



## MEMORANDUM

TO: Chair Springer and Members of the  
Marijuana Control Board

DATE: April 4, 2018

FROM: Erika McConnell, Director

RE: Rosie Creek Farm #10005  
Standard Cultivation Facility

This cultivation facility licensee, located in Fairbanks, is requesting to add eight structures within their licensed premises and commensurate changes to their operating plan.

At least some of the structures were constructed on the licensed premises in the summer of 2017 without the approval of the board, and some of the new structures were used for marijuana trimming and storage without the approval of the board. Not only are these violations, but they caused camera coverage violations as well.

Due to these violations, among others, I will be writing an accusation for the board to consider. I recommend that the board table this request pending a hearing on the accusation.

**From:** Christina Thibodeaux  
**To:** [Marijuana Licensing \(CED sponsored\)](#)  
**Cc:** [Jana Weltzin](#); [Valerie Mastolier](#); [Mike Emers](#)  
**Subject:** 10005 Rosie Creek Farm MJ-14 Licensed Premises Diagram Change & MJ-15 Operating Plan Change  
**Date:** Monday, February 05, 2018 3:25:49 PM  
**Attachments:** [10005 MJ-14 Licensed Premises Diagram Change Rosie Creek Farm - LG signed.pdf](#)  
[10005 MJ-15 Operating Plan Change Rosie Creek Farm.pdf](#)

---

Good Afternoon,

Please find attached an MJ-14 and MJ-15 for Rosie Creek Farm. The only changes are to add the structures listed on the forms.

We would like to request temporary approval of the MJ-15 so that the licensee doesn't have to wait until the April meeting to begin using the new structures.

Please let us know if you have any questions or if anything additional is needed to approve these requests.

Checks for the change fees will be delivered tomorrow.

Thank you!

*Tina Thibodeaux*

JDW, LLC

Paralegal

3003 Minnesota Drive Suite 201

Anchorage, Alaska 99503

907-231-3750

[info@jdwcounsel.com](mailto:info@jdwcounsel.com)

[christina@jdwcounsel.com](mailto:christina@jdwcounsel.com)

The author of this email is not an attorney. This communication does not constitute legal advice and should not be construed as such. The information contained in this message is privileged and confidential. It is intended only to be read by the individual or entity named above or their designee. If the reader of this message is not the intended recipient, you are on notice that any distribution of this message, in any form is strictly prohibited. If you have received this message in error, please immediately notify the sender by telephone at 630-913-1113 and delete or destroy any copy of this message. Thank you.

FEB 01 2018 SW

RECEIVED



Alaska Marijuana Control Board

## Form MJ-14: Licensed Premises Diagram Change

### What is this form?

This licensed premises diagram change form is required for all marijuana establishment licensees seeking to alter the functional floor plan or reduce or expand the area of the establishment's existing licensed premises, under 3 AAC 306.100 and 3 AAC 306.705. **The required \$250 change fee may be made by credit card online (VISA, MasterCard, or Discover), or by check or money order.**

Your diagram must show all entrances and boundaries of the premises, restricted access areas, and storage areas, and dimensions. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex. Limited marijuana cultivation licensees must clearly delineate the proposed area(s) for cultivation.

**The second page of this form is not required.** Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form, as long as it meets the requirements listed on this form. The first and third pages must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be signed by the licensee and by the local government having jurisdiction over the location of the premises before it is submitted to AMCO staff for review.

**This form must be completed and submitted to AMCO's main office prior to altering the existing floor plan. The licensed premises may not be altered unless and until the AMCO Director has given written approval on this form. Please note that licensees seeking to change licensed premises diagrams for multiple licenses must submit a separate completed copy of this form for each license.**

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

### Section 1 – Establishment Information

Enter information for the licensed establishment.

Licensee:	RCFC, LLC	License Number:	10005
License Type:	Standard Marijuana Cultivation Facility		
Doing Business As:	Rosie Creek Farm		
Premises Address:	2659 Livingston Loop		
City:	Fairbanks	State:	AK
		ZIP:	99709



FEB 01 2018

Alaska Marijuana Control Board **RECEIVED**

## Form MJ-14: Licensed Premises Diagram Change

### Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances, walls, partitions, counters, windows, areas of ingress and egress, restricted access areas, and storage areas. Include dimensions in your drawing. Use additional copies of this form or attached additional documents as needed.

#### Explanation of changes:

The following structures are being added to the licensed premises and will all be located within the 8 foot security fence as shown in the below diagram:

- 20' x 40' Trimming shed
- 98' x 20' heated greenhouse
- 20' x 40' small greenhouse
- 20' x 40' trimming and packaging shed
- 8' x 20' marijuana storage connex 1
- 8' x 20' marijuana storage connex 2
- 8' x 20' marijuana storage connex 3
- 40' x 20' propagation greenhouse

The interior layout of each structure is included below.



Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

Alaska Marijuana Control Board  
**Form MJ-14: Licensed Premises Diagram Change**

**Section 3 – Declarations and Approvals**

Read the line below, and then sign your initials in the box to the right of the statement: Initials

If a local building permit is required, I have attached a copy of it to this form.

ME

As a marijuana establishment licensee, I declare under penalty of unsworn falsification that I have examined this form, including all attachments, and to the best of my knowledge and belief find the provided information to be true, correct, and complete.

*Mike Emers*  
 Signature of licensee  
**Mike Emers**  
 Printed name of licensee



*Christina Thibodeaux*  
 Notary Public in and for the State of Alaska.

My commission expires: March 31, 2021

Subscribed and sworn to before me this 19<sup>th</sup> day of January, 2018.

Local Government Review (to be completed by an appropriate local government official): Yes    No

The proposed changes shown on this form conform to all local restrictions and laws.    

A local building permit is required for the proposed changes.    

*D. Christine Nelson*  
 Signature of local government official    2-5-18  
 Date

*D. Christine Nelson*  
 Printed name of local government official    Community Planning Director  
 Title

AMCO Review: Approved    Disapproved

\_\_\_\_\_  
 Signature of AMCO Enforcement Supervisor

\_\_\_\_\_  
 Signature of Director

\_\_\_\_\_  
 Printed name of AMCO Enforcement Supervisor

\_\_\_\_\_  
 Printed name of Director

\_\_\_\_\_  
 Date

AMCO Comments:



# Fairbanks North Star Borough Department of Community Planning

P.O. Box 71267  
Fairbanks, Alaska 99707-1267

Phone: (907) 459-1260

Fax: (907) 459-1255

planning@co.fairbanks.ak.us

Zoning Permit Number: **17435**

## General Information

Date: 2/5/2018

Applicant: EMERS MICHAEL

Business Name:

Telephone: 907-479-3642

Cell Phone: 907-347-1800

Email: mike@rosiecreekfarm.com

Mailing Address: PO BOX 181, ESTER AK 99725

Property Owner: EMERS MICHAEL J

Property Description: 0549495 TRACT A ROSIE CREEK FARM

Site Address: 2659 LIVINGSTON LOOP

Existing Use: Agriculture Structure: Agricultural uses

Proposed Use: Commercial Structure: Marijuana cultivation facility, outdoor limited : 6.5 ac of 35.5 ac (18.3%)

Dwelling Units: 0	New: NA	Existing: NA	Building Type: Principal
Building Height: 15	(feet)		
Stories:			
Total Area of Structure: 22,048 SF	New: 3,744 SF	Existing: 18,304 SF	
Lot Size: 35.55 AC			

**Notes:** Revised site plan dated 2/5/2018. State MJ-14 form to include existing buildings in state license, removes interior fencing, 6.5 acre fenced area remains the same.

See revised site plan dated 5/5/17. One 960 sq ft propagation greenhouse and two 160 sq ft marijuana storage buildings added within existing 6.5 acre area. Interior fencing around marijuana cultivation areas added. Vegetable cultivation areas remain inside 6.5 acre area.

Conditional use permit required (CU2017-020) for marijuana product manufacturing, limited use.

The proposed Marijuana cultivation facility, outdoor limited is zoned RA-20. The applicant shall submit current and accurate documents if the site plan or other application materials are changed subsequent to issuance of this permit.

This outdoor marijuana cultivation facility, including all land planted with marijuana, shall be located at least 50 feet from a lot line.

### Conditions:

## Zoning Specifications

Existing Zone: ~~CU-1~~ (85%)/RE-4 (15%)  
**RA-20**

Flood Zone: X (91%)/A (9%)

Minimum Lot Size: 40,000 **200,000 sq. ft / 140,000 sq ft**

Floodplain Permit Required: No

Front Yard Req: **35' / 25'**

FNSB Driveway Permit Required: Yes

Side Yard Req: **10' / 25'**

Road Service Area Name: BECKER RIDGE

Rear Yard Req: **10' / 25'**

Parking Spaces Req: 4

**REVISED**

**DATE** 2/5/18

Received by AMCO 2.05.18

The holder of this permit is the property owner or is authorized to act for the property owner and the info provided is true and complete.

The holder of this permit is required to comply with all other applicable laws, including city, borough, state and federal laws.

The holder of this permit shall submit current and accurate documents if the site plans or other application materials are changed subsequent to issuance of this permit.

This permit is appealable and the appeal must be submitted and perfected within 15 days of the date of the decision in accordance with FNSBC 18.104.090.

This permit is issued contingent upon the applicant obtaining the appropriate State of Alaska Commercial Marijuana Facility License.

**Reasons:** Marijuana cultivation facility, outdoor limited meets Title 18 requirements

**Permit Approval:** Approved

S. Wasmyer for  
Zoning Official: Singh, M

2/5/2018  
Date

**REVISED**

**DATE** 2/5/18



## Alaska Marijuana Control Board

# Form MJ-15: Operating Plan Change

### What is this form?

This operating plan change form is required for all marijuana establishment licensees seeking to change a licensed marijuana establishment's existing operating plan, under 3 AAC 306.100. With this form, a licensee may request changes to as much or as little as desired of Form MJ-01 and/or the corresponding operating plan supplemental for the establishment's license type.

**The required \$250 change fee may be made by credit card online (VISA, MasterCard, or Discover), or by check or money order.**

Please download, complete, and submit with this form **only the pages** of Form MJ-01 and/or the corresponding operating plan supplemental that contain sections that you are requesting to change. All fields that are left blank will be considered unchanged from the existing operating plan. All fields that are completed and submitted with this form will be considered as changes to the existing operating plan and are subject to board approval. **Please do not submit any wholly unchanged pages of an operating plan.**

### The form(s) that I am requesting board approval to change is:

- Form MJ-01:** Marijuana Establishment Operating Plan
- Form MJ-03:** Retail Marijuana Store Operating Plan Supplemental
- Form MJ-04:** Marijuana Cultivation Facility Operating Plan Supplemental
- Form MJ-05:** Marijuana Product Manufacturing Facility Operating Plan Supplemental
- Form MJ-06:** Marijuana Testing Facility Operating Plan Supplemental

**This form must be completed and submitted to AMCO's main office prior to changing existing operations. The licensed establishment's operations may not be altered unless and until the Marijuana Control Board has approved of the changes. Please note that licensees seeking to change operating plans for multiple licenses must submit a separate completed copy of this form for each license.**

## Section 1 – Establishment Information

Enter information for the licensed establishment.

Licensee:	RCFC, LLC	License Number:	10005		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Rosie Creek Farm				
Premises Address:	2659 Livingston Loop				
City:	Fairbanks	State:	AK	ZIP:	99709

Description of changes:

The following structures are being added to the licensed premises and will all be located within the 8 foot security fence:

- 20' x 40' Trimming shed
- 98' x 20' heated greenhouse
- 20' x 40' small greenhouse
- 20' x 40' trimming and packaging shed
- 8' x 20' marijuana storage connex 1
- 8' x 20' marijuana storage connex 2
- 8' x 20' marijuana storage connex 3
- 40' x 20' propagation greenhouse



**Alaska Marijuana Control Board**  
**Operating Plan Supplemental**  
**Form MJ-04: Marijuana Cultivation Facility**

Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600

Anchorage, AK 99501

[marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov)

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

Section 2 – Prohibitions

Applicants should review 3 AAC 306.405 – 3 AAC 306.410 and be able to answer “Agree” to all items below.

The marijuana cultivation facility will not:

Agree Disagree

**Sell, distribute, or transfer any marijuana or marijuana product to a consumer, with or without compensation**

**Allow any person, including a licensee, employee, or agent, to consume marijuana or marijuana product on its licenses premises or within 20 feet of the exterior of any building or outdoor cultivation facility**

**Treat or otherwise adulterate marijuana with any organic or nonorganic chemical or compound to alter the color, appearance, weight, or odor of the marijuana**

Section 3 – Cultivation Plan

Review the requirements under 3 AAC 306.420, and identify how the proposed premises will meet the listed requirements.

**Describe the size of the space(s) the marijuana cultivation facility intends to be under cultivation, including dimensions and overall square footage. Provide your calculations below:**

Rosie Creek Farm is located in the southwest portion of the Fairbanks North-Star Borough approximately 15 miles from the town of Fairbanks. Its 35.5 acres are gently sloping south and range from a mixed aspen/birch/white spruce upland forest to black spruce lowland forest to active floodplains and associated wetlands of the Tanana River. The farm straddles 2 land-management zones within the borough. Five acres of its property are a former lot in a residential zone, and still zoned residential, and the remaining twenty-eight acres are zoned agricultural. Of the agricultural-zoned acres, approximately seven acres are cleared and fenced-in farmland and the remainder are wooded. Because of slope and floodplain limitations, there are only two to three of the remaining acres that could be cleared for future farm expansion.

The majority of the farm’s agricultural land was cleared in 1998 and the topsoil was enriched over the years in accordance with USDA organic standards. With the implementation of the National Organic Program (NOP) in 2003 the farm applied for and was granted USDA organic certification. In accordance with NOP regulations, the farm is given and must pass a yearly on-site inspection to ensure it’s continuing privilege of using the USDA organic brand.

The farm buildings are: five 2,800 square-foot high tunnels, a 1,960 square-foot heated greenhouse, a smaller 800 square foot greenhouse, an 800 square-foot propagation greenhouse, a 20’x24’ “ATCO” building for trimming and packaging, three 160 square foot “connexes” for marijuana storage, an 800 square-foot trimming shed which includes a 150 square-foot cold storage, and a 400 square-foot office.

We intend on having available all greenhouses and high tunnels for cultivation as well as the 3 ½ acre open-air field. Outdoor cultivation is in 250 to 300-foot “beds” of the farms open fields. Each bed is 4 feet wide with a one-foot pathway in between. All 3 ½ acres might not be in marijuana cultivation at any one time but we need to space to rotate crops in accordance with our USDA organic crop plan. We also intend on growing our 5 high tunnels and smaller greenhouses. Each high tunnel is 2880 square feet. There will be 14,400 square feet of potential cultivation within the high tunnels and 2,600 square feet of cultivation within the smaller greenhouses.

The total space for outdoor cultivation will be 3 ½ acres and within greenhouses or high tunnels cultivation will be 17,560 square feet.



**Alaska Marijuana Control Board**  
**Operating Plan Supplemental**  
**Form MJ-04: Marijuana Cultivation Facility**

Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600

Anchorage, AK 99501

[marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov)

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

Section 6 – Security

Review the requirements under 3 AAC 306.430 and 3 AAC 306.470 – 3 AAC 306.475, and identify how the proposed premises will meet the listed requirements.

Applicants should be able to answer “Agree” to the two items below.

**The marijuana cultivation facility applicant has:** Agree    Disagree

Read and understands and agrees to the packaging of marijuana requirements under 3 AAC 306.470    

Read and understands and agrees to the labeling of marijuana requirements under 3 AAC 306.475    

**Restricted Access Area (3 AAC 306.430):** Yes    No

Will the marijuana cultivation facility include outdoor production?    

**If “Yes”, describe the outdoor structure(s) or the expanse of open or clear ground fully enclosed by a physical barrier:**

Of the 3.5 acres of the farm property, an eight-foot high fence encloses approximately 7.5 acres. The fence is a steel game fence of 12.5 gauge, galvanized steel with six-inch square mesh. Line-posts are 2 3/8 inch diameter steel at twenty-foot intervals and corner and gate-posts are 2 3/4 inch steel. All posts are sunk four-feet into the soil. The fence is of the same specifications as the Large Animal Research Center at the University of Alaska, Fairbanks.

Of the 7.5 acre enclosed area, approximately one acre is wooded, another approximately 2.5 acres are buildings, greenhouses, walkways, and roadways and 4 acres are cleared farm fields.

The farm buildings are: five 2,800 square-foot high tunnels, a 1,960 square-foot heated greenhouse, a smaller 800 square foot greenhouse, an 800 square-foot propagation greenhouse, a 20’x24’ “ATCO” building for trimming and packaging, three 160 square foot “connexes” for marijuana storage, an 800 square-foot trimming shed which includes a 150 square-foot cold storage, and a 400 square-foot office.



Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

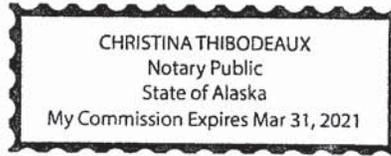
Alaska Marijuana Control Board

## Form MJ-15: Operating Plan Change

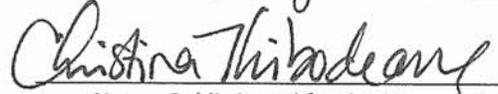
As a marijuana establishment licensee, I declare under penalty of unsworn falsification that I have examined this form, including all accompanying documents, schedules, and statements, and to the best of my knowledge and belief find them to be true, correct, and complete.

  
\_\_\_\_\_  
Signature of licensee

**Mike Emers**  
\_\_\_\_\_  
Printed name



Subscribed and sworn to before me this 19<sup>th</sup> day of January, 2018.

  
\_\_\_\_\_  
Notary Public in and for the State of Alaska.

My commission expires: March 31, 2021