

By: Mark Whisenhunt  
Introduced: June 5, 2017  
Public Hearing: June 19, 2017  
Action: Approved

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 17-21**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA CULTIVATION FACILITY AT 4603 NORTH PITTMAN ROAD, LOCATED WITHIN TOWNSHIP 18 NORTH, RANGE 2 WEST, SECTION 24; TAX ID# 18N02W24D001, SEWARD MERIDIAN.

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WHEREAS, an application has been received from Bradley Bartlett, on the behalf of Denali Dispensaries, LLC for a conditional use permit for the operation of a marijuana cultivation facility at 4603 N. Pittman Road, located within Township 18 North, Range 2 West, Section 24; Tax ID# 18N02W24D001, 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, according to the application material, the proposed use will be set back approximately 166 feet from the Pittman Road right-of-way, 163 feet from the north lot line, 2,400 feet from the south lot line and 1,050 feet from the west lot line; and

WHEREAS, access to the premises is from Pittman Road via an established driveway; and

WHEREAS, the proposed conditional use operation will be wholly contained within the subject structure; and

WHEREAS, there are no outdoor speakers or public announcement systems associated with 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, an eight foot tall chain link fence with vehicle gate will be constructed to encompass the entire facility; and

WHEREAS, according to the security plan, a combination of cameras, lighting, and fencing will be used to secure the site and monitor all activities at the facility; and

WHEREAS, according to the application material, no loitering will be allowed at the facility; and

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

WHEREAS, the closest residential structure is approximately 235 feet away from the subject structure; and

WHEREAS, land Uses within the 600 foot public notice area consist of residential, commercial, and undeveloped lands; and

WHEREAS, residential lots located north of the site are 3-3.5 acres in size. Residential lots located to the north east are approximately 1 acre in size, and

Whereas, several large lots, ranging from 320 acres to 11 acres in size surround the subject property on the east, south, and west sides, and

WHEREAS, other than enclosing the existing garage doors, the exterior appearance of the structure will not change; and

WHEREAS, the closest school (Meadow Lake Elementary) is approximately 15,000 feet away from the proposed use; and

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

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

WHEREAS, according to the application material, waste material will be either ground up and mixed into used soil for the next cycle of growing or will be sold to a properly licensed marijuana product manufacturing facility; and

WHEREAS, according to a letter dated June 5, 2017, by Erika McConnell, the Director of the State of Alaska Alcohol & Marijuana Control Office, the proposed use is compliant with ADEC regulations; and

WHEREAS, the State of Alaska Fire Marshal is still processing Denali Dispensaries request for plan review; and

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

WHEREAS, the applicant has submitted an odor mitigation plan, ensuring no marijuana odor will emit from the building; and

WHEREAS, all exhaust vents from the building have been fitted with carbon filters to remove marijuana odors; and

WHEREAS, no additional earthen berms or landscaping are proposed or required; and

WHEREAS, according to a letter dated June 5, 2017, by Erika McConnell, the Director of the State of Alaska Alcohol & Marijuana Control Office, the State Marijuana Control Board voted to approve Denali Dispensaries' marijuana cultivation facility, License #11413 with delegation during their April 4-5, 2017 meeting; and

WHEREAS, a copy of the delegated approval for Denali Dispensaries' marijuana cultivation facility, License # 11413 has been provided; and

WHEREAS, according to a letter dated June 5, 2017, by Erika McConnell, the Director of the State of Alaska Alcohol & Marijuana Control Office, the status for compliance with the fire code is still pending review; and

WHEREAS, the State of Alaska Alcohol & Marijuana Control Office will not activate Denali Dispensaries marijuana

cultivation license until the State Fire Marshal issues an approved plan review for the facility; and

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

WHEREAS, according to the applicant, only natural pesticides, such as neem oil, will be used as part of its operation; and

WHEREAS, according to the applicant, nutrient additives and natural pesticides will be stored within the facility in designated cabinets; and

WHEREAS, according to the applicant, nutrient additives and natural pesticides will be stored according to each manufacturer's recommendations; 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 19, 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 17-21:

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 State of Alaska Fire Marshal is still processing Denali Dispensaries request for plan review to obtain

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.
4. An eight foot tall chain link fence shall be located and constructed as detailed in the application by December 31, 2017 or prior to operating the marijuana cultivation facility.
5. Prior to operating, a copy of the approved plan review which shows full compliance with the applicable fire code, issued by the State Fire Marshal shall be provided to the MSB Development Services Division.

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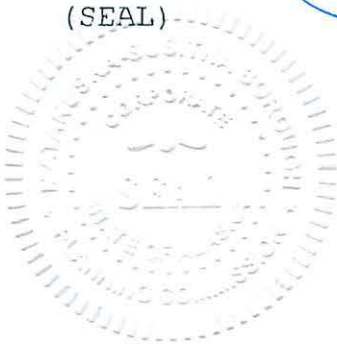
ADOPTED by the Matanuska-Susitna Borough Planning Commission this 19<sup>th</sup> day of June, 2017.

  
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COLLEEN VAGUE, Chair

ATTEST

  
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MARY BRODIGAN, Planning Clerk

(SEAL)



YES: *Vague, Healy, Christko, Elder, Glashan, and Rauchenstein*  
NO: