

By: Peggy Horton  
Introduced: July 18, 2022  
Public Hearing: August 1, 2022  
Action: Adopted

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 22-22**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA CULTIVATION FACILITY AT 23161 WEST AYRSHIRE AVENUE, TAX ID #4136B03L004, LOCATED WITHIN TOWNSHIP 16 NORTH, RANGE 4 WEST, SECTION 32, SEWARD MERIDIAN.

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WHEREAS, Branden Bartlett and Attorney Jana Weltzin for Denali Farms submitted a conditional use permit application for the operation of a marijuana cultivation facility at 23161 West Ayrshire Avenue, Tax ID #4136B03L004, located within Township 16 North, Range 4 West, Section 32, 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 5,000 square foot metal-sided building; and

WHEREAS, according to Borough assessment data, the land has been in agricultural use since 1994, when a 5,000 square foot grain storage building was constructed on the property; and

WHEREAS, the Point MacKenzie Comprehensive Plan, dated July 19, 2011, notes that agriculture is part of the local economy and many people earn a living through agriculture; and

WHEREAS, the applicants obtained a Borough approved driveway permit for the existing driveway onto West Ayrshire Avenue, a road classified as a Minor Collector; and

WHEREAS, the closest residential structure is approximately 925 feet west of the proposed use; and

WHEREAS, according to the application material, the proposed use is set back approximately 337 feet from the West Ayrshire Avenue right-of-way to the south, 102 feet from the east property line, 890 feet from the west property line, and 1,260 feet from the north property line and West Carpenter Lake right-of-way; and

WHEREAS, south of the subject parcel is a 640-acre undeveloped parcel owned by a native corporation. To the east and west are privately owned agricultural and residential use parcels, ranging in size from 14 to 40 acres. North of the subject property are two to seven-acre lakefront residential use lots and a 19-acre undeveloped parcel owned by the Borough; and

WHEREAS, the subject property is 35 acres, majority of which is forested land, with a cleared area in the southeast corner containing the commercial use structure; 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, the operation will not have any signs posted with their business name or logo at the facility; and

WHEREAS, according to the application material, exterior lights shall be downward directed and shielded to mitigate any unwanted light pollution; and

WHEREAS, according to the application material, the proposed use has a security plan in place, which includes education of employees on security protocols; 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, there is no outdoor industrial equipment or any processes that generate noise associated with the proposed use; and

WHEREAS, according to the application material, multiple commercial-grade, activated carbon filters will be used with air circulation systems to eliminate odors in the exhausted air; and

WHEREAS, the closest school (Redington High School) is approximately 62,000 feet (11.7 miles) 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 State Fire Marshal issued Plan Review #2021Anch1614, approving the construction of the proposed use; and

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

WHEREAS, the south side of the building was shifted to the west in 2018 to meet the setback standards for a cultivation facility; and

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

WHEREAS, according to the application material, the proposed use will have 3,801 square feet under cultivation; and

WHEREAS, according to the application material, carbon filters will be regularly checked and replaced to ensure no odor is escaping the facility; and

WHEREAS, Denali Farms received delegated approval from the State Marijuana Control Board for marijuana cultivation license #28617, 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 #28617; and

WHEREAS, according to the application material, any wastewater generated from the production of marijuana will be collected in drip trays to naturally evaporate into the air, any excess water will be reused or composted; and

WHEREAS, according to the application material, herbicides, fungicides, insecticides, fertilizers, cleaning products, and other chemicals will be used, stored, and disposed of in accordance with their respective manufacturer's recommendations, and in a way that complies 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 August 1, 2022 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 22-22:

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 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 and disposal of nutrients, natural pesticides, and cleaners will comply with all local, state, and federal laws (MSB 17.60.160(C)).
14. The security plan includes education for employees on security measures (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:

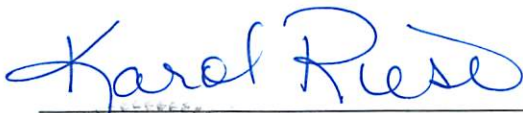
1. Exterior lights shall be downward directed and shielded.
2. The operation shall comply with all applicable state and local regulations.

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 1<sup>st</sup> day of August, 2022.

  
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STAFFORD GLASHAN, Chair

ATTEST



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KAROL RIESE, Planning Clerk

(SEAL)

YES: 7

NO: 0