


# Kenai Peninsula Borough

## Planning Department

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### MEMORANDUM

TO: Wayne Ogle, Assembly President  
Kenai Peninsula Borough Assembly Members

FROM: Max Best, Planning Director 

DATE: June 26, 2018

SUBJECT: Application for a new Limited Marijuana Cultivation Facility License. **Applicant:** Coldsmoke Farms; **Landowner:** Michael J Welch; **Parcel #:** 05508159; **Property Description:** Lot 15, Block 1, Ashton Park Subd., according to Plat 97-74, Kenai Recording District.; **Location:** 34669 Commerce St., Kalifornsky Area.

The Kenai Peninsula Borough Planning Commission reviewed the subject application during their regularly scheduled June 25, 2018 meeting.

A motion to recommend approval of the Coldsmoke Farms, 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

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

Staff Report Addendum given by Bruce Wall

PC MEETING: June 25, 2018

**Applicant:** Colds smoke Farms

**Landowner:** Michael J Welch

**Parcel ID#:** 055-081-59

**Legal Description:** Lot 15, Block 1, Ashton Park Subd., according to Plat 97-74, Kenai Recording District.

**Location:** 34669 Commerce St.

BACKGROUND INFORMATION: On October 20, 2017 the applicant notified the borough that he/she had submitted an application to the state for a Limited Marijuana Cultivation Facility license. On October 26, 2017 the applicant supplied the borough with a signed acknowledgement form and a site plan on October 26, 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 May 29, 2018. 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, as amended by Ordinance 2018-23:

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 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.

Two comment letters in opposition were included in the lay down packet.

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 8, 2018 to the 29 landowners of the parcels within 300 feet of the subject parcel. Public notice of the application was published in the June 14, 2018 & June 21, 2018 issues of the Peninsula Clarion.

**KPB AGENCY REVIEW:** Application information was provided to pertinent KPB staff and other agencies on June 8, 2018.

#### 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 ADDENDUM

Chairman Martin opened the meeting for public comment.

1. Wolsung Ono, 34708 Brumlow Pl  
Ms. Ono stated that her residence is one house away from this proposed facility and had just bought her house a month and a half ago. She spoke in opposition of the marijuana farm due to the increased traffic and with kids in the neighborhood.

Chairman Martin asked if there were questions for Ms. Ono.

Chairman Martin encouraged her to speak to the operators who could help answer questions and alleviate some of her concerns.

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 Bentz to recommend approval of Coldsmoke Farms, a Limited 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 KP.B 7.30.020(A).

Commissioner Fikes asked if there were any licensed daycares in the area. Mr. Wall replied they have a database in their mapping system where daycare facilities are located. The closest facility was on the opposite side of Kalifornsky Beach Road which was beyond the 500 feet being about 2,000 feet away. He stated that they try to maintain and keep the database current and updated.

Commissioner Foster asked what the difference was from a Limited growing facility and a Standard growing facility. Mr. Wall replied that a Limited Cultivation Facility was limited to 500 square feet of cultivation area and a Standard Cultivation Facility was unlimited.

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

BENTZ YES	CARLUCCIO YES	ECKLUND ABSENT	ERNST ABSENT	FIKES YES	FOSTER YES	ISHAM ABSENT
MARTIN YES	MORGAN YES	RUFFNER YES	VENUTI YES	WHITNEY YES		9 YES 3 ABSENT

~~AGENDA ITEM G. ANADROMOUS WATERS HABITAT PROTECTION (KP.B 21.18)~~

1. A Conditional Use Permit (CUP) is requested pursuant to KP.B 21.18 for structures within the Borough's Anadromous Waters Habitat Protection District, near Soldotna, Alaska.

KPB Planning Commission Resolution 2018-12

(RC#12185)

Staff Report given by Nancy Carver

PC MEETING: June 25, 2018

**Applicant:** Marcia & Gary Anderson  
36955 Cannery Road  
Kenai, AK 99669

**Project Location:** This project is located on the right bank of the Kenai River at River Mile 17, Lot 170, Poacher's Cove Planned Unit Development, Section 19, T5N, R10W, SM, KN0870069 AK, Soldotna, Alaska

**Kenai Peninsula Borough (KPB) Parcel Number:** 057-487-71

**BACKGROUND INFORMATION**

The purpose of the project is to remove a travel trailer and appliances and enclose an existing the 24-foot by 40-foot pole barn. The applicants inherited the parcel, which was purchased as is in 1985.

Poachers Cove was developed in 1983 as a Planned Unit Development containing 373 small lots. When the applicant purchased the property in 1993, the 1981 trailer was already on the property and the lot was completely graveled.

The lot dimensions are approximately 28 feet by 50 feet. The existing structure footprint is approximately 960 square foot, placing the proposed structure primarily within the 50 foot HPD. An Association platted 5-foot access walkway runs along the side the property connecting to a 6-foot wide pedestrian walkway separating the property from the canal.