

Kenai Peninsula Borough Planning Department

MEMORANDUM

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

FROM: Max Best, Planning Director 

DATE: July 16, 2018

SUBJECT: Application for a new Retail Marijuana Store License. **Applicant:** K Beach Reef; **Landowner:** Ryan K Hall; **Parcel #:** 05533115; **Property Description:** Lot 5-A, Hawkins Subdivision, according Plat 79-177, Kenai Recording District.; **Location:** 42106 Kalifornsky Beach Rd, Soldotna, Kalifornsky Area.

The Kenai Peninsula Borough Planning Commission reviewed the subject application during their regularly scheduled July 16, 2018 meeting.

A motion to recommend approval of the K Beach Reef, a Retail Marijuana Store 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).
4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

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

AGENDA ITEM F. PUBLIC HEARING

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

Staff Report given by Bruce Wall

PC MEETING: July 16, 2018

Applicant: K Beach Reef

Landowner: Ryan K Hall

Parcel ID#: 055-331-15

Legal Description: Lot 5-A, Hawkins Subdivision, according Plat 79-177, Kenai Recording District.

Location: 42106 Kalifornsky Beach Rd, Soldotna

BACKGROUND INFORMATION: On January 9, 2018 the applicant notified the borough that he/she had submitted an application to the state for a Retail Marijuana Store license. On January 18, 2018 the applicant supplied the borough with a signed acknowledgement form and a site plan on Thursday, January 18, 2018 of the proposed Retail Marijuana Store on the above described parcel. The Alcohol and Marijuana Control Office notified the borough that the application was complete on June 22, 2018. There is an approved cultivation facility at this location.

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. The signed acknowledgement form indicates that the proposed facility will not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

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 June 22, 2018 to the 9 landowners of the parcels within 300 feet of the subject parcel. Public notice of the application was published in the July 5, 2018 & Thursday, July 12, 2018 issues of the Peninsula Clarion.

KPB AGENCY REVIEW: Application information was provided to pertinent KPB staff and other agencies on June 22, 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).
4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

END OF STAFF REPORT

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

MOTION: Commissioner Ruffner moved, seconded by Commissioner Ecklund to recommend approval of K Beach Reef, a Retail Marijuana Store 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).

- 4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

VOTE: The motion passed by unanimous consent.

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

AGENDA ITEM F. PUBLIC HEARING

- 2. Conditional Land Use Permit for a Material Site; K-Beach Area

Staff Report given by Bruce Wall

PC MEETING: July 16, 2018

Applicant: Peninsula Paving, LLC

Landowner: Peninsula Paving, LLC

Parcel Number: 055-072-72

Legal Description: Northwest ¼ Northwest ¼, Section 25, Township 5 North, Range 11 West, Seward Meridian, excluding Ravenwood Subdivision Addition No. 5.

Location: Ravenwood Street N, approximately ½ mile south of Ciechanski Road.

BACKGROUND INFORMATION: The applicant wishes to obtain a permit for sand, gravel, and peat extraction on a portion of the parcel listed above.

The submitted site plan indicates that the material site haul route will be Ravenwood Street to Ciechanski Road. The first ½ mile of Ravenwood Street from Ciechanski Road is Borough maintained. The site plan and application proposes the following buffers:

- North: 6-foot high berm.
- South: 6-foot high berm.
- East: A buffer waiver is requested.
- West: 6-foot high berm.

The application indicates that the depth to groundwater is greater than 35 feet and that the depth of the proposed excavation is 30 feet. The groundwater depth was determined by excavation on parcels immediately north and east. The site plan indicates that the processing area is 300 feet from all property lines. The site plan indicates that there is one well located within 300 feet of the parcel boundaries but not within 100 feet of the parcel boundaries.

The application states that reclamation will be completed annually before the growing season ends (September). Seeding will be applied as necessary each season to areas that achieve final grade in order to minimize erosion and dust. The applicant estimates a life span of 20 years for the site with an approximate annual quantity of 50,000 cubic yards.

A buffer waiver is requested along the eastern property line. The parcel to the immediate east is being utilized as an approved material site. The proposed buffers along the other property lines are consistent with the buffers that were approved for the material site to the east.