

CANNABIS ADVISORY COMMISSION  
REGULAR MEETING  
DECEMBER 17, 2015

Session 15-08, a Regular Meeting of the Cannabis Advisory Commission was called to order by Acting Chair Don Stead at 5:35 p.m. on December 17, 2015 in the Cowles Council Chambers located at City Hall 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS HARRIS, STEAD, SARNO, REYNOLDS, JONES, ROBL  
ABSENT: COMMISSIONER LEWIS (EXCUSED); YOUNG AND MONROE (NON-EXCUSED)  
STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY CLERK KRAUSE

Due to technical problems recording the minutes may not reflect full comments as stated by person or persons who attended this meeting.

**APPROVAL OF AGENDA**

Acting Chair Stead called for a motion to approve the agenda.

HARRIS/REYNOLDS - MOVED TO APPROVE THE AGENDA.

There was no discussion.

The agenda was approved as presented by Consensus of the Commission.

**PUBLIC COMMENT**

The public may speak to the Commission regarding matters on the agenda that are not scheduled for public hearing. (3 minute time limit).

George Frazier, resident, commented on the zoning restrictions, noting a lot of the area that is allowed outright for cultivation had questionable usable land for growing which means it is useless to the industry; extractions - banning this will result in people doing it in their backyard or garages and will lead to more accidents. He is a professional and qualified within the industry and believed it would be best to leave it to qualified persons rather than banning altogether. On the issue of social clubs, he offered that shutting this down then you should shut down the Elks and other similar clubs.

Mr. Frazier responded to questions from the commission on his system and setup regarding extraction.

Jeremiah Emerson, non-resident, commented on the proposed zoning. He requested that an allowance would be made to allow people to grow limited cultivation operations in residential areas. He also commented against the CUP process for the cannabis industry and it is not required for Bars and Alcohol. He further commented that the danger was no more than a welding shop with regard to extraction processes.

Ryan Walker, non-resident commented on the proposed zoning and believed that they shouldn't be limited, prohibiting people from making extra money in having a limited grow. He has seen several people who have personally benefitted from being able to use marijuana instead of pain medication. This would provide an opportunity to the residents. He agreed with banning extraction processes in a person's back yard, a community extraction plant would be a better option.

Mr. Walker responded to questions from the commission regarding persons coming forward and having legal grow operations.

Tim Clark, resident, asked about covenants with regards to zoning and that prohibits a lot of things in certain areas. He agreed with the extraction process being left to the professionals. There should be a facility in town where people can have it done.

Scott Owens, resident, commented on having PTSD and that cannabis is his only alternative and believed that a club would allow him a safe place to use. He has not met a bad cannabis user and does

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not believe it is a gateway drug. He believes that anyone should be able to grow on their property if they want. He does believe in responsibility for one's actions. He has been a longtime user and has never had any bad problems.

Susan Kilfoil, Anchor Point, thanked the commission for what they were doing. She acknowledged that this was a long process. She attended a Soldotna meeting and when a question was asked on the number who would purchase cannabis legally or on the black market and state that most of the attendees raised their hands that they would purchase legal marijuana. Ms. Kilfoil also questioned if wineries and breweries don't smell just as bad as a grow operation.

Jessica Inman, resident, comment against the proposed zoning restrictions. She commented on the benefits of using cannabis for medical purposes stating that cannabis has more beneficial uses than the public realizes. She stated that alcohol which causes more problems and that it is legal.

Kelly Gross, resident, commented on the benefits to him of cannabis for pain management and anxiety. He supported allowing extraction.

## VISITORS

## RECONSIDERATION

### ADOPTION OF CONSENT AGENDA

*(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Commissioner.)*

#### A. Meeting Minutes for the November 30, 2015 Regular Meeting

Acting Chair Stead requested a motion to approve the Consent Agenda.

HARRIS/REYNOLDS - MOVED TO ADOPT THE CONSENT AGENDA.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## REPORTS

#### A. Kenai Peninsula Borough Cannabis Task Force Report - Commissioner Monroe

Commissioner Monroe was not present to provide a report.

#### B. Memorandum from City Attorney Wells dated December 9, 2015

1. Amendments Proposed by the MCB members & Staff
2. Redlined Final Marijuana Regulations
3. Legal-Ness of Marijuana
4. Nitty Gritty on Marijuana Regulations

The commission entertained a brief discussion on the information provided by City Attorney Wells noting the following remarks:

- Outright ban on extraction should be thoroughly reviewed and considered
- Valid License is required
- 1000 foot buffer zones
- processing personal use cannabis by someone else should be allowed

Deputy City Clerk reminded the commission that this was just a report and that more in-depth discussion and motions should take place later in the agenda.

**PUBLIC HEARINGS**

There were no items scheduled for public hearing.

**PENDING BUSINESS**

**A. Cannabis Sales Taxes and Excise Taxes**

City Planner Abboud stated that they are waiting on the borough, if they do not participate that means the city will have to implement regulations, collections, etc. City Planner Abboud suggested that the commission should make a recommendation to the council to send a recommendation to the Borough regarding taxation and collection

REYNOLDS/HARRIS - MOVED TO SUBMIT A RECOMMENDATION TO COUNCIL TO SEND A RECOMMENDATION TO THE BOROUGH TO TAKE UP THE TAXATION AND COLLECTION OF TAXES ON CANNABIS AND CANNABIS RELATED ACTIVITIES AND REMIT THE PORTION DUE TO THE CITY.

There was brief discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead inquired if the city was allowed to establish an excise tax and the City Planner responded in the positive but stated it would require the establishing of the rules and regulations regarding the collection and payment.

**B. Cannabis Zoning & Regulations - Staff Report CAC 15-08 from City Planner Abboud**

1. Draft Ordinance 16-XX
2. Zoning Maps
3. News Articles

City Planner Abboud reviewed the process so far regarding the zoning. He stated that the Planning Commission had a long meeting and did not get through all the changes and so they will be taking it up again at their January 6th meeting. He pointed out that they did allow it outright in several areas as the chart in the packet indicates. If everything goes well they can expand on it is the Commission's thinking.

City Planner Abboud noted that several communities are postponing taking action to see how everything pans out in those places that allow retail, cultivation, etc. He then, referencing the proposed zoning maps, pointed out the buffer zones, stating that in Colorado there were instances when the Federal officers raided businesses that did not follow those buffer zones. He then informed the commission that his research found that the federal regulations also included colleges in the 1000 foot buffer zone.

City Planner Abboud stated that there is still one more meeting to comment and review before submission to Council and they can make further comments or recommendations at their January 28<sup>th</sup> meeting.

Commissioner Sarno pointed out a grammar related error on line 199 of the draft ordinance.

HARRIS/REYNOLDS - MOVED TO SUBMIT A RECOMMENDATION TO COUNCIL AND THE PLANNING COMMISSION THAT MANUFACTURING AS DESCRIBED IN PROPOSED STATE REGULATIONS BE ALLOWED OUTRIGHT IN THE GC1, GC 2, AND EAST END MIXED USE DISTRICTS.

Discussion ensued on the intent of the motion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

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Motion carried.

Commissioner Harris commented on the requirements of having a commercial grow in any of the areas indicated on the map by the color yellow.

HARRIS/SARNO - MOVED TO ALLOW LIMITED COMMERCIAL CULTIVATION OPERATIONS IN ANY OF THE RESIDENTIAL DISTRICTS.

Discussion on the restrictions and requirements by the state imposed on the limited grow operations; illegal commercial grow versus personal use grow; the lengthy discussion by the Planning Commission regarding allowing commercial enterprises in the residential districts then additional businesses would have to be considered; comparison to alcohol; taking baby steps by allowing it in certain areas and see how that works; further discussion on the benefits to the growing the economy; limited grows are happening now the only difference by allowing it will allow the person's neighbor to comment that they don't want it. Commissioner Robl believed that they should allow the neighborhoods to make their own decisions whether they want to allow it or not.

City Planner Abboud responded to the question regarding the CUP process and how they don't have the CUP for a bar but then again they don't have bars in neighborhoods. The Planning Commission did not want to see these businesses in the residential districts, they prefer to see them in commercial districts and the urban residential areas are just too small a lot and cited the issues with having the requirements for a limited grow. Chair Stead stated he could vote in favor if it was allow in Rural Residential and on lots over 20,000 sf. Chief Robl favored the system of allowing choice.

HARRIS/SARNO - MOVED TO AMEND THE MOTION TO INCLUDE NOTIFICATION TO THE NEIGHBORING PROPERTY OWNERS IN RESIDENTIAL AREAS.

Discussion on the CUP process being similar but this wasn't to that extent; the limited cultivation is a maximum of 500 sf and is not a lot of space on 1/2 an acre. Commissioner Jones supported using the CUP process since it was already in place.

VOTE. (Amendment) YES. SARNO, REYNOLDS, HARRIS, JONES

VOTE. (Amendment) NO. ROBL, STEAD.

Motion carried

SARNO/REYNOLDS - MOVED TO AMEND TO RURAL RESIDENTIAL DISTRICT.

There was no discussion.

VOTE. (Amendment). YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE. (Main Motion as Amended) NO. ROBL, STEAD, JONES, REYNOLDS

VOTE. (Main Motion as Amended) YES. HARRIS, SARNO.

Motion failed.

Acting Chair Stead noted the time of the meeting and inquired if it was the Commissions was agreeable to extend the meeting 15 minutes he would like a motion.

REYNOLDS/HARRIS - MOVED TO EXTEND THE MEETING 15 MINUTES.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The meeting time was extended to 7:45 p.m.

**NEW BUSINESS**

A. Memorandum on THC Extraction

1. Proposed Ordinance 16-XX

Acting Chair Stead read the title into the record. City Planner Abboud commented that this ordinance does not prohibit legal manufacturing processes.

Discussion on the ordinance ensued in regards to personal extraction processes and the preference to leave that for the professionals.

REYNOLDS/JONES - MOVED TO RECOMMEND THE DRAFT THC EXTRACTION ORDINANCE FOR ADOPTION BY COUNCIL.

No further discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Allowing Marijuana Social Clubs in Homer

1. Memorandum from City Attorney Wells

Acting Chair Stead requested a motion to postpone to the next meeting due to time constraints.

REYNOLDS/ROBL - SO MOVED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Next Meeting Deliverables, Agenda Items

Commissioner Harris requested more information on Zoning.

Acting Chair Stead noted that the Marijuana Social Clubs will be on the agenda.

**INFORMATIONAL MATERIALS**

A. 2016 Meeting Schedule and Packet Processing Deadlines

B. 2016 Commission Attendance at Council Meetings

C. Resolution 15-105, 2016 Regular Meeting Schedule of Advisory Bodies

D. Memorandum from the CAC re: Approving the 2016 Regular Meeting Schedule

E. Final Proposed Marijuana Regulations dated 12/01/15

There was no discussion on the informational materials due to time constraints.

**COMMENTS OF THE AUDIENCE**

Members of the audience may address the Commission on any subject. (3 minute time limit)

George Frazier commented on the areas marked for CUP on the Spit is the small boat harbor and did not think the USCG would want this out there and agreed that no activities other than retail should be

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on the spit, downtown could have a café style instead of club. He asked what the definition of conditional use is? City Planner Abboud responded with a description of the CUP process and provided examples.

Tim Clark resident commented on the zoning and the CUP process and believed that would be appropriate. The commission should consider allowing the clubs.

Wes Schact, nonresident, commented on promoting the cannabis social clubs and other cannabis related activities. He spoke in favor of supporting clubs.

Homer Olson, resident, commented favorably for allowing clubs or cafés in town. They are also looking at opening a new business that is related to the industry.

Frank Hodnick, former resident, requested clarification on social clubs and commented in favor of having them.

**COMMENTS OF STAFF**

Deputy City Clerk Krause had no comments.

City Planner Abboud stated he will contact Commissioner Monroe.

**COMMENTS OF THE CHAIR**

**COMMENTS OF THE COMMISSION**

Commissioner Sarno, Harris and Robl had no comments.

Commissioner Reynolds thanked City Planner Abboud for his efforts and information.

Commissioner Jones thanked everyone for attending and to keep an eye on the regulations that the state are imposing as the City can only be stricter than those regulations imposed by them; Ultimately the Marijuana Control Board and Council have the final say.

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 7:50 p.m. The next regular meeting is scheduled for THURSDAY, JANUARY 28, 2016 at 5:30 p.m. in the City Hall Cowles Council Chambers located at 491 E Pioneer Avenue, Homer, Alaska.

*Renee Krause*

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Renee Krause, CMC, Deputy City Clerk

Approved: \_\_\_\_\_ January 28, 2016