



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 a new Limited Marijuana Cultivation Facility License. **Applicant:** Lady Gray Growing; **Landowner:** Frederick Goss; **Parcel #:** 05829125; **Property Description:** Lot C2, Robinette Subdivision Grossl Addition #2, according to Plat 2012-75, Kenai Recording District.; **Location:** 36322 Pine Street Suite 1a Soldotna, Soldotna Area.

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

A motion to recommend approval of the Lady Gray Growing, 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 KP.B 7.30.020(A).

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

AGENDA ITEM F.

PUBLIC HEARING

5c. State application for a marijuana establishment license; Soldotna Area

Staff Report given by Bruce Wall

PC MEETING: July 17, 2017

Applicant: Lady Gray Growing
Landowner: Frederick Gossl
Parcel ID#: 058-291-25
Legal Description: Lot C2, Robinette Subdivision Gossl Addition #2, according to Plat 2012-75, Kenai Recording District.
Location: 36322 Pine Street Suite 1A, Soldotna

BACKGROUND INFORMATION: On February 24, 2017 the applicant notified the borough that he/she had submitted an application to the state for a Limited Marijuana Cultivation Facility license. On June 23, 2017 the applicant supplied the borough with a signed acknowledgement form, and a site plan on June 23, 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 June 5, 2017.

The application indicated that they have also applied to the state for a Marijuana Manufacturing Facility at the same location. But we have not yet received a completed for that license yet.

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 June 27, 2017 to the 9 landowners of the parcels within 300 feet of the subject parcel. Public notice of the application was published in the July 6, 2017 & July 13, 2017 issues of the Peninsula Clarion.

KPB AGENCY REVIEW: Application information was provided to pertinent KPB staff and other agencies on Tuesday, July 3, 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 Lockwood moved, seconded by Commissioner Isham to recommend approval of Lady Gray Growing, 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 Ecklund asked if all these plans go to the State and if they have to meet State requirements which were approved by a board. Mr. Wall replied that the State regulations are pretty

rigorous for these marijuana facilities. The State looks at the site plans. Any commercial facility which would be anything other than the Limited Cultivation facilities needs to be reviewed by the State Fire Marshall. Commissioner Ecklund asked if the State could also give them an exception. Mr. Wall replied no, and believed that they need to follow the State regulations.

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

5d. State application for a marijuana establishment license; Nikiski Area

Staff Report given by Bruce Wall

PC MEETING: July 17, 2017

Applicant: High Tide Distributors

Landowner: Dennis R & Tena L Humphrey

Parcel ID#: 013-360-30 and 013-360-29

Legal Description: Lot 8 and Lot 9, Block 2, Halbouty Heights Subdivision, according to Plat 78-184, Kenai Recording District.

Location: 49172 Heights Lane, Nikiski

BACKGROUND INFORMATION: On March 9, 2017 the applicant notified the borough that he/she had submitted an application to the state for a Limited Marijuana Cultivation Facility license. On March 16, 2017 the applicant supplied the borough with a signed acknowledgement form, and a site plan on March 16, 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 June 27, 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.