

By: Mark Whisenhunt  
Introduced: November 6, 2017  
Public Hearing: December 4, 2017  
Action: Approved

**MATANUSKA-SUSITNA BOROUGH**  
**PLANNING COMMISSION RESOLUTION NO. 17-52**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA CULTIVATION FACILITY AT 25930 EAST KNIK RIVER ROAD, LOCATED WITHIN TOWNSHIP 16 NORTH, RANGE 3 EAST, SECTION 24; TAX ID# 1842B01L007, SEWARD MERIDIAN.

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WHEREAS, an application has been received from Craig E. Reich, Jr., dba Knik Glacier Gardens for a conditional use permit for the operation of a marijuana cultivation facility at 25930 E. Knik River Road, located within Township 16 North, Range 3 East, Section 24; Tax ID# 1842B01L007, 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 1,216 square foot structure; and

WHEREAS, access is made onto Knik River Road via an existing gated driveway over 450 feet long; and

WHEREAS, the existing structure is set back approximately 653 feet from the section line easement to the west, 140 feet from the north side lot line, 139 feet from the south side lot line, and 178 feet from the Knik River Road right-of-way; and

WHEREAS, the Knik River Road right-of-way abuts the parcel to the east. The vast expanse of the Knik River valley is to the north and east. The Chugach Mountains are to the west and south. These areas are undeveloped and typically owned by State or Federal agencies, or native corporations; and

WHEREAS, the subject parcel is a part of a subdivision known as Shelby Subdivision, which consists of ten lots. Most of the subdivision is to the west, with one 10-acre parcel abutting to the south. Lot sizes range from two to 30 acres in size. A mix of both vacant and residential structures make up the subdivision. This is also true for a subdivision located further south; and

WHEREAS, the closest residential structure is over 600 feet away; and

WHEREAS, the subject structure was built in 2005 for residential use; 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 window and door sensors, 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 (Butte Elementary) is approximately 38,800 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 material, 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, the air ducting from each room will be fitted with carbon filters to remove marijuana odors; and

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

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

WHEREAS, on September 14, 2017 the State of Alaska Marijuana Control Board voted to approve the Knik Glacier Gardens Cultivation Facility, License # 13374 with delegation; and

WHEREAS, a copy of the delegated approval for the Knik Glacier Gardens Cultivation Facility, License # 13374 has been provided; and

WHEREAS, on October 10, 2017 the State of Alaska Fire Marshal determined the proposed use is compliant with all applicable fire code; and

WHEREAS, a copy of the State of Alaska Fire Marshal's determination has been provided; and

WHEREAS, according to the application material, plants will be hand-watered resulting in no wastewater or water runoff; and

WHEREAS, according to a memorandum by the State Marijuana Control Board Director, Erika McConnell, dated August 29, 2017, the proposed use is compliant with ADEC regulations; and

WHEREAS, according to the application material, nutrients, cleaning supplies, and natural pesticides will be stored within the facility; and

WHEREAS, according to the application material, nutrients, cleaning supplies, 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 December 4, 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 17-52:

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 applicant has provided 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 provide a copy of the approved ADOT Driveway Permit to the MSB Development Services Division, by November 7, 2018.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 4<sup>th</sup> day of December, 2017.

  
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COLLEEN VAGUE, Chair

ATTEST

  
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MARY BRODIGAN, Planning Clerk

(SEAL)



YES: *Vague, Healy, Chusbro, Elder, Gashan, and Rauchenstein*  
NO: