

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

**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.

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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

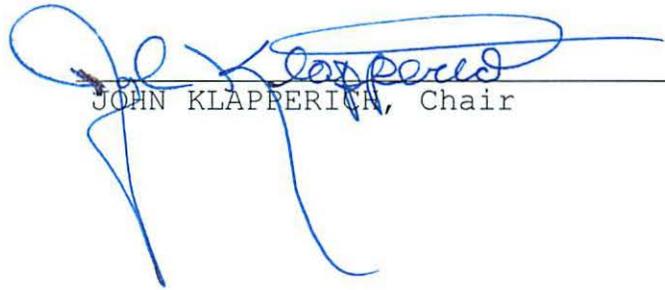
NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby supports the amendments recommended by staff in the table attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, the Matanuska-Susitna Borough Planning Commission recommends adoption of additional setbacks for cultivation facilities as recommended within the table attached hereto.

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ADOPTED by the Matanuska-Susitna Borough Planning Commission this 20<sup>th</sup> day of June, 2016.

  
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JOHN KLAPPERICH, Chair

ATTEST

  
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MARY BRODIGAN, Planning Clerk

(SEAL)



PASSED UNANIMOUSLY: Klapperich, Anderson, Healy, Vague, Kendig, Adams, and Rauchenstein

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

<p><b>1. Remove sign standards</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (A) (1) : (1) any potential negative effect upon other properties in the area due to such factors as noise, <u>and</u> odor, <del>or</del> obtrusive advertising;</li> <li>✓ Amend MSB 17.60.150 (A) (3) (c) <del>(c) reduction or elimination of obtrusive or garish signage;</del></li> </ul>	<p><b>5. Remove standards for traffic impacts</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.150 (A) (2) <del>(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;</del></li> <li>✓ Strike MSB 17.60.150 (A) (3) (d) <del>(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</del></li> <li>✓ Amend MSB 17.60.150 (A) <del>(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;</del></li> </ul>	<p><b>7. Prohibit cultivation facilities from residential areas</b></p> <p>Option 1</p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160 (F) <b><u>(F) Marijuana cultivation facilities shall be set back 50 feet from public rights-of-way, and 100 feet from side or rear lot lines.</u></b></li> </ul>
<p><b>2. Exempt “limited” grow operations</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.030 (A) (5) (a) <b><u>(a) Cultivation facilities with less than 500 square feet under cultivation on a parcel are exempt under this chapter.</u></b></li> </ul>	<p><b>6. Reduce setback standards to match state</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (B) <del>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.]</del></li> <li>✓ Amend MSB 17.60.150 (C) <del>(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.</del> Amend MSB 17.125.010</li> </ul> <p><b><u>"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.</u></b></p> <p><b><u>"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.</u></b></p>	<p><b>8. Prohibit retail facilities from residential areas</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.170 (A) * <b><u>(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</u></b></li> </ul>
<p><b>3. Parking standards</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010 <b><u>"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</u></b></li> <li>✓ Strike MSB 17.60.150 (A) (4) <del>(4) whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit;</del></li> <li>✓ Amend MSB 17.60.170* <b><u>(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.</u></b></li> <li><b><u>(C) Parking spaces shall be provided to comply with current American Disabilities Act guidelines.</u></b></li> </ul>	<p><b>9. Require demonstration of compliance with state law</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.150 (D) <b><u>(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.</u></b></li> </ul>	<p><b>10. Other changes recommended by staff</b></p> <ul style="list-style-type: none"> <li>✓ *Adopt New Subsection MSB 17.60.170 <b><u>STANDARDS FOR MARIJUANA RETAIL FACILITIES</u></b></li> <li>✓ Amend MSB 17.60.150 (A) <del>(7) whether the use is incompatible</del> <b><u>compatible</u></b> with the character of the surrounding area.</li> <li>✓ Amend MSB 17.60.160 (D) <del>Security.</del> The applicant shall provide a security plan consistent with the security plan included in the state license. The plan shall include, <b><u>but not be limited to,</u></b> education for employees on security measures.</li> </ul>
<p><b>4. Eliminate 5,000 sq. ft. cap on cultivation facilities</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.160 (E) <del>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.</del></li> </ul>		

\* 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.