

---

---

# Marijuana Advisory Committee Minutes

Monday, December 21, 2015 7:00pm  
Sealing Cove Business Center

---

---

## Committee Members:

**Levi Albertson, Andrew Hames, Joseph D'Arienzo,  
Pamela Ash, Darrell Windsor, Steven Eisenbeisz,  
Bob Potrzuski, Jay Stelzenmuller**

### **I. CALL TO ORDER**

Chair Albertson called the meeting to order at approximately 7:03pm.

### **II. ROLL CALL**

Present: Levi Albertson, Joseph D'Arienzo, Andrew Hames, Pamela Ash, Darrell Windsor, Bob Potrzuski.

Absent: Steven Eisenbeisz (excused),

Staff: Senior Planner Michael Scarcelli, Paralegal Reuben Yerkes

### **III. AGENDA CHANGES: None**

### **IV. APPROVAL OF MINUTES: M - Windsor / S - Ash, motion passed unanimously**

### **V. PERSONS TO BE HEARD/CORRESPONDENCE:**

Margie Esquiro stated that she does not support marijuana use. She thanked the committee for the opportunity to speak. She added that she had been reading about adolescent brain development from studies in Colorado. She said that based on the Colorado research it is too soon to know what impact legalization will have on society.

### **VI. REPORTS: None**

### **VII. UNFINISHED BUSINESS:**

Senior Planner Scarcelli went over his hypothetical examples of zoning options, and marijuana conditional use permits.

**Stop: 7:12**

**Start: 7:25**

Potrzuski asked Senior Planner Scarcelli if under his hypothetical conditional use permit arrangement if there would be opportunity for public comment. Scarcelli stated that there is opportunity for public comment. He added that if there is no negative impacts determined through public commentary, then the conditional use permit should be issued. If there is negative commentary then the applicant might, depending on circumstances, address the concerns and those concerns would be a condition of the permit which the applicant would have to comply with.

Stelzenmuller asked about the difference between a negative comment and a "negative neighbors" comment. Senior Planner Scarcelli stated that comments are to be held to a very high qualitative and quantitative standard. He added that they would need to be qualitative

objective standards as opposed to subjective standards.

Chair Albertson asked about the definition of Public Health and Safety. Senior Planner Scarcelli stated that such a definition exists, and that it would be up to the Municipal Attorney to interpret the given scenario. Chair Albertson asked how much weight a random study illustrative of a given point would be given in this conditional use permit process. Senior Planner Scarcelli stated that most studies are highly subjective and circumstantial. Impacts in one location are rarely fully pertinent in another when it comes to studies. He added that the problem emerges when it isn't clear how to mitigate a given concern.

Stelzenmuller stated that he felt there should be four separate conditional use permit areas, cultivation, processing, dispensing and testing. Senior Planner Scarcelli added that it is prudent for the municipality to mirror State law in this respect and that would dictate four general areas of permitting, retail, cultivation, manufacturing and testing. He added that some of these are broken down into smaller sub-categories, such as cultivation being broken down into "limited" cultivation.

Potrzuski stated that there was already plenty of regulation pertaining to retail establishments gaining permitting and that a marijuana retail establishment should be treated the same as other retail establishments. Senior Planner Scarcelli stated that made sense, that it would be logical to pick a similar type of establishment as a parable.

Senior Planner Scarcelli added that having a sunset on a marijuana conditional use permit would be consistent with how conditional use permits are done. He continued that in the past it was not common practice for sunsets to be a part of conditional use permit processes.

Chair Albertson suggested that staff come up with some specific hypothetical examples using existing permit types, such as the brewery for an ideal example of a manufacturing facility with a retail add-on. Chair Albertson stated that he was very concerned about the burden that the Committee was putting on the Planning Department.

Windsor pointed out that he thought that the conditional use permit process would alleviate the additional work necessary of more conventional permitting practices. Scarcelli added that these initial exercises are mainly useful as a learning tool. D'Arienzo added that he felt that it was the intent of the Committee to not overburden staff.

**Stop: 8:08**

**Start: 8:18**

### **Commercial/retail on-site consumption**

Ash stated that she doesn't think that on-site consumption will be permitted because at the present time it was too controversial. She added that it is sorely needed however and that public education would be needed.

Chair Albertson stated that the biggest hurdle to outdoor consumption is people not wanting to hear or know about it. He continued that he favored inside consumption, but recommended putting off addressing outdoor on-site consumption for the time being.

Ash stated that people with dispensaries have a right to try to have on-site consumption.

Potrzuski added that he felt that the diffusion of marijuana smoke is one hurdle to outdoor on-site consumption. D'Arienzo said that it was unlikely that a contact high would result from outdoor consumption.

Chair Albertson added that he was in favor of on-site consumption and that it was an important feature of legalization in Sitka. He added that it was the outdoor element of on-site consumption that will be the biggest hurdle.

**M - Stelzenmuller / S - D'Arienzo, approve outside consumption provided that it does not impact the public visually or by smell.**

**Public Comment: None**

**Committee Discussion**

D'Arienzo stated that he felt that the example of the Baranof Brewery was a good one. If there are no residential zoning nearby, it would fine. Stelzenmuller pointed out that this is where the conditional use permit process is particularly valuable, given that it gives the opportunity for review or circumstances surrounding the property in question.

Chair Albertson stated that he did not support the motion. He added that people who don't like alcohol can't generally smell your beer while at a restaurant. He continued that there was a significant number of people in Sitka who did not support marijuana legalization. He continued that prudence dictated that sensitivity to these people is key to successful legalization. Windsor stated that dispelling associated stigmas will require that marijuana not be hidden.

**Vote: 4 Yea, 3 Nea, motion fails**

**M - Albertson / S - Stelzenmuller, recommend to the Assembly in the final report to allow indoor onsite consumption of marijuana at a retail marijuana establishment. Motion passed unanimously.**

**Public Comment: None**

**Committee Discussion:**

Potrzuski stated that an applicant could go before the planning commission to address this topic as well.

Hames added that he felt that the Committee had overstated the smell issue. He added that Sitka deals with many odors that are less than pleasant such as fish processing, alcohol, and that marijuana would likely be handled similarly.

**Review draft resolution on State set-back requirements:**

Potrzuski pointed out that decreasing to 200ft. does not necessarily open up the Central Business District zone to development by marijuana establishments. Stelzenmuller stated that he disagreed. He pointed out that the Raven Radio building has a daycare nearby and that by going to the 200 ft. setback the Raven Radio building would become open to marijuana permitting. He added that the real question was if the resolution on the table was worth bringing to the Assembly for their consideration.

Chair Albertson stated that he felt that the Committee had nothing to lose in contesting the State 500 ft. buffer. He recommended that the Committee stick with the State setback with a local variance authority included. Ash stated that it was pretty clear that the 500 ft. buffer would prevent some municipalities from having any permitted establishments.

Hames stated that he was in favor of a 200 ft. buffer zone because it puts the municipality in-line with alcohol establishments.

**M - Stelzenmuller / S - Windsor, revise wording of the resolution in question at line 26 by removing “threatens to impede” and replace with “limits”, remove the word “for any” and replace with “of an”, at line 38 print “determined by local planning and zoning regulations” in bold print, and at line 39 remove “300 ft.”.**

**Public Comment:**

Margie Esquiro stated that the 500 ft. buffer zone has been well vetted and that she didn't see the point in reducing the buffer zone. She also disagreed with the use of the word “any” in line 26 of the resolution.

**Committee Discussion:**

Windsor offered to amend the motion to remove “any” on line 26. D'Arienzo offered to amend the motion by removing “threatens” and include “limits” at line 26. There was no objection.

**Vote: 6 Yea, 1 Nea, motion passed**

**Consider Potential Survey Question:**

Moved to unfinished business at next meeting.

**VIII. NEW BUSINESS:**

**Testing Facilities and Protocols:**

Moved to unfinished business at next meeting.

**IX. PERSONS TO BE HEARD:**

Margie Esquiro asked if there is a seat open on the Committee.

**X. ADJOURNMENT:**

**A. Agenda items for next meeting.**

Consider potential survey questions  
Testing Facilities and Protocols  
Review draft buffer zone resolution

**B. Set next meeting date.**

Monday December 28.

**M - Potrzuski/S - Windsor, moved to adjourn at approximately 9:09pm. Motion carried unanimously.**

Attest: Reuben Yerkes, Paralegal