MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION AGENDA

Vern Halter, Mayor

PLANNING COMMISSION
Mary Anderson, District 1
Thomas Healy, District 2
John Klapperich, Chair, District 3
Colleen Vague, District 4
William Kendig, District 5
Tomas Adams, District 6
Vern Rauchenstein, District 7

John Moosey, Borough Manager

PLANNING & LAND USE DEPARTMENT
Eileen Probasco, Director of Planning & Land Use
Lauren Driscoll, Planning Services Chief
Alex Strawn, Development Services Manager
Fred Wagner, Platting Officer
Mary Brodigan, Planning Clerk

Assembly Chambers of the Dorothy Swanda Jones Building
350 E. Dahlia Avenue, Palmer

June 20, 2016
REGULAR MEETING
6:00 p.m.

I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PLEDGE OF ALLEGIANCE

IV. CONSENT AGENDA
Items on the consent agenda are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

A. MINUTES
1. June 6, 2016, regular meeting minutes

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS
1. **Resolution 16-26**, recommending the Assembly adopt the update to the Borough Recreational Trails Plan. Public Hearing: August 1, 2016. (*Staff: Emerson Krueger*)

V. COMMITTEE REPORTS

VI. AGENCY/STAFF REPORTS

VII. LAND USE CLASSIFICATIONS

VIII. AUDIENCE PARTICIPATION (*three minutes per person, for items not scheduled for public hearing*)

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS (*Public Hearings shall not begin before 6:15 p.m.)*

Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

The Planning Commission members may submit questions to the Planning Commission Clerk concerning the following matters or request for more information from the applicant at the time of the introduction. All questions and requests submitted by the Commission shall be in writing and copies will be provided to the applicant and made available to all interested parties and the public upon request. Answers to questions and additional material requests will be addressed in the staff report for the public hearing.

X. PUBLIC HEARING: LEGISLATIVE MATTERS

A. **Resolution 16-24**, amending the comprehensive planning process as requested by the Chase Community Council. (*Staff: Taunnie Boothby*)

B. **Resolution 16-25**, recommending the Assembly support the development of a Regional Transportation Planning Partnership Program. (Staff: Jessica Smith)

XI. CORRESPONDENCE & INFORMATION

XII. UNFINISHED BUSINESS

A. **Resolution 16-22,** recommending amendments to Assembly Ordinance 16-003, an Ordinance Amending MSB 17.60 to Include Permit Requirements and Standards for Marijuana Related Facilities. Referred by the Assembly to the PC on April 5, 2016, for 90 days. Continued from May 16, 2016. Postponed from June 6, 2016 (*Staff: Alex Strawn*)

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS

A. Upcoming Planning Commission Agenda Items (*Staff: Alex Strawn*)

XV. DIRECTOR AND COMMISSIONER COMMENTS

XVI. ADJOURNMENT (Mandatory Midnight)

In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for definition of "Interested Party." The procedures governing appeals to the Board of Adjustment & Appeals are contained in MSB 15.39.010-250, which is available on the Borough Internet home page, http://www.matsugov.us, in the Borough Clerk's office, or at various libraries within the Borough.

INTRODUCTION FOR PUBLIC HEARING

LEGISLATIVE

Resolution No. 16-26

MSB Recreational Trails Plan Update

(Page 3 - 22)

INTRODUCTION FOR PUBLIC HEARING

MATANUSKA-SUSITNA BOROUGH
Community Development Department
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 745-9869 • Fax (907) 745-9635
E-mail: lmb@matsugov.us

MEMORANDUM

DATE: May 26, 2016

TO: Matanuska-Susitna Borough Planning Commission

THRU: Eric Phillips, Community Development Director

FROM: Emerson Krueger, Land Management Specialist EK

FOR: Planning Commission Agenda of June 20, 2016

Land and Resource Management respectfully requests Planning Commission review and approval of a resolution recommending assembly adoption of an update to the Borough Recreational Trails Plan.

The Parks, Recreation, and Trails Advisory Board has reviewed the update and is recommending assembly adoption.

Attachments:
Summary of Changes to the Trails and Trail Maps (16 pp)
Parks, Recreation, and Trails Advisory Board Resolution (2 pp)
Draft Assembly Ordinance (3 pp)
Planning Commission Resolution Serial No. 2016-__ (3 pp)

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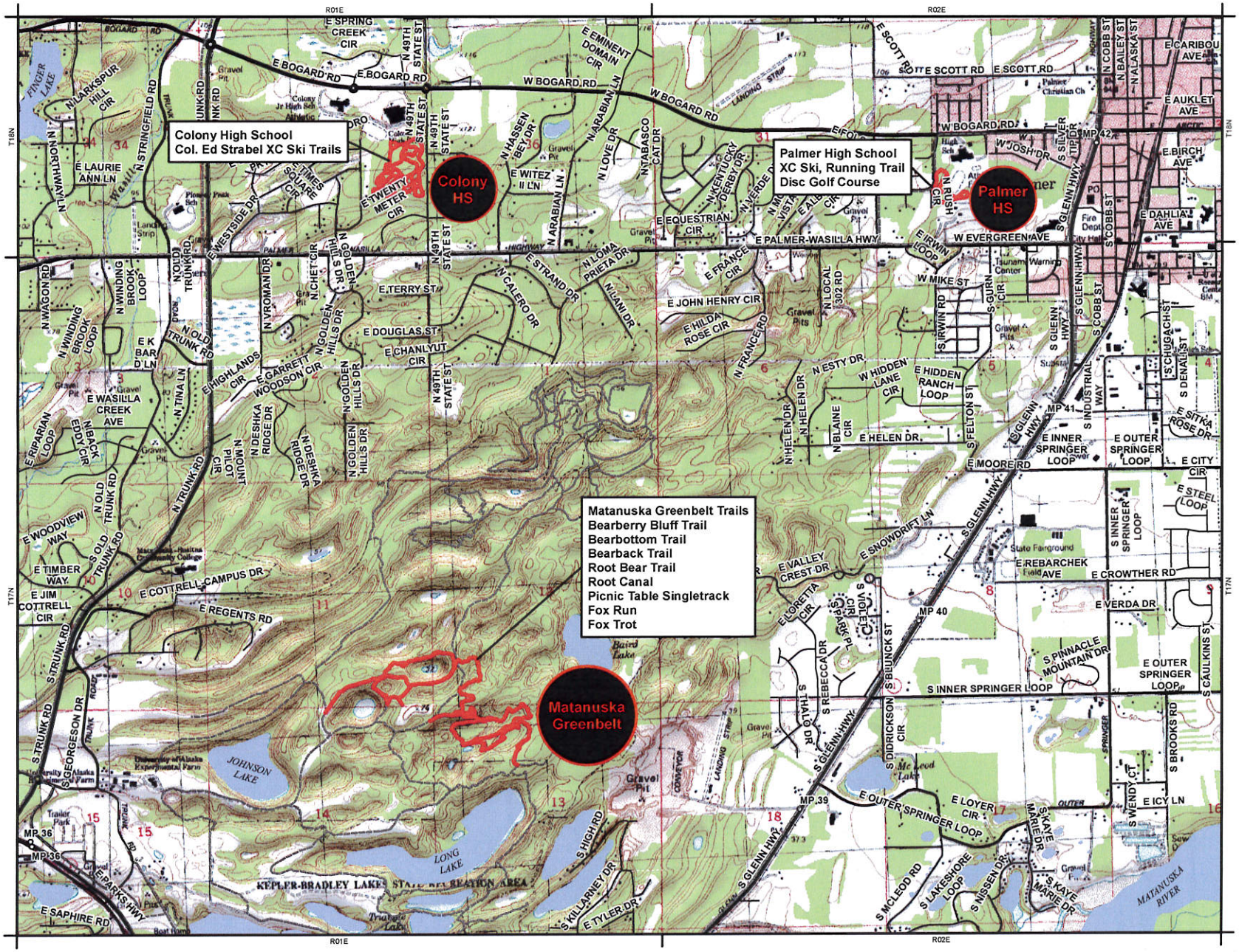
MSB Recreational Trail Plan - Proposed 2016 Amendments

Trail Name	Community	Uses	Land Ownership Patterns	Existing Documentation	Findings	Map #
16-Mile – Peak 4068 – Gov't Peak Route	Fishhook	Summer only, pedestrian trail	State	Application from private party for easements has been submitted to state.	Extensively used route. Trailhead exists at Parking Lot for 16-mile ski hill.	
Summit Lake – Gov't Peak Ridge Route	Fishhook	Summer only, pedestrian trail.	State	None	Trail will be reviewed in 2016 for inclusion in the GPRA Trail System.	
Blueberry Knoll Trail	Fishhook	Year-round, hiking, running trail	Borough and State	Trail in the Government Peak Asset Mgmt Plan	Trail will be reviewed in 2016 for inclusion in the GPRA Trail System.	
Woods – Allen Memorial Trail	Fishhook	Summer hiking trail	Borough and State	Trail in the GPAMP	Trail will be reviewed in 2016 for inclusion in the GPRA Trail System.	
Government Peak Race Trail	Fishhook	Year-round skiing and running trail	Borough	Trail in the GPAMP	Trail will be reviewed in 2016 for inclusion in the GPRA Trail System.	
Pioneer Peak Elementary Cross-country Ski Trails		Year-round skiing and walking trails	Borough	None	Does not appear to meet the criteria to be a regionally significant set of trails	
*Request to edit Talkeetna River Trail	Talkeetna	Year-round, multi-use	Borough		Request was approved by Talkeenta Community Council	
*Remove Birch Creek Loop	Talkeetna	Trail does not exist and community does not want it	Unknown	None	Recommend removing trail from plan	

MSB Recreational Trail Plan - Proposed 2016 Amendments

Trail Name	Community	Uses	Land Ownership Patterns	Existing Documentation	Findings	Map #
*Remove Trail 205, Talkeetna Lakes Park and 210 Bartlett	Talkeetna	Trails have been adsorbed into the Talkeetna Lakes Park	Borough	Documented in Talkeetna Lakes Park Trail Maps	Recommend removing trails from trails plan	
*Edit Trail 203, Ridge Trail	Talkeetna	Year-round, multi-use	Borough	In the 2008 MSB Recreational Trails Plan	Recommend renaming trail as requested	
Maclaren Trail	Lake Louise	Winter Trail	Borough, State, BLM	In the 2008 MSB Recreational Trail Plan	Already included in the plan	
Visnaw to Little Su Trail	Meadow Lakes	Multi-use, mostly winter, hopefully improved to year-round	State and section line easements	Record of survey	Significant connection. Recommend adding trail to the plan.	
Sheep Mountain Trails	Glacier View	Year-round, multi-use	State	Trail maps and interpretive signage	Already included in the trails plan.	
Government Peak Recreation Area Trails	Fishhook	Year-round, hiking, skiing, mountain biking and equestrian	Borough	Trail maps	Trail system should be included in the plan	
Matanuska Greenbelt / Crevasse Moraine Single Track: Moose, Bear, and Fox Trails	Core Area	Single Track for mountain biking	Borough	Signage, trail maps	Trails should be added to the plan.	
Dorthy Jones Borough Trail / Su Valley Ski Trail	Talkeetna	Hiking, running, skiing	Borough	Trailhead sign	Trails should be added to the plan.	



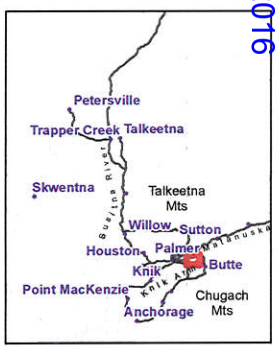
Matanuska - Susitna Borough
Land and Resource Management Division

Recreational Trails Plan Nominations and Updates
Matanuska Greenbelt
Colony HS & Palmer HS

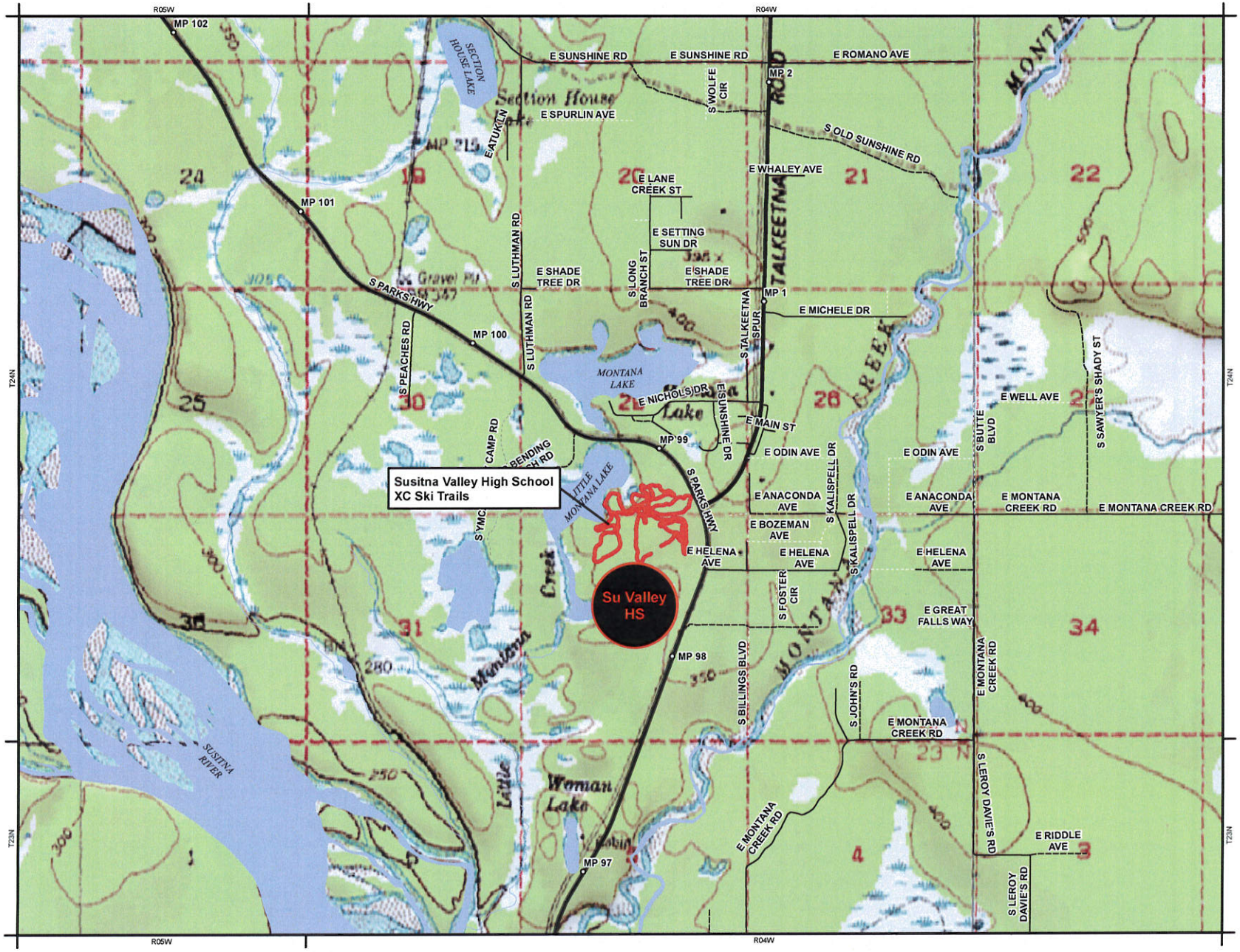
2016 TRAIL PLAN NOMINATIONS

Action

- ADD
- REVISE
- REMOVE



Date: November, 2015
Sources: MSB GIS, MSB LRMD, AK DOT
Projection: NAD 83 AK ST PLN Z4
Location: MSB
Author: MSB LRMD



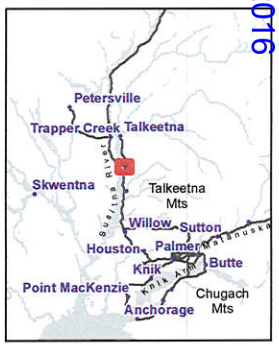
Matanuska - Susitna Borough
Land and Resource
Management Division

Recreational Trails Plan
Nominations and Updates
Su Valley High School

2016 TRAIL PLAN NOMINATIONS

Action

- ADD
- REVISE
- REMOVE



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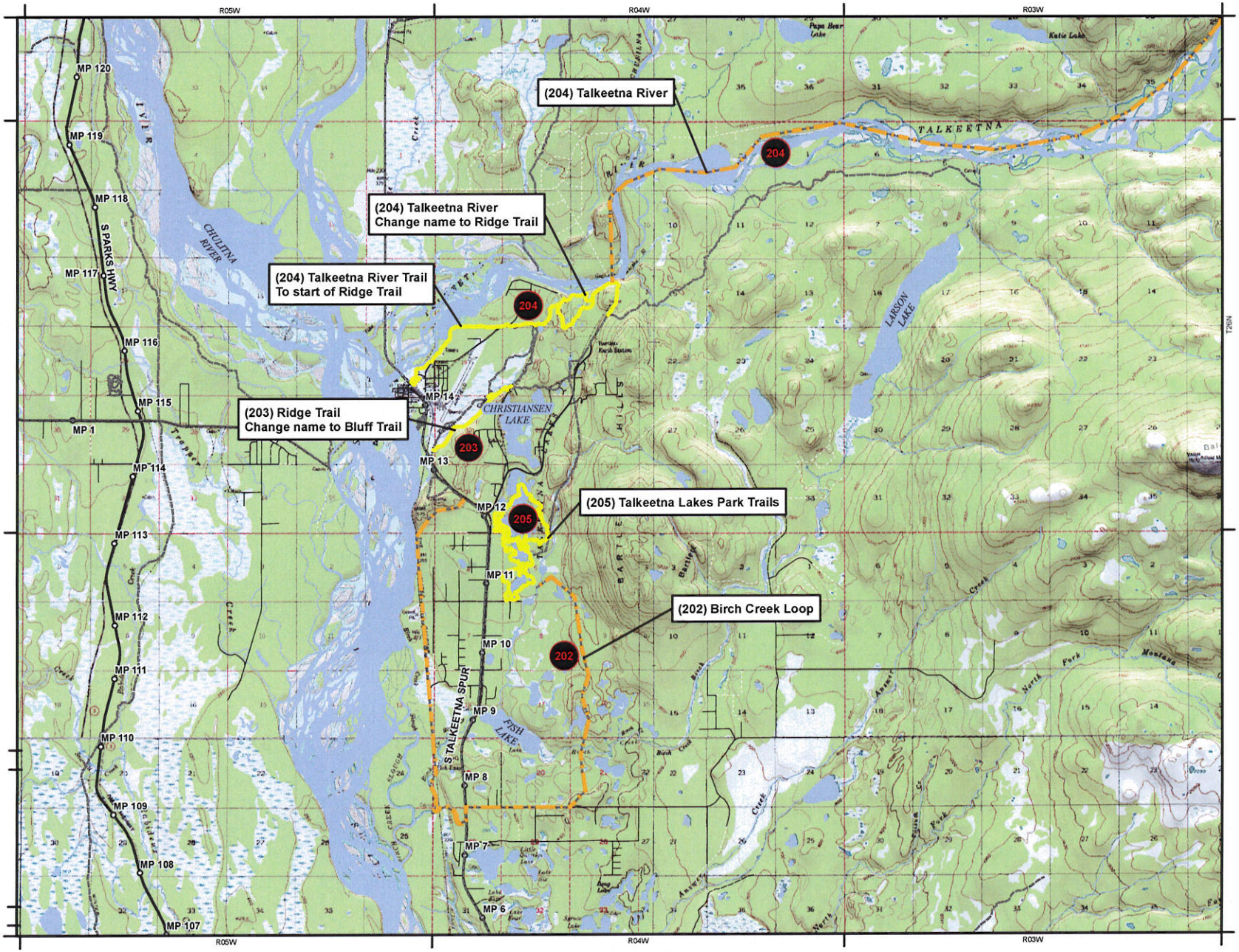
Location: MSB
Author: MSB LRMD



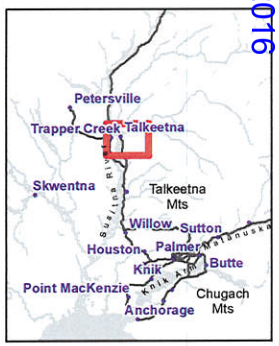
Matanuska - Susitna Borough
Land and Resource Management Division

Recreational Trails Plan Nominations and Updates
Talkeetna

2016 TRAIL PLAN NOMINATIONS

Action

- ADD
- REVISE
- REMOVE



0 0.325 0.65 1.3 1.95 2.6 Miles

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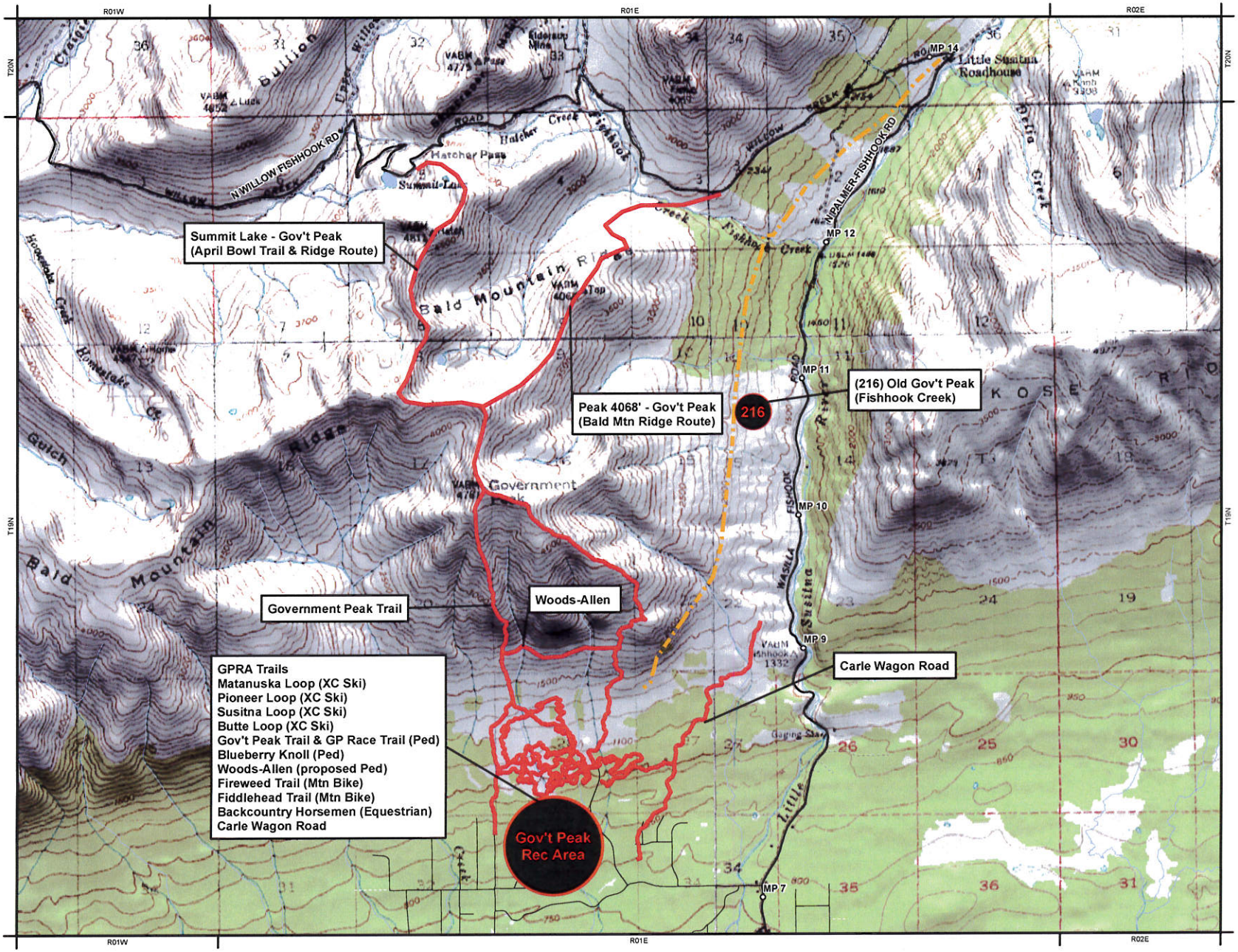
Projection: NAD 83 AK ST PLN Z4
Location: MSB
Author: MSB LRMD



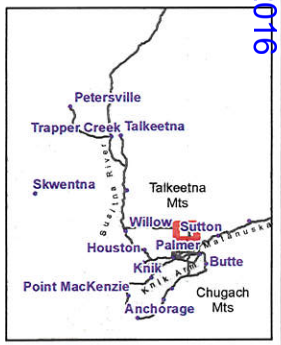
Matanuska - Susitna Borough
Land and Resource Management Division

Recreational Trails Plan Nominations and Updates: Government Peak Area

2016 TRAIL PLAN NOMINATIONS

Action

- ADD
- REVISE
- REMOVE



Date: November, 2015
Sources: MSB GIS, MSB LRMD, AK DOT
Projection: NAD 83 AK ST PLN Z4
Location: MSB
Author: MSB LRMD

MATANUSKA-SUSITNA BOROUGH
PARKS, RECREATION, AND TRAILS ADVISORY BOARD
RESOLUTION NO. 16-01

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PARKS, RECREATION, AND TRAILS ADVISORY BOARD RECOMMENDING THE ASSEMBLY ADOPT THE UPDATE TO THE BOROUGH RECREATIONAL TRAILS PLAN.

WHEREAS, a comprehensive update of the Borough Recreational Trails Plan has not occurred since it was drafted in 2000; and

WHEREAS, the plan has been updated with all available current information regarding the State of Alaska and the Matanuska-Susitna Borough; and

WHEREAS, nominations for trails to be added to, removed from, or changed in the Borough Recreational Trails Plan have been accepted and reviewed; and

WHEREAS, the Matanuska-Susitna Borough Recreational Trails Plan recommends that trails to be added to the plan should have a regional or local significance, be used primarily for recreation, provide a quality recreational experience for a broad base of the borough's population, and traverse primarily borough or state land; and

WHEREAS, findings indicate that the following trails meet these criteria and should be considered for addition to the plan:

- 16-mile to Peak 4068 - Government Peak Route
- Visnaw to Little Su Trail

- Government Peak Recreation Area Trails
- Matanuska Greenbelt - Crevasse Morraine Trail Single Track: Moose, Bear, and Fox Trails
- Dorthy Jones Borough Trail, Su Valley High Ski Trail;

and

WHEREAS, findings indicate that the following edits to and deletion of trails are supported by communities in which they occur:

- Edits to the Talkeetna River Trail
- Edits to the Ridge Trail
- Removal of the Birch Creek Loop Trail
- Removal of Trail #205, Talkeetna Lakes
- Removal of Trail #210 Barlett

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Parks, Recreation and Trails Advisory Board does hereby recommend the Matanuska-Susitna Borough Assembly adopt the updated Borough Recreational Trails Plan.

ADOPTED by the Matanuska-Susitna Borough Parks, Recreation and Trails Advisory Board this 23rd day of May, 2016.

David Palmer, Chair

ATTEST:

Jill Irsik, CD Admin. Spec.

NON-CODE ORDINANCE

By: Borough Manager
Introduced:
Public Hearing:
Action:

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-___

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING AN AMENDMENT TO THE MATANUSKA-SUSITNA BOROUGH RECREATIONAL TRAILS PLAN COMPONENT OF THE BOORUGH'S COMPREHENSIVE PLAN THAT ADDS, AMENDS AND REMOVES TRAILS AND TRAIL SYSTEMS.

WHEREAS, nominations for trails to be added to and removed from the Matanuska Susitna Borough Recreational Trails Plan have been accepted and reviewed; and

WHEREAS, the Matanuska Susitna Borough Recreational Trails Plan recommends trails with regional significance be included in the plan; and

WHEREAS, findings indicate that the trails to be added are regionally significant and should be considered for addition to the plan; and

WHEREAS, Community Council input on amendments to trails and removal of certain proposed trails are supported by borough trails staff and the Matanuska-Susitna Borough Parks, Recreation, and Trails Advisory Board; and

WHEREAS, the Matanuska-Susitna Borough Parks, Recreation, and Trails Advisory Board has reviewed the update to the plan and recommended the Assembly adopt it; and

WHEREAS, the Matanuska-Susitna Borough Planning Commission has reviewed the update to the plan and recommended the Assembly adopt it.

BE IT ENACTED:

Section 1. Classification. This is a non-code ordinance.

Section 2. Adoption of trail plan update. The Matanuska-Susitna Borough Assembly does hereby adopt an update to the Matanuska-Susitna Borough Recreational Trails Plan that adds the following trails and trail systems: 16-Mile - Peak 4068 - Government Peak Route, Government Peak Recreation Area Trails, Visnaw to Little Su Trail, Matanuska Greenbelt / Crevasse Moraine Single Track: Moose, Bear, and Fox Trails, Dorthy Jones Borough Trail / Su Valley Ski Trail. The update to the Recreational Trails Plan removes the following trails: Birch Creek Loop, Talkeetna Lakes Park Trail 205, and Trail Bartlett Trail 210. The update also amends the Talkeetna River Trail and the Ridge Trail in accordance with the request from the Talkeetna Community Council. The update also includes current statewide and local recreational information.

Section 3. Note to Codifier. The codifier is instructed to show under MSB 15.24.030(B)(16) that the Matanuska Susitna Borough Recreational Trails Plan, adopted 2000, was updated on September 20, 2016 with Ordinance Serial No. 16-___.

Section 4. Effective Date. This ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

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

_____
VERN HALTER, Borough Mayor

ATTEST:

_____
LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

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By: Emerson Krueger
Introduced: June 20, 2016
Public Hearing: August 1, 2016
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-26

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING THE ASSEMBLY ADOPT THE UPDATE TO THE BOROUGH RECREATIONAL TRAILS PLAN.

WHEREAS, a comprehensive update of the Borough Recreational Trails Plan has not occurred since it was drafted in 2000; and

WHEREAS, the plan has been updated with all available current information regarding the State of Alaska and the Matanuska-Susitna Borough; and

WHEREAS, nominations for trails to be added to, removed from, or changed in the Borough Recreational Trails Plan have been accepted and reviewed; and

WHEREAS, the Matanuska-Susitna Borough Recreational Trails Plan recommends that trails to be added to the plan should have a regional or local significance, be used primarily for recreation, provide a quality recreational experience for a broad base of the borough's population, and traverse primarily borough or state land; and

WHEREAS, findings indicate that the following trails meet these criteria and should be considered for addition to the plan:

- 16-mile to Peak 4068 - Government Peak Route

- Visnaw to Little Su Trail
- Government Peak Recreation Area Trails
- Matanuska Greenbelt - Crevasse Morraine Trail Single Track: Moose, Bear, and Fox Trails
- Dorothy Jones Borough Trail, Su Valley High Ski Trail; and

WHEREAS, findings indicate that the following edits to and deletion of trails are supported by communities in which they occur:

- Edits to the Talkeetna River Trail
- Edits to the Ridge Trail
- Removal of the Birch Creek Loop Trail
- Removal of Trail #205, Talkeetna Lakes
- Removal of Trail #210 Barlett; and

WEHREAS, the Matanuska-Susitna Borough Parks, Recreation, and Trails Advisory Board adopted Resolution Serial No. 16-01 recommending Assembly adoption of the update of the Recreational Trails Plan, at their regularly scheduled meeting on May 23, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission does hereby recommend the Matanuska-Susitna Borough Assembly adopt the updated Borough Recreational Trails Plan.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ___ day of ___, 2016.

JOHN KLAPPERICH, Chair

ATTEST

MARY BRODIGAN, Planning Clerk

(SEAL)

DRAFT

YES:

NO:

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PUBLIC HEARING

LEGISLATIVE

Resolution No. 16-24

Amending the Chase Community Council
Comprehensive Plan Process

(Page 23 - 38)

PUBLIC HEARING

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MATANUSKA-SUSITNA BOROUGH

PLANNING AND LAND USE DEPARTMENT

Planning Division

350 East Dahlia Avenue - Palmer, Alaska 99645-6488

Fax (907)745-9876 - Phone (907)745-9833

STAFF MEMORANDUM

DATE:	May 18, 2016
INTRODUCTION DATE:	June 6, 2016
PUBLIC HEARING DATE:	June 20, 2016
TO:	Planning Commission
FROM:	Taunnie L. Boothby, Planner II
SUBJECT:	**Resolution 16-24** Recommending Planning Commission approval of the amended Chase Community Comprehensive Plan process per the Chase Community Council request.

Summary

Chase Community Council currently has an Assembly adopted Comprehensive Plan through Ordinance No. 93-071AM (1) dated October 19, 1993. On October 13, 2014, the Borough received the request for a comprehensive plan update. The Assembly approved the request on April 21, 2015 and the Planning Commission approved on June 1, 2015. In July of 2015, public notice was sent requesting planning team members and 15 prospective planning team member applications were received. However, a planning team was not approved and the planning process was postponed due to staff departure.

On March 17, 2016, the Chase Community Council (CCC) met with staff from the Matanuska-Susitna Borough Planning Department to discuss the Comprehensive Planning process and what the CCC desired from the process. During the discussion, Chase expressed a desire to amend the current planning process to something simpler and limited in contextual changes. Chase likes their current plan but feels that basic data and references need updating in order to keep the plan relevant and useful to the community. The approach discussed with staff was a limited update to only statistical data (i.e. population count, ect) and reference material that has completed a public process and pertains to the area (i.e state plans, borough plans, etc…). Staff recommended a formal letter of request from the Community Council outlining their proposal as this varies from our current process and since the CCC comprehensive planning process has already begun.

On April 21, 2016, staff received a letter from the CCC requesting and detailing the simplified and limited Chase Comprehensive Plan update and process. The community council's letter further details their request to include a 90-day public comment period, CCC meeting to take

action and complete their recommendation, and then forward the recommendation to the Planning Commission and Assembly. Being able to run this alternative process as proposed by the community is imperative to the community. As the Chase Community Council letter states, "If this alternate process is not approved, knowing our request is an alternate method for completing an update, we are not interested in completing the update at this time." Upon adoption of Planning Commission Resolution 16-24, approving this amended process, a planning team would not be needed. Staff would notify prospective team members of the change and thank them for their willingness to serve.

All though this is different from the Borough's standard process, per PC Resolution 09-14, staff recognizes the importance of offering a process and plan that will work best for a community. In addition, based on both Assembly and Planning Commission's feedback; staff views this as an opportunity to assess the overall applicability of this new "lite" process with consideration for further development as a way of expanding and diversifying the Borough's comprehensive planning process.

RECOMMENDATION:
Staff respectfully recommends the Planning Commission approve Resolution 16-24 recommending the Planning Commission approval of the amended Chase Community Comprehensive Plan process per the Chase Community Council request.

Attachments:

1. Assembly Resolution 15-039, dated April 21, 2015
2. Planning Commission Resolution 15-23, dated June 1, 2015
3. Chase Community Council Letter received April 21, 2016
4. Planning Commission Resolution 16-24

Adopted: 04/21/15

MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 15-039

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE START OF THE COMPREHENSIVE PLANNING PROCESS FOR CHASE COMMUNITY COUNCIL.

WHEREAS, the Chase Community Council voted unanimously on April 4, 2014, to send a formal letter requesting assistance from the Borough in developing a community comprehensive plan, which was received on October 13, 2014; and

WHEREAS, the Planning Commission has established a process and guidelines for developing community comprehensive plans through Planning Commission Resolution 09-14 (AM); and

WHEREAS, the Chase Community Council has a community comprehensive plan adopted by Ordinance Serial No. 93-071AM which is 22 years old; and

WHEREAS, the Chase Community Council boundary encompasses an area sensitive to population change and density, which would impact the area's rural roadless subsistence lifestyle; and

WHEREAS, the Chase Community Council area is likely to be significantly impacted by any increased residential development, over consumption of game, and road development within its boundaries; and

WHEREAS, the Chase Community Council is also concerned with the potential impacts upon their community from large scale

projects such as the Watana-Susitna Dam project and the Alaska Liquid Natural Gas Pipeline project; and

WHEREAS, it is prudent for the Council to update the comprehensive plan, identify community goals and assets, and ensure that development occurs in a way that is consistent with the resident's goals.

NOW, THEREFORE, BE IT RESOLVED, that the Assembly does hereby approve the start of the comprehensive plan process for the Chase Community Council, and designates planning staff and resources to facilitate the process.

ADOPTED by the Matanuska-Susitna Borough Assembly this 21 day of April, 2015.

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Sykes, Beck, Arvin, Colligan, Mayfield, Doty, and Halter

By: Joshua Allen
Introduced: May 18, 2015
Public Hearing: June 1, 2015
Action: Approved

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 15-23

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING THE START OF THE COMPREHENSIVE PLANNING PROCESS FOR CHASE COMMUNITY COUNCIL.

WHEREAS, the Chase Community Council voted unanimously on April 4, 2014 to send a formal letter requesting assistance from the borough in developing a community comprehensive plan which was received on October 13, 2014; and

WHEREAS, the planning commission has established a process and guidelines for developing community comprehensive plans through PC Resolution 09-14 (AM); and

WHEREAS, the Chase Community Council has a community comprehensive plan adopted by MSB Ordinance 93-071AM (1) which is twenty-two (22) years old; and

WHEREAS, the Chase Community Council boundary encompasses an area sensitive to population change and density which would impact the area's rural roadless subsistence lifestyle; and

WHEREAS, the Chase Community Council area is likely to be significantly impacted by any increased residential development, over consumption of game, and road development within its boundaries; and

WHEREAS, the Chase Community Council is also concerned with the potential impacts upon their community from large scale projects such as the Watana-Susitna Dam Project and the Alaska LNG Pipeline Project; and

WHEREAS, it is prudent for the council to update the comprehensive plan, identify community goals and assets, and ensure that development occurs in a way that is consistent with the resident's goals.

WHEREAS, the Assembly approved the start-up of the update process of the Chase Comprehensive Plan through Resolution 15-039 on April 21, 2015.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission does hereby approve the start of the Comprehensive Plan Process for the Chase Community Council, and designates planning staff and resources to facilitate the process.

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ADOPTED by the Matanuska-Susitna Borough Planning Commission this 1st day of June, 2015.

JOHN KLAPPERICH, Chair

ATTEST:

MARY BRODIGAN, Planning Clerk

(SEAL)

YES: Endle, Healy, Kendig, and Adams

NO: Klapperich and Rauchenstein

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Chase Community Council
PO Box 205
Talkeetna, AK 99676

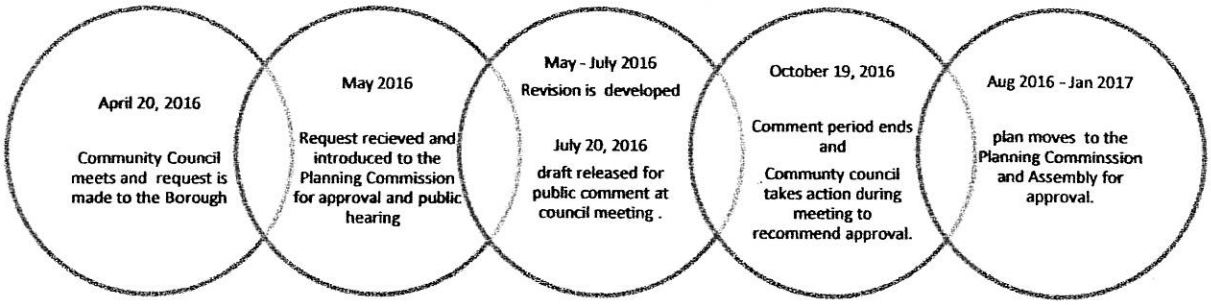
Rcvd VIA E-MAIL ON April 21, 2016 HB

Eileen Probasco
Director, Planning and Land Use
350 E. Dahlia Ave
Palmer, AK, 99645

Dear Ms. Probasco,

We met with your staff on March 17, 2016, to discuss the Comprehensive Planning process and our desire for a simple update. We like our plan the way it is but would like to see updated statistical data, such as population, and updated references to plans that pertain to our area that completed a public process. These two categories are the only items to update.

We understand this is not the normal process and we are requesting a simplified and limited update. We are suggesting the following proposed process and timeline.



If this process is not approved, knowing our request is an alternate method for completing an update, we are not interested in completing an update at this time.

Please let us know if you have any questions. We look forward to working with you and your staff on this abbreviated process.

Sincerely, Chase Community Council Board of Directors

Mike Wood
Jonathan Dunn
Jonathan Dunn
Donna R. Tunnell
Annie Helmsworth

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By: Taunnie Boothby
Introduced: June 6, 2016
Public Hearing: June 20, 2016
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-24

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION AMENDING THE COMPREHENSIVE PLANNING PROCESS AS REQUESTED BY THE CHASE COMMUNITY COUNCIL.

WHEREAS, the Assembly approved through Resolution Serial No. 15-039 on April 21, 2015 and the Planning Commission approved through Resolution Serial No. 15-23 on June 1, 2015 the start-up of the Chase Comprehensive Plan update; and

WHEREAS, update activities were postponed due to a change in planning staff; and

WHEREAS, the newly assigned planner and the Planning Chief met with the Community Council on March 17, 2016 to re-engage the planning process; and

WHEREAS, the Chase Community Council requested a simple and limited update in accordance with their letter received April 21, 2016; and

WHEREAS, the limited update would only include statistical data revisions, such as population, and updated referenced plans, such as state and borough plans, that completed a public process and pertains to the Chase Community; and

WHEREAS, the draft will be released for public comment for 90 days and the Chase Community Council will review the update

at their council meeting to take action and complete their recommendation, and then forward the recommendation to the Planning Commission and Assembly; and

WHEREAS, being able to run this alternative process as proposed by the community is imperative to the community. The Chase Community Council letter states their wish to cancel their Comprehensive Plan update should this limited update process be denied; and

WHEREAS, staff supports the community planning process and recognizes the Chase Community Council request differs from the Matanuska-Susitna Borough's standard process, per Planning Commission Resolution Serial No. 09-14; and

WHEREAS, staff recognizes the importance of offering a process and plan that will work best for a community; and

WHEREAS, based on Assembly and Planning Commission's feedback staff views this as an opportunity to assess the overall applicability of this new "lite" process with consideration for further development as a way of expanding and diversifying the Borough's comprehensive planning process.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission does hereby approve the amended planning process requested by the Chase Community Council.

/

/

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ___ day of ____, 2016.

_____
JOHN KLAPPERICH, Chair

ATTEST:

_____
MARY BRODIGAN, Planning Clerk

(SEAL)

DRAFT

YES:

NO:

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PUBLIC HEARING

LEGISLATIVE

Resolution No. 16-25

Development of a Regional
Transportation Planning Partnership Program

(Page 39 - 80)

PUBLIC HEARING

RS 16-047
IM 16-109

P.C.

DOCUMENT TRACKING REPORT

DOCUMENT: A Resolution Supporting Planning Efforts To Develop A Regional Transportation Planning Partnership Process To Ensure Better Communication And Collaboration Between The Alaska State Department Of Transportation And Public Facilities, The Borough, And The Cities Of Palmer, Wasilla, And Houston.

DATE	STATUS
5-17-16	Referred to Planning Commission + T.A.B. for 90 days - due back August 15, 2016

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MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM **IM No. 16-109**

SUBJECT: A resolution of the Matanuska-Susitna Borough Assembly supporting the development of a Transportation Planning Partnership Program.

AGENDA OF: May 17, 2016

Assembly Action:

MANAGER RECOMMENDATION: Refer to Transportation Advisory Board & Planning Commission for review and consideration.

APPROVED for ~~**BY**~~ **JOHN MOOSEY, BOROUGH MANAGER:** Georgette Hays

Route To:	Department/Individual	Initials	Remarks
X	Originator		
X	Planning and Land Use Director		acting
X	Borough Attorney	NS	
X	Borough Clerk		5/9/16

ATTACHMENT(S): Fiscal Note: YES _____ NO __X___
Transportation Planning Partnership Brochure (2 pp)
Houston City Council Resolution No. 16-01 (3 pp)
Palmer City Council Resolution No. 16-010 (3 pp)
Palmer Planning & Zoning Commission Resolution No. 16-001 (3 pp)
Wasilla City Council Resolution No. 16-04 (4 pp)
Wasilla Planning Commission Resolution No. 16-03 (4 pp)
Assembly Resolution Serial No. 16-047 (5 pp)

SUMMARY STATEMENT: This resolution represents support for Matanuska Susitna Borough efforts to move forward with the development of a formalized, regional transportation planning partnership program specifically for the Mat-Su Valley. This project would work with the Cities, the Borough, and Alaska Department of Transportation & Public Facilities (DOT&PF) to develop a method for addressing the Borough's transportation planning challenges through a standardized collaboration and communication process that can be applied from the very

beginning of a major project and used throughout the life of the built transportation facility (e.g., a roadway, sidewalk, pathway, etc.).

As an initial step before completely developing the program, staff is seeking the support of Borough, Cities, and DOT&PF to actively participate in the development and implementation of the partnership program. To date, the Cities have provided Resolutions of support to move forward with the program's development. Adoption of this Resolution will create full regional support for the development of the program.

Background

In 2014 the Matanuska-Susitna Borough hosted a Regional Transportation Planning Workshop. The workshop was attended by members of the public, representatives from the Matanuska-Susitna Borough, City of Palmer, City of Wasilla, City of Houston and DOT&PF. The week-long workshop was specifically designed to focus discussion topics on addressing the challenges, opportunities and issues facing Borough-wide transportation planning and ways to encourage better communication and collaboration between the Borough, the Cities and DOT&PF. Workshop participants identified seven key opportunities for regional transportation planning improvements:

- Link Land Use and Transportation Planning Efforts
- Emphasize Regional Planning and Coordination
- Improve Connectivity across the Region
- Ensure Maintenance Budgets Meet Infrastructure Needs
- Collaborate to Fund Projects
- Advance Shared Decision-Making
- Encourage Stakeholder and Public Involvement

Since 2014 the Borough, Cities, and DOT&PF have been working to implement projects and strategies identified in the report and action plan developed from the workshop. Since the action plan was developed, the DOT&PF awarded a grant in the amount of $1 million to the Mat-Su Borough in 2015 to continue current efforts in regional transportation planning. Of the several projects identified for funding by the DOT&PF grant, the development of a Regional Transportation Planning Partnership Process (partnership program) was included.

Why Develop a Transportation Planning Partnership Program?

The partnership program would create an opportunity for improved regional involvement in major transportation projects by allowing the pooling of resources, enhanced public involvement, collaborative problem solving and prioritized investments before a project is even designed. The combination of these elements brings the region an improved ability to operate with a shared

vision, save time and money, maintain public trust, empower staff to make the best possible decisions, and build positive political capital.

What is the Transportation Planning Partnership Program?

The partnership program will change the paradigm of how the Borough, Cities and partner agencies plan for, manage and fund transportation investments. The conceptual partnership program would work as such:

1) It would begin before design on any major project that meets a mutually agreed upon criteria.
2) A formal agreement is drafted and agreed upon by all parties outlining the governance structure for managing the project.
3) Together the partnership defines the problem and outlines the public involvement strategy.
4) Once the problem is defined, the partnership drafts performance measures and project goals to evaluate their decisions and track their progress.
5) The partnership is involved in strategizing solutions and developing funding/implementation plans. Partners share resources to advance the identified strategies and solutions.
6) The partnership is not disbanded when the project enters the design phase; it follows the project providing oversight and ensuring the goals and performance measures are being met.
7) The partnership continues to evaluate its success after construction and through that life cycle of the transportation investment.

Next Steps:

Following the adoption of Resolution No. 16-__, the Borough is hoping to develop a memorandum of understanding (MOU) with DOT&PF. This MOU along with the resolution will document the support needed to move forward with development and implementation of this program. Staff will then work with the Cities and DOT&DF to draft policies and tools necessary for the program's development and implementation. Once developed, the program will be applied to specific transportation projects to test the program's effectiveness and look for opportunities for program improvement. Once the program has been tested, an agreement between participants to ensure implementation of the program will be executed, securing the DOT&PF, the Borough and the Cities (as appropriate) remain in active program participation for selected projects.

RECOMMENDATION:

Staff respectfully recommends adoption of Resolution 16-047, a

resolution of the Matanuska-Susitna Borough Assembly supporting the development of a Transportation Planning Partnership Program.

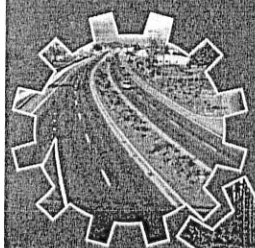
TRANSPORTATION PLANNING PARTNERSHIP

WHAT'S IN OUR TOOLBOX

IMPROVEMENTS COME IN MANY SHAPES AND SIZES. HERE'S HOW...

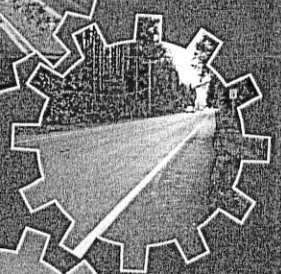
- Maintenance
- Transit improvements
- Rail improvements
- Bike/Ped improvements
- Local street connections
- Emergency management
- Signal timing
- Traffic demand management
- Economic impact evaluations
- Safety enhancements
- Traveler information
- Intersection improvements
- Road widening
- Cradle to cradle projects

PARTNERSHIP CASE STUDIES



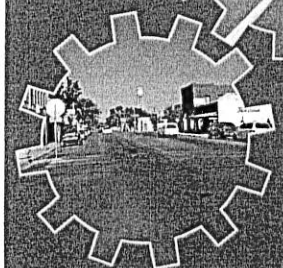
TRIP 97 Central Oregon

TRIP97 is a collaborative multi-agency effort focused on developing a long-term framework for the improvement and maintenance of the US 97 corridor. It is a study of a concept to change the paradigm of how they plan and fund US 97 related improvements and investments.



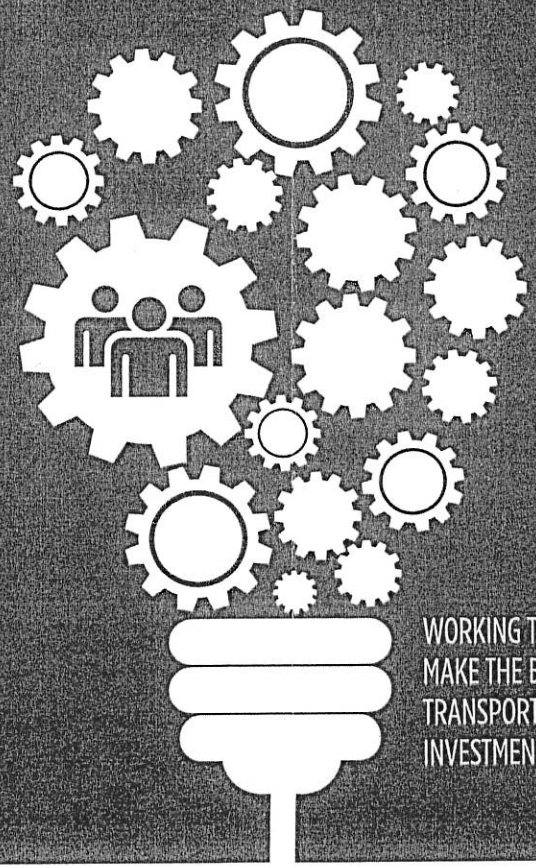
US 12 CORRIDOR Chehalis WA

The Chehalis tribe paid to have a study done on a WSDOT, US Highway. In addition to the Tribe and DOT partner, the two counties within which the corridor spanned were also engaged. It was a unique partnership that led to shared, commonly supported solutions.



KUNA DOWNTOWN CORRIDOR PLAN Kuna, ID

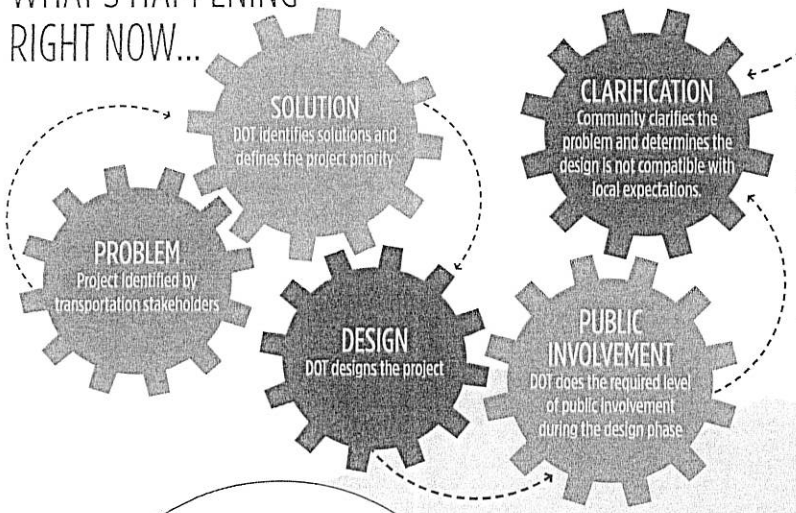
Corridor planning project that had a lot of cross-agency collaboration (mainly between the City and County). The project won an Excellence in Transportation Award, partially based on the amount of agency collaboration. "In the eight years I've been with city council, I haven't seen that kind of involvement with the taxpayers. I am very happy that we have leadership at ACHD that seeks more input for the cities and for the taxpayers." said Kuna City Council President, Richard Cardoza.



WORKING TOGETHER TO MAKE THE BEST TRANSPORTATION INVESTMENT DECISIONS

RS16-047
DM16-109

WHAT'S HAPPENING RIGHT NOW...



WHY THIS IS NOT OPTIMAL

Waste of Time and Money
Loss of Public Trust
Burnt Out Staff
Expended Political Capital

WE NEED A BETTER WAY TO DEFINE AND SOLVE THE PROBLEMS OF OUR TRANSPORTATION SYSTEM!

WHY A PARTNERSHIP APPROACH MAKES SENSE...

- Cost Effective and Time Saving
- Operate with a Shared Vision
- Each Partner Brings Something
- Pooling of Resources
- Vested Interest for Success
- Protect Investment
- Advance Mutual Interests
- Amplify Success
- Collaborative Problem Solving
- Allows for Range of Investments

PERFORMANCE MEASURES

THAT ADDRESS A BROAD RANGE OF PARTNERSHIP GOALS

SOLUTION

PARTNERSHIP ROADMAP

1. During the project scope development, the partnership process is initiated
2. Get official buy-in — signed inter-governmental agreement with all parties defining areas of responsibility
3. Partnership works through agreed strategy during life cycle of project
4. Partnership defines the problem & outlines public involvement strategy
5. Partnership develops performance measures to address partnership goals
6. Develop toolbox of strategies for project designers that can be implemented to meet the performance measures
7. Partnership develops funding & implementation strategy that utilizes partner resources to advance project
8. Partnership remains engaged as the project advances through design & construction so that the performance measures are met.

RS 16-047
Dm 16-109

Introduced by: Mayor Thompson
Date: January 14, 2016
Action: Approved
Vote: Stout, Johnson, Barney, Jorgensen, Wilson, Thompson in favor

HOUSTON, ALASKA
RESOLUTION 16-01

A RESOLUTION OF THE HOUSTON CITY COUNCIL SUPPORTING MATANUSKA-SUSITNA BOROUGH PLANNING EFFORTS TO DEVELOP A REGIONAL TRANSPORTATION PLANNING PARTNERSHIP PROCESS TO ENSURE BETTER COMMUNICATION AND COLLABORATION BETWEEN THE ALASKA DEPARTMENT OF TRANSPORTATION AND COLLABORATION BETWEEN THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, THE BOROUGH AND THE CITY OF HOUSTON, PALMER AND WASILLA

WHEREAS, over the last decade there have been several road projects within the Matanuska-Susitna Borough and the City of Houston, that have been postponed or delayed due to communication and/or collaboration issues between the Alaska Department of Transportation and Public Facilities (DOT&PF) and the Matanuska-Susitna Borough (Borough); and

WHEREAS, these delays and postponements have come at significant costs in terms of project budgets, public trust, safety, and political support; and

WHEREAS, the borough, the cities of Palmer, Wasilla, and Houston (cities), and DOT&PF hosted a Regional Transportation Planning Workshop (workshop) in 2014 to specifically address the challenges, opportunities and issues facing regional transportation planning and to encourage the better communication and collaboration; and

WHEREAS, workshop participants identified seven key opportunities for regional transportation planning improvements:

- Link Land Use and Transportation Planning Efforts
- Emphasize Regional Planning and Coordination
- Improve Connectivity Across the Region
- Ensure Maintenance Budgets Meet Infrastructure Needs
- Collaborate to Fund Projects

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Bold and Underline, added. ~~Strike through,~~ deleted.

- Advance Shared Decision-Making
- Encourage Stakeholder and Public Involvement

; and

WHEREAS, since 2014 the borough, cities, and DOT&PF have been working to implement projects and strategies identified in the report and action plan developed from the workshop; and

WHEREAS, identified in the workshop report and action plan, the borough, cities, and DOT&PF applied jointly for a Transportation Investment Generating Economic Recovery (Tiger) grant in 2014 and developed a self-assessment report in 2015 to understand and prepare for the region's future designation as a Metropolitan Planning organization; and

WHEREAS, the DOT & PF awarded a grant in the amount of one million dollars to the Mat-Su Borough in 2015 to continue current efforts in regional transportation planning; and

WHEREAS, of the several projects identified for funding by DOT&PF grant, the development of a Regional Transportation Planning partnership Process (partnership) was included;

WHEREAS, the development of the partnership process was highlighted in the report and action plan and will help to address each of the improvement opportunities identified by workshop participants; and

WHEREAS, communication and cooperation is critical to the development and implementation to the partnership process; and

WHEREAS, before completely developing the process, borough staff is seeking support for the overall concept and a willingness to participate in the development of the partnership process; and

WHEREAS, the partnership process is intended to create a proactive management approach to change the relationship of how the borough, cities and partner agencies plan for, manage and fund transportation improvements; and

WHEREAS, the conceptual partnership process would work as such:
1). It would begin the conceptual partnership process would work as such: 1) It would begin before design on any major project that meet mutually an agreed upon criteria.
2). A formal agreement is drafted and agreed upon by all parties outlining the governance structure for managing the project.
3).Together the partnership defines the problem and outlines the public involvement strategy.
4). Once the problem is defined, the partnership drafts performance measures and project goals to evaluate their decisions and track their progress.
5). The partnership is involved in strategizing solutions and developing funding/implementation plans. Partners share resources to advance the identified strategies and solutions.

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6). The partnership is not disbanded when the project enters the design phase; it follows the project providing oversight and ensuring the goals and performance measures are being met.
7). The partnership continues to evaluate its success after construction and through that life cycle of the transportation facility; and

WHEREAS, the partnership would create an opportunity for improved regional governance over major transportation projects by allowing the pooling of resources, collaborative problem solving, and prioritized investments. The combination of these elements brings the region an improved ability to operate with a shared vision, save time and money, regain the public trust, empower staff to make the right decisions, and build positive political capital; and

WHEREAS, the State of Alaska Department of Transportation & Public Facilities (DOT&PF) is obligated by 23 CFR450.210(b) to have a documented process for consulting non-metropolitan local officials for both the Statewide Transportation Improvement Program (STIP) and the Statewide Transportation Plan (SLRTP) .

NOW, THEREFORE BE IT RESOLVED, that the City of Houston supports Matanuska Susitna Borough planning efforts to develop a regional Transportation Planning partnership process to ensure better communication and collaboration between the Alaska Department of Transportation and Public facilities, the borough and the cities of Palmer, Wasilla, and Houston.

EFFECTIVE DATE: This Resolution shall take effect upon approval by the Houston City Council.

PASSED AND APPROVED by a duly constituted quorum of the Houston City Council on this 14th day of January 2016.

THE CITY OF HOUSTON, ALASKA

Virgie Thompson

Virgie Thompson, Mayor

ATTEST:

for Sonya Dukes, CMC, City Clerk

RS 16-047
IM 16-109

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Introduced by: City Manager Wallace
Date: February 23, 2016
Action: Adopted
Vote: Unanimous

Yes:	No:
Best	
LaFrance	
Carrington	
Combs	
DeVries	
Hanson	
Johnson	

CITY OF PALMER, ALASKA

Resolution No. 16-010

A Resolution of the Palmer City Council Supporting Matanuska-Susitna Borough Planning Efforts to Develop a Regional Transportation Planning Partnership Process

WHEREAS, over the last decade there have been several road projects within the Matanuska-Susitna Borough that have been postponed or delayed due to communication and/or collaboration issues between the State of Alaska Department of Transportation and Public Facilities (DOT&PF), the Matanuska-Susitna Borough (Borough), and the cities of Palmer, Wasilla and Houston (Cities);

WHEREAS, these delays and postponements have come at significant costs in terms of project budgets, public trust, safety, and political support;

WHEREAS, the borough, the cities, and DOT&PF hosted a Regional Transportation Planning Workshop in 2014 to specifically address the challenges, opportunities and issues facing regional transportation planning and to encourage better communication and collaboration; and

WHEREAS, workshop participants identified seven key opportunities for regional transportation planning improvements:

- Link Land Use and Transportation Planning Efforts
- Emphasize Regional Planning and Coordination
- Improve Connectivity Across the Region
- Ensure Maintenance Budgets Meet Infrastructure Needs
- Collaborate to Fund Projects
- Advance Shared Decision-Making
- Encourage Stakeholder and Public Involvement

WHEREAS, since 2014 the borough, cities, and DOT&PF have been working to implement projects and strategies identified in the report and action plan developed from the workshop;

WHEREAS, identified in the workshop report and action plan, the borough, cities, and DOT&PF applied jointly for a Transportation Investment Generating Economic Recovery (TIGER) grant in 2014 and developed a self-assessment report in 2015 to understand and prepare for the region's future designation as a Metropolitan Planning Organization;

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WHEREAS, the DOT&PF awarded a grant in the amount of one million dollars to the Mat-Su Borough in 2015 to continue current efforts in regional transportation planning;

WHEREAS, of the several projects identified for funding by the DOT&PF grant, the development of a Regional Transportation Planning Partnership Process (partnership process) was included;

WHEREAS, the development of the partnership process was highlighted in the report and action plan and will help to address each of the improvement opportunities identified by workshop participants;

WHEREAS, communication and cooperation is critical to the development and implementation of the partnership process;

WHEREAS, before completely developing the process, the borough is seeking support for the overall concept and a willingness to participate in the development of the partnership process;

WHEREAS, the partnership process is intended to create a proactive management approach to change the paradigm of how the borough, cities and partner agencies plan for, manage and fund transportation improvements;

WHEREAS, the concept behind the partnership process would: 1) Begin before design on any major project that meets mutually agreed upon criteria. 2) A formal agreement is drafted and agreed upon by all parties outlining the governance structure for managing the project. 3) Together, the partnership defines the problem and outlines the public involvement strategy. 4) Once the problem is defined, the partnership drafts performance measures and project goals to evaluate their decisions and track their progress. 5) The partnership is involved in strategizing solutions and developing funding/implementation plans. Partners share resources to advance the identified strategies and solutions. 6) The partnership is not disbanded when the project enters the design phase; it follows the project providing oversight and ensuring the goals and performance measures are being met. 7) The partnership continues to evaluate the project after construction and through the life cycle of the transportation facility;

WHEREAS, the partnership would create an opportunity for improved regional governance over major transportation projects by allowing the pooling of resources, collaborative problem solving, and prioritized investments. The combination of these elements brings the region an improved ability to operate with a shared vision, saves time and money, regains the public trust, empowers staff to make the right decisions, and builds positive political capital; and

WHEREAS, the State of Alaska Department of Transportation & Public Facilities (DOT&PF) is obligated by 23 CFR450.210(b) to have a documented process for consulting non-metropolitan local officials for both the Statewide Transportation Improvement Program (STIP) and the Statewide Transportation Plan (SLRTP).

NOW, THEREFORE, BE IT RESOLVED, the Palmer City Council supports the Matanuska-Susitna Borough planning efforts to develop a regional transportation planning partnership process.

RS 16-047
DM 16-109

Passed and approved by the City Council of the City of Palmer, Alaska this twenty-third day of Feburary, 2016.

_____
DeLena Goodwin Johnson, Mayor

_____
Janette M. Bower, MMC, City Clerk

RS 16-047
IM 16-109

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PALMER PLANNING AND ZONING COMMISSION

RESOLUTION NO. 16-001

A RESOLUTION OF THE PALMER PLANNING AND ZONING COMMISSION SUPPORTING MATANUSKA-SUSITNA BOROUGH PLANNING EFFORTS TO DEVELOP A REGIONAL TRANSPORTATION PLANNING PARTNERSHIP PROCESS TO ENSURE BETTER COMMUNICATION AND COLLABORATION BETWEEN THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, THE BOROUGH AND THE CITIES OF PALMER, WASILLA AND HOUSTON

WHEREAS, over the last decade there have been several road projects within the Matanuska-Susitna Borough that have been postponed or delayed due to communication and/or collaboration issues between the State of Alaska Department of Transportation and Public Facilities (DOT&PF),the Matanuska-Susitna Borough (Borough), and the cities of Palmer, Wasilla and Houston (Cities);

WHEREAS, these delays and postponements have come at significant costs in terms of project budgets, public trust, safety, and political support;

WHEREAS, the borough, the cities, and DOT&PF hosted a Regional Transportation Planning Workshop (workshop) in 2014 to specifically address the challenges, opportunities and issues facing regional transportation planning and to encourage better communication and collaboration; and

WHEREAS, workshop participants identified seven key opportunities for regional transportation planning improvements:

- Link Land Use and Transportation Planning Efforts
- Emphasize Regional Planning and Coordination
- Improve Connectivity Across the Region
- Ensure Maintenance Budgets Meet Infrastructure Needs
- Collaborate to Fund Projects
- Advance Shared Decision-Making
- Encourage Stakeholder and Public Involvement

WHEREAS, since 2014 the borough, cities, and DOT&PF have been working to implement projects and strategies identified in the report and action plan developed from the workshop;

WHEREAS, identified in the workshop report and action plan, the borough, cities, and DOT&PF applied jointly for a Transportation Investment Generating Economic Recovery (TIGER) grant in 2014 and developed a self-assessment report in 2015 to understand and prepare for the region's future designation as a Metropolitan Planning Organization;

WHEREAS, the DOT&PF awarded a grant in the amount of one million dollars to the Mat-Su Borough in 2015 to continue current efforts in regional transportation planning;

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WHEREAS, of the several projects identified for funding by the DOT&PF grant, the development of a Regional Transportation Planning Partnership Process (partnership process) was included;

WHEREAS, the development of the partnership process was highlighted in the report and action plan and will help to address each of the improvement opportunities identified by workshop participants;

WHEREAS, communication and cooperation is critical to the development and implementation of the partnership process;

WHEREAS, before completely developing the process, the borough is seeking support for the overall concept and a willingness to participate in the development of the partnership process;

WHEREAS, the partnership process is intended to create a proactive management approach to change the paradigm of how the borough, cities and partner agencies plan for, manage and fund transportation improvements;

WHEREAS, the concept behind the partnership process would: 1) Begin before design on any major project that meets mutually agreed upon criteria. 2) A formal agreement is drafted and agreed upon by all parties outlining the governance structure for managing the project. 3) Together, the partnership defines the problem and outlines the public involvement strategy. 4) Once the problem is defined, the partnership drafts performance measures and project goals to evaluate their decisions and track their progress. 5) The partnership is involved in strategizing solutions and developing funding/implementation plans. Partners share resources to advance the identified strategies and solutions. 6) The partnership is not disbanded when the project enters the design phase; it follows the project providing oversight and ensuring the goals and performance measures are being met. 7) The partnership continues to evaluate the project after construction and through the life cycle of the transportation facility;

WHEREAS, the partnership would create an opportunity for improved regional governance over major transportation projects by allowing the pooling of resources, collaborative problem solving, and prioritized investments. The combination of these elements brings the region an improved ability to operate with a shared vision, saves time and money, regains the public trust, empowers staff to make the right decisions, and builds positive political capital; and

WHEREAS, the State of Alaska Department of Transportation & Public Facilities (DOT&PF) is obligated by 23 CFR450.210(b) to have a documented process for consulting non-metropolitan local officials for both the Statewide Transportation Improvement Program (STIP) and the Statewide Transportation Plan (SLRTP).

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NOW, THEREFORE, BE IT RESOLVED, the Palmer Planning and Zoning Commission supports the Matanuska-Susitna Borough planning efforts to develop a regional transportation planning partnership process to ensure better communication and collaboration between the State of Alaska Department of Transportation and Public Facilities, the Borough and the cities of Palmer, Wasilla, and Houston.

Passed and approved this 21st day of January, 2016.

Dan Lucas, Chairman

Kimberly McClure
Planning & Code Compliance Technician

RS16-047
IM 16-109

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By: Public Works
Adopted: March 21, 2016
Vote: Burney, Graham, O'Barr, Sullivan-Leonard, and Wilson in favor
Wall absent

City of Wasilla
Resolution Serial No. 16-04

An Resolution Of The Wasilla City Council Supporting Matanuska-Susitna Borough Planning Efforts To Develop A Regional Transportation Planning Partnership Process To Ensure Better Communication And Collaboration Between The Alaska Department Of Transportation And Public Facilities, The Borough, And The Cities Of Palmer, Wasilla, And Houston.

WHEREAS, over the last decade there have been several road projects within the Matanuska-Susitna Borough ("Borough") that have been postponed or delayed due to communication and/or collaboration issues between the Alaska Department of Transportation and Public Facilities (AKDOT&PF) and the Borough; and

WHEREAS, these delays and postponements have come at significant costs in terms of project budgets, public trust, safety, and political support; and

WHEREAS, the Borough, the cities of Palmer, Wasilla, and Houston ("cities"), and AKDOT&PF hosted a regional transportation planning workshop ("workshop") in 2014 to specifically address the challenges, opportunities and issues facing regional transportation planning and to encourage the better communication and collaboration; and

WHEREAS, workshop participants identified seven key opportunities for regional transportation planning improvements:

- Link land use and transportation planning efforts
- Emphasize regional planning and coordination
- Improve connectivity across the region
- Ensure maintenance budgets meet infrastructure needs

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- Collaborate to fund projects
- Advance shared decision-making
- Encourage stakeholder and public involvement; and

WHEREAS, the Borough, cities, and AKDOT&PF have been working to implement projects and strategies identified in the report and action plan developed from the workshop since 2014; and

WHEREAS, as identified in the workshop report and action plan, the Borough, cities, and AKDOT&PF applied jointly for a Transportation Investment Generating Economic Recovery (TIGER) grant in 2014 and developed a self-assessment report in 2015 to understand and prepare for the region's future designation as a Metropolitan Planning Organization; and

WHEREAS, the AKDOT&PF awarded a grant in the amount of $1,000,000 to the Borough in 2015 to continue current efforts in regional transportation planning; and

WHEREAS, the development of a Regional Transportation Planning Partnership Process (partnership process) was one of the projects identified for funding by the AKDOT&PF grant; and

WHEREAS, development of the partnership process was highlighted in the report and action plan and will help to address each of the improvement opportunities identified by workshop participants; and

WHEREAS, communication and cooperation is critical to the development and implementation of the partnership process; and

WHEREAS, before completely developing the process, Borough staff is seeking support from the cities and AKDOT&PF for the overall concept and a willingness to participate in the development of the partnership process; and

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WHEREAS, the partnership process is intended to create a proactive management approach to change the paradigm of how the Borough, cities and partner agencies plan for, manage, and fund transportation improvements; and.

WHEREAS, the conceptual partnership process would work as such:

1) The process would begin before design on any major project that meets mutually agreed upon criteria;

2) A formal agreement is drafted and agreed upon by all parties outlining the governance structure for managing the project;

3) The partnership defines the problem and outlines the public involvement strategy;

4) Once the problem is defined, performance measures and project goals are drafted to evaluate decisions and track progress;

5) The partnership is involved in strategizing solutions and developing funding/implementation plans. Partners share resources to advance the identified strategies and solutions;

6) The partnership is not disbanded when the project enters the design phase but follows the project providing oversight and ensuring the goals and performance measures are being met;

7) The partnership continues to evaluate its success after construction and throughout the life cycle of the transportation facility; and

WHEREAS, the partnership would create an opportunity for improved regional governance over major transportation projects by allowing the pooling of resources, collaborative problem solving, and prioritized investments. The combination of these elements

RS 16-047
DM 16-109

brings the region an improved ability to operate with a shared vision, save time and money, regain the public trust, empower staff to make the right decisions, and build positive political capital; and

WHEREAS, the AKDOT&PF is obligated by 23 CFR450.210(b) to have a documented process for consulting non-metropolitan local officials for both the Statewide Transportation Improvement Program (STIP) and the Statewide Long-Range Transportation Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Wasilla City Council supports Borough planning efforts to develop a regional transportation planning partnership process to ensure better communication and collaboration between the AKDOT&PF, the Borough, and the cities.

ADOPTED by the Wasilla City Council on March 21, 2016.

BERT L. COTTLE, Mayor

ATTEST:

JAMIE NEWMAN, MMC, City Clerk

[SEAL]

RS 16-047
IM 16-109

By: Planning
Public Hearing: 02/09/16
Adopted: 02/09/16

WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 16-03

A RESOLUTION OF THE WASILLA PLANNING COMMISSION SUPPORTING MATANUSKA-SUSITNA BOROUGH PLANNING EFFORTS TO DEVELOP A REGIONAL TRANSPORTATION PLANNING PARTNERSHIP PROCESS TO ENSURE BETTER COMMUNICATION AND COLLABORATION BETWEEN THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, THE BOROUGH, AND THE CITIES OF PALMER, WASILLA, AND HOUSTON.

WHEREAS, over the last decade there have been several road projects within the Matanuska-Susitna Borough ("Borough") that have been postponed or delayed due to communication and/or collaboration issues between the Alaska Department of Transportation and Public Facilities (AKDOT&PF) and the Borough (Borough); and

WHEREAS, these delays and postponements have come at significant costs in terms of project budgets, public trust, safety, and political support; and

WHEREAS, the Borough, the cities of Palmer, Wasilla, and Houston ("cities"), and AKDOT&PF hosted a regional transportation planning workshop ("workshop") in 2014 to specifically address the challenges, opportunities and issues facing regional transportation planning and to encourage the better communication and collaboration; and

WHEREAS, workshop participants identified seven key opportunities for regional transportation planning improvements:

- Link land use and transportation planning efforts
- Emphasize regional planning and coordination
- Improve connectivity across the region
- Ensure maintenance budgets meet infrastructure needs

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IM 16-109

- Collaborate to fund projects
- Advance shared decision-making
- Encourage stakeholder and public involvement

WHEREAS, the Borough, cities, and AKDOT&PF have been working to implement projects and strategies identified in the report and action plan developed from the workshop since 2014; and

WHEREAS, as identified in the workshop report and action plan, the Borough, cities, and AKDOT&PF applied jointly for a Transportation Investment Generating Economic Recovery (TIGER) grant in 2014 and developed a self-assessment report in 2015 to understand and prepare for the region's future designation as a Metropolitan Planning Organization; and

WHEREAS, the AKDOT&PF awarded a grant in the amount of $1,000,000 to the Borough in 2015 to continue current efforts in regional transportation planning; and

WHEREAS, the development of a Regional Transportation Planning Partnership Process (partnership process) was one of the projects identified for funding by the AKDOT&PF grant; and

WHEREAS, development of the partnership process was highlighted in the report and action plan and will help to address each of the improvement opportunities identified by workshop participants; and

WHEREAS, communication and cooperation is critical to the development and implementation of the partnership process; and

WHEREAS, before completely developing the process, Borough staff is seeking support from the cities and AKDOT&PF for the overall concept and a willingness to participate in the development of the partnership process; and

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WHEREAS, the partnership process is intended to create a proactive management approach to change the paradigm of how the Borough, cities and partner agencies plan for, manage, and fund transportation improvements; and

WHEREAS, the conceptual partnership process would work as such:

1) The process would begin before design on any major project that meets mutually agreed upon criteria;
2) A formal agreement is drafted and agreed upon by all parties outlining the governance structure for managing the project;
3) The partnership defines the problem and outlines the public involvement strategy;
4) Once the problem is defined, performance measures and project goals are drafted to evaluate decisions and track progress;
5) The partnership is involved in strategizing solutions and developing funding/implementation plans. Partners share resources to advance the identified strategies and solutions;
6) The partnership is not disbanded when the project enters the design phase but follows the project providing oversight and ensuring the goals and performance measures are being met; and
7) The partnership continues to evaluate its success after construction and throughout the life cycle of the transportation facility;

WHEREAS, the partnership would create an opportunity for improved regional governance over major transportation projects by allowing the pooling of resources, collaborative problem solving, and prioritized investments. The combination of these elements brings the region an improved ability to operate with a shared vision, save

RS 16-047
IM 16-109

time and money, regain the public trust, empower staff to make the right decisions, and build positive political capital; and

WHEREAS, the AKDOT&PF is obligated by 23 CFR450.210(b) to have a documented process for consulting non-metropolitan local officials for both the Statewide Transportation Improvement Program (STIP) and the Statewide Long-Range Transportation Plan (SLRTP).

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby supports Borough planning efforts to develop a regional transportation planning partnership process to ensure better communication and collaboration between the AKDOT&PF, the Borough, and the cities.

ADOPTED by the Wasilla Planning Commission on February 9, 2016.

APPROVED:

Jessica Dean, Chairman 2/29/16 Date

ATTEST:

Tina Crawford, AICP, City Planner

VOTE: Passed Unanimously

RS 16-047
IM 16-109

Action:

MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 16-047

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY SUPPORTING PLANNING EFFORTS TO DEVELOP A REGIONAL TRANSPORTATION PLANNING PARTNERSHIP PROCESS TO ENSURE BETTER COMMUNICATION AND COLLABORATION BETWEEN THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, THE BOROUGH, AND THE CITIES OF PALMER, WASILLA, AND HOUSTON.

WHEREAS, over the last decade there have been several transportation projects within the Matanuska-Susitna Borough that have been postponed or delayed due to communication and/or collaboration issues between the Alaska Department of Transportation and Public Facilities (DOT&PF) and the Matanuska-Susitna Borough (Borough);

WHEREAS, these delays and postponements have come at significant costs in terms of project budgets, public trust, safety, and political support;

WHEREAS, the Borough, the cities of Palmer, Wasilla, and Houston (cities), and DOT&PF hosted a Regional Transportation Planning Workshop (workshop) in 2014 to specifically address the challenges, opportunities and issues facing regional transportation planning and to encourage the better communication and collaboration; and

WHEREAS, workshop participants identified seven key opportunities for regional transportation planning improvements:

- Link Land Use and Transportation Planning Efforts

- Emphasize Regional Planning and Coordination
- Improve Connectivity Across the Region
- Ensure Maintenance Budgets Meet Infrastructure Needs
- Collaborate to Fund Projects
- Advance Shared Decision-Making
- Encourage Stakeholder and Public Involvement

WHEREAS, since 2014 the borough, cities, and DOT&PF have been working to implement projects and strategies identified in the report and action plan developed from the workshop;

WHEREAS, identified in the workshop report and action plan, the borough, cities, and DOT&PF applied jointly for a Transportation Investment Generating Economic Recovery (TIGER) grant in 2014 and developed a self-assessment report in 2015 to understand and prepare for the region's future designation as a Metropolitan Planning organization;

WHEREAS, the DOT&PF awarded a grant in the amount of one million dollars to the Mat-Su Borough in 2015 to continue current efforts in regional transportation planning;

WHEREAS, of the several projects identified for funding by the DOT&PF grant, the development of a Regional Transportation Planning Partnership Process (partnership process) was included;

WHEREAS, the development of the partnership process was highlighted in the report and action plan and will help to address each of the improvement opportunities identified by

workshop participants;

WHEREAS, communication and cooperation is critical to the development and implementation of the partnership process;

WHEREAS, before completely developing the process, staff is seeking support for the overall concept and a willingness to participate in the development of the partnership process;

WHEREAS, the partnership process is intended to create a proactive management approach to change the paradigm of how the borough, cities and partner agencies plan for, manage and fund transportation improvements;

WHEREAS, the conceptual partnership process would work as such: 1) It would begin before design on any major project that meet mutually an agreed upon criteria. 2) A formal agreement is drafted and agreed upon by all parties outlining the governance structure for managing the project. 3) Together the partnership defines the problem and outlines the public involvement strategy. 4) Once the problem is defined, the partnership drafts performance measures and project goals to evaluate their decisions and track their progress. 5) The partnership is involved in strategizing solutions and developing funding/implementation plans. Partners share resources to advance the identified strategies and solutions. 6) The partnership is not disbanded when the project enters the design phase; it follows the project providing oversight and ensuring

the goals and performance measures are being met. 7) The partnership continues to evaluate its success after construction and through that life cycle of the transportation facility;

WHEREAS, the partnership would create an opportunity for improved regional governance over major transportation projects by allowing the pooling of resources, collaborative problem solving, and prioritized investments. The combination of these elements brings the region an improved ability to operate with a shared vision, save time and money, regain the public trust, empower staff to make the right decisions, and build positive political capital; and

WHEREAS, the State of Alaska Department of Transportation & Public Facilities (DOT&PF) is obligated by 23 CFR450.210(b) to have a documented process for consulting non-metropolitan local officials for both the Statewide Transportation Improvement Program (STIP) and the Statewide Transportation Plan (SLRTP).

NOW, THEREFORE, BE IT RESOLVED, THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY SUPPORTS PLANNING EFFORTS TO DEVELOP A REGIONAL TRANSPORTATION PLANNING PARTERSHIP PROCESS TO ENSURE BETTER COMMUNICATION AND COLLABORATION BETWEEN THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, THE BOROUGH AND THE CITIES OF PALMER, WASILLA, AND HOUSTON.

ADOPTED by the Matanuska-Susitna Borough Assembly this -

day of -, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

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By: Jessica Smith
Introduced: June 6, 2016
Public Hearing: June 20, 2016
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-25

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION SUPPORTING PLANNING EFFORTS TO DEVELOP A REGIONAL TRANSPORTATION PLANNING PARTNERSHIP PROCESS TO ENSURE BETTER COMMUNICATION AND COLLABORATION BETWEEN THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, THE BOROUGH, AND THE CITIES OF PALMER, WASILLA, AND HOUSTON.

WHEREAS, over the last decade there have been several transportation projects within the Matanuska-Susitna Borough that have been postponed or delayed due to communication and/or collaboration issues between the Alaska Department of Transportation and Public Facilities (DOT&PF) and the Matanuska-Susitna Borough (Borough); and

WHEREAS, these delays and postponements have come at significant costs in terms of project budgets, public trust, safety, and political support; and

WHEREAS, the Borough, the cities of Palmer, Wasilla, and Houston (cities), and DOT&PF hosted a Regional Transportation Planning Workshop (workshop) in 2014 to specifically address the challenges, opportunities and issues facing regional transportation planning and to encourage the better communication and collaboration; and

WHEREAS, workshop participants identified seven key opportunities for regional transportation planning improvements:

- Link Land Use and Transportation Planning Efforts
- Emphasize Regional Planning and Coordination
- Improve Connectivity Across the Region
- Ensure Maintenance Budgets Meet Infrastructure Needs
- Collaborate to Fund Projects
- Advance Shared Decision-Making
- Encourage Stakeholder and Public Involvement; and

WHEREAS, since 2014 the borough, cities, and DOT&PF have been working to implement projects and strategies identified in the report and action plan developed from the workshop; and

WHEREAS, identified in the workshop report and action plan, the borough, cities, and DOT&PF applied jointly for a Transportation Investment Generating Economic Recovery (TIGER) grant in 2014 and developed a self-assessment report in 2015 to understand and prepare for the region's future designation as a Metropolitan Planning organization; and

WHEREAS, the DOT&PF awarded a grant in the amount of one million dollars to the Mat-Su Borough in 2015 to continue current efforts in regional transportation planning; and

WHEREAS, of the several projects identified for funding by the DOT&PF grant, the development of a Regional Transportation

Planning Partnership Process (partnership process) was included; and

WHEREAS, the development of the partnership process was highlighted in the report and action plan and will help to address each of the improvement opportunities identified by workshop participants; and

WHEREAS, communication and cooperation is critical to the development and implementation of the partnership process; and

WHEREAS, before completely developing the process, staff is seeking support for the overall concept and a willingness to participate in the development of the partnership process; and

WHEREAS, the partnership process is intended to create a proactive management approach to change the paradigm of how the borough, cities and partner agencies plan for, manage and fund transportation improvements; and

WHEREAS, the conceptual partnership process would work as such: 1) It would begin before design on any major project that meet mutually an agreed upon criteria. 2) A formal agreement is drafted and agreed upon by all parties outlining the governance structure for managing the project. 3) Together the partnership defines the problem and outlines the public involvement strategy. 4) Once the problem is defined, the partnership drafts performance measures and project goals to evaluate their decisions and track their progress. 5) The partnership is

involved in strategizing solutions and developing funding/implementation plans. Partners share resources to advance the identified strategies and solutions. 6) The partnership is not disbanded when the project enters the design phase; it follows the project providing oversight and ensuring the goals and performance measures are being met. 7) The partnership continues to evaluate its success after construction and through that life cycle of the transportation facility; and

WHEREAS, the partnership would create an opportunity for improved regional governance over major transportation projects by allowing the pooling of resources, collaborative problem solving, and prioritized investments. The combination of these elements brings the region an improved ability to operate with a shared vision, save time and money, regain the public trust, empower staff to make the right decisions, and build positive political capital; and

WHEREAS, the State of Alaska Department of Transportation & Public Facilities (DOT&PF) is obligated by 23 CFR450.210(b) to have a documented process for consulting non-metropolitan local officials for both the Statewide Transportation Improvement Program (STIP) and the Statewide Transportation Plan (SLRTP).

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NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby supports planning efforts to develop a regional transportation planning partnership program to ensure better communication and collaboration between the Alaska Department of Transportation and Public Facilities, the Borough and the Cities of Palmer, Wasilla and Houston.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ___ day of ___, 2016.

_____
JOHN KLAPPERICH, Chair

ATTEST

_____
MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:

DRAFT

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UNFINISHED BUSINESS

Resolution No. 16-22

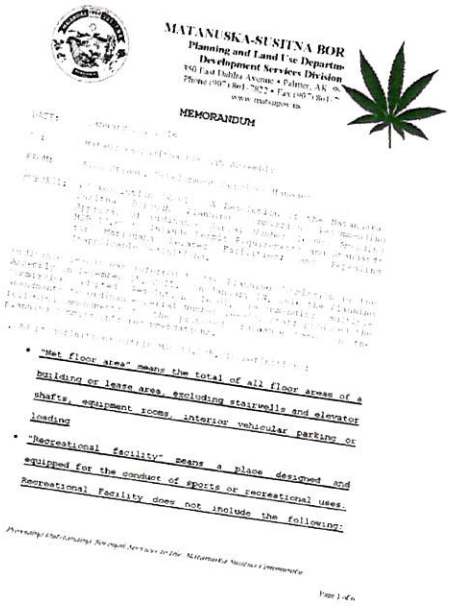
Amendments to MSB 17.60
To Include Permit Requirements and
Standards for Marijuana Related Facilities

(Page 81 - 144)

UNFINISHED BUSINESS

Ordinance Serial No. 16-003

Marijuana Regulations



MATANUSKA-SUSITNA BOR
Planning and Land Use Departm
Development Services Division

MEMORANDUM

- "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
- "Recreational facility" means a place designed and equipped for the conduct of sports or recreational uses. Recreational Facility does not include the following:

Matanuska-Susitna Borough
Planning Commission
May 2, 2016

State License Types	Ord. 16-003
Limited Cultivation Facility (<500 ft^2) *Planning Commission recommended exemption for this size facility	✓
Standard Cultivation Facility	✓
Retail Marijuana Store	✓
Product Manufacturing Facility	
Concentrate Manufacturing Facility	
Testing Facility	

Cultivation Facilities

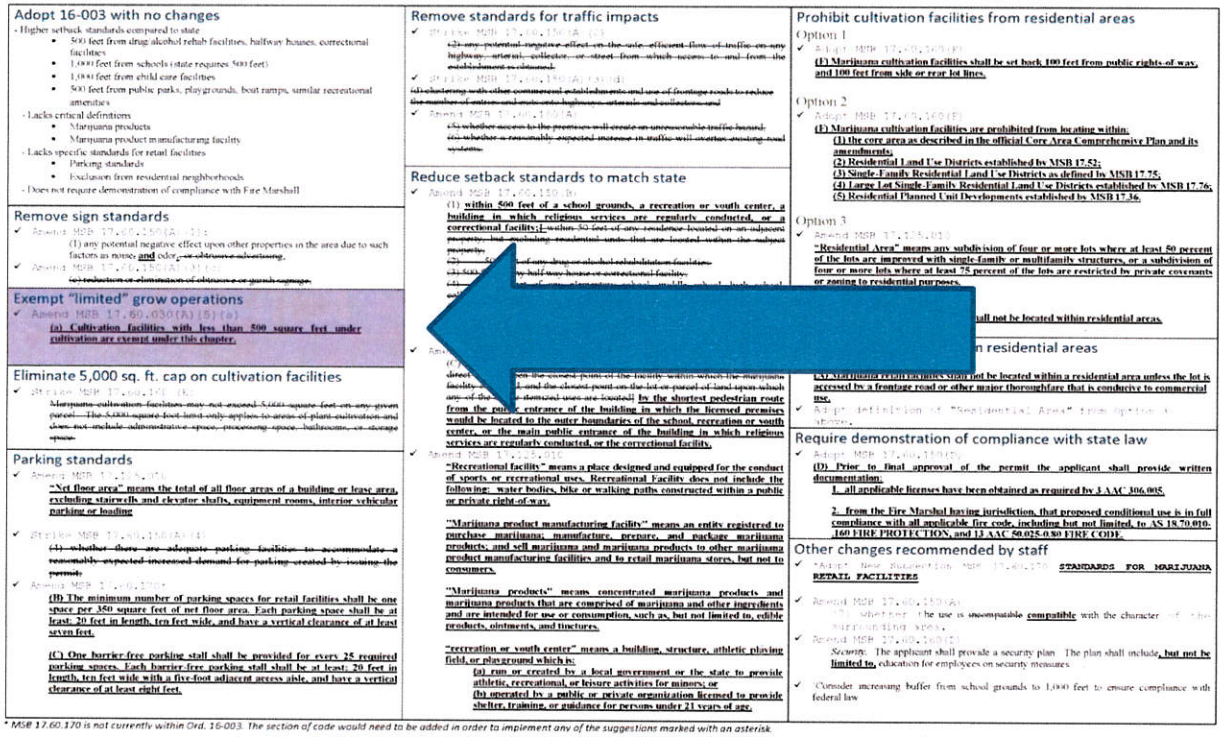
Cultivation Facilities

Limited Cultivation Facilities

<500 square feet

PHOTO BY: Pat Shannahan/The Arizona Republic

Limited Cultivation Facilities



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

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):
~~(3) reduction or elimination of obtrusive or garish signage.~~

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.

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

✓ Strike MSB 17.60.190(A):
~~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.~~

Parking standards

✓ Amend MSB 17.60.170:
"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 17.60.170(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.

Remove standards for traffic impacts

✓ Strike MSB 17.60.150(A)(6):
~~(6) 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)(7)(8):
~~(7) clustering with other commercial establishments and use of frontage roads to reduce the number of entrances and exits onto highways, arterials and collectors; and~~

✓ Amend MSB 17.60.150(A):
~~(8) whether access to the premises will create an unreasonable traffic hazard.~~
~~(9) whether a reasonably expected increase in traffic will overtax existing road systems.~~

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 parcel, including residential units that are located within the subject parcel;~~
~~(2) within 500 feet of any drug or alcohol rehabilitation facilities;~~
~~(3) within 500 feet of any halfway house or correctional facility;~~
~~(4) within 500 feet of any elementary school, middle school, high school or school district property;~~
~~(5) within 500 feet of any licensed child care facility;~~

✓ Amend MSB 17.60.150(B):
~~(C) [illegible] from 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 [illegible] 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.

Prohibit cultivation facilities from residential areas

Option 1
✓ Adopt MSB 17.60.160(E):
(E) 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(E):
(E) 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.

[illegible] **shall not be located within residential areas.**

[illegible] **n residential areas**

(A) Marijuana retail premises 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.

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.

Other changes recommended by staff

✓ Adopt New Subsection MSB 17.60.170 **STANDARDS FOR MARIJUANA RETAIL FACILITIES**

✓ Amend MSB 17.60.150(A):
~~(3) whether~~ The use is ~~incompatible~~ **compatible** with the character of the surrounding area;

✓ Amend MSB 17.60.160(E):
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.

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.

Cultivation Facilities

Cultivation Facilities – State Law

- Cannot sell or transfer directly to consumers
- No consumption within 20 feet of premises
- No adulteration
- Packaging standards
- Handler's permit required
- Security standards

Cultivation Facilities – State Law Continued…

- Video surveillance required
  - Footage must be preserved for 40 days
- Strict tracking system
- Sanitation standards
- Product must be laboratory tested for mold, pesticides, etc.

Cultivation Facilities – State Law Continued…

3 AAC 306.430 (C)

[A Marijuana Facility shall] not emit an odor that is detectable by the public from outside the cultivation facility except as allowed by a local government conditional use permit process.

Cultivation Facilities

Land Use Impact	16-003
Odor	- Odor mitigation and ventilation Plan - Buffers
Water quality/Environmental	- Wastewater and waste material disposal plan
Safety/Security	- Security plan
Compatibility with surrounding area	- Approval standards, public process - Buffer distances - Setbacks

Cultivation Facilities – How to keep them out of residential areas

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

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)(4)(C):

~~(c) reduction or elimination of obtrusive or garish signage.~~

Exempt "limited" grow operations

✓ Amend MSB 17.60.060(A)(4)(A):

(a) Cultivation facilities with less than 500 square feet under cultivation are exempt under this chapter.

Eliminate 5,000 sq. ft. cap on cultiva

✓ Strike MSB 17.60.160 (E):

~~Marijuana cultivation facilities may not exceed 5 [illegible] parcel. The 5,000 square foot limit only applies to [illegible] and does not include administrative space, processing [illegible] warehouse, or storage space.~~

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.

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 premise will create an unreasonable traffic hazard;~~

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

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 [illegible]~~

~~(3) 500 feet of any halfway house [illegible]~~

~~(4) [illegible] 1,000 feet of [illegible] school, college or university [illegible] or similar [illegible]~~

[illegible] described in (B) of this section [illegible] measured ~~[in a straight line, 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.

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.

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.

Require demonstration of compliance with state law

✓ Adopt MSB 17.60.180(B)

(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.

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.*

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 1

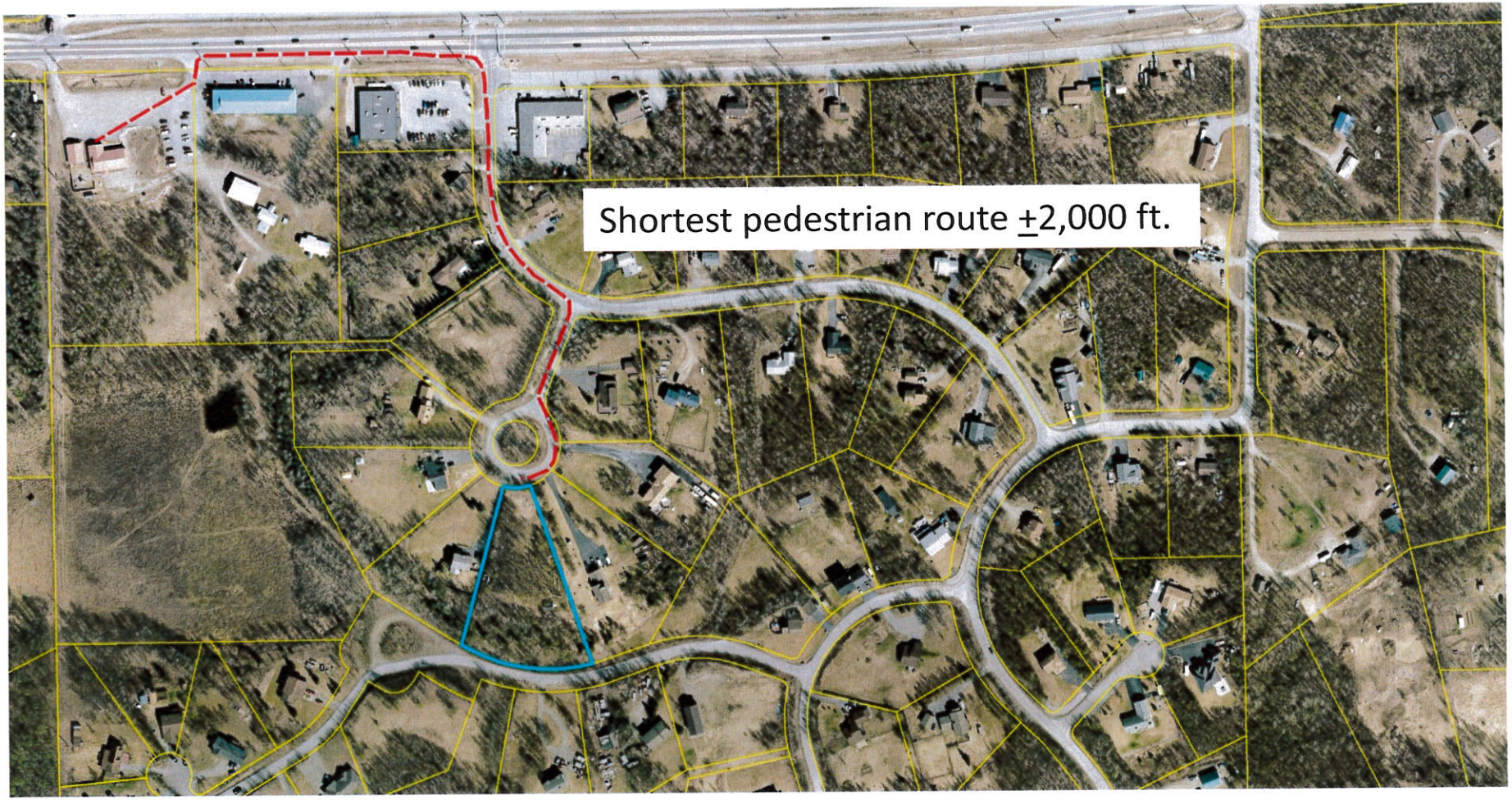
✓ Adopt MSB 17.60.160(F)

(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 1

✓ Adopt MSB 17.60.160(F)

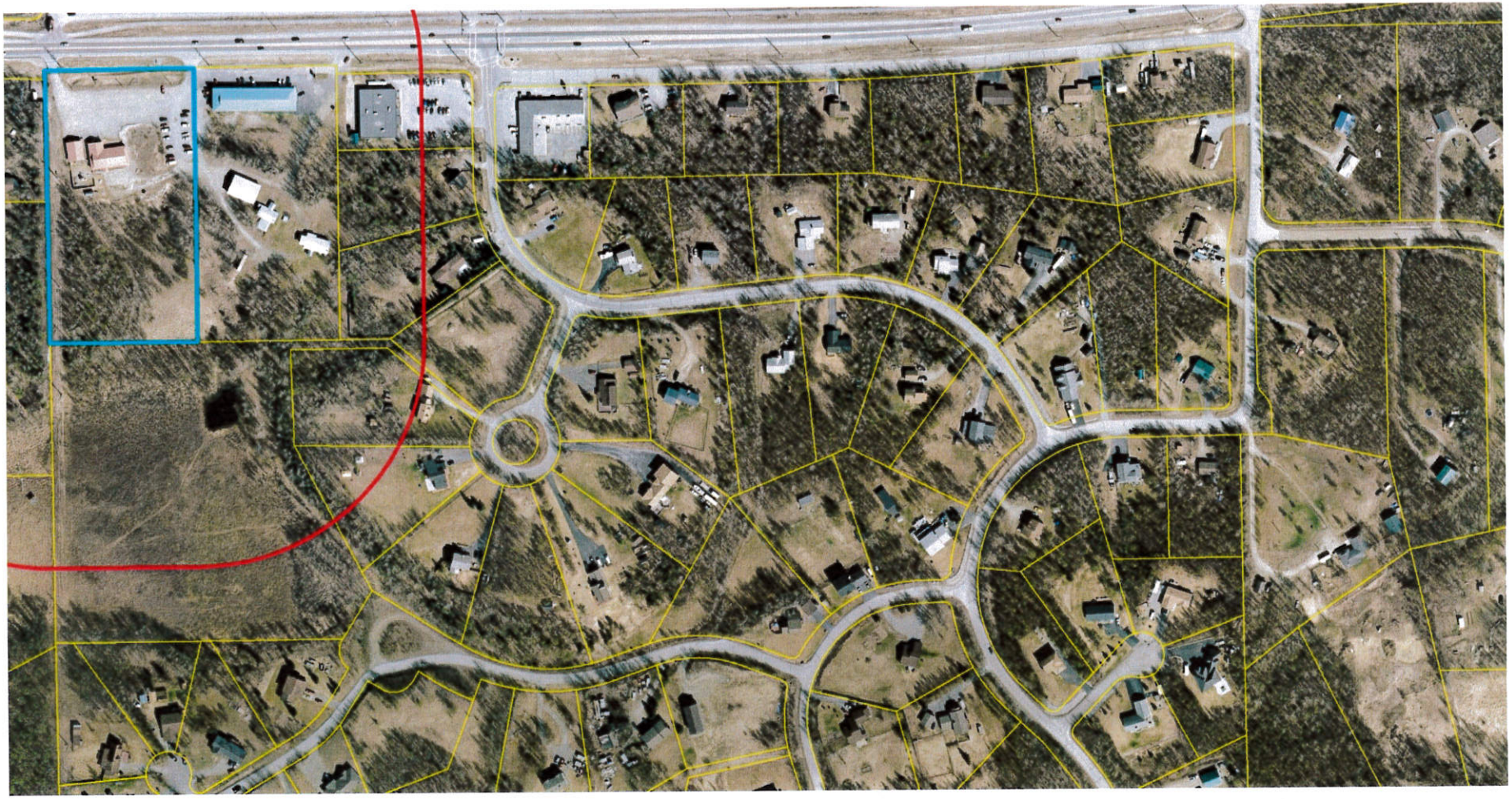
(F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.



Option 1

✓ Adopt MSB 17.60.160(F)

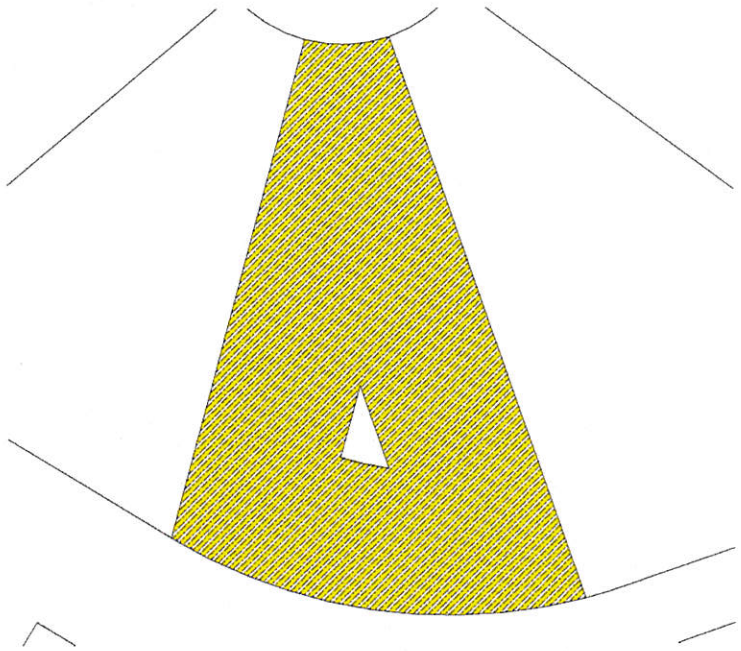
(F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.



Option 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.



1.62 Acres

Buildable area ~915 sq. ft.

Option 1

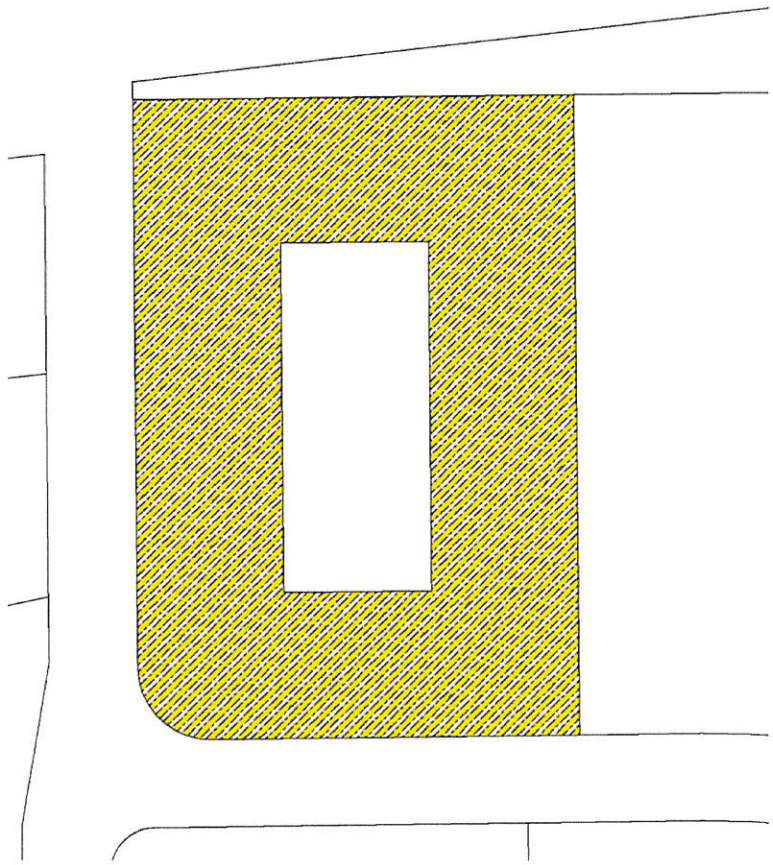
✓ Adopt MSB 17.60.160(F)

(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 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.



3.03 Acres

Buildable area ~24,237sq. ft.

Option 2

✓ Adopt MSB 17.60.160(F)

(F) Marijuana cultivation facilities are prohibited from locating within:

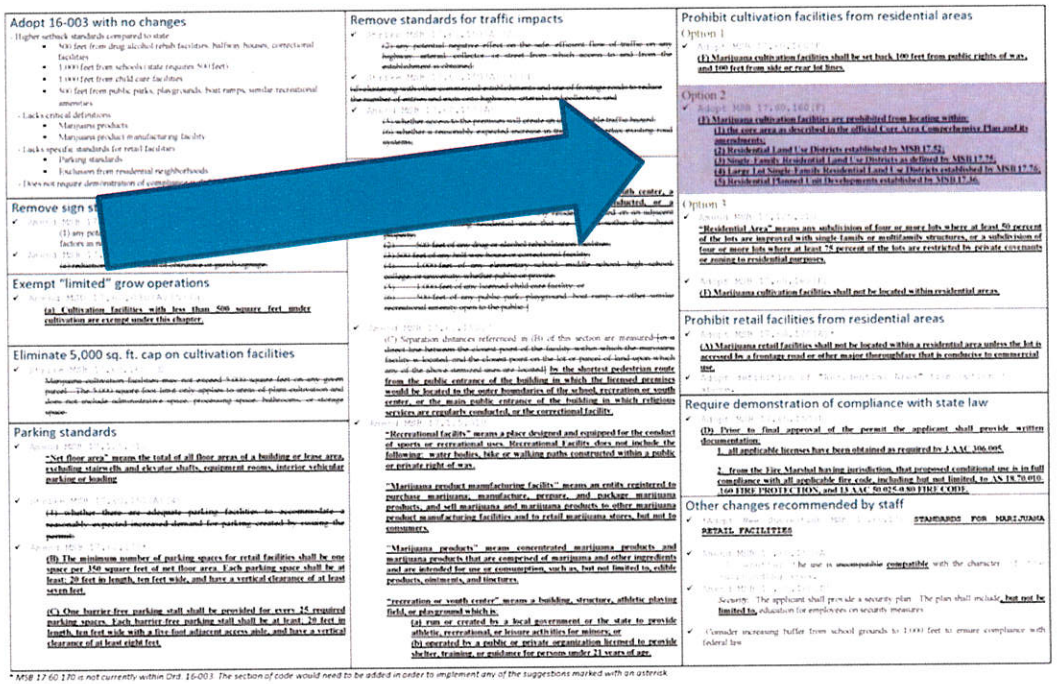
(1) **The core area as described in the official Core Area Comprehensive Plan and its amendments;**

(2) **Residential Land Use Districts established by MSB 17.52;**

(3) **Single-Family Residential Land Use Districts as defined by MSB 17.75;**

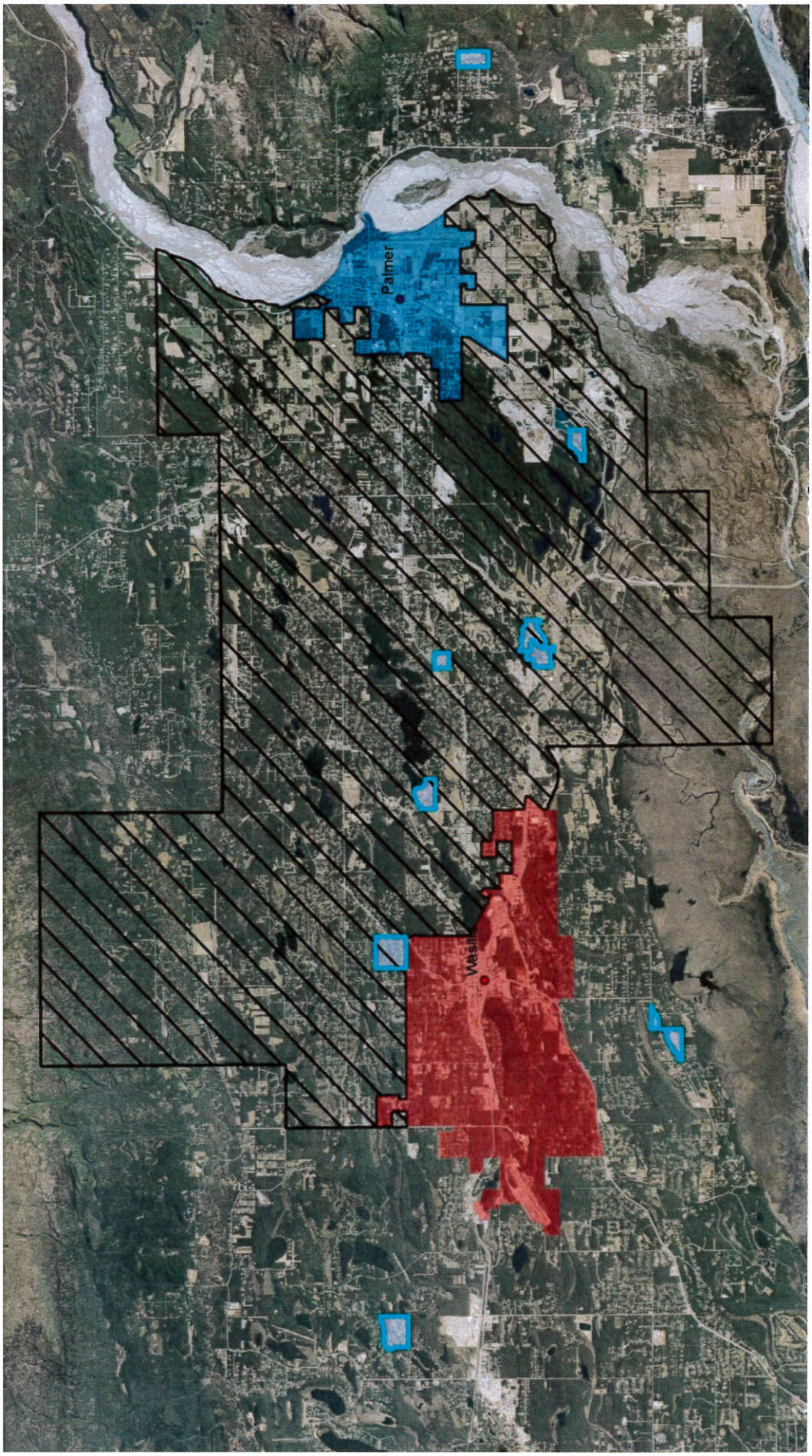
(4) **Large Lot Single-Family Residential Land Use Districts established by MSB 17.76;**

(5) **Residential Planned Unit Developments established by MSB 17.36.**



* 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

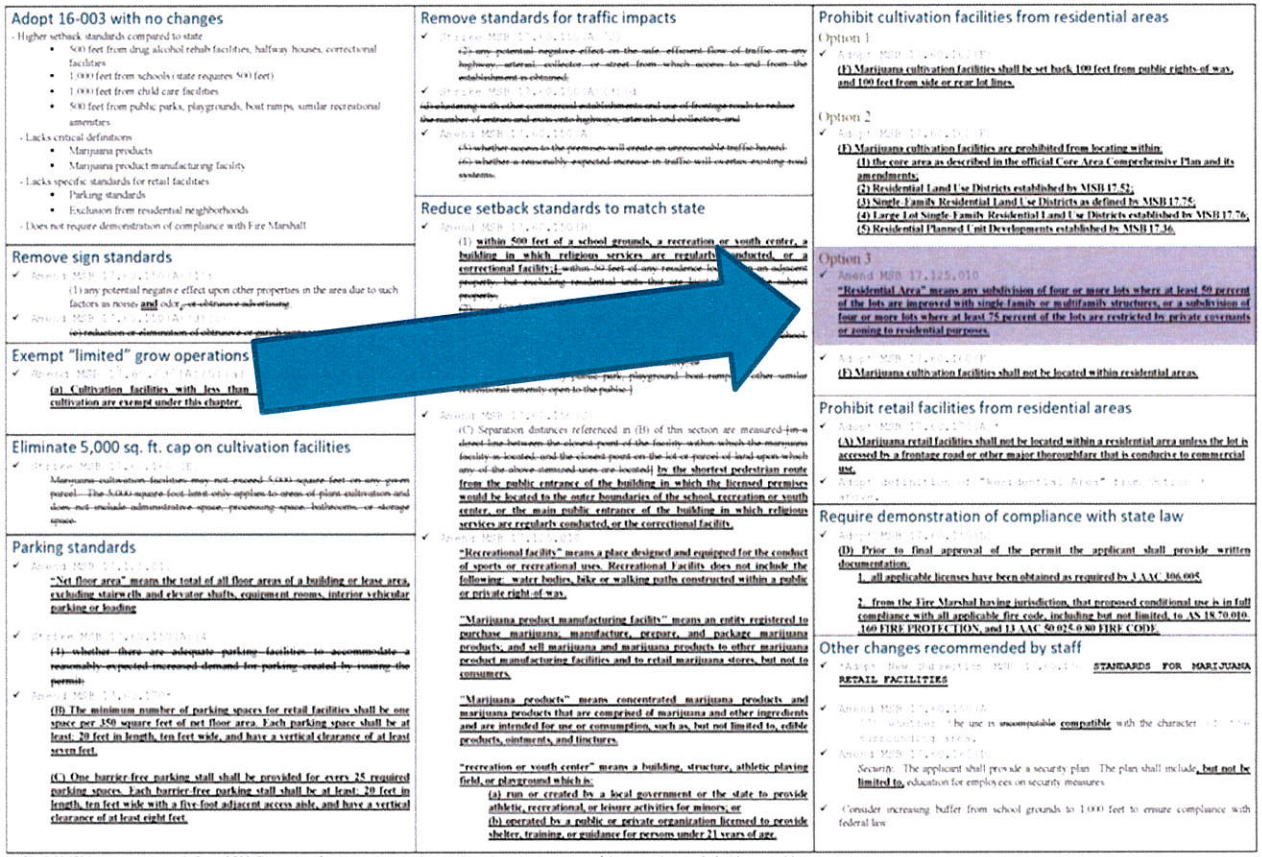
Option 2



Option 3

✓ Adopt 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 lots are restricted by private covenants or zoning to residential purposes.~~



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

Remove sign standards

✓ Amend MSB 17.[illegible]

(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.[illegible]

~~(c) reduction or elimination of obtrusive or garish [illegible]~~

Exempt "limited" grow operations

✓ Amend MSB 17.[illegible]

(a) Cultivation facilities with less than [illegible] cultivation are exempt under this chapter.

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

✓ Repeal MSB 17.[illegible]

~~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.~~

Parking standards

✓ Amend MSB 17.[illegible]

"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

✓ Repeal MSB 17.[illegible]

~~(1) whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit;~~

✓ Amend MSB 17.[illegible]

(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.

Remove standards for traffic impacts

✓ Repeal MSB 17.[illegible]

~~(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;~~

✓ Repeal MSB 17.[illegible]

~~(4) clustering with other commercial establishments and use of frontage roads to reduce the number of entrances and exits onto highways, arterials and collectors; and~~

✓ Amend MSB 17.[illegible]

~~(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.~~

Reduce setback standards to match state

✓ Amend MSB 17.[illegible]

(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 uses that are located on the subject property;~~

~~(2) [illegible]~~

~~[illegible] park, playground, boat ramp, or other similar recreational amenity open to the public.~~

✓ Amend MSB 17.[illegible]

(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-stated 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.[illegible]

"Recreational facility" means a place designed and equipped for the conduct of sports or recreational uses. Recreational Facilits does not include the following: water bodies, bike or walking paths constructed within a public or private right-of-way.

"Marijuana product manufacturing facilits" 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.

Prohibit cultivation facilities from residential areas

Option 1

✓ Adopt MSB 17.[illegible]

(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.[illegible]

(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.[illegible]

(F) Marijuana cultivation facilities shall not be located within residential areas.

Prohibit retail facilities from residential areas

✓ Adopt MSB 17.[illegible]

(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.

Require demonstration of compliance with state law

✓ Adopt MSB 17.[illegible]

(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.

Other changes recommended by staff

✓ *Adopt new subsection MSB 17.[illegible] STANDARDS FOR MARIJUANA RETAIL FACILITIES

✓ Amend MSB 17.[illegible]

[illegible] The use is ~~incompatible~~ compatible with the character [illegible] surrounding areas.

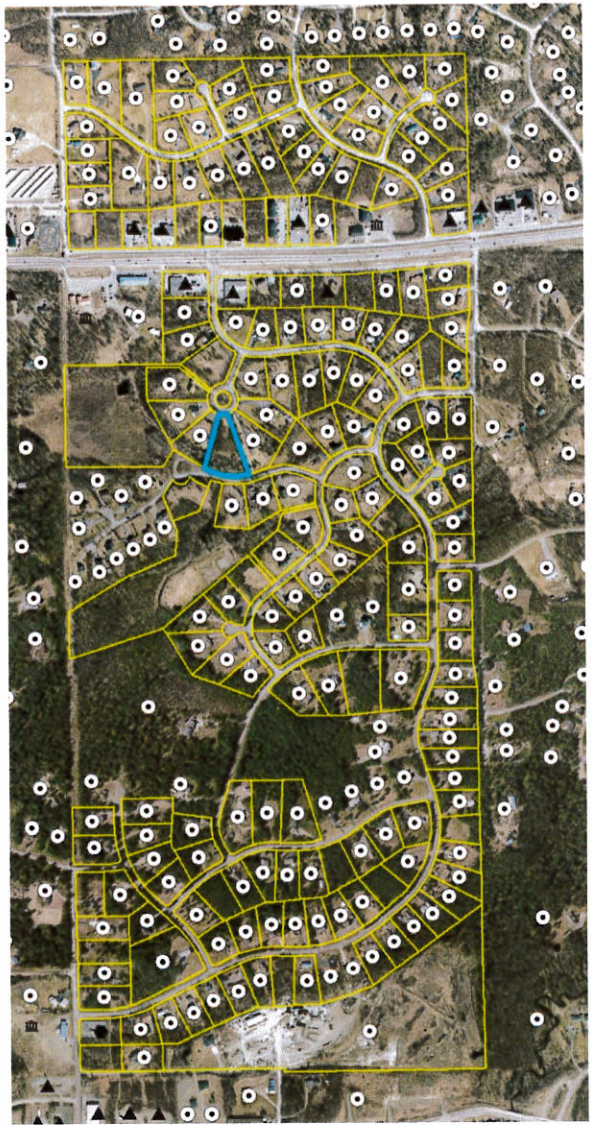
✓ Amend MSB 17.[illegible]

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.

Option 3



144 Residential of 203

~ 71%

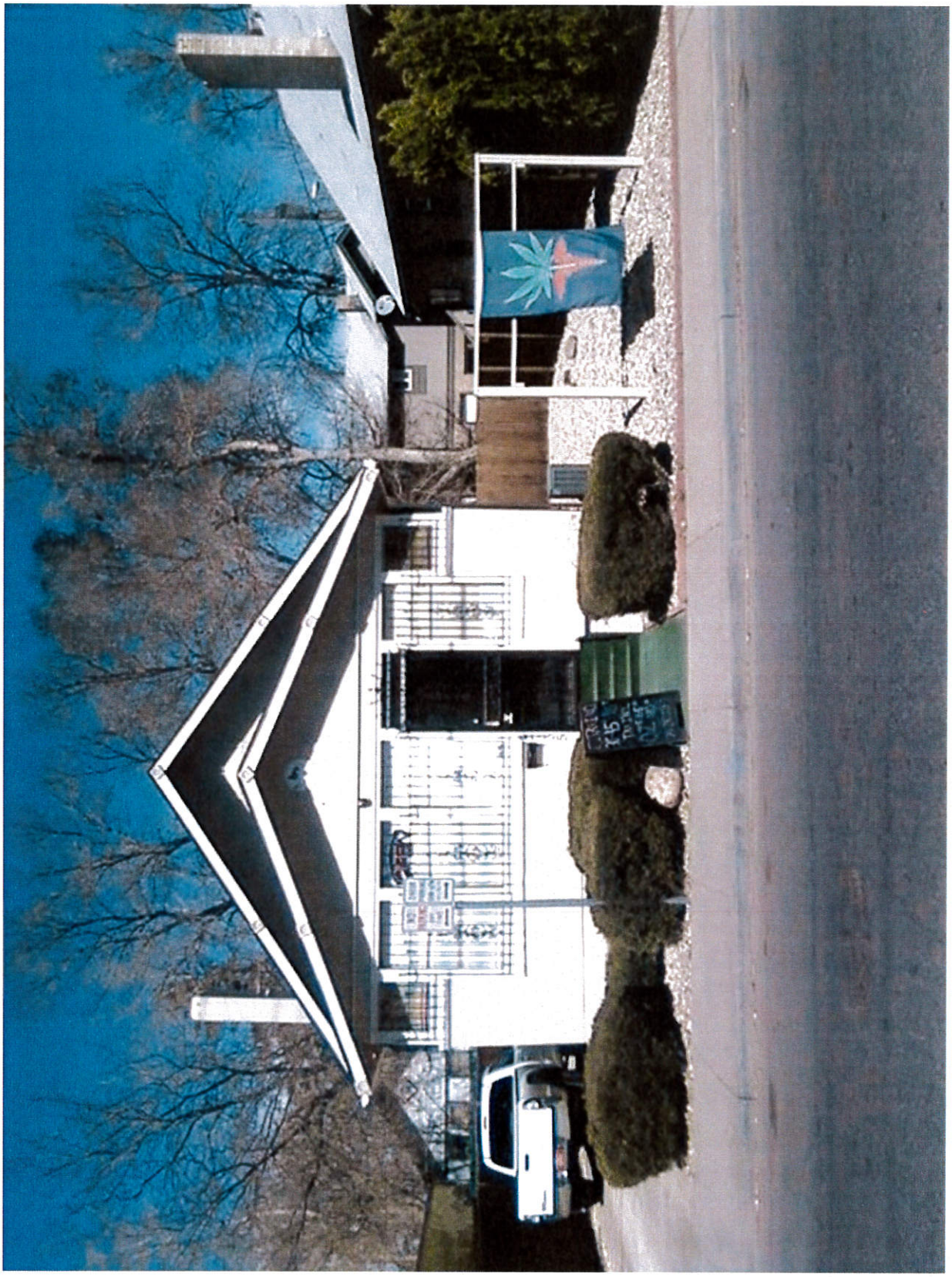
Option 3

19 Residential of 23

~ 83%

Retail Facilities

Retail Facilities



Retail Facilities

Retail Facilities – State Law

- Cannot sell to person who are:
  - Under 21
  - Intoxicated
- Quantity limits
- Cannot deliver, sell over internet
- Cannot sell between 5am – 8am

Retail Facilities – State Law Continued…

- No giveaways
- Cannot sell alcohol
- Packaging & Labeling standards
- Strict inventory tracking system
- Products must be laboratory tested
- Can only buy from licensed facilities
- Extensive signage standards

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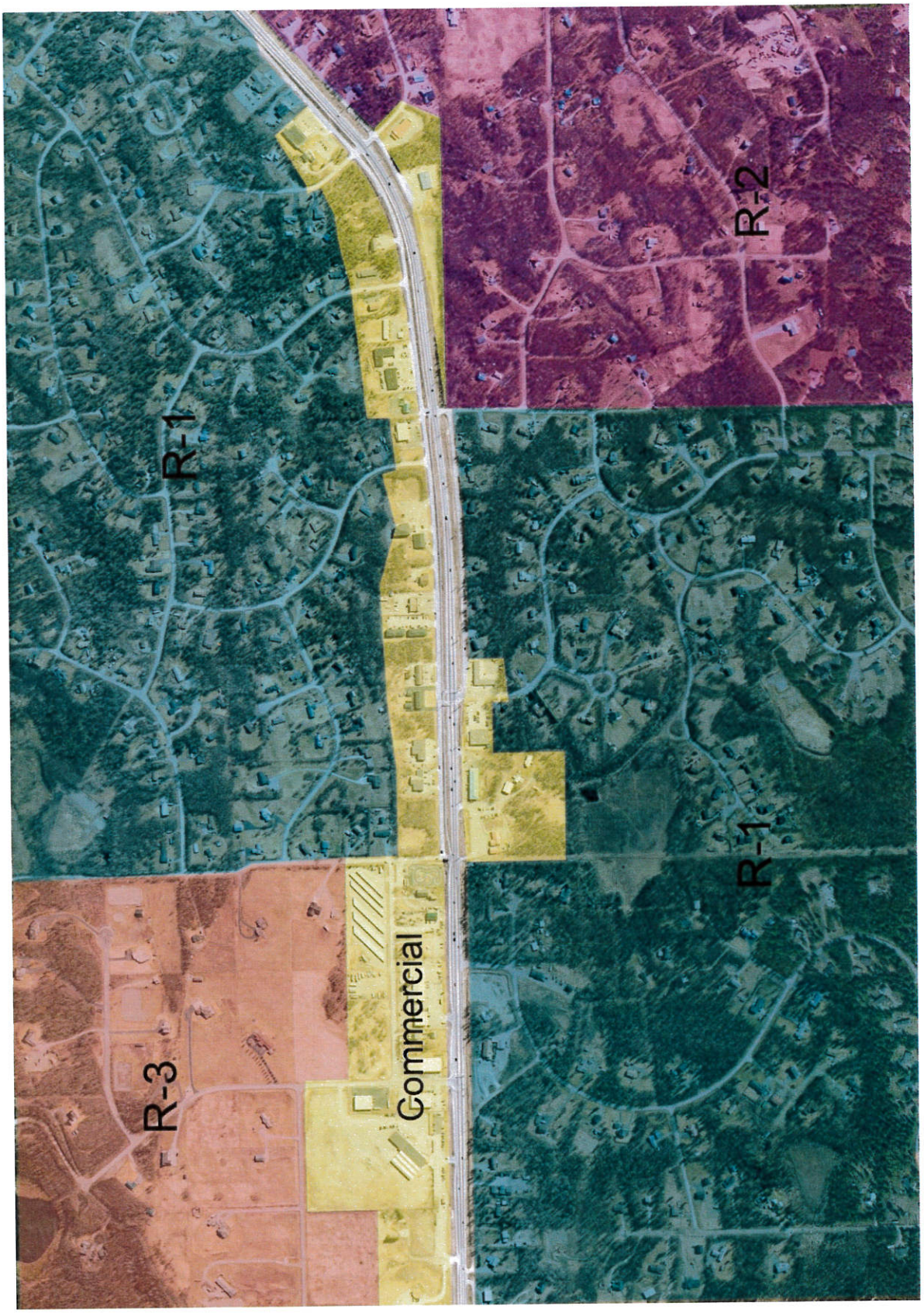
Prohibit retail facilities from residential areas

- ✓ Adopt MSB 17.60.170(A)*

(A) <u>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.</u>

Another approach...



Remove sign standards

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

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.~~

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.

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.~~

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.

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.~~

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.

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(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.

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.

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.

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.

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.*

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

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

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.~~

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.

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.~~

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.

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.~~

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.

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.

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.

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.

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.*

Parking standards

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

Remove sign standards

✓ Amend MSB 17.60.150(A)(3)

(3) any potential negative effect upon other properties in the area due to such factors as noise **and** odor, ~~or obstructive advertising~~.

✓ Amend MSB 17.60.170(A)(1)

~~(1) reduction or elimination of obtrusive or garish signage.~~

Exempt "limited" grow operations

✓ Amend MSB 17.60.170(A)(1)

(a) Cultivation facilities with less than 500 square feet under cultivation are exempt under this chapter.

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

✓ Strike MSB 17.60.170(A)(2)

~~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.~~

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.

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)(5)

~~(5) 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)(6)

~~(6) whether access to the premises will create an unreasonable traffic hazard;~~

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

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.

Prohibit cultivation facilities from residential areas

Option 1

✓ Adopt MSB 17.60.150(E)

(E) 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 17.60.150(E)

(E) 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 17.60.150(E)

(E) Marijuana cultivation facilities shall not be located within residential areas.

Prohibit retail facilities from residential areas

✓ Adopt MSB 17.60.150(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" [illegible]

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.

Other changes recommended by staff

✓ Adopt New Subsection MSB 17.60.150 **STANDARDS FOR MARIJUANA RETAIL FACILITIES**

✓ Amend MSB 17.60.150(A)

(1) whether the use is ~~incompatible~~ **compatible** with the character of the surrounding area;

✓ Amend MSB 17.60.150(C)

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.

Remove standards for traffic impacts

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

Remove sign standards

✓ Amend MSB 17.60.170(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 17.60.170(A)(2):

~~(2) reduction or elimination of obtrusive or garish signage.~~

Exempt "limited" grow operations

✓ Amend MSB 17.60.150(A)(5)(a):

(a) Cultivation facilities with less than 500 square feet under cultivation are exempt under this chapter.

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

✓ Strike MSB 17.60.260(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.~~

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.

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;~~

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-stemmed 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.

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.

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.

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.

Other changes recommended by staff

✓ *Adopt New Subsection MSB 17.60.170 **STANDARDS FOR MARIJUANA RETAIL FACILITIES**

✓ Amend MSB 17.60.150(A):

(1) 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.*

Reduce setbacks to match state

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

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)(4):

~~(c) reduction or elimination of obtrusive or garish signage.~~

Exempt "limited" grow operations

✓ Amend MSB 17.60.150(A)(1)(a):

(a) Cultivation facilities with less than 500 square feet under cultivation are exempt under this chapter.

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

✓ Delete MSB 17.60.150(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.~~

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

✓ Delete 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.

Remove standards for traffic impacts

✓ Delete 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;~~

✓ Delete 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.~~

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 stemized 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.

Prohibit cultivation facilities from residential areas

Option 1

✓ Adopt MSB 17.60.140(E):

(E) 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 17.60.140(E):

(E) 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 17.161.010:

"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 17.60.140(E):

(E) Marijuana cultivation facilities shall not be located within residential areas.

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.

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.

Other changes recommended by staff

✓ *Adopt New Subsection MSB 17.60.170 **STANDARDS FOR MARIJUANA RETAIL FACILITIES**

✓ Amend MSB 17.60.150(A):

"1. whether the use is ~~incompatible~~ **compatible** with the character of the surrounding area.

✓ Amend MSB 17.60.150(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.*

Reduce setbacks to match state

State	16-003
Cannot be located within 500 feet from: • School grounds • Recreation or youth center • Building in which religious services are regular conducted • Correctional facility	Cannot be located within 50 feet of residence Cannot be located within 500 feet of: • Drug or alcohol rehab facilities • Halfway house or correctional facility • Public park, playground, boat ramp, or other similar recreational amenity open to the public Cannot be located within 1000 feet of: • Schools • Child care facilities

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Demonstration of compliance with state law

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

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)(1)(c):

~~(c) reduction or elimination of obtrusive or garish signage.~~

Exempt "limited" grow operations

✓ Amend MSB 17.60.150(A)(1)(a):

(a) Cultivation facilities with less than 500 square feet under cultivation are exempt under this chapter.

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

✓ Strike MSB 17.60.150(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.~~

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.

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.~~

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.

Prohibit cultivation facilities from residential areas

Option 1

✓ Adopt MSB 17.60.150(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 17.60.150(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 17.60.150(F):

(F) Marijuana cultivation facilities shall not be located within residential areas.

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.

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.

Other changes recommended by staff

✓ *Adopt New Subsection MSB 17.60.170 **STANDARDS FOR MARIJUANA RETAIL FACILITIES**

✓ Amend MSB 17.60.150(A):

(1) 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.*

Other changes recommended by staff

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

Remove sign standards

✓ Amend MSB 17.60.150(A)(11):

(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)(12):

~~(6) reduction or elimination of obtrusive or garish signage.~~

Exempt "limited" grow operations

✓ Amend MSB 17.60.160(A)(5)(a):

(a) Cultivation facilities with less than 500 square feet under cultivation are exempt under this chapter.

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.~~

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.

Remove standards for traffic impacts

✓ Strike MSB 17.60.150(A)(5):

~~(5) 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)(10)(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.~~

Reduce setback standards to match state

✓ Amend MSB 17.60.160(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 facility;~~
~~(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-stemized 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.

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.

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.

Require demonstration of compliance with state law

✓ Adopt MSB 17.60.160(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.

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.

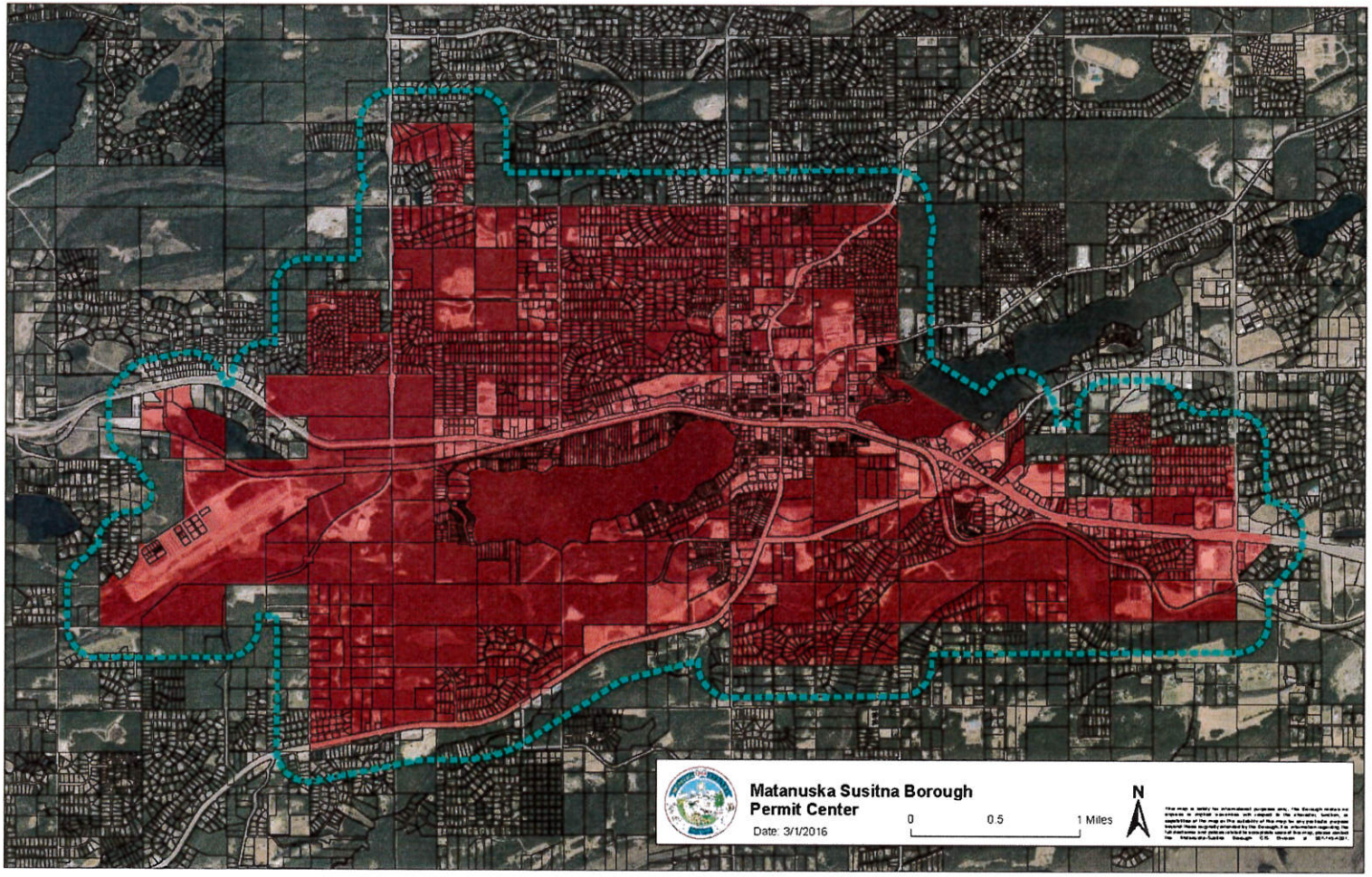
✓ Amend MSB 17.60.160(D)
Security. The applicant shall provide a security plan. The plan shall include**, but not be limited to,** education for employees on security measures.

✓ 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.*

Other considerations

1,000 foot buffer around Wasilla



By: Alex Strawn
Introduced: January 4, 2016
Public Hearing: January 18, 2016
Action: Approved

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-01

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING MSB 17.60 TO INCLUDE PERMIT REQUIREMENTS AND STANDARDS FOR MARIJUANA RELATED FACILITIES; AND REPEALING INAPPLICABLE DEFINITIONS.

WHEREAS, on November 4, 2014, Ballot Measure 2 was approved statewide by the voters; and

WHEREAS, Ballot Measure 2 allows for the Borough to prohibit and/or implement regulations governing the number, time, place and manner of marijuana cultivation facilities, manufacturing facilities, retail stores, and testing facilities; and

WHEREAS, Assembly resolution 15-007 established a Marijuana Advisory Committee in part to advise the Assembly and Administration on how the Assembly and/or Administration should implement Alaska Statute 17.38 at the local level; and

WHEREAS, this legislation is coming forward at the request of the Marijuana Advisory Committee; and

WHEREAS, unregulated marijuana related facilities are potentially damaging to the property values and usefulness of adjacent properties, and have the potential to cause harm to the public health, safety, and welfare; and

WHEREAS, in the absence of Borough-wide zoning, such uses are best handled through a conditional use permit process; and

WHEREAS, on December 15, 2015, the Assembly referred proposed Ordinance Serial Number 16-003 to the Planning Commission for 45 days; and

WHEREAS, the Planning Commission held a public hearing for the proposed ordinance and Planning Commission Resolution 16-01 on January 18, 2016; and

WHEREAS, the Planning Commission finds that the draft ordinance and the suggested amendments listed below meet the intent of Ballot Measure 2 by allowing for the production and distribution of marijuana while ensuring it is done in a manner that will preserve and will not detract from the neighboring land uses; and

WHEREAS, after considering all available information in the limited timeframe available, the Planning Commission recommends the Assembly make the following changes to Ordinance Serial Number 16-003:

A. remove language which regulates signage; and

B. explicitly prohibit marijuana related facilities from residential areas; and

C. eliminate the 5,000 square foot cap on marijuana cultivation facilities; and

D. exempt cultivation facilities less than 500 square feet;

E. add objective parking and traffic standards; and

F. adopt definitions for recreation facilities, marijuana product manufacturing facilities, and marijuana products; and

G. eliminate setback requirements from boat ramps; and

H. modify the setbacks within MSB 17.60.150(B) to be consistent with state standards; and

I. consider removing standards for traffic impacts; and

J. require the applicant to provide written documentation of compliance with:

1. all applicable licenses as required by 3 AAC 306.005.

2. fire code, including but not limited, to AS 18.70 FIRE PROTECTION, and 13 AAC 50.025 FIRE CODE; and

3. not limit security to education measures.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of Ordinance Serial Number 16-003 amending MSB 17.60 to include permit requirements and standards for marijuana related facilities; and repealing inapplicable definitions.

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ADOPTED by the Matanuska-Susitna Borough Planning Commission this 18th day of January, 2016.

JOHN KLAPPERICH, Chair

ATTEST

MARY BRODIGAN, Planning Clerk

(SEAL)

APPROVED UNANIMOUSLY: Klapperich, Healy, Walden, Kendig, Adams, and Rauchenstein

CODE ORDINANCE

Sponsored by: Assemblymember Sykes
Introduced:
Public Hearing:
Action:

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.

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)

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Planning Commission – RESOLUTION SERIAL NO. 16-22 – EXHIBIT A

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 on a parcel 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) Parking spaces shall be provided to comply with current American Disabilities Act guidelines.

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)

~~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~~Amend MSB 17.125.010

"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.

7. Prohibit cultivation facilities from residential areas

Option 1

✓ Adopt MSB 17.60.160(F)

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

8. Prohibit retail facilities from residential areas

✓ Adopt MSB 17.60.170(A)*

(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

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

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 consistent with the security plan included in the state license. The plan shall include**, but not be limited to,** education for employees on security measures.

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.*

Mary Brodigan

From: Alex Strawn
Sent: Tuesday, May 03, 2016 9:23 PM
To: Mary Brodigan
Cc: Eileen Probasco
Subject: Please forward to members of the Planning Commission

Members of the Planning Commission,

This email is in reference to Planning Commission Resolution 16-22, a resolution recommending amendments to Assembly Ordinance 16-003, an ordinance establishing standards for marijuana related facilities. Reso 16-22 is advisory to the assembly on a legislative matter and is therefore not subject to the same rules restricting ex parte contact that apply to quasi-judicial items such as conditional use permits and variances.

I would like to express my willingness to assist with crafting or reviewing any amendments you would like to see to Reso 16-22 prior to the May 16 public hearing. Any of the legwork that can be done prior to the meeting will increase the efficiency of the meeting and will ultimately result in a better finished product.

This invitation applies to all matters that come before the commission that is not quasi-judicial.

Alex Strawn
Development Services Manager
Matanuska-Susitna Borough
350 E. Dahlia Palmer, AK 99645
(907) 861-7854

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By: Alex Strawn
Introduced: May 2, 2016
Public Hearing: May 16, 2016
June 6, 2016
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-22

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING AMENDMENTS TO ASSEMBLY ORDINANCE 16-003, AN ORDINANCE AMENDING MSB 17.60 TO INCLUDE PERMIT REQUIREMENTS AND STANDARDS FOR MARIJUANA RELATED FACILITIES.

WHEREAS, the Planning Commission held a public hearing on Ordinance 16-003 on January 18, 2016; and

WHEREAS, the Planning Commission adopted resolution 16-01 recommending approval of Assembly Ordinance 16-003 with the following changes:

A. remove language which regulates signage

B. explicitly prohibit marijuana related facilities from residential areas

C. eliminate the 5,000 square foot cap on marijuana cultivation facilities

D. exempt cultivation facilities less than 500 square feet

E. Add objective parking and traffic standards

F. adopt definitions for recreation facilities, marijuana product manufacturing facilities, and marijuana products

G. eliminate setback requirements from boat ramps

H. modify the setbacks within MSB 17.60.150(B) to be consistent with state standards

I. consider removing standards for traffic impacts; and

J. require the applicant to provide written documentation of compliance with:

1. all applicable licenses as required by 3 AAC 306.005.

2. fire code, including but not limited, to AS 18.70 FIRE PROTECTION, and 13 AAC 50.025 FIRE CODE; and

K. not limit security to education measures.

WHEREAS, staff prepared amendments to Assembly ordinance 16-003 to reflect the Planning Commission's recommendations; and

WHEREAS, the amendments prepared by staff satisfactorily implement the recommendations made by the Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby supports the amendments recommended by staff in the table attached hereto.

BE IT FURTHER RESOLVED, the Matanuska-Susitna Borough Planning Commission recommends adoption of a 100 foot setback for cultivation facilities as recommended in option one within the table attached hereto.

BE IT FURTHER RESOLVED, the Matanuska-Susitna Borough Planning Commission recommends the Assembly define "residential

area" and prohibiting retail facilities from locating within residential areas unless the lot is accessed by a frontage road or other major thoroughfare that is conducive to commercial use.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ___ day of ___, 2016.

JOHN KLAPPERICH, Chair

ATTEST

MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:

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COMMISSION BUSINESS

Upcoming PC Agenda Items

(Page 145 - 152)

COMMISSION BUSINESS

MATANUSKA-SUSITNA BOROUGH
Planning and Land Use Department
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7833 • Fax (907) 861-7876
Email: planning@matsugov.us

MEMORANDUM

DATE: June 10, 2016

TO: Planning Commissioners

FROM: Eileen Probasco, Director of Planning and Land Use

SUBJECT: Items tentatively scheduled for future PC Meetings or Administrative Actions and Updates on PC items sent to the Assembly

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July 18, 2016 *(MSB Assembly Chambers)*

Introduction for Public Hearing Quasi-Judicial
(*None*)

Introduction for Public Hearing Legislative
(*None*)

Agency/Staff Reports
(*None*)

Land Use Classifications
(*None*)

Public Hearing Quasi-Judicial
(*None*)

Public Hearing Legislative
(*None*)

Unfinished Business
(*None*)

New Business
(*None*)

Commission Business
(*None*)

August 1, 2016 *(MSB Assembly Chambers)*

Introduction for Public Hearing Quasi-Judicial

(*None*)

Introduction for Public Hearing Legislative

(*None*)

Agency/Staff Reports

(*None*)

Land Use Classifications

(*None*)

Public Hearing Quasi-Judicial

(*None*)

Public Hearing Legislative

- **Resolution 16-26**, recommending the Assembly adopt the update to the Borough Recreational Trails Plan. Public Hearing: August 1, 2016. (*Staff: Emerson Krueger*)

Unfinished Business

(*None*)

New Business

(*None*)

Commission Business

(*None*)

Upcoming PC Actions

Quasi-Judicial

- Victor Damyan junkyard CUP, 17N02W27B006. (*Staff: Susan Lee*)
- Rocky Lake Setback Variance. (*Applicant: Michael Solmonson, Staff: Mark Whisenhunt*)
- Earth Materials Extraction CUP, 18N02W27D009. (*Applicant: T&J Gravel, Staff: Susan Lee*)
- Tews Junkyard CUP, 17N03W09A019 and A007. (*Staff: Susan Lee*)
- Burnett Variance. (*Applicant: Stephen Spence, Staff: Susan Lee*)
- Knik Super Store Package Store Expansion CUP. (*Staff: Susan Lee*)
- 907 Club CUP. (*Staff: Susan Lee*)
- Knik Bar Beer Garden CUP. (*Staff: Susan Lee*)
- MTA Tall Structure CUP, 23N04W29C006, 18N04W11A001, and 20N04W06C003 and 25N04W19A006. (*Staff: TBD*)

Legislative

- Title 17 Consolidation. (*Staff: Eileen Probasco*)
- Denali Hwy, MP 99, IMD, T19N, R2W. Section 10 & 15, FM. (*Applicant: AKDOT, Staff: Susan Lee*)

Other Upcoming Administrative Actions (Not going to the PC)

- Nash/Chijuk Creek NRMU Timber Transportation Permit. (*Staff: Susan Lee*)
- Minnick Earth Materials Extraction Administrative Permit. (*Staff: TBD*)
- Yundt Multifamily Application; 2795B01L007. (*Staff: Mark Whisenhunt*)
- Fairview Inn Temporary Noise Permit. (*Staff: Susan Lee*)
- Anderson Temporary Noise Permit. (*Staff: Susan Lee*)
- Scenic Shores Legal Nonconforming Status Determination for a Structure. (*Staff: Susan Lee*)
- Tabernash Legal Nonconforming Status Determination for a Structure. (*Staff: Susan Lee*)
- Wilderness Acres Legal Nonconforming Status Determination for a Structure. (*Staff: Susan Lee*)
- Trapper Creek Bluegrass Festival August Special Event Permit. (*Staff: Susan Lee*)

PC Decisions Currently Under Appeal

- **Resolution 15-01**, a resolution adopting findings of fact and conclusions of law to support the Planning Commissions failure to approve Resolution 14-33. (*CMS appeal of BOAA decision to Superior Court on March 31, 2015. Oral Arguments June 23, 2016.)*

Updates/Presentations/Work Sessions

- Planning Commission Powers *(Staff: Lauren Driscoll, Alex Strawn, and Assistant Borough Attorney)*

Updates on PC items going to the Assembly (Pending)

Planning Commission		Assembly	
Reso		**ORD/Reso #**	**IM**
Resolution 16-01, A resolution recommending the Assembly approval of Ordinance Serial Number 16-003 Amending MSB 17.60 to include Permit Requirements and Standards for Marijuana Related Facilities, and Repealing Inapplicable Definitions. Referred to the Planning Commission on December 15, 2015, for 45 days. (*Staff: Alex Strawn*)		ORD # 16-003	IM # 16-029
Actions:	01/04/16 – PC Introduction 01/18/16 – PC Public Hearing – Amended/Approved 02/02/16 – Assembly New Business 03/01/16 – Assembly Public Hearing – Postponed until 03/15/16 03/15/16 – Assembly Public Hearing – Postponed until 04/05/16 04/05/16 – Unfinished Business – Referred back to MAC and PC For 90 days (07/04/16).		

Planning Commission		Assembly	
Reso		**ORD/Reso #**	**IM**
Resolution 16-05, A resolution recommending Assembly adoption of the Seldon Road Extension Corridor Access Management Plan. (*Staff: Mike Campfield*)		ORD # 16-__	IM # 16-__
Actions:	01/08/16 – PC Introduction 02/01/16 – PC Public Hearing – Approved		

Planning Commission		Assembly	
Reso		**ORD/Reso #**	**IM**
Resolution 16-13, a resolution recommending the Assembly adopt MSB 8.41, Marijuana Related Facility License Referrals. Referred to the Planning Commission by the Assembly on February 16, 2016, and due back by May 16, 2016. (*Staff: Alex Strawn*)		ORD # 16-021	IM # 16-027
Actions:	03/07/16 – PC Introduction 03/21/16 – PC Public Hearing – Approved 05/17/16 – Assembly Introduction 06/07/16 – Assembly Public Hearing – Postponed until 8/2/16 08/02/16 – Assembly Public Hearing		

Planning Commission		Assembly	
Reso		**ORD/Reso #**	**IM**
Resolution 16-17, a resolution recommending Assembly adoption of the Louise Susitna Tyone Lakes Comprehensive Plan Update previously known as the Lake Louise Comprehensive Plan. Public Hearing continued from April 4, 2016. (*Staff: Sara Jansen*)		ORD # 16-__	IM # 16-__
Actions:	03/21/16 – PC Introduction 04/18/16 – PC Public Hearing – Approved 06/07/16 – Assembly Introduction 06/21/16 – Assembly Public Hearing		

Planning Commission		Assembly	
Reso		**ORD/Reso #**	**IM**
Resolution 16-19, recommending Assembly adoption of an Ordinance establishing Riparian Buffer Standards on High Priority Salmon Streams. Referred by the Assembly to the PC on April 20, 2016, for 90 days. (*Staff: Frankie Barker*)		ORD # 16-__	IM # 16-__
Actions:	05/02/16 – PC Introduction 05/16/16 – PC Public Hearing – Failed		

Planning Commission		Assembly	
Reso		**ORD/Reso #**	**IM**
Resolution 16-21, recommending Assembly approval of an Interim Materials District (IMD) at the MSB Central Landfill in accordance with MSB 17.28 – Interim Materials District, for the extraction of 3,120,000 cubic yards of earth material from 45 acres within a 120-acre area, located within Township 17 North, Range 1 East, Section 1, Tax Parcel D5 (17N01E01D005). (*Applicant: MSB Land Management, Staff: Mark Whisenhunt*)		ORD # 16-__	IM # 16-__
Actions:	05/02/16 – PC Introduction 05/16/16 – PC Public Hearing – Amended/Approved 06/21/16 – Assembly Introduction 08/02/16 – Assembly Public Hearing		

Updates on PC items going to the Assembly (Complete)

Planning Commission		Assembly	
Reso		**ORD/Reso #**	**IM**
Resolution 16-14, a resolution recommending Assembly approval to amend Ordinance MSB 15.24.030, adopting the MSB Metropolitan Planning Organization (MPO/) Self-Assessment Study. (*Staff: Jessica Smith*)		ORD # 16-__	IM # 16-__
Actions:	03/21/16 – PC Introduction 04/04/16 – PC Public Hearing – Approved 05/17/16 – Assembly Introduction 06/07/16 – Assembly Public Hearing - Adopted		