



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
Toll-free within the Borough: 1-800-478-4441
PHONE: (907) 262-4441 • FAX: (907) 262-1892
www.kpb.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

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

FROM: Mike Navarre, Mayor *MN*
Wayne Ogle, Assembly Member *(B) for W.O.*
Blaine Gilman, Assembly President *(B) for B.G.*

DATE: February 11, 2016

SUBJECT: Ordinance 2016-07 (Mayor, Ogle, Gilman) Substitute, An Ordinance Amending
KPB Chapter 7.20 and Enacting KPB Chapter 7.30 Regarding Local Protests of
State Marijuana Licenses

Ordinance 2016-07 which establishes a borough land use permit issued by the planning director has an awkward relationship with ordinance 2016-05 which establishes the planning commission as the borough commenting agency to the State of Alaska on marijuana license applications.

The planning director issuing a counter permit while the planning commission is holding a public hearing for the license of the same establishment is a confusing and unnecessary duplicative process. The planning commission essentially functions as a tribunal holding a public hearing with little ability to address any concerns raised under the proposed ordinance 2016-07 unless changes to a counter permit previously issued by the planning director are proposed. The proposed substitute eliminates the counter permit process and moves the relevant standards and conditions to KPB 7.30 which is the chapter authorizing the planning commission to comment to the state on the license application. Rather than having a separate set of conditions which are the same as those already established by the counter permit there would be one set of standards and conditions set forth in KPB 7.30. The borough addresses alcohol establishments in the same manner; rather than having a separate permit process the borough comments to the state on the alcohol license application filed with the state. 3 AAC 306.060 "protest by local government" authorizes the borough to propose conditions on the state marijuana license. This process will avoid the borough enforcing violations of the marijuana standards. Rather, the borough would monitor compliance with the conditions proposed by the borough and report violations to the state. The borough would also be able to propose conditions and comment on the annual renewal, transfer, or relocation of a marijuana license. Under the substitute the planning commission may recommend conditions on the state license as long as they are consistent with meeting the standards set forth in the ordinance and are not arbitrary or capricious and are capable of being adequately monitored by the borough.

Your consideration of this substitute is appreciated.