



## **KENAI PENINSULA BOROUGH**

PLANNING DEPARTMENT

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**MIKE NAVARRE**  
**BOROUGH MAYOR**

### **MEMORANDUM**

**TO:** Blaine Gilman, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** Max Best, Planning Director MB

**DATE:** June 15, 2016

**SUBJECT:** Limited Marijuana Cultivation Facility License Application. **Applicant:** Permafrost Distributors; **Landowner:** Chase R. Griffith; **Parcel #:** 01223011; **Property Description:** T 7N R 12W SEC 10 Seward Meridian KN 0001541 FIELD SUB NO 2 LOT 10 BLK 1; **Location:** 54200 Leonard Drive, Nikiski, AK , Nikiski Area.

The Kenai Peninsula Borough Planning Commission reviewed the subject application during their regularly scheduled June 13, 2016 meeting.

A motion to recommend approval of the Permafrost Distributors, a Limited 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

6f.      State application for a marijuana establishment license; Nikiski Area

Staff Report given by Bruce Wall

PC MEETING: June 13, 2016

**Applicant:**              Permafrost Distributors

**Landowner:**          Chase R. Griffith

**Parcel ID#:**            012-260-10 & 012-260-11

**Legal Description:**    Lot 10 & Lot 11, Block 1, Field Subdivision 2, according to Plat 1541, Kenai Recording District.

**Location:**              54200 Leonard Drive

BACKGROUND INFORMATION: On February 26, 2016 the applicant notified the borough that he had submitted an application to the state for a limited marijuana cultivation license. On May 20, 2016 the applicant supplied the borough with a signed acknowledgement form and a site plan of the proposed cultivation facility on the above described parcel. The state Marijuana Control Board notified the borough that the application was complete on May 19, 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.
  - The site plan indicates that the total width of the driveway is greater than 28 feet where it joins Leonard Drive.
  - No parking is proposed in borough rights-of-way.
  - The site plan shows a clear route for vehicles.
  - The site plan shows that on-site parking and loading areas are sufficient to 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 that it is not arbitrary, capricious, or unreasonable.

PUBLIC NOTICE: Public notice of the application was mailed on May 23, 2016 to the 9 landowners of the parcels within 300 feet of the subject parcel. Public notice of the application was published in the June 2, 2016 & June 9, 2016 issues of the Peninsula Clarion News.

KPB AGENCY REVIEW: Application information was provided to pertinent KPB staff and other agencies on May 24, 2016.

#### ATTACHMENTS

- Site plan
- Aerial map
- Area land use map with 500' & 1,000' parcel radius
- Agency comments
- Public comments
- State marijuana establishment application with associated submitted documents
- Ordinance 2016-05
- Ordinance 2016-07(substitute)
- 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:

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).

The State Marijuana Control Board has approved this application pending the Fire Marshall and the Borough approvals.

#### END OF STAFF REPORT

Chairman Martin opened the meeting for public comment.

1. Chase Griffith  
Mr. Griffith was available to answer questions.

Chairman Martin asked if there were questions for Mr. Griffith.

Commissioner Foster asked if there were concerns expressed from his neighbors. Mr. Griffith replied no, they live next door to a small trailer park and knows them fairly well. He has spoken with his neighbors and no one has expressed any opposition.

Commissioner Foster asked if he had any plans to expand to sales. Mr. Griffith replied that they will make a determination with that once they see how this goes.

Commissioner Glendening asked if the Fire Marshall has approved their site yet. Mr. Griffith replied no, not yet. There is paperwork that he needs to finish but should have it submitted this week. Commissioner Glendening asked if that was a State condition. Mr. Griffith replied yes.

There being no further comments or questions, the public hearing continued.

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

**MOTION:** Commissioner Holsten moved, seconded by Commissioner Isham to recommend approval of Permafrost Distributors, a marijuana cultivation facility located at 54200 Leonard Drive, Nikiski area 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).

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

CARLUCCIO YES	COLLINS YES	ECKLUND ABSENT	ERNST YES	FOSTER YES	GLENDENING YES	HOLSTEN YES
ISHAM YES	LOCKWOOD YES	MARTIN YES	RUFFNER YES	VENUTI YES	WHITNEY YES	12 YES 1 ABSENT

#### AGENDA ITEM F. PUBLIC HEARING

6g. State application for a marijuana establishment license; Bear Creek Area

Staff Report given by Bruce Wall

PC MEETING: June 13, 2016

**Applicant:** Stoney Creek Growers, LLC

**Landowner:** Ryan J. Anger

**Parcel ID#:** 125-410-59

**Legal Description:** Lot 24, Block 2, Questa Woods Subdivision No. 4, according to Plat 95-18, Seward Recording District.

**Location:** 33485 Vinewood Lane

**BACKGROUND INFORMATION:** On April 4, 2016 the applicant notified the borough that he had submitted an application to the state for a marijuana cultivation license. On April 29, 2016 the applicant supplied the borough with a signed acknowledgement form and a site plan of the proposed cultivation facility on the parcel described above. The applicant supplied an updated site plan on May 4, 2016. The state Marijuana Control Board notified the borough that the application was complete on May 19, 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