

By: Mark Whisenhunt
Introduced: January 15, 2018
Public Hearing: February 5, 2018
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 18-02**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA CULTIVATION FACILITY AT 3200 WEST TOP OF THE WORLD CIRCLE, UNIT A; TAX ID# 3431000L001, LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 1 WEST, SECTION 19, SEWARD MERIDIAN.

WHEREAS, an application has been received from Mathew Chambers, dba The Connoisseur for a conditional use permit for the operation of a marijuana cultivation facility at 3200 W. Top of the World Circle, Unit A; Tax ID# 3431000L001, within Township 17 North, Range 1 West, Section 19, 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, access is made onto an unnamed public use easement within the parcel via an existing gated driveway. The public use easement then connects to West Top of the World Circle; and

WHEREAS, chain link fencing is attached to the gated driveway and extends approximately 70 feet to the north and 50 feet to the south; and

WHEREAS, the existing structure is set back approximately 171.9 feet from the public use easement to the east, 337 feet from the south side lot line, 174.2 feet from the newly approved west side lot line, and 105.5 feet from the newly approved north side lot line; and

WHEREAS, properties surrounding the parcel range in size from 1 acre to 14 acres. Most are used for residential purposes, however, three other properties on West Top of the World Circle are used commercially. The commercial uses are a greenhouse facility, a storage building, and an equine boarding facility; and

WHEREAS, the closest residential structure is located to the northwest and is approximately 238 feet away from the subject structure; and

WHEREAS, the subject structure is estimated to have been built in 1974; and

WHEREAS, the Borough assessment record indicates the subject structure has been used for different commercial operations since at least 1993; 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 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, access points which have been closed-in will have siding installed during the summer months of 2018; 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 6,000 feet away from the proposed use; and

WHEREAS, consumption of marijuana or marijuana products on the licensed premises or within 20 feet of the exterior of any cultivation facility is prohibited under State of Alaska regulation 3AAC 306.405 (c)(2); 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 waste material and marijuana products deemed unusable will be mixed into compostable material. The mixed material will then be placed within a metal dumpster to compost. Once the compost has matured, it will be used as top soil on the parcel; and

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

WHEREAS, according to the application material, marijuana waste including stems, stalks, leaves, and roots will be ground-up outside using a wood chipper/mulcher near the southeast portion of the building; and

WHEREAS, according to the application material, the outdoor grinding will occur during normal daytime business hours, for approximately one hour, every three to four weeks; and

WHEREAS, the subject parcel is approximately ten acres in size; 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, on November 15, 2017, the State of Alaska Marijuana Control Board voted to approve The Connoisseur Cultivation Facility, License # 13487 with delegation; and

WHEREAS, a copy of the delegated approval for The Connoisseur Cultivation Facility, License # 13487 has been provided; and

WHEREAS, according to the applicant, they are currently working with the Borough Fire Code Official to obtain full compliance with the applicable fire code; and

WHEREAS, according to the application material, wastewater will be kept in storage tanks and a third party contractor will

remove and dispose of the wastewater at a legally permitted wastewater facility; and

WHEREAS, according to a memorandum by the State Marijuana Control Board Director, Erika McConnell, dated November 2, 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 on shelving within the facility; and

WHEREAS, according to the application material, nutrients, cleaning supplies, and natural pesticides will be stored and disposed of 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 February 5, 2018 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 18-02:

1. The proposed use, with conditions, will preserve and 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 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 operation shall comply with all state and local regulations applicable to the marijuana cultivation facility.
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 November 29, 2018.
5. On or before July 31, 2018, exterior siding as described in the application material, shall be installed on all openings that have been closed-in or boarded up.
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.
7. Prior to operating, the preliminary plat known as "Green Mountain Estates" shall be finalized and recorded with the State of Alaska, as approved by the Matanuska-Susitna Borough Platting Board on December 7, 2017.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 5th day of February, 2018.



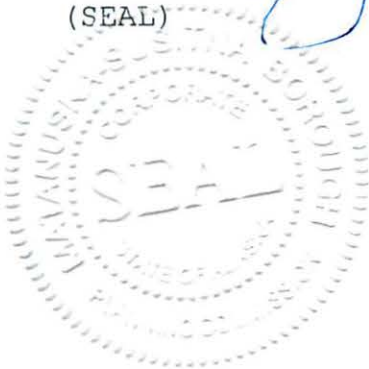
COLLEEN VAGUE, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)



YES: *Vague, Anderson, Patterson, Clusko, Elder, and Glashan*

NO: