



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Kelly Cooper, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Max Best, Planning Director 

DATE: March 15, 2017

SUBJECT: Retail Marijuana Store License Application. **Applicant:** Alaskan Cannabis Outfitters; **Landowner:** 60N Ventures LLC; **Parcel #:** 17302117; **Property Description:** That portion of the southeast ¼ of the southeast ¼ of Section 9, Township 6 South, Range 14 West, Seward Meridian, lying west of Sterling Highway; **Location:** 41495 Sterling Highway, Homer, AK, Homer Area.

The Kenai Peninsula Borough Planning Commission reviewed the subject application during their regularly scheduled March 13, 2017 meeting.

A motion to recommend approval of the Alaskan Cannabis Outfitters, a Retail Marijuana Store license application passed by unanimous consent subject to the following conditions:

1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.
2. There shall be no parking in borough rights-of-way generated by the marijuana establishment.
3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020(A).
4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

Attached are the unapproved minutes of the subject portion of the meeting.

AGENDA ITEM F.

PUBLIC HEARING

7. State application for a marijuana establishment license; Diamond Ridge / Homer Area

Staff Report given by Bruce Wall

PC Meeting: 3/13/17

Applicant: Alaskan Cannabis Outfitters

Landowner: 60N Ventures LLC

Parcel ID#: 173-021-17

Legal Description: That portion of the southeast ¼ of the southeast ¼ of Section 9, Township 6 South, Range 14 West, Seward Meridian, lying west of Sterling Highway.

Location: 41495 Sterling Highway, Homer, AK

BACKGROUND INFORMATION: On Friday, March 4, 2016 the applicant notified the borough that he/she had submitted an application to the state for a Retail Marijuana Store license. On Wednesday, March 16, 2016 the applicant supplied the borough with a signed acknowledgement form and a site plan on Wednesday, March 16, 2016 of the proposed Retail Marijuana Store on the above described parcel. The Alcohol and Marijuana Control Office notified the borough that the application was complete on Tuesday, February 7, 2017. Staff has reviewed the completed license that has been submitted to the state and the site plan submitted to the borough and has found the following concerning the standards contained in KPB 7.30.020:

1. The Borough finance department has been notified of the complete application and they report that the applicant is in compliance with the borough tax regulations.
2. Borough planning department staff has evaluated the application and has determined that the proposed cultivation facility will be located greater than 1,000 feet from any school.
3. Borough planning department staff has evaluated the application and has determined that the proposed cultivation facility will be located greater than 500 feet from all recreation or youth centers, and all buildings in which religious services are regularly conducted, and all correctional facilities.
4. The proposed facility is not located within a local option zoning district.
5. The proposed facility is located where there is sufficient ingress and egress for traffic to the parcel.
 - The parcel has direct access to a state maintained road and will not be accessing a borough right-of-way.
 - The signed acknowledgement form indicates that there will not be any parking in borough rights-of-way.
 - The site plan indicates a clear route for delivery vehicles which allows vehicles to turn safely.
 - On-site parking and loading areas are designated at a location that would preclude vehicles from backing out into the roadway.
6. The signed acknowledgement form indicates that the proposed facility will not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

KPB 7.30.020(E) allows the recommendation of additional conditions on a license to meet the following standards:

- protection against damage to adjacent properties,
- protection against offsite odors,
- protection against noise,

- protection against visual impacts,
- protection against road damage,
- protection against criminal activity, and
- protection of public safety.

The Alaska Marijuana Control Board will impose a condition a local government recommends unless the board finds the recommended condition is arbitrary, capricious, and unreasonable (3 ACC 306.060b). If the Planning Commission recommends additional conditions, additional findings must be adopted to support the conditions.

PUBLIC NOTICE: Public notice of the application was mailed on Tuesday, February 21, 2017 to the 8 landowners of the parcels within 300 feet of the subject parcel. Public notice of the application was published in the Thursday, March 02, 2017 & Thursday, March 09, 2017 issues of the Homer News.

KPB AGENCY REVIEW: Application information was provided to pertinent KPB staff and other agencies on Tuesday, February 21, 2017.

ATTACHMENTS

- State marijuana establishment application with associated submitted documents
- Site Plan
- Acknowledgement form
- Aerial map
- Area land use map with 500' & 1,000' parcel radius

STAFF RECOMMENDATION

Staff recommends that the planning commission forward this application to the assembly with the findings contained in this staff report and with the recommendation that the following conditions be placed on the state license pursuant to 3 AAC 306.060(b):

1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.
2. There shall be no parking in borough rights-of-way generated by the marijuana establishment.
3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020(A).
4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

MAIN MOTION: Commissioner Ecklund moved, seconded by Commissioner Lockwood to recommend approval of Alaskan Cannabis Outfitters, a Retail Marijuana Store License according to staff recommendations and findings.

Commissioner Ecklund stated that this proposal was for a retail store. The following statement appears to be in error since this is a retail store and not a cultivation facility. "*Borough planning department staff has evaluated the application and has determined that the proposed cultivation facility will be located greater than 1,000 feet from any school.*" She thought that a retail store was only selling the product, not cultivating it. Mr. Wall replied that it is a retail store and that there will not be any cultivation at this facility. He will make sure that statement gets corrected.

Commissioner Glendening asked if the four additional conditions will be included in the

recommendation for approval. Mr. Wall replied yes, these are the same four conditions that staff recommended that the State place on the previous retail license that they have reviewed.

Commissioner Ecklund asked if she should include those or if they are included in Borough Code that anyone would have to follow. Mr. Wall stated that they should probably be stated in the motion.

AMENDMENT MOTION: Commissioner Ecklund moved, seconded by Commissioner Ruffner to include the following seven points with the recommendation and to recommend that the four conditions be placed on the state license.

KPB 7.30.020(E) allows the recommendation of additional conditions on a license to meet the following standards:

- protection against damage to adjacent properties,
- protection against offsite odors,
- protection against noise,
- protection against visual impacts,
- protection against road damage,
- protection against criminal activity, and
- protection of public safety.

Conditions

1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.
2. There shall be no parking in borough rights-of-way generated by the marijuana establishment.
3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020(A).
4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

VOTE: The motion passed by unanimous consent.

CARLUCCIO YES	ECKLUND YES	ERNST ABSENT	FOSTER YES	GLENDENING YES	ISHAM ABSENT	LOCKWOOD YES
MARTIN YES	MORGAN ABSENT	RUFFNER YES	VENUTI ABSENT	WHITNEY YES		8 YES 4 ABSENT

AGENDA ITEM F. PUBLIC HEARING

8. Conditional Land Use Permit for a Material Site; Sterling Area

Staff Report given by Bruce Wall

PC MEETING: 3/13/17

Applicant: John P. Oberts

Landowner: John P. Oberts

Parcel Number: 065-322-02

Legal Description: North ½ of the Northwest ¼ of Section 13, Township 5 North, Range 8 West, Seward Meridian.

Location: 37890 Adkins Road

BACKGROUND INFORMATION: The applicant wishes to obtain a permit for gravel extraction on a portion of the 80 acre parcel listed above. This property is adjacent to a parcel that was approved by the Planning