A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 6:00 p.m. by Wendy Presler, Chairman.

MEMBERS PRESENT: Wendy Presler  Chris Guinn  
  Michael Stepovich  Pat Thayer  
  Charles Whitaker  Robert Peterson  
  John Perreault  Mindy O’Neall  
  David Brandt  Eric Muehling

MEMBERS ABSENT: Mark Billingsley

OTHERS PRESENT: Christine Nelson, Director of Community Planning  
  Manish Singh, Planner II  
  Wendy Doxey, Asst. Borough Attorney  
  Mary Bork, Administrative Assistant IV

A. ROLL CALL

B. MESSAGES

1. Chairperson’s Comments
   None

2. Commissioner’s Comments
   None

3. Communications to the Planning Commission

   Ms. Christine Nelson, informed the Commission that the May 2nd meeting was cancelled due to no items submitted. She also informed that there would be a full agenda at the May 16th meeting starting with a worksession on Alaska Gas Line.

4. Citizen’s Comments – limited to three (3) minutes

   a. Items other than those appearing on the agenda.

   None

5. Disclosure & Statement of Conflict of Interest

   Mr. Brandt informed that he received a Dear Property Owner mailing for case file CU2017-014

   Ms. Doxey stated by receiving a notice he would automatically be excused from participating in the item.
C. * APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by asterisk (*) on agenda. Consent Agenda items are not considered separately unless any Planning Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.

Ms. Bork informed the Commission that the draft minutes from the April 4th meeting were not yet completed, therefore the approval of the agenda and consent agenda would not include the draft minutes and that they would be available at the May 16th meeting.

CARRIED WITHOUT OBJECTION

D. MINUTES

1. None

E. CONSENT AGENDA ITEMS

NONE

Ms. Presler asked the audience if there was anyone in attendance that would be testifying to please stand and swear in.

OATH GIVEN

Mr. Brandt excused himself to the back of the room.

F. QUASI-JUDICIAL HEARING

1. CU2017-014: A request by Aaron J Ross DBA Treat Yo’ Self on behalf of Kevin Tennant for conditional use approval of a marijuana product manufacturing facility, limited in the General Commercial (GC) zone on Lot 16, Block 2, Kris Kringle Subdivision First Addition (located at 2632 Mistletoe Drive, on the north side of Mistletoe Drive, south of Kris Kringle Drive). (Staff Contact: Manish Singh).

Mr. Aaron Ross, the applicant for the request stated he didn’t have anything formal prepared and that he read the staff report which was accurate, he made himself available for questions.

Mr. Nigel Morton, the representative assisting the applicant stated he would let staff give their presentation first.

Mr. Singh presented the staff report. Based on the staff analysis, the Department of Community Planning recommended APPROVAL of the conditional use permit request for marijuana product manufacturing facility, limited in the GC zone with three (3) conditions.
Conditions for approval

1. Prior to the commencement of operations, the applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:

   a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure that the site meets all licensing requirements for a commercial marijuana product manufacturing facility.

   b. The applicant or holder of this conditional use permit shall comply with all recommendations and/or requirements resulting from the State of Alaska Department of Environmental Conservation (ADEC), Food Safety and Sanitation Department plan review.

   c. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Environmental Conservation (ADEC), Division of Water, Wastewater Discharge for their non-domestic wastewater discharge proposal and shall comply with all recommendations and/or requirements resulting from the plan review.

   d. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and shall comply with all recommendations and/or requirements resulting from the plan review.

   e. The applicant or holder of this conditional use permit shall obtain a formal plan review by Alaska Department of Transportation and Public Facilities (ADOT&PF) for the driveway and shall comply with all recommendations and/or requirements resulting from this review or provide documentation that a review for the driveway is not required.

2. Indoor product manufacturing rooms or portions of the building shall be equipped with appropriately sized odor filtration systems such that the marijuana odor shall not be detectable by the public from outside the manufacturing facility.

3. If any modifications are made to the site plan, floor plan, or other FNSB required documents, the applicant or holder of this conditional use permits shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

Findings of Fact for approval

1. With the conditions imposed, the proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes:

   a. The purpose of Title 18 will be met because the proposed conditional use is consistent with ‘Urban Area’ comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are being enhanced with the redevelopment of this site as a marijuana product manufacturing facility.
b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.

c. 3AAC 306 governs the state licensing and operational standards for marijuana facilities. Title 18 requires that a borough permitted commercial marijuana facility obtain a license pursuant to all state regulations. The applicant has provided information sufficient to show they intend to meet the state regulations and to apply for a state issued license.

2. With the conditions imposed, there are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.

a. The site has a 75 gal. fresh water tank and a 120 gal. wastewater water tank.

b. The site has access to a shared restroom in ‘Expressway Auto’ business located 160 feet west of the proposed marijuana manufacturing structure on Lot 15.

c. The site is served by North Star Fire Service Area and Alaska State Troopers.

d. The site is connected to the GVEA grid.

e. With the conditions imposed, the site will have a DOT approved driveway on Mistletoe Drive.

f. Three (3) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed conditional use.

g. Traffic generated by the proposed use will have relatively little impact on Mistletoe Drive which is maintained by ADOT & PF and has adequate capacity for the additional trips generated.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the GC zone and Standards for Commercial Marijuana Establishments (FNSBC 18.64 and 18.96.240, respectively) as well as state requirements for a commercial marijuana product manufacturing facility.

a. With the conditions imposed, security systems, alarms, locks, cameras and lighting will meet state regulations required to obtain a commercial marijuana product manufacturing license.

b. With the conditions imposed, any solid or liquid waste including marijuana plant waste and non-domestic wastewater will be disposed of according to state and local regulations.

c. With the conditions imposed, marijuana odor will be mitigated with appropriately sized odor filtration systems.

d. All marijuana and marijuana products would be secured inside the building to ensure the general public does not have access to them.

e. The noise generated from this manufacturing operation would be negligible because the operation is completely indoors.

f. The outdoor lighting would point downwards and would not negatively impact adjacent residential zones.

g. The hours of operation do not negatively impact the neighborhood because the facility is located along Richardson Highway, an interstate type roadway, which has developed commercially in this area.
Ms. Thayer was concerned with the public health, safety and welfare in regards to the restroom facility not being on the property and that it was next door and was being shared with another business.

Mr. Singh stated he asked the same question from AMCO, however didn’t receive a response; he stated from the Borough’s perspective of having a restroom in a different facility was not a concern if DEC approved of it.

Ms. Thayer stated there were many businesses that had a port-a-potty, which the applicant could use instead of using a restroom in another facilities building.

Mr. Muehling asked if the neighboring property owners would be aware of the happenings on the property with the conditions in the staff report.

Mr. Singh replied with the research he had done there would be impacts; however the impacts would be minimal and no different from other allowed uses in the General Commercial zone.

Mr. Ross, the applicant talked about the restroom and informed it was a short walking distance but shouldn’t impact the public health, safety or welfare. He then made himself available for questions.

Mr. Morton stated there were other businesses in town that used another property’s restroom, he further commented on the 200 foot rule and didn’t understand why it would be different for their circumstance.

Mr. Guinn asked about the agreement they had with the adjoining property owner regarding using their restroom facility.

Mr. Ross replied it was written in the lease.

Mr. Perreault asked what kind of security other than lighting they would have.

Mr. Ross replied they were working with Velcry who was the leading security agency for most of these types of facilities, grow, retail and manufacturing, and said there would be 24-hour video surveillance and motion and heat detectors and would also be in compliance with the State requirements.

Interested Person Testimony Opened

Mr. Alan Gering talked about freedom and how marijuana was voted in the community but was concerned with addictions and how it would affect the young members of the community.

Mr. Peterson asked how he thought the business would impact his property.

Mr. Gering replied as a retailer who looked at speck homes and apartments, he looked at the issues of where the different stores were located and what they were selling and the impact on that community and he felt that when these kinds of properties come in there would be more incidences from people that were using and would make people less safe.
Mr. Steve Malcott stated the community wasn’t used to this kind of activity coming to their neighborhood. He also commented on the area saying there wasn’t a sidewalk for pedestrians and didn’t think it was safe or wise to put the facility in the location they were suggesting and didn’t want that kind of element in the neighborhood.

Mr. Perreault asked for clarification regarding the sidewalk and location of the facility.

Mr. Malcott replied there was no sidewalk on the road that the property was adjacent to and if the traffic increased due to the facility then it would put pedestrians at risk.

Ms. Terri Currier area resident and realtor was concerned with the property values in the neighborhood and the personal enjoyment of her own property being in jeopardy with additional traffic the business would bring.

Ms. Susan Currier area resident talked about riding bikes with her children in the neighborhood and spoke in opposition to the request.

Mr. Marlee Currier area resident spoke in opposition to the request. He commented on seeing the affects marijuana had on people when he was in school with teammates losing their position on the team and people losing their jobs and also being kicked out of school due to their use of marijuana. He was also concerned with the property values and possible expansion of the business.

Mr. Marlan “Butch” Currier reiterated comments made previously by other members of his family. He commented on the aerial photo being out dated and that the area was cleared of trees and was visible from the street and didn’t have much of a tree buffer.

Mr. Paul Ford area resident spoke in opposition to the request.

OATH GIVEN

Mr. Jacob Tyler renter in the neighborhood spoke in opposition to the request. He was concerned with how the establishment would affect the children in the neighborhood and said it would have a negative impact on North Pole and the Christmas themed community.

Ms. Tanya Ford agreed with previous comments made from other residents and spoke in opposition to the request.

Interested Person Testimony Closed

Mr. Ross commented that there wouldn’t be outside advertising of the marijuana facility or the industry, he stated there would just be a blue building; he further informed on the regulations and said there couldn’t be any visibility within the facility itself, meaning someone couldn’t walk up to the facility and peek in to discover what was inside. He reiterated and said there would be no visibility inside and would be no signage on the outside to know what the facility was for. He addressed the traffic concerns and felt it would decrease the traffic in the area and further said it might add four more trips down the road, he informed that when the building was used as a drive through restaurant in 2015 it generated an estimated 2100 trips down Mistletoe Drive, therefore it would be reduced significantly from when the building was previously used.
Mr. Morton appreciated comments made from the public, he emphasized that they were not selling to the community nor to customers and would not be any consumption on site or near the site and when the materials were to be transported, they would be locked in a safe, secure storage container.

Ms. Thayer commented on the building not being a stand-alone facility to operate their business since it relied on the adjacent building for the restroom facility and sewer and thought it should have their own restroom.

Mr. Morton replied if the septic did backup then it would be something that would need to be handled, however it wouldn’t be any different from the people that worked at the building where the septic backup was.

Mr. Perreault clarified that the landlord of the facility was also a business owner of the adjacent building and a neighborhood resident.

Ms. O’Neall asked if they would be growing marijuana on site.

Mr. Ross replied, no that they would be getting their trimmings from other licensed marijuana growers or retailers they could legally purchase from who would also have the same regulations from the State of Alaska.

Mr. Perreault asked about hash oil and if it would be one of their manufactured products.

Mr. Ross replied it wasn’t allowed in the application they had currently submitted and it would have to be a separate application with the State of Alaska and wasn’t what they were proposing to do.

MOTION: To approve CU2017-014 with three (3) conditions, adopting the staff report, and three (3) findings of fact in support of approval by Ms. O’Neall, seconded by Mr. Guinn.

Ms. Thayer asked what the allowable distance from a homeschool to a facility was.

Ms. Doxey replied the buffer distances were found in FNSBC 18.96.240 and the school building buffer was 500 feet of a primary and secondary school building; and Subsection B continues and stated 200 feet of any post-secondary grade school building.

Mr. Perreault thanked the public for coming to testify, he further commented on why the State had so many rules and regulations in Borough and State Code was because of the concerns of the citizens of the State of Alaska, signage, security, lighting, etc., which was why businesses of this type had the restrictions they did, so it didn’t call attention to itself; and because the rules were in place, it allowed a legal business to exist in a legal place; he said the conditions address the neighborhood concerns and spoke in favor of the request.

Mr. Guinn agreed with Mr. Perreault and spoke in favor of the request.
Ms. Presler agreed and said the request did support the Comprehensive Plan, she appreciated comments made by Ms. Thayer, however the lease provided a restroom facility and spoke in favor of the request.

**MOTION:** To amend and add a Condition number 4 for the health, safety and welfare to read, “that the applicant or permit holder must provide an on-site bathroom facility” by Ms. Thayer, seconded by Mr. Peterson.

**Discussions on the Motion to Amend**

Mr. Perreault stated he would not be supporting the amendment and reminded that the restroom facility was provided for and was stated in the lease, he also commented on the dumpster, which was provided for and stated in the lease and said if they had already sorted such items out with the landlord and was in the lease then he didn’t think it was something the Commission should require.

Mr. Peterson stated they were going to be making food products and he thought asking them to have a restroom facility on-site supported by their business didn’t seem unreasonable and spoke in favor of the amendment.

**ROLL CALL (on Motion to Amend)**

Two (2) in Favor: Mr. Peterson, Ms. Thayer

Seven (7) Opposed: Mr. Stepovich, Mr. Perreault, Mr. Muehling, Mr. Guinn, Mr. Whitaker, Ms. O’Neall, Ms. Presler

**MOTION FAILED**

**Further discussion on Main Motion**
None

**ROLL CALL (on Main Motion)**

Seven (7) in Favor: Mr. Perreault, Mr. Muehling, Mr. Guinn, Mr. Whitaker, Ms. O’Neall, Mr. Stepovich, Ms. Presler

Two (2) Opposed: Mr. Peterson, Ms. Thayer

**MOTION CARRIED**
2. **CU2017-016**: A request by Brandon Roybal DBA AK Aurora Blooms, LLC on behalf of Mt. McKinley Bank and Double G Investments, LLC for conditional use approval of a marijuana cultivation facility, indoor unlimited in the Light Industrial (LI) zone on Lot 1, Block 8, Cartwright Air Industrial Park Subdivision and TL-2040, Section 20, T1S-R1W, F.M. (located at 2693 Arla Street, on the east side of Worrell Avenue, south of Arla Street). (Staff Contact: Manish Singh).

Ms. Bork informed that she had read the item into the record as it was advertised, however there was now a change in ownership and asked if she needed to correct the record as to who the owner now was.

Ms. Doxey replied that it needed to be clarified for the record.

Mr. Singh stated he would clarify during his presentation.

Mr. Singh presented the staff report. He informed that when the conditional use application was submitted, the property owner was Mt. McKinley Bank but was in the process of selling the property to Double G Investment, which was noted in the application. He further stated that a Warranty Deed was submitted to showing the transfer of ownership was now Double G Investment from whom the applicant was now leasing from. Based on the staff analysis, the Department of Community Planning recommended **APPROVAL** of the conditional use permit request for marijuana product manufacturing facility, limited in the GC zone with three (3) conditions.

**Conditions for approval**

1. Prior to the commencement of operations, the applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:

   a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure the site meets all licensing requirements for a commercial marijuana cultivation facility.
   b. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and shall comply with all recommendations and/or requirements resulting from the plan review.
   c. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Environmental Conservation for the onsite septic system and shall comply with all recommendations and/or requirements resulting from the plan review.
   d. If any improvements are made to the existing building, the applicant or holder of this conditional use permit shall obtain all applicable permits to continue to comply with Title 15 Floodplain Management Regulations.

2. Indoor cultivation, drying, and processing rooms or portions of the building shall be equipped with appropriately sized odor filtration systems such that the marijuana odor shall not be detectable by the public from outside the cultivation facilities.
3. If any modifications are made to the site plan, floor plans, or other FNSB required
documents, the applicant or holder of this conditional use permits shall submit revised
documents to the FNSB Community Planning Department. If modifications are made to
the conditional use, an amendment to the Conditional Use Permit may be required
pursuant to FNSBC 18.104.050(D).

Findings of Fact for approval

1. With the conditions imposed, the proposed conditional use will conform to the intent and
purpose of Title 18, Title 15 and of other ordinances and state statutes:

   a. The purpose of Title 18 will be met because the proposed conditional use is
      consistent with ‘Heavy Industrial Area’ comprehensive plan land use designation.
      The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are
      being enhanced with the redevelopment of this site as a marijuana cultivation facility.
   b. The intent of Title 18 will be met because with the conditions imposed, the
      conditional use will both protect private property rights and promote public health,
      safety, and welfare.
   c. 3AAC 306 governs the state licensing and operational standards for marijuana
      facilities. Title 18 requires that a borough permitted commercial marijuana facility
      obtain a license pursuant to all state regulations. The applicant has provided
      information sufficient to show they intend to meet the state regulations and to apply
      for a state issued license.
   d. The purpose of Title 15 will be met because with the conditions imposed, the
      conditional use will meet Floodplain permitting requirements and will help minimize
      flood losses and promote health, safety and welfare.

2. With the conditions imposed, there are adequate existing energy and transportation
facilities serving the site and other public services are available to serve the proposed
conditional use.

   a. The site has an onsite septic system. With the conditions imposed, this onsite septic
      system will be adequate to receive the non-domestic wastewater generated from the
      cultivation facility.
   b. The site is served by University Star Fire Service Area for fire protection and rescue
      services and by Alaska State Troopers for law enforcement.
   c. The site is currently connected to the GVEA grid which will provide sufficient energy
      supply for indoor cultivation activities.
   d. Sixteen (16) off-street parking spaces and a loading area have been provided on-
      site, which are adequate for the proposed cultivation conditional use.
   e. The traffic generated from the proposed marijuana cultivation use will not further
degraded Worrell Avenue and Arla Street, and will have a negligible, if any, effect on
   nearby Peger Road, a minor collector.

3. With the conditions imposed, the proposed conditional use will protect public health,
safety, and welfare as the facility will comply with Title 18 standards for the LI zone
(FNSBC 18.72) and Standards for Commercial Marijuana Establishments (FNSBC
18.96.240) as well as state requirements for a commercial marijuana cultivation facility.

   a. With the conditions imposed, security systems, alarms, cameras and lighting will
meet state regulations required to obtain a commercial marijuana cultivation license.
b. With the conditions imposed, any solid or liquid waste including marijuana plant waste will be disposed of in accordance with state and local regulations.

c. With the conditions imposed, odor will be mitigated with appropriately sized odor filtration systems on cultivation, drying, and processing facilities.

d. All marijuana and marijuana products will be secured inside the building to ensure the general public does not have access to them.

e. The noise generated from this cultivation operation would be minimal because the operation is completely indoors.

f. The outdoor lighting would point downwards and will not negatively impact the neighborhood or residential uses.

g. The hours of operation do not negatively impact the neighborhood because the facility is located in a commercial and industrial neighborhood with other businesses having similar hours of operation.

Ms. Presler questioned ADEC’s comments regarding the wastewater collected and that it was going to be reused for plant watering and wouldn’t be distributed into the septic system and the septic permit for the building would be okay.

Mr. Singh clarified and said the applicant was proposing a trench and bucket that would collect, however there wasn’t anyone in the Community Planning Department with this type of expertise of how wastewater should be managed, therefore conversations with ADEC, recommended that if there was an onsite septic system that had the probability of receiving marijuana enriched water, they should check with DEC, which lead to the condition to have DEC review.

Ms. Thayer questioned TL-2058 and asked the access point from TL-2026.

Mr. Singh replied he unfortunately didn’t have information regarding that property. He further informed that it was not related to the case, but in general there had been inquiries about TL-2058 being a road or not being a road; he didn’t know of the access rights and didn’t conduct the research, he informed that it would be up to the courts to decide; but for the conditional use and the two properties involved they had access from Arla Street.

Ms. Thayer asked why the access from TL-2058 for the proposed site was removed and why they had to show it was not being a private access.

Mr. Singh explained when he received the application the site plan showed they had one primary access and an alternate access, which would be used as a secondary access and during his research he found it wasn’t a road as listed in Borough Assessing records, but it was a private property that looked like a road, therefore recommended the applicant modify their application if they thought it was appropriate, so the applicant decided not to use either Worrell Avenue or the access road and didn’t need an secondary access road and would only be using Arla Street for access.

Mr. Peterson questioned the buffer in relation to the University and the Fairbanks Pipeline Training Center and asked if it was included in the sensitive area.

Mr. Singh replied he did understand the training center was a vocational school and would be a FNSB sensitive use requiring a 200 foot buffer, however they were not in the 500 foot proximity distance to the facility.
Mr. Roybel the applicant to the request talked about the zoning for the facility. He mentioned he currently had a zoning permit for another operation near the current site and made himself available for questions.

Mr. Peterson questioned the prior use of the property and asked about the individual bays and if each bay had its own floor drain, he asked the applicant how he would block the drainage if there were any spills.

Mr. Roybel replied the original intent for the building was to be a truck repair shop for large tractor/trailers and the drains in each bay was just an open concrete trench, he said they would have to physically remove any material collected in the trenches.

Mr. Stepovitch questioned the storage room located on the plans and asked if the small storage room would be capable to store his products from the eight different bays.

Mr. Roybel replied the storage room would be a 200 square foot walk-in vault and felt it would be more than adequate to store the product.

Interested Person Testimony Opened

Mr. Ken Kelsch owner of a tenant building and area resident. Commented on the odors coming from the applicant’s other property and had contacted AMCO many times to complain, however they had not been able to get the problem under control. He was concerned with the odors now and felt if the request was approved for a larger facility then it would only get worse and wanted something to be done about the odor because if he lost his tenants or employees then it would directly affect him.

OATH GIVEN

Ms. Ellen McKnight the owner of Sherwin Williams Paint Store building was concerned about adequate security and who would be monitoring security for the facility and how the authorities would be contacted if there was a break-in or vandalism.

Mr. Perreault recalled her earlier testimony for other requests in the area where she was concerned with security and odor and wanted to follow up and asked if she had any complaints of odor from that facility from her employees or clients.

Ms. McKnight clarified she didn’t own the business she only owned the building; she said if there were complaints, no-one notified her of any.

Interested Person Testimony Closed
Mr. Roybel addressed Ms. McKnight’s concerns and said according to State compliance the facility would have a monitored alarm system that would notify the State Troopers if triggered, he commented on the odor and said with the existing facility, Alaska Cannabis Cultivators, the AMCO investigator for Fairbanks had inspected the property and found no cause for alarm. He informed that after he received a complaint letter he added more odor mitigation to aid and hoped to appease the neighbors. He concluded and stated he wanted to have an open dialogue and communication with all parties; he mentioned the construction company across the street which created exhaust that sometimes filtered into his building and thought it was just part of the location of the zoning they were in and thought they were also part of the odor problem.

Mr. Muehling asked if he contacted a similar larger scale facility to see their air filtration systems that might be needed.

Mr. Roybel explained the difference between the existing business and the new business proposed, he said for the existing business, the Alaska Cannabis Cultivators, to get it running they used an air intake air exhaust system to cool down the garden and were using carbon charcoal filters in line to mitigate the odor and the new facility would have all the air processed with AC and dehumidifiers within the facility so very little air movement would be coming in and out of the building as opposed to the existing cultivation.

Mr. Peterson questioned the security and understood if the building was broken into that the alarm would notify the authorities, however he questioned whether authorities would be notified if there was something going on illegally on the outside of the building.

Mr. Roybel explained the cameras were required to monitor the perimeter of the building and was recording 24 hours a day and would not trigger the authorities but would be captured on video.

Mr. Perreault asked if he knew the rate of incidents of break-ins or vandalisms.

Mr. Roybel replied the cultivation facility wasn’t open to the public and was a restricted access building and had very little action, therefore was part of their security strategy.

Mr. Whitaker asked where he purchased the filters for the filtration system.

Mr. Roybel replied there were a few out of state hydroponic retailers that he purchased from.

MOTION: To approve CU2017-016 with three (3) conditions, adopting the staff report, and three (3) findings of fact in support of approval by Ms. Thayer, seconded by Ms. Presler.

Ms. Thayer stated the public health, safety and welfare was being address in regards to the security and lighting and said they added additional air filtration to address the neighborhood concerns; she also mentioned the request supported the Borough’s development of business and spoke in favor of the motion.

Ms. Doxey asked the Commission to discuss whether there was adequate sewage capacity, transportation facilities, energy and water supplies and other public services required by Code.
**Ms. Thayer** stated for the record that the applicant had shown there was more than sufficient water capacity on site and had a septic system that would be maintained in order to continue functioning properly and the transportation and access to the property had been adequately addressed; in regards to the energy, it was zoned Light Industrial and Golden Valley supplied the power, therefore everything was addressed.

**ROLL CALL**

Ten (10) in Favor: Mr. Brandt, Mr. Muehling, Mr. Guinn, Mr. Whitaker, Mr. Peterson, Ms. O’Neall, Ms. Thayer, Mr. Stepovich, Mr. Perreault, Ms. Presler

Zero (0) Opposed:

**MOTION CARRIED**

**G. PUBLIC HEARING**

None

**H. APPEALS**

None

**I. UNFINISHED BUSINESS**

None

**J. NEW BUSINESS**

None

**K. EXCUSE ABSENT MEMBERS**

Ms. Thayer stated there was a potential for her to be absent on May 16th but would keep the Clerk informed.

Mr. Stepovich informed he would be absent on May 16th.

**L. COMMISSIONER’S COMMENTS**

1. FMATS
   None

2. Other

Ms. Thayer thanked staff for how well the application packets were put together for each item.

**M. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:57 p.m.