


Kenai Peninsula Borough

Planning Department

MEMORANDUM

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

FROM: Max Best, Planning Director 

DATE: November 27, 2018

SUBJECT: Application for a new Standard Marijuana Cultivation Facility License. **Applicant:** Ohlson Mountain Gold, LLC; **Landowner:** William Strutz; **Parcel #:** 17110121; **Property Description:** Tract 1, Loyjean Subdivision, according to Plat 76-45, Homer Recording District; **Location:** 61255 Ohlson Mountain Road, Homer Area.

The Kenai Peninsula Borough Planning Commission reviewed the subject application during their regularly scheduled November 26, 2018 meeting.

A motion to recommend approval of the Ohlson Mountain Gold, LLC, a Standard 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 KPB 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; Diamond Ridge area

Staff Report Given by Bruce Wall

PC Meeting: November 26, 2018

Applicant: Ohlson Mountain Gold, LLC
Landowner: William Strutz
Parcel ID#: 171-101-21
Legal Description: Tract 1, Loyjean Subdivision, according to Plat 76-45, Homer Recording District.
Location: 61255 Ohlson Mountain Road

BACKGROUND INFORMATION: On February 01, 2018, the applicant notified the borough that he/she had submitted an application to the state for a Standard Marijuana Cultivation Facility license. On April 12, 2018, the applicant supplied the borough with a signed acknowledgement form and a site plan on April 12, 2018 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 October 26, 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:

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 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 that 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 November 06, 2018 to the four landowners of the parcels within 300 feet of the subject parcel. Public notice of the application was published in the November 15, 2018 & November 22, 2018 issues of the Homer News.

KPB AGENCY REVIEW: Application information was provided to pertinent KPB staff and other agencies on November 15, 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

The Assembly will be considering this at their December 4, 2018 meeting. 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

Vice Chairman Ruffner opened the meeting for public comment. Seeing and hearing no one wishing to comment, Vice Chairman Ruffner closed public hearing and opened discussion among the Commission.

MOTION: Commissioner Venuti moved, seconded by Commissioner Morgan to approve the application and forward onto the Assembly with staff recommendations.

MOTION PASSED: Seeing and hearing no discussion or objection the motion passed by unanimous consent.