

By: Mark Whisenhunt  
Introduced: August 21, 2017  
Public Hearing: Sept. 18, 2017  
Action: Approved

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 17-38**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA CULTIVATION FACILITY AT 2301 SOUTH KNIK-GOOSE BAY ROAD, SUITE 1, LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 1 WEST, SECTION 17; TAX ID# 1005000L00W-1, SEWARD MERIDIAN.

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WHEREAS, an application has been received from Kerby Coman, dba Coman Farming Corporation, dba Green Degree for a conditional use permit for the operation of a marijuana cultivation facility at 2301 South Knik-Goose Bay Road, Suite 1, located within Township 17 North, Range 1 West, Section 17; Tax ID# 1005000L00W-1, 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 lot was developed for and has been used as commercial since 1984; and

WHEREAS, other than new signage, the subject structure has maintained the appearance and size since its original construction in 1984; and

WHEREAS, the proposed conditional use operation is wholly contained within Suite 1 of a commercial building; and

WHEREAS, Lots W-1 & W-2 share a common access onto Knik-Goose Bay Road. There are no other roads associated with this parcel; and

WHEREAS, according to the application material, the proposed use is set back approximately 155 feet from the Knik-Goose Bay right-of-way, 104 feet from the east lot line, 210 feet from the south lot line and 218 feet from the west lot line; and

WHEREAS, according to the application material, the proposed use has a security plan in place, which includes education of employees on all security measures; and

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

WHEREAS, according to the application material, loitering will not be allowed at the facility; helping to ensure noise and odor will not be an issue; 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 (Snowshoe Elementary) is approximately 8,000 feet away from the proposed use; and

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

WHEREAS, Knik-Goose Bay Road is classified as a Major Collector, which is capable of accommodating traffic generated by several commercial businesses; and

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

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

WHEREAS, after proper notification of the State of Alaska Alcohol & Marijuana Control Office; all marijuana products deemed unusable will be mixed into compostable soils, sealed in a container, and disposed of at the Borough landfill; and

WHEREAS, the Matanuska-Susitna Borough Fire Code Official has issued a Certificate of Occupancy for 2301 S. Knik-Goose Bay Road, Suite 1; and

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

WHEREAS, there is no outdoor industrial equipment or any processes that generate noise associated with the proposed use; and

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

WHEREAS, this marijuana cultivation facility has been in operation since January 2017 and the Borough has not received any smell complaints; and

WHEREAS, during a site visit on September 4, 2017 Staff did not smell any marijuana odor while outside of the building; and

WHEREAS, no new landscaping or berms are planned or required by code; and

WHEREAS, Knik-Goose Bay Road has several different uses on its frontage including commercial, industrial, and residential; and

WHEREAS, to the west and southwest of the subject parcel are commercial uses. To the north there is a mix of residential uses and vacant land. To the east and northeast there is a religious service building, and a mix of residential, vacant, and commercial uses; and

WHEREAS, the Green Degree Marijuana Cultivation Facility has obtained a State of Alaska Marijuana Establishment License # 10170, in accordance with 3AAC 306.005; and

WHEREAS, a copy of the State of Alaska Marijuana Establishment License # 10170 for Green Degree's Marijuana Cultivation Facility has been provided; and

WHEREAS, the Matanuska-Susitna Borough Fire Code Official has issued a Certificate of Occupancy for 2301 S. Knik-Goose Bay Road, Suite 1; and

WHEREAS, according to the application material, wastewater will be stored in a reservoir until it can be tested for safe disposal in the onsite septic system. In the event it is unsafe to dispose of through the septic system, a third party wastewater disposal company will dispose of the wastewater at an ADEC approved facility; and

WHEREAS, the Alaska Department of Environmental Conservation approved Green Degree's wastewater and waste material disposal plan during the licensing process for License #10170; 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, nutrients 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 September 18, 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 17-38:

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 nutrients, natural pesticides, and cleaners 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)).

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.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 18<sup>th</sup> day of September, 2017.

  
COLLEEN VAGUE, Chair

ATTEST

  
MARY BRODIGAN, Planning Clerk

(SEAL)

YES: *Vague, Anderson, Healey, Chesbro, Elder, Glaskan, and Rauchenstein*  
NO: