Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

**Alaska Marijuana Control Board**

# Form MJ-08: Local Government Notice Affidavit

**What is this form?**

A local government notice affidavit is required for all marijuana establishment license applications with a proposed premises that is located within a local government, per 3 AAC 306.025(b)(3). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by submitting a copy of the application to each local government and any community council in the area of the proposed licensed premises. For an establishment located inside the boundaries of city that is within a borough, both the city and the borough must be notified.

**This form must be completed and submitted to AMCO's main office before any new or transfer license application will be considered complete.**

## Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

| | | | | | |
|---|---|---|---|---|---|
| **Licensee:** | The Grass Station, LLC | **License Number:** | 16579 | | |
| **License Type:** | Retail Marijuana Store | | | | |
| **Doing Business As:** | Grass Station 49 | | | | |
| **Premises Address:** | 2502 Parks Highway | | | | |
| **City:** | Fairbanks | **State:** | AK | **ZIP:** | 99709 |

## Section 2 – Certification

I certify that I have met the local government notice requirement set forth under 3 AAC 306.025(b)(3) by submitting a copy of my application to the following local government (LG) official(s) and community council (if applicable):

Local Government(s): Fairbanks North Star Borough Date Submitted: 01/30/2018

Name/Title of LG Official 1: Manish Singh/Planner 2 Name/Title of LG Official 2: _____

Community Council: _____ Date Submitted: _____
(Municipality of Anchorage and Matanuska-Susitna Borough only)

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Gary S. Evans
Printed name of licensee

NOTARY PUBLIC
S. Quintana
STATE OF ALASKA
Exp November 23, 2019

Notary Public in and for the State of Alaska

My commission expires: 11/23/19

Subscribed and sworn to before me this 30 day of March, 2018.



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**FAIRBANKS NORTH STAR BOROUGH** Department of Community Planning
907 Terminal Street ☆ P.O. Box 71267☆ Fairbanks, Alaska 99707-1267 (907) 459-1260 ☆ FAX (907) 205-5169

# NOTICE OF DECISION RE: CU2018-011

March 1, 2018

*Original sent via US Postal Service/emailed to:*
skinnygmc@gmail.com and lanningak@acsalaska.net

Gary Evans
Grass Station 49
814 Goldmine Trail
Fairbanks, Alaska 99712

Comm. Planning Dept
MAR 26 2018
RECEIVED MS

David C. Lanning & Morgan Evans
P.O. Box 470
Ester, Alaska 99725

Dear Mr. Evans, Mr. Lanning and Mr. Evans:

At its regular meeting of February 27, 2018, the Planning Commission of the Fairbanks North Star Borough considered your request for conditional use approval of a retail marijuana store in the General Use 1 (GU-1) zone on TL-221, Section 2, T1S-R2W, F.M. (located at 2502 Parks Highway, on the north side of Parks Highway, on the west side of Java Lane).

The Commission voted seven (7) in favor, one (1) opposed to **approve** your request and adopted the Staff Report, and the following Conditions and Findings of Fact in support of its decision:

## CONDITIONS

1. Prior to the commencement of retail marijuana store operation, the applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:

    a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure the site meets all licensing requirements for a commercial retail marijuana store.
    b. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and shall comply with all recommendations and/or requirements resulting from the plan review.
    c. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Environmental Conservation for the proposed wastewater storage tank; and shall comply with all recommendations and/or requirements resulting from the plan review.
    d. The applicant or holder of this conditional use permit shall obtain a formal plan review by the Alaska Department of Transportation and Public Facilities (ADOT&PF) for the existing driveway and shall comply with all recommendations and/or requirements resulting from

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the plan review or provide documentation that a review for the existing driveway is not required.

2. All parking, turning and maneuvering area shall be located entirely within the subject property of the conditional use being served.

3. If any modifications are made to the site plan, floor plans, or other FNSB required documents or operational characteristics, the applicant or holder of this conditional use permits shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

**FINDINGS OF FACT**

1. With the conditions imposed, the proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes:

    a. The purpose of Title 18 will be met because the proposed conditional use is consistent with 'Outskirt Area' comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are being enhanced with the development of this site as a retail marijuana store.
    b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.
    c. 3AAC 306 governs the state licensing and operational standards for marijuana facilities. Title 18 requires that a borough permitted commercial retail marijuana store obtain a license pursuant to all state regulations. The applicant has provided information sufficient to show they intend to meet the state regulations and to apply for a state issued license.

2. With the conditions imposed, there are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.

    a. The facility will have a 500 gallon freshwater tank to meet the water supply.
    b. The facility will have a 500 gallon wastewater storage tank for the non-domestic wastewater. With the conditions imposed, the facility will dispose of the wastewater according to the state regulations.
    c. The facility is served by the Ester Volunteer Fire Department for emergency fire response.
    d. The facility is served by Alaska State Troopers for law enforcement.
    e. The facility is currently connected to the GVEA grid which will provide sufficient energy supply.
    f. Six (6) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed conditional use.
    g. With the conditions imposed, the retail store will have an adequate driveway.
    h. The subject property is accessible from Parks Highway, which is an interstate type roadway. Parks Highway can accommodate the trip ends generated by the proposed retail store.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the GU-1 zone (FNSBC 18.84) and

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Standards for Commercial Marijuana Establishments (FNSBC 18.96.240) as well as state requirements for a commercial retail marijuana store.

a. With the conditions imposed, security systems, alarms, cameras and lighting will meet state regulations required to obtain a commercial retail marijuana license.
b. With the conditions imposed, any solid or liquid waste including marijuana plant waste will be disposed of in accordance with state and local regulations.
c. All marijuana and marijuana products will be secured inside the building to ensure the general public does not have access to them.
d. The noise generated from this retail operation would be minimal and it would not negatively impact the neighboring residential property owners because the operation is completely indoors.
e. The outdoor lighting will not point toward neighboring properties and therefore, will not negatively impact the neighborhood or residential zone.
f. The proposed signage will meet the FNSB sign standards.
g. The facility is located in GU-1 zoning where there are no restrictions on hours of operation. There are other land uses in the proximity of the marijuana retail store that have comparable impacts on the residential properties

**This decision may be appealed in writing to the Office of the Borough Clerk within fifteen (15) days from the date of the decision to the Fairbanks North Star Borough Board of Adjustment.**

A separate Agreement to Conditions is attached to this letter for your signature. Please read the Agreement carefully as they must be adhered to for this approval to be valid. Please sign and return the enclosed agreement within fifteen (15) days from the date of the decision of the Planning Commission.

Public notice signs must be returned within 10 days. Upon receipt, in good condition, we will promptly initiate a refund of the sign deposit.

If you have any questions regarding this matter, please feel free to contact the Department of Community Planning, 907 Terminal Street, Fairbanks, Alaska 99701 or call (907) 459-1260.

Sincerely,

Kellen P. Spill

For D. Christine Nelson, AICP
Community Planning Director

CN/nan
Attachment: Agreement to Conditions

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**FAIRBANKS NORTH STAR BOROUGH** Department of Community Planning
907 Terminal Street ☆ P.O. Box 71267☆ Fairbanks, Alaska 99707-1267 (907) 459-1260 ☆ FAX (907) 205-5169

## AGREEMENT TO CONDITIONS

CONDITIONAL USE: CU2018-011

PROPERTY OWNER: David C. Lanning & Morgan Evans
P.O. Box 470
Ester, Alaska 99725

APPLICANT: Gary Evans
Grass Station 49
814 Goldmine Trail
Fairbanks, Alaska 99712

LEGAL DESCRIPTION OF PROPERTY:

TL-221, Section 2, T1S-R2W

DATE APPROVED BY THE FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION:

February 27, 2018

**CONDITIONS OF APPROVAL:**

1. Prior to the commencement of retail marijuana store operation, the applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:

    a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure the site meets all licensing requirements for a commercial retail marijuana store.
    b. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and shall comply with all recommendations and/or requirements resulting from the plan review.
    c. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Environmental Conservation for the proposed wastewater storage tank; and shall comply with all recommendations and/or requirements resulting from the plan review.
    d. The applicant or holder of this conditional use permit shall obtain a formal plan review by the Alaska Department of Transportation and Public Facilities (ADOT&PF) for the existing driveway and shall comply with all recommendations and/or requirements resulting from the plan review or provide documentation that a review for the existing driveway is not required.

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2. All parking, turning and maneuvering area shall be located entirely within the subject property of the conditional use being served.

3. If any modifications are made to the site plan, floor plans, or other FNSB required documents or operational characteristics, the applicant or holder of this conditional use permits shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

**I understand that the holder of this permit is required to comply with all other applicable laws, including city, borough, state and federal laws**

Gary A. Evans 3-26-2018
Signature of **applicant** acknowledging and agreeing to abide by the conditions above.

David Lanning 3-26-2018
Signature of **property owner** acknowledging and agreeing to abide by the conditions above.

**CU2018-011:** A request by Gary Evans, DBA Grass Station 49, on behalf of David Lanning and Morgan Evans, for conditional use approval of a retail marijuana store in the General Use 1 (GU-1) zone on TL-221, Section 2, T1S-R2W, F.M. (located at 2502 Parks Highway, on the north side of Parks Highway, on the west side of Java Lane).



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