

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.

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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

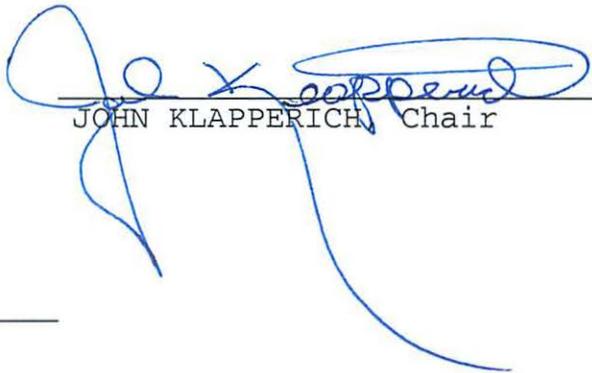
- D. exempt cultivation facilities less than 500 square feet;
- E. add objective parking and traffic standards; and
- F. adopt definitions for recreation facilities, marijuana product manufacturing facilities, and marijuana products; and
- G. eliminate setback requirements from boat ramps; and
- H. modify 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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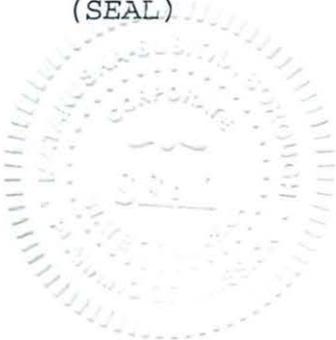
ADOPTED by the Matanuska-Susitna Borough Planning Commission this 18<sup>th</sup> day of January, 2016.

  
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JOHN KLAPPERICH, Chair

ATTEST

  
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MARY BRODIGAN, Planning Clerk

(SEAL)



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