



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 *mb*

DATE: June 29, 2017

SUBJECT: Limited Marijuana Cultivation Facility License Application. **Applicant:** Green Thumb Solutions; **Landowner:** Jacob Nyman; **Parcel #:** 05508165; **Property Description:** Lot 5, Block 2, Ashton Park Subdivision, according to Plat 97-74, Kenai Recording District.; **Location:** 47375 Aries Court, Soldotna, Kalifornsky Area.

The Kenai Peninsula Borough Planning Commission reviewed the subject application during their regularly scheduled June 26, 2017 meeting.

A motion to recommend approval of the Green Thumb Solutions, a Limited Marijuana Cultivation Facility 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 KP.B 7.30.020(A).

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

AGENDA ITEM F.

PUBLIC HEARING

2. State application for a marijuana establishment license; Kalifornsky Area

Staff Report given by Bruce Wall

PC MEETING: Monday, June 26, 2017

Applicant: Green Thumb Solutions

Landowner: Jacob Nyman

Parcel ID#: 055-081-65

Legal Description: Lot 5, Block 2, Ashton Park Subdivision, according to Plat 97-74, Kenai Recording District.

Location: 47375 Aries Court, Soldotna

BACKGROUND INFORMATION: On Thursday, February 16, 2017 the applicant notified the borough that he/she had submitted an application to the state for a Limited Marijuana Cultivation Facility license. On Tuesday, February 21, 2017 the applicant supplied the borough with a signed acknowledgement form and a site plan on Tuesday, February 21, 2017 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 Wednesday, May 24, 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 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 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 the conditions.

PUBLIC NOTICE: Public notice of the application was mailed on Monday, June 5, 2017 to the 24 landowners of the parcels within 300 feet of the subject parcel. Public notice of the application was published in the Thursday, June 15, 2017 & Thursday, June 22, 2017 issues of the Peninsula Clarion.

KPB AGENCY REVIEW: Application information was provided to pertinent KPB staff and other agencies on Monday, June 12, 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).

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 Ruffner moved, seconded by Commissioner Isham to recommend approval of Green Thumb Solutions, a Limited Marijuana Cultivation Facility 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).

Commissioner Whitney stated that this appeared to be a single-family residence so he asked if there were children who were living in this residence. Mr. Wall replied that he was not aware of that. The

applicant's wife was in attendance and could answer that question if the commission would allow that. He stated that the State Marijuana Control Board and the regulations of the State require that the facility be separated off and secured. The site plan indicated that this was going to be in a cellar area of the house.

Commissioner Isham asked if children were allowed if it was a family operation. Mr. Wall replied that the State regulations do not allow children to work in the marijuana facility. A person needs to be 21 years of age and have a marijuana handling license from the State in order to be able to work in a marijuana facility.

Commissioner Isham asked if this was a residence on the property. Mr. Wall replied that this was a residence with approximately 500 square feet in the basement that will be used for the marijuana facility. It is a family living there in a residential neighborhood. By all outward appearances, it will need to continue to look like a residence according to code. Commissioner Isham wondered if there were children onsite living there if it was a residence. Mr. Wall replied that if there are children in the home then they are obviously allowed on the property but are not within the area of the house that is licensed. That area needs to be secured and no children are allowed in that portion of the residence.

VOTE: The motion passed by unanimous consent.

CARLUCCIO YES	ECKLUND ABSENT	ERNST ABSENT	FIKES YES	FOSTER YES	ISHAM YES	LOCKWOOD YES
MARTIN YES	MORGAN ABSENT	RUFFNER YES	VENUTI YES	WHITNEY YES		9 YES 3 ABSENT

~~AGENDA ITEM F. PUBLIC HEARING~~

~~3. Conditional Land Use Permit for a Material Site; Sterling Area~~

~~Staff Report given by Bruce Wall~~

~~PC Meeting: June 26, 2017~~

~~**Applicant:** Granite Construction Inc.~~

~~**Landowner:** Robert Eshleman~~

~~**Parcel Number:** 065-322-29~~

~~**Legal Description:** Lot 4, El Rancho Costa Plente Subdivision, according to Plat 99-57, Kenai Recording District.~~

~~**Location:** 28691 Sterling Highway, immediately east of Card Street.~~

~~BACKGROUND INFORMATION: The applicant wishes to obtain a permit for gravel extraction on a portion of the 57.96 acre parcel listed above.~~

~~The submitted site plan indicates that the material site haul route is directly to the Sterling Highway. The site plan and application proposes the following buffers:~~

- ~~North: A minimum 6-foot high berm (sufficient to provide adequate screening) except in the wetland area which will be a 50-foot vegetated buffer.~~
- ~~South: 50-foot vegetated buffer.~~
- ~~East: 6-foot high berm along the northern portion and a 50-foot vegetated buffer along the southern portion.~~
- ~~West: 6-foot high berm along the northern portion and a 50-foot vegetated buffer along the southern portion.~~