

By: Joseph Metzger
Introduced: July 16, 2018
Public Hearing: August 6, 2018
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 18-24**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA CULTIVATION FACILITY AT 37331 S. TALKEETNA SPUR, LOCATED WITHIN TOWNSHIP 24 NORTH, RANGE 4 WEST, SECTION 21; TAX ID#24N04W21B018, SEWARD MERIDIAN.

WHEREAS, an application has been received from Andrea Gunter, for GBD-AK, LLC, dba Alaska Skunkworks, LLC for a conditional use permit for the operation of a marijuana cultivation facility at 37331 S. Talkeetna Spur, located within Township 24 North, Range 4 West, Section 21; 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, according to the application material, the proposed use is located 289 feet from Talkeetna Spur on the west lot line, 125 feet from the north side lot line, 144 feet from the south lot line, and 345 from the east side lot line; and

WHEREAS, the surrounding properties range in size from 1.8 acres to 55 acres. Most are used for residential purposes, however, there are three other parcels located within 1000 feet of the

proposed structure used for commercial purposes; and

WHEREAS, the closest residential structure is located to the south and is approximately 230 feet away from the proposed use; and

WHEREAS, the subject structure is currently being constructed; and

WHEREAS, according to the application material, the proposed use has a security plan in place, which includes education of employees on 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 24 hours a day, seven days a week; and

WHEREAS, the facility will not be open to the public; and

WHEREAS, access to the property is via Talkeetna Spur by a private, State permitted driveway; and

WHEREAS, the entrance to the driveway is gated. The gate is set back approximately 118 feet from the pavement break of Talkeetna Spur and will remained locked during non-business hours; and

WHEREAS, a buffer of trees surrounds the entirety of the property and the buffer will minimally be 30 feet on the west lot line, 50 feet on the north, 40 feet on the south, and 100 feet on the east lot line; and

WHEREAS, there are currently no business signs anticipated, however, the application material indicates this may change to one sign designating the name of the facility, "Alaska Skunkworks, LLC"; and

WHEREAS, according to the application material, "No Trespassing" and "No Loitering" signs will be posted to discourage unwanted visitors; and

WHEREAS, the closest school (Susitna Valley High School) is approximately 9100 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 regulation 3 AAC 306.405(c) (2); and

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

WHEREAS, the proposed use has an odor mitigation plan that will use canister style, activated carbon filters in conjunction with ducted fans and if necessary, ozone generators will be utilized to prevent unwanted smells from exiting the facility; and

WHEREAS, the application material indicates extra care will be taken not to generate excess waste. After proper notification to the State of Alaska Alcohol & Marijuana Control Office, waste that is generated will be rendered unusable by mixing it with 50 percent organic waste. The waste will be stored in a locked

dumpster until it is picked up and disposed of by a third party contractor; and

WHEREAS, a 20' x 20' compost/soil recycling site will be located approximately 150 feet from the northern property line and 180 feet from the eastern lot line. According to the application material no odor is expected from the composting site as the compostable material will be mixed with soil, leaves, newspaper, and cardboard; and

WHEREAS, the subject parcel is comprised of 5.72 acres; and

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

WHEREAS, according to the application material mixing and grinding up of waste will take place either inside the structure or will be taken to the compost/soil recycling site and ground up and mixed there; and

WHEREAS, the facility will not be open to the general public; and

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

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

WHEREAS, the proposed use will be situated in the middle of the subject parcel; and

WHEREAS, the proposed building will be a natural green color to blend in with the existing trees and natural landscaping; and

WHEREAS, the properties directly to the north and south are residential in nature while the property to the east is vacant; and

WHEREAS, at the April 4-6, 2018 meeting of the State of Alaska Marijuana Control Board, the board voted to approved Alaska Skunkworks, LLC Cultivation Facility, License #13776 with delegation; and

WHEREAS, a copy of the delegated approval for Alaska Skunkworks, LLC Cultivation Facility, License #13776 has been provided; and

WHEREAS, the State of Alaska Fire Marshal has issued Plan Review Certificate #2017Anch1551, approving the construction of the proposed use; and

WHEREAS, according to the applicant's wastewater and waste material; and

WHEREAS, according to the application material and correspondence with Alaska State Department of Environmental Conservation (ADEC) the proposed use is in compliance with ADEC regulations; and

WHEREAS, according to the application material, all fertilizers and chemicals will be stored in compliance with manufacturer guidelines and State and Federal Laws; and

WHEREAS, all employees will receive training on proper use and application of the fertilizers being used; and

WHEREAS, personal protective equipment will be used when handling fertilizers and all employees will be trained on the proper use and application; and

WHEREAS, according to the application material, there will be designated shelving areas in the warehouse structure where fertilizers, chemicals, and cleaning productions will be stored; and

WHEREAS, manufacture safety data sheets will be available at all times for employees; and

WHEREAS, Alarm Watch, a third party monitoring system company, will remotely monitor the security system 24 hours a day, 7 days a week; 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 August 6, 2018 on this matter.

Now, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned finding of fact and make the following conclusions of law supporting approval of Planning Resolution 18-24:

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(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 regulation 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 of Borough staff shall be a violation of this Conditional Use Permit.

4. The applicant shall install and maintain the entrance gate described in the application prior to operation.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 6th day of August, 2018.


COLLEEN VAGUE, Chair

ATTEST


MARY BRODIGAN, Planning Clerk

APPROVED UNANIMOUSLY: Vague, Anderson, Patterson, Chesbro,
Glashan, and Mossanen