

By: Peggy Horton
Introduced: October 4, 2021
Public Hearing: October 18, 2021
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 21-27**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA CULTIVATION FACILITY AT 6051 WEST AERONAUTICAL AVENUE, TAX ID #2080B02L007, LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 2 WEST, SECTION 10, SEWARD MERIDIAN.

WHEREAS, Jana Weltzin and Michael Dillard for BAM Alaska, Inc. submitted an application for a conditional use permit for the operation of a marijuana cultivation facility at 6051 West Aeronautical Avenue, Tax ID #2080B02L007, 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 use will be wholly contained within a 7,200 square foot building, currently under construction; and

WHEREAS, access is via a driveway onto West Aeronautical Avenue, which is classified as a residential street; and

WHEREAS, the closest residential structure is approximately 260 feet east of the proposed use; and

WHEREAS, the lot directly south of West Aeronautical Avenue from the proposed use contains a residence and an auto repair shop; and

WHEREAS, to the west and southwest of the subject parcel are residential and vacant properties. To the north, past wetlands and forested areas, there is a mix of residential and commercial uses. To the east and southeast there is a mix of residential and vacant properties; and

WHEREAS, according to the application material, the proposed use is set back approximately 132 feet from the West Aeronautical Avenue right-of-way to the south, 110 feet from the South Vine Road right-of-way to the east, approximately 132 feet from the west property line, and approximately 450 feet from the north property line; and

WHEREAS, there is a mixture of vacant, commercial, and residential land use properties with frontage on South Vine Road; and

WHEREAS, according to the application material, the proposed use has policies and procedures in place to prevent loitering; and

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

WHEREAS, according to the application material, there is no advertising signage for the facility; 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, exterior lights shall be downward directed and shielded to prevent spill light from impacting nearby properties; and

WHEREAS, according to the security plan, a combination of video surveillance, lighting, commercial grade locks, and a security alarm system with door sensors, will be used to secure the site and monitor all activities at the facility; and

WHEREAS, the closest school (Knik Elementary) is approximately 11,300 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 facility; and

WHEREAS, according to the application material, after proper notification of the State of Alaska Alcohol & Marijuana Control Office, all marijuana products flagged as unusable will be mixed with other compostable and non-compostable materials and then disposed of at the local landfill/transfer site; and

WHEREAS, the Borough approved two driveway permits onto West Aeronautical Avenue for the subject property; and

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

WHEREAS, commercial uses with frontage on South Vine Road include a fuel station, salvage yard, plumbing supply store, and auto repair shop; and

WHEREAS, the State Fire Marshal issued Plan Review #2021Anch1112, approving the construction of the proposed use; and

WHEREAS, the applicant provided the approved Plan Review Certificate from the Alaska Fire Marshal's office; and

WHEREAS, the subject property is approximately 5.25 acres in size; and

WHEREAS, according to the application material, the proposed use will have 3,940 square feet under cultivation; and

WHEREAS, according to the application material, carbon filters and ozone generators will be used with air circulation systems to eliminate odors in the exhausted air; and

WHEREAS, according to the application material, carbon filters and exhaust fans will be maintained in accordance with the manufacturer's specification; and

WHEREAS, the surrounding parcels range in size from .92 to 19.6 acres, a mix of vacant, commercial, and residential; and

WHEREAS, the property has vegetated berms along South Vine Road and along West Aeronautical Avenue between two driveways serving the subject lot; and

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

WHEREAS, BAM Alaska, Inc. received delegated approval from the State Marijuana Control Board for marijuana cultivation license #17886, in accordance with 3 AAC 306.005; and

WHEREAS, the applicant provided written documentation showing delegated approval from the State Marijuana Control Board for marijuana cultivation facility license #17886; and

WHEREAS, according to the application material, any wastewater generated from the production of marijuana will be introduced to a waste water holding tank, which shall be professionally pumped out when needed; and

WHEREAS, according to the application material, fungicides, insecticides, herbicides, cleaning products, and other chemicals will be used, stored, and disposed of in accordance with their respective manufacturer's recommendations and comply with all local, state, and federal laws; 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 18, 2021 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 21-27:

1. The proposed use 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 provided documentation demonstrating all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60.150(D)(1)).
10. The applicant 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 and disposal of nutrients, pesticides, and cleaners will comply with all local, state, and federal laws (MSB 17.60.160(C)).
14. The applicant submitted a security plan which includes education for employees on security measures (MSB 17.60.160(D)).
15. The proposed use meets the 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. Exterior lights shall be downward directed and shielded to minimize spill light from impacting nearby properties.
2. The operation shall comply with all applicable state and local regulations.
3. 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.
4. 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 18 day of October, 2021.


COLLEEN VAGUE, Chair

ATTEST


KAROL RIESE, Planning Clerk

(SEAL)

YES: 7 COMMISSIONER MOSSANEN, GLASHAN, CHESBRO, ALLEN,
VAGUE, ELDER, ANDERSON

NO: 0