

**PENDING**

To provide comments to the Mayor and the Assembly regarding this legislation click here

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 16-003**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.60 TO INCLUDE PERMIT REQUIREMENTS AND STANDARDS FOR MARIJUANA RELATED FACILITIES; AND REPEALING UNAPPLICABLE DEFINITIONS.

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BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 17.125.010 is hereby amended as follows:

- "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds or its resin, including marijuana concentrate.

"Marijuana" does not include fiber produced from the stalks, cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administration, food, drink or other products."

- "Marijuana Cultivation Facility" means an entity licensed to cultivate, prepare, package and sell marijuana to Marijuana dispensaries, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
- "Marijuana retail facility means an entity licensed to purchase marijuana or a marijuana product from a marijuana cultivation facility or marijuana product manufacturing facility and to sell marijuana and any approved marijuana product to a consumer."
- ["MOTORIZED" MEANS POWERED OR PROPELLED BY A FORCE OTHER THAN HUMAN OR ANIMAL MUSCULAR POWER, GRAVITY, OR WIND.]
- ["RACE TRACK" MEANS A PREPARED ROUTE TRAVELED BY CONTESTANTS TO ACHIEVE GOALS OF SKILL, DURATION, OR SPEED, INCLUDING PRACTICE FOR SUCH EVENTS, ALSO KNOWN AS: RACEWAY, OR RACE COURSE.]

Section 3. Amendment of Paragraph. MSB 17.60.030(A) is hereby amended as follows:

(A) The following land uses are declared to be potentially damaging to the property values and usefulness of adjacent properties, or potentially harmful to the public health, safety, and welfare:

(1) junkyards and refuse areas;

(2) correctional community residential centers;

[(3) RACE TRACKS USED BY MOTORIZED VEHICLES  
CARRYING PEOPLE ON LAND.]

**(4) Marijuana retail facility as licensed under  
3 AAC 306.005; and**

**(5) marijuana cultivation facility licensed under  
3 AAC 306.005.**

Section 4. Adoption of sections. MSB 17.60.150 and  
17.60.160 are hereby adopted as follows:

17.60.150 GENERAL STANDARDS FOR MARIJUANA RELATED  
FACILITIES

(A) In addition to the standards set forth by  
17.60.100, the Planning Commission shall weigh factors  
which contribute or detract from the development of a  
safe, convenient and attractive community, including,  
but not limited to:

(1) any potential negative effect upon other  
properties in the area due to such factors as noise,  
odor, or obtrusive advertising;

(2) any potential negative effect on the  
safe, efficient flow of traffic on any highway,  
arterial, collector, or street from which access to  
and from the establishment is obtained;

(3) the effectiveness of measures to reduce negative effects upon adjacent properties by:

(a) increased property line and right-of-way buffers;

(b) planted berms and landscaping;

(c) reduction or elimination of obtrusive or garish signage;

(d) clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exits onto highways, arterials and collectors; and

(e) site and building design features which contribute to the character of the surrounding area.

(4) whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit;

(5) whether access to the premises will create an unreasonable traffic hazard;

(6) whether a reasonably expected increase in traffic will overtax existing road systems;

(7) whether the use is incompatible with the character of the surrounding area.

(B) At the time of their establishment, marijuana related conditional uses shall meet the following requirements and not be located:

(1) within 50-feet of any residence located on an adjacent property, but excluding residential units that are located within the subject property;

(2) 500-feet of any drug or alcohol rehabilitation facilities;

(3) 500-feet of any half way house or correctional facility;

(4) 1,000-feet of any elementary school, middle school, high school, college, or university, whether public or private;

(5) 1,000-feet of any licensed child care facility; or

(6) 500-feet of any public park, playground, boat ramp, or other similar recreational amenity open to the public.

(C) Separation distances referenced in (B) of this section are measured in a direct line between the closest point of the facility within which the marijuana facility is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.

(D) Prior to final approval of the permit the applicant shall provide written documentation that all applicable licenses have been obtained as required by 3 AAC 306.005.

17.60.160 STANDARDS FOR MARIJUANA CULTIVATION FACILITIES

(A) *Wastewater and waste material disposal plan.*

A wastewater and waste material disposal plan shall be submitted which demonstrates that wastewater and waste material associated with the cultivation facility is disposed of in compliance with the Alaska State Department of Environmental Conservation.

(B) *Odor Mitigation and Ventilation Plan.* The applicant shall provide an odor mitigation plan detailing the effective mitigation of any odors of the proposed uses. Such plan shall demonstrate that the design for the purification of air prevents odors from materially impacting adjoining properties.

(C) *Hazardous Chemicals.* Storage and disposal of fertilizers, pesticides, herbicides, and any other hazardous chemicals associated with the cultivation of marijuana shall comply with all local, state, and federal laws.

(D) *Security.* The applicant shall provide a security plan. The plan shall include education for employees on security measures.

(E) Marijuana cultivation facilities may not exceed 5,000 square feet on any given parcel. The 5,000 square foot limit only applies to areas of plant cultivation and does not include administrative space, processing space, bathrooms, or storage space.

ADOPTED by the Matanuska-Susitna Borough Assembly this -  
day of -, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

**PENDING**

To provide comments to the Mayor and the Assembly regarding this legislation click here

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 16-003 (SUB)**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.60 TO INCLUDE PERMIT REQUIREMENTS AND STANDARDS FOR MARIJUANA RELATED FACILITIES; AND REPEALING INAPPLICABLE DEFINITIONS.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 17.125.010 is hereby amended as follows:

- "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds or its resin, including marijuana concentrate.

"Marijuana" does not include fiber produced from the stalks, cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administration, food, drink or other products."

- "Marijuana Cultivation Facility" means an entity licensed to cultivate, prepare, package and sell marijuana to marijuana dispensaries, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
- "Marijuana product manufacturing facility" means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.
- "Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.
- "Marijuana retail facility means an entity licensed to purchase marijuana or a marijuana product from a marijuana cultivation facility or marijuana product manufacturing facility and to sell marijuana and any approved marijuana product to a consumer."

- [“MOTORIZED” MEANS POWERED OR PROPELLED BY A FORCE OTHER THAN HUMAN OR ANIMAL MUSCULAR POWER, GRAVITY, OR WIND.]
- “Net floor area” means the total of all floor areas of a building or lease area, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading.
- “Recreation or youth center” means a building, structure, athletic playing field, or playground which is: (a) run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors; or (b) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.
- [“RACE TRACK” MEANS A PREPARED ROUTE TRAVELED BY CONTESTANTS TO ACHIEVE GOALS OF SKILL, DURATION, OR SPEED, INCLUDING PRACTICE FOR SUCH EVENTS, ALSO KNOWN AS: RACEWAY, OR RACE COURSE.]

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(2) correctional community residential centers;

[(3) RACE TRACKS USED BY MOTORIZED VEHICLES  
CARRYING PEOPLE ON LAND.]

**(4) marijuana retail facility as licensed under  
3 AAC 306.005; and**

**(5) marijuana cultivation facility licensed under  
3 AAC 306.005.**

Section 4. Adoption of sections. MSB 17.60.150  
through 17.60.170 are hereby adopted as follows:

17.60.150 GENERAL STANDARDS FOR MARIJUANA RELATED  
FACILITIES

(A) In addition to the standards set forth by  
17.60.100, the Planning Commission shall weigh factors  
which contribute or detract from the development of a  
safe, convenient and attractive community, including,  
but not limited to:

(1) any potential negative effect upon other  
properties in the area due to such factors as noise  
and odor.

(2) the effectiveness of measures to reduce  
negative effects upon adjacent properties by:

(a) increased property line and right-  
of-way buffers;

(b) planted berms and landscaping;

(c) site and building design features which contribute to the character of the surrounding area.

(3) whether the use is compatible with the character of the surrounding area.

(B) At the time of their establishment, marijuana related conditional uses shall meet the following requirements and not be located within:

(1) 1,000 feet of school grounds;

(2) 500 feet of a recreation or youth center;

(3) 500 feet of a building in which religious services are regularly conducted; or

(4) 500-feet of a correctional facility.

(C) Separation distances referenced in (B) of this section are measured in a direct line between the closest point of the facility within which the marijuana facility is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.

(D) Prior to final approval of the permit the applicant shall provide written documentation demonstrating that:

(1) all applicable licenses have been obtained as required by 3 AAC 306.005.

(2) from the Fire Marshal having jurisdiction, that the proposed conditional use is in full compliance with applicable fire code, including but not limited to, AS 18.70.010-.160 FIRE PROTECTION, and 13 AAC 50.025-.080 FIRE CODE.

17.60.160 STANDARDS FOR MARIJUANA CULTIVATION FACILITIES

(A) *Wastewater and waste material disposal plan.*

A wastewater and waste material disposal plan shall be submitted which demonstrates that wastewater and waste material associated with the cultivation facility is disposed of in compliance with the Alaska State Department of Environmental Conservation.

(B) *Odor Mitigation and Ventilation Plan.*

The applicant shall provide an odor mitigation plan detailing the effective mitigation of any odors of the proposed uses. Such plan shall demonstrate that the design for the purification of air prevents odors from materially impacting adjoining properties.

(C) *Hazardous Chemicals.*

Storage and disposal of fertilizers, pesticides, herbicides, and any other hazardous chemicals associated with the cultivation of

marijuana shall comply with all local, state, and federal laws.

(D) *Security.* The applicant shall provide a security plan. The plan shall include, but not be limited to, education for employees on security measures.

(E) Marijuana cultivation facilities may not exceed 5,000 square feet on any given parcel. The 5,000 square foot limit only applies to areas of plant cultivation and does not include administrative space, processing space, bathrooms, or storage space.

(F) Marijuana cultivation facilities shall be set back 50 feet from public rights of way, and 100 feet from side or rear lot lines.

MSB 17.60.170 STANDARDS FOR MARIJUANA RETAIL FACILITIES

(A) Marijuana retail facilities shall only be approved upon finding by the commission that the proposed facility is located on a parcel that is appropriate for commercial use. At a minimum, the commission shall consider:

(1) proximity of the proposed use to existing businesses;

(2) proximity to parcels developed for residential use; and

(3) whether roads associated with the proposed use have been, or will be, appropriate for commercial use.

(B) The minimum number of parking spaces for retail facilities shall be one space per 350 square feet of net floor area. Each parking space shall be at least: 20 feet in length, ten feet wide, and have a vertical clearance of at least seven feet.

(C) Parking spaces shall be provided to comply with current American Disabilities Act guidelines.

ADOPTED by the Matanuska-Susitna Borough Assembly this -  
day of -, 2016.

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VERN HALTER, Borough Mayor

ATTEST:

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LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)