July 28, 2020

Dear Mr. Klinkhart and Members of the Board:

We are writing this letter to object to the renewal of License #17692, Mr. Happy Farms LLC.

In this letter, we have outlined a number of state and borough violations by Mr. Happy Farms LLC, License # 17692, a marijuana cultivation facility located in a residential subdivision at 3900 N. Sierra St., Wasilla, Alaska 99654. Below, we have highlighted the sections of AMCO's 306.010. License Restrictions that have been violated by MR. Happy Farms LLC. Each will be discussed in detail.

"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. The distance specified in this subsection must be measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer boundaries of the school ground, the outer boundaries of the recreation or youth center, the main public entrance of the building in which religious services are regularly conducted, or the main public entrance of the correctional facility. This section does not prohibit the renewal of an existing marijuana establishment license, a license conversion under 3 AAC 306.047, or the transfer of an existing marijuana establishment license to another person if the licensed premises were in use before the school ground, recreation or youth center, the building in which religious services are regularly conducted, or a correctional facility began use of a site within 500 feet. If an existing marijuana establishment license for premises 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 is revoked or expires, the board will not issue another marijuana establishment license for the same premises unless the school ground, the recreation or youth center, the building in which religious services are regularly conducted, or the correctional facility no longer occupies the site within 500 feet."

SCHOOL GROUND PROXIMITY VIOLATION

AAC 306 REGULATIONS FOR THE MARIJUANA CONTROL BOARD

AMCO's 3 AAC 306 REGULATIONS FOR THE MARIJUANA CONTROL BOARD, under Section 3 AAC 306.010. License Restrictions CLEARLY state that the LEGAL setback of a licensed cultivation facility MUST be a minimum of <u>500 feet from the lot line of a school ground</u>: "The board will not issue a marijuana establishment license if the licensed premises will be located within 500 feet of a school ground."

1. Mr. Happy Farms LLC, located at 3900 N. Sierra St., Wasilla, Alaska, clearly violates Section 3 AAC 306.010. License Restrictions, under AMCO's regulations. Not only is this facility NOT 500 feet from the "outer boundaries of the school ground," it less than 100 feet from the "outer boundaries of the school ground."

In compliance with Section 3 AAC 306.010 License Restrictions, Mr. Happy Farms LLC's distance from the school ground is reason for license revocation.

2. Furthermore, we want to be clear that Mr. Happy Farm LLC is unable to reestablish this marijuana cultivation facility ANYWHERE on the property located at 3900 N. Sierra St., Wasilla, Alaska 99654, as there is no SINGLE point on the property that is a LEGAL distance from the "outer boundaries of the school," per AMCO's regulation stating that:

   "If an existing marijuana establishment license for premises 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 is revoked or expires, the board will not issue another marijuana establishment license for the same premises unless the school ground, the recreation or youth center, the building in which religious services are regularly conducted, or the correctional facility no longer occupies the site within 500 feet."

3. Additionally, regarding 3 AAC 306.010. License Restrictions, Shaw Elementary School was well-established LONG before Mr. Happy Farms LLC was situated within an illegal distance from their premises—Shaw Elementary school opened in 2007; therefore, this fact negates the grandfathering in of Mr. Happy Farms LLC based on AMCO's regulation below:

   "This section does not prohibit the renewal of an existing marijuana establishment license, a license conversion under 3 AAC 306.047, or the transfer of an existing marijuana establishment license to another person if the licensed premises were in use before the school ground, recreation or youth center, the building in which religious services are regularly conducted, or a correctional facility began use of a site within 500 feet."

While we realize the legalization of cultivation facilities in the State of Alaska is a source of revenue for Alaska, there remains no question that the safety of our children MUST be placed FIRST and that in order for this newly-established form of revenue to stay afloat, ALL marijuana cultivation facilities MUST be held to a standard, and that standard comes in the form of legal, written laws which clearly define all aspects of how and where these marijuana cultivation facilities may conduct business.

School grounds are unique in that the state purchases large plots of land for schools to be situated; it is in not only the school itself that is utilized on this plot of land, but rather, ALL of the school land that is used by students. It is a known fact that Shaw Elementary School utilizes the woods that are adjacent to Mr. Happy Farms LLC, for a variety of educational purposes including, but not limited to Geocaching, physical education, and student research. In fact, the school bus stop for middle and high school students is located at the end of this marijuana cultivation facility's driveway.

Unfortunately for Mr. Happy Farms LLC, there was an oversight for this business when their license was originally granted due to the information provided to the Alcohol & Marijuana Control Office, and that oversight, as clearly outlined in the above statements, is that it is NOT within a legal distance from a school ground, and therefore, based on AMCO's Section 3 AAC 306.010, the license for Mr. Happy Farms LLC, must be revoked.

LEASING OF LAND: Mr. Happy Farms LLC

3 AAC 306.015. License conditions

"A marijuana establishment must have a right to possession of its licensed premises at all times, and may not lease its licensed premises to another person for any reason."

The building in which Mr. Happy Farms LLC is situated IS being leased to another individual. The licensed premises that is on record is 3900 N. Sierra St., Wasilla, Alaska 99654.

ODOR VIOLATIONS

The constant burden of odor placed on us on our own land is affecting our quality of life. We have sent numerous odor complaints to AMCO. The bottom line is this: a single-family residential subdivision is not the rightful, appropriate setting for any business, but particularly a business that is unable to work within the confines of their own property, without affecting others. A marijuana cultivation facility, when located in an area that is not heavily populated, may work fine, this, however, does not. From its inception over 40 years ago, Shaw's Tri Lakes was never intended to house commercial businesses, as lot sizes do not allow for ample space to conduct such businesses without affecting neighboring properties, thus the explicit regulation that was written into our covenants prohibiting such activity.

We are forced to limit our outdoor activities on our own property, due to a commercial business that moved in next door. This is not about promises not being kept, this is about laws not being upheld.

Please review our attachments outlining the time, date, and recipient of each odor complaint that has been sent via email to AMCO over the past year.

MAT-SU BOROUGH CODE: SCHOOL GROUND PROXIMITY VIOLATION

> Matanuska-Susitna Borough Code 17.60.150 under *General Standards for Marijuana Related Facilities* states that such facilities MUST be "one thousand feet of school grounds."

Clearly, Mr. Happy Farms LLC, is not only in violation of AMCO's school proximity code, but in violation of the Mat-Su Borough Code, stating more stringently, that marijuana related facilities must be 1000 feet from school grounds.

SUBDIVISION COVENANTS VIOLATION

Shaw's Tri Lakes Addition #4 (Mr. Happy Farms LLC is situated in Addition #4) has ACTIVE covenants (successive, automatically renewed) which clearly outline the legal requirements which must be met for land use:

> Part B: Protective Covenants

1. Land Use and Building Type: All lots shall be used for single family residences. Neither will there be permitted any conduct, enterprise or usage that may create a nuisance, be unlawful, or act detrimentally to the peace, dignity or value of the property described herein. It is further understood that the keeping of partially dismantled vehicles, junked cars, or unused equipment on the premises is prohibited unless such vehicles are being used for transportation.

Commercial businesses are NOT permitted in Shaw's Tri Lakes addition #4. Our covenants clearly outline that "All lots shall be used for single family residences."

FORECLOSURE OF LICENSED PREMISES: SUMMER 2019

The licensed premises for Mr. Happy Farms LLC, located at 3900 N. Sierra St., Wasilla, Alaska 99654, entered foreclosure and auction during the summer of 2019, (www.zillow.com).

Zillow

$319,925 3 bd 2.5 ba 2,425 sqft

3900 N Sierra St, Wasilla, AK 99654

Overview Facts and features

Foreclosure Trustee or Attorney

Name: THE SAYER LAW GROUP PC

Address: 925 E 4TH ST, WATERLOO, IA 50703

Phone: (319) 234-2503

Legal

Foreclosure type: Non-Judicial

Recorded: Notice of Sale on 4/8/2019

Parcel number: 2509B01L006

Mr. Happy Farms LLC, is violating AMCO school ground proximity laws, lease laws, odor violation laws, Mat-Su Borough school ground proximity laws, and our subdivision covenants.

Again, we object to the renewal of this license and are asking for this license to be revoked.

Thank you for your consideration,

Ron and Linda Kuzina

Ron And Linda Kuzina

From: "Kelly Kuzina" <kellykuzina@hotmail.com>
Date: Thursday, May 7, 2020 12:15 PM
To: <yenlo@mtaonline.net>
Subject: Fwd: Pot grow shop complaint

Sent from my iPhone

Begin forwarded message:

> **From:** Kim <poppy6321@gci.net>
> **Date:** May 7, 2020 at 12:10:04 PM AKDT
> **To:** "kellykuzina@hotmail.com" <kellykuzina@hotmail.com>
> **Subject: Fwd: Pot grow shop complaint**
>
> Please forward to your Mom!
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Kim <poppy6321@gci.net>
> > **Date:** April 21, 2020 at 5:26:47 PM AKDT
> > **To:** james.hoelscher@alaska.gov
> > **Subject: Pot grow shop complaint**
> >
> > Hi James, I have a friend who lives near the Mr. Happy Farms LLC pot grow. at
> > 3900 N. Sierra Street
> > Wasilla , Ak 99654.
> >
> > When visiting my friend, the minute I got out of my vehicle, I could smell the overwhelming stench of Marijuana. It was so strong we were unable to sit outside on her porch. She shared with me that she can't even work in her yard without her eyes burning. She is literally a prisoner in her own house... unable to open a window or enjoy walking outside. How sad!
> >
> > How is it that a Pot grow operation is allowed to operate in a residential subdivision, and in such close proximity to residential neighbors on each side. Also abutting school property.
> >
> > Aren't there rules, laws, to protect from this infringement on a person's right to enjoy fresh air on their own property, to not have the stench and uncomfortable odors coming from a grow facility that is clearly in an illegal location?
> >
> > Please investigate this horrible situation and for the sake of the residents and visitors to the neighborhood who are clearly impacted by the unwanted odors polluting the air... do something to stop this from continuing!
> >
> > Sincerely,
> > Kim Ray
> > Sent from my iPhone

Ron And Linda Kuzina

From: "Kelly Kuzina" <kellykuzina@hotmail.com>
Date: Thursday, May 7, 2020 4:25 PM
To: <yenlo@mtaonline.net>
Subject: Fwd: Regarding marijuana smells on N. Sierra Street

Sent from my iPhone

Begin forwarded message:

From: Tammy Heimerl <trheimerl@yahoo.com>
Date: May 7, 2020 at 2:46:41 PM AKDT
To: "kellykuzina@hotmail.com" <kellykuzina@hotmail.com>
Subject: Fw: Regarding marijuana smells on N. Sierra Street

----- Forwarded Message -----
From: Tammy Heimerl <trheimerl@yahoo.com>
To: james.hoelscher@alaska.gov <james.hoelscher@alaska.gov>; jason.davies@alaska.gov <jason.davies@alaska.gov>
Sent: Tuesday, April 21, 2020, 10:07:01 PM AKDT
Subject: Regarding marijuana smells on N. Sierra Street

Hello Mr. Hoelscher and Mr. Davies,
I am writing in regards to the house that grows marijuana on N. Sierra Street. I visited my friend on that street in October and again in November. I noticed getting out of the car a strong smell of marijuana. I asked her about it and she mentioned that her neighbor grows the stuff. I was surprised as this area is close to Shaw Elementary school on the back of my friend and her neighbor's property. Even though we were sitting in my friend's house, every time she let her dog out to use the restroom, the smell of marijuana would waft into her house. It was truly nauseating to smell for the few hours that we visited each time. I feel for her that this is something she has to smell all year, especially while enjoying the outdoors in the summer time. I recently called her to see how she is doing and she mentioned that with the "hunker down" order in affect for the area due to the COVID-19 virus, she has had to endure this smell more than usual (as she is currently not going into work each day).

I am writing to you to review the grower in this area. Despite being close to a school, this residence continues to grown marijuana that is very pungently obvious to it's neighbors. I feel that my friend should be able to enjoy her home without having to smell marijuana on a near daily basis. I understand that people are allowed to grow their own marijuana but feel that the smell coming off of this property equates to a larger operation, one that shouldn't be done in a residential area.

Please contact me via this email address if you have any follow-up questions.
Thank you,
Tammy Heimerl

Ron And Linda Kuzina

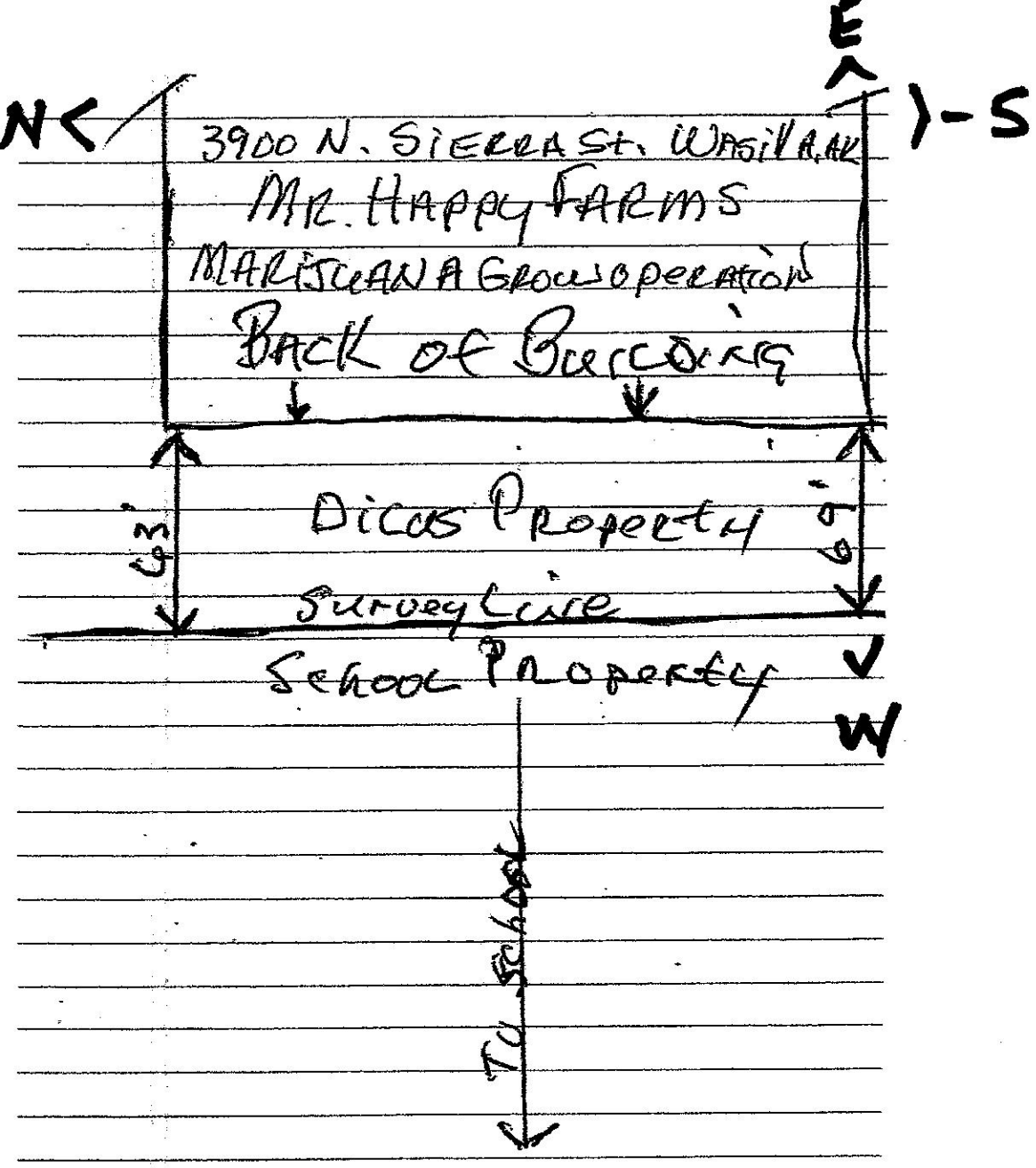
From: "Ken Gabel" <Ken.Gabel@matsugov.us>
Date: Monday, November 5, 2018 10:50 AM
To: <yenlo@mtaonline.net>
Subject: 3900 Sierra

Lynda,

My inspection and conversation with the owner revealed a second structure on the lot consisting on an apartment or small house containing 748 square feet. The structure appears to be about 50% complete at this time.

Regards,
Ken Gabel, Appraiser
Mat-Su Borough

861-8516



AN AS-BUILT SURVEY SHOULD BE FURNISHED TO THE BOROUGH TO GET ACCURATE DISTANCE CLEARANCE FROM ALL LOT LINES TO THE GROW OPERATION FOR MR. HAPPY FARMS.

Mr. Happy Farms LLC | ODOR COMPLAINTS | Ron & Linda Kuzina

Located 266 Feet From Facility | 4000 N. Sierra Drive

WHO RECEIVED CONTACT:

JH (James Hoelscher) **JH** (Joe Hamilton) **ST** (State Troupers)
AO (AMCO Office) **P** (Spoke on Phone/AMCO)

jason.davies@alaska.gov JD (Jason Davies)

CONTACT	SENT/EMAIL Date/Time	ODOR Date/Time
(JH) JP ST (AO) P	called	6/13/2019 4:44 pm
JH JP ST (AO) P	called	6/20/2019 3:20 pm
JH JP ST (AO) P	2:40 pm 6/22/2019	6/22/2019 2:40 pm
(JH) JP (ST) AO P	(STARTED RECORDING 8:10 pm 6/23/2019	6/23/2019 8:10 pm
JH JP ST (AO) P	called	6/26/2019 4:05 pm
JH JP (ST) AO P	Troopers AT 6/26/19	6/26/2019 4:05 pm
JH JP ST (AO) P	called 6/26/19	6/27/2019 7/02/2019 1:40 PM 7/03/2019
JH JP ST (AO) P	called	7/16/2019 7:00/8:00 pm
JH JP ST (AO) P	called Jason Davies	7/17/2019 6:30 pm/8:00 pm
JH JP ST (AO) P	called Jason Davies	7/18/2019 10:22 AM
JH JP ST (AO) P	called Jason Davies	8/8/2019 8:00 pm
JH JP ST (AO) P	called Jason Davies	8/6/2019 8:20 pm
JH JP ST (AO) P	called Jason Davies	8/7/2019 8:40 AM
JH JP ST (AO) P	called	8/10/2019 7:15 pm 8/10/2019 2:40 pm

Most Communication with Jason Davies. AMCO Anch. Alask

Mr. Happy Farms LLC | ODOR COMPLAINTS | Ron & Linda Kuzina

Located 266 Feet From Facility | 4000 N. Sierra Drive

WHO RECEIVED CONTACT:

JH (James Hoelscher) **JH** (Joe Hamilton) **ST** (State Troupers)
AO (AMCO Office) **P** (Spoke on Phone/AMCO)

October 31, 2019

CONTACT	SENT/EMAIL Date/Time	ODOR Date/Time
(JH) JP ST (AO) P	Joe Hamilton	8/12/2019
JH JP (ST) AO P	Report	8/22/2019
(JH) JP ST AO P	called our home	8/23/2019
JH JP ST (AO) P	called	8/24/2019 10:30 AM
JH JP ST (AO) P	called Jason Davies	8/24/2019 10:00 AM
JH JP ST (AO) P	called Jason Davies	9/11/2019 9:30 PM 11:30 PM
JH JP ST (AO) P	called Jason Davies	9/12/2019 8:30 PM
JH JP ST (AO) P	called Jason Davies	9/23/2019 1:00 PM scale 1-10 (10)
JH JP ST (AO) P	called 11/11/2019	10/11/2019 10:00 AM STRONG
JH JP ST (AO) P	called 11/13/2019	11/13/2019 9:00 AM
JH JP ST (AO) P	called 12/18/2019	12/18/2019 8:00 AM
JH JP ST (AO) P	called 12/19/2019	12/19/2019 10 AM
JH JP ST (AO) P	called 12/21/2019	12/21/2019 9-10 AM
JH JP ST (AO) P	called 12/24/2019	12/24/2019

until

Mr. Happy Farms LLC | ODOR COMPLAINTS | Ron & Linda Kuzina

Located 266 Feet From Facility | 4000 N. Sierra Drive

WHO RECEIVED CONTACT:

JH (James Hoelscher) **JH** (Joe Hamilton) **ST** (State Troupers)
AO (AMCO Office) **P** (Spoke on Phone/AMCO)

CONTACT	SENT/EMAIL Date/Time	ODOR Date/Time
JH JP ST (AO) P	12/10/2019 Spoke with Jason	~~5/23~~ 12/10/2019
JH JP ST (AO) P	12/13/2019/e	12/13/2019 8:45 PM
JH JP ST (AO) P	12/18/2019	12/18/2019 8:00 PM
JH JP ST (AO) P	12/21/2019	12/21/2019 10:30 PM
JH JP ST (AO) P	1/6/2020	1/6/2020 8:00 AM
JH JP ST (AO) P	1/5/2020 8:25 AM Talked to Jason	1/5/2020 8:30 AM
JH JP ST (AO) P	1/10/2020 email Jason	1/10/2020 8:30 AM
JH JP ST (AO) P	1/16/2020 Talked to Jason	1/16/2020 9:37 AM
JH JP ST (AO) P	1/24/2020	1/24/2020 12:37 PM ~~[illegible]~~
JH JP ST (AO) P	1/30/2020 Jason	1/30/2020 10:20 AM
JH JP ST (AO) P	1/20/2020	1/20/2020 9:21 AM
JH JP ST (AO) P	1/23/2020	1/23/2020 1:00 PM
JH JP ST (AO) P	1/29/2020	1/29/2020 12:50 PM
JH JP ST (AO) P	1/31/2020	1/31/2020 5:17 PM

Mr. Happy Farms LLC | ODOR COMPLAINTS | Ron & Linda Kuzina

Located 266 Feet From Facility | 4000 N. Sierra Drive

WHO RECEIVED CONTACT:

JH (James Hoelscher) **JH** (Joe Hamilton) **ST** (State Troupers)
AO (AMCO Office) **P** (Spoke on Phone/AMCO)

CONTACT	SENT/EMAIL Date/Time	ODOR Date/Time
JH JP ST AO P	Important	
JH JP ST AO P	10/31/2019	10/31/2019 10:45 AM
JH JP ST AO P	Talked	
JH JP ST AO P	Called James	about odor
JH JP ST AO P	Report Dates	in Oct, 2019
JH JP ST AO P	Report 10,11,	10/18, 10/19
JH JP ST AO P	10/21,	10/24, 10/27
JH JP ST AO P	James told me	to rate the
JH JP ST AO P	odor from	1-10 scale and
JH JP ST AO P	Take wind	direction and
JH JP ST AO P	record &	report to
JH JP ST AO P	AMCO.	
JH JP ST AO P	Call Troopers	REPORT.
JH JP ST AO P		

Mr. Happy Farms LLC | ODOR COMPLAINTS | Ron & Linda Kuzina

Located 266 Feet From Facility | 4000 N. Sierra Drive

WHO RECEIVED CONTACT:

JH (James Hoelscher) **JH** (Joe Hamilton) **ST** (State Troupers)
AO (AMCO Office) **P** (Spoke on Phone/AMCO)

CONTACT	SENT/EMAIL Date/Time	ODOR Date/Time
JH JP ST (AO) P	2/1/2020	2/1/2020 3:00 PM
JH JP ST (AO) P	2/6/2020	2/6/2020 12:57 PM ↓ 3:27 PM
JH JP ST (AO) P	2/14/2020 Jason 11:14 AM	2/14/2020 11:14 AM
JH JP ST (AO) P	2/19/2020 Jason 2:30 PM ↓ 8:00 PM	2/19/2020 2:30 PM ↓ 8:00 PM
JH JP ST (AO) P	3/7/2020 Jason 11:30 AM	3/7/2020 11:30 AM
(JH) JP ST (AO) P	3/8/2020	3/8/2020 11:00 AM
(JH) JP ST (AO) P	3/9/2020 2:01 PM	3/9/2020 2:01 PM
JH JP ST (AO) P	3/9/2020 Email From James	In Route Investigator 3/9/2020 2:18 PM
JH JP ST (AO) P	3/13/2020 Jason	3/13/2020 3:30 PM ↓ 4:44 PM
JH JP ST (AO) P	3/22/2020	3/22/2020
JH JP ST (AO) P	3/31/2020	3/22/2020
JH JP ST (AO) P	3/14/2020 1:30 PM	3/14/2020 10:30 AM
JH JP (ST) AO P	4/19/2020 6:23 PM	4/19/2020
JH JP (ST) AO P	5/23/2020 8:10 PM	5/23/2020 5:00 PM

Mr. Happy Farms LLC | ODOR COMPLAINTS | Ron & Linda Kuzina

Located 266 Feet From Facility | 4000 N. Sierra Drive

WHO RECEIVED CONTACT:

JH (James Hoelscher) **JH** (Joe Hamilton) **ST** (State Troupers)
AO (AMCO Office) **P** (Spoke on Phone/AMCO)

CONTACT	SENT/EMAIL Date/Time	ODOR Date/Time
JH JP ST AO P	5/23/2020 2:42 pm	5/23/2020
JH JP ST AO P	Jason 6/9/2020 7:24 pm	6/9/2020 7:24 pm
JH JP ST AO P	Jason 6/22/2020 2:40 pm	6/22/2020 2:40 pm
JH JP ST AO P	Jason 7/7/2020 12:03 pm	7/7/2020 12:03 pm
JH JP ST AO P	Jason 7/18/2020 6:40 AM	7/18/2020 6:40 AM
JH JP ST AO P	Jason 7/13/2020 6:30 pm	7/13/2020 6:30 pm
JH JP ST AO P	Jason 7/20/2020 7:25 pm	7/20/2020 7:25 pm
JH JP ST AO P		
JH JP ST AO P		
JH JP ST AO P		
JH JP ST AO P		
JH JP ST AO P		
JH JP ST AO P		
JH JP ST AO P		