

By: Mark Whisenhunt
Introduced: May 6, 2019
Public Hearing: May 20, 2019
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 19-14**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A MODIFICATION OF A CONDITIONAL USE PERMIT FOR THE EXPANSION 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 Kerby Coman, on behalf of Alaska Frontier Cannabis, requesting the modification of a conditional use permit for the expansion of an existing 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 17.60.040 allows a property owner to apply for a modification of a conditional use permit; 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 West Trevett Circle via an existing Borough approved driveway over 700 feet long; and

WHEREAS, the proposed use is set back approximately 530 feet from the West Trevett Circle right-of-way to the north, 100.8 feet from the east lot line, 110 feet from the south lot line, and 120 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 and industrial 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 proposed lighting will be downward directional and shielded to prevent light from spilling off of the subject parcel; and

WHEREAS, according to the application material, all cultivation and processing will take within the proposed structures; and

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

WEHREAS, the proposed expansion includes the construction of five greenhouses, each being 90 feet wide and 96 feet long, and the placement of 10 connex structures, each being eight feet wide and 40 feet long; 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, a six-foot tall chain link fence has been constructed around the property, along with a locking gate across the driveway; and

WHEREAS, according to the application material, a six-foot tall screening fence is to be constructed to encompass the existing facility and the proposed expansion as shown on the site plan; and

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

WHEREAS, according to the application material, carbon filters will be used in all of the proposed structures to prevent cannabis odors from escaping the subject property; 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 west and is approximately 150 feet away from the proposed expansion; and

WHEREAS, Alaska Frontier Cannabis has obtained marijuana establishment license #14396, in accordance with 3AAC 306.005; and

WHEREAS, a copy of marijuana establishment license #14396 has be provided to the Borough; and

WHEREAS, on May 3, 2019, the State of Alaska Marijuana Control Board approved the expansion request made by Alaska Frontier Cannabis; and

WHEREAS, the State Fire Marshal Office has issued Full Plan Review #2019Anch1055, for the proposed expansion; and

WHEREAS, the applicant has provided a copy of the approved Full Plan Review #2019Anch1055; and

WHEREAS, according to the application material, nutrients, cleaning supplies, and pesticides 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, 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 May 20, 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 19-14:

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 modification to conditional use permit #176020170025, allowing for the expansion of an existing marijuana cultivation facility, with the following condition:

1. All conditions listed in Planning Commission Resolution 18-07 remain in effect and shall also apply to the expansion of this facility.

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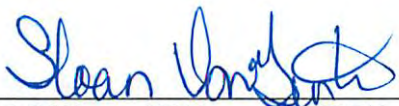
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ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 20th day of May, 2019.


COLLEEN VAGUE, Chair

ATTEST


SLOAN VON GUNTEN, Acting
Planning Clerk

(SEAL)



YES: *Vague, Anderson, Chestro, Elder, Haskins, and*
NO: *Grossman*