

By: Mark Whisenhunt
Introduced: March 5, 2018
Public Hearing: March 19, 2018
Action: March 19, 2018

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 18-07

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA CULTIVATION FACILITY AT 6570 WEST TREVETT CIRCLE, SUITE C, TAX ID# 17N02W10A015; LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 2 WEST, SECTION 10, SEWARD MERIDIAN.

WHEREAS, an application has been received from Jan Richardson, on behalf of Robert Mays, III, dba Alaska Frontier Cannabis for a conditional use permit for the operation of a marijuana cultivation facility at 6570 West Trevett Circle, Suite C, Tax ID# 17N02W10A015; located within Township 17 North, Range 2 West, Section 10, 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 1,098 square foot facility; and

WHEREAS, access is made onto West Trevett Circle via an existing driveway over 700 feet long; and

WHEREAS, the proposed use is set back approximately 670 feet from the West Trevett Circle right-of-way to the north, 100.8 feet

from the east lot line, 580 feet from the south lot line, and 199 feet from the west lot line; and

WHEREAS, the Parks Highway right-of-way abuts the subject parcel to the north. Two large undeveloped parcels approximately seven and ten acres in size abut the parcel to the east. Several one-acre lots developed with residential uses abut the parcel to the south. Three large parcels with residential uses abut to the west and range from three to seven acres in size; and

WHEREAS, other developed properties in the area which have highway frontage are all industrial or commercial uses, with the exception of one residential home; 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 (American Charter Academy) is approximately 3,000 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, after proper notification to the State of Alaska Alcohol & Marijuana Control Office; all marijuana products deemed unusable will be mixed with other waste material, sealed in a container, and disposed of at the Borough landfill; 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 the application material, the proposed use is set back approximately 670 feet from the West Trevett Circle right-of-way to the north, 100.8 feet from the east lot line, 580 feet from the south lot line, and 199 feet from the west lot line;
and

WHEREAS, according to the application material, a six-foot tall chain link fence will be constructed around the property, along with a locking gate across the driveway; 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, the subject parcel is approximately 12.42 acres in size; and

WHEREAS, the closest residential structure is located to the northwest and is approximately 290 feet away from the subject structure; and

WHEREAS, Alaska Frontier Cannabis has initiated an application for license #14396, in accordance with 3AAC 306.005; and

WHEREAS, according to the State of Alaska Alcohol & Marijuana Control Office, the application for license #14396 is scheduled to be heard by the State Marijuana Control Board during its April 2018 meeting; and

WHEREAS, the applicant is still in the process of obtaining approval from the State Fire Marshal's office; and

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

facility on designated shelving and according to each manufacturer's recommendations; 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, 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 March 19, 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 18-07:

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 application material meets 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. Within 120 days of receiving final approval to operate the marijuana cultivation facility, matching log siding shall be installed over all access points that have been closed-in/boarded over.
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 final approval issued by the State Fire Marshal's office for the proposed operation shall be provided to the Borough Development Services Division.
7. Prior to operating, documentation (such as: photographs and the cancelled business license) showing Alaskan Trail RV & Camper Park is no longer operating, shall be provided to the Borough Development Services Division. The marijuana cultivation facility shall not operate while any of the following uses exist on the subject parcel:
 - recreational vehicle (RV) park
 - a development which requires an MSB Multifamily Development Permit

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ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 19th day of March, 2018.



COLLEEN VAGUE, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

{SEAL}



YES: *Vague, Anderson, Patterson, Chesbro, and Elder*

NO: