

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 19-090**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REQUESTING
THE ALASKA MARIJUANA CONTROL BOARD RECONSIDER THE LIMITED
CULTIVATION FACILITY LICENSE GRANTED TO MR. HAPPY FARMS LLC.

WHEREAS, the Alaska Marijuana Control Board recently granted a limited cultivation facility license #17692 to Mr. Happy Farms LLC; and

WHEREAS, a concerned citizen brought concerns to the Matanuska-Susitna Borough Assembly informing the Assembly of the location of the facility and its proximity to a school; and

WHEREAS, 3 AAC 306.010 prohibits any marijuana establishment within 500 feet of a school ground; and

WHEREAS, 3 AAC 306.010 provides that the distance specified is measured by the shortest pedestrian route from the public entrance of the building in which the marijuana licensed premises would be located to the outer boundaries of the school ground; and

WHEREAS, 11.71.900(29) defines "school grounds" as a building, structure, athletic playing field, playground, parking area, or land contained within the real property boundary line of a public or private preschool, elementary, or secondary school; and

WHEREAS, the real property boundary line of Shaw Elementary School touches the real property boundary line of the lot on which

the Mr. Happy Farms LLC limited cultivation facility will be located; and

WHEREAS, there is no way to locate any building on the lot owned by Mr. Happy Farms LLC such that the building will be more than 500 feet from the real property boundary line of Shaw Elementary School; and

WHEREAS, it is possible to walk from the limited cultivation facility operated by Mr. Happy Farms LLC to the real property boundary line of Shaw Elementary School in less than 500 feet, and

WHEREAS, the State of Alaska and the Matanuska-Susitna Borough have adopted the public policy of limiting the locations of marijuana establishments so they are not located near schools; and

WHEREAS, allowing a limited cultivation facility within 1000 feet of the real property comprising a public elementary school violates 21 USC § 860; and

WHEREAS, the Matanuska Susitna-Borough Assembly is concerned that allowing a limited cultivation facility in violation of federal law could endanger federal grants and federal education grants.

NOW, THEREFORE, BE IT RESOLVED, the Matanuska-Susitna Borough Assembly requests that the Alaska Marijuana Control Board reconsider the limited cultivation facility license granted to Mr. Happy Farms LLC.

BE IT FURTHER RESOLVED that the Borough Manager is directed to deliver this resolution and accompanying map to the Alaska Marijuana Control Board and the Director of the Alaska Alcohol & Marijuana Control Office.

DEFEATED by the Matanuska-Susitna Borough Assembly this 19 day of November, 2019.

YES: McKee and Sumner

NO: Sykes, Beck, Leonard, Mayfield, and Boeve