

By: Mark Whisenhunt
Introduced: May 15, 2017
Public Hearing: June 5, 2017
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 17-23**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA CULTIVATION FACILITY AT 20520 WEST TWITTY AVENUE, LOCATED WITHIN TOWNSHIP 18 NORTH, RANGE 4 WEST, SECTION 3; TAX ID# 2375000T001, SEWARD MERIDIAN.

WHEREAS, an application has been received from Jana Weltzin, on behalf of S.H.S, LLC (dba The Farm) for a conditional use permit for the operation of a marijuana cultivation facility at 20520 W. Twitty Avenue, located within Township 18 North, Range 4 West, Section 3; Tax ID# 2375000T001, Seward Meridian; and

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

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

WHEREAS, the subject facility is surrounded by a sight obscuring fence, six feet in height and topped with barbed wire; and

WHEREAS, the subject property is accessed via W. Twitty Avenue; and

WHEREAS, the proposed conditional use operation will use greenhouse structures to grow cannabis; and

WHEREAS, the proposed use is set back 124 feet from the Park Highway right-of-way, 288 feet from the W. Twitty Avenue right-of-way, 437 feet from the section line easement to east, and 562 feet from the south side property line; and

WHEREAS, the subject property is 25 acres in size; and

WHEREAS, there are no outdoor speakers or public announcement systems associated with the proposed use; and

WHEREAS, the proposed use is located on a hill approximately 30 to 40 feet above the Parks Highway. As a result, the proposed use is virtually unseen from off site; and

WHEREAS, the closest residential structure is more than 500 feet away from the proposed use; and

WHEREAS, according to the application material, the proposed use has a robust security plan in place; and

WHEREAS, according to the application material, a no loitering policy will be in place; and

WHEREAS, according to the application material, no business signs will be located at the site or visible from off site; and

WHEREAS, the closest school (Willow Elementary) is approximately 23,700 feet away from the proposed use; and

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

WHEREAS, access to the premises is made via a locked gate across the driveway; and

WHEREAS, MSB Driveway Permit # D017160 has been approved for the existing access onto West Twitty Avenue; and

WHEREAS, persons under the age of 21 are prohibited from entering the premises of the proposed use; and

WHEREAS, after proper notification of the State of Alaska Alcohol & Marijuana Control Office; all marijuana products or waste material deemed unusable will be mixed into used soil or house hold trash, sealed in a container, and disposed of at the Borough landfill; and

WHEREAS, the State of Alaska Fire Marshal has issued Plan Review Certificate #2017Anch1214, approving the construction of the proposed use; and

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

WHEREAS, the odor mitigation plan uses site selection, such as, minimum setback requirements, topography, and existing vegetation as buffers to allow for natural odor attenuation at the site; and

WHEREAS, the proposed use is a summer operation. Activities will generally commence in May and harvest is expected in late August to early September; and

WHEREAS, on May 15, 2017, the State of Alaska Marijuana Control Board voted to approve The Farm's Marijuana Cultivation Facility, License # 12037 with delegation; and

WHEREAS, according to the applicant's wastewater and waste material disposal plan, no wastewater will be generated from the proposed use; and

WHEREAS, with no waste being disposed of on site, the proposed marijuana cultivation facility is fully compliant with ADEC regulations; and

WHEREAS, according to the application material, the operation will not use or store pesticides, herbicides, or any hazardous chemicals as part of its operation; and

WHEREAS, according to the application material, bio-nutrients will be stored in containers within the locked metal shipping container structure when not in use; and

WHEREAS, according to the applicant, fertilizers will be stored according to each manufacturer's recommendations; and

WHEREAS, all marijuana products will be stored in containers within the locked shipping container structure; and

WHEREAS, according to the security plan, a third party company will use security cameras, motion detectors, and lighting to monitor all activities at the facility; and

WHEREAS, according to the application material, all employees will be educated on all securities measures; and

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.60.100, 17.60.150 and 17.60.160; and

WHEREAS, the Planning Commission conducted a public hearing on June 5, 2017 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 17-23:

1. The proposed use, with conditions, 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 or 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. The applicant has provided documentation demonstrating all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60.150(D)(1)).
10. The proposed use is in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).
11. The wastewater and waste material disposal plan demonstrates compliance with the Alaska State Department of Environmental Conservation (MSB 17.60.160(A)).
12. The odor mitigation plan demonstrates mitigation measures will prevent odors from materially impacting adjoining properties (MSB 17.60.160(B)).
13. Storage of fertilizers will comply with all local, state, and federal laws (MSB 17.60.160(C)).
14. A security plan which includes education for employees on security measures has been provided (MSB 17.60.160(D)).
15. The proposed use meets the minimum setback requirements for marijuana cultivation facilities (MSB 17.60.160(E)).

NOW, THEREFORE, 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 cultivation facility, with the following conditions:

1. The owner and/or operator shall comply with all applicable state and local regulations.
2. 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.
3. 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.

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ADOPTED by the Matanuska-Susitna Borough Planning Commission this 5th day of June, 2017.



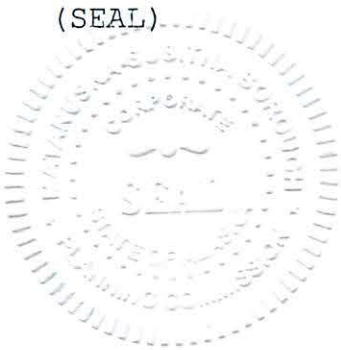
COLLEEN VAGUE, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)



YES: *Vague, Anderson, Healy, Chesbro, Elder, Glashan,*
NO: *and Rauchenstein*