



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: Peace Frog Botanicals, LLC; **Landowner:** Jeffrey D Phelps; **Parcel #:** 01359005; **Property Description:** Lot 2, Block 1, Hershberger Subd. No. 2, according to Plat 81-76, Kenai Recording District.; **Location:** 47459 Lakeside Drive, Kenai, AK, Nikiski 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 Peace Frog Botanicals, LLC, 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

6c. State application for a marijuana establishment license renewal; Nikiski Area

Staff Report given by Bruce Wall

PC MEETING: July 17, 2017

Applicant: Peace Frog Botanicals, LLC
Landowner: Jeffrey D Phelps
Parcel ID#: 013-590-05
Legal Description: Lot 2, Block 1, Hershberger Subd. No. 2, according to Plat 81-76, Kenai Recording District.
Location: 47459 Lakeside Dr, Kenai

BACKGROUND INFORMATION: The Alcohol and Marijuana Control Office (AMCO) has notified the borough that a renewal application has been received for State License 10041. The Kenai Peninsula Borough Assembly on July 18, 2017 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 Ecklund moved, seconded by Commissioner Fikes to recommend approval of Peace Frog Botanicals, LLC, 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 F. PUBLIC HEARING

6d. State application for a marijuana establishment license renewal; Kalifornsky Area

Staff Report given by Bruce Wall

PC MEETING: July 17, 2017

Applicant: Terra House LLC

Landowner: Michael J. Lowry

Parcel ID#: 055-641-15

Legal Description: Lot 3B, Gaede Eighty Subdivision Addition No. Five, according to Plat 2002-47, Kenai Recording District

Location: 48714 Jones Rd, Soldotna

BACKGROUND INFORMATION: The Alcohol and Marijuana Control Office (AMCO) has notified the borough that a renewal application has been received for State License 10086. The Kenai Peninsula Borough Assembly on July 18, 2017 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.

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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).