

KENAI PENINSULA BOROUGH

Kenai Peninsula Borough Assembly

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Blaine Gilman, Assembly President
Brent Johnson, Vice President

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 2016-05, Marijuana Regulation

I propose the following amendments to this ordinance:

- Change the title as shown in **bold and underline** and [BOLD, SMALL CAPS, BRACKETED] as follows:

AN ORDINANCE ENACTING KPB 2.40.110 AND KPB CHAPTER 7.20 – MARIJUANA REGULATION, AND DESIGNATING THE [PLANNING COMMISSION] **ASSEMBLY** AS THE LOCAL REGULATORY AUTHORITY WITHIN THE KENAI PENINSULA BOROUGH UNDER ALASKA STATUTE CHAPTER 17.38 FOR MARIJUANA ESTABLISHMENTS

- Change the fourth whereas clause as shown in **bold and underline** and [BOLD, SMALL CAPS, BRACKETED] as follows:

WHEREAS, designating the Kenai Peninsula Borough [PLANNING COMMISSION] **ASSEMBLY** as the local regulatory authority allows the borough to provide input to the State Marijuana Control Board on applications for local marijuana establishments, regulate the process itself should the state fail to do so, and afford the borough the opportunity to collect one half of the applicable state application fees for marijuana establishments; and

- Delete the seventh whereas clause as follows:

[WHEREAS, AT ITS SEPTEMBER 2, 2015, MEETING THE MARIJUANA TASK FORCE RECOMMENDED THAT THE PLANNING COMMISSION BE THE LOCAL REGULATORY AUTHORITY FOR THE BOROUGH; AND]

- Amend KPB 2.40.110 in Section 1 as shown in **bold and underline** and **[BOLD, SMALL CAPS, BRACKETED]** as follows:

2.40.110 Local regulatory authority for regulation of local marijuana establishments.

The **[PLANNING COMMISSION] ASSEMBLY** is the local regulatory authority for marijuana establishments pursuant to KPB Chapter 7.20, Marijuana Regulation.

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

7.20.010 Local Regulatory Authority.

- A. The Kenai Peninsula Borough **[PLANNING COMMISSION] ASSEMBLY** is the local regulatory authority for regulation of local marijuana establishments in the area of the borough outside of the cities under AS Chapter 17.38 and any implementing regulations.
- B. The **[PLANNING COMMISSION] ASSEMBLY** is authorized to comment to the State of Alaska Marijuana Control Board on license applications within the Kenai Peninsula Borough consistent with the standards set forth in AS 17.38 and 3 AAC 306.
- C. The planning commission, consistent with AS 29.40 and KPB 21.01.010, shall make recommendations to the borough assembly regarding land use regulation of commercial marijuana facilities as defined by AS 17.38 and administer and implement any land use regulations adopted by the borough assembly.