



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

ALCOHOL AND MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

MEMORANDUM

TO: Marijuana Control Board DATE: May 1, 2019
FROM: Erika McConnell, Director RE: Higher By Bad Gramm3r,
#19178, Retail Store

In February of 2019, the board approved this new license application with delegation. Subsequently, the Matanuska-Susitna Borough protests due to lack of a conditional use permit.

After the close of the objection period, staff received a comment that the proposed location of this license was close to a youth gymnastics studio. Evaluation by AMCO Enforcement determined that the two are separated by more than 500 feet.

I recommend the board reconsider its February approval, uphold the protest and deny the license with an abeyance period to be discussed with the licensee.



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department Development Services Division

350 E. Dahlia Avenue, Palmer, AK 99645
Phone (907) 861-7822 | Fax (907) 861-8158
E-mail: permitcenter@matsugov.us

March 4, 2019

Alcohol & Marijuana Control Office
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

SUBJECT: Higher by Bad Gramm3r, LLC # 19178
1204 N Hyer Spur Rd
New – Retail Marijuana Store

A review of the files relating to the subject business and license application, as they relate to Matanuska-Susitna Borough Code, has been completed. Based on that review, the Matanuska-Susitna Borough hereby takes the following action:

- WAIVE THE RIGHT TO PROTEST
- PROTEST the issuance of the license for the following reason(s):
 - Delinquent Real Property Taxes owed:
 - Other debts owed:
 - The required Conditional Use Permit has not been issued:
 - There is a violation of the Conditional Use Permit:
 - There is a resident objection to the facility on file:
 - Other:

Upon curing all of the above referenced deficiencies the Matanuska-Susitna Borough will rescind any protest. It is the applicant's responsibility to notify the Development Services Division that any debts or taxes owed have been paid in full.

The applicant(s) has been sent a copy of this letter by certified mail or via email, only if a protest has been issued. Should you have any questions, please feel free to contact my office.

Sincerely,

Adam Bradway, Planner I
Development Services Division
Matanuska-Susitna Borough

DUE 11 DAYS PRIOR TO MEETING

OFFICIAL USE ONLY

PERSONS TO BE HEARD

Date Received: _____

Meeting Date Approved: _____

Clerk Approval: _____

PRINTED NAME OF SPEAKER: _____

MEETING DATE REQUESTED: _____ DAY PHONE NO.: _____

ORGANIZATION REPRESENTED: _____ FAX: _____

MAILING ADDRESS: _____

Your address and telephone number are requested so that we are able to contact you when the request is approved or in the event that a cancellation or postponement of the meeting should occur.

SUBJECT: _____

PLEASE DESCRIBE THE ACTION THAT YOU ARE REQUESTING: _____

MSB 2.12.081

- (A) A person wishing to speak before the assembly under the agenda item "persons to be heard" shall file an appearance request with the clerk specifying the topic on which the person intends to speak.
- (B) If the appearance request has administrative channels of resolution, the clerk shall forward the request to the administration for research. The person wishing to address the assembly should exercise due diligence to resolve this matter with the borough administration.
- (C) If there are no administrative channels through which the applicant can pursue the item of concern, the clerk shall place the appearance request on the agenda for assembly consideration.
- (D) In any event, an appearance request shall be placed before the assembly on the next regular meeting agenda.
- (E) Appearance requests shall be heard by the assembly when placed on the agenda.
- (F) The clerk shall not accept appearance requests involving:
 - (1) items that have other clearly defined channels of resolution, such as board of adjustment or assembly appeal matters, personnel grievances, discrimination complaints, board and commission appeals, or similar matters;
 - (2) items that are being scheduled for a public hearing on an upcoming meeting agenda;
 - (3) subjects currently under labor negotiations;
 - (4) items upon which litigation involving the applicant or the applicant's representative is currently pending;
 - (5) items in which will be before the assembly in the future and the person will have the opportunity to testify; or
 - (6) the requestor has appeared before the assembly under persons to be heard previously and wishes to speak to the same topic.
- (G) In lieu of appearance requests, the assembly shall accept brief written communications on any subject. These shall be reproduced and distributed to the assembly by the clerk when they are received.
- (H) Persons who do not wish to speak before the assembly under persons to be heard and who do not wish to submit written communications may be heard under "audience participation," which is scheduled for each regular meeting.

NOTE TO SPEAKER:

- If you have prepared a statement or other documents, please provide at least twenty-five (25) copies to the Borough Clerk's Office by noon on the day of the meeting for distribution.
- Please go to the front of the room when your name is called, clearly state your name, and speak into the microphone to ensure an accurate record of your testimony. Your time limit under "Persons to be Heard" is three (3) minutes.

OFFICIAL USE:

Assembly Action/Comments: _____