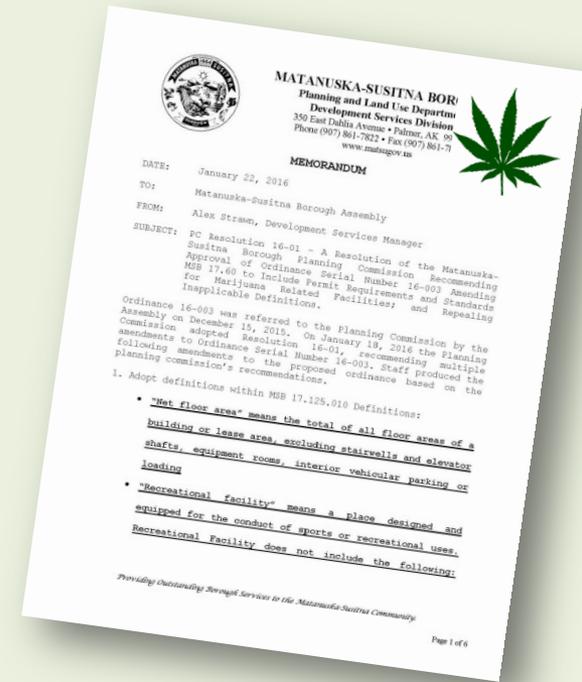


# Ordinance Serial No. 16-003

# Marijuana Regulations



Matanuska-Susitna Borough Assembly  
Work Session  
April 5, 2016

# State License Types

Ord. 16-003

Limited Cultivation Facility (<500 ft<sup>2</sup>)

\*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

<p><b>Adopt 16-003 with no changes</b></p> <ul style="list-style-type: none"> <li>- Higher setback standards compared to state             <ul style="list-style-type: none"> <li>• 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities</li> <li>• 1,000 feet from schools (state requires 500 feet)</li> <li>• 1,000 feet from child care facilities</li> <li>• 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities</li> </ul> </li> <li>- Lacks critical definitions             <ul style="list-style-type: none"> <li>• Marijuana products</li> <li>• Marijuana product manufacturing facility</li> </ul> </li> <li>- Lacks specific standards for retail facilities             <ul style="list-style-type: none"> <li>• Parking standards</li> <li>• Exclusion from residential neighborhoods</li> </ul> </li> <li>- Does not require demonstration of compliance with Fire Marshall</li> </ul>	<p><b>Remove standards for traffic impacts</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.150 (A) (2)</li> <li>✓ (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.</li> <li>✓ Strike MSB 17.60.150 (A) (3) (d)</li> <li>✓ (d) whether with other commercial establishments and use of frontage results to reduce the number of entries and exits onto highways, arterials and collectors, and</li> <li>✓ Amend MSB 17.60.150 (A)</li> <li>✓ (5) whether access to the premises will create an unreasonable traffic hazard;</li> <li>✓ (6) whether a reasonably expected increase in traffic will overtax existing road systems;</li> </ul>	<p><b>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)</li> <li>✓ (F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.</li> </ul>
<p><b>Remove sign standards</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (A) (1):</li> <li>✓ (1) any potential negative effect upon other properties in the area due to such factors as noise, <u>and</u> odor, or obtrusive advertising.</li> <li>✓ Amend MSB 17.60.150 (A) (3) (c)</li> <li>✓ (c) reduction or elimination of obtrusive or garish signage.</li> </ul>	<p><b>Reduce setback standards to match state</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (B)</li> <li>✓ (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;</li> <li>✓ (2) 50 feet of any drug or alcohol rehabilitation facilities;</li> <li>✓ (3) 500 feet of any halfway house or correctional facility;</li> <li>✓ (4) 500 feet of any day care center, school, child day care center, high school, or other educational facility;</li> <li>✓ (5) 500 feet of any public park, playground, boat ramp, or similar recreational amenity;</li> </ul>	<p>Option 2</p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.160 (F)</li> <li>✓ (F) Marijuana cultivation facilities are prohibited from locating within:             <ol style="list-style-type: none"> <li>(1) the core area as described in the official Core Area Comprehensive Plan and its amendments;</li> <li>(2) Residential Land Use Districts established by MSB 17.52;</li> <li>(3) Single-Family Residential Land Use Districts as defined by MSB 17.25;</li> <li>(4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76;</li> <li>(5) Residential Planned Unit Developments established by MSB 17.36.</li> </ol> </li> </ul>
<p><b>Exempt "limited" grow operations</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.030 (A) (5) (a)</li> <li>✓ (a) Cultivation facilities with less than 500 square feet under cultivation are exempt under this chapter.</li> </ul>	<p>Option 3</p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010</li> <li>✓ "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.</li> </ul>	<p>Option 3</p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010</li> <li>✓ "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.</li> </ul>
<p><b>Eliminate 5,000 sq. ft. cap on cultivation facilities</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.160 (E)</li> <li>✓ 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.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010</li> <li>✓ "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.</li> <li>✓ "Marijuana product manufacturing facility" means an entity registered to purchase marijuana, manufacture, recreate, 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.</li> <li>✓ "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, edibles, products, ointments, and tinctures.</li> <li>✓ "recreation or youth center" means a building, structure, athletic playing field, or playground which is:             <ol style="list-style-type: none"> <li>(a) run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors; or</li> <li>(b) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>✓ (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.</li> <li>✓ Adopt definition of "Residential Area" from Option 3 above.</li> </ul>
<p><b>Parking standards</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010</li> <li>✓ "Net floor area" means the total of all floor areas of a building or lease area, excluding stairwells and elevator shafts, common rooms, interior vehicular parking or loading</li> <li>✓ Strike MSB 17.60.160 (A) (4)</li> <li>✓ (4) whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit;</li> <li>✓ Amend MSB 17.60.170*</li> <li>✓ (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.</li> <li>✓ (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.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (D)</li> <li>✓ (D) Prior to final approval of the permit the applicant shall provide written documentation:             <ol style="list-style-type: none"> <li>1. all applicable licenses have been obtained as required by 2 AAC 306.005.</li> <li>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 IS AWC 50.025-0.90 FIRE CODE.</li> </ol> </li> </ul>	<p><b>Require demonstration of compliance with state law</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.150 (D)</li> <li>✓ (D) Prior to final approval of the permit the applicant shall provide written documentation:             <ol style="list-style-type: none"> <li>1. all applicable licenses have been obtained as required by 2 AAC 306.005.</li> <li>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 IS AWC 50.025-0.90 FIRE CODE.</li> </ol> </li> </ul>
<p>* 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.</p>		<p><b>Other changes recommended by staff</b></p> <ul style="list-style-type: none"> <li>✓ *Adopt New Subsection MSB 17.60.170 <u>STANDARDS FOR MARIJUANA RETAIL FACILITIES</u></li> <li>✓ Amend MSB 17.60.150 (A)</li> <li>✓ (7) whether the use is incompatible compatible with the character of the surrounding area.</li> <li>✓ Amend MSB 17.60.160 (D)</li> <li>✓ Security. The applicant shall provide a security plan. The plan shall include, but not be limited to, education for employees on security measures.</li> <li>✓ *Consider increasing buffer from school grounds to 1,000 feet to ensure compliance with federal law.</li> </ul>

## 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

<b>Land Use Impact</b>	<b>16-003</b>
<b>Odor</b>	<ul style="list-style-type: none"><li>- Odor mitigation and ventilation Plan</li><li>- Buffers</li></ul>
<b>Water quality/Environmental</b>	<ul style="list-style-type: none"><li>- Wastewater and waste material disposal plan</li></ul>
<b>Safety/Security</b>	<ul style="list-style-type: none"><li>- Security plan</li></ul>
<b>Compatibility with surrounding area</b>	<ul style="list-style-type: none"><li>- Approval standards, public process</li><li>- Buffer distances</li><li>- Setbacks</li></ul>

# Cultivation Facilities – How to keep them out of residential areas

<p><b>Adopt 16-003 with no changes</b></p> <ul style="list-style-type: none"> <li>- Higher setback standards compared to state             <ul style="list-style-type: none"> <li>• 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities</li> <li>• 1,000 feet from schools (state requires 500 feet)</li> <li>• 1,000 feet from child care facilities</li> <li>• 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities</li> </ul> </li> <li>- Lacks critical definitions             <ul style="list-style-type: none"> <li>• Marijuana products</li> <li>• Marijuana product manufacturing facility</li> </ul> </li> <li>- Lacks specific standards for retail facilities             <ul style="list-style-type: none"> <li>• Parking standards</li> <li>• Exclusion from residential neighborhoods</li> </ul> </li> <li>- Does not require demonstration of compliance with Fire Marshall</li> </ul>	<p><b>Remove standards for traffic impacts</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.150 (A) (2)</li> <li>(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;</li> <li>✓ Strike MSB 17.60.150 (A) (3) (d)</li> <li>(d) <del>coordinating 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)</li> <li>(5) whether access to the premises will create an unreasonable traffic hazard;</li> <li>(6) whether a reasonably expected increase in traffic will overtax existing road systems;</li> </ul> <p><b>Reduce setback standards to match state</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (B)</li> <li>(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 residential building on an adjacent property, but excluding residential units that are within the subject property;</li> <li>(2) 500 feet of any drug or alcohol rehabilitation facility;</li> <li>(3) 500 feet of any halfway house, drug treatment center, or similar facility;</li> <li>(4) 1,000 feet of a college, university, or other educational institution;</li> <li>(5) 1,000 feet of any other facility that is similar to any of the above-named uses.</li> </ul>	<p><b>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)</li> <li>(F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way and 100 feet from side or rear lot lines.</li> </ul> <p>Option 2</p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160 (F)</li> <li>(F) Marijuana cultivation facilities are prohibited from locating within:             <ol style="list-style-type: none"> <li>(1) the core area as described in the official Core Area Comprehensive Plan and its amendments;</li> <li>(2) Residential Land Use Districts established by MSB 17.52;</li> <li>(3) Single-Family Residential Land Use Districts as defined by MSB 17.75;</li> <li>(4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76;</li> <li>(5) Residential Planned Unit Developments established by MSB 17.36.</li> </ol> </li> </ul> <p>Option 3</p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010</li> <li>"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.</li> </ul> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160 (F)</li> <li>(F) Marijuana cultivation facilities shall not be located within residential areas.</li> </ul>
<p><b>Remove sign standards</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (A) (1):</li> <li>(1) any potential negative effect upon other properties in the area due to such factors as noise and color, or obtrusive advertising;</li> <li>✓ Amend MSB 17.60.150 (A) (3) (c):</li> <li>(c) reduction or elimination of obtrusive or garish signage;</li> </ul>		<p><b>Prohibit retail facilities from residential areas</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.170 (A) *</li> <li>(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.</li> <li>Adopt definition of "Residential Area" from Option 3 above.</li> </ul>
<p><b>Exempt "limited" grow operations</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.030 (A) (5) (a)</li> <li>(a) Cultivation facilities with less than 500 square feet under cultivation are exempt under this chapter.</li> </ul>		<p><b>Require demonstration of compliance with state law</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (D)</li> <li>(D) Prior to final approval of the permit the applicant shall provide written documentation:             <ol style="list-style-type: none"> <li>1. all applicable licenses have been obtained as required by 3 AAC 306.005.</li> <li>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 12 AAC 80.025-0.80 FIRE CODE.</li> </ol> </li> </ul>
<p><b>Eliminate 5,000 sq. ft. cap on cultivation</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.160 (E)</li> <li>(E) Marijuana cultivation facilities may not exceed 5,000 square feet of net floor area. The 5,000-square-foot limit only applies to cultivation and does not include administrative space, processing, storage rooms, or storage space.</li> </ul>		<p><b>Other changes recommended by staff</b></p> <ul style="list-style-type: none"> <li>✓ Adopt New Subsection MSB 17.60.170 <b>STANDARDS FOR MARIJUANA RETAIL FACILITIES</b></li> <li>✓ Amend MSB 17.60.150 (A)</li> <li>(7) whether the use is incompatible compatible with the character of the surrounding area.</li> <li>✓ Amend MSB 17.60.160 (D)</li> <li>Sec 5. The applicant shall provide a security plan. The plan shall include, but not be limited to, education for employees on security measures.</li> <li>✓ *Consider increasing buffer from school grounds to 1,000 feet to ensure compliance with federal law.</li> </ul>
<p><b>Parking standards</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010</li> <li>"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</li> <li>✓ Strike MSB 17.60.150 (A) (4)</li> <li>(4) whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit;</li> <li>✓ Amend MSB 17.60.170 *</li> <li>(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 eight feet.</li> <li>(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.</li> </ul>	<p><b>Amend MSB 17.125.010</b></p> <ul style="list-style-type: none"> <li>"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.</li> <li>"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.</li> <li>"Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use as consumption, such as, but not limited to, edible products, ointments, and tinctures.</li> <li>"recreation or youth center" means a building, structure, athletic playing field, or playground which is:             <ol style="list-style-type: none"> <li>(a) run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors; or</li> <li>(b) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.</li> </ol> </li> </ul>	<p>* 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.</p>

# Option 1

✓ Adopt MSB 17.60.160(F)

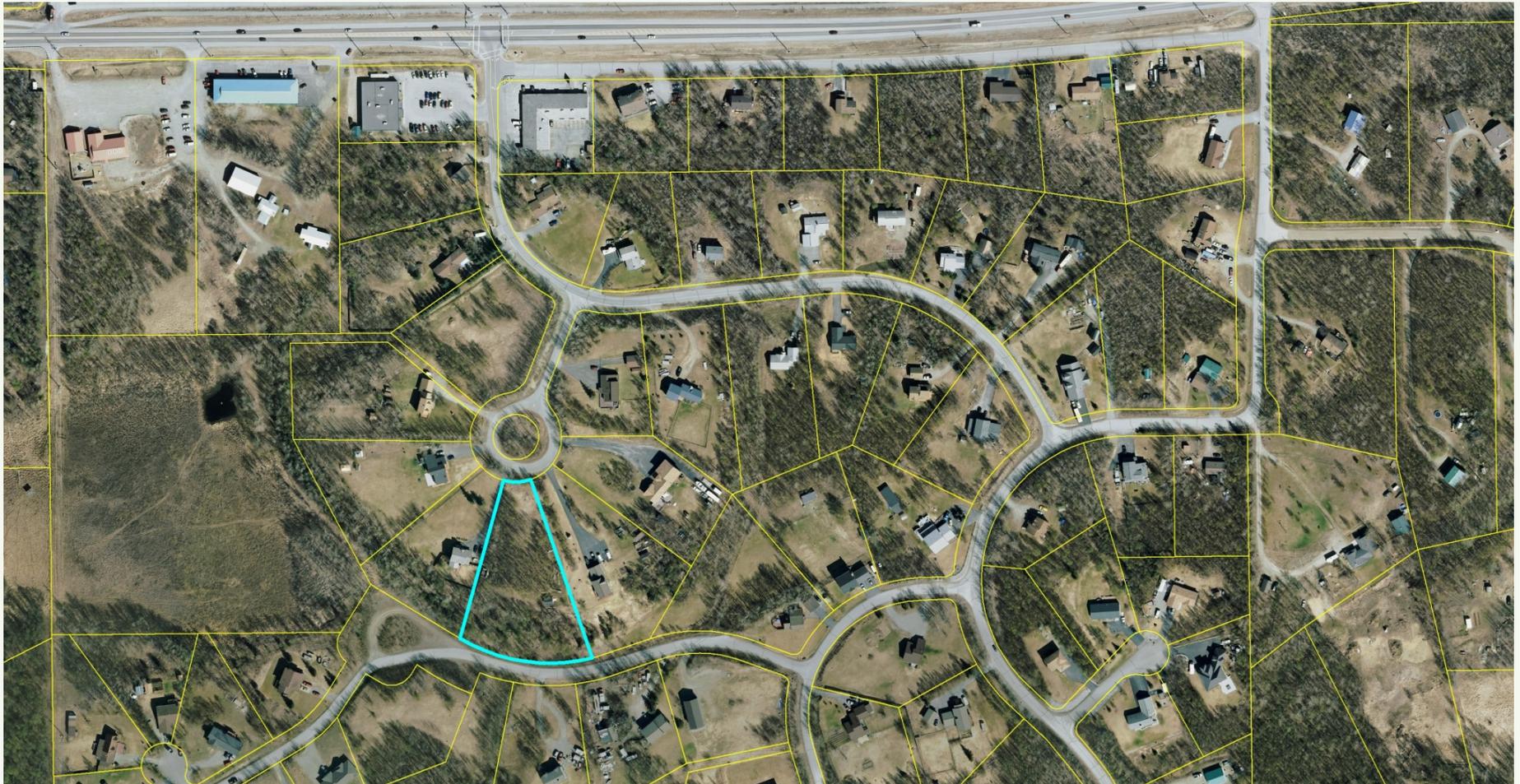
**(F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.**



# Option 1

✓ Adopt MSB 17.60.160(F)

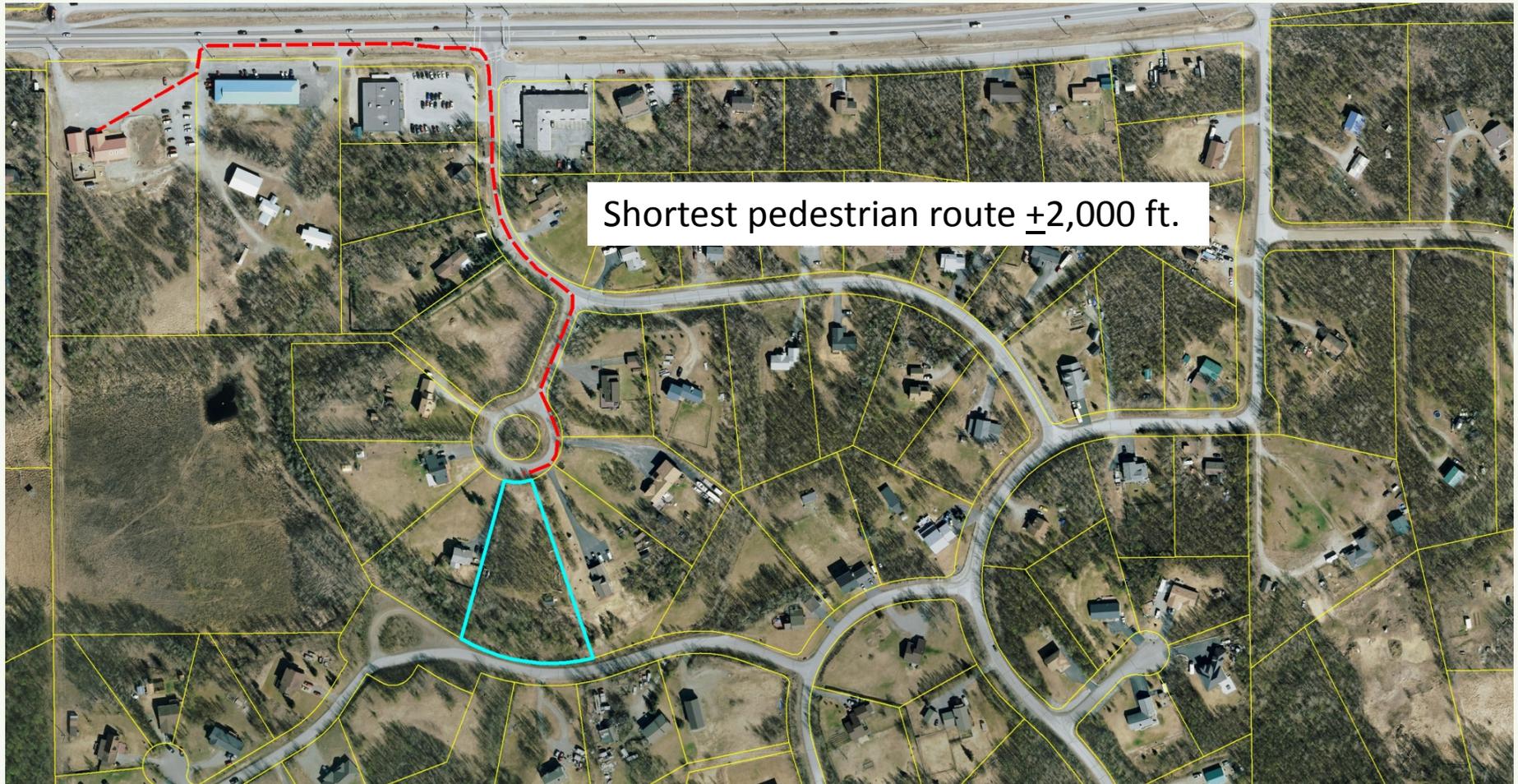
**(F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.**



# 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)

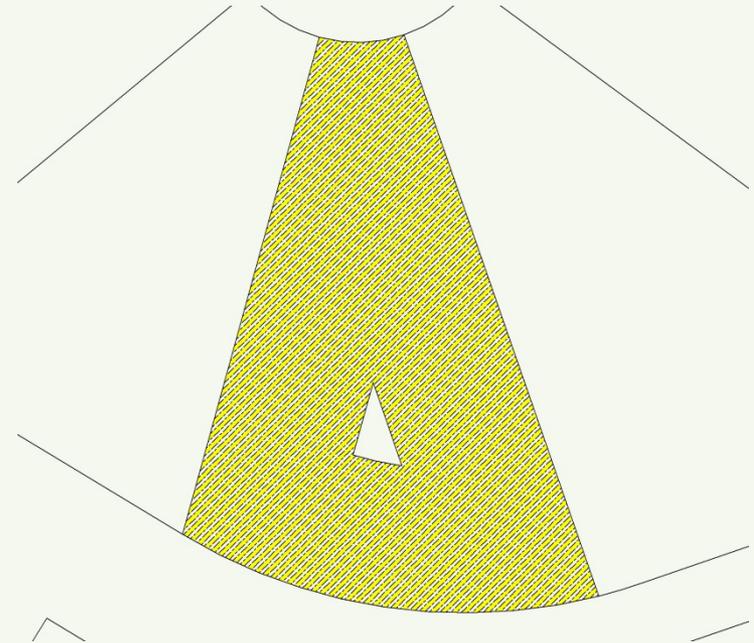
**(F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.**



# 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)

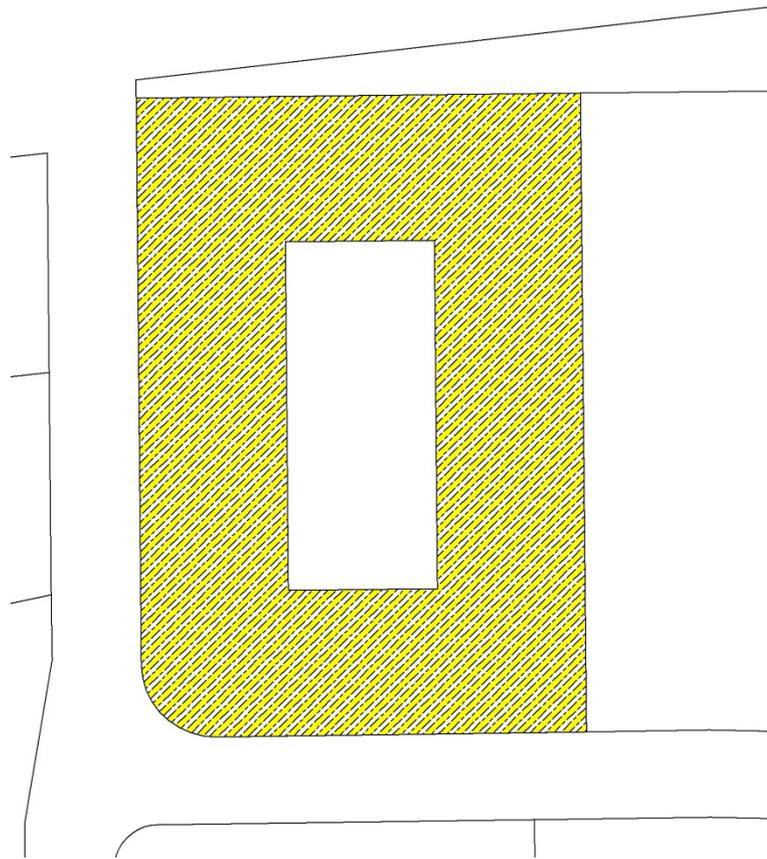
**(F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.**



# 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)

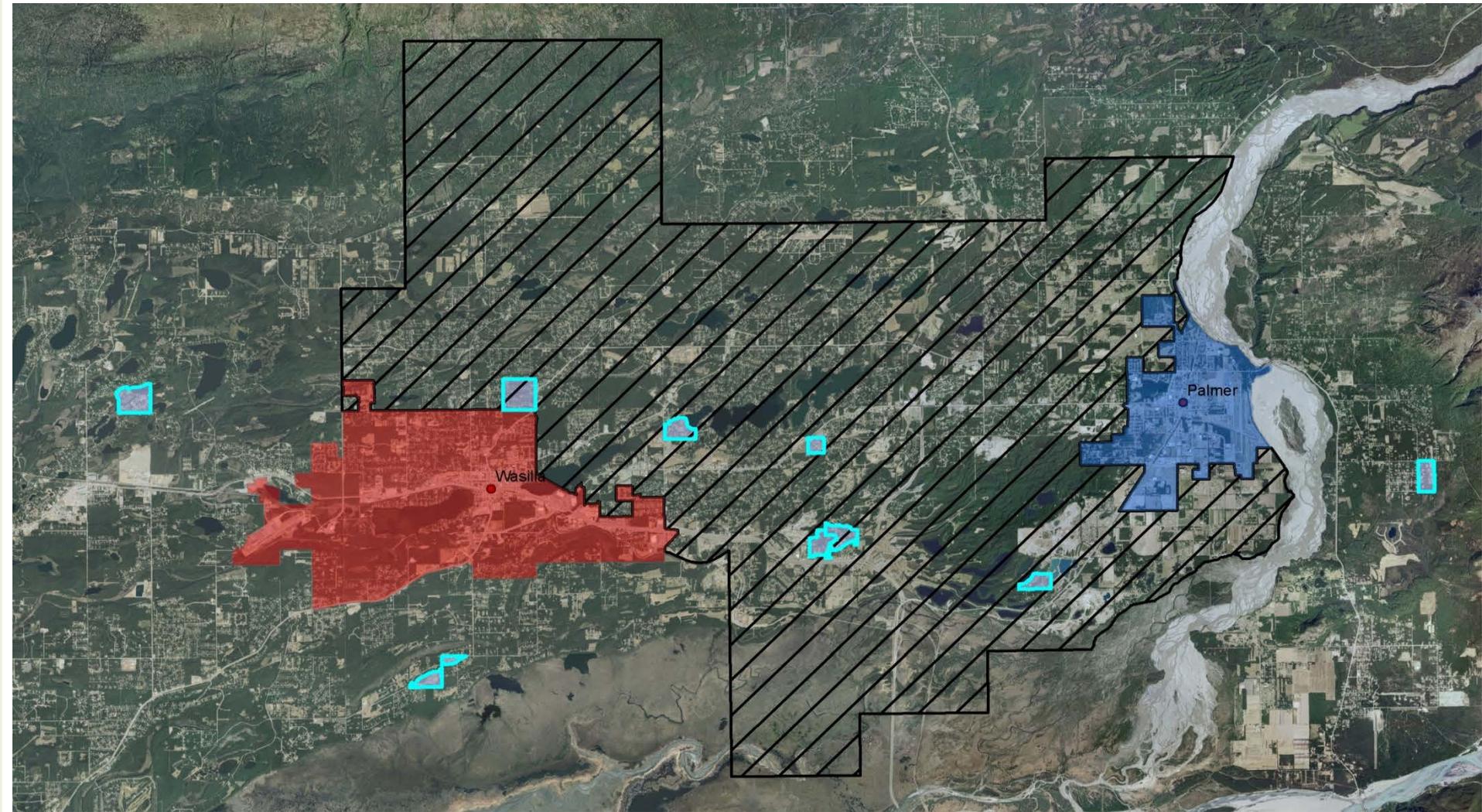
## (F) Marijuana cultivation facilities are prohibited from locating within:

- (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.

<p><b>Adopt 16-003 with no changes</b></p> <p>- Higher setback standards compared to state</p> <ul style="list-style-type: none"> <li>• 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities</li> <li>• 1,000 feet from schools (state requires 500 feet)</li> <li>• 1,000 feet from child care facilities</li> <li>• 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities</li> </ul> <p>- Lacks critical definitions</p> <ul style="list-style-type: none"> <li>• Marijuana products</li> <li>• Marijuana product manufacturing facility</li> </ul> <p>- Lacks specific standards for retail facilities</p> <ul style="list-style-type: none"> <li>• Parking standards</li> <li>• Exclusion from residential neighborhoods</li> </ul> <p>- Does not require demonstration of compliance with</p>	<p><b>Remove standards for traffic impacts</b></p> <p>✓ Strike MSB 17.60.150 (A) (2)</p> <p>(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.</p> <p>✓ Strike MSB 17.60.150 (A) (3) (d)</p> <p>(d) changing water access to the establishment and use of drainage roads to reduce the number of entries and exits onto highways, arterials and collectors; and</p> <p>✓ Amend MSB 17.60.150 (A)</p> <p>(4) whether access to the premises will create any of the following conditions: (a) whether a reasonably expected increase in traffic volume will occur; (b) whether a reasonably expected increase in traffic volume will occur; (c) whether a reasonably expected increase in traffic volume will occur; (d) whether a reasonably expected increase in traffic volume will occur.</p>	<p><b>Prohibit cultivation facilities from residential areas</b></p> <p>Option 1</p> <p>✓ Adopt MSB 17.60.160 (F)</p> <p>(F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way and 100 feet from schools or care facilities.</p> <p>Option 2</p> <p>✓ Adopt MSB 17.60.160 (F)</p> <p>(F) Marijuana cultivation facilities are prohibited from locating within:</p> <ol style="list-style-type: none"> <li>(1) the core area as described in the official Core Area Comprehensive Plan and its amendments;</li> <li>(2) Residential Land Use Districts established by MSB 17.52;</li> <li>(3) Single-Family Residential Land Use Districts as defined by MSB 17.75;</li> <li>(4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76;</li> <li>(5) Residential Planned Unit Developments established by MSB 17.36.</li> </ol> <p>Option 3</p> <p>✓ Amend MSB 17.125.010</p> <p>(1) Residential Area means any subdivision of four or more lots where at least 50 percent of the lots are impervious 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.</p> <p>✓ Adopt MSB 17.60.160 (F)</p> <p>(F) Marijuana cultivation facilities shall not be located within residential areas.</p>
<p><b>Remove sign standards</b></p> <p>✓ Amend MSB 17.60.170 (1) any sign</p> <p>(1) any sign</p> <p>✓ Amend MSB 17.60.170 (1) any sign</p> <p>(1) any sign</p>	<p><b>Remove standards for traffic impacts</b></p> <p>✓ Amend MSB 17.60.150 (A) (2)</p> <p>(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.</p> <p>✓ Strike MSB 17.60.150 (A) (3) (d)</p> <p>(d) changing water access to the establishment and use of drainage roads to reduce the number of entries and exits onto highways, arterials and collectors; and</p> <p>✓ Amend MSB 17.60.150 (A)</p> <p>(4) whether access to the premises will create any of the following conditions: (a) whether a reasonably expected increase in traffic volume will occur; (b) whether a reasonably expected increase in traffic volume will occur; (c) whether a reasonably expected increase in traffic volume will occur; (d) whether a reasonably expected increase in traffic volume will occur.</p>	<p><b>Prohibit retail facilities from residential areas</b></p> <p>Option 1</p> <p>✓ Amend MSB 17.60.170 (A) *</p> <p>(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.</p> <p>✓ Adopt definition of "Residential Area" from Option 3 above.</p>
<p><b>Exempt "limited" grow operations</b></p> <p>✓ Amend MSB 17.60.030 (A) (5) (a)</p> <p>(a) Cultivation facilities with less than 500 square feet under cultivation are exempt under this chapter.</p>	<p><b>Remove standards for traffic impacts</b></p> <p>✓ Amend MSB 17.60.150 (A) (2)</p> <p>(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.</p> <p>✓ Strike MSB 17.60.150 (A) (3) (d)</p> <p>(d) changing water access to the establishment and use of drainage roads to reduce the number of entries and exits onto highways, arterials and collectors; and</p> <p>✓ Amend MSB 17.60.150 (A)</p> <p>(4) whether access to the premises will create any of the following conditions: (a) whether a reasonably expected increase in traffic volume will occur; (b) whether a reasonably expected increase in traffic volume will occur; (c) whether a reasonably expected increase in traffic volume will occur; (d) whether a reasonably expected increase in traffic volume will occur.</p>	<p><b>Require demonstration of compliance with state law</b></p> <p>✓ Adopt MSB 17.60.150 (D)</p> <p>(D) Prior to final approval of the permit the applicant shall provide written documentation:</p> <ol style="list-style-type: none"> <li>1. all applicable licenses have been obtained as required by 3 AAC 406.005;</li> <li>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.</li> </ol>
<p><b>Eliminate 5,000 sq. ft. cap on cultivation facilities</b></p> <p>✓ Strike MSB 17.60.160 (E)</p> <p>(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, bathroom, or storage space.</p>	<p><b>Remove standards for traffic impacts</b></p> <p>✓ Amend MSB 17.60.150 (A) (2)</p> <p>(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.</p> <p>✓ Strike MSB 17.60.150 (A) (3) (d)</p> <p>(d) changing water access to the establishment and use of drainage roads to reduce the number of entries and exits onto highways, arterials and collectors; and</p> <p>✓ Amend MSB 17.60.150 (A)</p> <p>(4) whether access to the premises will create any of the following conditions: (a) whether a reasonably expected increase in traffic volume will occur; (b) whether a reasonably expected increase in traffic volume will occur; (c) whether a reasonably expected increase in traffic volume will occur; (d) whether a reasonably expected increase in traffic volume will occur.</p>	<p><b>Require demonstration of compliance with state law</b></p> <p>✓ Adopt MSB 17.60.150 (D)</p> <p>(D) Prior to final approval of the permit the applicant shall provide written documentation:</p> <ol style="list-style-type: none"> <li>1. all applicable licenses have been obtained as required by 3 AAC 406.005;</li> <li>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.</li> </ol>
<p><b>Parking standards</b></p> <p>✓ Amend MSB 17.125.010</p> <p>(1) "Net floor area" means the total of all floor areas of a building or lot area, including stairs, and elevator shafts, equipment rooms, interior vehicular parking or loading</p> <p>✓ Strike MSB 17.60.150 (A) (4)</p> <p>(4) whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit</p> <p>✓ Amend MSB 17.60.170 *</p> <p>(B) The minimum number of parking spaces for retail facilities shall be one space for 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.</p> <p>(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.</p>	<p><b>Remove standards for traffic impacts</b></p> <p>✓ Amend MSB 17.60.150 (A) (2)</p> <p>(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.</p> <p>✓ Strike MSB 17.60.150 (A) (3) (d)</p> <p>(d) changing water access to the establishment and use of drainage roads to reduce the number of entries and exits onto highways, arterials and collectors; and</p> <p>✓ Amend MSB 17.60.150 (A)</p> <p>(4) whether access to the premises will create any of the following conditions: (a) whether a reasonably expected increase in traffic volume will occur; (b) whether a reasonably expected increase in traffic volume will occur; (c) whether a reasonably expected increase in traffic volume will occur; (d) whether a reasonably expected increase in traffic volume will occur.</p>	<p><b>Other changes recommended by staff</b></p> <p>✓ Amend MSB 17.60.170</p> <p>(1) "Net floor area" means the total of all floor areas of a building or lot area, including stairs, and elevator shafts, equipment rooms, interior vehicular parking or loading</p> <p>✓ Amend MSB 17.60.150 (A)</p> <p>(1) whether the use is incompatible compatible with the character of the surrounding area.</p> <p>✓ Amend MSB 17.60.160 (D)</p> <p>(D) Security: The applicant shall provide a security plan. The plan shall include, but not be limited to, education for employees on security measures.</p> <p>✓ Consider increasing buffer from school grounds to 1,000 feet to ensure compliance with federal law.</p>

\* 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

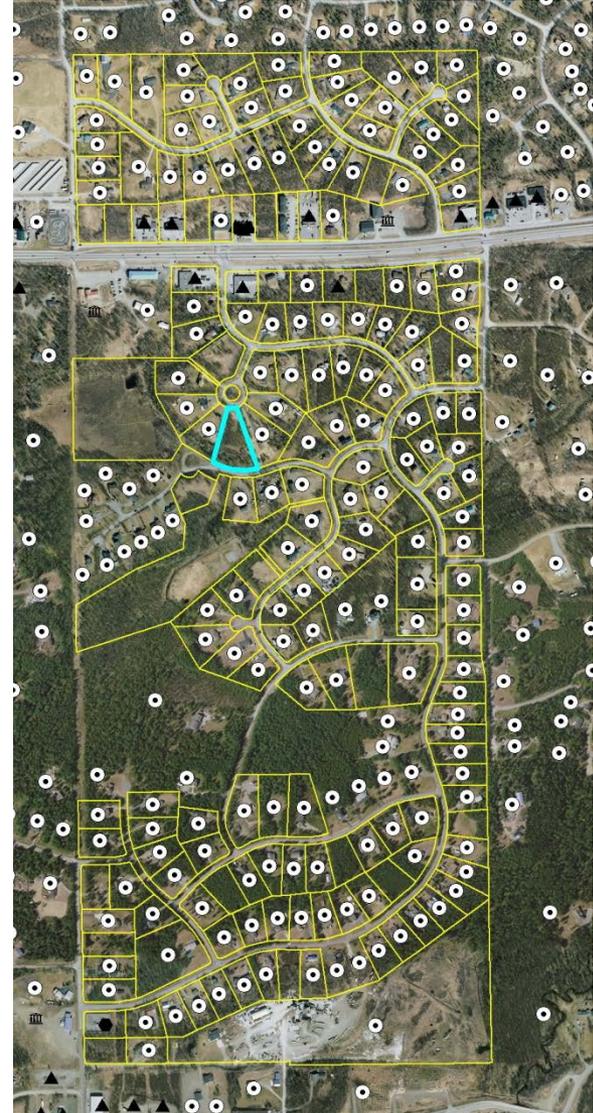
**“Residential Area” means any subdivision of four or more lots where at least 50 percent of the lots are improved with single-family or multifamily structures, or a subdivision of four or more lots where at least 75 percent of lots are restricted by private covenants or zoning to residential purposes.**

<p><b>Adopt 16-003 with no changes</b></p> <ul style="list-style-type: none"> <li>- Higher setback standards compared to state             <ul style="list-style-type: none"> <li>• 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities</li> <li>• 1,000 feet from schools (state requires 500 feet)</li> <li>• 1,000 feet from child care facilities</li> <li>• 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities</li> </ul> </li> <li>- Lacks critical definitions             <ul style="list-style-type: none"> <li>• Marijuana products</li> <li>• Marijuana product manufacturing facility</li> </ul> </li> <li>- Lacks specific standards for retail facilities             <ul style="list-style-type: none"> <li>• Parking standards</li> <li>• Exclusion from residential neighborhoods</li> </ul> </li> <li>- Does not require demonstration of compliance with Fire Marshall</li> </ul>	<p><b>Remove standards for traffic impacts</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.150 (A) (2)</li> <li>(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;</li> <li>✓ Strike MSB 17.60.150 (A) (3) (d)</li> <li>(d) clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exits onto highway, arterial and collector; and</li> <li>✓ Amend MSB 17.60.150 (A)</li> <li>(5) whether access to the premises will create an unreasonable traffic hazard;</li> <li>(6) whether a reasonably expected increase in traffic will overtax existing road systems;</li> </ul>	<p><b>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)</li> <li>(F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.</li> </ul> <p>Option 2</p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160 (F)</li> <li>(F) Marijuana cultivation facilities are prohibited from locating within:             <ol style="list-style-type: none"> <li>(1) the core area as described in the official Core Area Comprehensive Plan and its amendments;</li> <li>(2) Residential Land Use Districts established by MSB 17.52;</li> <li>(3) Single-Family Residential Land Use Districts as defined by MSB 17.75;</li> <li>(4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76;</li> <li>(5) Residential Planned Unit Developments established by MSB 17.36.</li> </ol> </li> </ul> <p>Option 3</p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010</li> <li>“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.</li> </ul>
<p><b>Remove sign standards</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (A) (1):</li> <li>(1) any potential negative effect upon other properties in the area due to such factors as noise and odor or obtrusive advertising;</li> <li>✓ Amend MSB 17.60.150 (A) (3) (c)</li> <li>(c) reduction or elimination of obtrusive or unattractive signs;</li> </ul>	<p><b>Reduce setback standards to match state</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (B)</li> <li>(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 on the subject property;</li> </ul>	<ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160 (F)</li> <li>(F) Marijuana cultivation facilities shall not be located within residential areas.</li> </ul> <p><b>Prohibit retail facilities from residential areas</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.170 (A)*</li> <li>(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.</li> <li>✓ Adopt definition of “Residential Area” from Option 3 above.</li> </ul>
<p><b>Exempt “limited” grow operations</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.030 (A) (5) (a)</li> <li>(a) Cultivation facilities with less than cultivation are exempt under this chapter.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (C)</li> <li>(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-named 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.</li> <li>✓ Amend MSB 17.125.010</li> <li>“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.</li> <li>“Marijuana product manufacturing facility” means an entity registered to purchase, manufacture, repair, 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.</li> <li>“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.</li> <li>“recreation or youth center” means a building, structure, athletic playing field, or playground which is:             <ol style="list-style-type: none"> <li>(a) run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors; or</li> <li>(b) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.</li> </ol> </li> </ul>	<p><b>Require demonstration of compliance with state law</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.150 (D)</li> <li>(D) Prior to final approval of the permit the applicant shall provide written documentation:             <ol style="list-style-type: none"> <li>1. all applicable licenses have been obtained as required by 3 AAC 306.095.</li> <li>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 80.025-0.80 FIRE CODE.</li> </ol> </li> </ul>
<p><b>Eliminate 5,000 sq. ft. cap on cultivation facilities</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.160 (E)</li> <li>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.</li> </ul> <p><b>Parking standards</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010</li> <li>“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</li> <li>✓ Strike MSB 17.60.150 (A) (4)</li> <li>(4) whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit;</li> <li>✓ Amend MSB 17.60.170*</li> <li>(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.</li> <li>(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.</li> </ul>	<p><b>Other changes recommended by staff</b></p> <ul style="list-style-type: none"> <li>✓ Adopt New Subsection MSB 17.60.170 <u>STANDARDS FOR MARIJUANA RETAIL FACILITIES</u></li> <li>✓ Amend MSB 17.60.150 (A)</li> <li>(7) whether the use is incompatible compatible with the character of the surrounding area.</li> <li>✓ Amend MSB 17.60.160 (D)</li> <li>Security. The applicant shall provide a security plan. The plan shall include, but not be limited to, education for employees on security measures.</li> <li>✓ Consider increasing buffer from school grounds to 1,000 feet to ensure compliance with federal law.</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.

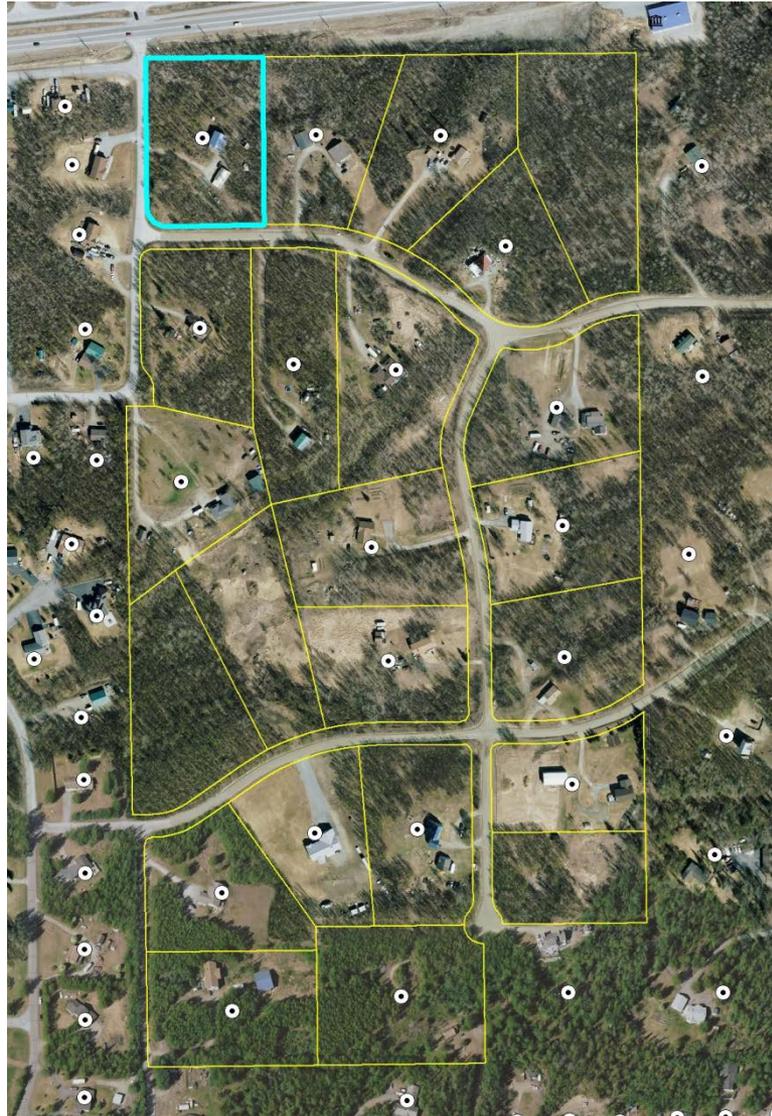
# Option 3

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

# Prohibit retail facilities from residential areas

<p><b>Adopt 16-003 with no changes</b></p> <ul style="list-style-type: none"> <li>- Higher setback standards compared to state             <ul style="list-style-type: none"> <li>▪ 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities</li> <li>▪ 1,000 feet from schools (state requires 500 feet)</li> <li>▪ 1,000 feet from child care facilities</li> <li>▪ 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities</li> </ul> </li> <li>- Lacks critical definitions             <ul style="list-style-type: none"> <li>▪ Marijuana products</li> <li>▪ Marijuana product manufacturing facility</li> </ul> </li> <li>- Lacks specific standards for retail facilities             <ul style="list-style-type: none"> <li>▪ Parking standards</li> <li>▪ Exclusion from residential neighborhoods</li> </ul> </li> <li>- Does not require demonstration of compliance with Fire Marshall</li> </ul>	<p><b>Remove standards for traffic impacts</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.150(A) (2)             <ul style="list-style-type: none"> <li>(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;</li> </ul> </li> <li>✓ Strike MSB 17.60.150(A) (3) (d)             <ul style="list-style-type: none"> <li>(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</li> </ul> </li> <li>✓ Amend MSB 17.60.150(A)             <ul style="list-style-type: none"> <li>(5) whether access to the premises will create an unreasonable traffic hazard;</li> <li>(6) whether a reasonably expected increase in traffic will overtax existing road systems;</li> </ul> </li> </ul>	<p><b>Prohibit cultivation facilities from residential areas</b></p> <p><b>Option 1</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160(F)             <ul style="list-style-type: none"> <li>(F) <b>Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.</b></li> </ul> </li> </ul> <p><b>Option 2</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160(F)             <ul style="list-style-type: none"> <li>(F) <b>Marijuana cultivation facilities are prohibited from locating within:</b> <ol style="list-style-type: none"> <li>(1) the core area as described in the official Core Area Comprehensive Plan and its amendments;</li> <li>(2) Residential Land Use Districts established by MSB 17.52;</li> <li>(3) Single-Family Residential Land Use Districts as defined by MSB 17.75;</li> <li>(4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76;</li> <li>(5) Residential Planned Unit Developments established by MSB 17.36.</li> </ol> </li> </ul> </li> </ul> <p><b>Option 3</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010             <ul style="list-style-type: none"> <li>"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.</li> </ul> </li> <li>✓ Adopt MSB 17.60.160(F)             <ul style="list-style-type: none"> <li>(F) <b>Marijuana cultivation facilities shall not be located within residential areas.</b></li> </ul> </li> </ul>
<p><b>Remove sign standards</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150(A) (1) :             <ul style="list-style-type: none"> <li>(1) any potential negative effect upon other properties in the area due to such factors as noise, <u>and</u> odor, <u>or</u> obtrusive advertising;</li> </ul> </li> <li>✓ Amend MSB 17.60.150(A) (3) (c)             <ul style="list-style-type: none"> <li>(c) <u>reduction or elimination of obtrusive or garish signage;</u></li> </ul> </li> </ul>	<p><b>Reduce setback standards to match state</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150(B)             <ul style="list-style-type: none"> <li>(1) <u>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;</u> within 50 feet of any residence located on an adjacent property, but excluding residential units that are located within the subject property;</li> <li>(2) <u>500 feet of any drug or alcohol rehabilitation facilities;</u></li> <li>(3) <u>500 feet of any half-way house or correctional facility;</u></li> <li>(4) <u>1,000 feet of any elementary school, middle school, high school, college, or university, whether public or private;</u></li> <li>(5) <u>1,000 feet of any licensed child care facility; or</u></li> <li>(6) <u>500 feet of any public park, playground, boat ramp, or other similar recreational amenity open to the public;</u></li> </ul> </li> <li>✓ Amend MSB 17.60.150(C)             <ul style="list-style-type: none"> <li>(C) Separation distances referenced in (B) of this section are measured <u>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.</u></li> </ul> </li> <li>✓ Amend MSB 17.125.010             <ul style="list-style-type: none"> <li>"Recreational facility" means a place designed and equipped for the conduct of sports or recreational uses. Recreational Facility does not include the following: <u>water bodies, bike or walking paths constructed within a public or private right-of-way.</u></li> <li>"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.</li> <li>"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.</li> <li>"recreation or youth center" means a building, structure, athletic playing field, or playground which is:                 <ul style="list-style-type: none"> <li>(a) run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors; or</li> <li>(b) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.</li> </ul> </li> </ul> </li> </ul>	<p><b>Prohibit retail facilities from residential areas</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.170(A) *             <ul style="list-style-type: none"> <li>(A) <b>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.</b></li> </ul> </li> <li>✓ Adopt definition of "Residential Area" from Option 3 above.</li> </ul>
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\* 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.

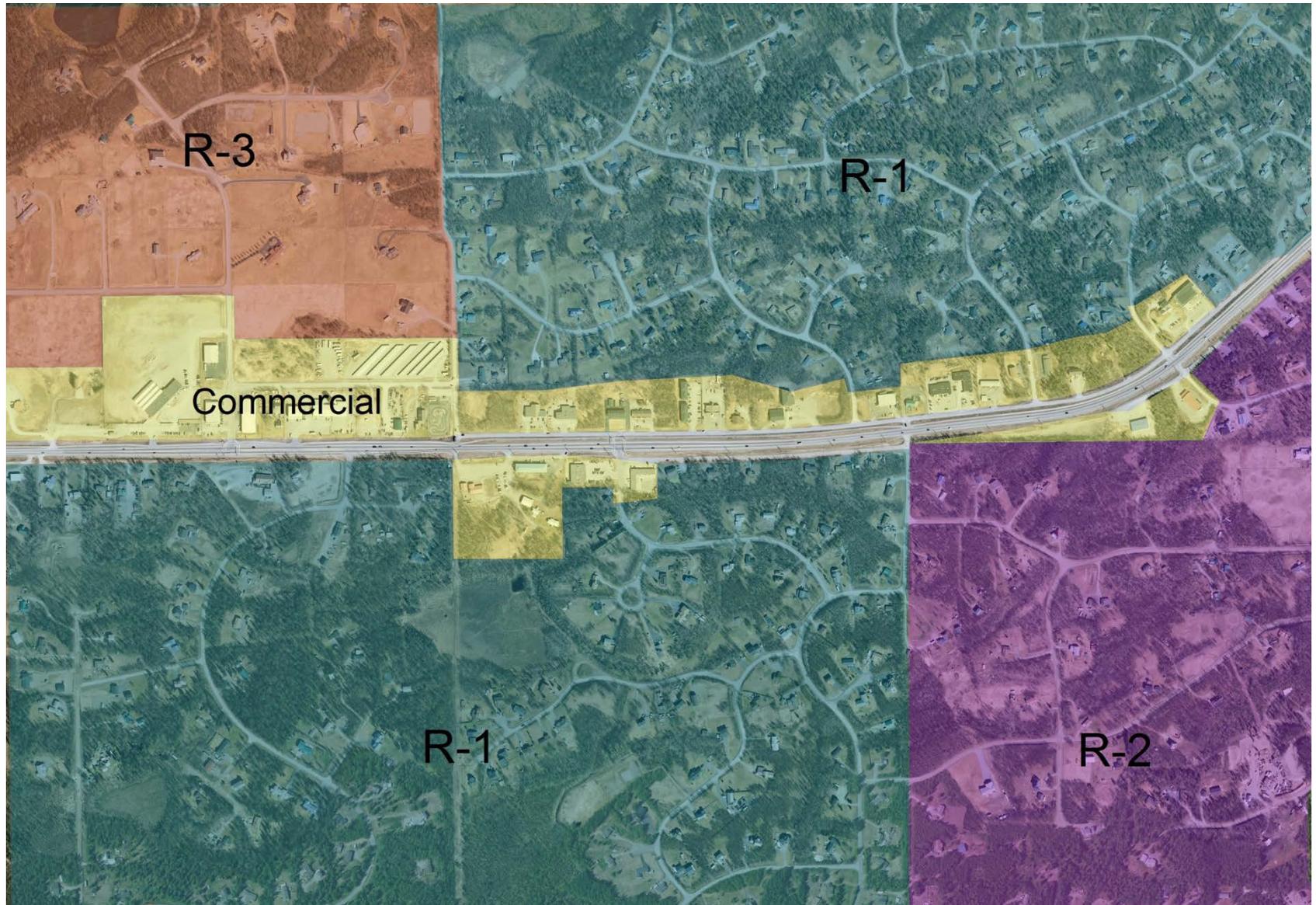
# Prohibit retail facilities from residential areas

✓ 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.**



# Another approach...



# Remove sign standards

<p><b>Adopt 16-003 with no changes</b></p> <ul style="list-style-type: none"> <li>- Higher setback standards compared to state             <ul style="list-style-type: none"> <li>500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities</li> <li>1,000 feet from schools (state requires 500 feet)</li> <li>1,000 feet from child care facilities</li> <li>500 feet from public parks, playgrounds, boat ramps, similar recreational amenities</li> </ul> </li> <li>- Lacks critical definitions             <ul style="list-style-type: none"> <li>Marijuana products</li> <li>Marijuana product manufacturing facility</li> </ul> </li> <li>- Lacks specific standards for retail facilities             <ul style="list-style-type: none"> <li>Parking standards</li> <li>Exclusion from residential neighborhoods</li> </ul> </li> <li>- Does not require demonstration of compliance with Fire Marshall</li> </ul>	<p><b>Remove standards for traffic impacts</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.150 (A) (2)             <ul style="list-style-type: none"> <li>(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;</li> </ul> </li> <li>✓ Strike MSB 17.60.150 (A) (3) (d)             <ul style="list-style-type: none"> <li>(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</li> </ul> </li> <li>✓ Amend MSB 17.60.150 (A)             <ul style="list-style-type: none"> <li>(5) whether access to the premises will create an unreasonable traffic hazard;</li> <li>(6) whether a reasonably expected increase in traffic will overtax existing road systems;</li> </ul> </li> </ul>	<p><b>Prohibit cultivation facilities from residential areas</b></p> <p><b>Option 1</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160 (F)             <ul style="list-style-type: none"> <li>(F) <b>Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.</b></li> </ul> </li> </ul> <p><b>Option 2</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160 (F)             <ul style="list-style-type: none"> <li>(F) <b>Marijuana cultivation facilities are prohibited from locating within:</b> <ol style="list-style-type: none"> <li>(1) the core area as described in the official Core Area Comprehensive Plan and its amendments;</li> <li>(2) Residential Land Use Districts established by MSB 17.52;</li> <li>(3) Single-Family Residential Land Use Districts as defined by MSB 17.75;</li> <li>(4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76;</li> <li>(5) Residential Planned Unit Developments established by MSB 17.36.</li> </ol> </li> </ul> </li> </ul> <p><b>Option 3</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010             <ul style="list-style-type: none"> <li>"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.</li> </ul> </li> <li>✓ Adopt MSB 17.60.160 (F)             <ul style="list-style-type: none"> <li>(F) <b>Marijuana cultivation facilities shall not be located within residential areas.</b></li> </ul> </li> </ul>
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\* 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

<p><b>Adopt 16-003 with no changes</b></p> <ul style="list-style-type: none"> <li>- Higher setback standards compared to state             <ul style="list-style-type: none"> <li>500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities</li> <li>1,000 feet from schools (state requires 500 feet)</li> <li>1,000 feet from child care facilities</li> <li>500 feet from public parks, playgrounds, boat ramps, similar recreational amenities</li> </ul> </li> <li>- Lacks critical definitions             <ul style="list-style-type: none"> <li>Marijuana products</li> <li>Marijuana product manufacturing facility</li> </ul> </li> <li>- Lacks specific standards for retail facilities             <ul style="list-style-type: none"> <li>Parking standards</li> <li>Exclusion from residential neighborhoods</li> </ul> </li> <li>- Does not require demonstration of compliance with Fire Marshall</li> </ul>	<p><b>Remove standards for traffic impacts</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.150 (A) (2)             <ul style="list-style-type: none"> <li>(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;</li> </ul> </li> <li>✓ Strike MSB 17.60.150 (A) (3) (d)             <ul style="list-style-type: none"> <li>(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</li> </ul> </li> <li>✓ Amend MSB 17.60.150 (A)             <ul style="list-style-type: none"> <li>(5) whether access to the premises will create an unreasonable traffic hazard;</li> <li>(6) whether a reasonably expected increase in traffic will overtax existing road systems;</li> </ul> </li> </ul>	<p><b>Prohibit cultivation facilities from residential areas</b></p> <p><b>Option 1</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160 (F)             <ul style="list-style-type: none"> <li>(F) <b>Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.</b></li> </ul> </li> </ul> <p><b>Option 2</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160 (F)             <ul style="list-style-type: none"> <li>(F) <b>Marijuana cultivation facilities are prohibited from locating within:</b> <ol style="list-style-type: none"> <li>(1) the core area as described in the official Core Area Comprehensive Plan and its amendments;</li> <li>(2) Residential Land Use Districts established by MSB 17.52;</li> <li>(3) Single-Family Residential Land Use Districts as defined by MSB 17.75;</li> <li>(4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76;</li> <li>(5) Residential Planned Unit Developments established by MSB 17.36.</li> </ol> </li> </ul> </li> </ul> <p><b>Option 3</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010             <ul style="list-style-type: none"> <li>"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.</li> </ul> </li> <li>✓ Adopt MSB 17.60.160 (F)             <ul style="list-style-type: none"> <li>(F) <b>Marijuana cultivation facilities shall not be located within residential areas.</b></li> </ul> </li> </ul>
<p><b>Remove sign standards</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (A) (1):             <ul style="list-style-type: none"> <li>(1) any potential negative effect upon other properties in the area due to such factors as noise, <del>and</del> odor, or obtrusive advertising;</li> </ul> </li> <li>✓ Amend MSB 17.60.150 (A) (3) (c)             <ul style="list-style-type: none"> <li>(c) <del>reduction or elimination of obtrusive or garish signage;</del></li> </ul> </li> </ul>	<p><b>Reduce setback standards to match state</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (B)             <ul style="list-style-type: none"> <li>(1) <del>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;</del> within 50 feet of any residence located on an adjacent property, but excluding residential units that are located within the subject property;</li> <li>(2) 500 feet of any drug or alcohol rehabilitation facilities;</li> <li>(3) 500 feet of any half-way house or correctional facility;</li> <li>(4) 1,000 feet of any elementary school, middle school, high school, college, or university, whether public or private;</li> <li>(5) 1,000 feet of any licensed child-care facility; or</li> <li>(6) 500 feet of any public park, playground, boat ramp, or other similar recreational amenity open to the public;</li> </ul> </li> <li>✓ Amend MSB 17.60.150 (C)             <ul style="list-style-type: none"> <li>(C) Separation distances referenced in (B) of this section are measured <del>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> 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.</li> </ul> </li> </ul>	<p><b>Prohibit retail facilities from residential areas</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.170 (A) *             <ul style="list-style-type: none"> <li>(A) <b>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.</b></li> </ul> </li> <li>✓ Adopt definition of "Residential Area" from Option 3 above.</li> </ul>
<p><b>Exempt "limited" grow operations</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.030 (A) (5) (a)             <ul style="list-style-type: none"> <li>(a) <b>Cultivation facilities with less than 500 square feet under cultivation are exempt under this chapter.</b></li> </ul> </li> </ul>	<p><b>Require demonstration of compliance with state law</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010             <ul style="list-style-type: none"> <li>"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.</li> <li>"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.</li> <li>"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.</li> <li>"recreation or youth center" means a building, structure, athletic playing field, or playground which is:                 <ol style="list-style-type: none"> <li>(a) run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors; or</li> <li>(b) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.</li> </ol> </li> </ul> </li> </ul>	<p><b>Require demonstration of compliance with state law</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (D)             <ul style="list-style-type: none"> <li>(D) <b>Prior to final approval of the permit the applicant shall provide written documentation:</b> <ol style="list-style-type: none"> <li>1. all applicable licenses have been obtained as required by 3 AAC 306.005.</li> <li>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.</li> </ol> </li> </ul> </li> </ul>
<p><b>Eliminate 5,000 sq. ft. cap on cultivation facilities</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.160 (E)             <ul style="list-style-type: none"> <li>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.</li> </ul> </li> </ul>	<p><b>Other changes recommended by staff</b></p> <ul style="list-style-type: none"> <li>✓ *Adopt New Subsection MSB 17.60.170 <b>STANDARDS FOR MARIJUANA RETAIL FACILITIES</b></li> <li>✓ Amend MSB 17.60.150 (A)             <ul style="list-style-type: none"> <li>(7) whether the use is incompatible <u>compatible</u> with the character of the surrounding area.</li> </ul> </li> <li>✓ Amend MSB 17.60.160 (D)             <ul style="list-style-type: none"> <li>Security. The applicant shall provide a security plan. The plan shall include, <b>but not be limited to</b>, education for employees on security measures.</li> </ul> </li> <li>✓ *Consider increasing buffer from school grounds to 1,000 feet to ensure compliance with federal law.</li> </ul>	<p><b>Parking standards</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010             <ul style="list-style-type: none"> <li>"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</li> </ul> </li> <li>✓ Strike MSB 17.60.150 (A) (4)             <ul style="list-style-type: none"> <li>(4) whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit;</li> </ul> </li> <li>✓ Amend MSB 17.60.170*             <ul style="list-style-type: none"> <li>(B) <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.</b></li> <li>(C) <b>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.</b></li> </ul> </li> </ul>

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# Parking standards

<p><b>Adopt 16-003 with no changes</b></p> <ul style="list-style-type: none"> <li>- Higher setback standards compared to state             <ul style="list-style-type: none"> <li>• 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities</li> <li>• 1,000 feet from schools (state requires 500 feet)</li> <li>• 1,000 feet from child care facilities</li> <li>• 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities</li> </ul> </li> <li>- Lacks critical definitions             <ul style="list-style-type: none"> <li>• Marijuana products</li> <li>• Marijuana product manufacturing facility</li> </ul> </li> <li>- Lacks specific standards for retail facilities             <ul style="list-style-type: none"> <li>• Parking standards</li> <li>• Exclusion from residential neighborhoods</li> </ul> </li> <li>- Does not require demonstration of compliance with Fire Marshall</li> </ul>	<p><b>Remove standards for traffic impacts</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.150 (A) (2)             <ul style="list-style-type: none"> <li>(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;</li> </ul> </li> <li>✓ Strike MSB 17.60.150 (A) (3) (d)             <ul style="list-style-type: none"> <li>(d) clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exits onto highway, arterials and collectors; and</li> </ul> </li> <li>✓ Amend MSB 17.60.150 (A)             <ul style="list-style-type: none"> <li>(5) whether access to the premises will create an unreasonable traffic hazard;</li> <li>(6) whether a reasonably expected increase in traffic will overtax existing road systems;</li> </ul> </li> </ul>	<p><b>Prohibit cultivation facilities from residential areas</b></p> <p><b>Option 1</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160 (F)             <ul style="list-style-type: none"> <li>(F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.</li> </ul> </li> </ul> <p><b>Option 2</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160 (F)             <ul style="list-style-type: none"> <li>(F) Marijuana cultivation facilities are prohibited from locating within:                 <ul style="list-style-type: none"> <li>(1) the core area as described in the official Core Area Comprehensive Plan and its amendments;</li> <li>(2) Residential Land Use Districts established by MSB 17.52;</li> <li>(3) Single-Family Residential Land Use Districts as defined by MSB 17.75;</li> <li>(4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76;</li> <li>(5) Residential Planned Unit Developments established by MSB 17.36.</li> </ul> </li> </ul> </li> </ul> <p><b>Option 3</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010             <ul style="list-style-type: none"> <li>"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.</li> </ul> </li> <li>✓ Adopt MSB 17.60.160 (F)             <ul style="list-style-type: none"> <li>(F) Marijuana cultivation facilities shall not be located within residential areas.</li> </ul> </li> </ul>
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# Remove standards for traffic impacts

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# Reduce setbacks to match state

<p><b>Adopt 16-003 with no changes</b></p> <ul style="list-style-type: none"> <li>- Higher setback standards compared to state             <ul style="list-style-type: none"> <li>• 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities</li> <li>• 1,000 feet from schools (state requires 500 feet)</li> <li>• 1,000 feet from child care facilities</li> <li>• 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities</li> </ul> </li> <li>- Lacks critical definitions             <ul style="list-style-type: none"> <li>• Marijuana products</li> <li>• Marijuana product manufacturing facility</li> </ul> </li> <li>- Lacks specific standards for retail facilities             <ul style="list-style-type: none"> <li>• Parking standards</li> <li>• Exclusion from residential neighborhoods</li> </ul> </li> <li>- Does not require demonstration of compliance with Fire Marshall</li> </ul>	<p><b>Remove standards for traffic impacts</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.150 (A) (2)             <ul style="list-style-type: none"> <li>(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;</li> </ul> </li> <li>✓ Strike MSB 17.60.150 (A) (3) (d)             <ul style="list-style-type: none"> <li>(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</li> </ul> </li> <li>✓ Amend MSB 17.60.150 (A)             <ul style="list-style-type: none"> <li>(5) whether access to the premises will create an unreasonable traffic hazard;</li> <li>(6) whether a reasonably expected increase in traffic will overtax existing road systems;</li> </ul> </li> </ul>	<p><b>Prohibit cultivation facilities from residential areas</b></p> <p><b>Option 1</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160 (F)             <ul style="list-style-type: none"> <li>(F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.</li> </ul> </li> </ul> <p><b>Option 2</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160 (F)             <ul style="list-style-type: none"> <li>(F) Marijuana cultivation facilities are prohibited from locating within:                 <ul style="list-style-type: none"> <li>(1) the core area as described in the official Core Area Comprehensive Plan and its amendments;</li> <li>(2) Residential Land Use Districts established by MSB 17.52;</li> <li>(3) Single-Family Residential Land Use Districts as defined by MSB 17.75;</li> <li>(4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76;</li> <li>(5) Residential Planned Unit Developments established by MSB 17.36.</li> </ul> </li> </ul> </li> </ul> <p><b>Option 3</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010             <ul style="list-style-type: none"> <li>"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.</li> </ul> </li> <li>✓ Adopt MSB 17.60.160 (F)             <ul style="list-style-type: none"> <li>(F) Marijuana cultivation facilities shall not be located within residential areas.</li> </ul> </li> </ul>
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# 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



# Demonstration of compliance with state law

<p><b>Adopt 16-003 with no changes</b></p> <ul style="list-style-type: none"> <li>- Higher setback standards compared to state             <ul style="list-style-type: none"> <li>• 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities</li> <li>• 1,000 feet from schools (state requires 500 feet)</li> <li>• 1,000 feet from child care facilities</li> <li>• 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities</li> </ul> </li> <li>- Lacks critical definitions             <ul style="list-style-type: none"> <li>• Marijuana products</li> <li>• Marijuana product manufacturing facility</li> </ul> </li> <li>- Lacks specific standards for retail facilities             <ul style="list-style-type: none"> <li>• Parking standards</li> <li>• Exclusion from residential neighborhoods</li> </ul> </li> <li>- Does not require demonstration of compliance with Fire Marshall</li> </ul>	<p><b>Remove standards for traffic impacts</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.150 (A) (2)             <ul style="list-style-type: none"> <li>(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;</li> </ul> </li> <li>✓ Strike MSB 17.60.150 (A) (3) (d)             <ul style="list-style-type: none"> <li>(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</li> </ul> </li> <li>✓ Amend MSB 17.60.150 (A)             <ul style="list-style-type: none"> <li>(5) whether access to the premises will create an unreasonable traffic hazard;</li> <li>(6) whether a reasonably expected increase in traffic will overtax existing road systems;</li> </ul> </li> </ul>	<p><b>Prohibit cultivation facilities from residential areas</b></p> <p><b>Option 1</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160 (F)             <ul style="list-style-type: none"> <li>(F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.</li> </ul> </li> </ul> <p><b>Option 2</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160 (F)             <ul style="list-style-type: none"> <li>(F) Marijuana cultivation facilities are prohibited from locating within:                 <ul style="list-style-type: none"> <li>(1) the core area as described in the official Core Area Comprehensive Plan and its amendments;</li> <li>(2) Residential Land Use Districts established by MSB 17.52;</li> <li>(3) Single-Family Residential Land Use Districts as defined by MSB 17.75;</li> <li>(4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76;</li> <li>(5) Residential Planned Unit Developments established by MSB 17.36.</li> </ul> </li> </ul> </li> </ul>
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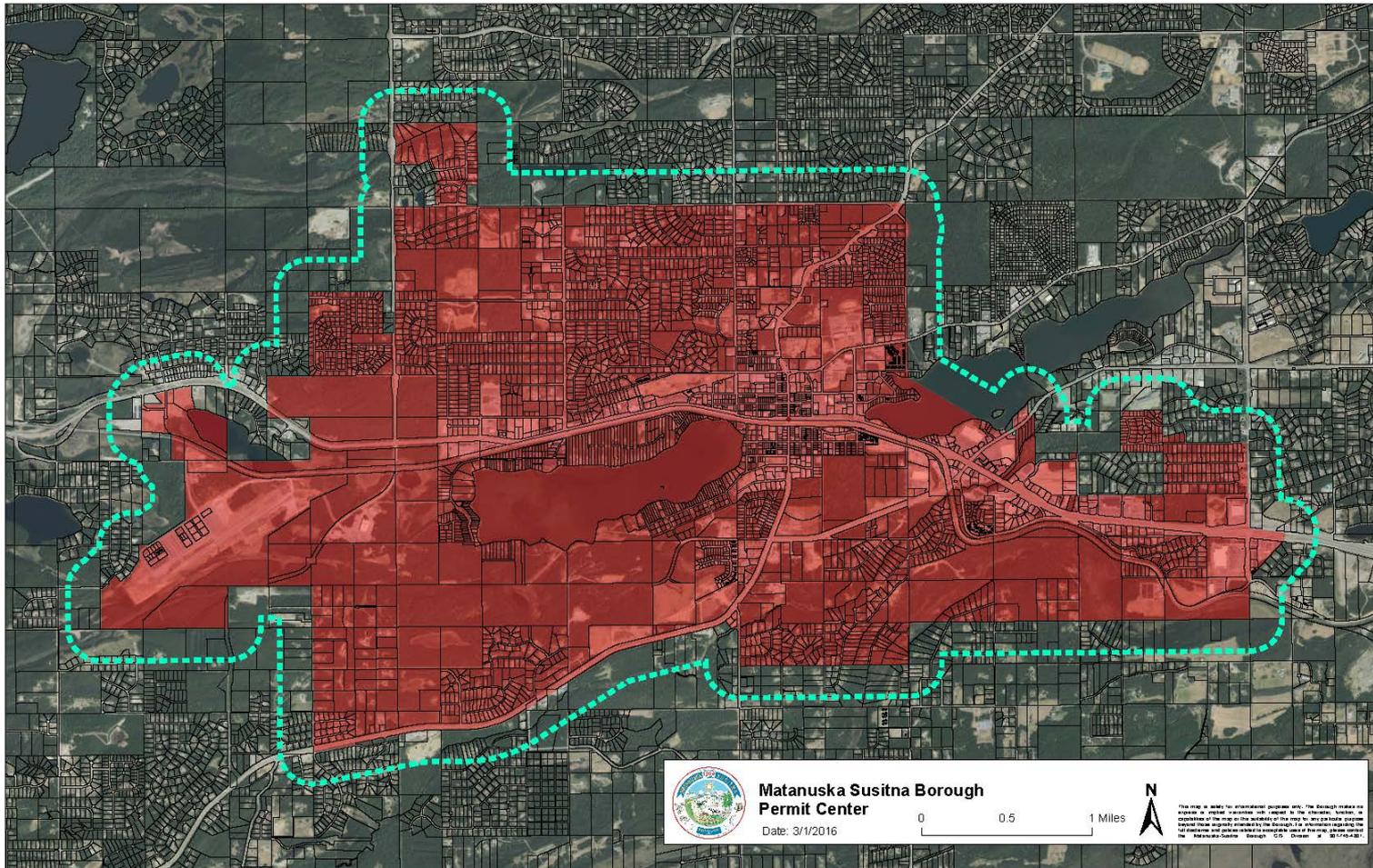
# Other changes recommended by staff

<p><b>Adopt 16-003 with no changes</b></p> <ul style="list-style-type: none"> <li>- Higher setback standards compared to state             <ul style="list-style-type: none"> <li>• 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities</li> <li>• 1,000 feet from schools (state requires 500 feet)</li> <li>• 1,000 feet from child care facilities</li> <li>• 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities</li> </ul> </li> <li>- Lacks critical definitions             <ul style="list-style-type: none"> <li>• Marijuana products</li> <li>• Marijuana product manufacturing facility</li> </ul> </li> <li>- Lacks specific standards for retail facilities             <ul style="list-style-type: none"> <li>• Parking standards</li> <li>• Exclusion from residential neighborhoods</li> </ul> </li> <li>- Does not require demonstration of compliance with Fire Marshall</li> </ul>	<p><b>Remove standards for traffic impacts</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.150 (A) (2)             <ul style="list-style-type: none"> <li>(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;</li> </ul> </li> <li>✓ Strike MSB 17.60.150 (A) (3) (d)             <ul style="list-style-type: none"> <li>(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</li> </ul> </li> <li>✓ Amend MSB 17.60.150 (A)             <ul style="list-style-type: none"> <li>(5) whether access to the premises will create an unreasonable traffic hazard;</li> <li>(6) whether a reasonably expected increase in traffic will overtax existing road systems;</li> </ul> </li> </ul>	<p><b>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)             <ul style="list-style-type: none"> <li>(F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.</li> </ul> </li> </ul> <p>Option 2</p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.160 (F)             <ul style="list-style-type: none"> <li>(F) Marijuana cultivation facilities are prohibited from locating within:                 <ul style="list-style-type: none"> <li>(1) the core area as described in the official Core Area Comprehensive Plan and its amendments;</li> <li>(2) Residential Land Use Districts established by MSB 17.52;</li> <li>(3) Single-Family Residential Land Use Districts as defined by MSB 17.75;</li> <li>(4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76;</li> <li>(5) Residential Planned Unit Developments established by MSB 17.36.</li> </ul> </li> </ul> </li> </ul>
<p><b>Remove sign standards</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (A) (1):             <ul style="list-style-type: none"> <li>(1) any potential negative effect upon other properties in the area due to such factors as noise, <u>and</u> odor, or obtrusive advertising;</li> </ul> </li> <li>✓ Amend MSB 17.60.150 (A) (3) (c)             <ul style="list-style-type: none"> <li>(c) reduction or elimination of obtrusive or garish signage;</li> </ul> </li> </ul>	<p><b>Reduce setback standards to match state</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (B)             <ul style="list-style-type: none"> <li>(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;</li> <li>(2) 500 feet of any drug or alcohol rehabilitation facilities;</li> <li>(3) 500 feet of any half-way house or correctional facility;</li> <li>(4) 1,000 feet of any elementary school, middle school, high school, college, or university, whether public or private;</li> <li>(5) 1,000 feet of any licensed child care facility; or</li> <li>(6) 500 feet of any public park, playground, boat ramp, or other similar recreational amenity open to the public;</li> </ul> </li> </ul>	<p>Option 3</p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010             <ul style="list-style-type: none"> <li>"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.</li> </ul> </li> <li>✓ Adopt MSB 17.60.160 (F)             <ul style="list-style-type: none"> <li>(F) Marijuana cultivation facilities shall not be located within residential areas.</li> </ul> </li> </ul>
<p><b>Exempt "limited" grow operations</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.030 (A) (5) (a)             <ul style="list-style-type: none"> <li>(a) Cultivation facilities with less than 500 square feet under cultivation are exempt under this chapter.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>✓ Amend MSB 17.60.150 (C)             <ul style="list-style-type: none"> <li>(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.</li> </ul> </li> </ul>	<p><b>Prohibit retail facilities from residential areas</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.170 (A) *             <ul style="list-style-type: none"> <li>(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.</li> </ul> </li> <li>✓ Adopt definition of "Residential Area" from Option 3 above.</li> </ul>
<p><b>Eliminate 5,000 sq. ft. cap on cultivation facilities</b></p> <ul style="list-style-type: none"> <li>✓ Strike MSB 17.60.160 (E)             <ul style="list-style-type: none"> <li>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.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010             <ul style="list-style-type: none"> <li>"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.</li> <li>"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.</li> <li>"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.</li> <li>"recreation or youth center" means a building, structure, athletic playing field, or playground which is:                 <ul style="list-style-type: none"> <li>(a) run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors; or</li> <li>(b) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.</li> </ul> </li> </ul> </li> </ul>	<p><b>Require demonstration of compliance with state law</b></p> <ul style="list-style-type: none"> <li>✓ Adopt MSB 17.60.150 (D)             <ul style="list-style-type: none"> <li>(D) Prior to final approval of the permit the applicant shall provide written documentation:                 <ol style="list-style-type: none"> <li>1. all applicable licenses have been obtained as required by 3 AAC 306.005.</li> <li>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.</li> </ol> </li> </ul> </li> </ul>
<p><b>Parking standards</b></p> <ul style="list-style-type: none"> <li>✓ Amend MSB 17.125.010             <ul style="list-style-type: none"> <li>"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</li> </ul> </li> <li>✓ Strike MSB 17.60.150 (A) (4)             <ul style="list-style-type: none"> <li>(4) whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit;</li> </ul> </li> <li>✓ Amend MSB 17.60.170*             <ul style="list-style-type: none"> <li>(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.</li> <li>(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.</li> </ul> </li> </ul>	<p><b>Other changes recommended by staff</b></p> <ul style="list-style-type: none"> <li>✓ *Adopt New Subsection MSB 17.60.170 <b>STANDARDS FOR MARIJUANA RETAIL FACILITIES</b></li> <li>✓ Amend MSB 17.60.150 (A)             <ul style="list-style-type: none"> <li>(7) whether the use is <del>incompatible</del> <b>compatible</b> with the character of the surrounding area.</li> </ul> </li> <li>✓ Amend MSB 17.60.160 (D)             <ul style="list-style-type: none"> <li>Security. The applicant shall provide a security plan. The plan shall include, <b>but not be limited to</b>, education for employees on security measures.</li> </ul> </li> <li>✓ *Consider increasing buffer from school grounds to 1,000 feet to ensure compliance with federal law.</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.

# Other considerations

## 1,000 foot buffer around Wasilla



# Other considerations

## Prohibit sale of edibles



Adulterated Edible Products

- Serving size- recommend 5 mg of active THC (single serving)
  - Recommend that the maximum serving size of an individual edible marijuana product be 50 milligrams of THC (maximum 10 servings per package). Require that they be marked or scored to illustrate portions and require re-sealable packaging to child proof standards for items containing more than 1 serving.



Scored Serving Sizes with markings