



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 

DATE: June 15, 2016

SUBJECT: Limited Marijuana Cultivation Facility License Application. **Applicant:** Talisman Farms;
Landowner: Omar John Gucer; **Parcel #:** 17368021; **Property Description:** T 6S R
13W SEC 5 Seward Meridian HM 0860048 BAKKE SUB NO 2 LOT 2A BLK 2; **Location:**
62250 Crossman Ridge Rd, Homer, AK, Homer 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 Talisman Farms, 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

6h. State application for a marijuana establishment license; Homer area

Staff Report given by Bruce Wall

PC MEETING: June 13, 2016

Applicant: Talisman Farms

Landowner: Omar John Gucer

Parcel ID#: 173-680-21

Legal Description: Lot 2A, Bakke Subdivision No. 2, according to Plat 86-48, Homer Recording District.

Location: 62250 Crossman Ridge Road

BACKGROUND INFORMATION: On March 16, 2016 the applicant notified the borough that he had submitted an application to the state for a standard marijuana cultivation facility license. On March 21, 2016 the applicant supplied the borough with a signed acknowledgement form and a site plan of the proposed cultivation facility on the 1.43 acre parcel. On May 4, 2016 the applicant supplied an updated site plan. The state Marijuana Control Board notified the borough that the application was complete on May 6, 2016. Staff has reviewed the completed application that had 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 main access to Ginny Street is 28 feet wide.
 - The signed acknowledgement form indicates that there will not be any parking in borough rights-of-way.
 - The site plan shows a clear route for delivery vehicles which will allow 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 that it is not arbitrary, capricious, or unreasonable.

PUBLIC NOTICE: Public notice of the application was mailed on May 23, 2016 to the 5 landowners of the parcels within 300 feet of the subject parcel. Public notice of the application was published in the June 9, 2016 issue of the Homer 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. Omar John Gucer
Mr. Gucer was available to answer questions.

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

Commissioner Foster asked about concerns from neighbors. Mr. Gucer replied that there are very few neighbors around him but he has spoken to almost all of them.

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 Foster moved, seconded by Commissioner Lockwood to recommend approval of Talisman Farms, a marijuana cultivation facility located at 62250 Crossman Ridge Road, Homer 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

6i. State application for a marijuana establishment license; Sterling area

Staff Report given by Bruce Wall

PC MEETING: June 13, 2016

Applicant: Green Rush Gardens LLC

Landowner: Ryan J. Geller

Parcel Number: 063-800-04

Legal Description: Lot 3, Block 3, Weaver Subdivision Part One, according to Plat 82-2, Kenai Recording District.

Location: 38827 Twin Road

BACKGROUND INFORMATION: On April 11, 2016 the applicant notified the borough that he had submitted an application to the state for a limited marijuana cultivation facility license. On April 22, 2016 the applicant supplied the borough with a signed acknowledgement form and a site plan of the proposed cultivation facility on the above parcel. The applicant provided an updated site plan on May 5, 2016. The state Marijuana Control Board notified the borough that the application was complete on May 24, 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.