

Introduced by: Cooper
Date: 05/17/16
Action: Motion to Add to the Agenda
Vote: 7 Yes, 2 No, 0 Absent
Action: Introduced and Set for Public
Hearing 06/07/16
Hearing: 06/07/16
Action: Failed to Enact
Vote: 1 Yes, 7 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2016-18**

**AN ORDINANCE WAIVING THE RIGHT TO PROTEST THE STATE OF ALASKA'S
ISSUANCE OF CERTAIN MARIJUANA CULTIVATION LICENSES**

WHEREAS, four marijuana cultivation facility licenses have been received by the borough clerk from the Alcohol & Marijuana Control Office ("AMCO") for review by the borough; and

WHEREAS, per state regulation the borough has 60 days to comment on marijuana license applications before AMCO will approve them unless the local governing body waives the right to protest them; and

WHEREAS, the next AMCO meeting is June 9, 2016, which is less than 60 days after the date the AMCO issued its preliminary approval of these licenses and;

WHEREAS, it takes a minimum of 90 days for marijuana plants to reach maturity when grown outdoors in Alaska; and

WHEREAS, marijuana cultivation facility operations in the Kenai Peninsula Borough will lose their entire 2016 growing season if the borough assembly does not waive the right to protest these applications; and

WHEREAS, under Alaska law marijuana cultivation establishments cannot sell their product to the public without a marijuana retail license; and

WHEREAS, waiving the right to protest just the cultivation facility licenses received to date would in no way affect the current borough code requirements for the other applicants, the effect of the current code or any action elections that may take place concerning the marijuana industry; and

WHEREAS, if the law changes to prohibit marijuana establishments the cultivators would be legally required to destroy their unsold product; and

WHEREAS, KPB 7.30.010 requires the assembly to review and make recommendations to the state on applications submitted to the state Marijuana Control Board for marijuana

establishment licenses and for the planning commission to hold a public hearing and make a recommendation to the assembly on such license applications; and

WHEREAS, a waiver of borough code requirements must be approved by ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. Pursuant to 3 AAC 306.075 the KPB assembly hereby waives its right to protest the state's grant of the following marijuana cultivation license applications: Peace Frog Botanicals, LLC, Omar Gucer dba Talisman Farms, Croy's Enterprises, LLC and Greatland Ganja, LLC and suspends the requirements of KPB 7.30.010 and KPB 7.30.020 A.1. only for these initial license applications. The waiver only applies to this first application year.

SECTION 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF JUNE, 2016.

Blaine Gilman, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

05/17/16 Vote on motion to add to the agenda:

Yes: Bagley, Cooper, Dunne, Holmdahl, Johnson, Ogle, Gilman
No: Welles, Knopp
Absent: None

05/17/16 Vote on motion to introduce and set for public hearing:

Yes: Cooper, Dunne, Johnson, Ogle, Gilman
No: Bagley, Holmdahl, Knopp, Welles
Absent: None

06/07/16 Vote on motion to enact:

Yes: Cooper
No: Bagley, Dunne, Holmdahl, Johnson, Knopp, Ogle, Welles
Absent: Gilman