CSG, Inc.

Attorneys at Law

Barbara L. Schuhmann - of Counsel
Robert B. Groseclose
Jo A. Kuchle
Zane D. Wilson
Craig B. Partyka
Danielle M. Gardner
Ehren D. Lohse
Kristina M. Miller

Telephone 907.452.1855 • Facsimile 907.452.8154 • Toll Free 800.550.1855
714 Fourth Avenue, Suite 200 • Fairbanks, Alaska 99701-4470
www.alaskalaw.com • csg@alaskalaw.com

May 3, 2017

sender's email address:
zane@alaskalaw.com

Marijuana Control Board
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

Re: License No. 11051 Northlink, LLC
Our File No.1751.02

Dear Control Board:

Northlink, LLC and True Dank, LLC's marijuana licenses are coming before the Board on May 15, 2017. We wanted to provide you with some material that you may find helpful in reference to these licenses.

The issue before the Board is whether or not a daycare is included within the buffer provisions of 3 AAC 306.990(35). In addition to the common sense usage of the term "youth center" as conveying an entirely different concept than a daycare, a youth center does not include daycares for the following reasons:

1. In the Marijuana Control Board (MCB) meeting of August 2015, the MCB specifically considered whether or not daycares should be included within the buffer provisions of the MCB's regulations. The then existing regulations included "child centered facility including a school, daycare or other facility providing services to children".[1] Brandon Emmett moved to strike the provisions of the regulation relating to daycares and this motion was GRANTED.[2] In lieu of including a daycare the MCB elected to use the definition of recreation or youth center from AS 11.71.900(20).

2. Critical to the issue before the MCB is the specific language of the regulation related to youth centers. Specifically, the definition reads:

> 3 AAC 306.990
> (35) "recreation or youth center" means a building, structure, athletic playing field, or playground
> (A) run or created by a local government or the state to provide athletic, recreational, or leisure activities for persons under 21 years of age; or
> (B) operated by a public or private organization <u>licensed to provide</u> shelter, training, or guidance for persons under 21 years of age; (emphasis added)

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[1] See MCB meeting minutes of August 10 and 11, 2015. Exhibit A.
[2] *Id.*

As the above emphasized language demonstrates the key issue is whether or not a daycare is "licensed to provide" any of the specific services covered under 3 AAC 306.990(35). It is not.

I have attached a printout from the State of Alaska daycare licensing website.[3] A daycare is licensed to provide care/childcare services. Critically, a daycare is not licensed to provide shelter, training, or guidance to persons under 21 years of age. A daycare is simply licensed to provide daycare services, nothing more, nothing less.

3. According to the Alaska Supreme Court when construing a statute or regulation the Board is look at the plain language of the statute and its legislative history. The plainer the statutory language the more convincing evidence of contrary legislative purpose or intent must be. Further, the Board is to interpret statutes in light of their purpose. Under the rule of *expressio unius est exclusion alterius* when a statute or regulation expressly enumerates a thing to which it applies the negative inference is when something is omitted from the statute the omission should be understood as an exclusion. Lastly, the Board is to interpret statutes according to reason, practicality and common sense.[4]

As set forth above, a daycare is not licensed to provide any of the listed services in 3 AAC 306.990(35). Moreover, the legislative intent described in paragraph 1 above clearly establishes the intent of the MCB to exclude daycares from any buffer zone requirement. When the MCB specifically struck daycares, and did not list daycares under the provisions of 3 AAC 306.990(35), under the doctrine of *expressio unius* this expressed the MCB's intent to exclude daycares, as a licensed daycare can crop up in any location and foil the purposes of the marijuana control statutes.

Moreover, reason, practicality and common sense support excluding daycares from the definition of youth centers. First, the terms are not used interchangeably in the common use of the words. Moreover, a youth center is an open campus where children of all ages freely come and go from the youth center without supervision. In contrast, a daycare is a controlled campus and a child only enters or leaves the daycare facility when accompanied by their parent or other care provider.

4. At worst, the provisions of 3 AAC 306.990(35) are ambiguous relative to daycares and when this ambiguity exists the legislative history clearly expressed by the rejection of daycares within the buffer zones must control.[5]

5. Although not binding on the MCB, the protest raised by Mr. Roberts relative to daycares has been addressed before both the Fairbanks North Star Borough and the City of Fairbanks. Both of these entities have approved Northlink, LLC's license application over the objection of Mr. Roberts. Significantly, the Fairbanks North Star Borough has a specific provision related to daycares and has a 100 foot sensitive use buffer for licensed daycare

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[3] Exhibit B.
[4] *Central Recycling Services, Inc. v. Municipality of Anchorage*, 389 P.3d 54 (Alaska 2017) - Exhibit C, pg. 4.
[5] *Id.* at pages marked 4-6.

facilities, which Northlink, LLC complies with.[6] The MCB should not override the Fairbanks North Star Borough and City of Fairbanks' acceptance of this application particularly when the MCB has previously advised applicants to review the August 10 and 11, 2015, meeting minutes to determine the MCB's position on whether or not a daycare is included within the prohibitions of a youth center and further advised that the local government can interpret this provision differently than the MCB.[7] Local governments have interpreted this provision, have specifically enacted ordinances dealing with daycares, and Northlink, LLC's facility is 100% compliant with these regulations. The MCB should not backtrack on its prior position relative to this issue, when it has explicitly expressed the intent to exclude daycares from the buffer provisions.

6. The MCB has previously approved a cultivation facility within the buffer distances from an actual driver training center that operated under contract with the Anchorage School District because the MCB found that the intent of the regulations would not be violated by allowing the facility to operate. In this regard, the MCB found it persuasive that the cultivation portion of the facility would not be open to the public and therefore would not be an issue.[8] Similarly, Northlink, LLC's operation of its marijuana facilities in no way presents the risk that are typical to being too close to a youth facility. Daycares are closed campuses who cater to young children who require constant attention and who are not allowed to roam at large. The children are dropped off and picked up at the daycare facility by their parents and are in the custody and control of their parents any time they leave the daycare facility. We have also found a retail that has daycare within buffers.

We plan on attending the May 15, 2017, meeting and will be happy to address any concerns or questions you may have about this application.

Sincerely,

CSG, Inc.

By:_____
Zane D. Wilson

ZDW/nl
Enclosures
cc: Travis Fraser

[6] Exhibit D.
[7] Exhibit E.
[8] Exhibit F.

Exhibit A

Brandon Emmett **motions to accept all of 3 AAC 306.010 as amended** 10:02:51 AM
Mark Springer **seconds motion**
Board votes, and motion carries unanimously 11:45:43 AM

Brandon Emmett **motions to strike "child-centered facility including a school, daycare, or other facility providing services to children" and replace with "school" in 3 AAC 306.010(a).** 10:04:25 AM
Mark Springer **seconds motion**
"Memorandum for all United States Attorneys: Guidance Regarding Marijuana Enforcement" from Deputy Attorney General James M. Cole dated August 29, 2013 (Cole Memo) handed out to Board members.
Discussion regarding the Cole Memo, federal drug-free zoning laws, definition of "school", distances from a school, AS 11.71.030 and AS 11.71.900(20).
Board votes, and amended motion carries unanimously 11:12:50 AM

Brandon Emmett **motions to amend amendment to read "within 500 feet of a school or a recreation or youth center", and use the definition of "recreation or youth center" from AS 11.71.900(20).** 10:46:47 AM
Mark Springer **seconds motion**
Motion carries unanimously

BREAK 10:52:14 AM

Discussion of public comments on 3 AAC 306.010 11:17:02 AM

Mark Springer **motions to strike 3 AAC 306.010(b)** 11:27:58 AM
Brandon Emmett **seconds motion**
Motion carries (3-1, Peter Mlynarik votes No)

Mark Springer **motions to strike "violation of AS 04" from 3 AAC 306.010(d)(2) and replace with "violation of AS 04.16.051, AS 04.16.052, or AS 04.11.010"** 11:42:01 AM
Brandon Emmett **seconds motion**
Motion carries unanimously

Brandon Emmett **motions to accept 3 AAC 306.015** 11:46:25 AM
Peter Mlynarik **seconds motion**
Board votes, and motion carries (3-2, Bruce Schulte and Brandon Emmett "No") 1:47:52 PM

Brandon Emmett **motions to amend 3 AAC 306.015(a) to strike "direct or indirect financial interest" and replace with "controlling interest"** 11:53:38 AM
Mark Springer **seconds motion**
Brandon Emmett **withdraws motion to amend** 12:19:06 PM
Mark Springer **seconds**
No vote

Mark Springer **motions to accept 3 AAC 306.095** 4:38:03 PM
Brandon Emmett **seconds motion**
Board votes, and motion carries (4-1, Brandon Emmett votes No) 5:02:58 PM

Brandon Emmett **motions to amend 3 AAC 306.095(d)(1), (3), (4), and (6) to change the amount to $2,500 from $5,000.** 4:38:30 PM
Mark Springer **seconds motion**
Motion fails (2-3, Brandon Emmett and Bruce Schulte vote Yes)

Cynthia Franklin **states that no section was included for fee for Marijuana Handler's Permit; recommends $50** 5:01:23 PM
No objection received from the Board; will be added by Virginia

BOARD MEMBER COMMENTS 5:03:52 PM

ADJOURN 5:11:06 PM

Minutes reviewed and approved by:

Cynthia A. Franklin, Director — Date 08/11/15

Sarah D. Oates, Records & Licensing Supervisor — Date 08/11/15

Exhibit B

Alaska
State Requirements

THE BETTER DAYCARE
AuPair4me offers a culturally enriching, cost effective, and valuable alternative.

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LICENSING REQUIREMENTS
Your state's Licensing Requirements and contact numbers.

Click Here for Alaska Daycare Licensing Standards

Worker Qualifications

Caregivers having regular contact with children: At least 18 years old, although 14 - 17 year-olds may serve as caregivers if they have completed a child care training course or have demonstrated competency to satisfaction of administrator.

Provider/Child Ratio

Child-to-Caregiver Ratios

(a) Except as provided in (f) of this section, a child care home must have at least one caregiver, and may provide care for no more than a total of eight children under age 13 years, including the caregiver's children under age 12 years. Of the total children in care, no more than three children may be under the age of 30 months. Of the total children in care, including children under the age of 30 months, no more than two may be nonambulatory.
(b) Except as provided in (c) and (f) of this section, a child care group home must have at least two caregivers and may provide care for no more than a total of 12 children under age 13 years. Of the total children in care, no more than five may be under the age of 30 months, and no more than four may be nonambulatory.
(c) A child care group home requires only one caregiver if
(1) the number of children decreases to no more than a total of eight and the requirements of (a) of this section are met; or
(2) the caregiver has completed one year of licensed home child care or the equivalent, or meets the college credit, CDA credential, or Montessori credential requirements of 7 AAC 57.300(d), and there are no more than a total of
(A) 10 children, with no children under the age of 30 months; or
(B) 12 children who are all school age.

Except as provided in (e) and (f) of this section, a child care center shall maintain, during all hours of operation, the following child-to-caregiver ratio and the following maximum group size as required by 7 AAC 57.510

Age Range	Ratios For Daycare In Alaska
Age of Children	**Child- Teacher: Maximum Group Size, Ratio of Children to Caregivers**
Through 18 months	5 - 1 (10:2) - Term for Child's Age Group: **Infants**
19 to 36 months	6 - 1 (12:2) - Term for Child's Age Group: **Toddlers**
3 and 4 years	10 - 1 (20:2) - Term for Child's Age Group: **Preschoolers**
5 and 6 years	14 - 1 (28:2) - Term for Child's Age Group: **Kindergartners**
7 through 12 years	18 - 1 (36:2) - Term for Child's Age Group: **School**

(e) A child care center may maintain a child-to-caregiver ratio consistent with the age of the majority of the children, when kindergartners and school-age children are in a mixed age group. When infants, toddlers, and preschoolers are in a mixed age group, the child-to-caregiver ratio for the youngest child applies.
(f) For purposes of meeting the child-to-caregiver ratio requirements in (a) - (d) of this section, a child in care who is age 13 or older must be counted as a child under age 13 who is school age.
(g) In this section,
(1) "nonambulatory" means not physically or mentally capable of achieving mobility to exit a building without the aid of another individual;
(2) "total" means the total number of children in care at any time.

Becoming an Approved Child Care Provider

An approved provider provides child care services to child care assistance-eligible children in a private residence as the sole caregiver. Approved providers must become licensed within one year to continue receiving child care assistance payments. An approved relative provider provides child care services only to child care assistance-eligible children who are their grandchild, reatgrandchild, sibling, niece, or nephew. Approved relative providers must renew their status every two years.

To participate in the child care assistance program as an approved provider or an approved relative provider, you must:
- Submit a completed application;

- Agree to meet basic health and safety requirements;
- Pass a criminal history background check (also any household member 18 years of age and older)

Approved and approved relative providers may care for no more than a total of five children under 12 years of age, including their own children. Of those five children:
- No more than four children may be unrelated to the provider; and
- No more than two children may be under 30 months of age.

- If you reside outside the Municipality of Anchorage, contact your local child care assistance program administrator/
- If you reside within the Municipality of Anchorage, contact the Child Care Program Office/

What is In-Home Care?

Care is considered "in-home care" when when it is provided in the child's own home.
An in-home child care provider is an individual who provides child care services in the child's own home.

What Do I Need to Know?

- In-home care is affected by interaction with other laws and regulations in addition to Child Care Assistance Program (CCAP) regulations.
- If you have your child care provider come into your home to provide child care, you are considered their employer.

Who Qualifies to be an In-Home Provider?

To receive payments through the Child Care Assistance Program (CCAP), an in-home provider must:
- Be at least 18 years of age
- Be employed by the parent(s) of the family
- Pass a criminal history background check
- Provide care only to the CCAP-eligible children residing in the family's home

What is the Process?

- If you choose to hire a child care provider to care for your own children in your own home, please contact your local child care assistance program office.

Contact Information

Child Care Licensing Agency
(will refer callers to the appropriate regional regulatory office)
Alaska Department of Health & Social Services
Division of Public Assistance
Child Care Program Office
619 East Shipcreek Avenue, Suite 230
Anchorage, AK 99501
Phone: (907) 269-4500
Toll Free: (888) 268-4632 (within State)
Fax: (907) 269-1064
Alaska Daycare Listings

Child Care Subsidy Agency
Alaska Department of Health and Social Services
Division of Public Assistance
Child Care Programs Office
619 E. Ship Creek Ave., Suite 230
Anchorage, AK 99501-1677
Phone: (907) 269-4518
Fax: (907) 269-4635

Head Start - State Collaboration Office
Department of Education & Early Development
801 W 10th Street, Suite 200
Juneau, AK 99801
Phone: (907) 465-4862
Fax: (907) 465-2806

Child Care Food Program Agency
Alaska Department of Education & Early Development
801 West 10th Street, Suite 200
Juneau, AK 99801-1894
Phone: (907) 465-8708
Fax: (907) 465-8910

State Child Care Resource & Referral Contact
Alaska Child Care Resource & Referral Network
P.O. Box 141689
Anchorage, AK 99514
Phone: (907) 563-2910
Toll Free: (800) 278-3723
Fax: (907) 563-1959

Office of Child Support Enforcement
Child Support Services Division
Department of Revenue
550 West 7th Avenue, 2nd Floor, Suite 280
Anchorage, Alaska 99501-6699
Phone: (800) 478-3300
Fax: (907) 269-6813

Child Abuse Reporting Hotline
To report suspected child abuse in Alaska, call Toll-Free: (800) 478-4444.

For national child abuse information, call Childhelp®, 800-4-A-CHILD (800-422-4453), or your local CPS agency.

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Little Thinkers

Rate Little Thinkers

Little Thinkers Overview:

Little Thinkers is a licensed daycare provider serving the Fairbanks AK area. If you are looking for quality daycare, you can use MyChildCareGuide.com to research Little Thinkers. If you have used Little Thinkers or are currently using them, please help other parents by leaving your review of their services below.

Little Thinkers Details:

Location:
1554 Stacia Street
Fairbanks, AK 99701
Fairbanks North Star County

Contact:
Phone: 907.374.1988
Email: Email Little Thinkers
Website: Provider Website
Director: Gemma Maharaj

Additional Info:
Capacity: 0
License Number:
License Date: 1900-01-01
Business Hours:

Little Thinkers Ratings:

Overall Rating: 0.00 0 rating(s)

Little Thinkers Reviews:

Add a review for Little Thinkers!

Additional Fairbanks Area Providers:

Sissys Daycare
Located in: Fairbanks, Fairbanks North Star County
Rating: 0.00

Top Of The Ridge Childcare
Located in: Fairbanks, Fairbanks North Star County
Rating: 0.00

Early Learning Childcare
Located in: Fairbanks, Fairbanks North Star County
Rating: 0.00

Kids Korner
Located in: Fairbanks, Fairbanks North Star County
Rating: 0.00

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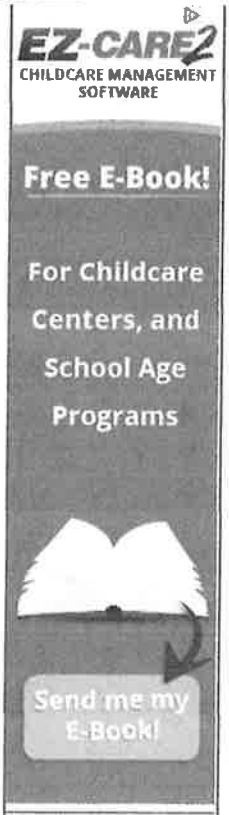
Our Mission

At MyChildCareGuide.com, our mission is simple; to help parents and guardians find the best possible childcare or daycare option for their child. We will continuously work to accomplish our mission by doing the following:

1. Working diligently with state governmental agencies to provide quality data.
2. Involving parents in the childcare review process.
3. Providing helpful childcare evaluation tools, guides and resources to parents.
4. Assisting quality child care providers in connecting with parents.



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Department of Commerce, Community, and Economic Development
Division of Corporations, Business and Professional Licensing

State of Alaska > Commerce > Corporations, Business, & Professional Licensing > Business License Search

LICENSE DETAILS

Print Business License

License #: 926886
Business Name: LITTLE THINKERS LICENSED HOME CARE
Status: ACTIVE
Business Type: SOLE PROPRIETOR
Issue Date: 1/12/2009
Expiration Date: 12/31/2017
Primary Line of Business: 62 - Health Care and Social Assistance
Primary NAICS: 624410 - CHILD DAY CARE SERVICES
Secondary Line of Business:
Secondary NAICS:
Mailing Address: 1554 STACIA STREET, FAIRBANKS, AK 99701
Physical Address: 1554 STACIA STREET, FAIRBANKS, AK 99701
Note:

OWNERS

GEMMA C MAHARAJ

TOBACCO ENDORSEMENTS

Juneau Mailing Address
P.O. Box 110806
Juneau, AK 99811-0806

Physical Address
333 Willoughby Avenue
9th Floor
Juneau, AK 99801-1770

Phone Numbers
Main Phone: (907) 465-2550
FAX: (907) 465-2974

Anchorage Mailing/Physical Address
550 West Seventh Avenue
Suite 1500
Anchorage, AK 99501-3567

Phone Numbers
Main Phone: (907) 269-8160
FAX: (907) 269-8156

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Exhibit C

389 P.3d 54 (Alaska 2017)

CENTRAL RECYCLING SERVICES, INC., Appellant,

v.

MUNICIPALITY OF ANCHORAGE, Appellee

No. S-16036, No. 7150

Supreme Court of Alaska

February 10, 2017

Appeal from the Superior Court of the State of Alaska, Third Judicial District, Anchorage, Eric A. Aarseth, Judge. Superior Court No. 3AN-14-04776 CI.

Stacey C. Stone, Holmes Weddle & Barcott, P.C., Anchorage, for Appellant.

Samuel C. Severin, Assistant Municipal Attorney, and Dennis Wheeler, Municipal Attorney, Anchorage, for Appellee.

Before: Stowers, Chief Justice, Winfree, Maassen, and Bolger, Justices. [Fabe, Justice, not participating.].

OPINION

WINFREE, Justice.

I. INTRODUCTION

A recycling company requested rebates under a municipal ordinance providing reduced fees for disposing solid waste residue at the municipal landfill. The municipal department dispersing the rebates construed the ordinance as resulting in lower rebates than the company expected. The company sued the municipality, and the superior court ruled in the municipality's favor. The company appeals. Although the ordinance language is imperfect, legislative intent more strongly supports the municipality's interpretation. We therefore affirm the superior court's decision.

II. FACTS AND PROCEEDINGS

Central Recycling Services, Inc. recovers post-consumer materials for reuse, mainly from construction and demolition waste. These materials include cardboard, glass, steel, aluminum, copper, asphalt, concrete, tires, and lumber. Entities primarily engaged in recycling are entitled to reduced fees at the Anchorage municipal landfill when disposing solid waste residue generated from recyclable materials.[1] The relevant municipal ordinance, AMC 26.80.055, conditionally reduces fees for " [b]usinesses or organizations engaged in recycling of paper, plastic, glass and steel, aluminum, copper and brass." [2] A recycling entity must submit a rebate request and supporting documentation; Solid Waste Services (SWS), a municipal utility operating the landfill, determines whether the entity's residue is eligible for reduced fees.[3] The reduced fees are returned in a quarterly rebate.[4]

Between 2010 and 2014 Central Recycling submitted 12 rebate requests to SWS. Central Recycling apparently received its first rebate in 2012 and, believing it was entitled to a larger rebate, began disputing SWS's application of the ordinance. Specifically, Central Recycling disagreed with SWS's interpretation that the fee reduction applies only to waste residue from

materials expressly listed in the ordinance.

In January 2014 Central Recycling brought suit against the Municipality of Anchorage, asserting that SWS's ordinance interpretation was incorrect and seeking a declaratory judgment and damages for unpaid rebates. The Municipality moved for summary judgment in January 2015, maintaining that the ordinance allows the rebate only for waste residue from the seven listed materials. Central Recycling opposed, arguing that the list is not exhaustive of the materials generating qualifying residue and that the Anchorage Assembly intended to incentivize recycling to divert waste from the landfill. At oral argument the superior court agreed with the Municipality, explaining that " the plain language of the code . . . said what it said, and that these were the list[ed] . . . things that you['ve] got to recycle." The court granted the Municipality summary judgment on the declaratory remedy, which was dispositive of the action, and entered final judgment against Central Recycling in July 2015.

Central Recycling appeals, contending that the superior court erroneously interpreted the ordinance.

III. STANDARD OF REVIEW

We review a grant of summary judgment de novo.[5] But this appeal presents only a legal question regarding the correct interpretation of AMC 26.80.055, and the parties dispute the level of deference we should apply to the agency's interpretation. Central Recycling argues that we should use our independent judgment in interpreting the ordinance because it does not involve agency expertise.[6] The Municipality argues that the reasonable basis test for agency interpretation applies because " fundamental policy considerations of the administrative agency are at play." [7] Because even under Central Recycling's proposed standard of review we affirm the superior court's decision, we do not need to decide which is appropriate.

IV. DISCUSSION

A. Overview

Whether construing a statute or municipal ordinance " [w]e apply the same rules of interpretation." [8] " When we construe a statute, we look at both its plain language and . . . its legislative history." [9] We use a sliding scale approach under which " [t]he plainer the statutory language is, the more convincing the evidence of contrary legislative purpose or intent must be." [10] " [W]henever possible, we construe a statute in light of its purpose." [11]

Under AMC 26.80.055(A) municipal landfill disposal fees are conditionally reduced for a recycling entity's solid waste residue:

Businesses or organizations engaged in recycling of paper, plastic, glass and steel, aluminum, copper and brass shall be granted a one-half reduction in disposal fees for solid waste residue resulting from the recycling operation if all of the conditions provided in subsection A.1. of this section are met.[12] For purposes of this subsection, a recycling operation is one that recovers post-consumer solid waste materials for use in new consumer products.

Eligible solid waste residue must result directly from the recycling operation and be no more than 25% of the recovered recyclable material's weight.[13] After submitting a quarterly report to SWS documenting types and quantities of materials recycled and their respective residues, a recycling business receives the fee reduction through a rebate.[14]

The parties dispute the meaning of the provision's first sentence. The Municipality contends that a business recycling any of those seven items with other materials is entitled to a fee rebate for residue generated *only from those seven specific items*. The Municipality asserts that the list is exclusive and that residue produced from other recyclable materials is ineligible for the rebate.

It is not clear whether Central Recycling's primary contention is that the list merely reflects types of materials an eligible business *might* recycle -- and therefore is illustrative and not operative -- or whether, at minimum, an entity *must* recycle listed materials, regardless of other materials it recycles, to produce eligible residue. But the plain language does not suggest the list is only representative of recyclable materials generally; as the Municipality observes, under Central Recycling's argument " the list of seven items could simply be removed from the ordinance," rendering its presence meaningless. And " [w]hen we interpret a statute, we presume that no words or provisions are superfluous and that the legislature intended 'every word, sentence, or provision of a statute to have some purpose, force, and effect.'" [15] We therefore assume Central Recycling poses the second, closer contention -- that so long as a business recycles one or more listed materials, it is entitled to reduced fees for residue derived from *any materials it recycles.*

B. The Ordinance Is Ambiguous.

The fee reduction under AMC 26.80.055(A) is restricted to " [b]usinesses or organizations engaged in recycling of paper, plastic, glass and steel, aluminum, copper and brass." [16] Tools of statutory construction could apply to support either interpretation the parties propose. On one hand the ordinance's express language does not strictly limit the fee reduction to residue from listed materials. On the other hand common sense and the *expressio unius* maxim support interpreting the list as exclusive. The ordinance ultimately is too ambiguous to interpret based on its language alone.

Central Recycling contends that the relevant language identifies eligible *businesses* -- those recycling listed materials -- rather than eligible *materials or residue*. And the ordinance's language neither expressly limits rebates to residue from listed materials nor addresses unlisted materials. Central Recycling recycles cardboard, plastic, glass, steel, aluminum, and copper, along with additional items not listed. As a " business . . . engaged in recycling" listed materials, Central Recycling would meet the threshold requirement under its interpretation.

The second part of the first sentence also supports Central Recycling's interpretation because it does not associate discount eligibility with the residue generated only from the seven listed items. Rather, AMC 26.80.055(A) explains that the rebate shall be granted " for solid waste residue *resulting from the recycling operation*." (Emphasis added.) The Anchorage Assembly could have limited rebate eligibility by referring back to the listed materials, but it did not. Central Recycling contends this language selection was purposeful, meant to " encourage recycling of all kinds of 'recyclable materials,'" not just the seven listed materials.

Finally, Central Recycling notes that AMC 26.80.055(A)'s second sentence defines " recycling operation" broadly as an operation " that recovers post-consumer solid waste materials for use in new consumer products" without referencing the listed materials. That provision could be plainly read -- as Central Recycling asserts -- as providing the fee reduction for residue resulting from any operation recovering post-consumer solid waste materials for use in new

consumer products, not just operations recycling the listed materials and not just waste produced from the listed materials.

Despite Central Recycling's arguments, tools of statutory construction also support the Municipality's contention that the seven-item list is exhaustive of the materials for which a recycling operation may receive the fee reduction. A natural reading of AMC 26.80.055(A)'s initially restricting clause could indicate that " the *recycling operation* " (emphasis added) refers back to the entity's " recycling of" the explicit seven materials; therefore, the " residue resulting" from that operation would mean residue produced from recycling only those seven materials.

Interpreted this way, the first sentence effectively would describe " the recycling operation" as a business or organization recycling the seven listed items. This definition would be at odds with AMC 26.80.055(A)'s second sentence, expressly defining " recycling operation" in more general terms as " one that recovers post consumer solid waste materials for use in new consumer products." But the Municipality argues that when one statutory provision " deals with a subject in general terms and another deals with a part of the same subject in a more detailed way" -- and the conflicting provisions cannot be harmonized -- then " the specific section will control over the general." [17] Because the materials list provides a more specific explanation of a *recycling operation*, it controls, resolving the conflict.

Following this interpretation, if the eligible " residue resulting" were only the residue corresponding to the listed materials, then the Municipality's assertion that *expressio unius est exclusio alterius* applies has force. *Expressio unius* operates when " a statute expressly enumerates the things or persons to which it applies." [18] The maxim embraces the negative implication, " establish[ing] the inference that, where certain things are designated in a statute, 'all omissions should be understood as exclusions.'" [19] Omitting other recyclable materials from the express list establishes an inference that unrelated residue is ineligible for the rebate program.

" Reason, practicality, and common sense" [20] also favor the Municipality. Construing the ordinance as Central Recycling proposes, a business recycling only unlisted materials would be disqualified from rebates, while a business recycling only small quantities of listed materials but disposing large quantities of residue from unlisted recyclable materials would receive large rebates. This seems impractical considering the financial impact to the Municipality and its landfill from lost disposal fees.[21]

Because there is some ambiguity in the provision's language, we examine legislative history for the ordinance's purpose and the lawmaking body's intent.

C. Legislative History Supports The Municipality's Interpretation.

The Anchorage Assembly adopted the ordinance in April 1996.[22] As introduced that January the ordinance did not contain the seven-item list. The first sentence simply stated: " Businesses or organizations engaged in recycling shall be granted a one-half reduction in disposal fees for residue resulting from the recycling operation if all of the conditions . . . below are met." [23] The original language demonstrated an intent to discount residue from *any* recyclable material.

The proposal's initial policy goals probably were best expressed by its main sponsor, who introduced the reduced disposal fee ordinance proposal because recycling businesses and

organizations provide a twofold " invaluable service" to the community by (1) accepting waste materials otherwise destined for the municipal landfill and (2) processing those materials to remove recyclables for use in new consumer products.[24] As the sponsor stated: " The critical point is: By accepting and processing this waste, the total amount of waste placed in our landfill is significantly reduced." [25] Central Recycling argues the proposal's purpose was preserving landfill capacity by incentivizing recycling.

The Municipality concedes that the ordinance's stated rationale was diverting recyclable waste from the landfill, but argues that the seven-item list was later added to limit the waste residue accepted for reduced fees. Although " [s]tatements made by a bill's sponsor during legislative deliberations are relevant evidence when the court is trying to determine legislative intent," [26] and we aim to construe a statute " in light of its purpose," [27] a sponsor's statement does not account for the intent behind subsequent amendments. We therefore must examine the purpose of including the seven-item list.

The language at issue was recommended by the City Mayor and SWS. The mayor explained:

[W]e've added specific types of materials traditionally being recycled[,] i.e. paper, plastic, glass, steel, and the non-ferrous metals of aluminum, copper[,] and brass in order to better define what recycling means. By adding these specific products it would also mean that residues left after hydrocarbon contaminated soils have been treated, whole car seats or tires originating from salvage yards or forest products resulting from land clearing operations would not be eligible for the discounted fees.[28]

Although this explanation is not entirely clear, we agree with the Municipality that it reasonably demonstrates the list was added to limit eligibility to residue from the listed materials. The mayor's statement at first merely suggests that the list was added to " better define" what is " traditionally" -- or typically -- recycled, rather than to limit eligible materials. Similarly, suggesting that the list helps " better define" what is meant by " recycling" may imply the list is not exhaustive of what is recyclable or what residue qualifies.[29]

But the second sentence clarifies that " specific products" -- meaning residue generated from any materials not listed -- " would not be eligible for the discounted fees." [30] The mayor's explanation, as a whole, shows that the seven materials were listed to preclude residue from unlisted materials. Because the mayor's explanation responded to the original proposed ordinance, and because the Assembly's enacted ordinance included the modified language recommended by the mayor, we presume the Assembly agreed with the mayor's reasoning for adding the seven-item list.

Finally, Central Recycling's interpretation partly, and incorrectly, relies on the Assembly's post-enactment ordinance description. When the Assembly amended AMC 26.80.055 in 2000 to eliminate its sunset clause, an Assembly member who had been a sponsor of the original enactment explained that the ordinance " came about to reduce the bulk that is placed in the landfill." [31] Central Recycling suggests this should be interpreted as confirming the goal of extending the landfill's life by avoiding excess waste, with little concern over encouraging specific forms of recycling or consequent revenue losses. Because the statement was made four years

later -- and the Assembly was not directly probing the ordinance's policy rationale at that time -- we accord this statement little weight.

We therefore conclude that the legislative history supports the Municipality's view: AMC 26.80.055(A) provides an exclusive list of the materials whose recycling generates residue eligible for the disposal fee reduction.

V. CONCLUSION

We AFFIRM the superior court's decision.

Notes:

[1]Anchorage Municipal Code (AMC) 26.80.055(A) (1996).

[2] *Id.*

[3]AMC 26.80.055(A)(2).

[4]AMC 26.80.055(A)(4).

[5] *Bush v. Elkins*, 342 P.3d 1245, 1251 (Alaska 2015).

[6] *Louie v. BP Expl. (Alaska), Inc.*, 327 P.3d 204, 206 (Alaska 2014) (applying independent judgment, this court " interpret[s] [a] statute according to reason, practicality, and common sense, considering the meaning of the statute's language, its legislative history, and its purpose").

[7]In *Davis Wright Tremaine LLP v. State, Dep't of Admin.*, 324 P.3d 293, 299 (Alaska 2014), we explained:

We apply the reasonable basis standard to questions of law involving " agency expertise or the determination of fundamental policies within the scope of the agency's statutory functions." When applying the reasonable basis test, we " seek to determine whether the agency's decision is supported by the facts and has a reasonable basis in law, even if we may not agree with the agency's ultimate determination."

(first quoting *Marathon Oil Co. v. State, Dep't of Natural Res.*, 254 P.3d 1078, 1082 (Alaska 2011); then quoting *Tesoro Alaska Petroleum Co. v. Kenai Pipe Line Co.*, 746 P.2d 896, 903 (Alaska 1987)).

[8] *City of Kenai v. Friends of Recreation Ctr., Inc.*, 129 P.3d 452, 459 (Alaska 2006).

[9] *Alaskans for a Common Language, Inc. v. Kritz*, 170 P.3d 183, 192 (Alaska 2007).

[10] *Pebble P'ship ex rel. Pebble Mines Corp. v. Parnell*, 215 P.3d 1064, 1075-76 (Alaska 2009) (quoting *City of Kenai*, 129 P.3d at 459).

[11] *Kritz*, 170 P.3d at 192-93.

[12]AMC 26.80.055(A)(1) establishes eight " [c]onditions for fee reduction" :

a. Recycling is the primary operation of the business or organization;

b. The recycling operation recovers at least an average of 100 tons of recyclable material per month calculated on a quarterly basis;

c. The recyclable material is shipped out of state or the recyclable material is incorporated into a new consumer product manufactured in Alaska directly by the recycling operation;

d. The solid waste residue is a maximum of 25 percent of the weight of the recyclable material recovered;

e. The solid waste residue is a direct result of the recycling operation only;

f. The solid waste residue is not commingled with other solid waste not related to the recycling operation when it is delivered to the Anchorage Regional Landfill;
g. The solid waste residue does not contain any recyclable material; and
h. The solid waste residue shall be free from flowing liquids, not have a moisture content greater than 30 percent and not be hazardous. Sample testing costs shall be the responsibility of the generator.
The parties do not dispute whether Central Recycling meets these eight additional requirements.
[13]AMC 26.80.055(A)(1)(d); (A)(1)(e).
[14]AMC 26.80.055(A)(4).
[15] *Adamson v. Municipality of Anchorage*, 333 P.3d 5, 16 (Alaska 2014) (quoting *Monzulla v. Voorhees Concrete Cutting*, 254 P.3d 341, 345 (Alaska 2011)).
[16]Central Recycling suggests that, under the Municipality's interpretation, " and" appearing twice in the sentence would require a recycling operation to recycle " all seven items and only the seven items." Although " and" typically creates a conjunctive, a strict interpretation of its effect here would produce an inflexible and unintended result. *Cf. Emp't Sec. Comm'n v. Wilson*, 461 P.2d 425, 428-29 (Alaska 1969) (describing the conjunctive effect of " and" in statutory construction).
[17] *Nelson v. Municipality of Anchorage*, 267 P.3d 636, 642 (Alaska 2011) (quoting *In re Hutchinson's Estate*, 577 P.2d 1074, 1075 (Alaska 1978)).
[18] *Ranney v. Whitewater Eng'g*, 122 P.3d 214, 218 (Alaska 2005).
[19] *Id.* (quoting *Croft v. Pan Alaska Trucking, Inc.*, 820 P.2d 1064, 1066 (Alaska 1991)).
[20] *Louie v. BP Expl. (Alaska), Inc.*, 327 P.3d 204, 206 (Alaska 2014).
[21]Central Recycling's interpretation could negate the ordinance's public benefit by increasing other user groups' disposal fees to compensate for recycling operations' discounts, a concern the Anchorage mayor and the municipal Solid Waste Advisory Commission expressed in separate memoranda on the then-proposed ordinance. Memorandum 182-96 from Rick Mystrom, Mayor, to the Anchorage Assembly on AO 96-18(S), Proposal for Reduced Disposal Fees for Recycling Operations, at 1-2 (February 6, 1996); Statement of Solid Waste Advisory Commission to the Anchorage Assembly on AO No. 96-18 (Jan. 31, 1996).
[22]Minutes, Anchorage Assembly Regular Meeting on Ordinance No. AO 96 18(S), at 12 (Apr. 9, 1996).
[23]Proposed Ordinance of Anchorage Assembly, Jan. 9, 1996, AO No. 96-18.
[24]Memorandum AM 73-96 from Craig Campbell, Assembly Chair, to the Anchorage Assembly on AO 96-18, Proposal for Reduced Disposal Fees for Recycling Operations, at 1 (Jan. 9, 1996).
[25] *Id.*
[26] *Trudell v. Hibbert*, 272 P.3d 331, 337 (Alaska) (quoting *Beck v. State, Dep't of Transp. & Pub. Facilities*, 837 P.2d 105, 117 (Alaska 1992)), *revised on reh'g* (Alaska 2012), *vacated in part on reh'g on other grounds*, 299 P.3d 1279 (Alaska 2013).
[27] *Alaskans for a Common Language, Inc. v. Kritz*, 170 P.3d 183, 192 (Alaska 2007).
[28]Memorandum AO 343-96 from Rick Mystrom, Mayor, to the Anchorage Assembly on AO 96-18(S), Proposal for Reduced Disposal Fees for Recycling Operations, at 1 (Apr. 2, 1996).
[29] *Id.*

[30] *Id.*

[31] Minutes, Anchorage Assembly Regular Meeting on Ordinance No. AO 2000-30, at 20-21 (Apr. 18, 2000) (comments of George Wuerch, Assembly Member).

Exhibit D

FAIRBANKS NORTH STAR BOROUGH Department of Community Planni
907 Terminal Street ☆ P.O. Box 71267 ☆ Fairbanks, Alaska 99707-1267 (907) 459-1260 ☆ FAX (907) 459-1255

MEMORANDUM

TO: Mayor Matherly and City of Fairbanks City Council

FROM: D. Christine Nelson, AICP, CFM DCN
Director of Community Planning

DATE: March 20, 2016

SUBJECT: Marijuana Buffer Distances

In regulating where marijuana facilities can be located, the borough and the state have different sensitive uses that must be buffered. These sensitive uses have different definitions, different buffer distances, and different ways that buffer distances are measured.

FNSBC 18.96.240(A)(3) addresses borough buffer distances for commercial marijuana establishments. More specifically, FNSBC 18.96.240(A)(3)(c) establishes the buffer distance of 100 feet from any "youth centers, group homes serving persons age 18 and under, public swimming pools, state licensed day care facilities, arcades, state licensed substance abuse treatment provider or facility providing substance abuse use treatment, church buildings, and residential zones (RE, RR, SF, TF, MF, MFO)". Borough buffer distances are measured directly from the closest edge of commercial marijuana establishment (building) to the lot line of the lot containing the sensitive use or zone in accordance with FNSBC 18.96.240(A)(3)(d) (see Exhibit #1).

Within a 500 foot perimeter measured directly around the marijuana cultivation facility proposed to be located in a portion of the building addressed as 1550 S. Cushman Street, there are two churches and a day care business. The borough's 100 foot buffer is met for all three of these sensitive uses.

"Little Thinkers Licensed Home Care" located at 1554 Stacia Street meets the borough's definition of a "state licensed daycare" and is located approximately 154 feet from the closest portion of the marijuana cultivation facility as measured to the property line of the day care, thereby meeting the FNSB's 100 foot buffer requirement (see Exhibit #2).

The state measures their buffer distances by shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer boundaries of a school ground, to the outer boundaries of the recreation or youth center, to the main public entrance of the building in which religious services are regularly conducted, or to the main public entrance of the correctional facility (see Exhibit #3).

The state has a definition of "child care facility" listed in 7 AAC 57.010(b) (see Exhibit #4) but does not have a marijuana buffer specified for a "child care facility" (see Exhibit #3). However, the state does have a 500 foot buffer for a "recreation or youth center" defined in 3 AAC 306.990(35) as***: "recreation or youth center" means a building, structure, athletic playing field, or playground***

> ***(A) run or created by a local government or the state to provide athletic, recreational, or leisure activities for persons under 21 years of age; or***
> ***(B) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age;***

Previously the state had not definitively included child care facilities in the category of "recreation or youth center" when the borough originally asked the question in April 2016 (see Exhibit #5A and B). Last week, at the request of FNSB Community Planning, the state reviewed Little Thinkers Licensed Home Care as it applies to the state's definition of recreation or youth center (see Exhibit #6)

The state also has a 500 foot buffer requirement for "a building in which religious services are regularly conducted". Attached maps illustrate one possible pedestrian route for each church location (see Exhibits #7 and #8) and are measured from lot line to lot line; not door to door as listed in state regulations (see Exhibit 3)

All measurements are based on FNSB GIS data layers. However, the maps and data, including shown buffers, are intended to provide users with a general idea of the provisions within Ordinance 2015-41 and should be used solely for general informational purposes. There may be errors in the data. FNSB does not warrant the accuracy of maps or data provided, nor their suitability for any particular application (see Exhibit 9). It is the applicant's responsibility to identify all of the uses within a 500-foot proximity of the lot (FNSBC 18.96.240(A)(5) as well as to comply with all other applicable legal requirements, including state buffer distances.

Enclosures:

Exhibit 1:	FNSBC 18.96.240 Standards for commercial marijuana establishments
Exhibit 2:	Map illustrating FNSB buffer distance for "Little Thinker Licensed Home Care"
Exhibit 3:	3 AAC 306.010 License Restrictions
Exhibit 4:	State and FNSB definitions
Exhibit 5A:	Email to AMCO regarding day care as a recreation and youth center
Exhibit 5B:	Frequently Asked Questions (FAQs) posted on the AMCO website
Exhibit 6:	Email from AMCO regarding classification of "Little Thinkers" daycare
Exhibit 7	Map illustrating potential pedestrian route to "Friendship Baptist Church"
Exhibit 8:	Map illustrating potential pedestrian route to "Christ is the Answer" church
Exhibit 9:	FNSB GIS marijuana map disclaimer

Exhibit #1

18.96.240 Standards for commercial marijuana establishments.

A. General Standards.

1. Applicability. Standards of this section shall apply to commercial marijuana establishments regardless of whether they are a permitted or conditional use.

2. A commercial marijuana establishment may only be allowed with the written consent of the owner of the property.

3. No marijuana establishment, except a marijuana testing facility, shall be located within the following buffer distances:

a. Five hundred feet of primary and secondary school buildings (K-12) including vocational programs, playgrounds, adult and juvenile correctional facilities and housing facilities owned by a public housing authority with children as residents; and

b. Two hundred feet of any post-secondary school buildings including but not limited to trade/technical/vocational schools, colleges and universities; and

c. One hundred feet of youth centers, group homes serving persons ages 18 and under, public swimming pools, state licensed day care facilities, arcades, state licensed substance use treatment provider or facility providing substance abuse use treatment, church buildings and residential zones (RE, RR, SF, TF, MF, MFO).

d. Buffer distances shall be measured from the lot line of the lot containing a use or zone listed in subsections (A)(3)(a) through (c) of this section to the commercial marijuana establishment.

e. Buffer distance measurements shall not extend beyond the nearest ordinary high water (OHW) mark of a river or lake or beyond the nearest edge of a right-of-way (ROW) of a controlled access facility.

4. Outdoor Storage. No outdoor storage of marijuana, marijuana products or hazardous substances shall be allowed.

5. In all zones in which marijuana establishments, with the exception of a marijuana testing facility, are a permitted or conditional use, the applicant shall include an area map drawn to scale indicating all land uses on complete parcels within a 500-foot proximity of the lot upon which the applicant is seeking a zoning permit or conditional use permit.

6. Marijuana establishments other than marijuana cultivation facilities, indoor small and marijuana testing facilities located in GU-1 or GU-5 zoning and adjacent to a lot upon which a principal building used as a dwelling is located are a conditional use subject to the requirements of this title.

B. Cultivation Facility Standards.

1. Yard Setbacks. Outdoor marijuana cultivation facilities, including all land planted with marijuana, shall be located at least 50 feet from a lot line.

2. Height Limitations.

a. The maximum height for a marijuana cultivation facility, indoor small shall be 35 feet.

b. The maximum height for a marijuana cultivation facility, indoor large shall be 75 feet. (Ord. 2015-41 § 19, 2015; Ord. 2016-30 § 4, 2016)

Exhibit E

Exhibit #58

LOCAL OPTION QUESTIONS:

- Will individual communities be able to opt out of allowing commercial marijuana establishments?
- Where can I find a list of communities that have already opted out?
- Do you maintain a list of municipal zoning ordinances or other local government ordinances related to marijuana?
- I want to open a marijuana business at 123 Salty Street in Medium City, Alaska. Can you tell me if this location will work for me?
- The 500 foot buffer zone blocks off the location I want to use for a marijuana licensed premises. Can my local government give a variance from the Marijuana Control Board to allow it?

REGULATORY QUESTIONS:

- Who wrote the regulations in 3 AAC 306?
- Where can I get a copy of the marijuana regulations?
- The location of the premises I am considering is near a park. Is that allowed?
- Does a daycare qualify as a "recreation or youth center", as it pertains to 3AAC 306.010?

  This is a complex question that AMCO cannot provide a definitive answer for. Some guidance on how the Marijuana Control Board feels regarding this issue can be found in the meeting minutes from the August 10 and 11, 2016 meetings. Keep in mind, local governments could interpret this provision differently than the MCB.

- Do the existing regulations allow a home rule municipality to protest the issuance of a marijuana license? Also, do they preclude home rule municipalities from charging a permit fee to operate marijuana facilities in city limits?

TRANSPORTATION OF MARIJUANA:

- How much is allowed to be carried for personal possession?
- Is there a 5 pound or other limit for transporting commercially?
- Does it have to be carried on or can it be checked, or shipped without a person accompanying it (like goldsmith)?
- How does it have to be packaged?
- What do the permits and manifests look like?
- Who do they contact if they have questions? Enforcement email

Exhibit #5A

Bryan Sehmel

From: AMCO Local Government Only (CED sponsored) <amco.localgovernmentonly@alaska.gov>
Sent: Thursday, April 07, 2016 11:10 AM
To: Bryan Sehmel
Cc: AMCO Local Government Only (CED sponsored)
Subject: RE: youth center definition

Hello Bryan,

The question of whether a daycare qualifies as a "youth center" is a complex question that AMCO cannot provide a definitive answer for. Some guidance on how the Marijuana Control Board feels regarding this issue can be found in the meeting minutes from the August 10 and 11, 2015 meetings. Keep in mind, local governments could interpret this provision differently than the MCB.

Thank you,
Christina Thibodeaux
Business Registration Examiner | Dept. of Commerce, Community and Economic Development | Alcohol and Marijuana Control Office
550 W. 7th Ave. Ste. 1600 Anchorage, AK 99501 | 907.754.3588 |

Please consider the environment before printing this e-mail.

Less paper is better for us and our environment.

From: Bryan Sehmel [mailto:BSehmel@fnsb.us]
Sent: Thursday, April 07, 2016 10:49 AM
To: AMCO Local Government Only (CED sponsored)
Subject: youth center definition

Good morning,

I have another one for you courtesy of my supervisor. An Assembly member has suggested that the State's definition of "youth center" could be interpreted to include daycares. Does the State have any interpretation on this?

This has direct implication to a cultivation and retail facility that was recently permitted that is outside of the Borough's required 100-foot sensitive use buffer for licensed day care facilities, but appears to be well within the State's 500-foot nearest pedestrian route (were it to apply).

Thank you for your feedback.

Bryan Sehmel
Planner III – Code Enforcement
Department of Community Planning
907-459-1270 / bsehmel@fnsb.us

Fairbanks North Star Borough
PO Box 71267 / 809 Pioneer Road
Fairbanks, AK 99707-1267

Exhibit F

nial Corrections Submitted:	01/18/2017
nined Complete/Notices Sent:	01/18/2017
Government Response/Date:	01/18/2017 – Protest pending municipal license and special land use permit
sponse/Date:	N/A deferred
arshal Response/Date:	N/A deferred
ion(s) Received/Date:	Yes

ns: Anchorage Driver Training, LLC is located next door to the proposed cultivation facility. The center holds a contract with the Anchorage School District to teach children aged 14 and up how to drive. Staff has considerable concern that Anchorage Driver Training, LLC, falls under the definition provided in 3 AAC 306.990(b)(35):

3 AAC 306.010. License restrictions (a) The board will not issue a marijuana establishment license if the licensed premises will be located within 500 feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility

3 AAC 306. 990(b)(35) "recreation or youth center" means a building, structure, athletic playing field, or playground (A) run or created by a local government or the state to provide athletic, recreational, or leisure activities for persons under 21 years of age; or (B) operated

, LLC
7, 2016

by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age

mendation: If the board finds that Anchorage Driver Training meets the definition of "recreation or youth facility," it is recommended to deny based on the requirements of 3 AAC 306.010.

AT&T 10:20 PM 13%
commerce.alaska.gov

B. Complete Applications

Sent from my iPhone

1. **License #11091:** **Tempt, LLC** **2:18pm** **TAB 20**
   Licensee: Tempt, LLC
   License Type: Standard Marijuana Cultivation Facility
   Premises Address: 2410 E 88th Avenue
   Anchorage, AK 99507
   Local Government: Municipality of Anchorage

   Matt and Tammy Seidler, applicants, identify themselves for the record.

   Mark Springer motions to approve license #10091 with delegation.
   Brandon Emmett seconds the motion.

   Leslie Hysom, Anchorage Driver Training, states that they provide training to anyone ages 14 and above.

   The Board members discuss whether or not this meets the definition of "recreation or youth facility" in regulation.

   Code Inscho, public member, states that this is a cultivation facility and would not be open to the public, so there shouldn't be an issue.

   Motion to approve the license with delegation carries, 4-1 (Peter Mlynarik votes No).

- **APPLICATIONS FROM PREVIOUS MEETINGS**

A. Operating Plan Changes

1. **License #10021:** **Enlighten Alaska, LLC** **2:30pm** **TAB 21**
   Licensee: Enlighten Alaska, LLC
   License Type: Retail Marijuana Store
   Premises Address: 2600 Spenard Road
   Anchorage, AK 99503
   Local Government: Municipality of Anchorage

Previous Meeting: September 8, 2016

Mark Springer motions to approve the operating plan change for license #10021.
Brandon Emmett seconds the motion.
Motion carries unanimously.

2. **License #10073:** **Alaskan Blooms, LLC** **2:32pm** **TAB 22**
   Licensee: Alaskan Blooms, LLC
   License Type: Standard Marijuana Cultivation Facility