

AGENDA
KENAI PLANNING & ZONING COMMISSION – REGULAR MEETING
APRIL 24, 2019 - 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
www.kenai.city

A Work Session will be held prior to the general meeting from 5:30 p.m. to 6:45 p.m. to discuss amending Kenai Municipal Code 14.20.220 – Signs

1. CALL TO ORDER

- a. Pledge of Allegiance
- b. Roll Call
- c. Agenda Approval
- d. Consent Agenda
- e. *Excused absences

All items listed with an asterisk () are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

2. *APPROVAL OF MINUTES

- a. March 27, 2019.....1
- b. April 10, 2019.....7

3. SCHEDULED PUBLIC COMMENT

(Public comment limited to ten (10) minutes per speaker)

4. UNSCHEDULED PUBLIC COMMENT

(Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated)

5. CONSIDERATION OF PLATS - None

6. PUBLIC HEARINGS

- a. **Resolution PZ2019-13** – Amending Kenai Municipal Code 14.20.320 – Definitions - 14.20.330 – Standard for Commercial Marijuana Establishments and 14.22.010 – Land Use Table, to Incorporate Onsite Consumption of Marijuana at Retail Marijuana Establishments into the City of Kenai’s Code of Ordinances. 13

7. UNFINISHED BUSINESS - None

8. **NEW BUSINESS** - None

9. **PENDING ITEMS** - None

10. **REPORTS**

a. City Council	71
b. Borough Planning	75
c. Administration	

11. **ADDITIONAL PUBLIC COMMENT**

(Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated)

12. **INFORMATIONAL ITEMS** - None

13. **NEXT MEETING ATTENDANCE NOTIFICATION** - May 8, 2019

14. **COMMISSION COMMENTS AND QUESTIONS**

15. **ADJOURNMENT**

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
MARCH 27, 2019 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

1. CALL TO ORDER

Commission Chair Twait called the meeting to order at 7:00 p.m.

- a. Pledge of Allegiance

Commission Chair Twait led those assembled in the Pledge of the Allegiance.

- b. Roll Call

Commissioners present: Chair J. Twait, Vice-Chair D. Fikes, R. Springer, G. Greenberg, T. McIntyre, J. Halstead, V. Askin

Commissioners absent:

Staff/Council Liaison present: City Planner E. Appleby, City Clerk J. Heinz, City Attorney S. Bloom, Planning Dept. Assistant W. Anderson, Council Liaison B. Molloy

A quorum was present.

- c. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda as presented and Commissioner Springer **SECONDED** the motion. There were no objections; **SO ORDERED**.

- d. Consent Agenda

MOTION:

Commissioner Askin **MOVED** to approve the consent agenda and Commissioner Halstead **SECONDED** the motion. There were no objections; **SO ORDERED**.

All items listed with an asterisk () are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

e. *Excused absences – None.

2. ***APPROVAL OF MINUTES** – March 13, 2019

The minutes were approved by the Consent Agenda.

3. **SCHEDULED PUBLIC COMMENT** – (10 minutes) None scheduled.

4. **UNSCHEDULED PUBLIC COMMENT** – (3 minutes) None.

5. **CONSIDERATION OF PLATS**

- a. **Resolution PZ2019-09** – Original Preliminary Plat of Basin View Subdivision Pettey-Daniel Replat, submitted by Segesser Surveys, 30485 Rosland St., Soldotna, Alaska 99611, on behalf of the Jay and Glenese Pettey, 340 Thompson Place, Kenai, AK 99611, and Phillip Daniel, P.O. Box 1284, Kenai, AK 99611

MOTION:

Commissioner Springer **MOVED** to approve Resolution No. PZ2019-09 and Commissioner Halstead **SECONDED** the motion.

Staff reviewed their report recommending approval of the Resolution, which was provided in the packet, noting a lot line would be vacated which would bring the septic on the same lot as the structure and also brought a potential encroachment into compliance.

Chair Twait opened the floor for public testimony. There being no one wishing to be heard, public comment was closed.

MOTION TO AMEND:

Commissioner Springer **MOVED** to amend to include staff recommendations and Commissioner Askin **SECONDED** the motion.

VOTE ON THE AMENDMENT:

YEA: Greenberg, McIntyre, Halstead, Springer, Fikes, Askin, Twait

NAY:

MOTION PASSED UNANIMOUSLY.

VOTE ON THE MOTION AS AMENDED:

YEA: Greenberg, McIntyre, Halstead, Springer, Fikes, Askin, Twait

NAY:

MOTION PASSED UNANIMOUSLY.

6. **PUBLIC HEARINGS**

- a. **Resolution PZ2019-11** – In Support of Ordinance 3056-2019 Amending KMC 14.22.010 – Land Use Table to Allow Business/Consumer Services and Taxidermy/Gunsmithing in Rural Residential 1 (RR-1) Zone by Conditional Use Permit and Removing the Location Restriction on Professional Offices Allowed by Conditional Use Permit within the Rural Residential 1 (RR-1) Zone

MOTION:

Commissioner Askin **MOVED** to approve Resolution No. PZ2019-11 recommending Kenai City Council enact Ordinance No. 3056-2019 amending Kenai Municipal Code 14.22.010 with staff recommendations and Commissioner Halstead **SECONDED** the motion.

Staff reviewed their report recommending approval of the Resolution, which was provided in the packet, noting the four occasions in the past year when people had been told they could not operate their business idea in their home or a home they wanted to purchase in the RR1 zone because the use wasn't allowed. Zoning, uses, and the Comprehensive Plan goals were also reviewed.

Commission Chair Twait opened the floor for public testimony.

Ron Carlson spoke in favor of the ordinance noting he had been doing gunsmithing as a hobby and wanted to see if he could be successful making it a business. He noted he hit a dead end when he discovered the use was not allowed in the zone where he lived. He added that his being able to use his shop, with no overhead, and not having to rent, would be beneficial.

Elizabeth Ward spoke in favor of the ordinance noting she had considered purchasing a home in the RR1 zone and wanted to be able to run a small scale counseling business from the home for approximately ten people at a time. She added she was unsure if she would purchase the house given the inability to operate the business from it.

Kristine Schmidt spoke against the ordinance for lack of notice to the neighborhood. She also noted the process followed in the past with involvement from residents of the zone, expressed concern for creeping commercialization, suggested a better public policy would be to have outreach and come to consensus, and expressed concern with the vague regulations with Conditional Use Permitting.

There being no one wishing to be heard, public comment was closed.

Clarification was provided regarding the noticing requirements, definitions of professional offices and clinics, and that parking requirements would follow existing City code.

There was discussion regarding allowing home occupations and not stand-alone businesses, conditional use permitting still providing control, and footnotes to the use table.

MOTION TO AMEND:

Commissioner Springer **MOVED** to amend by changing business consumer services to C with footnote 29 in RR1 zone and Commissioner Halstead **SECONDED** the motion.

Clarification was provided that this would restrict business and consumer services to properties abutting the Kenai Spur Highway only and protecting the residences.

VOTE ON THE AMENDMENT:

YEA: Twait, Springer, Greenberg, Halstead
NAY: Fikes, McIntyre, Askin

MOTION PASSED.

A notice not being provided to everyone living in an RR1 zone, the changes not honoring the spirit of the RR1 zone, other zones allowing the conditional uses, and not restricting economic development in the current climate were topics discussed.

VOTE ON MAIN MOTION AS AMENDED:

YEA: Springer, Greenberg
NAY: Fikes, McIntyre, Askin, Twait, Halstead

MOTION FAILED.

7. **UNFINISHED BUSINESS** – None.

8. **NEW BUSINESS** – None.

9. **PENDING ITEMS** – None.

10. **REPORTS**

- a. **City Council** – Council Member Molloy reviewed the action agenda from the March 20 City Council Meeting noting the commission would be asked to review a marijuana endorsement for onsite consumption in the near future.
- b. **Borough Planning** – Vice-Chair Fikes reported the Borough Planning Commission met on March 25 and approved a Conditional Use Permit for a deck and stairs near an anadromous zone, considered parcels for a borough land sale, and heard testimony regarding resource extraction in Anchor Point which was a matter remanded back to the Commission; postponed for more public testimony.
- c. **Administration** – City Planner Appleby reported on the following:
 - Pointed out the Comprehensive Plan suggested making Kenai more friendly to businesses;
 - Administration was working on the FY2020 Budget;
 - The draft Alaska Liquefied Natural Gas Environmental Impact Statement was expected in June;
 - Was appointed to the Complete Count Committee for the 2020 Census;
 - Noted the project evaluation board for the Alaska Transportation Alternatives Program grants met and a decision was expected soon;
 - The Statewide Transportation Plan was open for public comment.

11. ADDITIONAL PUBLIC COMMENT

Kristine Schmidt suggested the Kenai Peninsula Borough and the City collaborate on mapping features on their websites.

12. INFORMATIONAL ITEMS

- a. March 2019 Planning and Zoning Department Report
- b. Bicycle/Pedestrian Planning Update

13. NEXT MEETING ATTENDANCE NOTIFICATION – April 10, 2019

Commissioner Askin noted she would be absent.

14. COMMISSION COMMENTS & QUESTIONS

Commissioner Askin thanked staff for the training and their work on projects.

Commissioner McIntyre asked if the website could be demonstrated to the Commission.

Commissioner Halstead expressed appreciation for everyone's hard work and good discussion.

15. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:05 p.m.

Minutes prepared and submitted by:

Jamie Heinz, CMC
City Clerk

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**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
APRIL 10, 2019 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

1. CALL TO ORDER

Commission Chair Twait called the meeting to order at 7:00 p.m.

a. Pledge of Allegiance

Commission Chair Twait led those assembled in the Pledge of the Allegiance.

b. Roll Call

Commissioners present: Chair J. Twait, Vice-Chair D. Fikes, R. Springer, G. Greenberg, T. McIntyre

Commissioners absent: V. Askin, J. Halstead

Staff/Council Liaison present: City Planner E. Appleby, Deputy Clerk J. LaPlante, Planning Dept. Assistant W. Anderson, Council Liaison B. Molloy

A quorum was present.

c. Agenda Approval

MOTION:

Commissioner Springer **MOVED** to approve the agenda as presented and Commissioner McIntyre **SECONDED** the motion. There were no objections; **SO ORDERED**.

d. Consent Agenda

MOTION:

Commissioner Greenberg **MOVED** to approve the consent agenda to include the excused absence of Commissioner Halstead; and Commissioner Springer **SECONDED** the motion. There were no objections; **SO ORDERED**.

All items listed with an asterisk () are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

e. *Excused absences – V. Askin, J. Halstead

2. **APPROVAL OF MINUTES** – None.

3. **SCHEDULED PUBLIC COMMENT**

a. **John Czarnezki** – City Planner, City of Soldotna regarding the sign code for the City of Soldotna

Mr. Czarnezki noted the rewrite process began two years ago and Soldotna's Comprehensive Plan Goals included review and revision to the sign ordinance, and improvement of the streetscape along the Sterling and Kenai Spur Highways. He specified goals in the sign code and provided examples of types of signs including painted signs, temporary event signs, on premise temporary/portable signs, non-conforming signs, electronic message signs, number of signs, size of sign relative to distance from roadway, mobile vendor signs, home occupations, signs in residential areas, and pun signs. Mr. Czarnezki explained the Soldotna sign code development approach process that included education, public input, legal aspects with the City Attorney, and specifying sign parameters in code.

4. **UNSCHEDULED PUBLIC COMMENT** – (3 minutes)

Doug Fields, Owner of Kenai Neon Sign Company for over 30 years noted there were several signs at street corners exposed since the snow melted, and temporary signs in the Right-of-Way, and he suggested a priority enforcement of them. He further requested the Commission examine the motives for enforcing and changing the sign code, and the overall goals for it.

5. **CONSIDERATION OF PLATS**

a. **Resolution PZ2019-10** – Original Preliminary Plat of Inlet Woods 2019 Replat, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, Alaska 99611, on behalf of the Hall Building LLC, P.O. Box 2829, Kenai, AK 99611

MOTION:

Commissioner McIntyre **MOVED** to approve Resolution No. PZ2019-10 and Commissioner Greenberg **SECONDED** the motion.

The City Planner reviewed the staff report that was provided in the packet, noting elimination of the parcel line between lots 27 and 28 to create one larger lot to allow the development of one larger residence on the combined lot.

City Staff recommended approval of the preliminary plat of Inlet Woods 2019 replat, subject to the following condition:

- Further development of the property shall conform to all federal, State of Alaska, and local regulations.

Chair Twait opened the floor for public testimony.

Applicant, Clint Hall clarified that instead of trying to build a smaller home or cause conflict with

neighbors with homes built close to the property line, it was more reasonable to combine the lots and have one residence on the property with less constrictions.

There being no one else wishing to be heard, public comment was closed.

MOTION TO AMEND:

Commissioner Springer **MOVED** to amend to include approval with staff recommendations and requested **UNANIMOUS CONSENT**; Commissioner Greenberg **SECONDED** the motion. Hearing no objections; **SO ORDERED**.

VOTE ON THE MAIN MOTION AS AMENDED:

YEA: Fikes, Springer, McIntyre, Greenberg, Twait
NAY:

MOTION PASSED UNANIMOUSLY.

6. **PUBLIC HEARINGS** – None.

7. **UNFINISHED BUSINESS** – None.

8. **NEW BUSINESS**

- a. **Discussion and Recommendation** – Application for Renewal of Lease Land within the Airport Reserve submitted by Schilling Rentals LLC, for the property described as Lot 9A, FBO Subdivision No. 9, located at 433 N. Willow Street, Kenai, Alaska 99611

MOTION:

Commissioner Springer **MOVED** to recommend approval of a lease renewal application by Schilling Rentals LLC, and Commissioner Greenberg **SECONDED** the motion.

The City Planner reviewed the staff report as provided in the meeting packet and noted the application for a lease renewal was also being reviewed by the Airport Commission and the recommendations by both Commissions would be presented before Council on April 17. It was clarified that due to the term table in Kenai Municipal Code 21.10.080, the City and the applicant agreed to the maximum term of 33 years.

Duane Bannock, representative for Schilling Rentals, LLC, requested recommendation for renewal noting all conditions were met and he clarified Schilling Rentals, LLC absorbed the cost of another parcel's overflow on the property and removal of it.

Chair Twait opened the floor for public testimony. There being no one wishing to be heard, public comment was closed.

VOTE:

YEA: Twait, Greenberg, Fikes, Springer, McIntyre
NAY:

MOTION PASSED UNANIMOUSLY.

9. PENDING ITEMS – None.

10. REPORTS

- a. **City Council** – Council Member Molloy reviewed the action agenda from the April 3 City Council Meeting and specifically noted Ordinance No. 3056-2019, regarding discussion of amendments to the land use table was postponed to April 17; and Ordinance No. 3061-2019 regarding amending Kenai Municipal Code to incorporate onsite consumption, was referred to the Planning and Zoning Commission for recommendation to Council. Council Member Molloy added the bluff erosion project was signed off and sent to Washington D.C. in effort to gain funding for the project.
- b. **Borough Planning** – Vice-Chair Fikes reported the Commission met on April 8, approved a plat and a vacation of easement on a property in Homer to allow public access.
- c. **Administration** – City Planner Appleby reported on the following:
 - The funding application for a pedestrian pathway along part of Bridge Access Road was with the Federal Highway Administration for review;
 - She was working with City of Soldotna, City of Homer, City of Seward and Kenai Peninsula Borough on the Kenai Peninsula Coordinated Public Transit-Human Services Transportation Plan; a draft was expected in June.
 - The new City of Kenai website was live and encouraged members to familiarize themselves with resources and useful information for planning and zoning.

11. ADDITIONAL PUBLIC COMMENT – None.

12. INFORMATIONAL ITEMS

- a. Planning and Zoning Resolutions – First Quarter 2019
- b. Building Permits – First Quarter 2019
- c. Code Enforcement – First Quarter 2019
- d. Information on Ordinance 3061-2019 – Amending Kenai Municipal Code 14.20.320 – Definitions, 14.20.330 – Standard for Commercial Marijuana Establishments and 14.22.010 – Land Use Table, to Incorporate Onsite Consumption of Marijuana at Retail Marijuana Establishments

The City Planner noted that Item 12.d. would be a Public Hearing agenda item at the next Commission meeting. It was clarified that it was only provided in this packet to allow the Commission a review of the memo and information provided by the City Attorney on State regulations, clarifying that there were three options being proposed. It was added that there were currently four marijuana establishments in the City of Kenai.

13. NEXT MEETING ATTENDANCE NOTIFICATION – April 24, 2019

The City Planner noted there would be a Sign Code work session prior to the next regular meeting.

14. COMMISSION COMMENTS & QUESTIONS

Commissioner Greenberg asked about trails plan to connect trails better in residential areas. It was clarified that Parks and Rec Director was looking into available grants for funding.

15. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:03 p.m.

Minutes prepared and submitted by:

Jacquelyn LaPlante
Deputy City Clerk

DRAFT

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**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2019 – 13**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THE COUNCIL OF THE CITY OF KENAI ENACT ORDINANCE 3061-2019 AMENDING KENAI MUNICIPAL CODE 14.20.320 - DEFINITIONS, 14.20.330 - STANDARD FOR COMMERCIAL MARIJUANA ESTABLISHMENTS AND 14.22.010 - LAND USE TABLE, TO INCORPORATE ONSITE CONSUMPTION OF MARIJUANA AT RETAIL MARIJUANA ESTABLISHMENTS INTO THE CITY OF KENAI'S CODE OF ORDINANCES.

WHEREAS, Kenai Municipal Code 14.05.010 states the City of Kenai Planning and Zoning Commission will act in an advisory capacity to the Kenai City Council regarding the Kenai Zoning Code; and,

WHEREAS, the conditional use permit process combined with state regulations on onsite consumptions will ensure the use is allowed in appropriate areas of the City; and,

WHEREAS, Ordinance 3061-2019 would follow the zoning for retail marijuana stores, which is a conditional use that would be a pre-condition for obtaining an onsite consumption endorsement conditional use permit; and,

WHEREAS, since the onsite consumption endorsement could only be obtained by retail marijuana stores, the proposed change to the zoning table for the use of an onsite consumption endorsements matches the zones where retail marijuana stores are allowed in the City; and,

WHEREAS, public health, safety, and welfare would be ensured by considerations during the City of Kenai conditional use permit application process and by State application requirements and regulations for onsite consumption; and,

WHEREAS, pursuant to State stipulations, there would be limitations on consumption, ventilation requirements, and monitoring by employees.

NOW, THEREFORE, BE IT RECOMMENDED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

Section 1. That the Kenai City Council enact Ordinance 3061-2019.

Section 2. That a copy of Resolution PZ2019-13 be forwarded to the Kenai City Council.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 24th day of April, 2019.

JEFF TWAIT, CHAIRPERSON

Resolution No. PZ2019-13

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ATTEST:

JAMIE HEINZ, CMC, CITY CLERK



"Village with a Past, City with a Future"

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STAFF REPORT

To: Planning & Zoning Commission

From: Elizabeth Appleby, City Planner

Date: April 14, 2019

Subject: Resolution PZ2019-13 - Recommending the Council of the City of Kenai Enact Ordinance 3061-2019 Amending Kenai Municipal Code 14.20.320- Definitions, 14.20.330- Standard for Commercial Marijuana Establishments and 14.22.010- Land Use Table, To Incorporate Onsite Consumption of Marijuana at Retail Marijuana Establishments into the City of Kenai's Code of Ordinances.

GENERAL INFORMATION

During their regular meeting on April 3, 2019, the Kenai City Council voted to refer Ordinance No. 3061-2019 – Amending Kenai Municipal Code (KMC) *14.20.320 Land Use Table- Definitions, 14.20.330- Standard for Commercial Marijuana Establishments and 14.22.010- Land Use Table*, To Incorporate Onsite Consumption of Marijuana at Retail Marijuana Establishments into the City of Kenai's Code of Ordinances, to the City of Kenai Planning and Zoning Commission for consideration and a recommendation. Ordinance No. 3056-2019 would amend *KMC 14.22.010 Land Use Table* to add a conditional use of an onsite consumption endorsement that may be applied for by retail marijuana stores through a conditional use permit process that follows State regulations. City Attorney Scott Bloom provided a memorandum summarizing State regulations and background documents pertaining to the State regulations, which are included as attachments to this memorandum. The items from the City Council meeting were also included in the packet as an informational item for the Planning and Zoning Commission on April 10, 2019.

The City of Kenai Planning and Zoning Commission acts in an advisory capacity to the Kenai City Council on the Kenai Zoning Code as specified in *KMC 14.05.010 Duties and powers under Title 14 Planning and Zoning Commission*. The Kenai City Council will consider Ordinance No. 3061-2019 with the recommendation of the City of Kenai Planning and Zoning Commission through Resolution PZ2019-13 at their meeting on May 1, 2019. Both the City Council and the Planning and Zoning Commission will consider their respective ordinance and resolution through public hearings as required by City Code.

Public Notice, Public Comment

The proposed change to City Code was referred to the Kenai Planning and Zoning Commission from the Kenai City Council. Pursuant to *KMC 14.20.280, Public hearing and notifications*, City staff published notice of the Planning and Zoning Commission public hearing in the *Peninsula Clarion* and posted notice in three public places.

No public comments have been submitted to the City of Kenai as of April 16, 2019.

ANALYSISDefinition of Onsite Consumption

The proposed Code changes would add the following new definition to *KMC 14.20.320 Definitions*:

“Onsite Consumption Endorsement” means the state regulated consumption of certain marijuana products at or adjacent to a retail marijuana store by patrons of the commercial marijuana establishment.

With this definition, retail marijuana stores may obtain a conditional use permit from the City for onsite consumption. A separate license from the State for an onsite consumption endorsement to a retail marijuana store would also be required.

The City of Kenai currently has four permitted retail marijuana stores. The City also has four permitted marijuana manufacturing facilities and cultivation facilities, but only retail marijuana stores may obtain an onsite consumption endorsement. Onsite consumption would not be allowed as a stand-alone use and would need to be part of a retail marijuana store.

Zoning and Land Use Table for Onsite Consumption

KMC 14.20.330 Standards for Commercial Marijuana Establishments would be amended by Ordinance 3061-2019 to state under *KMC 14.20.330(a)* that an onsite consumption endorsement may be permitted or allowed with a conditional use permit. *KMC 14.20.330(j)* would be an addition to state:

“A conditional use permit for onsite consumption of marijuana and/or certain marijuana products must be obtained, in addition to a state issued endorsement license, prior to operation of any onsite consumption in the City. The conditional use permit for onsite consumption must be separate from and in addition to any conditional use permit for the operation of a retail marijuana store. An onsite consumption conditional use permit will not be issued until a conditional use permit for a retail marijuana store has been issued for the same location.”

Since the onsite consumption endorsement could only be obtained by retail marijuana stores, the proposed change to the zoning table for the use of onsite consumption endorsements matches the zones where retail marijuana stores are allowed in the City. Retail marijuana stores and proposed for onsite consumption endorsements are a conditional use in the General Commercial (CG), Light Industrial (IL), Heavy Industrial (IH), Limited Commercial (LC), and Central Mixed Use

(CMU) zones; not permitted use in all other zones. Footnote 31 is proposed to be added to the Land Use Table to explicitly state that, “a conditional use permit for an onsite consumption endorsement can only be approved if the applicant has a current conditional use permit for a retail marijuana store”.

The conditional use permit for onsite consumption endorsement would go through the normal evaluation procedure to meet the review criteria for issuance of a conditional use permit, including a review during a public hearing that the use would meet the intent of the zoning district and the Comprehensive Plan, that neighboring property and the neighborhood would not be significantly impaired, that the use would not be harmful to public safety, health, or welfare, and that public services and facilities would be adequate to serve the proposed use. Onsite consumption would be evaluated in addition to the evaluation for a retail marijuana store.

Public Safety and Limitations on Onsite Consumption

The State legislation would require an additional State license impose regulations on onsite consumption. Consumption would be limited to 1 gram per person or edible products containing 10mg or less of THC. Tobacco, concentrates, alcohol, or marijuana products not sold at the location may not be consumed. Food or beverage not containing alcohol or marijuana may be sold and consumed at the location. Products must be consumed in an area separated from the rest of the store with a smoke free area for employees to monitor the consumption area. Outdoor consumption areas must be compatible with surrounding uses, have sight obscuring borders, consider the air intake vents on neighboring buildings, and consider the objections of local property owners within 250 feet of the outdoor consumption. *KMC 12.40.020* regulates smoking, which prohibits smoking within all indoor eating establishments and bowling alleys. Marijuana smoking would be required to follow City and State regulations for smoking, including *KMC 12.40, Regulation of Smoking*.

Kenai Police Dispatch provided statistics on call volumes on marijuana-related cases since legalization, as shown in Table 1. It is difficult to correlate causes and effects on concerns for public safety as the marijuana-related cases cover a broad range, but call volume for marijuana-related cases has decreased over time including a sharp drop in 2015 after the legalization vote in 2014.

Table 1 Marijuana Related Calls to Kenai Police Dispatch

<u>Year</u>	<u>Number of Marijuana-Related Calls to Kenai Police Dispatch*</u>
2009	66
2010	71
2011	73
2012	59
2013	63
2014	51
2015	27
2016	12
2017	18
2018	25

*May be anything that prompted Dispatch to connect the case to marijuana in the database and includes anonymous reports, juvenile use, odor complaints, etc.

Summary of Analysis

Ordinance 3061-2019 would add onsite consumption endorsement as a potential use requiring a conditional use permit that may be compatible in the CG, IL, IH, LC, and CMU zones. Only retail marijuana stores may obtain a permit for the use of onsite consumption endorsement as an addition to their existing permit for a retail marijuana store. Businesses would obtain applicable State licenses, including a license required for the onsite consumption endorsement that is in addition to the State license for a retail marijuana store. Businesses would also follow State regulations, including requirements for ventilation, limits on amount sold, limits on outdoor consumption areas, and procedures for employees to safely monitor the consumption.

RECOMMENDATIONS

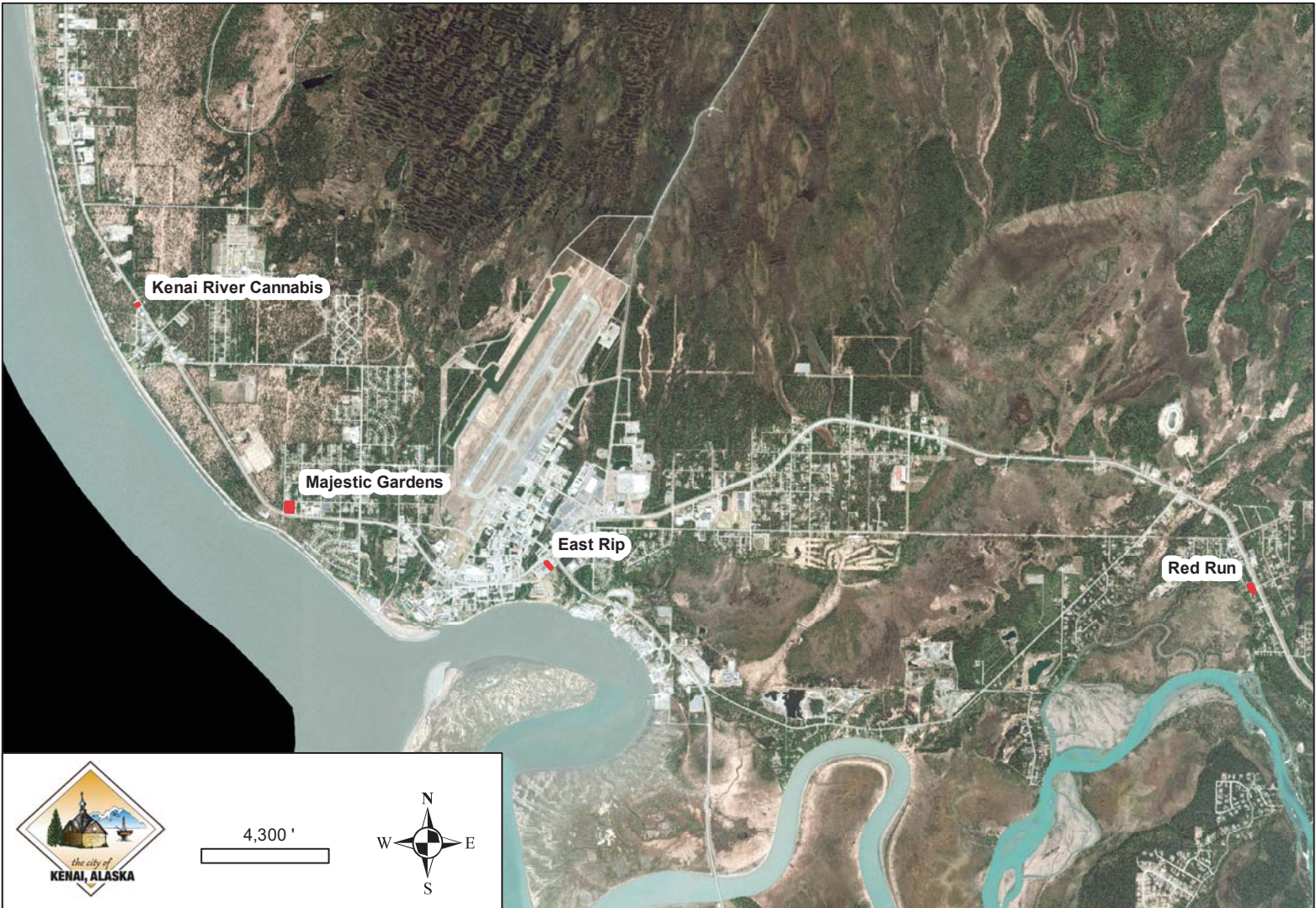
City staff advises the Planning and Zoning Commission to recommend approval of Ordinance No. 3056-2019 to the Kenai City Council by passing Resolution No. PZ2019-13.

ATTACHMENTS

- A. Resolution No. PZ2019-13
- B. Ordinance No. 3061-2019
- C. Memorandum from the City Attorney to City Council for Ordinance No. 3061-2019
- D. Map showing Retail Marijuana Stores in the City of Kenai
- E. Supporting documents from the State of Alaska provided by the City Attorney to City Council

Marijuana Retail Stores

Generated: 7/19/18





Sponsored by: Legal

CITY OF KENAI

ORDINANCE NO. 3061-2019

COUNCIL REFERRED TO: P+2

Date: 4/3/19

Return By: 5/1/19

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE 14.20.320- DEFINITIONS, 14.20.330- STANDARD FOR COMMERCIAL MARIJUANA ESTABLISHMENTS AND 14.22.010- LAND USE TABLE, TO INCORPORATE ONSITE CONSUMPTION OF MARIJUANA AT RETAIL MARIJUANA ESTABLISHMENTS INTO THE CITY OF KENAI'S CODE OF ORDINANCES.

WHEREAS, on November 4, 2014, the Alaskan voters passed Ballot Measure 2, an Act to Tax and Regulate the Production, Sale and Use of Marijuana; and,

WHEREAS, on January 20, 2016 the City of Kenai enacted regulations governing commercial marijuana establishments in the City; and,

WHEREAS, on March 12, 2019 Lieutenant Governor Kevin Meyer signed into law new regulations from the Marijuana Control Board allowing retail marijuana stores to allow onsite consumption of marijuana under certain conditions; and,

WHEREAS, in order to enforce City regulations applicable to onsite consumption of marijuana at retail marijuana stores the City must amend its code related to commercial marijuana establishments and land use table; and,

WHEREAS, the amendments in this Ordinance will require retail marijuana store owners to obtain a conditional use permit from the City as well as obtain a state endorsement prior to allowing onsite consumption of marijuana.

Section 1. Amendment of Section 14.20.320 of the Kenai Municipal Code: That Kenai Municipal Code, Section 14.20.320 - Definitions, is hereby amended as follows:

14.20.320 Definitions.

(a) *General Interpretation.*

- (1) Words used in the present tense include the future tense.
- (2) The singular number includes the plural.
- (3) The word "person" includes a corporation as well as an individual.
- (4) The word "lot" includes the word "plot" or "parcel."

New Text Underlined: [DELETED TEXT BRACKETED]

(5) The term “shall” is always mandatory.

(6) The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged” or “designed to be used or occupied.”

(b) Specific Definitions.

“Accessory Building” means a detached building or structure, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot as the main building or use, except as allowed by a conditional use permit. An accessory building shall be considered to be a part of the main building when joined to the main building by a common wall or when any accessory building and the main building are connected by a breezeway.

“Accessory Use” means a use customarily incidental and subordinate to the principal use of the land, building, or structure and located on the same lot or parcel of land.

“Administrative Official” means the person charged with the administration and enforcement of this chapter.

“Agricultural Building” means a building or structure used to shelter farm implements, hay, grain, poultry, livestock, or other farm produce, in which there is no human habitation and which is not used by the public.

“Agriculture” means the science, art, and business of cultivating soil, producing crops, and raising livestock; farming.

“Airport” means a location where aircraft such as fixed-wing aircraft, helicopters, and blimps take off and land. Aircraft may be stored or maintained at an airport. An airport consists of at least one (1) surface such as a paved or gravel runway, a helicopter touchdown and lift off (TLOF) area, helipad, or water runway for aircraft takeoffs and landings, and often includes buildings such as control towers, hangars and terminal buildings.

“Airport Compatible Uses” means uses which include, but are not limited to: Hangars, Fixed Base Operators, Aircraft Repair and Manufacturing, Aircraft Sales, and other uses approved by the Ordinance of the City of Kenai, and the Federal Aviation Administration’s regulations, and compatible with the current Airport Master Plan, the Airport Layout Plan and the Comprehensive Plan.

“Alley” means a public way designed and intended to provide only a secondary means of access to any property abutting thereon.

“Alteration” means any change, addition, or modification in construction, location, or use classification.

“Animal Boarding” means any building or structure and associated premises in which animals are fed, housed, and/or exercised for commercial gain.

“Apartment House,” see “Dwelling, multiple-family.”

“Area, Building” means the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of steps.

“Assemblage” means a large gathering of people for an event such as a concert, fair, or circus.

“Assisted Living” means a living arrangement in which people with special needs, especially seniors with disabilities, reside in a facility that provides help with everyday tasks such as bathing, dressing, and taking medication.

“Automobile Sales” means the use of any building or structure and associated premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

“Automobile Service Station” means the use of any building or structure and associated premises or other space used primarily for the retail sale and dispensing of motor fuels, tires, batteries, and other small accessories; the installation and servicing of such lubricants, tires, batteries, and other small accessories; and such other services which do not customarily or usually require the services of a qualified automotive mechanic.

“Automobile Wrecking” means the dismantling of used motor vehicles or trailers or the storage or sale of parts from dismantled or partially dismantled, obsolete, or wrecked vehicles.

“Automotive Repair” means the use of any building or structure and associated premises on which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

“Bank” means any establishment or building or structure used for a financial institution that provides financial services for its clients or members. The term “bank” includes savings and loan.

“Bed and Breakfast” means a residential, owner-occupied dwelling in which rooms are rented to paying guests on an overnight basis with no more than one (1) meal served daily.

“Boarding House” means a dwelling where the principal use is a dwelling by the owner or keeper and where the owner or keeper provides lodging for three (3) or more persons who are not members of the owner’s or keeper’s family and the lodgers pay compensation to use one (1) or more rooms. The common parts of the building or structure are maintained by the owner or keeper who may also provide lodgers with some services, such as meals, laundry, and cleaning. Boarding houses are not motels or hotels and are not open to transient guests.

“Building” means any structure built for the support, shelter, or enclosure of persons, animals, or property of any kind.

“Building Code” means the building code and/or other building regulations applicable in the City.

“Building, Existing” means a building erected prior to the adoption of the ordinance codified in this chapter or one for which a legal building permit has been issued.

“Building Height” means the vertical distance from the “grade,” as defined herein, to the highest point of the roof.

“Building, Principal or Main” means a building or structure in which is conducted the principal or main use on the lot which said building is situated.

“Business/Consumer Services” means the provision of services to others on a fee or contract basis, such as advertising and mailing; building maintenance; employment service; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

“Cabin Rentals” means the renting out of one (1) or more individual, detached dwelling units or buildings to provide overnight sleeping accommodations for a period of less than thirty (30) consecutive days.

“Cemetery” means any property used to inter the dead in buried graves or in columbarium, stacked vaults, or similar structures.

“Centerline” means the line which is in the center of a public right-of-way.

“Church” means a building or structure in which persons regularly assemble for worship, ceremonies, rituals, and education pertaining to a particular system of beliefs. The term “church” includes a synagogue or temple.

“City” means the City of Kenai, Alaska.

“Clinic” (or outpatient clinic or ambulatory care clinic) means a health care facility that is primarily devoted to the care of outpatients. Clinics can be privately operated or publicly managed and funded, and typically cover the primary health care needs of populations in local communities, in contrast to larger hospitals which offer specialized treatments and admit inpatients for overnight stays.

“Collector Street” means a street located and designed for the primary purpose of carrying through traffic and of connecting major areas of the City. Unless otherwise designated by the Commission, collector street shall be defined on the plan for streets and community facilities in the comprehensive development plan.

“College” means an educational institution providing postsecondary (after high school) education.

“Commercial Kennel” has the same meaning given in KMC [3.05.010](#).

“Commercial Marijuana Establishment” means any Retail Marijuana Store, Marijuana Cultivation Facility, Marijuana Product Manufacturing Facility, and Marijuana Testing Facility.

“Commercial Recreation” means a recreation facility operated as a business and open to the public for a fee.

“Commission” means the Kenai Planning and Zoning Commission.

“Communication Antenna” has the same meaning given in KMC [14.20.255](#).

“Communication Tower” has the same meaning given in KMC [14.20.255](#).

“Conditional Use” means a use which is permitted under the terms of this chapter provided that under the specified procedures, the Commission finds that certain conditions, specified in this chapter are fulfilled. Conditional uses are listed in the Land Use Table.

“Condominium” means a common interest ownership dwelling in which:

- (1) Portions of the real estate are designated for separate ownership;

(2) The remainder of the real estate is designated for common ownership solely by the owners of those portions;

(3) The undivided interests in the common elements are vested in the unit owners. In the Land Use Table (KMC [14.22.010](#)), “condominiums” shall be treated as two (2) or more family dwellings. For example, a four (4) unit condominium building would be treated as a four (4) family dwelling.

“Coverage” means that percentage of the total lot area covered by the building area.

“Crematory/Funeral Home” means building or structure used for preparation of the deceased for display and/or interment and may also be used for ceremonies connected with interment. Preparation may include cremation, which is the process of reducing dead bodies to basic chemical compounds in the form of gases and bone fragments. This is accomplished through burning—high temperatures, vaporization, and oxidation.

“Day Care Center” means an establishment where child care is regularly provided for children for periods of less than twenty-four (24) hours, including the building housing the facility and adjoining areas, and where tuition, fees, or other compensation for the care of the children is charged.

“Dormitory” means a building, whether public or private, associated with a school, college or university and designed, used, and arranged for private sleeping, studying, and living accommodation for students.

“Dwelling” means a building or any portion thereof designed or used exclusively for residential occupancy including one-family, two-family and multiple-family dwellings, but not including any other building wherein human beings may be housed.

“Dwelling, One-Family” means any detached building containing only one (1) dwelling unit.

“Dwelling, Two-Family” means any building containing only two (2) dwelling units.

“Dwelling, Multiple-Family” means any building containing three (3) or more dwelling units.

“Dwelling Unit” means one (1) or more rooms and a single kitchen in a dwelling designed as a unit for occupancy by not more than one (1) family for living or sleeping purposes.

“Elementary School” means any school usually consisting of grades pre-kindergarten through grade 6 or any combination of grades within this range.

“Essential Service” means the erection, construction, alteration, or maintenance by public utility companies or municipal departments or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith. This definition shall not be interpreted to include public buildings.

“Family” means any number of individuals living together as a single housekeeping unit in a dwelling unit.

“Farming” means a tract of land cultivated for the purpose of commercial agricultural production.

“Fence, Height” means the vertical distance between the ground directly under the fence and the highest point of the fence.

“Floor Area” means the total of each floor of a building within the surrounding outer walls but excluding vent shafts and courts.

“Fraternal Organization” means a group of people formally organized for a common object, purpose, or interest (usually cultural, religious or entertainment) that conducts regular meetings and has written membership requirements.

“Frontage” means all the property fronting on one (1) side of a street between intersection streets.

“Garage, Private” means an accessory building or any portion of a main building used in connection with residential purposes for the storage of passenger motor vehicles.

“Garage, Public” means any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other vehicles.

“Gas Manufacturer/Storage” means the surface use of lands used in the production, the mechanical transformation, or the chemical transformation of hydrocarbon gas and includes uses for gas conditioning/compressor stations. “Storage” means surface uses necessary for storage of produced or non-native natural gas.

“Governmental Building” means a building or structure owned and operated by any department, commission, or agency of the United States or of a state or municipality and used to conduct official business of government.

“Grade (Ground Level)” means the average level of the finished ground at the center of all walls to a building. In case walls are parallel to and within five (5) feet of a public sidewalk, the ground level shall be measured at the sidewalk.

“Greenhouse” means a building or structure, usually a glassed or clear plastic enclosure, used for the cultivation and protection of plants.

“Guest Room” means any room in a hotel, dormitory, boarding, or lodging house used and maintained to provide sleeping accommodations for one (1) or more persons.

“Guide Service” means any activity on any premises used for collecting or returning persons from recreational trips when remuneration is provided for the service.

“Gunsmith” means a person who repairs, modifies, designs, or builds firearms.

“High School” means a secondary school usually consisting of grades 9 through 12 or any appropriate combination of grades within this range.

“Home Occupation” means an accessory use carried out for remuneration by a resident in the resident’s dwelling unit.

“Hospital” means an institution that provides medical, surgical, or psychiatric care and treatment for the sick or the injured.

“Hotel” means a building or group of buildings containing more than five (5) guest rooms used for the purpose of offering public lodging on a day-to-day basis with or without meals.

“Junkyard” means any space one hundred (100) square feet or more of any lot or parcel of land used for the storage, keeping, or abandonment of junk or waste material, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or any parts thereof.

“Library” means a collection of sources, resources, and services, and the structure in which it is housed; it is organized for use and maintained by a public body, an institution, or a private individual.

“Licensed Premises For Commercial Marijuana Establishment” means any and all designated portions of a building or structure, or rooms or enclosures in the building or structure, at the specific address for which a Commercial Marijuana Establishment license is issued, and used, controlled, or operated by the Commercial Marijuana Establishment to carry out the business for which it licensed.

“Loading Space” means an off-street space or berth on the same lot with a building or structure to be used for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

“Lodge” means a building or group of buildings containing five (5) or fewer guest rooms used for the purpose of offering public lodging on a day-to-day basis with or without meals.

“Lot” means a parcel of land occupied or to be occupied by a principal use and having frontage on a public street.

“Lot, Corner” means a lot situated at the junction of, and bordering on, two (2) intersecting streets, two (2) platted rights-of-way, two (2) government easements, or any combination thereof.

“Lot Coverage” means that portion of the lot covered by buildings or structures that require a building permit.

“Lot Depth” means the horizontal distance separating the front and rear lot lines of a lot and at right angles to its width.

“Lot Line, Front-Corner Lot” means the shortest street line of a corner lot.

“Lot Line, Front-Interior Lot” means a line separating the lot from the street.

“Lot Line, Rear” means a line that is opposite and most distant from the front lot line, and in the case of irregular, triangular, or gore shaped lot, a line not less than ten feet (10') in length, within a lot, parallel to and at the maximum distance from the front lot line.

“Lot Line, Side” means any lot boundary line not a front lot line or a rear lot line.

“Lot Width” means the mean horizontal distance separating the side lot lines of a lot and at right angles to its depth.

“Manufactured Housing” means a dwelling unit that meets Department of Housing and Urban Development Standards for manufactured housing and is wider than sixteen feet (16'), has a roof pitch of 4:12 or greater with roofing and siding common to standard residential construction and is transported to the site and placed on a permanent foundation.

“Manufacturing/Fabricating/Assembly” means the mechanical or chemical transformation of materials or substances into new products including assembling of components parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

“Marijuana” means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. The term does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

“Marijuana Concentrate” means resin, oil, wax, or any other substance derived from the marijuana plant by any method which isolates the Tetrahydrocannabinol (THC)-bearing resins of the plant.

“Marijuana Cultivation Facility” means any entity with a state license registered to cultivate, prepare, and package marijuana and to sell marijuana to Marijuana Retail Facilities, Marijuana Products Manufacturing Facilities, Marijuana Testing Facilities, but not to consumers.

“Marijuana Cultivation Facility, Standard” means an entity registered to cultivate in an area greater than 500 square feet under cultivation, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

“Marijuana Cultivation Facility, Limited” means an entity registered to cultivate in an area of 500 square feet or less of cultivation, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

“Marijuana Products” means concentrated marijuana and marijuana products that are comprised of Marijuana and other ingredients and are intended for use or consumption, such as, but not limited to edible products, ointments, and tinctures.

“Marijuana Product Manufacturing Facility” means a state licensed fully enclosed secure indoor facility registered to purchase marijuana, manufacture, prepare and package marijuana products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

“Marijuana Testing Facility” means a state licensed commercial marijuana testing facility that is registered to analyze and certify the safety and potency of Marijuana and Marijuana Products.

“Mini-Storage Facility” means a completely enclosed structure containing three (3) or more areas or rooms available for lease or rent for the purpose of the general storage of household goods, vehicles or personal property; where the lessee of the unit is provided direct access to deposit or store items and where vehicles do not fill the majority of the allowed storage space.

“Mobile Home” means a structure, which is built on a permanent chassis in accordance with Department of Housing and Urban Development Standards and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities. A mobile home is subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided.

“Mobile Home Park” means a site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

“Modular Home” means a dwelling constructed in modules or sections at a place other than the building site, built to conform to Title 4 of the Kenai Municipal Code, is transported to the site and then assembled and placed on a permanent foundation.

“Motel” means a group of one (1) or more detached or semi-detached buildings containing two (2) or more individual dwelling units and/or guest rooms designed for, or used temporarily by, automobile tourists or transients, with a garage attached or parking space conveniently located to each unit, including groups designated as auto courts, motor lodges, or tourist courts.

“Museum” means a building or structure that houses and cares for a collection of artifacts and other objects of scientific, artistic, or historical importance and makes them available for public viewing through exhibits that may be permanent or temporary.

“Necessary Aviation Facilities” means any air navigation facility, airport visual approach aid, airfield lighting and signage, meteorological device or any type of device approved by the Federal Aviation Administration (FAA), the location and height of which is fixed by its functional purpose.

“Nonconforming Lot” means a lot lawfully existing at the time this chapter became effective, which by reason of area or dimensions, does not meet the development requirements for the zone in which it is located.

“Nonconforming Structure” means a structure or portion thereof, lawfully existing at the time this chapter became effective, which by reason of its yards, coverage, height, or other aspects of design, does not meet the development requirements of this zone.

“Nonconforming Use” means a use of a structure of land, or of a structure and land in combination, lawfully existing at the time this chapter became effective, or established on the premises of a previous nonconforming use as specified in this chapter, which is not in conformity with the uses permitted in the zone in which it exists.

“Nursing, Convalescent or Rest Home” means a building or structure used as a residence for people who require constant nursing care and/or have significant deficiencies with activities of daily living.

“Office” means a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

“Onsite Consumption Endorsement” means the state regulated consumption of certain marijuana products at or adjacent to a retail marijuana store by patrons of the commercial marijuana establishment.

“Park” means a tract of land, designated by a public entity for the enjoyment of the public and generally used for active and passive recreational activities.

“Parking, Public Lots” means a parking area available to the public, whether or not a fee for use is charged.

“Parking Space, Private” means any automobile parking space, excluding garages, not less than nine feet (9') wide and one hundred eighty (180) square feet in total area.

“Parking Space, Public” means an area of not less than one hundred eighty (180) square feet exclusive of drives or aisles giving access thereto in area accessible from streets and alleys for the storage of passenger motor vehicles operated by individual drivers.

“Person” means a natural person, his or her heirs, executors, administrators, or assigns, and also including firm, partnership, or corporation, or their successors and/or assigns or the agent of any of the aforesaid.

“Personal Services” mean establishments engaged in providing services involving the care of a person or his or her apparel.

“Planned Unit Residential Development” means an alternative method of development of a residential neighborhood under more flexible conditions than otherwise required in a specific zoning district.

“Principal Use” means the major or predominant use of a lot or parcel of land.

“Profession” means an occupation or calling requiring the practice of a learned art through specialized knowledge based on a degree issued by an institution of high learning, e.g., Doctor of Medicine.

“Property Owner” means the owner shown on the latest tax assessment roll.

“Public” means a place to which the public or a substantial group or persons has access and includes highway, rivers, lakes, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, hallways, lobbies and other parts of apartments houses and hotels not constituting rooms or apartments designed for actual residence.

“Recreation” means leisure activities sometimes requiring equipment and taking place at prescribed places, sites, parks, or fields. It can include active recreation, such as structured individual or team activities requiring the use of special facilities, courses, fields or equipment or passive recreation, such as activities that do not require prepared facilities such as wildlife and bird viewing, observing and photographing nature, picnicking, and walking.

“Recreational Vehicle” means a vehicular-type unit, primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. Recreational vehicles include, but are not limited to, travel trailers, camping trailers, truck campers, and motor homes.

“Recreational Vehicle Park” means an area established by a conditional use permit for the parking of two (2) or more recreational vehicles on a temporary basis.

“Recreation or Youth Center” means a building, structure, athletic playing field, or playground, run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors, or operated by a public or private organization, licensed to provide shelter, training, or guidance for persons under 21 years of age.

“Restaurant” means an establishment where food and drink is prepared, served, and consumed primarily within the principal building.

“Retail Business” means establishments engaged in selling goods or merchandise to the general public for business or personal/household consumption and rendering services incidental to the sale of such goods.

“Retail Marijuana Store” means a state licensed entity registered to purchase marijuana from a marijuana cultivation facility, to purchase marijuana and marijuana products from a marijuana manufacturing facility, and sell marijuana and marijuana products to consumers.

“Secondary Use” means a use allowed on a lot or parcel of land only if there is also an allowed principal use on the property.

“Sign” means any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or trademarks by which anything is made known, such as are used to designate an individual, firm, association, corporation, profession, business, or a commodity or product, which are visible from any public street or highway and used to attract attention.

“Square Feet Under Cultivation” means an area of the licensed premises of a standard or limited cultivation facility that is used for growing marijuana, measured on the perimeter of the floor or growing space for marijuana “Square Feet Under Cultivation” does not include hallways, equipment storage areas, or other areas within the licensed premises that are not used for growing marijuana such as an office, or a processing or storage area.

“State Highway” means a right-of-way classified by the State of Alaska as a primary or secondary highway.

“Storage Yard” means a lot used primarily for the storage of operational vehicles, construction equipment, construction materials or other tangible materials and equipment.

“Street” means a public right-of-way used as a thoroughfare and which is designed and intended to provide the primary means of access to property abutting thereon.

“Structure” means that which is built or constructed, an edifice or a building of any kind, composed of parts joined together in some definite manner.

“Subsurface Extraction of Natural Resources” means removing valuable minerals or other geological materials from the earth, from an ore body, vein or (coal) seam. Materials recovered could include gas, oil, base metals, precious metals, iron, uranium, coal, diamonds, limestone, oil shale, rock salt and potash.

“Surface Extraction of Natural Resources” means removal of material, usually soil, gravel, or sand for use at another location.

“Taxidermy” means the act of mounting or reproducing dead animals, fish, and/or birds for display.

“Theater” means a building or structure, or part thereof, devoted to the indoor exhibition of motion pictures and/or of live dramatic, speaking, musical, or other presentations.

“Townhouse” means single-family dwelling units constructed in a series or group of two (2) or more units separated from an adjoining unit by an approved party wall or walls, extending from the basement of either floor to the roof along the linking lot line.

“Tree Nursery” means a place where trees/plants are propagated and grown to usable size.

“Use” means the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

“Variance” means the relaxation of the development requirements of this chapter to provide relief when the literal enforcement would deprive a property owner of the reasonable use of his or her real property.

“Warehouse” means a building or structure used for the storage of goods, wares and merchandise that will be processed, sold or otherwise disposed of off the premises.

“Wholesale Business” means business conducted primarily for the purpose of selling wares or merchandise in wholesale lots to retail merchants for resale.

“Yard” means an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this chapter, on the same lot on which a building is situated.

“Yard, Front” means a yard extending across the full width of the lot between the front lot line of the lot and the nearest exterior wall of the building which is the nearest to the front lot line.

“Yard, Rear” means a yard extending across the full width of the lot between the most rear main building and the rear lot line.

“Yard, Side” means a yard on each side of a main building and extending from the front lot line to the rear lot line. The width of the required side yard shall be measured horizontally from the nearest point of a side lot line to the nearest part of the main building.

“Zoning Change” means the alteration or moving of a zone boundary; the reclassifica[-]tion of a lot, or parcel of land, from one zone to another; and the change of any of the regulations contained in this chapter.

“**Zoning Ordinance or Ordinances**” mean the zoning ordinance of the City of Kenai and Kenai Municipal Code Chapter [14](#).

Section 2. Amendment of Section 14.20.330 of the Kenai Municipal Code: That Kenai Municipal Code, Section 14.20.330 – Standards for Commercial Marijuana Establishments, is hereby amended as follows:

14.20.330 Standards for ~~[C]Commercial [M]Marijuana [E]Establishments.~~

The purpose of this section is to establish general standards for commercial marijuana establishments.

- (a) Commercial marijuana establishments and onsite consumption endorsements may be permitted or allowed with a conditional use permit under KMC [14.20.150](#), as provided in the City of Kenai’s land use table, KMC [14.22.010](#), and the provisions of this section.
- (b) Applicants applying for a conditional use permit must include an area map drawn to scale indicating all land uses on other properties within a five hundred (500) foot proximity of the lot upon which the applicant is seeking a conditional use permit. This shall be in addition to the conditional use permit submission requirements in KMC [14.20.150](#).
- (c) A public hearing shall be scheduled before the Planning and Zoning Commission to review the conditional use permit application once it has been deemed complete. The public hearing shall be scheduled in accordance with the requirements in KMC [14.20.280](#), except that notification shall be mailed to all real property owners on record on the Borough Assessor’s records within a five hundred (500) foot periphery of the parcel affected by the proposed action.
- (d) The preparation, packaging, manufacturing, processing, and storing of all marijuana, marijuana concentrate or marijuana products must be conducted within a fully enclosed, secure indoor facility. The growing and cultivating of marijuana must be conducted within a fully enclosed, secure indoor facility or greenhouse with view-obscuring rigid walls, a roof and doors, unless a non-rigid greenhouse, or other structure, is specifically approved, in which case the cultivation must be enclosed by a sight-obscuring wall or fence at least six (6) feet high.
- (e) All commercial marijuana establishments shall not emit an odor that is detectable by the public from outside the commercial marijuana establishment.
- (f) No portion of a parcel upon which any commercial marijuana establishment is located shall be permitted within the following buffer distances:

(1) One thousand (1,000) feet of any primary and secondary schools (K-12) and five hundred (500) feet of any vocational programs, post-secondary schools, including but not limited to trade, technical, or vocational schools, colleges and universities, recreation or youth centers, correctional facilities, churches, and state licensed substance abuse treatment facilities providing substance abuse treatment; and

(2) Buffer distances shall be measured as the closest distance from the perimeter of a stand-alone commercial marijuana establishment structure to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church, correctional facility, or a substance abuse treatment facility providing substance abuse treatment. If the commercial marijuana establishment occupies only a portion of a structure, buffer distances are measured as the closest distance from the perimeter of the closest interior wall segregating the commercial marijuana establishment from other uses, or available uses in the structure, or an exterior wall if closer, to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church or correctional facility, or a substance abuse treatment facility providing substance abuse treatment.

(g) As provided in the Land Use Table, a person or licensee may apply for a conditional use permit to allow for a marijuana cultivation facility, standard, on lots of forty thousand (40,000) square feet or greater in size, and a marijuana cultivation facility, limited, on any size lot.

(h) A marijuana cultivation facility, standard, or a marijuana cultivation facility, limited, shall only be allowed on a lot which has an existing structure consistent with a principal permitted use.

(i) A marijuana cultivation facility located in an accessory building shall be subject to the setback provisions in KMC [14.24.020](#), Development Requirements Table. A person or licensee seeking relief from the provisions in the Development Requirements Table may apply for a variance subject to the provisions of KMC [14.20.180](#).

(j) A conditional use permit for onsite consumption of marijuana and/or certain marijuana products must be obtained, in addition to a state issued endorsement license, prior to operation of any onsite consumption in the City. The conditional use permit for onsite consumption must be separate from and in addition to any conditional use permit for the operation of a retail marijuana store. An onsite consumption conditional use permit will not be issued until a conditional use permit for a retail marijuana store has been issued for the same location.

Section 3. Amendment of Section 14.22.010 of the Kenai Municipal Code: That Kenai Municipal Code, Section 14.22.010 – Land Use Table, is hereby amended as follows:

14.22.010 Land [U]Use [T]Table.

LAND USE TABLE

KEY: P = Principal Permitted Use
C = Conditional Use
S = Secondary Use
N = Not Permitted

NOTE: Reference footnotes on following pages for additional restrictions

ZONING DISTRICTS																	
LAND USES	A LI	C	R R	R R-1	R S	R S-1	R S-2	R U	C C	C G	IL	IH	E D	R	TS H	LC	CM U
RESIDENTIAL																	
One-Family Dwelling	N	C ¹ ₈	P	P	P	P	P	P	P ¹	S ¹	S ²	S ²	C ² ₂	P	P	P	S ¹ /C ₂₁
Two-, Three-Family Dwelling	N	C ¹ ₈	P	P	P	P	P	P	P ¹	S ¹	C	C	C ² ₂	P	P	P	S ¹ /C ₂₁
Four-Family Dwelling	N	C ¹ ₈	P	C ³ _{, 29}	P	N	N	P	P ¹	S ¹	C	C	C ² ₂	N	P	C	S ¹ /C ₂₁
Five-, Six-Family Dwelling	N	C ¹ ₈	C ³	N	P	N	N	P	P ¹	S ¹	C	C	N	N	P	C	S ¹ /C ₂₁
Seven- or More Family Dwelling	N	C ¹ ₈	C ³	N	C ³	N	N	P	P ¹	S ¹	C	C	N	N	P	C	S ¹ /C ₂₁
Mobile Home Parks ⁶	N	N	C	N	C	C	C	C	C	C	C	C	N	C	N	N	C
Planned Unit Residential Development ⁷	N	C ¹ ₈	C	C ² ₉	C	C	C	C	C	C	C	C	N	C	C	C	C
Townhouses ⁴	N	C ¹ ₈	C ³	C ³ _{, 29}	C ³	C ³	C ³	C ³	C	C	C	C	C ² ₂	C	C	C	C
Accessory Building on Parcel Without Main Building or Use (See KMC 14.20.200)	N	N	C	C	C	C	C	C	N	N	N	N	N	N	C	N	N

New Text Underlined; [DELETED TEXT BRACKETED]

COMMERCIAL																	
Airport Compatible Uses	P	N	N	N	N	N	N	N	C	C	C	C	N	N	N	C	C
Automotive Sales	C	N	C	N	N	N	N	C	P	P	P	P	N	N	N	N	P
Automotive Service Stations	C	N	C	N	N	N	N	C	P	P	P	P	N	C	N	N	P
Banks	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P
Business/Consumer Services	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P
Commercial Recreation	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P
Guide Service	C	N	C	N	C	N	N	C	P	P	P	P	N	P	P	C	P
Hotels/Motels	C	N	C	N	C	N	N	C	P	P	P	C	N	C	P	C	P
Lodge	C	N	C	N	C	N	N	C	P	P	P	C	N	P	P	C	P
Marijuana Cultivation Facility, Limited ³⁰	N	N	C	C	C	C	C	C	N	C	C	C	N	N	N	C	N
Marijuana Cultivation Facility, Standard ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N
Marijuana Product Manufacturing Facility ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N
Marijuana Testing Facility ³⁰	N	N	N	N	N	N	N	N	C	C	P	P	N	N	N	C	C
Professional Offices	C	N	C	C ² ₉	C	N	N	P	P	P	P	P	N	C	P	P	P
Restaurants	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P
Retail Business	C	N ² ₆	C	N	C	N	N	C	P	P	P	P	S ² ₄	S ² ₄	C	C	P
Retail Marijuana Store ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	C
<u>Onsite Consumption Endorsment</u> ³¹	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>
Theaters	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P
Wholesale Business	C	N	C	N	C	N	N	C	C	P	P	P	N	S ² ₄	C	C	N

New Text Underlined; [DELETED TEXT BRACKETED]

INDUSTRIAL																	
Airports	C	P ² ₀	C	N	C	N	N	C	C	C	C	C	N	C	N	N	C
Necessary Aviation Facilities	P	P	C	C	C	C	C	C	P	P	P	P	C	P	C	P	P
Automotive Repair	P	N	C	N	C	N	N	C	P	P	P	P	N	N	N	N	P
Gas Manufacturer/Storage	C ⁹	N	N	N	C	N	N	N	N	N	C ⁹	C ⁹	N	N	N	N	N
Manufacturing/Fabricating/Assembly	P	N	C	N	C	N	N	C	C	P	P	P	N	C	C	N	C
Mini-Storage Facility	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	C	C
Storage Yard	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	N	C
Warehouses	C	N	C	N	C	N	N	C	N	P	P	P	N	C	N	N	N
PUBLIC/INSTITUTIONAL																	
Assisted Living	N	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Churches*	N	C	P ¹ ₀	P ¹⁰ ₀	P ¹ ₀	P ¹ ₀	P ¹ ₀	P ¹ ₀	P ¹ ₀	P ¹ ₀	C	C	P	P ¹ ₀	P	P	P
Clinics	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	P	P
Colleges*	N	C	C	C ² ₉	C	C	C	C	P	P	C	C	P	C	C	C	P
Elementary Schools*	N	C	C	C ² ₉	C	C	C	C	P	P	C	C	P	C	C	C	P
Governmental Buildings	P	C	C	C ² ₉	C	C	C	C	P	P	P	C	P	C	C	P	P
High Schools*	N	C	C	C ² ₉	C	C	C	C	P	P	C	C	P	C	C	C	P
Hospitals*	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	C	P
Libraries*	N	C	C	C ² ₉	C	C	C	C ¹ ₂	P	P	P	C	P	C	P	C	P
Museums	C	C	C	C ² ₉	C	C	C	C	P	P	P	C	P	C	P	C	P

New Text Underlined; [DELETED TEXT BRACKETED]

Parks and Recreation	N	P	C	C ² ₉	C	C	C	C	P	P	P	P	P	P	P	C	P
MISCELLANEOUS																	
Animal Boarding/Commercial Kennel ¹³	C	C	C	N	C	C	N	N	C	C	C	C	N	C	N	C	C
Assemblies ¹⁵ (Large: Circuses, Fairs, etc.)	P	C	C	N	C	C	C	C	P ¹ ₅	P ¹ ₅	P ¹ ₅	P ¹ ₅	P ¹ ₅	C	P	N	P ¹⁵
Bed and Breakfasts	N	C	C	C	C	C	C	C	C	C	C	C	N	P	C	C	P
Cabin Rentals	N	C	C	N	C	N	N	N	P	P	P	C	N	P	P	C	P
Cemeteries	P	C	C	N	C	N	N	N	N	C	C	C	N	C	C	N	N
Communications Towers and Antenna(s), Radio/TV Transmitters/Cell Sites** 28	C	P	C	N	C	C	C	C	P	P	P	P	P	C	C	C	C
Crematories/Funeral Homes	N	N	C	N	C	N	N	C	C	C	C	C	N	C	C	C	C
Day Care Centers ¹²	N	C	C	C ² ₉	C	C	C	C	P	P	P	C	C	C	C	P	P
Dormitories/Boarding Houses	N	C	C	N	C	C	C	P	P ² ₁	S	C	P	P ² ₃	C	C	C	P
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farming/General Agriculture***	N	P	P	N	N	N	N	N	N	N	N	P	N	P	N	N	N
Fraternal Organizations/ Private Clubs/Social Halls and Union Halls	N	N	C	N	C	C	C	C	P	P	P	C	N	C	P	C	P
Greenhouses/Tree Nurseries ¹³	N	C	C	N	C	C	C	C	P	P	P	C	N	C	C	C	P
Gunsmithing, Taxidermy	N	N	C	N	C	C	C	C	P	P	P	P	N	C	P	P	P
Nursing, Convalescent or Rest Homes	N	N	C	N	C	C	C	C	P	P	C	C	C	C	C	C	P
Parking, Public Lots ¹²	C	C	C	N	C	C	C	C	C	C	C	C	C	C	C	C	C

New Text Underlined; [DELETED TEXT BRACKETED]

Personal Services ²⁵	N	C	C	N	C	C	C	C	P	P	P	P	C	C	P	P/C 27	P
Recreational Vehicle Parks	N	C	C	N	C	N	N	C	C	C	C	C	N	C	C	N	C
Subsurface Extraction of Natural Resources ¹⁶	C	C	C	C	C	C	C	C	C	C	C	C	N	C	N	N	N
Surface Extraction of Natural Resources ¹⁷	C	C	C	N	C	N	N	C	N	C	C	C	N	C	N	N	N

* See 42 USCA Sec. 2000cc (Religious Land Use and Institutionalized Persons Act of 2000)

** See 42 Telecommunications Act of 1996, Sec. 704(a)

*** See, however, the limitations imposed under KMC [3.10.070](#)

Footnotes:

1 Allowed as a secondary use except on the ground floor of the part of the building fronting on collector streets and major highways. Commercial or industrial which falls under the landscaping/site plans requirements of KMC Chapter [14.25](#) shall include any secondary uses in the landscaping and site plans.

2 One (1) single-family residence per parcel, which is part of the main building.

3 Allowed as a conditional use, subject to satisfying the following conditions:

a The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;

b The site square footage in area must be approved by the Commission;

c Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;

d Water and sewer facilities shall meet the requirements of all applicable health regulations;

e The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;

f The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;

g There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;

h The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;

i The property adjacent to the proposed dwelling group will not be adversely affected.

4 See "Townhouses" section.

5 See "Mobile Homes" section.

6 Allowed as a conditional use, subject to "Mobile Homes" section; and provided, that any mobile home park meets the minimum Federal Housing Authority requirements.

7 See "Planned Unit Residential Development" section.

8 Allowed as a conditional use; provided, that the proposed location and the characteristics of the site will not destroy the residential character of the neighborhood.

9 Allowed as a conditional use; provided, that all applicable safety and fire regulations are met.

10 Provided that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line.

11 Allowed as a conditional use; provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line; and provided further, that the proposed location and characteristics of the use will not adversely affect the commercial development of the zone.

12 Allowed as a conditional use; provided, that the following conditions are met:

a The proposed location of the use and the size and characteristics of the site will maximize its benefit to the public;

b Exits and entrances and off-street parking for the use are located to prevent traffic hazards on public streets.

13 Allowed as a conditional use; provided, that setbacks, buffer strips, and other provisions are adequate to assure that the use will not be a nuisance to surrounding properties. The Commission shall specify the conditions necessary to fulfill this requirement. Animal boarding and commercial kennels require a kennel license (see KMC Chapter [3.15](#)).

14 Allowed as a conditional use; provided, that no indication of said use is evident from the exterior of the mortuary.

15 Allowed; provided, that the following conditions are met:

a An uncleared buffer strip of at least thirty (30) feet shall be provided between said use and any adjoining property in a residential zone.

b Exits and entrances and off-street parking for the use shall be located to prevent traffic hazards on the public streets.

16 See “Conditional Uses” section.

17 See “Conditional Use Permit for Surface Extraction of Natural Resources” section.

18 **Conditional use allowed only on privately held property.** Not allowed on government lands.

19 Reserved.

20 The airport related uses allowed under this entry are aircraft approach and departure zones pursuant to KMC [14.20.070\(a\)](#), except that for properties contained inside the airport perimeter fence or having access to aircraft movement areas, taxiways or parking aprons, FAA authorized uses are allowed.

21 Developments for use shall be the same as those listed in the Development Requirements Table for the RU/TSH Zones.

22 **Allowed as a conditional use in conjunction with a permitted use in the ED Zone.** For example, housing for teachers or students for a school in the zone.

23 **Allowed as an accessory use in conjunction with a permitted use in the ED Zone.** For example, a dormitory used to house students for a school or educational facility.

24 Retail businesses allowed as a secondary use in conjunction with the primary use (e.g., a gift shop or coffee shop within another business).

25 Art studios, barbers, beauticians, tattoo parlors, dressmakers, dry cleaners and self-service laundries, fitness centers, photographic studios, tailors, tanning salons and massage therapists.

26 Food services are allowed on a temporary or seasonal basis of not more than four (4) months per year.

27 Personal services not set forth in the below matrix are conditional uses.

Limited Commercial Zone		
Personal Services	Permitted (P)	Conditional Use (C)
Art Studios	X	

Limited Commercial Zone		
Personal Services	Permitted (P)	Conditional Use (C)
Barbers	X	
Beauticians	X	
Dressmakers	X	
Dry Cleaners		X
Fitness Centers	X	
Massage Therapist		X
Photographic Studios	X	
Self-Service Laundries		X
Tailors	X	
Tanning Salons	X	
Tattoo Parlors		X

28 Communications tower/antenna(s) allowed as a principal permitted (P) use if the applicable conditions set forth in KMC [14.20.255](#) are met or a conditional use (C) if the applicable conditions set forth in KMC [14.20.150](#) and [14.20.255](#) are met.

29 Use allowed only for those parcels that abut the Kenai Spur Highway. The access to any such parcel must be either from: (a) driveway access on the Kenai Spur Highway; or (b) driveway access from a dedicated right-of-way and that driveway access is not more than two hundred seventy-five (275) feet as measured from the constructed centerline of the Kenai Spur Highway to the center of the driveway access as shown on an as-built drawing/survey of the parcel.

30 See marijuana regulations, KMC [14.20.230](#)—Home Occupations, [14.20.320](#)—Definitions, [14.20.330](#)—Standards for Commercial Marijuana Establishments.

31 A conditional use permit for an onsite consumption endorsement can only be approved if the applicant has a current conditional use permit for a Retail Marijuana Store.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

Section 4. Severability: That if any part or provision of this ordinance or application thereof to

any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 5. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 17th day of April, 2019.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Introduced: April 3, 2019
Enacted: April 17, 2019
Effective: May 17, 2019



"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

FROM: Scott Bloom, City Attorney

DATE: March 27, 2019

SUBJECT: **Ordinance No. 3061-2019 An Ordinance to Incorporate Onsite Consumption of Marijuana at Retail Marijuana Establishments into the City Of Kenai's Code of Ordinances**

Lieutenant Governor Kevin Myer recently signed into law State regulations allowing for onsite consumption of marijuana at retail marijuana stores. A separate endorsement license for this activity is required from the State. While there is an opportunity for the City to prohibit onsite consumption, this Ordinance permits the activity through a conditional use permit process. In order to accomplish this, the City's zoning code and land use table are proposed to be amended to include a definition of an onsite consumption endorsement, clarify that a conditional use permit separate from a conditional use permit for the retail facility is required, and provide where the business activity is allowed in the City. These changes can be found on pages 12, 16, 17 and 19.

The State regulations require an applicant to apply with the Marijuana Control Board for an onsite endorsement, with new application fees of \$1000, renewal fees of \$600, and license fees of \$2000. Once an endorsement is obtained (and a conditional use permit in Kenai), a retail marijuana store can sell marijuana and marijuana products, excluding concentrates, to customers in a consumption area separated from the rest of the store. For consumption, only one gram may be sold to a person per day, or edible products containing 10 mg or less of THC. Food and beverages **not** containing alcohol or marijuana may also be sold at the location. Tobacco cannot be consumed in consumption areas, and only product purchased at the location can be consumed. Drunk and intoxicated people are prohibited from entering or remaining onsite. "Intoxicated" is defined as "intoxicated from the use of a drug or alcohol." (I recognize this is not a very informative definition) Consumption areas are required to have smoke free areas for employees to monitor the consumption area, a ventilation system that eliminates odor, security measures and procedures for handling unconsumed product. Outdoor consumption areas are contemplated in the regulations with additional requirements that the activity must be compatible with surrounding uses, there must be sight obscuring borders, and there is allowance for objection by property owners within 250 feet and local government objection.

Your consideration is appreciated.



Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV



530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Debbie Morgan
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor *AS*
465.4081

DATE: March 12, 2019

RE: Filed Permanent Regulations: Marijuana Control Board
Marijuana Control Board: Marijuana Onsite Consumption (3 AAC 306.370)

Attorney General File: JU2017200548
Regulation Filed: 3/12/2019
Effective Date: 4/11/2019
Print: 230, July 2019

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF MARIJUANA CONTROL BOARD

The attached 17 pages of regulations, dealing with onsite consumption endorsements for marijuana licenses, are certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its December 20, 2018 meeting, under the authority of AS 17.38.121 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Marijuana Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 1/8/19



Erika McConnell, Director
Alcohol and Marijuana Control Office

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

MARCH 12, 20 19 at 12:33 PM., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective: April 11, 2019.

Register: 230, July 2019.

3 AAC 306.015(d) is amended to read:

(d) The board will impose other conditions or restrictions on a license or endorsement issued under this chapter when it finds that it is in the interests of the public to do so.

(Eff. 2/21/2016, Register 217; add'l am 2/21/2016, Register 217; am 2/21/2019,

Register 229) am 4/11/2019, Register 230

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

3 AAC 306.025 is amended to read:

3 AAC 306.025. Application procedure. (a) An applicant must initiate a new marijuana establishment license or endorsement application on a form the board prescribes, using the board's electronic system.

(b) After initiating a new marijuana license or endorsement application, the applicant must give notice of the application to the public by

(1) posting a copy of the application, on the form the board prescribes, for 10 days at

(A) the location of the proposed licensed premises; and

(B) one other conspicuous location in the area of the proposed premises;

(2) publishing an announcement once a week for three consecutive weeks in a newspaper of general circulation in the area; in an area where no newspaper circulates, the applicant must arrange for broadcast announcements on a radio station serving the local area

where the proposed licensee seeks to operate twice a week for three successive weeks during triple A advertising time; the newspaper or radio notice must state

(A) the name of the applicant;

(B) the name and location of the proposed premises;

(C) the type of license **or endorsement** applied for along with a citation to a provision of this chapter authorizing that type of license **or endorsement**; and

(D) a statement that any comment or objection may be submitted to the board; and

(3) submitting a copy of the application on the form the board prescribes to

(A) the local government; and

(B) any community council in the area of the proposed licensed premises.

(c) After the applicant completes the notice requirements in (b) of this section and submits each remaining application requirement listed in 3 AAC 306.020, the applicant must pay the application and license fees set out in 3 AAC 306.100. The notice requirements in (b) of this section must be given within the 90 days preceding the submittal of all application requirements listed in 3 AAC 306.020 and the application and license fee.

(d) When the director receives an application for a marijuana establishment license **or endorsement**, the director shall determine if the application is complete. Any application for a marijuana establishment license **or endorsement** that the director receives without the application and license fee is incomplete. If the director determines the application is complete, the director shall immediately give written notice to;

(1) the applicant;

(2) the local government with jurisdiction over the applicant's proposed licensed premises;

(3) the community council if the proposed licensed premises are located within the boundary of a community council established by municipal charter or ordinance; and

(4) any nonprofit community organization that has requested notification in writing.

(e) If an application for a marijuana establishment license **or endorsement** is incomplete, the director shall notify the applicant by electronic mail at the address provided by the applicant and shall either

(1) return an incomplete application in its entirety; or

(2) request the applicant to provide additional identified items needed to complete the application.

(f) When the director informs an applicant that its application is incomplete as provided in (e) of this section, the applicant must complete the application not later than 90 days after the date of the director's notice. If an applicant fails to complete its application during the 90-day period after the director's notice, the applicant must file a new application and pay a new application fee to obtain a marijuana establishment license **or endorsement**.

(g) The director may, not less than 90 days after initiation of an application, inform an applicant by electronic mail at the address provided by the applicant that missing application requirements listed in 3 AAC 306.020 must be submitted within 90 days. If an applicant fails to submit all missing application requirements during the 90-day period after the director's notice, the applicant must file a new application and pay a new application fee to obtain a marijuana

establishment license. (Eff. 2/21/2016, Register 217; am 12/28/2017, Register 224;

am 2 / 21 / 2019 , Register 229 ; am 4 / 11 / 2019 , Register 230)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306.060 is amended to read:

3 AAC 306.060. Protest by local government. (a) Not later than 60 days after the director sends notice of an application for a new marijuana establishment license, a new onsite consumption endorsement, renewal of a marijuana establishment license, renewal of an onsite consumption endorsement, license conversion, or transfer of a marijuana establishment license to another person, a local government may protest the application by sending the director and the applicant a written protest and the reasons for the protest. The director may not accept a protest received after the 60-day period. If a local government protests an application for a new or renewal license, a new or renewal onsite consumption endorsement, for a license conversion, or for a transfer of a license to another person, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

(b) A local government may recommend that the board approve an application for a new license, a new onsite consumption endorsement, renewal of a license, renewal of an onsite consumption endorsement, license conversion, or transfer of a license to another person subject to a condition. The board will impose a condition a local government recommends unless the board finds the recommended condition is arbitrary, capricious, and unreasonable. If the board imposes a condition a local government recommends, the local government shall

assume responsibility for monitoring compliance with the condition unless the board provides otherwise.

(c) If a local government determines that a marijuana establishment has violated a provision of AS 17.38, this chapter, or a condition the board has imposed on the licensee, the local government may notify the board. Unless the director finds that the local government's notice is arbitrary, capricious, and unreasonable, the director shall prepare the determination as an accusation against the licensee under AS 44.62.360 and conduct proceedings to resolve the matter as provided under 3 AAC 306.820. (Eff. 2/21/2016, Register 217; am 2/21/2019, Register 229 ; am 4/11/2019, Register 230)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

3 AAC 306.100 is amended to read:

3 AAC 306.100. Fees; refund. (a) The non-refundable application fee for a new marijuana establishment license, an application for license conversion, or an application to transfer a license to another person is \$1,000. **The non-refundable application fee for a new onsite consumption endorsement is \$1,000.**

(b) The non-refundable application fee for a license renewal application is \$600. If a renewal application is late as provided under 3 AAC 306.035(e), an additional non-refundable late renewal application fee is \$1,000. **The non-refundable application fee for renewal of an onsite consumption endorsement is \$600.**

(c) The non-refundable fee to request board approval of a change in a licensed marijuana establishment's business name, ownership, licensed premises diagram, operating plan, or proposed new marijuana product is \$250. A change fee does not apply to an application for transfer of a license or a transfer of controlling interest to another person.

(d) The annual license or endorsement fee, to be paid with each application for a new marijuana establishment facility license or endorsement and each license or endorsement renewal application is

- (1) for a retail marijuana store license, \$5,000;
- (2) for a limited marijuana cultivation facility license, \$1,000;
- (3) for a marijuana cultivation facility license, \$5,000;
- (4) for a marijuana concentrate manufacturing facility license, \$1,000;
- (5) for a marijuana product manufacturing facility license, \$5,000;
- (6) for a marijuana testing facility license, \$1,000;

(7) for an onsite consumption endorsement to a retail marijuana store license, \$2,000.

(e) The fee for a marijuana handler permit card is \$50.

(f) If the board denies an application for a license or endorsement, or for renewal of a license or endorsement, the board will refund the annual license or endorsement fee. The board will not refund a license or endorsement fee after the license or endorsement has been issued.

(g) Processing fees for late renewal after failure to pay taxes are as follows:

(1) if a licensee pays its delinquent tax after a local government protests renewal of the license, but before the board denies license renewal, \$200;

(2) if a licensee pays its delinquent tax after appealing the board's denial of a license renewal, but before a hearing officer is appointed to hear the applicant's appeal, \$500;

(3) if a licensee pays its delinquent tax after appealing the board's denial of a license renewal, but before the administrative hearing begins, \$5,000;

(4) if a licensee pays its delinquent tax after an administrative hearing that results in a hearing officer recommendation to deny the license renewal, \$10,000.

(h) The fee for a second or subsequent inspection for a new marijuana establishment is \$500. The fee applies to an inspection requested after a marijuana establishment fails a preliminary inspection, and is not issued a license. The director may waive the fee upon submission of a written request. (Eff. 2/21/2016, Register 217; am 7/19/2017, Register 223; am 8/11/2018, Register 227; am 2 / 21 / 2019 , Register 229 ; am 4 / 11 / 2019 ,

Register 230)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

3 AAC 306 is amended by adding a new section to read:

3 AAC 306.110. Endorsements generally. (a) An endorsement expands the boundaries of a licensed premises or the authorized activities of the licensed business.

(b) Only the board may issue an endorsement.

(c) An endorsement is valid only in conjunction with a license. An endorsement may only be transferred to another person if the license for which the endorsement was issued is also transferred to that person. An endorsement expires if the license expires or the license is

revoked. An endorsement is suspended if the license is suspended. (Eff. 4 / 11 / 2019,

Register 230)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

3 AAC 306.200 is amended to read:

3 AAC 306.200. Local options. (a) If a majority of the persons voting on the question vote to approve the option, or if a local government's assembly or city council passes an ordinance to the same effect, the local government shall adopt a local option to prohibit

- (1) the sale or importation for sale of marijuana and any marijuana product;
- (2) the operation of any marijuana establishment, including one or more of the

following license or endorsement types:

- (A) a retail marijuana store;
- (B) a marijuana cultivation facility;
- (C) a marijuana product manufacturing facility;
- (D) a marijuana testing facility;[.]

(E) an onsite consumption endorsement to a marijuana retail store license;

(3) specific operational characteristics of an onsite consumption endorsement to a marijuana retail store license, including consumption by smoking or vaping, or outdoor consumption.

(b) A ballot question to adopt a local option under this section must at least contain language substantially similar to: "Shall (name of local government) adopt a local option to prohibit (local option under (a) of this section)? (yes or no)."

(c) The ballot for an election on the options set out in (a)(2) of this section must include a brief explanation of the activity that each license or endorsement type on the ballot may carry out.

(d) If a local government dissolves under AS 29.06.450, any marijuana establishment license issued to that local government expires when the local government dissolves.

(e) A local government may not prohibit the personal use and possession of marijuana and marijuana products as authorized under AS 17.38.020.

(f) Nothing in 3 AAC 306.200 - 3 AAC 306.260 precludes a local government from applying for a marijuana establishment license or endorsement under other provisions of this chapter. (Eff. 2/21/2016, Register 217; am 4 / 11 / 2019 , Register 230)

Authority:	AS 17.38.020	AS 17.38.200	AS 17.38.900
	AS 17.38.190	AS 17.38.210	

3 AAC 306.250 is amended to read:

3 AAC 306.250. Effect on licenses of restriction on sale. If a majority of the voters vote under 3 AAC 306.200(a) to prohibit sale of marijuana and marijuana products or the operation of marijuana establishments, or if the assembly or city council passes an ordinance to the same effect, the board will not issue, renew, or transfer to another person a license for a marijuana establishment, or issue or renew an endorsement, with premises located within the boundary of the local government. A license for a marijuana establishment or endorsement

within the boundary of the local government is void 90 days after the results of the election are certified, or after the effective date of an ordinance to the same effect if the local government opted out by ordinance. A license or endorsement that expires during the 90 days after the certification of a local option election, or during the period of time between passage of an ordinance to the same effect and the effective date of that ordinance, may be extended until it is void under this section, by payment of a prorated portion of the annual license or endorsement fee. (Eff. 2/21/2016, Register 217, am 7/27/2017, Register 223; am 4 / 11 / 2019, Register 230)

Authority: AS 17.38.020 AS 17.38.200 AS 17.38.900
AS 17.38.190 AS 17.38.210

3 AAC 306.310(b) is amended to read:

(b) A licensed retail marijuana store may not

(1) conduct business on or allow a consumer to access the retail marijuana store's licensed premises between the hours of 5:00 a.m. and 8:00 a.m. each day;

(2) allow a person to consume marijuana or a marijuana product on the retail marijuana store's licensed premises, except as provided in 3 AAC 306.305(a)(4);

(3) offer or deliver to a consumer, as a marketing promotion or for any other reason,

(A) free marijuana or marijuana product, including a sample; or

(B) alcoholic beverages, free or for compensation; or[.]

(4) allow intoxicated or drunken persons to enter or to remain on the licensed premises.

(Eff. 2/21/2016, Register 217; am 4 / 11 / 2019, Register 230)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306.355 is amended to read:

3 AAC 306.355. Limit on quantity sold. (a) A retail marijuana store may not sell to any one person per day[IN A SINGLE TRANSACTION]

(1) more than one ounce of usable marijuana;

(2) more than seven grams of marijuana concentrate for inhalation, or

(3) marijuana or marijuana products if the total amount of marijuana, marijuana products, or both marijuana and marijuana products sold contains more than 5,600 milligrams of THC.

(b) These limits include marijuana or marijuana product sold for onsite consumption under 3 AAC 306.370(a)(2). (Eff. 2/21/2016, Register 217; am 4 / 11 / 2019, Register 230)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306 is amended by adding a new section to read:

3 AAC 306.370. Onsite consumption endorsement for retail marijuana stores. (a)

Unless prohibited by local or state law, a freestanding licensed retail marijuana store with an approved onsite consumption endorsement is authorized to

(1) sell marijuana and marijuana products, excluding marijuana concentrates, to patrons for consumption on the licensed premises at the time of purchase only in an area designated as the marijuana consumption area and separated from the remainder of the premises, either by a secure door and having a separate ventilation system, or by being outdoors in compliance with (c)(4) below;

(2) sell for consumption on the premises

(A) marijuana bud or flower in quantities not to exceed one gram to any one person per day;

(B) edible marijuana products in quantities not to exceed 10 mg of THC to any one person per day; and

(C) food or beverages not containing marijuana or alcohol; and

(3) allow a person to remove from the licensed premises marijuana or marijuana product that has been purchased on the licensed premises for consumption under this section, provided it is packaged in accordance with 3 AAC 306.345.

(b) A licensed retail marijuana store with an approved onsite consumption endorsement may not

(1) sell marijuana concentrate for consumption in the marijuana consumption area or allow marijuana concentrate to be consumed in the marijuana consumption area;

(2) allow any licensee, employee, or agent of a licensee to consume marijuana or marijuana product, including marijuana concentrate, during the course of a work shift;

(3) allow a person to consume tobacco or tobacco products in the marijuana consumption area;

(4) allow a person to bring into or consume in the marijuana consumption area any marijuana or marijuana product that was not purchased at the licensed retail marijuana store;

(5) sell, offer to sell, or deliver marijuana or marijuana product at a price less than the price regularly charged for the marijuana or marijuana product during the same calendar week;

(6) sell, offer to sell, or deliver an unlimited amount of marijuana or marijuana product during a set period of time for a fixed price;

(7) sell, offer to sell, or deliver marijuana or marijuana product on any one day at prices less than those charged the general public on that day;

(8) encourage or permit an organized game or contest on the licensed premises that involves consuming marijuana or marijuana product or the awarding of marijuana or marijuana product as prizes; or

(9) advertise or promote in any way, either on or off the premises, a practice prohibited under this section.

(c) A marijuana consumption area shall have the following characteristics:

(1) the consumption area shall be isolated from the other areas of the retail marijuana store, separated by walls and a secure door, and shall have access only from the retail marijuana store;

(2) a smoke-free area for employees to monitor the marijuana consumption area;

(3) a ventilation system that directs air from the marijuana consumption area to the outside of the building through a filtration system sufficient to remove visible smoke, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property line;

(4) if outdoors, be found by the board to be compatible with uses in the surrounding area through evaluation of

(A) neighboring uses;

(B) the location of air intake vents on neighboring buildings;

(C) a sight-obscuring wall or fence around the outdoor marijuana consumption area;

(D) objections of property owners, residents, and occupants within 250 linear feet or the notification distance required by the local government, whichever is greater; and

(E) any other information the board finds relevant.

(d) An applicant for an onsite consumption endorsement must file an application on a form the board prescribes, including the documents and endorsement fee set out in this section, which must include

(1) the applicant's operating plan, in a format the board prescribes, describing the retail marijuana store's plan for

(A) security, in addition to what is required for a retail marijuana store, including:

(i) doors and locks;

(ii) windows;

(iii) measures to prevent diversion; and

(iv) measures to prohibit access to persons under the age of 21;

(B) ventilation. If consumption by inhalation is to be permitted, ventilation plans must be

(i) signed and approved by a licensed mechanical engineer;

(ii) sufficient to remove visible smoke; and

(iii) consistent with all applicable building codes and ordinances;

(C) monitoring overconsumption;

(D) unconsumed marijuana, by disposal or by packaging in accordance with 3 AAC 306.345; and

(E) preventing introduction into the marijuana consumption area of marijuana or marijuana products not sold by the retail marijuana store, and marijuana or marijuana products not sold specifically for onsite consumption;

(2) the applicant's detailed diagram of the marijuana consumption area which must show the location of

(A) the licensed premises of the retail marijuana store;

(B) serving area or areas;

(C) ventilation exhaust points, if applicable;

(D) the employee monitoring area;

(E) doors, windows, or other exits; and

(F) access control points;

(3) the title, lease, or other documentation showing the applicant's sole right of possession of the proposed marijuana consumption area, if the area is not already part of the approved licensed premises for the retail marijuana store;

(4) an affidavit that notice of an outdoor marijuana consumption area has been mailed to property owners, residents, and occupants of properties within 250 linear feet of the boundaries of the property on which the onsite consumption endorsement is proposed, or the notification distance required by the local government, whichever is greater.

(e) The retail marijuana store holding an onsite consumption endorsement under this chapter shall

(1) destroy all unconsumed marijuana left abandoned or unclaimed in the marijuana consumption area in accordance with the operating plan and 3 AAC 306.740;

(2) monitor patrons in the marijuana consumption area at all times, specifically for overconsumption;

(3) display all warning signs required under 3 AAC 306.360 and 3 AAC 306.365 within the marijuana consumption area, visible to all consumers;

(4) provide written materials containing marijuana dosage and safety information for each type of marijuana or marijuana product sold for consumption in the marijuana consumption area at no cost to patrons;

(5) package and label all marijuana or marijuana product sold for consumption on the premises as required in 3 AAC 306.345; and

(6) comply with any conditions set by the local government or placed on the endorsement by the board.

(f) The holder of an onsite consumption endorsement must apply for renewal annually at the time of renewal of the underlying retail marijuana store license. (Eff. 4 / 11 / 2019 , Register 230)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

3 AAC 306.990(b) is amended to add the following subsections:

(41) “drunken person” has the meaning given in AS 04.21.080(b)(9);

(42) “freestanding” has the meaning given in AS 18.35.301(i)(1);

(43) “intoxicated” has the meaning given in AS 11.81.900(b)(34);

(44) “marijuana consumption area” means a designated area within the licensed premises of a retail marijuana store that holds a valid onsite consumption endorsement, where marijuana and marijuana products, excluding marijuana concentrates, may be consumed.

(45) “retail marijuana store premises” means an area encompassing both the retail marijuana store and any marijuana consumption area.

(46) “sight-obscuring wall or fence” means a wall or fence, including any gates, constructed of solid material and a minimum of six feet in height. (Eff. 2/24/2015, Register 213; am 2/21/2016, Register 217; am 10/11/2017, Register 224; am 8/11/2018, Register 227; am 4 / 11 / 2019 , Register 230)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

MEMORANDUM

State of Alaska
Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: February 28, 2019

File No.: JU2017200548

Tel. No.: 465-3600

From: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Marijuana Control Board:
Marijuana Onsite Consumption
(3 AAC 306.370)

The Department of Law has reviewed the attached regulations of the Marijuana Control Board against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations implement standards for onsite consumption of marijuana (excluding concentrates) in a freestanding licensed retail marijuana store with an endorsement. An endorsement is not a separate license for a retail marijuana store; it is a separate authorization on top of a retail marijuana store license.

The subject of these regulations was considered by the board for approximately two years (and 11 public meetings). Our review addresses whether the procedural steps were followed and whether the regulations are consistent with the authorizing statute and reasonably necessary to carry out its purpose. AS 44.62.030 and 44.62.060 (review of regulations for legality, constitutionality, and consistency with other regulations). We also address federal law in relation to the proposed regulations. AS 44.62.020 (“To be effective, each regulation adopted must be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law.”) *Davis v. State*, 235 P.3d 1017, 1020 (Alaska App. 2010); *Beran v. State*, 705 P.2d 1280, 1287 (Alaska App. 1985).

Procedural steps. The proposed regulations were published on August 23, 2018; the notice stated the board was considering regulations for onsite consumption endorsements for retail marijuana establishments. The board accepted written and oral comments, with oral comments occurring at a hearing on December 19, 2018. The regulations were adopted by the Marijuana Control Board after the close of the public comment period.

The August 23, 2018 public notice gives notice that the board would consider onsite marijuana consumption endorsements for retail marijuana establishments. The board took written and oral comments. The board adopted the regulation at its December 20, 2018 meeting. Further, the public notice and the January 8, 2019 certification of adoption order states that this action is

not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Consistency with authorizing statute. The board is authorized to propose and adopt regulations. Further, while marijuana consumption “in public” is illegal (AS 17.38.040) consumption within regulated, licensed premises is anticipated; the board has statutory authority to make changes to the area of a licensed premises “necessary to ensure control over the sale and consumption of marijuana on the premises.” AS 17.38.121(c). Under current regulation, “in public” does not “include an area on the premises of a licensed retail marijuana store designated for onsite consumption.” 3 AAC 306.990(a)(5)(C). The board further provides in these regulations that marijuana consumption is limited to a “marijuana consumption area within the licensed premises of a retail marijuana store that holds a valid onsite consumption endorsement.” 3 AAC 306.990(b)(44).

Consumption of marijuana in a licensed premises excludes marijuana concentrates (3 AAC 306.990(b)(44)), but envisions that some consumption may be through smoking marijuana or a marijuana product. Accordingly, we considered AS 18.35.301, which addresses public health law by prohibiting smoking tobacco in certain places, but the statute provides an exception for smoking “in an establishment licensed under AS 17.38 that is freestanding if the smoking is in accordance with regulations adopted by the Marijuana Control Board created under AS 17.38.080.” AS 18.35.301(h)(3). “Freestanding” means a building that is not supported by another structure and does not share ventilation or internal airspace with an adjoining structure and smoke from the building cannot travel into the adjoining structure. AS 18.35.301(i)(1). The regulations proposed here adopt this definition of “freestanding” in 3 AAC 306.990(b)(42).

In short, we find that the state statutes provide the board with necessary regulatory authority, and anticipate onsite consumption of marijuana, in a freestanding building.

Reasonably necessary to carry out the statutory purpose. Here we consider if the regulation is reasonable and not arbitrary. *Kelly v. Zamarello*, 486 P.2d 906 (Alaska 1971). Initially we note that the board considered the issue of onsite consumption for approximately two years, including approximately 11 meetings of substantive discussion about onsite consumption. The result is a detailed regulation, 3 AAC 306.370, onsite consumption endorsement for retail marijuana stores, to set the standards for onsite consumption. We are confident the record reflects that the board engaged in reasoned decision making. *See, Alaska Fish & Wildlife Conservation Fund v. State*, 347 P.3d 97 (Alaska 2015).

Specifically, the section limits consumption endorsements to stores that are freestanding, and where not otherwise prohibited by local or state law. 3 AAC 306.370(a). A marijuana store with a consumption endorsement is authorized to sell marijuana products including limited quantities of bud or flower or products not to exceed 10 mg of THC and *not including concentrates*, for consumption in a designated area that is separated from the rest of the store by a secure door and having a separate ventilation system or that is outdoors. 3 AAC 306.370(a)(1) and (2). The store may sell food or beverages not containing marijuana or alcohol (3 AAC 306.370(a)(2)(C)) and may allow customers to take away from the premises product that they

have purchased for consumption on the premises so long as it is packaged properly. 3 AAC 306.370(a)(3). The section provides that a store with an endorsement may not:

- (1) sell concentrate for consumption in the consumption area or allow it to be consumed in the consumption area;
- (2) allow consumption by employees while on the job;
- (3) allow tobacco consumption;
- (4) allow offsite purchases to be consumed in the consumption area;
- (5) offer “happy hour” type discounts;
- (6) offer “all-you-can-eat” type deals;
- (7) offer “in-house” type discounts;
- (8) offer or encourage games or contests that involve marijuana consumption or awarding of marijuana as prizes; or
- (9) advertise any prohibited practice, whether on or off the premises.

In addition, this section sets out the physical characteristics of a marijuana consumption area. 3 AAC 306.370(c). It must be accessible only from inside the store but must be isolated from the rest of the store, have a smoke-free area from which employees can monitor the consumption area, and have a ventilation system that directs air outside and removes visible smoke and odor at the property line. 3 AAC 306.370(c)(1)-(3). If the consumption area is outdoors, it must be found by the board to be compatible with uses in the surrounding area. 3 AAC 306.370(c)(4). This paragraph requires at least the consideration of a sight-obscuring wall or fence around the area and consideration of the objections of neighbors.

Obtaining an endorsement for onsite consumption requires an applicant to hold a license for a retail marijuana store. To apply for an endorsement to allow onsite consumption on the licensed premises, the applicant must show plans for security, ventilation, monitoring consumption, disposition of unconsumed marijuana, and preventing introduction of product not purchased onsite. 3 AAC 306.370(d)(1). In addition, the application must include a detailed diagram of the consumption area, ventilation exhaust points, the employee monitoring area, and access control points, as well as proof of possession of the property and proof that notice of any outdoor consumption area has been given to nearby property owners. 3 AAC 306.370(d)(2)-(4). Subsection (c) requires an endorsement holder to destroy all unconsumed product left by customers, monitor consumption, display warning signs required of stores, provide dosage and safety information for each product that is sold for consumption, ensure that all product is packaged properly, and comply with all conditions set by local government or the board. Finally, onsite endorsements must be renewed annually. 3 AAC 306.370(f).

Local governments can adopt a local option to prohibit onsite consumption endorsements, just as they can now opt out of specific license types (stores, cultivation facilities, manufacturing facilities and testing facilities) (3 AAC 306.200(a)(2)); with the proposed amendments, they could also opt to prohibit specific operational characteristics of an onsite consumption endorsement, including by smoking or vaping, or consuming outdoors. 3 AAC 306.200(a)(3); 3

AAC 306.250. Also, these proposed amendments would allow a local government to hold an endorsement if it has a retail store license. 3 AAC 306.200(f).

In our view, the regulations are reasonably necessary to assure onsite consumption is retained in the licensed premises of a freestanding building.

Federal law. Next, we address whether the regulations are problematic under federal law. Under Alaska law, some commercial marijuana activity is authorized under AS 17.38, including onsite consumption on a licensed premises; for the reasons explained above these regulations are authorized by state law. But marijuana cultivation, use, and possession remains illegal under federal law. The regulations cannot resolve this conflict. Previously, the federal government issued guidance for states with legalized marijuana suggesting that the federal government would be more inclined to leave enforcement of criminal law applicable to commercial marijuana to states where the state has a robust regulatory system.¹ Accordingly, our state's marijuana regulation has been developed with attention to former key federal guidance, including regulatory action to ensure safe and clear packaging, regulations to ensure marijuana is not accessible to persons under age, and robust vetting requirements for licensees. The current regulations appear to establish robust requirements for onsite consumption designed to ensure limited onsite use, and with restrictions (such as requirements for security) designed to ensure that marijuana consumption occurs only by those of legal age on a designated area of a licensed premise, remains on the premise, and includes only consumption of marijuana purchased at the licensed premise. Accordingly, we believe that the board has established restrictions to ensure compliance with state law.

SRP:lbp

cc: Erika McConnell, Director
Marijuana Control Board
Department of Commerce, Community, and Economic Development

Debbie Morgan, Regulations Contact
Department of Commerce, Community, and Economic Development

Jedediah Smith, Local Government Specialist
Alcohol and Marijuana Control Office
Department of Commerce, Community, and Economic Development

Harriet Dinegar Milks, Assistant Attorney General
Commercial, Fair Business, and Child Support Section

¹ James M. Cole, Deputy Attorney General, U.S. Dep't of Justice, *Memorandum for All United States Attorneys, Guidance Regarding Marijuana Enforcement* (Aug. 29, 2013; later withdrawn, Memorandum from Attorney General Jefferson B. Sessions III to All U.S. Attorneys (Jan. 4, 2018), <https://www.justice.gov/opa/press-release/file/1022196/download>.

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KENAI CITY COUNCIL – REGULAR MEETING
APRIL 17, 2019 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
<http://www.kenai.city>

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda (*Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

All items listed with an asterisk () are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. SCHEDULED PUBLIC COMMENTS (*Public comment limited to ten (10) minutes per speaker*)

1. **Linda Swarner** – Presentation on History of Kenai Local Food Connection and How to Get Involved

C. UNSCHEDULED PUBLIC COMMENTS (*Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

D. PUBLIC HEARINGS

1. **Ordinance No. 3059-2019** – Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds and Authorizing a Professional Services Agreement for the Design of the Alaska Regional Fire Training Facility Rehabilitation Project. (Administration)
2. **Ordinance No. 3060-2019** – Increasing Estimated Revenues and Appropriations in the Terminal Improvements Capital Fund and Authorizing an Increase to the Construction Purchase Order to Blazy Construction, Inc. (Administration)
3. **Resolution No. 2019-23** – Approving a Third Amendment to the Airline Operating Agreement and Terminal Area Lease and Authorizing the City to Enter into such Agreement with Corvus Airlines D/B/A Ravn Alaska. (Administration)
4. **Resolution No. 2019-24** – Approving a Third Amendment to the Airline Operating Agreement and Terminal Area Lease and Authorizing the City to Enter into such Agreement with Grant Aviation, Inc. (Administration)
5. **Resolution No. 2019-25** – Approving the Purchase of Nineteen Portable Radios and Accessories for the Police Department under a Sole Source Purchase from Motorola

Solutions using Naspro ValuePoint Contract Pricing for the Total Price of \$100,027.79. (Administration)

6. **Resolution No. 2019-26** - Renewing Lease Land within the Airport Reserve submitted by Schilling Rentals LLC, for the property described as Lot 9A, FBO Subdivision No. 9, located at 433 N. Willow Street, Kenai, Alaska 99611 (Administration)

E. MINUTES

1. *Regular Meeting of April 3, 2019

F. UNFINISHED BUSINESS

1. **Ordinance No. 3056-2019** – Amending Kenai Municipal Code 14.22.010-Land Use Table, to Allow Business/Consumer Services and Taxidermy/Gunsmithing in RR1 Zoning District by Conditional Use Permit and Removing the Location Restriction on Professional Offices Allowed by Conditional Use Permit Within the RR1 Zone. (Council Members Peterkin & Glendening)
[Clerk's Note: This item was postponed to this meeting from the April 3, 2019 meeting. A motion to enact is on the floor.]

G. NEW BUSINESS

1. ***Action/Approval** – Bills to be Ratified. (Administration)
2. ***Action/Approval** – Purchase Orders Over \$15,000. (Administration)
3. ***Action/Approval** – Non-Objection to the Transfer of Ownership of Liquor License to Kenai Joe's Taphouse, LLC. (City Clerk)
4. ***Ordinance No. 3062-2019** – Increasing FY2019 General Fund Estimated Revenues and Appropriations by \$20,859 And FY2020 General Fund Estimated Revenues And Appropriations by \$35,418 in the General Fund Parks, Recreation, and Beautification Department for the Receipt of a Grant from the United States Environmental Protection Agency Passed Through the State of Alaska Department of Environmental Conservation for Bacteria Level Monitoring on the City's Beaches during the 2019-2020 Personal Use Fishery. (Administration)
5. **Action/Approval** – Harbor Commission Survey. (City Clerk)

H. COMMISSION/COMMITTEE REPORTS

1. Council on Aging
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee
7. Mini-Grant Steering Committee

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

1. City Manager
2. City Attorney
3. City Clerk

K. ADDITIONAL PUBLIC COMMENT

1. Citizens Comments (*Public comment limited to five (5) minutes per speaker*)
2. Council Comments

L. EXECUTIVE SESSION

1. Discussion of the Kenai Visitors Center RFP, a Matter of Which the Immediate Knowledge may have an Adverse Effect upon the Finances of the City [AS 44.62.310 (c)(1)].
2. Performance Evaluations of City Attorney, City Manager, and City Clerk which may be a Subject that Tends to Prejudice the Reputation and Character of the City Attorney, City Manager, and City Clerk [AS 44.62.310(C)(2)].

M. PENDING ITEMS

1. **Ordinance No. 3061-2019** – Amending Kenai Municipal Code 14.20.320 - Definitions, 14.20.330 - Standard for Commercial Marijuana Establishments and 14.22.010 - Land Use Table, to Incorporate Onsite Consumption of Marijuana at Retail Marijuana Establishments into the City Of Kenai's Code of Ordinances. (Legal)
[Clerk's Note: This item was Referred to the Planning & Zoning Commission for a Recommendation at their April 24 Meeting and a Public Hearing Scheduled before the City Council on May 1, 2019.]

N. ADJOURNMENT

INFORMATION ITEMS

1. Purchase Orders between \$2,500 and \$15,000 for Council Review
2. Kenai Historical Society Newsletter – April 2019
3. U. S. Department of the Interior – Incidental Take Regulations
4. Letter from the American Red Cross of Alaska

The agenda and supporting documents are posted on the City's website at www.kenai.city. Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.

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Plat Committee Tentative Agenda

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

*Paulette Bokenko-Carluccio – City of Seldovia • Jeremy Brantley – Sterling
Cindy Ecklund – City of Seward • Franco Venuti – City of Homer • Paul Whitney – City of Soldotna
Alternates: Diane Fikes – City of Kenai*

**April 22, 2019
5:30 p.m.**

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

1. Agenda
2. Member/Alternate Excused Absences
3. Minutes
 - a. April 8, 2019 Plat Committee Minutes

D. PUBLIC COMMENT

(Items other than those appearing on the agenda. Limited to five minutes per speaker unless previous arrangements are made.)

E. SUBDIVISION PLAT PUBLIC HEARINGS

1. AA Mattox Subdivision Gwen's 2019 Addition
KPB 2019-026 [Seabright Surveying / Echo Trading Company LLC]
Location: on Nelson Avenue, off Kallman Road, City of Homer
2. Seldovia Townsite Chartier Addition 2019 Replat
KPB 2019-029 [Seabright Surveying / Chartier]
Location: on C Street on the Seldovia Slough, City of Seldovia
3. Kooly Subdivision
KPB File 2019-031 [Johnson Surveying / Kooly]
Location: on Oskolkoff Street and Weldin Avenue in the Caribou Hills, Ninilchik
4. Basin View Subdivision Pettet-Daniel Replat
KPB File 2019-033 [Segesser Surveys / Daniel Pettet]
Location: on Dolchok Lane, off Beaver Loop Road, City of Kenai

- 5. Right of Way Acquisition Sterling Highway Reconstruction Anchor Point to Baycrest Hill
KPB File 2019-032 [State of Alaska DOT&PF / State of Alaska]
Location: Sterling Highway MP 157-169, Anchor Point and the City of Homer
Anchor Point APC

F. FINAL SUBDIVISION PLAT PUBLIC HEARING - None

G. OTHER / NEW BUSINESS

H. MISCELLANEOUS INFORMATION – NO ACTION REQUIRED

I. ADJOURNMENT

NEXT REGULARLY SCHEDULED MEETING

The next regularly scheduled Plat Committee meeting will be held **Monday, May 13, 2019** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley, Soldotna, Alaska at **5:30 p.m.**

PLANNING DEPARTMENT

Phone: 907-714-2215 Fax: 907-714-2378

Phone: toll free within the Borough 1-800-478-4441, extension 2215

e-mail address: planning@kpb.us

web site: <http://www.kpb.us/planning-dept/planning-home>



Planning Commission Tentative Agenda

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2215 • (907) 714-2378 Fax

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

Max J. Best, Planning Director • Charlie Pierce, Borough Mayor

*Blair Martin, Chairman – Kalifornsky Beach • Robert Ruffner, Vice Chairman – Kasilof/Clam Gulch
Dr. Rick Foster, Parliamentarian – Southwest Borough • Syverine Abrahamson-Bentz – Anchor Point/Ninilchik
Jeremy Brantley – Sterling • Paulette Bokenko-Carluccio – City of Seldovia • Cindy Ecklund – City of Seward
Robert F. Ernst – Northwest Borough • Diane Fikes – City of Kenai • Virginia Morgan – East Peninsula
Franco Venuti – City of Homer • Paul Whitney – City of Soldotna*

April 22, 2019

7:30 p.m.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

All items marked with an asterisk (*) are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner so requests in which case the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.

If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.

***1. Time Extension Request - None**

***2. Planning Commission Resolutions - None**

***3. Plats Granted Administrative Approval**

***4. Plats Granted Final Approval (20.10.070)**

***5. Plat Amendment Request**

- a. Jan Feller Subdivision Amended
KPB 2015-087A1 [Integrity / Feller]
Recording No. KN 2015-82
Location: on Miller Loop Road and Autumn Road

***6. Utility Easement Vacations - None**

***7. Commissioner Excused Absences**

- a. Syverine Abrahamson-Bentz, Anchor Point / Ninilchik
- b. Dr. Rick Foster, Southwest Borough

- c. Vacant, Ridgeway

***8. Minutes**

- a. March 25, 2019 Planning Commission Minutes
- b. April 8, 2019 Planning Commission Minutes

D. PUBLIC COMMENT/PRESENTATIONS/COMMISSIONERS

(Items other than those appearing on the agenda. Limited to five minutes per speaker unless previous arrangements are made.)

E. UNFINISHED BUSINESS

F. PUBLIC HEARINGS

1. Vacate a public easement in the City of Seldovia. Location and request: Vacate the 25' wide Frank Raby Drive right-of-way adjoining Lots 3, 6, and 7, Block 44, East Addition Seldovia Townsite Alaska (Plat SL 66-28) and Lot 4B Seldovia Townsite East 2003 Addition Amended (Plat SL 2004-1). Also vacate the 10' wide alleyway adjoining Lots 1A and 2, Block 44, East Addition Seldovia Townsite Alaska (Plat SL 66-28). The Frank Raby Drive right-of-way being vacated is unconstructed except for a driveway that serves Lot 4, Block 44 and the alleyway being vacated is unconstructed. The rights-of-way are located within the SW 1/4 of Section 32, Township 8 South, Range 14 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-030V. Purpose as stated in petition: The majority of the right-of-way is not constructed. The constructed portion is currently used as a driveway. All adjacent lots have existing access. House expansion plans cannot move forward without the vacation due to the house currently encroaching into the right-of-way. Unnecessary public access for utility purposes. Petitioners: Keith and Jennifer Swick, Raymond Waterbury Jr., Edward Girard, Hugh and Sally Smith, and James Hopkins of Seldovia, AK; Kevin and Conny Vandergriff of Eagle River, AK; Alfred and Judy Weglinski of Homer, AK; and Precious Earth, Inc. of Bakersfield, CA.

G. ANADROMOUS WATERS HABITAT PROTECTION DISTRICT (21.18)

1. PC Resolution 2019-08; An application for a Conditional Use Permit has been received to replace two bridges and improve the Windy Bay Road, within the 50-foot Habitat Protection Districts of two anadromous streams. This project is located on both banks of two unnamed anadromous streams, Anadromous Waters Catalog numbers 242-30-10160 and 242-30-10170, T11S R14W, Seward Meridian SL All of Sections 11 & 12, (KPB Parcel Numbers 191-070-13 and 191-070-14) on the south side of Kachemak Bay, AK. Applicant: Port Graham Village Council

H. VACATIONS NOT REQUIRING A PUBLIC HEARING - None

I. SPECIAL CONSIDERATIONS

1. Building Setback Exception
 Lot 3 Block 2 Longmere Estates Subdivision Part 1
 KPB File: 2019-034; Resolution No. 2019-11
 Location: On Lakeshore Drive and Longmere Way, Sterling Area

2. Consideration of a motion to amend after adoption of the hearing continuance date for a conditional land use permit application for material extraction. Applicant: Beachcomber LLC.

J. SUBDIVISION PLAT PUBLIC HEARINGS

1. The Plat Committee will review 5 preliminary plat.

K. OTHER/NEW BUSINESS

L. ASSEMBLY COMMENTS

M. LEGAL REPRESENTATIVE COMMENTS

N. DIRECTOR'S COMMENTS

O. COMMISSIONER COMMENTS

P. PENDING ITEMS FOR FUTURE ACTION

Q. ADJOURNMENT

**MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED**

NEXT REGULARY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, May 13, 2019** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley St, Soldotna, Alaska at **7:30 p.m.**

ADVISORY PLANNING COMMISSION MEETINGS

ADVISORY COMMISSION	MEETING LOCATION	DATE	TIME
Anchor Point	Anchor Point Chamber of Commerce	May 1, 2019	7:00 p.m.
Cooper Landing	Cooper Landing Community Hall	May 1, 2019	6:00 p.m.
Moose Pass	Moose Pass Community Hall	TBD	6:30 p.m.

Hope / Sunrise	Hope Social Hall	TBD	6:00 p.m.
<p style="text-align: center;">The Kachemak Bay and Funny River Advisory Planning Commissions are inactive at this time.</p>			

NOTE: Advisory planning commission meetings are subject to change. Please verify the meeting date, location, and time with the advisory planning commission chairperson. Chairperson contact information is on each advisory planning commission website, which is linked to the Planning Department website.

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: planning@kpb.us

website: <http://www.kpb.us/planning-dept/planning-home>