

From: [Spencer & Janice](#)
To: [Wall, Bruce](#)
Subject: FAT TOPS LLC LICENSE APPLICATION
Date: Tuesday, April 04, 2017 6:40:12 AM

I do not live within the 300 ft radius of the subject property (parcel number 063-104-06), however

I would like to issue my opposition to approving this license. The property is within 300 feet of a school bus drop for children who would have to walk right by the facility daily on their way to and from their homes. Traffic in and out of this facility could be dangerous for them.

Spencer Archibald
36136 Dayspring Street

April 21, 2017

To whom it may concern:

My name is James Bergevin, I live on Murray Lane. My wife and I have lived at this house for over 40 yrs. We have raise two children here. We STRONGLY OPPOSE the granting of a commercial retail license for selling marijuana to FAT TOPS, LLC. Parcel # 063-104-06

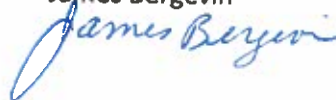
This is a quiet, peaceful residential neighborhood, with many children, who catch their school buses, morning and afternoon, right beside this parcel of land. There are also two cluster mailboxes right there beside this parcel of land. Children ride their bikes up to get the mail, or young mothers walk with their kids to get their mail. The traffic on Murray Lane is already heavy and this type of retail business would only increase the problem and safety issues. The traffic on the Sterling Highway is horrendous during the summer season. This business would only compound the traffic problem at this intersection. This intersection has had numerous accidents over the years as there is a rise in road elevation in front of the parcel, causing people to be unaware of turning traffic when heading south on roadway. A retail marijuana establishment would greatly increase the traffic flow onto Murray Lane, which is a dead-end street.

Marijuana retail is a cash business, meaning that there would be large amounts of cash on location, making it a prime target for robbers – armed or not. Criminals follow the cash flow!! Criminals staking out the area, cruising the neighborhood, also staking out houses for possible burglaries to help feed their addiction.

This type on business has a negative impact on property value. Several young families have stated that had they known that this type of business was here or coming here, they would not have chosen to live in this area.

Thank you.

James Bergevin



Thursday, April 13, 2017

Attention Borough Planning Department:

I am writing regarding the Fat Tops, LLC for retail marijuana store license application. The location is 36380 Murray Lane. I have lived in this neighborhood for almost 30 years.

I strongly urge the Planning Commission to decline this application for safety reasons. This business should not be approved at this location. There are multiple reasons that this location would be an unwise choice. Traffic and safety are the most pressing of these concerns.

Approaching from the North – sitting duck

This intersection, turning off the highway, is very dangerous. I have had several instances where I have narrowly avoided being plowed into from behind, waiting on the highway to turn into Murray Lane. Approaching from the Sterling side of this intersection, there is a rise in the highway. I have experienced oncoming traffic, not paying close enough attention to cars stopped, waiting for opposing traffic to clear and turn off the highway onto Murray Lane. I have narrowly missed being hit by single cars approaching from behind. Even worse, strings of cars approaching, with the first car whipping around last second, has also caused several near misses. I would be curious to know how many accidents have already occurred at this intersection?

My concern is that turning off the highway at that intersection requires diligent attention to traffic patterns; whether or not to drive an extra block or two, turn around and approach from the other direction. I already fear for my family and friends, turning from that section of highway. Adding significant traffic to this intersection, and more traffic congestion and waiting time, will cause some very serious accidents.

Young school kids navigating traffic at this intersection

There is a school bus stop at this intersection. Should young kids (often not aware of their surroundings) be subject to the added maze of traffic that a marijuana shop will bring?

There is also a cluster box/ mailbox directly across from this business as well.


Assisted Living

There is an assisted living very close to this location. There are elderly folks with disabilities that often walk these roads. I believe this added traffic will negatively affect their ability to get out and walk in a safe manner.

This has been a quiet neighborhood, thru the years. I do not think this intersection is properly designed for the extra traffic congestion that such a business will bring. I fear that entering and exiting the highway at this location will become an extreme danger. Please keep this area safe and decline the license for this Retail Marijuana Store.

Thank you,

Rick Birch
rick82@acsalaka.net
394-1763

Kirsten Deede 
PO Box 4066
Soldotna, AK 99669
April 20, 2017

Planning Commission Chairman
144 N. Binkley St.
Soldotna, AK 99669

RE: Location 36380 Murray Lane, Soldotna – Parcel # 063-104-06

I am writing with regard to the consideration of a retail business operating near the intersection of Murray Lane and the Sterling Highway. Although I don't live in the immediate area involved, I often drive in and out of it. My experience is that complex traffic interactions in this vicinity already present some serious risks for drivers on either road. A change in the type of commercial activity in this location has potential to change traffic volume. My concern is that increased traffic at this corner will increase hazards for drivers to an unacceptable level.

It may be tedious to read these physical descriptions, but please bear with me as I describe from experience the complexities of the Murray Lane/Sterling Highway junction. I ask you to develop a mental picture of the traffic interactions that occur there now and which would be adversely affected by increased retail traffic. It has features that I don't see at other commercial access points along the highway, by admittedly informal observation.

Murray Lane provides the sole access to an entire neighborhood. The section of highway it joins has several notable characteristics, including the full brunt of a 55 mph speed allowance. Near the end of the long drive from Anchorage for private and commercial vehicles, it is also the first real encounter with significant residential access without turning lanes such as the Scout Lake/Swanson River/Robinson Loop complex has. Deville Road meets the Sterling Highway within yards of Murray Lane on the other side of the highway, providing access to another large neighborhood and its traffic. Actual gridlock of sorts can develop between the two busy access roads under certain conditions, complete with shoulder passing and stopped turners who, in discouragement or fear, sometimes abandon their turn and try to rejoin the eddy of traffic.

For westbound drivers, there is a slight rise and fall in the lay of the highway near Murray Lane that is just enough to shorten visibility. The highway is very straight on the Sterling side, so that drivers can only see the indicator lights of the vehicle directly in front of them. This creates a situation that has led to rear-end collisions in this location - I've seen some of them. I've also seen radical dodges onto the shoulder, including a vehicle swerving so hard as to roll up on just 2 tires to avoid collision. The time to evaluate one's options seems quite limited as compared to other highway segments. A left turn here is an intense experience more often than not.

Highway drivers from either direction have poor sight lines for vehicles on Murray Lane that are approaching the stop sign. This is due to how Murray Lane is graded into the hillside. Similarly, a driver on Murray Lane cannot see oncoming highway drivers until reaching the stop sign. Often a left-turner from Murray Lane positions their rig past the mid-line, encumbering access for a driver leaving the highway. So highway drivers that need to turn off have multiple last-second calculations to make if a vehicle pulls up as they start their turn, including the acuity of their turn radius, the interaction with pavement breaks, and how quickly they'll manage to clear their lane. There's also a mailbox cluster on Murray Lane within feet of the highway; sometimes there's a postal vehicle waiting or a driver executing a 3-point turn-about to access the mail.

To wrap up the mental picture, let's not forget the special conditions of heavy summer traffic, including visibility-squelching motorhomes. I've waited for 70+ vehicles to pass before being able to make a right turn onto the highway – and couldn't dream of turning left.

What I've described so far is the EXISTING situation. When I try to project the effects of any increased use of Murray Lane in general and the first 75 feet of Murray Lane where it meets the highway in particular, the picture gets truly frightening. There are two main issues, one being simply that of an already hazardous junction becoming more stressed. The other factor is the location of the existing driveway for the proposed business. It's somewhat unique in how close it is to the highway and it requires an immediate left turn after leaving the highway, which is the likely source of retail traffic increase. The potential to develop a true bottleneck is very high.

The hazard is compounded by how narrow the driveway it. There's not room for side-by-side vehicles, like one exiting and another entering at the same time, so a left-turner could be delayed in clearing the lane. Such congestion wouldn't be visible to highway drivers OR those coming out of the neighborhood toward the highway until the very last moment, due both to how the road is graded toward the highway and to how the driveway is cut into the bill, such that it is essentially "blind". And keep in mind the cluster box is still over there on the other shoulder.

In conclusion, I don't think this location is safe enough for retail traffic. I request that the planning commission arrange for in-depth modeling and analysis of the traffic dynamics for this complicated intersection and for Murray Lane if it must face volume increase. It's already a traffic interface that invites some of the worst driving practices to be seen on our local roads and I don't see how it can handle more pressure without mitigation. It is my position that moving forward without thorough informed consideration of the increased hazards for area residents and even, it can be said, for all drivers who travel the highway between Sterling and Soldotna, could have sad and serious consequences. It would be a serious failure to meet the public safety responsibility that this letter brings to your attention.

Thank you.



Kirsten Deede

From: rtg@alaska.net
To: [Wall, Bruce](#)
Subject: 36380 Murray Lane Soldotna ,Retail Marijuana store
Date: Friday, April 21, 2017 4:49:41 PM

This is a comment concerning the request for a Marijuana retail store on Murray Lane, Soldotna . As a member of the Apostolic assembly of Jesus Christ since 1979 and have been living on Penny Lane for almost ten years I have serious concerns about increased traffic and property values . Along with the church down Murry lane there is an assisted living home, many children and adults who walk in the area. Along with this there are school children being picked up at both Murray Lane and Penny Lane. Please know that my wife and I do not want this at this location. Thank you for your consideration . Mr. and Mrs. Ward Grilley .

To: Kenai Peninsula Borough Planning Commission

RE: Retail License for FATTOPS LLC

Attention: Bruce Wall, AICP

I am Sherry Mettler. I have lived in this neighborhood since 1983 when I purchased and built my house where I presently live.

In the fear of sounding redundant with my objection to the FATTOPS LLC on the corner of the Seward Highway and Murray Lane, I would like to draw your attention to a couple of videos shot from both the approach from the Sterling highway to this location as well as from the Murray Lane approach. Both directions present, I believe, a danger and safety issue. (These are attachments to the email.)

Furthermore, I will again list some of my other objections to this location for a high trafficked retail business. (I don't appreciate the cultivation portion due to the ground water issues that seem to be plaguing other states that have allowed such practices in their state – (please see some info included).

1. Even though not zoned, this is a residential neighborhood.
2. There is a church just a few feet down the road from this location.
3. There is a Sunday School where children gather.
4. There are a number of children in the neighborhood who are found playing at various times throughout the day and evening.
5. There is a US Postal cluster box within a few feet from the proposed site.
6. Murray Lane is a school bus stop.
7. Parents wait for their children sitting on Murray Lane.
8. Children wait for the buses standing and playing on Murray Lane.
9. The entrance to Murray Lane has an eight-foot hill rise that leaves entrance and exit in a blind spot. (note video)
10. The site does not indicate a clear route for entrance nor exit which would allow vehicles to turn safely. (A black truck came out of their drive way on 4/18/2017 and didn't even see me as I approached from the Murray Lane exit heading for the Sterling Highway).
11. The congestion NOW onto the Sterling Highway is almost unbearable without any business traffic – with such traffic onto the Sterling Highway and off of the Sterling Highway, it would be without a doubt, a constant dangerous bottleneck.
12. **I would suggest another access road to the entrance to this business if the business is allowed to go forward.**

My hope is that before someone is injured at this location, there be consideration of not passing this on with no objections or at least addressing the access road to FAT TOPS LLC, that could and would be reviewed and changed to another location.

Thank you for your time in hearing from those deeply concerned about this entire operation.

Respectfully,

Sherry Mettler
(907) 242-5282

Fat Tops LLC Objections

From: [SM Mettler](#)
To: [Wall, Bruce](#)
Subject: FAT TOPS LLC
Date: Friday, April 21, 2017 10:49:40 AM
Attachments: [Fat Tops LLC Objections.docx](#)
[Other State Water Issues.001.tif](#)

Hello Bruce:

First I want to thank you for getting the meeting moved to April 24th so it is local. I am attaching about 2 attachments to this email. One is my letter and the other is information regarding water issues experienced by other states who allowed cultivation etc of marijuana. I know the cultivation is not an issue at this meeting. Also, I am forwarding a couple of videos I shot from Murray Lane and from the Sterling Highway as I can't seem to get them to attach to this email.

Thank you.

Respectfully,
Sherry Mettler



Marijuana Cultivation in Northern California Threatens Water Quality and Wildlife

Cultivation of marijuana in California has grown exponentially in recent years, both in the number of grows and the size of grow operations. The growing operations are appearing on both private and public land can harm our State's waters if it is not carried out in a responsible manner.

The State Water Resources Control Board and Regional Water Quality Control Board (California Water Boards) will not enter the debate over the legality of growing marijuana in California, though any growing operation on public land is illegal regardless of the crop. The California Water Boards have jurisdiction over the diversion and use of surface water and discharges of waste that could affect waters of the State and there are serious concerns about the water quantity and quality impacts from the increase in growing activity.

The Problem

Growers have engaged in activities that can negatively impact waters of the state and threaten or damage aquatic habitat and groundwater, including:

- grading, terracing, dam, and road construction, causing erosion and sediment deposition in streams;
- deforestation and habitat fragmentation;
- illegal use of rodenticides, fungicides, herbicides and insecticides;
- use of soil amendments and fertilizers in situations where run off to surface waters may occur;
- discarding of trash and haphazard management of human waste;
- substandard storage of hazardous materials such as diesel and gasoline; and
- unauthorized diversion of water from streams.

What's Being Done About It?

The California Water Boards are committed to educating both the public and the cultivators about proper permitting and growing practices, and are developing a regulatory program that will ensure marijuana cultivation activities do not result in adverse water quality impacts. The Boards' regulatory activities can only provide permit coverage for growing operations on private lands; marijuana cultivation on public lands is illegal will not be permitted.

The California Water Boards are increasing the resources they will devote to investigating and prosecuting cultivation activities that threaten to impact water quality, aquatic life, or wildlife habitat. Additionally, local, state and federal agencies, including the California Water Boards, are working together in task forces to find illegal growing operations and enforce applicable laws.

What Can the Public Do to Help?

The public can help by educating friends and neighbors about the issues and by reporting water quality violations to the California Water Boards.

North Coast Regional Water Quality
Control Board
Phone: (707) 534-7128
stormer.feiler@waterboards.ca.gov

Central Valley Regional Water
Quality Control Board – Redding
Phone: (530) 224-4845
Clint.Snyder@waterboards.ca.gov

State Water Resources Control
Board – Office of Enforcement
Phone: (916) 341-5272
erin.mustain@waterboards.ca.gov

Or, you can submit an environmental complaint to Cal/EPA via the following web link:
http://www.dtsc.ca.gov/database/CalEPA_Complaint/index.cfm (This site can also be used for water rights complaints.)

Possible Permitting Requirements

If you are planning to develop land to grow marijuana, there are several agencies you should contact BEFORE you get started to ensure that you are in compliance with State law and local ordinances. The Regional Water Quality Control Board (Regional Board) is one agency that may need to review and permit activities associated with your project. The State Water Resources Control Board's Division of Water Rights (Division) is another. Before you start developing your property, here is a series of questions you should ask yourself to see whether you need a permit from the California Water Boards.

- 1) Will I be doing any work that involves digging or heavy equipment work in a watercourse/wetland or in a location where rain could wash dirt into a year-round or seasonal creek, river, wetland, or wet feature?
- 2) Will I be placing any type of material or structure (e.g., stream crossing, culvert, water intake, dam, etc.) in a stream (either year-round or seasonal)?
- 3) Will I be diverting water from a stream?
- 4) Will I be building any roads, landings, terraces or other features that involve placement of earthen fill material on my land?
- 5) Will I be grading, excavating, or otherwise moving earth on my property?
- 6) Will I be using and/or storing pesticides, herbicides, fertilizers, fuel, or other chemicals on my property?
- 7) Will I be generating and/or storing solid waste (e.g., amendment bags, boxes, containers, dead plant material, waste soil, etc.) on my property?

If you have answered yes to questions 1, 2, or 3, you will probably need a permit from the California Water Boards. Contact us at one of the offices listed above to get information on applying for the appropriate permits. Any person who discharges waste to waters of the State without a permit may be subject to enforcement and possible penalties. Any diversion and use of water without a water right, and a failure to report the diversion and use of water are subject to enforcement and penalties. Information about water rights is available on the Division's website at: <http://www.waterboards.ca.gov/waterrights/>.

If you have answered yes to questions 4 or 5, you may need a permit from the California Water Boards, and your project may harm water quality if not constructed carefully, subjecting you to enforcement and possible penalties. It would be advisable to hire a qualified professional with experience in erosion control to help design and construct your project so to avoid sediment getting into waterways. We recommend contacting the applicable Regional Water Board to review your project and identify whether your project will need a water quality permit.

Finally, a yes answer to question 6 or 7 will not necessarily require that you get a permit from the California Water Boards if you manage these materials in such a way that they will not threaten to impact surface waters or groundwater in any way. If impacts do occur, you are subject to liability for the water quality impacts associated with these activities. We recommend that as you design your project, you consider and identify suitable location(s) on your property, possibly within a container or structure, where you can safely contain such materials away from surface and/or ground waters in a manner that eliminates the possibility of discharge.

Dumping or allowing sediment or other wastes to enter surface water, including streams or groundwater is illegal. Discharging any of the materials noted above to surface water or groundwater is illegal.

Understanding Water-Use Regulations: Medical and Recreational Marijuana



Marijuana-related water use is subject to the same water-use regulations as any other irrigated crop. Under the Oregon Water Code of 1909, all water belongs to the public. With a few exceptions, cities, irrigators, businesses, and other water users must obtain a water right from the Water Resources Department to use water from any source – whether it is underground, or from lakes or streams. Generally speaking, landowners with water flowing past, through, or under their property do not automatically have the right to use that water without authorization from the Department.

New water permits are not available in many areas of Oregon, so individuals are strongly encouraged to investigate their water-resources options before investing in a project that requires a water supply. Violations of Oregon Water laws can result in civil penalties or prosecution for a class B misdemeanor.

The best way to identify your legal water resources options is to speak with your local watermaster (see next page). For more information, you can contact the Department at 503-986-0900, or visit our website at <http://www.oregon.gov/owrd>.

What are the water-use authorization options?

1. A water right may already be associated with your property; however, you will need to confirm that the right is still valid, and that it can be used for your purposes. Similarly, water may be obtained from a water purveyor such as a city or a water district that delivers water under an existing water right.
2. If available, water may be acquired by obtaining a new water-right permit for surface water or groundwater.
3. Certain water uses are authorized through Oregon law as “exempt” from the need for a water right. More information about exempt uses is provided below. Check with your watermaster to make sure your use qualifies.
4. There can be other options to obtain water aside from obtaining a new right to surface water or groundwater. In some cases, with Department approval, a water right from another property can be transferred to a new parcel, or stored water that is captured during the winter and spring can help provide a supply. Talk to your watermaster about options.

What else should you know about the use of your water right?

Once you have a water right, make sure that you comply with the conditions on the right. It is always a good idea to check with your watermaster to understand the conditions. Water rights are issued for a particular place of use, type of use, and point of diversion. Water rights also have limits on the amount of water that can be used, and may include limitations on the season of use. Your watermaster can help you to understand the terms of use on your water right.

If you want to change how the water is being used (for example, from field irrigation to a greenhouse), check with your watermaster to make sure that the change fits within your existing water right. In some instances you may need to obtain approval from the Department through a process called a transfer. In addition, there may be limits on the months that the water can be used. Water rights may be subject to forfeiture if not used for five consecutive years.

In addition, there may be times where there is not enough water for every water user who holds a water right. In times of shortage, the senior user is entitled to receive all of his or her water, before a junior user. For example, a senior user with a priority date of 1910 can make a call for water, and users with a junior date (after 1910 for this example) may be regulated off in order to satisfy that senior right. You should talk with your local watermaster to understand how frequently regulation is likely to occur, so that you can plan your operations accordingly. *Note: Although exempt groundwater uses do not require a permit, the well may be subject to regulation like any other water right in times of water shortage.*

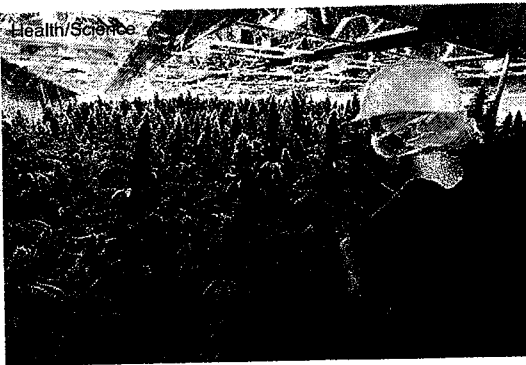
How do I obtain a water right permit in the State of Oregon?

Most water rights are obtained in a three-step process. The applicant first must apply to the Department for a permit to use water. Once a permit is granted, the applicant must construct a water system and begin using water. After water is applied, the permit holder must hire a certified water-right examiner to complete a survey of water use (a map and a report detailing how and where water has been applied). If water has been used according to the provisions of the permit, the Department will issue a water-right certificate.

Monday February 1, 2016

By **Abby Hutmacher** ([colorado-marijuana-blog/author/Abby Hutmacher/](/colorado-marijuana-blog/author/Abby-Hutmacher/))

[Business](/colorado-marijuana-blog/tag/Business/) (</colorado-marijuana-blog/tag/Business/>) [Legalization](/colorado-marijuana-blog/tag/Legalization/) (</colorado-marijuana-blog/tag/Legalization/>) [Cultivation](/colorado-marijuana-blog/tag/Cultivation/) (</colorado-marijuana-blog/tag/Cultivation/>)



Marijuana is often praised as a healthier option compared to things like alcohol, prescription drugs or even snack foods -- but is it healthy for our environment? Aside from the smoke that's produced as a byproduct of its consumption, marijuana cultivation and processing requires a LOT of energy, and can produce a considerable amount of pollution in the process.

Marijuana pollution is an unsustainable byproduct of marijuana cultivation and is especially troublesome among illegal grow operations. With no regulatory oversight, these grow ops can cause excessive environmental damage including high greenhouse gas emissions, irresponsible water use and dangerous fire hazards.

Many illegal growers prefer indoor cultivation because it is discreet, easy to control and can accommodate multiple grow cycles per year. According to [Mother Jones](http://www.motherjones.com/environment/2014/03/marijuana-pot-weed-statistics-climate-change) (<http://www.motherjones.com/environment/2014/03/marijuana-pot-weed-statistics-climate-change>), roughly one-third of America's marijuana supply is cultivated indoors and the energy needed to power these indoor grow ops is enough to power around 1.7 million homes. As energy is used, greenhouse gases like carbon dioxide and methane are produced at a rate of two pounds of CO2 per joint (http://www.huffingtonpost.com/2011/04/14/marijuana-production-carbon-footprint-environment_n_848865.html).

But it's not only the indoor grow ops that are posing a problem. Throughout the country (especially in California where the weather is favorable) massive illegal grow operations are taking place on private and federally-owned land. Hiding under the canopy of old growth, these outdoor grow ops are difficult to detect which makes regulation and environmental enforcement nearly impossible.

In order to cultivate cannabis successfully in secluded locations, growers must bring in their own nutrients, pesticides and supplies, and will often divert local streams to water the crops. The process requires a considerable amount of land conversion with little to no consideration for the surrounding environment. The consequences can be dire to local wildlife who may ingest toxic pesticides and fertilizers, or who may have their whole habitat removed only to be left in shambles three months later.

The [Environmental Protection Information Center](http://www.wildcalifornia.org/action-issues/pollution-pot/) (<http://www.wildcalifornia.org/action-issues/pollution-pot/>) has outlined some of the most common threats cannabis cultivation poses for the environment in an attempt to educate the public and promote positive, enforceable marijuana reform.

Some of the biggest concerns outlined by EPIC are as follows:

- Many outdoor grow ops do not use public water sources to water their crops. Instead, they often divert water from local streams directly to their crops without storing any for later. This is especially troublesome during the dry season when water is scarce and can adversely affect the salmon population and other forms of wildlife.

Illegal grow operations that occur on federal land (or on a stranger's private property) are called trespass grows. These operations are environmentally destructive and often occur in the most environmentally vulnerable locations. Problems with trespass grows are amplified when crop runoff results in fertilizer and pesticide contamination of nearby water sources.

Without any engineering oversight, many illegal grow ops move an unstable amount of land. Unauthorized grading and land removal can cause a great deal of damage to the environment including soil erosion and threats to local wildlife.

Many growers use toxic pesticides to protect crops from curious critters. Unfortunately, when small rodents die from ingesting pesticides, their natural predators will also ingest the poison when they eat the rodent. In other words, rat poisons do not just kill rats; they kill other wildlife like bobcats, owls, foxes, coyotes, hawks and even our beloved pets.

Both indoor and some off-the-grid outdoor grow operations require supplemental lighting. This requires an excessive amount of energy which may be sourced from local energy companies or produced using diesel-fueled generators. Diesel spills are very common and rarely remedied appropriately.

In order to reduce the amount of illegal grow operations in America (and the environmental damage they cause), we need to lift the federal ban on marijuana. In doing so, we can closely monitor legal, compliant grow operations to ensure they are meeting protocol without damaging the environment. This will also help reduce the demand for a [marijuana black market](http://colorado-marijuana-blog/2015/august/23/3-ways-marijuana-legalization-can-curb-the-black-market/) thus making the risk of illegal cannabis cultivation less enticing.

As long as there is an illegal marijuana market, there will be illegal grow operations to meet demand. These illegal grow ops don't necessarily account for the damage they cause and therefore often leave a negative impact on the environment.

Photo Credit: TheNug.com (<http://www.thenug.com/galleries/growers-guide-how-much-does-growing-marijuana-cost/>)

From: [Linda Nichols](#)
To: [Wall, Bruce](#)
Subject: Fat Tops, LLC , location 36380 Murray Lane
Date: Sunday, April 23, 2017 4:19:38 PM

Borough Planning Department and Whom it may concern:

Concerning the issuing of license to Fat Tops, LLC for a retail marijuana store on Murray Lane.

We are against a business opening on Murray Lane because of the following reasons:

It would really change our quality of life, I walk my dog to the mailbox. This is a residential neighborhood. You have a school bus dropping off children right at the entrance to Murray Lane, a church with activities a few feet down the lane with children playing.

My husband and I have lived on Murray Lane for nearly 10 years. This is a neighborhood with a dead end. It has been a great place for the elderly and children to walk without a lot of traffic. Our mailboxes are across from the entrance to the property of this establishment. Increase in traffic would create a hazard to us all.

You have a school bus dropping off children right at the entrance to Murray Lane, a church with activities a few feet down the lane with children playing.

This entrance from the highway onto Murray Lane is a dangerous spot without more traffic. This entrance from the highway onto Murray Lane is a dangerous spot without more traffic.

Sincerely,

Pete and Linda Nichols
Murray Lane

April, 7, 2017

I am writing this letter concerning the application for a retail marijuana license by Fat Tops, LLC.

My name is Tracey Ratliff, I am writing this letter on behalf of myself and my husband Terry Ratliff. We live at 36387 Penny Lane and own the adjoining property to 36380 Murray Lane (the former Zimco Construction building). We have lived at this location for 30 years and have enjoyed the quiet, family oriented neighborhood it has always been. We are deeply disturbed by the fact that Fat Tops, LLC was granted a license for a cultivation operation and is now seeking approval of a license for a retail store next to our home and in our residential neighborhood. Not only do we feel this will greatly affect the value of our property but will drastically change the neighborhood we love and have been a part of these many years. This is as I said before a residential neighborhood with families and children. A large number of the residents have lived here for 30 to 40 years, we also have many new families with young children. These children and grandchildren play and ride their bikes up and down the streets as they should be able to do, and as many of us did growing up. I feel, and I know that their parents and grandparents feel that they have a right to be safe doing so. Also, a great number of these children are picked up and dropped off by the school bus not more than 10 feet from the proposed entrance to this business. Almost directly across from the entrance to this proposed business is a group of cluster mailboxes where people come and go all day picking up their mail. After having live here for 30 years I can also tell you that the traffic situation on the highway is very dangerous, especially in the summer months, particularly right at Murray Lane. I have seen many accidents there as well as had many near misses myself.

I would also like to address the visual as well as safety aspect that this building next to my home and in my neighborhood presents. This is a large warehouse building that has boarded up almost all of its windows and doors. Has installed a surveillance system and many bright lights around the building that come on at night. I realize that these businesses deal in cash as well as having large quantities of marijuana on the premises so the potential for crime is high, otherwise they would not need to have all these security measures. As my husband works on the North Slope and is gone for extended periods of time, I have to tell you this makes me feel very uncomfortable and worried for what could happen right next to my home. I am also concerned about the hours of business these establishments are able to keep. When I think of having vehicles coming and going from 8am to 2am in the morning next to my home and in my neighborhood, I just feel very upset.

Our neighborhood is also home to a church and Sunday school as well as a senior assisted living home. I often see these Sunday school children on outings with their classes walking to visit the seniors in the assisted living home or helping to pick up trash along the roadway and highway. I realize this proposed business is within the 500

foot regulations (only by about 150 ft.) but am reminded of the saying “all things are lawful but all things are not expedient”. I feel this is a prime example of this. I also was curious as I was looking into the ordinance code, under liquor licenses there is a sub section (e) that states as a reason for not granting a license to a liquor store. (The existence of the location of the premises is inconsistent with the surrounding property uses). I think that should apply to a retail marijuana establishment as well. I realize the legalization of marijuana is fairly new to the state of Alaska but I am greatly concerned as we move forward with the licensing of these businesses.

We as a community look to the Planning Commission to use common sense and thoughtful consideration as to what we want our community to look like in the future, just because they may meet the standards set forth by the borough does not mean putting a retail marijuana store in a residential neighborhood makes sense. I, as well as many other people I have spoken to fear what our community will look like in several years if this is allowed to happen.

I have to be honest and with no disrespect tell you that as I have spoken to many people not just in my immediate neighborhood but throughout the community the comment I have gotten many times is; The borough has no incentive to deny any of these businesses because it will be making money off of them. I do realize that with declining oil and gas revenues we do need to look to other ways fund our budget but hope we will not do it at a cost to our community. I continue to hold out hope that my elected government officials will ultimately do what is in the best interest of our community for the long term.

I sincerely hope the planning commission will take all this into consideration when making their decision on this retail marijuana license.

Regards,

Terry & Tracey Ratliff

From: [david reaves](#)
To: [Wall, Bruce](#)
Subject: Fat Tops Marijuana Growing application
Date: Tuesday, April 04, 2017 10:34:17 AM

Dear Chairman

I am writing to you in regards to an application submitted by a business named "Fat Tops LLC", (Parcel 063-104-06, 36380 Murray Lane, Soldotna), which wants to establish a marijuana growing, and possible retail business in the rural neighborhood where I reside. I have lived in this neighborhood for over thirty years, and raised a family here as well. I am writing with deep concerns for the well being of the community surrounding this proposed business. The Sterling community as a whole has seen a dramatic rise in crime directly associated with drug abuse and the the criminal atmosphere it creates. Homes are being burglarized, private property has been stolen or damaged by those seeking ways to fund their addiction. In addition to this, homes are being used to manufacture and sell illegal and dangerous drugs in neighborhoods where law abiding citizens and their children live. Even though this business is seeking to sell a product the has been made legal to produce and sell, we have seen the criminal downside to this industry in other states that have already made the sale of marijuana legal. This proposed business would be situated next to residential homes. A private business sits directly across the street from this operation. There is church, Sunday school, and an assisted living establishment in the same neighborhood as this proposed business. On top of all that there is a school bus stop right in front of this business. I acknowledge the fact that Alaskan residents voted to make the sale and consumption of marijuana legal in our state, and that vote should be respected. But we have an obligation to the Alaskan citizens that their safety and well being will be first and foremost as we move forward in rolling out this new industry. There's also the increased risk of a criminal break in, or other activities which will put those in the immediate area in danger. In summary I strongly oppose the establishment of a business of this nature in this, or any residential community. There are more suitable areas for this type of business to be conducted where private homes and children are not present. I am asking you with all sincerity to please take into consideration the concerns of the people who live in this neighborhood and do not want this type of business operating in our area as you move forward in consideration of this application, and please disapprove the application. Thank you for giving me the chance to express my concerns.

Your

Truly; David Reaves

39340 Hallelujah Dr.

Soldotna, Alaska 99669

907-252-6971

April 21, 2017

Kenai Peninsula Planning Commission

Fat Tops, LLC, located 36380 Murray Ln, Soldotna applying for Retail Marijuana Store license application

A few facts about the area where Fat Tops, LLC wants to operate:

- 1. School bus stop is located Sterling Hwy and Murray Ln, zero feet from Fat Tops, LLC, next school bus stop Penny Ln, 615 feet from Murray Ln or 350 feet from Fat Tops.**

National Center for Safe Routes to School

This guide focuses on the prevention of traffic-related injuries, however, students—like all community members—face other risks such as assault or other crimes. Many transportation policies address non-traffic issues—such as proximity to liquor stores, bars, adult entertainment, sex offenders, and other-crime related factors. See the Resources section for more information on these factors.

(from: Selecting School Bus Stop Locations: Prepared by the National Center for Safe Routes to School and the Pedestrian and Bicycle Information Center, both part of the

University of North Carolina Highway Safety Research Center, with funding from the National Highway Traffic Safety Administration Safe Routes National Center for Safe Routes to School

A Guide for School Transportation Professionals)

- 2. House of Worship less than 650 as the crow flies ***
- 3. Sunday School less than 700ft**
- 4. Assisted Living Home less then 1250ft**
- 5. The drive way to Fat Tops, LLC is 2 car lengths away from the Sterling Hwy.**
- 6. Taxis go back and forth from the Assisted living home 7 day a week and CES makes emergency calls.**
- 7. Church times, many cars going back a forth, residents who live on Murray Ln. and the many more on the side roads.**
- 8. Turning off or onto the highway is dangerous.**
- 9. Children waiting for or getting off the school bus will be in danger!**

We have lived on Murray Ln over 35 years. I have seen accidents happen on the Sterling highway and Murray Ln.

The traffic in the summer time makes getting on the Sterling Hwy from Murray lane very dangerous.

STERLING HIGHWAY SAFETY CORRIDOR

SAFETY IMPROVEMENTS

A crash study was performed as part of the Draft Traffic Analysis Report (Kinney Engineering, February 2015). Crash data was collected for an 11-year period from 2000 to 2010, as well as fatal crashes from 2011-2012 showed 721 crashes from the Moose River Bridge in Sterling to the Kenai Spur Highway in Soldotna. The Sterling Highway from between Sterling and Soldotna was designated as a Traffic Safety Corridor in 2009 because of the higher crash rates and severity in the area. Three segments of the highway: Kenai Spur Highway to Devin Drive; Jim Dahler Road/Forest Lane to Boundary Street; and **Robinson Loop Road/Tustumena Street to Murray Lane**, all had significantly more crashes per million-vehicle-miles than the statewide average for similar facilities and were above the Upper Critical Limit (UCL) at the 95% confidence level. Additionally, Mackey Lake Road to Boundary Street had a crash rate above the statewide average but not above the UCL.

From STERLING HIGHWAY SAFETY CORRIDOR STUDY PRELIMINARY ENGINEERING REPORT

While the rate of rear end and right angle crashes are not considered over-represented based on statistical analysis, these two crash types represent nearly 44 percent of crashes studied. These crash types are spread more evenly throughout the year with somewhat higher summer prevalence: 55 percent in summer months (April through September) to 45 percent in winter months (October through March). The higher number of right angle and rear end crashes in the summer months corresponds to higher traffic volumes experienced along the corridor in those months. Of the major and over-represented crash types, roadway segments where crashes per mile, total crashes, and crash percentage are highest include the following:

- Robinson Loop Road to Murray Lane
- Forest Lane/Jim Dahler Road intersection to Boundary Street
- Boundary Street to Mackey Lake Road
- Mackey Lake Road to Devin Drive

For Safety reasons alone, Fat Tops, LLC should not receive the permit

Federal Law

The Planning Commission should put a hold on any marijuana operation's on the Kenai Peninsula until we know more about Federal Enforcement of the marijuana law's. There are many articles found about all sorts of loopholes that can give the DEA an excuse to come down on a grower. For instance, you are not legally allowed to grow or distribute anywhere within 1,000 feet of a school, or more specifically, anywhere where children may gather regularly. That could technically mean a church, a local park, a zoo, a movie theater or even neighbors' houses, if they have children. Now many places as a "Drug Free School Zone" includes the school bus and the school bus stop

Summery:

We are putting are children at risk of waiting for the school bus in the morning or when dropped off having to walk past this location. A school bus pulls away after dropping the children off as soon as they are on the side road putting the children in great danger of car's turning off the highway onto Murray Lane, looking to their left to turn in to Fat Tops driveway and not seeing them walking on Murray Ln. Murray Lane has no shoulders to walk on so they walk on the road. The people who live in this area know that.

All the dangers and hazards for children and residents in this area along with a church building and a Sunday school building being less then 1000ft away.

If the Planning Commission has not would encourage you to looked at data from:

STERLING HIGHWAY SAFETY CORRIDOR STUDY PRELIMINARY DECISION DOCUMENT

<http://www.dot.alaska.gov/rfpdocs/25172005/Sterling%20Hwy%20Prelim%20Decision%20Document.pdf>

or

STERLING HIGHWAY SAFETY CORRIDOR STUDY PRELIMINARY ENGINEERING REPORT

<http://www.dot.alaska.gov/rfpdocs/25172005/Sterling%20Hwy%20Prelim%20Engineering%20Report.pdf>

Respectfully,



Timothy A Reed
treed@alaska.net

- * Federal uses direct line or as the crow flies

From: [Tim](#)
To: [Wall, Bruce](#)
Subject: Fat Top's Retail Marijuana Store license application
Date: Friday, April 21, 2017 2:37:40 PM
Attachments: [Fat Tops.docx](#)

Bruce Wall

Kenai Peninsula Borough Planning

Mr. Wall,

Attached is my family's objection to Fat Tops Retail Marijuana Store license application. I also plan to be at the Planning commission meeting on April 24, 2017 meeting to testify.

I would request that the 24 Apr 17 meeting of the planning commission delay Fat Tops Retail Marijuana Store license application because the Public Notices, April 24, 2017 Planning Commission Meeting does not have the correct information for Retail Marijuana Store license application. The Link under Retail Marijuana Store license application is for the Standard Marijuana Cultivation Facility, not a store.

I'm suggesting the Planning Commission restart the Public Notice for Flat Tops, LLC Retail Marijuana Store license application so the people who want and need to see the correct application would have the amount of time that is giving for any Public Notice.

Thanks,

Timothy A Reed

Phone: (907) 252-0432

Fax: (907) 262-3295

From: [Bruce and Luann Younker](#)
To: [Wall, Bruce](#)
Subject: License for Fat Tops, LLC marijuana retail store
Date: Wednesday, April 19, 2017 9:57:28 AM

April 15, 2017

Kenai Peninsula Borough Planning Commission
144 N Binkley Street
Soldotna, AK 99669

Re: Fat Tops, LLC

To Whom It May Concern

I am writing this letter to object to the licensing of Fat Tops, LLC to open a retail marijuana store at 36380 Murray Lane, Soldotna, AK.

We live on this road and often must wait a considerable amount of time to make a turn on to or off the Sterling Highway. The additional traffic turning onto the highway from Murray Lane would become more of a danger because it is already a dangerous spot to turn on and off.

As there is no sidewalk along Murray Lane, walking to the mail box directly across the street from 36380 Murray Lane is dangerous enough without all the additional traffic this retail store would generate.

We purchased our home in this area because it is a quiet neighborhood and feel this is an inappropriate business for this residential community.

Thank you for your consideration of this request,

Bruce and Luann Younker

Sent from [Outlook](#)

From: [Biloon, Joselyn \(DOT\)](#)
To: [Wall, Bruce](#)
Subject: RE: Fat Tops LLC Retail Marijuana Store Application - KPB review
Date: Friday, March 31, 2017 4:38:23 PM

Due to Murray Lane's proximity to the Sterling Highway and the potential traffic impacts in a safety zone, we request and recommend access be to Penny Lane and the onto Murray, rather than directly on to Murray Lane. The change of use for this development means a new driveway permit will have to be applied for, on the part of the landowner. Since alternate access exists (Penny Lane) our own regulations require access be denied to State of Alaska facilities.

Joselyn Biloon

Area Planner
DOT&PF
State of Alaska
907-269-0508

From: Wall, Bruce [mailto:bwall@kpb.us]
Sent: Friday, March 31, 2017 4:00 PM
To: Biloon, Joselyn (DOT) <joselyn.biloon@alaska.gov>
Subject: Fat Tops LLC Retail Marijuana Store Application - KPB review

Please see attached hearing notice, staff report and associated documents for a marijuana facility license. Let me know if you have any questions.

Bruce Wall, AICP
Planner
Kenai Peninsula Borough
907-714-2206

From: [Simpson, Danika L \(DOT\)](#)
To: [Wall, Bruce](#)
Cc: [Biloon, Joselyn \(DOT\)](#)
Subject: RE: 36380 Murray Lane
Date: Thursday, April 06, 2017 10:40:19 AM

Bruce

Looking at the parcel in question...

We do not have any record of a driveway permit application for this location. State permits do not convey a right in real estate and can be terminated or modified as is in the best interest of the state. It should be noted, however, that approaches upgraded under project are considered "permit-able." Should the owner apply for the paperwork it would probably be issued on the basis of its inclusion in a State project.

As to the requirements, they are set out in the Alaska Highway Preconstruction Manual, 1190. Driveway Standards. Each element is important but the safety of the location and design are paramount. Other considerations might include the use of the access and plat restrictions. There appears to be adequate separation from the intersection.

Design criteria minimums for an arterial road require 100 foot corner clearance.

Without additional information, the Department has no concerns to note at this time. Thanks you for allowing us the opportunity to comment.

Danika Simpson
Peninsula Lead ROW
Agent (907) 269-0687 ~
Direct (907) 269-0489 ~
Fax

From: Wall, Bruce [mailto:bwall@kpb.us]
Sent: Thursday, April 06, 2017 10:10 AM
To: Simpson, Danika L (DOT) <danika.simpson@alaska.gov>
Subject: 36380 Murray Lane

Danika,

Can you verify that that this location has a driveway permit that meets the State's requirements for sufficient ingress and egress for traffic to a retail store? Do you see any public safety issues concerning this proposed use?

Bruce Wall, AICP
Planner
Kenai Peninsula Borough
907-714-2206