

By: Rick Benedict  
Introduced: March 4, 2024  
Public Hearing: March 18, 2024  
Action: ADOPTED

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. PC 24-02**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA CULTIVATION FACILITY AT 3160 W. Top of the World Circle, TAX ID#8280000L001A.

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WHEREAS, an application has been received from Matthew Chambers on behalf of The Connoisseur, LLC for a conditional use permit for the operation of a marijuana cultivation facility at 3160 W. Top of the World Circle, TAX ID#8280000L001A; and

WHEREAS, MSB 17.60.030(A)(5) 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, Lot 1A is approximately 7.36 acres in size; and

WHEREAS, according to the application material, the proposed use is located within a new structure totaling 6,000 square feet, with approximately 1,913 square feet under cultivation; and

WHEREAS, according to the application material, the proposed cultivation facility was constructed in 2023 and is situated on the north-central portion of the subject parcel; and

WHEREAS, according to the application material, the proposed operation's new physical address is 3160 W. Top of the World Circle; and

WHEREAS, according to the application material, the new building is divided into Units A and B; and

WHEREAS, according to the application material, the standard cultivation facility proposes to operate its flowering, vegetation, and grow room activities from Unit A; and

WHEREAS, according to the application materials, a marijuana concentrates manufacturing facility doing business as Connoisseur Crude will operate from Unit B; and

WHEREAS, according to the application materials, Unit B will house a shared office space of approximately 171 square feet for the standard cultivation facility and marijuana concentrate manufacturing operations; and

WHEREAS, Borough code does not require state-licensed marijuana concentrate manufacturers to obtain a conditional use permit; and

WHEREAS, according to the application material, all areas licensed under the state-issued standard marijuana cultivation license are outside the required setback areas according to MSB 17.60.160(E); and

WHEREAS, except for the proposed use and a private driveway along the northeast portion of the property, the remainder of the subject property is undeveloped; and

WHEREAS, according to the application material, the closest residential structure is located to the northeast and is approximately 250 feet from the proposed use; and

WHEREAS, according to Borough records, properties surrounding the subject parcel range from .92 to 14.09 acres; and

WHEREAS, according to Borough assessment records, most properties surrounding the proposed use are residential; and

WHEREAS, according to the application material, approximately three properties near the proposed use, a greenhouse facility, a storage building, and an equine boarding facility, are used commercially; and

WHEREAS, according to the application material, the proposed use is set back approximately 169 feet from an unnamed public use easement located to the northeast, approximately 105 feet from the east side lot line, approximately 124 feet from the north side lot line, approximately 162 feet from the west side lot line, and approximately 379 feet to the south side lot line; and

WHEREAS, according to the application material, no outdoor processes are associated with the proposed use that generates noise or odor; and

WHEREAS, according to the application material, the proposed operation will not have any promotional signs installed on the exterior of the subject building; and

WHEREAS, according to the application material, all exterior lighting will be directed downwards and include proper shielding to prevent light spillage off the property; and

WHEREAS, according to the application material, additional design features such as existing vegetative buffers on all sides of the proposed cultivation building and increased distances to all lot lines will prevent light spillage; and

WHEREAS, according to the application material, the proposed operating hours will not exceed 8:00 a.m. to 12:00 a.m., seven days a week; and

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

WHEREAS, according to the application material, the operation will employ up to approximately 7 employees, depending on the season; and

WHEREAS, according to the application material, the exterior of the proposed building is constructed of metal, wood, and natural stone and colored in earth tones; and

WHEREAS, according to the application material, access to the proposed use is provided from an unnamed public use easement

via Top of the World Circle, as delineated on the site plan and associated plat; and

WHEREAS, the applicant obtained a Borough-issued driveway permit #D21247 to access the subject property in 2018; and

WHEREAS, according to the application material, the proposed use has a security plan, which includes employee education on all security measures; and

WHEREAS, according to the security plan, a combination of surveillance video, lighting, and security doors will be used to secure the site and monitor all activities at the facility; and

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

WHEREAS, according to the application material, persons under 21 are prohibited from entering the premises of the proposed use; and

WHEREAS, according to the application material, signs will be posted on the proposed building to indicate loitering and persons under 21 are prohibited; and

WHEREAS, the Central Mat-Su Fire Department provided an approved plan review and certificate of occupancy indicating the proposed facility fully complies with the applicable fire code; and

WHEREAS, on January 31, 2024, the Central Mat-Su Fire and Life Safety Division provided comments stating that the old

cultivation building had been deemed a public safety hazard and condemned by the local fire marshall; and

WHEREAS, according to the application material, the operation will render all products unusable by grounding them with a mulcher and mixing them with equal amounts of organic products such as soil and/or horse manure. The mixture will then be disposed of in a compost pile and dispersed around the subject property; and

WHEREAS, according to the application material, a gravel pad north of the proposed cultivation building is available for employee and guest parking and offers up to nine spaces; and

WHEREAS, according to the application material, one ADA-compliant van-accessible parking space will be provided; and

WHEREAS, according to the application material, the facility will be fitted with carbon filter air scrubbers to remove marijuana odors, and the filters will be maintained according to the manufacturer's specifications; and

WHEREAS, according to the application material, the new cultivation building is located east of and adjacent to the previously permitted facility; and

WHEREAS, according to the application material, Units A and B are connected, with dimensions of approximately 80' x 44' and 30' x 40', respectively; and

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

WHEREAS, the closest school (CCS Early Learning - Fairview Center) is approximately 3,650 feet southeast of the proposed use; and

WHEREAS, AMCO originally issued The Connoisseur's standard marijuana cultivation license #13487 in 2017; and

WHEREAS, on September 29, 2023, The Connoisseur's license #13487 was reviewed for renewal by AMCO, and the director granted a temporary extension valid through February 28, 2024; and

WHEREAS, on October 30, 2023, the Borough protested The Connoisseur's license with AMCO because the operation's conditional use permit became void when the 2022 explosion destroyed the original cultivation facility; and

WHEREAS, on February 27, 2024, the director of AMCO granted another extension of The Connoisseur's temporary standard marijuana cultivation facility license, valid through April 25, 2024; and

WHEREAS, the Marijuana Control Board is scheduled to meet April 17-18, 2024, to consider renewing The Connoisseur's standard marijuana cultivation license #13487; and

WHEREAS, the MSB Planning Commission's decision to approve or deny The Connoisseur's conditional use permit will be considered

in the Marijuana Control Board's decision to approve or deny the standard cultivation facility license renewal; and

WHEREAS, on April 26, 2023, The Central Mat-Su Fire and Life Safety Division approved a Plan Review #2023-087 for The Connoisseur's commercial structure; and

WHEREAS, on November 20, 2023, The Central Mat-Su Fire and Life Safety Division issued a Non-Structural Fire & Life Safety Certificate of Occupancy for The Connoisseur's commercial structure; and

WHEREAS, the structure fully complies with the State of Alaska fire code; and

WHEREAS, according to the application material, wastewater will be stored in storage tanks on the subject property and picked up, transported, and disposed of by a third-party contractor at a DEC-approved non-domestic wastewater facility; and

WHEREAS, consumption of marijuana or marijuana products on the licensed premises or within 20 feet of the exterior of any cultivation facility is prohibited under State of Alaska regulation 3AAC 306.405(c)(2); and

WHEREAS, according to the application material, the facility will store fertilizers, pesticides, herbicides, and any other hazardous chemicals in a secured area and in accordance with all local, state, and federal laws; and



WHEREAS, according to the application material, the facility will store and dispose of fertilizers, pesticides, herbicides, and any other hazardous chemicals in accordance with each manufacturer's recommendations; and

WHEREAS, according to the application material, the operation will use chemical products approved by the DEC and the Environmental Protection Agency (EPA); and

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.60.100, 17.60.150 and 17.60.170; and

WHEREAS, the Planning Commission conducted a public hearing on March 18, 2024, 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 24-02:

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, with conditions, 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, with conditions, 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, with conditions, to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).
7. The proposed use, with conditions, 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 that 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)).

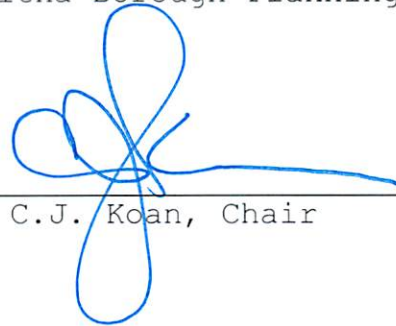
BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the standards of MSB 17.60 and does hereby approve the conditional use permit for the operation of a marijuana cultivation facility, with the following conditions:

1. The operation shall comply with all applicable federal, 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 before 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 violate this conditional use permit.

4. All applicable licenses shall be obtained through the State of Alaska Marijuana Control Board as required by 3 ACC 306.005, and a copy of the licenses shall be provided to the MSB Development Services Division.
5. The hours of operation for harvesting activities shall not exceed 8:00 a.m. to 8:00 p.m., seven days a week.

ADOPTED by the Matanuska-Susitna Borough Planning Commission  
this 18th day of March, 2024.



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C.J. Koan, Chair

ATTEST



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KAROL RIESE, Planning Clerk

(SEAL)

YES: 7 Scoggin, Fernandez, Koan, Allen, Shane, McCabe, Glenn

NO:  $\emptyset$