

# KENAI PENINSULA BOROUGH

## Kenai Peninsula Borough Assembly

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Blaine Gilman, Assembly President  
Brent Johnson, Vice President

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### MEMORANDUM

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

**FROM:** Dale Bagley, Assembly Member *DLB*

**DATE:** February 23, 2016

**RE:** Amendment of Ordinance 2016-07 (Substitute), regarding amending KPB Chapter 7.20 and enacting KPB Chapter 7.30 regarding local protests of state marijuana licenses

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I propose the following amendments to this ordinance:

➤ Delete the ninth Whereas clause as follows:

**[WHEREAS, ORDINANCE 2016-05 ESTABLISHES THE PLANNING COMMISSION AS THE COMMENTARY AGENCY TO THE MARIJUANA CONTROL BOARD REGARDING LICENSING FOR MARIJUANA ESTABLISHMENTS; AND]**

➤ Amend KPB 7.20.010(B) in Section 2 as shown in **bold and underline** and **[BOLD, SMALL CAPS, BRACKETED]** as follows:

7.20.010 Local Regulatory Authority.

...

B. The **[PLANNING COMMISSION] assembly** is authorized to comment to the State of Alaska Marijuana Control Board on marijuana establishment license applications within the Kenai Peninsula Borough consistent with the standards set forth in AS 17.38, **[AND]** 3 AAC 306, and KPB 7.30. A public hearing shall be held by the [PLANNING COMMISSION] assembly prior to submitting the borough's comments on a license application, transfer, relocation or renewal to the State of Alaska.

- Amend KPB 7.30.010 in Section 2 as shown in **bold and underline** and [BOLD, SMALL CAPS, BRACKETED] and switch paragraphs B and C as shown below:

7.30.010. – [PLANNING COMMISSION] **Assembly** review—Applications—Renewals--**Hearing**.

- A. The [PLANNING COMMISSION] **assembly** shall review applications submitted to the State Marijuana Control Board for marijuana establishment licenses, or the renewal of a license, within the borough in the following situations:
1. applications for a new license; or
  2. applications requesting approval of a relocation of the licensed premises; or
  3. applications requesting the renewal of a license; or
  4. applications requesting approval of a transfer of a license to another person.

**B[C]. Prior to the assembly making a recommendation to the Marijuana Control Board [T]the planning commission shall hold a public hearing and make a recommendation to the assembly on the license application applying the standards set forth in KPB 7.30.020. [PRIOR TO MAKING A RECOMMENDATION TO THE MARIJUANA CONTROL BOARD.]** The planning department shall prepare a staff report for the planning commission addressing items set forth in KPB 7.30.020. Notice of the public hearing shall be given in accord with the provisions of KPB 21.11.

**C[B]. After [PLANNING COMMISSION] assembly public hearing,** review and action as provided in KPB **7.30.010(A) and** 7.30.020, the borough [PLANNING DEPARTMENT] **clerk** shall provide a letter to the State of Alaska Marijuana Control Board informing it of the [PLANNING COMMISSION'S] **assembly's** non-objection, protest, or recommended conditional approval as appropriate.

- Amend the title of KPB 7.30.020 and introductory paragraph of KPB 7.30.020(A) in Section 2 as shown in **bold and underline** and [BOLD, SMALL CAPS, BRACKETED] as follows:

7.30.020. - [PLANNING COMMISSION] **Assembly review—Standards. [PROTEST.]**

- A. The [PLANNING COMMISSION] **assembly** shall cause a protest to be filed with the State of Alaska Marijuana Control Board on any application submitted for a new marijuana license, or any application requesting approval of a relocation of the licensed premises, or any application requesting approval of a transfer of a license to another person, or the application for renewal of a license, within the borough, in the following situations:

...

- Amend KPB 7.30.020(E) in Section 2 as shown in **bold and underline** and [BOLD, SMALL CAPS, BRACKETED] as follows:

- E. The [PLANNING COMMISSION] **assembly** may recommend conditions on a license to meet the following standards: protection against damage to adjacent properties, offsite odors, noise, visual impacts, road damage, and criminal activity, and protection of public safety.