



# 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:** June 14, 2017

**SUBJECT:** Standard Marijuana Cultivation Facility License Application. **Applicant:** Coastal Outfitters; **Landowner:** Charles G. Keim; **Parcel #:** 16913204 ; **Property Description:** That portion north of Old Sterling Hwy of the East 1/2 of the southeast 1/4 of the northeast 1/4 of the northeast 1/4, Section 23, Township 5 South, Range 15 West, Seward Meridian.; **Location:** 38928 Old Sterling Hwy, Anchor Point, Anchor Point Area.

The Kenai Peninsula Borough Planning Commission reviewed the subject application during their regularly scheduled June 12, 2017 meeting.

A motion to recommend approval of the Coastal Outfitters, a Standard 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 KPB 7.30.020(A).

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

AGENDA ITEM F.

PUBLIC HEARING

4. State application for a marijuana establishment license; Anchor Point Area

Staff Report given by Bruce Wall

PC Meeting: 6/12/17

**Applicant:** Coastal Outfitters

**Landowner:** Charles G. Keim

**Parcel ID#:** 169-132-04

**Legal Description:** That portion of the East 1/2 of the southeast 1/4 of the northeast 1/4 of the northeast 1/4, Section 23, Township 5 South, Range 15 West, Seward Meridian, north of Old Sterling Hwy.

**Location:** 38928 Old Sterling Hwy, Anchor Point

BACKGROUND INFORMATION: On Wednesday, February 15, 2017 the applicant notified the borough that he/she had submitted an application to the state for a Standard Marijuana Cultivation Facility license. On Monday, February 27, 2017 the applicant supplied the borough with a signed acknowledgement form and a site plan on Monday, February 27, 2017 of the proposed Standard Marijuana Cultivation Facility on the above described parcel.

The Alcohol and Marijuana Control Office notified the borough that the application was complete on Monday, May 1, 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 parcel has direct access to a state maintained road and will not be accessing a borough 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, May 22, 2017 to the 3 landowners of the parcels within 300 feet of the subject parcel. Public notice of the application was published in the Thursday, June 1, 2017 & Thursday, June 8, 2017 issues of the Homer News.

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

1. Charles Keim, Coastal Outfitters  
Mr. Keim stated he did not have any problems with the three conditions that would be placed on his license. He stated they meet all those standards.

Chairman Martin asked if there were questions for Mr. Keim. Hearing none the public hearing continued.

Mr. Keim stated that this was a unique parcel of land. He has five acres that is totally surrounded by State land. His nearest neighbor was about ½ mile away so he shouldn't have any problems with neighbors..

Seeing and hearing no one else wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Carluccio to recommend approval of Coastal Outfitters, a Standard 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).

**VOTE:** The motion passed by unanimous consent.

CARLUCCIO YES	ECKLUND ABSENT	ERNST YES	FIKES YES	FOSTER YES	ISHAM YES	LOCKWOOD YES
MARTIN YES	MORGAN YES	RUFFNER YES	VENUTI YES	WHITNEY YES		11 YES 1 ABSENT

AGENDA ITEM F. PUBLIC HEARING

5. Conditional Land Use Permit for a Material Site; Cohoe/Kasilof Area

Staff Report given by Bruce Wall

PC Meeting 6/12/17

**Applicant:** Jeff Tubbs / Heather Craig

**Landowner:** Jeff Tubbs / Heather Craig

**Parcel Number:** 133-451-47

**Legal Description:** Lot 5A, Rhodes Estates Tubbs/Craig Replat, according to Plat 2016-31, Kenai Recording District.

**Location:** Northwest corner of Cohoe Loop Road and Secora Avenue.

**BACKGROUND INFORMATION:** The applicant wishes to obtain a permit for gravel extraction on a portion of the 3.98 acre parcel listed above.

The submitted site plan indicates that the material site haul route is Cohoe Loop Road, which is a state maintained road. The site plan and application proposes the following buffers:

- North: 6-foot high berm.
- South: 6-foot high berm.
- East: 6-foot high berm.
- West: 80-foot vegetated buffer, adjacent to Terpsichore Court.

The application indicates that the depth to groundwater is 35 feet and that the depth of the proposed excavation is 20 feet. The size of the lot prohibits the processing of material on site. The site plan indicates that surface water protection will be provided by earthen berms, natural vegetation, and a ditch at the base of the active workforce.

This property was replatted in 2016. It combined Lot 5, 6, and 8 of Rhodes Estates. The former Lot 6 was excavated under the one-acre exemption contained in KPB 21.29.010(A). In August of 2008 a counter permit was issued for this lot which allowed excavation greater than one acre. This lot was acquired by Jeff Tubbs in 2011. The former Lot 5 was purchased by the applicants in 2007. This lot was also excavated under the one-