

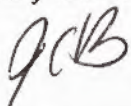
# Kenai Peninsula Borough


## Planning Department

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### MEMORANDUM

TO: Kelly Cooper, Assembly President  
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor 

FROM: Marcus A. Mueller, Acting Planning Director 

DATE: May 11, 2020

RE: Ordinance 2020-30, An Ordinance Authorizing Cooperative Leases Of Space At The Kenai River Center Building With The State Of Alaska, Department of Fish & Game and Department of Natural Resources.

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The Kenai Peninsula Borough Planning Commission reviewed the subject Ordinance during their regularly scheduled June 8, 2020 meeting.

A motion passed by unanimous vote (11 Yes, 0 No, 1 absent) to recommend approval of Ordinance 2020-30.

In the Ordinance, please amend the last *Whereas* statement to read:

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of June 8, 2020 recommended approval by unanimous vote.

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

See and hearing no one else from the public wishing to comment, Chairman Martin closed public comment and opened discussion among the Commission.

**MOTION:** Commissioner Ecklund moved, seconded by Commissioner Whitney to forward to the Assembly a recommendation to approve Ordinance 2020-25, authorizing the establishment of the Resilience & Security Advisory Commission for the Kenai Peninsula Borough.

Commissioner Ecklund stated that she is very happy to see this moving forward. She recognized that a lot of work went into this. She was glad that this did not end up stuck on a shelf and that you persevered through the pandemic and Zoom meetings to get this done. She was aware that there are areas of the KPB Comprehensive plan that supports efforts like this. She is very happy to support this ordinance.

Commissioner Bentz stated that she fully supports this ordinance and hopes that it moves through the Assembly. She is excited that there is a policy document in the borough comprehensive plan but a resiliency commission could really help the words to become actions resulting in a tangible increase in resiliency in our coastal communities. There have been numerous organizations working towards this type of commission and she feels that the borough has an important role to coordinate these ongoing efforts. She believes that an active and accountable public sector is critical to address climate change issues.

**MOTION PASSED BY MAJORITY VOTE:** Yes-10, No-0, 2-Absent

Yes: Brantley, Venuti, Ruffner, Whitney, Ernst, Ecklund, Morgan, Carluccio, Bentz, Martin

Absent: Foster, Fikes (Commissioner Fikes lost connection to the meeting)

#### AGENDA ITEM E. PUBLIC HEARINGS

3. Ordinance 2020-030: Authorizing cooperative leases of space at the Kenai River Center building with the State of Alaska Departments of Fish & Game and Natural Resources

Staff report presented by Marcus Mueller

PC Meeting June 8, 2020

The ordinance would authorize cooperative leases at the Kenai River Center with the State of Alaska Fish & Game and Natural Resource departments. We are coming to the end of the 15-year interagency leases. In 2005, the KPB entered into a set of leases and the two parties identified in the ordinance wish to continue to utilize space at the Kenai River Center. The leases are for a 15-year term. Along with the leases is a shared services agreement that did not get into the meeting packet. The shared service agreement, which is reviewed every year, covers janitorial and security services, facility maintenance, contract services, utility costs, shared office supplies/equipment, casualty insurance for the property and a long term capital repair and replacement fund. The proposed budget figures that go with the shared services agreement for the upcoming fiscal year are \$118,723.00. The costs will be shared as follows: 67% Borough, 22% AK Dept. of Fish & Game and 11% AK DNR State Parks. This agreement is in draft form and is currently going through agency review. There are vacant office spaces in the building and are we working diligently to fill those vacancies. Most recently, there have been conversations with DNR Division of Forestry to place a local forester in the building.

#### END OF STAFF REPORT

Chairman Martin asked if anyone from the public wished to comment on this item. See and hearing no one from the public wishing to comment, Chairman Martin closed public comment and opened discussion among the Commission.

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to forward to the Assembly the recommendation to approve Ordinance 2020-030 authorizing cooperative leases of space at the Kenai River Center building with the State of Alaska Departments of Fish & Game and Natural Resources.

**MOTION PASSED BY MAJORITY VOTE:** Yes-10, No-0, 2-Absent

Yes: Brantley, Venuti, Ruffner, Whitney, Ernst, Ecklund, Morgan, Carluccio, Bentz, Martin

Absent: Foster, Fikes (Commissioner Fikes lost connection to the meeting)

**AGENDA ITEM E. PUBLIC HEARING****4. State application for a retail marijuana store license; Kalifornsky Area**

Staff report given by Scott Huff

PC MEETING: June 8, 2020

**Applicant:** Alaska Harvest Company LLC  
**Landowner:** Shiron Properties LLC  
**Parcel ID#:** 055-160-35  
**Legal Description:** Lot 9C, College Village Subdivision Resubdivision Lots 9 & 10 Block 1, according to Plat 77-122, Kenai Recording District  
**Location:** 43837 Kalifornsky Beach Road

**BACKGROUND INFORMATION:** On February 3, 2020, the applicant notified the borough that he/she had submitted an application to the state for a Retail Marijuana Store license. On March 1, 2020, the applicant supplied the borough with a signed acknowledgement form and a site plan of the proposed Retail Marijuana Store license on the above described parcel. The Alcohol and Marijuana Control Office notified the borough that the application was complete on May 4, 2020. Staff has reviewed the completed license that has been submitted to the state and the site plan submitted to the borough and has found the following concerning the standards contained in KPB 7.30.020:

1. The Borough finance department has been notified of the complete application and they report that the applicant is in compliance with the borough tax regulations.
2. Borough planning department staff has evaluated the application and has determined that the proposed facility will be located greater than 1,000 feet from any school.
3. Borough planning department staff has evaluated the application and has determined that the proposed facility will be located greater than 500 feet from all recreation or youth centers, and all buildings in which religious services are regularly conducted, and all correctional facilities.
4. The proposed facility is not located within a local option zoning district.
5. The proposed facility is located where there is sufficient ingress and egress for traffic to the parcel.
  - Lot 9C has direct access to Kalifornsky Beach Road, a state maintained road, and will not be accessing a borough right-of-way.
  - The site diagram notes ingress/egress across Lot 9A to Poppy Lane. Staff has not been able to verify if a public access easement has been granted by the land owner of Lot 9A.
  - The signed acknowledgement form indicates that there will not be any parking in borough rights-of-way.
  - The site plan shows the routes delivery vehicles can use is from Kalifornsky Beach Road with access to the rear of the building where a parking/turnaround area will allow for vehicles to turn safely.
  - On-site parking and loading areas would be east of the building and would preclude vehicles from backing out into the roadway.
  - The site plan shows the existing building located on Lot 9C 11.9 feet from Kalifornsky Beach Road right of way. The building is located within the 20 foot building setback as established by College Village Subdivision plat (KN 77-122). The building is in violation of KPB 20.30.240 Building Setback and is subject to KPB 20.10.030(C) Violations and remedies.
6. The signed acknowledgement form indicates that business will not be conducted, or allow any