Please refer to Planning Commission Rule #25: Any action taken during this meeting is subject to reconsideration during this meeting or at the next. A request for reconsideration at the next meeting must be submitted in writing by a Planning Commissioner (who voted on the prevailing side) by the close of business the day following the meeting.

Opening Statements, Agenda and Consent Agenda(*)

Audio Track 1

APPROVED

CU2017-020: A request by Michael Emers on behalf of Rosie Creek Farm LLC for conditional use approval of a marijuana product manufacturing facility, limited in the Rural and Agricultural 20 (RA-20) zone on Tract A, Rosie Creek Farm Subdivision (located at 2659 Livingston Loop (on the south side of Livingston Loop, south of Rosie Creek Trail, and north of the Tanana River).

Audio: Track 1

CONDITIONS

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 obtain any required 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.

   c. The applicant or holder of this conditional use permit shall obtain any required floodplain permits or US Army Corp of Engineers wetland permits.

   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.

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, operations, 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).

FINDING OF FACT

1. The proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes because it will conform to Title 18 requirements as a conditional use in the RA-20 zone.

   a. The conditional use is consistent with the *Outskirt Area* designation. With appropriate conditions, the conditional use is compatible with the existing land uses. The purpose of Title 18 will be met because the proposed use supports Land Use Goal 4, Strategy 10 of the FNSB Regional Comprehensive Plan, which is to “attract and support development that is compatible with and enhances existing land use”. The use also aligns with Economic Development Goal 1 to “strengthen and expand the existing economy.”

   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 by allowing a land use compatible with the existing agricultural uses. Additionally, no traffic hazards, fire hazards, or other safety hazards will be created by the conditional use.

   c. The applicant has provided information sufficient to show they intend to meet all local, state, and federal laws.

2. 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 conditional use has an existing on-site well and sewage holding tank.

   b. The site is served by the Chena Goldstream Fire Service Area and Livingston Loop is served by the Becker Ridge Road Service Area.

   c. The use is not expected to generate many additional trips but existing facilities are adequate for any additional trips. The use will not impede vehicular and pedestrian traffic on the surrounding roads because they have adequate capacity for current and future vehicular trips.

   d. Adequate on-site parking is provided that meets Title 18 requirements.

3. With the conditions imposed, the conditional use will protect public health, safety, and welfare as the marijuana manufacturing facility, limited will comply with Title 18 standards for the RA-20 zone.

   a. It is compatible with the existing agricultural uses on site and other adjacent uses.

   b. No off-site stormwater runoff is expected from the manufacturing facility as any runoff is expected to be absorbed on site since the manufacturing building is more than 200 feet to any property line.

   c. The hours of operation minimize noise impacts associated with the operation of the manufacturing equipment. Odor is not expected to increase with the manufacturing use but an odor filtration system will minimize any impacts.

   d. Lighting is not directed at any residentially zoned parcel and the manufacturing building is more than 200 feet from any property line.
e. The site is partially in the floodplain but no development is proposed in this area. Appropriate floodplain and other permits will be obtained as required for future development.

f. The conditional use does not create any fire, traffic, or public safety hazards.

**APPROVED**

**CU2017-021:** A request by Haley Essig DBA Thirdstate on behalf of Green Diamond LLC for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone on Tract A, White Firehood Subdivision (located at 200 Pheasant Farm Road, on the east side of Pheasant Farm Road, south of Chena Hot Springs Road).

Audio: Track 2

**CONDITIONS**

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.

2. Indoor cultivation, drying, and processing rooms or portions of the building where marijuana will be grown, processed or stored, shall be equipped with appropriately sized odor filtration systems such that the marijuana odor shall not be detectable by the public from outside the indoor cultivation facility.

3. If any modifications are made to the site plan, floor plans, or other FNSB required documents or operational characteristics, 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**

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 not inconsistent with ‘Rural Settlement 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.

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, the property will have adequate capacity to receive the non-domestic wastewater generated from the cultivation facility.

b. The site is not served by a Fire Service Area. However, with the conditions proposed, the conditional use will have adequate fire safety capacity because the applicant would take extra fire safety precautions such as adhering to the application building and fire codes, following ADNR recommended ‘Firewise’ best practices for landscaping, and having fire extinguishers on the property.

c. The site is served by Steese Volunteer Fire Department for emergency ambulance service.

d. The site is served by Alaska State Troopers for law enforcement.

e. The site is currently connected to the GVEA grid which will provide sufficient energy supply for indoor cultivation activities.

f. Nine (9) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed cultivation conditional use.

g. The traffic generated from the proposed marijuana cultivation use will not further degrade Pheasant Farm Road, and will have a negligible, if any, effect on nearby Chena Hot Springs Road, a major 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 GU-1 zone (FNSBC 18.84) 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 and it would not negatively impact the neighboring residential property owners because the nearest residence is at least 1,000 feet away from the subject building.
f. The outdoor lighting would point downwards and will not negatively impact the neighborhood or residential uses.

APPROVED

CU2017-022: A request by Haley Essig DBA Thirdstate on behalf of Green Diamond LLC for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone on Tract A, White Firehood Subdivision (located at 200 Pheasant Farm Road, on the east side of Pheasant Farm Road, south of Chena Hot Springs Road).

Audio: Track 2

CONDITIONS

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.

2. If any modifications are made to the site plan, floor plans, or other FNSB required documents or operational characteristics, 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

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 not inconsistent with ‘Rural Settlement 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.

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, the property will have adequate capacity to receive the non-domestic wastewater generated from the cultivation facility.

b. The site is not served by a Fire Service Area. However, with the conditions proposed, the conditional use will have adequate fire safety capacity because the applicant would take extra fire safety precautions such as adhering to the applicable building and fire codes and following ADNR recommended ‘Firewise’ best practices for landscaping.

c. The site is served by Steese Volunteer Fire Department for emergency ambulance service.

d. The site is served by Alaska State Troopers for law enforcement.

e. The site is currently connected to the GVEA grid which will provide sufficient energy supply for outdoor cultivation activities.

f. Nine (9) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed cultivation conditional use.

g. The traffic generated from the proposed marijuana cultivation use will not further degrade Pheasant Farm Road, and will have a negligible, if any, effect on nearby Chena Hot Springs Road, a major 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 GU-1 zone (FNSBC 18.84) 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 minimized inside the greenhouse with appropriately sized odor filtration systems.

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 and it would not negatively impact the neighboring residential property owners because the nearest residence is at least 1,000 feet away from the subject building.

f. The outdoor lighting would point downwards and will not negatively impact the neighborhood or residential uses.
New Business, Closing Comments and Adjournment.

Audio: Track 2

Further information may be obtained from FNSB Department of Community Planning at 459-1260