



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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MIKE NAVARRE
BOROUGH MAYOR

M E M O R A N D U M

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

THRU: Mike Navarre, Borough Mayor *MN*

FROM: Max Best, Planning Director *mb*

DATE: April 18, 2016

SUBJECT: Ordinance 2016-12; An ordinance amending KPB 7.30.020 to change the way minimum distances are measured between marijuana establishments and schools, churches and correctional facilities, and imposing minimum distances between marijuana establishments and local option zoning districts.

The Kenai Peninsula Borough Planning Commission reviewed the subject Ordinance during their regularly scheduled April 11, 2016 meeting.

A motion failed by unanimous consent to recommend approval of Ordinance 2016-12; An ordinance amending KPB 7.30.020 to change the way minimum distances are measured between marijuana establishments and schools, churches and correctional facilities, and imposing minimum distances between marijuana establishments and local option zoning districts.

In the Ordinance, please make the following amendment to the last WHEREAS statement:

Whereas, at its meeting of April 11, 2016, the Planning Commission recommended denial by unanimous consent.

Attached are the unapproved minutes of the subject portion of the meeting.

KENAI PENINSULA BOROUGH PLANNING COMMISSION
LAND'S END RESORT
QUARTER DECK ROOM
4786 HOMER SPIT ROAD
HOMER, ALASKA 99603

April 11, 2016 - 7:30 P.M.

UNAPPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

Chairman Martin called the meeting to order at 7:30 p.m.

AGENDA ITEM B. ROLL CALL

Commissioners Present

Paulette Bokenko-Carluccio, City of Seldovia
JoAnne Collins, Anchor Point / Ninilchik
Cindy Ecklund, City of Seward
Robert Ernst, Northwest Borough
Rick Foster, Southwest Borough
James Glendening, City of Kenai
Sandra Holsten, East Peninsula
James Isham, Sterling
Harry Lockwood, Ridgeway
Blair Martin, Kalifornsky Beach
Robert Ruffner, Clam Gulch / Kasilof
Franco Venuti, City of Homer
Paul Whitney, City of Soldotna

With 13 members of a 13 member Commission in attendance, a quorum was present.

Staff Present

Max Best, Planning Director
Tom Dearlove, River Center Manager
Patti Hartley, Administrative Assistant
Carrie Henson, E911 Addressing Officer
Karyn Noyes, River Center Manager

Others Present

Jeffery Erickson
Robert Stecker
Dennis Tidwell
Terry Tidwell
Joseph Tolotta

AGENDA ITEM F. PUBLIC HEARINGS

3. Ordinance 2016-12; An ordinance amending KPB 7.30.020 to change the way minimum distances are measured between marijuana establishments and schools, churches and correctional facilities, and imposing minimum distances between marijuana establishments and local option zoning districts.

Staff Report given by Max Best

PC Meeting: 4/11/16

This ordinance provides that the distance between a licensed marijuana establishment and a school, a place of public worship, a youth center and a correctional facility would be determined by measuring the distance

between the licensed premises property line and the outer parcel boundaries of the other location. In Mr. Welles view this is a much simpler way of measuring the distance than following the pedestrian route from the public entrance of the licensed premises building to the outer boundaries of the property where the school or other facilities are located. It also adds a new provision that would prohibit a marijuana establishment from being located within 500 feet of an existing local option zoning district. Mr. Welles thought this was important to support the purpose of local option zoning districts in which licensed marijuana establishments are no longer authorized under KPB 7.30.020(B)(3).

The way it is measured now would be from the establishment's door and as a pedestrian walks to the entrance of the other facility. It would be door to door with the distance being 500 feet. If it was a school then it would be from the establishment's door to the edge of the school property.

Approval of this ordinance would be appreciated.

END OF MEMORANDUM

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Venuti moved, seconded by Commissioner Holsten to recommend adoption of Ordinance 2016-12, an ordinance amending KPB 7.30.020 to change the way minimum distances are measured between marijuana establishments and schools, churches and correctional facilities, and imposing minimum distances between marijuana establishments and local option zoning districts.

Commissioner Ernst asked if this ordinance would re-impose the 500 foot buffer. Chairman Martin replied that it was only a line item and was only a 500 foot buffer for marijuana facilities. Commissioner Ernst asked if someone had a marijuana business next to a LOZ then they would have to move it back 500 feet. Chairman Martin replied first come, first serve. Commissioner Ernst asked if it was on their own property then they would have to move it back 500 feet if it was next to a LOZ. Chairman Martin stated that if this was enacted then they wouldn't be allowed to build one. Commissioner Ernst thought that it would just expand the Local Option Zone area by a measurably large amount. Chairman Martin stated that it would be 500 feet.

Commissioner Glendening thought they had visited this already and expressed their displeasure with it. He stated he would not be supporting the motion.

Commissioner Whitney agreed with Commissioner Glendening and has gone over this two or three times already. He felt this was beating a dead horse.

Commissioner Venuti thought this ordinance encroaches on property rights. It is unfair to require this. He knew that they require buffer zones on material sites but that is always within the boundaries of the material site. He felt this was a bad idea that pits neighbor against neighbor so he will be voting against the motion.

There being no further comments or questions, Chairman Martin called for a roll call vote.

VOTE: The motion failed by unanimous consent.

CARLUCCIO NO	COLLINS NO	ECKLUND NO	ERNST NO	FOSTER NO	GLENDENING NO	HOLSTEN NO
ISHAM NO	LOCKWOOD NO	MARTIN NO	RUFFNER NO	VENUTI NO	WHITNEY NO	0 YES 13 NO

Mr. Best introduced Karyn Noyes who is a Planner at the River Center.

AGENDA ITEM G. ANADROMOUS WATERS HABITAT PROTECTION (KPB 21.18)