

By: Mark Whisenhunt  
Introduced: October 23, 2017  
Public Hearing: November 6, 2017  
Action: Approved

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 17-47**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA CULTIVATION FACILITY AT 7596 WEST CARMEL ROAD, LOCATED WITHIN TOWNSHIP 16 NORTH, RANGE 2 WEST, SECTION 4; TAX ID# 16N02W04A006, SEWARD MERIDIAN.

---

WHEREAS, an application has been received from Amilee Pasco, on behalf of KAD LLC, dba Grass Frontier Farms for a conditional use permit for the operation of a marijuana cultivation facility at 7596 West Carmel Road, located within Township 16 North, Range 2 West, Section 4; Tax ID# 16N02W04A006, 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 proposed conditional use operation is wholly contained within the 1,560 square foot metal building; and

WHEREAS, access is made onto Carmel Road via an existing driveway over 400 feet long; and

WHEREAS, according to the application material, the proposed use is set back approximately 331 feet from the section line easement to the north, 352 feet from the east lot line, 212 feet from the south lot line and 260 feet from the west lot line; and

WHEREAS, the development on the property is centrally located on a 9.5-acre parcel and surrounded by heavily forested land within the remaining area of the subject parcel; and

WHEREAS, Carmel Road abuts the parcel to the north. On the north side of Carmel Road, there is a mix of residential and vacant land on several large lots ranging from five to 80 acres. To the west and southwest there is a fully developed residential subdivision. To the south and east, there is a vacant 27-acre parcel which has been clear cut and has frontage on Knik-Goose Bay Road; 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, the facility will not be open to the general public; 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 (Settler's Bay Early Learning Center) is approximately 4,300 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, after proper notification to 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, 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 will be fitted with carbon filters to remove marijuana odors; and

WHEREAS, a shop structure was torn down during the summer of 2017. The proposed facility which is a metal building 30 feet by 52 feet was construct in the same location as the shop structure; and

WHEREAS, KAD LLC, dba Grass Frontier Farms has initiated an application for license #12904, in accordance with 3AAC 306.005; and

WHEREAS, according to the State of Alaska Alcohol & Marijuana Control Office, the application for license #12904 is currently under review; and

WHEREAS, according to the applicant, plans are being drawn up by a professional to submit for review by the Borough Fire Code Official. Staff recommends a condition requiring the applicant to provide documentation such as a Certificate of Occupancy issued by the Borough Fire Code Official prior to operating; and

WHEREAS, according to the application material, wastewater will be cleaned through reverse osmosis and reused for the proposed use. This process eliminates wastewater disposal; and

WHEREAS, the State of Alaska Alcohol & Marijuana Control Office will not activate a license for a marijuana related facility until the operation is in full compliance with ADEC regulations; and

WHEREAS, according to the application material, nutrients, cleaning supplies, and pesticides will be stored within the facility in designated cabinets and according to each manufacturer's recommendations; and

WHEREAS, according to the security plan, a gate will be installed on the property, across the driveway; and

WHEREAS, according to the application material, all hazardous material will be stored, handled, and disposed of in accordance with the Safety Data Sheet for each item; 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 November 6, 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 17-47:

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 must still provide documentation demonstrating all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60.150(D)(1)).
10. The applicant must still provide documentation demonstrating 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.

4. The applicant shall obtain final approval of their Borough Driveway Permit by October 11, 2018.
5. Prior to operating, a copy of all licenses issued by the State of Alaska Marijuana Control Board shall be provided the MSB Development Services Division.
6. Prior to operating, a copy of the Certificate of Occupancy issued by the Borough Fire Code Official for the proposed operation shall be provided to the Borough Development Services Division.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 6<sup>th</sup> day of November, 2017.

  
COLLEEN VAGUE, Chair

ATTEST

  
MARY BRODIGAN, Planning Clerk

(SEAL)

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