the equipment to be used, including a list of any solvents, gases, chemicals, or other compounds that will be used, kept, or created at the manufacturing facility, the location of such materials, and how such materials will be stored.

Certification of a licensed industrial hygienist, as required in subsection 21.05.055B.2.

The projected amount of water that will be used.

The projected amount of wastewater that will be discharged.

For marijuana retail sales establishment:

A neighborhood responsibility plan, as required in subsection 21.05.055B.4.

II. SEPARATION FROM PROTECTED LAND USES

All marijuana establishments shall be located at least 500 feet away from the following uses:

- a. Community centers.
- b. Neighborhood recreation centers.
- c. Religious assemblies.
- d. Boarding schools.
- e. College or university.
- f. Elementary or middle schools.
- g. High schools.
- h. Homeless and transient shelters.
- i. Dedicated parks.
- j. Correctional institutions.
- k. Habilitative care facilities.
- l. Correctional community residential centers.

This distance shall be measured by the shortest pedestrian route from the entrance to the proposed marijuana establishment to the closest lot line of a school, community center, neighborhood recreation center and any dedicated park, and to the main public entrance of any other use listed above.

Prohibited with Alcohol License

A marijuana establishment shall not be allowed in the same establishment as a use that holds a state alcohol license.

Prohibited with Residential

A marijuana establishment shall not be allowed on a lot that contains a residential use other than a caretaker's residence.

Ventilation

The premises shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at any lot line of the subject property.

Permanent Structure

A marijuana establishment shall be in a permanent structure with a valid certificate of zoning compliance. No marijuana establishment shall be authorized in a vehicle or trailer, a mobile food unit, a stand alone intermodal shipping container (connex unit), or a temporary structure.

III. MARIJUANA PROCESSES

1. Marijuana Cultivation Facility

a. Definition

A facility that cultivates and harvests marijuana for transfer or sale to a marijuana manufacturing facility, a marijuana testing facility, or a marijuana retail sales establishment.

b. Use-Specific Standards

Marijuana plants shall not be visible from a public right-of-way. All cultivation facilities shall be organized in orderly rows compliant with all building and fire codes. Aisles between planting rows shall be included in the square footage under cultivation.

Direct retail sales to the general public is prohibited.

2. Marijuana Manufacturing Facility

a. Definition

A facility that receives harvested marijuana from a cultivation facility and extracts, processes, and/or manufactures marijuana products for transfer or sale to another marijuana manufacturing facility, a marijuana testing facility, or a marijuana retail sales establishment.

Direct retail sales to the general public is prohibited.

3. Marijuana Testing Facility

a. Definition

A facility that analyzes and certifies the safety and potency of marijuana and marijuana products.

Direct retail sales to the general public is prohibited.

4. Marijuana Retail Sales Establishment

a. Definition

An establishment that receives marijuana and/or marijuana products from a marijuana cultivation facility or a marijuana manufacturing facility, for sale to the public.

b. Use-Specific Standards

Applications for land use approval for a retail sales establishment shall include a neighborhood responsibility plan to demonstrate how the establishment will fulfill its responsibilities to be a good neighbor, including neighborhood outreach, methods for future communication, and dispute resolution.

ii. Establishments shall be closed to the public between the hours of midnight and 8:00 a.m. each day.

iii. Signs shall comply with state regulation and chapter 21.11. No temporary signs are permitted.

iv. Establishments shall not have accessory drive throughs.

v. No outdoor storage or display of products is permitted.



Retail Marijuana Facilities Process Overview

Conditional Use Permit:

- Administrative review of required conditions.
- City of Pueblo Department of Planning and Community Development
211 East D. Street
Pueblo, CO 81003
719-553-2259
- Pick up a packet at our office, or you can print at www.pueblo.us/landuse
- **Non-refundable application fee due at time of submittal:**
 - \$2,500 for Testing Facilities
 - \$5,000 for cultivation
 - \$5,000 for product manufacturing
- Zoning process:
 1. Applicant submits Conditional Use Permit application and required fees.
 2. Within 2 weeks of the submittal date, staff will review the application for completeness and provide a letter noting the date of complete application, or will provide a letter listing the items missing for a complete application.
 3. Within **90 days of the date of complete submittal**, staff will complete a review of the application for compliance with conditions.
 - A Conditional Use Permit will be issued if the application meets the requirements for a retail marijuana facility.
 - If the application does not meet the requirements of location, the Permit will be denied.
 - If the permit is denied, the applicant may appeal the decision to the Zoning Board of Appeals.
- Conditional Use Permit is valid until December 31st except those that are issued between November 1st and December 31st, which are valid until the following December 31st.

State Business Retail Marijuana License

- Marijuana Enforcement Division
455 Sherman Street, Suite 390
Denver, CO 80203

Local Retail Marijuana Business License

- Marijuana Board
- City Clerk
200 S. Main Street
Courtroom Two
Pueblo, CO 81003
(719) 553-2669
- Must obtain Conditional Use Permit prior to application submittal.



Retail Marijuana Facilities Zoning Overview

Summary of Zoning Requirements:

1. Retail marijuana cultivation allowed with a conditional use permit in a B-P, I-1, I-2 or I-3 Zone District.
2. Retail marijuana infused product manufacturing facilities with a conditional use permit in a B-P, I-1, I-2 or I-3 Zone District.
3. Retail marijuana research facilities with a conditional use permit in a B-3, B-4, B-P, I-1, I-2 or I-3 Zone District.
4. Retail marijuana stores are not permitted
5. Approval of the facilities is contingent upon demonstrated compliance with the required conditions contained in Section 17-4-51 of the Pueblo Municipal Code (PMC).

Requirements:

Below is a summary of the requirements for retail marijuana. Please refer to Section 17-4-51 of the PMC for specific rules and regulations.

1. Retail **marijuana cultivation** facility:
 - a. Cannot be located within 1,000 feet of a school.
 - b. Must demonstrate compliance with all applicable codes.
 - c. All grow operations shall be conducted in an enclosed building or greenhouse, but cannot be in a structure containing a residence.
 - d. Outdoor grow operations shall be prohibited.
 - e. Site must be brought into compliance with following performance standards:
 - i. Provide required landscaping
 - ii. Comply with Section 17-4-46 (e)(7) and (f) of the Large Scale Development Standards
 - iii. Provide required parking
 - iv. Provide required public improvements
 - v. Provide a maintenance plan for improvements
 - f. Cannot install signage using specific words or terms referring to marijuana, cannabis or slang, etc.
 - g. Existing windows may be screened from the interior of the building, but shall not be removed or covered from the exterior.

2. Retail **marijuana product manufacturing** facility:
 - a. Cannot be located within 1,000 feet of a school.
 - b. Must demonstrate compliance with all applicable codes.
 - c. All product manufacturing must be prepared in a building or facility that is used exclusively for the manufacture or production of marijuana infused products.
 - d. All product manufacturing must be prepared on equipment that is used exclusively for the manufacture or production of marijuana infused products.
 - e. Site must be brought into compliance with following performance standards:
 - i. Provide required landscaping
 - ii. Comply with Section 17-4-46 (e)(7) and (f) of the Large Scale Development Standards
 - iii. Provide required parking
 - iv. Provide required public improvements

BETHEL ZONING DISTRICTS

Definitions, Principle Uses, and CUPs

1. 18.20 PRESERVATION DISTRICT

The preservation district is intended to apply to significant wetlands and drainage ways that should be preserved as open areas or to which careful attention must be given to development that would disturb the wetlands or affect the drainage ways.

Principle Uses

- A. Greenbelts.
- B. Trails and boardwalks that do not require the use of fill material.
- C. Subsistence and recreational uses that do not require the use of fill material.
- D. Any accessory use or structure that does not require the use of fill material. [Ord. 01-05 § 8.]

Conditional Uses

1. Subsistence, recreational, and accessory uses and structures that require fill;
2. Trail, walkways, boardwalks, and roads that require the use of fill;
3. Agricultural uses;
4. Single-family, duplex, triplex and apartment residential uses; provided, the use of freezer vans as residential units is prohibited;
5. Planned unit development;
6. Commercial uses permitted as a principal use in the GU district;
7. Public and institutional uses permitted as principal uses in the PLI district;
8. Landing strips and air taxi services.

2. 18.24 PUBLIC LANDS AND INSTITUTIONAL DISTRICT

The public lands and institutional district is intended to apply to undeveloped public lands not dedicated for open space, and public and quasi-public institutional uses, including government office buildings, facilities, and existing land reserves for public and institutional use. [Ord. 01-05 § 8.]

Principle Uses

- A. Greenbelts and land reserves.
- B. Trails and boardwalks.
- C. Sewer facilities and water supply facilities.
- D. Utility facilities.
- E. Any accessory use or structure associated with the principal use or structure on the lot. [Ord. 01-05 § 8.]

Conditional Uses

- A. Parks, playfields, and playgrounds.
- B. Museums, historic and cultural exhibits.
- C. Educational institutions, including public, private or parochial academic schools, colleges, and universities.
- D. Hospitals, sanitariums, children's homes, group homes, nursing homes, convalescent homes, homes for the aged, and similar homes.
- E. Cemeteries.
- F. Churches and synagogues, along with the customary accessory uses, including administrative offices, parsonages, day nurseries, kindergartens and meeting rooms.
- G. Headquarters or administrative offices for charitable organizations and similar quasi-public organizations of a noncommercial nature.

To: Ann Capela, City Manager
From: Ted Meyer, Planner
Subject: March 2016 Activity Report
Date: April 1, 2016

Lot 15

I've been coordinating with Rod Kinney Engineering, consultant for ONC, regarding the proposed ROW/easement they need from Chief Eddie Hoffman Highway to access their planned Lot 13 subdivision. The proposed road alignment would run along the east boundary line of Lot 15 (the lot recently conveyed back to the City from the Feds). I suggested to the firm that ONC should approach the City to get authorization to include the road access as a dedicated ROW to be shown on their Preliminary Subdivision Plat.

Boardwalk and ROW Issue on Moravian Church Property

The Moravian Church has concerns regarding liability of a deteriorating boardwalk that aligns on the centerline of a 50-foot Right-of-Way that runs across their property. The Public Works Director and I inspected and photographed the boardwalk and later attended the Moravian Church quarterly board meeting on March 17. The group discussed three alternatives (boardwalk repair by the City, demolition by the City, or a petition from the Church to have the ROW vacated). We need to get some legal advice before proceeding.

Ex-Officio and Recorder for Marijuana Advisory Committee

Was appointed Ex-Officio and Recorder for the Marijuana Advisory Committee in the first part of March.

Mapping

As the current Zoning wall map is a spliced version of the 1990 originals, I made copies of the 1990 originals, spliced them, and then compared the accuracy of the existing wall map to the new spliced maps. I found the existing wall map was spliced very accurately and it will thus save us a lot of money when we get the zoning districts digitized. I'm currently working on a scope of work for the mapping job. I also assisted the Port Director by purchasing two historical aerial photos of East Street regarding a trespass issue.

Title Searches and Appraisals

- Ordered and received two title searches, one for the Lagoon property, and the other for the road Row that provides access. These documents should provide the required proof that the City has legal site control and access for planned USDA grant improvements.
- Ordered and received an appraisal for the property leased by GCI at Watson Corner after an As-built survey was completed.

Site Plan Permit

1. Finished edits and enhancements of the Site Plan Permit Application with the Planner Tech.
2. Approved a Site Permit for an entry/exit addition to the Q2 Store.

Marijuana Zoning Research

The Planner Tech and I are currently researching the marijuana zoning results of other municipalities for presentation to the Planning Commission for the anticipated upcoming Zoning process of Marijuana.

Planning Commission Business

At the March 10 Planning Commission meeting, the group made a recommendation to the City Council to amend the BMC by adding alcohol sales and dispensing as a conditional use permit designation in the General Use Zoning District.

Planned Agency Visits to Bethel

- Sally Cox from the State DCRA and FEMA staff will stop in Bethel tentatively during the week of May 16 to present a Risk Map for identifying natural hazards.
- Mary Romero from the Corps of Engineers will stop in Bethel Thursday, May 26 to meet with staff in the morning followed by an evening public meeting to discuss wetlands and the General Permit.