



Planning Commission Special Meeting Agenda

Special Meeting Thursday, July 28, 2016 6:30PM
City Hall Council Chambers 300 Chief Eddie Hoffman 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
Commission Member
Term Expires
12/2017

Cliff Linderoth
Commission Member
Term Expires
12/2017

Lorin Bradbury
Commission Member
Term Expires
12/2017

Vacant
Commission Member
Term Expires

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. NEW BUSINESS
 - A. Zoning of marijuana facilities in Bethel
- V. ADJOURNMENT

This pg.
blank
on purpose

Introduced by:
Date:
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #16-

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING CHAPTER 18.20.030 OF THE BETHEL MUNICIPAL CODE TO ADD OUTDOOR MARIJUANA CULTIVATION FACILITIES AS A CONDITIONAL USE PERMIT DESIGNATION IN THE PRESERVATION ZONING DISTRICT

WHEREAS, Bethel Municipal Code (BMC) Section 5.10.070 states that all marijuana establishments including but not limited to cultivation, manufacturing, testing, and retail stores are permitted only by a Conditional Use Permit; and

WHEREAS, the Conditional Use Permit provides additional review of land uses which are generally considered appropriate in certain zoning districts provided that appropriate safeguards are considered to ensure their compatibility with permitted principal uses; and

WHEREAS, conditional uses are specifically identified in certain zoning districts described in BMC Chapter 18; and

WHEREAS, the Preservation Zoning 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

WHEREAS, the **PLANNING COMMISSION** has reviewed BMC Title 18 and recommends that outdoor marijuana cultivation facilities shall be allowed in the City of Bethel Preservation Zoning District, and that this use be added as a Conditional Use designation in Section 18.20.030 , Preservation District Conditional Uses; and

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that: Outdoor marijuana cultivation facilities shall be allowed in the City of Bethel Preservation Zoning District, and that they be added as a Conditional Use designation in Section 18.20.030 (Preservation District Conditional Uses).

SECTION 1. Classification. This ordinance is of a permanent nature and shall be codified in the Bethel Municipal Code.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

SECTION 2. Amendment. Section 18.40.30 of the Bethel Municipal Code is amended as follows (new language is underlined):

Chapter 18.20 PRESERVATION DISTRICT – P DISTRICT

Sections:

- [18.20.010](#) Intent.
- [18.20.020](#) Permitted and principal uses and structures.
- [18.20.030](#) Conditional uses.
- [18.20.040](#) Minimum lot size and dimensions.
- [18.20.050](#) Minimum setback requirements.
- [18.20.060](#) Maximum height of structures.

18.20.010 Intent.

A. 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 drainageways.

B. When uncertainty exists concerning the actual physical location of the P district boundary line, as shown on the official map, the land use administrator shall inspect the area of uncertainty and shall determine the physical location of the P district boundary and may be guided by the boundaries of the general permit 83-4 and the location or actual presence of wetlands and drainage ways.

C. It is the intent of the city that the boundaries of the P district be consistent with boundaries of general permit 83-4 issued by the Army Corps of Engineers, and that amendments to the official map will be made when the boundaries of the general permit are changed. [Ord. 01-05 § 8.]

18.20.020 Permitted and principal uses and structures.

The following are permitted and principal uses and structures in the P district:

A. Greenbelts.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

- 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.]

18.20.030 Conditional uses.

A. The following uses and structures are permitted under the terms of a conditional use permit:

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.
9. Outdoor marijuana cultivation facility (may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight-obscuring wall or fence at least six feet high.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

B. Any conditional use that requires dredge or fill activity in an area designated by the Army Corps of Engineers as a significant wetland requires an approved Corps of Engineers' individual permit before final planning commission approval. [Ord. 01-05 § 8.]

18.20.040 Minimum lot size and dimensions.

A. A lot may not contain less than seven thousand (7,000) square feet.

B. Unless a specific waiver of the minimum frontage requirement was given when the lot was platted, a lot may not have a street frontage of less than forty (40) feet; except, a lot that fronts on a cul-de-sac may have not less than twenty-five (25) feet fronting on a public street.

C. The minimum lot size for an apartment is ten thousand (10,000) square feet for the first (1st) four (4) units and an additional one thousand (1,000) square feet for each additional unit. [Ord. 01-05 § 8.]

18.20.050 Minimum setback requirements.

Structures, other than minor structures, in the P district shall be set back from property lines to provide yards as follows:

A. Front yard: Fifteen (15) feet.

B. Side yard: Ten (10) feet.

C. Rear yard: Ten (10) feet.

D. Twenty-five (25) feet from the mean high water mark of any drainage or lake. [Ord. 01-05 § 8.]

18.20.060 Maximum height of structures.

The height of a structure in the P district is not restricted except as may be limited under airport height restrictions applied under BMC 18.48.250 through 18.48.270. [Ord. 01-05 § 8.]

SECTION 2. Effective Date. This ordinance shall become effective immediately upon passage by the City Council.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

**ENACTED THIS DAY OF 2016, BY A VOTE OF IN FAVOR AND
OPPOSED.**

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

This page
empty on purpose

Introduced by:
Date:
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #16-__

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING CHAPTER 18.36.030 OF THE BETHEL MUNICIPAL CODE TO ADD INDOOR MARIJUANA CULTIVATION FACILITIES, MARIJUANA TESTING FACILITIES, AND MARIJUANA RETAIL STORES AS CONDITIONAL USE PERMIT DESIGNATIONS IN THE GENERAL USE ZONING DISTRICT

WHEREAS, Bethel Municipal Code (BMC) Section 5.10.070 states that all marijuana establishments including but not limited to cultivation, manufacturing, testing, and retail stores are permitted only by a Conditional Use Permit; and

WHEREAS, the Conditional Use Permit provides additional review of land uses which are generally considered appropriate in certain zoning districts provided that appropriate safeguards are considered to ensure their compatibility with permitted principal uses; and

WHEREAS, conditional uses are specifically identified in certain zoning districts described in BMC Chapter 18; and

WHEREAS, the General Use District is intended to allow a mix of compatible residential and commercial uses; and

WHEREAS, the **PLANNING COMMISSION** has reviewed BMC Title 18 and recommends that marijuana cultivation facilities, marijuana testing facilities, and marijuana retail stores shall be allowed in the City of Bethel General Use District, and that these uses be added as a Conditional Use designation in Section 18.36.030 , General Use District Conditional Uses; and

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that: marijuana cultivation facilities, marijuana testing facilities, and marijuana retail stores shall be allowed in the City of Bethel General Use District, and that they be added as a Conditional Use designation in Section 18.36.030 (General Use District Conditional Uses).

SECTION 1. Classification. This ordinance is of a permanent nature and shall be codified in the Bethel Municipal Code.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

SECTION 2. Amendment. Section 18.36.30 of the Bethel Municipal Code is amended as follows (new language is underlined):

Chapter 18.36
GENERAL USE DISTRICT – GU DISTRICT

Sections:

- [18.36.010](#) Intent.
- [18.36.020](#) Permitted and principal uses and structures.
- [18.36.030](#) Conditional uses.
- [18.36.040](#) Minimum lot size.
- [18.36.050](#) Minimum setback requirements.
- [18.36.060](#) Maximum height of structure.

18.36.010 Intent.

The general use district is intended to allow a mix of compatible residential and commercial uses. Noxious, injurious, or hazardous uses shall not be permitted in the GU district. [Ord. 01-05 § 8.]

18.36.020 Permitted and principal uses and structures.

The following are permitted and principal uses and structures in the GU district:

- A. Trails and boardwalks.
- B. Nonmotorized public access areas to the Kuskokwim River or other areas that require public access.
- C. Single-family dwelling units.
- D. Duplex uses.
- E. Greenbelts and land reserves.
- F. Subsistence activities.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

G. Any accessory use or structure associated with the principal use or structure on the lot. The use of a freezer van as a residential unit is specifically prohibited, but its use as an accessory structure for storage is not prohibited.

H. The facilities of sewer, water and other utilities.

I. All uses listed as conditional uses in the PLI district.

J. Triplexes and apartment buildings.

K. Commercial uses and structures, including:

1. Delicatessens, meat, seafood, and other food specialty shops.
2. Art and picture framing shops.
3. Shoe repair shops.
4. Bookstores, stationery, gift, novelty, souvenir, and card shops.
5. Drug stores.
6. Laundry and dry cleaning shops.
7. Beauty and barber shops.
8. Cafes, restaurants, drive-in and fast-food restaurants, and other places serving food and beverages.
9. Knit shops, yarn shops, dry goods, dressmaking and notions stores.
10. Small appliance repair shops.
11. Photography studios, art studios.
12. Sporting goods stores, bicycle sale shops.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

13. Business, professional, and administrative offices.
14. Day care facilities.
15. Video stores.
16. Clothing, apparel, and shoe stores.
17. Hobby store.
18. Florist.
19. Tobacco store.
20. Wholesaling and distribution operations, including incidental assembly or processing of goods for sale at retail or wholesale on the premises, but not to include yards for storage or display of any scrap, junk, or salvaged materials or for any scrap or salvage operations.
21. Jewelry stores.
22. General merchandising store.
23. Wholesale and retail camera and photographic supply stores.
24. Funeral services, including crematoriums.
25. Motion picture theaters and live theaters.
26. Banking and financial institutions.
27. Medical and health services.
28. Business service establishments, including office supply and printing and publishing establishments.
29. Parking lots.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

30. Taxicab and dispatching offices.
31. Hotels, motels, hostels, bed and breakfasts, bunk houses and boarding houses.
32. Radio and television studios.
33. Plumbing and heating service and equipment dealers.
34. Paint, glass and wallpaper stores.
35. Electrical or electronic appliances, parts and equipment.
36. Gasoline service stations.
37. Aircraft and marine parts and equipment stores, and outboard motor repair.
38. Antiques and secondhand stores, including auctions, pawnshops.
39. Automotive accessories, parts and equipment stores.
40. Automotive repair, services and garages.
41. Motor vehicle dealers, new and used.
42. Wholesale and retail fur repair, storage, and sales.
43. Automobile display lots, new and used.
44. Lumber yards and builders supply stores.
45. Nurseries and garden supply stores.
46. Automobile car washes.
47. Air passenger terminals.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

48. Amusement arcades, billiard parlors, bowling alleys, roller and ice skating rinks.
49. Veterinary clinics and boarding kennels, with activities conducted in a completely enclosed building.
50. Vocational or trade schools.
51. Wholesale and retail furniture and home finishing stores.
52. Wholesale and retail radio and television stores.
53. Wholesale and retail household appliance stores.
54. Wholesale, industrial, and retail hardware stores.
55. Merchandise vending machines sales and service.
56. Frozen food lockers.
57. All-terrain vehicles remodeling or repair.
58. Boat building.
59. Sign shops.
60. Cabinet shops.
61. Cleaning, laundry or dyeing plants.
62. Other commercial uses of a character similar to those uses listed in this section. [Ord. 01-05 § 8.]

18.36.030 Conditional uses.

The following uses and structures are permitted in the GU district under the terms of a conditional use permit:

Introduced by:
Date:
Public Hearing:
Action:
Vote:

- A. Industrial uses permitted in the I district.
- B. Radio and television towers and antennas, but not including amateur radio and citizen band radio antennas that are accessory to the principal use of the lot.
- C. Landing strips and air taxi services.
- D. Planned unit developments. [Ord. 01-05 § 8.]
- E. Alcohol Sales and Dispensing
- F. Indoor Marijuana Cultivation Facilities (within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof and doors).
- G. Marijuana Testing Facilities
- H. Marijuana Retail Facilities

18.36.040 Minimum lot size.

The minimum lot size in the GU district is seven thousand (7,000) square feet. [Ord. 01-05 § 8.]

18.36.050 Minimum setback requirements.

Structures, other than minor structures, in the GU district shall be set back from property lines to provide yards as follows:

- A. Front yard: Fifteen (15) feet.
- B. Side yard: Ten (10) feet.
- C. Rear yard: Ten (10) feet.
- D. Twenty-five (25) feet from the mean high water mark of any drainage or lake. [Ord. 01-05 § 8.]

Introduced by:
Date:
Public Hearing:
Action:
Vote:

18.36.060 Maximum height of structure.

The height of a structure in the GU district is not restricted except as may be limited under airport height restrictions applied under BMC [18.48.250](#) through [18.48.270](#). [Ord. 01-05 § 8.]

SECTION 2. Effective Date. This ordinance shall become effective immediately upon passage by the City Council.

**ENACTED THIS DAY OF 2016, BY A VOTE OF IN FAVOR AND
OPPOSED.**

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by:
Date:
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #16-

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING CHAPTER 18.40.030 OF THE BETHEL MUNICIPAL CODE TO ADD OUTDOOR AND INDOOR MARIJUANA CULTIVATION FACILITIES, AND MARIJUANA MANUFACTURING FACILITIES AS A CONDITIONAL USE PERMIT DESIGNATIONS IN THE INDUSTRIAL ZONING DISTRICT

WHEREAS, Bethel Municipal Code (BMC) Section 5.10.070 states that all marijuana establishments including but not limited to cultivation, manufacturing, testing, and retail stores are permitted only by a Conditional Use Permit; and

WHEREAS, the Conditional Use Permit provides additional review of land uses which are generally considered appropriate in certain zoning districts provided that appropriate safeguards are considered to ensure their compatibility with permitted principal uses; and

WHEREAS, conditional uses are specifically identified in certain zoning districts described in BMC Chapter 18; and

WHEREAS, the Industrial Zoning District is intended to apply to areas where industrial development is the predominant, or is expected to be the predominant use; and

WHEREAS, the **PLANNING COMMISSION** has reviewed BMC Title 18 and recommends that marijuana cultivation and manufacturing facilities shall be allowed in the City of Bethel Industrial Zoning District, and that these uses be added as a Conditional Use designations in Section 18.40.030 , Industrial District Conditional Uses; and

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that: marijuana cultivation facilities and marijuana manufacturing facilities shall be allowed in the City of Bethel Industrial District, and that they be added as a Conditional Use designations in Section 18.40.030 (Industrial District Conditional Uses).

SECTION 1. Classification. This ordinance is of a permanent nature and shall be codified in the Bethel Municipal Code.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

SECTION 2. Amendment. Section 18.40.30 of the Bethel Municipal Code is amended as follows (new language is underlined):

Chapter 18.40
INDUSTRIAL DISTRICT – I DISTRICT

Sections:

- [18.40.010](#) Intent.
- [18.40.020](#) Permitted and principal uses and structures.
- [18.40.030](#) Conditional uses.
- [18.40.040](#) Minimum lot size.
- [18.40.050](#) Minimum setback requirements.
- [18.40.060](#) Maximum height of structures.

18.40.010 Intent.

The industrial district is intended to apply to areas where industrial development is the predominant, or is expected to be the predominant use. [Ord. 01-05 § 8.]

18.40.020 Permitted and principal uses and structures.

- A. Commercial uses permitted as principal uses in the GU district, except that all residential uses and structures are prohibited unless specifically authorized in this section.
- B. One dwelling unit occupied by the owner, the manager or a watchman of a principal use on the lot.
- C. Any accessory use or structure associated with the principal use or structure on the lot.
- D. Industrial uses, including:
 - 1. Airplane assembly, remodeling or repair.
 - 2. Airports.
 - 3. Machine shops.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

4. Metal working or welding shops.
5. Sawmills.
6. Steel fabrication shops or yards.
7. Iretthane foaming yards or plants.
8. Warehouses.
9. Shipping or receiving terminals.
10. Bulk fuel distribution and storage.
11. Cement manufacturing.
12. Distillation of wood, coal or bones.
13. Tannery.
14. Paper manufacturing.
15. Poison manufacturing.
16. Printing ink manufacturing.
17. Rock and stone crushing mill.
18. Natural resource extraction, such as a sandpit.
19. Cargo dock facility or freight transfer area.
20. Fish processing plants.
21. Fiberglass fabrication shops or yards.
22. Junk yards and salvage yards.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

- 23. Land fills, solid waste processing facilities.
- 24. Sewage treatment facilities.
- 25. Other industrial uses of a character similar to those uses listed in this section.
- 26. Recreational uses, to include the Bethel shooting range. [Ord. 11-22 § 2; Ord. 01-05 § 8.]

18.40.030 Conditional uses.

The following uses and structures are permitted in the I district under the terms of a conditional use permit:

- A. Planned unit developments. [Ord. 01-05 § 8.]
- B. Indoor marijuana cultivation facility (shall be conducted within a fully enclosed indoor facility or greenhouse with rigid walls, a roof, and doors.
- C. Outdoor marijuana cultivation facility (may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight-obscuring wall or fence at least six feet high.
- D. Marijuana manufacturing facility with a 30-foot setback from all property lines

18.40.040 Minimum lot size.

The minimum lot size in the I district is seven thousand (7,000) square feet. [Ord. 01-05 § 8.]

18.40.050 Minimum setback requirements.

Structures, other than minor structures, in the I district shall be set back from property lines to provide the following yards:

- A. Front yard: Fifteen (15) feet.
- B. Side yard: Ten (10) feet.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

C. Rear yard: Ten (10) feet.

D. Twenty-five (25) feet from the high water mark of any drainage or lake. [Ord. 01-05 § 8.]

18.40.060 Maximum height of structures.

The height of a structure in the I district is not restricted except as may be limited under airport height restrictions applied under BMC 18.48.250 through 18.48.270. [Ord. 01-05 § 8.]

SECTION 2. Effective Date. This ordinance shall become effective immediately upon passage by the City Council.

**ENACTED THIS DAY OF 2016, BY A VOTE OF IN FAVOR AND
OPPOSED.**

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

This page
BLANK on
purpose

MEMO

TO: City of Bethel Planning Commission

FROM: Ted Meyer, Planner

SUBJECT: Justification for Recommending the Zoning of Four Types of Marijuana Facilities in Bethel authorized by Approval of the Conditional Use Permit. July 28, 2016 Planning Commission Meeting

DATE: July 22, 2016

I. INTRODUCTION

According to BMC 5.10.070 (*see Attachment #1*), the development of marijuana facilities in Bethel must first be permitted through a Conditional Use Permit with an associated operations plan. To research the compatibility of marijuana facilities in Bethel Zoning Districts, I looked at the Conditional and Principle Uses allowed in each district (*see attachment #2- Zoning District definitions for reference*). The objective was to see if commercial marijuana cultivation, manufacturing, testing, and retail facilities are compatible or fit in with any of the Conditional Uses, or Principle Uses listed for each district. Advice given to me from an Anchorage planner involved in marijuana zoning, was that if marijuana facilities are allowed in Bethel, then we should have the zoning districts and available space to accommodate it.

In developing findings and recommendations I researched:

1. City of Bethel Title 18, Zoning Ordinance
2. City of Bethel Marijuana Regulations, BMC Section 5.10
3. State of Alaska Statutes, 3 AAC 306, Regulation of the Marijuana Industry
4. City of Juneau Planning Dept., Zoning section
5. State Fire Marshall's Office
6. Googling information on the four types of marijuana facilities
7. Googling other municipal marijuana ordinances and zoning codes

In researching other municipality marijuana ordinances and zoning codes, I found that municipalities continue to amend their codes as they gain experience in regulating this recently, legal business. A common theme in looking at marijuana zoning in other cities seems to be the need to tuck the facility away where it will be less obvious from the public view, or controversial. Marijuana licensing seems to be moving at a slow pace in Alaska, because, according to the State Fire Marshall, they have received only marijuana cultivation applications for review, from the Marijuana Control Board.

II. SUMMARY OF RECOMMENDATIONS REGARDING EACH MARIJUANA FACILITY COMPATIBILITY WITH BETHEL ZONING DISTRICTS

I found three districts of the six zoning districts in Bethel that would be compatible with the appropriate marijuana facility:

1) Preservation District

1. Outdoor Marijuana Cultivation Facility

2) General Use District

1. Indoor Marijuana Cultivation Facility
2. Marijuana Testing Facility
3. Retail Marijuana Store

3) Industrial District

1. Indoor Marijuana Cultivation
2. Outdoor Marijuana Cultivation
3. Manufacturing Facility

According to Alaska Statutes, 3 AAC 306.010 (*see Attachment #3, pages 4, 5*), all licensed marijuana facilities must be 500 feet from a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility.

III. JUSTIFICATIONS FOR RECOMMENDING ZONING OF MARIJUANA FACILITIES

Below are findings on each type of marijuana facility in regard to compliance to regulations with each district.

1) Preservation District

This 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.

Outdoor Cultivation Facilities

Agriculture is allowed as a Conditional Use in the Preservation District. Current commercial agriculture activities in Bethel include locations in the Preservation District, and are outdoor facilities only. In following the intent of the Preservation District and with outdoor precedence set by agriculture in the Preservation District, **I recommend indicating outdoor marijuana cultivation facilities as a CUP designation in the Preservation District.**

The attached State of Alaska Statutes, 3 AAC 306.430 defines indoor and outdoor marijuana facilities (*see Attachment #3, pages 50-51*). Outdoor facilities must be obscure from public view by being enclosed within a wall or fence six feet high.

BLANK 1

2) General Use District

This district is intended to allow a mix of compatible residential and commercial uses. Noxious, injurious, or hazardous uses shall not be permitted in the GU district. [Ord. 01-05 § 8.]

1) Indoor Marijuana Cultivation

Number 62 of Commercial uses designated as Principle Uses in the GU District (*page 5 of Attachment #2*) states that other commercial uses of a character similar to those listed in this section, would be allowable uses. With this reference, indoor marijuana cultivation would be similar to #45, “Nurseries and outdoor garden supplies”. Alaska State Statute, 3 AAC 306.430 defines an indoor grow operation as within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.

I recommend that indoor marijuana cultivation facilities be indicated as a CUP designation in the General Use District.

2) Marijuana Testing Facilities

Marijuana testing labs test for potency and contaminants. Marijuana testing facilities seem to fit in with the 62 retail and wholesale activities allowed as Principle Uses in the General Use District, although the Conditional Uses allowed in this district are of a different nature. The General Use District is the logical district for commercial testing facilities.

I recommend that marijuana testing facilities be indicated as a CUP designation in the General Use District only.

3) Retail Marijuana Stores

Marijuana Retail Stores seem to fit in with the 62 retail and wholesale activities allowed as Principle Uses in the General Use District, although the Conditional Uses allowed in this district are of a different nature. The General Use District is the logical district for commercial Retail Marijuana Stores.

I recommend that retail marijuana stores be indicated as a CUP designation in the General Use District only.

Note: Although the above three facilities are recommended to be zoned in the General Use Zone where there may be some residences, the Planning Commission, during the CUP hearing will determine whether the facility’s site location is compatible with the rest of the neighborhood.

3. Industrial District

The Industrial District is intended to apply to areas where industrial development is the predominant use, or is expected to be the predominant use.

1) Indoor and Outdoor Cultivation

Although marijuana cultivation and/or agriculture are not designated uses in either the principle or CUP sections of the Industrial District, **I recommend indicating both indoor and outdoor cultivation facilities as CUP designations in the Industrial Zone District for two reasons:**

BLANK!

- a) Marijuana cultivation and Agriculture are typically classified as industrial uses
- b) Allowing both indoor and outdoor marijuana cultivation in the industrial district may decrease demand for indoor marijuana cultivation space in the General Use District where there is a compatible mix of residential uses.

Looking at the extent of the four Industrial Zoned areas in Bethel, it appears there is limited space available for new industrial development. Therefore, potential cultivators may need to select cultivation land appropriate to rezone to industrial.

2) Manufacturing

Marijuana manufacturing involves preparing the leaf into smoking products (Standard Marijuana Manufacturing Facility License required from the State) or extracting the THC from the plant for concentrate or more potent forms of ingestion (Marijuana Concentrate Manufacturing Facility License required by the State). *See Attachment #3, pages 61-62 for reference.* A manufacturer could apply for the Standard Manufacturing License first, and then later on after production starts, apply for the Concentrate License. It is for this reason that additional setback distances from the property line are recommended below.

There are various processes used in extraction of concentrate, ranging from non-hazardous to more efficient processes, using hazardous chemicals such as butane. Making these more potent forms involves a process such as “closed loop extraction” where butane is used in a closed system to bombard the leaf into a more potent or concentrated form. There is a higher risk of fire and explosion when using older generations of extraction systems using butane (open air systems) that are significantly cheaper. For reference, in terms of a safe distance from the road ROW and abutting properties, the City of Juneau requires a 25-foot setback from all property lines. For any building classified as a hazardous occupancy (not marijuana specific), the State Fire Marshall requires a 30-foot distance from the property line.

It is for these reason that I recommend zoning any form of marijuana manufacturing in the Industrial Zone only, where there is less density of development. This recommendation comes with a minimum 30-foot setback distance from all boundary lines.

IV. City of Bethel Zoning Districts Not Compatible with Marijuana Facilities

Public Lands and Institutional District (PLI)

No commercial or industrial uses allowed in this district.

Open Space District (OS)

No commercial or industrial uses allowed in this district.

Residential District (R)

No commercial or industrial uses allowed in this district.

BLANK!

V. Water Issues Regarding Marijuana Cultivation

Marijuana cultivation in Alaska is significantly performed using the indoor process of hydroponics (in part because of the short growing season in Alaska). Hydroponics requires significantly less water than outdoor cultivation because a water loop is used which recirculates used water. In researching water usage, I found that rainwater, lake, and river water are much more desirable to use by marijuana growers than tap water (because of all the chemicals added to purify tap water). A local commercial produce grower in Bethel confirmed this as they use tap water only for washing the produce.

Piped Water

The City of Bethel Foreman for piped water stated there would be no issues with the supply of piped water for marijuana cultivation facilities. All piped water for commercial facilities are metered.

Water Haul

In the new City of Bethel Marijuana Regulation Ordinance, BMC Section 5.10.200 (***Water Supply- Limitation of Liability- see Attachment #1***) states:

“The City does not guarantee delivery of water on a specified day or time. The City shall not be liable for any loss or damage of any nature whatsoever caused by any delay or failure to deliver water to an establishment regardless of delivery schedules and anticipated requests. Customers are encouraged to have a back-up water source in case of a late or missed water deliveries”.

The City of Bethel Foreman for hauled water stated that the City could, at this time, accommodate potential water haul demand by marijuana growers. But this demand, when combined with planned new subdivision housing over the next few years, will create a need for more water delivery trucks.

Wetland Issues

I called the Army Corps of Engineers to see if they have anything to say about allowing marijuana cultivation in the Preservation Zone or in the wetlands (federal waters). They said marijuana cultivation would be just like any other land development. If located in the high value wetland, then it would be under Corps jurisdiction for wetland permits.

BLANK!

Introduced by: Marijuana Advisory
Committee
Introduction Date: May 24, 2016
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #16-

AN ORDINANCE BY THE BETHEL CITY COUNCIL, ADDING SECTION 5.10,
MARIJUANA REGULATION, TO THE BETHEL MUNICIPAL CODE

Marijuana Regulation

- 5.10.010 Definitions
- 5.10.020 Procedure for Administrative Review of License Applications
- 5.10.030 City Council Review of License Applications
- 5.10.040 Council Action on Marijuana License Applications
- 5.10.050 Recordkeeping Required of all Sellers
- 5.10.060 License Restrictions
- 5.10.070 Conditional Use Permit Required
- 5.10.080 Licensee Responsible for Employee's Actions on Premises
- 5.10.090 Hours and Days of Operation
- 5.10.100 Obligation to Enforce Restrictions within Licensed Premises
- 5.10.110 Marijuana Handler Permit
- 5.10.120 Operation of Licensed Premises
- 5.10.130 Sale to Intoxicated Persons Prohibited
- 5.10.140 Eviction of Patrons
- 5.10.150 Open Container
- 5.10.160 Transportation of Marijuana
- 5.10.170 Inspection of Premises
- 5.10.180 Access for Enforcement
- 5.10.190 Limitation on Type and Number of Marijuana Facilities
- 5.10.200 Advertising
- 5.10.210 Water Supply – Limitation of Liability
- 5.10.220 Violation
- 5.10.230 Penalties

5.10.010 Definitions.

(A) "Board" means the Alaska Marijuana Control Board as established on November 4, 2014 by HB 123.;

(B) "Consumer" has the meaning given in 3 AAC 306.990;

(C) "Consumption" means the act of ingesting, inhaling, or otherwise introducing marijuana into the human body;

Introduced by: Marijuana Committee
Introduction Date
Public Hearing:
Action:
Vote:

substantially impaired as a result of the introduction of an alcoholic beverage and/or controlled substance(s) into the person's body and who exhibits those plain and easily observed or discovered outward manifestations of behavior commonly known to be produced by the overconsumption of alcoholic beverages and/or controlled substance(s).

(E) "Licensed Premises" has the meaning given in 3 AAC 306.990.

(F) "local government" means the City of Bethel;

(G) "local regulatory authority" has the meaning given in AS 04.21.080;

(H) "marijuana" has the meaning given in AS 17.38.900;

(I) "marijuana accessories" has the meaning given in AS 17.38.900;

(J) "marijuana cultivation facility" has the meaning given in AS 17.38.900;

(K) "marijuana establishment" has the meaning given in AS 17.38.900;

(L) "Marijuana License" means means a license issued by the Marijuana Control Board pursuant to the requirements set out in AS 17.38 and/or 3 AAC 306;

(M) "marijuana product manufacturing facility" has the meaning given in AS 17.38.900;

(N) "marijuana products" has the meaning given in AS 17.38.900;

(O) "marijuana testing facility" has the meaning given in AS 17.38.900;

(P) "Person" means an individual, partnership, cooperative, association, joint venture, corporation, estate trust, business, receiver, or any entity, group or combination acting as a unit;

(Q) "retail marijuana store" has the meaning given in AS 17.38.900;

(R) "unreasonably impracticable" has the meaning given in AS 17.38.900.

A.

5.10.020 Procedure for Administrative Review of License Applications.

A. Upon receipt of notice from the Board of an application for the issuance, renewal, transfer of location or transfer to another person of a marijuana license

Introduced by: Marijuana Advisory
Committee
Introduction Date May 24, 2016
Public Hearing:
Action:
Vote:

for a license location in the City, the clerk shall as soon as practicable distribute copies of the notice to the city manager, the city council and the city attorney.

- B. The city manager shall immediately refer the application for review as follows:
 - 1. To the planning director or their designee to determine if the applicant has complied with the conditional use provision of the Bethel Municipal Code;
 - 2. To the finance director or their designee to determine whether the licensee or license transferee is delinquent in paying to the City any tax, assessment, business license fee, or fee or charge for utility service for the business and/or affiliate (as defined in 3 AAC 306.990) that operates or will operate, under the marijuana license.
 - 3. To the police and fire chiefs to determine whether, in their opinion there have been excessive calls for service, excessive numbers of convictions or arrests for unlawful activity at the license location, police or ambulance reports, reports of unlawful activity at the license location, or police, fire or ambulance dispatches to the license location.
- C. The fire chief, police chief, planning director and finance director shall forward written statements to the city manager within fourteen (14) calendar days after the application was referred by the city manager.
- D. The city manager shall provide a written report to the city council, with a copy to the applicant, listing any objections to the Board's issuance of the application. The city manager's report is due within twenty (20) days after the date of receipt of notice from the city clerk.
- E. An applicant who believes the city manager's report contains factual errors shall file a written protest outlining, with specificity, the sections of the report believed to be factually incorrect. Such protest must be filed with the city manager not later than ten (10) calendar days after issuance of the city manager's report.
- F. The city manager shall investigate the applicant's protest and shall issue a written decision no later than ten (10) business days after receipt of the protest.
- G. The city clerk shall place the matter of the application upon the city council agenda not less than thirty (30) and not more than forty (40) calendar days after the date of receipt from the Board;

5.10.030 City Council Review of License Applications.

The city council shall determine whether to protest, recommend with conditions, or take no action on the issuance, renewal or transfer of a marijuana license application and shall consider the following factors it believes are pertinent. Such factors shall include, but not be limited to:

- A. City records indicating whether the applicant and/or transferor is in violation of the city sales tax ordinances or regulations, has failed to comply with any of the filing, reporting or payment provisions of the city ordinances or regulations, or has any unpaid balance due on tax accounts for which the applicant and/or

Introduced by: Marijuana Committee
Introduction Date
Public Hearing:
Action:
Vote:

- B. The character and public interests of the surrounding neighborhood;
- C. Actual law enforcement problems with supporting data;
- D. The concentration of other licenses of the same and other types in the area;
- E. The adequacy of parking facilities;
- F. The safety of ingress to and egress from the premises;
- G. Compliance with state and local fire, health and safety codes;
- H. The degree of control the licensee has or proposes to have over the conduct of the licensed business. In determining the applicant's demonstrated ability to maintain order and prevent unlawful conduct, the city council may consider police reports, the appearance of a readily identifiable pattern or practice of recurring violent acts or unlawful conduct on the licensed premises. testimony presented before the council, written comments, or other evidence deemed to be reliable and relevant to the purpose of this subsection;
- J. Whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in BMC section 5.08.110. The proximity to a school, licensed day care, alcohol/ drug inpatient or outpatient treatment center;
- K. Any history of convictions of the applicants and affiliates of the applicants for:
 - 1. Any violation of AS Title 04, AS Title 17, 3 AAC 306 and or the BMC;
- L. Any other factor the city council determines is relevant to a particular application.

5.10.040 Council Action on Marijuana License Applications.

- A. If a city council member wishes to protest the application, a resolution shall be prepared and introduced at the next regularly scheduled council meeting or earlier if necessary to meet the requirements of 3 AAC 306.060.
- B. At least seven (7) calendar days prior to the council meeting, the city clerk shall provide the applicant with:
 - 1. A copy of the proposed resolution; and
 - 2. Notice of the date and time when council will consider the resolution; and
 - 3. Notice the applicant will have an opportunity, pursuant to BMC to appear before the council to defend the application.
- C. A protest by the council under this section cannot be based in whole or in part on police reports or other written materials available to the City but which were not provided to the affected applicant before the public hearing on that protest.
- D. At the conclusion of the public hearing, and any deliberation of the council, the council may choose to:
 - 1. Pass the resolution protesting to the Board the issuance, transfer or renewal of the marijuana license application; or
 - 2. Recommend the license be approved with conditions; or
 - 3. Take no action on the application.

5.10.050 Recordkeeping required of all sellers.

Introduced by: Marijuana Advisory
Committee
Introduction Date May 24, 2016
Public Hearing:
Action:
Vote:

- A. Premises licensed under 3 AAC 306 shall keep and preserve suitable records of all sales made by the seller and such other books or accounts as may be necessary to determine the amount of tax which it is obliged to collect, including records of the gross daily sales, together with invoices of purchases and sales, bills of lading, bills of sale or other pertinent records and documents as will substantiate and prove the accuracy of a tax return.
- B. All sellers within the City who sell marijuana must have a cash register and must record each retail sale on a cash register that provides, at a minimum, a daily "Z" or "Z-total" report, or equivalent.
- C. "Suitable records of all sales made" as used in subsection A of this section shall mean at a minimum a daily "Z" or "Z-total" report or equivalent, (A "Z" or "Z-total" report is the report generated by the cash register at the end of each business day, which calculates, at least, the totals for each department key, total sales and total receipts – although some cash registers have more detailed "Z" or "Z-total" reports). Whatever records are kept must reflect the total daily purchases of taxable items. If no taxable sales are made on a business day, the records kept shall so reflect "zero" sales on that day. Records must also be kept to substantiate any claimed deductions or exclusions authorized by law. Records may be written, stored on data processing equipment, or may be in any form that the City may readily examine.
- D. Records shall be kept in a systematic manner conforming to accepted accounting methods and procedures. Such records include:
 1. The books of accounts ordinarily maintained by a prudent business person. Records and accounting information stored on computers must be provided to the City in a readable form when requested by the City.
 2. Documents of original entry such as original source documents, pre-numbered sequential source documents, pre-numbered sequential receipts, cash register tapes, sales journals, invoices, job orders, contracts, or other documents of original entry that support the entries in the books of accounts;
 3. All schedules or working papers used to prepare gross and taxable sales results, including receipts or invoices showing exempt sales.
- E. Records must show:
 1. Gross receipts and amounts due from all taxable and exempt sales; and
 2. The total purchase price of all goods and other property purchased for sale, resale, consumption, or lease.
- F. Every seller shall preserve suitable records for the period specified in 3 AAC 306.775 or three (3) full calendar years, whichever is greater. .
- G. The City finance department may examine and audit any relevant books, papers, records, returns or memoranda of any seller, may require the attendance of any seller, or any officer or employee of a seller, at a meeting with the finance director or his or her designee, and may require production of all relevant business records. in order to determine whether the seller has complied with this

Introduced by: Marijuana Committee
Introduction Date
Public Hearing:
Action:
Vote:

5.10.070 License Restrictions

The City of Bethel adopts 3ACC.010 A and B, as it currently reads and as it may later be amended

5.10.070 Conditional use permit required.

All marijuana establishments including but not limited to cultivation, manufacturing, testing, dispensing, and retail are permitted only by a Conditional Use Permit.

- A. **Operations Plan.** As part of the conditional use permit application, all marijuana establishments shall submit an operations plan:
1. Specifying all means to be used for extracting, heating, washing, or otherwise changing the form of the marijuana plant or for testing any marijuana or marijuana product, including a verification that such plan is in compliance with all applicable federal, state, and local laws and regulations governing ventilation and safety measures for each such process (if applicable);
 2. Describing of all toxic, flammable, or other materials regulated by a federal, state, or local government that will be used, kept, or created at the facility, the quantities and location of such materials, and the manner in which such materials will be stored;
 3. Describing the processes that will be used to extract or distill marijuana derivatives from their source and the processes used to incorporate marijuana derivatives into all retail marijuana products produced, including a verification that such processes are in compliance with all applicable federal, state, or local laws or regulations; and/or
 4. Describing a plan for ventilation that will be used to prevent any odor of marijuana from dissipating into the area. For retail marijuana cultivation facilities, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems will operate to prevent any odor leaving the premises.

5.10.080 Licensee Responsible for Employees' Actions on Premises.

- A. A licensee may not knowingly or negligently allow its agents or employees to violate any provision of Alaska law or the Bethel Municipal Code and may not recklessly or with criminal or civil negligence fail to act in accordance with the duties prescribed under either with the result that if an agent or employee of the licensee violates a law, regulation or ordinance, the licensee may be held responsible.
- B. The licensee shall be responsible for all acts or omissions of the licensee's employees on the licensed premises. The licensee may be cited and prosecuted for all acts or omissions of employees which are committed on the licensed premises and which are in violation of this chapter; provided, however, that the prosecution of the licensee shall not prohibit the prosecution of the employee for

Introduced by: Marijuana Advisory
Committee
Introduction Date: May 24, 2016
Public Hearing:
Action:
Vote:

acts or omissions committed by the employee in violation of any provision of this chapter.

5.10.090 Hours and Days of Operation.

A. Premises licensed for the sales, service and consumption of marijuana shall be closed between the hours of 9:00 p.m. and 11:00 a.m., seven days per week.

B. A person may not sell, offer for sale, give, furnish, deliver or consume marijuana on premises licensed under BMC 05.04 during the hours of closure set forth in this section.

C. A licensee, an agent, or employee may not permit a person to consume marijuana on the licensed premises between the hours of closure set forth in this section.

5.10.100 Obligation to Enforce Restrictions within Licensed Premises.

A licensee, their agent or employee may not permit the consumption of marijuana by any person within the licensed premises unless it is permitted by the license.

5.10.110 Marijuana Handler Permit

A. A marijuana establishment and each licensee, employee, or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, must obtain a marijuana handler permit from the Board before being licensed or beginning employment at a marijuana establishment.

B. A licensee, employee, or agent of a marijuana establishment shall keep the marijuana handler permit card in that person's immediate possession or a valid copy on file on the premises at all times when on the licensed premises of the marijuana establishment.

C. A marijuana product manufacturing facility, including a marijuana concentrate manufacturing facility, shall ensure that each licensee, employee, or agent who is required or permitted to be physically present on the licensed premises at any time:

1. Obtains a marijuana handler permit before being present or employed at the marijuana product manufacturing facility's licensed premises; and
2. Has the marijuana handler permit card in the person's immediate possession, or a valid copy on file on the premises, at all times while on the marijuana product manufacturing facility's licensed premises.

5.10.120 Operation of Licensed Premises.

A. Except as otherwise provided in this section, the operations procedures set forth in subsection B of this section shall apply to all marijuana establishments within the City of Bethel which sell or serve marijuana or marijuana products for

Introduced by: Marijuana Committee
Introduction Date
Public Hearing:
Action:
Vote:

- B. Marijuana establishments operating within the City of Bethel which sell or serve marijuana or marijuana products for consumption on the Premises shall comply with the following operations procedures:
1. *Public Transportation.* Licensees shall make available to their patrons access to means of public transportation or permit patrons to make arrangements for transportation off the premises.
 2. *Notice of Penalties.* Operators shall place, at conspicuous locations within licensed premises, a clear and legible sign describing applicable penalties for driving under the influence, and for service or sale of marijuana to minors or intoxicated persons.
 3. *Compliance Determination.* In order to determine whether applicants seeking the issuance, renewal or transfer of marijuana licenses have complied with the provisions of this chapter, applicants shall, at the request of the City, submit to the city manager (or their designee) a marijuana licensee compliance form. Upon request, operators shall also provide the city manager with certificates from all current employees demonstrating that those employees have successfully completed a marijuana awareness training program as approved by the Board.
 4. *In the event the City of Bethel adopts code for allowing for the impoundment and/or forfeiture of vehicles seized pursuant to an arrest for or charge driving under the influence or refusal to submit to chemical tests, such signs must be posted.* Upon adoption of a municipal code allowing for the forfeiture, operators shall display at conspicuous places in licensed premises two (2) signs warning that vehicles are seized in cases of driving under the influence or refusal to submit to chemical tests. One of these warning signs shall be at least eleven (11") inches by fourteen (14") inches in size, and must read, in lettering at least one-half (1/2") inch high and in contrasting colors or black and white, "DRIVE UNDER THE INFLUENCE—LOSE YOUR CAR." The sign described in the preceding sentence must carry a logo or illustration approved by the chief of police or their designee which shows an automobile being towed. The second warning sign shall be at least eleven (11") inches by fourteen (14") inches and must read, in letters at least one-quarter (1/4") inch high and in contrasting colors or black and white, "WARNING: IF YOU DRIVE UNDER THE INFLUENCE OR LET ANYONE DRIVE YOUR VEHICLE UNDER THE INFLUENCE, YOU WILL LOSE YOUR VEHICLE. The police SEIZE cars and trucks driven by intoxicated drivers. A vehicle will be IMPOUNDED for 30 days for the driver's first DUI offense. A vehicle will be FORFEITED if the driver has been convicted of DUI in the past ten (10) years."
 5. *Warning signs required other:*
- C. *Mandatory identification check in the retail sale of marijuana:* A retail marijuana store shall refuse to sell marijuana or a marijuana product to a person who does not produce a form of valid photographic identification showing that person and

Introduced by: Marijuana Advisory
Committee
Introduction Date: May 24, 2016
Public Hearing:
Action:
Vote:

the persons that person entered with are all twenty-one (21) years of age or older.

1. A valid form of photographic identification includes:

- (a) An unexpired, unaltered passport;
- (b) An unexpired, unaltered driver's license, instruction permit, or identification card of any state or territory of the United States, District of Columbia, or a province of Canada;
- (c) An identification card issued by a federal or state agency authorized to issue a driver's license or identification card.

D. Security Personnel.

Each premises licensed for consumption, shall employ at least one (1) person who shall be on duty during open business hours. This person shall not be the budtender on duty, and shall be on duty for the express purpose of maintaining order within the establishment and assuring compliance, by the clientele, with the provisions of this chapter.

E. Video surveillance. The City adopts the provisions of 3 AAC 306.720 regarding video surveillance as they currently exist and as they may be amended in the future.

F. Premises to be cleared Upon Closing. Upon closing, licensees shall clear the marijuana establishment of all persons, other than necessary employees, within fifteen (15) minutes after the closing hours.

G. *Age Limit Signs to be exhibited.* Each entry to a retail marijuana store must be posted with a sign that says "No one under twenty-one (21) years of age allowed." The sign must be not less than 12 inches long and 12 inches wide, with letters at least one-half inch in height in high contrast to the background of the sign.

5.10.130 Sale to Intoxicated Persons Prohibited.

A licensee, his agent or employee may not knowingly or negligently:

- 1. Sell, give or barter marijuana to an intoxicated person;
- 2. Allow another person to sell, give or barter marijuana to an intoxicated person within the licensed premises;
- 3. Allow an intoxicated person to enter and remain within the licensed premises or to consume marijuana within the licensed premises; or
- 4. Permit an intoxicated person to sell or serve marijuana.

5.10.140 Eviction of Patrons.

The licensee and employees of the licensee are expressly permitted to evict any person suspected of being under the age of twenty-one (21) and/or intoxicated and failure of such person to leave after oral request is unlawful and an offense on the part of that person.

Introduced by: Marijuana Committee
Introduction Date
Public Hearing:
Action:
Vote:

5.10.150 Public Consumption

- A. It shall be unlawful to consume marijuana on the public streets, sidewalks, alleys, parks or other public places throughout the City.
- B. Nobody is allowed to operate a motor vehicle while under the influence of marijuana.
- C. Marijuana is permitted on private residential property, with the consent of the owner or legal occupant of the property (see 17.38.020)

5.10.160 Transportation of Marijuana.

- A. A licensed, retail marijuana store may only sell marijuana or marijuana product to a consumer who is physically present on the licensed premises.
- B. The transportation of marijuana by common carrier or commercial carrier within the City of Bethel to a residential home or non-licensed marijuana facility is strictly prohibited.

5.10.170 Inspection of premises.

- A. A marijuana establishment or an applicant for a marijuana establishment shall, upon request, make the licensed premises or the proposed licensed premises, including any place for storage, available for inspection by the City, an employee or agent of the City, or an officer charged with the enforcement of this chapter.
- B. Inspection under this section includes inspection of the premises, facilities, qualifications of personnel, methods of operation, business and financial records, marijuana inventory tracking system, policies, and purposes of any marijuana establishment and of any applicant for a marijuana establishment license.
- C. The premises of licensees authorized to sell or distribute marijuana shall be easily accessible for inspection by police officers during all regular hours of the transaction of business upon the premises, and at any other time with reasonable notice by the officer.
- D. The City may inspect any premises with a marijuana license for compliance with conditions on the license. Upon discovering a violation of such conditions, the person conducting the investigation shall submit a written report of the violation to the Planning Director for review by the Planning Commission and provide a copy thereof to the licensee.
- E. If at any time there appears to be a readily identifiable pattern or practice of recurring calls for service or unlawful conduct in a licensed premise, the City may send notice of possible protest to the licensee that he or she must submit and implement a plan for remedial action or be in jeopardy that a protest will be filed to any renewal, transfer of location or transfer of ownership sought by the licensee.
- F. Upon receiving a report of conditions violation, the Planning Commission may, after a proper hearing on the matter:

Introduced by: Marijuana Advisory
Committee
Introduction Date May 24, 2016
Public Hearing:
Action:
Vote:

1. Revoke the premise's conditional use permit;
2. Recommend the City Council protest the issuance, renewal, transfer, relocation or continued operation of the license;
3. Request the City Council recommend imposition of conditions on the state marijuana license pursuant to 3 AAC 306.060; or
4. Request the City Council notify the Board that a licensee has violated conditions and request that an accusation pursuant to 3 AAC 306.060 be brought against the licensee.

G. Prior to taking any of the actions listed in subsection F) of this section, the City shall give the permittee or licensee notice and an opportunity to be heard on the accusation(s) at a publicly noticed meeting.

5.10.180 Access for Enforcement.

- A. The public entrance of licensed marijuana establishments shall be open and unlocked before and after the closing hour of such establishment if there are any patrons in the establishment.
- B. A marijuana establishment, and any licensee or employee, or agent in charge shall cooperate with the City, to enforce the laws related to marijuana, including, but not limited to:
 1. Permitting entry upon and inspection of the licensed premises; and
 2. Providing access to business records at reasonable times when requested by the City.
3. Lack of knowledge or intent shall not be a defense to any action brought under this section.
4. Licensees shall provide the Police Chief with their current hours of operation. Any changes to the hours of operation shall be communicated, in writing, to the Police Chief, at least three (3) business days prior to the change being implemented.

5.10.190 Advertising

A. A retail marijuana establishment shall not advertize the sale of marijuana or marijuana products electronically. This includes but is not limited to the internet, Facebook, Twitter, other social media platforms, and/or mobile devices. These limitations do not include the print media, television, or radio advertising.

B. Outdoor Advertising Generally Prohibited. Except as otherwise allowed under AAC 306.360, it shall be unlawful for any marijuana establishment to engage in advertising that is visible to members of the public from any street, sidewalk, park or other public place, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device; any sign mounted on a vehicle, any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property without the consent of the property owner.

Introduced by: Marijuana Committee
 Introduction Date
 Public Hearing:
 Action:
 Vote:

5.10.200 Water Supply – Limitation of Liability

The City does not guarantee delivery of water on a specified day or time. The City shall not be liable for any loss or damage of any nature whatsoever caused by any delay or failure to deliver water to an establishment regardless of delivery schedules and anticipated requests. Customers are encouraged to have a back-up water source in case of late or missed water deliveries.

5.10.210 Violation

- A. Violation of any section of this chapter shall be an infraction.
- B. The City shall have the authority to write and serve citations for violations of the provisions of any portion of this chapter.
- C. Each separate day for which a violation occurs is a separate penalty.

5.10.220 Penalties.

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Failure to keep adequate records	5.10.060	Yes	\$500
Failure to allow City to inspect records	5.10.060	Yes	\$750
Operating without a Conditional Use Permit	5.10.070	Yes	\$750
Operating in Violation of Conditions of Conditional Use Permit	5.10.070	Yes	\$750
Premises Open during non-permissible days or hours	5.10.090	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700

Introduced by: Marijuana Advisory
Committee
Introduction Date: May 24, 2016
Public Hearing:
Action:
Vote:

Selling, Offering for Sale, Giving, Furnishing, Delivering or Consuming or allowing consumption of marijuana or marijuana products on Premises during hours of Closure	5.10.090C	No	\$300
Allowing consumption on premises in violation of license	5.10.100	No	\$500
Permitting the consumption of marijuana or marijuana products within a licensed premises outside the scope of the license	5.10.100	Yes	\$750
Selling or dispensing marijuana prior to successful completion of a marijuana handler permit training program	5.10.110A	Yes	\$1,000
Failure to maintain marijuana handler permit or valid copy on the premises	5.10.110	Correctable	\$350
Permitting an employee or agent to work on the Premises without having their marijuana handler's permit or valid copy readily available	5.10.110	Correctable	\$350
Allowing employee to sell or dispense marijuana prior to their successful completion of a marijuana handler permit training program	5.10.110A	Yes	\$1,000
Failure to show proof of successful completion of a marijuana handler permit training program	5.10.110B	Correctable	\$300
Failure to provide access to means of public transportation to patrons or to arrange for transportation off premises	5.10.120B1	No	<u>\$500</u>
Failure to properly post signs describing penalties for driving under the influence, sale or service to minors, or intoxicated persons	5.10.120B2	No	\$250
Failure to submit a marijuana compliance form upon request	5.10.120B3	No	\$300

Introduced by: Marijuana Committee
 Introduction Date
 Public Hearing:
 Action:
 Vote:

Failure to check identification of purchaser and/or all persons entering with purchaser	5.10.10C	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Acceptance of non-conforming identification for purchase of marijuana	5.10.120C	Yes	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Failure to install or maintain security equipment	5.10.120E	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Interior camera not positioned to capture sales transactions	5.10.120E	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Failure to clear premises after closing	5.10.120F	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Failing to post age limit signs	5.10.120G	No	\$300

Introduced by: Marijuana Advisory
 Committee
 Introduction Date: May 24, 2016
 Public Hearing:
 Action:
 Vote:

Sale of marijuana improperly obtained	5.10.120	Yes	\$700
Sale of marijuana to an intoxicated person	5.10.130	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Providing marijuana to an intoxicated person	5.10.130	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Allowing an intoxicated person to enter and remain within licensed premises	5.10.130A3	Yes	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Permitting intoxicated person to consume marijuana within a licensed premise	5.10.130A3	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Permitting an intoxicated person to sell or serve an marijuana	5.10.130A4	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000

Introduced by: Marijuana Committee
 Introduction Date
 Public Hearing:
 Action:
 Vote:

Consuming marijuana in a public place	5.10.150	No	1 st Offense \$100 2 nd Offense \$250 3 rd and subsequent \$500
Transportation of marijuana or marijuana products to a residential home or non-licensed facility	5.10.160	Yes	\$1000
Failure to make premises reasonably accessible for inspection by police officers	5.10.180	Yes	\$700
Failing to maintain premises unlocked while patrons are on premises	5.10.180A	Yes	\$1,000
Failure to permit or aid the entry of law enforcement during hours of operation	5.10.180B	Yes	\$700
Failure to permit or aid the entry of law enforcement any time there are two (2) or more persons on the premises	5.10.180B	Yes	\$700
Failure to keep public entrance open and unlocked while there are still patrons	5.10.180	No	\$500
Failure to provide hours of Operation to Police Chief	5.10.180	No	\$250
Violation of electronic advertising	5.10.200	No	\$250
Violation of Advertising Regulations	5.10.200	No	\$250

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.

- H. Governmental office buildings.
- I. Radio and television transmission towers and antennas, not including amateur radio and citizen band radio antennas that are accessory to a residential use.
- J. Recreation uses.
- K. Governmental service shops, maintenance and repair centers, and equipment storage yards.
- L. Private roads and parking areas.
- M. Animal control facility.
- N. Other public buildings and uses.
- O. Landing strips and air taxi services.
- P. Other uses and structures that are compatible with existing development and support or supplement existing development. [Ord. 01-05 § 8.]

3. 18.28 OPEN SPACE DISTRICT

The open space district is intended to provide undeveloped open space, to protect trails, to provide open areas for recreation, and to provide buffers between incompatible districts. [Ord. 01-05 § 8.]

Principle Uses

- A. Trails and boardwalks.
- B. Nonmotorized public access areas to the Kuskokwim River or other areas that require public access.
- C. Public recreation areas.
- D. Greenbelts and buffers.
- E. Subsistence uses. [Ord. 01-05 § 8.]

Conditional Uses

- A. Parks, playgrounds and playfields.
- B. Parking area related to a permitted or conditional use.
- C. Moorage of skiffs in a designated area.
- D. Motorized vehicle (including snowmachine and four-wheeler) access areas to and from the Kuskokwim River.
- E. Landing strips and air taxi services. [Ord. 01-05 § 8.]

4. 18.32 RESIDENTIAL DISTRICT

The intent of the residential district is to provide protection to residential areas from encroachment from nonresidential activities.

Principle Uses

- A. Trails and boardwalks.
- B. Nonmotorized public access areas to the Kuskokwim River or other areas that require public access.
- C. Single-family dwelling units.
- D. Duplex uses.
- E. Greenbelts and land reserves.
- F. Subsistence activities.
- G. Any accessory use or structure associated with the principal use or structure on the lot. The use of a freezer van for any purpose is specifically prohibited; except, during the construction or substantial improvement of the primary structure on a lot, a freezer van used solely for storage of construction materials and equipment may be located on the lot for a period not to exceed twelve (12) months unless, for good cause shown, the time is extended in writing by the land use administrator.
- H. The facilities of sewer, water and other utilities required to serve the lots in the district.

I. Home occupations, but not more than two (2) per dwelling unit. [Ord. 01-05 § 8.]

Conditional Uses

The following uses and structures are permitted in the R district under the terms of a conditional use permit.

- A. Triplex and residential apartment buildings.
- B. Planned unit developments.
- C. Professional offices.
- D. Parks, playfields, and playgrounds.

5. 18.34 NEIGHBORHOOD COMMERCIAL (Not shown on Zoning Map)

The intent of the neighborhood commercial district is to establish and maintain places for limited retail sales and services that are accessible and convenient to nearby residents. The NC district is applied to areas serving only a limited, local market and is intended to permit only those uses which do not create adverse impacts that are incompatible with nearby residences. [Ord. 01-05 § 8.]

6. 18.35 DOWNTOWN COMMERCIAL (Not shown on Zoning Map)

The intent of the downtown commercial district is to create a concentrated area of retail, financial, and public institutional facilities in order to encourage the development of interrelated uses and functions, reduce pedestrian walking distance between activities, and ensure the development of compatible pedestrian-oriented uses in the downtown commercial district. [Ord. 01-05 § 8.]

7. 18.36 GENERAL USE DISTRICT

The general use district is intended to allow a mix of compatible residential and commercial uses. Noxious, injurious, or hazardous uses shall not be permitted in the GU district. [Ord. 01-05 § 8.]

Principle Uses

- A. Trails and boardwalks.
- B. Non-motorized public access areas to the Kuskokwim River or other areas that require public access.
- C. Single-family dwelling units.
- D. Duplex uses.
- E. Greenbelts and land reserves.
- F. Subsistence activities.
- G. Any accessory use or structure associated with the principal use or structure on the lot. The use of a freezer van as a residential unit is specifically prohibited, but its use as an accessory structure for storage is not prohibited.
- H. The facilities of sewer, water and other utilities.
- I. All uses listed as conditional uses in the PLI district.
- J. Triplexes and apartment buildings.
- K. Commercial uses and structures, including:**
 - 1. Delicatessens, meat, seafood, and other food specialty shops.
 - 2. Art and picture framing shops.
 - 3. Shoe repair shops.
 - 4. Bookstores, stationery, gift, novelty, souvenir, and card shops.
 - 5. Drug stores.
 - 6. Laundry and dry cleaning shops.

7. Beauty and barber shops.
8. Cafes, restaurants, drive-in and fast-food restaurants, and other places serving food and beverages.
9. Knit shops, yarn shops, dry goods, dressmaking and notions stores.
10. Small appliance repair shops.
11. Photography studios, art studios.
12. Sporting goods stores, bicycle sale shops.
13. Business, professional, and administrative offices.
14. Day care facilities.
15. Video stores.
16. Clothing, apparel, and shoe stores.
17. Hobby store.
18. Florist.
19. Tobacco store.
20. Wholesaling and distribution operations, including incidental assembly or processing of goods for sale at retail or wholesale on the premises, but not to include yards for storage or display of any scrap, junk, or salvaged materials or for any scrap or salvage operations.
21. Jewelry stores.
22. General merchandising store.
23. Wholesale and retail camera and photographic supply stores.
24. Funeral services, including crematoriums.
25. Motion picture theaters and live theaters.
26. Banking and financial institutions.
27. Medical and health services.
28. Business service establishments, including office supply and printing and publishing establishments.
29. Parking lots.
30. Taxicab and dispatching offices.
31. Hotels, motels, hostels, bed and breakfasts, bunk houses and boarding houses.
32. Radio and television studios.
33. Plumbing and heating service and equipment dealers.
34. Paint, glass and wallpaper stores.
35. Electrical or electronic appliances, parts and equipment.
36. Gasoline service stations.
37. Aircraft and marine parts and equipment stores, and outboard motor repair.
38. Antiques and secondhand stores, including auctions, pawnshops.
39. Automotive accessories, parts and equipment stores.
40. Automotive repair, services and garages.
41. Motor vehicle dealers, new and used.
42. Wholesale and retail fur repair, storage, and sales.
43. Automobile display lots, new and used.
44. Lumber yards and builders supply stores.
45. Nurseries and garden supply stores.
46. Automobile car washes.
47. Air passenger terminals.
48. Amusement arcades, billiard parlors, bowling alleys, roller and ice skating rinks.
49. Veterinary clinics and boarding kennels, with activities conducted in a completely enclosed building.
50. Vocational or trade schools.
51. Wholesale and retail furniture and home finishing stores.
52. Wholesale and retail radio and television stores.
53. Wholesale and retail household appliance stores.
54. Wholesale, industrial, and retail hardware stores.

55. Merchandise vending machines sales and service.
56. Frozen food lockers.
57. All-terrain vehicles remodeling or repair.
58. Boat building.
59. Sign shops.
60. Cabinet shops.
61. Cleaning, laundry or dyeing plants.
62. Other commercial uses of a character similar to those uses listed in this section. [Ord. 01-05 § 8.]

Conditional Uses.

- A. Industrial uses permitted in the I district.
- B. Radio and television towers and antennas, but not including amateur radio and citizen band radio antennas that are accessory to the principal use of the lot.
- C. Landing strips and air taxi services.
- D. Planned unit developments. [Ord. 01-05 § 8.]

8. 18.40 INDUSTRIAL DISTRICT

The industrial district is intended to apply to areas where industrial development is the predominant, or is expected to be the predominant use. [Ord. 01-05 § 8.]

Principle Uses

- A. Commercial uses permitted as principal uses in the GU district, except that all residential uses and structures are prohibited unless specifically authorized in this section.
- B. One dwelling unit occupied by the owner, the manager or a watchman of a principal use on the lot.
- C. Any accessory use or structure associated with the principal use or structure on the lot.

D. Industrial uses, including:

1. Airplane assembly, remodeling or repair.
2. Airports.
3. Machine shops.
4. Metal working or welding shops.
5. Sawmills.
6. Steel fabrication shops or yards.
7. Irethane foaming yards or plants.
8. Warehouses.
9. Shipping or receiving terminals.
10. Bulk fuel distribution and storage.
11. Cement manufacturing.
12. Distillation of wood, coal or bones.
13. Tannery.
14. Paper manufacturing.
15. Poison manufacturing.
16. Printing ink manufacturing.
17. Rock and stone crushing mill.
18. Natural resource extraction, such as a sandpit.
19. Cargo dock facility or freight transfer area.
20. Fish processing plants.
21. Fiberglass fabrication shops or yards.
22. Junk yards and salvage yards.
23. Land fills, solid waste processing facilities.
24. Sewage treatment facilities.
25. Other industrial uses of a character similar to those uses listed in this section.

26. Recreational uses, to include the Bethel shooting range. [Ord. 11-22 § 2; Ord. 01-05 § 8.]

Conditional Uses.

A. Planned unit developments. [Ord. 01-05 § 8.]

Overlay District **(Shown on Zoning Map, but not stated in the Code)**

AK. STATE STATUTES

Register 217, April 2016

COMMERCE, COMMUNITY, AND EC. DEV.

(3) a marijuana product manufacturing facility license, as described in 3 AAC 306.505 and 3 AAC 306.515, granting authority for activities allowed under AS 17.38.070(c), and subject to the provisions of 3 AAC 306.500 - 3 AAC 306.570 and 3 AAC 306.700 – 3 AAC 306.755; and

(4) a marijuana testing facility license, granting authority for activities allowed under AS 17.38.070(d), and subject to the provisions of 3 AAC 306.600 - 3 AAC 306.675 and 3 AAC 306.700 – 3 AAC 306.755. (Eff. 2/21/2016, Register 217)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

3 AAC 306.010. License restrictions. (a) The board will not issue a marijuana establishment license if the licensed premises will be located within 500 feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility. The distance specified in this subsection must be measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer boundaries of the school ground, the outer boundaries of the recreation or youth center, the main public entrance of the building in which religious services are regularly conducted, or the main public entrance of the correctional facility. This section does not prohibit the renewal of an existing marijuana establishment license or the transfer of an existing marijuana establishment license to another person if the licensed premises were in use before the school ground, recreation or youth center, the building in which religious services are regularly conducted, or the correctional facility began use of a site within 500 feet. If an existing marijuana establishment license for premises located within 500 feet of a school ground, a

recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility is revoked or expires, the board will not issue another marijuana establishment license for the same premises unless the school ground, the recreation or youth center, the building in which religious services are regularly conducted, or the correctional facility no longer occupies the site within 500 feet.

(b) The board will not issue a marijuana establishment license if the licensed premises will be located in a liquor license premises.

(c) The board will not issue a marijuana establishment license when a local government protests an application under 3 AAC 306.060 on the grounds that that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

(d) The board will not issue a marijuana establishment license to a person that

- (1) is prohibited under AS 17.38.200(i) from receiving a marijuana establishment license because of a conviction of a felony; if the applicant is a partnership, limited liability company, or corporation, the board will not issue a license if any person named in 3 AAC 306.020(b)(2) is prohibited under AS 17.38.200(i) from obtaining a license; in this paragraph, "conviction of a felony" includes a suspended imposition of sentence;

- (2) has been found guilty of

- (A) selling alcohol without a license in violation of AS 04.11.010;

- (B) selling alcohol to an individual under 21 years of age in violation of 04.16.051 or AS 04.16.052; or

- (C) a misdemeanor crime involving a controlled substance, violence

ATTACHMENT
3

AK. STATE STATUTES

Register 217, April 2016

COMMERCE, COMMUNITY, AND EC. DEV.

AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

Editor's note: The form for an application for a marijuana cultivation facility license is available online as provided in the editor's note under 3 AAC 306.020.

3 AAC 306.425. Marijuana handler permit required. A marijuana cultivation facility shall ensure that each licensee, employee, or agent who is required or permitted to be physically present on the licensed premises at any time

(1) obtains a marijuana handler permit as provided in 3 AAC 306.700 before being present or employed at the marijuana cultivation facility's licensed premises; and

(2) has the marijuana handler permit card in the person's immediate possession, or a valid copy on file on the premises, at all times while on the marijuana cultivation facility's licensed premises. (Eff. 2/21/2016, Register 217)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306.430. Restricted access area. (a) A marijuana cultivation facility shall conduct any operation in a restricted access area in compliance with 3 AAC 306.710 and this section.

INDOOR & OUT DOOR
CULTIVATION

(b) A marijuana cultivation facility shall conduct any marijuana growing operation **DEFINITION**

within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.

Where not prohibited by local government, outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed

This page
blank

by a sight-obscuring wall or fence at least six feet high.

(c) A marijuana cultivation facility shall ensure that any marijuana at the marijuana cultivation facility

(1) cannot be observed by the public from outside the marijuana cultivation facility; and

(2) does not emit an odor that is detectable by the public from outside the marijuana cultivation facility except as allowed by a local government conditional use permit process.

(d) A marijuana cultivation facility shall have full video surveillance of the licensed premises as required under 3 AAC 306.720, including any area where marijuana is grown, processed, packaged, or stored, or where marijuana waste is destroyed. (Eff. 2/21/2016, Register 217)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

3 AAC 306.435. Marijuana inventory tracking system. (a) A marijuana cultivation facility shall use a marijuana inventory tracking system in compliance with 3 AAC 306.730 to ensure all marijuana propagated, grown, or cultivated on the marijuana cultivation facility's premises is identified and tracked from the time the marijuana is propagated through transfer to another licensed marijuana establishment or destruction. The marijuana cultivation facility shall assign a tracking number to each plant over eight inches tall. When harvested, bud and flowers, clones or cuttings, or leaves and trim may be combined in harvest batches of distinct strains, not exceeding five pounds. Each harvest batch must be given an inventory tracking number. Clones

This page
is blank

establishment. (Eff. 2/21/2016, Register 217)

Authority:	AS 17.38.010	AS 17.38.121	AS 17.38.200
	AS 17.38.030	AS 17.38.150	AS 17.38.900
	AS 17.38.070	AS 17.38.190	

Article 5. Marijuana Product Manufacturing Facilities.

Section

- 500. Marijuana product manufacturing facility license required
- 505. Marijuana product manufacturing facility privileges
- 510. Acts prohibited at marijuana product manufacturing facility
- 515. Marijuana concentrate manufacturing facility license
- 520. Application for marijuana product manufacturing facility license
- 525. Approval of concentrates and marijuana products
- 530. Marijuana handler permit and food safety worker training
- 535. Restricted access and storage areas
- 540. Marijuana inventory tracking system
- 545. Health and safety standards
- 550. Required laboratory testing
- 555. Production of marijuana concentrate
- 560. Potency limits per serving and transaction for edible marijuana products
- 565. Packaging of marijuana products
- 570. Labeling of marijuana products

3 AAC 306.500. Marijuana product manufacturing facility license required. (a) A

person may not extract marijuana concentrate for sale or formulate or manufacture any marijuana product for sale unless that person has obtained a marijuana product manufacturing facility license from the board in compliance with this chapter, or is an employee or agent acting for a licensed marijuana product manufacturing facility. The board will issue

- (1) a standard marijuana product manufacturing facility license; and
- (2) a marijuana concentrate manufacturing facility license.

(b) A person seeking any type of marijuana product manufacturing facility license must

- (1) submit an application for a marijuana product manufacturing facility license on a form the board prescribes, including the information set out under 3 AAC 306.020 and 3 AAC 306.520; and

- (2) demonstrate to the board's satisfaction that the applicant will operate in compliance with

- (A) each applicable provision of 3 AAC 306.500 - 3 AAC 306.570 and 3 AAC 306.700 - 3 AAC 306.755; and

- (B) each applicable public health, fire, safety, and tax code and ordinance of the state and the local government in which the applicant's proposed licensed premises are located.

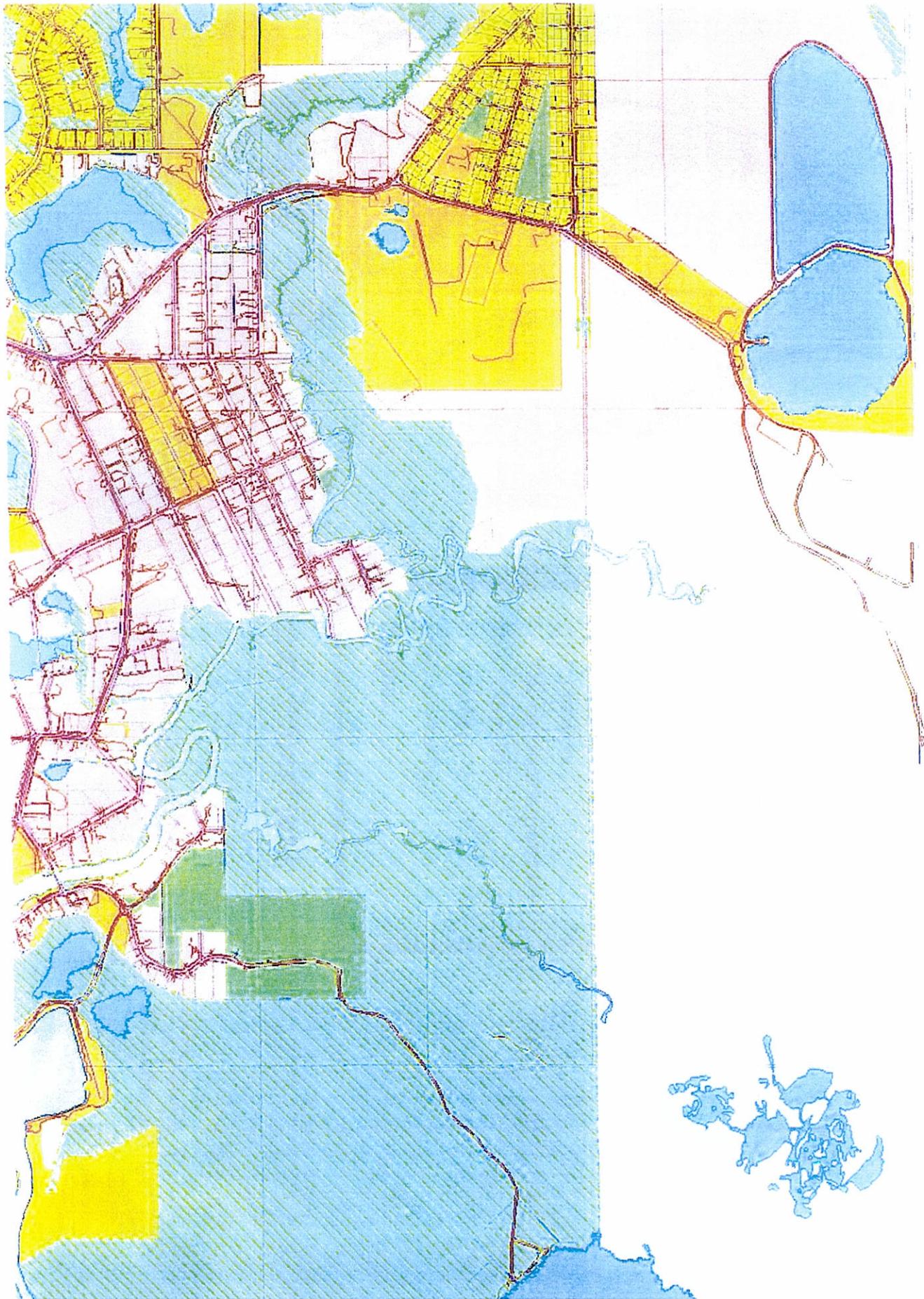
(c) A licensee of a marijuana product manufacturing facility, or an employee or agent of a marijuana product manufacturing facility, may not have an ownership interest in or a direct or indirect financial interest in a licensed marijuana testing facility. (Eff. 2/21/2016, Register 217)

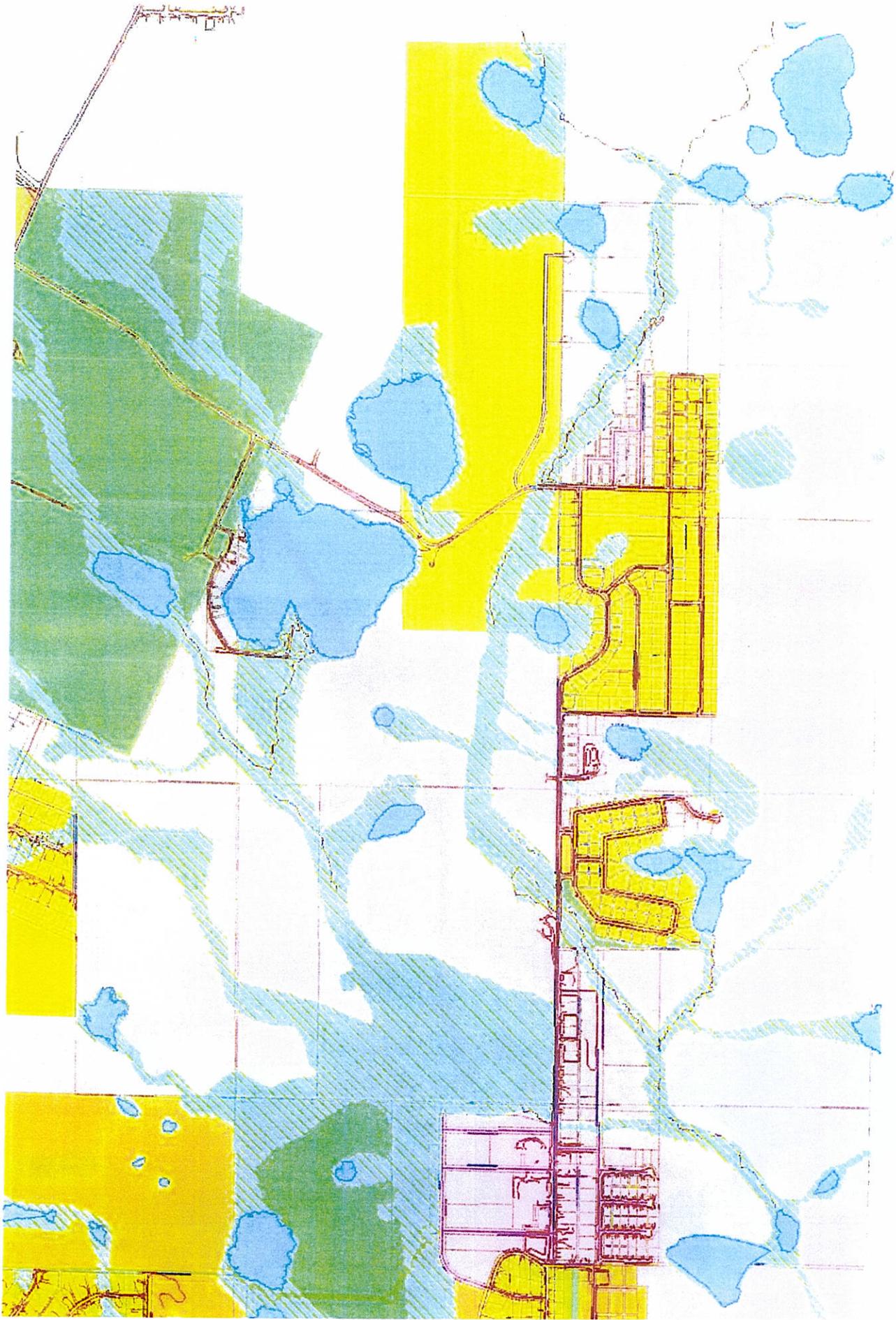
Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

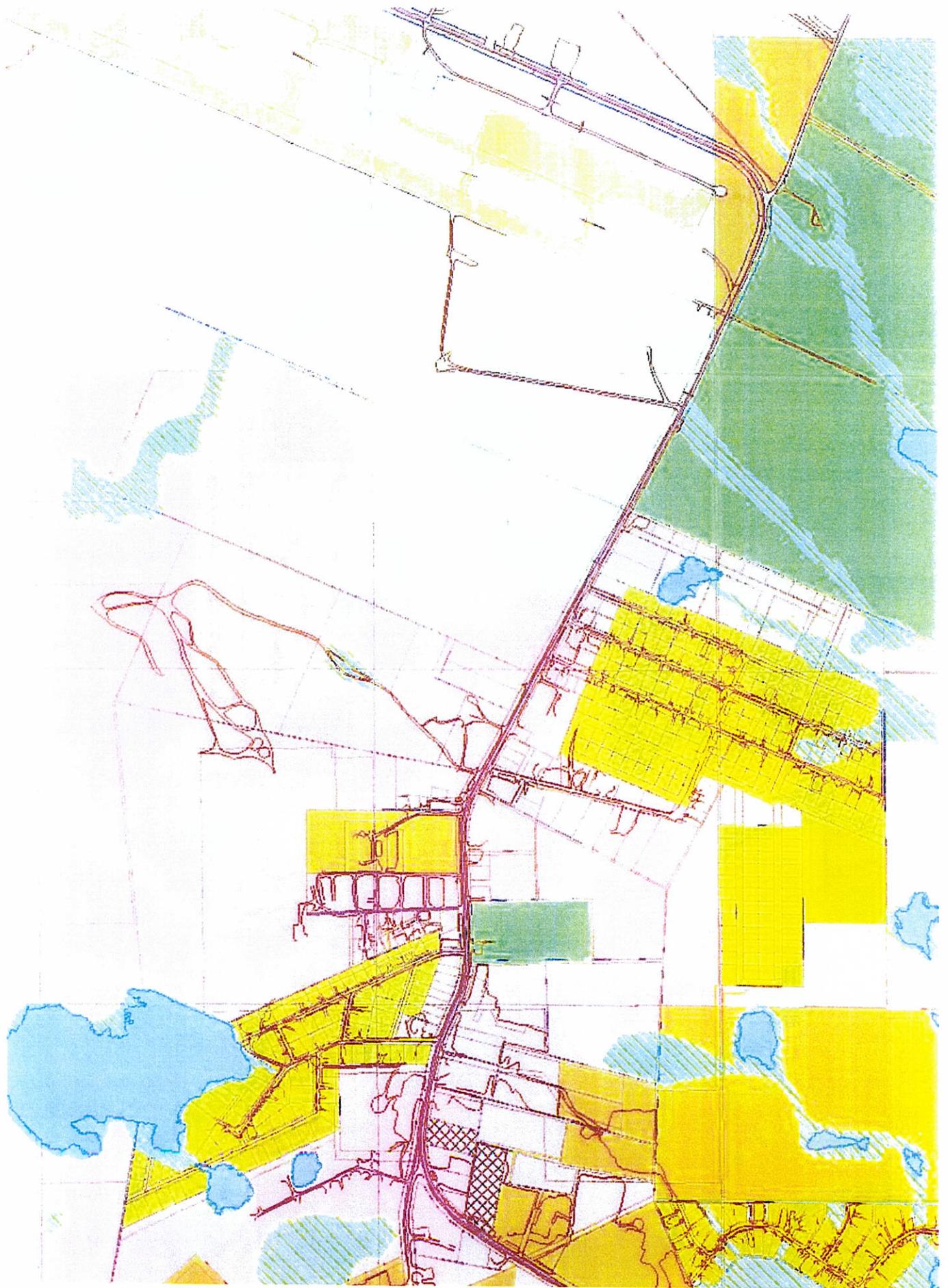
Blank!



Bethel Zoning Map









SPECIAL PLANNING COMMISSION MEETING

Notice is hereby given that on July 28, 2016 the City of Bethel Planning Commission will have a special meeting.

Purpose: Zoning of marijuana facilities in Bethel.

Time and Place: Special meeting of the City of Bethel Planning Commission, 6:30 PM July 28, 2016 at City Hall, located at 300 Chief Eddie Hoffman Highway in Council Chambers.