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.

Roll Call, Opening Statements, Agenda and *Consent Agenda.

Commissioners Present:    Charles Whitaker   Chris Guinn  
                          Doug Sims            Mindy O’Neall 
                          Eric Muehling        David Brandt 
                          Wendy Presler        Patricia Thayer 
                          John Perreault 

Commissioners Absent & Excused:  Robert Peterson   Mike Stepovich

APPROVAL OF THE AGENDA AND CONSENT AGENDA

*MINUTES

1. *Minutes from February 13, 2018 PC Meeting were unavailable.

Audio Track 1

AGENDA APPROVED / CONSENT AGENDA ITEM REMOVED

QUASI-JUDICIAL HEARINGS

1. **CU2018-010**: A request by Grant Anderson, DBA Fox Creek LLC, on behalf of KGM LLC, for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone on TL-3103, Section 31, T2N-R1E, F.M. (located at 2304 Old Elliott Highway, on the west side of Elliott Highway, between Old Chatanika Trail and Old Steese Highway N). (Staff Contact:  Manish Singh)

Audio Track 1

CONDITIONS OF APPROVAL

1. Prior to the commencement of marijuana cultivation operation, 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 proposed wastewater storage tank and/or the use of a septic system for non-domestic wastewater discharge; 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 Alaska Department of Transportation and Public Facilities (ADOT&PF) for the existing driveway and shall comply with all recommendations and/or requirements resulting from the plan review or provide documentation that a review for the existing driveway is not required.

e. The applicant or holder of this conditional use permit shall obtain a formal plan review by the U.S. Army Corps of Engineers (USACE) and shall comply with all recommendations and/or requirements resulting from the plan review or provide documentation that a review for the proposed conditional use is not required.

f. The applicant or holder of this conditional use permit shall obtain all applicable floodplain permits if there are any changes made within the Special Flood Hazard Area to ensure that the marijuana cultivation facility complies with the FNSB Title 15 - Floodplain Management Regulations.

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 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 consistent with ‘Outskirt Area’ comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are being enhanced with the development 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 facility has an existing well to meet the water supply needs for marijuana cultivation.
   b. The facility will have a storage tank and/or a septic system for the non-domestic wastewater. With the conditions imposed, the facility will dispose of the wastewater according to the state regulations.
   c. The facility is served by the Steese Volunteer Fire Department for emergency fire response.
   d. The facility is served by Alaska State Troopers for law enforcement.
   e. The facility is currently connected to the GVEA grid which will provide sufficient energy supply for indoor cultivation activities.
   f. Eight (8) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed cultivation conditional use.
   g. The subject property is accessible from Elliott Highway, which is an interstate type roadway. Elliott Highway can accommodate the small number of trip ends generated by the proposed cultivation facility.

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 in 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 operation is completely indoors.
   f. The outdoor lighting will not point on neighboring properties and therefore, will not negatively impact the neighborhood or residential uses.
   g. The facility is located in GU-1 zoning where there are no restrictions on hours of operation.

CU2018-010 APPROVED
[NINE IN FAVOR / ZERO OPPOSED]

2. **CU2018-011:** A request by Gary Evans, DBA Grass Station 49, on behalf of David Lanning and Morgan Evans, for conditional use approval of a retail marijuana store in the General Use 1 (GU-1) zone on TL-221, Section 2, T1S-R2W, F.M. (located at 2502 Parks Highway, on the north side of Parks Highway, on the west side of Java Lane). (Staff Contact: Manish Singh)
CONDITIONS OF APPROVAL

1. Prior to the commencement of retail marijuana store operation, 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 retail marijuana store.
   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 proposed wastewater storage tank; 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 Alaska Department of Transportation and Public Facilities (ADOT&PF) for the existing driveway and shall comply with all recommendations and/or requirements resulting from the plan review or provide documentation that a review for the existing driveway is not required.

2. All parking, turning and maneuvering area shall be located entirely within the subject property of the conditional use being served.

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 consistent with ‘Outskirt Area’ comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are being enhanced with the development of this site as a retail marijuana store.
   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 retail marijuana store 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 facility will have a 500 gallon freshwater tank to meet the water supply.
b. The facility will have a 500 gallon wastewater storage tank for the non-domestic wastewater. With the conditions imposed, the facility will dispose of the wastewater according to the state regulations.
c. The facility is served by the Ester Volunteer Fire Department for emergency fire response.
d. The facility is served by Alaska State Troopers for law enforcement.
e. The facility is currently connected to the GVEA grid which will provide sufficient energy supply.
f. Six (6) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed conditional use.
g. With the conditions imposed, the retail store will have an adequate driveway.
h. The subject property is accessible from Parks Highway, which is an interstate type roadway. Parks Highway can accommodate the trip ends generated by the proposed retail store.

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 retail marijuana store.

   a. With the conditions imposed, security systems, alarms, cameras and lighting will meet state regulations required to obtain a commercial retail marijuana 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. All marijuana and marijuana products will be secured inside the building to ensure the general public does not have access to them.
   d. The noise generated from this retail operation would be minimal and it would not negatively impact the neighboring residential property owners because the operation is completely indoors.
   e. The outdoor lighting will not point toward neighboring properties and therefore, will not negatively impact the neighborhood or residential zone.
   f. The proposed signage will meet the FNSB sign standards.
   g. The facility is located in GU-1 zoning where there are no restrictions on hours of operation. There are other land uses in the proximity of the marijuana retail store that have comparable impacts on the residential properties

CU2018-011 APPROVED
[SEVEN IN FAVOR / ONE OPPOSED]

LEGISLATIVE

1. **ORDINANCE NO. 2018-06:** An Ordinance Amending Chapter 18.104 FNSBC Regarding Notification of Rezoning, Conditional Uses, And Variances And Amending Procedures For Rezoning And Conditional Use Permits (Sponsor: Assemblymember Roberts) (Staff Contact: Christine Nelson)

Audio Track 3

Motion to Recommend that the FNSB Assembly approve Ordinance No. 2018-06.
Failed – 3 in Favor [Presler, Brandt & Thayer] / 6 Opposed [Sims, Perreault, Guinn, Whitaker, Muehling, O’Neall]

Motion to Amend the Motion to add a recommendation to the Assembly to add at line 100 after the word “persons”...”who receive a notice of an application for a conditional use permit and”.... [Clarified line 100 would read if amended: “B. Notice of Intent to Initiate a Rezone. Any person or persons who receive a notice of an application for a conditional use permit and who wish to initiate a rezone may file a Notice of Intent to Initiate a Rezone prior to submitting a complete application]

Approved – unanimously

Motion to Amend the Motion to maintain the current distances for DPO notification.

Approved – unanimously

Excuse Future Absences, Commission’s Comments and Adjournment.

Audio: Track 3

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