



Meeting Agenda Planning Commission

Monday, February 28, 2022

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID 907 714 2200

The hearing procedure for the Planning Commission public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

All items marked with an asterisk () are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner so requests in which case the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.*

If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.

1. Time Extension Request

2. Planning Commission Resolutions

[KPB-3990](#) PC Resolution 2022-09: A resolution granting approval of a conditional land use permit to operate a sand, gravel, or material site for a parcel described as T05N, R09W, SEC 3, Seward Meridian KN SE1/4

Attachments: [PC RES 2022-09](#)

3. Plats Granted Administrative Approval

[KPB-3981](#) Kasilof Alaska Subd. 2021 Addition; KPB File 2021-113

Attachments: [Kasilof Alaska Subd 2021 Addition KPB 2021-113](#)

4. Plats Granted Final Approval (KPB 20.10.040)

[KPB-3982](#) Slikok Creek Alaska Subdivision 2022 Replat Endicot Drive ROW
KPB File 2021-151V

Attachments: [Slikok Creek 2021 Replat Lot 1 Block 1 Endicott ROWV KPB 2021-151V](#)

5. Plat Amendment Request

6. Commissioner Excused Absences

7. Minutes

a. [KPB-3983](#) January 25, 2022 Planning Commission Special Meeting Minutes

Attachments: [PC Minutes 012522 Draft](#)

b. [KPB-3985](#) February 14, 2022 Planning Commission Meeting Minutes

Attachments: [PC Minutes 021422 Draft](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-3986](#) Toyon Subdivision ROWV; KPB File 2022-011V
Vacate 20' Public Street Easement Adjoining the South Boundary & Northwest Boundary of Lot 1, Toyon Subdivision as Granted by Plat K-1592

Attachments:

- [1. MAP Vicinity with inset](#)
- [2. MAP Aerial](#)
- [3. Plat Prelim KPB 2022-011V Reduced](#)
- [4. Staff Report Toyon Subdivision 2021 Replat Access Easement Vacations KP](#)
- [5. MAP Aerial with Contours](#)
- [6. Parent Plat US Survey 2790 B](#)
- [7. Plat Parent K-1592](#)
- [8. Resolution City of Kenai](#)

2. [KPB-3987](#) L & H Enterprises, LLC
Marijuana Cultivation Facility License

Attachments:

- [E1. Staff Report](#)
- [E2. Maps](#)
- [E3. New Complete Packet](#)
- [E4. Compliance Review](#)
- [E4. Local Government Notice](#)
- [E5. Acknowledgement Form Signed](#)
- [E6. Radius Notice](#)
- [E7. Public Notice](#)

3. [KPB-3989](#) Ordinance 2022-02: An ordinance enacting KPB 20.40.110 & KPB 2.40.120 authorizing the planning commission to adopt bylaws and defining quorum.

Attachments:

- [Memo](#)
- [Ordinance 2022-02](#)

F. PLAT COMMITTEE REPORT**G. OTHER****H. PUBLIC COMMENT/PRESENTATION**

(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)

I. DIRECTOR'S COMMENTS

[KPB-3991](#) February 28, 2022 Director's Report

Attachments: [Director's Report_022522](#)

J. COMMISSIONER COMMENTS**K. ADJOURNMENT**

**MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED**

1. [KPB-3988](#) Cooper Landing APC Meeting Minutes

Attachments: [20220105 CLAPC Minutes APPRV](#)
[20220209 CLAPC Minutes UNAPP](#)

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, March 21, 2022 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: planning@kpb.us

website: <http://www.kpb.us/planning-dept/planning-home>

A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees. Vacations of right-of-ways, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly.

Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2022-09
KENAI RECORDING DISTRICT**

A resolution granting approval of a conditional land use permit to operate a sand, gravel, or material site for a parcel described as T 5N R 9W SEC 3 SEWARD MERIDIAN KN SE1/4, Kenai Recording District., Kenai Recording District, Third Judicial District, State of Alaska.

- WHEREAS,** KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough; and
- WHEREAS,** KPB 21.29 provides that a conditional land use permit is required for material extraction which disturbs more than 2.5 cumulative acres; and
- WHEREAS,** On 12/14/2021 the applicant, AM&T Vantage Point LLC, submitted to the Borough Planning Department a conditional land use permit application for a portion of KPB Parcel 063-047-01, which is located within the rural district; and
- WHEREAS,** Public notice of the application was mailed on or before February 2nd 2022 to the 284 landowners or leaseholders within ½ mile of the subject parcel pursuant to KPB 21.25.060; and
- WHEREAS,** Public notice was sent to the postmaster in Sterling requesting that it be posted at the Sterling Post Office; and
- WHEREAS,** Public notice of the application was published in the February 2nd 2022 & February 9th 2022 issues of the Peninsula Clarion; and
- WHEREAS,** A public hearing was held at the February 14, 2022 meeting of the Kenai Peninsula Borough Planning Commission;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the Planning Commission makes the following findings of fact pursuant to KPB 21.25 and 21.29:

Findings of Fact

1. KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. On 12/14/2021 the applicant, AM&T Vantage Point LLC, submitted to the Borough Planning Department a conditional land use permit application for a portion of KPB Parcel 063-047-01, which is located within the rural district.
4. KPB 21.29 provides that a conditional land use permit is required for material extraction that disturbs more than 2.5 cumulative acres.
5. The proposed cumulative disturbed area within the parcel is approximately 155.3 acres.
6. To meet material site standard 21.29.040(A)(1), the proposed activity must protect against aquifer disturbance by maintaining a 2-foot vertical separation from the seasonal high water table and by ensuring that no material extraction takes place within 100 horizontal feet of any existing water source.
7. The application indicates that the high water table is greater than 25 feet below the surface.
8. The applicant's intended depth of excavation is 22 feet below the existing grade.
9. The site plan indicates that there is one well located within 300 feet of the proposed excavation area.
10. To meet material site standard 21.29.040(A)(2), the proposed activity must be conducted in a manner to protect against physical damage to adjacent properties by complying with the required permit conditions of KPB 21.29.050.
11. To meet material site standard 21.29.040(A)(3), the proposed activity must be conducted in a manner which minimizes the off-site movement of dust by complying with required permit condition KPB 21.29.050(10), Dust Control.
12. Ingress and egress at the material site will be Robinson Loop rd. to Kenai Spur Highway.

13. It is in the best interest of the borough and the surrounding property owners for the permittee to provide dust suppression on the haul route.
14. To meet material site standard 21.29.040(A4), the proposed activity must be conducted in a manner which minimizes noise disturbance to other properties by complying with permit condition KPB 21.29.050(2), Buffer Zone; KPB 21.29.050(3), Processing; and KPB 21.29.050(11), Hours of Operation.
15. The site plan indicates that all sides of the material site will be buffered with 50 feet of natural vegetation, providing a noise buffer.
16. The applicant indicates that material processing may take place on the property. Any equipment used for conditioning or processing materials will be operated at least 300 feet from the parcel boundaries, and will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties.
17. To meet material site standard 21.29.040(A5), the proposed activity must be conducted in a manner which minimizes visual impacts by complying with the permit condition KPB 21.29.050(2), Buffer Zone.
18. To meet material site standard 21.29.040(A6), the proposed activity must be conducted in a manner which provides for alternate post-mining land uses by complying with the permit condition KPB 21.29.050(12).
19. The applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).
20. The bonding requirement of KPB 21.29.050(12)(b) will not apply to this material site if extraction in any one year does not exceed 50,000 cubic yards of material.
21. A public hearing of the Planning Commission was held on February 14, 2022 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.

Section 2. That based on the above findings, the Planning Commission concludes as a matter of law that the application has met all the requirements of KPB 21.25 and KPB 21.29, and through imposition of the conditions under KPB 21.29.050, the Planning Commission concludes as a matter of law that the application meets the six standards found in KPB 21.29.040:

Conclusions of Law

1. Material site standard 21.29.040(A)(1) is met because the high water table is greater than 25 feet below the surface, and the applicant's intended depth of excavation is 22 feet below the existing grade, as set forth in Findings 7 and 8.
2. Material site standard 21.29.040(A)(2) is met because the permittee will take action to redirect any surface water runoff to on-site ponds, and construct additional 6 foot earthen berms with a 2:1 slope.
3. Material site standard 21.29.040(A)(3) is met because the permittee will use water and calcium chloride on the driveways throughout the excavation area to minimize the movement of off-site dust.
4. Material site standard 21.29.040(A)(4) is met because the site plan indicates that all sides of the material site will be buffered with 50 feet of natural vegetation, providing a noise buffer. The Planning Commission deems the 50 feet buffer of natural vegetation alone to be sufficient to provide noise screening. Material site standard 21.29.040(A)(4) is also met because any equipment used for conditioning or processing materials will be operated at least 300 feet from the parcel boundaries, and will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties
5. Material site standard 21.29.040(A)(5) is met because the permittee will construct a 6 foot earthen berm to provide visual screening from the excavation area when excavation comes to or within 100 feet of the property boundary.
6. Material site standard 21.29.050(A)(6) is met because the applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).

SECTION 3. That the land use and operations are described and shall be conducted as follows:

1. A portion of KPB Tax Parcel Number 063-047-01. The disturbed area within the parcel is approximately 155 acres in two phases. Phase I, 83.1 acres. Phase II, 72.2 acres
2. Legal Description: **T 5N R 9W SEC 3 SEWARD MERIDIAN KN SE1/4**, Kenai Recording District, Third Judicial District, State of Alaska.
3. The applicant, AM&T Vantage Point LLC, proposes to:
 - a. Extract gravel and sand from the subject parcel;
 - b. Reclaim the site to a stable condition upon depletion of material.

PERMIT CONDITIONS

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter.
2. The permittee shall retain 50 feet of undisturbed **natural** vegetation along all property boundaries.
3. The permittee shall maintain at least a 2:1 slope between the inner buffer zones and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. Rock crushing equipment shall not be operated between 10:00 p.m. and 6:00 a.m.
5. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
6. The permittee shall maintain a 2-foot vertical separation from the seasonal high water table.
7. The permittee shall not dewater either by pumping, ditching or any other form of draining unless an exemption is granted by the planning commission.
8. The permittee shall ensure that fuel storage containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
9. The permittee shall conduct operations in a manner so as not to damage borough roads as required by KPB 14.40.175, and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
10. The permittee shall notify the planning department of any further subdivision or return to acreage of this parcel. The planning director may issue a written exemption from the permit amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.
11. The permittee shall apply water or calcium chloride, as needed, on haul roads within the boundaries of the subject parcel.
12. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
13. The permittee is responsible for determining the need for any other municipal, state or federal permits and acquiring the same. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits.
14. The permittee shall provide dust suppression and maintain the haul route to Kenai Spur Highway.
15. This conditional land use permit is subject to annual review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.25.090, the planning commission may revoke a permit issued pursuant to this chapter if the permittee fails to comply with the provisions of this chapter or the conditions of the permit. The planning director shall provide at least 30 days written notice to the permittee of a revocation hearing before the planning commission.
16. Once effective, this conditional land use permit is valid for five years. A written request for permit extension must be made to the planning department at least 30 days prior to permit expiration, in accordance with KPB 21.29.070.

Voluntary Permit Conditions

17. The Planning commission and the Permittee have agreed to the following voluntary condition to further support Standard 21.29.040(A)(2): the permittee shall retain 50 feet of undisturbed **natural** vegetation along all property boundaries. When the excavation comes to or within 100 feet of a property boundary, the permittee volunteers to construct a 6 foot earthen berm, thereby removing the 50-foot vegetation buffer along that property boundary.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2022.

Robert Ruffner, Vice Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Kasilof Alaska Subd 2021 Addition
KPB File 2021-113
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on September 13, 2021. Approval for the plat is valid for two years from the date of approval.

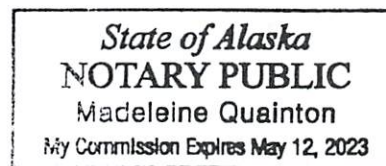
The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Friday, February 18, 2022.


Julie Hindman
Acting Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 18 day of February 2022 by Julie Hindman.


Notary Public for the State of Alaska



My commission expires: 5/12/23

The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.080

Subdivision: Slikok Creek Alaska Subdivision 2022 Replat Endicott Drive Right of Way
Vacation

KPB File 2021-151V
Kenai Recording District

The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.080 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Thursday, February 10, 2022.

Scott Huff
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 10 day of February 2022 by
Scott Huff.

Notary Public for the State of Alaska

My commission expires: 5/12/23

State of Alaska
NOTARY PUBLIC
Madeleine Quinton
My Commission Expires May 12, 2023

The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.

Kenai Peninsula Borough Planning Commission

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

January 25, 2022

7:30 P.M.

UNAPPROVED MINUTES

CALL TO ORDER

Chair Martin attended the meeting via Zoom, was concerned with connection issues, and requested that Vice Chair Ruffner chair the meeting. Vice Chair Ruffner agreed.

Vice Chair Ruffner called the meeting to order at 7:30 p.m.

ROLL CALL

Commissioners Present

Syverine Bentz, District 9 – South Peninsula
Jeremy Brantley, District 5 – Sterling/Funny River
Diane Fikes, City of Kenai
Pamela Gillham, District 1 – Kalifornsky
Blair Martin, District 2 – Kenai
Virginia Morgan, District 6 – East Peninsula
Robert Ruffner, District 7 - Central
Franco Venuti, City of Homer

With 8 members of an 8-member seated commission in attendance, a quorum was present.

Staff Present

Melanie Aeschliman, Planning Director
Sean Kelley, Borough Attorney
Walker Steinhage, Deputy Borough Attorney
Samantha Lopez, KRC Manager
Eric Ogren, Code Compliance
Ann Shirnberg, Planning Administrative Assistant

HEARINGS

1. Conditional Land Use Permit Modification Application
Applicant: Cook Inlet Region, Inc.
Parcel ID # 065-081-18
Sterling Area

Mr. Kelley gave a brief synopsis of the matter and noted that the commission elected at the January 10, 2022 meeting to not reopen the record or public comment on this matter.

Vice Chair Ruffner asked if there were any preliminary issues that need to be discussed related to this matter. Hearing no preliminary matters raised, he then brought the matter back to the commission for a motion.

MOTION: Commissioner Brantley moved, seconded by Commissioner Fikes to go into adjudicative session at the close of the next hearing and requested that Borough Attorney Sen Kelley and Planning Administrative Assistant Ann Shirnberg join the commission for the session.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	8	Absent	0	Vacant	6
Yes	Bentz, Brantley, Fikes, Gillham, Martin, Morgan, Ruffner, Venuti				

Vice Chair Ruffner informed those attending the meeting that a written decision in the form of a resolution will be subject to a public vote of the body at the planning commission’s next regular meeting, scheduled for February 14, 2022.

- 2. Conditional Land Use Permit Application
 Applicant: Beachcomber, LLC
 Parcel ID # 169-010-67
 Anchor Point Area

Mr. Kelley gave a brief synopsis of the matter and noted that the commission elected at the January 10, 2022 meeting to not reopen the record or public comment on this matter.

Vice Chair Ruffner noted that there were two preliminary matters to discuss.

Vice Chair Ruffner noted for the record that an objection had been received questioning the commission’s ability to go into adjudicative session for the purpose of reaching a decision in a quasi-judicial matter. He then noted the commission understands that they are in fact allowed to go into adjudicative session despite the objection.

Vice Chair Ruffner asked Commissioner Gillham if she had an opportunity to fully review the record in this matter and if after the review does she feels confident that she has sufficient information and understanding of the cast to vote on the matter. Commissioner Gillham replied that she did.

Commissioner Brantley requested to be recused from this matter due to a potential conflict of interest. Vice Chair Ruffner excused Commission Brantley from this matter.

Hearing no other preliminary matters raised, Vice Chair Ruffner brought the matter back to the commission for a motion.

MOTION: Commissioner Morgan moved, seconded by Commissioner Fikes to go into adjudicative session at the close of the hearing and after deliberating the CIRI matter and requested that Borough Attorney Sean Kelley and Planning Administrative Assistant Ann Shirnberg join the commission for the session.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	7	Recused	1	Vacant	6
Yes	Bentz, Fikes, Gillham, Martin, Morgan, Ruffner, Venuti				
Recused	Brantley				

Vice Chair Ruffner informed those members of the public in attendance that the written decision in the form of a resolution will be subject to a public vote of the body at the planning commission’s next regular meeting scheduled for February 14, 2022. He then excused the public from the meeting.

The commission went into adjudicative session at 7:45 PM.

ADJOURNMENT 10:48 PM

Ann E. Shirnberg
 Administrative Assistant

Kenai Peninsula Borough Planning Commission

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

February 14, 2022

7:30 P.M.

UNAPPROVED MINUTES

Chair Martin requested that Vice Chair Ruffner chair the meeting. Chair Martin attended via Zoom and had connection concerns.

CALL TO ORDER

Vice Chair Ruffner called the meeting to order at 7:30 p.m.

ROLL CALL

Commissioners Present

Syverine Bentz, District 9 – South Peninsula
Jeremy Brantley, District 5 – Sterling/Funny River
Diane Fikes, City of Kenai
Pamela Gillham, District 1 – Kalifornsky
Virginia Morgan, District 6 – East Peninsula
Blair Martin, District 2 – Kenai
Robert Ruffner, District 7 - Central
Franco Venuti, City of Homer

With 8 members of an 8-member seated commission in attendance, a quorum was present.

Staff Present

Melanie Aeschliman, Planning Director
Marcus Mueller, Land Management Manager
Samantha Lopez, KRC Manager
Nancy Carver, Resource Planning
Eric Ogren, Code Compliance
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDAS

***3. Plats Granted Administrative Approval**

- a. ASLS No. 2019-34 Tract A ASLS 96-42; KPB File 2021-019
- b. Fireweed Meadows 2021 Replat; KPB File 2021-095
- c. Fourth of July Creek Subdivision Seward Marine Industrial Center Coastal Lots Replat; KPB File 221-039
- d. James Waddell Homestead 2021 Replat; KPB File 2021-136

***4. Plats Granted Final Approval (20.10.040)**

- a. Black Gold Estates 2021 Replat Wildwood Dr. ROW Vacation; KPB File 2021-111V

***6. Commissioner Excused Absences**

- a. City of Soldotna, Vacant
- b. City of Seward, Vacant
- c. City of Seldovia, Vacant
- d. District 3 – Nikiski, Vacant
- e. District 4 – Soldotna, Vacant
- f. District 8 – Homer

***7. Minutes**

a. January 24, 2022 Planning Commission Meeting Minutes

Vice Chair Ruffner asked if anyone wished to speak to any of the items on the consent agenda. Hearing no one wishing to comment he asked that Ms. Shirnberg read into the record the consent agenda items. Ms. Shirnberg read the items into the record. Vice Chair Ruffner then brought it back to the commission for a motion.

MOTION: Commissioner Brantley moved, seconded by Commissioner Fikes to approve the consent and regular agendas

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	8	Absent	0	Vacant	6
Yes	Bentz, Brantley, Fikes, Gillham, Martin, Morgan, Ruffner, Venuti				
Absent					

Vice Chair Ruffner asked Ms. Shirnberg to read the procedures for public testimony.

AGENDA ITEM D. OLD BUSINESS

Vice Chair Ruffner gave a brief review of the commission’s decision to go into adjudicative session when discussing both of the matters that were remanded back to the planning commission. He noted that adjudicative sessions are only attended by planning commission members and those invited into the session by the commission. Adjudicative sessions allows the commission to discuss matters less formally. No decisions are not made in an adjudicative session. For a decision to be made, the commission is required to go back on record to vote on the matter. That is what they are doing tonight. He also wanted to let the public know that there was a mistake made and that the adjudicative session was unintentionally livestreamed. The commission was not aware of this at the time. He noted there was at least one member of the public that viewed the session. He wanted the public to know while this should not have happened; looking back, he felt the discussion by the commission was not one he would have felt uncomfortable having in front of the public. He then noted that the borough attorney had provided the commission with templates to assist in formulating a decision, but it was up to the commission to determine which template to use and the findings to go along with it. He then invited other commissioners to make comment if they wished.

1. CLUP Modification; PC Resolution 2022-08
 Applicant: Cook Inlet Region, Inc.
 Parcel ID # 065-081-18
 Sterling Area

MOTION: Commissioner Brantley moved, seconded by Commissioner Fikes to adopt PC Resolution 2022-08 granting approval of a conditional land use permit for a material site allowing for additional excavation to Cook Inlet Regional Inc.

Commissioner Brantley stated he believed that part of the public's confusion in this matter was the location of material site. A prior approved material site was located along the river. This permit modification was for a site further inland that was next to the Sterling Hwy. This site would have far less in the way of visual impacts for many of the area landowners, which is why he was comfortable in supporting the approval of this modification.

Commissioner Bentz noted the remand decision from the judge wanted to make sure that the commission understood that they did have the discretion to approve, deny or modify material site permits. Language in the resolution reflects that understanding and recognizes that compliance with mandatory conditions does not necessarily mean the permit meets the standards.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	8	No	0	Absent	0
Yes	Bentz, Brantley, Fikes, Gillham, Martin, Morgan, Ruffner, Venuti				

2. CLUP; PC Resolution 2022-07
Applicant: Beachcomber, LLC
Parcel ID # 169-010-67
Anchor Point Area

Vice Chair Ruffner stated that this matter took the commission longer to resolve. The meeting on January 25th ended around 11:00 PM. The commission left the adjudicative session open to discuss one final finding, which was conducted via emails between the commission members. The commission was invited to weigh in on the one open finding and one commissioner elected to do so. This is all reflected in the record but he wants the public to know that any commissioner could have elected to weigh in on this finding.

Commissioner Brantley requested to be recused from this matter as he had a conflict of interest. Vice Chair Ruffner approved Commissioner Brantley's request.

MOTION: Commissioner Fikes moved, seconded by Commissioner Bentz to adopt PC Resolution 2022-07 denying a conditional land use permit to operate a sand, gravel or material site to Beachcomber, LLC.

Commissioner Martin stated that he would not be supporting the motion as believes that it is fundamentally a taking of private property rights. He understands that this is a contentious issue in this neighborhood. He also understands the material site ordinance as it stands is lacking. He is aware that this ordinance is currently being reworked and he hopes that the rewrite will address some of the issues revolving around material sites. In his opinion, he believed the applicant has done what he can practically do to mitigate the noise, dust and visual impacts. He also wanted it noted that he appreciated the process, legal advice, consideration of code and public comment that went into the making of this decision.

Commissioner Venuti stated that he has seen a lot of growth in the Anchor Point area since the 1970s. He understands that gravel is an important industry and commodity and that it supports many industries. He sees and understands the real value of this resource. He also sees value in the fact that this community has come together and have spoken out about what they want their community to be. He believes that it may be time for the Anchor Point area to think about incorporating and becoming their own city so that they can make their own decisions on matters like this. He stated he has mixed feeling on this matter, but believes that this may be the wrong location to put a material site.

Commissioner Gillham stated that she had spent quite of bit of time reviewing this record. The commission in their deliberations spent time discussing two areas that the permit potentially may not have met. The two areas are addressed in KPB 21.29.040(A)(5) which address noise mitigation and visual impacts. She agreed with Commissioner Martin in that this is about personal property rights. She believes they need to protect the rights of the landowners on both sides of this issue. Before taking away anyone's property rights, she believes that they need to have a legal right to do so. Code requires that the applicant minimize noise and visual impacts and she believes that they have done so. She also believes that the neighbors also have a responsibility to participate in the mitigation as well. She then stated that she would not be voting in favor of this resolution.

Commissioner Morgan noted that this resolution states that the planning commission recognizes that compliance with the mandatory conditions in KPB 21.29.050 does not necessarily mean that the application meets the standards contained in KPB 21.29.040. The recent ruling from the court has made it clear that the conditions and standards both need to be applied to make decisions on applications. The commission had a long a difficult discussion on this application at the last hearing. She was impressed with the great thought, research and review that the planning commissioners had put into this matter and the work that has gone into the creation of the findings in the decision. The planning commission is made up of volunteers and the work it takes to create findings is not easy. The commission did a great deal of work in reviewing the conditions and standards to come to a decision. Again, she noted that this was not an easy decision and she appreciates all the work that the members of the commission put into this decision. She then stated that she would be voting in favor of the resolution.

Commissioner Bentz wanted to add on to what Commissioner Morgan said. She noted that the commission had spent a great deal of time discussing and developing the language for this decision. She felt the commission had worked hard to close the loop and to reference things in the record correctly. She noted that this application had originally been denied by the commission but had been remanded back to the commission by the hearing officer with instructions to conduct additional fact-finding and to draft more

detailed findings in support of their decision. Upon remand, the commission then reversed their original decision and approved the application. The decision was again appealed to the hearing officer where the decision to approve the application was upheld. The decision was then taken up by the court where it was again remanded back to the commission with the instruction to consider the standards as well as conditions in their deliberations. She believes the commission has considered both the standards and conditions in constructing the findings in this decision.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION FAILED BY MAJORITY VOTE:

Yes	3	No	4	Recused	1
Yes	Bentz, Morgan, Venuti				
No	Fikes, Gillham, Martin, Ruffner				
Recused	Brantley				

The commission decided to consider this item again and placed it on the March 21, 2022 regular planning commission meeting. The commission elected for the record to remain closed, not to reopen public comment and that the commission may again go into an adjudicative session to deliberate on this matter.

Vice Chair Ruffner asked the members of the commission if any of them had any communications with members of the public on this matter in the time between the last hearing and tonight. Chair Martin stated that Ed Martin had contacted him and he had made it clear that he would not discuss this matter with him.

Commissioner Morgan asked to be excused for the remainder of the meeting due to a prior engagement. Vice Chair Ruffner thanked Commissioner Morgan for attending the first part of meeting and then excused her.

AGENDA ITEM E. NEW BUSINESS

Vice Chair Ruffner asked Ms. Shirnberg to read into the record the rules for public hearings.

E1 – Conditional Use Permit – Anadromous Waters Habitat Protection District

KPB File No.	2022-05
Planning Commission Meeting:	February 14, 2022
Applicant	Alaska Department of Transportation
Mailing Address	PO Box 196900
	Anchorage, AK 99519-9600
Legal Description	N/A
Physical Address	MP 4 Kenai Spur Highway
KPB Parcel Number	N/A

Project Description

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of a fish passage culvert at MP 4 of the Kenai Spur Highway, within the 50-foot Habitat Protection District of Unnamed Stream 3 (AWC 244-30-10010-2031), as established in KPB 21.18.040.

Staff report given by Samantha Lopez.

Vice Chair Ruffner opened the meeting for public comment.

Aaron Hunting, DOT Engineer; P.O. Box 196900, Anchorage, AK 99519: Mr. Hunting made himself available for questions.

Hearing no one else wishing to comment, public comment was closed and discussion was open among the commission.

MOTION: Commissioner Brantley moved, seconded by Commissioner Fikes to adopt PC Resolution 2022-05 granting approval of a conditional use permit to install a fish passage culvert at MP 4 of the Kenai Spur Highway to the State of Alaska Department of Transportation and Public Facilities.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	7	No	0	Absent	1
Yes	Bentz, Brantley, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Morgan				

**E2 – Retail Marijuana Establishment License
Worner Brothers Outpost, LLC**

Applicant	Worner Brothers Outpost, LLC
Landowner	Jeffery Lee Worner
Tax Parcel ID	065-030-02
Legal Description	T05N, R08W, SEC 7, SEWARD MERIDIAN, KN, BEGINNING AT THE SW CORNER OF GOVT LOT 6 TH S 330 FT TO THE POB TH S TO THE CNETER OF THE STERLING WHY THEN W ALONG THE HWY 700 FT TO MOOSE RIVER THEN N ALONG THE RIVER 378.9 FT THEN EA 548 FT TO THE ROB EXCEPT THAT PORTION PER W/D/380 @ 700
Location	33590 Sterling Highway
Area	Sterling

Staff report given by Nancy Carver.

Vice Chair Ruffner opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was open among the commission.

MOTION: Commissioner Martin moved, seconded by Commissioner Bentz to forward to the assembly a recommendation to approve a retail marijuana store license for Worner Brothers

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	7	No	0	Absent	1
Yes	Bentz, Brantley, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Morgan				

**E3 – Conditional Land Use Permit for Material Extraction
AM&T Vantage Point, LLC**

Applicant	AM&T Vantage Point, LLC
Landowner	AM&T Vantage Point, LLC
Tax Parcel ID	063-047-01
Legal Description	T05N, R09W, SEC 3, Seward Meridian KN SE1/4
Location	36280 Robinson Loop Road – Sterling Area

Staff report given by Eric Ogren.

Vice Chair Ruffner opened the meeting for public comment.

Gina DeBardelaben, McLane Consulting; P.O. Box 468, Soldotna, AK: Ms. DeBardelaben was the engineer for this project. She is a licensed civil engineer by the State of Alaska. McLane Consulting was responsible for preparing the field survey, site plan and the site exhibits. She noted the applicants have done their due diligence by creating a site development plan that meets borough code prior to submitting their application. She then made herself available for any questions.

Nathan Verba; 38527 Montgomery Ave., Sterling, AK 99672: Mr. Verba is the applicant and made himself available questions.

Mike Rosso; P.O. Box 1209, Sterling, AK 99672: Mr. Rosso is a neighboring landowner to this proposed material site and he does not support the approval of this application. He expressed concerns regarding dust, noise, traffic & safety issues as well as decrease of property values. He does not believe the proposed buffer plan is sufficient. He also expressed concerns related to what he believed was insufficient noticing requirements.

Ron Martinelle; P.O. Box 391, Sterling, AK 99672: Mr. Martinelle is a neighboring landowner to this proposed material site and he does not support the approval of this application. He expressed concerns regarding noise, hours of operations (he believed that the no-work times of 10PM to 6AM was inadequate) as well as how this material site would affect property values in the area.

Eric Sandberg, 39290 Valley View Rd., Sterling, AK 99672: Mr. Sandberg is a neighboring landowner to this proposed material and he does not support the approval of this application. He expressed that he would like to see the no-work time period increased. He also has concerns regarding the impact on his well if the applicants are able to excavate within 4 feet of the water table.

Kay McNally 39290 Valley View Rd., Sterling, AK 99672: Ms. McNally is a neighboring landowner to this proposed material site and she does not support the approval of this application. She expressed concerns regarding potential impact to area wildlife. She stated that she would like to see the no-work time period increased. She also noted that there are already several gravel pits in the area and does not believe that the area needs another one. She is aware that the borough is currently working on a revising the material site code and would like to see this application put off until the code revision is completed.

Mary Ann Mills; P.O. Box 143, Sterling AK 99672: Ms. Mills is a neighboring landowner to this proposed material site and does not support the approval of this application. She expressed concerns regarding the noise levels related to rock crushing, increases to area traffic, impacts to property values and environmental impacts. She also believed that the no-work time period should be increased and that the proposed 50-foot buffer is not sufficient. She noted there were already five material sites in the area and she does not believe there needs to be another one.

Wayne Tendall; 39588 Weaver Lane, Sterling, AK 99672: Mr. Tendall is a neighboring landowner to this proposed material site and does not support the approval of this application. He expressed concerns regarding noise, increases to area traffic and decreased property values. He is also very concerned about the potential of water contamination. He also believes the proposed 50-buffer is insufficient

Hearing no one else wishing to comment, public comment was closed and discussion was open among the commission.

MOTION: Commissioner Brantley moved, seconded by Commissioner Fikes to adopt PC Resolution 2022-09 granting approval of a conditional land use permit to operate a sand, gravel, or material site to AM&T Vantage Point, LLC.

Commissioner Martin asked if the applicant had looked at the Lidar information for this area. Ms. DeBardelaben replied that they had reviewed the Lidar information for the area and had noted there is a large peninsula with a higher grade on the parcel where the phase one/phase two boundaries meet, the surrounding area slightly lower. Commissioner Martin replied that he felt this should relieve some of the concerns of the neighboring landowners. Where the material site is going in appears to be the highest ground and there is the potential of having some great natural berms along the southern and eastern boundaries. This has the potential of supplying some natural site and noise barriers.

Commissioner Bentz noted that the applicant has selected the 50-foot barrier of natural vegetation.

Testimony from area residents' state that there is a great deal of spruce bark beetle infected trees in these natural vegetation barriers. In the future, if the natural vegetation barriers were to be significantly impacted by the beetle, would the applicant be willing to put in some 6-foot earthen berms? Ms. DeBardelaben replied that the applicant would like to maintain the vegetative buffer, as they do not see the site as a fast moving industrial site. If conditions change there is always the potential to modify the permit.

Commissioner Brantley asked should the excavation come within 100 feet of the property boundary, would they be willing to construct a 6-foot berm within the 50-foot buffer zone as an additional safe guard for neighboring properties from damage and as an aid to minimize dust and noise.

Vice Chair Ruffner then gave the applicant time to discuss the voluntary condition request with his engineer to ensure that he understood the voluntary condition. Mr. Verba conversed with Ms. DeBardelaben. Ms. DeBardelaben clarified with the commission that the applicant is willing to have either the 50-foot natural buffer or a 6-foot berm. The applicant agrees that if excavation reaches within 100 feet of the property line, he would build a 6-foot berm most likely on the property line and would then no longer be required to maintain the 50-foot vegetative buffer.

With the approval of the commission, Vice Chair Ruffner suspended the rules and allowed for additional comments from the public.

Ron Martinelle; P.O. Box 391, Sterling, AK 99672: Mr. Martinelle asked what if the voluntary condition does not adequately work as a noise or visual buffer. He believed that whatever the condition is agreed upon, it should be concrete and ensure that the neighboring properties are protected.

Kay McNally 39290 Valley View Rd., Sterling, AK 99672: Ms. McNally noted that 50 feet is not very far, 50 yards would be better. She does not believe that the 50-foot natural buffer and the 6-foot berm will be adequate.

AMENDMENT MOTION: Commissioner Brantley moved, seconded by Commission Fikes to amend the resolution to add that a 6-foot berm be installed at the 24-foot mark from the property line, when excavation reaches within 100 feet of the property line.

Hearing no objection or further discussion, the motion was carried by the following vote:

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE:

Yes	7	No	0	Absent	1
Yes	Bentz, Brantley, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Morgan				

Vice Chair Ruffner passed the gavel to Commissioner Brantley to allow him to make a comment.

Vice Chair Ruffner noted that most common concerns raised in association with material site applications are noise, dust, increases in traffic, water contamination and negative impact to property values. These are concerns that the commission hears repeatedly in public hearing on these matters. He noted that the assembly is working on a code re-write on material sites, which is a very difficult task. He would encourage the area residents to participate in the process as it moves forward. Property owners on both sides of this issue have rights. Most of the lands in the borough are zoned unrestricted which can create land use conflicts. The assembly has given the commission a set of rules to follow which allows us to do certain things. The assembly has put limits on what the commission can ask for. While the commission does have to authority to deny applications, we must have good findings or justifications for doing so. He then noted that on the peninsula he is not aware of a material site being the cause of water quality issues for surrounding wells. The assembly has also set the limits for no-work/quiet times, so the commission does not have the authority to extend the time. He appreciates that the applicant is volunteering to work with commission to come up with a solutions that might be a little better for the vegetation buffer.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:

Yes	7	No	0	Absent	1
Yes	Bentz, Brantley, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Morgan				

AGENDA ITEM F. **PLAT COMMITTEE REPORT** – Plat Committee reviewed and approved 8 plats.

AGENDA ITEM G. **OTHER**

1. Plat Committee for February 28, 2022 meeting:

- Commissioner Ruffner
- Commissioner Gillham
- Commissioner Brantley
- Commissioner Venuti

2. Planning Department Budget Presentation:

- Samantha Lopez presented for the River Center & Area Planning Commissions
- Marcus Mueller presented for Land Management & the GIS Divisions

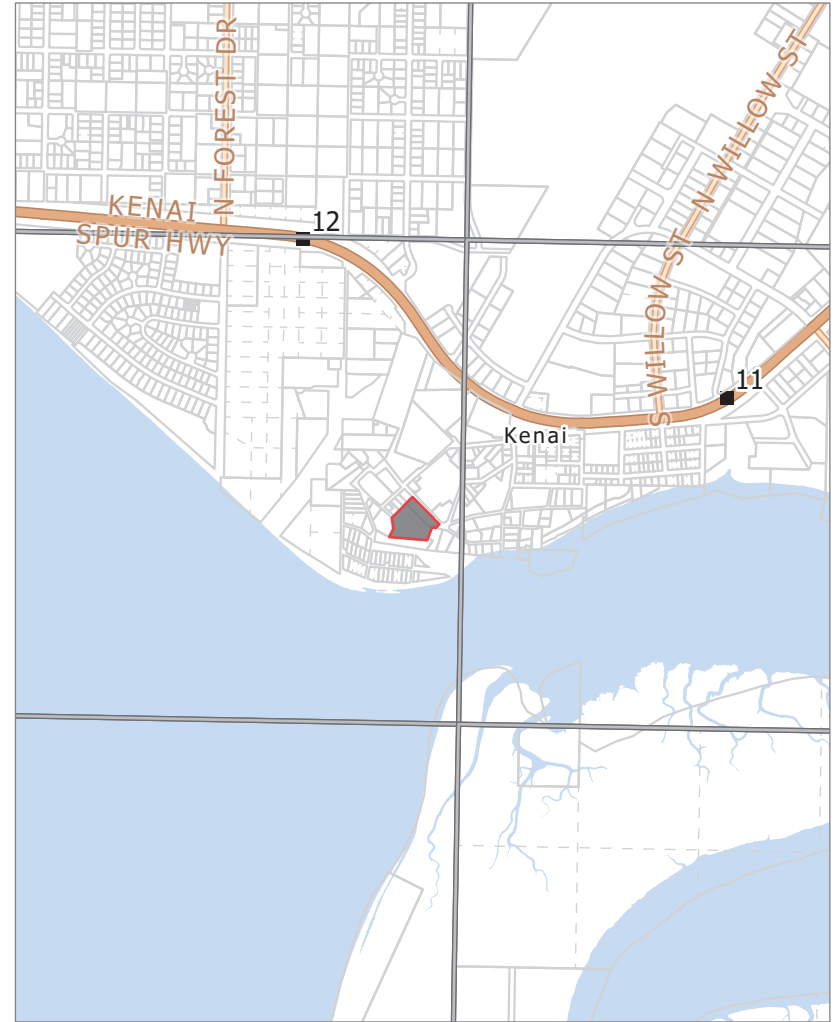
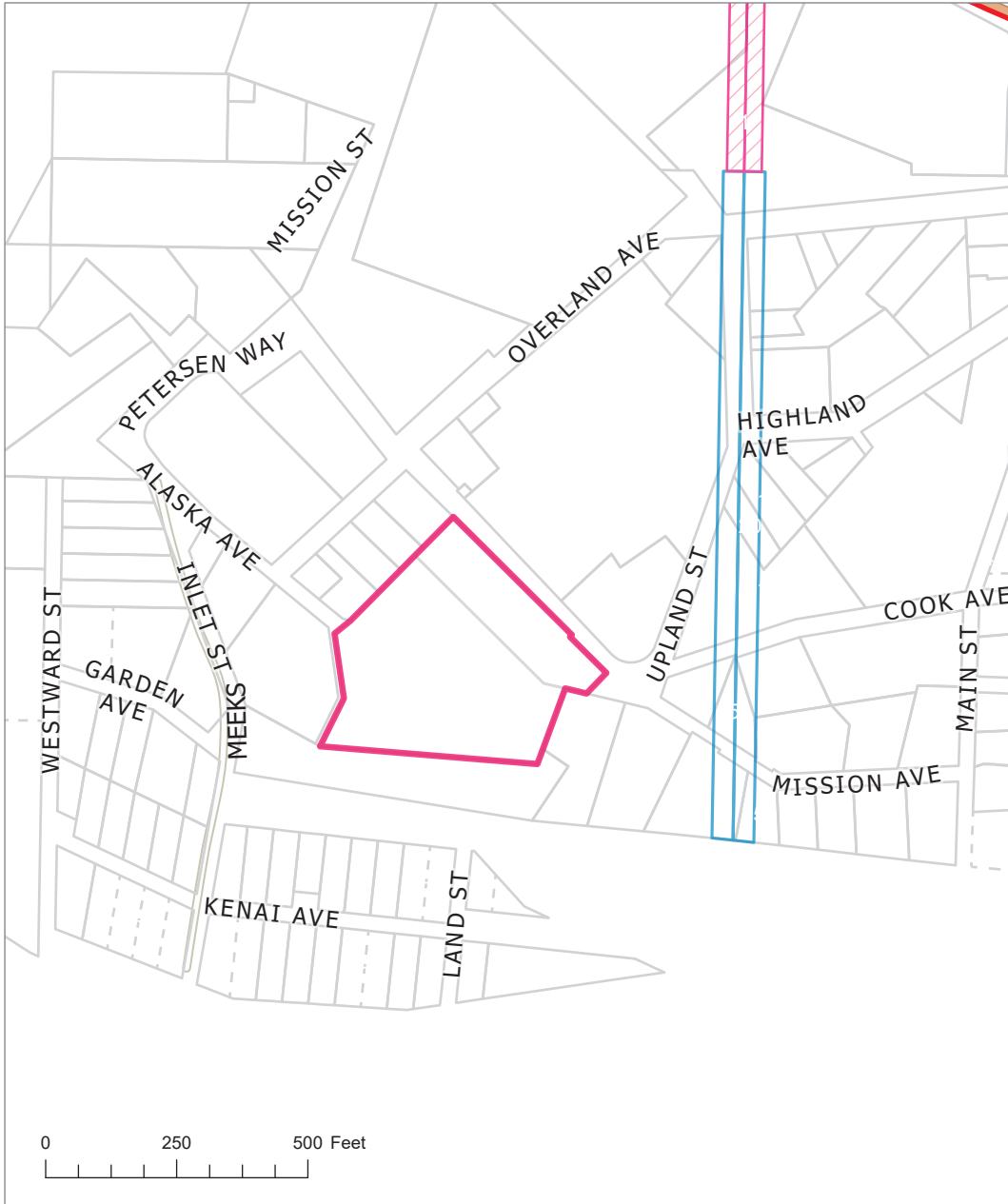
AGENDA ITEM I. **DIRECTOR'S COMMENTS** - None

AGENDA ITEM J. **COMMISSIONER COMMENTS**

Commissioner Bentz requested an excused absence for the February 28, 2022 meeting, as she will be out of state at that time.

AGENDA ITEM M. **ADJOURNMENT** – Commissioner Brantley moved to adjourn the meeting 10:08 p.m.

Ann E. Shirnberg
Administrative Assistant



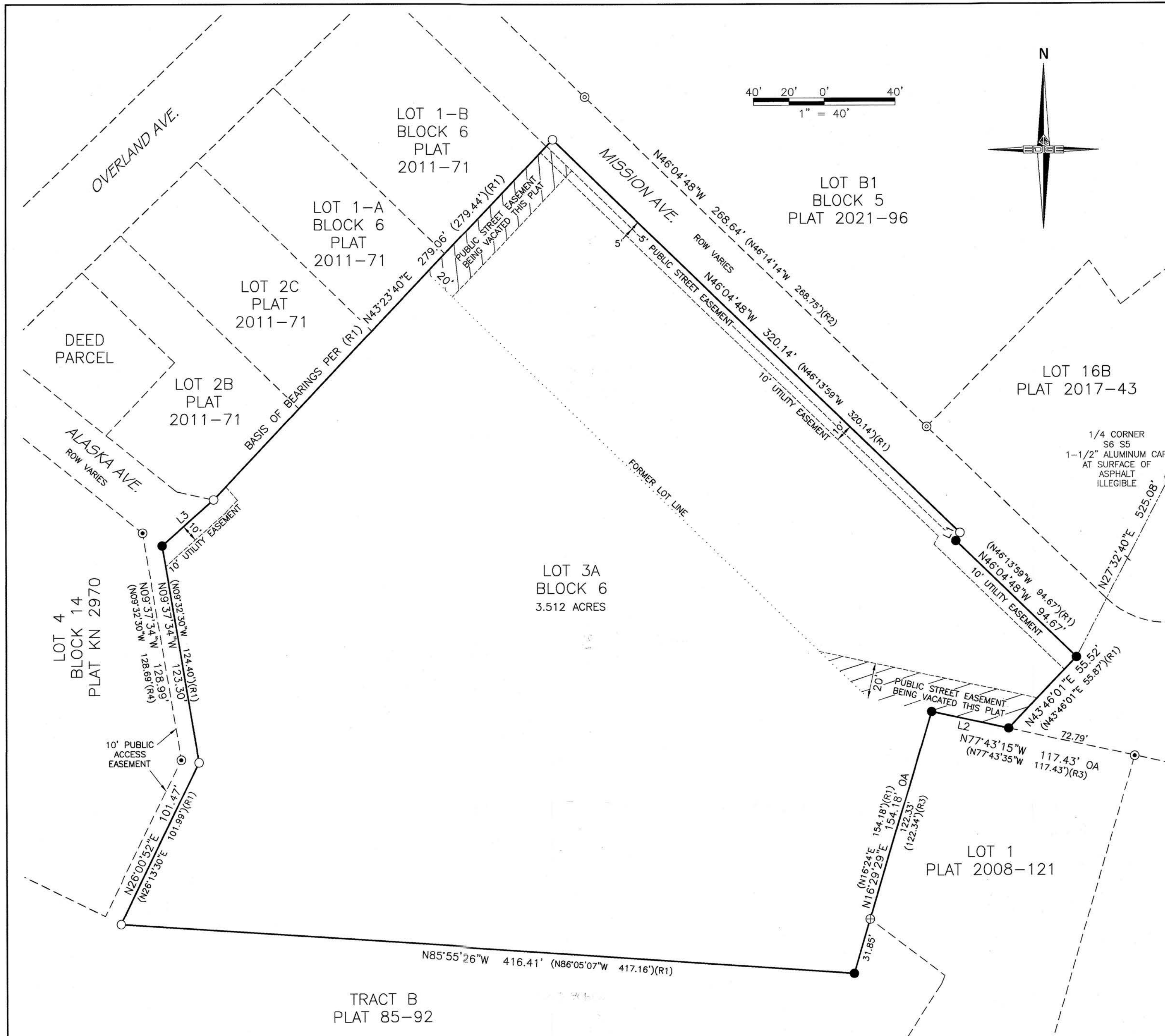
KPB File # 2022-011V

Township 5N-Range 11W-Section 6

Kenai



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



LEGEND

- MONUMENT FOUND AS REFERENCED
- PROPERTY CORNER FOUND 5/8" REBAR
- ⊙ PROPERTY CORNER FOUND 5/8" REBAR WITH BLUE PLASTIC CAP STAMPED LS-11795
- ⊙ PROPERTY CORNER FOUND 5/8" REBAR WITH 1-1/2" ALUMINIUM CAP
- ⊕ PROPERTY CORNER FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP STAMPED LS-6101
- SET SECONDARY MONUMENT 5/8" X 30" REBAR WITH 2" ALUMINIUM CAP STAMPED EDGE SURVEY LS-13022 2021
- (R1) RECORD DATA, SEE REFERENCE
- KRD KENAI RECORDING DISTRICT
- OA OVERALL

- PARCEL BOUNDARY
- - - FORMER LOT LINE
- - - ADJACENT PROPERTY LINE
- - - EASEMENT
- - - MONUMENT TIE
- ▨ PUBLIC STREET EASEMENT BEING VACATED

LINE TABLE

LINE	BEARING	DISTANCE
L1	S27°01'06"W	5.23'
L1(R1)	S29°20'W	5.16'
L2	S77°43'15"E	44.64'
L2(R1)	S77°43'15"E	44.02'
L3	S48°34'43"W	38.83'
L3(R1)	S48°34'43"W	37.23'

REFERENCES

- (R1) TOYON SUBDIVISION, PLAT K-1592, KENAI RECORDING DISTRICT
- (R2) TOWNSITE OF KENAI KENAITZE ADDITION SUBDIVISION, PLAT 2012-11, KENAI RECORDING DISTRICT
- (R3) ENDLESS VIEW, PLAT 2008-121, KENAI RECORDING DISTRICT
- (R4) TOWNSITE OF KENAI, PLAT K-2970, KENAI RECORDING DISTRICT

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 13, 2021.
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

CERTIFICATE OF ACCEPTANCE AND DEDICATION BY CITY OF KENAI

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT IDENTIFIED AS FOLLOWS:

VACATION OF PUBLIC STREET EASEMENTS AS SHOWN.

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

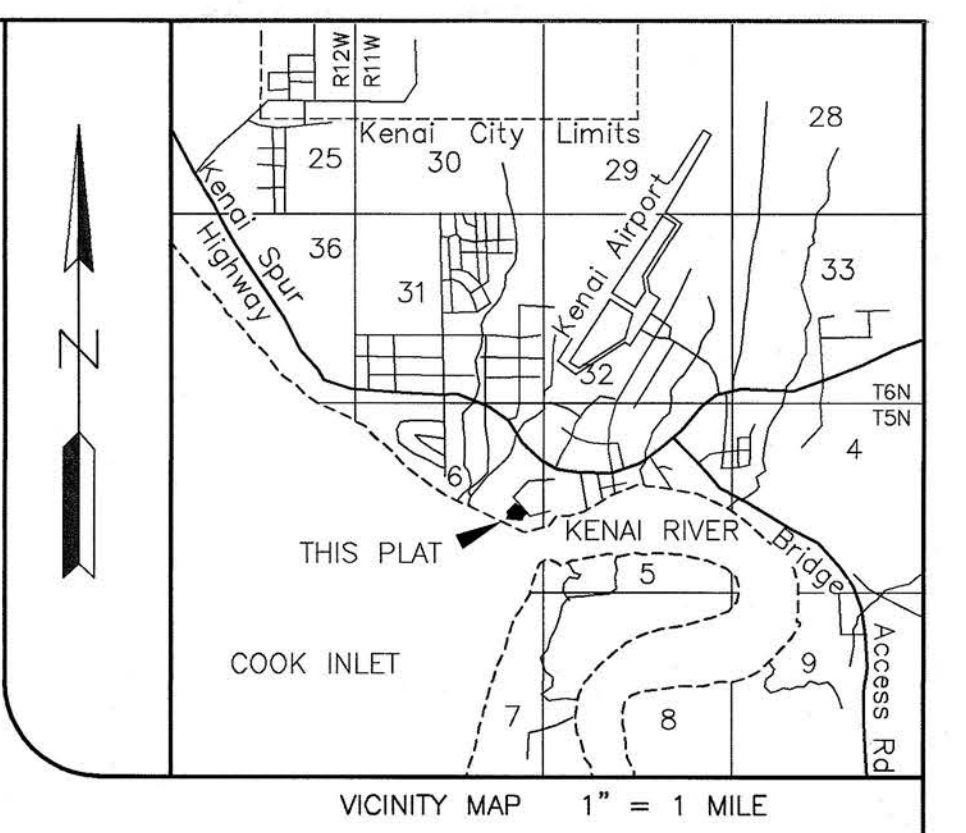
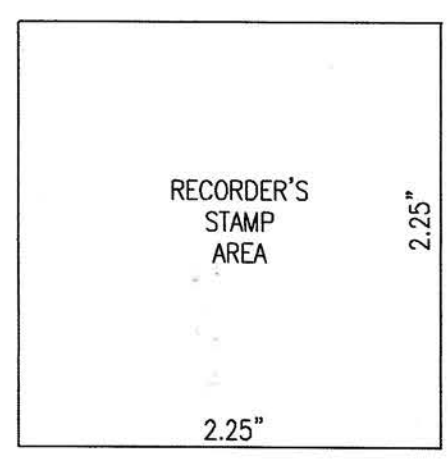
BY:

PAUL OSTRANDER - CITY MANAGER
CITY OF KENAI
210 FIDALGO AVE.
KENAI, ALASKA 99611

DATE

CERTIFICATE OF SURVEYOR

I, MARK AIMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



CERTIFICATE OF OWNERSHIP AND DEDICATION

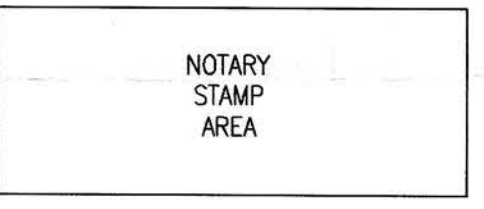
I HEREBY CERTIFY THAT KENAITZE INDIAN TRIBE IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HERE AND THAT ON BEHALF OF KENAITZE INDIAN TRIBE I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

CHELSEA HENDRIKS, INTERIM EXECUTIVE DIRECTOR
PO BOX 988
KENAI, ALASKA 99611
KENAITZE INDIAN TRIBE IRA
KENAITZE INDIAN TRIBE

NOTARY ACKNOWLEDGEMENT

FOR: CHELSEA HENDRIKS
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

NOTARY PUBLIC SIGNATURE



KPB FILE No. 2022-000

TOYON SUBDIVISION 2021 REPLAT AND PUBLIC STREET EASEMENT VACATION

A REPLAT OF
LOTS 1 AND 2 BLOCK 5
TOYON SUBDIVISION
PLAT K-1592

OWNERS:
KENAITZE INDIAN TRIBE IRA
KENAITZE INDIAN TRIBE
PO BOX 988
KENAI, ALASKA 99611

LOCATED WITHIN SE 1/4, SECTION 6,
T.5N., R.11W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT
CITY OF KENAI

CONTAINING 3.512 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
AECL# 1392

DRAWN BY: JY	DATE: 12/22/2021	PROJECT: 21-615
CHECKED BY: MA	SCALE: 1" = 40'	SHEET: 1 OF 1

NOTES

1. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.
2. DEVELOPMENT OF THIS PARCEL SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
3. THE FRONT 10 FEET ADJACENT TO RIGHT OF WAY IS AN UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH COULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. PUBLIC STREET EASEMENT VACATION WAS APPROVED BY KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF FEBRUARY 13, 2022.
5. GENERAL PUBLIC IMPROVEMENT, ELECTRIC TRANSMISSION AND DISTRIBUTION LINES EASEMENTS, LOCATION NOT DEFINED, GRANTED TO CITY OF KENAI, HAVING THE FOLLOWING RECORDING INFORMATION. RECORDED APRIL 1, 1968. VOLUME: 50, PAGE: 247. KRD.
6. DISCLAIMER OF INTEREST, INCLUDING THE TERMS AND CONDITIONS THEREIN: RECORDED: SEPTEMBER 16, 2004. SERIAL NO.: 2004-009237-0. KRD.
7. WASTEWATER DISPOSAL: CITY WATER AND SEWER ARE AVAILABLE TO SERVE THIS PARCEL. PLANS FOR WASTEWATER TREATMENT AND DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

KPB 2022-011V

	Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comments

Site Investigation: The parcels are improved with a large apartment building located on former Lot 1. Lot 2 contains several structures with the majority of the lot as a parking area. Lot 2 contains a lodge with cabins and has been improved as a site for RV camping.

The land where the access easements are present is relatively flat and contains no low wet areas. The southern boundary of Lot 2 is located just over the top of the bluff.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: Russell, Pam Comments: No Comments</p>
Alaska State Fish and Game	No objections to the proposed platting actions. The proposed actions will not affect public access to public lands and waters.

Staff Analysis: The property involved with this petition was originally surveyed under the Townsite of Kenai, U.S. Survey No. 2970B in 1950. The survey dedicated Alaska Avenue as a through right of way. US Survey 2970B also dedicated Mission Avenue.

In 1968 Toyon Subdivision, Plat KN 1592, was recorded. KN 1592 created Lots 1 and 2 and created the current right of way configuration by vacating a portion of Alaska Avenue. Lot 2 continued to have access via Alaska Avenue but the plat also granted 20 foot easements within Lot 1 that provided additional access to Lot 2.

Both access easements were granted to provide secondary access to Lot 2. The eastern 20 foot access easement was granted atop a portion of Alaska Avenue that was being vacated. The northern 20 foot easement was granted on Lot 1 for the benefit of Lot 2.

A preliminary plat has been submitted to be reviewed by the Plat Committee on February 28, 2022. In addition to finalizing the access easement vacations, the plat proposed to combine Lot 1 and 2 of Toyon Subdivision. The 20 foot access easements through former Lot 1 to provide access to former Lot 2 will not be required as it will be one lot. Access will be from Mission Avenue and Alaska Avenue. Plat KN 1592 granted an additional 5 foot public street easement along a portion of Mission Avenue and will remain in place.

Staff is requesting that the plat provide a turnaround area for the end of Alaska Avenue. The layout could be a Y or T type turn around and will need to be approved by the City of Kenai.

Per Toyon Subdivision, Plat KN 1592, and the original U.S. Survey, there were no utility easements granted within those areas. The plat will be required to grant utility easements requested by the City of Kenai and utility providers.

The City of Kenai Planning and Zoning Commission reviewed the subdivision plat along with the vacations at their January 26, 2022 meeting. They found the new lot configurations complied with their city code. The approved the plat subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The Kenai City Council must declare that the two 20' public street easements to be vacated is not needed for a public purpose and approve the vacation of the two 20' public street easements as shown on the preliminary plat.

20.65.050 – Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;
Staff comments: They appear to be used as access the lodge and parking lot located on current Lot 2 of Toyon Subdivision. Lot 2 and Lot 1 will be combined into one parcel.
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: Neither access easement is impractical to construct. The southerly access easement has been constructed for access to Lot 2. The northerly access easement has been improved but a fence limits the access to Lot 2. The legal access after the replat will be from Alaska Avenue and Mission Avenue.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: The surrounding area is developed with paved roads maintained by the city. City utilities are present along Mission Avenue, per the City of Kenai Planning and Zoning staff report.
 4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
Staff comments: The easements do not provide access to public lands or public waters.
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: The lot that benefits from the easements will be combined with Lot 1. Further connectivity will not be possible due to steep terrain and tidal waters.
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: A 10 foot access easement is already present at the end of Alaska Avenue providing additional pedestrian access to the south.
 7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
Staff comments: Any requested uses from the utility companies will be reviewed and granted as easements if requested.

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: The access easements are being used as ingress/egress to Lot 2, which is proposed to be combined with Lot 1.

A KPBC Planning Commission decision denying a vacation application is final. A KPBC Planning Commission decision to approve the vacation application is subject to consent or veto by the KPBC Assembly, or City Council if located within City boundaries. The KPBC Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Kenai City Council will hear the vacation to provide a consent or veto to the Planning Commission decision.

If approved, Toyon Subdivision 2021 Replat will finalize the proposed right of way vacations. The Plat Committee is scheduled to review the plat on February 28, 2022.

KPBC department / agency review:

Planner	<p>Reviewer: Aldridge, Morgan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 1001 MISSION AVE 929 MISSION AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: MISSION AVE ALASKA AVE OVERLAND AVE</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: City of Kenai will advise on affected addresses.</p>
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No Comment</p>

Utility provider review:

HEA	Requesting a 10 foot utility easement adjoining the northwest boundary between Mission Avenue and Alaska Avenue.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as depicted.

RECOMMENDATION:

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by Kenai City Council.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the Kenai City Council and utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

KPB 20.65.050 – Action on vacation application

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.**
- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.**
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.**

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*

- *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
- *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
- *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

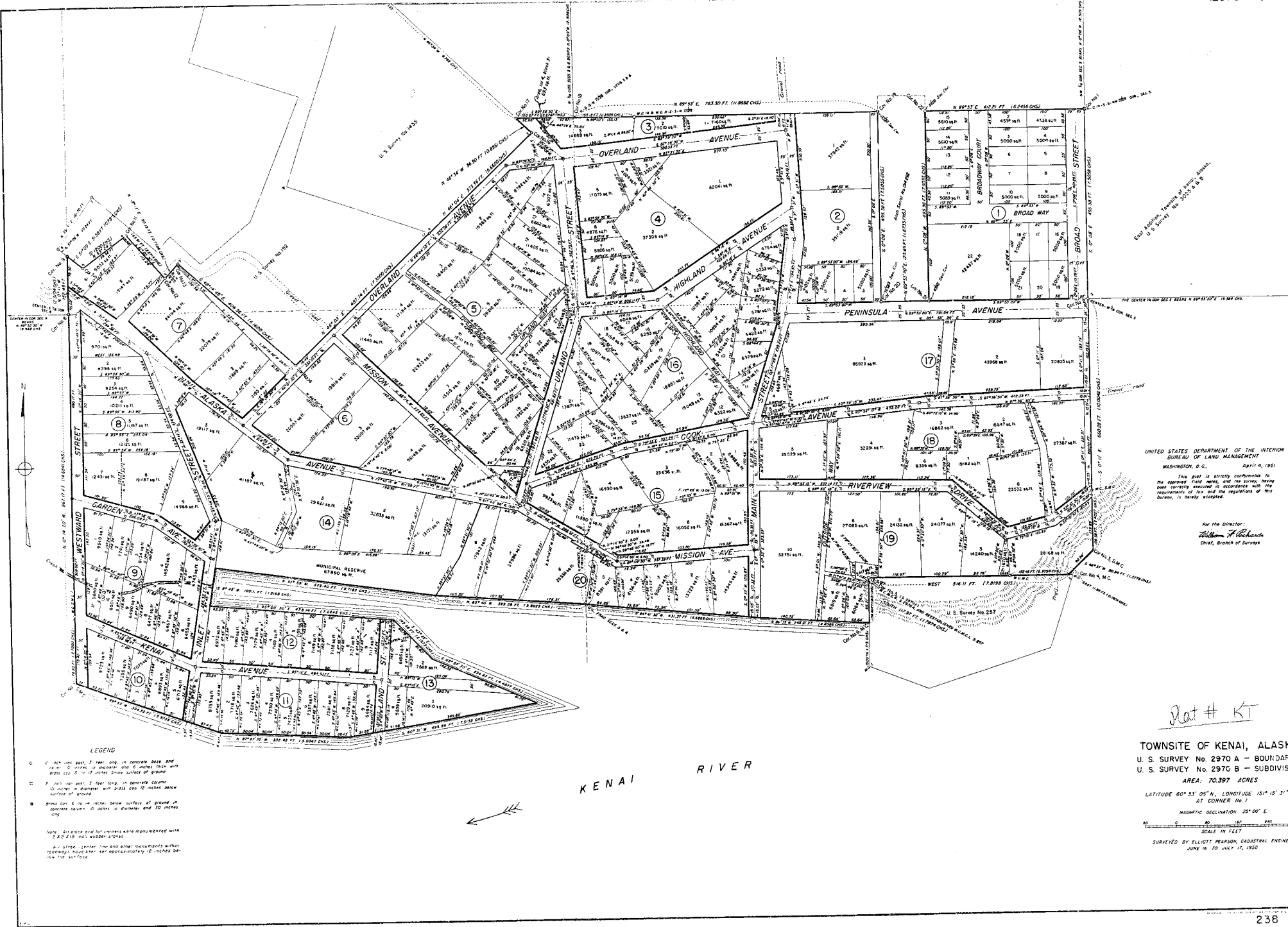
Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

- *Focus Area: Transportation*
 - *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
 - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

END OF STAFF REPORT



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 WASHINGTON, D. C. April 4, 1951

This plat is strictly conformable to the approved field notes, and the survey being done hereby executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director:
William F. Richards
 Chief, Branch of Surveys

Plat # KT

TOWNSITE OF KENAI, ALASKA
 U. S. SURVEY No. 2970 A - BOUNDARY
 U. S. SURVEY No. 2970 B - SUBDIVISION

AREA: 70.397 ACRES
 LATITUDE 60° 31' 05" N., LONGITUDE 151° 15' 31" W.,
 AT CORNER No. 1
 MAGNETIC DECLINATION 25° 00' E

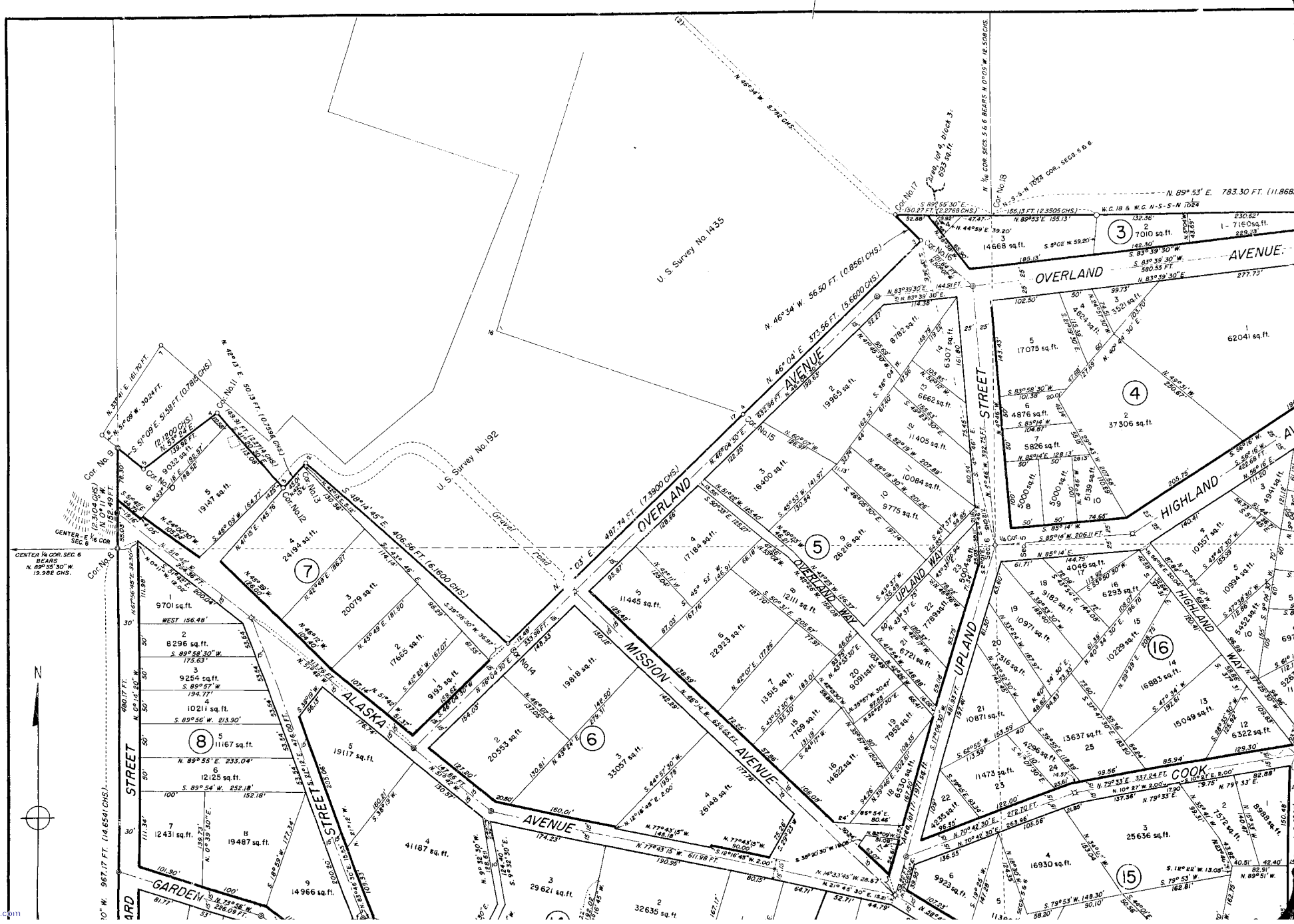
SCALE IN FEET
 SURVEYED BY ELLIOTT PEARSON, CADASTRAL ENGINEER,
 JUNE 16 TO JULY 17, 1950

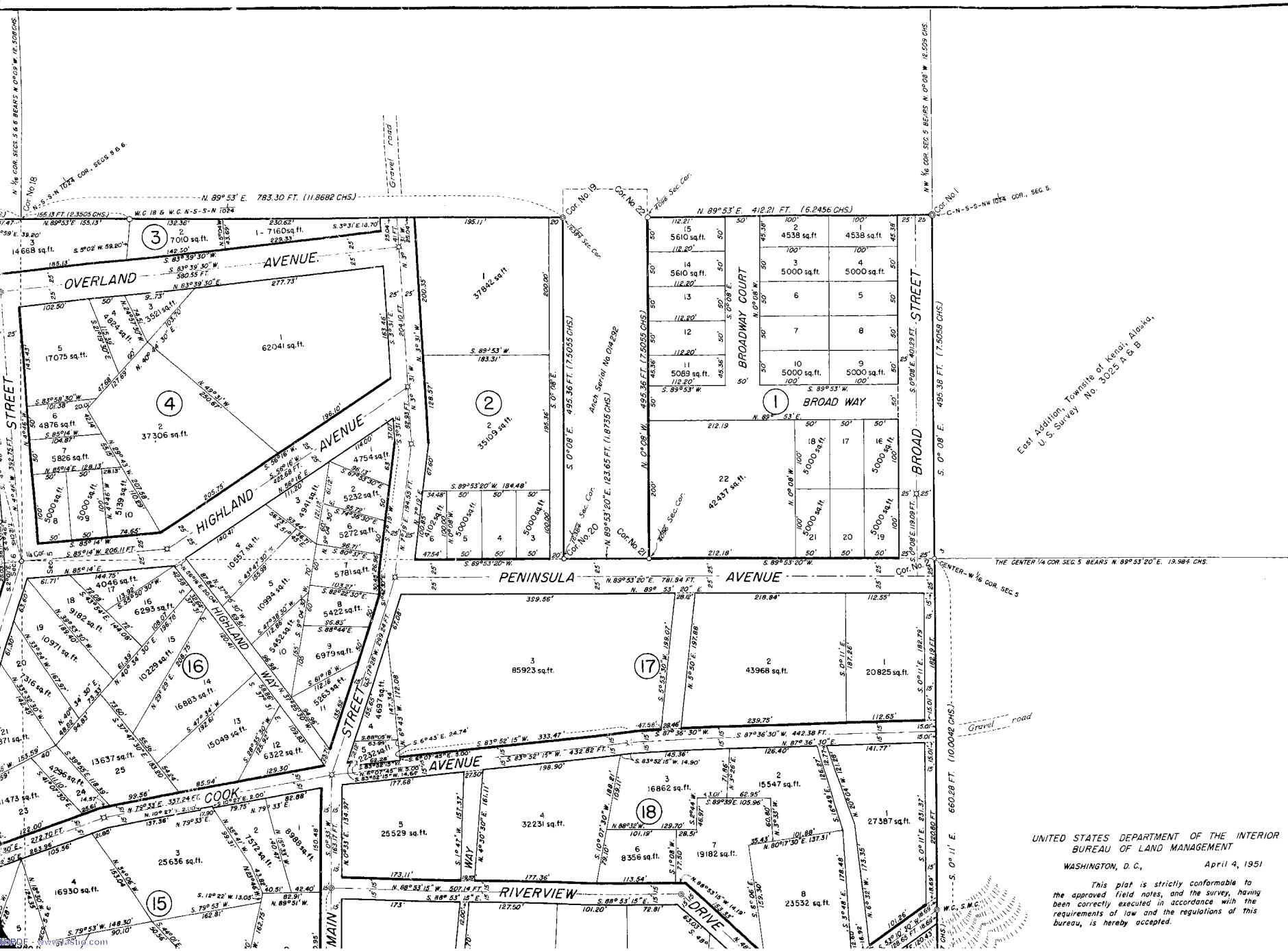
LEGEND

- 1 1/2 inch iron pipe, 3 feet long, in concrete base and cap; 5 inches in diameter and 6 inches thick with brass cap 6 to 10 inches above surface of ground
- 2 1/2 inch iron pipe, 3 feet long, in concrete column 10 inches in diameter with brass cap 18 inches above surface of ground
- 3 Brass cap 6 to 10 inches above surface of ground in concrete column 6 inches in diameter and 10 inches long

Note: All brass and iron corners were implemented with 2 1/2 x 2 1/2 inch brass 1/2 inch

All brass, iron and other monuments within roadways have been set approximately 12 inches below the surface

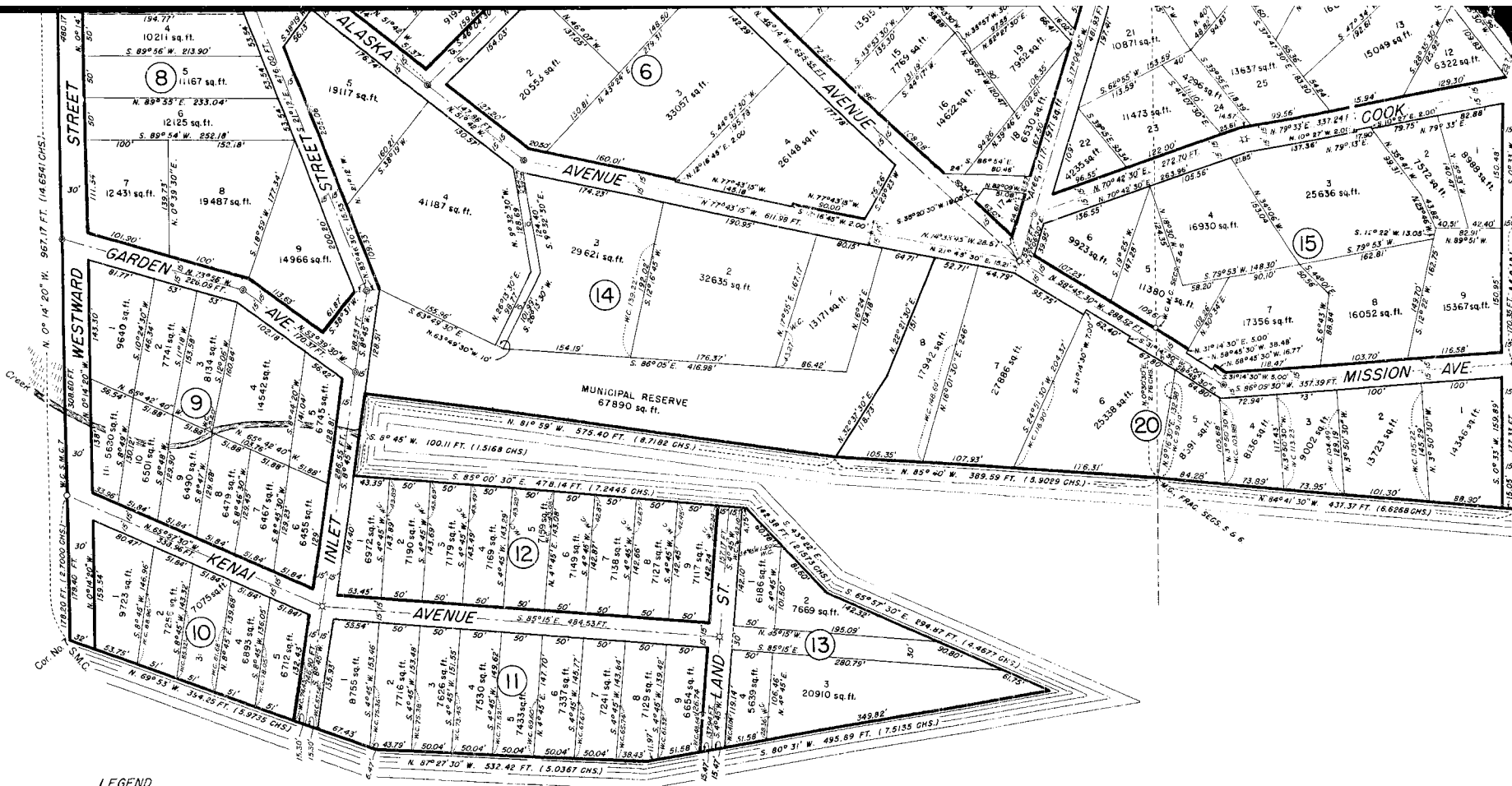




East Addition, Township of Kenai, Alaska,
U. S. Survey No. 3025 A & B

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C. April 4, 1951

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this bureau, is hereby accepted.



LEGEND

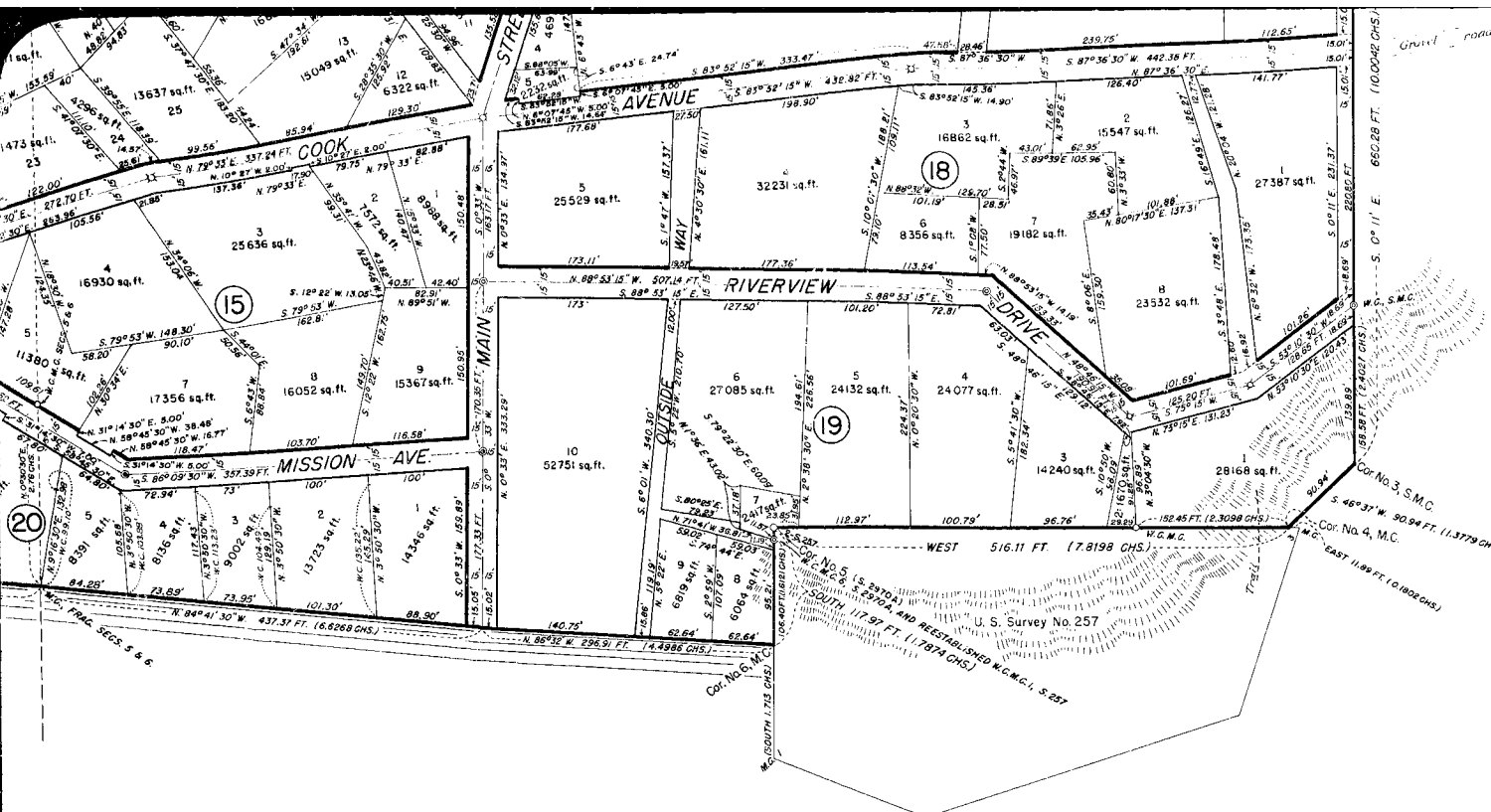
- 2 inch iron post, 3 feet long, in concrete base and collar 10 inches in diameter and 6 inches thick with brass cap 0 to 12 inches below surface of ground.
- ⊗ 2 inch iron post, 3 feet long, in concrete column 10 inches in diameter with brass cap 12 inches below surface of ground.
- ⊙ Brass cap 6 to 14 inches below surface of ground in concrete column 10 inches in diameter and 30 inches long.

Note: All black and lat corners were monumented with 2 X 2 X 18 inch wooden stakes.

All street-center-line and other monuments within roadways have been set approximately 12 inches below the surface.

KENAI RIVER





UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 WASHINGTON, D. C., April 4, 1951

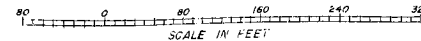
This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this bureau, is hereby accepted.

For the Director:
William F. Richards
 Chief, Branch of Surveys

TOWNSITE OF KENAI, ALASKA
 U. S. SURVEY No. 2970 A - BOUNDARIES
 U. S. SURVEY No. 2970 B - SUBDIVISION
 AREA: 70.397 ACRES

LATITUDE 60° 33' 05" N., LONGITUDE 151° 15' 31" W.,
 AT CORNER No. 1

MAGNETIC DECLINATION 25° 00" E.



MADE BY ELLIOTT PENNISON, CADASTRAL ENGINEER,
 JUNE 16 TO JULY 17, 1950

KENAI RIVER

SURVEYED TOWNSHIP 5 NORTH RANGE 11 WEST OF THE SEWARD MERIDIAN, ALASKA

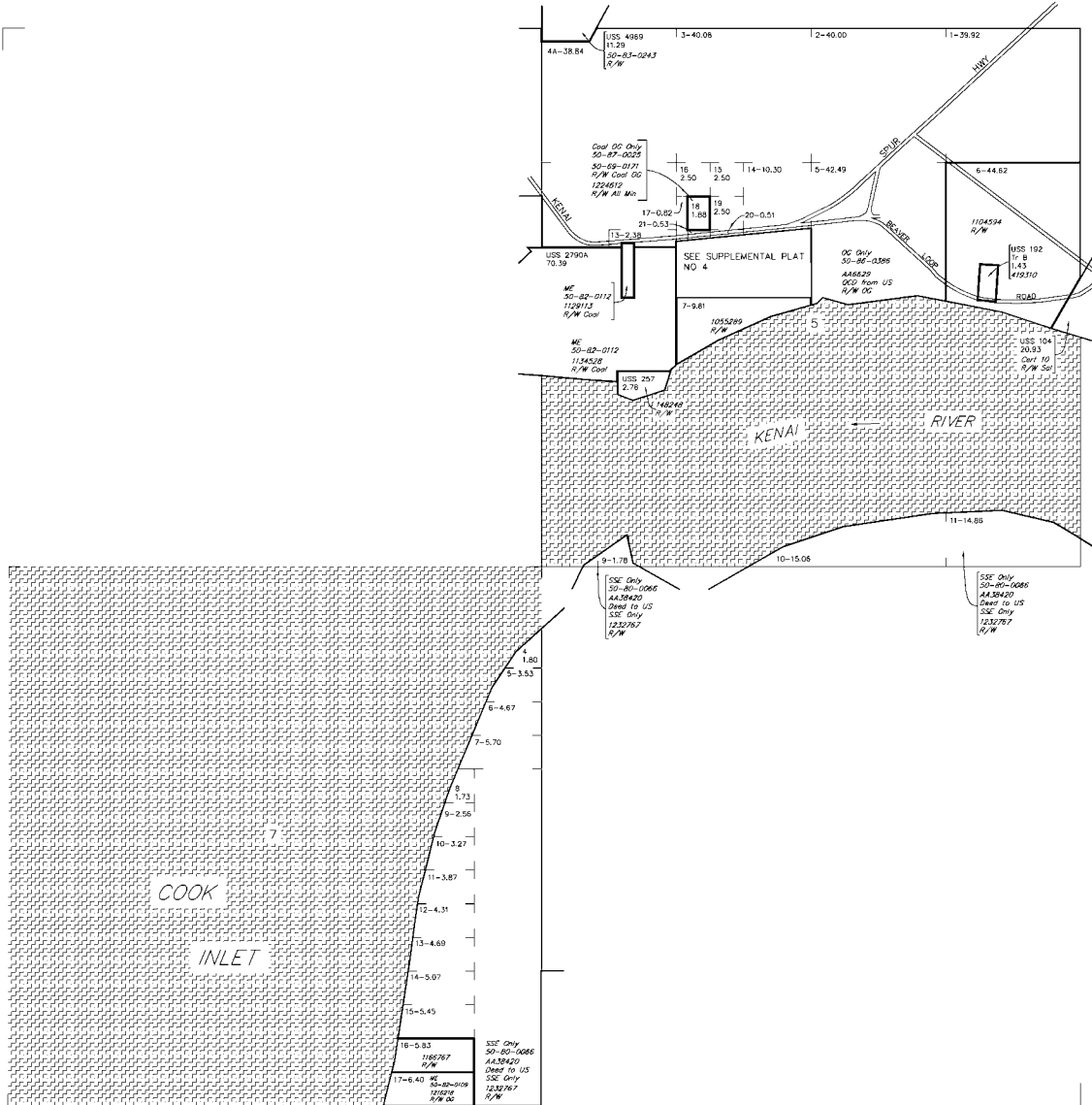
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

**MTP
SUPPL SECS 5 & 7**
NO. 3

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PLO 5184 W&M CI affects Lds/Interests not conveyed

A058731 SS ME entire Tp



CURRENT TO	NO J
9-29-2005	Sew Mer
	T 5 N
	R 11 W

WARNING: This plat is the Bureau's Record of Sale, and should be used only as a graphic display of the township survey data. Records herein do not reflect title changes which may have been effected by later monuments of rivers or other bodies of water. Refer to the coastal surveys for official survey information.

SURVEYED TOWNSHIP 5 NORTH RANGE 11 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

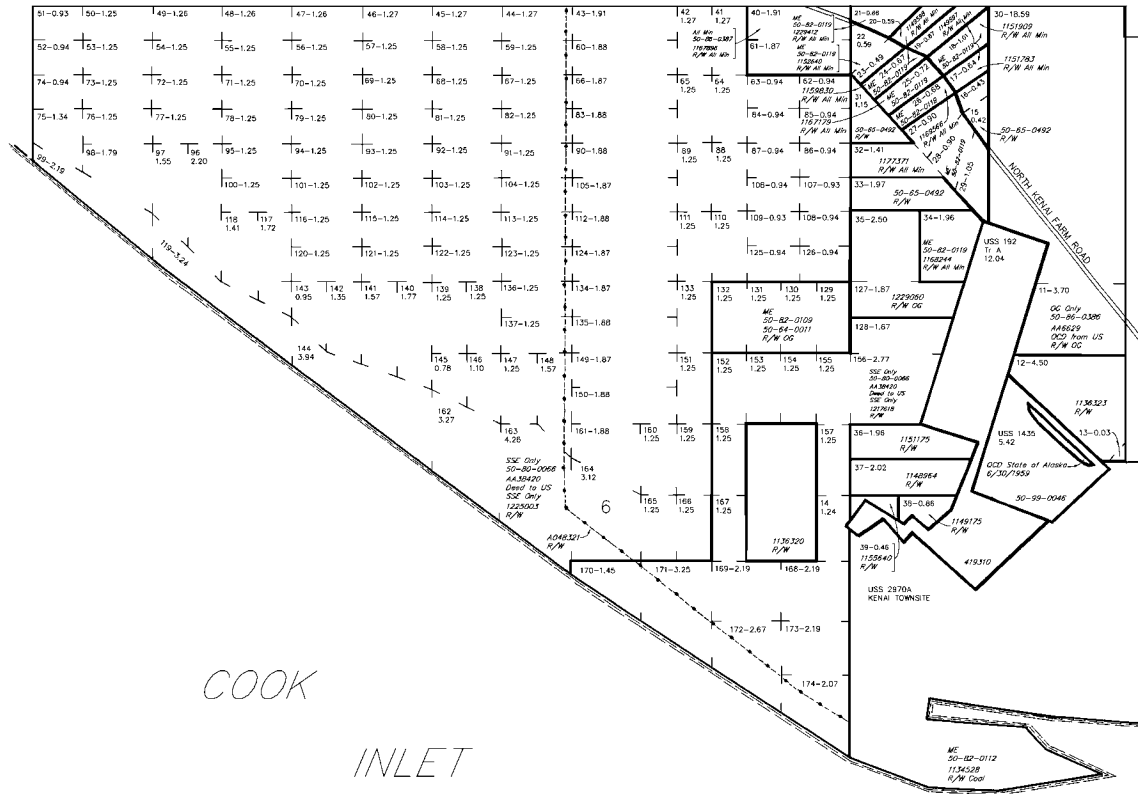
**MTP
SUPPL SEC 6**

NO 5

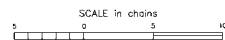
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PLO 5184 W&I affects Lds/Interests not conveyed

A058731 SS ME Entire Tp



COOK
INLET



WARNING: This plat is the Bureau's Record of Sale, and should be used only as a graphic display of the township survey data. Records herein do not reflect title changes which may have been effected by later monuments of rivers or other bodies of water. Refer to the coastal surveys for official survey information.

CURRENT TO		NO 5
9-29-2005		Sew Mer
		T 5 N
		R 11 W

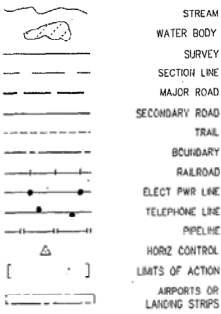
NW 1/4 SEC 5 TOWNSHIP 5N RANGE 11W OF THE SEWARD MERIDIAN, ALASKA

LAND ESTATE

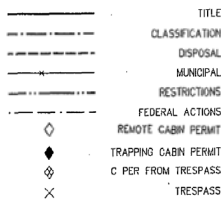
GRAPHIC REPRESENTATION ONLY. SOURCE DOCUMENTS REMAIN THE OFFICIAL RECORD.

LEGEND

BASE INFORMATION



STATUS INFORMATION



SECTION NUMBERING GRID

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36



BASED ON

COORDINATES:
ALASKA STATE PLANE ZONE 4
S1 CORNER OF TOWNSHIP:
X = 286811.903
Y = 576624.193
LAT. 66 09 58.088 N
LONG. 151 08 50.222 W

HYDROGRAPHY:
USGS BATHY (B1), (B4), (C3), AND (C4) BATHY PHOTO REVISED
FROM AERIAL HIGH ALTITUDE PHOTOGRAPHY 1978-1985

LAND REC:
NO. PROTECTION DIAGRAM S11-11, APPROVED 08/30/1863
USGS SUPPLEMENTAL PLAT ELIMINATING LOT 1, SECTION 24,
CREATING LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 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2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035

NE 1/4 SEC 6 TOWNSHIP 5N RANGE 11W OF THE SEWARD MERIDIAN, ALASKA

LAND ESTATE

GRAPHIC ELLIPTICITY ONLY, SEE CITY DOCUMENTS REPLY THE OFFICIAL RECORD

LEGEND

BASE INFORMATION

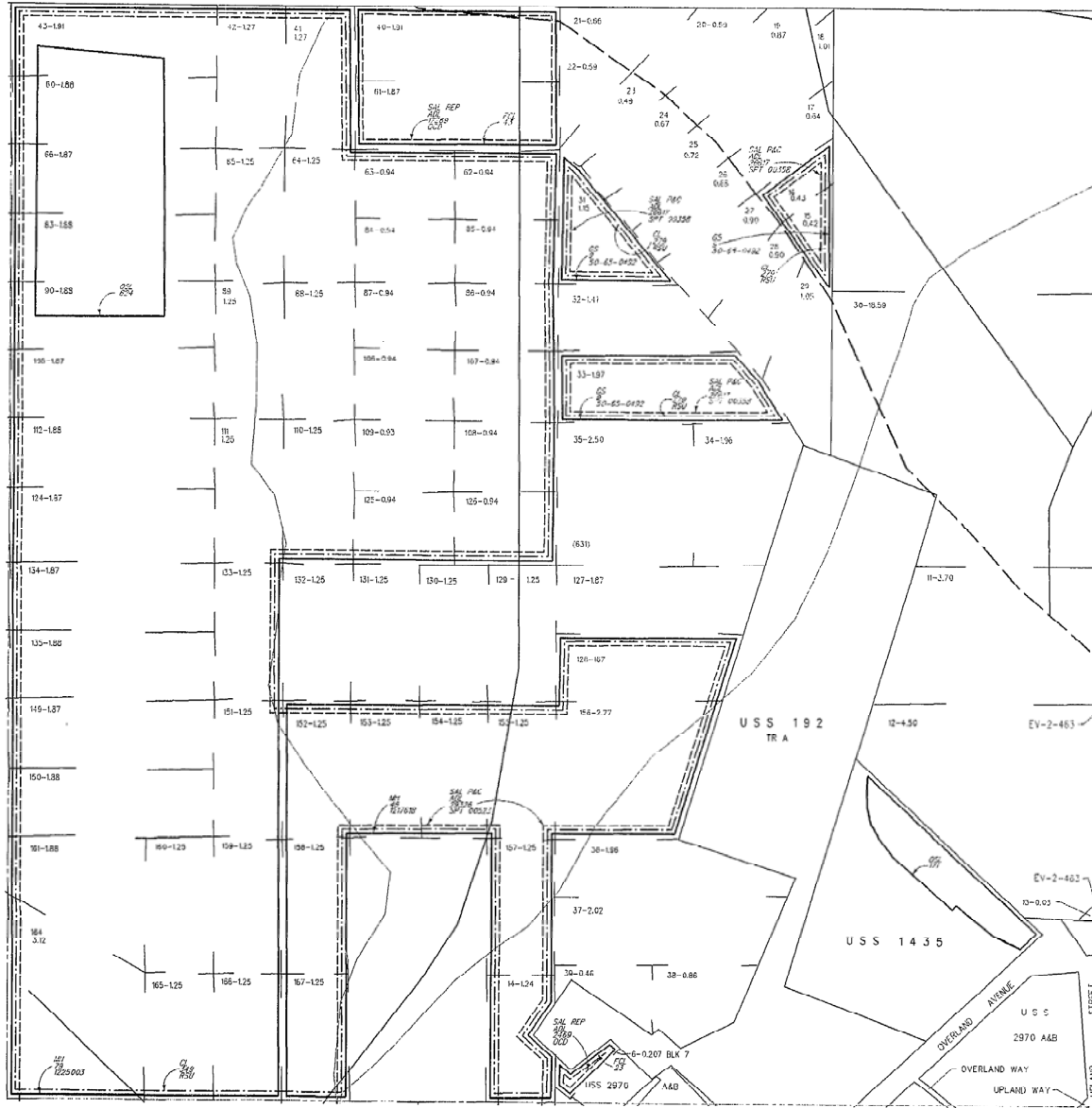
- STREAM
- WATER BODY
- SURVEY
- SECTION LINE
- MAJOR ROAD
- SECONDARY ROAD
- TRAIL
- BOUNDARY
- RAILROAD
- ELECT PWR LINE
- TELEPHONIC LINE
- PIPELINE
- HORIZ CONTROL
- LIMITS OF ACTION
- AIRPORTS OR LANDING STRIPS

STATUS INFORMATION

- TITLE
- CLASSIFICATION
- DISPOSAL
- MUNICIPAL
- RESTRICTIONS
- FEDERAL ACTIONS
- REMOTE CABIN PERMIT
- TRAPPING CABIN PERMIT
- C PER FROM TRESPASS
- TRESPASS

SECTION NUMBERING GRID

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36



BASED ON

CORNER DATA PLATE ZONE 4
 25 CORNER OF TOWNSHIP
 1 19562133
 1 19562133
 LONG 151 OF SECTION 6

NOTES: GRAPHIC ELLIPTICITY ONLY, SEE CITY DOCUMENTS REPLY THE OFFICIAL RECORD

CLASSIFICATION

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ACTIONS AFFECTING DISPOSAL OR USE OF STATE LANDS

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ATTENTION: MENTAL HEALTH LAND INFORMATION

Designated Mental Health Trust Land pursuant to secs. 4 and 5, ch. 1, SSSLA 1994. Consult LAS for further information.

Original Mental Health Grant Land (MH) not shown as Mental Health Trust Land is redesignated as General Grant Land pursuant to secs. 6 and 7, ch. 1, SSSLA 1994. Consult LAS for further information.

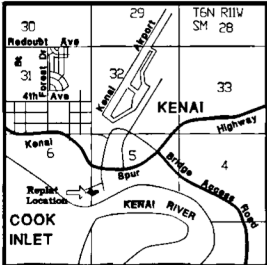


OW-1

A PRODUCT OF THE
 STATE OF ALASKA
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF MANAGEMENT
 AUTOMATED DRAFTING SYSTEM

NE 1/4
 SEC 6
 LE
 TWP 5N
 RNG 11W
 SM

BY: QUALITY CONTROL CHECKED: DATE: 11/25/94



ORIGINAL TOWNSITE OF KENAI

2001 REPLAT

A replat of Lots 5 & 7 Block 15 Kenai Townsite (USS 2970B)
 Located in the SW1/4 Section 5 & the SE1/4 Section 6 T6N R11W
 S1M City of Kenai Alaska
 Kenai Recording District KPB File 2001-101

Prepared for

Will Jahrig
 PO Box 51
 Kenai Ak 99611

Prepared by

Johnson Surveying
 Box 27
 Clam Gulch, Ak 99568



SCALE 1" = 50' AREA = 28,811 sq ft 5 May, 2001

LEGEND

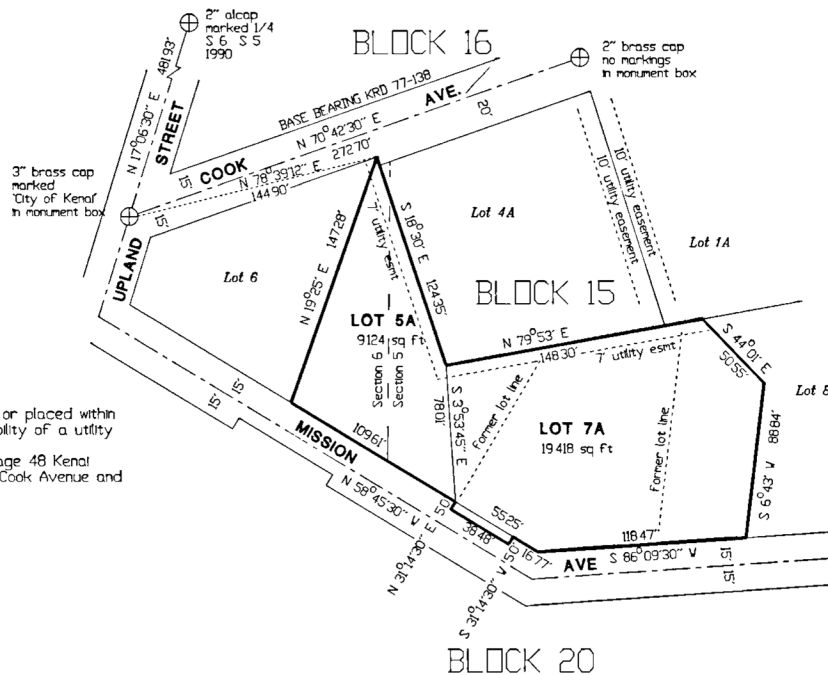
- ⊕ - Survey monument as described found
- ⊙ -
- ⊠ - 1/2" rebar lot corner found

VICINITY 1" = 1 mile MAP

2002-10

RECORDED-FILED

Kenai REC DIST
 DATE 2-19 2002
 TIME 3:44 P M
 Requested by:
 Johnson Surveying
 Box 27
 Clam Gulch Ak 99568



NOTES

- 1 No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement
- 2 A public use easement recorded in Book 28 Page 48 Kenai Records extends 20 Feet From centerline of Cook Avenue and affects the northerly 5 Feet of Lot 5A

WASTEWATER DISPOSAL

Plans for wastewater disposal that meet regulatory requirements are on file at the Alaska Dept of Environmental Conservation

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 25 June 2001

KENAI PENINSULA BOROUGH

By: Mary Ann Alfano 2-19-02
 Authorized Official Date

OWNERSHIP CERTIFICATE & DEDICATION

We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of replat and by our Free consent dedicate all RULVs to public use and grant all easements to the use shown. We further certify that Deeds of Trust affecting this property do not contain restrictions which would prohibit this subdivision or require signature and approval of beneficiaries

George Pistlonis PD Box 2917 Kenai Ak 99611
 Owner Lot 7 Block 15

Mary Ann Alfano PD Box 1618 Kenai AK 99611
 Owner Lot 7 Block 15

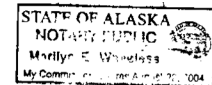
Robert Merle Cowan PD Box 1681 Kenai AK 99611
 Trustee, Cowan Living Trust (Owner Lot 5 Block 15)

NOTARY'S ACKNOWLEDGEMENT

For: George Pistlonis & Mary Ann Alfano
 Subscribed and sworn to before me this 6th
 day of December 2001

Marilyn E. Wheelless
 Notary Public For Alaska

My commission expires 8/22/04

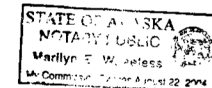


NOTARY'S ACKNOWLEDGEMENT

For: Robert Merle Cowan
 Subscribed and sworn to before me this 6th
 day of December 2001

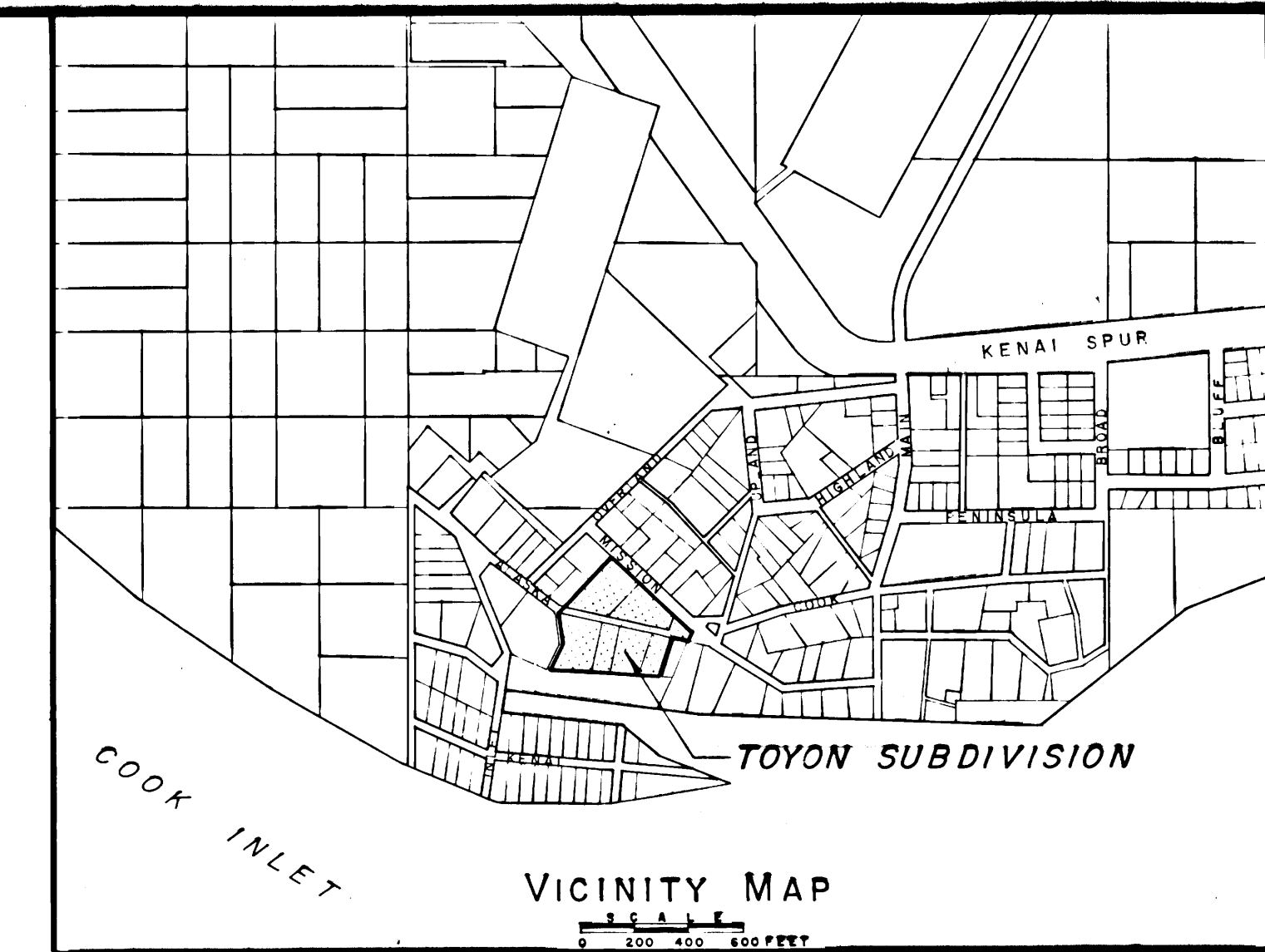
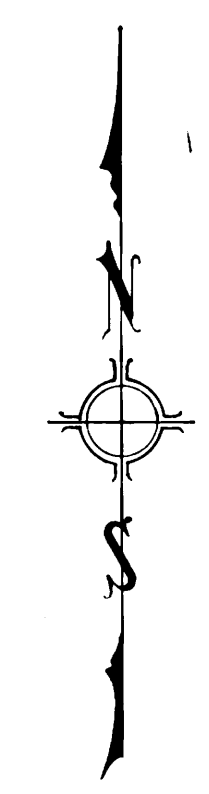
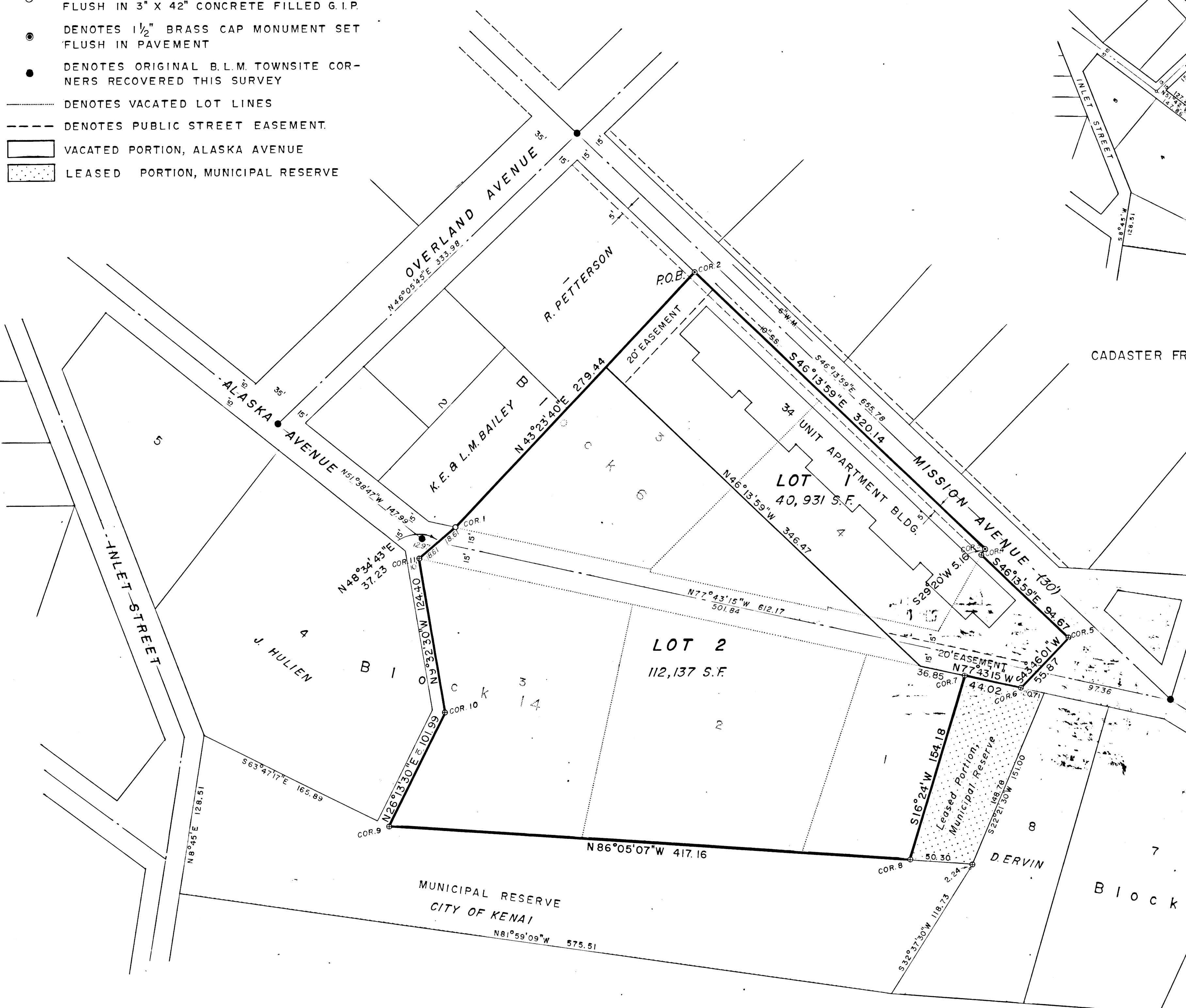
Marilyn E. Wheelless
 Notary Public For Alaska

My commission expires 8/22/04



LEGEND

- ⊕ DENOTES 5/8" X 42" STEEL ROD SET THIS SURVEY.
- DENOTES 2 1/2" BRASS CAP MONUMENT SET FLUSH IN 3" X 42" CONCRETE FILLED G.I.P.
- DENOTES 1 1/2" BRASS CAP MONUMENT SET FLUSH IN PAVEMENT
- DENOTES ORIGINAL B.L.M. TOWNSITE CORNERS RECOVERED THIS SURVEY
- DENOTES VACATED LOT LINES
- - - DENOTES PUBLIC STREET EASEMENT.
- ▭ VACATED PORTION, ALASKA AVENUE
- ▨ LEASED PORTION, MUNICIPAL RESERVE



METES AND BOUNDS DESCRIPTION

THAT CERTAIN PARCEL OF LAND FORMERLY DESCRIBED AS LOTS 3 & 4 OF BLOCK 6, & LOTS 1, 2 & 3 OF BLOCK 14, TOWNSITE OF KENAI, ALASKA, U.S. SURVEY NO. 2970 B, TOGETHER WITH A VACATED PORTION OF ALASKA AVENUE DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

1. BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 6, SAID U.S. SURVEY NO. 2970 B;
2. THENCE S46°13'59"E 320.14 FEET;
3. THENCE S29°20'00"W 5.16 FEET;
4. THENCE S46°13'59"E 94.67 FEET;
5. THENCE S43°46'01"W 55.87 FEET;
6. THENCE N77°43'15"W 44.02 FEET;
7. THENCE S16°24'00"W 154.18 FEET;
8. THENCE N86°05'07"W 417.16 FEET;
9. THENCE N26°13'30"E 101.99 FEET;
10. THENCE N 9°32'30"W 124.40 FEET;
11. THENCE N48°34'43"E 37.23 FEET;
12. THENCE N43°23'40"E 279.44 FEET TO THE POINT OF BEGINNING;
13. SAID PARCEL CONTAINING AN AREA OF 3.514 ACRES MORE-OR-LESS.

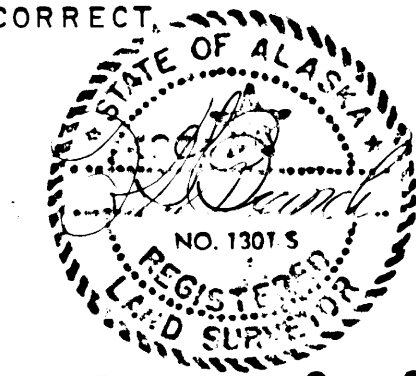
C 1592

RECORDED - FILED
 DATE 11/29/68
 TIME 11:00 A
 BY [Signature]

CERTIFICATE OF REGISTERED SURVEYOR

I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT THIS PLAN REPRESENTS A SURVEY MADE UNDER MY DIRECT SUPERVISION AND THAT THE MONUMENTS ACTUALLY EXIST AS LOCATED AND THAT DIMENSIONAL AND OTHER DETAILS ARE CORRECT.

Date 6/10 1968



CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SURVEY WITH FREE CONSENT AND HEREBY ACCEPT THAT PORTION OF ALASKA AVENUE SHOWN WITHIN THE BOUNDARIES OF SAID LOT 1A, BLOCK 14, WHICH HAS BEEN VACATED BY FORMAL ACTION OF THE CITY OF KENAI.

Witness: [Signatures]

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF June 1968

[Signature] MY COMMISSION EXPIRES 4-29 1976
 Notary For Alaska

REVISED AREAS

LOT 1, 2 & 3, BLOCK 14	75,460 SQ. FT.
LOT 3 & 4, BLOCK 6	59,251 SQ. FT.
VACATED PORTION, ALASKA AVENUE	18,357 SQ. FT.
TOTAL AREA	153,068 SQ. FT.

ORIGINAL AREA, MUNICIPAL RESERVE	67,883 SQ. FT.
LEASED PORTION, MUNICIPAL RESERVE	8,527 SQ. FT.
REMAINING AREA, MUNICIPAL RESERVE	59,356 SQ. FT.

KENAI PENINSULA BOROUGH

I HEREBY CERTIFY THAT THIS PLAT OF SURVEY HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AND THAT SAID PLAT HAS BEEN APPROVED BY THE SAID COMMISSION.

Date JUNE 17 1968
 [Signature]
 CHAIRMAN

KENAI CITY PLANNING COMMISSION

I HEREBY CERTIFY THAT THIS PLAT OF SURVEY HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF THE KENAI CITY PLANNING COMMISSION AND THAT SAID PLAT HAS BEEN APPROVED BY THE SAID COMMISSION.

Received 12 June 1968 Approved 12 June 1968
 [Signatures]
 CHAIRMAN SECRETARY

KENAI CITY COUNCIL

THIS IS TO CERTIFY THAT THIS PLAT WAS DULY SUBMITTED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENAI, ALASKA BY COUNCIL RESOLUTION NUMBER 68-36 DULY AUTHENTICATED AS PASSED THIS 19th DAY OF June 1968. WE FURTHER CERTIFY THAT THE PORTION OF ALASKA AVENUE SHOWN WITHIN THE BOUNDARIES OF SAID LOT 1A, BLOCK 14, HAS BEEN VACATED BY CITY ORDINANCE.

[Signatures]
 MAYOR CITY CLERK

TOYON SUBDIVISION

LEGAL DESCRIPTION
 RESUBDIVISION OF LOTS 3 AND 4 OF BLOCK 6 AND LOTS 1, 2 AND 3 OF BLOCK 14, TOWNSITE OF KENAI, U.S. SURVEY NO. 2970 B, TOGETHER WITH A VACATED PORTION OF ALASKA AVENUE, RESURVEYED AND PLATTED AS LOTS 1 AND 2 OF THE TOYON SUBDIVISION.

PREPARED FOR SNOW STAR INVESTMENT CORP P.O. BOX 240 ANCHORAGE, ALASKA SCALE 1"=50'	PREPARED BY K. G. BRANCH REGISTERED LAND SURVEYOR KENAI, ALASKA DATE 6/8/68
--	---



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2022-03**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT TOYON SUBDIVISION 2021 REPLAT ATTACHED HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Edge Survey and Design and,

WHEREAS, the plat meets Municipal Code requirements of the Townsite Historic (TSH); and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access is provided via Alaska Avenue, which is a paved, City maintained road; and

WHEREAS, City water and sewer lines are located along Mission Avenue; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot would be arranged to provide satisfactory and desirable building sites, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meets City standards for minimum lot sizes.
3. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the proposed lots meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

NOW, THEREFORE, BE IT RECOMMENDED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

Section 1. That the preliminary plat of Toyon Subdivision 2021 Replat be approved subject to the following conditions:

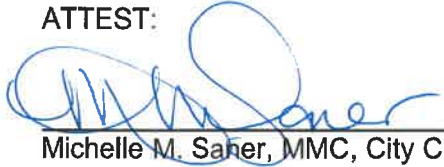
1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The Kenai City Council must declare that the two 20' public street easements to be vacated is not needed for a public purpose and approve the vacation of the 20' public street easements as shown on the preliminary plat.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 26th day of January, 2022.



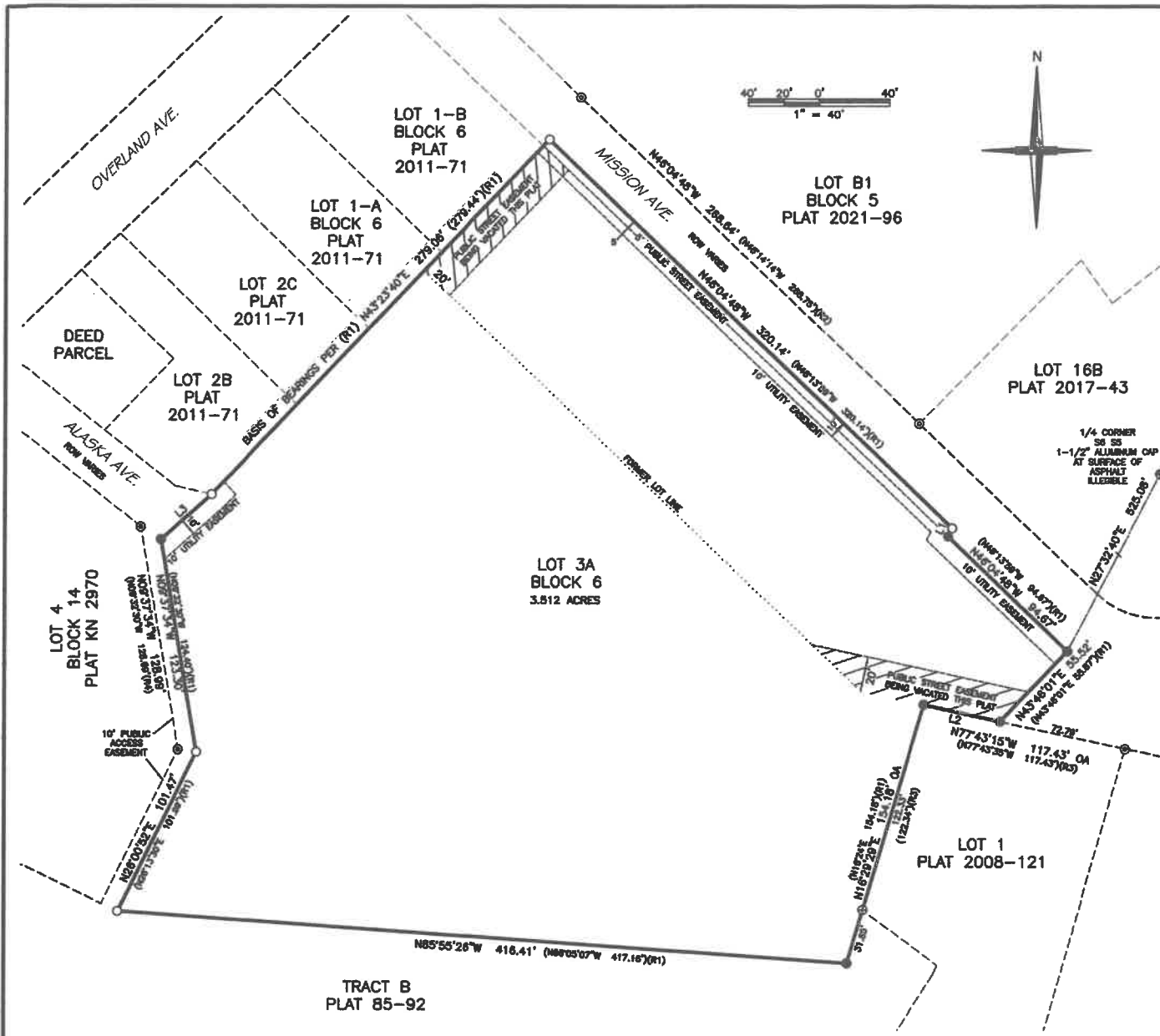
JEFF TWAIT, CHAIRPERSON

ATTEST:



Michelle M. Saher, MMC, City Clerk





LEGEND

- ⊙ MONUMENT FOUND AS REFERENCED
 - PROPERTY CORNER FOUND 5/8" REBAR
 - ⊙ PROPERTY CORNER FOUND 5/8" REBAR WITH BLUE PLASTIC CAP STAMPED LS-11795
 - ⊙ PROPERTY CORNER FOUND 5/8" REBAR WITH 1-1/2" ALUMINUM CAP
 - ⊙ PROPERTY CORNER FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP STAMPED LS-8101
 - ⊙ SET SECONDARY MONUMENT 5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2021
 - (R1) RECORD DATA, SEE REFERENCE
 - KRD KENAI RECORDING DISTRICT
 - OA OVERALL
- _____ PARCEL BOUNDARY
 - FORMER LOT LINE
 - ADJACENT PROPERTY LINE
 - EASEMENT
 - MONUMENT TIE
 - ▨ PUBLIC STREET EASEMENT BEING VACATED

LINE TABLE

LINE	BEARING	DISTANCE
L1	S27°01'06"W	5.23'
L1(R1)	S29°20'W	5.18'
L2	S77°43'15"E	44.84'
L2(R1)	S77°43'15"E	44.02'
L3	S48°34'43"W	38.83'
L3(R1)	S48°34'43"W	37.23'

REFERENCES

- (R1) TOYON SUBDIVISION, PLAT K-1592, KENAI RECORDING DISTRICT
- (R2) TOWNSITE OF KENAI KENAITZE ADDITION SUBDIVISION, PLAT 2012-11, KENAI RECORDING DISTRICT
- (R3) ENDOLESS VIEW, PLAT 2008-121, KENAI RECORDING DISTRICT
- (R4) TOWNSITE OF KENAI, PLAT K-2870, KENAI RECORDING DISTRICT

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 13, 2021.
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

CERTIFICATE OF ACCEPTANCE AND DEDICATION BY CITY OF KENAI

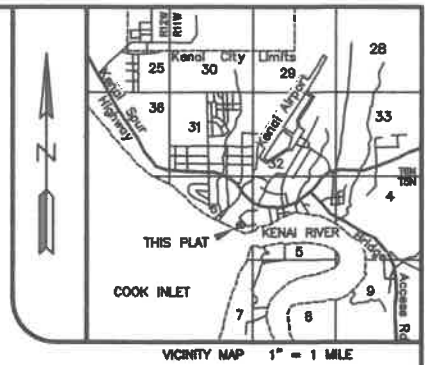
THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT IDENTIFIED AS FOLLOWS:
VACATION OF PUBLIC STREET EASEMENTS AS SHOWN.
THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: PAUL OSTRANDER -- CITY MANAGER
CITY OF KENAI
210 FIDALGO AVE.
KENAI, ALASKA 99611

DATE _____

CERTIFICATE OF SURVEYOR

I, MARK ALMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT KENAITZE INDIAN TRIBE IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HERE AND THAT ON BEHALF OF KENAITZE INDIAN TRIBE I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

CHELSEA HENDRIKS, INTERIM EXECUTIVE DIRECTOR
PO BOX 988
KENAI, ALASKA 99611
KENAITZE INDIAN TRIBE IRA
KENAITZE INDIAN TRIBE

NOTARY ACKNOWLEDGEMENT

FOR: CHELSEA HENDRIKS
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

NOTARY PUBLIC SIGNATURE



KPB FILE No. 2022-000

**TOYON SUBDIVISION
2021 REPLAT
AND PUBLIC STREET EASEMENT
VACATION**

A REPLAT OF
LOTS 1 AND 2 BLOCK 5
TOYON SUBDIVISION
PLAT K-1592

OWNERS:
KENAITZE INDIAN TRIBE IRA
KENAITZE INDIAN TRIBE
PO BOX 988
KENAI, ALASKA 99611

LOCATED WITHIN SE 1/4, SECTION 6,
T.5N., R.11W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT
CITY OF KENAI

CONTAINING 3.512 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
NECL# 1392

DRAWN BY: JY DATE: 12/22/2021 PROJECT: 21-815
CHECKED BY: MA SCALE: 1" = 40' SHEET: 1 OF 1

NOTES

1. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.
2. DEVELOPMENT OF THIS PARCEL SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
3. THE FRONT 10 FEET ADJACENT TO RIGHT OF WAY IS AN UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH COULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. PUBLIC STREET EASEMENT VACATION WAS APPROVED BY KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF FEBRUARY 13, 2022.
5. GENERAL PUBLIC IMPROVEMENT, ELECTRIC TRANSMISSION AND DISTRIBUTION LINES EASEMENTS. LOCATION NOT DEFINED, GRANTED TO CITY OF KENAI, HAVING THE FOLLOWING RECORDING INFORMATION. RECORDED APRIL 1, 1988. VOLUME: 50, PAGE: 247. KRD.
6. DISCLAIMER OF INTEREST, INCLUDING THE TERMS AND CONDITIONS THEREIN: RECORDED: SEPTEMBER 18, 2004. SERIAL NO.: 2004-009237-0. KRD.
7. WASTEWATER DISPOSAL: CITY WATER AND SEWER ARE AVAILABLE TO SERVE THIS PARCEL. PLANS FOR WASTEWATER TREATMENT AND DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

AGENDA ITEM F. PUBLIC HEARING

X. State application for a marijuana establishment license; Sterling Area

STAFF REPORT

PC MEETING: Monday, February 28, 2022

Applicant: L & H Enterprises LLC

Landowner: Stephen T. Lovelace

Parcel ID#: 06550004

Legal Description: T 5N R 8W SEC 23 SEWARD MERIDIAN KN 0720031 GREEN ACRES SUB TRACT 2

Location: 29945 Aspen Avenue, Sterling, AK 99672

BACKGROUND INFORMATION: On Tuesday, April 13, 2021 the applicant notified the borough that he/she had submitted an application to the state for a Standard Marijuana Cultivation Facility license. On Thursday, April 22, 2021 the applicant supplied the borough with a signed acknowledgement form and a site plan on Thursday, April 22, 2021 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 Thursday, January 27, 2022. 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 site plan indicates that the approach is or will be constructed to a minimum width of 28 feet where it accesses the 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. 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 Thursday, February 03, 2022 to the 12 landowners of the parcels within 300 feet of the subject parcel. Public notice of the application was published in the Wednesday, February 16, 2022 & Wednesday, February 23, 2022 issues of the Peninsula Clarion.

KPB AGENCY REVIEW: Application information was provided to pertinent KPB staff and other agencies on Thursday, February 03, 2022.

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



Applicant: L & H Enterprises LLC

KPB Parcel ID: 06550004

Adjacent Land Use Map



AMCO # 29493

- 1000ft Radius
- 500ft Radius
- 300ft Notification Area
- Parcel Boundary

Land Usage in 1000ft radius

- Accessory Building
3 parcels
- Residential
26 parcels
- Vacant
44 parcels

Vicinity



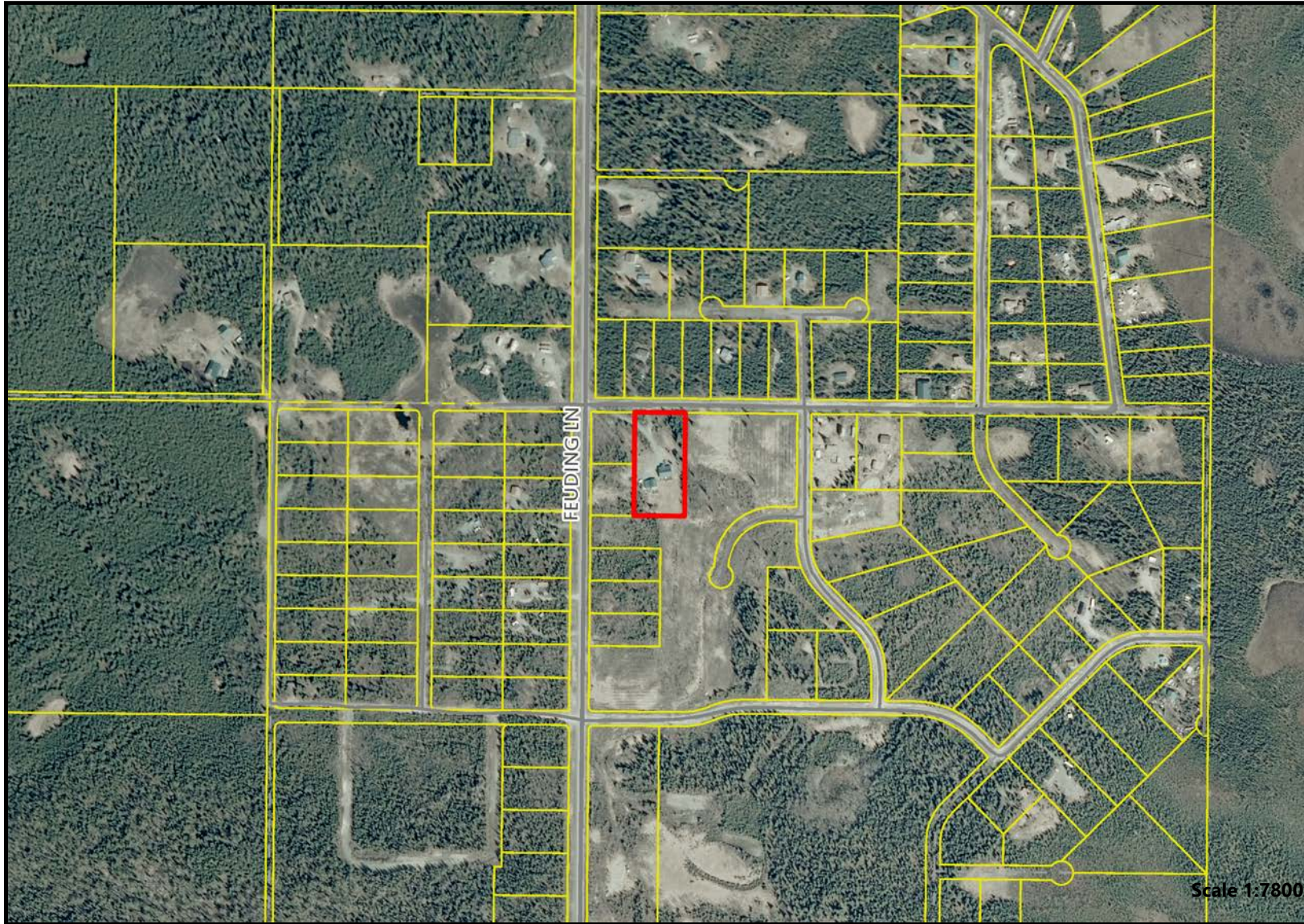
Radii shown depict the distance from the parcel boundaries. KPB 7.30 states that the distance must be measured by the shortest pedestrian route. If there were relevant facilities within the 500-foot or 1,000-foot radius, the shortest pedestrian path would be measured and depicted here.





Applicant: L & H Enterprises LLC

KPB Parcel ID: 06550004

Aerial Imagery Map



-  Parcel Boundary
-  All Other Parcels

Scale 1:7800

Vicinity



Department of Commerce, Community, and Economic
Development
**CORPORATIONS, BUSINESS &
PROFESSIONAL LICENSING**

[State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database](#)
[Download / Corporations / Entity Details](#)

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	L & H Enterprises LLC

Entity Type: Limited Liability Company

Entity #: 10158775

Status: Good Standing

AK Formed Date: 3/22/2021

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2023

Entity Mailing Address: 29945 ASPEN AVE, STERLING , AK 99672

Entity Physical Address: 29945 ASPEN AVE, STERLING , AK 99672

Registered Agent

Agent Name: Shantell Hacker

Registered Mailing Address: P.O. BOX 908, STERLING, AK 99672

Registered Physical Address: 35150 SCOUT LAKE LOOP, STERLING, AK 99672

Officials

Show Former

AK Entity #	Name	Titles	Owned
	Shantell Hacker	Member	50.00
	Stephen T Lovelace	Member	50.00

Filed Documents

Date Filed	Type	Filing	Certificate
3/22/2021	Creation Filing	Click to View	Click to View
3/22/2021	Initial Report	Click to View	

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State of Alaska
Department of Commerce, Community, and Economic Development
Corporations, Business, and Professional Licensing

Certificate of Organization

The undersigned, as Commissioner of Commerce, Community, and Economic Development of the State of Alaska, hereby certifies that a duly signed and verified filing pursuant to the provisions of Alaska Statutes has been received in this office and has been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Commerce, Community, and Economic Development, and by virtue of the authority vested in me by law, hereby issues this certificate to

L & H Enterprises LLC



IN TESTIMONY WHEREOF, I execute the certificate and affix the Great Seal of the State of Alaska effective **March 22, 2021**.

A handwritten signature in cursive script that reads "Julie Anderson".

Julie Anderson
Commissioner



THE STATE of ALASKA

Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806
(907) 465-2550 • Email: corporations@alaska.gov
Website: corporations.alaska.gov

AK Entity #: 10158775
Date Filed: 03/22/2021
State of Alaska, DCCED

FOR DIVISION USE ONLY

Domestic Limited Liability Company
Initial Biennial Report

Entity Name: L & H Enterprises LLC
Entity Number: 10158775
Home Country: UNITED STATES
Home State/Prov.: ALASKA
Physical Address: 29945 ASPEN AVE, STERLING , AK 99672
Mailing Address: 29945 ASPEN AVE, STERLING , AK 99672

Registered Agent information cannot be changed on this form. Per Alaska Statutes, to update or change the Registered Agent information this entity must submit the Statement of Change form for this entity type along with its filing fee.

Name: Shantell Hacker
Physical Address: 35150 SCOUT LAKE LOOP, STERLING, AK 99672
Mailing Address: P.O. BOX 908, STERLING, AK 99672

Officials: The following is a complete list of officials who will be on record as a result of this filing.

- Provide all officials and required information. Use only the titles provided.
Mandatory Members: this entity must have at least one (1) Member. A Member must own a %. In addition, this entity must provide all Members who own 5% or more of the entity. A Member may be an individual or another entity.
Manager: If the entity is manager managed (per its articles or amendment) then there must be at least (1) Manager provided. A Manager may be a Member if the Manager also owns a % of the entity.

Table with 4 columns: Full Legal Name, Complete Mailing Address, % Owned, Member. Rows include Stephen T Lovelace and Shantell Hacker.

If necessary, attach a list of additional officers on a separate 8.5 X 11 sheet of paper.

NAICS Code: 111998 - ALL OTHER MISCELLANEOUS CROP FARMING

New NAICS Code (optional): [Empty box]

This form is for use by the named entity only. Only persons who are authorized by the above Official(s) of the named entity may make changes to it. If you proceed to make changes to this form or any information on it, you will be certifying under penalty of perjury that you are authorized to make those changes, and that everything on the form is true and correct. In addition, persons who file documents with the commissioner that are known to the person to be false in material respects are guilty of a class A misdemeanor. Continuation means you have read this and understand it.

Name: Shantell Lacie Hacker

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806

This is to certify that

L & H Enterprises LLC

P.O. Box 908, Sterling, AK 99672

owned by

L & H Enterprises LLC

is licensed by the department to conduct business for the period

December 2, 2021 to December 31, 2023
for the following line(s) of business:

11 - Agriculture, Forestry, Fishing and Hunting



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Julie Anderson
Commissioner

OPERATING AGREEMENT FOR MEMBER-MANAGED LIMITED LIABILITY COMPANY

I. PRELIMINARY PROVISIONS

(1) *Effective Date:* This operating agreement of L & H Enterprises effective 3/20/2021, is adopted by the members whose signatures appear at the end of this agreement (the "Agreement").

(2) *Formation:* This limited liability company (LLC) was formed by filing Articles of Organization, a Certificate of Formation or a similar organizational document with the LLC filing office of the state of Alaska on 3/20/21. A copy of this organizational document has been placed in the LLC's records book.

(3) *Name:* The formal name of this LLC is as stated above. However, this LLC may do business under a different name by complying with the state's fictitious or assumed business name statutes and procedures.

(4) *Registered Office and Agent:* The registered office of this LLC and the registered agent at this address are as follows:

The registered office and agent may be changed from time to time as the members may see fit, by filing a change of registered agent or office form with the state LLC filing office. It will not be necessary to amend this provision of the operating agreement if and when such a change is made.

(5) *Business Purposes:* The specific business purposes and activities contemplated by the founders of this LLC at the time of initial signing of this agreement consist of the following:

Cultivation & Manufacturing

It is understood that the foregoing statement of purposes shall not serve as a limitation on the powers or abilities of this LLC, which shall be permitted to engage in any and all lawful business activities. If this LLC intends to engage in business activities outside the state of its formation that require the qualification of the LLC in other states, it shall obtain such qualification before engaging in such out-of-state activities.

(6) *Duration of LLC:* The duration of this LLC shall be perpetually. Further, this LLC shall terminate when a proposal to dissolve the LLC is adopted by the membership of this LLC or when this LLC is otherwise terminated in accordance with law.

II. MEMBERSHIP PROVISIONS

(1) *Non-liability of Members:* No member of this LLC shall be personally liable for the expenses, debts, obligations or liabilities of the LLC, or for claims made against it.

(2) *Reimbursement for Organizational Costs:* Members shall be reimbursed by the LLC for organizational expenses paid by the members. The LLC shall be authorized to elect to deduct organizational expenses and start-up expenditures ratably over a period of time as permitted by the Internal Revenue Code and as may be advised by the LLC's tax advisor.

(3) *Management:* This LLC shall be managed exclusively by all of its members

(4) *Members' Percentage Interests:* A member's percentage interest in this LLC shall be computed as a fraction, the numerator of which is the total of a member's capital account and the denominator of which is the total of all capital accounts of all members. This fraction shall be expressed in this agreement as a percentage, which shall be called each member's "percentage interest" in this LLC.

(5) *Membership Voting:* Except as otherwise may be required by the Articles of Organization, Certificate of Formation or a similar organizational document, other provisions of this operating agreement, or under the laws of this state, each member shall vote on any matter submitted to the membership for approval in proportion to the member's percentage interest in this LLC. Further, unless defined otherwise for a particular provision of this operating agreement, the phrase "majority of members" means the vote of members whose combined votes equal more than 50% of the votes of all members in this LLC.

(6) *Compensation:* Members shall not be paid as members of the LLC for performing any duties associated with such membership, including management of the LLC. Members may be paid, however, for any services rendered in any other capacity for the LLC, whether as officers, employees, independent contractors or otherwise.

(7) *Members' Meetings:* The LLC shall not provide for regular members' meetings. However, any member may call a meeting by communicating his or her wish to schedule a meeting to all other members. Such notification may be in person or in writing, or by telephone, facsimile machine, or other form of electronic communication reasonably expected to be received by a member, and the other members shall then agree, either personally, in writing, or by telephone, facsimile machine or other form of electronic communication to the member calling the meeting, to meet at a mutually acceptable time and place. Notice of the business to be transacted at the meeting need not be given to members by the member calling the meeting, and any business may be discussed and conducted at the meeting. If all members cannot attend a meeting, it shall be postponed to a date and time when all members can attend, unless all members who do not attend have agreed in writing to the holding of the meeting without them. If a meeting is postponed, and the postponed meeting cannot be held either because all members do not attend the postponed meeting or the non-attending members have not signed a written consent to allow the postponed meeting to be held without them, a second postponed meeting may be held at a date and time announced at the first postponed meeting. The date and time of the second postponed meeting shall also be communicated to any members not attending the first postponed meeting. The second postponed meeting may be held without the attendance of all members as long as a majority of the percentage interests of the membership of this LLC is in attendance at the second postponed meeting. Written notice of the decisions or approvals made at this second postponed meeting shall be mailed or delivered to each non-attending member promptly after the holding of the second postponed meeting. Written minutes of the discussions and proposals presented at a members' meeting, and the votes taken and matters approved at such meeting, shall be taken by one of the members or a person designated at the meeting. A copy of the minutes of the meeting shall be placed in the LLC's records book after the meeting.

(8) *Membership Certificates:* This LLC shall be authorized to obtain and issue certificates representing or certifying membership interests in this LLC. Each certificate shall show the name of the LLC, the name of the member, and state that the person named is a member of the LLC and is entitled to all the rights granted members of the LLC under the Articles of Organization, Certificate of Formation or a similar organizational document, this operating agreement and provisions of law. Each membership certificate shall be consecutively numbered and signed by one or more officers of this LLC. The certificates shall include any additional information considered appropriate for inclusion by the members on membership certificates. In addition to the above information, all membership certificates shall bear a prominent legend on their face or reverse side stating, summarizing or referring to any transfer restrictions that apply to memberships in this LLC under the Articles of Organization, Certificate of Formation or a similar organizational document and/or this operating agreement, and the address where a member may obtain a copy of these restrictions upon request from this LLC. The records book of this LLC shall contain a list of the names and addresses of all persons to whom certificates have been issued, show the date of issuance of each certificate, and record the date of all cancellations or transfers of membership certificates.

(9) *Other Business by Members:* Each member shall agree not to own an interest in, manage or work for another business, enterprise or endeavor, if such ownership or activities would compete with this LLC's business goals, mission, profitability or productivity, or would diminish or impair the member's ability to provide maximum effort and performance in managing the business of this LLC.

III. TAX AND FINANCIAL PROVISIONS

(1) *Tax Classification of LLC:* The members of this LLC intend that this LLC be initially classified as a pass through entity for federal and, if applicable, state income tax purposes. It is understood that all members may agree to change the tax treatment of this LLC by signing, or authorizing the signature of, IRS Form 8832, Entity Classification Election, and filing it with the IRS and, if applicable, the state tax department within the prescribed time limits.

(2) *Tax Year and Accounting Method:* The tax year of this LLC shall be 2021. The LLC shall use the cash method of accounting. Both the tax year and the accounting period of the LLC may be changed with the consent of all members if the LLC qualifies for such change, and may be effected by the filing of appropriate forms with the IRS and state tax authorities.

(3) *Tax Matters Partner:* If this LLC is required under Internal Revenue Code provisions or regulations, it shall designate from among its members a "tax matters partner" in accordance with Internal Revenue Code Section 6231 (a) (7) and corresponding regulations, who will fulfill this role by being the spokesperson for the LLC in dealings with the IRS as required under the Internal Revenue Code and Regulations, and who will report to the members on the progress and outcome of these dealings.

(4) *Annual Income Tax Returns and Reports:* Within 60 days after the end of each tax year of the LLC, a copy of the LLC's state and federal income tax returns for the preceding tax year shall be mailed or otherwise provided to each member of the LLC, together with any additional information and forms necessary for each member to complete his or her individual state and federal income tax returns. If this LLC is classified as a partnership for income tax purposes, this additional information shall include a federal (and, if applicable, state) Form K-1 (Form 1065 - Partner's Share of Income, Credits, Deductions) or equivalent income tax reporting form. This additional information shall also include a financial report, which shall include a balance sheet and profit and loss statement for the prior tax year of the LLC.

(5) *Bank Accounts:* The LLC shall designate one or more banks or other institutions for the deposit of the funds of the LLC, and shall establish savings, checking, investment and other such accounts as are reasonable and necessary for its business and investments. One or more members of the LLC shall be designated with the consent of all members to deposit and withdraw funds of the LLC, and to direct the investment of funds from, into and among such accounts. The funds of the LLC, however and wherever deposited or invested, shall not be commingled with the personal funds of any members of the LLC.

(6) *Title to Assets:* All personal and real property of this LLC shall be held in the name of the LLC, not in the names of individual members.

IV. CAPITAL PROVISIONS

(1) *Capital Contributions by Members:* Members shall make the following contributions of cash, property or services as shown next to each member's name below. Unless otherwise noted, cash and property described below shall be paid or delivered to the LLC on or by 3/20/2021. The fair market values of items of property or services as agreed between the LLC and the contributing member are also shown below. The percentage interest in the LLC that each member shall receive in return for his or her capital contribution is also indicated for each member.

<u>NAME & ADDRESS</u>	<u>CONTRIBUTION</u>	<u>% INTEREST IN LLC</u>
(1) <u>Stephen T Lovelace</u> <u>29945 Aspen Ave</u> <u>Sterling Ak 99672</u>	<u>\$50,000.00</u>	<u>50%</u>
(2) <u>Shantell L Hacker</u>	<u>\$50,000.00</u>	<u>50%</u>

35150 Scout Lake Loop Rd

Sterling AK 99672

(3) _____

(2) *Additional Contributions by Members:* The members may agree, from time to time by unanimous vote, to require the payment of additional capital contributions by the members, on or by a mutually agreeable date.

(3) *Failure to Make Contributions:* If a member fails to make a required capital contribution within the time agreed for a member's contribution, the remaining members may, by unanimous vote, agree to reschedule the time for payment of the capital contribution by the late-paying member, setting any additional repayment terms, such as a late payment penalty, rate of interest to be applied to the unpaid balance, or other monetary amount to be paid by the delinquent member, as the remaining members decide. Alternatively, the remaining members may, by unanimous vote, agree to cancel the membership of the delinquent member, provided any prior partial payments of capital made by the delinquent member are refunded promptly by the LLC to the member after the decision is made to terminate the membership of the delinquent member.

(4) *No Interest on Capital Contributions:* No interest shall be paid on funds or property contributed as capital to this LLC, or on funds reflected in the capital accounts of the members.

(5) *Capital Account Bookkeeping:* A capital account shall be set up and maintained on the books of the LLC for each member. It shall reflect each member's capital contribution to the LLC, increased by each member's share of profits in the LLC, decreased by each member's share of losses and expenses of the LLC, and adjusted as required in accordance with applicable provisions of the Internal Revenue Code and corresponding income tax regulations.

(6) *Consent to Capital Contribution Withdrawals and Distributions:* Members shall not be allowed to withdraw any part of their capital contributions or to receive distributions, whether in property or cash, except as otherwise allowed by this agreement and, in any case, only if such withdrawal is made with the written consent of all members.

(7) *Allocations of Profits and Losses:* No member shall be given priority or preference with respect to other members in obtaining a return of capital contributions, distributions or allocations of the income, gains, losses, deductions, credits or other items of the LLC. The profits and losses of the LLC, and all items of its income, gain, loss, deduction and credit shall be allocated to members according to each member's percentage interest in this LLC.

(8) *Allocation and Distribution of Cash to Members:* Cash from LLC business operations, as well as cash from a sale or other disposition of LLC capital assets, may be distributed from time to time to members in accordance with each member's percentage interest in the LLC, as may be decided by both of the members.

(9) *Allocation of Noncash Distributions:* If proceeds consist of property other than cash, the members shall decide the value of the property and allocate such value among the members in accordance with each member's percentage interest in the LLC. If such noncash proceeds are later reduced to cash, such cash may be distributed among the members as otherwise provided in this agreement.

(10) *Allocation and Distribution of Liquidation Proceeds:* Regardless of any other provision in this agreement, if there is a distribution in liquidation of this LLC, or when any member's interest is liquidated, all items of income and loss shall be allocated to the members' capital accounts, and all appropriate credits and deductions shall then be made to these capital accounts before any final distribution is made. A final distribution shall be made to members only to the extent of, and in proportion to, any positive balance in each member's capital account.

V. MEMBERSHIP WITHDRAWAL AND TRANSFER PROVISIONS

(1) *Withdrawal of Members:* A member may withdraw from this LLC by giving written notice to all other members at least 60 days before the date the withdrawal is to be effective.

(2) *Restrictions on the Transfer of Membership:* A member shall not transfer his or her membership in the LLC unless all non-transferring members in the LLC first agree to approve the admission of the transferee into this LLC. Further, no member may encumber a part or all of his or her membership in the LLC by mortgage, pledge, granting of a security interest, lien or otherwise, unless the encumbrance has first been approved in writing by all other members of the LLC. Notwithstanding the above provision, any member shall be allowed to assign an economic interest in his or her membership to another person without the approval of the other members. Such an assignment shall not include a transfer of the member's voting or management rights in this LLC, and the assignee shall not become a member of the LLC.

VI. DISSOLUTION PROVISIONS

(1) *Events That Trigger Dissolution of the LLC:* The following events shall trigger dissolution of the LLC, except as provided:

- (a) the death, permanent incapacity, bankruptcy, retirement, resignation or expulsion of a member, except that within 90 of the happening of any of these events, all remaining members of the LLC may vote to continue the legal existence of the LLC, in which case the LLC shall not dissolve;
- (b) the expiration of the term of existence of the LLC if such term is specified in the Articles of Organization, Certificate of Formation or a similar organizational document, or this operating agreement;
- (c) the written agreement of all members to dissolve the LLC;
- (d) entry of a decree of dissolution of the LLC under state law.

VII. GENERAL PROVISIONS

(1) *Officers:* The LLC may designate one or more officers, such as a President, Vice President, Secretary and Treasurer. Persons who fill these positions need not be members of the LLC. Such positions may be compensated or non-compensated according to the nature and extent of the services rendered for the LLC as a part of the duties of each office. Ministerial services only as a part of any officer position will normally not be compensated, such as the performance of officer duties specified in this agreement, but any officer may be reimbursed by the LLC for out-of-pocket expenses paid by the officer in carrying out the duties of his or her office.

(2) *Records:* The LLC shall keep at its principal business address a copy of all proceedings of membership meetings, as well as books of account of the LLC's financial transactions. A list of the names and addresses of the current membership of the LLC also shall be maintained at this address, with notations on any transfers of members' interests to nonmembers or persons being admitted into membership in the LLC.

Copies of the LLC's Articles of Organization, Certificate of Formation or a similar organizational document, a signed copy of this operating agreement, and the LLC's tax returns for the preceding three tax years shall be kept at the principal business address of the LLC. A statement also shall be kept at this address containing any of the following information that is applicable to this LLC:

- the amount of cash or a description and value of property contributed or agreed to be contributed as capital to the LLC by each member;
- a schedule showing when any additional capital contributions are to be made by members to this LLC;

- a statement or schedule, if appropriate, showing the rights of members to receive distributions representing a ~~portion~~ of part or all of members' capital contributions; and
- a description of, or date when, the legal existence of the LLC will terminate under provisions in the LLC's Articles of Organization, Certificate of Formation or a similar organizational document, or this operating agreement.

If one or more of the above items is included or listed in this operating agreement, it will be sufficient to keep a copy of this agreement at the principal business address of the LLC without having to prepare and keep a separate record of such item or items at this address. Any member may inspect any and all records maintained by the LLC upon reasonable notice to the LLC. Copying of the LLC's records by members is allowed, but copying costs shall be paid for by the requesting member.

(3) All Necessary Acts: The members and officers of this LLC are authorized to perform all acts necessary to perfect the organization of this LLC and to carry out its business operations expeditiously and efficiently. The Secretary of the LLC, or other officers, or all members of the LLC, may certify to other businesses, financial institutions and individuals as to the authority of one or more members or officers of this LLC to transact specific items of business on behalf of the LLC.

(4) Indemnification: The LLC shall indemnify the Member and those authorized officers, agents, and employees of the LLC identified in writing by the Member as entitled to being indemnified under this section for all costs, losses, liabilities and damages paid or accrued by the Member (as the Member or officer, agent, or employee) or any such office, agent, or employee in connection with the business of the LLC, except to the extent prohibited by the laws of the state that governs this Agreement. In addition, the LLC may advance costs of defense of any proceeding to the Member or any such officer, agent, or employee upon receipt by the LLC of an undertaking by or on behalf of such person to repay such amount if it shall ultimately be determined that the person is not entitled to be indemnified by the LLC.

(5) Mediation and Arbitration of Disputes Among Members: In any dispute over the provisions of this operating agreement and in other disputes among the members, if the members cannot resolve the dispute to their mutual satisfaction, the matter shall be submitted to mediation. The terms and procedure for mediation shall be arranged by the parties to the dispute. If good-faith mediation of a dispute proves impossible or if an agreed-upon mediation outcome cannot be obtained by the members who are parties to the dispute, the dispute may be submitted to arbitration in accordance with the rules of the American Arbitration Association. Any party may commence arbitration of the dispute by sending a written request for arbitration to all other parties to the dispute. The request shall state the nature of the dispute to be resolved by arbitration, and, if all parties to the dispute agree to arbitration, arbitration shall be commenced as soon as practical after such parties receive a copy of the written request. All parties shall initially share the cost of arbitration, but the prevailing party or parties may be awarded attorney fees, costs and other expenses of arbitration. All arbitration decisions shall be final, binding and conclusive on all the parties to arbitration, and legal judgment may be entered based upon such decision in accordance with applicable law in any court having jurisdiction to do so.

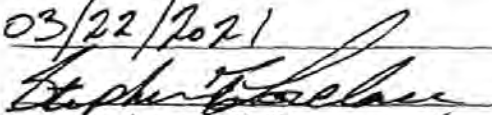
(6) Governing Law: This Agreement shall be governed by, and interpreted and enforced in accordance with, the substantive laws of the State in which the LLC was formed, without reference to the conflicts of law rules of that or any other jurisdiction.

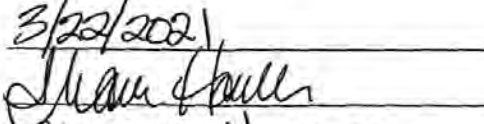
(7) Entire Agreement: This operating agreement represents the entire agreement among the members of this LLC, and it shall not be amended, modified or replaced except by a written instrument executed by all the parties to this agreement who are current members of this LLC as well as any and all additional parties who became members of this LLC after the adoption of this agreement. This agreement replaces and supersedes all prior written and oral agreements among any and all members of this LLC.

(8) Severability: If any provision of this agreement is determined by a court or arbitrator to be invalid, unenforceable or otherwise ineffective, that provision shall be severed from the rest of this agreement, and the remaining provisions shall remain in effect and enforceable.

VIII. SIGNATURES OF MEMBERS

Execution of Agreement: In witness whereof, the members of this LLC sign and adopt this agreement as the operating agreement of this LLC.

Date: 03/22/2021
Signature: 
Printed Name: SETH T. Lovelace, Member

Date: 3/22/2021
Signature: 
Printed Name: Shanell Hooper, Member

Date: _____
Signature: _____
Printed Name: _____, Member

From: Sarah
To: shanalacie@gmail.com
Cc: [Marijuana Licensing \(CED sponsored\)](#)
Subject: Concern
Date: Tuesday, May 11, 2021 4:56:40 PM

Shantelle and Stephen,

I wanted to pass this on to you so that you are aware of my objection unless proper filtration is in place. My brother in law operates the largest grow in WA state, and uses proper filtration such that one would never know what occurs behind closed doors. This is possible, and would allow those in our community who do not tolerate the smell of marijuana being grown to still enjoy all aspects of this community. I hope you are able to ensure this in your space to minimize the impact to others outside of your property lines.

With Kindness,

Sarah Pyhala

> Dear AMCO,

> I am writing to object to the addition of a local marijuana cultivation facility in Sterling, Alaska, on the corner of Feuding Lane and Aspen Avenue. That is, unless proper filtration systems are in place. I know of several people on the Peninsula who suffer from allergic reactions, some severe, to the scent of grow operations. This forces them to have to wear organic vapor masks in order to avoid anaphylactic shock while simply driving along the Sterling Highway. As this is a serious condition, and multiple operations do not presently have proper ventilation, these people are effectively prisoners within their own community. When placed within a neighborhood, or near public access, proper filtration of the air expressed from a commercial grow operation needs to be a priority, and if the operation doesn't have funding to protect those around them, they aren't responsible enough to be in business.

>

> Please, consider those whose health is truly impaired by this controlled substance, and require proper filtration systems to be installed so those in surrounding homes are not impacted.

>

> With Respect,

>

> Sarah Pyhala

From: Pamela Lloyd
To: shanalacie@gmail.com
Cc: [Marijuana Licensing \(CED sponsored\)](#)
Subject: Opposition to license #29493
Date: Thursday, May 20, 2021 12:00:38 PM
Attachments: [image001.png](#)

Hi.

The licensing board requested that I send you a copy of my opposition to your grow operation. I'm also CCing the licensing board. While it's wordy, I'm sending the licensing boards reply to you also.

Clarification of some of my concerns would be appreciated.

My address is listed below.

Thank you,

Pamela Lloyd.

From: "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>
Date: May 11, 2021 at 2:53:13 PM AKDT
To: Pamela Lloyd <pamela.lloyd5@gmail.com>, "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>
Subject: **RE: Opposition to license #29493**

Good afternoon,

AMCO has received and filed your Public Comment on a Marijuana License Application, License #29493, Doing Business As: L & H Enterprises LLC.

In order for this to be considered an Objection under 3 AAC 306.065, you must do the following and submit the proof to AMCO within 30 days of the application being deemed complete:

- 1) You must provide a copy of your objection to the applicant via mail or email.
 - The applicant's email address is: shanalacie@gmail.com
 - The applicant's mailing address is:
Shantell Lacie Hacker, Stephen T Lovelace
29945 Aspen Avenue
Sterling, AK 99672
- 2) Proof of the submission to the applicant must be provided to the AMCO office (If you feel comfortable, this could be done by forwarding your email to shanalacie@gmail.com and copying marijuana.licensing@alaska.gov).

As is, your email will be logged as a public comment. However, if you do not file a formal objection under 3 AAC 306.065 within 30 days of the application being deemed complete (currently the application has not been submitted in full to our office), your comment will be forwarded to Management and presented to the board as a public comment at the next available Marijuana Control Board Meeting (once/if the application is submitted and deemed complete).

Completed Applications can be found on our website here:

<https://www.commerce.alaska.gov/web/amco/CompletedApplicationsforMarijuanaEstablishmentLicenses.aspx>

AMCO does not notify objectors/commenters when an application is scheduled for consideration at a meeting, but you can find meeting information on AMCO's home page (<https://www.commerce.alaska.gov/web/amco/>) about halfway down the page in the blue "MCB Board Meeting" box. One week before each meeting, the meeting agenda will also be posted in this section. When you know that the application is complete, you can use the agenda to determine the order in which the item is being considered by the Board in case you wish to speak regarding your objection/comment.

Additional documents or questions may be submitted at marijuana.licensing@alaska.gov or via mail.

Sincerely,



Jacqlene Drulis

Occupational Licensing Examiner
Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

From: Pamela Lloyd [mailto:pamela.lloyd5@gmail.com]
Sent: Thursday, May 6, 2021 9:11 AM
To: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Subject: Opposition to license #29493

To Whom It May Concern:

I am writing to express my NO opinion of the Marijuana Cultivation Facility (license #29493) that is being proposed at the corner of Feuding Lane and Aspen Av. This is a residential area with homes, bus stops, walkers and joggers with children, dogs and concerned neighbors. I would like to see it remain that way. There is plenty of acreage available on the Sterling Highway that would be more suitable for this type of business.

I am concerned about many issues.

-I am concerned about the environment and the impact on our water table from this operation. Marijuana grow houses require massive amounts of water. Will there be environmental studies to demonstrate the neighborhood will be protected from contaminants needed for growing? What in-house water treatment will be utilized for the waste water from the plants? Will there be a discharge of waste water laymen with chemicals from a hydroponic garden? Will their septic tanks have the capacity to handle the massive water needed for growing or will these contaminants leach into the ground water, poisoning our water table? "

-A grow house requires massive amounts of electricity. Will there be chemicals exhausted? From what I understand, the venting of air conditioners is set to circulate carbon dioxide to marijuana plants. This buildup of poisonous gases from the chemical nutrients can be released into the air of our residential neighborhood. The constant use of the exhaust fans could also increase a fire hazard. This hazard can extend to surrounding homes and the trees in this neighborhood. In the past five years, we have lived through several devastating fires. We do not need additional hazards!

-The odor issue needs to be addressed. I am also concerned about the noise factor in keeping the grow operation well ventilated, etc. How often do scrubbers maintain the odor? I've heard horror stories about the smell from such operations, as well as the noise from the

air circulation. Again, this is a residential neighborhood.

Grow houses can bring criminals, weapons and violence into our neighborhood. Growers sometimes arm themselves protect themselves and their operation.

-I live .8 miles from Feuding Lane and Aspen Av. I walk from my home on White Spruce Ave along Feuding Lane to the mailboxes daily and I am concerned about increased traffic from workers as well as people driving around the neighborhood looking for homes and property to vandalize or rob. Feuding Lane does not have walking shoulders and there is little space to walk off the road to let traffic pass. People do not follow the posted speed limit now, will we have additional traffic enforcement?

Thank you,

Pamela Lloyd

30238 While Spruce Av.

Sterling, AK. 99672

907-242-6007

From: Lynn Rickert
To: shanalacie@gmail.com
Cc: [Marijuana Licensing \(CED sponsored\)](#)
Subject: Marijuana Cultivation
Date: Thursday, May 27, 2021 8:55:43 PM

Dear Shantell Lacie Hacker,

This letter is being sent to express my disapproval of a marijuana cultivation facility to be located on [29945 Aspen Avenue, Sterling, AK](#). Objections are listed below:

1. I, along with many neighbors who live in this area strongly object to having a marijuana cultivation facility doing business in our neighborhood because this is a residential family neighborhood not a business area.
2. The odor emitted from a marijuana cultivation facility will have a negative impact on our families, children and grandchildren. Exposure to these unpleasant odors will have an adverse effect on our quality of life.
3. Realtors say a marijuana cultivation facility will decrease our property values.
4. The approval of this license will squelch personal business opportunities, such as lodging fishing clients, etc.

Our neighborhood is gathering petition signatures due to these objections and even more objections which are not listed in my letter. Please consider these reasons for my disapproval.
Thank you.

Sincerely yours,

Lynn Rickert

Sent from my iPhone

Sent from my iPhone

Sent from my iPhone



Alaska Marijuana Control Board

Form MJ-00: Application Certifications

What is this form?

This application certifications form is required for all marijuana establishment license applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306.

This form must be completed and submitted to AMCO's main office by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) before any license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	L&H Enterprises LLC	License Number:	29493		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	L&H Enterprises LLC				
Premises Address:	29945 Aspen Ave				
City:	Sterling	State:	AK	ZIP:	99672

Section 2 – Individual Information

Enter information for the individual licensee.

Name:	Stephen T Lovelace
Title:	Co-Owner

Section 3 – Other Licenses

Ownership and financial interest in other licenses:

Yes No

Do you currently have or plan to have an ownership interest in, or a direct or indirect financial interest in another marijuana establishment license?

If "Yes", which license numbers (for existing licenses) and license types do you own or plan to own?

We plan to open a manufacturing facility & retail store in the future but at a different location.



Alaska Marijuana Control Board

Form MJ-00: Application Certifications

Section 4 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that I have not been convicted of a felony in any state or the United States, including a suspended imposition of sentence, for which less than five years have elapsed from the time of the conviction to the date of this application.

I certify that I am not currently on felony probation or felony parole.

I certify that I have not been found guilty of selling alcohol without a license in violation of AS 04.11.010.

I certify that I have not been found guilty of selling alcohol to an individual under 21 years of age in violation of 04.16.051 or AS 04.16.052.

I certify that I have not been convicted of a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the five years preceding this application.

I certify that I have not been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed within the two years preceding this application.

I certify that my proposed premises is not within 500 feet of a school ground, recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility, as set forth in 3 AAC 306.010(a).

I certify that my proposed premises is not located in a liquor licensed premises.

I certify that I meet the residency requirement under AS 43.23 for a permanent fund dividend in the calendar year in which I am initiating this application.

I certify that all proposed licensees (as defined in 3 AAC 306.020(b)(2)) have been listed on my online marijuana establishment license application. Additionally, if applicable, all proposed licensees have been listed on my application with the Division of Corporations.

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by AMCO is grounds for denial of my application.



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Marijuana Control Board

Form MJ-00: Application Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify and understand that I must operate in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

I certify and understand that I must operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of this state and the local government in which my premises is located.

Read each line below, and then sign your initials in the box to the right of only the applicable statement:

Initials

Only initial next to the following statement if this form is accompanying an application for a marijuana testing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility.

Only initial next to the following statement if this form is accompanying an application for a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility license:

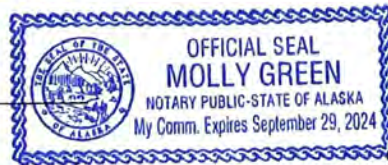
I certify that I do not have an ownership in, or a direct or indirect financial interest in a marijuana testing facility license.

All marijuana establishment license applicants:

As an applicant for a marijuana establishment license, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that the online application and this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Stephen Lovelace
 Printed name of licensee



Notary Public in and for the State of Alaska

My commission expires: 9.29.24

Subscribed and sworn to before me this 18 day of December, 2021.



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 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Marijuana Control Board

Form MJ-00: Application Certifications

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This application certifications form is required for all marijuana establishment license applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306.

This form must be completed and submitted to AMCO's main office by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) before any license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	L&H Enterprises LLC	License Number:	29493
License Type:	Standard Marijuana Cultivation Facility		
Doing Business As:	L&H Enterprises LLC		
Premises Address:	29945 Aspen Ave		
City:	Sterling	State:	AK
		ZIP:	99672

Section 2 – Individual Information

Enter information for the individual licensee.

Name:	Shantell Hacker
Title:	Co-Owner

Section 3 – Other Licenses

Ownership and financial interest in other licenses:

Yes No

Do you currently have or plan to have an ownership interest in, or a direct or indirect financial interest in another marijuana establishment license?

If "Yes", which license numbers (for existing licenses) and license types do you own or plan to own?

We plan to open a manufacturing facility & retail store in the future but at a different location.



Alaska Marijuana Control Board

Form MJ-00: Application Certifications

Section 4 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that I have not been convicted of a felony in any state or the United States, including a suspended imposition of sentence, for which less than five years have elapsed from the time of the conviction to the date of this application.

I certify that I am not currently on felony probation or felony parole.

I certify that I have not been found guilty of selling alcohol without a license in violation of AS 04.11.010.

I certify that I have not been found guilty of selling alcohol to an individual under 21 years of age in violation of 04.16.051 or AS 04.16.052.

I certify that I have not been convicted of a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the five years preceding this application.

I certify that I have not been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed within the two years preceding this application.

I certify that my proposed premises is not within 500 feet of a school ground, recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility, as set forth in 3 AAC 306.010(a).

I certify that my proposed premises is not located in a liquor licensed premises.

I certify that I meet the residency requirement under AS 43.23 for a permanent fund dividend in the calendar year in which I am initiating this application.

I certify that all proposed licensees (as defined in 3 AAC 306.020(b)(2)) have been listed on my online marijuana establishment license application. Additionally, if applicable, all proposed licensees have been listed on my application with the Division of Corporations.

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by AMCO is grounds for denial of my application.



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 Phone: 907.269.0350

Alaska Marijuana Control Board
Form MJ-00: Application Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify and understand that I must operate in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.



I certify and understand that I must operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of this state and the local government in which my premises is located.



Read each line below, and then sign your initials in the box to the right of only the applicable statement:

Initials

Only initial next to the following statement if this form is accompanying an application for a marijuana testing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility.



Only initial next to the following statement if this form is accompanying an application for a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a marijuana testing facility license.



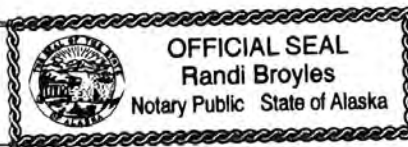
All marijuana establishment license applicants:

As an applicant for a marijuana establishment license, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that the online application and this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Shantell Hacker

Printed name of licensee



Notary Public in and for the State of Alaska

My commission expires: 07/21/23

Subscribed and sworn to before me this 3rd day of January, 2022.



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

What is this form?

An operating plan is required for all marijuana establishment license applications. Applicants should review **Title 17.38 of Alaska Statutes** and **Chapter 306 of the Alaska Administrative Code**. This form will be used to document how an applicant intends to meet the requirements of those statutes and regulations. If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020(c).

What must be covered in an operating plan?

Applicants must identify how the proposed premises will comply with applicable statutes and regulations regarding the following:

- Control plan for persons under the age of 21
- Security
- Business records
- Inventory tracking of all marijuana and marijuana product on the premises
- Employee qualification and training
- Health and safety standards
- Transportation and delivery of marijuana and marijuana products
- Signage and advertising

Applicants must also complete the corresponding operating plan supplemental forms (**Form MJ-03, Form MJ-04, Form MJ-05, or Form MJ-06**) to meet the additional operating plan requirements for each license type.

Section 1 – Establishment & Contact Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	L&H Enterprises LLC	MJ License #:	29493		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	L&H Enterprises LLC				
Premises Address:	29945 Aspen Ave				
City:	Sterling	State:	Alaska	ZIP:	99672
Mailing Address:	29945 Aspen Ave				
City:	Sterling	State:	Alaska	ZIP:	99672
Designated Licensee:	Shantell Hacker				
Main Phone:	907-398-0000	Cell Phone:	907-398-0000		
Email:	shanalacie@gmail.com				



Section 2 – Control Plan for Persons Under the Age of 21

2.1. Describe how the marijuana establishment will prevent persons under the age of 21 from gaining access to any portion of the licensed premises and marijuana items:

The doors to the building are not for general public, they will be for authorized personnel only. All access doors will be locked externally at all times. These doors will only be accessed via an electronic pin code. Once opened with a pin code, the commercial grade locks will automatically lock after 10 seconds. Back up to the electronic codes, will be by key, which only owners will hold. These door codes will be specific to each authorized user, if a user is terminated/leaves the company, the code will be deleted from the system. In addition to the automatic locks, all access doors will have the manual deadbolt locked after bussiness hours.

Section 3 – Security

Restricted Access Areas (3 AAC 306.710):

3.1. Describe how you will prevent unescorted members of the public from entering restricted access areas:

1. All Exterior doors will be locked at all times, with access only by pin code and with key back up. Pin codes will be granted to only authorized personnel, back up keys will only be held by the owners.
2. Proper signs according to 3 AAC 306.710 "Restricted access area, Visitors must be escorted." will be posted on all restricted access doorways.

3.2. Describe your recordkeeping and processes for admitting visitors into and escorting them through restricted access areas:

A record log of visitors will be kept in the authorized area. This log will have details on, visitors name, ID/DL number (Confirming age of 21+), date, time, and authorized person's name escorting them. The escort will then assign them a visitor badge, the badge number will be noted on the visitor log. The visitors will remain with the escort at all times. If the visitor has personal issues to attend to, the authorized visit will end, and they will be escorted out of the un-authorized area. Furthermore, per AAC 306.710(b) the number of visitors per escort will be limited to 5 persons.



Form MJ-01: Marijuana Establishment Operating Plan

3.3. Provide samples of licensee-produced identification badges that will be displayed by each licensee, employee, or agent while on the premises, and of visitor identification badges that will be worn by all visitors while in restricted access areas:

<p>L&H Enterprises LLC 29945 Aspen Ave, Sterling, AK 99672</p> <p>EMPLOYEE</p> <p>PHOTO SIZE W-1 x H-1.3 in</p> <p>FIRST LAST NAME</p> <p>DESIGNATION</p> <p>DEPARTMENT DEPARTMENT</p> <p>JOINING 01-04-20XX</p>  <p>Badge Number</p>	<p>L&H Enterprises LLC 29945 Aspen Ave, Sterling, AK 99672</p> <p>Visitor</p> <p>By</p> <p>Escort</p> <p>Only</p>  <p>Visitor # X</p>
---	--

Security Alarm Systems and Lock Standards (3 AAC 306.715):

3.4. Exterior lighting is required to facilitate surveillance. Describe how the exterior lighting will meet this requirement:

There will be outside flood lights on each of the doorways as well as an extra large commercial security light on the peak of the North side of the facility.



Form MJ-01: Marijuana Establishment Operating Plan

3.5. An alarm system is required for all license types that must be activated on all exterior doors and windows when the licensed premises is closed for business. Describe the security alarm system for the proposed premises, explain how it will meet all regulatory requirements, and outline your policies and procedures regarding the actions to be taken by a licensee, employee, or agent when the alarm system alerts of an unauthorized breach:

1. All door sensors security systems will be ran through YoLink, All 4 doors will have alarm sensors that will be triggered manually, once the final person has left for the day. If an alarm is triggered the owners will be notified on their mobile devices. We will then notify local authorities if deemed fit.
2. Security cameras will be ran through Lorex 24/7 with 40 days of storage being held in a secured area.
2. The owners will have remote access to live footage of the security cameras. This is to help prevent false alarms, but also to escalate notification to the authorities in a timelier manner if deemed fit.

3.6. Describe your policies and procedures for preventing diversion of marijuana or marijuana product, including by employees:

Diversion of marijuana will not be tolerated at L&H Enterprises. Any person caught stealing, will be held to the fullest extent of the law. In refrence to AAC 306.730:inventory tracking. If at any time inventory tracking has discrepencies that cannot be explained, the business will close for operations until the discrepencies have been resolved. AS per inventory tracking regulations, L&H will keep active tracking up to date with Metrc

3.7. Describe your policies and procedures for preventing loitering:

1. No benches or outdoor seating available to the public
2. No public bathroom
3. No interior benches or seating available to the public
4. If loitering is apparent, they will be asked to leave the property. If, they need to be asked a second time to leave, local authorities will be notified.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

Initials

3.8. I certify that if any additional security devices are used, such as a motion detector, pressure switch, and duress, panic, or hold-up alarm, to enhance security of the licensed premises, I will have written policies and procedures describing their use.



Form MJ-01: Marijuana Establishment Operating Plan

Video Surveillance (3 AAC 306.720):

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

3.9. The video surveillance and camera recording system for the licensed premises covers each restricted access area, and both the interior and exterior of each entrance to the facility.

3.10. Each video surveillance recording: is preserved for a minimum of 40 days, in a format that can be easily accessed for viewing (consistent with the Alcohol & Marijuana Control Office's approved format list); clearly and accurately displays the time and date; and is archived in a format that does not permit alteration of the recorded image.

3.11. The surveillance room or area is clearly defined on the Form MJ-02: Premises Diagram that is submitted with this application.

3.12. Surveillance recording equipment and video surveillance records are housed in a designated, locked, and secure area or in a lock box, cabinet, closet or other secure area where access is limited to the licensee(s), an authorized employee, and law enforcement personnel (including an agent of the Marijuana Control Board).

3.13. Describe how the video cameras will be placed to produce a clear view adequate to identify any individual inside the licensed premises, or within 20 feet of each entrance to the licensed premises:

Security camera will be placed within the building, to allow no "black out" spots per 3 ACC 306.720. This will include all restricted areas. The entrance/exit to the restricted areas will also have security cameras placed per 3 ACC 306.720 regulations.

3.14. Describe the locked and secure area where video surveillance recording equipment and original copies of surveillance records will be housed and stored, and how you will ensure the area is accessible only to authorized personnel, law enforcement, or an agent of the Marijuana Control Board. If you will be using an offsite monitoring service and offsite storage of video surveillance records, your response must include how the offsite facility will meet these security requirements:

1. All security surveillance footage will be kept per regulation 3ACC 306.720, a minimum of 40 days. of course, if there is any footage that is deemed to be criminal or maybe of interest to authorities, this will be held longer and handed over to the authorities as needed.
2. The surveillance storage devices will be in the restricted access area and will be kept in a locked cabinet. The access to this cabinet, will only by the owners and authorities.



Form MJ-01: Marijuana Establishment Operating Plan

Section 4 – Business Records

Review the requirements under 3 AAC 306.755. All licensed marijuana establishments must maintain, in a format that is readily understood by a reasonably prudent business person, certain business records.

4.1. I certify that the following business records will be maintained and kept on the licensed premises:

Initials

- a. all books and records necessary to fully account for each business transaction conducted under my license for the current year and three preceding calendar years (records for the last six months must be maintained on the licensed premises; older records may be archived on or off-premises);
- b. a current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent who works at the marijuana establishment;
- c. the business contact information for vendors that maintain video surveillance systems and security alarm systems for the licensed premises;
- d. records related to advertising and marketing;
- e. a current diagram of the licensed premises, including each restricted access area;
- f. a log recording the name, and date and time of entry of each visitor permitted into a restricted access area;
- g. all records normally retained for tax purposes;
- h. accurate and comprehensive inventory tracking records that account for all marijuana inventory activity from seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a consumer, to another marijuana establishment, or destroyed;
- i. transportation records for marijuana and marijuana product, as required by 3 AAC 306.750(f); and
- j. registration and inspection reports of scales registered under the Weights and Measures Act, as required by 3 AAC 306.745.

[Handwritten initials in boxes for items a through j]

4.2. A marijuana establishment is required to exercise due diligence in preserving and maintaining all required records. Describe how you will prevent records and data, including electronically maintained records, from being lost or destroyed:

1. Physical documents and records will be kept in the restricted access area. Current records and documents will be kept in a locking filing cabinet. Documents older than 60 days, will be housed in a secured cabinet; this cabinet will only be accessed by the owners.

2. The computers or hard drives storing any electronic documents will be locked physically by a cable to a secure point, in the restricted access area. These locks will only be managed by the owners.

3. Periodically, these digital files will be backed up to a hard drive and stored with the physical documents under lock and key.



Form MJ-01: Marijuana Establishment Operating Plan

Section 5 – Inventory Tracking of All Marijuana and Marijuana Product

Review the requirements under 3 AAC 306.730. All licensed marijuana establishments must use a marijuana inventory tracking system capable of sharing information with Metrc to ensure all marijuana cultivated and sold in the state, and each marijuana product processed and sold in the state, is identified and tracked from the time the marijuana is propagated from seed or cutting, through transfer to another licensed marijuana establishment, or use in manufacturing a marijuana product, to a completed sale of marijuana or marijuana product, or disposal of the harvest batch of marijuana or production lot of marijuana product.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

5.1. My marijuana establishment will be using Metrc, and if any other tracking software is used, it will be capable of sharing information with Metrc.

5.2. All marijuana delivered to a marijuana establishment will be weighed on a scale registered in compliance with 3 AAC 306.745.

5.3. My marijuana establishment will use registered scales in compliance with AS 45.75.080 (Weights and Measures Act), as required by 3 AAC 306.745.

Section 6 – Employee Qualification and Training

Review the requirements under 3 AAC 306.700. All licensees, and every employee or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, must obtain a marijuana handler permit from the board before being licensed or beginning employment at a marijuana establishment.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

6.1. All licensees, and each employee or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or marijuana product, or who checks the identification of a consumer or visitor, shall obtain a marijuana handler permit from the board before being licensed or beginning employment at the marijuana establishment.

6.2. Each licensee, employee, or agent who is required to have a marijuana handler permit shall keep that person's marijuana handler permit card in that person's immediate possession (or a valid copy on file on the licensed premises) when on the licensed premises.

6.3. Each licensee, employee, or agent who is required to have a marijuana handler permit shall ensure that that person's marijuana handler permit card is valid and has not expired.

6.4. Describe any in-house training that will be provided to employees and agents (apart from a marijuana handler course):

Weighing , packaging, transporting & labeling, will be some of the in house training for all authorized personel. Following all guidelines and laws is of utmost importance to L&H Enterprises.



Form MJ-01: Marijuana Establishment Operating Plan

Section 7 – Health and Safety Standards

Review the requirements under 3 AAC 306.735.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

7.1. I understand that a marijuana establishment is subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that health or safety concerns are not present.

7.2. I have policies regarding health and safety standards (including: ensuring a person with an illness or infection does not come into contact with marijuana or marijuana product; good hygienic practices; cleaning and maintenance of equipment and the premises; pest deterrence; chemical storage; sanitation principles; and proper handling of marijuana and marijuana product) and will take all reasonable measures and precautions to ensure that they are met or exceeded.

7.3. I have policies to ensure that any marijuana or marijuana product that has been stored beyond its usable life, or was stored improperly, is not salvaged and returned to the marketplace.

7.4. I have policies to ensure that in the event information about the age or storage conditions of marijuana or marijuana product is unreliable, the marijuana or marijuana product will be handled in accordance with 3 AAC 306.735(d).

Answer "Yes" or "No" to each of the following questions:

Yes No

7.5. Adequate and readily accessible toilet facilities that are maintained and in good repair and sanitary condition are clearly indicated on my Form MJ-02: Premises Diagram.

7.6. Convenient handwashing facilities with running water at a suitable temperature are clearly indicated on my Form MJ-02: Premises Diagram.

7.7. If you answered "No" to either 7.5 or 7.6 above, describe how toilet and/or handwashing facilities are made accessible, as required by 3 AAC 306.735(b)(2):

Facilities are located in the building next door to the cultivation facility & are accessible to all authorized personnel.

Section 8 – Transportation and Delivery of Marijuana and Marijuana Products

Review the requirements under 3 AAC 306.750.

8.1. Describe how marijuana or marijuana product will be prepared, packaged, and secured for shipment. Include a description of the type of locked, safe, and secure storage compartments to be used in vehicles transporting marijuana or marijuana product:

Marijuana will be prepared for transport, in opaque, air tight, food grade bags. These bags will be shipped in the secure trunk area, inside a tamper-apparent container, of a discrete vehicle. To prevent movement during transportation, the containers will be secured in the vehicle using the appropriate tie downs. The vehicle will not be labeled or have advertisements for the company as to mitigate any unwanted attention. Appropriate shipping documents, transport manifest, and handling will be the sole responsibility of the driver. After loaded, the vehicle will remain locked and secure at all times. Per 306.750 the vehicle will travel directly to the retail/manufacturing facility, with no unnecessary stops in between.



Form MJ-01: Marijuana Establishment Operating Plan

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

- 8.2. The marijuana establishment from which a shipment of marijuana or marijuana product originates will ensure that any individual transporting marijuana shall have a marijuana handler permit required under 3 AAC 306.700.
- 8.3. The marijuana establishment that originates the transport of any marijuana or marijuana product will use the marijuana inventory tracking system to record the type, amount, and weight of marijuana or marijuana product being transported, the name of the transporter, the time of departure and expected delivery, and the make, model, and license plate number of the transporting vehicle.
- 8.4. The marijuana establishment that originates the transport of any marijuana or marijuana product will ensure that a complete printed transport manifest on a form prescribed by the board must be kept with the marijuana or marijuana product at all times during transport.
- 8.5. During transport, any marijuana or marijuana product will be in a sealed package or container in a locked, safe, and secure storage compartment in the vehicle transporting the marijuana or marijuana product, and the sealed package will not be opened during transport.
- 8.6. Any vehicle transporting marijuana or marijuana product will travel directly from the shipping marijuana establishment to the receiving marijuana establishment, and will not make any unnecessary stops in between except to deliver or pick up marijuana or marijuana product at any other licensed marijuana establishment.
- 8.7. When the marijuana establishment receives marijuana or marijuana product from another licensed marijuana establishment, the recipient of the shipment will use the marijuana inventory tracking system to report the type, amount, and weight of marijuana or marijuana product received.
- 8.8. The marijuana establishment will refuse to accept any shipment of marijuana or marijuana product that is not accompanied by the transport manifest.

Section 9 – Signage and Advertising

Review the requirements under 3 AAC 306.770.

9.1. Describe any signs that you intend to post on your establishment, including quantity, dimensions, graphics, and location on your establishment (photos or drawings may be attached):

No signs will be posted on the cultivation facility



Form MJ-01: Marijuana Establishment Operating Plan

9.2. Describe any advertising you intend to distribute for your establishment. Include medium types and business logos (photos or drawings may be attached):

Our Logo will be a simple bold print L&H with enterprise written underneath



I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

[Handwritten Signature]
Signature of licensee

Shona Baker
Printed name of licensee



[Handwritten Signature]
Notary Public in and for the State of Alaska

My commission expires: 9/20/2023

Subscribed and sworn to before me this 10th day of May, 2021.



Form MJ-01: Marijuana Establishment Operating Plan

(Additional Space as Needed):

N/A



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Marijuana Control Board Form MJ-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(8). **All areas designated as the licensed premises of a single license must be contiguous. All diagrams must have the licensed premises area labeled, and outlined or shaded as appropriate.**

What must be submitted with this form?

Applicants must attach multiple diagrams to this form, including (as applicable):

- **Diagram 1:**
a diagram showing only the licensed premises areas that will be ready to be **operational at the time of your preliminary inspection** and license issuance;
- **Diagram 2:**
if different than Diagram 1, a diagram outlining **all areas for which the licensee has legal right of possession** (a valid lease or deed), and clearly showing those areas' relationship to the current proposed licensed premises (*details of any planned expansion areas do not need to be included; a complete copy of Form MJ-14: Licensed Premises Diagram Change must be submitted and approved before any planned expansion area may be added to the licensed premises*);
- **Diagram 3:**
a **site plan or as-built of the entire lot**, showing all structures on the property and clearly indicating which area(s) will be part of the licensed premises;
- **Diagram 4:**
an **aerial photo of the entire lot and surrounding lots**, showing a view of the entire property and surrounding properties, and clearly indicating which area(s) will be part of the licensed premises (*this can be obtained from sources like Google Earth*); and
- **Diagram 5:**
a diagram of the **entire building in which the licensed premises is located**, clearly distinguishing the licensed premises from unlicensed areas and/or premises of other licenses within the building. If your proposed licensed premises is located within a building or building complex that contains multiple business and/or tenants, please provide the addresses and/or suite numbers of the other businesses and/or tenants (*a separate diagram is not required for an establishment that is designating the entire building as a single licensed premises*).

This form, and all necessary diagrams that meet the requirements on Page 2 of this form, must be completed and submitted to AMCO's main office before any new or transfer license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	L&H Enterprises LLC	MJ License #:	29493		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	L&H Enterprises LLC				
Premises Address:	29945 Aspen Ave				
City:	Sterling	State:	Alaska	ZIP:	99672



Alaska Marijuana Control Board
Form MJ-02: Premises Diagram

Section 2 – Required Information

For your security, do not include locations of security cameras, motion detectors, panic buttons, and other security devices. Items marked with a double asterisks (**) are only required for those retail marijuana establishments that are also applying for an onsite consumption endorsement.

The following details must be included in all diagrams:

- License number and DBA
- Legend or key
- Color coding
- Licensed Premises Area Labeled and Shaded, or Outlined as appropriate
- Dimensions
- Labels
- True north arrow

The following additional details must be included in Diagram 1:

- Surveillance room
- Restricted access areas
- Storage areas
- Entrances, exits, and windows
- Walls, partitions, and counters
- Any other areas that must be labeled for specific license or endorsement types
- ** Serving area(s)
- **Employee monitoring area(s)
- **Ventilation exhaust points, if applicable

The following additional details must be included in Diagram 2:

- Areas of ingress and egress
- Entrances and exits
- Walls and partitions

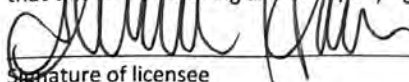
The following additional details must be included in Diagrams 3 and 4:

- Areas of ingress and egress
- Cross streets and points of reference

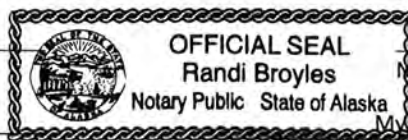
The following additional details must be included in Diagram 5:

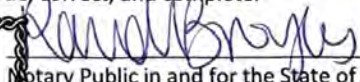
- Areas of ingress and egress
- Entrances and exits
- Walls and partitions
- Cross streets and points of reference

I declare under penalty of unsworn falsification that I have attached all necessary diagrams that meet the above requirements, and that this form, including all accompanying schedules, statements, and depictions is true, correct, and complete.


Signature of licensee

Shana Hacker
Printed name of licensee



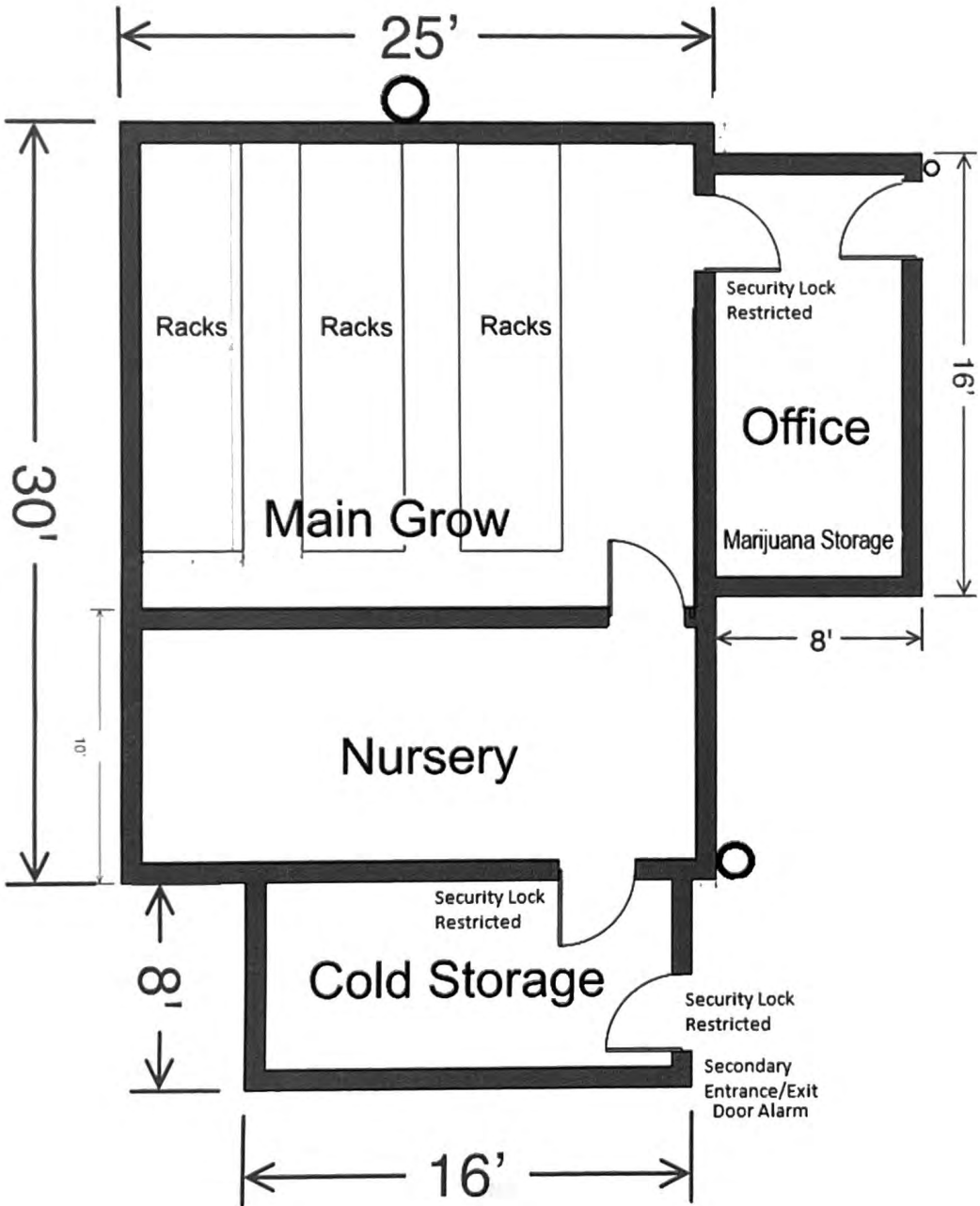

Notary Public in and for the State of Alaska

My commission expires: 07/21/23

Subscribed and sworn to before me this 3rd day of January, 2022.

29493

Received by AMCO 1/3/2022





License # 29493	DBA: L & H Enterprises LLC
Diagram 1,2,5	
Door	24 Hr Outside Light
	Exhaust Vent

Main Entrance/Exit
Door Alarm
Security Lock
Restricted

Entire Premise
Restricted Access
Only



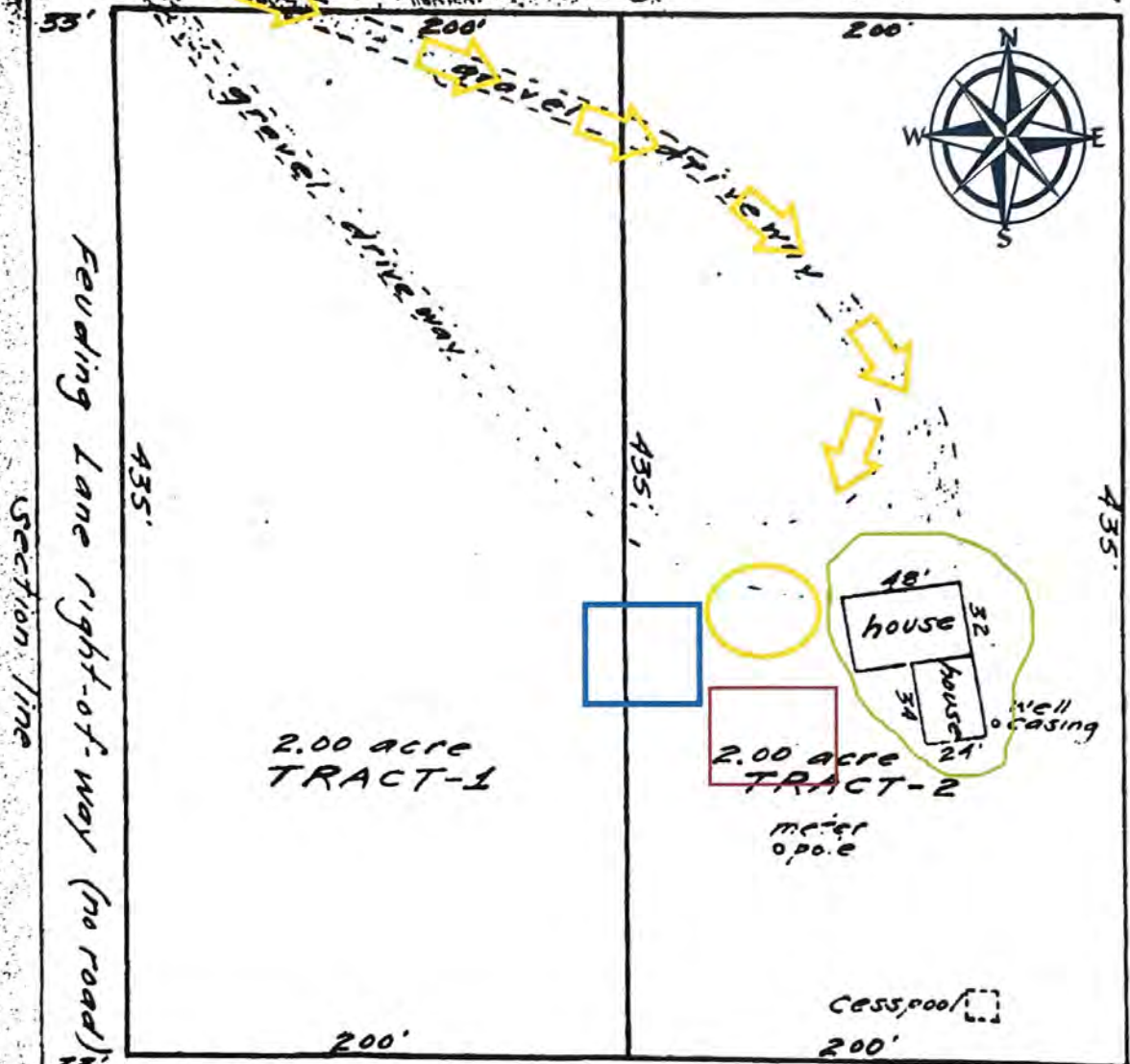


License # 29493	DBA: L & H Enterprises LLC
Diagram 1,2,5 Cont	
Door	 24 Hr Outside Light  Exhaust Vent



Scale
1" = 60'

Centerline of Section 23, T5N, R6W, S. 1
Aspen Road right-of-way (no road)



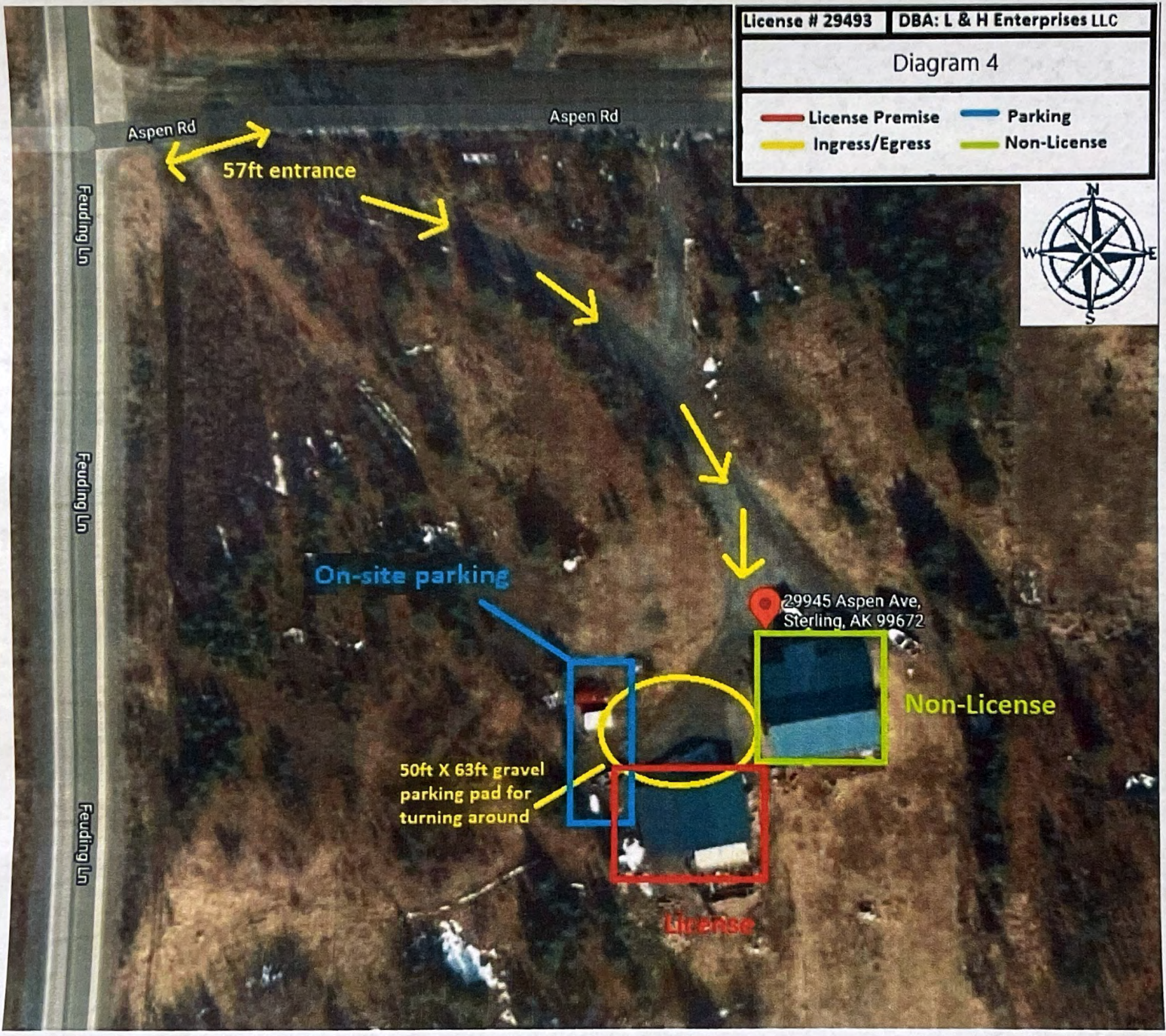
I HEREBY CERTIFY THAT I HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY: TRACTS 1 & 2 OF THE GREEN ACRES SUBDIVISION, NEAR RECORDING PRECINCT, ALASKA; AND THAT THE IMPROVEMENTS ARE WITHIN THE PROPERTY LINES AS SHOWN, THAT NO IMPROVEMENTS ON THE ADJOINING PROPERTY ENCROACH ON SAID TRACTS 1 & 2, AND THAT THERE ARE NO ROADWAYS, TRANSMISSION LINES OR OTHER VISIBLE EASEMENTS ACROSS THESE TRACTS.

BY: CHARLES L. PARKER, N.L.S. 237
~~XXXXXXXXXX~~ SOLDOTNA, ALASKA
 C.L.P. October 25, 1976,



License # 25493 DBA: L & H Enterprises LLC	
Diagram 3	
— License Premise	— Parking
— Ingress/Egress	— Non-License

License # 29493	DBA: L & H Enterprises LLC
Diagram 4	
License Premise	Parking
Ingress/Egress	Non-License



Aspen Rd
57ft entrance

Aspen Rd

Feuding Ln

Feuding Ln

Feuding Ln

On-site parking

50ft X 63ft gravel parking pad for turning around

License

29945 Aspen Ave,
Sterling, AK 99672

Non-License



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Marijuana Control Board
Operating Plan Supplemental
Form MJ-04: Marijuana Cultivation Facility

What is this form?

This operating plan supplemental form is required for all applicants seeking a marijuana cultivation facility license and must accompany **Form MJ-01: Marijuana Establishment Operating Plan**, per 3 AAC 306.020(b)(11). Applicants should review **Chapter 306: Article 4** of the **Alaska Administrative Code**. This form will be used to document how an applicant intends to meet the requirements of the statutes and regulations.

If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020 and 3 AAC 306.420(2).

What additional information is required for cultivation facilities?

Applicants must identify how the proposed establishment will comply with applicable regulations regarding the following:

- Prohibitions
- Cultivation plan
- Waste disposal
- Odor control
- Testing procedure and protocols
- Packaging and labeling

This form must be completed and submitted to AMCO’s main office before any new or transfer application for a standard marijuana cultivation facility or limited marijuana cultivation facility license will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	L&H Enterprises LLC	MJ License #:	29493		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	L&H Enterprises LLC				
Premises Address:	29945 Aspen Ave				
City:	Sterling	State:	Alaska	ZIP:	99672



Section 2 – Overview of Operations

2.1. Provide an overview of your proposed facility's operations. Include information regarding the flow of marijuana from seed or clone to harvest and transfer from your premises:

Germination and cloning will be done in the nursery room, once plants are rooted and in vegg state they will be moved to the main flowering room and placed on one of the 3 level rack systems with containment trays under each plant. Each plant will be assigned a batch # tracked through the marijuana tracking system. Once the plants are mature, they will be harvested and cured in the same main growing room where tempature and humidity can be controlled. Once cured each strain will be segregated and placed inside opaque plastic food grade bags, inside an air tight 5 gallon food safe bucket, inside a locked double door cabinet. Any marijuana product leaving the facility will be logged in the MITS program, with a transport manifest kept with said product at all times.

Section 3 – Prohibitions

Review the requirements under 3 AAC 306.405 and 3 AAC 306.410.

3.1. I certify that the marijuana cultivation facility will not:

- a. sell, distribute, or transfer any marijuana or marijuana product to a consumer, with or without compensation;
b. allow any person, including a licensee, employee, or agent, to consume marijuana or marijuana product on the licensed premises or within 20 feet of the exterior of any building or outdoor cultivation facility; or
c. treat or otherwise adulterate marijuana with any organic or nonorganic chemical or compound to alter the color, appearance, weight, or odor of the marijuana.

Initials

Handwritten initials in boxes for each item.

Section 4 – Cultivation Plan

Review the requirements under 3 AAC 306.420 and 3 AAC 306.430.

4.1. Describe the size of the space(s) the marijuana cultivation facility intends to be under cultivation, including dimensions and overall square footage. Provide your calculations below:

Nursery is a 10' x 25' inclosed room located on the south end of the cultivation facility, equaling 250 square feet of space. Vegg/Flower area will be a large 30' x 25' vaulted ceiling room with mezzanine on the south end wall. The square footage is 750 square feet.



Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right: Initials

4.2. The proposed area(s) for cultivation are clearly identified on the Form MJ-02: Premises Diagram that is submitted with this application.

Answer "Yes" or "No" to the following question:

Yes No

4.3. Will the marijuana cultivation facility include outdoor production?

If "Yes", describe the outdoor structure(s) or the expanse of open or clear ground and how it is fully-enclosed by a physical barrier:

4.4. Describe the method(s) used to ensure that any marijuana at the marijuana cultivation facility, whether indoors or outdoors, cannot be observed by the public from outside the facility:

All grow rooms are inclosed in a secure building with no windows and protected by code only locks with additional deadbolts. Furthermore, the grow rooms are seperated from the outside entry of the building by a seperate locked entryway.

4.5. Describe the marijuana cultivation facility's growing medium(s) to be used:

We will be using a commercial growers blend of soil.

4.6. Provide the complete product name and EPA registration # (if applicable) for each of the cultivation facility's pesticide and pest control product to be used. All proposed products must be on DEC's list of approved pesticides in the state of Alaska:

1. Lost Coast Plant Therapy, Which is exempt under FIFRA section 25(b) as a minimum risk pesticide.
2. Safer Brand, #567 Pyrethrin & Insecticidal Soap concentrate EPA #59913-9

4.7. Describe all other fertilizers, chemicals, gases, and delivery systems, including carbon dioxide management, to be used at the marijuana cultivation facility:

1. Jacks Profesional (fertilizer) 25-5-15
 2. Jacks Bloom Boost (fertilizer) 10-30-20
 3. Raw Kelp (fertilizer) 0-0-1
 4. CloneX Solution 1-0.6-1
 5. Clonex Rooting Gel
 6. Unsulfured Molasses
- * We do not plan on using any gases in the cultivation facility.

29493

Received by AMCO 12/2022

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Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

4.8. Describe the marijuana cultivation facility's irrigation and waste water systems to be used:

Due to all watering sources being held in (2) 500 gallon containers, and watering being done by hand, there should be no waste water or irrigation system required.
Any feeding solutions that have been flushed through the growing medium will be caught in growing trays below each pot, which will be drained & collected to be recycled.

Section 5 – Waste Disposal

Review the requirements under 3 AAC 306.740.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right: _____ Initials

5.1. The marijuana cultivation facility shall give the board at least three days written notice required under 3 AAC 306.740(c) before making marijuana waste unusable and disposing of it.

SH

5.2. Describe how you will store, manage, and dispose of any solid or liquid marijuana waste, including wastewater generated during marijuana cultivation, in compliance with any applicable laws. Include details about the material(s) you will mix with ground marijuana waste and the processes that you will use to make the marijuana waste unusable for any purpose for which it was grown:

All marijuana plant waste (including roots, stalks, leaves & stems) will be stored inside a commercial trash can with a sealed lid creating odor and pest control for 3 days until said ground waste is mixed with equal amounts of wood/paper/cardboard before being double bagged with commercial grade black trash bags and disposed of at the KPB Solid Waste- Sterling Transfer Facility.
An email will be sent to the board notifying of the disposal 3 days prior to doing so.
All marijuana dirt medium will be stored in a bulk pile on-site to be recycled for gardening & landscaping needs.
All non compostable materials (plastic grow pots etc) will be gathered in commercial grade black plastic bags and deposited at the KPB Solid Waste - Sterling transfer Facility.



Section 6 – Odor Control

Review the requirements under 3 AAC 306.430.

Answer "Yes" or "No" to the following question:

Yes No

6.1. Have you received an exemption from your local government for the odor control requirement set forth in 3 AAC 306.430(c)(2)?

Yes: [] No: [x]

If "Yes", you must be able to certify the statement below. Read the following and then sign your initials in the box:

Initials

I am attaching to this form documentation of my odor control exemption from the local government.

[]

If "No" to question 6.1., describe the odor control method(s) to be used and how the marijuana cultivation facility will ensure that any marijuana at the facility does not emit an odor that is detectable by the public from outside the facility:

Air will be pre heated, circulated and odor controlled by way of a 10in charcoal filtered intake into the office space and then pulled into the main flower room by an 8 inch charcoal filtered intake. From there, air is blown out of the flower room amd into the nursery by another charcoal filtered 8 inch fan and then exhausted out through the mezzanine eve by another 10inch charcoal filtered exhaust. Additionally, air will be circulated from the main flower room into the nursery by two 6 inch fans and two additional charcoal filters all tied into the central control.

Section 7 – Testing Procedure and Protocols

Review the requirements under 3 AAC 306.455 and 3 AAC 306.465.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box:

Initials

7.1. I understand and agree that the board or director will, from time to time, require the marijuana cultivation facility to provide samples of the growing medium, soil amendments, fertilizers, crop production aids, pesticides, or water for random compliance checks.

[Signature]

7.2. I will ensure that any individual responsible for collecting random, homogenous samples for required laboratory testing under 3 AAC 306.455 will prepare the necessary accompanying signed statement, provide the signed statement to the marijuana testing facility, and maintain a copy as a business record under 3 AAC 306.755.

[Signature]

7.3. Describe the testing procedures and protocols the marijuana cultivation facility will follow:

1. After segregating cured harvested marijuana flowers and bud they will be stored in an opaque food grade plastic bags, inside a 5 gallon bucket with sealed twist on lids.
a. Each segregated strain will have a random sample pulled, bagged in opaque plastic bag, labeled for testing facility (amount will vary by testing facility)
2. An authorized person will be designated to not only collect the sample but to also prepare a signed statement showing each sample has been randomly selected for testing. This sworn statement will be provided to the testing facility as well as maintaining a copy for our business records.
3. Authorized personel will fill out all information in the marijuana inventory tracking system, print a copy of the transport manifest that will be kept with the products at all times during transport.
4. Segregated strains will be stored in opaque plastic food safe bags, inside an air tight 5 gallon food safe bucket, locked inside a designated double door cabinet in the cold storage area of the cultivation facility.

29493

Received by AMCO 5/13/2022

5/13



Section 8 – Packaging and Labeling

Review the requirements under 3 AAC 306.470 and 3 AAC 306.475.

Answer "Yes" or "No" to the following question:

Yes No

8.1. Will the marijuana cultivation facility be packaging marijuana for a retail marijuana store to sell to a consumer without repackaging?

Yes: [checked] No: []

If "Yes", describe how the marijuana cultivation facility will ensure that the marijuana sold will meet the packaging requirements in 3 AAC 306.470, and provide a sample label that the facility will use to meet the labeling requirements set forth in 3 AAC 306.475:

- All marijuana from the cultivation facility will be labeled per AAC 306.470 and AAC 306.475
1. packages will not exceed one ounce for retail store reselling (without additional handling)
2. Each package will be labeled with a.) Cultivation name and license number b.) Harvest batch number assigned to the Marijuana in the package c.) Net weight of marijuana in the package d.) Name of strain
3. Warning statements 1-5 as in AAC 306.475 (see sample label in additional space on page 7)
4. Each package will be an opaque, child resistant, resealable container.
5. Each package will have the generated tracking number from the marijuana tracking system.
6. Complete list of all pesticides, fungicides, and herbicides.
7. Name of licensed marijuana testing facility that preformed the required lab testing.

Answer "Yes" or "No" to the following question:

Yes No

8.2. Will the marijuana cultivation facility be packaging marijuana in wholesale packages?

Yes: [checked] No: []

If "Yes", describe how the marijuana cultivation facility will ensure that the marijuana sold will meet the packaging requirements in 3 AAC 306.470, and provide a sample label that the facility will use to meet the labeling requirements set forth in 3 AAC 306.475:

- 1. Wholesale packages will not exceed 5 pounds per AAC 306.470 to either retail stores or to a manufacturing facility.
2. Each package will be labeled with a.) Cultivation name and license number b.) harvest batch number assigned to the marijuana in the package c.) net weight of marijuana in the package d.) name of strain
3. Each wholesale package will have the generated tracking number provided by the marijuana tracking system
4. Testing results including all required tests under AAC 306.645 (1-4)
5. Each wholesale package will have a label affixed to the tamper-evident container it will be shipped in, along with the shipping manifest generated in the marijuana tracking system.

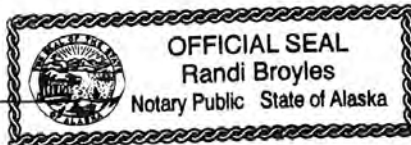
I certify that as a marijuana cultivation facility, I will submit monthly reports to the Department of Revenue and pay the excise tax required under AS 43.61.010 and AS 43.61.020 on all marijuana sold or provided as a sample to a marijuana establishment, as required under 3 AAC 306.480.

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee (handwritten signature)

Shana Hacker

Printed name of licensee



Signature of Notary Public (handwritten signature)

Notary Public in and for the State of Alaska

My commission expires: 07/21/23

Subscribed and sworn to before me this 3rd day of January, 2022.

29493

Received by AMCO 1/3/2022



(Additional Space as Needed):

Sample label for 8.1 & 8.2

Grown By L&H Enterprises #29493

3.5g Marijuana

Strain: God Bud

HB #11XXX

THC: 20.02%

Fungicides, Herbicides, Pesticides: None

MIT Tracking # xxxxxx

Testing Facilities name

(1) Marijuana has intoxicating effects and may be habit forming and addictive. (2) Marijuana impairs concentration, coordination, and judgement. Do not operate a vehicle or machinery under its influence. (3) There are health risks associated with consumption of marijuana. (4) For use only by adults twenty-one and older. Keep out of the reach of children. (5) Marijuana should not be used by women who are pregnant or breast feeding.



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Marijuana Control Board

Form MJ-07: Public Notice Posting Affidavit

What is this form?

A public notice posting affidavit is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(10). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by posting a true copy of the application for ten (10) days at the location of the proposed licensed premises and one other conspicuous location in the area of the proposed premises, per 3 AAC 306.025(b)(1).

This form must be completed and submitted to AMCO's main office before any new or transfer license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	L&H Enterprises LLC	License Number:	29493		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	L&H Enterprises LLC				
Premises Address:	29945 Aspen Ave				
City:	Sterling	State:	AK	ZIP:	99672

Section 2 – Certification

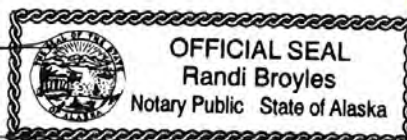
I certify that I have met the public notice requirement set forth under 3 AAC 306.025(b)(1) by posting a copy of my application for the following 10-day period at the location of the proposed licensed premises and at the following conspicuous location in the area of the proposed premises:

Start Date: 12-3-21 End Date: 12-13-21

Other conspicuous location: Sterling Post Office

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

Shana Hacker
 Signature of licensee
Shana Hacker
 Printed name of licensee



Randi Broyles
 Notary Public in and for the State of Alaska
 My commission expires: 07/21/23

Subscribed and sworn to before me this 3rd day of January, 20 22.



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Marijuana Control Board

Form MJ-08: Local Government Notice Affidavit

What is this form?

A local government notice affidavit is required for all marijuana establishment license applications with a proposed premises that is located within a local government, per 3 AAC 306.025(b)(3). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by submitting a copy of the application to each local government and any community council in the area of the proposed licensed premises. For an establishment located inside the boundaries of city that is within a borough, both the city and the borough must be notified.

This form must be completed and submitted to AMCO's main office before any new or transfer license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	L&H Enterprises LLC	License Number:	29493		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	L&H Enterprises LLC				
Premises Address:	29945 Aspen Ave				
City:	Sterling	State:	AK	ZIP:	99672

Section 2 – Certification

I certify that I have met the local government notice requirement set forth under 3 AAC 306.025(b)(3) by submitting a copy of my application to the following local government (LG) official(s) and community council (if applicable):

Local Government(s): Kenai Peninsula Borough Date Submitted: 4/22/2021

Name/Title of LG Official 1: Tatyana Shassetz Name/Title of LG Official 2: _____
clerk admin. assistant

Community Council: _____ Date Submitted: _____
 (Municipality of Anchorage and Matanuska-Susitna Borough only)

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

[Signature]
 Signature of licensee

Shana Hacker
 Printed name of licensee



[Signature]
 Notary Public in and for the State of Alaska

My commission expires: 9/20/2023

Subscribed and sworn to before me this 18th day of May, 2021.



Alaska Marijuana Control Board

Form MJ-08: Local Government Notice Affidavit

What is this form?

A local government notice affidavit is required for all marijuana establishment license applications with a proposed premises that is located within a local government, per 3 AAC 306.025(b)(3). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by submitting a copy of the application to each local government and any community council in the area of the proposed licensed premises. For an establishment located inside the boundaries of city that is within a borough, both the city and the borough must be notified.

This form must be completed and submitted to AMCO's main office before any new or transfer license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	L&H Enterprises LLC	License Number:	29493
License Type:	Standard Marijuana Cultivation Facility		
Doing Business As:	L&H Enterprises LLC		
Premises Address:	29945 Aspen Ave		
City:	Sterling	State:	AK
		ZIP:	99672

Section 2 – Certification

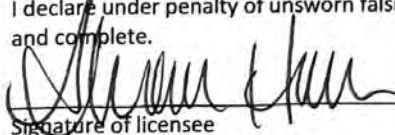
I certify that I have met the local government notice requirement set forth under 3 AAC 306.025(b)(3) by submitting a copy of my application to the following local government (LG) official(s) and community council (if applicable):

Local Government(s): Kendi Peninsula Borough Date Submitted: 01/03/22

Name/Title of LG Official 1: _____ Name/Title of LG Official 2: _____

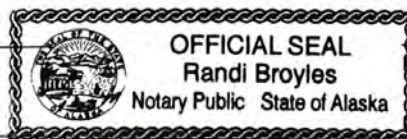
Community Council: _____ Date Submitted: _____
 (Municipality of Anchorage and Matanuska-Susitna Borough only)

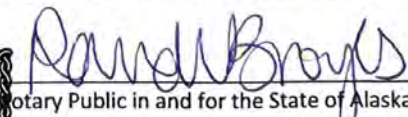
I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.


 Signature of licensee

Shana Hacker

Printed name of licensee




 Notary Public in and for the State of Alaska

My commission expires: 07/21/23

Subscribed and sworn to before me this 3rd day of January, 2022.



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Marijuana Control Board

Form MJ-09: Statement of Financial Interest

What is this form?

A statement of financial interest completed by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(4). A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each proposed licensee before any license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	L&H Enterprises LLC	License Number:	29493		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	L&H Enterprises LLC				
Premises Address:	29945 Aspen Ave				
City:	Sterling	State:	AK	ZIP:	99672

Section 2 – Individual Information

Enter information for the individual licensee.

Name:	Stephen Todd Lovelace				
Title:	Co-Owner				
SSN:	[REDACTED]		Date of Birth:	[REDACTED]	



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550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Marijuana Control Board

Form MJ-09: Statement of Financial Interest

Section 3 – Certifications

I certify that no person other than a proposed licensee listed on my marijuana establishment license application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which a marijuana establishment license is being applied for.

I further certify that any ownership change shall be reported to the board as required under 3 AAC 306.040.

I understand that my fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI), and that I have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. *The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.*

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

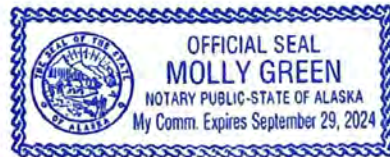
Stephen Lovelace
Signature of licensee

[Signature]
Notary Public in and for the State of Alaska

Stephen Lovelace
Printed name of licensee

My commission expires: 9.29.24

Subscribed and sworn to before me this 18 day of December, 2021.





Alaska Marijuana Control Board

Form MJ-09: Statement of Financial Interest

What is this form?

A statement of financial interest completed by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(4). A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each proposed licensee before any license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	L&H Enterprises LLC	License Number:	29493		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	L&H Enterprises LLC				
Premises Address:	29945 Aspen Ave				
City:	Sterling	State:	AK	ZIP:	99672

Section 2 – Individual Information

Enter information for the individual licensee.

Name:	Shantell Lacie Hacker				
Title:	Co-Owner				
SSN:		Date of Birth:			



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Marijuana Control Board

Form MJ-09: Statement of Financial Interest

Section 3 – Certifications

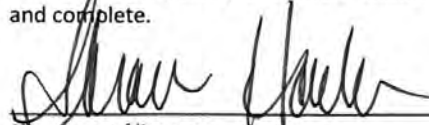
I certify that no person other than a proposed licensee listed on my marijuana establishment license application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which a marijuana establishment license is being applied for.

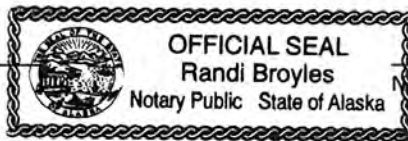
I further certify that any ownership change shall be reported to the board as required under 3 AAC 306.040.

I understand that my fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI), and that I have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record.

The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.


 Signature of licensee




 Notary Public in and for the State of Alaska

Shantell Hacker

Printed name of licensee

My commission expires: 07/21/23

Subscribed and sworn to before me this 3rd day of January, 20 22.

29493

Received by AMCO 1/3/2022

Alcohol & Marijuana Control Office

License Number: 29493

License Status: New

License Type: Standard Marijuana Cultivation Facility

Doing Business As: L & H Enterprises LLC

Business License Number: 2144780

Designated Licensee: Shantell Hacker

Email Address: shanalacie@gmail.com

Local Government: Kenai Peninsula Borough

Local Government 2: - No Local Government -

Community Council:

Latitude, Longitude: 60.508617, -150.646350

Physical Address: 29945 Aspen Ave
Sterling, AK 99672
UNITED STATES

Licensee #1

Type: Entity

Alaska Entity Number: 10158775

Alaska Entity Name: L & H Enterprises LLC

Phone Number: 907-398-0000

Email Address: shanalacie@gmail.com

Mailing Address: 29945 Aspen Avenue
Sterling, AK 99672
UNITED STATES

Entity Official #1

Type: Individual

Name: Stephen Lovelace

SSN: [REDACTED]

Date of Birth: [REDACTED]

Phone Number: 907-953-1787

Email Address: Stlovelace1@gmail.com

Mailing Address: 29945 Aspen Avenue
Sterling, AK 99672
UNITED STATES

Entity Official #2

Type: Individual

Name: Shantell Hacker

SSN: [REDACTED]

Date of Birth: [REDACTED]

Phone Number: 907-398-0000

Email Address: shanalacie@gmail.com

Mailing Address: PO Box 908
Sterling, AK 99672
UNITED STATES

Note: No affiliates entered for this license.

RESIDENTIAL LEASE AGREEMENT

THIS LEASE (the "Lease") dated this 28th day of December, 2021

BETWEEN:

All Ways Alaska

(the "Landlord")

- AND -

L&H Enterprises LLC

(the "Tenant")

(individually the "Party" and collectively the "Parties")

IN CONSIDERATION OF the Landlord leasing certain premises to the Tenant and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, the Parties agree as follows:

Leased Property

1. The Landlord agrees to rent to the Tenant the Kenai Peninsula, municipally described as 29945 Aspen Ave. Sterling AK 99672 (the "Property"), for use as residential premises only.
2. Subject to the provisions of this Lease, apart from the Tenant, no other persons will live in the Property without the prior written permission of the Landlord.
3. No guests of the Tenants may occupy the Property for longer than one week without the prior written consent of the Landlord.
4. No animals are allowed to be kept in or about the Property.

5. Parking space is not provided under the terms of this Lease and no vehicle may park on or about the Property.
6. The Tenant and members of the Tenant's household will not smoke anywhere in the Property nor permit any guests or visitors to smoke in the Property.
7. The Tenant and members of the Tenant's household will not vape anywhere in the Property nor permit any guests or visitors to vape in the Property.

Term

8. The term of the Lease commences at 12:00 noon on December 28, 2021 and ends at 12:00 noon on December 28, 2022.
9. Any notice to terminate this tenancy must comply with the applicable legislation of the State of Alaska (the "Act").

Rent

10. Subject to the provisions of this Lease, the rent for the Property is \$2,500.00 per month (the "Rent").
11. The Tenant will pay the Rent on or before the first (1st) day of each and every month of the term of this Lease to the Landlord at 29945 Aspen Ave. Sterling AK 99672 or at such other place as the Landlord may later designate by cash or check.
12. The Landlord may increase the Rent for the Property upon providing to the Tenant such notice as required by the Act.

Inspections

13. The Tenant acknowledges that the Tenant inspected the Property, including the grounds and all buildings and improvements, and that they are, at the time of the execution of this Lease, in good order, good repair, safe, clean, and tenantable condition.
14. At all reasonable times during the term of this Lease and any renewal of this Lease, the Landlord and its agents may enter the Property to make inspections or repairs, or to show the Property to prospective tenants or purchasers in compliance with the Act.

Tenant Improvements

15. The Tenant will obtain written permission from the Landlord before doing any of the following:

- a. applying adhesive materials, or inserting nails or hooks in walls or ceilings other than two small picture hooks per wall;
- b. painting, wallpapering, redecorating or in any way significantly altering the appearance of the Property;
- c. removing or adding walls, or performing any structural alterations;
- d. installing a waterbed(s);
- e. changing the amount of heat or power normally used on the Property as well as installing additional electrical wiring or heating units;
- f. placing or exposing or allowing to be placed or exposed anywhere inside or outside the Property any placard, notice or sign for advertising or any other purpose; or
- g. affixing to or erecting upon or near the Property any radio or TV antenna or tower.

Utilities and Other Charges

16. The Tenant is responsible for the payment of all utilities in relation to the Property.

Insurance

17. The Tenant is hereby advised and understands that the personal property of the Tenant is not insured by the Landlord for either damage or loss, and the Landlord assumes no liability for any such loss.
18. The Tenant is not responsible for insuring the Landlord's contents and furnishings in or about the Property for either damage or loss, and the Tenant assumes no liability for any such loss.

Attorney Fees

19. In the event that any action is filed in relation to this Lease, the unsuccessful Party in the action will pay to the successful Party, in addition to all the sums that either Party may be called on to pay, a reasonable sum for the successful Party's attorney fees.

Governing Law

20. This Lease will be construed in accordance with and exclusively governed by the laws of the State of Alaska.

Severability

21. If there is a conflict between any provision of this Lease and the Act, the Act will prevail and such provisions of the Lease will be amended or deleted as necessary in order to comply with the Act. Further, any provisions that are required by the Act are incorporated into this Lease.
22. The invalidity or unenforceability of any provisions of this Lease will not affect the validity or enforceability of any other provision of this Lease. Such other provisions remain in full force and effect.

Amendment of Lease

23. This Lease may only be amended or modified by a written document executed by the Parties.

Assignment and Subletting

24. Without the prior, express, and written consent of the Landlord, the Tenant will not assign this Lease, or sublet or grant any concession or license to use the Property or any part of the Property. A consent by the Landlord to one assignment, subletting, concession, or license will not be deemed to be a consent to any subsequent assignment, subletting, concession, or license. Any assignment, subletting, concession, or license without the prior written consent of the Landlord, or an assignment or subletting by operation of law, will be void and will, at the Landlord's option, terminate this Lease.

Additional Clause

25. Disclaimer: The landlord may not take possession of any marijuana or marijuana product. AMCO will be contacted in the event that this is necessary.

Damage to Property

26. If the Property should be damaged other than by the Tenant's negligence or willful act or that of the Tenant's employee, family, agent, or visitor and the Landlord decides not to rebuild or repair the Property, the Landlord may end this Lease by giving appropriate notice.

Care and Use of Property

27. The Tenant will promptly notify the Landlord of any damage, or of any situation that may significantly interfere with the normal use of the Property or to any furnishings supplied by the Landlord.

28. The Tenant will not engage in any illegal trade or activity on or about the Property.
29. The Parties will comply with standards of health, sanitation, fire, housing and safety as required by law.
30. The Parties will use reasonable efforts to maintain the Property in such a condition as to prevent the accumulation of moisture and the growth of mold. The Tenant will promptly notify the Landlord in writing of any moisture accumulation that occurs or of any visible evidence of mold discovered by the Tenant. The Landlord will promptly respond to any such written notices from the Tenant.
31. If the Tenant is absent from the Property and the Property is unoccupied for a period of 4 consecutive days or longer, the Tenant will arrange for regular inspection by a competent person. The Landlord will be notified in advance as to the name, address and phone number of the person doing the inspections.
32. At the expiration of the term of this Lease, the Tenant will quit and surrender the Property in as good a state and condition as they were at the commencement of this Lease, reasonable use and wear and tear excepted.

Rules and Regulations

33. The Tenant will obey all rules and regulations of the Landlord regarding the Property.

Address for Notice

34. For any matter relating to this tenancy, the Tenant may be contacted at the Property or through the phone number below:
 - a. Name: L&H Enterprises LLC.
 - b. Phone: (907) 398-0000.
35. For any matter relating to this tenancy, whether during or after this tenancy has been terminated, the Landlord's address for notice is:
 - a. Name: All Ways Alaska.
 - b. Address: 29945 Aspen Ave. Sterling AK 99672.

The contact information for the Landlord is:

- c. Phone: (907) 953-1787.

General Provisions

36. All monetary amounts stated or referred to in this Lease are based in the United States dollar.
37. Any waiver by the Landlord of any failure by the Tenant to perform or observe the provisions of this Lease will not operate as a waiver of the Landlord's rights under this Lease in respect of any subsequent defaults, breaches or non-performance and will not defeat or affect in any way the Landlord's rights in respect of any subsequent default or breach.
38. This Lease will extend to and be binding upon and inure to the benefit of the respective heirs, executors, administrators, successors and assigns, as the case may be, of each Party. All covenants are to be construed as conditions of this Lease.
39. All sums payable by the Tenant to the Landlord pursuant to any provision of this Lease will be deemed to be additional rent and will be recovered by the Landlord as rental arrears.
40. Where there is more than one Tenant executing this Lease, all Tenants are jointly and severally liable for each other's acts, omissions and liabilities pursuant to this Lease.
41. Locks may not be added or changed without the prior written agreement of both Parties, or unless the changes are made in compliance with the Act.
42. The Tenant will be charged an additional amount of \$25.00 for each N.S.F. check or checks returned by the Tenant's financial institution.
43. Headings are inserted for the convenience of the Parties only and are not to be considered when interpreting this Lease. Words in the singular mean and include the plural and vice versa. Words in the masculine mean and include the feminine and vice versa.
44. This Lease may be executed in counterparts. Facsimile signatures are binding and are considered to be original signatures.
45. This Lease constitutes the entire agreement between the Parties.
46. During the last 30 days of this Lease, the Landlord or the Landlord's agents will have the privilege of displaying the usual 'For Sale' or 'For Rent' or 'Vacancy' signs on the Property.
47. Time is of the essence in this Lease.

IN WITNESS WHEREOF L&H Enterprises LLC and All Ways Alaska have duly affixed their signatures on this 28th day of December, 2021.

All Ways Alaska

Per:  (Seal)


L&H Enterprises LLC

The Tenant acknowledges receiving a duplicate copy of this Lease signed by the Tenant and the Landlord on the 28th day of December, 20 21.


L&H Enterprises LLC

From: Leitha
To: [Marijuana Licensing \(CED sponsored\)](#)
Subject: Objection to License!
Date: Tuesday, April 27, 2021 11:04:58 AM

I just recently became aware that an application for a Marijuana License has been applied for by Stephen T Lovelace & Shantel Lacie Hacker. They applied for a new Standard Marijuana Cultivation Facility license, license #29493 doing business as L & H Enterprises LLC, located at 29945 Aspen Ave., Sterling AK 99672.

I, along with many neighbors who live nearby, strongly object the approval of this license. This is a residential family neighborhood. This is not the place for a Marijuana grow Facility. The odor emitted from a Marijuana Cultivation Facility will have a negative impact on our family neighborhood. Our children & grandchildren should not have to grow up smelling the extremely unpleasant offensive odors that these places put out. Exposure to these unpleasant odors will affect our quality of life on every level.

After contacting a realtor, we were also informed our property values will decrease. We have a Petition & are gathering signatures.

Please consider our concerns to our objections. Thank you.

Sincerely,

Leitha R. Mallatt

From: Candice Kirsch
To: [Marijuana Licensing \(CED sponsored\)](#)
Subject: Marijuana Cultivation Objection
Date: Tuesday, April 27, 2021 1:52:22 PM

I just recently became aware that an application for a Marijuana License has been applied for by Stephen T Lovelace & Shantel Lacie Hacker. They applied for a new Standard Marijuana Cultivation Facility license, license #29493 doing business as L & H Enterprises LLC, located at 29945 Aspen Ave., Sterling AK 99672.

I, along with many neighbors who live nearby, strongly object the approval of this license. This is a residential family neighborhood. This is not the place for a Marijuana grow Facility.

The odor emitted from a Marijuana Cultivation Facility will have a negative impact on our family neighborhood. Our children & grandchildren should not have to grow up smelling the extremely unpleasant offensive odors that these places put out. Exposure to these unpleasant odors will affect our quality of life on every level.

After contacting a realtor, we were also informed our property values will decrease. We have a Petition & are gathering signatures.

Please consider our concerns to our objections. Thank you.

Sincerely,

Tim and Candice Kirsch

Sent from my iPhone

From: Brian Groseclose
To: [Marijuana Licensing \(CED sponsored\)](#)
Subject: Deny #29493
Date: Tuesday, May 18, 2021 10:12:26 AM

Dear AMCO,

I am writing to ask you to deny application #29493 as L&H Enterprises LLC, located at 29945 Aspen Ave, Sterling, AK 99672.

I am a local resident in Sterling and strongly oppose marijuana sales, use, and any growing operations in our local area. The amount of drivers under the influence of alcohol and marijuana is increasing dramatically. I see this nearly every day and am angry when I smell marijuana while driving, riding on bike paths, in my neighborhood, and just about every public place I go. I have discussed these encounters with several personal friends that work in law enforcement. They are frustrated that not much is or can be done due to the sensitive nature of all the rules, protection laws, and such.

I am also very opposed to having any marijuana operation in a family neighborhood, where many children play year round. People from all over the country recreate in their summer homes, many older retired folks live in the area, and with all of the families present, it is not a place conducive to this kind of operation. We don't need increased traffic, more drivers under the influence, or any of this undesirable activity in our neighborhood.

The government has allowed this negative activity to be legalized for the sake of tax revenue but the negative effects are costing our society much more than will ever be gained in taxes. I strongly oppose this application and ask that you would please consider denying it.

Thank you,

Brian Groseclose
37340 Mountain Ridge Rd.
Sterling, AK 99672

From: Wendy Holland
To: [Marijuana Licensing \(CED sponsored\)](#)
Subject: No to marijuana cultivation on Aspen Ave. in Sterling
Date: Wednesday, April 28, 2021 6:06:51 PM

marijuana.licensing@alaska.gov

I just recently became aware that an application for a Marijuana License has been applied for by Stephen T Lovelace & Shantel Lacie Hacker. They applied for a new Standard Marijuana Cultivation Facility license, license #29493 doing business as L & H Enterprises LLC, located at 29945 Aspen Ave., Sterling AK 99672.

I, along with many neighbors who live nearby, strongly object the approval of this license. This is a residential family neighborhood. This is not the place for a Marijuana grow Facility.

The odor emitted from a Marijuana Cultivation Facility will have a negative impact on our family neighborhood. Our children & grandchildren should not have to grow up smelling the extremely unpleasant offensive odors that these places put out. Exposure to these unpleasant odors will affect our quality of life on every level.

After contacting a realtor, we were also informed our property values will decrease. We have a Petition & are gathering signatures.

Please consider these concerns to our objections. Thank you.

Sincerely,

Wendy Holland
36622 Scotsman street
Sterling, Alaska, 99672

Sent from my iPhone

AMCO

APR 28 2021

April 26, 2021

P.O. Box 546

36660 Feuding Ln.

Sterling, AK 99672

To the Alcohol and
Marijuana Control Office,

We are writing to object to the marijuana license application of Stephen J. Lovelace and Shantell Lacie Hacker (3 AAC 306.400(a)(1) Standard Marijuana Cultivation Facility, license 29493 as L & H Enterprises LLC, located at 29945 Aspen Ave., Sterling, AK 99672, United States.

The reasons we object to the facility are the potential problems that such a facility could pose in our neighborhood as follows:

- Massive amounts of water and electricity are required.
- Power surges or outages can damage neighbors' electrical devices.

- Wells using a communal aquifer may be affected.

- Public safety in the neighborhood (may attract criminal activity).

- There can be a buildup of poisonous gases from the chemical nutrients used in the production of marijuana crop. These poisonous gases are also vented outside and released into the neighborhood.

- Exhaust fans can accelerate a fire, increasing a fire hazard which can extend to surrounding homes in the neighborhood.

- Impact on value of property in the neighborhood.

- The smell of stench released into the neighborhood especially during flowering and harvesting.

- Increased noise.

- Increased traffic.

- Substantial amount of nasty runoff.

- Proximity to a school bus stop.

Thank you very kindly
for your consideration of this matter,
Les & Lynne Anderson

PUBLISHER'S AFFIDAVIT

UNITED STATES OF AMERICA,
STATE OF ALASKA

} SS:

Jeff Hayden being first duly sworn, on oath deposes and says:

That I am and was at all times here in this affidavit mentions, Supervisor of Legals of the Sound Publishing / Peninsula Clarion, a newspaper of general circulation and published at Kenai, Alaska, that the advertisement, a printed copy of which is hereto annexed was published in said paper on the dates listed below:

Marijuana Legal
12/08/21
12/15/21
12/22/21

Marijuana Cultivation Facility License Application

L & H Enterprises LLC is applying under 3 AAC 306.400(a)(1) for a new Standard Marijuana Cultivation Facility license, license #29493, doing business as L & H Enterprises LLC, located at 29945 Aspen Ave, Sterling, AK, 99672, UNITED STATES.

Interested persons may object to the application by submitting a written statement of reasons for the objection to their local government, the applicant, and the Alcohol & Marijuana Control Office (AMCO) not later than 30 days after the director has determined the application to be complete and has given written notice to the local government. Once an application is determined to be complete, the objection deadline and a copy of the application will be posted on AMCO's website at <https://www.commerce.alaska.gov/web/amco>. Objections should be sent to AMCO at marijuana.licensing@alaska.gov or to 550 W 7th Ave, Suite 1600, Anchorage, AK 99501.

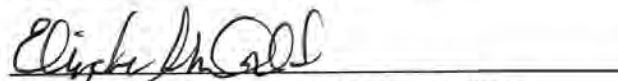
Pub: December 8, 15 & 22, 2021

944690

x 

SUBSCRIBED AND SWORN before me on this

29th day of December, 2021.



NOTARY PUBLIC in favor for the State of Alaska.

My commission expires 3/6/2024.

Elizabeth A. McDonald
Notary Public, State of Alaska
Commission #200306009
My Commission Expires March 6, 2024

Marijuana Compliance Review

APPROVED

Jurisdiction: BOR

Accts Ck'd by:	Cindy Jackinsky
Date:	January 28, 2022

License Years/#:	2022-2023 #29493
Date Rec'd:	January 27, 2022
Council/Assbly Meeting:	March 1, 2022
Date Due:	March 28, 2022
Date back to Clerk:	February 16, 2022

Applicant:	L & H Enterprises LLC
Corporation Name:	L & H Enterprises LLC
Location Address:	29945 Aspen Ave, Sterling AK 99672
Mailing Address:	29945 Aspen Ave, Sterling AK 99672

Email:	Officers or Owners/Phone #
	Stephen T Lovelace
	Shantell Hacker/398-0000 shanalacie@gmail.com

Sole Prop	
Entity #	10158775
Business Lic#	2144780
License Type	Standard Cultivation
Email:	stlovelace1@gmail.com
Phone:	252-8868

STX #	Business Name/Owner Name	Filed Thru:	MF's	BD
208114	L & H Enterprises	Jan-22	0	\$ -
STX #	Lease Registration	Thru:	MF's	BD
			0	\$ -
STX #	Other Business Owned	Thru:	MF's	BD
			0	\$ -
			0	\$ -
			0	\$ -

Account #	Real Property Account Name	BD	Last Yr Pd Thru
06550004	Premise: Lovelace, Stephen T & Janene M	\$ -	2021
06550056-57	Lovelace, Stephen T & Janene M	\$ -	2021
06609024	Lovelace, Stephen T & Janene M	\$ -	2021
		\$ -	2021

Account #	Personal Property Account Name	BD	Last Yr Pd Thru
		\$ -	
		\$ -	
		\$ -	

Notes:



January 27, 2022

Kenai Peninsula Borough

Attn: Johni Blankenship

VIA Email: jblankenship@kpb.us

CC: micheleturner@kpb.us

jshewell@kpb.us

mjenkins@kpb.us

MAldridge@kpb.us

slopez@kpb.us

ncarver@kpb.us

JVanHoose@kpb.us

assemblyclerk@kpb.us

License Number:	29493
License Type:	Standard Marijuana Cultivation Facility
Licensee:	L & H Enterprises LLC
Doing Business As:	L & H Enterprises LLC
Physical Address:	29945 Aspen Ave Sterling, AK 99672
Designated Licensee:	Shantell Hacker
Phone Number:	907-398-0000
Email Address:	shanalacie@gmail.com

New Application **New Onsite Consumption Endorsement Application (Retail Only)**

AMCO has received a complete application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.025(d)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a new license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our April 13-14, 2022 meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart".

Glen Klinkhart, Director

amco.localgovernmentonly@alaska.gov



Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Johani Blankenship, MMC
Borough Clerk

MARIJUANA LICENSE LOCAL REVIEW STANDARDS ACKNOWLEDGEMENT FORM

Please review the statements below and acknowledge your understanding of the conditions and intent to comply by your signature below.

There shall be no parking in borough rights-of-way generated by the marijuana establishment.

If I have a retail marijuana license, I will not conduct any business on, or allow any consumer to access, the premises, between the hours of 2:00 a.m. and 8:00 a.m. each day.

I must stay current in obligations owed to the Kenai Peninsula Borough or my license may be subject to a protest by the KPB Assembly.

It is my responsibility to abide by all federal, state, and local laws applicable to my marijuana establishment.

I understand Kenai Peninsula Borough staff will enter my property for purposes of evaluating ongoing compliance with KPB 7.30 and any conditions placed on the license by the State of Alaska Marijuana Control Board.

I have received, read and understand the additional review standards and conditions set out in KPB 7.30.

L & H Enterprises LLC
29945 Aspen Avenue, Sterling, AK 99672; T 5N R 8W SEC 23 SEWARD MERIDIAN KN 0720031 GREEN ACRES SUB TRACT 2

Application for Standard Marijuana Cultivation Facility (License Number: 29493)



Signature

4/22/21

Date

Please return completed form along with site development plan to the KPB Clerk's





Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that the Kenai Peninsula Borough has been notified of an application for a Standard Marijuana Cultivation Facility license in the Sterling area. The Borough will hold a public hearing prior to providing comments to the State on this application. This notice is being sent to landowners located within a 300-foot radius of the subject property. All members of the public are invited to comment. The application under consideration is described as follows:

Applicant: L & H Enterprises LLC

Please turn over for map.

Landowner: Stephen Lovelace

Parcel Number: 06550004

Property Description: T 5N R 8W SEC 23 SEWARD MERIDIAN KN 0720031 GREEN ACRES SUB TRACT 2

Location: 29945 Aspen Avenue, Sterling, AK 99672

Proposed Land Use: The applicant wishes to obtain a license from the Alaska Marijuana Control Board for a Standard Marijuana Cultivation Facility on the parcel listed above.

Applicable Code: State marijuana applications are reviewed by the borough in accordance with KPB 7.20 and 7.30. Copies of these ordinances are available from the Clerk's Office or on the KPB website at: kpb.us. State regulations (3 AAC 306) allow local jurisdictions to protest the issuance of marijuana licenses and recommend conditions to be placed upon licenses.

Public Hearing: The Kenai Peninsula Borough Planning Commission will be holding a public hearing to consider the application on **Monday, February 28, 2022**, commencing at 7:30 p.m., or as soon thereafter as business permits. The meeting is to be held in the assembly chambers of the borough administration building located at 144 N. Binkley Street, Soldotna, Alaska. The public may also attend the meeting electronically/telephonically via Zoom. To join the meeting from a computer visit <https://zoom.us/9077142200>. To attend the Zoom meeting by telephone call toll free **1-888-788-0099** or **1-877-853-5247**. When calling you will need the Meeting ID # **907 714 2200**. If you connect by computer, and wish to comment but do not have a microphone, connect online and then select phone for audio. A box will come up with the toll free numbers, the Meeting ID#, and your participant number.

Public Comment: Those wishing to comment may come to the above meeting to give testimony or may submit a written statement addressed to: Planning Commission Chairman, 144 N. Binkley Street, Soldotna, Alaska 99669. A statement addressed to the chairman may also be emailed to: planning@kpb.us, or faxed to (907) 260-5992. Please provide written statements by 1:00 PM, Friday, February 18, 2022.

For additional information about this application, please call the planning department at (907) 714-2460, or 1-800-478-4441 (toll free within the Kenai Peninsula Borough).

Nancy Carver
Planner

ESHLEMAN STEFFANIE D
C/O STEFFANIE D MILLER
1041 W 71ST AVE
ANCHORAGE, AK 99518

GANGLOFF MICHAEL W & TIMOTHY P
PO BOX 873
STERLING, AK 99672

GLOVER JASON RANDAL
5634 KENAI FJORDS LOOP
ANCHORAGE, AK 99502

HILL DEAN C & CHARLENE B
PO BOX 1452
STERLING, AK 99672

HULBERT BENJAMIN & JENNIE
36357 GANGLOFF ST
STERLING, AK 99672

LOVELACE JANENE & STEPHEN
29945 ASPEN AVE
STERLING, AK 99672

MATTHEWS TED & CAROL L
PO BOX 1054
STERLING, AK 99672

MCILROY SCOTT
2363 CAPTAIN COOK DR
ANCHORAGE, AK 99517

NORTHUP STUART A
17418 MARLIN SPIKE WAY
CROSBY, TX 77532

SORIA ABRAN Sr
PO BOX 858
STERLING, AK 99672

TAMBORNINO MICHAEL E
36410 GANGLOFF ST
STERLING, AK 99672

VON BOSE JAMES P ALASKA
COMMUNITY PROPERTY TRUST
PO BOX 671496
CHUGIAK, AK 99567



Public Notice

Application for Marijuana Establishment License

License Number: 29493

License Status: Initiated

License Type: Standard Marijuana Cultivation Facility

Doing Business As: L & H Enterprises LLC

Business License Number: 2127688

Email Address: shanalacie@gmail.com

Latitude, Longitude: 60.508617, -150.646350

Physical Address: 29945 Aspen Ave
Sterling, AK 99672
UNITED STATES

Licensee #1	Licensee #2
Type: Individual	Type: Individual
Name: Stephen T Lovelace	Name: Shantell Lacie Hacker
Phone Number: 907-953-1787	Phone Number: 907-398-0000
Email Address: Stlovelace1@gmail.com	Email Address: shanalacie@gmail.com
Mailing Address: 29945 Aspen Ave Sterling, AK 99672 UNITED STATES	Mailing Address: P.O. Box 908 Sterling, AK 99672 UNITED STATES

Note: No entity officials entered for this license.

Note: No affiliates entered for this license.

Interested persons may object to the application by submitting a written statement of reasons for the objection to their local government, the applicant, and the Alcohol & Marijuana Control Office (AMCO) not later than 30 days after the director has determined the application to be complete and has given written notice to the local government. Once an application is determined to be complete, the objection deadline and a copy of the application will be posted on AMCO's website at <https://www.commerce.alaska.gov/web/amco>. Objections should be sent to AMCO at marijuana.licensing@alaska.gov or to 550 W 7th Ave, Suite 1600, Anchorage, AK 99501.

POSTING DATE _____



Public Notice

Application for Marijuana Establishment License

License Number: 29493

License Status: Initiated

License Type: Standard Marijuana Cultivation Facility

Doing Business As: L & H Enterprises LLC

Business License Number: 2127688

Email Address: shanalacie@gmail.com

Latitude, Longitude: 60.508617, -150.646350

Physical Address: 29945 Aspen Ave
Sterling, AK 99672
UNITED STATES

Licensee #1

Type: Individual

Name: Stephen T Lovelace

Phone Number: 907-953-1787

Email Address: Stlovelace1@gmail.com

Mailing Address: 29945 Aspen Ave
Sterling, AK 99672
UNITED STATES

Licensee #2

Type: Individual

Name: Shantell Lacie Hacker

Phone Number: 907-398-0000

Email Address: shanalacie@gmail.com

Mailing Address: P.O. Box 908
Sterling, AK 99672
UNITED STATES

Note: No entity officials entered for this license.

Note: No affiliates entered for this license.

Interested persons may object to the application by submitting a written statement of reasons for the objection to their local government, the applicant, and the Alcohol & Marijuana Control Office (AMCO) not later than 30 days after the director has determined the application to be complete and has given written notice to the local government. Once an application is determined to be complete, the objection deadline and a copy of the application will be posted on AMCO's website at

<https://www.commerce.alaska.gov/web/amco>. Objections should be sent to AMCO at marijuana.licensing@alaska.gov or to 550 W 7th Ave, Suite 1600, Anchorage, AK 99501.

POSTING DATE _____

RECEIVED

APR 13 2021

**Borough Clerk's Office
Kenai Peninsula Borough**

Kenai Peninsula Borough Assembly

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Lane Chesley, Assembly Member *LC*

DATE: January 18, 2022

SUBJECT: Ordinance 2022-02, Enacting KPB 2.40.110 and 2.40.120 Authorizing the Planning Commission to Adopt Bylaws and Defining Quorum (Chesley)

This ordinance amends KPB 2.40 by adding 2.40.110 to authorize the planning commission to adopt bylaws, and further amends KPB 2.40 by adding 2.40.120 to define "quorum" for the purposes of the planning commission's transaction of business.

Your consideration of this ordinance is appreciated.

Introduced by: Chesley
Date: 02/01/22
Hearing: 03/01/22
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-02**

**AN ORDINANCE ENACTING KPB 2.40.110 AND KPB 2.40.120 AUTHORIZING THE
PLANNING COMMISSION TO ADOPT BYLAWS AND DEFINING QUORUM**

WHEREAS, current code does not authorize the planning commission to adopt bylaws; and

WHEREAS, the code authorizes other bodies to adopt bylaws and regulations governing the conduct of their affairs so long as their bylaws are procedural in nature and do not conflict with the rules, ordinances, statutes and regulations governing them; and

WHEREAS, current code does not define a quorum for the planning commission; and

WHEREAS, in the absence of a definition of quorum under borough code, and due to recent changes to membership, the planning commission has necessarily been taking action based on quorum being a majority of the members of the commission who have been appointed by the mayor and confirmed by the assembly; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of _____, 2022 recommended _____;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That KPB 2.40.110 is hereby added as follows:

2.40.110. Bylaws.

The planning commission may adopt bylaws governing the conduct of its affairs so long as these bylaws are procedural in nature and do not conflict with the rules, ordinances, statutes and regulations governing the planning commission. The commission may establish various committees and appoint members to them.

SECTION 2. That KPB 2.40.120 is hereby amended as follows:

2.40.120. Quorum.

A majority of the members of the commission who have been appointed by the mayor and confirmed by the assembly shall constitute a quorum. All commission actions shall be by vote of a majority of the members of the commission who are present and voting. No hearing may be held or decision made in the absence of a

quorum, except that a member disqualified by law from voting on a question may be considered present for purposes of constituting a quorum.

SECTION 3. This ordinance is effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2022.

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



Planning Director's Report

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2215 • (907) 714-2378 Fax

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

Melanie Aeschliman, Planning Director • Charlie Pierce, Borough Mayor

Planning Department Directors Report February 28, 2022 PC Meeting

River Center

The River Center recently received new preliminary floodplain mapping for the Kenai River below Skilak Lake:

- The first is a live, 1-foot inundation map that will be publicly available through NOAA's website. The public will be able to view the live inundation-mapping see how deep the waters are at any given point on the river, which will be instrumental in averting flood risk.
- We also received preliminary Digital Flood Insurance Rate Maps from FEMA, which will eventually become the new regulatory floodplain maps.

Staff have been reviewing both maps and will be working with FEMA throughout the mapping update process.

FEMA will be here March 21 - 23 to present the maps and data to KPB, Soldotna, and Kenai. They will also be attending the 3/21 Planning Commission and 4/5 Assembly meetings to provide a cursory overview of these maps and will go over what the next steps are.

We have filled our vacant planner position. Ryan Raidmae comes to us with a civil engineering degree and background. We are excited to have him join the team!

Land Management:

Land Management is working with AKDOT&PF in reviewing a Right-of-way acquisition offer for the Sterling Highway MP 45-60 project in Cooper Landing. Land Management is reviewing both compensation and the provision of access points to KPB land along the highway. A ROW sale ordinance will go to the Cooper Landing APC, and the Planning Commission prior to the Assembly.

Land Management is hosting public engagement events for its Timber Sales and Reforestation project:

- Wed March 2nd, 6-8pm, public presentation and meeting, Zoom ID 89557908933
- Wed March 9th, 6-8pm, Timber Industry Open House, Gilman River Center, Soldotna
- Tues March 22nd, 6-8pm, public presentation and meeting, Gilman River Center, Soldotna

**COOPER LANDING ADVISORY PLANNING COMMISSION
REGULAR MEETING
LOCATION: ZOOM TELECONFERENCE
WEDNESDAY, JANUARY 05, 2022
6:00 PM
UNAPPROVED MINUTES**

1. CALL TO ORDER – 6:01 pm
2. ROLL CALL – J. Cadieux, K. Recken, H. Harrison, L. Johnson, C. Degernes, D. Story attending. Y. Galbraith excused.
 - a. Others attending:
 - i. Ann and Brad Hanson, Rhonda Lynn, Cindy Ecklund, David and Chris Nees, Bryan Atkins, Virginia Morgan, Tommy Gossard, Brad Melocik, Bruce Skolnick, Michael Deegan, Cheryle James, Heather Pearson, Gyda Sears, Melissa Brennan, Katie Feichtinger, Alice Rademacher, Nancy Carver, Sean Baski, Michael Link, Marcus Mueller, Rhonda Lynn, Jerry Fox, Candy FitzPatrick, KDLL News, Tom Lessard, Theodore Cocos, Kristine Route, Bruce Jaffa, Bob XXXX, Courtney XXXX, Mark XXXX, The Sorensens
3. APPROVAL OF AGENDA – L. Johnson moves to approve with addition of laydown budget item, C. Degernes seconds. All approve.
4. APPROVAL OF MINUTES for December 08, 2021 – L. Johnson moves to approve as written. C. Degernes seconds. H. Harrison did not attend. All approve.
5. CORRESPONDENCE
 - a. Notice of Decision 2021-153 Towle Subdivision Replat- approved
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE
 - a. None
7. REPORT FROM BOROUGH
 - a. DOT&PF Sterling Hwy MP 45-60 Project report and questions/answers. Sean Baski or Jonathan Tymick, PE, Project Manager, AKDOTP&F.
 - i. Phase 1B will be on the February CLAPC agenda.
8. OLD BUSINESS
 - a. Unit 395: Marcus Mueller, Kenai Peninsula Borough (KPB) Land Manager: Planning a Scope of Work

- i. Seeking community feedback/ideas on what can be incorporated into a professional contract scope to lead the investigation of how best to utilize Unit 395:
 - 1. Unit 395 Overview
 - a. 1000 acre parcel colloquially referred to as “Juneau Bench”
 - b. This parcel was part of municipal entitlement lands [granted to the Kenai Peninsula Borough from the State of Alaska out of National Forest Community Grant Lands under Section 6(a) of the Alaska Statehood Act.]
 - c. Title obtained 2019?
 - 2. Scope of Work and Request for Proposals to include hiring a planning consultant to develop a land use plan. This scope of work would also include:
 - a. Review existing plans including the Cooper Landing Land Use Plan, USFS Land Use Plan etc. and gather pertinent land information regarding resources, recreational features, waterways, sound buffers, green space and wildlife passage, etc.
 - i. Includes work from MP 45-60 project.
 - b. Facilitate a public engagement process to gather public input and report on the types of products the planning process would develop.
 - i. Presentations and work sessions
 - c. Develop a set of maps, narratives, figures to identify important features, proposed features, document recommendations and alternatives etc.
 - d. Provide cost estimates for major elements of plan.
 - e. Submit reviews for public governance approval process.
 - f. [See supporting document “Updated Unit 395 Planning Scope of Work Summary Draft” for additional components.]
 - ii. Number of APC Work sessions (3 or 4 total), Presentations (2 kick off and 2 draft plan), & other meetings (2 APC general attendance)
 - iii. Discipline/emphasis to include such as community planning, transportation planning, geology, recreation planning, utilities planning, etc.
 - iv. Resources and features important to inventory & map
 - v. Products to deliver such as plans, reports, studies, maps, recommendations
 - vi. Other ideas, emphasis, and expectations
- b. C. Degernes asked whether the USFS would be involved in the process. She said she is interested in the USFS’s plan for the forest roads and access since their plan would help shape the community’s view.

- i. M. Mueller said, yes, they will be a part of it.
 - ii. C. Degernes said she would like the CLAPC to be included in those conversations rather than the agencies working this out between each other without local, public input. J Cadieux seconded that opinion.
- c. J. Cadieux said she wants access and connectivity to the forest roads mapped and designed.
- d. D. Story asked what the elapsed timeline for this scope of work would look like.
 - i. M. Mueller said it is slated for around 6 months to start in spring 2022 and go into the fall.
 - ii. H. Harrison asked about the elapsed timeline whether it includes the consultant process, interagency cooperation, and community input. K. Recken also asked for further clarification on whether this 6 months would include the time the planners would need to complete the planning after the public process.
 - 1. M. Mueller said it was initially thought of as 6 months for the project from the initial public process through completion.
- e. J. Cadieux asked whether the input that is gathered will be ranked in order of importance and how that will be assessed.
 - i. M. Mueller said that the consultant/planner would largely be responsible for determining this through their assessment and management alternatives.
- f. C. Degernes said that six months does not sound like enough time to complete such a project especially given the timing of spring/summer months when many in Cooper Landing are busy.
 - i. M. Mueller said that he gets that sense as well.
- g. Public Questions and Statements
 - i. Cindy Ecklund asked whether the request for proposals (RFP) that is going out will be similar to the document shared by M. Mueller during this meeting. [Updated Unit 395 Planning Scope of Work Summary Draft]
 - 1. M. Mueller said, yes and that the document is an excerpt summary.
 - 2. C. Ecklund asked whether now is the time for the CLAPC to submit comments for inclusion in the RFP.
 - 3. M Mueller responded yes. He later indicated folks could submit comment after this meeting but he would like all comment within the coming two weeks.
 - ii. H. Pearson asked if M. Mueller could share where he is at in the process for Unit 395 and reminded all attendees of the community's desire to disallow access to this unit from the new highway alignment.

- iii. Michael Link asked for clarification regarding the NEPA process to examine the impacts from a road bypass/improvements included in the Record of Decision.
 1. M. Mueller said that the highway project ROD is better answered by DOT (S. Baski) but in February 2021 the USFS and DOT discussed ramps designed as an alternative to an underpass or bridge for the Chunkwood Road access. They are designed as one way on / one way off ramps and this highlights the need for a professional planning consultant.
 2. S. Baski shared his screen to show the area in question. The USFS “Chunkwood Road” has two different crossings of the existing alignment. The first crossing is along the section of Chunkwood Road locally known as ‘W. Juneau Bench Rd.’ and crosses via a two-way underpass. The second crossing is along the eastern section of Chunkwood Rd. and new alignment access to this crossing was requested by USFS (after suggestion from KPB) to maintain access for project work, fire, etc. S. Baski said that it is not “easy” access, because you would need to get around guardrails and elevation changes. The ramps to be built are intended to allow for USFS, emergency, and service vehicles but are not intended for regular traffic. He said there were also a number of elevation/drainage/etc. related issues with access provided by more traditional underpass.
 3. J. Cadieux asked for the background on the request and decision regarding this request since it was not more publicly known.
 - a. S. Baski said that the DOT was asked to provide access by the USFS and that the option to do so was included in the ROD to provide the opportunity for this access if both the USFS and FHA approved of it. He said that it is not public access but that what happens after the highway project is complete would be ultimately determined by the landholder, the KPB.
 4. K. Recken asked how it turned into discussion with the KPB for access to Unit 395 or if the KPB has not had that discussion.
 - a. S. Baski said that ultimately Unit 395 is concurrent with USFS use. Federal agencies agreed to indirect access but behind guardrails etc.
 - b. M. Mueller said that the KPB did request a ramp alternative. He explained that the KPB did not have controlling interest in those lands at the time of the

ROD but gained title to the land through the municipal entitlement land selection and transfer of title was completed.

5. D. Story asked for S. Baski to screen share the plans of the ramp configuration again to explain the configuration and whether there were two ramps in each direction of travel.
 - a. S. Baski showed the plans and explained that there would, indeed, be two ramps on each side/four ramps total, one off and one on for each direction of travel.
6. Bryan Atkins asked how we got to the point of KPB access and planning for development of this area.
 - a. M. Mueller said that there are two issues that go into answering this.
 - i. The status of the access ramps from the KPB's perspective centers at the February 2021 letter requesting access. [This letter was shared with the CLAPC at the December 8, 2021 Regular Meeting and can be found in that meeting's supporting documents]
 - ii. In terms of a planning process the Cooper Landing Land Use plan does not give enough guidance on what the plans are for Unit 395.
7. M. Link asked if the KPB is asking for access.
 - a. S. Baski said that it is not a formal request for an approach road which for controlled access roadways would typically require more information from the requester such as use numbers, engineering designs etc.
 - b. M. Link also asked if the location of the USFS road request access is the exact same location that the KPB requested?
 - i. S. Baski said that is correct.
 - c. ~~S. Baski~~[M. Link](#) stated that it seems like the anticipated use of Unit 395 could have been better anticipated since it could create a radically different environmental impact than the stated use approved in the Environmental Impact Statement.
8. C. James asked what the plan is for Unit 395.
 - a. M. Mueller said he anticipates that some areas may be deemed appropriate for residential while others may not, similar for recreation, resource etc. Commercial use has not been emphasized.

9. C. Ecklund asked about the dates of EIS, ROD and KPB possession of the Unit 395.
 - a. M. Mueller explained that the ROD came before the KPB ownership.
 - b. C. Ecklund asked who made the ask first for the ramps – the KPB or the USFS?
 - i. M. Mueller said the letter of request from the KPB predated and solicited the USFS to make the request for access.
 - ii. J. Cadieux said that the 1996 Cooper Landing Land Use Plan mentions Unit 395 and it acknowledges that the KPB desired the unit. She continued that the plan demonstrates community selection of the land but wanted access via the “bypass” to be disallowed. This section of the Land Use Plan was not made with specific land use designations because the land was not yet obtained in title by the KPB. This information can be found in the 1996 Cooper Landing Land Use Plan [Cooper Landing Land Use Classification Plan for Borough-owned and Borough Selected Lands (1996) https://www.kpb.us/images/KPB/PLN/Plans/Reports/1996CL_Plan.pdf Pages 20, 29, 32, 33, 35 and the appendix].
 - c. J. Cadieux thanked all who attended this evening and said the scope of what to look at for how to plan the use of this unit will be determined by this process and we really need to help the KPB plan its utilization.
 - i. She requested that attendees of tonight’s meeting please continue to attend these meetings and engage others to bring out the concerns and ideas for this process.
10. B. Atkins wants to make sure public opinion is heard.
11. J. Cadieux said that the area is nearly the size of the existing town of Cooper Landing and will have a considerable impact on the community.
12. B. Skolnick said that he commercial fishes in the summer and is often not in town and requested the planning process be pushed back to include public comment into the fall to allow for voices from people like him. He also said that he does not approve of commercial use development of Unit 395.

13. J. Cadieux said this will not be the last opportunity to comment. She also said that it is important to be a part of this process by attending the APC meetings, emailing M. Mueller and public representatives and suggested that members of the community CC the CLAPC when they email so our APC can help better represent the community.
14. M Mueller indicated he would like scoping suggestions to come to him within the next two weeks.
15. K. Recken asked folks for direction regarding the things to be included and not just opposed in the examination of Unit 395 for tonight’s meeting.
16. M. Brennan said she would like to see support in the community for affordable housing.
 - a. J. Cadieux said that is a recurring topic in CLAPC meetings. KPB does not have an ordinance for affordable housing at this time.
17. B. Jaffa asked how the KPB could restrict the value of land to prevent only expensive parcels being put on the market and said if all land is bid on in a free and fair market it would seem the lots will sell high.
 - a. M. Mueller said that the borough cannot restrict the value of land but can ask the planning consultant to identify impediments to affordable housing and to investigate ways to promote it.
 - b. J. Cadieux mentioned that this often is an issue in communities like ours, Hope, Moose Pass, Seward, etc. where available land is limited. She suggested KPB needs an affordable housing ordinance to address this.
18. The Sorenson’s asked if the on and off ramps are one way, will someone coming from Anchorage, stopping on the northside of the road for a view, then go back to Anchorage – wouldn’t they go out and have to do a u-turn.
 - a. S. Baski said that as of now we are only talking about emergency access and there are other opportunities provided for the described uses.
 - b. He said one of the opportunities for a “U-Turn” use would be the new western intersection of the existing alignment.
19. H. Pearson asked if any alternatives were considered for the Chunkwood ramps.
 - a. M. Mueller said that an underpass and overpass were both considered as well.
 - b. S. Baski explained that those alternatives were not selected because the underpass had engineering

issues and the overpass is an extremely expensive option for the intended limited access.

- c. S. Baski said this is a controlled access facility meaning no additional driveways or access within the right-of-way. To break that controlled access requires approval from the DOT and also the Federal Highway Administration.
20. The Sorenson's asked about the cost comparison for a bridge access to Chunkwood Road.
- a. S. Baski explained some of the cost comparison considerations that led to the choice of ramp access.
21. B. Atkins asked if the USFS access has been approved and if the USFS use is a stepping stone for KPB use.
- a. S. Baski said that it has been approved by the USFS and FHA.
 - b. M. Mueller said that the KPB does not have any plans for that use right now other than the proposed planning process to determine the appropriate use.
22. T. Gossard asked why the KPB wrote a letter requesting the ramps if there is not a plan for its use and why was it not shared with the CLAPC at the time of request.
- a. M. Mueller said the letter was requested because the ramps allowed for the most opportunity for later use and provided the greatest value to the KPB.
 - b. He said there was no reason why it could not have been shared.
23. B. Atkins said that it seems shady to not keep the community in the know when it was known that the community did not want this access.

9. NEW BUSINESS

- a. ADL 233788 Easement request by AK DOT&PF to AK DNR for Sterling Hwy MP 45-60 re-alignment.
 - i. C. Degernes makes a motion supporting the easement request. L. Johnson seconds. All approve.
- b. CLAPC FY2023 budget
 - i. H. Harrison moves to propose the budget as written. L. Johnson seconds, all approve.

10. PLAT REVIEW - none

11. INFORMATION and ANNOUNCEMENTS - none

12. COMMISSIONER'S COMMENTS

- a. K. Recken asked that the CLAPC meeting links be added to the Cooper Landing Announcements on Facebook and thanked all the community members for attending.
- b. C. Degernes thanked M. Mueller, N Carver, and S. Baski for extending their workdays to be a part of this important process and welcomed C. Ecklund.

13. ADJOURNMENT

- a. L. Johnson moves to adjourn, H. Harrison seconds, all approve. 8:11pm

For more information or to submit comments please contact:

David Story, Secretary Treasurer or Janette Cadieux, Chair, P.O. Box 694, Cooper Landing, 99572 CooperLandingAPC@gmail.com

**COOPER LANDING ADVISORY PLANNING COMMISSION
REGULAR MEETING
LOCATION: ZOOM TELECONFERENCE
WEDNESDAY, FEBRUARY 9, 2022
6:00 PM
UNAPPROVED MINUTES**

1. CALL TO ORDER
2. ROLL CALL – J. Cadieux, C. Degernes, K.Recken, L. Johnson, Y. Galbraith, H. Harrison, D. Story present.
 - a. Members of the public present: T. Gossard, M. Brennan, H. Pearson, Dakota Truitt, KPB Land Agent, Nancy Carver, KPB Planner, Brenda Ahlberg, KPB OEM Dir., S. Holland, A. O’Hara, R. Lynn, E. Holsten
 - b. Oath of office for D. Story (re-do)
3. APPROVAL OF AGENDA – L. Johnson moves to approve. C. Degernes seconds, all approve through roll call vote.
4. APPROVAL OF MINUTES for January 05, 2022 – H. Harrison moves to approve as written. K. Recken seconds, all approve through roll call vote.
5. CORRESPONDENCE
 - a. Letter from resident requesting no road access to Unit 395 from new highway alignment
 - b. Confirmation from DOT that the final selection of designs for the western interchange between Sterling Hwy new alignment and existing “town road” Sterling Hwy will be the Tight Diamond ramp design.
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE - none
7. REPORT FROM BOROUGH
 - a. DOT&PF Sterling Hwy MP 45-60 Project will not be reporting this month. Please see posted informational flyers on the Crier.
 - b. Brenda Ahlberg – KPB Emergency Manager
 - i. Community Wildfire Protection Plan (CWPP) is in its final stages and the KPB is seeking public comments before February 25th. The CLAPC will finalize its comments for the March 16th Cooper Landing APC meeting.

- ii. Original CWP plans were done in 2006 and 2009 for some but not all areas of the borough. In 2019 the KPB received a grant that has allowed a more comprehensive plan to be drafted.
- iii. A core group of land managers, public and private have been a big part of providing input to this new plan.
- iv. Special recognition given to Riley Shurtleff from Cooper Landing Emergency Services for his help providing input and access to information for the planners.
- v. Please contact Brenda Ahlberg with any specific questions.
 - 1. 907-231-6505
 - 2. bahlberg@kpb.us

8. OLD BUSINESS - none

9. NEW BUSINESS

- a. KPB Forest Management Project: Dakota Truitt, KPB Land Management Agent, presentation of the KPB Timber Harvesting Program for Wood Utilization and Forest Management of KPB Beetle-impacted Forests.
 - i. The KPB is sharing info about the beetle infestation and seeking community input.
 - ii. Selective timber harvest has been identified as a good tactic for addressing the infestations.
 - 1. The KPB hopes to draft ordinance allowing authorization of timber sales as a management tool for spruce bark beetle (SBB)-impacted forests.
 - iii. Short term goals
 - 1. Authorization for timber sales
 - 2. Initiate active forest management utilizing local labor
 - 3. Grant exploration and application.
 - iv. Long term goals
 - 1. Develop a forest management plan that promotes forest health and fire resiliency across land manager boundaries, improves habitat and maintains access for residents and tourists.
 - 2. Promote reforestation in affected areas and create forestry infrastructure that allows for sustainable industry and market rather than the boom and bust experienced with the last SBB infestation.
 - 3. Improve quality of land and reduce economic and ecological costs to Borough residents.
 - v. K. Recken asked about the species that would be used to reforest.
 - 1. D. Truitt said that managers have ongoing attention to and participation with university studies to see which species can work in addition to young spruce.

- vi. J. Cadieux asked about the use of succession species such as hemlock which may not be affected as easily and whether climate change is factored into the planning. Can spruce forests survive in this changing climate?
 - 1. D. Truitt said the research from past years suggests that there will be a significant ecotone change for the Kenai Peninsula in the future, possibly not allowing a return to spruce forests in some areas, which is why determining the planning, research and community values is important to create a forest management strategy to address the changes the peninsula faces. Yes, hemlock may be a species considered for re-forestation where appropriate.
- vii. D. Truitt said that Cooper Landing is a challenging area for timber harvest, fire history, and forest management.
 - 1. The goal of this program is to develop an ordinance that authorizes timber sales as a management tool. Next tier down is fuel mitigation. Next tier is no action.
- viii. Presentation information claims:
 - 1. There have been ~21,000 acres of forested land between Cooper Landing, Kenai, and Soldotna affected by the SBB in 2020 with 120,000 acres Peninsula-wide.
 - 2. Spruce volumes currently average 0.5-1 merchantable cords per acre and 6-20 cords of fuel wood per acre of dead, dying, and susceptible to SBB.
 - 3. There is a significant portion of area of KPB lands in and around Cooper Landing that is affected by SBB.
 - 4. 4000 acres of lands with dominant spruce component in various stages of infestation.
 - 5. Focus begins with right-of-ways and community areas affected by hazard trees.
 - 6. Timber volume and value estimated
 - a. ~10,500-21,000 cords of merchantable value
 - b. ~126,000-420,000 cords of fuelwood volume
 - i. Proper valuation helps to create inertia for the management program objectives.
 - 7. Recent AK timber sales have valuations of ~\$32/cord for spruce sawlogs and ~\$22/cord for fuelwood
 - a. Mat-Su Borough, AK Division of Forestry and Chugach NF are currently selling spruce logs for fuelwood or other purposes for \$10/cord or less.
 - b. By allowing sales now for a significant reduction of value for that timber it means not paying for much more expensive treatment such as fuels reduction or risking loss of forest ecosystems.
 - 8. Comparing the costs of timber sales to the costs of treatment regimens or the costs of emergency response

such as occurs with wildfire shows that management tools such as timber sales are cost effective way to manage the SBB affected forests.

9. Intent is to use all revenue from timber sales for reforestation projects including the studies and activities needed to support forest management infrastructure.
- b. Grant Exploration
 - i. BLM Fuels Mitigation \$150,000 per application
 1. May include fuel mitigation projects around the Cooper Landing school.
 - c. The main goal in the short term is a new ordinance authorizing forest management. Such an ordinance is needed to allow
 1. Management of any land classification
 2. Broad prescription types
 - d. Other opportunities for public involvement include
 - i. Open houses at the Kenai River Center
 1. March 2, 2022
 2. March 22, 2022
 - ii. CLAPC Meeting
 1. May 4, 2022
 - iii. KPB Planning Commission
 1. May 9, 2022
 2. June 13, 2022
 - iv. KPB Assembly Hearings
 1. May 17, 2022
 2. June 21, 2022
 - v. [More info can be found on slide 26 of the CLAPC Meeting Presentation.pdf in the supporting documents.]
 - e. D. Story asked what the mechanism for public input is once the ordinance authorizing timber sales is passed.
 - i. D. Truitt said adjacent landowners would be notified of timber sales near their properties.
 - ii. D. Story noted that one of the challenges of public notification experienced now is the three-week notification schedule which can effectively bypass public meetings such as the APCs which generally meet once a month or less.
 - iii. D. Truitt emphasized the importance of hiring a forester who provides on the ground accountability for contractors and can support local landowners etc.
 - f. K. Recken asked about the timeline and the need for more public engagement.
 - i. D. Truitt said the focus right now is to stand up the ordinance that will allow for using timber sales as a management tool.
 - g. J. Cadieux asked about the research on forest regeneration and whether fire as a management tool is being considered.

- i. D. Truitt said yes. Much of the research suggests that prescribed fire is the most effective tool for spruce regeneration but the KPB does not have the crew to utilize this tool. She continued saying that partnering with other groups such as the Chugachmiut fire crew or other fire crews is an option.
- h. J. Cadieux mentioned that many of the tracks placed by forest managers result in OHV use. There have been problems of campfires unattended once folks start accessing these forestry tracks thus increasing fire risk.
 - i. D. Truitt said that there are many methods to limit resource destruction from such use. Prescriptions of harvest by ice roads limits direct damage and while making closing and remediating access roads a part of contract obligations are examples of ways to limit such issues.

10. PLAT REVIEW - none

11. INFORMATION and ANNOUNCEMENTS

- a. Draft Kenai Area Plan Amendment AS 38.04.065 and Draft Kenai River Comprehensive Management Plan Amendment AS 41.21.506 for Moose Pass parcel conveyance to KPB. Public comment period open till 2/25/22.

12. COMMISSIONER'S COMMENTS - none

13. ADJOURNMENT – L. Johnson moves to adjourn, Y. Galbraith seconds. All approve by roll call vote. 7:30pm

For more information or to submit comments please contact:

David Story, Secretary Treasurer or Janette Cadieux, Chair, P.O. Box 694, Cooper Landing, 99572 CooperLandingAPC@gmail.com