

MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION AGENDA

Edna DeVries, Mayor

PLANNING COMMISSION
Doug Glenn, District 1
Richard Allen, District 2
Patricia Chesbro, District 3, Vice-Chair
Mike Rubeo, District 4
Bill Kendig, District 5
Stafford Glashan, District 6, Chair
Curt Scoggin, District 7



Michael Brown, Borough Manager

PLANNING & LAND USE
DEPARTMENT
Alex Strawn, Planning & Land Use Director
Kim Sollien, Planning Services Manager
Jason Ortiz, Development Services
Manager
Fred Wagner, Platting Officer
Karol Riese, Planning Clerk

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

November 21, 2022
REGULAR MEETING
6:00 p.m.

Ways to participate in the meeting:

IN PERSON: Dorothy Swanda Jones Building, 350 E. Dahlia Avenue, Palmer, Alaska.

IN WRITING: You can submit written comments to the Planning Commission Clerk at msb.planning.commission@matsugov.us. Comments must be submitted by **12:00 PM the Friday before the meeting**.

TELEPHONIC TESTIMONY:

- Dial 1-855-290-3803; you will hear “joining conference” when you are admitted to the meeting.
- You will be automatically muted and able to listen to the meeting.
- When the Chair announces audience participation or a public hearing you would like to speak to, press *3; you will hear, “Your hand has been raised.” (There may be a delay, please be patient with the system.)
- When it is your turn to testify, you will hear, “Your line has been unmuted.”
- State your name for the record, spell your last name and provide your testimony.

Ways to observe the meeting:

FACEBOOK LIVE at www.facebook.com/MatSuBorough

Questions or comments will **not** be answered; please call the number above if you have a comment or concern.

- I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PLEDGE OF ALLEGIANCE
- IV. CONSENT AGENDA
 - A. MINUTES October 3, 2022 – Regular Meeting
 October 17, 2022 – Regular Meeting
 - B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS
 - C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS
- V. COMMITTEE REPORTS
- VI. AGENCY/STAFF REPORTS
- VII. AUDIENCE PARTICIPATION (*three minutes per person, for items not scheduled for public hearing*)
- VIII. LAND USE CLASSIFICATIONS
- IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS (*Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application*).

Resolution 22-33 A conditional use permit in accordance with MSB 17.60 – Conditional Uses, for a marijuana retail facility located at 9351 N. Palmer Fishhook Road, Tax ID #4316B01L006A; within Township 19 North, Range 1 East, Section 34, Seward Meridian. (Applicant: Caleb Saunders dba Green Jar Hatcher Pass; Staff: Jason Ortiz, Development Services Manager).

Resolution 22-35 A conditional use permit in accordance with MSB 17.60 – Conditional Uses, for operation of a marijuana retail facility located at 12825 W. Big Lake Road, Building #2, Tax ID #17N03W14C019; within Township 17 North, Range 3 West Section 14, Seward Meridian. (Applicant: Daniel Rogers for Stash Cannabis Company; Staff: Peggy Horton, Planner II)
- X. PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution 22-36 A resolution of the Matanuska-Susitna Borough Planning Commission recommending the Matanuska-Susitna Borough Assembly adopt the 2022 Capital Improvement Program (CIP) (Staff: Kelsey Anderson, Planner II)

Resolution 22-37 A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance amending MSB 17.60 to create an administrative permit process for marijuana cultivation facilities. (Staff: Alex Strawn, Planning and Land Use Director)

Resolution 22-38 A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance amending MSB 17.60 to create hours of operation for marijuana retail facilities and adding additional standards for retail facilities with marijuana consumption areas. (Staff: Alex Strawn, Planning and Land Use Director)

XI. CORRESPONDENCE & INFORMATION

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS:

A. Upcoming Planning Commission Agenda Items

XV. DIRECTOR AND COMMISSIONER COMMENTS

XVI. ADJOURNMENT (*Mandatory Midnight*)

Disabled persons needing reasonable accommodation to participate at a Planning Commission Meeting should contact the Borough ADA Coordinator at 861-8432 at least one week in advance of the meeting.

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MINUTES
October 3, 2022 &
October 17, 2022,
2022 022

MINUTES

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
October 3, 2022**

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on August 15, 2022, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:00 p.m. by Vice Chair Patrica Chesbro.

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

Planning Commission members present and establishing a quorum:

Mr. Doug Glenn, Assembly District #1
Mr. Richard Allen, Assembly District #2
Ms. Patricia Chesbro, Assembly District #3, Vice-Chair
Mr. Michael Rubeo, Assembly District #4
Mr. Bill Kendig, Assembly District #5

Planning Commission members absent and excused were:

Mr. Stafford Glashan, Assembly District #6, Chair
Mr. Curt Scoggin, Assembly District #7

Staff in attendance:

Mr. Mark Whisenhunt, Planner II
Mr. Jason Ortiz, Development Services Manager/ Acting Planning Commission Clerk
Mr. Alex Strawn, Planning and Land Use Director
Ms. Shannon Bodolay, Assistant Attorney

II. APPROVAL OF AGENDA

Chair Glashan inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objection.

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Emerson Krueger.

IV. CONSENT AGENDA

A. Minutes Regular Meeting Minutes: August 15, 2022

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
October 3, 2022**

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Resolution 22-31 A modification to a Conditional Use Permit in accordance with MSB 17.70 – Regulation of Alcoholic Beverages Uses, for the expansion of an alcoholic beverage dispensary (bar) known as Floaters, located at 2990 South Big Lake Road, Tax ID# 1783B02L003; within Township 17 North, Range 3 West, Section 21, Seward Meridian. Public Hearing: October 17, 2022 (Applicant: Bill Brister of R&B Alaska Inc., dba Floaters; Staff: Mark Whisenhunt, Planner II)

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution 22-32 A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance amending MSB 17.02 – Mandatory Land Use Permit, to expand the applicability of the chapter. Public Hearing: October 17, 2022 (Staff: Adam Bradway, Planner II)

Resolution 22-34 A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance amending MSB Title 43 – Subdivisions. Public Hearing: October 17, 2022 (Staff: Fred Wagner, Platting Officer)

GENERAL CONSENT: The consent agenda was approved without objection.

V. COMMITTEE REPORTS - *(There were no committee reports.)*

VI. AGENCY/STAFF REPORTS - *(There were no Agency/Staff Reports.)*

VII. LAND USE CLASSIFICATIONS - *(There were no land use classifications.)*

VIII. AUDIENCE PARTICIPATION (Three minutes per person.)

Anna McDonough spoke in favor of both items under unfinished business:

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Resolution 22-26 A conditional use permit in accordance with MSB 17.30 – Conditional Use Permit (CUP) for Earth Materials Extraction Activities for the extraction of approximately 6,390,000 cubic yards of earth material from an extraction site totaling 154.5 acres within two parcels, which total 657.5 acres; Tax ID# 20N04W07A001 and 20N04W08A001; within Township 20 North, Range 4 West, Section 7 and 8, Seward Meridian. (Applicant: Matanuska-Susitna Borough Division of Land Management; Staff: Mark Whisenhunt, Planner II)

Chair Glashan read the resolution title into the record.

Mr. Whisenhunt provided a staff report:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
October 3, 2022**

- staff recommended approval of the resolution with conditions.

Vice-Chair Chesbro opened the public hearing.

There being no one to be heard, Chair Chesbro closed the public hearing and discussion moved to the Planning Commission.

MOTION: Commissioner Kendig moved to approve Planning Commission Resolution 22-26.
The motion was seconded.

VOTE: The main motion passed without objection.

Resolution 22-28 A conditional use permit in accordance with MSB 17.60 – Conditional Uses, for the operation of a marijuana cultivation facility at 1198 East Sage Road; Tax ID# 18N01W15D005; within Township 18 North, Range 1 West, Section 15, Seward Meridian. (Applicant: Derke Clark and Janet Clark, of Checkmate Harvest Company; Staff: Mark Whisenhunt, Planner II)

Vice Chair Chsebro read the resolution title into the record.

Mr. Whisenhunt provided a staff report:

- staff recommended approval of the resolution with conditions.

Chair Glashan invited the applicant or their representative to provide an overview of their application.

Vice-Chair Chesbro opened the public hearing.

There being no one to be heard, Vice-Chair Chesbro closed the public hearing and discussion moved to the Planning Commission.

MOTION: Commissioner Kendig moved to approve Planning Commission Resolution 22-28.
The motion was seconded.

Discussion ensued

VOTE: The main motion passed without objection.

X. PUBLIC HEARING LEGISLATIVE MATTERS

XI. CORRESPONDENCE AND INFORMATION
(There was no correspondence and information.)

XII. UNFINISHED BUSINESS

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
October 3, 2022**

Resolution 22-29 A resolution of the Matanuska-Susitna Borough Planning Commission recommending the Assembly fail an ordinance repealing MSB 17.06 – Electrical Generating and Delivery Facility, in its entirety.

Vice-Chair Chesbro read the resolution title into the record.

MOTION: Commissioner Kendig moved to approve Planning Commission Resolution 22-29. The motion was seconded.

VOTE: The main motion passed without objection.

Resolution 22-30 A resolution of the Matanuska-Susitna Borough Planning Commission recommending the Assembly fail an ordinance repealing MSB 17.05 – Essential Service Utilities.

Vice-Chair Chesbro read the resolution title into the record.

MOTION: Commissioner Kendig moved to approve Planning Commission Resolution 22-30. The motion was seconded.

VOTE: The main motion passed without objection.

XIII. NEW BUSINESS - *(There was no new business.)*

XIV. COMMISSION BUSINESS

A. Upcoming Planning Commission Agenda Items *(Staff: Jason Ortiz)*

(Commission Business was presented, and no comments were noted.)

XV. DIRECTOR AND COMMISSIONER COMMENTS

XVI. ADJOURNMENT

The regular meeting adjourned at 6:24 p.m.

STAFFORD GLASHAN, Planning
Commission Chair

ATTEST:

KAROL RIESE, Planning Commission Clerk
Minutes approved: _____

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
October 17, 2022**

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on October 17, 2022, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:00 p.m. by Chair Stafford Glashan.

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

Planning Commission members present and establishing a quorum:

Mr. Doug Glenn, Assembly District #1
Mr. Richard Allen, Assembly District #2
Ms. Patricia Chesbro, Assembly District #3, Vice-Chair
Mr. Michael Rubeo, Assembly District #4
Mr. Bill Kendig, Assembly District #5
Mr. Stafford Glashan, Assembly District #6, Chair

Planning Commission members absent and excused were:

Mr. Curt Scoggin, Assembly District #7

Staff in attendance:

Mr. Mark Whisenhunt, Planner II
Mr. Alex Strawn, Planning and Land Use Director
Ms. Hannah Steketee, Assistant Attorney
Ms. Karol Riese, Planning Depart. Administrative Specialist/Planning Commission Clerk

*Indicates that the individual attended telephonically.

II. APPROVAL OF AGENDA

Chair Glashan inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objection.

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mark Whisenhunt.

IV. CONSENT AGENDA

A. Minutes None

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
October 17, 2022**

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Resolution 22-33 A conditional use permit in accordance with MSB 17.60 – Conditional Uses, for a marijuana retail facility located at 9351 N. Palmer Fishhook Road, Tax ID #4316B01L006A; within Township 19 North, Range 1 East, Section 34, Seward Meridian. Public Hearing: November 21, 2022 (Applicant: Caleb Saunders dba Green Jar Hatcher Pass; Staff: Jason Ortiz, Development Services Manager).

Resolution 22-35 A conditional use permit in accordance with MSB 17.60 – Conditional Uses, for operation of a marijuana retail facility located at 12825 W. Big Lake Road, Building #2, Tax ID #17N03W14C019; within Township 17 North, Range 3 West Section 14, Seward Meridian. Public Hearing: November 21, 2022 (Applicant: Daniel Rogers for Stash Cannabis Company; Staff: Peggy Horton, Planner II)

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution 22-36 A resolution of the Matanuska-Susitna Borough Planning Commission recommending the Matanuska-Susitna Borough Assembly adopt the 2022 Capital Improvement Program (CIP) Public Hearing: November 21, 2022 (Staff: Kelsey Anderson, Planner II)

Resolution 22-37 A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance amending MSB 17.60 to create an administrative permit process for marijuana cultivation facilities. Public Hearing: November 21, 2022 (Staff: Alex Strawn, Planning and Land Use Director)

Resolution 22-38 A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance amending MSB 17.60 to create hours of operation for marijuana retail facilities and adding additional standards for retail facilities with marijuana consumption areas. Public Hearing: November 21, 2022 (Staff: Alex Strawn, Planning and Land Use Director)

GENERAL CONSENT: The consent agenda was approved without objection.

V. COMMITTEE REPORTS - *(There were no committee reports.)*

VI. AGENCY/STAFF REPORTS - *(There were no Agency/Staff Reports.)*

VII. LAND USE CLASSIFICATIONS - *(There were no land use classifications.)*

VIII. AUDIENCE PARTICIPATION (Three minutes per person.)

(There were no persons to be heard.)

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
October 17, 2022**

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Resolution 22-31 A modification to a Conditional Use Permit in accordance with MSB 17.70 – Regulation of Alcoholic Beverages Uses, for the expansion of an alcoholic beverage dispensary (bar) known as Floaters, located at 2990 South Big Lake Road, Tax ID# 1783B02L003; within Township 17 North, Range 3 West, Section 21, Seward Meridian. (Applicant: Bill Brister of R&B Alaska Inc., dba Floaters; Staff: Mark Whisenhunt, Planner II)

Chair Glashan read the resolution title into the record.

Commissioner Kendig recused himself from this hearing – left room at 6:06 pm.

Mr. Whisenhunt provided a staff report:

- staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding:

- hours for pub/restaurant

Chair Glashan invited the applicant or their representative to provide an overview of their application.

Mr. Bill Brister, applicant, provided an overview of their application.

Commissioners questioned the applicant regarding:

- Live music/bands; breakfast hours; alcohol service

Chair Glashan opened the public hearing.

There were no persons to be heard.

Chair Glashan invited staff to respond to questions and statements from the audience.

Mr. Whisenhunt stated that they had nothing further to add.

Chair Glashan invited the applicant to respond to questions and statements from the audience.

There being no one else to be heard, Chair Glashan closed the public hearing and discussion moved to the Planning Commission.

MOTION: Commissioner Glenn moved to approve Planning Commission Resolution 22-31. The motion was seconded.

Discussion ensued

MOTION: Commissioner Allen moved a primary amendment to remove MSB 17.61.080 – Noise Standards and from recommendation 3.

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
October 17, 2022**

It will read:

The operation shall comply with the maximum permissible sound level limits allowed, per the requirement of MSB 8.52 – Noise, Amplified Sound and Vibration.

The motion was seconded.

VOTE: The primary amendment passed without objection.

MOTION: Commissioner Allen moved a secondary amendment to modify the hours in staff recommendation #4 to be 9:00 a.m. to midnight Sunday through Wednesday and 9:00 a.m. to 2:00 a.m., Thursday to Saturday.

Condition #4 will read:

The alcohol service in the restaurant area and pub shall not exceed 9:00 a.m. to midnight Sunday through Wednesday and 9:00 a.m. to 2:00 a.m., Thursday to Saturday.

The motion was seconded.

VOTE: The secondary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

Commissioner Kendig returned at 6:42 p.m.

X. PUBLIC HEARING LEGISLATIVE MATTERS

Resolution 22-32 A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance amending MSB 17.02 – Mandatory Land Use Permit, to expand the applicability of the chapter. (Staff: Adam Bradway, Planner II)

Chair Glashan read the resolution title into the record.

Mr. Strawn provided a staff report.

Chair Glashan opened the public hearing.

There being no one to be heard, Chair Glashan closed the public hearing and discussion moved to the Planning Commission.

MOTION: Commissioner Kendig moved to approve Planning Commission Resolution 22-32. The motion was seconded. by Commissioner Chesbro

Discussion ensued

VOTE: The main motion passed without objection.

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
October 17, 2022**

Resolution 22-34 A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance amending MSB Title 43 – Subdivisions. (Staff: Fred Wagner, Platting Officer)

Chair Glashan read the resolution title into the record.

Mr. Wagner provided a staff report.

Mr. Wagner stated that there were some clerical errors that needed to be corrected.

Commissioners questioned staff regarding:
None

Chair Glashan opened the public hearing.

There being no one to be heard, Chair Glashan closed the public hearing and discussion moved to the Planning Commission.

MOTION: Commissioner Chesbro moved to approve Planning Commission Resolution 22-34.
The motion was seconded.

Discussion ensued

VOTE: The main motion passed without objection.

XI. CORRESPONDENCE AND INFORMATION
(There was no correspondence and information.)

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS - *(There was no new business.)*

XIV. COMMISSION BUSINESS

A. Upcoming Planning Commission Agenda Items *(Staff: Alex Strawn)*
(Commission Business was presented, and no comments were noted.)

XV. DIRECTOR AND COMMISSIONER COMMENTS

Alex Strawn: Mark's last meeting as a Planner II.

Commissioner Kendig: How will you replace him?

Commissioner Chesbro: We will miss you.

Commissioner Glashan: I will miss you – Good Luck

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
October 17, 2022**

XVI. ADJOURNMENT

The regular meeting adjourned at 7:00 p.m.

STAFFORD GLASHAN, Planning
Commission Chair

ATTEST:

KAROL RIESE, Planning Commission Clerk

Minutes approved: _____

PUBLIC HEARING
QUASI-JUDICIAL

Resolution No. 22-33

Green Jar Hatcher Pass CUP

(Pages 17 - 118)

PUBLIC HEARING



• MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822

www.matsugov.us

DEVELOPMENT SERVICES DIVISION STAFF REPORT

Date: November 10, 2022

File Number: M10236

Applicant: Caleb Saunders for Green Jar Hatcher Pass

Property Owner: PVA, LLC

Request: Planning Commission Resolution 22-33
Conditional Use Permit for the operation of a marijuana retail facility in accordance with MSB Chapter 17.60 – Conditional Uses

Location: 9351 North Palmer-Fishhook Road, Tax ID# 4316B01L006A, within Township 19 North, Range 1 East, Section 34, Seward Meridian

Size of Facility: Approximately 1,404 Square Feet

Staff: Jason Ortiz, Development Services Manager

Staff Recommendation: Approval with conditions

EXECUTIVE SUMMARY

A conditional use permit application has been submitted for the operation of a marijuana retail facility. The applicant is proposing to operate the facility in a building that was previously used in a commercial venture and is approximately 1,404 square feet in size. According to the application material, the entire structure is the licensed area. MSB 17.60.030 requires a conditional use permit for the operation of a marijuana retail facility. Unless this type of use is maintained under and in accordance with a lawfully issued permit, a marijuana retail facility is declared to be a public nuisance. Operation of such a land use without a permit is prohibited.

LAND USE

Existing Land Use/Background:

The subject property has been used commercially since 1986, most recently as Madd Hatcher Pizza Pub. In 1994, the common lot line between this lot and the lot to the north was adjusted to create additional lot line setback distance for the building. In 1995, the section line easement along the east boundary of the lot was vacated. The existing structure is located on the north side of the property and meets all Borough setbacks. The 20.7' X 10.4' building and the 15' x 16' wood platform located on the property, are not part of the retail facility.

Surrounding Land Uses:

The proposed use is located on North Palmer-Fishhook Road, which is classified as a collector road. As a collector, North Palmer-Fishhook Road is capable of handling traffic from residential and commercial uses. The surrounding area is comprised of mixed uses and parcels which range in size from approximately one acre to approximately eight acres. Within 1000 feet of the proposed use, there are multiple commercial business including a bar, an automobile repair shop, a dog boarding business, an acupuncture and massage clinic, and a separate marijuana retail facility. The closest residential structure is located to the northeast and is approximately 216 feet from the proposed use. North Palmer-Fishhook abuts the use to the west and residential structures are located north, south, and southeast of the proposed use. East of the proposed use is a vacant lot.

REVIEW OF APPLICABLE CRITERIA AND FINDINGS

MSB 17.03 – Public Notification

On August 30, 2022, 25 notices were mailed to property owners within a 600-foot radius from the proposed use, and to the Fishhook Community Council. The Frontiersman published the public notice on August 31, 2022. Staff posted the application material on the Borough website for public review on August 24, 2022. Staff also emailed the public notice and a request for comments to the Fishhook Community Council, borough offices, and outside agencies on August 25, 2022. We received a no comment statement from Enstar. Staff received no comments from the public or the community council.

Section 17.60.100 General Standards

(A) *A conditional use may be approved only if it meets with the requirements of this section in addition to any other standards required by this chapter:*

(B) *In granting a conditional use permit, the planning commission must make the following findings:*

(1) *the conditional use will preserve or not detract from the value, character, and integrity of the surrounding area;*

Findings of Fact:

1. According to the application material, the proposed retail facility will be wholly contained within a 1,404 square foot commercial structure.
2. The subject property has been used commercially since 1986, most recently as Madd Hatcher Pizza Pub.

3. The proposed use has no industrial equipment or processes that generate noise.
4. The proposed use will access North Palmer-Fishhook Road from an existing state permitted driveway.
5. North Palmer-Fishhook Road is classified as a collector and is capable of accommodating traffic associated with commercial use.
6. North Palmer-Fishhook Road has many different uses fronting on it, including agricultural, industrial, residential, and commercial.
7. According to the application material, the proposed hours of operation are 8:00 a.m. until 12:00 a.m. (midnight), daily.
8. The proposed use is located approximately 85 feet from the North Palmer-Fishhook Road right-of-way, 175 feet to the south lot line, 315 feet from the east lot line, and 10 feet from the north lot line.
9. The proposed use is located southwest of, and approximately 216 feet from, the closest residential structure.
10. The proposed use is on a 2.49 acre lot with approximately 174' of Palmer-Fishhook Road frontage.
11. There are a variety of land uses within 1,000 feet of the proposed use, including a bar, an automobile repair shop, a dog boarding business, an acupuncture and massage clinic, and a separate marijuana retail facility.
12. According to the application material, the commercial structure will have lighting on all four sides, which will be downward directed and shielded to minimize light spillage on neighboring properties and into nearby traffic.
13. Consumption of marijuana is prohibited at the site.
14. Persons under the age of 21 are prohibited from entering the facility.
15. According to the application material, loitering will not be allowed.

Conclusion of Law: Based on the above findings, the proposed use will not detract from the value, character and integrity of the surrounding area (MSB 17.60.100(B)(1)).

(2) that granting the conditional use permit will not be harmful to the public health, safety, convenience, and welfare;

Findings of Fact:

1. The closest school (Shaw Elementary) is approximately 34,800 feet from the proposed use.
2. Consumption of marijuana is prohibited at the site.
3. Persons under the age of 21 are prohibited from entering the facility.
4. The proposed use will access North Palmer-Fishhook Road from an existing state permitted driveway
5. North Palmer-Fishhook Road is classified as a collector and is capable of accommodating traffic associated with commercial use.

6. According to the application material, the proposed use will utilize a security and video system that includes glass break sensors, motion detectors, audio recorders, panic alarms, dome cameras, keypads with proximity card readers, and a third party alarm monitoring service. Additionally, a firewall server will protect the surveillance data.
7. According to the application material, the use will have a backlit sign on the front of the commercial structure, facing the south property line.
8. According to the application material, the proposed use will maintain an air filtration unit with activated charcoal filters.
9. The State of Alaska Office of the State Fire Marshal issued a plan review approval on June 27, 2022.
10. The State of Alaska Office of the State Fire Marshal issued Plan Review #2022Anch1031 for the commercial structure.
11. The commercial structure is in full compliance with the applicable State of Alaska fire code.
12. According to the application material, after proper notification of the State of Alaska Alcohol & Marijuana Control Office, all marijuana products deemed unusable are ground up with trash and disposed of in the onsite dumpster. The final destination for the waste is the landfill.

Discussion: An AMCO rule change went into effect October 16, 2022 which no longer requires a three day waiting period for waste disposal.

Conclusion of Law: Based on the above findings, the proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).

(3) that sufficient setback, lot area, buffers, or other safeguards are being provided to meet the conditions listed in subsections (B)(1) through (3) of this section; and

Findings of Fact:

1. The proposed use is located approximately 85 feet from the North Palmer-Fishhook Road right-of-way, 175 feet to the south lot line, 315 feet from the east lot line, and 10 feet from the north lot line.
2. The subject structure meets all applicable setback requirements of MSB 17.55 – Setbacks and Screening Easements.
3. The east half of the subject property is wooded which provides buffering to the neighboring properties. The south property line provides a wooded area that provides buffering as well.
4. The proposed use is on a 2.49 acre lot with approximately 174' of Palmer-Fishhook Road frontage.
5. The closest school (Shaw Elementary) is approximately 34,800 feet from the proposed use.
6. The proposed use will access North Palmer-Fishhook Road from an existing state permitted driveway.
7. North Palmer-Fishhook Road is classified as a collector and is capable of accommodating traffic associated with commercial use.

8. According to the application material, the proposed use will utilize a security and video system that includes glass break sensors, motion detectors, audio recorders, panic alarms, dome cameras, keypads with proximity card readers, and a third party alarm monitoring service. Additionally, a firewall server will protect the surveillance data.
9. The State of Alaska Office of the State Fire Marshal issued Plan Review #2022Anch1031 for the commercial structure.
10. The commercial structure is in full compliance with the applicable State of Alaska fire code.

Conclusion of Law: Based on the above findings, sufficient setbacks, lot area, buffers and other safeguards are being provided (MSB 17.60.100(B)(3)).

(4) the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in this section.

Finding of Fact:

1. The applicant has provided all of the required site plans and operational information has been provided by the applicant.

Conclusion of Law: Based on the above finding, the application material has met all of the requirements of this chapter (MSB 17.60.100(B)(4)).

Section 17.60.150 General Standards for Marijuana Related Facilities

(A) In addition to the standards set forth by MSB 17.60.100, the planning commission shall weigh factors which contribute or detract from the development of a safe, convenient, and attractive community, including, but not limited to:

(1) any potential negative effect upon other properties in the area due to such factors as noise and odor.

Findings of Fact:

1. According to the application material, the proposed retail facility will be wholly contained within a 1,404 square foot commercial structure.
2. The proposed use has no industrial equipment or processes that generate noise.
3. According to the application material, all retail operations will be taking place indoors.
4. According to the application material, no outdoor activity is planned that will create additional noise or odor.
5. According to the application material, the proposed use will maintain an air filtration unit with activated charcoal filters.
6. Consumption of marijuana is prohibited at the site.
7. According to the application material, loitering will not be allowed.

Conclusion of Law: Based on the above findings, the proposed use will not negatively affect other properties due to factors such as noise and odor (MSB 17.60.150(A)(1)).

- (2) *the effectiveness of measures to reduce negative effects upon adjacent properties by:*
- (a) *increased property line and right-of-way buffers;*
 - (b) *planted berms and landscaping;*
 - (c) *site and commercial structure design features which contribute to the character of the surrounding area.*

Findings of Fact:

1. According to the application material, the proposed retail facility will be wholly contained within a 1,404 square foot commercial structure.
2. The subject property has been used commercially since 1986, most recently as Madd Hatcher Pizza Pub.
3. The Central Mat-Su Fire Department Deputy Fire Marshal issued Plan Review #2021-084 for the commercial structure.
4. The commercial structure is in full compliance with the applicable State of Alaska fire code.
5. The east half of the subject property is wooded which provides buffering to the neighboring properties. The south property line provides a wooded area that provides buffering as well.
6. The applicants landscaping plan utilizes the natural wooded areas encompassing a large portions of the property.
7. According to the application material, the commercial structure will have lighting on all four sides, which will be downward directed and shielded to minimize light spillage on neighboring properties and into nearby traffic.
8. According to the application material, the use will install a backlit sign on the front of the commercial structure, facing the south property line.
9. The subject structure meets all applicable setback requirements of MSB 17.55 – Setbacks and Screening Easements.

Conclusion of Law: Based on the above findings, measures are in place to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).

- (3) *whether the use is compatible with the character of the surrounding area.*

Findings of Fact:

1. According to the application material, the proposed retail facility will be wholly contained within a 1,404 square foot commercial structure.
2. The State of Alaska Office of the State Fire Marshal issued Plan Review #2022Anch1031 for the commercial structure.
3. The subject property has been used commercially since 1986, most recently as Madd Hatcher Pizza Pub.
4. The commercial structure is in full compliance with the applicable State of Alaska fire code.

5. The proposed use will access North Palmer-Fishhook Road from an existing state permitted driveway.
6. North Palmer-Fishhook Road is classified as a collector and is capable of accommodating traffic associated with commercial use.
7. North Palmer-Fishhook Road has many different uses fronting on it, including agricultural, industrial, residential, and commercial.
8. According to the application material, the proposed hours of operation are 8:00 a.m. until 12:00 a.m. (midnight), daily.
9. The proposed use is located approximately 85 feet from the North Palmer-Fishhook Road right-of-way, 175 feet to the south lot line, 315 feet from the east lot line, and 10 feet from the north lot line.
10. The proposed use is located southwest of, and approximately 216 feet from the closest residential structure.
11. The proposed use is on a 2.49 acre lot with approximately 174' of Palmer-Fishhook Road frontage.
12. There are a variety of land uses within 1,000 feet of the proposed use, including a bar, an automobile repair shop, a dog boarding business, an acupuncture and massage clinic, and a separate marijuana retail facility.
13. According to the application material, the commercial structure will have lighting on all four sides, which will be downward directed and shielded to minimize light spillage on neighboring properties and into nearby traffic.
14. Consumption of marijuana is prohibited at the site.
15. According to the application material, loitering will not be allowed.

Conclusion of Law: Based on the above findings, the proposed use is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).

(B) At the time of their establishment, marijuana related conditional uses shall meet the following requirements and not be located within:

(1) One thousand feet of school grounds;

(C) Separation distances referenced in subsection (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.

Finding of Fact:

1. The closest school (Shaw Elementary) is approximately 34,800 feet from the proposed use.

Conclusion of Law: Based on the above finding, the proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).

(D) Prior to final approval of the permit the applicant shall provide written documentation demonstrating that:

(1) all applicable licenses have been obtained as required by 3 AAC 306.005.

Findings of Fact:

1. The State of Alaska Marijuana Control Board (AMCO) voted to approve Green Jar Hatcher Pass, LLC, License # 30974, with delegation at the June 29-30, 2022 meeting.
2. Planning staff received a copy of AMCO's delegated approval for the applicant's marijuana retail facility.

Conclusion of Law: Based on the above findings, documentation demonstrating the applicant obtained all applicable licenses pertaining to 3 AAC 306.005 was provided to planning staff (MSB 17.60.150(D)(1)).

(2) from the fire marshal having jurisdiction, that the proposed conditional use is in full compliance with applicable fire code, including but not limited to AS 18.70.010 through 18.70.160, Fire Protection, and 13 AAC 50.025 through 50.080, Fire Code.

Findings of Fact:

1. The State of Alaska Office of the State Fire Marshal issued a plan review approval on June 27, 2022.
2. The State of Alaska Office of the State Fire Marshal issued Plan Review #2022Anch1031 for the commercial structure.
3. The commercial structure is in full compliance with the applicable State of Alaska fire code.
4. The applicant provided a copy of the approved Plan Review #2022Anch1031.

Conclusion of Law: Based on the above findings, the proposed use will be in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).

Section 17.60.170 Standards for Marijuana Retail Facilities

(A) Marijuana retail facilities shall only be approved upon finding by the commission that the proposed facility is located on a parcel that is appropriate for commercial use. At a minimum, the commission shall consider:

- (1) proximity of the proposed use to existing businesses;*
- (2) proximity to parcels developed for residential use; and*
- (3) whether roads associated with the proposed use have been, or will be, appropriate for commercial use.*

Findings of Fact:

1. The subject property has been used commercially since 1986, most recently as Madd Hatcher Pizza Pub.
2. The proposed use will access North Palmer-Fishhook Road from an existing state permitted driveway.
3. North Palmer-Fishhook Road is classified as a collector and is capable of accommodating traffic associated with commercial use.

4. North Palmer-Fishhook Road has many different uses fronting on it, including agricultural, industrial, residential, and commercial.
5. North Palmer-Fishhook abuts the use to the west and residential structures are located north, south, and southeast of the proposed use. East of the proposed use is a vacant lot.
6. There are a variety of land uses within 1,000 feet of the proposed use, including a bar, an automobile repair shop, a dog boarding business, an acupuncture and massage clinic, and a separate marijuana retail facility.
7. The proposed use is located approximately 85 feet from the North Palmer-Fishhook Road right-of-way, 175 feet to the south lot line, 315 feet from the east lot line, and 10 feet from the north lot line.
8. The proposed use is located southwest of, and approximately 216 feet from the closest residential structure.
9. The proposed use is on a 2.49 acre lot with approximately 174' of Palmer-Fishhook Road frontage.

Conclusion of Law: Based on the above findings, the proposed use is located on a parcel that is appropriate for commercial use (MSB 17.60.170(A)(1-3)).

(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.

Findings of Fact:

1. According to the application material, the proposed retail facility will be wholly contained within a 1,404 square foot commercial structure.
2. According to the application material, 17 customer parking spaces are proposed.
3. According to the application material, each parking space is 20 feet in length and ten feet wide.
4. A marijuana retail facility 1,404 square feet in size, is required to provide four parking spaces with one ADA compliant space.
5. There are no vertical clearance limitations on site.

Conclusion of Law: Based on the above findings, the proposed use meets the minimum number of parking space for retail facilities (MSB 17.60.170(B)).

(C) Parking spaces shall be provided to comply with current Americans with Disabilities Act guidelines.

Findings of Fact:

1. A marijuana retail facility, 1,404 square feet in size, is required to provide four parking spaces with one ADA compliant space.
2. According to the application material, the proposed facility will provide 17 parking spaces.

3. ADA guidelines require one van accessible parking space with an eight-foot wide parking aisle, for every 1 to 25 spaces.
4. According to the application material, each of the non-ADA parking spaces are 20 feet long and ten feet wide.
5. According to the application material, one ADA compliant parking space is provided that is firmly compressed gravel.

Discussion: Current ADA guidelines require the surface of accessible spaces and access aisles to be provide a firm, stable, and slip-resistant surface to ensure safe use for people with disabilities. The current ADA standards highlight the challenges of maintaining gravel surfaces for use with mobility devices and staff recommends paving or some alternative surfacing to meet ADA guidelines within one year of the date of the decision.

Conclusion of Law: Based on the above findings, and with conditions, the proposed use complies with current ADA parking space guidelines (MSB 17.60.170(C)).

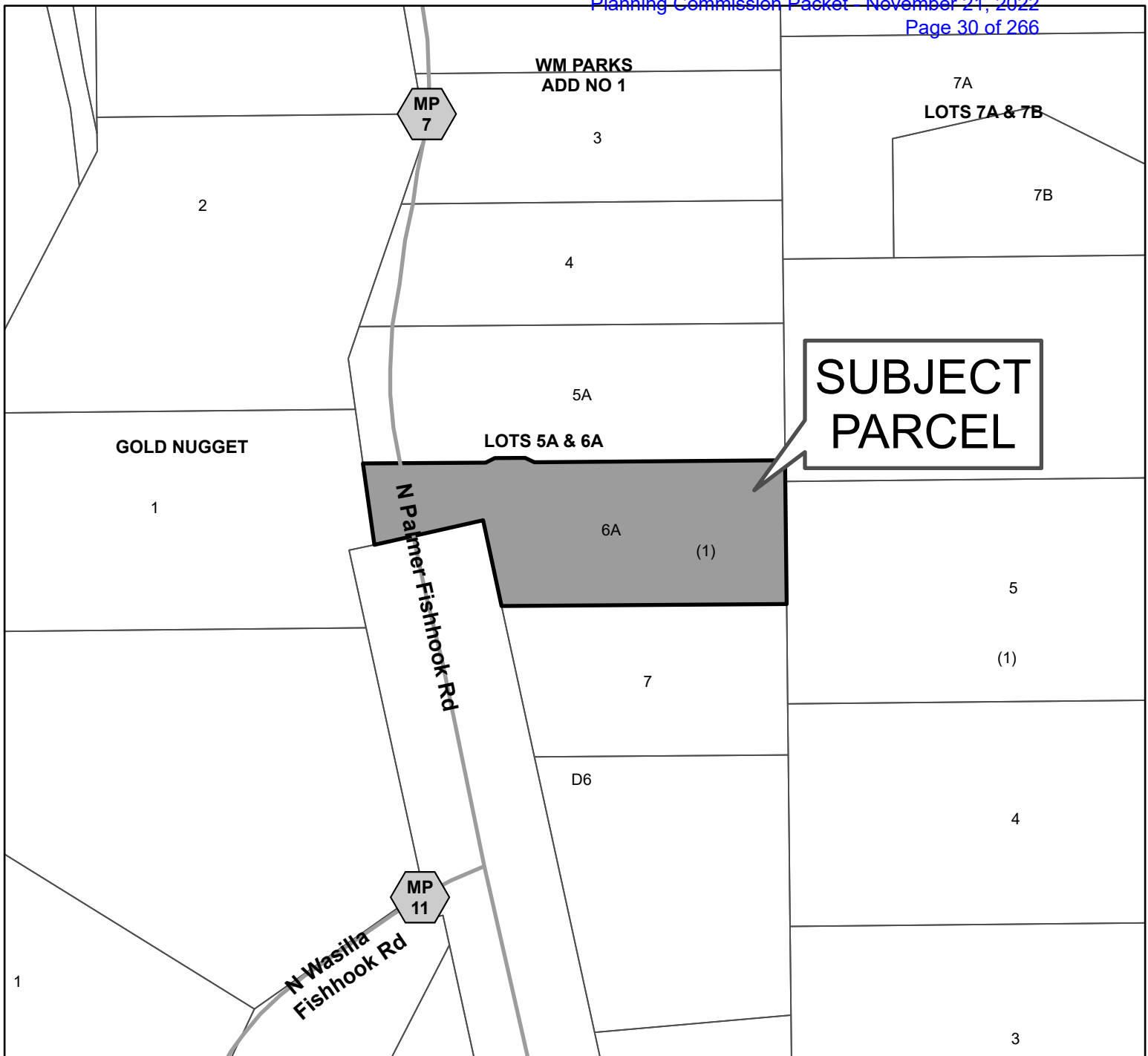
STAFF RECOMMENDATIONS

Staff recommends approval of the conditional use permit to operate a Marijuana Retail Facility, approximately 1,404 square feet in size, at 9351 N. Palmer-Fishhook Road, Tax ID #4316B01L006A. The proposed use meets all of the standards in MSB 17.60.100, 17.60.150, and 17.60.170 with the conditions listed. Staff recommends approval of this permit with the following conditions:

1. The ADA parking spaces and access aisle shall be painted and provide a firm, stable, and slip-resistant surface, in compliance with the current ADA guidelines, within one year of the date of decision.
2. The operation shall comply with all applicable state and local regulations.
3. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
4. Borough staff shall be permitted to enter the premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.
5. The hours of operation shall not exceed 8:00 a.m. – 12:00 a.m., daily.
6. On-site consumption of marijuana and marijuana products is prohibited.

If the Planning Commission chooses to deny this modification, findings for denial must be prepared by the Commission.

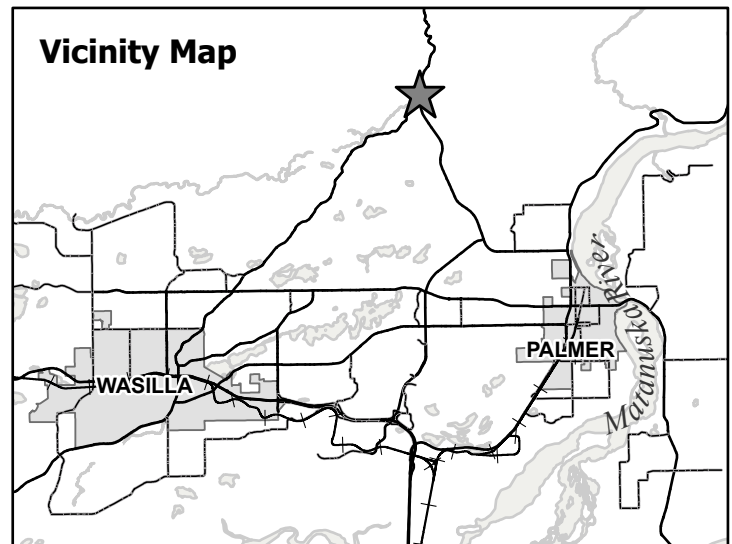
MAPS

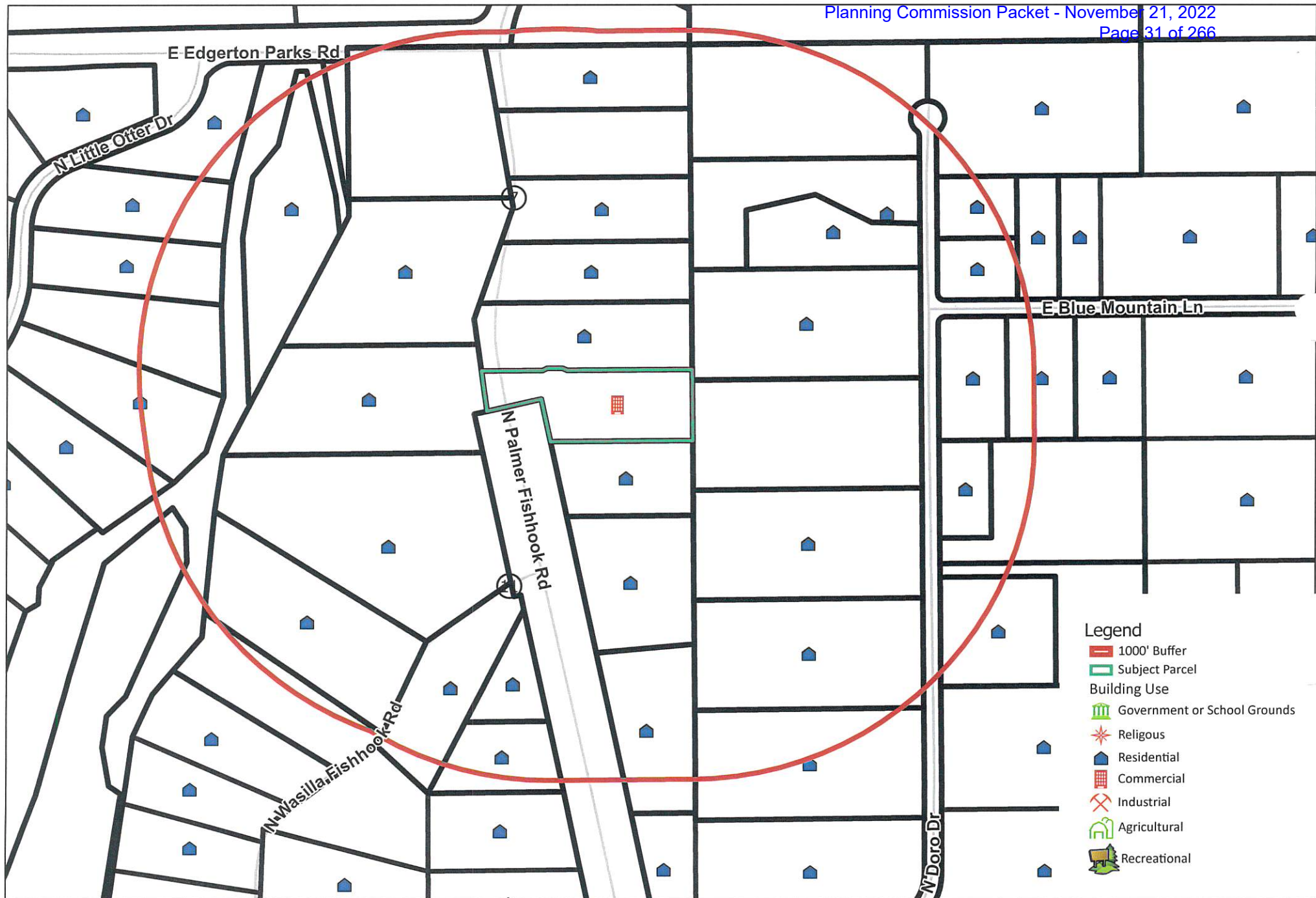


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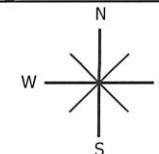
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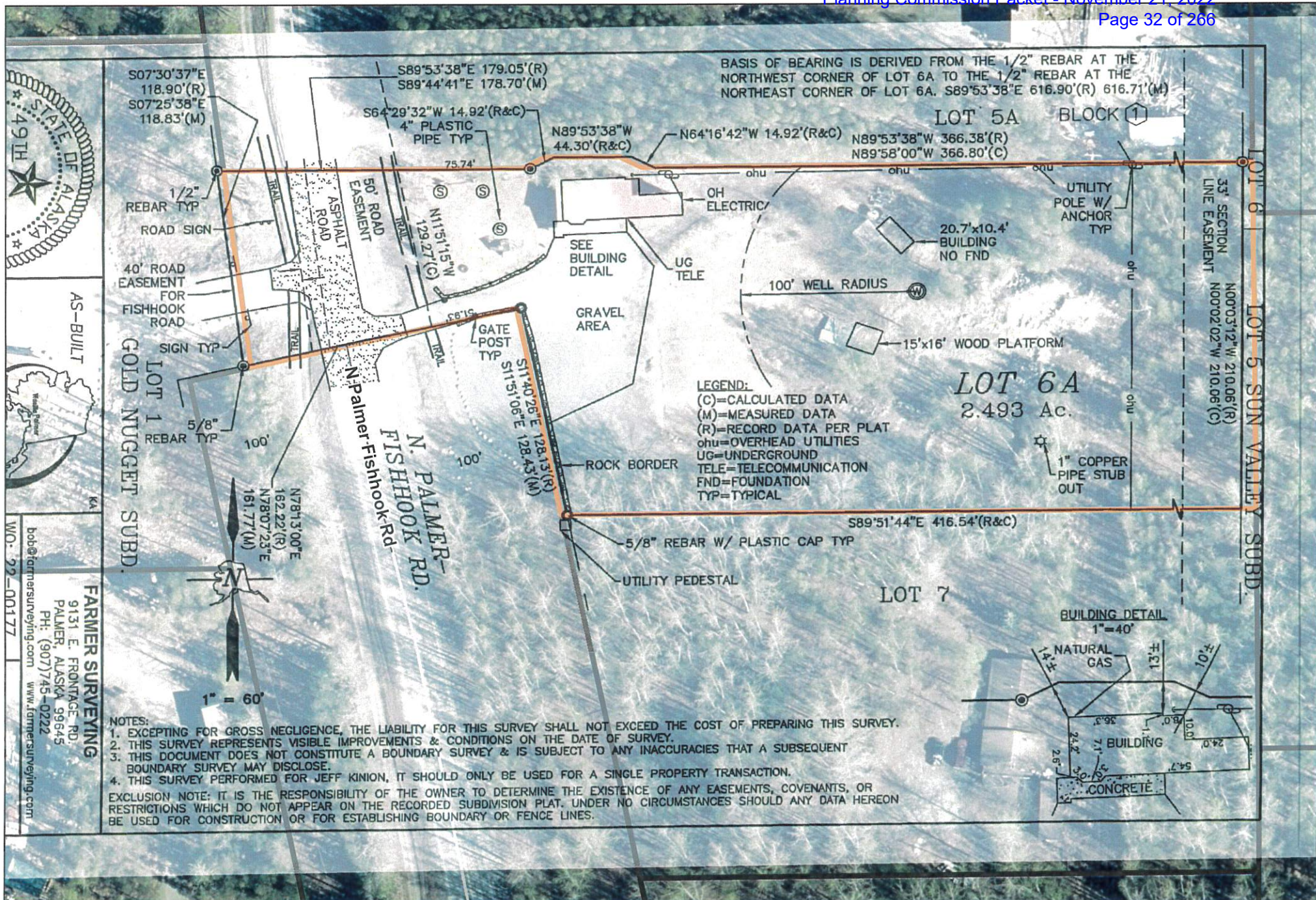
MSR Development Services Division: 3/8/2022

Land Use Map

Tax ID # 4316B01L006A

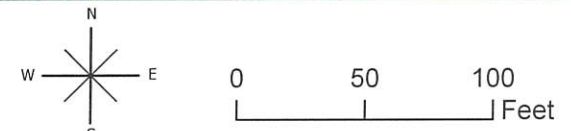


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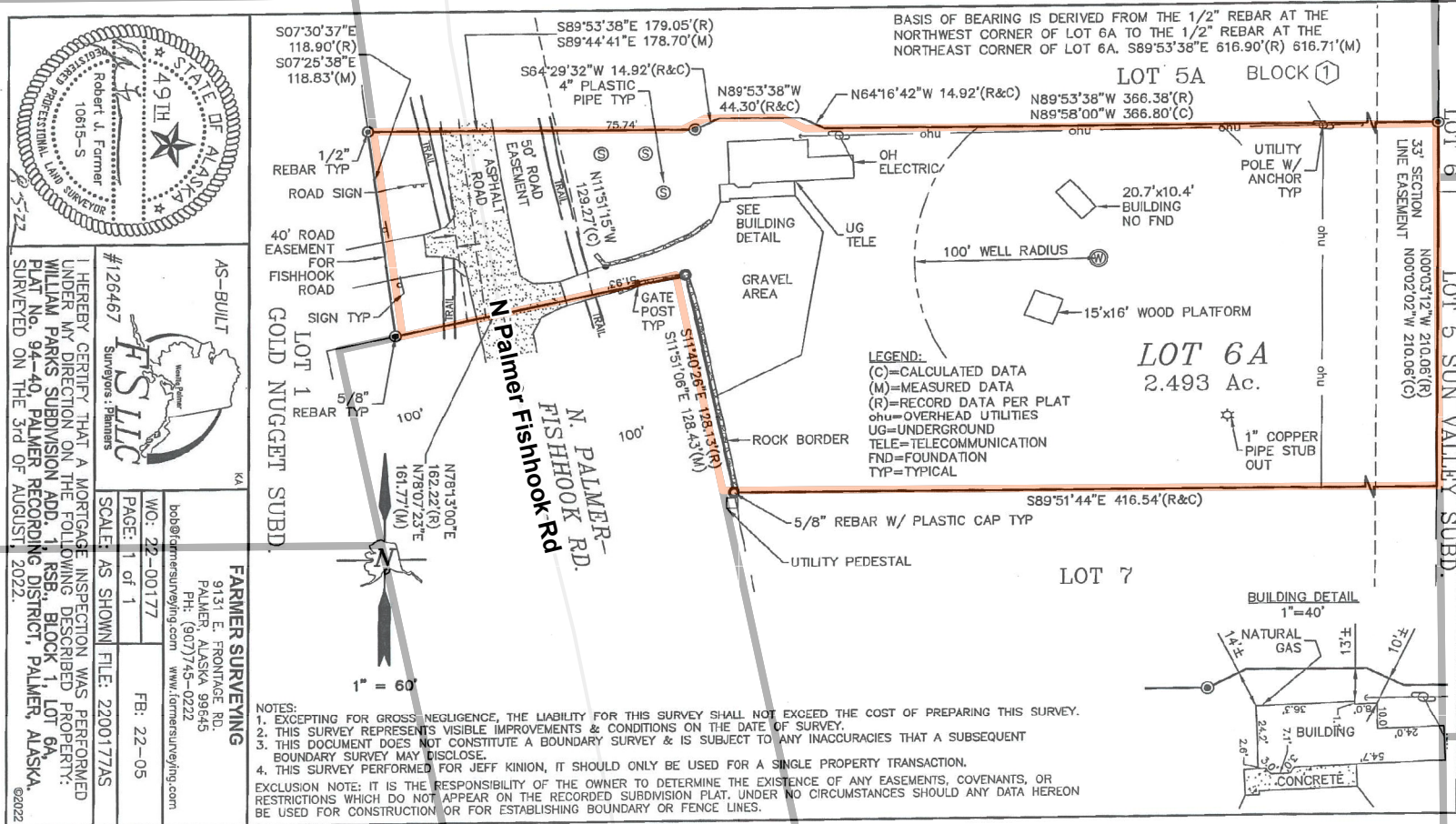
Green Jar Hatcher Pass Site Plan Overlay

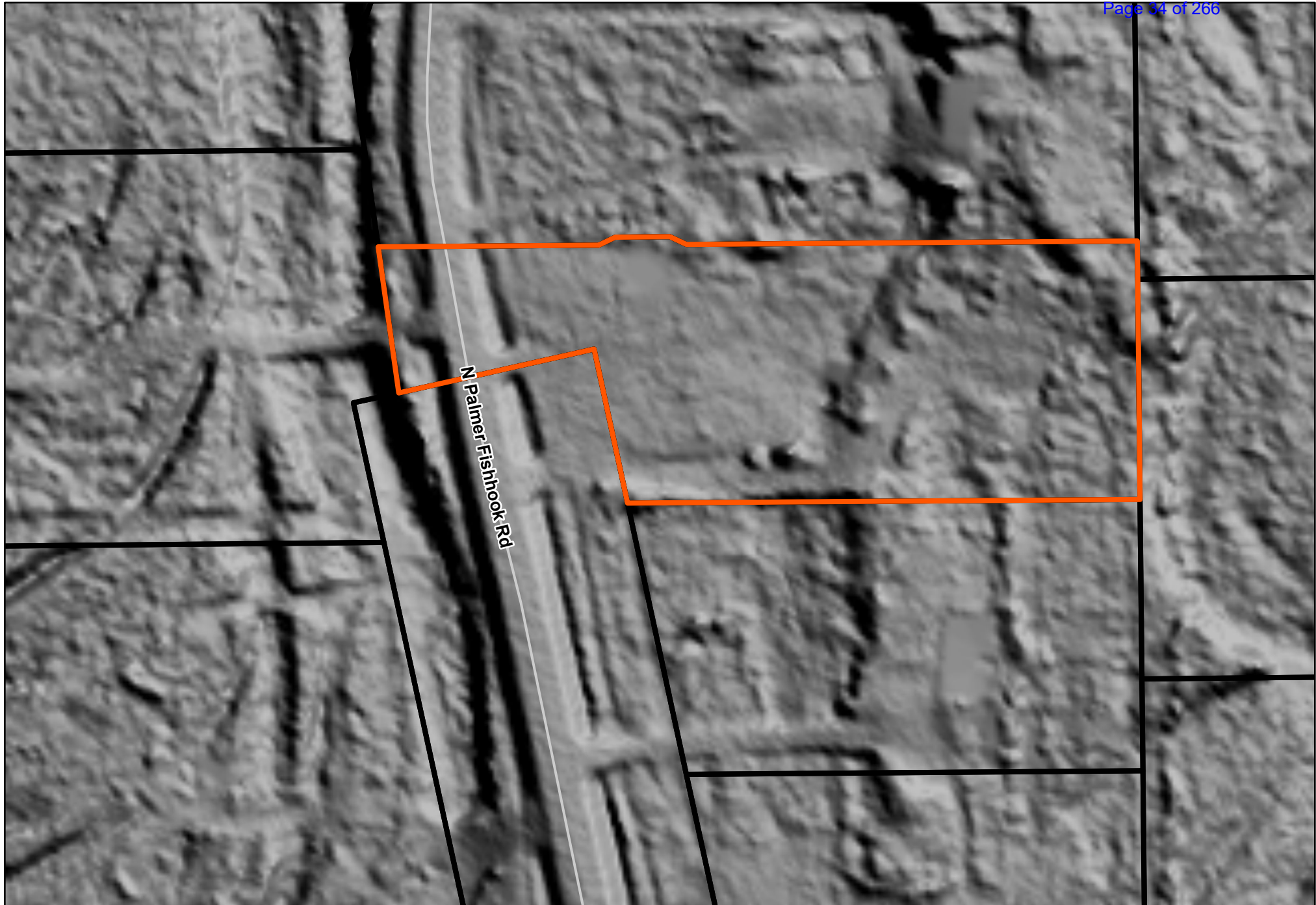
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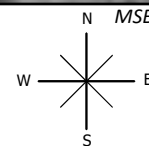




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Green Jar Hatcher Pass Hillshade **Tax ID # 4316B01L006A**



MSB Development Services Division: 10/3/2022

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PUBLIC NOTICING

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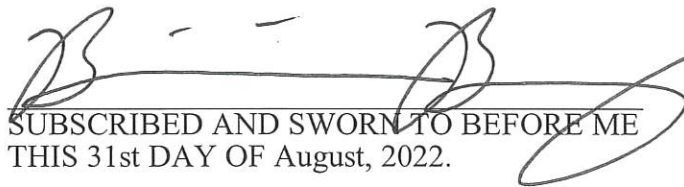
(907) 352-2250 ph
(907) 352-2277 fax

AFFIDAVIT OF PUBLICATION

UNITED STATES OF AMERICA, STATE OF ALASKA, THIRD DIVISION
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, THIS DAY
PERSONALLY APPEARED BEFORE **BENJAMIN BORG** WHO, BEING
FIRST DULY SWORN, ACCORDING TO LAW, SAYS THAT HE IS THE
LEGAL AD CLERK OF THE **FRONTIERSMAN**
PUBLISHED AT WASILLA AND CIRCULATED THROUGH OUT MATANUSKA
SUSITNA BOROUGH, IN SAID DIVISION THREE AND STATE OF ALASKA
AND THAT THE ADVERTISEMENT, OF WHICH THE ANNEXED IS A TRUE
COPY, WAS PUBLISHED ON THE FOLLOWING DAYS:

08/31/2022

AND THAT THE RATE CHARGED THEREIN IS NOT IN EXCESS OF
THE RATE CHARGED PRIVATE INDIVIDUALS.

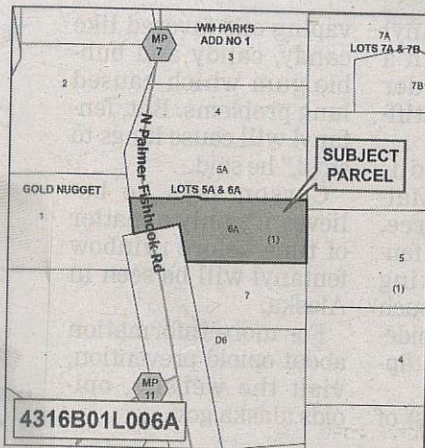

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 31st DAY OF August, 2022.


NOTARY PUBLIC FOR STATE OF ALASKA

NOTARY PUBLIC
NANCY E DOWNS
STATE OF ALASKA
MY COMMISSION EXPIRES AUG. 25, 2023

MAT-SU BOROUGH/PAGE
8.31
ACCOUNT NUMBER 405249

PUBLIC HEARING



Caleb Saunders, for Green Jar Hatcher Pass, submitted an application for a conditional use permit under MSB 17.60 – Conditional Uses, for operation of a marijuana retail facility. The site is located at 9351 N. Palmer-Fishhook Road, Tax ID #4316B01L006A; within Township 19 North, Range 1 East, Section 34, Seward Meridian.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on **Monday, November 21, 2022**, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking on "All Public Notices & Announcements." For additional information, you may contact Peggy Horton, Planner II, by phone: 907-861-7862. Provide written comments by e-mail to peggy.horton@matsugov.us, or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

The public may provide verbal testimony at the meeting or telephonically by calling 1-855-290-3803. In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for the definition of interested party. The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk's office, and at various libraries within the borough.

Comments are due on or before **Friday, October 7, 2022**, and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Publish Date: August 31, 2022

0822-35



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For each additional 1,000 pieces, or fraction thereof

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9200 N DORO DR
PALMER AK 99645

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DOWNING PHILIP A & JANICE M
9561 N PALMER-FISHHOOK RD
PALMER, AK 99645

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HATCHER CABIN RENTALS LLC
11401 N PALMER FISHHOOK RD
PALMER AK 99645

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HATCHER PASS CABINS LLC
9000 N PALMER FISHHOOK RD
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HENSEL THOS P & MARTA D
9150 N PALMER-FISHHOOK RD
PALMER, AK 99645

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KENNEY TRICIA
COX JOHN R
9450 N PALMER-FISHHOOK RD
PALMER, AK 99645-8029

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LASHBROOK GARY LEROY
% HORST KRUGER
PO BOX 670731
CHUGIAK AK 99567-0731

52511000T00B 9
MORRISSEY JILLIAN L LVG TR
8520 E EDGERTON PARKS RD
PALMER AK 99645-9231

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PAGE DARRELL & RUTH ANN
9291 N PALMER FISHHOOK RD
PALMER AK 99645

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PENSICO TR CO CUST FBO
NASH ROBERT W IRA
%PACIFIC PREMIER TRUST
PO BOX 981012
BOSTON MA 02298-1012

54316B01L006A 12
PVA LLC
%JEFFREY KINION
PO BOX 2024
PALMER AK 99645-2024

52335000L001 13
QUIGLEY SCOTT D
1356 DREXMORE AVE
CHARLOTTE NC 28209

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REA BARON L
FIELDS ALICIA M
9501 N PALMER-FISHHOOK RD
PALMER, AK 99645

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REED STEVEN EDWARD
REED DANIELLE LYNN
9500 N DORO DR
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SANDERSON KIRK R & KATHLEEN A
9451 N PALMER-FISHHOOK RD
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STEPANEK DAPHNE S
9460 N DORO DR
PALMER AK 99645

119N01E34D012 18
SULLIVAN ANGELA
HANNAM MICHAEELE JANE L/E
9250 N WASILLA FISHHOOK RD
WASILLA AK 99654

56381000L001 19
SULLIVAN JAMES P
PO BOX 713
PALMER AK 99645-0713

56372B02L004 20
TOMODACHI LLC
PO BOX 872131
WASILLA AK 99687

51372B01L006 21
TUOMI JUSTIN J & ALYSON D
2830 S RAPID CREEK ST
WASILLA AK 99654-0924

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TUOMI REV TR
TUOMI JOHN E TRE TUOMI DEBRA L TRE
PO BOX 3287
PALMER AK 99645-3287

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VANZANT JAS D & KATHI S
9000 N DORO DR
PALMER, AK 99645

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WELDON PHILIP R
1500 E TIERRA GRANDE DR
WASILLA AK 99654-3529

25
FISHHOOK COMMUNITY COUNCIL
PO BOX 2022
PALMER, AK 99645

tara0609
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8/29/2022 9:05:42 AM

Matanuska-Susitna Borough
Development Services Division
350 E. Dahlia Avenue
Palmer, Alaska 99645

tara0609
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8/29/2022 9:05:42 AM

The Matanuska-Susitna Borough Planning Commission will consider the following:

Caleb Saunders, for Green Jar Hatcher Pass, submitted an application for a conditional use permit under MSB 17.60 – Conditional Uses, for operation of a marijuana retail facility. The site is located at 9351 N. Palmer-Fishhook Road, Tax ID #4316B01L006A; within Township 19 North, Range 1 East, Section 34, Seward Meridian.

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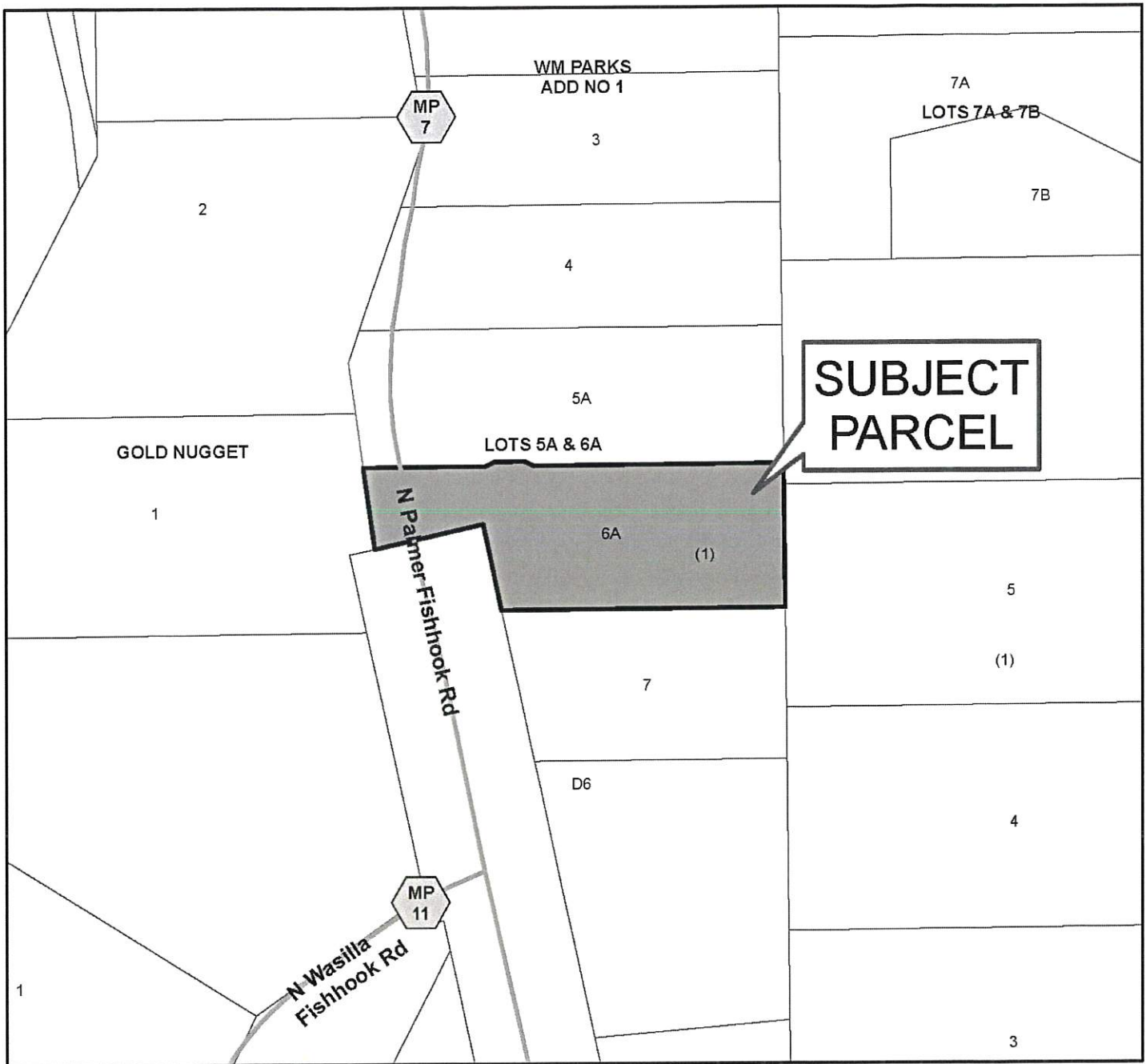
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Name: _____ *Mailing Address:* _____

Location/Legal Description of your property: _____

Comments: _____

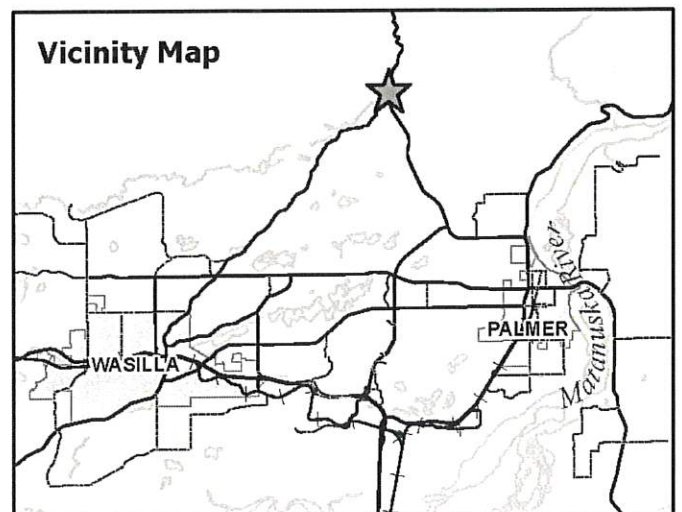
Note: Vicinity Map Located on Reverse Side

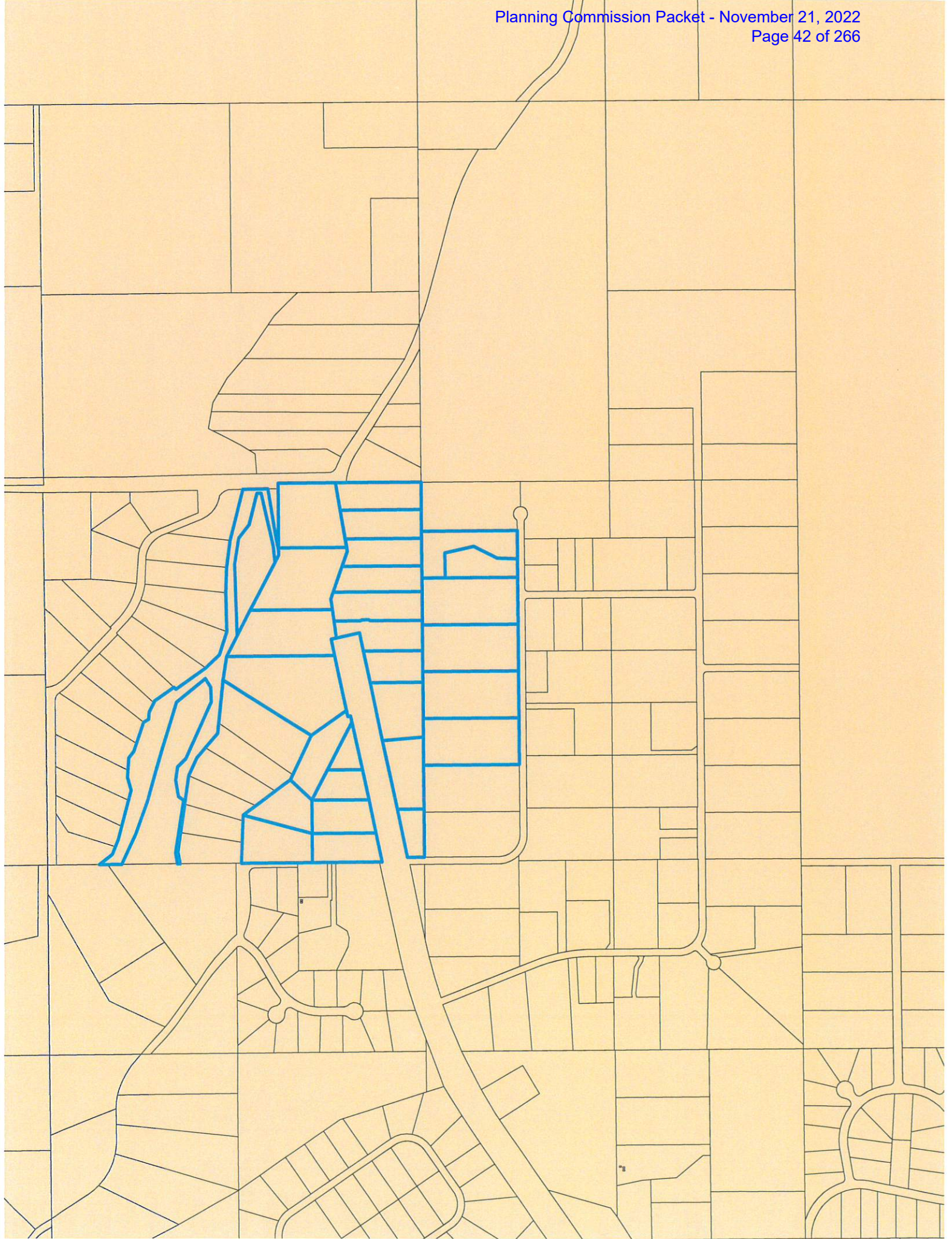


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CHARLOTTE NC 28209

56372B01L003 14
REA BARON L
FIELDS ALICIA M
9501 N PALMER-FISHHOOK RD
PALMER, AK 99645

55345B01L007A 15
REED STEVEN EDWARD
REED DANIELLE LYNN
9500 N DORO DR
PALMER AK 99645-8060

54316B01L005A 16
SANDERSON KIRK R & KATHLEEN A
9451 N PALMER-FISHHOOK RD
PALMER AK 99645

55345B01L007B 17
STEPANEK DAPHNE S
9460 N DORO DR
PALMER AK 99645

119N01E34D012 18
SULLIVAN ANGELA
HANNAM MICHAEL JANE L/E
9250 N WASILLA FISHHOOK RD
WASILLA AK 99654

56381000L001 19
SULLIVAN JAMES P
PO BOX 713
PALMER AK 99645-0713

56372B02L004 20
TOMODACHI LLC
PO BOX 872131
WASILLA AK 99687

51372B01L006 21
TUOMI JUSTIN J & ALYSON D
2830 S RAPID CREEK ST
WASILLA AK 99654-0924

51372B01L005 22
TUOMI REV TR
TUOMI JOHN E TRE TUOMI DEBRA L TRE
PO BOX 3287
PALMER AK 99645-3287

56372B01L009 23
VANZANT JAS D & KATHI S
9000 N DORO DR
PALMER, AK 99645

56372B02L005 24
WELDON PHILIP R
1500 E TIERRA GRANDE DR
WASILLA AK 99654-3529

25
FISHHOOK COMMUNITY COUNCIL
PO BOX 2022
PALMER, AK 99645

tara0609
25
8/29/2022 9:05:42 AM

Owner Listing

Page 1

| Owner Name & Address | As Of Date | Tax Map Number |
|--|-------------------------------|---|
| BYERS JAS RICHARD&LINDA M 9231 PALMER-FISHHOOK RD PALMER, AK 99645 | 1/1/2007 <i>Location</i> | 119N01E34D006 9231 N PALMER FISHHOOK RD |
| SULLIVAN ANGELA HANNAM MICHAEL JANE L/E 9250 N WASILLA FISHHOOK RD WASILLA AK 99654 | 2/8/2021 <i>Location</i> | 119N01E34D012 9250 N WASILLA FISHHOOK RD |
| DEL DUCA KEVIN DOMINIC 9200 N DORO DR PALMER AK 99645 | 11/19/2018 <i>Location</i> | 51372B01L003 9200 N DORO DR |
| DEL DUCA KEVIN DOMINIC 9200 N DORO DR PALMER AK 99645 | 11/15/2018 <i>Location</i> | 51372B01L004 9250 N DORO DR |
| TUOMI REV TR TUOMI JOHN E TRE TUOMI DEBRA L TRE PO BOX 3287 PALMER AK 99645-3287 | 12/13/2017 <i>Location</i> | 51372B01L005 9300 N DORO DR |
| TUOMI JUSTIN J & ALYSON D 2830 S RAPID CREEK ST WASILLA AK 99654-0924 | 1/14/2015 <i>Location</i> | 51372B01L006 9400 N DORO DR |
| QUIGLEY SCOTT D 1356 DREXMORE AVE CHARLOTTE NC 28209 | 3/29/2017 <i>Location</i> | 52335000L001 9200 N PALMER FISHHOOK RD |
| HENSEL THOS P & MARTA D 9150 N PALMER-FISHHOOK RD PALMER, AK 99645 | 1/1/2007 <i>Location</i> | 52335000L002 9150 N PALMER FISHHOOK RD |
| MORRISSEY JILLIAN L LVG TR 8520 E EDGERTON PARKS RD PALMER AK 99645-9231 | 10/5/2021 <i>Location</i> | 52511000T00B 8520 E EDGERTON PARKS RD |
| SANDERSON KIRK R & KATHLEEN A 9451 N PALMER-FISHHOOK RD PALMER AK 99645 | 11/12/2013 <i>Location</i> | 54316B01L005A 9401 N PALMER FISHHOOK RD |
| PVA LLC %JEFFREY KINION PO BOX 2024 PALMER AK 99645-2024 | 9/13/2019 <i>Location</i> | 54316B01L006A 9351 N PALMER FISHHOOK RD |
| REED STEVEN EDWARD REED DANIELLE LYNN 9500 N DORO DR PALMER AK 99645-8060 | 5/4/2012 <i>Location</i> | 55345B01L007A 9500 N DORO DR |

Owner Listing

Page 2

| Owner Name & Address | As Of Date | Tax Map Number |
|--|-------------------------------|--|
| STEPANEK DAPHNE S 9460 N DORO DR PALMER AK 99645 | 10/19/2010 <i>Location</i> | 55345B01L007B 9460 N DORO DR |
| DOWNING PHILIP A & JANICE M 9561 N PALMER-FISHHOOK RD PALMER, AK 99645 | 6/4/2008 <i>Location</i> | 56372B01L001 9561 N PALMER FISHHOOK RD |
| DOWNING PHILIP A & JANICE M 9561 N PALMER-FISHHOOK RD PALMER, AK 99645 | 6/4/2008 <i>Location</i> | 56372B01L002 9541 N PALMER FISHHOOK RD |
| REA BARON L FIELDS ALICIA M 9501 N PALMER-FISHHOOK RD PALMER, AK 99645 | 3/17/2008 <i>Location</i> | 56372B01L003 9501 N PALMER FISHHOOK RD |
| SANDERSON KIRK & KATHLEEN 9451 N PALMER-FISHHOOK RD PALMER, AK 99645 | 1/1/2007 <i>Location</i> | 56372B01L004 9451 N PALMER FISHHOOK RD |
| PAGE DARRELL & RUTH ANN 9291 N PALMER FISHHOOK RD PALMER AK 99645 | 1/1/2000 <i>Location</i> | 56372B01L007 9291 N PALMER FISHHOOK RD |
| VANZANT IVORY SUE 9000 N DORO DR PALMER AK 99645 | 1/23/2018 <i>Location</i> | 56372B01L008 9101 N PALMER FISHHOOK RD |
| VANZANT JAS D & KATHI S 9000 N DORO DR PALMER, AK 99645 | 1/1/2006 <i>Location</i> | 56372B01L009 9001 N PALMER FISHHOOK RD |
| LASHBROOK GARY LEROY % HORST KRUGER PO BOX 670731 CHUGIAK AK 99567-0731 | 6/22/2009 <i>Location</i> | 56372B02L001 9050 N PALMER FISHHOOK RD |
| HATCHER PASS CABINS LLC 9000 N PALMER FISHHOOK RD PALMER AK 99645 | 3/2/2022 <i>Location</i> | 56372B02L002 9000 N PALMER FISHHOOK RD |
| HATCHER CABIN RENTALS LLC 11401 N PALMER FISHHOOK RD PALMER AK 99645 | 7/22/2021 <i>Location</i> | 56372B02L003 9001 N WASILLA FISHHOOK RD |
| TOMODACHI LLC PO BOX 872131 WASILLA AK 99687 | 7/25/2022 <i>Location</i> | 56372B02L004 9151 N WASILLA FISHHOOK RD |

Owner Listing

Page 3

| Owner Name & Address | As Of Date | Tax Map Number |
|---|------------------------------|---|
| WELDON PHILIP R 1500 E TIERRA GRANDE DR WASILLA AK 99654-3529 | 3/22/2018 <i>Location</i> | 56372B02L005 9250 N PALMER FISHHOOK RD |
| SULLIVAN JAMES P PO BOX 713 PALMER AK 99645-0713 | 6/30/2011 <i>Location</i> | 56381000L001 9300 N PALMER FISHHOOK RD |
| KENNEY TRICIA COX JOHN R 9450 N PALMER-FISHHOOK RD PALMER, AK 99645-8029 | 1/1/2007 <i>Location</i> | 56381000L002 9450 N PALMER FISHHOOK RD |
| PENSCO TR CO CUST FBO NASH ROBERT W IRA %PACIFIC PREMIER TRUST PO BOX 981012 BOSTON MA 02298-1012 | 7/8/2009 <i>Location</i> | 56381000L003 |

Report Total 28

Page Total 4
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Public Notice > Green Jar Hatcher Pass Conditional Use Permit Application for Marijuana Retail Facility

Notice Type Public Notice

Caleb Saunders, for Green Jar Hatcher Pass, submitted an application for a conditional use permit under MSB 17.60 – Conditional Uses for operation of a marijuana retail facility. The site is located at 9351 N. Palmer-Fishhook Road, Tax ID #4316B01L006A; within Township 19 North, Range 1 East, Section 34, Seward Meridian.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on **Monday, November 21, 2022**, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking on “All Public Notices & Announcements.” For additional information, you may contact Peggy Horton, Planner II, by phone: 907-861-7862. Provide written comments by e-mail to peggy.horton@matsugov.us, or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

The public may provide verbal testimony at the meeting or telephonically by calling 1-855-290-3803. In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for the definition of interested party. The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk’s office, and at various libraries within the borough.

Comments are due on or before **Friday, October 7, 2022**, and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Effective Date

Aug 25, 2022

Tax ID

4316B01L006A

Documents

Green Jar Hatcher Pass Application

Vicinity Map

Peggy Horton

From: Peggy Horton
Sent: Thursday, August 25, 2022 4:16 PM
To: Allen Kemplen AICP-CTP - DOT&PF (allen.kemplen@alaska.gov); Kyler Hylton (kyler.hylton@alaska.gov); msb.hpc@gmail.com; mearow@matanuska.com; row@enstarnaturalgas.com; row@mtasolutions.com; GCI ROW (ospdesign@gci.com); Fire Code (Fire.Code@matsugov.us); Margie Cobb; Eric Phillips; regpagemaster@usace.army.mil; Tom Adams; Jamie Taylor (Jamie.Taylor@matsugov.us); Brad Sworts; Elaine Flagg (Elaine.Flagg@matsugov.us); Charlyn Spannagel (Charlyn.Spannagel@matsugov.us); Alex Strawn (Alex.Strawn@matsugov.us); Planning; Fred Wagner; Permit Center; Jason Ortiz; Andy Dean; John Aschenbrenner; timhaledistrict1@gmail.com; Earl Almdale (earl.almdale@gmail.com); hatchersheri@gmail.com; myfireweed@gmail.com; sdenny73@gmail.com; Fishhook Community Council (joeri@mtaonline.net); bcherry@mtaonline.net
Subject: Request for Comments for Green Jar Hatcher Pass Marijuana Retail Facility Conditional Use Permit

Good Morning,

Caleb Saunders, for Green Jar Hatcher Pass, submitted an application for a conditional use permit under MSB 17.60 – Conditional Uses for operation of a marijuana retail facility. The site is located at 9351 N. Palmer-Fishhook Road, Tax ID #4316B01L006A; within Township 19 North, Range 1 East, Section 34, Seward Meridian.

This is a request for comments. Application materials may be viewed online at www.matsugov.us by clicking on 'All Public Notices & Announcements'. A direct link to the application material is here:

<https://matsugov.us/publicnotice/green-jar-hatcher-pass-conditional-use-permit-application-for-marijuana-retail-facility>

Comments are due on or before October 7, 2022 and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date may not be included in the staff report to the Planning Commission. Thank you for your review.

Regards,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

Site Visit Photos

Taken September 26, 2022

































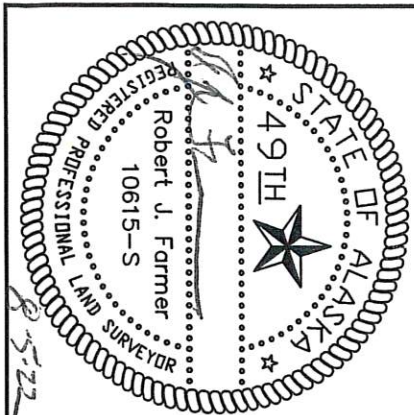
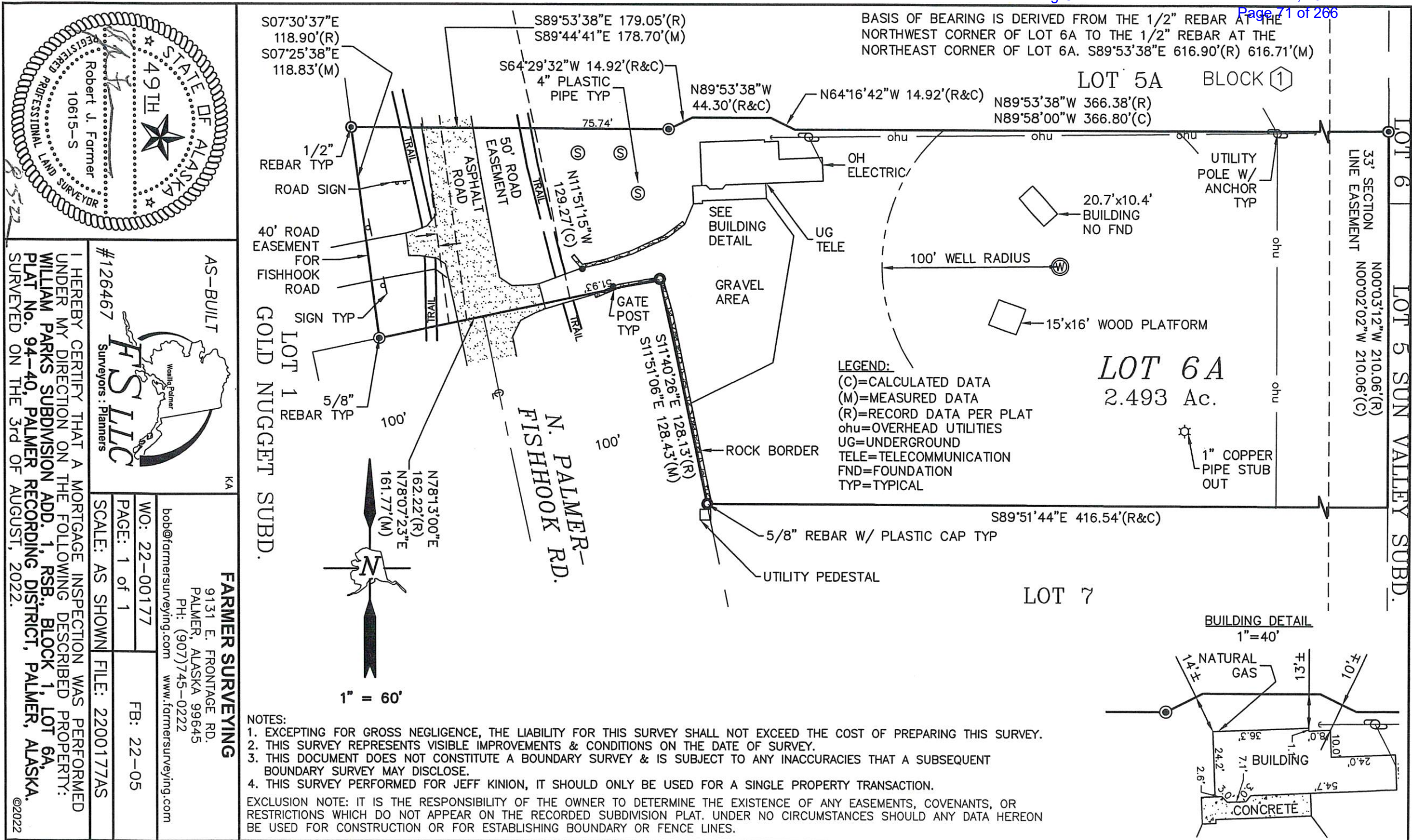








SITE PLAN



I HEREBY CERTIFY THAT A MORTGAGE INSPECTION WAS PERFORMED UNDER MY DIRECTION ON THE FOLLOWING DESCRIBED PROPERTY:
WILLIAM PARKS SUBDIVISION ADD. 1, RSB, BLOCK 1, LOT 6A, PLAT No. 94-40, PALMER RECORDING DISTRICT, PALMER, ALASKA.
 SURVEYED ON THE 3rd OF AUGUST, 2022.

FARMER SURVEYING
 9131 E. FRONTAGE RD.
 PALMER, ALASKA 99645
 PH: (907) 745-0222
 bob@farmersurveying.com www.farmersurveying.com

WO: 22-00177
PAGE: 1 of 1
SCALE: AS SHOWN FILE: 2200177AS
FB: 22-05

APPLICATION MATERIAL



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7822 • Fax (907) 861-8158
Email: permitcenter@matsugov.us

CONDITIONAL USE PERMIT FOR MARIJUANA RELATED FACILITIES – MSB 17.60

Carefully read instructions and applicable borough code. Fill out forms completely. Attach information as needed. Incomplete applications will not be processed.

Application fee must be attached:

- ☒ \$1,500 for Marijuana Retail Facility
☐ \$1,500 for Marijuana Cultivation Facility

Prior to the public hearing, the applicant must also pay the mailing and advertising fees associated with the application. Applicants will be provided with a statement of advertising and mailing charges. Payment must be made prior to the application presentation before the Borough Planning Commission.

Required Attachments for a Marijuana Cultivation Facility:

- ☐ Wastewater and Waste Material Disposal Plan – 17.60.160 (A)
☐ Odor Mitigation and Ventilation Plan – 17.60.160 (B)
☐ Hazardous Chemicals Information – 17.60.160 (C)
☐ Security plan – 17.60.160 (D)

Required Attachments for Both Retail and Cultivation Facilities:

- ☒ Documentation demonstrating full compliance with applicable fire code – 17.60.150 (D) (2)

Subject Property: Township: S19, Range: N01, Section: E34, Meridian: _____
MSB Tax ID# 4316B01L0064

SUBDIVISION: WM Parks BLOCK(S): 1, LOT(S): 6A

STREET ADDRESS: 9351 N. Palmer Fishhook Rd., Palmer, Alaska 99645

FACILITY / BUSINESS NAME: Green Jar Hatcher Pass

Ownership: A written authorization by the owner must be attached for an agent or contact person, if the owner is using one for the application. Is authorization attached? ☒ Yes ☐ No ☐ N/A

Name of Property Owner

PVA, LLC

Mailing: PO Box 2024

1445 PALMER AK 99645

Phone: Hm _____ Fax _____

Wk _____ Cell (907) 841-4422

E-mail jeffkinion@hotmail.com

Name of Agent / Contact for application

Caleb Saunders

Mailing: PO Box 877710

WASILLA AK 99687

Phone: Hm _____ Fax _____

Wk _____ Cell (907) 887-3891

E-mail csaunders@greenjarak.com

| | |
|--|-----------------|
| Site Plan – Attach a detailed, to scale, site plan clearly showing the following information: | Attached |
| Proposed and existing structure(s) on the site. Indicate which structure(s) will be used for the proposed use. Dimensions and locations of all existing and proposed structures on the site in relationship to all property lines. | See Attached |
| Signage – Existing and Proposed. | See Attached |
| Location and dimensions for all access points to and from the site to public rights-of-way or public access easements. | See Attached |
| Buffering – Fences, vegetation, topography, berms, and any landscaping | See Attached |
| Drainage | See Attached |
| Vehicular and pedestrian circulation patterns. | See Attached |
| Exterior site lighting. | See Attached |
| Location and dimensions of parking areas to be provided | See Attached |
| Scale and north arrow using standard engineering intervals such as 1" = 30', 1" = 50' or similar as required by project size. | See Attached |

| | |
|---|-----------------|
| Map – Attach a detailed, to scale, vicinity map clearly showing the following information: | Attached |
| Identify all existing land uses within 1,000 feet. | See Attached |
| Scale and north arrow using standard engineering intervals such as 1" = 30', 1" = 50' or similar as required by project size. | See Attached |

| | |
|--|-----------------|
| In order to grant a conditional use permit under MSB 17.60, the Planning Commission must find that each of the following requirements have been met. Explain the following in detail: | Attached |
| Is the conditional use compatible with and will it preserve or not materially detract from the value, character and integrity of the surrounding area? | See Attached |
| Will the granting of the conditional use permit be harmful to the public health, safety, convenience and welfare? | See Attached |
| Are sufficient setbacks, lot area, buffers and other safeguards being provided? | See Attached |
| Does the conditional use fulfill all other requirements of MSB Chapter 17.60 pertaining to the conditional use in this section? | See Attached |
| Describe measures taken to prevent any potential negative effect upon other properties in the area due to such factors as noise and odor. | See Attached |
| Describe measures taken to reduce negative effects upon adjacent properties by: <ul style="list-style-type: none"> • Increased property line and right-of-way buffers • Planted berms and landscaping • Site and building design features which contribute to the character of the surrounding area | See Attached |
| Describe how this use is compatible with the character of the surrounding area. | See Attached |
| Current status of State License application process – 17.60.150 (D) (1) | See Attached |

| 17.60.170 Standards for Marijuana Retail Facilities: | Attached |
|--|-----------------|
| Describe how the subject parcel is appropriate for the proposed conditional use. Include information detailing: <ul style="list-style-type: none"> The proximity of the proposed use to existing businesses; The proximity of parcels developed with residential uses; Whether the roads associated with the proposed use have been, or will be, appropriate for commercial use; and Proposed hours of operations. | See Attached |
| Provide information showing minimum parking standards have been met as required by MSB 17.60.170 (B) and (C). | See Attached |

| Floor Plan for Marijuana Retail Facilities – Attach a detailed, to scale, floor plan clearly showing the following information: | Attached |
|--|-----------------|
| Dimensions of all structures. | See Attached |
| Interior floor plans (specific location of the use or uses to be made of the development). | See Attached |
| Net floor area square footage calculations. | See Attached |

OWNER'S STATEMENT: I am owner of the following property:

MSB Tax account #(s) 4316B01L006A and, I hereby apply for approval of a conditional use permit to operate a marijuana related facility on the property as described in this application.

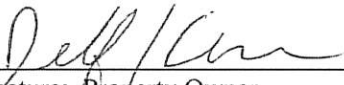

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.60 and with all other applicable borough and state.

I understand that other rules such as local, state and federal regulations, covenants, plat notes, and deed restrictions may be applicable and other permits or authorization may be required. I understand that the borough may also impose conditions and safeguards designed to protect the public's health, safety and welfare and ensure the compatibility of the use with other adjacent uses.

I understand that it is my responsibility to identify and comply with all applicable rules and conditions, covenants, plat notes, and deed restrictions, including changes that may occur in such requirements.

I grant permission for borough staff members to enter onto the property as needed to process this application and monitor compliance. Such access will at a minimum, be allowed when the activity is occurring and, with prior notice, and at other times necessary to monitor compliance.

The information submitted in this application is accurate and complete to the best of my knowledge.

| | | |
|---|----------------|------------------|
|  | Jeffery Kinion | <u>9/28/2021</u> |
| Signature: Property Owner | Printed Name | Date |
|  | Caleb Saunders | <u>12/7/21</u> |
| Signature: Agent | Printed Name | Date |

Conditional Use Permit:

Green Jar Hatcher Pass

Marijuana License #30974

September 2021

To Whom It May Concern,

I, Jeffery Kinion, authorize Caleb Saunders to be designated contact person for Green Jar Hatcher Pass Marijuana Facility conditional use permit application, MSB Tax ID#4316B01L0064. Contact jeffkinion@hotmail.com if there is any questions or concerns.

Printed Name: Jeff Kinion
PVA, LLC Managing Member

Signature: Jeff Kinion

Date: 9/28/2021

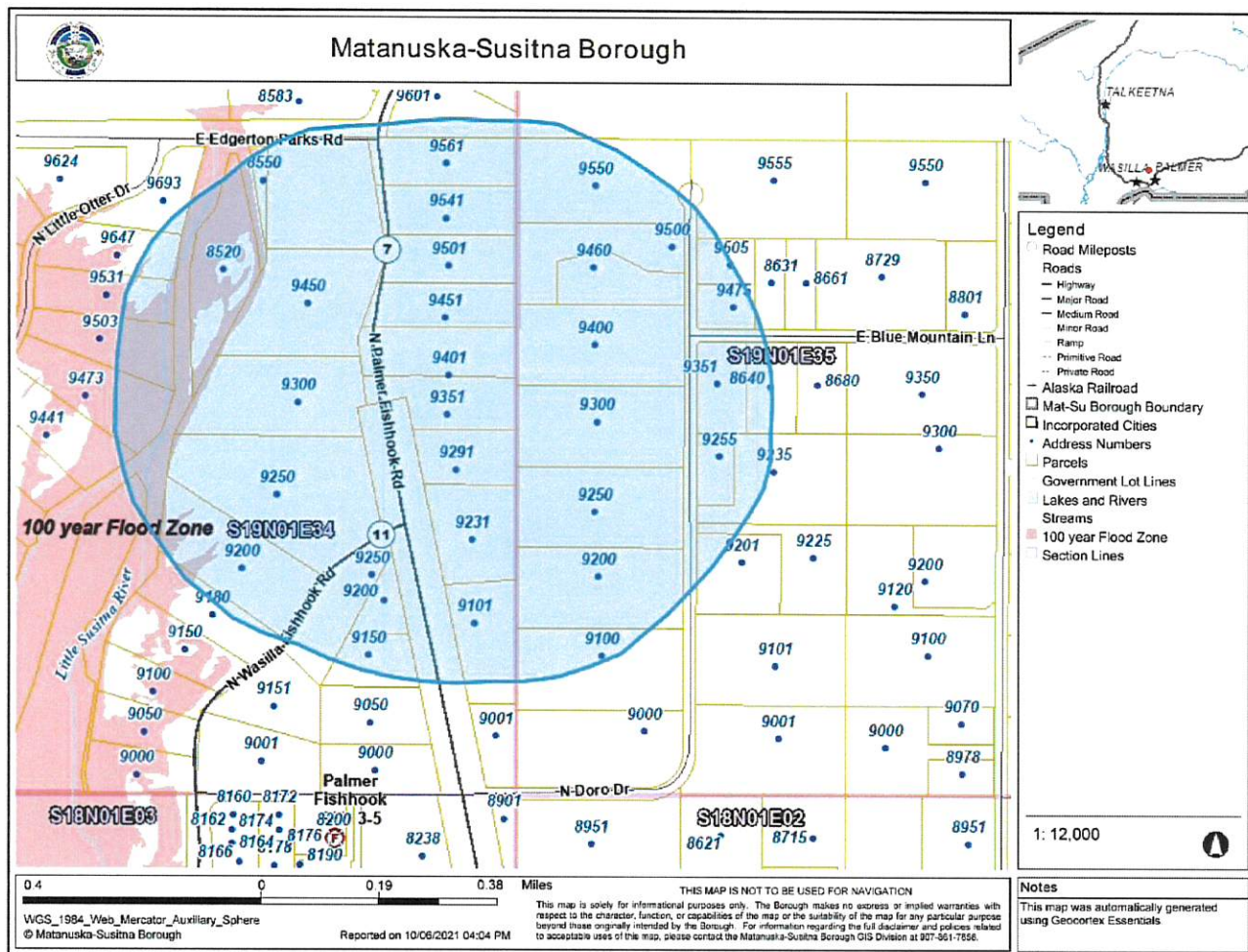
Green Jar Conditional Use Permit

Location: 9351 N Palmer-Fishhook Rd, Palmer, AK 99645

SITE PLAN

Existing Permitted Structure





Conditional Use Permit Map 1000' Radius

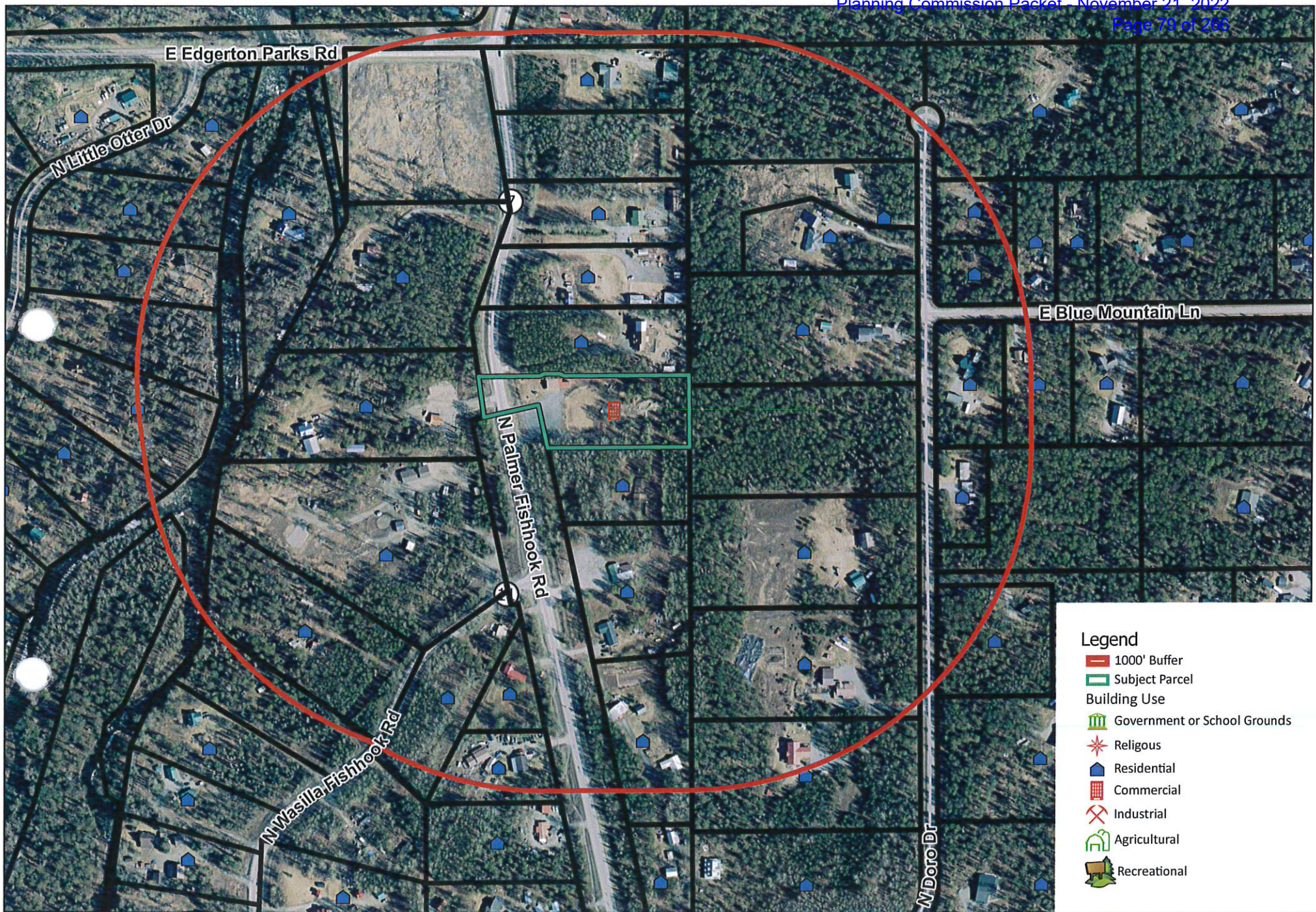
Map Syllabus

9300 - Hatcher Grass

9231 - Fishhook Bar and Grill

9250 – Palmer Auto Motive

9300 – Blue Mountain Chalet



Legend

- 1000' Buffer
- Subject Parcel
- Building Use**
- Government or School Grounds
- Religious
- Residential
- Commercial
- Industrial
- Agricultural
- Recreational

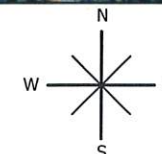
This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858.



MSR Development Services Division: 3/8/2022

Land Use Map

Tax ID # 4316B01L006A



0 250 500
Feet

Standards for Marijuana Retail Facility

Describe how the subject parcel is appropriate for the proposed conditional use. Include information detail:

- The proximity of the proposed use to existing businesses.
- The proximity of parcels developed with the residential used: and
- Whether the roads associated with the proposed use have been, or will be, appropriate for commercial use.

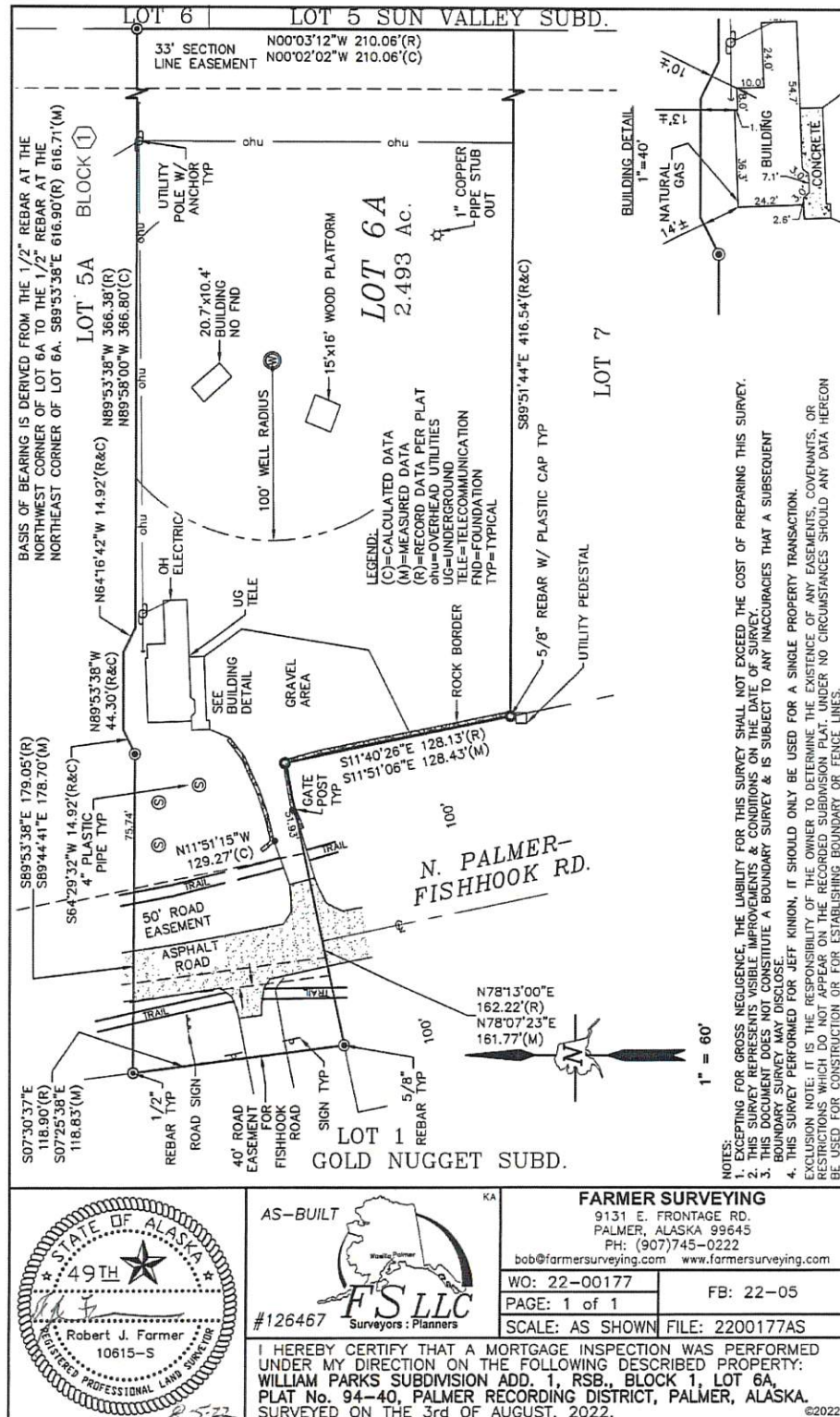
Green Jars location is adjacent to many other commercial businesses. We are located directly off the Palmer -Wasilla Hwy in Palmer. Our Neighbors to the West are Hatcher Grass a cannabis retail. The East, North and South the property is surrounded by natural forestation. The proposed licensed premise is located on the northern end of a 2.49 acre commercial property located at 9351 Palmer Fishhook Rd. We are a retail setting proposing a location surrounded by other commercial businesses set on a commercially used roadway.

Green Jar is located in a commercial use area of the Matanuska Borough, however, there is residential use north, south and east of the proposed licensed premise. We will not be a disturbance or an issue with these property owners. The proposed license premise sits on the most northern portion backed by natural forestation preventing visibility of the license premise.

Green Jar parcel has a 173.44' of Palmer Fishhook Road frontage. Palmer Fishhook is a major thoroughway within the Matanuska Borough and serves many other businesses. 9351 Palmer Fishhook Road has been used commercially over the past 30 years.

Provide information showing minimum parking standards have been met as required by MSB 17.60.170 (B) and (C)

We have provided a scaled plan indicating parking spaces (see attached parking diagram).
Parking lot is firmly compressed gravel to meet ADA standards. Our retail area of our licensed premise is approx 650sf and our fully leased licensed premise is 1404sf. We have plenty of parking space, with 1 being handicap and van accessible space.

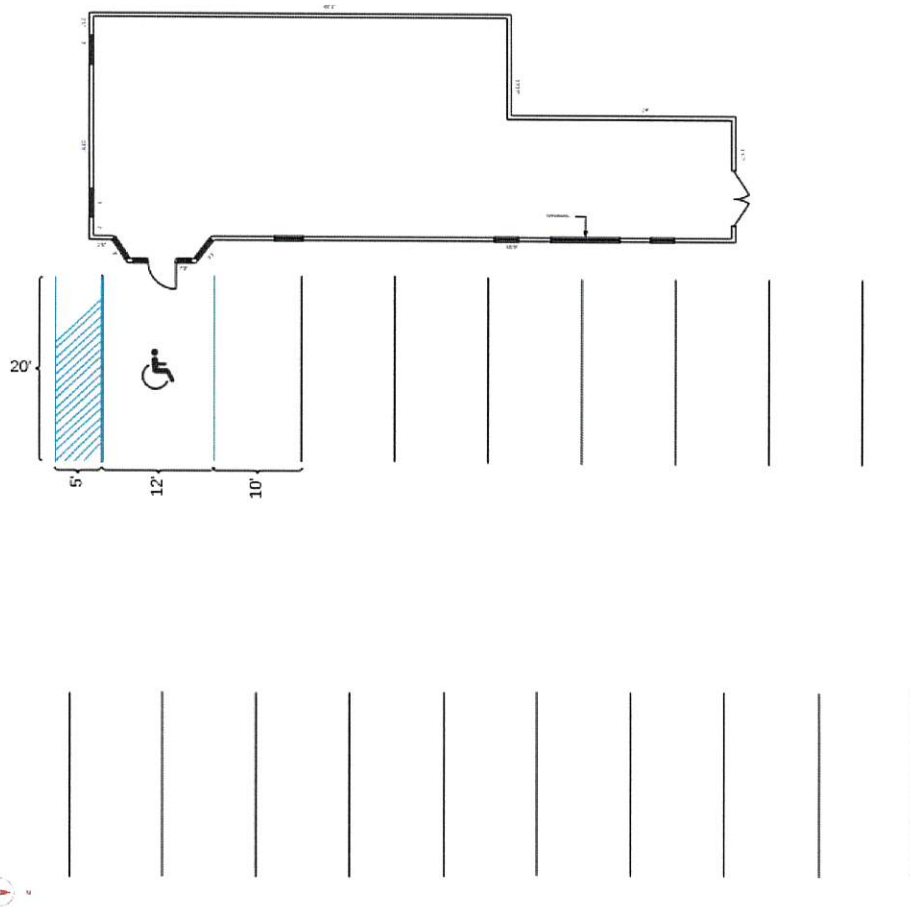


Parking Diagram

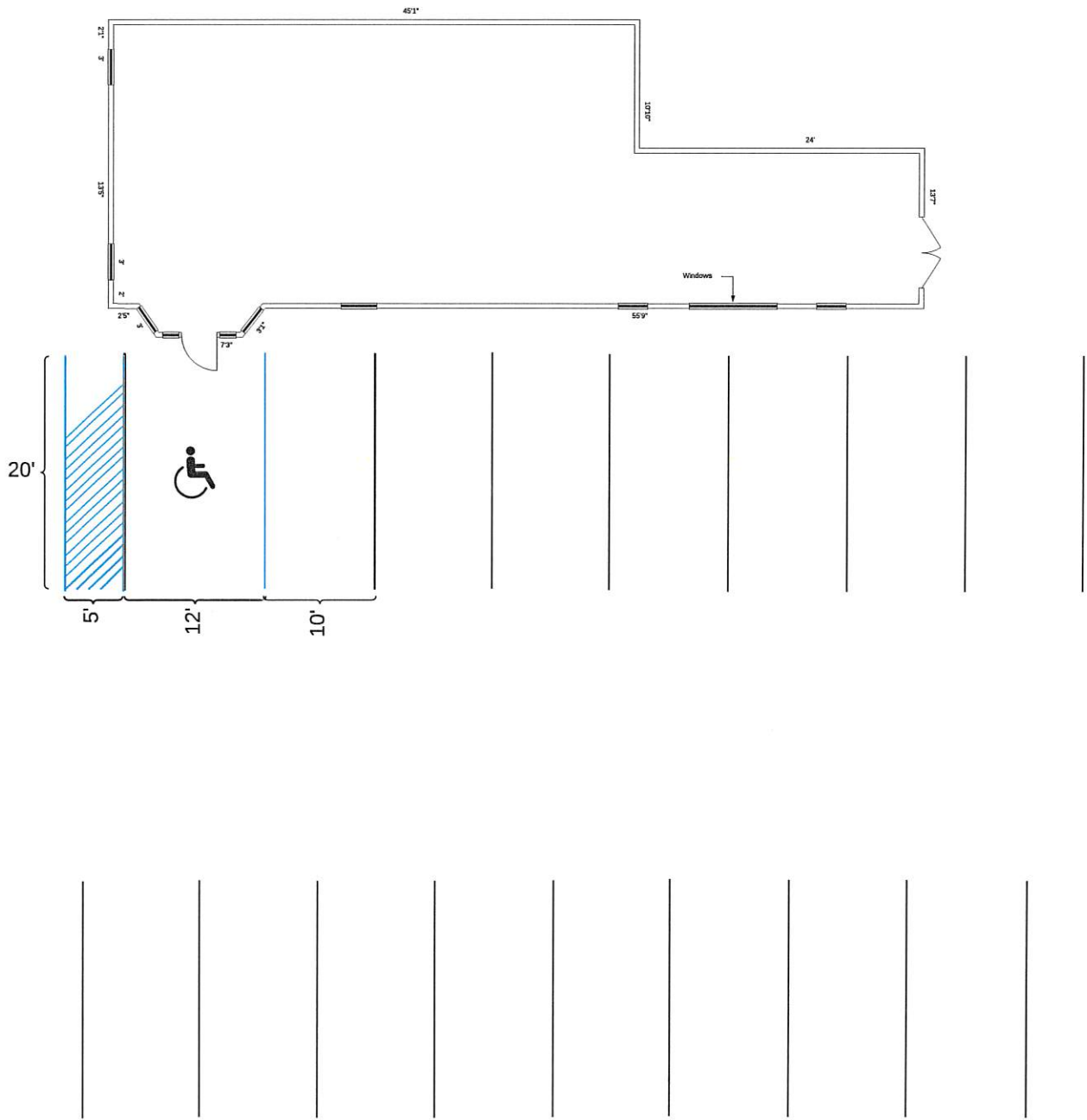
Parking lot is firmly compressed gravel to meet ADA standards.

(See attached Parking Diagram for Scalability)

Green Jar Hatcher Pass, LLC DBA Green Jar Lic# 30974
9351 N Palmer Fishhook Rd

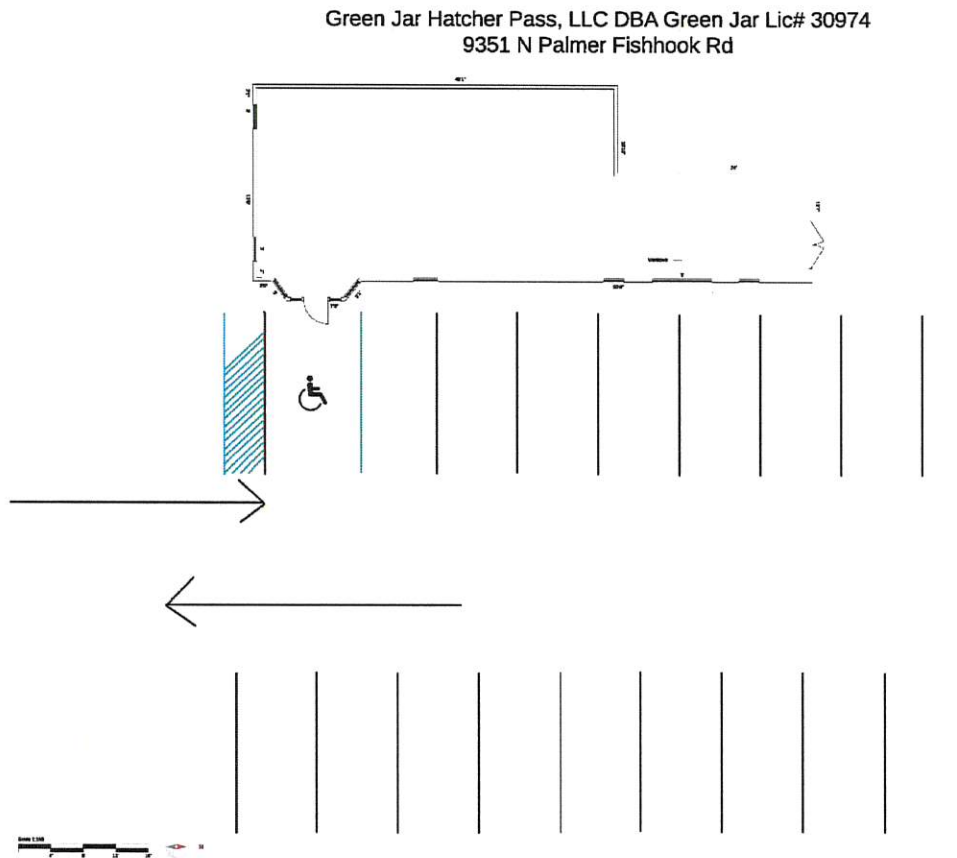


Green Jar Hatcher Pass, LLC DBA Green Jar Lic# 30974
9351 N Palmer Fishhook Rd



Parking Access and Circulation Patters for Vehicles and Pedestrians

Parking lot is firmly compressed gravel to meet ADA standards.



Drainage & Buffering (See attached Diagram 3)

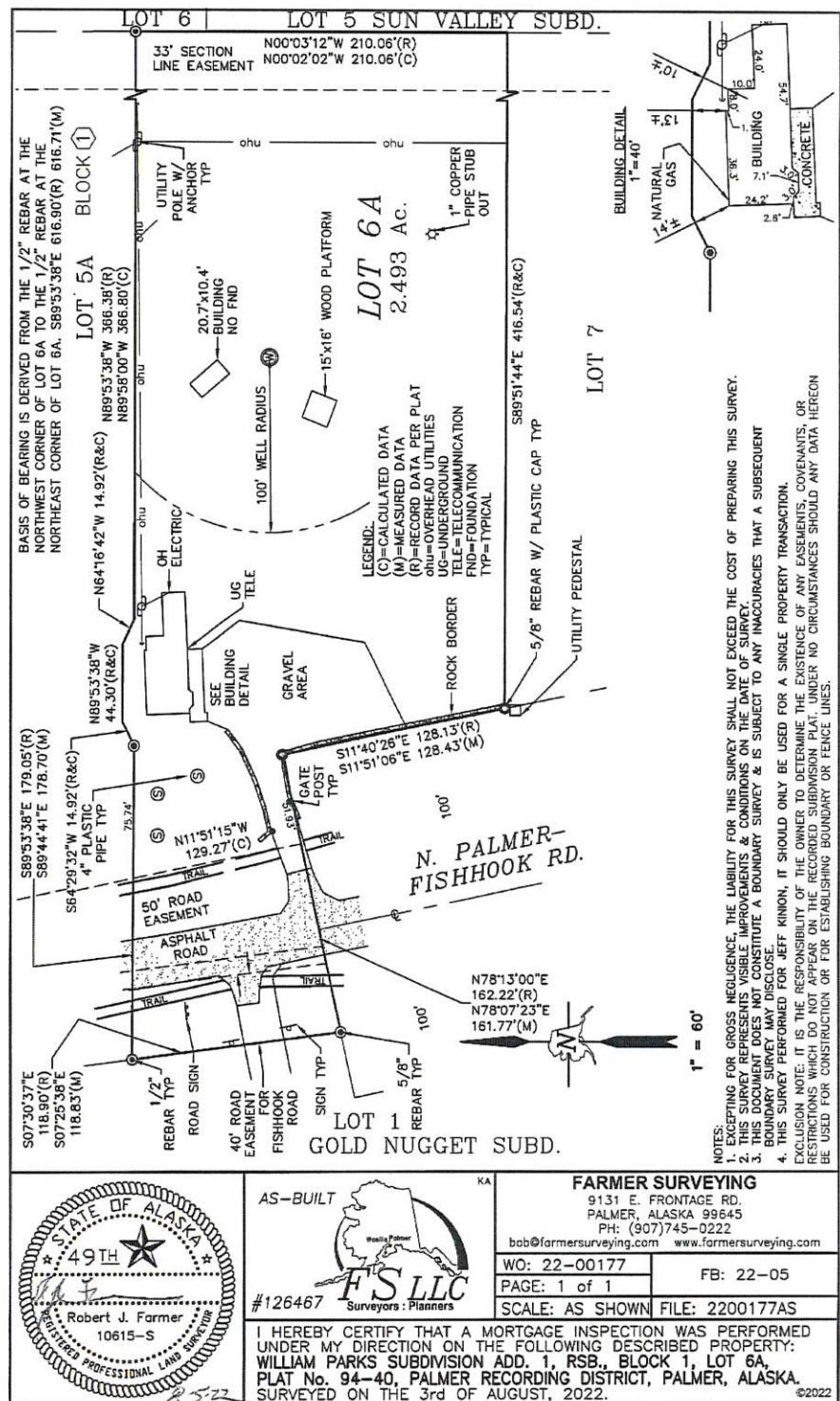
Buffering: Northern, Eastern and Southern side of the parcel has natural forestation running along the property. Western side of the property lines up with Palmer-Fishhook Rd.

Drainages:

In the front of the licensed premise naturally occurring

There are culvert drainages are located under the access points to the property. Property is mostly natural forestation.

Between the edge of the asphalt and the public right of way for the full length of the parcel is a drainage.



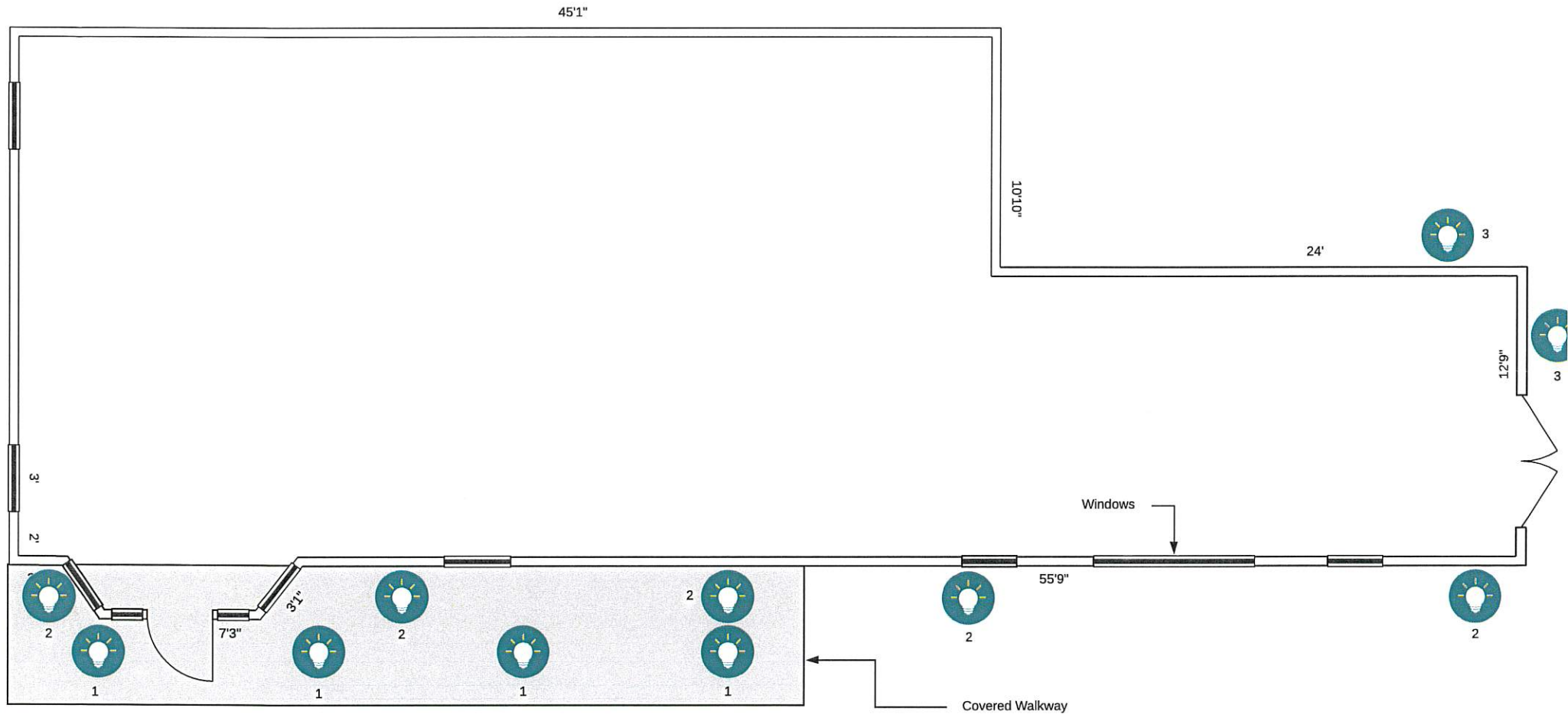
Exterior Site Lighting

(Example of proposed lighting below, refer to diagram for positioning on new location)



Green Jar Hatcher Pass, LLC DBA Green Jar Lic# 30974

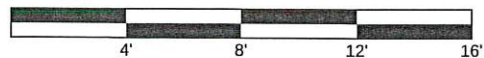
9351 N Palmer Fishhook Rd



Key:

- 1- (4 Total) These lights are recessed into the covered walkway
- 2- (5 Total) These lights are flood lights higher up on the building to light the building exterior and parking lot
- 3- (2 Total) These are regular single bulb lights

Scale 1:80



Existing Signage

Existing Signage - 4.5 x 7.25 Backlit block letter signage (4,694.4sq). Signage will only represent Green Jar logo. Located on the top section of the Hatcher Pass building, allocated for signage. (approx. 11,480 lumens) (See example of proposed signage below)



Matanuska Borough Planning Commission Questions

Overview of Green Jars request for a new conditional use permit.

In March of 2017 we were granted the boroughs first cannabis conditional use permit. Since our initial planning commission meeting the cannabis industry has changed drastically. We are looking to expand Green Jar's cannabis retail to a 2nd location in the Matanuska Borough. This time we are looking to locate in Palmer right on the Palmer-Fishhook Hwy. This property falls within the Fishhook Community Council, and we feel we fit the areas commercial development. We have been respectful to our community, and it is time for us to expand our location to serve more customer in the Matanuska Borough. As time as gone on, we realize there is a still a lot of sales transitioning from the legacy market to the legal recreational and we want to be a part of the reason our community thrives through better cannabis business practices. We still operate without any complaints from our neighbors and community. We feel we should be granted a Marijuana Retail Facility Conditional Use Permit for our proposed license premise.

Is the conditional use compatible with and will it preserve or not materially detract from the value, character, and integrity of the surrounding area?

Yes. A conditional use permit for Green Jar will preserve and not materially detract from the value or character of our surrounding area. Green Jar's license premise is located on 9351 N Palmer Fishhook Rd a major thorough way in the Matanuska Borough. We are located just off the Palmer Fishhook in the former Madd Hatcher building. Business we are located beside us are businesses such as Hatcher Grass. To the northern side of the proposed license premise is natural, to the eastern side you have more natural forestation as well as the back end of residential properties, to the western side of the lot you have Palmer Fishhook Rd. a thorough way and Hatcher Grass a marijuana retail, and the southern end of the property and proposed license premise faces natural forestation that backs a residential property.

Will the granting of the conditional use permit be harmful to the public health, safety, convenience, and welfare?

No, the granting of a conditional use permit to Green Jar will only promote public safety by providing a safe location out of residential areas of purchasing test, regulated and taxed cannabis for our Matanuska Borough residents. Green Jars license premise will have installed state of the art security system along with a detail security plan, a waste management plan, loitering prevention plan, diversion prevention plan, as well as an underage control plan. No one under

the age of 21 will be granted entry onto the license premise. Green Jar license premise also has its own servers to maintain data integrity and accuracy as well as prevent tampering and provide another layer of cyber security.

Security Plan

Green Jar utilizes a technologically advance commercial security & video surveillance system using a combination of security equipment such as glass break sensors, motion detectors, audio recorders, panic alarms, dome cameras and keypads with proximity card readers, installed on all exterior and interior doors and windows, partnered with a 3rd party alarm monitoring. All data will be secured for twice the states required time, with surveillance hard drives built for 24/7 surveillance for high-definition security systems. All restricted access entry points are equipped with proximity card readers with all exterior entry points having additional industrial commercial locks. Green Jars surveillance system data will be protected through a private server with a firewall to prevent tampering and provide extra security in maintaining all Green Jar business records and all information stored to be compliant with HIPPA Regulations as well as protecting all information being unknowingly transferred or tampered with. We go above and beyond state regulations for our security standards.

Waste Management Plan

Green Jar will store, manage, and dispose of any solid or liquid waste generated by the license premise in compliance with federal, state, and local laws and regulations following DEC regulation 18 AAC 60. (Reference 3 AAC 306.735.)

Waste Disposal Procedures

Green Jar will give AMCO 3 days (72 hours) notice in the marijuana inventory tracking system before making the marijuana or marijuana product unusable and disposing of it; as well as keep a record of the final destination of the marijuana waste made unusable in Green Jar inventory control system. Marijuana to be disposed of will be held for the duration of the 3 days (72 hours) in the waste disposal area. Employees will also maintain a written logbook located in the Waste Disposal area.

Green Jar waste disposal area has camera placement in the room facing the primary entry door, and in adequate fixed positions, at a height which will provide a clear, unobstructed view of employees rendering marijuana waste unusable.

Marijuana plant waste, edibles and concentrates must be made unusable by grinding or submerging the marijuana waste and mixing it with at least an equal amount of other

compostable or non-compostable materials. All Green Jar waste disposal procedures have been approved by AMCO.

Marijuana flower will be rendered unusable in the designated waste disposal area by means of grinding marijuana flower into a fine grind and mixing with organic soil in a ratio of 1 part marijuana to 3 parts soil in a 5 gallon bucket that is capable of securely sealing and be prepared for transport to either a designated cultivator that will be able to add the marijuana that was rendered unusable into their own compost or to a designated disposal site approved by AMCO. Adequate measures will be taken to document the process from a Green Jar employee rendering marijuana unusable to transport to composting.

- Marijuana extractions and concentrates will be rendered unusable in the designated waste disposal area by means of mixing extracts and concentrates with a compostable material in a ratio of 1 part extract/concentrate to 3 parts compostable material in a 5 gallon bucket that is capable of securely sealing and be prepared to be transported to a designated cultivator or AMCO approved disposal site.
- Marijuana edibles will be rendered unusable in the designated waste disposal area by means of mixing edible material with equal parts water hot water and mixed until unusable. Followed by equal parts organic soil in a large bucket capable of securely sealing and will be prepared for transport to a designated cultivator or AMCO approved disposal site.

Recall Action Plan

In the event of a recall Green Jar follows FDA Guidelines on recall strategy. A public warning will immediately be posted in the retail store area to inform consumers of the recent recall. The affected marijuana and marijuana products will be placed into the Quarantine/Waste Disposal area and will remain there until further information has been received from AMCO in regard to the recall and procedures to be taken. If AMCO gives no instruction on recall strategy Green Jar will give notice of disposal. After 3 days (72 hours) an authorized Green Jar employee will dispose of the recalled marijuana or marijuana product.

Loitering Prevention Plan

Employees are trained in the prevention of loitering customers. If a customer has been in the establishment and does not seem to be purchasing marijuana or marijuana product and/or has purchased marijuana or marijuana product and did not immediately leave the licensed premise after being given verbal warning by a member of staff, they will be considered to be loitering and

they will be asked to leave the premise by a member of management. If the loitering individual does not respond law enforcement will be notified. Green Jar has a zero-tolerance policy concerning employees and regulation compliance. In the event an employee is found to have willfully violated state, local law or Green Jars policies and procedures the employee's employment contract with Green Jar will be terminated.

Diversion Prevention Plan

Green Jar has strict rules regarding moving inventory to and from and throughout the licensed premises to effectively prevent diversion by employee, visitor or customer. When marijuana or marijuana products are moved through the licensed premise accurate logs are required from employees and licensees when moving marijuana from one point to another. Green Jar has video surveillance systems monitoring entrances, access doors and all floor activity in all restricted access areas of the licensed premise as well as the exterior of the licensed property. Security system, video surveillance, motion sensors, safes, and glass break sensors will facilitate in preventing diversion of cannabis or cannabis products during nonoperational hours. The licensee and authorized employees will record all transitions of cannabis and cannabis products including date, time, and quantity and will perform daily reviews of records to ensure all records are accurate and accounted for. Employees and visitors may not keep personal bags, backpacks, purses, or containers of any kind in restricted access areas where cannabis and cannabis products will be kept.

Diversion prevention training is required for all employees. All employees will be trained to spot signs of diversion and how to report suspicious activity on or around the license premise.

Employees who just arrived for their scheduled shift will be permitted to take their personal belongings directly to the employee break room, where they are to be kept. A part of Green Jars employee diversion prevention plan is having surveillance of the whole licensed premises as well as having a strategically placed monitor in the employee break room to allow the employees of Green Jar to have full awareness that they are being monitored at all times and to facilitate in employee safety. As well as no photographs or videos may be taken by employees or visitors in restricted access zones to prevent any malicious activity. Visitors are never permitted to touch any cannabis or cannabis products or equipment for any reason and will be escorted off the license premise if they do so. Only authorized employees will be moving cannabis and cannabis products through the licensed premise.

Any visitor or customer found attempting to divert cannabis and/or cannabis products will immediately be reported to local authorities and AMCO enforcement will be notified. In the scenario of an authorized employee diverting cannabis or cannabis product, Green Jar has a no tolerance policy. Green Jar will terminate the employee immediately, notify AMCO, and local law enforcement and will prosecute.

Underage Control Plan

One of Green Jar's top priorities is the prevention of sale to underage consumers. Green Jar trains our employees in how to identify underage customers and in the prevention of sales. Green Jar also trains employees in proper procedures in retaining a fake identification and how to intervene. All customers upon entering Green Jar licensed premise will be asked to provide ID to verify the consumer's age.

Prevention of sale to underage customers

Employees may not sell, furnish, give, or deliver marijuana or marijuana products to a person under the age of 21 years old. Employees will take the following procedures to prevent underage marijuana purchases.

Follow federal, state, and local rules and requirements

- Greet the consumer as they enter Green Jar license premise
- Check their faces – does it match what one would expect for someone over 21 years of age?
- Assess their clothing
- Assess acquaintances
- Remind consumer that the law requires them to card everybody upon purchase
- Use signage to inform customers they will be checked

Are sufficient setbacks, lot area, buffers and other safeguards being provided?

Yes, our site plan clearly indicates all setbacks, lot area, and buffers and other safeguards that are being provided. Green Jar has natural buffers from other parcels to the northern and eastern side of Green Jar; there are mature trees running the whole length of the building. The northern back half of the parcel is natural forestation. The proposed building will be located 211' from the southern lot line, 366.38' from the eastern side of the lot line, 10-14' (Depending on which northern corner of the building) from the northern back of the lot line and 154.68' from the western side of the lot line. All meeting State and Borough compliance.

Does the conditional use fulfill all other requirements of MSB Chapter 17.60 pertaining to conditional use in this section?

Yes, we fulfill all other requirements set out in MSB Chapter 17.60.

Describe measures taken to prevent and potential negative effects upon properties in the area due to such factors as noise and odor.

Green Jar has taken preventative measures for cannabis odor. Green Jar will maintain a commercial grade stand alone air filtration unit with activated charcoal filtration on the licensed premise for the purpose of odor control. All cannabis that is stored or displayed will be in odor controlled packaging in all points of the process, from arrival on the licensed premise to being sold to the consumer.

Green Jar does not foresee any noise issues or complaints. Neighboring business in our area utilize heavy machinery on a daily basis. We have no plans for noise decibels to be any higher than any other retail establishment. Green Jar is always willing to work with any governing body to ensure that odor and noise is within compliance.

On almost all sides of the parcel is natural forestation, our business does not negatively affect any of the other businesses and we have been approached but several stating they were happy to see us become a part of the Fishhook community because they feel strongly we will bring in more business for all neighboring businesses in our area.

Green Jar has already improved safety and security to neighboring businesses by bringing in surveillance that has allowed some of our neighboring business to identify thefts that have been occurring in our neighborhood.

Hours of Operation

Green Jar's max hours of operation will be seven days a week 8:00am to 12:00am (midnight). We have been operational over 4.5 years, with no Notices of Violation and no complaints from our local church, community, or Mat-Su Borough. We have been respectful of our community, and it is time for us to expand to be able to facilitate in the large number of customers we are serving daily.

Loitering Prevention Plan

Employees are trained in the prevention of loitering customers. If a customer has been in the establishment and does not seem to be purchasing marijuana or marijuana product and/or has purchased marijuana or marijuana product and did not immediately leave the licensed premise after being given verbal warning by a member of staff, they will be considered to be loitering and they will be asked to leave the premise by a member of management. If the loitering individual does not respond law enforcement will be notified. Green Jar has a zero-tolerance policy concerning employees and regulation compliance. In the event an employee is found to have willfully violated State, local law or Green Jar's policies and procedures the employee's employment contract with Green Jar will be terminated.

Security

Green Jar surveillance monitors the entire licensed premise as well as the exterior of the licensed building with 24/7 video surveillance, glass breaks, motion sensors, duress alarms, as well as panic alarms that are required to be worn by employees during working hours.

Describe measures taken to reduce negative effects upon adjacent properties by:

- Increased property line right of way buffers
- Planted berms and Landscaping
- Site and building design features which contribute to the character of the surrounding area.

Green Jar has taken many measures to be a positive impact in our community and prevent any negative effects from our business being in Fishhook Community and William Parks Subdivision Addition #1. Green Jar is committed to maintain a well-kept property with ample exterior lighting to promote safety and security. The proposed building will be located 211' from the southern lot line, 366.38' from the eastern side of the lot line, 12' from the northern back of the lot line and 154.68' from the western side of the lot line. Adhering to all State and Borough compliance regulations.

We have gravel parking lot with ample parking, and we meet all ADA requirements. We have fully operational surveillance systems that not only provides Green Jar with surveillance but for other neighboring business as well, loitering signage will be placed on the front of the building and only persons 21 years of age or older will be allowed entry onto the license premise. We have a waste management plan that will fully be compliant with State and Borough regulations, however, we plan on there being very little waste generated by a licensed retail facility.

Green Jar Signage will be maintained on the top exterior of the roof dedicated to business signage. Our sign is backlit block letters that is approximately 4.5' x 7.25' (4,664square inches). All our signage and advertising will be tasteful to help maintain a certain level of discreteness as our community learns to embrace our industry and to help our industry to be able to move forward in the future.

Describe how this use is compatible with the character of surrounding area.

We are located at 9351 N Palmer Fishhook Rd. The properties eastern side is lined with mature trees as well as the northern back side being complete natural forestation. We have another commercial business, Hatcher Grass, to the western side of the lot, to the south we have more natural forestation. We are set in a retail setting in a commercially used area of the Matanuska

Borough. We are compatible with the character of the surrounding area and will not materially detract from the use of this area within the Matanuska Borough.

Current Status of State License application Process – 17.60.150 (D) (1)

Application was approved by AMCO in June 2022.



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Commerce,
Community,
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West Seventh Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

July 5, 2022

Green Jar Hatcher Pass, LLC
DBA: Green Jar Hatcher Pass, LLC
Via: csaunders@greenjarak.com

Re: Green Jar Hatcher Pass, LLC #30974

Dear Green Jar Hatcher Pass, LLC:

At the June 29 – 30, 2022 meeting of the Marijuana Control Board in Nome, Alaska, the board voted to approve your new retail marijuana store application with delegation to the director. Delegation means that the board has authorized me to issue the license once all outstanding approvals are received.

Attached are post-approval instructions and the pre-inspection checklist, which provide information on your next steps. Please note that the pre-inspection checklist is informational. You will be provided with an individualized checklist at the appropriate time.

Please contact marijuana.licensing@alaska.gov with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Carrie Craig".

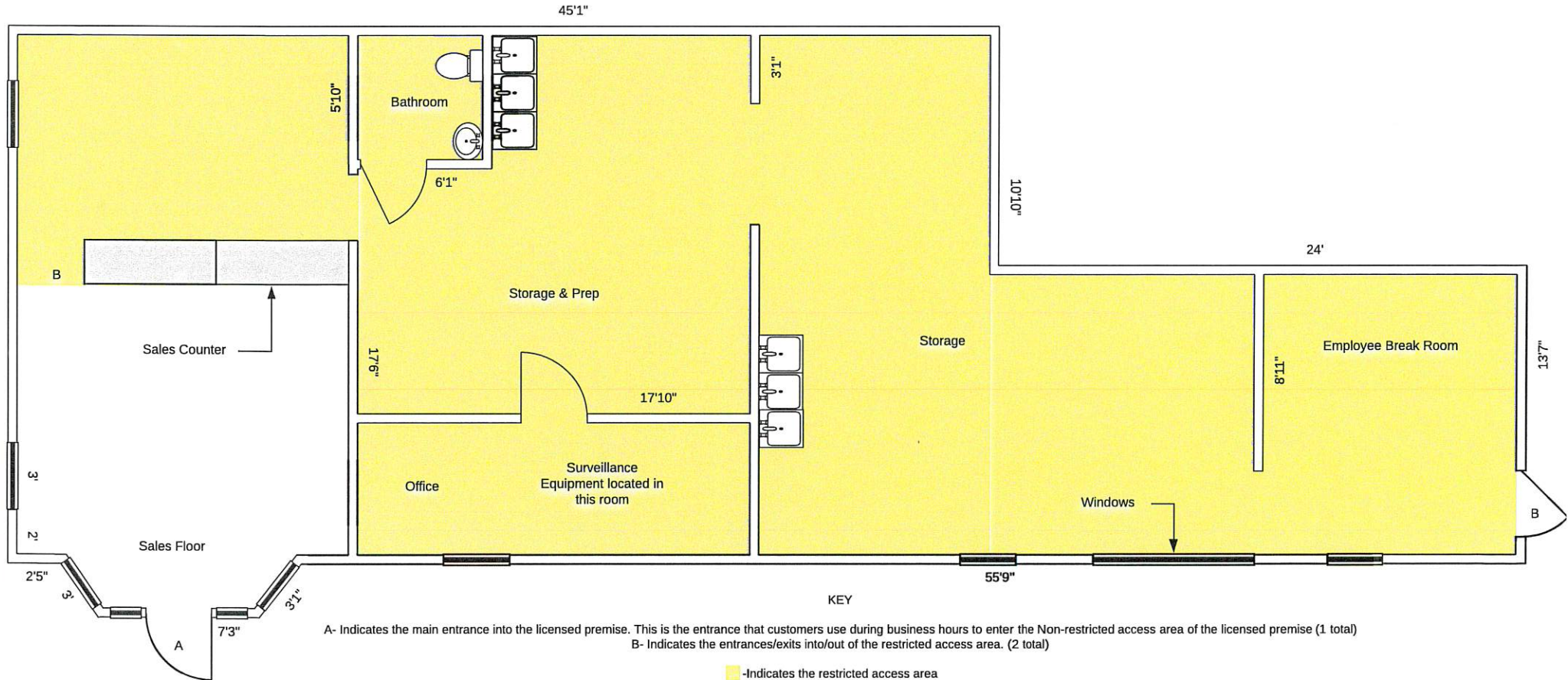
Carrie Craig
Records and Licensing Supervisor

For
Joan Wilson, Director

cc: License File
Matanuska - Susitna Borough

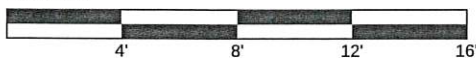
Green Jar Hatcher Pass, LLC DBA Green Jar Lic# 30974

Diagrams 1, 2 & 5, 9351 N Palmer Fishhook Rd



NOTE: This diagram represents the entire building and the entire building is Green Jar licensed premise

Scale 1:80

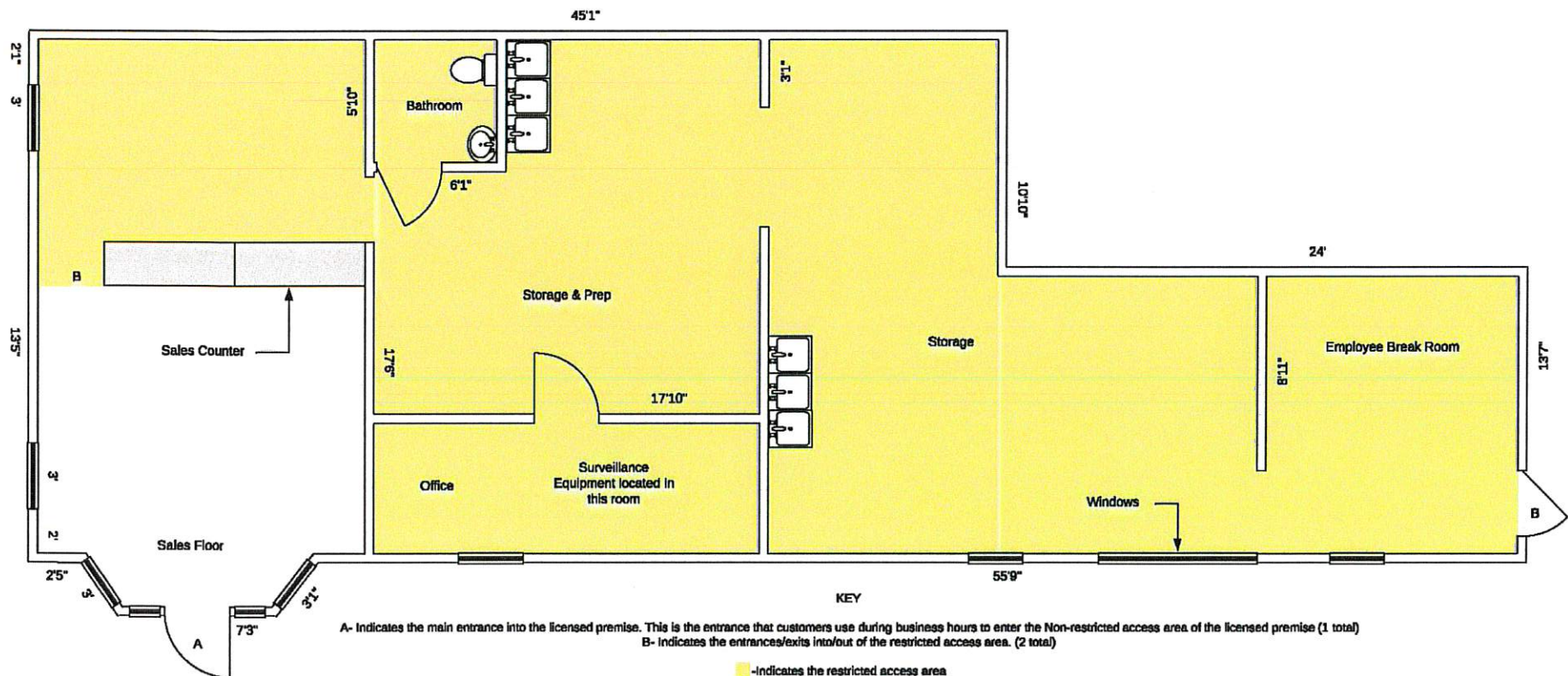


Green Jar Marijuana Retail Facility Floor Plan – Net Floor: 1404sf

Diagrams 1, 2 & 5 represents the entire building and the entire building is Green Jar licensed premise.

See Attached Diagrams for scale.

Green Jar Hatcher Pass, LLC DBA Green Jar Lic# 30974 Diagrams 1, 2 & 5, 9351 N Palmer Fishhook Rd





THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Public Safety

DIVISION OF FIRE AND LIFE SAFETY
Plan Review Bureau - Anchorage

5700 East Tudor Road
Anchorage, Alaska 99507-1225
Main: 907.269.2004
Fax: 907.269.0098

June 27, 2022

Caleb Saunders
Green Jar Hatcher Pass, LLC
PO Box 877710
Wasilla, AK 99687

SUBJECT: Green Jar Hatcher Pass - Renovation / Remodel
CITY: Hatcher Pass
PLAN REVIEW: 2022Anch1031
OCCUPANCY: M
2012 INTERNATIONAL BUILDING AND FIRE CODE

Dear Caleb Saunders:

Plans for the Renovation / Remodel have been reviewed by this office for conformity with the State Fire Safety Regulations and are hereby approved. Enclosed is a certificate of approval that must be posted on the premises until the project has been completed according to the approved plans and all regulations have been adhered to.

Approval of submitted plans is not approval of omissions or oversights by this office or noncompliance with any applicable regulations of the Municipal Government.

It must be understood that the inclusion of and compliance with State Fire Safety Regulations does not preclude the necessity of compliance with the requirements of local codes and ordinances.

If we can be of further assistance in this matter, please feel free to contact us at the address above.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Medina".

Greg Medina
Plans Examiner 1

Enclosure: Approval Certificate

State of Alaska
Office of the State Fire Marshal
Plan Review

This is to certify that the plans for this building were reviewed by the *State Fire Marshal*
on June 27, 2022 for conformance with AS 18.70.010 -- 100; 13 AAC 50.027.

This certificate shall be posted in a conspicuous place on the premises named
Green Jar Hatcher Pass and shall remain
posted until construction is completed.

NOTICE: Any changes or modifications to the approved plans must be resubmitted for
review by the *State Fire Marshal*.

Plan Review #: 2022Anch1031

By: 

Authority: AS 18.70.080
Form: 12-741
(6/01)

Renovation / Remodel ONLY

Greg Medina
Plans Examiner 1

CORRESPONDENCE

From: [Bailey Stuart](#)
To: [Jason Ortiz](#)
Subject: Re: CUP - Green Jar Follow Up Questions
Date: Thursday, August 25, 2022 5:49:00 PM

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Jason,

Thank you for the communication. We are excited to go before the planning commission once again. I do have one question: what do you mean by introduction on October 17th? And is that date the same after the hearing was moved to November 21st?

1. We anticipate in the future having another sign on the property closer to the road in the future. Still abiding by the states allocated 3 sign limit and under 4800 square inches.
2. AMCO's approved disposal site is our dumpster going to the local landfill. It should be noted that we hardly have any cannabis waste in retail. Nothing that is a danger to our community.
3. We currently have no plans for holding outdoor events.
4. Per Alaska state statute all retail activities will take place on the license premise.
5. We are in the process of finalizing our driveway permit. The state was out 8/23/22 taking pictures for our permit. When I receive the final documents I will be sure to forward them to you.

Let me know if you have any other questions, I am here to answer them.

Best Regards,

Bailey Stuart
Green Jar COO | Owner
(907) 671-4884

On Wed, Aug 24, 2022 at 9:19 AM Jason Ortiz <Jason.Ortiz@matsugov.us> wrote:

Bailey or Caleb,

Peggy and I are working on the staff report for your CUP. The public noticing will start now. The will be presented before the Planning Commission as **an introduction on October 17th** and the hearing will be on **November 7th**. To continue working on our staff report, we still had the following questions:

1. You indicated that there is a sign on the building. Can you confirm if any other signs are existing or proposed and their location?
2. You mention details regarding disposal of marijuana waste product; however, you do not indicate the final destination. Could you please elaborate on what an AMCO approved disposal site is?

3. Are any outdoor events planned?
4. Will all retail activities be indoors only?
5. What is the status of your State of Alaska driveway permit?

Thank you,

JASON ORTIZ

Development Services Manager

Planning and Land Use Department

Matanuska-Susitna Borough

Jason.Ortiz@matsugov.us

907-861-7854 office

From: [Bailey Stuart](#)
To: [Jason Ortiz](#)
Subject: Re: Site Visit
Date: Monday, August 29, 2022 1:11:24 PM

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Jason,

September 26th at 10am would work for me.

Best Regards,

Bailey Stuart
Green Jar COO | Owner
(907) 671-4884

On Mon, Aug 29, 2022 at 8:32 AM Jason Ortiz <Jason.Ortiz@matsugov.us> wrote:

Good morning,

We would like to schedule a site visit at the new Green Jar – Hatcher Pass location sometime between September 26th – 30th. During this visit we will need to take pictures both in the building and all around the property as well.

Could you please let me know what date and time works best for you?

Thank you,

JASON ORTIZ

Development Services Manager
Planning and Land Use Department
Matanuska-Susitna Borough

Jason.Ortiz@matsugov.us

907-861-7854 office

COMMENTS

Agency Comments



ENSTAR Natural Gas Company
A DIVISION OF SEMCO ENERGY
Engineering Department, Right of Way Section
401 E. International Airport Road
P. O. Box 190288
Anchorage, Alaska 99519-0288
(907) 277-5551
FAX (907) 334-7798

August 31, 2022

Matanuska-Susitna Borough, Planning Division
350 East Dahlia Avenue
Palmer, AK 99645-6488

To whom it may concern:

ENSTAR Natural Gas Company has reviewed the following conditional use permit request and has no comments or recommendations.

- **Green Jar Hatchers Pass Marijuana Related Facility- Conditional Use Permit (MSB Case # 17.60)**

If you have any questions, please feel free to contact me at 334-7944 or by email at james.christopher@enstarnaturalgas.com.

Sincerely,

A handwritten signature in black ink that reads "James Christopher". The signature is written in a cursive style with a large, stylized "J" and "C".

James Christopher
Right of Way & Compliance Technician
ENSTAR Natural Gas Company

No Public Comments Received

DRAFT

**PLANNING COMMISSION
RESOLUTION**

By: Jason Ortiz
Introduced: October 17, 2022
Public Hearing: November 21, 2022
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 22-33

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 9351 NORTH PALMER-FISHHOOK ROAD, TAX ID# 4316B01L006A, WITHIN TOWNSHIP 19 NORTH, RANGE 1 EAST, SECTION 34, SEWARD MERIDIAN.

WHEREAS, Caleb Saunders, for Green Jar Hatcher Pass, submitted a conditional use permit application for the operation of a marijuana retail facility at 9351 North Palmer-Fishhook Road, Tax ID# 4316B01L006A, located within Township 19 North, Range 1 East, Section 34, Seward Meridian; and

WHEREAS, MSB 17.60.030(A)(4) requires a conditional use permit for the operation of a marijuana retail facility; and

WHEREAS, unless this type of use is maintained under and in accordance with a lawfully issued permit, marijuana retail facilities are declared to be a public nuisance; and

WHEREAS, according to the application material, the proposed retail facility will be wholly contained within a 1,404 square foot commercial structure; and

WHEREAS, the proposed use has no industrial equipment or processes that generate noise; and

WHEREAS, the subject property has been used commercially since 1986, most recently as Madd Hatcher Pizza Pub.

WHEREAS, the proposed use will access North Palmer-Fishhook Road from an existing state permitted driveway; and

WHEREAS, North Palmer-Fishhook Road is classified as a collector and is capable of accommodating traffic associated with commercial use; and

WHEREAS, North Palmer-Fishhook Road has many different uses fronting on it, including agriculture, industrial, residential, and commercial; and

WHEREAS, the proposed hours of operation are 8:00 a.m. until 12:00 a.m. (midnight), daily; and

WHEREAS, according to the application material, the proposed use will be located approximately 85 feet from the North Palmer-Fishhook Road right-of-way, approximately 175 feet to the south lot line, 315 feet from the east lot line, and 10 feet from the north lot line; and

WHEREAS, the proposed use is located southeast of, and approximately 216 feet from, the closest residential structure; and

WHEREAS, there are a variety of land uses within 1,000 feet of the proposed use, including a bar, an automobile repair shop, a dog boarding business, an acupuncture and massage clinic, and a separate marijuana retail facility; and

WHEREAS, according to the application material, the commercial structure will have lighting on all four sides, which will be downward directed and shielded to minimize light spillage on neighboring properties and into nearby traffic; and

WHEREAS, consumption of marijuana is prohibited at the site; and

WHEREAS, persons under the age of 21 are prohibited from entering the facility; and

WHEREAS, according to the application material, loitering will not be allowed; and

WHEREAS, the closest school (Shaw Elementary) is approximately 34,800 feet from the proposed use; and

WHEREAS, according to the application material, the proposed use will utilize a security and video system that includes glass break sensors, motion detectors, audio recorders, panic alarms, dome cameras, keypads with proximity card readers, and a third party monitoring service. Additionally, a firewall server will protect the surveillance data; and

WHEREAS, the State of Alaska Office of the State Fire Marshal issued a Plan Review approval on June 27, 2022; and

WHEREAS, the State of Alaska Office of the State Fire Marshal issued Plan Review #2022Anch1031 for the commercial structure; and

WHEREAS, the commercial structure is in full compliance with the applicable State of Alaska fire code; and

WHEREAS, after proper notification of the State of Alaska Alcohol & Marijuana Control Office, all marijuana products deemed unusable are ground up with trash and disposed of in the onsite dumpster. The final destination for the waste is the landfill; and

WHEREAS, the subject structure meets all applicable setback requirements of MSB 17.55 - Setbacks and Screening Easements; and

WHEREAS, the east half of the subject property is wooded which provides buffering to the neighboring properties. The south property line provides a wooded area that provides buffering as well; and

WHEREAS, the applicant has provided all of the required site plans and operational information has been provided by the applicant; and

WHEREAS, according to the application material, the proposed use will maintain an air filtration unit with activated charcoal filters; and

WHEREAS, the State of Alaska Marijuana Control Board (AMCO) voted to approve Green Jar Hatcher Pass, LLC, License # 30974, with delegation at the June 29-30, 2022 meeting; and

WHEREAS, Planning staff received a copy of AMCO's delegated approval for the applicant's marijuana retail facility; and

WHEREAS, according to the application material, 17 customer parking spaces are proposed; and

WHEREAS, according to the application material, each parking space is 20 feet in length and ten feet wide; and

WHEREAS, a marijuana retail facility 1,404 square feet in size, is required to provide four parking spaces with one ADA compliant space; and

WHEREAS, there are no vertical clearance limitations on site; and

WHEREAS, according to the application material, one ADA compliant parking space is provided that is firmly compressed gravel; and

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.60.100, 17.60.150 and 17.60.170; and

WHEREAS, the Planning Commission conducted a public hearing on November 21, 2022 on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 22-33:

1. The proposed use will not detract from the value, character and integrity of the surrounding area (MSB 17.60.100 (B) (1)).

2. The proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).
3. The proposed use will provide sufficient setbacks, lot area, buffers and other safeguards (MSB 17.60.100(B)(3)).
4. The application material has met all of the requirements of this chapter (MSB 17.60.100(B)(4)).
5. The proposed use will not negatively affect other properties due to factors such as noise and odor (MSB 17.60.150(A)(1)).
6. The proposed use has measures in place to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).
7. The proposed use is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).
8. The proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).
9. Documentation demonstrating the applicant obtained all applicable licenses pertaining to 3 AAC 306.005 was provided to planning staff (MSB 17.60.150(D)(1)).
10. The proposed use will be in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).

11. The proposed use is located on a parcel that is appropriate for commercial use (MSB 17.60.170(A)(1-3)).
12. The proposed use meets the minimum number of parking space for retail facilities (MSB 17.60.170(B)).
13. The proposed use, with conditions, complies with current ADA parking space guidelines (MSB 17.60.170(C)).

BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the standards of MSB 17.60 and does hereby approve the conditional use permit for the operation of a marijuana retail facility, with the following conditions:

1. The ADA parking spaces and access aisle shall be painted and provide a firm, stable, and slip-resistant surface, in compliance with the current ADA guidelines, within one year of the date of decision.
2. The operation shall comply with all applicable state and local regulations.
3. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
4. Borough staff shall be permitted to enter the premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed

on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.

5. The hours of operation shall not exceed 8:00 a.m. – 12:00 a.m., daily.
6. On-site consumption of marijuana and marijuana products is prohibited.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 21 day of November, 2022.

STAFFORD GLASHAN, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

**PUBLIC HEARING
QUASI-JUDICIAL**

Resolution No. PC 22- 35

Stash Cannabis Company CUP

(Pages 119 - 212)

PUBLIC HEARING



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822

www.matsugov.us

DEVELOPMENT SERVICES DIVISION STAFF REPORT

Date: November 10, 2022

File Number: M10262

Applicant: Daniel Rogers for Stash Cannabis Company

Property Owner: TDR2 Management, LLC

Request: Planning Commission Resolution 22-35
Conditional Use Permit for the operation of a marijuana retail facility in accordance with MSB Chapter 17.60 – Conditional Uses

Location: 12825 W. Big Lake Road, Building #2, Tax ID# 17N03W14C019, within Township 17 North, Range 3 West, Section 14, Seward Meridian

Size of Facility: Approximately 1,034 Square Feet

Reviewed By: Jason Ortiz, Development Services Division Manager

Staff: Peggy Horton, Planner II

Staff Recommendation: Approval with conditions

EXECUTIVE SUMMARY

Daniel Rogers, for Stash Cannabis Company, submitted a conditional use permit application for the operation of a marijuana retail facility. The applicant is proposing to operate the facility in a commercial building that is approximately 1,034 square feet in size. According to the application material, the entire structure is the licensed area. MSB 17.60.030 requires a conditional use permit for the operation of a marijuana retail facility. Unless this type of use is maintained under and in accordance with a lawfully issued permit, a marijuana retail facility is declared to be a public nuisance. Operation of such a land use without a permit is prohibited.

LAND USE

Existing Land Use/Background:

The subject parcel is approximately 11.5 acres in size. A 50-foot by 80-foot commercial structure, constructed on the east side of the property in 1994, has historically been used for commercial purposes, including a commercial construction operation and automotive repair shop. This existing structure currently houses Herbal Dreams, a marijuana cultivation facility the Planning Commission approved in 2019. The proposed retail facility will be in a 1,034 square foot building constructed on the west side of the property. The right-of-way for West Big Lake Road is the south boundary to the subject property. Low land wetlands of Little Meadow Creek comprise the majority of the north half of the property. Access to the site is made from West Big Lake Road via a state-permitted driveway. The topography of the parcel is generally flat, with the north end of the property consisting of native vegetation and wetlands while the south end of the property has been cleared and is mostly devoid of vegetation.

Surrounding Land Uses:

The subject parcel abuts West Big Lake Road on the south side of the property and an 11.5-acre parcel to the west is undeveloped. Parcels north and northeast of the property, 40 and 31 acres respectively, are undeveloped, while a 2-acre parcel to the east is used for commercial purposes. Across Big Lake Road and within 1000' of the subject property is an earth materials extraction, a mini storage facility, two properties in residential use, three undeveloped parcels, and one other used commercially, ranging in size from 1 to 155 acres.

REVIEW OF APPLICABLE CRITERIA AND FINDINGS

MSB 17.03 – Public Notification

Staff mailed 12 notices to property owners within a 600-foot radius of the use, and to the Big Lake Community Council on August 30, 2022. Staff posted the application material on the Borough website for public review on August 25, 2022, and the Frontiersman published the public notice in the August 31, 2022 issue. Staff also emailed the public notice and a request for comments to the Big Lake Community Council, borough offices, and outside agencies on August 29, 2022. Staff received a no comment response from the Borough's Permit Center. Staff received no comments from the public or the Big Lake Community Council.

Section 17.60.100 General Standards

(A) *A conditional use may be approved only if it meets with the requirements of this section in addition to any other standards required by this chapter:*

(B) *In granting a conditional use permit, the planning commission must make the following findings:*

(1) *the conditional use will preserve or not detract from the value, character, and integrity of the surrounding area;*

Findings of Fact:

1. The subject property has been in commercial use since at least 1994.
2. According to the application material, the proposed retail facility will be wholly contained within a 1,034 square foot commercial structure.

3. The proposed use has no industrial equipment or processes that generate noise.
4. The proposed use will access West Big Lake Road from an existing, permitted driveway.
5. West Big Lake Road is classified as a minor arterial and is capable of accommodating traffic associated with commercial uses.
6. West Big Lake Road has several different uses on its frontage including commercial, industrial, residential, and undeveloped.
7. The proposed hours of operation are 8:00 a.m. until 12:00 a.m., daily.
8. According to the application material, the proposed use is located approximately 103 feet from the West Big Lake Road right-of-way, approximately 61 feet to the western property line, approximately 793 feet from the northern property line, and approximately 391 feet from the eastern property line.
9. There is a licensed and operating marijuana cultivation facility located on the east side of the subject parcel.
10. The proposed use is located approximately 500 feet north of the closest residential structure.
11. Consumption of marijuana is prohibited at the site.
12. Persons under the age of 21 are prohibited from entering the facility.
13. According to the application material, loitering will not be allowed.

Conclusion of Law: Based on the above findings, the proposed use will not detract from the value, character, and integrity of the surrounding area (MSB 17.60.100(B)(1)).

(2) that granting the conditional use permit will not be harmful to the public health, safety, convenience, and welfare;

Findings of Fact:

1. The closest school property (Houston Junior/Senior High School) is approximately 2,100 feet from the proposed use.
2. Consumption of marijuana is prohibited at the site.
3. Persons under the age of 21 are prohibited from entering the facility.
4. The proposed use will access West Big Lake Road from an existing, permitted driveway.
5. West Big Lake Road is classified as a minor arterial and is capable of accommodating traffic associated with commercial uses.
6. According to the application material, security cameras, motion detectors, an alarm system, and lighting are used to monitor all activities at the facility.
7. According to the application material, the proposed use has a security plan in place, which includes education of employees on all security measures.
8. The applicant provided a copy of the approved Plan Review #2021Anch1680 from the Alaska Fire Marshal's office.

9. The proposed use is located approximately 500 feet north of the closest residential structure.
10. According to the application material, all marijuana products deemed unusable are ground up with trash and either incinerated, composted, or disposed of at the borough landfill.

Conclusion of Law: Based on the above findings, the proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).

(3) that sufficient setback, lot area, buffers, or other safeguards are being provided to meet the conditions listed in subsections (B)(1) through (3) of this section; and

Findings of Fact:

1. According to the application material, the proposed use is located approximately 103 feet from the West Big Lake Road right-of-way, approximately 61 feet to the western property line, approximately 793 feet from the northern property line, and approximately 391 feet from the eastern property line.
2. According to the application material, the structure meets all applicable setback requirements of MSB 17.55.
3. The closest school property (Houston Junior/Senior High School) is approximately 2,100 feet from the proposed use.
4. The subject property is approximately 11.5 acres in size.
5. The proposed use will access West Big Lake Road from an existing, permitted driveway.
6. West Big Lake Road is classified as a minor arterial and is capable of accommodating traffic associated with commercial uses.
7. West Big Lake Road has several different uses on its frontage including commercial, industrial, residential, and undeveloped.
8. According to the application material, security cameras, motion detectors, an alarm system, and lighting are used to monitor all activities at the facility.
9. According to the application material, the proposed use has a security plan in place, which includes education of employees on all security measures.
10. The Alaska Department of Public Safety issued Plan Review #2021Anch1680 for the commercial structure.
11. The commercial structure is in full compliance with the applicable State of Alaska fire code.

Conclusion of Law: Based on the above findings, sufficient setbacks, lot area, buffers and other safeguards are being provided (MSB 17.60.100(B)(3)).

(4) the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in this section.

Finding of Fact:

1. The applicant has provided all of the required site plans and operational information.

Conclusion of Law: Based on the above findings, the application material has met all of the requirements of this chapter (MSB 17.60.100(B)(4)).

Section 17.60.150 General Standards for Marijuana Related Facilities

(A) In addition to the standards set forth by MSB 17.60.100, the planning commission shall weigh factors which contribute or detract from the development of a safe, convenient, and attractive community, including, but not limited to:

(1) any potential negative effect upon other properties in the area due to such factors as noise and odor.

Findings of Fact:

1. According to the application material, the proposed retail facility will be wholly contained within a 1,034 square foot commercial structure.
2. The proposed use has no industrial equipment or processes that generate noise.
3. According to the application material, all retail operations will be taking place indoors.
4. According to the application material, no outdoor activity is planned that will create additional noise or odor.
5. Consumption of marijuana is prohibited at the site.
6. According to the application material, loitering will not be allowed.

Conclusion of Law: Based on the above findings, the proposed use will not negatively affect other properties due to factors such as noise and odor (MSB 17.60.150(A)(1)).

(2) the effectiveness of measures to reduce negative effects upon adjacent properties by:
(a) increased property line and right-of-way buffers;
(b) planted berms and landscaping;
(c) site and commercial structure design features which contribute to the character of the surrounding area.

Findings of Fact:

1. According to the application material, the proposed retail facility will be wholly contained within a 1,034 square foot commercial structure.
2. The Alaska Department of Public Safety issued Plan Review #2021Anch1680 for the commercial structure.
3. The commercial structure is in full compliance with the applicable State of Alaska fire code.
4. According to the application material, all four sides of the commercial structure will have exterior lighting, which will be shielded and downward facing to mitigate any unwanted light pollution.
5. According to the application material, a business sign will be on a free-standing pole and backlit.

6. The surrounding parcels range in size from 1 to 155 acres, a mix of commercial, industrial, residential, and undeveloped land.
7. According to the application material, the proposed use is located approximately 103 feet from the West Big Lake Road right-of-way, approximately 61 feet to the western property line, approximately 793 feet from the northern property line, and approximately 391 feet from the eastern property line.
8. According to the application material, the structure meets all applicable setback requirements of MSB 17.55.

Conclusion of Law: Based on the above findings, measures are in place to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).

(3) whether the use is compatible with the character of the surrounding area.

Findings of Fact:

1. According to the application material, the proposed retail facility will be wholly contained within a 1,034 square foot commercial structure.
2. The Alaska Department of Public Safety issued Plan Review #2021Anch1680 for the commercial structure.
3. The commercial structure is in full compliance with the applicable State of Alaska fire code.
4. The proposed use will access West Big Lake Road from an existing, permitted driveway.
5. West Big Lake Road is classified as a minor arterial and is capable of accommodating traffic associated with commercial uses.
6. West Big Lake Road has several different uses on its frontage including commercial, industrial, residential, and undeveloped.
7. According to the application material, all four sides of the commercial structure will have exterior lighting, which will be shielded and downward facing to mitigate any unwanted light pollution.
8. There is a licensed and operating marijuana cultivation facility located on the east side of the subject parcel.
9. The proposed use is located approximately 500 feet north of the closest residential structure.
10. According to the application material, the proposed use is located approximately 103 feet from the West Big Lake Road right-of-way, approximately 61 feet to the western property line, approximately 793 feet from the northern property line, and approximately 391 feet from the eastern property line.
11. The proposed hours of operation are 8:00 a.m. until 12:00 a.m., daily.
12. Consumption of marijuana is prohibited at the site.
13. According to the application material, loitering will not be allowed.

Conclusion of Law: Based on the above findings, the proposed use is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).

(B) At the time of their establishment, marijuana related conditional uses shall meet the following requirements and not be located within:

(1) One thousand feet of school grounds;

(C) Separation distances referenced in subsection (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.

Finding of Fact:

1. The closest school property (Houston Junior/Senior High School) is approximately 2,100 feet from the proposed use.

Conclusion of Law: Based on the above finding, the proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).

(D) Prior to final approval of the permit the applicant shall provide written documentation demonstrating that:

(1) all applicable licenses have been obtained as required by 3 AAC 306.005.

Findings of Fact:

1. The State of Alaska Marijuana Control Board (AMCO) voted to approve Stash Cannabis Company Retail Marijuana Store License #30838 with delegation at the June 2022 meeting.
2. Planning staff received notice of AMCO's delegated approval for the applicant's marijuana retail facility.

Conclusion of Law: Based on the above findings, documentation demonstrating the applicant obtained all applicable licenses pertaining to 3 AAC 306.005 was provided to planning staff (MSB 17.60.150(D)(1)).

(2) from the fire marshal having jurisdiction, that the proposed conditional use is in full compliance with applicable fire code, including but not limited to AS 18.70.010 through 18.70.160, Fire Protection, and 13 AAC 50.025 through 50.080, Fire Code.

Findings of Fact:

1. The Alaska Department of Public Safety issued Plan Review #2021Anch1680 for the commercial structure.
2. The commercial structure is in full compliance with the applicable State of Alaska fire code.
3. The applicant provided a copy of the approved Plan Review #2021Anch1680 from the Alaska Fire Marshal's office.

Conclusion of Law: Based on the above findings, the proposed use will be in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).

Section 17.60.170 Standards for Marijuana Retail Facilities

(A) Marijuana retail facilities shall only be approved upon finding by the commission that the proposed facility is located on a parcel that is appropriate for commercial use. At a minimum, the commission shall consider:

- (1) proximity of the proposed use to existing businesses;*
- (2) proximity to parcels developed for residential use; and*
- (3) whether roads associated with the proposed use have been, or will be, appropriate for commercial use.*

Findings of Fact:

1. The proposed use will access West Big Lake Road from an existing, permitted driveway.
2. The subject property has been in commercial use since at least 1994.
3. West Big Lake Road is classified as a minor arterial and is capable of accommodating traffic associated with commercial uses.
4. West Big Lake Road has several different uses on its frontage including commercial, industrial, residential, and undeveloped.
5. There is a licensed and operating marijuana cultivation facility located on the east side of the subject parcel.
6. There are multiple commercial and industrial businesses in the surrounding area such as, but not limited to, an electrical contractor, an earth materials extraction operation and a mini storage facility.
7. According to the application material, all four sides of the commercial structure will have exterior lighting, which will be shielded and downward facing to mitigate any unwanted light pollution.
8. According to the application material, the proposed use is located approximately 103 feet from the West Big Lake Road right-of-way, approximately 61 feet to the western property line, approximately 793 feet from the northern property line, and approximately 391 feet from the eastern property line.
9. The proposed use is located approximately 500 feet north of the closest residential structure.

Conclusion of Law: Based on the above findings, the proposed use is located on a parcel that is appropriate for commercial use (MSB 17.60.170(A)(1-3)).

(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.

Findings of Fact:

1. According to the application material, the net floor area is approximately 966 square feet in size.

2. A marijuana retail facility with 966 square feet in net floor area, is required to provide three parking spaces with one Americans with Disabilities Act (ADA) compliant space.
3. According to the application material, four customer parking spaces are proposed at the retail facility.
4. According to the site plan, employee and overflow parking is available at the Herbal Dreams Cultivation Facility, on the same property.
5. According to the application material, each parking space is 20 feet in length and ten feet wide.
6. There are no vertical clearance limitations for the parking spaces on site.

Conclusion of Law: Based on the above findings, the proposed use meets the minimum number of parking spaces for retail facilities (MSB 17.60.170(B)).

(C) Parking spaces shall be provided to comply with current Americans with Disabilities Act guidelines.

Findings of Fact:

1. A marijuana retail facility with 966 square feet in net floor area, is required to provide three parking spaces with one Americans with Disabilities Act (ADA) compliant space.
2. ADA guidelines require one van accessible parking space with an adjacent access aisle, for every 1 to 25 spaces.
3. According to the application material, each parking space is 20 feet in length and ten feet wide.
4. According to the application material, one ADA van accessible space is provided, 10' wide with an 8' access aisle.
5. There are no vertical clearance limitations for the parking spaces on site.
6. The site visit on September 26, 2022 confirmed the parking area is paved.

Discussion: Current ADA guidelines require accessible parking spaces be identified by signs that include the international Symbol of Accessibility and access aisles must be marked to discourage parking in them. Staff recommends a condition requiring ADA compliant parking space and access aisle as detailed in the application material shall be installed prior to operating.

Conclusion of Law: Based on the above findings, and with conditions, the proposed use complies with current ADA parking space guidelines (MSB 17.60.170(C)).

STAFF RECOMMENDATIONS

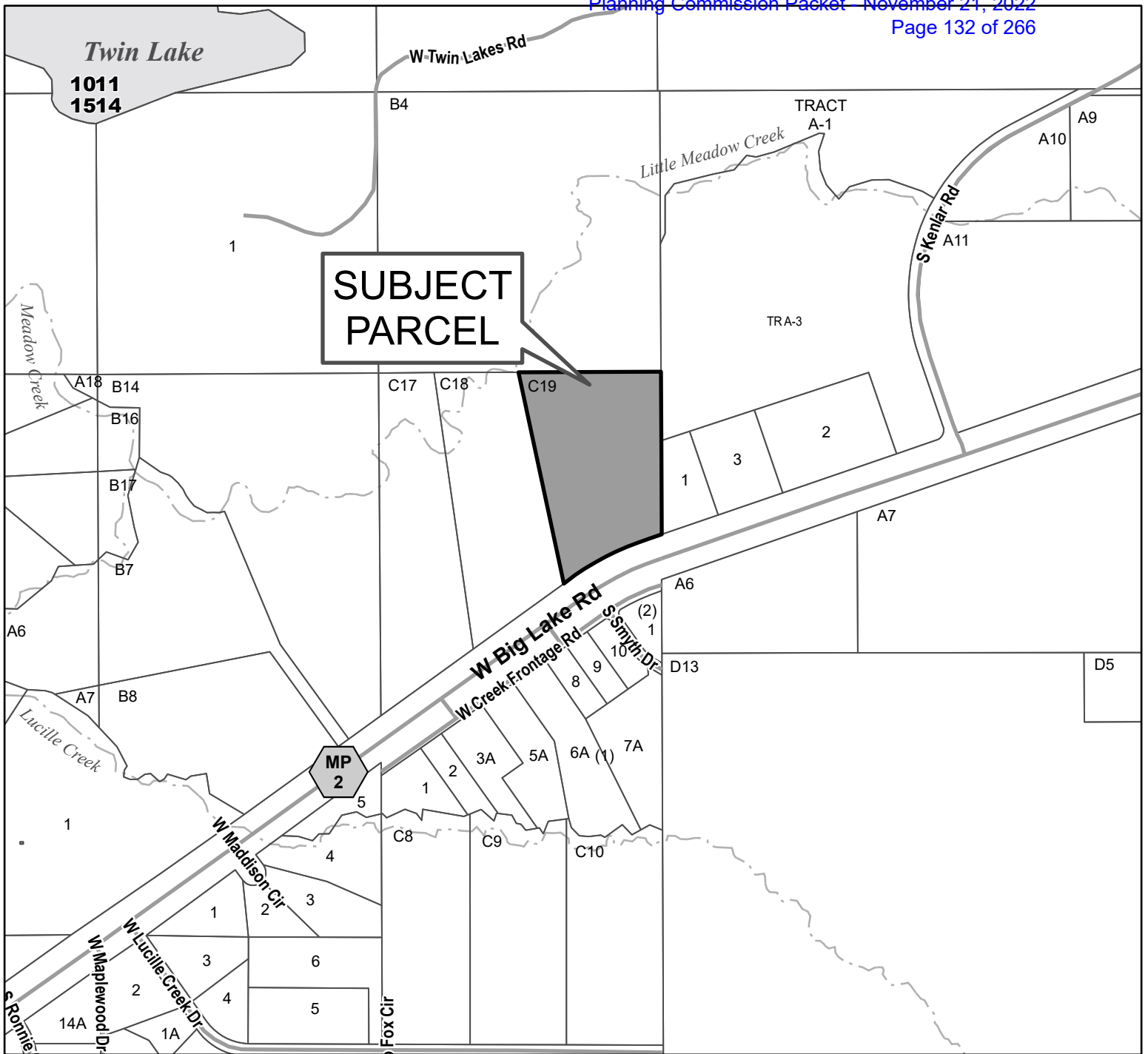
Staff recommends approval of the conditional use permit to operate a marijuana retail facility, approximately 1,034 square foot in size, at 12825 W. Big Lake Road, Building #2, Tax ID #17N03W14C019. The proposed use meets all of the standards in MSB 17.60.100, 17.60.150,

and 17.60.170 with the conditions listed. Staff recommends approval of this permit with the following conditions:

1. Prior to operating the ADA compliant parking space and access aisle detailed in the application material shall be installed.
2. The operation shall comply with all applicable state and local regulations.
3. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
4. Borough staff shall be permitted to enter the premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.
5. The proposed hours of operation are 8:00 a.m. until 12:00 a.m., daily.
6. On-site consumption of marijuana and marijuana products is prohibited.

If the Planning Commission chooses to deny this modification, findings for denial must be prepared by the Commission.

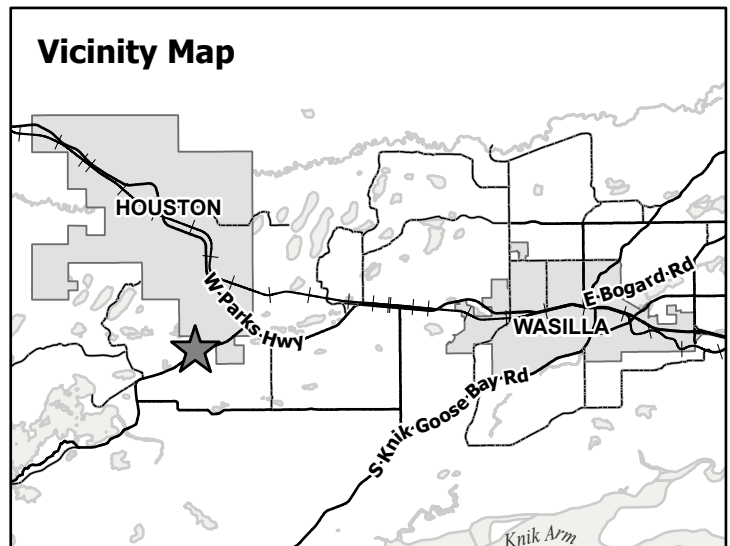
MAPS

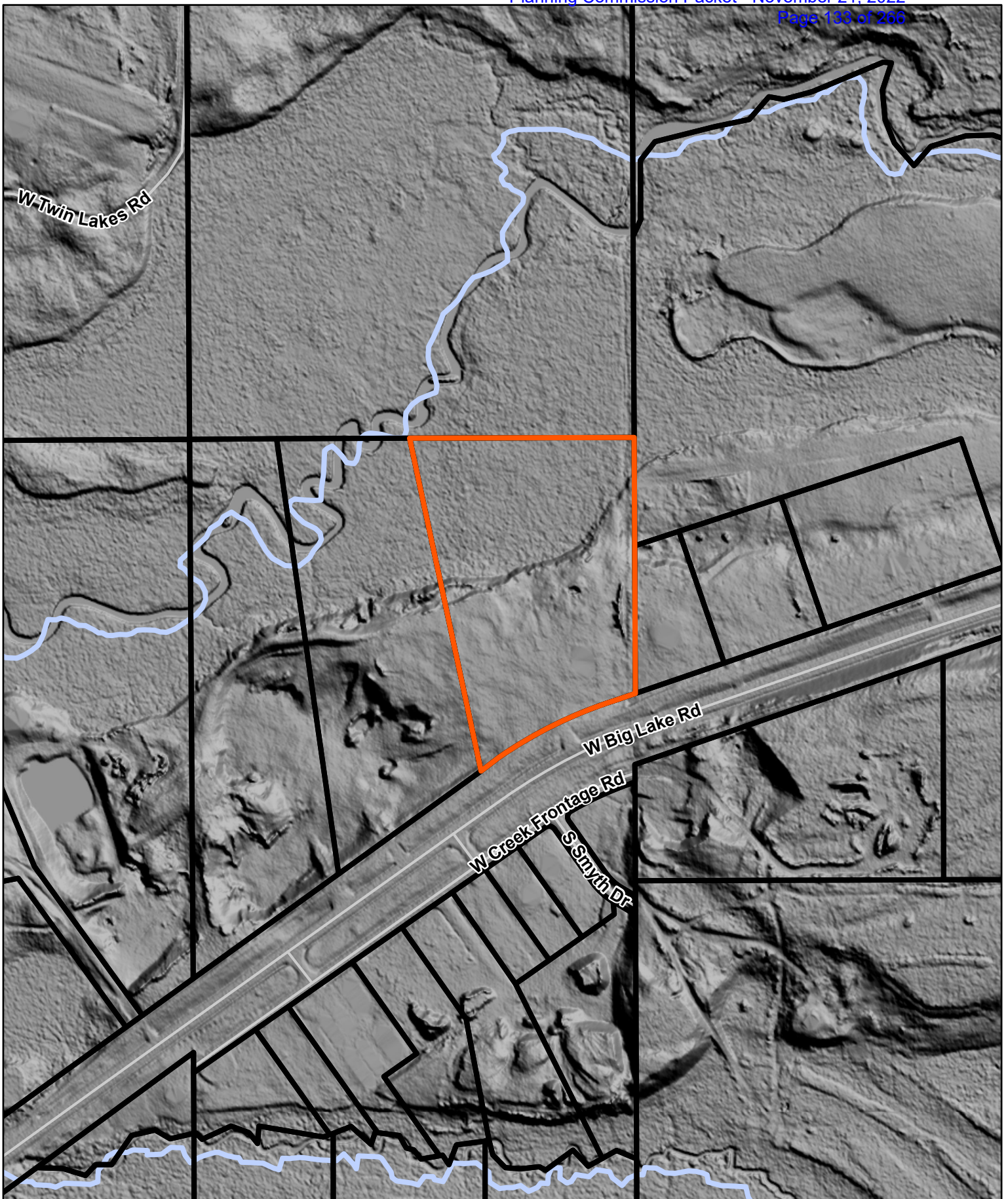


17N03W14C019



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Hillshade Map for 17N03W14C019

0 250 500
Feet





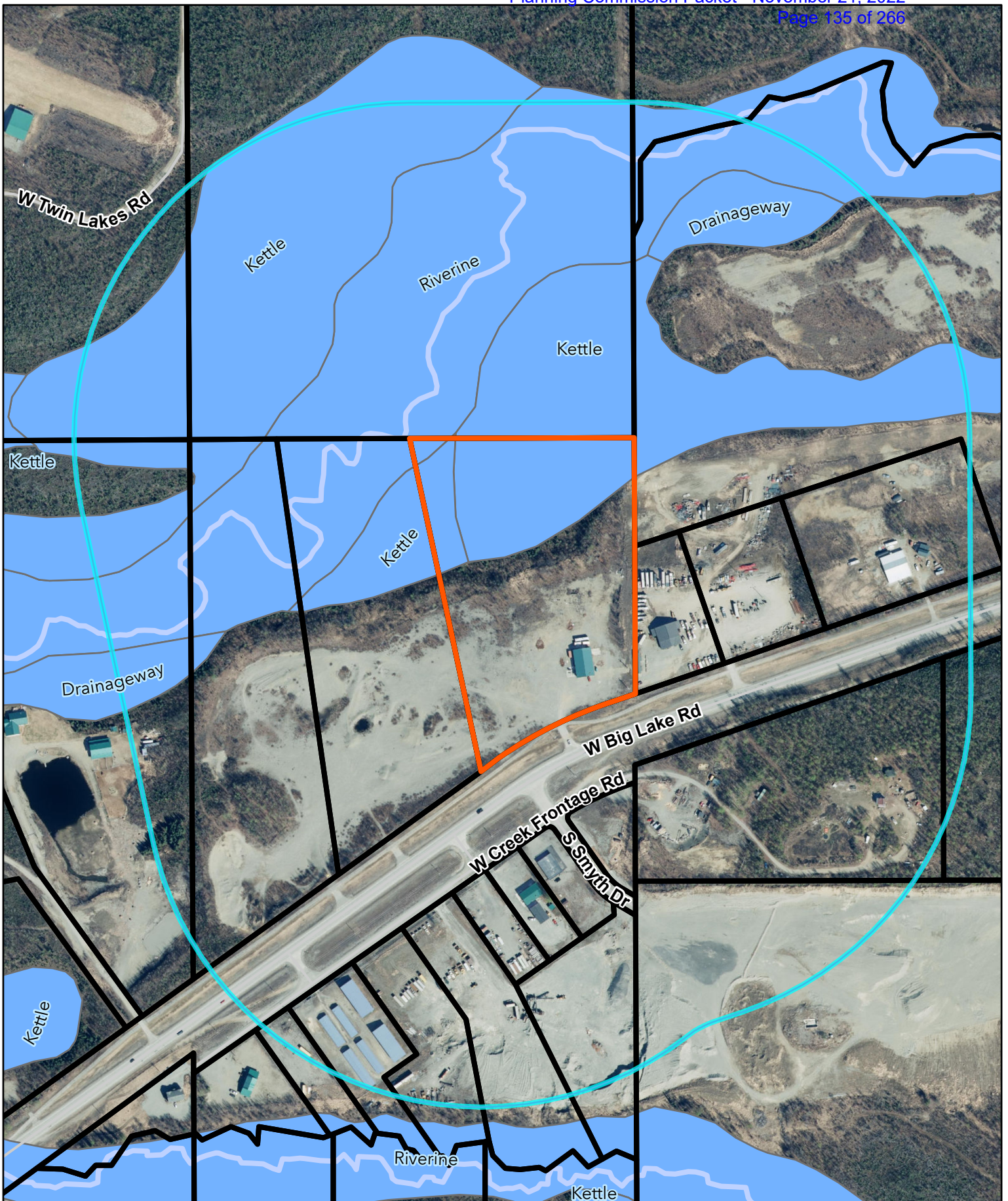
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Land Use Map for 17N03W14C019

0 250 500
Feet





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Wetlands Map for 17N03W14C019

0 250 500
Feet



JOB: # 210802



Determine DESIGN LLC AEOL 1613
903 W. NORTHERN LITS, BLVD #206
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Office: (907)339-9100
dan@determinedesign.com

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Sheet Issue Date:

9/23/2022 1:54:10 PM

Drawn by: CNH

Checked by: DHC

Project Title: Stash Cannabis Company LIC # 30838

Prepared for: Stash Cannabis Company, LLC

Sheet Title: Site Diagrams

Address: 12825 Big Lake Rd. Wasilla, AK 99654 BLDG. #2

SITE LEGEND

- FLOOD LIGHT (EXISTING)
- FLOOD LIGHT (NEW)
- DRAINAGE ARROW (EXISTING)
- INGRESS/EGRESS ARROW
- PROPERTY LINE
- SETBACK/EASEMENT

1 Site Diagram
1" = 60'-0"

NOTE: USE HALF INDICATED SCALE FOR 11X17 DRAWINGS

Site Data:
LEGAL: TOWNSHIP 17N RANGE
3W SECTION 14 LOT C19
ADDRESS: 12825 W BIG LAKE RD
CITY, STATE: WASILLA, AK
ZONING: N/A
LOT SIZE: 502,246 S.F.
PARCEL ID: 63778

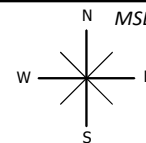


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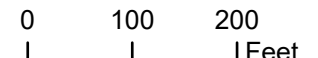
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Stash Cannabis Company Site Plan Overlay Tax ID # 17N03W14C019



MSB Development Services Division: 9/26/2022





JOB: # 210802



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 Drawn by: CNH
 Checked by: DHC



Project Title: Stash Cannabis Company LIC # 30838
 Prepared for: Stash Cannabis Company, LLC
 Sheet Title: Site Diagrams
 Address: 12825 Big Lake Rd. Wasilla, AK 99554 BLDG. #2



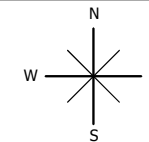
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MSB Development Services Division: 9/29/2022

Stash Cannabis Company Site Plan Overlay Tax ID # 17N03W14C019



0 100 200 Feet

PUBLIC NOTICING

Frontiersman

Growing with the Valley since 1947.

5751 E. MAYFLOWER CT.
Wasilla, AK 99654

(907) 352-2250 ph
(907) 352-2277 fax

AFFIDAVIT OF PUBLICATION

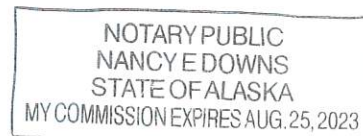
UNITED STATES OF AMERICA, STATE OF ALASKA, THIRD DIVISION
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, THIS DAY
PERSONALLY APPEARED BEFORE **BENJAMIN BORG** WHO, BEING
FIRST DULY SWORN, ACCORDING TO LAW, SAYS THAT HE IS THE
LEGAL AD CLERK OF THE **FRONTIERSMAN**
PUBLISHED AT WASILLA AND CIRCULATED THROUGH OUT MATANUSKA
SUSITNA BOROUGH, IN SAID DIVISION THREE AND STATE OF ALASKA
AND THAT THE ADVERTISEMENT, OF WHICH THE ANNEXED IS A TRUE
COPY, WAS PUBLISHED ON THE FOLLOWING DAYS:

08/31/2022

AND THAT THE RATE CHARGED THEREIN IS NOT IN EXCESS OF
THE RATE CHARGED PRIVATE INDIVIDUALS.

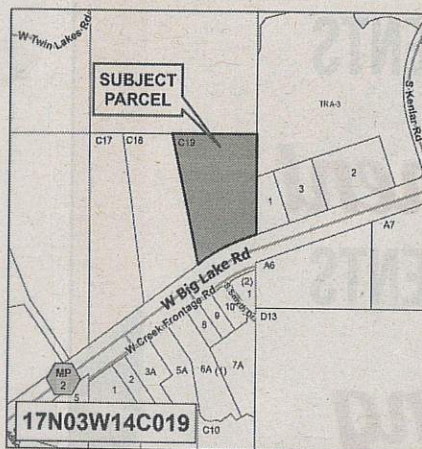

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 31st DAY OF August, 2022.


NOTARY PUBLIC FOR STATE OF ALASKA



MAT-SU BOROUGH/PAGE
8.31
ACCOUNT NUMBER 405249

PUBLIC HEARING



Daniel Rogers for Stash Cannabis Company submitted an application for a Conditional Use Permit under MSB 17.60 – Conditional Uses, for operation of a marijuana retail facility. The site is located at 12825 W. Big Lake Road, Building #2, Tax ID #17N03W14C019; within Township 17 North, Range 3 West, Section 14, Seward Meridian.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on **Monday, November 21, 2022**, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking on "All Public Notices & Announcements." For additional information, you may contact Peggy Horton, Planner II, by phone: 907-861-7862. Provide written comments by e-mail to peggy.horton@matsugov.us, or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

The public may provide verbal testimony at the meeting or telephonically by calling 1-855-290-3803. In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for the definition of interested party. The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk's office, and at various libraries within the borough.

Comments are due on or before **October 3, 2022**, and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Publish Date: August 31, 2022

0822-36



Certificate of Bulk Mailing — Domestic

Fee for Certificate

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For each additional 1,000 pieces, or fraction thereof

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(Notice 123)

Number of
Identical Weight
Pieces
12

Class of Mail
1st

Postage for
Each Mailpiece
Paid
☐ Verified

Number of
Pieces to the
Pound
45

Total Number of
Pounds
4.302

Total Postage Paid
for Mailpieces
6.84

Fee Paid
9.95

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Dev. Serv.

Mailed By
Samuel 2

Postmaster's Certification

It is hereby certified that the number of mailpieces presented and the associated postage and fee were verified. This certificate does not provide evidence that a piece was mailed to a particular address.

(Postmaster or Designee)

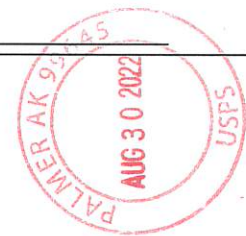
Postage: Mailers must affix meter, PC Postage®, or (uncanceled) postage stamps here in payment of total fee due.

Acceptance employee must can affixed (by round-date) at the time

If payment of total fee due is being paid by Permit Imprint, include the *PostalOne!*® Transaction Number here: _____



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0000368428 AUG 30 2022



Matanuska-Susitna Borough
Development Services Division
350 E. Dahlia Avenue
Palmer, Alaska 99645

tara0609
12
8/29/2022 11:08:05 AM

The Matanuska-Susitna Borough Planning Commission will consider the following:

Daniel Rogers for Stash Cannabis Company submitted an application for a Conditional Use Permit under MSB 17.60 – Conditional Uses, for operation of a marijuana retail facility. The site is located at 12825 W. Big Lake Road, Building #2, Tax ID #17N03W14C019; within Township 17 North, Range 3 West, Section 14, Seward Meridian.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on **Monday, November 21, 2022**, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking on “All Public Notices & Announcements.” For additional information, you may contact Peggy Horton, Planner II, by phone: 907-861-7862. Provide written comments by e-mail to peggy.horton@matsugov.us, or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

The public may provide verbal testimony at the meeting or telephonically by calling 1-855-290-3803. In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for the definition of interested party. The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk’s office, and at various libraries within the borough.

Comments are due on or before **October 3, 2022**, and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Name: _____ **Mailing Address:** _____

Location/Legal Description of your property: _____

Comments: _____

Note: Vicinity Map Located on Reverse Side

217N03W14A0061
ELBRADER TORY M
PO BOX 520163
BIG LAKE, AK 99652-0163

57525000T00A-32
ENDERSON ROGER
PO BOX 521879
BIG LAKE AK 99652

55540000L0023
FARBOY LLC
1319 H ST
ANCHORAGE AK 99501-4360

55954B01L005A4
FISHER ROBT B & BARBARA L
PO BOX 520209
BIG LAKE, AK 99652-0209

52891B01L0095
KASPER JASON & SHERRY
PO BOX 520507
BIG LAKE AK 99652

217N03W14C0186
MAROULIS ALASKA COMM PROP TR
2124 SORBUS WAY
ANCHORAGE AK 99508

52891B01L0107
NEWBERRY SHARYL L EST
% BRYAN NEWBERRY
5471 W IRVINGTON RD
TUCSON AZ 85757

57525000L0038
PRESTIGE WORLDWIDE HOLDINGS LLC
PO BOX 521405
BIG LAKE AK 99652

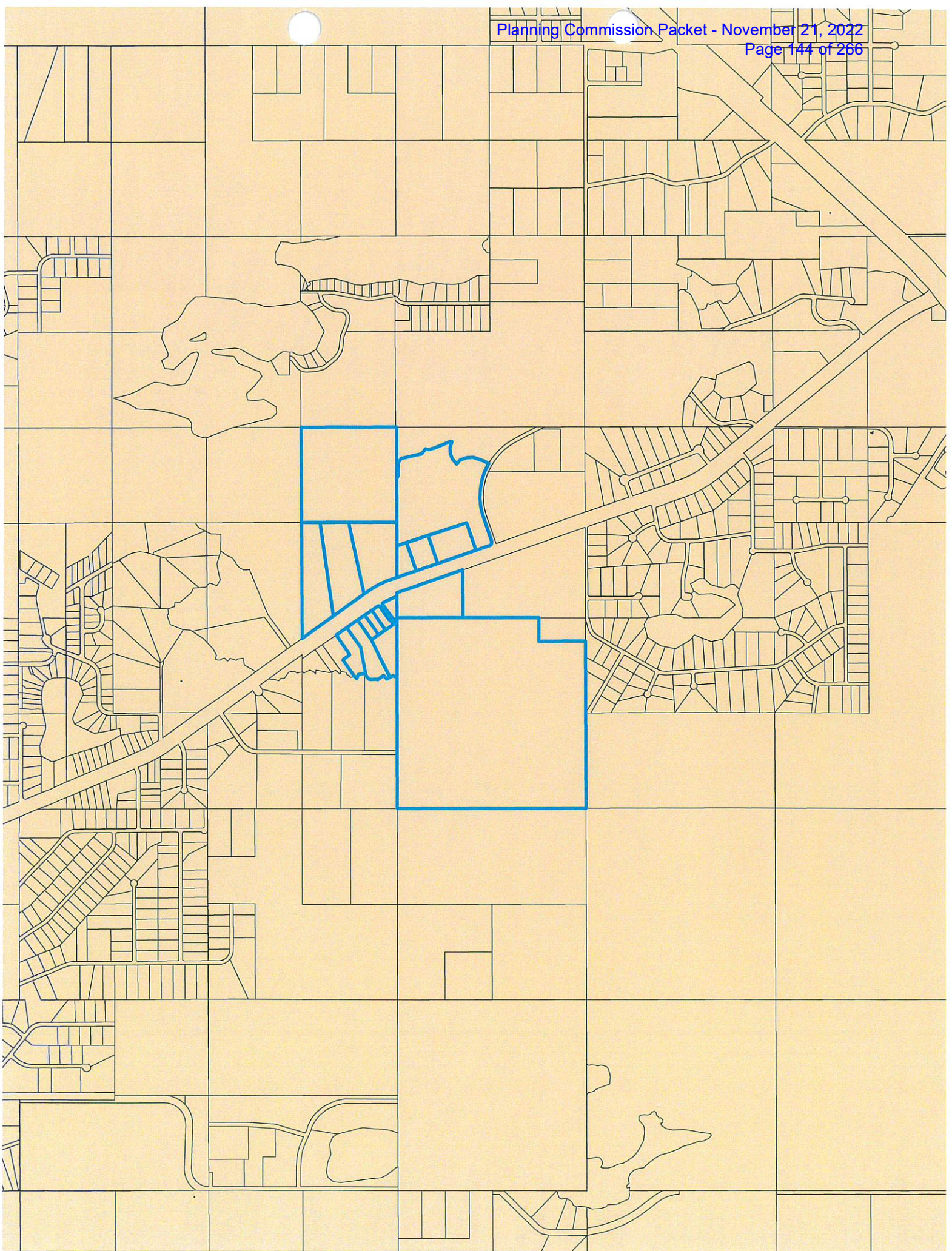
217N03W14D0139
REILLY CHAD
6500 W YEOMAN DR
WASILLA AK 99623

217N03W14C01910
TDR2 MANAGEMENT LLC
7001 TREE TOP CIR
ANCHORAGE AK 99507

217N03W14B00411
ZORNES MILISA MAE
504
3705 ARCTIC BLVD
ANCHORAGE AK 99503

12
BIG LAKE COMMUNITY COUNCIL
PO BOX 520932
BIG LAKE, AK 99652

tara0609
12
8/29/2022 11:08:05 AM



Owner Listing

Page 1

| Owner Name & Address | As Of Date | Tax Map Number |
|---|------------------------------|---|
| ELBRADER TORY M PO BOX 520163 BIG LAKE, AK 99652-0163 | 1/1/2004 <i>Location</i> | 217N03W14A006 12766 W BIG LAKE RD |
| ZORNES MILISA MAE # 504 3705 ARCTIC BLVD ANCHORAGE AK 99503 | 8/9/2021 <i>Location</i> | 217N03W14B004 |
| MAROULIS ALASKA COMM PROP TR 2124 SORBUS WAY ANCHORAGE AK 99508 | 9/27/2021 <i>Location</i> | 217N03W14C017 13019 W BIG LAKE RD |
| MAROULIS ALASKA COMM PROP TR 2124 SORBUS WAY ANCHORAGE AK 99508 | 9/27/2021 <i>Location</i> | 217N03W14C018 12917 W BIG LAKE RD |
| TDR2 MANAGEMENT LLC 7001 TREE TOP CIR ANCHORAGE AK 99507 | 12/4/2020 <i>Location</i> | 217N03W14C019 12825 W BIG LAKE RD |
| REILLY CHAD 6500 W YEOMAN DR WASILLA AK 99623 | 3/9/2021 <i>Location</i> | 217N03W14D013 1880 S SMYTH DR |
| REILLY CHAD 6500 W YEOMAN DR WASILLA AK 99623 | 3/9/2021 <i>Location</i> | 217N03W14D013 2114 S JEFFREY LN |
| KASPER JASON PO BOX 520507 BIG LAKE, AK 99652-0507 | 1/1/2006 <i>Location</i> | 52891B01L008 12684 W CREEK FRONTAGE RD |
| KASPER JASON & SHERRY PO BOX 520507 BIG LAKE AK 99652 | 7/2/2019 <i>Location</i> | 52891B01L009 12658 W CREEK FRONTAGE RD |
| NEWBERRY SHARYL L EST % BRYAN NEWBERRY 5471 W IRVINGTON RD TUCSON AZ 85757 | 1/1/2006 <i>Location</i> | 52891B01L010 12632 W CREEK FRONTAGE RD |
| REILLY CHAD 6500 W YEOMAN DR WASILLA AK 99623 | 3/17/2021 <i>Location</i> | 52891B02L001 |
| PRESTIGE WORLDWIDE HOLDINGS LLC PO BOX 521405 BIG LAKE AK 99652 | 6/17/2022 <i>Location</i> | 55540000L001 12775 W BIG LAKE RD |

Owner Listing

Page 2

| Owner Name & Address | As Of Date | Tax Map Number |
|---|------------------------------|--|
| FARBOY LLC 1319 H ST ANCHORAGE AK 99501-4360 | 7/15/2016 <i>Location</i> | 55540000L002 12605 W BIG LAKE RD |
| FISHER ROBT B & BARBARA L PO BOX 520209 BIG LAKE, AK 99652-0209 | 4/14/2022 <i>Location</i> | 55954B01L005A 12764 W CREEK FRONTAGE RD |
| FISHER ROBT B & BARBARA L PO BOX 520209 BIG LAKE, AK 99652-0209 | 4/14/2022 <i>Location</i> | 55954B01L006A 12710 W CREEK FRONTAGE RD |
| FISHER ROBT B & BARBARA L PO BOX 520209 BIG LAKE, AK 99652-0209 | 4/14/2022 <i>Location</i> | 55954B01L007A 1860 S SMYTH DR |
| PRESTIGE WORLDWIDE HOLDINGS LLC PO BOX 521405 BIG LAKE AK 99652 | 6/17/2022 <i>Location</i> | 57525000L003 12675 W BIG LAKE RD |
| ENDERSON ROGER PO BOX 521879 BIG LAKE AK 99652 | 7/27/2021 <i>Location</i> | 57525000T00A-3 1664 S KENLAR RD |

Report Total 18

Page Total 6
V85.000

From: [Peggy Horton](#)
To: [James Keel \(james.keel@matsugov.us\)](#); [Allen Kemplen AICP-CTP - DOT&PF \(allen.kemplen@alaska.gov\)](#); [Kyler Hylton \(kyler.hylton@alaska.gov\)](#); [colton.percy@alaska.gov](#); [msb.hpc@gmail.com](#); [mearow@mea.coop](#); [row@enstarnaturalgas.com](#); [row@mtasolutions.com](#); [GCI ROW \(ospdesign@gci.com\)](#); [Fire Code \(Fire.Code@matsugov.us\)](#); [Tawnya Hightower](#); [James Keel](#); [Margie Cobb](#); [Eric Phillips](#); [regpagemaster@usace.army.mil](#); [Tom Adams](#); [Debbie Bakic](#); [Jamie Taylor \(Jamie.Taylor@matsugov.us\)](#); [Brad Sworts](#); [Elaine Flagg \(Elaine.Flagg@matsugov.us\)](#); [Charlyn Spannagel \(Charlyn.Spannagel@matsugov.us\)](#); [Alex Strawn \(Alex.Strawn@matsugov.us\)](#); [Planning](#); [Fred Wagner](#); [Permit Center](#); [Jason Ortiz](#); [Andy Dean](#); [John Aschenbrenner](#); [mokitew@gmail.com](#); [akchief@mtaonline.net](#); [alaskajeff@hotmail.com](#); [chinookdesigns@hotmail.com](#); [jparson@mtaonline.net](#); [chinook_99516@yahoo.com](#); [terryq@ak.net](#)
Cc: [clerk@houston-ak.gov](#); [publicworks@houston-ak.gov](#)
Subject: Request for Comments for Stash Cannabis Company Marijuana Retail Facility Conditional Use Permit Application
Date: Monday, August 29, 2022 9:55:00 AM

Good Morning,

Daniel Rogers for Stash Cannabis Company submitted an application for a Conditional Use Permit under MSB 17.60 – Conditional Uses, for operation of a marijuana retail facility. The site is located at 12825 W. Big Lake Road, Building #2, Tax ID #17N03W14C019; within Township 17 North, Range 3 West, Section 14, Seward Meridian. This is just outside the City of Houston boundaries.

The Planning Commission will conduct a public hearing on this request on November 21, 2022.

Application materials may be viewed online at www.matsugov.us by clicking on 'All Public Notices & Announcements'. A direct link to the application material is here:

[Matanuska-Susitna Borough - Stash Cannabis Company Conditional Use Permit Application for Marijuana Retail Facility \(matsugov.us\)](#)

Comments are due on or before **October 3, 2022** and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received after that date will not be included in the staff report to the Planning Commission. Thank you for your review.

Regards,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862



MATANUSKA-SUSITNA BOROUGH

Public Notice > Green Jar Hatcher Pass Conditional Use Permit Application for Marijuana Retail Facility

Notice Type Public Notice

Caleb Saunders, for Green Jar Hatcher Pass, submitted an application for a conditional use permit under MSB 17.60 – Conditional Uses for operation of a marijuana retail facility. The site is located at 9351 N. Palmer-Fishhook Road, Tax ID #4316B01L006A; within Township 19 North, Range 1 East, Section 34, Seward Meridian.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on **Monday, November 21, 2022**, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking on “All Public Notices & Announcements.” For additional information, you may contact Peggy Horton, Planner II, by phone: 907-861-7862. Provide written comments by e-mail to peggy.horton@matsugov.us, or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

The public may provide verbal testimony at the meeting or telephonically by calling 1-855-290-3803. In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for the definition of interested party. The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk’s office, and at various libraries within the borough.

Comments are due on or before **Friday, October 7, 2022**, and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Effective Date

Aug 25, 2022

Tax ID

4316B01L006A

Documents

[Green Jar Hatcher Pass Application](#)

[Vicinity Map](#)



Site Visit Photos taken September 26, 2022



South and east side of retail facility.



Backlit business sign on
standalone pole



South side or front of
retail facility



Western and southern
sides of facility



Northern and western sides
of facility



Northern side of retail facility and showing the 50' X 80' cultivation facility in the background.



Looking north from retail facility



Looking northeast from
retail facility



Looking northwest from
retail facility



Sales floor area of retail facility.
Door leads to pack/prep/inventory
area.



Sales area of retail facility



Video monitoring station in office area

SITE PLAN



Determine DESIGN LLC AECL1613
903 W. NORTHERN LTS, BLVD # 206
ANCHORAGE, AK 99503
Office: (907)339-9100
dan@determinedesign.com

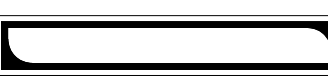
Copyright: Determine Design LLC has the exclusive right to reproduce, sell and create derivative works from these drawings.

Sheet Issue Date:

9/23/2022 1:54:16 PM

Drawn by: CNH

Checked by: DHC



Project Title: Stash Cannabis Company LIC #: 30838
Prepared for: Stash Cannabis Company, LLC
Sheet Title: Site Diagrams
Address: 12825 Big Lake Rd. Wasilla, AK 99654 BLDG. #2



002



SITE LEGEND

FLOOD LIGHT (EXISTING)

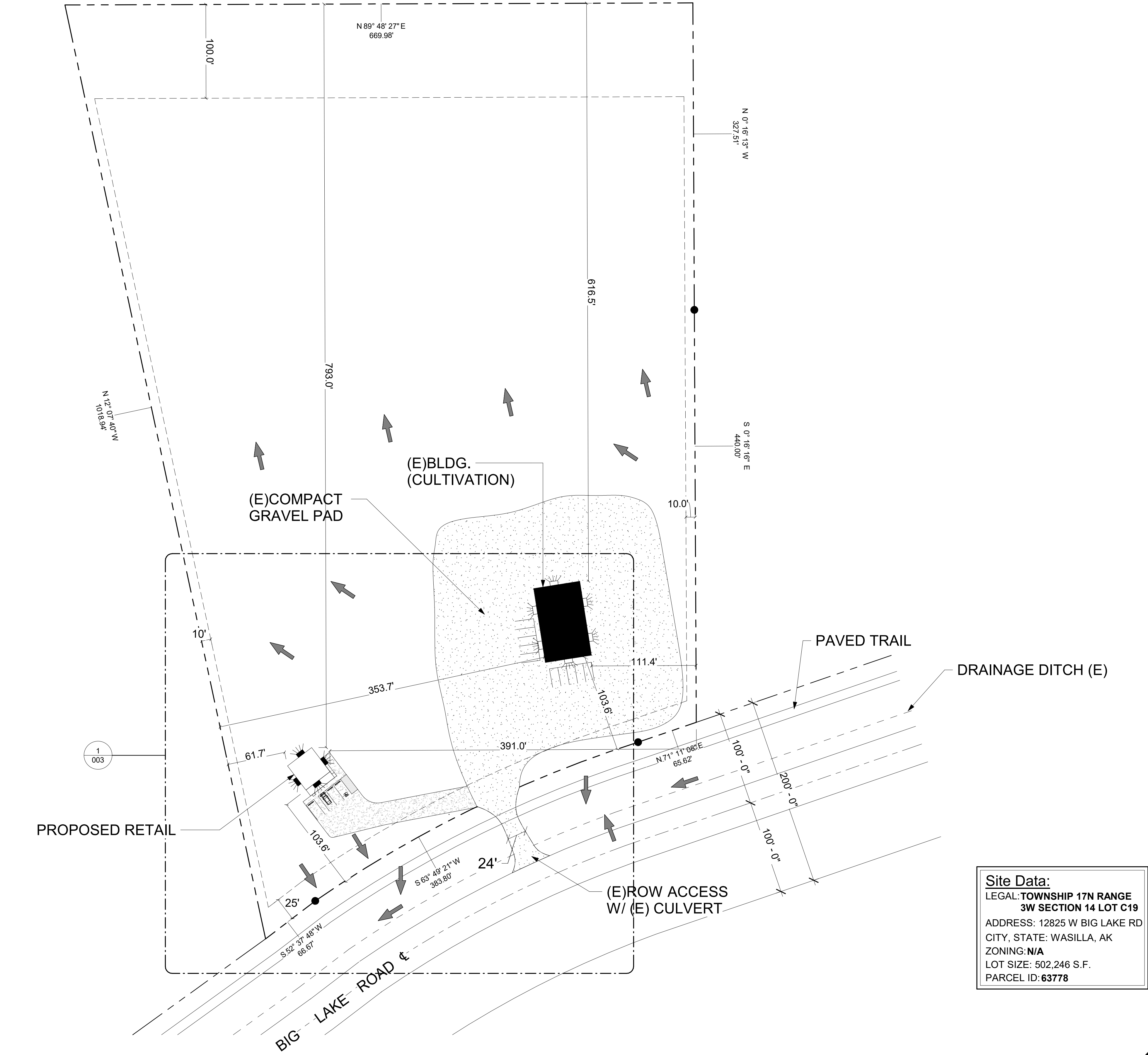
FLOOD LIGHT (NEW)

DRAINAGE ARROW (EXISTING)

INGRESS/EGRESS ARROW

PROPERTY LINE

SETBACK/EASEMENT



Site Data:

LEGAL: TOWNSHIP 17N RANGE
3W SECTION 14 LOT C19

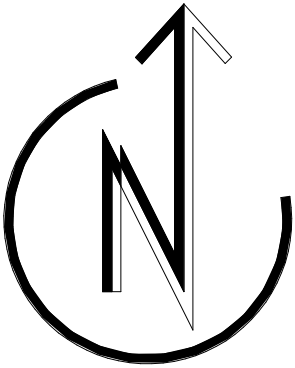
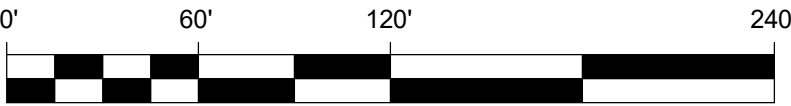
ADDRESS: 12825 W BIG LAKE RD

CITY, STATE: WASILLA, AK

ZONING: N/A

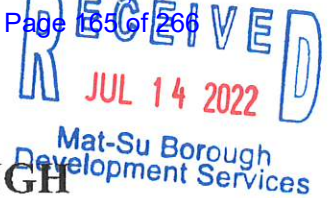
LOT SIZE: 502,246 S.F.

PARCEL ID: 63778



1 Site Diagram
1" = 60'-0"

APPLICATION MATERIAL



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-8158

Email: permitcenter@matsugov.us

CONDITIONAL USE PERMIT FOR MARIJUANA RELATED FACILITIES – MSB 17.60

Carefully read instructions and applicable borough code. Fill out forms completely. Attach information as needed. Incomplete applications will not be processed.

Application fee must be attached:

☒ \$1,500 for Marijuana Retail Facility
☐ \$1,500 for Marijuana Cultivation Facility

Prior to the public hearing, the applicant must also pay the mailing and advertising fees associated with the application. Applicants will be provided with a statement of advertising and mailing charges. Payment must be made prior to the application presentation before the Borough Planning Commission.

Required Attachments for a Marijuana Cultivation Facility:

☐ Wastewater and Waste Material Disposal Plan – 17.60.160 (A)
☐ Odor Mitigation and Ventilation Plan – 17.60.160 (B)
☐ Hazardous Chemicals Information – 17.60.160 (C)
☐ Security plan – 17.60.160 (D)

Required Attachments for Both Retail and Cultivation Facilities:

☒ Documentation demonstrating full compliance with applicable fire code – 17.60.150 (D) (2)

Subject Property: Township: 17N Range: 3W, Section: 14, Meridian: SEWARD
 MSB Tax ID# 217N03W14C019
 SUBDIVISION: _____ BLOCK(S): _____, LOT(S): C19
 STREET ADDRESS: 12825 W. Big Lake Road, Building #2, Big Lake, AK 99654
 FACILITY / BUSINESS NAME: Stash Cannabis Company

Ownership: A written authorization by the owner must be attached for an agent or contact person, if the owner is using one for the application. Is authorization attached? ☒ Yes ☐ No ☐ N/A

Name of Property Owner

TDR2 Management, LLC
2101 Atwood Drive
Anchorage, AK 99517
 Phone: Hm _____ Fax _____
 Wk _____ Cell (907) 244-7584

Name of Agent / Contact for application

Daniel Rogers
3705 Arctic Boulevard, #477
Anchorage, AK 99503
 Phone: Hm _____ Fax _____
 Wk _____ Cell (907) 244-7584
 E-mail dan@herbaldreams.net

| Site Plan – Attach a detailed, to scale, site plan clearly showing the following information: | Attached |
|--|-----------------|
| Proposed and existing structure(s) on the site. Indicate which structure(s) will be used for the proposed use. Dimensions and locations of all existing and proposed structures on the site in relationship to all property lines. | YES |
| Signage – Existing and Proposed. | YES |
| Location and dimensions for all access points to and from the site to public rights-of-way or public access easements. | YES |
| Buffering – Fences, vegetation, topography, berms, and any landscaping | YES |
| Drainage | YES |
| Vehicular and pedestrian circulation patterns. | YES |
| Exterior site lighting. | YES |
| Location and dimensions of parking areas to be provided | YES |
| Scale and north arrow using standard engineering intervals such as 1" = 30', 1" = 50' or similar as required by project size. | YES |

| Map – Attach a detailed, to scale, vicinity map clearly showing the following information: | Attached |
|---|-----------------|
| Identify all existing land uses within 1,000 feet. | YES |
| Scale and north arrow using standard engineering intervals such as 1" = 30', 1" = 50' or similar as required by project size. | YES |

| In order to grant a conditional use permit under MSB 17.60, the Planning Commission must find that each of the following requirements have been met. Explain the following in detail: | Attached |
|--|----------------------------|
| Is the conditional use compatible with and will it preserve or not materially detract from the value, character and integrity of the surrounding area? | YES, Please see narrative. |
| Will the granting of the conditional use permit be harmful to the public health, safety, convenience and welfare? | NO |
| Are sufficient setbacks, lot area, buffers and other safeguards being provided? | YES |
| Does the conditional use fulfill all other requirements of MSB Chapter 17.60 pertaining to the conditional use in this section? | YES |
| Describe measures taken to prevent any potential negative effect upon other properties in the area due to such factors as noise and odor. | Please see narrative. |
| Describe measures taken to reduce negative effects upon adjacent properties by: <ul style="list-style-type: none"> Increased property line and right-of-way buffers Planted berms and landscaping Site and building design features which contribute to the character of the surrounding area | Please see narrative. |
| Describe how this use is compatible with the character of the surrounding area. | Pls see narrative |
| Current status of State License application process – 17.60.150 (D) (I) | Approved by AMCO |

| 17.60.170 Standards for Marijuana Retail Facilities: | Attached |
|--|-----------------|
| Describe how the subject parcel is appropriate for the proposed conditional use. Include information detailing: <ul style="list-style-type: none"> • The proximity of the proposed use to existing businesses; • The proximity of parcels developed with residential uses; • Whether the roads associated with the proposed use have been, or will be, appropriate for commercial use; and • Proposed hours of operations. | YES |
| Provide information showing minimum parking standards have been met as required by MSB 17.60.170 (B) and (C). | YES |

| Floor Plan for Marijuana Retail Facilities – Attach a detailed, to scale, floor plan clearly showing the following information: | Attached |
|--|-----------------|
| Dimensions of all structures. | YES |
| Interior floor plans (specific location of the use or uses to be made of the development). | YES |
| Net floor area square footage calculations. | YES |

OWNER'S STATEMENT: I am owner of the following property:

MSB Tax account #(s) 17N03W14C019 and, I hereby apply for approval of a conditional use permit to operate a marijuana related facility on the property as described in this application.


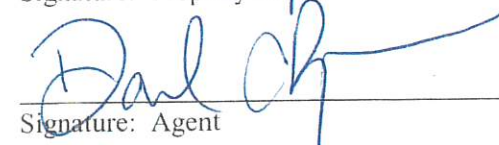
I understand all activity must be conducted in compliance with all applicable standards of MSB 17.60 and with all other applicable borough and state.

I understand that other rules such as local, state and federal regulations, covenants, plat notes, and deed restrictions may be applicable and other permits or authorization may be required. I understand that the borough may also impose conditions and safeguards designed to protect the public's health, safety and welfare and ensure the compatibility of the use with other adjacent uses.

I understand that it is my responsibility to identify and comply with all applicable rules and conditions, covenants, plat notes, and deed restrictions, including changes that may occur in such requirements.

I grant permission for borough staff members to enter onto the property as needed to process this application and monitor compliance. Such access will at a minimum, be allowed when the activity is occurring and, with prior notice, and at other times necessary to monitor compliance.

The information submitted in this application is accurate and complete to the best of my knowledge.

| | | |
|---|---------------------------------|------|
|  | Daniel Rogers - Managing Member | |
| Signature: Property Owner | Printed Name | Date |
|  | Daniel Rogers | |
| Signature: Agent | Printed Name | Date |

RETAIL MARIJUANA STORE CONDITIONAL USE PERMIT NARRATIVE

Stash Cannabis Company, LLC

DBA Stash Cannabis Company

a locally owned and operated business

Submitted: _____, 2022

Prepared by:



JDW, LLC
Jana D. Weltzin, Esq.
901 Photo Avenue, Second Floor
Anchorage, AK 99503
jana@jdwcounsel.com
630-913-1113
907-231-3750

On behalf of:
Stash Cannabis Company, LLC

Introduction:

We are pleased to introduce life-long Alaskan and entrepreneur, Daniel (Dan) Rogers. Dan is a motivated and successful business owner in the Mat-Su Borough where he operates Herbal Dreams LLC a standard marijuana cultivation facility. Prior to venturing into cannabis, Dan owned and operated a large engineering firm, as he is an engineer by trade. Dan is also working on opening his marijuana product manufacturing facility and is currently branching out into the retail side of the cannabis industry so that his enterprise can be fully integrated and maximize his efficiencies and provide multiple types of employment in the Mat-Su Borough area. Dan is the sole managing member of Stash Cannabis Company, LLC, the entity that owns Stash Cannabis Company, a proposed new Retail Marijuana Store, located in the Matanuska - Susitna Borough.

This Conditional Use Permit (“CUP”) application for a Retail Marijuana Store is requesting approval from this Honorable Commission. Stash Cannabis Company’s retail application has been approved with delegation by the Marijuana Control Board “MCB” during the June 2022 meeting.

Required attachments for a marijuana retail facility conditional use permit narrative:

Is the conditional use compatible with and will it preserve or not materially detract from the value, character and integrity of the surrounding area?

The proposed use is compatible with adjacent properties and fits succinctly into the area as there is a mix of uses in the area – the area consists of very large lots that house commercial uses and some residential uses. The property faces Big Lake Road and is situated for commercial use. The entire licensed area, including the restroom, pack/prep/inventory storage rooms and the retail sales floor will be approximately 1,034.72 square feet. The proposed use fits into the harmony of the surrounding uses both in size and design. The facility is located on a large 11.53-acre lot off Big Lake Road. As the facility’s lot is vast and remotely located, there are very few neighbors. The area west of the facility is another large empty parcel, while the neighboring lot to the east of the facility is a commercial/industrial lot – Alaska Line Builder, LLC. The industrial/commercial neighbors to the south of the facility are across Big Lake Road, a major thoroughway; there are no neighbors to the north of the facility’s lot. Therefore, the proposed use will not detract from the character, value, and integrity of the surrounding area. The facility will not produce any noise pollution and has an odor control method in place.

Steps have been taken to reduce the potential negative effects of the proposed use upon adjacent properties. The facility design utilizes its existing natural landscaping and larger than required setbacks, as the lot has been previously approved through a conditional use permit for the co-owned and co-located standard marijuana cultivation facility. The property exterior to the building will be maintained in a manner conducive to a professional appearance as not to present an eye sore to the public or surrounding neighbors. Stash Cannabis Company has cleared the land and is diligently working on interior and exterior renovations to preserve the character of the neighborhood and property values by creating a clean modern-yet-rustic exterior design. As discussed in this narrative, Stash Cannabis Company is located next to commercial use businesses,

including their co-owned and co-located standard marijuana cultivation facility that has been previously approved through an MSB conditional use permit and intends to operate the new retail store as any other business in a competitive market and in a professional manner as all commercial businesses in the area are doing.

The proposed use will meet all compatible uses allowed on adjacent properties and will improve the overall neighborhood as the premises will not emit odor, will not produce excess dust, will not produce noise pollution, and will have parking & loading on the licensed premises to cut down traffic congestion on the street, thus fitting in with adjacent property uses. As detailed in the attached site plan, there will be ample space for parking on the premises and will have appropriate accessibility spaces under the Americans with Disabilities Act.

The facility will be equipped with a 24-hour monitoring alarm system, exterior lighting, and video surveillance. All entrances are secured by commercial locking mechanisms and video surveillance to capture individuals within twenty (20) feet. Inside the licensed premises, video surveillance will cover all areas of the facility (apart from the bathroom) 24/7 (which is stored for a minimum of 40 days) to monitor and identify all activity. Specific portions of the store will be designated as restricted access areas, with signs posted prominently around the premises stating, “Restricted Access Area: Visitors Must Be Escorted” and “Video Surveillance in Progress.”

In the event a non-employee/agent of the company needs to access the restricted access area of the retail establishment, the company visitor policy will be adhered to. A visitor will need to show their valid photo identification and obtain a visitor badge to be clearly displayed at all times while in the restricted access areas. All restricted access area visitors must be pre-approved by management (except for AMCO officials, law enforcement or an agent of the Matanuska Susitna Borough) - there should be no unscheduled and unexpected visitors into the restricted access area of the retail. Stash Cannabis Company staff must accompany visitors throughout the entire visit, with no more than five visitors to one staff member while in the restricted access area – again, there likely will not be visitors to the retail restricted access area, because that area is for inventory storage and control and is separate from the retail display floor where customers can visit the store and purchase products. To maintain the security of the facility and to ensure control over all marijuana products, access to the restricted access areas will be monitored and always restricted. Access will only be granted to employees and licensees, AMCO agents, law enforcement and the limited exception of scheduled pre-approved visitors. Additionally, Stash Cannabis Company’s interior signage will indicate that any members of the public are not allowed unescorted access in the retail restricted access designated area. On the exterior entrance, signage warning the public that only persons who are over the age of 21 may enter the retail establishment. Distinct and apparent cameras will be placed throughout and around the facility to encourage people to not attempt unauthorized access and to discourage criminal activity in the retail and around the surrounding areas.

Will the granting of the conditional use permit be harmful to the public health, safety, convenience, and welfare?

No – Stash Cannabis Company has a detailed security system and plan, diversion/inversion/theft control policies, and a loitering check plan.

The facility is a commercial marijuana retail store that will only allow access to those who are at least 21 years of age or older and have produced a valid, government-issued photo identification (ID) for staff to inspect before being accepted into the retail floor. There is no onsite consumption allowed at this retail establishment – and no customers will be allowed to consume in their vehicles in the parking lot – the parking lot will have distinct and apparent cameras pointed towards to parking lot to further discourage consuming in vehicles and loitering. A Stash Cannabis Company employee shall perform regular parking lot and perimeter checks throughout the day, frequent but unscheduled so no member of the public picks up on a scheduled pattern, to ensure that no persons are loitering in the area, to identify any persons who may be scoping the facility out for illegal purposes or planning a robbery, and to check to ensure that no customers are consuming product on the property and/or in their vehicles.

✓ All marijuana and marijuana products will be displayed in locked display cabinets for customers to view. The area behind the cabinets will be a restricted access area and signage will be displayed accordingly. Employees will open the cabinet from within the restricted access area and place product into exit packaging (i.e., packaging that is child resistant, resealable and opaque) at the cash register before handing it to the customer. Once a customer's transaction is complete, they will be instructed by an employee to exit the retail store.

✓ In order to ensure Stash Cannabis Company will only allow access to persons over the age of 21, the retail establishment will check the ID of every person attempting to enter the retail store. Anyone under the age of 21 or who does not produce a valid form of photo ID issued by a federal or state agency authorized to issue ID cards will be asked to leave the premises, no matter how familiar the employee is with the customer. Any employee checking ID's will have a valid marijuana handler permit and be trained to recognize altered/forged photo ID's.

Additional protections to ensure the prevention of any negative impact on the public health, safety, convenience, and welfare:

✓ The facility will be equipped with a 24-hour monitoring alarm system, bright prominent exterior lighting that is downward facing to minimize light pollution to neighboring lots and a video surveillance system. All entrances are secured by commercial locking mechanisms and video surveillance to capture individuals within 20 feet of all points of entry. Inside the licensed premises, video surveillance will cover all areas of the facility (with the exception of the bathroom) 24/7 (which is stored for a minimum of 40 days) to monitor and identify all activity. All visitors must be preapproved by the licensee or a manager (with the exception of AMCO agents, MSB agents and law enforcement). To maintain the security of the facility and all marijuana products, access to the facility will always be monitored and restricted. Access to restricted access areas will only be granted to employees and licensees, AMCO agents, MSB agents, law enforcement and the limited exception of scheduled pre-approved visitors. Access to the sales floor will only be granted

to customers who possess and provide a valid ID that evidences they are over the age of 21. Distinct and apparent cameras will be placed throughout and around the facility to encourage people to not attempt unauthorized access to the restricted access area and to discourage any criminal or mal-intent activity.

✓ On-site video surveillance will continuously monitor all areas of the premises. Employees will perform mandatory inventory counts each week, check counts against Metrc records and compare with point of sale reports to ensure no diversion or inversion is occurring, and document the reports as official business records. Stash Cannabis Company will not tolerate any theft, inversion, and diversion, and all employees will complete mandatory training in recognizing such activity. Stash Cannabis Company management team understands that diversion can happen in two ways - inversion and diversion - and is equally profitable diverting product out of the legal system as it is diverting product from the illegal system into the legal market. In the event that an employee is caught stealing marijuana *or* infusing the facility with non-regulated black-market product, Stash Cannabis Company will notify local law enforcement immediately, comply with all directives, and provide all necessary information and records for the investigation. Stash Cannabis Company will take the necessary steps to ensure that illegal conduct by an employee does not compromise the facility's license and legitimate business operations. Once a theft is reported, the licensee or manager will update the product records in the tracking system, as needed, to maintain an accurate and comprehensive accounting for all marijuana products and inventory. Stash Cannabis Company will comply with all inquiries and investigations lodged by AMCO as a result. Documentation related to marijuana theft will be maintained as a business record for five (5) years and made available to AMCO upon request. Video recordings will be stored for forty (40) days. Cameras will provide a full view of the retail floor, entryway, safes, storage, and product packaging areas. Security monitors and video recording equipment will be securely located onsite.

✓ Qualified candidates will be hired on a probationary period during which they will receive training and evaluation specific to their position. Training will include internal policies and procedures; state statutes and regulations; diversion, theft, and inversion prevention; sanitation and hygiene; legalities and regulation of recreational cannabis at state and federal levels; Metrc use; point of sale system functions and use; identification of fake IDs, and safety protocols. Training will take place throughout the year when topics arise that need further explanation or refreshing. A licensee or manager will present training and education to employees. As proper safety and security procedures are of the utmost importance to Stash Cannabis Company, the most up-to-date reading materials will always be available to employees. Prior to beginning work, employees will be expected to understand the following: (1) Alaska laws, regulations, and codes governing the marijuana industry and marijuana establishments; (2) all of the permitting requirements to act as a marijuana handler (including obtaining a Marijuana Handler card from a state-approved course provider prior to commencing employment) and to work in a marijuana establishment; (3) Stash Cannabis Company standards, operational protocol, and best practices with regard to marijuana retail sales; (4) general safety procedures and security protocol; (5) how to think defensively if threatening situations occur; (6) in-depth information about particular strains and their features; (7) in-depth information on the requirements of each room, task, and system; and (8) the general

federal, state, and local employment regulations by which Stash Cannabis Company is governed. To ensure full coverage for each position, all employees will be cross-trained on the requirements of each job.

✓ Stash Cannabis Company will have “No Loitering” signs clearly posted around the licensed premises. If an employee suspects that a person is loitering, they will be given a verbal warning to leave the premises or else law enforcement will be notified. Trained employees will maintain regular periodic checks around the property to deter any unauthorized entrance or loitering around the facility. The exterior lighting system will keep the premises well-lit during closed hours and provide extra lighting for all surveillance recordings. Exterior lighting will be shielded and downward directional to mitigate any unwanted light pollution. Lighting will be frequently checked by an employee to ensure that lighting is adequate to prevent dark spots and capture the best facial image of every person who approaches the facility. If there are any issues with the quality of the surveillance capture, the lighting will be calibrated and/or additional lighting will be installed. All outdoor lighting will be shielded to protect against inclement weather and vandalism.

The facility’s architectural design incorporates lighting that will project light on to the building and downward. The alarm system will monitor for intrusions with motion detectors on all access points during closed hours, including the entrance to the licensed facility and secured storage. Live security footage will also be accessible to licensee and management via their cellular phones, so they may keep an eye on the facility even when they are away. Any attempted or actual intrusion will prompt an automatic, electronic alert to the security company who will then contact local law enforcement and the licensee or manager. All alarm systems and devices will be tested every six (6) months.

Are there sufficient setbacks, lot area, buffers and other safeguards being provided?

As described previously, Stash Cannabis Company is located within a 11.53-acre parcel. This application and the layout of Stash Cannabis Company meets the required setbacks, buffers, and lot area. The entire retail store is enclosed in a commercial-grade building.

There will be plenty of onsite parking developed on the site for this use, including accessible spaces.

The facility has incorporated all measures to reduce the negative effects of the surrounding properties, including but not limited to natural landscaping screening and a modern-yet-rustic architectural design that will not take away from the character of the surrounding area.

The facility will not produce any noise pollution and has an odor control method in place. A robust security plan and the “no loitering” policy will be implemented and thoroughly communicated to all employees. Additional safeguards include the following:

✓ The lighting fixtures will be positioned at an inaccessible height with sturdy housings to deter vandalism and common obstructions. The bulbs will be extremely bright to maximize visibility and deter crime. The exterior lighting will be checked daily by the manager on duty or licensee to ensure that each light in the system is operational, and that each mount is positioned for optimum

recording clarity and to deter unauthorized presence on the premises. The buildings architectural design incorporates shielded lighting to prevent light pollution. Stash Cannabis Company's co-owned and co-located cultivation facility also has exterior lighting which is an added security measure for the retail store.

✓ A third-party security company will install the alarm system and to continuously monitor the electronic notifications in the event the alarm is triggered. The security company will periodically visit to check and maintain the equipment.

Does the conditional use fulfill all other requirements of MSB Chapter 17.60 pertaining to the conditional use of this section?

Yes.

Describe measures being taken to prevent potential negative effect upon other properties in the area due to such factors as noise and odor.

The proposed use will produce very little noise. Stash Cannabis Company does not anticipate any noise to come from the facility, and if any noise is to be produced it will be comparable to surrounding land uses. The roads that serve the facility and surrounding uses fluctuate in traffic flow during the weekends of the summer months due to tourism, however, do not seem to be used to their maximum capacity; therefore, any increase in traffic flow on the roads serving the area will be sufficient to serve the area with this new proposed retail use.

Stash Cannabis Company will abide by a strict "no odor" policy per MSB 17.60.150(A)(1) that will ensure no odor is detectible by the public from outside the facilities. This use is a retail establishment and should not have any issued with odor seeping out from the retail to the outside air. However, in abundance of caution, odor control methods will be utilized and will consist of a number of methods meant to eliminate odors by utilizing methods including sealed container and air sanitizers throughout the building and when transporting marijuana to/from the premises. All marijuana at the retail facility will be either pre-packaged in smell proof packaging for sale, deli style enclosed jars that are only opened to take product out for sale to a customer and is repacked prior to exiting the facility, or in enclosed jars in small amounts for customers to smell.

Describe how use is compatible with the character of the surrounding area.

The facility is compatible with the character of the surrounding area as it exists on a largely remote property with very few neighboring lots (which are distanced well beyond the required setback distances). As well, there are some vacant land parcels nearby that have yet to be developed. The secluded character of the surrounding parcels and their uses are a good fit for a marijuana retail store. Within 1000 feet of the proposed location, there appears to be two parcels that are used as residential only and one parcel that appears to be a mix of commercial and residential use. The remaining parcels within 1000 feet are either vacant or commercial in use.

Current status of State License Application Process.

The Application was approved by the Marijuana Control Board during their June 2022 meeting.

Waste Management

Stash Cannabis Co. will be disposing of: (1) marijuana that is identified as contaminated, infected, or otherwise rejected for quality; (2) marijuana and marijuana products that reach their expiration date; (3) any other materials or containers in contact with marijuana products that risk contamination; (4) any other marijuana or marijuana product deemed as waste by Stash Cannabis Co., an assigned employee, or AMCO official. Marijuana waste will be stored away from all other products in a locked container on the premises, away from all other marijuana products and currency, and will be rendered unusable prior to leaving the store. A notice, via email, on a form prescribed by the marijuana control board will be sent to AMCO not later than three (3) days prior to rendering the waste unusable (after 10.16.2022 Stash Cannabis Co. will dispense with the 3 day wait period 3 AAC 306.750(c)(1) as the regulation was repealed). Marijuana waste will be rendered unusable by grinding the materials and mixing them with other compostable and non-compostable materials such as; food waste, cardboard, paper, and yard waste until the resulting mixture is no more than fifty percent (50%) marijuana waste. Stash Cannabis Co. will maintain a log on the status of all marijuana waste, tracking the type, date of disposal, date it was rendered unusable, the reason for wastage, and the destination of the waste. Stash Cannabis Co. may either incinerate the waste, compost the waste, contract a borough waste truck or have an assigned employee collect the waste mixture and dispose of it at the local waste station. All waste information will be recorded in the disposal log and securely stored as a business record, available to AMCO upon request.

Signage

Along with the AMCO regulatory signage outlined in this narrative, Stash Cannabis Company may have up to three signs on the exterior of the building with the company name and logo, one of the signs is free-standing (see attached). The free-standing sign is backlit, 4' x 8' (4,608 square inches) in size, and the sign and pole is 16' tall. No sign will be more than 4,800 square inches as per AMCO regulations and will comply with the Matanuska-Susitna Borough Ordinances.

Misc. Items and Information.

Please see attached parking layout diagram, which complies with MSB 17.60.170(B) and (C).

Proposed hours of operation for the retail establishment shall be Monday – Sunday, 8 am – Midnight.

Number of employees onsite will be between 4 and 6, depending on employee shifts, season, and other needs of the store.

Thank you for your consideration of this conditional land use application.



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Mat-Su Borough
Development Services

C = commercial
R = residential
V = vacant

This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-461-7858



**1000' Buffer Map for
17N03W14C019**



0 250 500
Feet

June 15, 2022

Owner & Agent Permission Letter for Use and Occupancy of Premises

Matanuska-Susitna Borough
Planning and Land Use Department
Development Services Division
350 East Dahlia Avenue
Palmer, Alaska 99645

Re: Stash Cannabis Company – Owner & Agent Authorization


Dear Planning Office,

I, Daniel Rogers, of TDR2 Management, LLC hereby grants permission for Stash Cannabis Company, LLC to lease and use my property located at 12825 W. Big Lake Road, Building #2, Big Lake, AK 99654 as a Marijuana Retail Store. I am aware that Stash Cannabis Company, LLC will be commercially selling marijuana, and marijuana products on this property once the conditional use permit is approved by the Matanuska-Susitna Borough.

I, Daniel Rogers, of Stash Cannabis Company, authorize Jana Weltzin and her firm of JDW, LLC to take all necessary actions to apply for and obtain one (1) conditional use permits for the operation of a Marijuana Retail Store of the property owned by TDR2 Management, LLC located at Township 17N Range 3W Section 14 Lot C19, commonly known as 12825 W. Big Lake Road, Building #2, Big Lake, AK 99654.

If you have any questions regarding this correspondence, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Rogers', with a long horizontal stroke extending to the right.

Daniel Rogers – Managing Member
Stash Cannabis Company, LLC



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Public Safety

DIVISION OF FIRE AND LIFE SAFETY
Plan Review Bureau - Anchorage

5700 East Tudor Road
Anchorage, Alaska 99507-1225
Main: 907.269.2004
Fax: 907.269.0098

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JUL 12 2022

**Mat-Su Borough
Development Services**

May 05, 2022

Daniel Clift
Determine Design
903 W Northern Lights Ste. 206
Anchorage, AK 99503

SUBJECT: Herbal Dreams/Stash Cannabis (12825 W. Big
Lake) - Full Plan Review
CITY: Wasilla
PLAN REVIEW: 2021Anch1680
TYPE OF CONSTRUCTION: VB
OCCUPANCY: F-1 & M
2012 INTERNATIONAL BUILDING AND FIRE CODE

Dear Daniel Clift:

Plans for the subject facility have been reviewed by this office for conformity with the State Fire Safety Regulations and are hereby approved as submitted. Enclosed is a certificate of approval that must be posted on the premises until completion of the above facility. You are prohibited to occupy this building until construction is completed as approved. Any changes to the approved plans must be submitted to this office for review and approval.

Approval of submitted plans is not approval of omissions or oversights by this office or noncompliance with any applicable regulations of the Municipal Government. The plans have not been reviewed for compliance with the federal Americans with Disabilities Act or structural requirements.

It must be understood that the inclusion of and compliance with State Fire Safety Regulations does not preclude the necessity of compliance with the requirements of local codes and ordinances.

If we can be of further assistance in this matter, please feel free to contact us at the address above.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Josten".

Steven Josten
Plans Examiner 1

Enclosure: Approval Certificate

RECEIVED
JUL 12 2022

Mat-Su Borough
Development Services

State of Alaska
Office of the State Fire Marshal
Plan Review

This is to certify that the plans for this building were reviewed by the *State Fire Marshal*
on May 05, 2022 for conformance with AS 18.70.010 -- 100; 13 AAC 50.027.

This certificate shall be posted in a conspicuous place on the premises named
Herbal Dreams/Stash Cannabis (12825 W. Big Lake) and shall remain
posted until construction is completed.

NOTICE: Any changes or modifications to the approved plans **must** be resubmitted for
review by the *State Fire Marshal*.

Plan Review #: 2021Anch1680

By: 

Authority: AS 18.70.080

Form: 12-741

(6/01)

Full Plan Review

Steven Josten
Plans Examiner 1

Department of Commerce, Community, and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE

State of Alaska / Commerce / Marijuana / License Search / License #30838

LICENSE NUMBER 30838

[Return to Search Results](#)**License Number:** 30838**License Status:** Delegated**License Type:** Retail Marijuana Store**Doing Business As:** Stash Cannabis Company**Business License Number:** 2138318**Issue Date:****Effective Date:****Expiration Date:****Email Address:** dan@herbaldreams.net**Physical Address:** 12825 W. Big Lake Road
Building #2
Big Lake, AK 99654
UNITED STATES**Licensees:** Stash Cannabis Company, LLC 10171883**Entity Officials:** Daniel Rogers JR**Onsite Consumption Endorsement****Status:****Approval Date:****Issue Date:****Effective Date:**

RECEIVED
OCT 03 2018

Permit No. 28567

MATANUSKA-SUSITNA BOROUGH
DEVELOPMENT SERVICES



State of Alaska
Department of Transportation and Public Facilities

Driveway Permit #28567

This permit allows the owner to construct and maintain a driveway within a State owned highway Right of Way.

Owner: **John Maroulis**
Mailing Address: 2124 Sorbus Way
Anchorage, AK 99508

Driveway location (highway, address, subdivision, legal description milepost, etc.)
Wasilla DW- 12825 W Big Lake Rd - T17N R 3W Sec 14 Lot C19 - TAX Id# 17N03W14C019
Per SOA Project #52430

Design Criteria

| | | | | |
|----------------------|------|---------|---------------------------|-------------|
| Driveway width | 24 | Feet | Road surface type | Asphalt |
| Left edge clearance | 260 | Feet | Shoulder type | Gravel |
| Right edge clearance | 230 | Feet | Landing surface type | Paved |
| Left return radius | 20 | Feet | Left driveway fore slope | 3: 1 |
| Right return radius | 20 | Feet | Right driveway fore slope | 3: 1 |
| Shoulder width | 2 | Feet | Ditch depth | 2 Feet |
| Approach angle | 90 | Degrees | Culvert Type | None |
| Landing grade | 2+/- | Percent | Culvert Size | None Inches |
| Landing length | 30 | Feet | Culvert Length | None Feet |

This permit applies only to the State right of way.

This permit grants permission for a driveway allowing access to and from your property onto a State maintained highway. It does not permit the following within the right of way or within that portion of a driveway that is within the right of way: (1) Parking of vehicles "for sale"; (2) Obstructions of any kind (i.e. logs, cables, fencing, etc.); (3) Advertising signs or banners/flags; (4) Parking vehicles with signs/advertising on the side.

Permit No. 28567

A driveway constructed under permit within a highway right-of-way is the property of the State, but all cost and liability arising from the construction, operation, or maintenance of a driveway is at the sole expense of those lands served.

The Department is not obligated to change its maintenance practices to accommodate a driveway constructed under a permit, or to incur any additional expense removing snow berms or other obstructions from a driveway within a right of way resulting from the Department's activities, or activities under a permit issued under 17 AAC 15.

Owner is responsible for adjusting, relocating or removing the driveway without cost or liability to the Department if the use or safety of the highway requires.

This permit is not a property right but a temporary authorization, revocable by the State upon violation of any permit terms or conditions, or for other reasons. All reasonable attorney's fees and costs associated with legal or enforcement actions related to the terms and conditions of this permit will be borne by the Owner.

Any survey monument or monument accessory that is disturbed or destroyed during construction or maintenance of the driveway will be restored or replaced by a Land Surveyor licensed in the State of Alaska.

The Owner will be responsible for all necessary Federal, State, and Municipal permits and licenses required by law, pay all taxes and special assessments lawfully imposed upon the permitted area, and pay other fees and charges assessed under applicable law.

Placement of fill material in waters of the U.S., including wetlands and streams, requires prior authorization from the U.S. Army Corps of Engineers. It is the responsibility of the owner to contact the Corps before filling activities take place.

The Owner shall construct and maintain a driveway in such a manner that the highway, and all of the highway's appurtenances or facilities, including drainage facilities, pipes, culverts, ditches, traffic control devices, street lights, pathways, and sidewalks are not impaired or endangered in any way by the construction or maintenance. If you damage any improvements within the State owned right of way, you will be responsible for returning them to their previous condition. The Department will inspect and approve the restored improvements.

Owner will indemnify, defend, and hold harmless the State, and its officers, employees, and contractors, from any and all claims or actions resulting from injury, death, loss, or damage sustained by any person or personal property resulting directly or indirectly from Owner's use of or activities in the permitted area.

Landings from all paved roads must be paved and maintained from edge of the road to the length of the landing as stipulated in this permit.

If a culvert is required by this driveway permit, culvert ends must be installed at the time of installation and maintained continuously by the owner.

No person shall place, leave, or deposit upon any street, avenue, alley, sidewalk, or other public right of way any snow or ice which has been removed from a private driveway, private parking

Permit No. 28567

area, or the adjacent property. Owner is responsible for contractor's actions concerning placement of snow from Owner's property.

If driveway construction or maintenance interferes with the public's safety and/or use of facilities within State owned right of way, you will be directed to stop work until adjustments are made.

While doing construction or maintenance activities do not park equipment or stockpile material on the shoulder during non-working hours.

Owner is responsible for sight distance clearing of brush and obstructions adjacent to their property

Contact the Department for information about acceptable driveway markers (i.e., size, materials, distance, etc.) for placement within the right of way.


Attachments included as part of this permit are:

- Site Plan

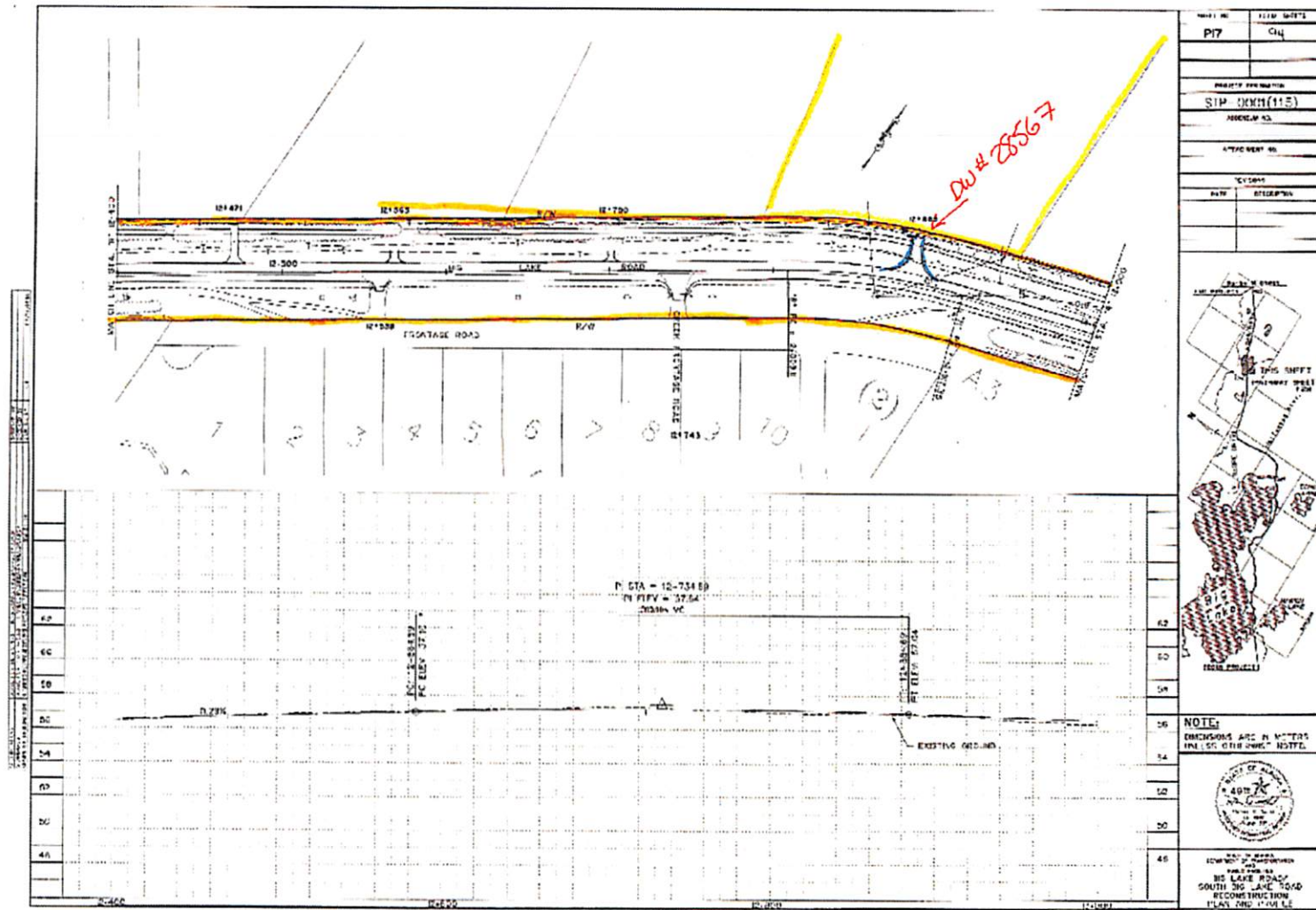
I, _____, acknowledge and accept that **John Maroulis** will comply with all the provisions and conditions that the Department of Transportation and Public Facilities has included as a condition of issuing this permit.


Owner Signature

9-27-2018
Date


DOT&PF Signature

9/27/18
Date





Determine DESIGN LLC AECL1613
903 W. NORTHERN LTS, BLVD # 206
ANCHORAGE, AK 99503
Office: (907)339-9100
dan@determinedesign.com

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Sheet Issue Date:

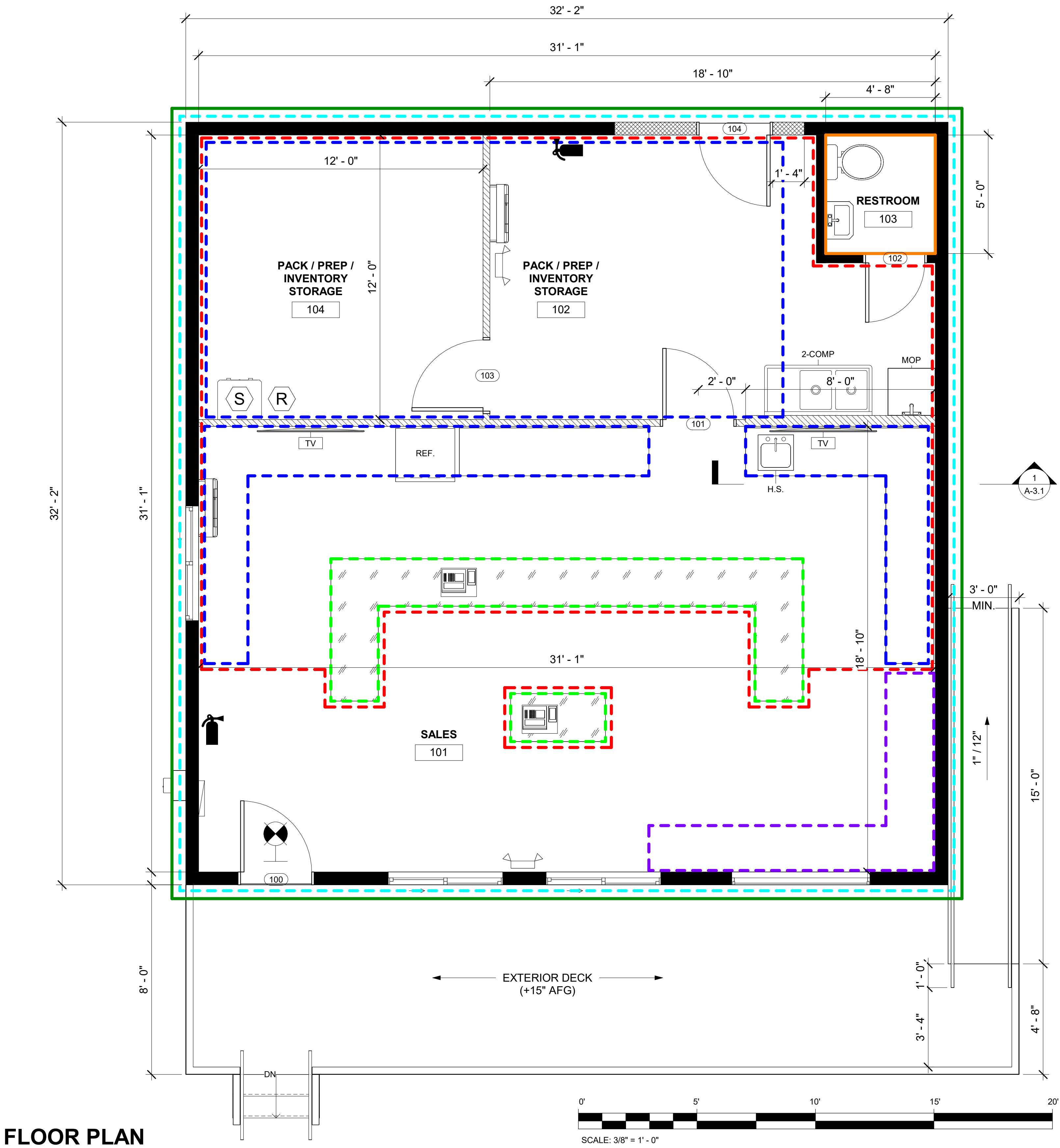
8/18/2022 1:44:23 PM

Drawn by: CNH

Checked by: DHC

Project Title: Stash Cannabis Company LIC #: 30838
Prepared for: Stash Cannabis Company, LLC
Sheet Title: Building Diagram
Address: 12825 Big Lake Rd. Wasilla, AK 99654 BLDG. #2

DIAGRAM 1, 2 & 5



FLOOR PLAN

AMCO KEY

- PROPOSED LICENSED PREMISES
- SHELVING/DISPLAY W/ MARIJUANA
- SHELVING/DISPLAY NO MARIJUANA
- MARIJUANA STORAGE
- RESTRICTED ACCESS AREA
- NON-RESTRICTED RESTROOM
- POS SYSTEM
- SURVEILLANCE EQUIPMENT & RECORDING STORAGE
- SIX MONTHS BUSINESS RECORDS STORAGE



Determine DESIGN LLC AECL1613
903 W. NORTHERN LTS, BLVD # 206
ANCHORAGE, AK 99503
Office: (907)339-9100
dan@determinedesign.com

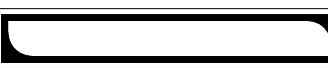
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Sheet Issue Date:

8/18/2022 1:44:24 PM

Drawn by: CNH

Checked by: DHC



Project Title: Stash Cannabis Company LIC #: 30838
Prepared for: Stash Cannabis Company, LLC
Sheet Title: Site Diagrams
Address: 12825 Big Lake Rd. Wasilla, AK 99654 BLDG. #2



002



SITE LEGEND

FLOOD LIGHT (EXISTING)

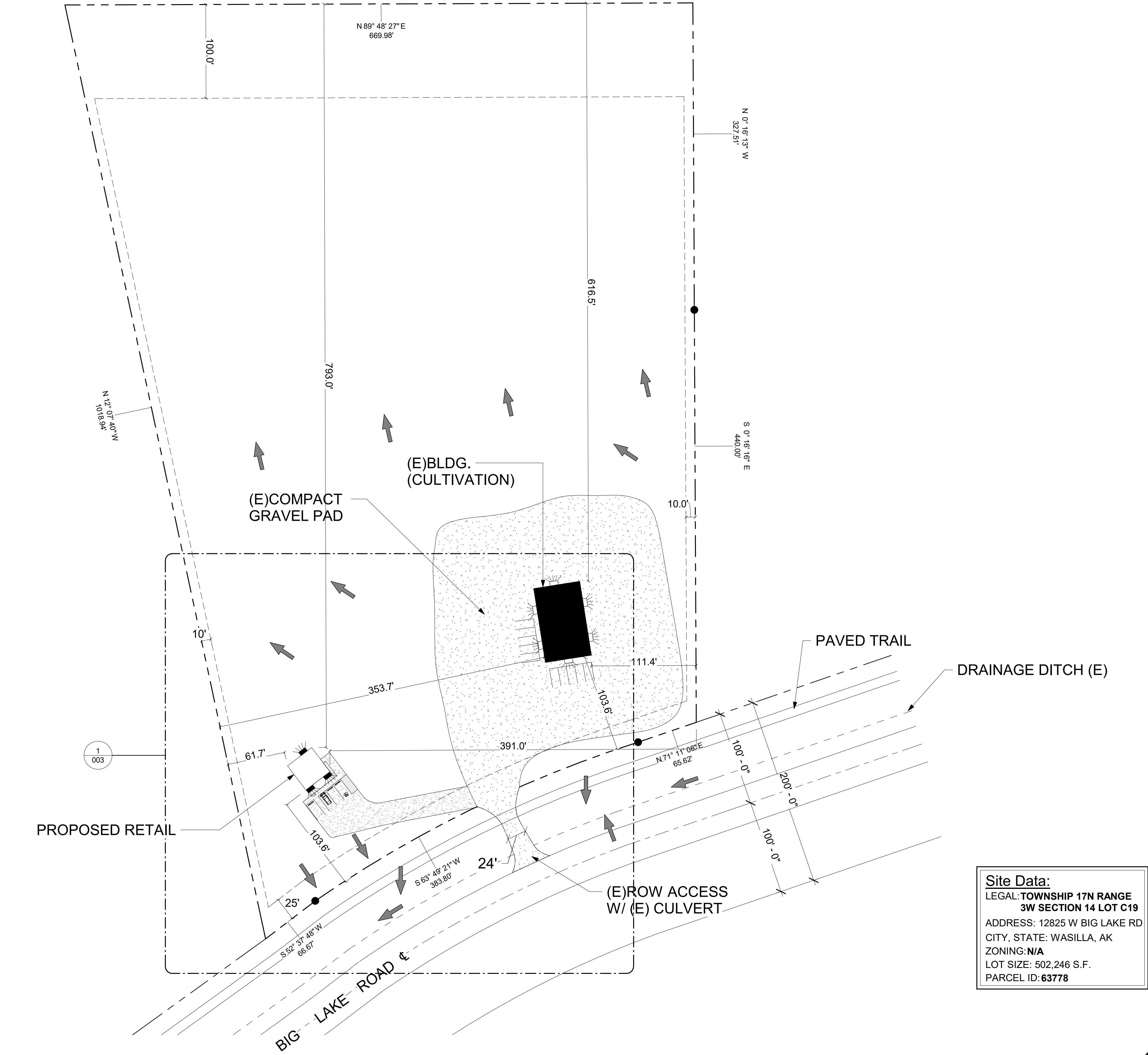
FLOOD LIGHT (NEW)

DRAINAGE ARROW (EXISTING)

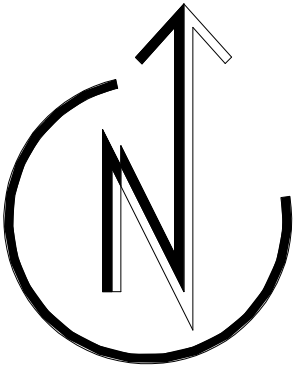
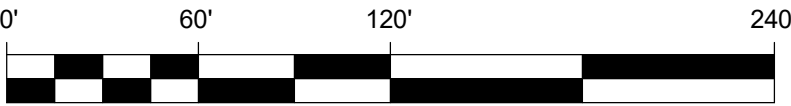
INGRESS/EGRESS ARROW

PROPERTY LINE

SETBACK/EASEMENT



Site Data:
LEGAL: TOWNSHIP 17N RANGE
3W SECTION 14 LOT C19
ADDRESS: 12825 W BIG LAKE RD
CITY, STATE: WASILLA, AK
ZONING: N/A
LOT SIZE: 502,246 S.F.
PARCEL ID: 63778



1 Site Diagram
1" = 60'-0"



Determine DESIGN LLC AECL1613
903 W. NORTHERN LTS, BLVD # 206
ANCHORAGE, AK 99503
Office: (907)339-9100
dan@eterminedesign.com

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8/18/2022 1:44:24 PM

Drawn by: CNH

Checked by: DHC

Project Title: Stash Cannabis Company LIC #: 30838
Prepared for: Stash Cannabis Company, LLC
Sheet Title: Site Diagram - Enlarged
Address: 12825 Big Lake Rd. Wasilla, AK 99654 BLDG. #2

SITE LEGEND

- FLOOD LIGHT (EXISTING)
- FLOOD LIGHT (NEW)
- DRAINAGE ARROW (EXISTING)
- INGRESS/EGRESS ARROW

- PROPERTY LINE
- SETBACK/EASEMENT

1,024 SF RETAIL
W/ ~240 SF DECK

ADA RAMP

ENTRANCE

WHEEL STOPS, TYP.

ADA PARKING W/ AISLE

NEW PAVEMENT
~6,100 SF

SIGN POLE
(PROPOSED)

PAVED TRAIL

EDGE OF PAVEMENT

BIG LAKE ROAD

N 12° 07' 40" W
1018.94'

25'

S 62° 37' 48" W
68.67'

S 63° 48' 21" W
283.80'

24'

5.0'

20.0'

10'

54'

10'

8'

10'

25.5'

104.2'

61.7'

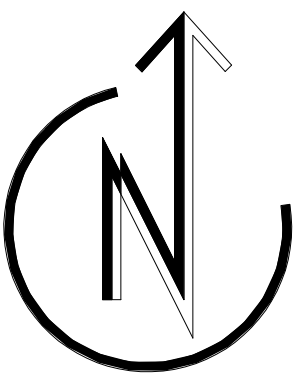
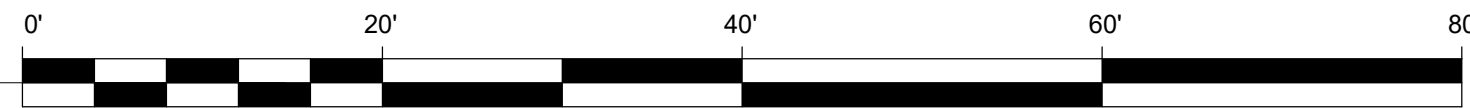
12'

5'

32'

10'

1 Site Diagram - Enlarged
1" = 20'-0"



RETAIL PARKING REQUIRED:

1,024 SF / 350 = 2.93 (3)

RETAIL PARKING PROVIDED:

4 SPACES (1 ADA)

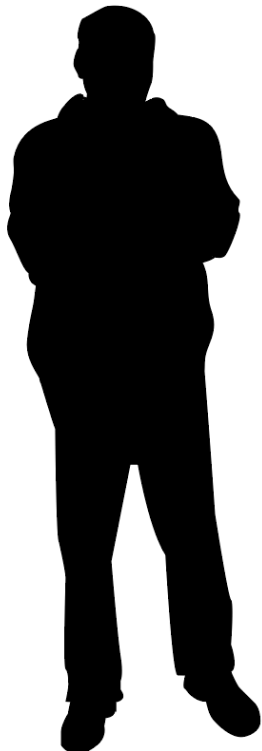
TYPICAL SPACE:
10 FT WIDE x 20 FT LONG

ACCESSIBLE AISLE:
8 FT WIDE x 20 FT LONG





STASH CANNABIS
— COMPANY —





CORRESPONDENCE

From: [Peggy Horton](#)
To: [Brenda Butler](#)
Cc: [dan rogers](#); [jana@jdwounsel.com](#); [Randi Baker](#); [Nathan Williams](#)
Subject: RE: Stash Cannabis Retail Facility
Date: Thursday, August 25, 2022 4:22:00 PM

Good Afternoon,

You now have a complete application associated with your request for Conditional Use Permit for the operation of a marijuana retail facility. I have scheduled a public hearing in front of the Planning Commission for **November 21, 2022**. Additionally, I have already begun the public notification process.

Public Notice Process: I will keep you posted on any comments we receive. After I receive the costs for the mailing and advertising, I will send you a letter requesting payment of said costs. You can expect the letter in about 3-4 weeks, via email.

Please let me know if you have any questions. Thank you for your time.

Regards,
Peggy Horton
Matanuska-Susitna Borough
Planner II
861-7862

From: Brenda Butler <brenda@jdwounsel.com>
Sent: Tuesday, August 23, 2022 1:51 PM
To: Peggy Horton <Peggy.Horton@matsugov.us>
Cc: dan rogers <dan@herbaldreams.net>; jana@jdwounsel.com; Randi Baker <randi@jdwounsel.com>; Nathan Williams <nathan@jdwounsel.com>
Subject: Re: Stash Cannabis Retail Facility

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Good Afternoon Peggy,

In response to your RFAI, please find the attached JDW Response letter, Updated Narrative and updated Site Plan.

Let us know if you need any additional information to deem this application complete.

Thank you and have a great day!

On Mon, Aug 15, 2022 at 9:06 AM Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Good Morning,

From: [Brenda Butler](#)
To: [Peggy Horton](#)
Cc: [Jana Weltzin](#); [dan rogers](#); [Randi Baker](#); [Nathan Williams](#)
Subject: Re: Stash Cannabis Company retail facility
Date: Friday, September 23, 2022 3:01:36 PM
Attachments: [Stash Cannabis MSB \(09.23\) \(1\).pdf](#)
[UPDATED MSB CUP Narrative - Stash Cannabis Company BB NW BB3.pdf](#)

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Good Afternoon Peggy,

Please find the attached updated Narrative with sign dimensions/photos and Plan Set for Stash Cannabis Company.

Let us know if you need anything else prior to your site visit on Monday.

Thank you!

Happy Friday and have a wonderful weekend!

On Mon, Sep 19, 2022 at 8:23 AM Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Happy Monday,

Yes, providing an updated narrative is fine and probably the best way for the Planning Commission members. If you are using the information from the MJ03, please copy that information into your narrative instead of providing us the form.

Thanks,

Peggy Horton

Matanuska-Susitna Borough

Development Services Division

Planner II

907-861-7862

From: Jana Weltzin <jana@jdwcounsel.com>

Sent: Monday, September 19, 2022 8:02 AM

To: Peggy Horton <Peggy.Horton@matsugov.us>

Cc: dan rogers <dan@herbaldreams.net>; Brenda Butler <brenda@jdwcounsel.com>; Randi Baker <randi@jdwcounsel.com>; Nathan Williams <nathan@jdwcounsel.com>

Subject: Re: Stash Cannabis Company retail facility

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hi Peggy - we will send you a sign rendering shortly and signage dimensions and whether there is lighting - did you want us to prepare a CUP narrative amendment with this information and with the retail waste plan from MJ03 supplementary operating plan as well on the same amendment? That's probably the most efficient way for us to give you this information so unless we hear differently we will go ahead and prepare this for you. Thank you Peggy! Hope your having a great Monday so far!

Jana D. Weltzin, Esq.

JDW, LLC

Principal Owner

901 Photo Avenue

Anchorage, Alaska 99503

jana@jdwcounsel.com

907-231-3750 Office Line

630-913-1113 Cell

*Licensed in Alaska and Arizona

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Think green, please don't print unnecessarily

On Fri, Sep 16, 2022 at 3:40 PM Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Good Afternoon,

Can you tell me more about proposed signage for the retail facility. I have information within the narrative about the required signage for safety, such as no persons under 21, no loitering, and the like, but none about signage advertising the store. The site plan shows a sign pole on the driveway leading up to the facility. Will there be a sign for the facility there? How large will it be? Will there be lighting for the sign? Proposed type of lighting? backlit, lit from below, lit from above, lights shining only on the sign and not towards the road, etc.

What is the plan for any marijuana waste in the retail facility?

Thank you,

Peggy Horton

Matanuska-Susitna Borough

Development Services Division

Planner II

[907-861-7862](tel:907-861-7862)

--

*** Please REPLY ALL when responding to this Email***

Brenda Butler

JDW Counsel

Senior Paralegal, Notary Public
& Accounts Payable/Receivable

901 Photo Avenue, Second Floor
Anchorage, Alaska 99503
907-231-3750
brenda@jdwcounsel.com
info@jdwcounsel.com

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Think green, please don't print unnecessarily

COMMENTS

Agency Comments

From: [Permit Center](#)
To: [Peggy Horton](#)
Subject: RE: Request for Comments for Stash Cannabis Company Marijuana Retail Facility Conditional Use Permit Application
Date: Wednesday, August 31, 2022 2:10:06 PM

No comment

From: Peggy Horton <Peggy.Horton@matsugov.us>
Sent: Monday, August 29, 2022 9:56 AM
To: James Keel <James.Keel@matsugov.us>; Allen Kemplen AICP-CTP - DOT&PF (allen.kemplen@alaska.gov) <allen.kemplen@alaska.gov>; Kyler Hylton (kyler.hylton@alaska.gov) <kyler.hylton@alaska.gov>; colton.percy@alaska.gov; msb.hpc@gmail.com; mearow@mea.coop; row@enstarnaturalgas.com; row@mtasolutions.com; GCI ROW (ospdesign@gci.com) <ospdesign@gci.com>; Fire Code <Fire.Code@matsugov.us>; Tawnya Hightower <Tawnya.Hightower@matsugov.us>; James Keel <James.Keel@matsugov.us>; Margie Cobb <Margie.Cobb@matsugov.us>; Eric Phillips <Eric.Phillips@matsugov.us>; regpagemaster@usace.army.mil; Tom Adams <Tom.Adams@matsugov.us>; Debbie Bakic <Debbie.Bakic@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Brad Sworts <Brad.Sworts@matsugov.us>; Elaine Flagg <Elaine.Flagg@matsugov.us>; Charlyn Spannagel <Charlyn.Spannagel@matsugov.us>; Alex Strawn <Alex.Strawn@matsugov.us>; Planning <MSB.Planning@matsugov.us>; Fred Wagner <Frederic.Wagner@matsugov.us>; Permit Center <Permit.Center@matsugov.us>; Jason Ortiz <Jason.Ortiz@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; mokietew@gmail.com; akchief@mtaonline.net; alaskajeff@hotmail.com; chinookdesigns@hotmail.com; jparson@mtaonline.net; chinook_99516@yahoo.com; terryg@ak.net
Cc: clerk@houston-ak.gov; publicworks@houston-ak.gov
Subject: Request for Comments for Stash Cannabis Company Marijuana Retail Facility Conditional Use Permit Application

Good Morning,

Daniel Rogers for Stash Cannabis Company submitted an application for a Conditional Use Permit under MSB 17.60 – Conditional Uses, for operation of a marijuana retail facility. The site is located at 12825 W. Big Lake Road, Building #2, Tax ID #17N03W14C019; within Township 17 North, Range 3 West, Section 14, Seward Meridian. This is just outside the City of Houston boundaries.

The Planning Commission will conduct a public hearing on this request on November 21, 2022.

Application materials may be viewed online at www.matsugov.us by clicking on 'All Public Notices & Announcements'. A direct link to the application material is here:

[Matanuska-Susitna Borough - Stash Cannabis Company Conditional Use Permit Application for Marijuana Retail Facility \(matsugov.us\)](http://www.matsugov.us)

Comments are due on or before **October 3, 2022** and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received

after that date will not be included in the staff report to the Planning Commission. Thank you for your review.

Regards,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

No Public Comments Received

DRAFT

**PLANNING COMMISSION
RESOLUTION**

By: Peggy Horton
Introduced: October 17, 2022
Public Hearing: November 21, 2022
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 22-35

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 12825 WEST BIG LAKE ROAD, BUILDING #2, TAX ID# 17N03W14C019; WITHIN TOWNSHIP 17 NORTH, RANGE 3 WEST, SECTION 14, SEWARD MERIDIAN.

WHEREAS, Daniel Rogers, for Stash Cannabis Company submitted an application for a conditional use permit for the operation of a marijuana retail facility at 12825 South Big Lake Road, Building #2, Tax ID# 17N03W14C019; within Township 17 North, Range 3 West, Section 14, Seward Meridian; and

WHEREAS, MSB 17.60.030(A)(4) requires a conditional use permit for the operation of a marijuana retail facility; and

WHEREAS, unless this type of use is maintained under and in accordance with a lawfully issued permit, marijuana retail facilities are declared to be a public nuisance; and

WHEREAS, the subject property has been in commercial use since at least 1994; and

WHEREAS, according to the application material, the proposed retail facility will be wholly contained within a 1,034 square foot commercial structure; and

WHEREAS, the proposed use has no industrial equipment or processes that generate noise; and

WHEREAS, the proposed use will access West Big Lake Road from an existing, permitted driveway; and

WHEREAS, West Big Lake Road is classified as a minor arterial and is capable of accommodating traffic associated with commercial uses; and

WHEREAS, West Big Lake Road has several different uses on its frontage including commercial, industrial, residential, and undeveloped; and

WHEREAS, the proposed hours of operation are 8:00 a.m. until 12:00 a.m., daily; and

WHEREAS, according to the application material, the proposed use is located approximately 103 feet from the West Big Lake Road right-of-way, approximately 61 feet to the western property line, approximately 793 feet from the northern property line, and approximately 391 feet from the eastern property line; and

WHEREAS, there is a licensed and operating marijuana cultivation facility located on the east side of the subject parcel; and

WHEREAS, the proposed use is located approximately 500 feet north of the closest residential structure; and

WHEREAS, consumption of marijuana is prohibited at the site; and

WHEREAS, persons under the age of 21 are prohibited from entering the facility; and

WHEREAS, according to the application material, loitering will not be allowed; and

WHEREAS, the closest school property (Houston Junior/Senior High School) is approximately 2,100 feet from the proposed use; and

WHEREAS, according to the application material, security cameras, motion detectors, an alarm system, and lighting are used to monitor all activities at the facility; and

WHEREAS, according to the application material, the proposed use has a security plan in place, which includes education of employees on all security measures; and

WHEREAS, the applicant provided a copy of the approved Plan Review #2021Anch1680 from the Alaska Fire Marshal's office; and

WHEREAS, according to the application material, all marijuana products deemed unusable are ground up with trash and either incinerated, composted, or disposed of at the borough landfill; and

WHEREAS, according to the application material, the proposed structure will meet all applicable setback requirements of MSB 17.55; and

WHEREAS, the subject property is approximately 11.5 acres in size; and

WHEREAS, the proposed commercial structure is in full compliance with the applicable State of Alaska fire code; and

WHEREAS, the applicant has provided all of the required site plans and operational information; and

WHEREAS, according to the application material, all retail operations will be taking place indoors; and

WHEREAS, according to the application material, no outdoor activity is planned that will create additional noise or odor; and

WHEREAS, according to the application material, all four sides of the commercial structure will have exterior lighting, which will be shielded and downward facing to mitigate any unwanted light pollution; and

WHEREAS, according to the application material, a business sign will be on a free-standing pole and backlit; and

WHEREAS, the surrounding parcels range in size from 1 to 155 acres, a mix of commercial, industrial, residential, and undeveloped land; and

WHEREAS, the State of Alaska Marijuana Control Board (AMCO) voted to approve Stash Cannabis Company Retail Marijuana Store License #30838 with delegation at the June 2022 meeting; and

WHEREAS, planning staff received notice of AMCO's delegated approval for the applicant's marijuana retail facility; and

WHEREAS, the applicant provided a copy of the approved Plan Review #2021Anch1680 from the Alaska Fire Marshal's office; and

WHEREAS, there are multiple commercial and industrial businesses in the surrounding area such as, but not limited to, an electrical contractor, an earth materials extraction operation, and a mini storage facility; and

WHEREAS, according to the application material, the net floor area is approximately 966 square feet in size; and

WHEREAS, a marijuana retail facility with 966 square feet in net floor area, is required to provide three parking spaces with one Americans with Disabilities Act (ADA) compliant space; and

WHEREAS, according to the application material, four customer parking spaces are proposed at the retail facility; and

WHEREAS, according to the site plan, employee and overflow parking is available at the Herbal Dreams Cultivation Facility, on the same property; and

WHEREAS, according to the application material, each parking space is 20 feet in length and ten feet wide; and

WHEREAS, there are no vertical clearance limitations for the parking spaces on site; and

WHEREAS, ADA guidelines require one van accessible parking space with an adjacent access aisle, for every 1 to 25 spaces; and

WHEREAS, according to the application material, one ADA van accessible space is provided, 10' wide with an 8' access aisle; and

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.60.100, 17.60.150 and 17.60.170; and

Whereas, the Planning Commission conducted a public hearing on November 21, 2022 on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 22-35:

1. The proposed use will not detract from the value, character and integrity of the surrounding area (MSB 17.60.100(B)(1)).
2. The proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).
3. Sufficient setbacks, lot area, buffers and other safeguards are being provided (MSB 17.60.100(B)(3)).
4. The applicant has met all of the requirements of this chapter (MSB 17.60.100(B)(4)).

5. The proposed use will not negatively affect other properties due to factors such as noise and odor (MSB 17.60.150(A)(1)).
6. Measures are in place to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).
7. The proposed use is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).
8. The proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).
9. Documentation demonstrating all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60150(D)(1)).
10. The proposed use is in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).
11. The proposed use is located on a parcel that is appropriate for commercial use (MSB 17.60.170(A)(1-3)).
12. The proposed use meets the minimum number of parking space for retail facilities (MSB 17.60.170(B)).
13. The proposed use, with conditions, complies with current ADA parking space guidelines (MSB 17.60.170(C)).

BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the standards of MSB 17.60 and does

hereby approve the conditional use permit for the operation of a marijuana retail facility, with the following conditions:

1. Prior to operating, the ADA compliant parking space and access aisle detailed in the application material shall be installed.
2. The owner and/or operator shall comply with all applicable state and local regulations.
3. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
4. The operation shall comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 - Noise, Amplified Sound and Vibration.
5. The hours of operation shall not exceed 8:00 a.m. - 12:00 a.m., daily.
6. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of

access to Borough staff shall be a violation of this
Conditional Use Permit.

ADOPTED by the Matanuska-Susitna Borough Planning
Commission this ____ day of _____, 2022.

STAFFORD GLASHAN, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

PUBLIC HEARING
LEGISLATIVE

Resolution No. PC 22-38

FY2021-2022 Capital Improvement Program

(Pages 213 - 238)

PUBLIC HEARING

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM IM No. 22-221

SUBJECT: A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY
ADOPTING THE 2022 CAPITAL IMPROVEMENT PROGRAM.

AGENDA OF: December 6, 2022

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: _____

| Route To: | Department/Individual | Initials | Remarks |
|-----------|-------------------------|----------|---------|
| | Originator: K. Anderson | | |
| | Planning Director | | |
| | Borough Attorney | | |
| | Borough Clerk | | |

ATTACHMENT(S): Fiscal Note: YES ____ NO X
2022 Capital Improvement Program (16 pp)
Planning Commission Resolution No. 22-36 (3 pp)
Resolution No. 22-103 (2 pp)

SUMMARY STATEMENT:

CIP Update

The goal of the 2022 update to the Capital Improvement Program (CIP) is to develop a list of infrastructure projects based on community nominations and comprehensive plan priorities for the Assembly to consider in the annual budget discussions.

The first step to meet this goal was defining "capital improvement" to include only those projects that are within Borough Powers to complete, and would bring an increased quality of life to the highest amount of Mat-Su residents. Through that effort, staff developed five criteria that all CIP nominations must now meet to be considered a valid CIP project. Once projects are validated,

they continue onto the scoring and ranking phase of the CIP.

A valid CIP project will meet all five criteria. The project:

1. Must fall within current Borough powers as laid out by MSB Code, Title 1.10 Borough Powers, excluding service areas.
2. Must align with a goal or objective of an existing Assembly-adopted plan.
3. Cannot be considered routine maintenance or equipment replacement.
4. Must have a useful life of 5 years or more.
5. Must have a single acquisition cost of \$20,000 or more.

Planning staff also produced a list of infrastructure projects for all community councils that have a comprehensive plan. These lists were shared with each community council in an effort to get more participation and to help clarify plan priorities. Staff is currently working with many community councils on nominations for the 2023 CIP.

What Difference Does the Criteria Make?

Once the criteria was developed, Planning staff went through the Assembly adopted 2021 CIP list to see how many projects met the new criteria. Only 17 projects out of 171 fell within Borough Powers and supported the goals and objectives of MSB plans. By ensuring that the MSB actually has the power to allocate funding towards a project, the CIP can be used as an implementation plan for community-supported infrastructure, instead of a wish list of 400+ projects that both staff and the public cannot properly leverage for funding.

2022 CIP Projects

The nomination period for the 2022 CIP opened in April of 2022 and closed on August 1, 2022. Five projects were nominated for the 2022 CIP. One project did not meet the initial criteria listed above, leaving four projects to be scored and ranked by the CIP Scoring Committee. The Scoring Committee is comprised of MSB staff from the Public Works Department, Planning and Land Use Department, Emergency Services Department, Community Development Department, and the Finance Department. The committee scored projects using a weighted scale. The categories that all projects were scored against are: public health & safety, legal requirements, current project support, quality of life & wellness, MSB policies & priorities, funding status, external funding, environmental quality, project support, and energy consumption.

Three community councils participated in the 2022 CIP nominations: Point MacKenzie, Big Lake, and Meadow Lakes; and projects are located within Assembly Districts 5 and 7. Projects below are listed in order of highest score to lowest score.

Project 1: Bald Mountain Trailhead Development, Meadow Lakes Community Council, Assembly District 7

Project 2: Point MacKenzie Park Restrooms, Point MacKenzie Community Council, Assembly District 5

Project 3: Jay Nolfi/Fish Creek Park Pathways & Equipment, Big Lake Community Council, Assembly District 5

Project 4: Carpenter Lake Access, Point MacKenzie Community Council, Assembly District 5

Full project descriptions can be found in the 2022 CIP document.

All CIP nominations are now received on a rolling basis. Moving forward, projects will be evaluated annually beginning on August 1. Borough Departments are welcome to nominate projects based on their own Assembly-adopted plans and will be verified using the same criteria as publically nominated projects.

RECOMMENDATION OF ADMINISTRATION: Staff respectfully recommends adoption of Resolution 22-103 adopting the 2022 Capital Improvement Program.

Action:

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 22-103**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING
THE 2022 CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, MSB 3.04.060 requires the Manager to submit a Capital Improvement Program (CIP) to the Planning Commission for review; and

WHEREAS, the 2022 CIP is intended to show Assembly support for community-nominated projects; and

WHEREAS, the updated CIP process requires that all projects meet five criteria before being scored and ranked; and

WHEREAS, the new criteria require that all valid CIP projects must: 1) align with Assembly-adopted plans, including the Borough-Wide Comprehensive Plan, Community Comprehensive Plans, Master Trails Plan, or the Assembly Strategic Plan, 2) fall within Borough Powers to complete, 3) not be considered routine maintenance or equipment replacement, 4) have a useful life of 5 years or more, and 5) cost more than \$20,000 to complete; and

WHEREAS, the CIP document provides the Assembly with a prioritized list of community-supported projects for consideration during their annual budget discussions; and

WHEREAS, the CIP document provides the Assembly with a list of community projects for state and federal legislative priorities

during their annual priority setting; and

WHEREAS, the 2022 CIP contains four projects that meet the criteria and have been scored and ranked; and

WHEREAS, the Matanuska-Susitna Borough Planning commission held a public hearing on resolution PC 22-36 recommending Assembly adoption of the 2022 Capital Improvement Program.

NOW, THEREFORE, BE IT RESOLVED,

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2022.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



Capital Improvement Program 2022

**Matanuska-Susitna Borough
Planning Department**

Contents

| | |
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| Scoring Committee and Matrix - | 07 |
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| Get Involved - | 16 |

Introduction

The Matanuska-Susitna Borough's (MSB) Capital Improvement Program (CIP) originated in 1965 as part of the MSB's Capital Budget. Throughout the past 5 decades, the CIP has taken many forms, ranging from an itemized list in the annual capital budget, to a list of unfunded, community-supported transportation projects. The 2022 update was the result of requests from the Planning Commission and the Assembly to provide a better process for community members to nominate capital projects.

How has the Process Changed?

Capital Improvement Programs are used across the country by local governments as a tool to help plan for community infrastructure improvements. In the Mat-Su, investing in our communities is a priority laid out in many of our Assembly-adopted comprehensive and strategic plans. By incorporating new criteria that defines what a valid CIP project is, the MSB can develop a more manageable list of realistic project nominations, that the Assembly has the power to fund. The criteria below must be met by nominations before advancing to the scoring phase of the CIP:



Projects must fall within Borough Powers and cost more than \$20,000.



Projects must have a lifespan of longer than 5 years and cannot be considered routine maintenance.



Projects must align with a goal or objective from an Assembly-adopted plan.

Understanding the Project Criteria: Borough Powers

The 2022 updates to the MSB CIP were developed to turn a document that had become a community "wish list" into an actionable list of projects that will be considered in the annual capital budget discussions.

The first step towards this goal was determining a definition of "capital improvement" that would be the foundation of the new scoring process. The first requirement within the definition is that all projects must fall within current areawide powers as laid out in **MSB Code, Title 1.10 Borough Powers**, excluding road and fire service areas. What "falling within Borough Powers" means is that the MSB Assembly can directly appropriate areawide funds to the projects. This is a very important piece of the CIP puzzle that has been missing in years prior. Without the ability to fund the vast majority of projects within a CIP, the list continued to grow with new nominations, but projects were never completed. This led to a CIP that was sometimes 400+ projects!



17 out of 171!

What difference does the criteria make?

Staff went through the 2021 CIP to see how many projects would have made the list based on the new criteria. Only 17 out of 171 projects fell within borough powers *and* supported the goals and objectives of MSB plans!

A project must have an acquisition cost of more than \$20,000 and have a useful life of 5 years or more. These criteria are in place to make sure that the MSB is spending money efficiently. By requiring a project to bring value to the community for at least 5 years, the MSB is showing a commitment to long-term use

and enjoyment of the public improvements. Another requirement is that the project not be considered routine maintenance or equipment replacement for borough facilities and department needs. These projects are planned expenses and are accounted for in the annual operating budget.

Understanding the Project Criteria: Community Planning

The final puzzle piece to the updated CIP criteria is requiring that each project align with a goal or objective from an existing Assembly-adopted plan. These plans include the sixteen community comprehensive plans, the borough-wide comprehensive plan, three city plans, the Assembly Strategic Plan, the Master Trails Plan, and many more.

By requiring that CIP nominations align with MSB plans, the MSB can begin to implement the work that has already been completed for community development, recreation facility planning, economic development, and land use planning.

Planning staff reviewed all 16 community plans in the spring of 2022 and developed community-specific priority lists based on the goals and objectives found in each plan. Staff found a need for improved community infrastructure called out in each plan. Some communities are looking for increased emergency services while others are seeking to increase recreation and tourism opportunities through new or improved public facilities. With the new criteria, the CIP can now be the tool for community councils to use to get the infrastructure they need.

CIP Scoring Committee

The Scoring Committee for the 2022 CIP consisted of employees from five MSB departments. Members were chosen for their expertise in assessing community needs, project management, grant and funding opportunities, construction management, and community planning. The committee members are:

PAM GRAHAM

Finance Department

HUGH LESLIE

Community Development Department

BRAD SWORTS

Public Works Department

TAWNIA HIGHTOWER

Emergency Services Department

GERRIT VERBEEK

Planning And Land Use Department

KELSEY ANDERSON

Planning And Land Use Department - Non
Scoring Member

CIP Scoring Matrix

The goal of the 2022 CIP update is to develop a clear path forward for community projects to be considered in the annual budget discussions. To be able to fairly rank nominations, each project was scored against the following ten weighted categories:

x5

Public Health & Safety

Ranges from no impact on existing public health to addressing an immediate need.

x5

Current Project Support

Ranges from not related to other MSB projects to being essential for the completion of an existing project.

x4

MSB Policies & Priorities

Ranges from vaguely aligning with an MSB plan to being mentioned in the Assembly's Strategic Plan.

x3

External Funding

Ranges from 0-25% external funding to 76-100% known external funding source.

x2

Project Support

Ranges from having a letter in opposition to the project to having a resolution of support.

x5

Legal Requirements

Ranges from not mandated to being mandated by governmental agreement, or judgments.

x4

Quality of Life & Wellness

Ranges from not affecting quality of life to greatly impacting a wide range of MSB residents for the better.

x3

Funding Status

Ranges from no known funding to the project being partially funded and construction is underway.

x3

Environmental Quality

Ranges from having a negative effect on the environment to providing increased ecosystem services.

x2

Energy Conservation

Ranges from project increasing energy consumption to conserving energy with a payback on investment.

2022 MATANUSKA-SUSITNA
BOROUGH

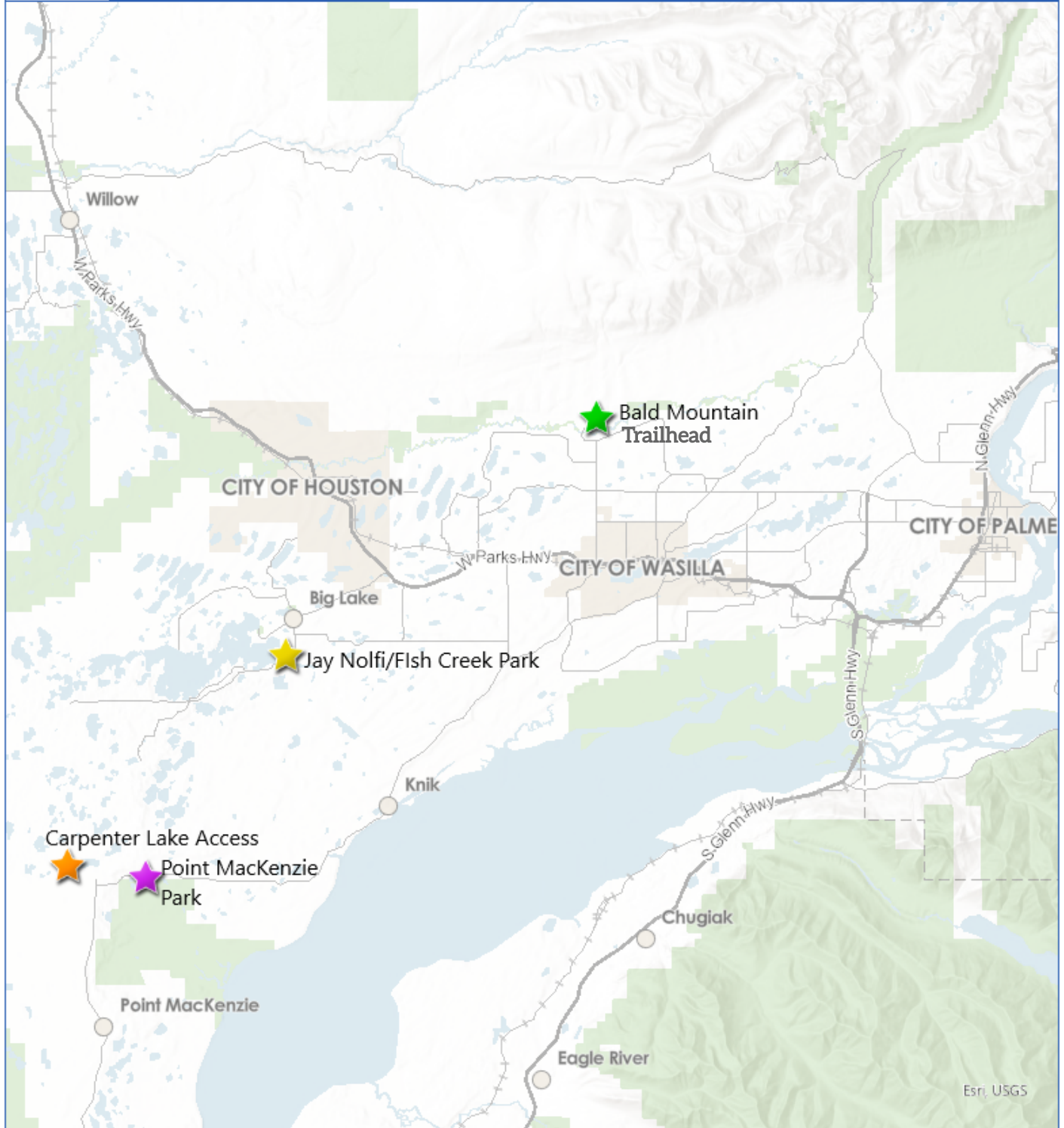
CIP PROJECT LIST

PROJECTS APPEAR IN ORDER OF HIGHEST TO
LOWEST RANKING

INCLUSION IN THE CIP PROJECT LIST IS IN
NO WAY A GUARANTEE OF FUNDING



2022 CIP Project Nominations



Printed on Sep 6, 2022

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Project 1: BALD MOUNTAIN TRAILHEAD DEVELOPMENT

Community Council: Meadow Lakes

Assembly District: 7, Assembly Member Ron Bernier

Nomination Summary: Funds will be used to purchase and develop a parking area at the entrance to the Bald Mountain Trail and develop the trailhead. This is a widely-used, multi-use, year-round trail that begins at the Sitze Rd & Solitude Rd intersection and goes north into Hatcher Pass. Users currently park on the road ROW or on private property at the intersection. There is a community need to establish a public area for parking to allow for use of this popular trail, and avoid trespass and unsafe loading and unloading of ATVs within the road ROW. This project would be completed in phases to spread the cost out, starting with \$400,000 for initial design and land acquisition. The full project cost estimate noted below was developed by staff from the MSB Public Works Department in September 2022. The detailed, line-item cost estimate can be found on page 12.

Estimated Cost of Phase 1: \$400,000.00

Estimated Cost of Full Project: \$1,560,000.00

Strengths and Weaknesses of Nomination: Bald Mountain trail is designated as a Regionally Significant trail in the MSB Recreational Trails Plan. By that definition it is recognized for "...significant recreational opportunities to people outside the area it is located within... and therefore deserve higher priority when it comes to funding...." It has been included in the 1984 MSB Trails Plan, the Meadow Lakes Comp Plan and the Hatcher Pass Management Plan. There is a strong public health and safety need for this project as there is currently very little room for emergency vehicles to park when doing search and rescue from this trailhead. This project is not on borough property, and would require land acquisition from private property owners to develop. While this is within Borough Powers to complete, the cost of this project would likely require some outside funding through grants such as the Pittman-Robertson funding.

Recommendation: Move project forward for consideration in the FY24 Capital Budget.

Project 1: BALD MOUNTAIN TRAILHEAD DEVELOPMENT COST ESTIMATE

| Task | Conceptual Cost |
|---|-----------------|
| Access Driveway to Parking | \$ 100,000.00 |
| Parking Lot | \$ 300,000.00 |
| Trail Grading and Fill | \$ 30,000.00 |
| Stream Crossing (pre-fab bridge) | \$ 150,000.00 |
| Drainage and Erosion Permanent Mitigation | \$ 75,000.00 |
| Erosion and Sediment Control | \$ 50,000.00 |
| Trail Easement Monum./Signage | \$ 12,000.00 |
| Restroom | \$ 75,000.00 |
| Kiosk/Signage | \$ 14,000.00 |
| Gate/Security | \$ 11,000.00 |
| SUBTOTAL | \$ 817,000.00 |
| | |
| Contingency (~15%) | \$ 125,000.00 |
| Land Acquisition | \$ 350,000.00 |
| Construction Management (~10%) | \$ 80,000.00 |
| Survey/Design (~20%) | \$ 163,000.00 |
| Environmental/Permitting (~3%) | \$ 25,000.00 |
| TOTAL | \$ 1,560,000.00 |

Conceptual Cost Estimate
Completed by Michael J. Campfield, P.E.
Date: 9/14/2022

Project 2: POINT MACKENZIE PARK RESTROOMS

Community Council: Point MacKenzie

Assembly District: 5, Assembly Member Mokie Tew

Nomination Summary: Funds will be used to develop a restroom facility at Point MacKenzie Park, located at 20810 W Point MacKenzie Rd. This park is used frequently by snowmachiners in the winter. Currently there are no restrooms, which has created a public health issue. This project is necessary to prevent future health issues and to protect the trail environment. The restroom would provide patrons a healthier outdoor experience and promote longer recreation experiences. The restroom will also serve as an outdoor restroom facility during power outages and other local emergency experiences to area residents.

Estimated Cost of Project: \$60,000.00

Strengths and Weaknesses of Nomination: The proposed cost of a new restroom aligns with recent cost estimates for similar projects. The nomination would provide increased services to a broad group of MSB residents. Maintenance costs would continue after the initial funding of the restrooms. The MSB would require a maintenance agreement with the Community Council to be in place before project construction to outline the duties and responsibilities for this facility. The Community Council would likely be required to pay for the yearly maintenance fees for pumping and cleaning, estimated to be around \$20,000 per year. The parcel is property of the Community Council. At this time, the Point MacKenzie Community Council does not have additional funding other than the Community Assistance Program. However, the area is cleared at this time with a gravel foundation.

Recommendation: Move project forward for consideration in the FY24 Capital Budget.

Project 3:

JAY NOLFI/FISH CREEK PARK PATHWAYS AND EQUIPMENT

Community Council: Big Lake

Assembly District: 5, Assembly Member Mokie Tew

Nomination Summary: Funds will be used to improve existing facilities at the Jay Nolfi/Fish Creek Park by providing equitable access to park amenities for people of all ages and abilities. Project components include expanding and paving pathways, adding inclusive and accessible playground equipment, and paving the trail to the covered gazebo area. Existing conditions of the park access, pathways, and gazebo landing are loose gravel, making it difficult for a person who uses a wheelchair to access these spaces without assistance.

Estimated Cost of Project: \$250,000.00

Strengths and Weaknesses of Nomination: The proposed cost is in line with current cost estimates for this project. This park is already managed and maintained by the Matanuska-Susitna Borough. Providing equitable recreation opportunities throughout the Borough provides a valid public service and increases public health and wellness. The MSB has recently invested in this park by widening the trails.

Recommendation: Move project forward for consideration in the FY24 Capital Budget.

Project 4: CARPENTER LAKE ACCESS

COMMUNITY COUNCIL: Point MacKenzie

Assembly District: 5, Assembly Member Mokie Tew

Nomination Summary: Funds will be used to improve Carpenter Lake access by expanding the parking area and making the lake more user friendly. Carpenter Lake is a frequently used recreational area for residents and guests of the Point Mackenzie area. The lake is used for swimming, kayaking, and fishing in the summer, and ice skating in the winter. By expanding the parking area, the Borough can help to keep residents healthy and outdoors throughout the year. A phase two of this project would be to add a public restroom near the parking area. This is not included in the cost estimate.

Estimated Project Cost: \$200,000.00

Strengths and Weaknesses of Nomination: The proposed cost reflects the cost for a paved boat launch and parking. The nomination would provide increased services to a broad group of MSB residents who use Carpenter Lake for recreation purposes. The MSB would require a maintenance agreement with the Community Council to be in place before project construction to outline the duties and responsibilities for this facility. The contour of the land within the right-of-way is steep, which would likely require any boat access to be paved rather than gravel, increasing the price of the project.

Recommendation: Move project forward for consideration in the FY24 Capital Budget.

How Can I Nominate a Project?

The Mat-Su Borough is now accepting nominations on a rolling basis - *this means that you do not have to wait for a specific application period to open!* The Planning Department will collect nominations throughout the year, and will evaluate projects annually beginning on August 1 of each year.

The CIP nomination form can be found online at:
<https://cip.matsugov.us/feedback/surveys/30ce542c454d4744b36610467c9fd3b5/explore>



By: K. Anderson
Introduced: October 3, 2022
Public Hearing: October 17, 2022
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 22-36**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPT THE 2022
CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, MSB 3.04.060 requires the Manager to submit a Capital
Improvement Program (CIP) to the Planning Commission for review;
and

WHEREAS, the 2022 CIP is intended to show Assembly support
for community-nominated projects; and

WHEREAS, the updated CIP process requires that all projects
meet five criteria before being scored and ranked; and

WHEREAS, the new criteria require that all valid CIP projects
must: 1) align with Assembly-adopted plans, including the Borough-
Wide Comprehensive Plan, Community Comprehensive Plans, Master
Trails Plan, or the Assembly Strategic Plan, 2) fall within Borough
Powers to complete, 3) not be considered routine maintenance or
equipment replacement, 4) have a useful life of 5 years or more,
and 5) cost more than \$20,000 to complete; and

WHEREAS, the CIP document provides the Assembly with a prioritized list of community-supported projects for consideration during their annual budget discussions; and

WHEREAS, the CIP document provides the Assembly with a list of community projects for state and federal legislative priorities during their annual priority setting; and

WHEREAS, the 2022 CIP contains four projects that meet the criteria and have been scored and ranked.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends Assembly adoption of the 2022 Capital Improvement Program.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this -- day of --, 2022.

Stafford Glashan, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

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PUBLIC HEARING
LEGISLATIVE

Resolution No. PC 22-37

Amending MSB 17.60 to create an administrative permit
process for marijuana cultivation facilities

(Pages 239 - 254)

PUBLIC HEARING

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM **IM No. 22-245**

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.60 TO CHANGE THE APPLICABILITY AND STANDARDS FOR CULTIVATION FACILITIES.

AGENDA OF: December 6, 2022

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY GEORGE HAYS, ACTING BOROUGH MANAGER: _____

| Route To: | Department/Individual | Initials | Remarks |
|-----------|--------------------------------|----------|---------|
| | Originator - A. Strawn | | |
| | Planning and Land Use Director | | |
| | Borough Attorney | | |
| | Borough Clerk | | |

ATTACHMENT (S) : Fiscal Note: YES NO X
 Planning Commission Resolution No. 22-37 (2 pp)
 Ordinance Serial No. 22-137 (11 pp)

SUMMARY STATEMENT:

This ordinance is at the request of Assembly Member Hale. The intent of this ordinance is to streamline the permitting process for new cultivation facilities.

This ordinance creates an administrative permit process for cultivation facilities. It also eliminates subjective standards such as whether or not the use will preserve or not detract from the value, character, and integrity of the surrounding area. The ordinance also reduces setbacks for cultivation facilities from lot lines and public rights-of-way.

RECOMMENDATION OF ADMINISTRATION:

Introduce and set for public hearing.

CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-137**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.60 TO CHANGE THE APPLICABILITY AND STANDARDS FOR MARIJUANA CULTIVATION FACILITIES.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of title. The title of MSB 17.60 is hereby amended as follows:

Chapter 17.60: [CONDITIONAL USES] Junkyard/refuse areas, Correctional Community Residential Centers, and Marijuana Related Facilities

Section 3. Amendment of subsection. MSB 17.60.010(A) is hereby amended as follows:

- "marijuana consumption area" means a designated area where marijuana and marijuana products may be consumed within the licensed premises of a marijuana retail facility that holds a valid onsite consumption endorsement in accordance with 3 AAC 306.
- ["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.]

Section 4. Amendment of section. MSB 17.60.030 is hereby amended as follows:

(A) The following land uses are declared to be potentially damaging to the property values and usefulness of adjacent properties, or potentially harmful to the public health, safety, and welfare:

- (1) junkyards and refuse areas;
- (2) correctional community residential centers; and
- (3) [Repealed by Ord. 16-003(SUB), § 3, 2016]
- (4) marijuana retail facility as licensed under 3 AAC 306.[005; AND]
- [(5) MARIJUANA CULTIVATION FACILITY LICENSED UNDER 3 AAC 306.005.

(A) A SINGLE CULTIVATION FACILITY WITH LESS THAN 500 SQUARE FEET UNDER CULTIVATION ON ANY ONE PARCEL IS EXEMPT UNDER THIS CHAPTER.]

(B) [SUCH USES] Uses under (A) of this section are

permitted only upon the issuance of a conditional use permit, as provided in this chapter. Unless such uses are maintained under and in accordance with a lawfully issued permit, such uses are declared to be public nuisances. Maintenance of such a land use without a permit is prohibited.

(C) An administrative permit in accordance with MSB 17.60.040(C) is required prior to operating marijuana cultivation facilities licensed under 3 AAC 306.

(1) A single cultivation facility with less than 500 square feet under cultivation on any one parcel is exempt under this chapter.

Section 5. Amendment of section. MSB 17.60.040 is hereby adopted to read as follows:

(A) *General.* An application [TO THE PLANNING COMMISSION FOR A CONDITIONAL USE] for a permit or modification of an existing [CONDITIONAL USE] permit under this chapter may be initiated by a property owner or the owners' authorized agent. An application for a permit [CONDITIONAL USE] shall be filed with the planning director on a form provided by the planning department.

(1) The application for a [CONDITIONAL USE]

permit shall be accompanied by an appropriate filing fee as established by the assembly, payable to the borough.

(B) *Site plan.* [A] For a conditional use permit, a detailed site plan, drawn to scale, showing the proposed location of all buildings and structures on the site, access points, buffering, drainage, vehicular and pedestrian circulation patterns, parking areas, and the specific location of the use or uses to be made of the development shall be submitted with the application. Site plans for administrative permits shall be submitted if required to demonstrate compliance with the requirements of this chapter.

(C) Administrative permits.

(1) The director or designated staff shall determine whether an application for a marijuana cultivation facility is complete; and

(2) Public notification shall be in accordance with MSB 17.03; and

(3) Within 45 calendar days of receipt of a complete application the director shall approve the permit upon determination that the standards of MSB 17.60.150 and MSB 17.60.160 have been met.

([C]D) *Action by planning commission.*

(1) The planning commission shall hear any interested parties and shall render a decision on the application for a conditional use permit within 30 calendar days from the date of public hearing. In recommending the granting of a conditional use, the planning commission shall state in writing the conditions of approval of the permit which it finds necessary to carry out the intent of this chapter. These conditions may increase the required lot size, control the location and number of vehicular access points to the property, require screening and land filling where necessary to reduce noise and glare, and may require the reclamation of property to a character in keeping with surrounding lands. The commission may impose other conditions and safeguards designed to ensure the compatibility of the conditional use with other lawful uses.

(2) The planning director shall incorporate any conditions or requirements stipulated by the commission in the conditional use permit.

Section 6. Amendment of section. MSB 17.60.150 is hereby amended as follows:

[(A) IN ADDITION TO THE STANDARDS SET FORTH BY MSB

17.60.100, THE PLANNING COMMISSION SHALL WEIGH FACTORS WHICH CONTRIBUTE OR DETRACT FROM THE DEVELOPMENT OF A SAFE, CONVENIENT, AND ATTRACTIVE COMMUNITY, INCLUDING, BUT NOT LIMITED TO:

[(1) ANY POTENTIAL NEGATIVE EFFECT UPON OTHER PROPERTIES IN THE AREA DUE TO SUCH FACTORS AS NOISE AND ODOR.

(2) THE EFFECTIVENESS OF MEASURES TO REDUCE NEGATIVE EFFECTS UPON ADJACENT PROPERTIES BY:

(A) INCREASED PROPERTY LINE AND RIGHT-OF-WAY BUFFERS;

(B) PLANTED BERMS AND LANDSCAPING;

(C) SITE AND BUILDING DESIGN FEATURES WHICH CONTRIBUTE TO THE CHARACTER OF THE SURROUNDING AREA.

(3) WHETHER THE USE IS COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING AREA.]

(B) At the time of their establishment, marijuana related facilities [CONDITIONAL USES] shall meet the following requirements and not be located within:

(1) one thousand feet of school grounds;

(C) Separation distances referenced in subsection

(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.

(C) Separation distances referenced in subsection (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] which has been developed with facilities such as buildings, parking lots, play grounds, or sports fields. Setback distances shall not be measured from developed trails within wooded areas on the school grounds.

(D) Prior to final approval of the permit the applicant shall provide written documentation demonstrating that:

(1) all applicable licenses and endorsements have been obtained as required by 3 AAC 306.[005.]

(2) from the fire marshal having jurisdiction, that the proposed facility [CONDITIONAL USE] is in full compliance with applicable fire code, including but not limited to AS 18.70.010 through 18.70.160, Fire

Protection, and 13 AAC 50.025 through 50.080, Fire Code.

Section 7. Amendment of Section. MSB 17.60.160 is hereby amended as follows:

[(E) MARIJUANA CULTIVATION FACILITIES SHALL BE SET BACK 50 FEET FROM PUBLIC RIGHTS-OF-WAY, AND 100 FEET FROM SIDE OR REAR LOT LINES]

Section 8. Amendment of Section. MSB 17.60.170 is hereby amended as follows:

(D) In addition to the standards set forth by MSB 17.60.100, the planning commission shall weigh factors which contribute or detract from the development of a safe, convenient, and attractive community, including, but not limited to:

(1) any potential negative effect upon other properties in the area due to such factors as noise and odor.

(2) the effectiveness of measures to reduce negative effects upon adjacent properties by:

(a) increased property line and right-of-way buffers;

(b) site and building design features which contribute to the character of the surrounding area.

Section 9. Amendment of Section. MSB 17.60.180 is hereby amended as follows:

17.60.180 TRANSFER OF A [CONDITIONAL USE] PERMIT

(A) Except as otherwise specified by code, the privileges and requirements of a [CONDITIONAL USE] permit shall run with the land, subject to the following requirements:

(1) Within 90 days of recording the transfer of ownership of the subject land, the new owner must provide written notification and a signed acknowledgment that the new owner assumes responsibility for compliance with the requirements of the permit.

(2) The commission may limit the term of a conditional use permit or place conditions upon the transfer of ownership of a conditional use permit.

(3) For junkyard/refuse area permits issued under this chapter, the commission shall hold a public hearing to review the suitability of the transferee(s) to operate the existing conditional use.

(a) The commission's review of suitability shall be in accordance with MSB 17.60.110(C).

Section 10. Amendment of section. MSB 17.60.190 is hereby

amended as follows:

17.60.190 TERMINATION OF [CONDITIONAL USE] PERMITS.

(A) Except as otherwise specified by code, a [CONDITIONAL USE] permit issued under this chapter will become null and void under the following conditions:

(1) notification of termination of the permit for failure to comply with an order to correct violations of a [CONDITIONAL USE] permit;

(2) failure to initiate the use for which the [CONDITIONAL USE] permit was issued within five years of the date of the permit issuance;

(3) cessation of the use for which the [CONDITIONAL] use was issued for a period exceeding five consecutive years.

Section 11. Amendment of section. MSB 17.60.220 is hereby amended as follows:

Appeals from a decision of the manager or the manager's authorized representative [OF AN ENFORCEMENT ACTION] or a decision of the commission granting or denying a permit under this chapter shall be filed and conducted in accordance with MSB 15.39.

Section 12. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day
of -, 2022.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

By: A. Strawn
Introduced: Oct 17, 2022
Public Hearing: Nov 21, 2022
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 22-37

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING MSB 17.60 TO CREATE AN ADMINISTRATIVE PERMIT PROCESS FOR MARIJUANA CULTIVATION FACILITIES.

WHEREAS, land use impacts associated with cultivation facilities are minor enough that they do not tend to be incompatible with or detract from the surrounding area; and

WHEREAS, all cultivation facilities, regardless of size, should have basic standards associated with them to ensure proper setbacks from schools and adjacent properties; and

WHEREAS, objective standards such as setbacks can be objectively evaluated by MSB planning staff and do not require Planning Commission review.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval an Ordinance creating an administrative permit process for cultivation facilities.

BADOPTED by the Matanuska-Susitna Borough Planning Commission
this ____ day of ____, 2022.

STAFFORD GLASHAN, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

Yes:

No:

PUBLIC HEARING LEGISLATIVE

Resolution No. PC 22-38

Amending MSB 17.60 to create hours of operation for marijuana retail facilities and adding additional standards for retail facilities with marijuana consumption areas

(Pages 255 - 262)

PUBLIC HEARING

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM

IM No. 22-243

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.60 TO ADD HOURS OF OPERATION FOR MARIJUANA RETAIL FACILITIES AND ADDING ADDITIONAL STANDARDS FOR RETAIL FACILITIES THAT ALLOW ON-SITE CONSUMPTION OF MARIJUANA.

AGENDA OF: December 6, 2022

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: _____

| Route To: | Department/Individual | Initials | Remarks |
|-----------|--------------------------------|----------|---------|
| | Originator - A. Strawn | | |
| | Planning and Land Use Director | | |
| | Borough Attorney | | |
| | Borough Clerk | | |

ATTACHMENT (S) : Fiscal Note: YES _____ NO X
Planning Commission Resolution 22-38 (2 pp)
MSB 17.60 (16 pp)
Ordinance Serial No. 22-136(12 pp)

SUMMARY STATEMENT:

This ordinance is at the request of Assembly Member Hale. The intent of this ordinance is to establish standard hours of operation for marijuana retail facilities and address potential land use impacts associated with onsite consumption of marijuana.

Hours of operation

This ordinance requires marijuana retail facilities to be closed between midnight and 8:00 a.m. unless otherwise specified by the Planning Commission. It is intended that the Planning Commission only deviate from the standard hours of operation if unusual conditions exist that make it appropriate to loosen or restrict the hours of operation.

Onsite Consumption

CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-136**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.60 TO ADD HOURS OF OPERATION FOR MARIJUANA RETAIL FACILITIES AND ADDING ADDITIONAL STANDARDS FOR RETAIL FACILITIES THAT ALLOW ON-SITE CONSUMPTION OF MARIJUANA.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of Section. MSB 17.60.170 is hereby amended as follows:

(A) Marijuana retail facilities shall only be approved upon finding by the commission that the proposed facility is located on a parcel that is appropriate for commercial use. At a minimum, the commission shall consider:

(1) proximity of the proposed use to existing businesses;

(2) proximity to parcels developed for residential use; and

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

[(B) THE MINIMUM NUMBER OF PARKING SPACES FOR RETAIL FACILITIES SHALL BE ONE SPACE PER 350 SQUARE FEET OF NET FLOOR AREA. EACH PARKING SPACE SHALL BE AT LEAST: 20 FEET IN LENGTH, TEN FEET WIDE, AND HAVE A VERTICAL CLEARANCE OF AT LEAST SEVEN FEET.]

(C) Parking spaces shall be provided to comply with the current Americans with Disabilities Act guidelines.

(E) Parking spaces shall be at least 20 feet in length, ten feet wide, and have a vertical clearance of at least seven feet.

(1) The number of required parking spaces shall be calculated as follows:

(a) one parking space per 350 square feet for areas that are not designated for marijuana consumption; and

(b) one parking space per 50 square feet for areas designated for marijuana consumption.

(2) In instances where parking standards are in conflict with parking standards of a special land use district, the standards specified in the special land use district shall apply.

(F) Marijuana retail facilities shall not be open to the public between 12:00 a.m. and 8:00 a.m. unless

otherwise specified by the Planning Commission. The Planning Commission may only deviate from the standard hours of operation if unusual conditions exist that make it appropriate to loosen or further restrict the hours of operation.

(G) The applicant shall provide a security plan that includes policies to manage outdoor loitering and consumption of marijuana in unauthorized places.

(H) Setbacks for outdoor marijuana consumption areas shall be at least 100 feet from all property lines and public rights-of-way.

Section 3. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2022.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

By: A. Strawn
Introduced: Oct 17, 2022
Public Hearing: Nov 21, 2022
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 22-38

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING MSB 17.60 TO CREATE HOURS OF OPERATION FOR MARIJUANA RETAIL FACILITIES AND ADDING ADDITIONAL STANDARDS FOR RETAIL FACILITIES WITH MARIJUANA CONSUMPTION AREAS.

WHEREAS, standardizing the hours of operation for marijuana retail facilities helps ensure that retail facilities do not have unfair advantages over their competitors based on restrictions put on them by the Planning Commission; and

WHEREAS, in December 2018 the Alaska Marijuana Control Board adopted rules which allow for and regulate onsite consumption of marijuana within licensed marijuana retail facilities; and

WHEREAS, onsite consumption at marijuana retail facilities may cause additional land use impacts such as increased need for parking, unwanted loitering, and inadvertent inhalation of secondhand smoke by neighbors or pedestrians within rights-of-way.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval an ordinance establishing uniform hours of operation and standards that address onsite consumption of marijuana associated with marijuana retail facilities.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this ____ day of ____, 2022.

STAFFORD GLASHAN, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

No:

COMMISSION BUSINESS

COMMISSION BUSINESS



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

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MEMORANDUM

DATE: November 10, 2022

TO: Planning Commissioners

FROM: Alex Strawn, Planning and Land Use Director

SUBJECT: Tentative Future PC Items

Upcoming PC Actions

Quasi-Judicial

- Talkeetna Connection – Marijuana Retail Facility; 24N04W29D002 (Staff: Peggy Horton)
- Dime Bag – Marijuana Retail Facility; 6298B01L002 (Staff: Peggy Horton)
- Premier Homes – Earth Materials Extraction; 17N02W34D003 (Staff: Peggy Horton)
- Green Go, LLC – Marijuana Cultivation Facility; 17N01W11A020 (Staff: Peggy Horton)
- QAP – Church-Seldon – Earth Materials Extraction; 18N01W31A015 (Staff: Peggy Horton)
- Purely Alaskan – Residential Land Use District CUP; 19N04W29A012 (Staff: Peggy Horton)
- The Aardvark – Alcoholic Beverage Dispensary; 1454000L001 (Staff: Peggy Horton)
- Durham School Services – Core Area CUP; 7954000L002 & 8913000L009A (Staff: Peggy Horton)
- Smoke Out Point – Marijuana Retail Facility; 2209B02L001A (Staff: Peggy Horton)
- Harmon Schrock – Earth Materials Extraction; 18N01W15B010 (Staff: Peggy Horton)
- Jewels Acres – Earth Materials Extraction; 6469B02L006 (Staff: Peggy Horton)
- Debach Auto Salvage – Junk Yard; 17N02W22A009 & A010 (Staff: Peggy Horton)
- Big Lake Brewing Company – Alcoholic Beverage Dispensary; 9228000U012 (Staff: Peggy Horton)

Legislative

- Historic Preservation Plan (HPP) (Staff: Adam Bradway)
- Municipal Separate Storm Sewer System (MS4) (Staff: Rick Antonio)
- Bike and Pedestrian Plan (Staff: Kelsey Anderson)
- MSB Borough-Wide Comprehensive Plan (Staff: Kim Sollien)
- Glacier View Comprehensive Plan Update (Staff: Leda Borys)
- Coordinated Human Services Transportation Plan (Staff: Leda Borys)
- Metropolitan Planning Organization (MPO) Formation (Staff: Kim Sollien)
- Corridor Studies (Staff: Kim Sollien/Adam Bradway)