

State application for a marijuana establishment license; Kasilof Alaska

STAFF REPORT

PC MEETING: 01/24/2022

Applicant: STEVE DUPREY

Landowner: STEVE DUPREY

Parcel ID#: 05528239

Legal Description: T 5N R 11W SEC 27 SEWARD MERIDIAN KN 0780224 COTTONWOOD
ACRES SUB RESUB OF LOTS 4 & 5 LOT 5-A

Location: 48235 MIRACLE AVE

BACKGROUND INFORMATION:

On 12/08/2021 the applicant notified the borough that he had submitted an application to the state for a marijuana cultivation license. On 11/19/2021 the applicant supplied the borough with a signed acknowledgement form and a site plan of the proposed Limited Marijuana Cultivation Facility on the above described parcel. The Alcohol and Marijuana Control Office notified the borough that the application was complete on 11/12/2021. 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 site plan indicates that the approach is or will be constructed to a minimum width of 28 feet where it accesses the 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. Because this application is for cultivation the hours of operation for a retail store is not applicable.

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 that it is not arbitrary, capricious, or unreasonable.

PUBLIC NOTICE: Public notice of the application was mailed on 02/04/2022 to the 13 landowners of the parcels within 300 feet of the subject parcel. Public notice of the application was published in the 01/12/2022 & 01/19/2022 issues of the Peninsula Clarion

KPB AGENCY REVIEW: Application information was provided to pertinent KPB staff and other agencies on 02/04/2022

ATTACHMENTS

- Attachment A: State marijuana establishment application with associated submitted documents
- Attachment B: Aerial map
- Attachment C: Area land use map with 500' & 1,000' parcel radius
- Attachment D: Public Notice
- Attachment G: Agency comments
- Attachment H: Public comments

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:

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).



Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Johni Blankenship, MMC
Borough Clerk

MARIJUANA LICENSE LOCAL REVIEW STANDARDS ACKNOWLEDGEMENT FORM

Please review the statements below and acknowledge your understanding of the conditions and intent to comply by your signature below.

There shall be no parking in borough rights-of-way generated by the marijuana establishment.

If I have a retail marijuana license, I will not conduct any business on, or allow any consumer to access, the premises, between the hours of 2:00 a.m. and 8:00 a.m. each day.

I must stay current in obligations owed to the Kenai Peninsula Borough or my license may be subject to a protest by the KPB Assembly.

It is my responsibility to abide by all federal, state, and local laws applicable to my marijuana establishment.

I understand Kenai Peninsula Borough staff will enter my property for purposes of evaluating ongoing compliance with KPB 7.30 and any conditions placed on the license by the State of Alaska Marijuana Control Board.

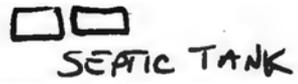
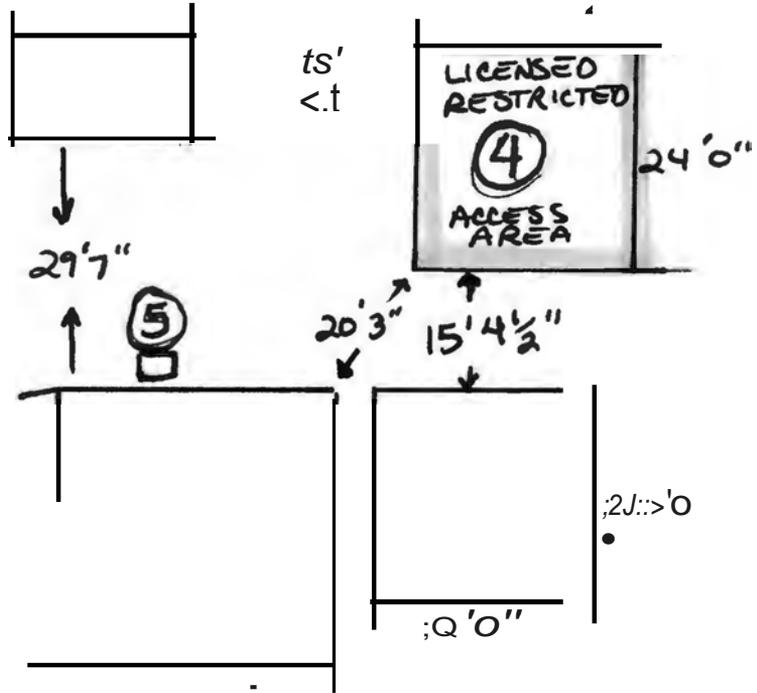
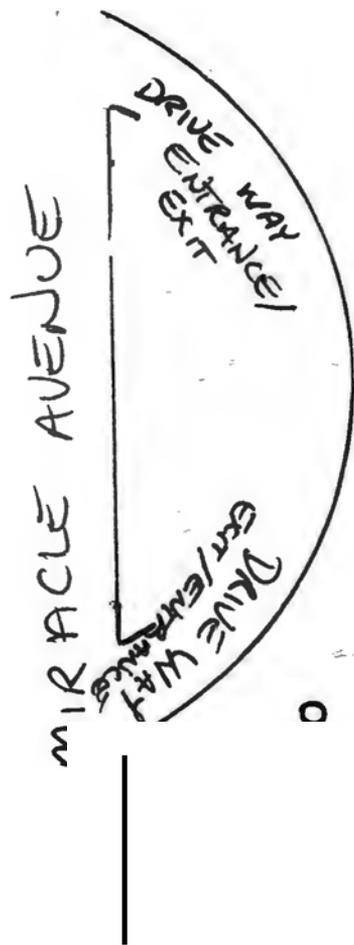
I have received, read and understand the additional review standards and conditions set out in KPB 7.30.

Rock Solid Buds
48235 Miracle Ave; T 5N R 11W SEC 27 Seward Meridian KN 0780224 COTTONWOOD
ACRES SUB RESUB LOTS 4 & 5 BLK 4 LOT 5-A BLK 4
Application for Limited Marijuana Cultivation Facility (License Number: 12428)


Signature

3-28-21
Date

Please return completed form along with site development plan to the KPB Clerk's



TotJDR..A
K05E

CIRCLE
ROAD



DOING BUSINESS AS ROCKSOLID BUDS LICENSE # 21463

END OF STAFF REPORT