



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: July 17, 2017

SUBJECT: Application for the renewal of a Limited Marijuana Cultivation Facility License.
Applicant: Cannaboyd; **Landowner:** Jason & Tallee S Boyd; **Parcel #:** 17207157 ;
Property Description: Lot 4-A, Blueberry Hill No. 2, according to Plat 86-53, Homer Recording District.; **Location:** 35047 Lowbush Street, Homer, AK, Fritz Creek Area.

The Kenai Peninsula Borough Planning Commission reviewed the subject application during their regularly scheduled July 17, 2017 meeting.

At the meeting it was noted that the staff report contained an error and should have stated, "In reviewing the renewal application, the Borough Finance Department has determined that the marijuana establishment is current in all Kenai Peninsula Borough obligations consistent with KPB 7.30.020(A)."

A motion to recommend approval of the Cannaboyd, a Limited Marijuana Cultivation Facility 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).

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

AGENDA ITEM F.

PUBLIC HEARING

6e. State application for a marijuana establishment license renewal; Fritz Creek Area

Staff Report given by Bruce Wall

PC MEETING: July 17, 2017

Applicant: Cannaboyd
Landowner: Jason & Tallee S Boyd
Parcel ID#: 172-071-57
Legal Description: Lot 4-A, Blueberry Hill No. 2, according to Plat 86-53, Homer Recording District.
Location: 35047 Lowbush St, Homer

BACKGROUND INFORMATION: The Alcohol and Marijuana Control Office (AMCO) has notified the borough that a renewal application has been received for State License 10210. The Kenai Peninsula Borough Assembly on July 26, 2016 issued a non-objection letter to AMCO for the original license.

In reviewing the renewal application, the Borough Finance Department has determined that the marijuana establishment is current in all Kenai Peninsula Borough obligations consistent with KPB 7.30.020(A).

The marijuana establishment complies with the location requirements of KPB 7.30.020(B) and has sufficient ingress and egress consistent with KPB 7.30.020(C1).

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, findings must be adopted to support the conditions.

PUBLIC NOTICE: Public notice of the application was provided in accordance with KPB 21.11.

STAFF RECOMMENDATION

Staff recommends that the planning commission forward the application to the assembly 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).

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.

MOTION: Commissioner Morgan moved, seconded by Commissioner Lockwood to recommend approval of Cannaboyd, a renewal of their State License according to staff recommendations, findings and to recommend that the following three conditions be placed on the state license.

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).

VOTE: The motion passed by unanimous consent.

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

AGENDA ITEM G. ANADROMOUS WATERS HABITAT PROTECTION (KPB 21.18)

1. Project Overview

A Conditional Use Permit is sought in order to replace a bridge within the 50-foot Habitat Protection District of Quartz Creek.

KPB Planning Commission Resolution 2017-20

Staff Report given by Karyn Noyes

PC MEETING: July 17, 2017

Applicant: Alaska Department of Transportation & Public Facilities
P.O. Box 196900
Anchorage, Alaska 99519

Project Location: This project is located on the left and right banks of Quartz Creek within the Alaska Department of Transportation & Public Facilities' Quartz Creek Road right-of-way, milepost 0.75, within Township 5N, Range 3W, Section 36, Seward Meridian, near Cooper Landing, Alaska.

Proposed Action: The KPB Planning Commission is requested to take action on a Conditional Use Permit (CUP) application for the replacement of a bridge over Quartz Creek, within the Habitat Protection District. This item was postponed at the June 26, 2017 KPB Planning Commission meeting.

Project Details: The project details within the Quartz Creek Habitat Protection District (HPD) are:

1. Replace a 3-span, 87-foot timber bridge over Quartz Creek with a 2-span, 27-foot wide, 202-foot long, pre-stressed concrete girder bridge.
 - i. Install a temporary detour bridge upstream and adjacent to the existing bridge.
 - ii. Remove the existing Quartz Creek Bridge.
 - iii. Minor roadway alignment shift and widening of Quartz Creek Road in order to match the approaches to the new Quartz Creek Bridge.
 - iv. Pave approximately 600 feet of Quartz Creek Road from the bridge approaches.
 - v. Armor the new bridge abutments and adjacent roadway. The project will have a total of 655-lineal feet of riprap. The project site currently has 305-lineal feet of riprap, which would be reused to the maximum extent practicable.
 - vi. Install or replace guardrail, guardrail end treatments, signs and striping.
 - a. Seven existing signs will be replaced with five new signs, two of which will be installed on one post, so only four sign posts will be installed
 - vii. Improve storm water drainage, including ditch grading.
 - viii. Improve and stabilize stream banks.

Proposed mitigation measures:

- a. Partially divert the stream temporarily to isolate work areas from flowing water and reduce downstream sedimentation.
- b. All debris associated with removal of the old bridge will be properly disposed of in an upland location outside the 50-foot Habitat Protection District.