

By: Joe Metzger
Introduced: September 16, 2019
Public Hearing: October 7, 2019
Action: Approved

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 19-20

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA CULTIVATION FACILITY AT 30353 NORTH WILLOW FISHHOOK ROAD (TAX ID# 4944000T00B); WITHIN TOWNSHIP 19 NORTH, RANGE 1 WEST, SECTION 2, SEWARD MERIDIAN.

WHEREAS, an application has been received from Lance Wells, on behalf of Mikey's Place, LLC for a conditional use permit for the operation of a marijuana cultivation facility at 30353 North Willow Fishhook Road (Tax ID# 4944000T00B); within Township 19 North, Range 1 West, Section 2, 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 use is wholly contained within a steel structure; and

WHEREAS, the proposed use is accessed from North Willow Fishhook onto an existing permitted private driveway; and

WHEREAS, the subject structure is assessed as commercial and has historically been used as such to support mining activities; and

WHEREAS, the area is remote and the surrounding properties are not developed and are primarily used for recreation purposes and gold mining; and

WHEREAS, the closest residential structure is located approximately nine road miles from the proposed use; and

WHEREAS, the closest business is located approximately seven road miles from the proposed use; and

WHEREAS, according to the application material, the proposed use is set back 392 feet from the north lot line, 1191 feet to the entrance gate near the east lot line, 107 feet from the south lot line, and 686 to the west lot line; and

WHEREAS, the subject parcel is approximately 30 acres and there are multiple structures on the property including a residential home, a steel structure that will house the proposed cultivation and several sheds and outbuildings; and

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

WHEREAS, the application material indicates there will not be any business signs associated with the use; and

WHEREAS, the closest school (Colony school site) is approximately 12 miles away from the proposed use; 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, loitering will not be allowed; and

WHEREAS, according to the application material, the proposed use has a robust 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, alarms, and lighting will be used to secure the site and monitor all activities at the facility; and

WHEREAS, the State of Alaska Fire Marshal has issued Plan Review Certificate #2018Anch1924, approving the renovation and remodeling of the proposed use; and

WHEREAS, a copy of approved Plan Review Certificate #2018Anch1924 has been provided; and

WHEREAS, the commercial structure is in full compliance with the applicable State of Alaska fire code; and

WHEREAS, after proper notification to the State of Alaska Alcohol & Marijuana Control Office all marijuana products deemed unusable will be mixed with compostable waste, stored in a secure waste storage area in dumpsters, and disposed of at the landfill; and

WHEREAS, according to the application material, the proposed use has a diversion prevention plan in place to prevent the potential for marijuana to be diverted to an unregulated market; and

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

WHEREAS, there are no outdoor processes associated with the proposed use; and

WHEREAS, there is no industrial equipment or processes that generate noise or dust associated with the proposed use; and

WHEREAS, the facility will be fitted with charcoal canister filters to remove marijuana odors; and

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

WHEREAS, Mikey's Place, LLC has received delegated approval from the State Marijuana Control Board for marijuana cultivation license #19204, in accordance with 3 AAC 306.005; and

WHEREAS, written documentation showing delegated approval from the State Marijuana Control Board for marijuana cultivation license #19204 has been provided; and

WHEREAS, according to the application material, there will be catchment containers placed under all plants so no run off water will occur. Any excess water will be reabsorbed back into the marijuana plants directly or will dissipate by evaporation; and

WHEREAS, according to the application material, no hazardous pesticides, herbicides, or fungicides will be used; and

WHEREAS, according to the application material, fertilizers will be stored behind a locked door in designated cabinets and will be stored so as to comply with all federal, state, and local laws and per the manufacturers 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 October 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 19-20:

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 operation 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.

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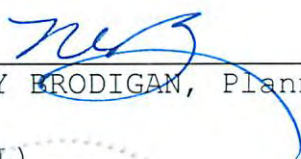
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ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 7th day of October, 2019.



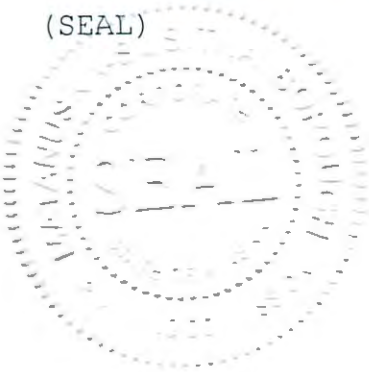
COLLEEN VAGUE, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)



YES: *Vague, Anderson, Chesbro, Elder, Mashan, and*
Mossanen
NO: