

By: Mark Whisenhunt  
Introduced: December 17, 2018  
Public Hearing: January 7, 2019  
Action: Approved

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. PC 19-01**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA CULTIVATION FACILITY AT 5650 NORTH CUNNINGHAM ROAD (TAX ID# 18N01E14C012); WITHIN TOWNSHIP 18 NORTH, RANGE 1 EAST, SECTION 14, SEWARD MERIDIAN.

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WHEREAS, an application has been received from Adam Boyd on behalf of Suilnua, LLC for a conditional use permit for the operation of a marijuana cultivation facility at 5650 North Cunningham Road, (Tax ID# 18N01E14C012); within Township 18 North, Range 1 East, Section 14, 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 10,069 square foot facility; and

WHEREAS, the proposed use is accessed through an existing private road known as North Cunningham Road and through the neighboring parcel (Tax ID #18N01E14D016), which is also owned by the applicant. Access to the proposed use has been granted through

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parcel D016 as detailed in the recorded access easement (#2018-023777-0) included in the application material; and

WHEREAS, the subject property was originally developed in approximately 1935 as a homestead. The use of the property has remained relatively unchanged other than the addition of homes and agricultural storage buildings; and

WHEREAS, the proposed use will occupy an existing structure, which has been historically used for agricultural purposes; and

WHEREAS, the proposed use is agricultural in nature; and

WHEREAS, to the north are two large agricultural parcels, which are 43 and 80 acres in size. The applicant owns the parcel that is 80 acres in size; and

WHEREAS, to the northwest, west, and southwest are three large parcels ranging from 30 acres to 155 acres in size. One of the 30-acre parcels is developed with a residential and agricultural field. The remaining two parcels are undeveloped; and

WHEREAS, to the northeast and east are six parcels which have been developed with residential homes and range from three to five acres in size. Two of the six parcels are owned by the applicant; and

WHEREAS, to the south are three parcels. One of which is 118 acres in size and owned by the applicant. This parcel is both heavily forested and partially developed with agricultural fields. The other two parcels to the south house the Alaska Operating

Engineers (AOE) training facility. AOE offers apprenticeship programs for the operation of heavy equipment and other specialty trade occupations to adults at least 18 years of age, who have a valid driver's license and high school diploma/GED; and

WHEREAS, MSB 1760.110 defines "school grounds" as: " a lot or parcel with facilities primarily used for the academic education of children or young people, usually under 18 years of age. For the purpose of setback requirements under this chapter, universities, vocational trade schools, and residential structures where children receive homeschooling are not considered schools"; and

WHEREAS, the Alaska Operating Engineers (AOE) training facility does not meet the Borough's definition of "school grounds" as defined by MSB 17.60.010; and

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

WHEREAS, the closest school (Colony school site) is approximately 12,000 feet away from the proposed use; and

WHEREAS, consumption of marijuana is prohibited at the facility; and

WHEREAS, persons under the age of 21 are prohibited from entering the premises of the proposed 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 cameras, motion detectors, and lighting will be used to secure the site and monitor all activities at the facility; and

WHEREAS, after proper notification to the State of Alaska Alcohol & Marijuana Control Office; all marijuana products deemed unusable will be mixed with livestock feed and fed to livestock on the property; and

WHEREAS, according to the application material, wastewater will be used on agricultural fields on the property, as allowed by the Alaska Department of Environment Conservation; and

WHEREAS, the subject parcel is approximately 115 acres in size; and

WHEREAS, according to the application material, the proposed use is set back approximately 900 feet from the north side lot line, 275 feet from the section line easement to the south, 3,300 feet from the section line easement to the west, and 100 feet from the east side lot line; and

WHEREAS, according to the application material, the proposed use has a diversion prevention plan in place; and

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

WHEREAS, the facility 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 exterior appearance of the existing structure in which the proposed use will occupy will not change; and

WHEREAS, the closest residential structure is located approximately 200 feet to the west and is occupied by the applicant; and

WHEREAS, the closest residential structure not owned by the applicant is located approximately 800 feet to the northwest; and

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

WHEREAS, Suilnua, LLC has received delegated approval from the State Marijuana Control Board for marijuana cultivation license #11664, in accordance with 3AAC 306.005; and

WHEREAS, written documentation showing delegated approval from the State Marijuana Control Board for marijuana cultivation license #11664 has been approved; and

WHEREAS, the State of Alaska Fire Marshal has issued Plan Review Certificate #2017Anch1837, approving the construction of the proposed use; and

WHEREAS, a copy of approved Plan Review Certificate #2017Anch1837 has been provided; and

WHEREAS, documentation from Alaska Department of Environment Conservation showing approval of the applicant's disposal methods has been provided; and

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

WHEREAS, according to the application material, all hazardous material will be stored in a cool dry place, out of direct sunlight, away from excessive heat, and in a secured area within the facility; 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 January 7, 2019 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 19-01:

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 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.

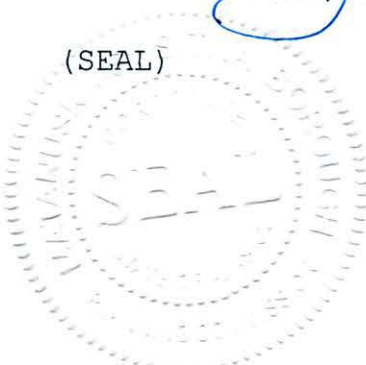
ADOPTED by the Matanuska-Susitna Borough Planning Commission  
this 7<sup>th</sup> day of January, 2019.

  
COLLEEN VAGUE, Chair

ATTEST

  
MARY BRODIGAN, Planning Clerk

(SEAL)



YES: *Vague, Anderson, Chesbro, Elder, Gladman, and*  
NO: *Mossman*