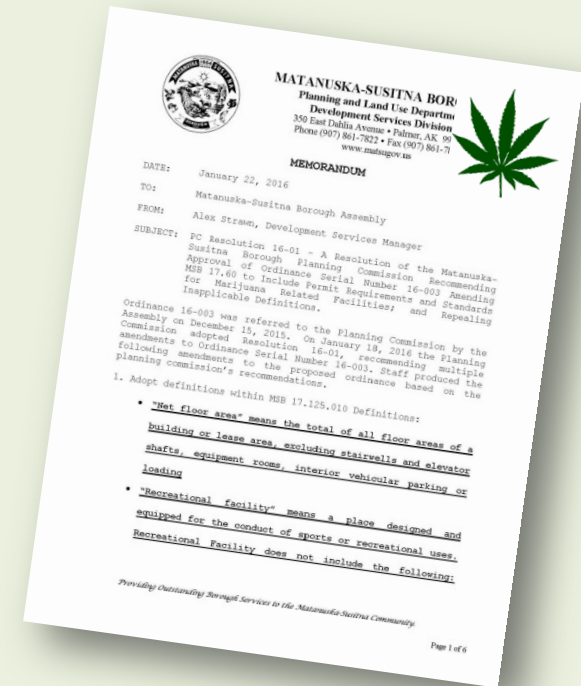


Ordinance Serial No. 16-003

Marijuana Regulations



Matanuska-Susitna Borough Assembly
Work Session
April 5, 2016

State License Types

Ord. 16-003

Limited Cultivation Facility (<500 ft²)

*Planning Commission recommended exemption for this size facility



Standard Cultivation Facility



Retail Marijuana Store



Product Manufacturing Facility

Concentrate Manufacturing Facility

Testing Facility

Cultivation Facilities



Cultivation Facilities



Limited Cultivation Facilities

<500 square feet



PHOTO BY: Pat Shannahan/The Arizona Republic

Limited Cultivation Facilities

Adopt 16-003 with no changes - Higher setback standards compared to state • 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities • 1,000 feet from schools (state requires 500 feet) • 1,000 feet from child care facilities • 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities - Lacks critical definitions • Marijuana products • Marijuana product manufacturing facility - Lacks specific standards for retail facilities • Parking standards • Exclusion from residential neighborhoods - Does not require demonstration of compliance with Fire Marshall Remove sign standards ✓ Amend MSB 17.60.150 (A) (1): (1) any potential negative effect upon other properties in the area due to such factors as noise, <u>and</u> odor, <u>or</u> obtrusive advertising; ✓ Amend MSB 17.60.150 (A) (3) (c): (c) <u>reduction or elimination of obtrusive or garish signage;</u>	Remove standards for traffic impacts ✓ Strike MSB 17.60.150 (A) (2): (2) any potential negative effect on the safe, efficient flow of traffic on any highway, arterial, collector, or street from which access to and from the establishment is obtained; ✓ Strike MSB 17.60.150 (A) (3) (d): (d) <u>shielding with other commercial establishments and use of fencing results to reduce the number of entries and exits onto highways, arterials and collectors; and</u> ✓ Amend MSB 17.60.150 (A): (5) whether access to the premises will create an unreasonable traffic hazard; (6) whether a reasonably expected increase in traffic will overtax existing road systems; Reduce setback standards to match state ✓ Amend MSB 17.60.150 (B): (1) <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; (2) <u>500 feet of any drug or alcohol rehabilitation facilities;</u> (3) <u>500 feet of any halfway house or correctional facility;</u> (4) <u>500 feet of any day care, day treatment, school, medical, high school, or college;</u>	Prohibit cultivation facilities from residential areas Option 1 ✓ Adopt MSB 17.60.160 (F): (F) <u>Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.</u> Option 2 ✓ Adopt MSB 17.60.160 (F): (F) <u>Marijuana cultivation facilities are prohibited from locating within:</u> (1) the core area as described in the official Core Area Comprehensive Plan and its amendments; (2) Residential Land Use Districts established by MSB 17.52; (3) Single-Family Residential Land Use Districts as defined by MSB 17.75; (4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76; (5) Residential Planned Unit Developments established by MSB 17.36; Option 3 ✓ Amend MSB 17.125.010: "Residential Area" means any subdivision of four or more lots where at least 50 percent of the lots are improved with single-family or multifamily structures, or a subdivision of four or more lots where at least 75 percent of the lots are restricted by private covenants or zoning to residential purposes.
Exempt "limited" grow operations ✓ Amend MSB 17.60.030 (A) (5) (a): (a) <u>Cultivation facilities with less than 500 square feet under cultivation are exempt under this chapter.</u>	Eliminate 5,000 sq. ft. cap on cultivation facilities ✓ Strike MSB 17.60.160 (E): - Marijuana cultivation facilities may not exceed 5,000 square feet on any given parcel. The 5,000 square foot limit only applies to areas of plant cultivation and does not include administrative space, processing space, bathrooms, or storage space.	Require demonstration of compliance with state law ✓ Adopt MSB 17.60.150 (D): (D) Prior to final approval of the permit the applicant shall provide written documentation: 1. all applicable licenses have been obtained as required by 3 AAC 106.005; 2. from the Fire Marshal having jurisdiction, that proposed conditional use is in full compliance with all applicable fire code, including but not limited to AS 18.70.010-160 FIRE PROTECTION, and 18 AAC 50.025-0.90 FIRE CODE.
Parking standards ✓ Amend MSB 17.125.010: "Net floor area" means the total of all floor areas of a building or lease area, excluding stairwells and elevator shafts, bathroom rooms, interior vehicular parking or loading ✓ Strike MSB 17.60.150 (A) (4): (4) <u>whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit;</u> ✓ Amend MSB 17.60.170*: (B) The minimum number of parking spaces for retail facilities shall be one space per 350 square feet of net floor area. Each parking space shall be at least 20 feet in length, ten feet wide, and have a vertical clearance of at least seven feet. (C) One barrier-free parking stall shall be provided for every 25 required parking spaces. Each barrier-free parking stall shall be at least 20 feet in length, ten feet wide with a five-foot adjacent access aisle, and have a vertical clearance of at least eight feet.	Remove standards for traffic impacts ✓ Amend MSB 17.125.010: "Recreational facility" means a place designed and equipped for the conduct of sports or recreational uses. Recreational Facility does not include the following: water bodies, bike or walking paths constructed within a public or private right-of-way. "Marijuana product manufacturing facility" means an entity registered to purchase, manufacture, process, and package marijuana products and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers. "Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures. "recreation or youth center" means a building, structure, athletic playing field, or playground which is: (a) run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors; or (b) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.	Other changes recommended by staff ✓ *Adopt New Subsection MSB 17.60.170 <u>STANDARDS FOR MARIJUANA RETAIL FACILITIES</u> ✓ Amend MSB 17.60.150 (A): (7) whether the use is <u>incompatible</u> compatible with the character of the surrounding area. ✓ Amend MSB 17.60.160 (D): - Security. The applicant shall provide a security plan. The plan shall include, <u>but not be limited to</u>, education for employees on security measures. ✓ *Consider increasing buffer from school grounds to 1,000 feet to ensure compliance with federal law.

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

Exempt "limited" grow operations

✓ Amend MSB 17.60.030(A)(5)(a)

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

Cultivation Facilities



Cultivation Facilities – State Law

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

Cultivation Facilities – State Law Continued...

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

Cultivation Facilities – State Law Continued...

3 AAC 306.430 (C)

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

Cultivation Facilities

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

Cultivation Facilities – How to keep them out of residential areas

Adopt 16-003 with no changes - Higher setback standards compared to state 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities 1,000 feet from schools (state requires 500 feet) 1,000 feet from child care facilities 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities - Lacks critical definitions - Marijuana products - Marijuana product manufacturing facility - Lacks specific standards for retail facilities - Parking standards - Exclusion from residential neighborhoods - Does not require demonstration of compliance with Fire Marshall	Remove standards for traffic impacts ✓ Strike MSB 17.60.150(A) (2) (2) any potential negative effect on the safe, efficient flow of traffic on any highway, arterial, collector, or street from which access to and from the establishment is obtained; ✓ Strike MSB 17.60.150(A) (3) (d) (d) coexisting with other commercial establishments and use of frontage roads to reduce the number of entries and exits onto highways, arterials and collectors; and ✓ Amend MSB 17.60.150(A) (5) whether access to the premises will create an unreasonable traffic hazard; (6) whether a reasonably expected increase in traffic will overtax existing road systems; Reduce setback standards to match state ✓ Amend MSB 17.60.150(B) (1) within 500 feet of a school grounds, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility; (2) 500 feet of any residential use located on an adjacent property, but excluding residential units that are located in the subject property; (3) 500 feet of any drug or alcohol rehabilitation facility; (4) 500 feet of any health care facility, including a hospital, nursing home, college, or day care center; (5) 1,000 feet of any other use that is similar to any of the above;	Prohibit cultivation facilities from residential areas Option 1 ✓ Adopt MSB 17.60.160(F) (F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines. Option 2 ✓ Adopt MSB 17.60.160(F) (F) Marijuana cultivation facilities are prohibited from locating within: (1) the core area as described in the official Core Area Comprehensive Plan and its amendments; (2) Residential Land Use Districts established by MSB 17.52; (3) Single-Family Residential Land Use Districts as defined by MSB 17.75; (4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76; (5) Residential Planned Unit Developments established by MSB 17.36. Option 3 ✓ Amend MSB 17.125.010 "Residential Area" means any subdivision of four or more lots where at least 50 percent of the lots are improved with single-family or multifamily structures, or a subdivision of four or more lots where at least 75 percent of the lots are restricted by private covenants or zoning to residential purposes. ✓ Adopt MSB 17.60.160(F) (F) Marijuana cultivation facilities shall not be located within residential areas.
Remove sign standards ✓ Amend MSB 17.60.150(A) (1): (1) any potential negative effect upon other properties in the area due to such factors as noise and color, or obnoxious advertising; ✓ Amend MSB 17.60.150(A) (3) (c): (c) reduction or elimination of obtrusive or garish signage;		Prohibit retail facilities from residential areas ✓ Adopt MSB 17.60.170(A) * (A) Marijuana retail facilities shall not be located within a residential area unless the lot is accessed by a frontage road or other major thoroughfare that is conducive to commercial use. ✓ Adopt definition of "Residential Area" from Option 3 above.
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.		Require demonstration of compliance with state law ✓ Adopt MSB 17.60.150(D) (D) Prior to final approval of the permit the applicant shall provide written documentation: 1. all applicable licenses have been obtained as required by 3 AAC 306.005. 2. from the Fire Marshal having jurisdiction, that proposed conditional use is in full compliance with all applicable fire code, including but not limited to AS 18.70.010: 160 FIRE PROTECTION, and 13 AAC 50.025.080 FIRE CODE.
Eliminate 5,000 sq. ft. cap on cultivation ✓ Strike MSB 17.60.160 (E) (E) Marijuana cultivation facilities may not exceed 5,000 square feet in area for cultivation and does not include administrative space, processing, classrooms, or storage space.		Other changes recommended by staff ✓ *Adopt New Subsection MSB 17.60.170 STANDARDS FOR MARIJUANA RETAIL FACILITIES (7) whether the use is incompatible compatible with the character of the surrounding area. ✓ Amend MSB 17.60.160(D) - Security. The applicant shall provide a security plan. The plan shall include, but not be limited to, education for employees on security measures. ✓ *Consider increasing buffer from school grounds to 1,000 feet to ensure compliance with federal law.
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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)

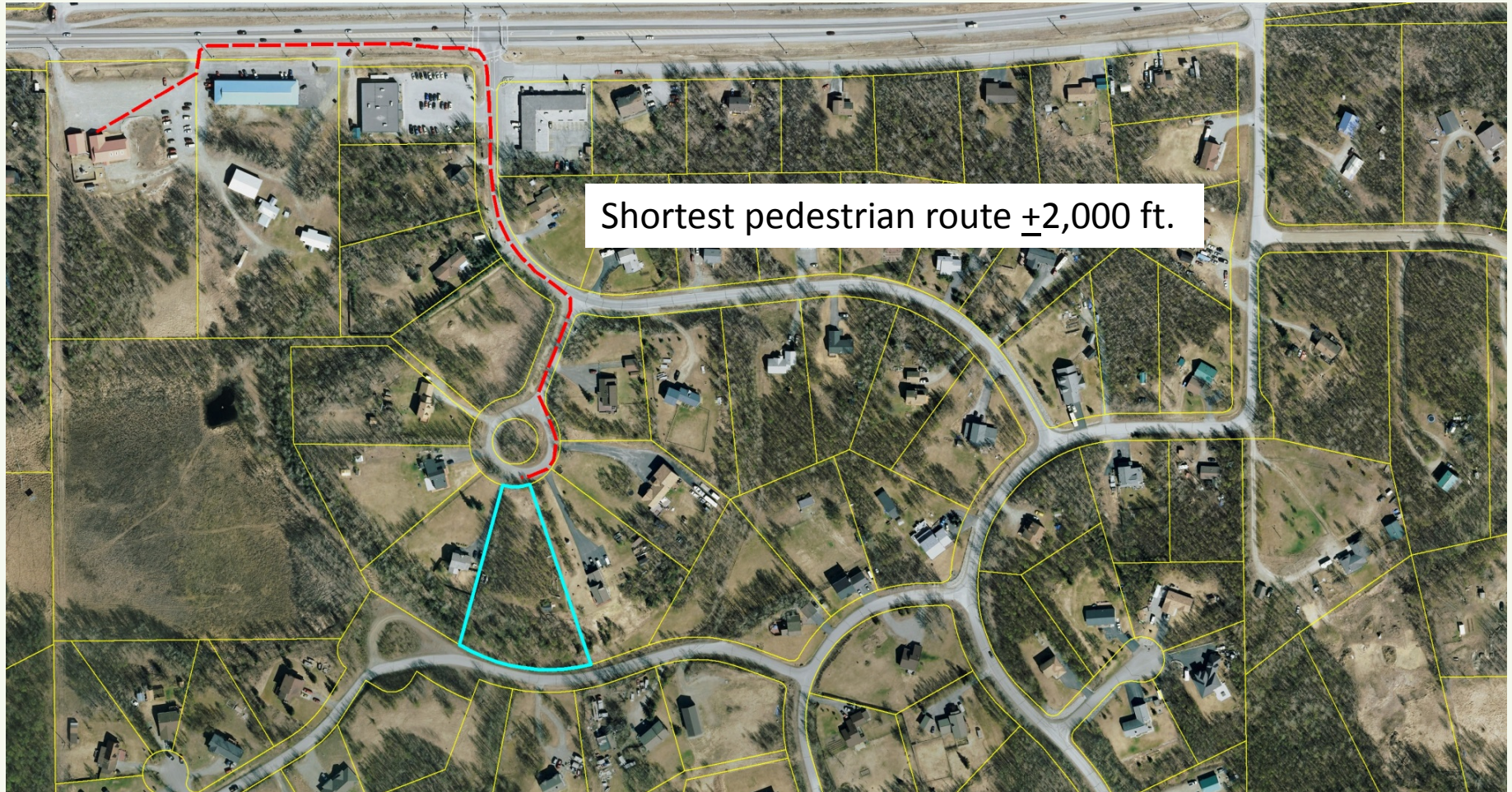
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Option 1

✓ 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)

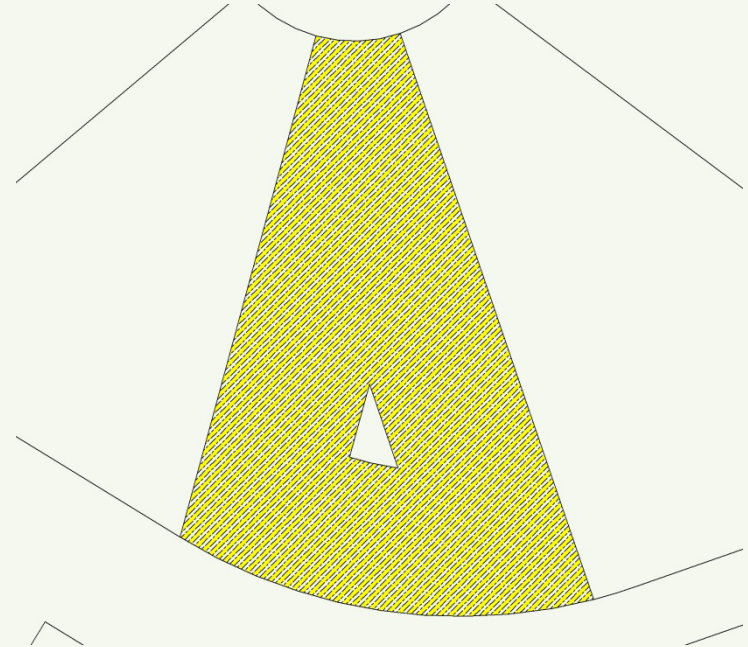
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Option 1

✓ 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)

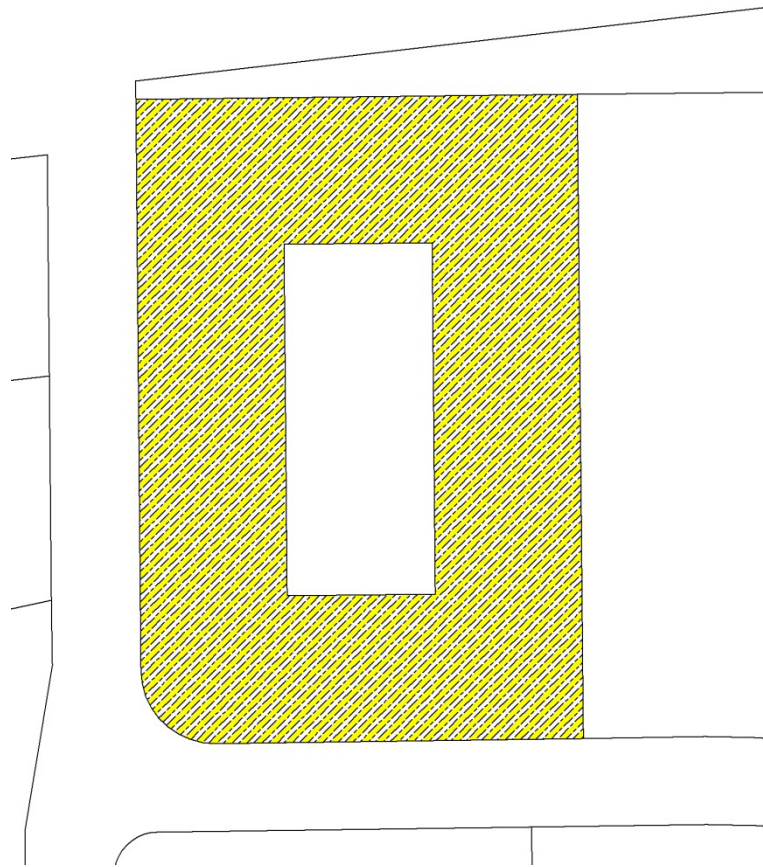
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Option 1

✓ 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.

✓ Adopt MSB 17.60.160(F)

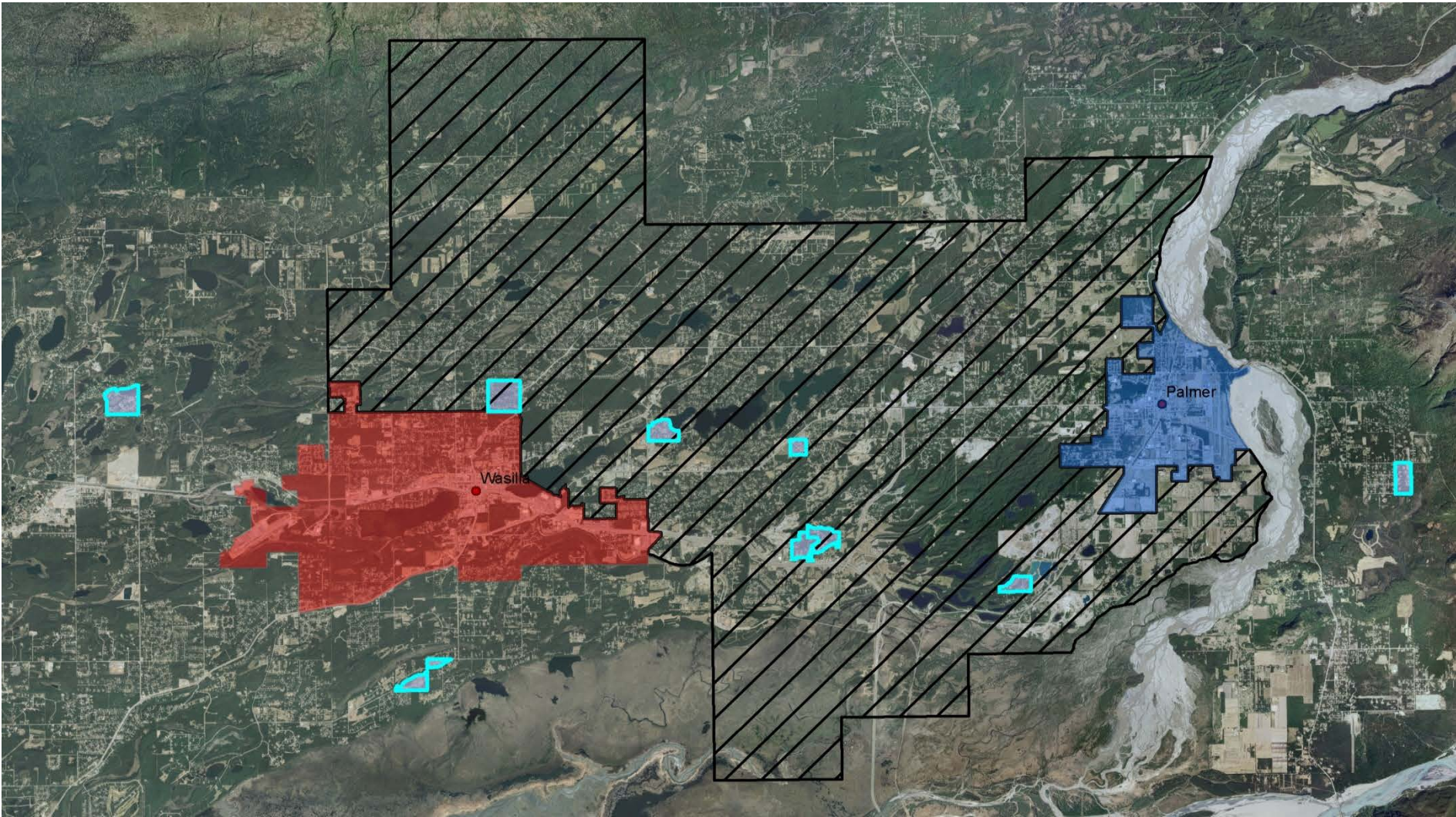
(F) Marijuana cultivation facilities are prohibited from locating within:

- (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.**

Adopt 16-003 with no changes -Higher street standards compared to state 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities 1,000 feet from schools (date requires 500 feet) 1,000 feet from child care facilities 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities -Lacks critical definitions - Marjiana products - Marjiana product manufacturing facility -Lacks specific standards for retail facilities - Parking standards - Exclusion from residential neighborhoods -Does not require demonstration of compatibility	Remove standards for traffic impacts ✓ Strike MSB 17.60.150 (A) (2) (2) any potential negative effect on the safe, efficient flow of traffic on any adjacent arterial, collector or street from which users to and from the establishment is obtained; ✓ Strike MSB 17.60.150 (A) (3) (d) (d) whether or not other existing and planned use of designations to reduce the number of entries and exits onto any highways, arterials and collectors and ✓ Amend MSB 17.60.150 (A) (3) (3) whether access to the premises will create any traffic hazard, or whether a reasonably expected increase in use of the premises existing road system;	Prohibit cultivation facilities from residential areas Option 1 ✓ Adopt MSB 17.60.160 (F) (F) Marjiana cultivation facilities shall be set back 100 feet from public rights of way, and 100 feet from side or rear lot lines. Option 2 ✓ Adopt MSB 17.60.160 (F) (F) Marjiana cultivation facilities are prohibited from being within (1) the core area as described in the Official Code of Georgia Comprehensive Plan and its amendments; (2) Residential I and I-a Districts established by MSB 17-52; (3) Single-Family Residential Land Use Districts as defined by MSB 17-75; (4) a large Lot Single-Family Residential Land Use District established by MSB 17-76; (5) Residential Planned Unit Developments established by MSB 17-76.
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Parking standards ✓ Amend MSB 17.125.010 "Not their area" means the total of all floor areas of a building or lot area, excluding stairways and restrooms, toilet rooms, interior vehicle parking or loading ✓ Strike MSB 17.60.150 (A) (4) (4) whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit; ✓ Amend MSB 17.60.170 * (B) The minimum number of parking spaces for retail facilities shall be one space per 450 square feet of net floor area. Each parking space shall be at least 20 feet in length, ten feet wide, and have a vertical clearance of at least seven feet. (C) One barrier-free parking stall shall be provided for every 25 required parking spaces. Each barrier-free parking stall shall be at least 20 feet in length, ten feet wide with a five-foot adjusted access aisle, and have a vertical clearance of at least eight feet.	Remove standards for traffic impacts ✓ Strike MSB 17.60.150 (A) (2) (2) any potential negative effect on the safe, efficient flow of traffic on any adjacent arterial, collector or street from which users to and from the establishment is obtained; ✓ Strike MSB 17.60.150 (A) (3) (d) (d) whether or not other existing and planned use of designations to reduce the number of entries and exits onto any highways, arterials and collectors and ✓ Amend MSB 17.60.150 (A) (3) (3) whether access to the premises will create any traffic hazard, or whether a reasonably expected increase in use of the premises existing road system;	Require demonstration of compliance with state law ✓ Adopt MSB 17.60.150 (D) (D) Prior to final approval of the permit the applicant shall provide written documentation: 1. all state and local licenses have been obtained as required by 33 AAC 006.005 2. from the Fire Marshal having jurisdiction that approved construction is in full compliance with all applicable fire code, including but not limited to AS 18.05.00, 19.00 FIRE PROTECTION, and 13 AAC 002.05-08 FIRE CODE. Other changes recommended by staff ✓ Adopt New Subdivision MSB 17.60.170 STANDARDS FOR MARJIANA RETAIL FACILITIES (B) 17.60.170.150 (A) (7) which states the use is incompatible compatible with the character of the surrounding area. Amend MSB 17.60.160 (D) Security. The applicant shall provide a security plan. The plan shall include, but not be limited to, education for employees on security measures. *Consider increasing buffer from school grounds to 1,000 feet to ensure compliance with federal law.

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

Option 2



Option 3

✓ Adopt MSB 17.125.010

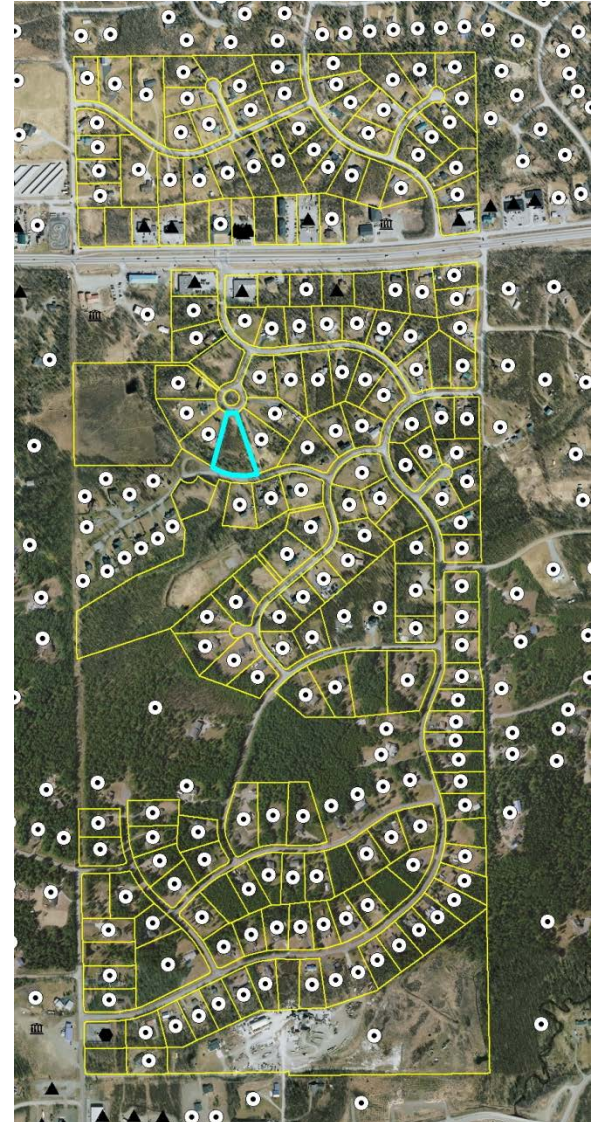
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Recreational Facility does not include the following: water bodies, bike or walking paths constructed within a public or private right-of-way. “Marijuana product manufacturing facility” means an entity registered to purchase marijuana, manufacture, prepare, and package marijuana products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers. “Marijuana products” means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures. “recreation or youth center” means a building, structure, athletic playing field, or playground which is: (a) run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors; or (b) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.	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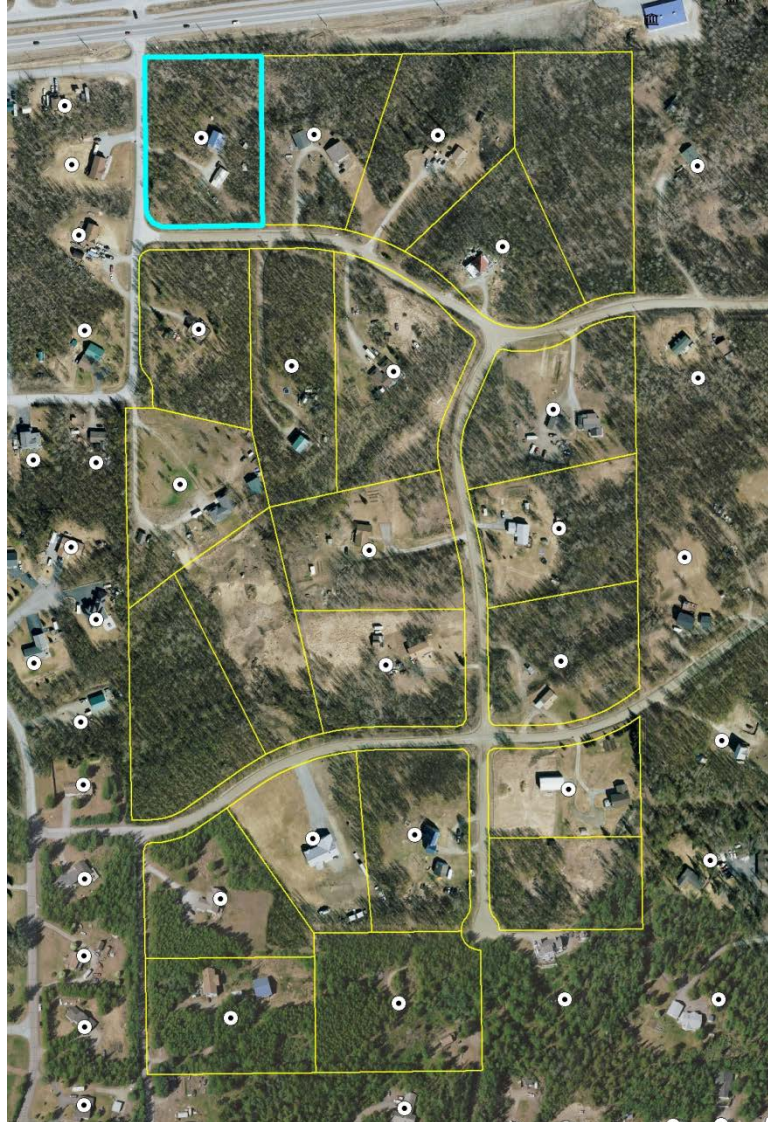
Option 3

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

Adopt 16-003 with no changes - Higher setback standards compared to state 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities 1,000 feet from schools (state requires 500 feet) 1,000 feet from child care facilities 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities - Lacks critical definitions - Marijuana products - Marijuana product manufacturing facility - Lacks specific standards for retail facilities - Parking standards - Exclusion from residential neighborhoods - Does not require demonstration of compliance with Fire Marshall	Remove standards for traffic impacts ✓ Strike MSB 17.60.150 (A) (2) (2) any potential negative effect on the safe, efficient flow of traffic on any highway, arterial, collector, or street from which access to and from the establishment is obtained; ✓ Strike MSB 17.60.150 (A) (3) (d) (d) clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exits onto highways, arterials and collectors; and ✓ Amend MSB 17.60.150 (A) (5) whether access to the premises will create an unreasonable traffic hazard; (6) whether a reasonably expected increase in traffic will overtax existing road systems;	Prohibit cultivation facilities from residential areas Option 1 ✓ Adopt MSB 17.60.160 (F) (F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines. Option 2 ✓ Adopt MSB 17.60.160 (F) (F) Marijuana cultivation facilities are prohibited from locating within: (1) the core area as described in the official Core Area Comprehensive Plan and its amendments; (2) Residential Land Use Districts established by MSB 17.52; (3) Single-Family Residential Land Use Districts as defined by MSB 17.75; (4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76; (5) Residential Planned Unit Developments established by MSB 17.36. Option 3 ✓ Amend MSB 17.125.010 "Residential Area" means any subdivision of four or more lots where at least 50 percent of the lots are improved with single-family or multifamily structures, or a subdivision of four or more lots where at least 75 percent of the lots are restricted by private covenants or zoning to residential purposes. ✓ Adopt MSB 17.60.160 (F) (F) Marijuana cultivation facilities shall not be located within residential areas.
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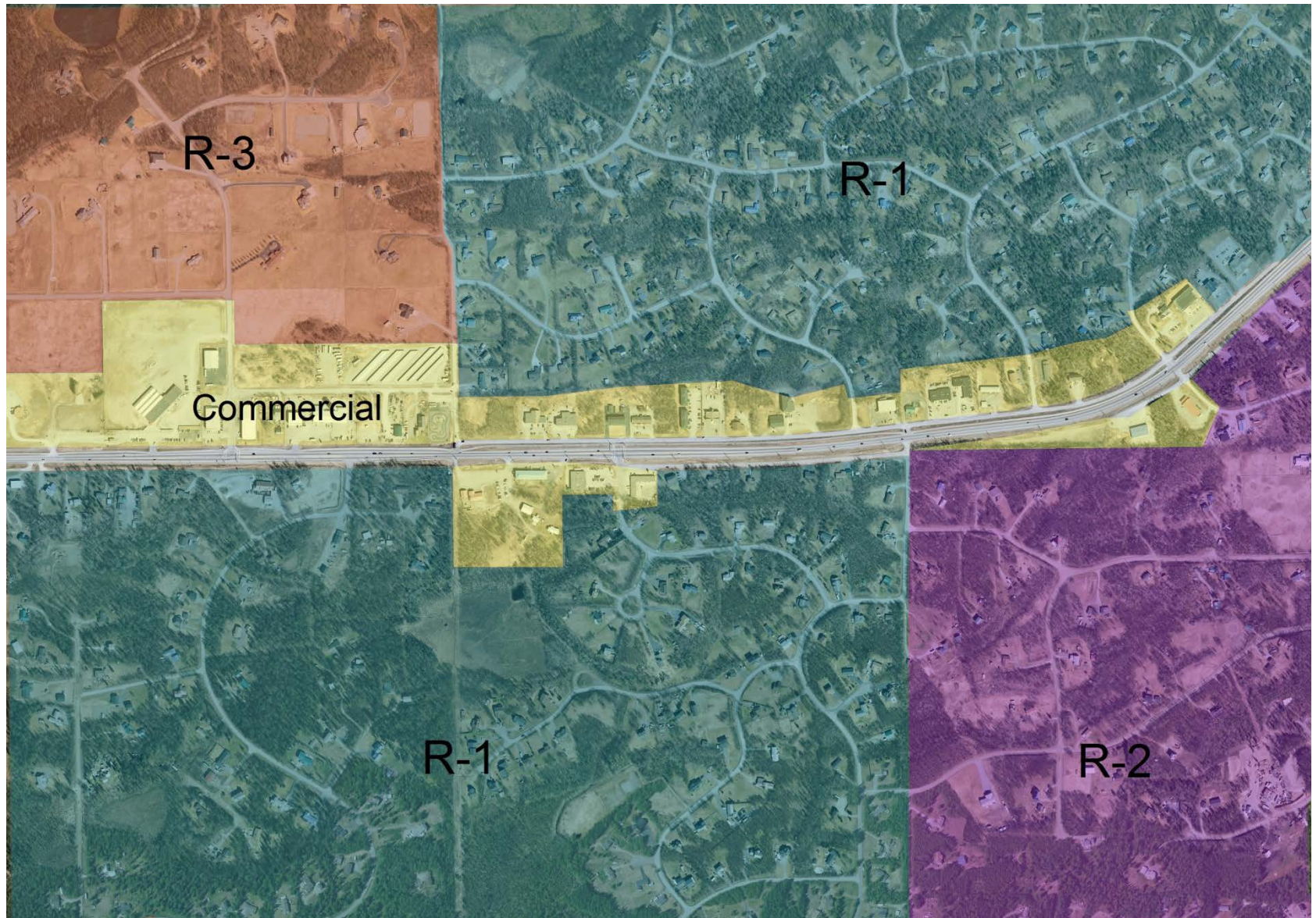
Prohibit retail facilities from residential areas

✓ 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

Adopt 16-003 with no changes - Higher setback standards compared to state 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities 1,000 feet from schools (state requires 500 feet) 1,000 feet from child care facilities 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities - Lacks critical definitions - Marijuana products - Marijuana product manufacturing facility - Lacks specific standards for retail facilities - Parking standards - Exclusion from residential neighborhoods - Does not require demonstration of compliance with Fire Marshall	Remove standards for traffic impacts ✓ Strike MSB 17.60.150 (A) (2) (2) any potential negative effect on the safe, efficient flow of traffic on any highway, arterial, collector, or street from which access to and from the establishment is obtained; ✓ Strike MSB 17.60.150 (A) (3) (d) (d) clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exits onto highways, arterials and collectors; and ✓ Amend MSB 17.60.150 (A) (5) whether access to the premises will create an unreasonable traffic hazard; (6) whether a reasonably expected increase in traffic will overtax existing road systems;	Prohibit cultivation facilities from residential areas Option 1 ✓ Adopt MSB 17.60.160 (F) <u>(F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.</u> Option 2 ✓ Adopt MSB 17.60.160 (F) <u>(F) Marijuana cultivation facilities are prohibited from locating within:</u> <u>(1) the core area as described in the official Core Area Comprehensive Plan and its amendments;</u> <u>(2) Residential Land Use Districts established by MSB 17.52;</u> <u>(3) Single-Family Residential Land Use Districts as defined by MSB 17.75;</u> <u>(4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76;</u> <u>(5) Residential Planned Unit Developments established by MSB 17.36.</u> Option 3 ✓ Amend MSB 17.125.010 <u>"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.</u> ✓ Adopt MSB 17.60.160 (F) <u>(F) Marijuana cultivation facilities shall not be located within residential areas.</u>
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Eliminate 5,000 sq. ft. cap on cultivation facilities

Adopt 16-003 with no changes - Higher setback standards compared to state 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities 1,000 feet from schools (state requires 500 feet) 1,000 feet from child care facilities 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities - Lacks critical definitions - Marijuana products - Marijuana product manufacturing facility - Lacks specific standards for retail facilities - Parking standards - Exclusion from residential neighborhoods - Does not require demonstration of compliance with Fire Marshall	Remove standards for traffic impacts ✓ Strike MSB 17.60.150 (A) (2) (2) any potential negative effect on the safe, efficient flow of traffic on any highway, arterial, collector, or street from which access to and from the establishment is obtained; ✓ Strike MSB 17.60.150 (A) (3) (d) (d) clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exits onto highways, arterials and collectors; and ✓ Amend MSB 17.60.150 (A) (5) whether access to the premises will create an unreasonable traffic hazard; (6) whether a reasonably expected increase in traffic will overtax existing road systems;	Prohibit cultivation facilities from residential areas Option 1 ✓ Adopt MSB 17.60.160 (F) <u>(F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines.</u> Option 2 ✓ Adopt MSB 17.60.160 (F) <u>(F) Marijuana cultivation facilities are prohibited from locating within:</u> <u>(1) the core area as described in the official Core Area Comprehensive Plan and its amendments;</u> <u>(2) Residential Land Use Districts established by MSB 17.52;</u> <u>(3) Single-Family Residential Land Use Districts as defined by MSB 17.75;</u> <u>(4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76;</u> <u>(5) Residential Planned Unit Developments established by MSB 17.36.</u> Option 3 ✓ Amend MSB 17.125.010 <u>"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.</u> ✓ Adopt MSB 17.60.160 (F) <u>(F) Marijuana cultivation facilities shall not be located within residential areas.</u>
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Parking standards ✓ Amend MSB 17.125.010 "Net floor area" means the total of all floor areas of a building or lease area, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading ✓ Strike MSB 17.60.150(A) (4) (4) whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit; ✓ Amend MSB 17.60.170* (B) The minimum number of parking spaces for retail facilities shall be one space per 350 square feet of net floor area. Each parking space shall be at least 20 feet in length, ten feet wide, and have a vertical clearance of at least seven feet. (C) One barrier-free parking stall shall be provided for every 25 required parking spaces. Each barrier-free parking stall shall be at least 20 feet in length, ten feet wide with a five-foot adjacent access aisle, and have a vertical clearance of at least eight feet.	Require demonstration of compliance with state law ✓ Adopt MSB 17.60.150(D) (D) Prior to final approval of the permit the applicant shall provide written documentation: 1. all applicable licenses have been obtained as required by 3 AAC 306.005, 2. from the Fire Marshal having jurisdiction, that proposed conditional use is in full compliance with all applicable fire code, including but not limited to, AS 18.70.010, 160 FIRE PROTECTION, and 13 AAC 50.025-0.80 FIRE CODE.	Other changes recommended by staff ✓ *Adopt New Subsection MSB 17.60.170 STANDARDS FOR MARIJUANA RETAIL FACILITIES ✓ Amend MSB 17.60.150(A) (7) whether the use is <u>incompatible</u> <u>compatible</u> with the character of the surrounding area. ✓ Amend MSB 17.60.160(D) - Security. The applicant shall provide a security plan. The plan shall include, <u>but not be limited to</u>, education for employees on security measures. ✓ *Consider increasing buffer from school grounds to 1,000 feet to ensure compliance with federal law.

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Reduce setbacks to match state

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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

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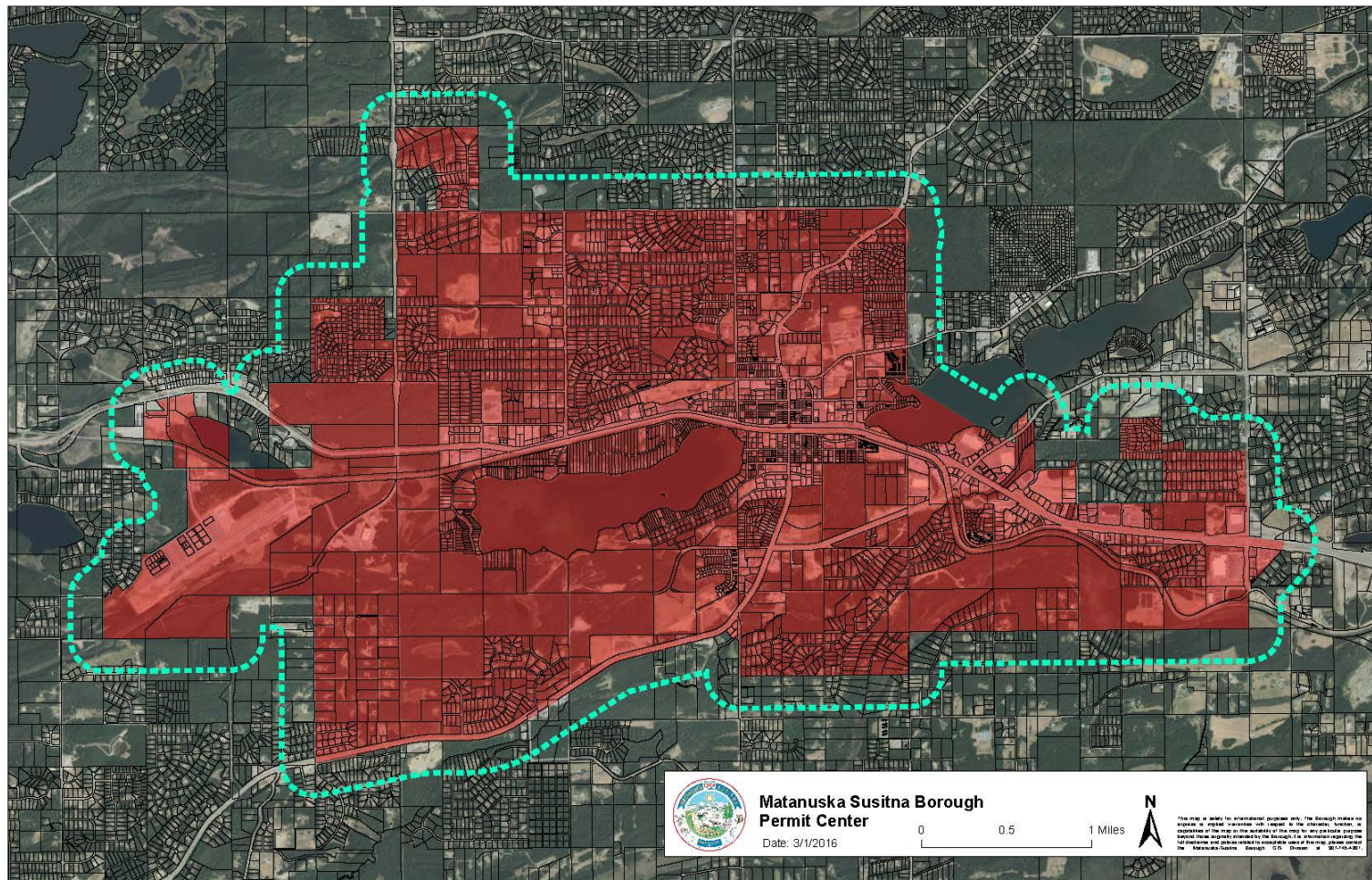
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Other changes recommended by staff

Adopt 16-003 with no changes - Higher setback standards compared to state 500 feet from drug/alcohol rehab facilities, halfway houses, correctional facilities 1,000 feet from schools (state requires 500 feet) 1,000 feet from child care facilities 500 feet from public parks, playgrounds, boat ramps, similar recreational amenities - Lacks critical definitions - Marijuana products - Marijuana product manufacturing facility - Lacks specific standards for retail facilities - Parking standards - Exclusion from residential neighborhoods - Does not require demonstration of compliance with Fire Marshall	Remove standards for traffic impacts ✓ Strike MSB 17.60.150 (A) (2) (2) any potential negative effect on the safe, efficient flow of traffic on any highway, arterial, collector, or street from which access to and from the establishment is obtained; ✓ Strike MSB 17.60.150 (A) (3) (d) (d) clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exits onto highways, arterials and collectors; and ✓ Amend MSB 17.60.150 (A) (5) whether access to the premises will create an unreasonable traffic hazard; (6) whether a reasonably expected increase in traffic will overtax existing road systems;	Prohibit cultivation facilities from residential areas Option 1 ✓ Adopt MSB 17.60.160 (F) (F) Marijuana cultivation facilities shall be set back 100 feet from public rights-of-way, and 100 feet from side or rear lot lines. Option 2 ✓ Adopt MSB 17.60.160 (F) (F) Marijuana cultivation facilities are prohibited from locating within: (1) the core area as described in the official Core Area Comprehensive Plan and its amendments; (2) Residential Land Use Districts established by MSB 17.52; (3) Single-Family Residential Land Use Districts as defined by MSB 17.75; (4) Large Lot Single-Family Residential Land Use Districts established by MSB 17.76; (5) Residential Planned Unit Developments established by MSB 17.36.
Remove sign standards ✓ Amend MSB 17.60.150 (A) (1): (1) any potential negative effect upon other properties in the area due to such factors as noise, <u>and</u> odor, <u>or</u> obtrusive advertising; ✓ Amend MSB 17.60.150 (A) (3) (c) (c) reduction or elimination of obtrusive or garish signage;	Reduce setback standards to match state ✓ Amend MSB 17.60.150 (B) (1) within 500 feet of a school grounds, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility; within 50 feet of any residence located on an adjacent property, but excluding residential units that are located within the subject property; (2) 500 feet of any drug or alcohol rehabilitation facilities; (3) 500 feet of any half-way house or correctional facility; (4) 1,000 feet of any elementary school, middle school, high school, college, or university, whether public or private; (5) 1,000 feet of any licensed child care facility; or (6) 500 feet of any public park, playground, boat ramp, or other similar recreational amenity open to the public;	Option 3 ✓ Amend MSB 17.125.010 "Residential Area" means any subdivision of four or more lots where at least 50 percent of the lots are improved with single-family or multifamily structures, or a subdivision of four or more lots where at least 75 percent of the lots are restricted by private covenants or zoning to residential purposes. ✓ Adopt MSB 17.60.160 (F) (F) Marijuana cultivation facilities shall not be located within residential areas.
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.	Amend MSB 17.60.150 (C) (C) Separation distances referenced in (B) of this section are measured in a direct line between the closest point of the facility within which the marijuana facility is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer boundaries of the school, recreation or youth center, or the main public entrance of the building in which religious services are regularly conducted, or the correctional facility.	Prohibit retail facilities from residential areas ✓ Adopt MSB 17.60.170 (A) * (A) Marijuana retail facilities shall not be located within a residential area unless the lot is accessed by a frontage road or other major thoroughfare that is conducive to commercial use. ✓ Adopt definition of "Residential Area" from Option 3 above.
Eliminate 5,000 sq. ft. cap on cultivation facilities ✓ Strike MSB 17.60.160 (E) - Marijuana cultivation facilities may not exceed 5,000 square feet on any given parcel. The 5,000 square foot limit only applies to areas of plant cultivation and does not include administrative space, processing space, bathrooms, or storage space.	✓ Amend MSB 17.125.010 "Recreational facility" means a place designed and equipped for the conduct of sports or recreational uses. Recreational Facility does not include the following: water bodies, bike or walking paths constructed within a public or private right-of-way. "Marijuana product manufacturing facility" means an entity registered to purchase marijuana, manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers. "Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures. "recreation or youth center" means a building, structure, athletic playing field, or playground which is: (a) run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors; or (b) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.	Require demonstration of compliance with state law ✓ Adopt MSB 17.60.150 (D) (D) Prior to final approval of the permit the applicant shall provide written documentation: 1. all applicable licenses have been obtained as required by 3 AAC 306.005. 2. from the Fire Marshal having jurisdiction, that proposed conditional use is in full compliance with all applicable fire code, including but not limited to, AS 18.70.010, 160 FIRE PROTECTION, and 13 AAC 50.025-0.80 FIRE CODE. Other changes recommended by staff ✓ *Adopt New Subsection MSB 17.60.170 STANDARDS FOR MARIJUANA RETAIL FACILITIES ✓ Amend MSB 17.60.150 (A) (7) whether the use is incompatible compatible with the character of the surrounding area. ✓ Amend MSB 17.60.160 (D) - Security. The applicant shall provide a security plan. The plan shall include, <u>but not be limited to</u>, education for employees on security measures. ✓ *Consider increasing buffer from school grounds to 1,000 feet to ensure compliance with federal law.
* MSB 17.60.170 is not currently within Ord. 16-003. The section of code would need to be added in order to implement any of the suggestions marked with an asterisk.		

Other considerations

1,000 foot buffer around Wasilla



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