

AGENDA ITEM F. PUBLIC HEARING

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

STAFF REPORT

PC MEETING: Monday, October 10, 2016

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 Road, Suite 1, Soldotna, AK

BACKGROUND INFORMATION: On April 7, 2016 the applicant notified the borough that he/she had submitted an application to the state for a Limited Marijuana Cultivation Facility license. September 15, 2016 the applicant supplied the borough with a signed acknowledgement form and a site plan on September 15, 2016 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 September 14, 2016. 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.
 - During a site visit it was determined 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 September 19, 2016 to the 17 landowners of the parcels within 300 feet of the subject parcel. Public notice of the application was published in the September 19, 2016 & October 6, 2016 issues of the Peninsula Clarion.

KPB AGENCY REVIEW: Application information was provided to pertinent KPB staff and other agencies on September 22, 2016.

ATTACHMENTS

- State marijuana establishment application with associated submitted documents
- Aerial map
- Area land use map with 500' & 1,000' parcel radius
- Public Notice

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