

# MATANUSKA-SUSITNA BOROUGH

350 E. Dahlia Ave., Palmer, Alaska 99645

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## MARIJUANA ADVISORY COMMITTEE AGENDA

### ASSEMBLY CHAMBERS

350 EAST DAHLIA AVENUE, PALMER

## SPECIAL MEETING

6 P.M.

MAY 19, 2015

I. CALL TO ORDER; ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

IV. AUDIENCE PARTICIPATION (Three minutes per person)

V. ITEMS OF BUSINESS

A. Marijuana Advisory Committee Resolution No. 16-02 regarding staff and Planning Commission suggestions to the Assembly regarding Ordinance Serial No. 16-003

VI. COMMITTEE COMMENTS

VII. ADJOURNMENT

To provide comment regarding agenda items, please email:

[Brenda.henry@matsugov.us](mailto:Brenda.henry@matsugov.us)

To provide comment to the Marijuana Advisory Committee regarding this draft resolution, please click on "For Comment."

**FOR COMMENT**

Action:

**MATANUSKA-SUSITNA BOROUGH  
MARIJUANA ADVISORY COMMITTEE  
RESOLUTION SERIAL NO. 16-02**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH MARIJUANA ADVISORY COMMITTEE ADDRESSING STAFF AND PLANNING COMMISSION RECOMMENDATIONS AS OUTLINED IN EXHIBIT "A" ATTACHED HERETO.

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WHEREAS, on April 5, 2016, the Assembly referred the staff comments and Planning Commission's suggested amendments as contained in the Options Table attached hereto as Exhibit "A" regarding Ordinance Serial No. 16-003, to the Marijuana Advisory Committee (MAC) for a period of 90 days, with their suggestions due back to the Assembly no later than July 4, 2016; and

WHEREAS, for the purposes of clarity, language that is **bold and underlined** is proposed to be inserted, language with ~~strike throughs~~ is proposed to be removed, and any changes made by the MAC to the options table language will be **color coded in red**; and

WHEREAS, in No. 1 in the options table, Remove Sign Standards, the MAC recommends adoption/denial/amendment of the section as proposed in the options table:

- Amend MSB 17.60.150(A)(1): Any potential negative effect upon other properties in the area due to such factors as noise **and** odor. ~~or obtrusive advertising.~~

- Amend MSB 17.60.150(A)(3)(c): ~~reduction or elimination of obtrusive or garish signage.~~

WHEREAS, in No. 2 of the options table, Exempt "Limited" grow operations, the MAC recommends adoption/denial/amendment of the section as proposed in the options table:

- Amend MSB 17.60.030(A)(5)(a): **Cultivation facilities with less than 500 square feet under cultivation are exempt under this chapter.**

WHEREAS, in No. 3 of the options table, Eliminate 5,000 square foot cap on cultivation facilities, the MAC recommends adoption/denial/amendment of the section as proposed in the options table:

- Strike MSB 17.60.160(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.~~

WHEREAS, in No. 4 of the options table, Parking Standards, the MAC recommends adoption/denial/amendment of the section as proposed in the options table:

- Strike MSB 17.60.150(A)(4): ~~Whether there are adequate parking facilities to accommodate a reasonably~~

~~expected increased demand for parking created by issuing the permit.~~

- Amend MSB 17.60.170 by inserting (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, 10 feet wide, and have a vertical clearance of at least 7 feet.
- Amend MSB 17.60.170, by inserting (C): One barrier-free parking stall shall be provided for every 25 required parking space. Each barrier-free parking stall shall be at least: 20 feet in length, 10 feet wide with a 5 foot adjacent access aisle, and have a vertical clearance of at least 8 feet.

WHEREAS, in No. 5 of the options table, Remove standards for traffic impacts, the MAC recommends adoption/denial/amendment of the section as proposed in the options table:

- Strike MSB 17.60.150(A)(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.~~

- Strike MSB 17.60.150(A)(3)(d): ~~clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exits onto highways, arterials, and collectors.~~
- Amend MSB 17.60.150(A): ~~(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.~~

WHEREAS, in No. 6 of the options table, Reduce setback standards to match state, the MAC recommends adoption/denial/amendment of the section as proposed in the options table:

- Amend MSB 17.60.150(B): **(1) within 500 feet of school grounds, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility.** ~~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; or (6) 500 feet of any public park, playground, boat ramp, or other similar recreational amenity open to the public.~~

- Amend MSB 17.60.150(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~~ 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, recreation, or youth center, or the main public entrance of the building in which religious services are regularly conducted, or the correction facility.
  
- Amend MSB 17.125.010:
  - "Recreational facility" means a place designed and equipped for the conduct of sports or recreational uses. Recreational Facility does not include the following: water bodies, bike or walking paths constructed within a public or private right-of-way.
  
  - "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.
- "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 public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.

WHEREAS, in No. 7 of the options table, Prohibit cultivation facilities from residential area, the MAC recommends adoption/denial/amendment of the section as proposed in the options table:

- **Option 1:** Adopt MSB 17.60.160(F): Marijuana cultivation facilities shall be set back 100 feet from

public rights-of-way and 100 feet from side or rear lot lines.

- **Option 2:** Adopt MSB 17.60.160(F): Marijuana cultivation facilities are prohibited from locating within: (1) the core area as described in the official Core Area Comprehensive Plan and its amendments; (2) Residential land use districts established by MSB 17.52; (3) Single-family residential land use districts established by MSB 17.76; (4) Large lot single-family residential land use districts established by MSB 17.76; (5) Residential planned unit developments established by MSB 17.36.
- **Option 3:** Amend MSB 17.125.010: "Residential Area" means any subdivision of four or more lots where at least 50 percent of the lots are improved with single-family or multifamily structures, or a subdivision of four or more lots where at least 75 percent of the lots are restricted by private covenants or zoning to residential purposes.
- **Option 3 - Continued:** Amend MSB 17.60.160(F): Marijuana cultivation facilities shall not be located within residential areas.

WHEREAS, in No. 8 of the options table, Prohibit retail facilities from residential areas, the MAC recommends adoption/denial/amendment of the section as proposed in the options table:

- Adopt MSB 17.60.170(A): Marijuana retail facilities shall not be located within a residential area unless the lot is accessed by a frontage road or other major thoroughfare that is conducive to commercial use.
- Adopt definition of "Residential Area" from No. 7 in the Options table.

WHEREAS, in No. 9 of the options table, Require demonstration of compliance with state law, the MAC recommends adoption/denial/amendment of the section as proposed in the options table:

- Adopt MSB 17.60.150(D): Prior to final approval of the permit, the applicant shall: (1) provide written documentation that all applicable licenses have been obtained as required by 3AAC306.005; (2) provide written documentation from the Fire Marshall having jurisdiction, that the proposed conditional use is in full compliance with all applicable fire code, including but not limited to, Alaska Statute 18.70.010

through 18.70.160, Fire Protection; and 13 AAC 50.025 through 13 AAC 50.080, Fire code.

WHEREAS, in No. 10 of the options table, Other changes recommended by staff, the MAC recommends adoption/denial/amendment of the section as proposed in the options table:

- Adopt new section MSB 17.60.170:

Standards for Marijuana Retail Facilities

(A) Marijuana retail facilities shall not be located within a residential subdivision unless the lot is accessed by a frontage road or other major thoroughfare that is conducive to commercial use.

(B) The minimum number of parking spaces for retail facilities shall be one space per 3502 square feet of net floor area. Each parking space shall be at least: 20 feet in length, 10 feet wide, and have a vertical clearance of at least 8 feet.

(C) One barrier-free parking stall shall be provided for every 25 required parking spaces. Each barrier-free parking stall shall be at least 20 feet in length, 10 feet wide with a 5 foot adjacent access aisle, and have a vertical clearance of at least 8 feet.

ADOPTED/DEFEATED by the Marijuana Advisory Committee this  
\_\_\_ day of May, 2016.

\_\_\_\_\_  
SARA WILLIAMS, MAC Chair

ATTEST:

\_\_\_\_\_  
BRENDA J. HENRY, CMC, Assistant Clerk

DRAFT ONLY

## Adopt 16-003 with no changes

- Higher setback standards compared to state
  - 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities
  - 1,000 feet from schools (state requires 500 feet)
  - 1,000 feet from child care facilities
  - 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities
- Lacks critical definitions
  - Marijuana products
  - Marijuana product manufacturing facility
- Lacks specific standards for retail facilities
  - Parking standards
  - Exclusion from residential neighborhoods
- Does not require demonstration of compliance with Fire Marshall

### 1. Remove sign standards

- ✓ Amend MSB 17.60.150(A)(1):  
(1) any potential negative effect upon other properties in the area due to such factors as noise, ~~and~~ odor, ~~or~~ obtrusive advertising;
- ✓ Amend MSB 17.60.150(A)(3)(c)  
(c) ~~reduction or elimination of obtrusive or garish signage;~~

### 2. Exempt "limited" grow operations

- ✓ Amend MSB 17.60.030(A)(5)(a)  
(a) Cultivation facilities with less than 500 square feet under cultivation are exempt under this chapter.

### 3. Eliminate 5,000 sq. ft. cap on cultivation facilities

- ✓ Strike MSB 17.60.160 (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.~~

### 4. Parking standards

- ✓ Amend MSB 17.125.010  
"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
- ✓ Strike MSB 17.60.150(A)(4)  
(4) ~~whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit;~~
- ✓ Amend MSB 17.60.170\*  
(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) One barrier-free parking stall shall be provided for every 25 required parking spaces. Each barrier-free parking stall shall be at least: 20 feet in length, ten feet wide with a five-foot adjacent access aisle, and have a vertical clearance of at least eight feet.

### 5. Remove standards for traffic impacts

- ✓ Strike MSB 17.60.150(A)(2)  
(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;~~
- ✓ Strike MSB 17.60.150(A)(3)(d)  
(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~~
- ✓ Amend MSB 17.60.150(A)  
(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;~~

### 6. Reduce setback standards to match state

- ✓ Amend MSB 17.60.150(B)  
(1) within 500 feet of a school grounds, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility; ~~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.~~
- ✓ Amend MSB 17.60.150(C)  
(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} 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, recreation or youth center, or the main public entrance of the building in which religious services are regularly conducted, or the correctional facility.~~
- ✓ Amend MSB 17.125.010  
"Recreational facility" means a place designed and equipped for the conduct of sports or recreational uses. Recreational Facility does not include the following: water bodies, bike or walking paths constructed within a public or private right-of-way.  
"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.  
"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.

### 7. Prohibit cultivation facilities from residential areas

#### Option 1

- ✓ Adopt MSB 17.60.160(F)  
(F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.

#### Option 2

- ✓ Adopt MSB 17.60.160(F)  
(F) Marijuana cultivation facilities are prohibited from locating within:  
(1) the core area as described in the official Core Area Comprehensive Plan and its amendments;  
(2) Residential Land Use Districts established by MSB 17.52;  
(3) Single-Family Residential Land Use Districts as defined by MSB 17.75;  
(4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76;  
(5) Residential Planned Unit Developments established by MSB 17.36.

#### Option 3

- ✓ Amend MSB 17.125.010  
"Residential Area" means any subdivision of four or more lots where at least 50 percent of the lots are improved with single-family or multifamily structures, or a subdivision of four or more lots where at least 75 percent of the lots are restricted by private covenants or zoning to residential purposes.
- ✓ Adopt MSB 17.60.160(F)  
(F) Marijuana cultivation facilities shall not be located within residential areas.

### 8. Prohibit retail facilities from residential areas

- ✓ Adopt MSB 17.60.170(A)\*  
(A) Marijuana retail facilities shall not be located within a residential area unless the lot is accessed by a frontage road or other major thoroughfare that is conducive to commercial use.
- ✓ Adopt definition of "Residential Area" from Option 3 above.

### 9. Require demonstration of compliance with state law

- ✓ Adopt MSB 17.60.150(D)  
(D) Prior to final approval of the permit the applicant shall provide written documentation:  
1. all applicable licenses have been obtained as required by 3 AAC 306.005.  
2. from the Fire Marshal having jurisdiction, that proposed conditional use is in full compliance with all applicable fire code, including but not limited, to AS 18.70.010-.160 FIRE PROTECTION, and 13 AAC 50.025-0.80 FIRE CODE.

### 10. Other changes recommended by staff

- ✓ \*Adopt New Subsection MSB 17.60.170 STANDARDS FOR MARIJUANA RETAIL FACILITIES
- ✓ Amend MSB 17.60.150(A)  
(7) ~~whether the use is incompatible~~ compatible with the character of the surrounding area.
- ✓ Amend MSB 17.60.160(D)  
Security. The applicant shall provide a security plan. The plan shall include, but not be limited to, education for employees on security measures.
- ✓ Consider increasing buffer from school grounds to 1,000 feet to ensure compliance with federal law.

\* MSB 17.60.170 is not currently within Ord. 16-003. The section of code would need to be added in order to implement any of the suggestions marked with an asterisk.