PLANNING COMMISSION MEETING

June 20, 2017
AGENDA

6:00 p.m.
June 20, 2017

A. ROLL CALL

B. MESSAGES

1. Chairperson’s Comments
2. Commissioner’s Comments
3. Communications to the Planning Commission (Page 5)
4. Citizen’s Comments – limited to three (3) minutes
   a. Agenda items not scheduled for public hearing
   b. Items other than those appearing on the agenda
5. Disclosure & Statement of Conflict of Interest

C. APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of consent agenda passes all routine items indicated by asterisk (*) on agenda. Consent agenda items are not considered separately unless any Planning Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.

D. *MINUTES

1. *Minutes from May 16, 2017 PC Meeting. (Page 7)
2. *Minutes from June 6, 2017 PC Meeting. (Page 39)

E. CONSENT AGENDA ITEMS
F. QUASI-JUDICIAL HEARING

1. CU2017-020: A request by Michael Emers on behalf of Rosie Creek Farm, LLC for conditional use approval of a marijuana product manufacturing facility, limited in the Rural and Agricultural 20 (RA-20) zone on Tract A, Rosie Creek Farm Subdivision (located at 2659 Livingston Loop, on the south side of Livingston Loop, south Rosie Creek Trail, and north of the Tanana River) (Staff Contact: Stacy Wasinger). (Page 65)

2. CU2017-021: A request by Haley Essig DBA Thirdstate on behalf of Green Diamond Properties, LLC for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone on Tract A, White Firehood Subdivision (located at 200 Pheasant Farm Road, on the east side of Pheasant Farm Road, south of Chena Hot Springs Road) (Staff Contact: Manish Singh). (Page 161)

3. CU2017-022: A request by Haley Essig DBA Thirdstate on behalf of Green Diamond LLC for conditional use approval of a marijuana cultivation facility, outdoor limited in the General Use 1 (GU-1) zone on Tract A, White Firehood Subdivision (located at 200 Pheasant Farm Road, on the east side of Pheasant Farm Road, south of Chena Hot Springs Road) (Staff Contact: Manish Singh). (Page 239)

G. PUBLIC HEARING

H. APPEALS

I. UNFINISHED BUSINESS

J. NEW BUSINESS

K. EXCUSE ABSENT MEMBERS

L. COMMISSIONER’S COMMENTS

   1. FMATS (Page 337)

   2. Other

M. ADJOURNMENT
COMMUNICATIONS
MINUTES

May 16, 2017
A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 6:30 p.m. by Wendy Presler, Chairman.

MEMBERS PRESENT: Mark Billingsley, Chris Guinn, Eric Muehling, Mindy O’Neall, Robert Peterson, Wendy Presler, Patricia Thayer, Charles Whitaker

MEMBERS ABSENT: David Brandt, Mike Stepovich, John Perreault

OTHERS PRESENT: Christine Nelson, Director of Community Planning, Kellen Spillman, Deputy Director of Community Planning, Stacy Wasinger, Planner, Manish Singh, Planner, Don Galligan, Transportation Planner, Wendy Doxey, Assistant Borough Attorney, Laura McLean, Administrative Assistant

A. ROLL CALL

B. MESSAGES

1. Chairperson’s Comments

   Ms. Presler calls all Commissioners’ attention to written testimony provided in their packets.

2. Commissioner’s Comments

   Ms. Thayer commented that she would like to see future agendas indicate when a Commissioner has an excused absence that the agenda be reflected to show the absence as being excused.

   Ms. Thayer drew attention to Section F of the Agenda and noted it appeared from the sign in sheets for the Quasi-Judicial Hearings that a majority of people in attendance wished to speak on item number (F)(3), the next amount were for (F)(2), and no one signed in for (F)(1), she therefore recommended to change order to (F)(3) first, (F)(2) second, and (F)(1) third.

3. Communications to the Planning Commission

   Ms. Nelson introduced new Community Planning staff members – Don Galligan, Transportation Planner and Nicole Nordstrand, Planning Administrative Assistant.
Ms. Nelson drew attention the new quasi-judicial forms for interested persons, telephonic testimony, and affidavit testimony for review. Ms. Presler indicated the forms did not make it into their folders. Ms. Nelson advised the forms would be sent electronically.

Ms. Nelson addressed the appeals matrix provided and indicated that an additional appeal had been filed, however, was a marijuana retail zoning permit off Chena Hot Springs Road, and would not involve the Planning Commission.

Ms. Nelson commented that the latest code enforcement ordinance which broadened whose able to make complaints, has impacted the workload of the Community Planning Staff – 30 complaints already in the first half of May; most involving junkyards. Respectively, only a total of 40 complaints were received during the entire 2016 fiscal year. Community Planning will be addressing this with the Administration and may bring it to the attention of the Borough Assembly.

Ms. Nelson reminded the Commissioners to identify themselves or have the Chair call on them by name when speaking, making it easier to identify whose speaking when transcribing minutes.

4. Citizen’s Comments – limited to three (3) minutes

No one requested to speak.

5. Disclosure & Statement of Conflict of Interest

No disclosures or conflicts of interest.

C. * APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by asterisk (*) on agenda. Consent Agenda items are not considered separately unless any Planning Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.

MOTION: To approve the Agenda, Consent Agenda and reorder sequence of the Quasi-Judicial Hearings in reverse order with CU2017-019 held first, CU2017-015 held second, and CU2017-018 held third by Ms. Presler, seconded by Mr. Guinn.

CARRIED WITHOUT OBJECTION

D. MINUTES

1. *Minutes from April 4, 2017 and April 18, 2017 PC Meeting
E. CONSENT AGENDA ITEMS

1. HP2017-004: Gold Mine Trail Road Upgrades – A request by the Department of Transportation and Public Facilities for local planning authority approval of the Gold Mine Trail Road Upgrades project. This project proposes to upgrade approximately 4,000 feet of Goldmine Trail Road with a new surface and safety improvements.

F. QUASI-JUDICIAL HEARING

1. CU2017-019: A request by John Manthei for conditional use approval for a vocational school in the Rural Estates 2 (RE-2) zone on Lot 27, Koponen Homestead Subdivision (located at 2860 Roland Road, on the north side of Roland Road, west of Chena Pump Road).

OATH GIVEN

Ms. Wasinger presented the staff report with assistance from Mr. Galligan on the transportation section. Based on the staff analysis, the Department of Community Planning recommended APPROVAL of the conditional use permit request for a vocational school on Lot 27 in the RE-2 zone with six (6) conditions.

Mr. Guinn inquired if the preponderance of the events scheduled are spread throughout the year.

Ms. Wasinger replied it appeared from the application there would be more activity during the summertime, but activities are spread throughout the year, but further deferred to the applicant.

Mr. Muehling questioned the trip generation chart and method, specifically, comparing a school with scheduled activities to a B&B, duplex and/or Church.

Mr. Galligan replied that the method utilized attempts to show anticipated trip generation for land uses already permitted in the area versus anticipated trip generation by the Folk School. He further explained the trip generation manual and how it was applied to his determination; including other factors in the use determination process.

Mr. Muehling questioned the hours of operation, specifically, the hours of operation during the construction phase of project.

Ms. Wasinger replied that the way the condition is currently written; construction is included in the 8 a.m. to 8 p.m. limitation. She explained the basis of determination.

Ms. Presler requested clarification that the initial class offerings will only be one class per day with up to a maximum of ten (10) students.

Ms. Wasinger confirmed and pointed out that there is some growth anticipated, however, if it deviates from what was presented in the application materials, it would constitute an operational change and potentially require additional review.

Ms. Presler inquired if there is a point in the growth that would require the applicant to come back for review.
Ms. Wasinger replied that there is no specific number in the condition, but the Planning Commission could put a number as a condition. As submitted, the application indicated there would be up to 5-10 cars or people on site on average, but up to 40 for the special events.

Mr. Muehling questioned the setback requirement from a property line to a parking lot; essentially how close they can be to a neighbor.

Ms. Wasinger replied that Title 18 specifically says that parking can be in the setback, so technically it is zero. The Planning Commission could impose a setback requirement. In Title 18, the side-yard setback requirement for a structure on site is 25 feet.

Mr. Whitaker asked for confirmation that the site distances of 305 feet, and that if a current property owner wanted to have a duplex, Church or B&B, they could and would not have to do anything.

Ms. Wasinger replied it would require a zoning permit, but they would not have to do anything about site distances.

Mr. Manthei addressed the Planning Commission and questions Ms. Wasinger’s focus on the current class and traffic projections. He reiterated that the application shows projections through 2027. Based on growth, daily car increase (currently at 5-6), might increase to 24 daily by 2027. He further stated that it is difficult to categorize as a “vocational” school; it is a Folk School with different activities/classes offered from day to day. The current typical classes are at random times throughout the day and are very small and the traffic pattern is reflected. Summer does not generate more attendance/traffic because programs are held off-campus, making it generally quieter. He mentioned that during the summer, “day camps” are held at one week intervals, a couple of times throughout the summer, generating potentially 30 kids at each session. He indicated that taken everything into consideration for traffic and growth, by 2027, the Folk School would like to offer 2 classes per day, 365 days per year, resulting in potentially 24 cars per day.

Mr. Schuttner addressed the Planning Commission and reiterated, that it is not a typical school with buses going in and out nor are there kids running around screaming and yelling or even recess held. He advised that he lives on the property adjacent to the current Folk School location, and their driveway is on another border of his property. He indicated when he is on his deck, he is unaware they even exist. He further indicated that during the summertime there is more noise because of the outdoor projects, but it is confined to 8 a.m. and 5 p.m, and during the winter, he wouldn’t even know they are there. He commented that he has never noticed any traffic issues.

Mr. Manthei expressed concern that the contents of the application may not have been read or interpreted correctly because it focused only on the current 5-6 car traffic.

Ms. Presler clarified that if he felt something was not accurate, he now has the opportunity to clarify on the record.

Mr. Manthei commented that it is likely difficult to grasp the concept of a Folk School. He drew attention to the application at attachment H concerning the 2016 events held at their current location, which indicates the variety of event types and size, including the public use of the facility for events which are small in nature due to the facility size.
Mr. Schuttner advised the Planning Commission that he co-authored the application and, until he began working on the application, he was unaware of all the events occurring on the property.

Mr. Manthei addressed the issue of possible noise from activities, and indicated there is some noise when doing outdoor activities; mainly from carpentry tools and children playing, but that events are contained to a small area. He further advised they do hold musical events, but that they are not amplified, and that overall it is a pretty low key operation.

Mr. Schuttner pointed out, anecdotally, that when the Folk School first began, it had a spotlight which shined toward his house. He indicated he brought it to Mr. Manthei’s attention, and within a day the situation was corrected.

Mr. Williams addressed the Planning Commission and indicated he is a board member of the Folk School. He opined on the value of the classes offered by the Folk School and the variety of traditional skill classes to the greater community, advising that the new location will allow growth in offerings to the community.

Mr. Guinn inquired whether, based upon the projections for 2027 traffic, imposed any conditions that prevent expansion.

Ms. Wasinger clarified that the traffic impact and parking on site was all considered in context of the projections and conditions. She further clarified that if something changes from what was presented in the current application packet, the Folk School would be required to resubmit for review.

Mr. Guinn then questioned that there is a cap, so the issue could be revisited at a later date.

Ms. Wasinger replied that is correct if their use exceeds the growth anticipated in the application or deviates from the operation plan, it would need to come back before the Community Planning Department.

Mr. Guinn asked Mr. Manthei if he saw eye-to-eye with the Staff Report.

Mr. Manthei responded that he did if Ms. Wasinger’s projections were based on 24 cars per day.

Ms. Wasinger clarified that their method of calculating was done differently, but utilized the information provided in the application for maximum use.

Mr. Manthei commented that even at half their projection, they are only at half of Mr. Galligan’s projections for that one projection.

Mr. Williams commented that there is the average use and then there is the peak usage. The average (24 vehicles per day) is what is being discussed today, but it doesn’t preclude having occasional events once every month or 3 months which would peak at 40-45 cars.

Mr. Billingsley clarified that the Folk School is okay with all conditions proposed by Community Planning Staff.
Mr. Manthei answered affirmatively.

Mr. Muehling questioned whether the permit allows for expansion of parking or additional buildings.

Ms. Wasinger clarified that parking would likely be allowed, but a new site plan would need to be submitted, so parking alone may not require the matter to come back to the Planning Commission, however, adding additional buildings (usage), may trigger additional review if it exceeds the growth usage anticipated in the application.

Mr. Manthei asked if he could ask a question.

Ms. Presler advised that he could not at this time, but could later.

Mr. Muehling asked Mr. Manthei to state his question.

Mr. Williams asked for clarification that the documents submitted included an initial building envelope and the additional outbuildings to be added at later times.

Ms. Wasinger confirmed that this permit application, if approved, includes all planned buildings listed in the application.

Mr. Manthei commented that that would also apply to parking as the plan currently includes graved parking with overflow onto grass, and that as money develops, the parking would be developed.

Ms. O'Neall noted that there was a previous permit proposing another location for the school that was retracted and wondered if the numbers in the current application reflected the increased traffic that was of concern in the previous application.

Mr. Manthei replied that it certainly was, and noted that the parking at their current location and the proposed location are hugely different than proposed in the retracted permit, and both offer better access.

Ms. O’Neall indicated her understanding there may be special events held throughout the year at the proposed site, including weddings and other outdoor activities, which could generate 40-45 vehicles. She questioned whether there was a contingency plan to notify neighbors of increased traffic.

Mr. Manthei replied that there have been discussions on handling those types of events and using the grass area for overflow parking or employing a shuttle service from another location. He indicated that at the present time it is hard to visualize big events, but the Folk School could become a “big deal”.

Ms. O’Neall asked if the property was being leased or if it was owned by the school.

Mr. Manthei responded they are in the process of purchasing the land.

Mr. Muehling asked if the high estimate of where they’d like to be in enrollment represents a cap or is that a condition that can be placed on the use permit.
Ms. Wasinger responded that the proposed conditions are based on information submitted in the applicant’s packet and if it changes, they would be required to resubmit to the Community Planning department for review and it could potentially result in an amendment to the conditional use permit. She emphasized that as written there was no numerical cap placed, but the Planning Commission could impose a cap.

Mr. Williams re-emphasized that their numbers are an average, but they do track enrollment and attendance, so while the peak usage might be on average 24 cars, the next day they might have 30 cars, and the day after that only 10 cars. He indicated that if a cap were imposed, they would need guidance on determining average and over what period of time.

Mr. Billingsley asked what portion(s) of the adjacent lots are already developed.

Mr. Manthei replied that to the East there are 4 to 5 developed lots with residences, to the West is a conservation easement owned by a Kopenen, and to the North he believes is undeveloped Kopenen land.

Mr. Billingsley asked about Roland Road.

Mr. Manthei replied that there were houses.

Mr. Billingsley asked if the Kopenen Homestead Phase II is going to be turned into a neighborhood at some point.

Mr. Manthei replied that would be everything to the North.

Mr. Billingsley questioned then that it is expected to be turned into a neighborhood at some point.

Mr. Manthei stated it would be subdivided.

Mr. Guinn interjected that his understanding was that when that area was surveyed, there was a large conservation area that was not going to be subdivided. He believes the undeveloped area is part of the conservation area.

Mr. Manthei responded that that is correct and is represented on the map as the blue area and then there is the other public use area of the extensive set of trails that goes throughout the Homestead.

Mr. Billingsley asked the applicant if there are any other conditional uses in the area.

Mr. Manthei replied none that he knew about.

Mr. Muehling stated that his question about growth is how it will impact neighbors and so it seems there will need to be a limit to the growth. He asked the applicant what limits their growth.

Mr. Manthei responded that Fairbanks and its small size will limit potential growth along with the physical size of the facility. He further indicated that at some point quality of life for volunteers are impacted if it becomes a “big business”.

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Interested Person Testimony Opened

OATH GIVEN

Mr. Erich Ott talked about being a strong proponent of education; however, he does not support the Folk School's proposed location because he believes it is not appropriate to put, what he believes, is basically a commercial operation in a residential area. He feels the uncertainty of growth could result in property owners having to deal with major issues in the future. He feels that those currently living in the area chose their property because of its remoteness.

Mr. Whitaker stated that he missed Mr. Ott’s address.

Mr. Ott restated his address.

Mr. Whitaker inquired if he was an adjoining landowner.

Mr. Ott replied that he was not, but his property was across the road.

Mr. Whitaker queried if it was across East Chena Hills.

Mr. Ott replied that it was to the West of the blue properties shown on the map and across the street.

Mr. Whitaker inquired if Mr. Ott was in the room when Staff talked about existing permitted uses on properties.

Mr. Ott responded that he had heard and felt it was a scare tactic. He feels that once approved, it could lead to further growth which could have additional traffic impacts.

Mr. Tim Wingerter stated his non-support and expressed his concerns of increased traffic on Roland Road which has no guardrails and is very narrow, and newcomers are unfamiliar with the road, that the school will not be a taxpayer contributing to road maintenance, that the noise generated with be disruptive, and that once allowed, he will be stuck with whatever comes in its place should the school vacate.

Mr. Manthei responded that the conditional use permit sets the parameters, so if there are changes, he indicated they would need to bring it back before the Planning Commission.

Mr. Wingerter stated “maybe, maybe not, depends on what is approved”.

Ms. Dana Truffer-Moudra requested to testify, however, it was determined her property was outside the 2,000 foot requirement for being an interested party.

Ms. Presler determined that Mr. Leonard Kamerling, as a Board Member of the Folk School, has a property interest, and therefore was allowed to provide testimony.

Mr. Leonard Kamerling addressed the Planning Commission and provided background on the founding of the folk school concept from the 1830’s.

Ms. Presler determined that Mr. Bruce Campbell, as a Board Member of the Folk School, has a property interest, and therefore was allowed to provide testimony.
Mr. Bruce Campbell addressed the Planning Commission and talked about his involvement in the Folk School and shared an example of the pack rafts his students build.

Mr. Muehling inquired on the number of board members there and term.

Mr. Campbell responded that that his term is 2 years, and there are 8 or 9 other board member, but not positive.

Ms. Patti Moss testified she is not in favor of the Folk School at the proposed site. She indicated concerns with traffic on Roland Road, specifically how dangerous it is and the it is without a bike or walking path, and the Folk School not being a contributor to the area road maintenance.

Mr. Peterson asked if the road service area had been approached about widening or otherwise improving the road.

Ms. Moss stated that they had, but declared that money was not available.

Mr. Peterson further inquired if grants had been sought from the Borough.

Ms. Moss replied that they have done that too, but due to substandard roads being built in the area, funds are not available.

Mr. Manthei commented that the greatest traffic increase would be only about 3% or less.

Ms. Moss remarked that 3% is a lot, especially when not contributing to maintenance of the road and stated that although they indicate their operation is quiet, it may not be quiet as defined by another.

Ms. Presler determines that, although Ms. Pat Moss received a “Dear Property Owner” letter, her property is outside the 2,000 square foot radius of the proposed property and as such would not be allowed to testify.

Ms. Linda Wies testified she does not support the proposed location of the Folk School due to traffic issues related to Roland Road, specifically, that there has been major growth in the area and there is potential for two new subdivisions (65 lots) which all will feed into Roland Road. She expressed concern of existing poor visibility to and from Roland Road from feeder roads and additional bottlenecking, if the larger events become weekly, and it being just too much for the neighborhood. She further expressed concern that if the Folk School is allowed, but doesn't make it, questions whether the new owners will be good neighbors.

Mr. Muehling asks what is the location of the future development which would feed into Roland Road.

Ms. Wies indicates it is beyond the Kopenen land.

Mr. Muehling asks Community Planning staff about information on future development in the area.

Mr. Kellen Spillman answered that all final phases of Kopenen subdivisions are completed that have been received.
Mr. Muehling inquired of those, how much development is completed.

Mr. Spillman indicated that qualitatively, slightly half or a little more, but it changes as lots are sold, and the majority of the lots have been sold.

Ms. Presler asked Mr. Spillman to point to the area on the map being discussed.

Mr. Spillman pointed to the area on the map illustrating the majority of the lots accessed via Harmon Street which is dedicated to the boundary of the subdivision.

Mr. Peterson queried whether the conditional use permit would extend to a new owner.

Mr. Spillman replied it would if they met all conditions in proposal and could abide by all conditions and original application, but if use changed (for example a K-9 or other type of school) or new owner wanted to expand, it would have to be reevaluated.

Mr. Whitaker inquired if the Platting Board had any concerns when it approved the lots.

Mr. Spillman indicated that they did, but explained that the Platting Board is more constrained in their considerations.

Ms. Margret Heidel addressed the Planning Commission with her biggest concern being traffic on Roland Road and reiterated concerns already expressed of Roland Road’s narrowness, lack of guardrails, icy in winter, no shoulder, no walking or bike paths, and a cliff on one side. She expressed additional concerns on noise carrying, and neighborhood safety with the influx of strangers.

Mr. Muehling asked, hypothetically, if in ten years Roland Road were improved, would that change Ms. Heidel’s opinion.

Ms. Heidel replied that it would, however, she indicated her uncertainty if it could be improved.

Ms. Carol Scott expressed concern over the sanctuary of her home as the Folk School will literally be in her backyard. She further testified on concerns about the noise generated by outdoor activities, parking on nearby roads and walking along Roland Road as growth in public gatherings occurs, and risk of wildfires with open fires at the school.

Mr. Whitaker questioned if Ms. Scott is on the road service commission.

Ms. Scott replied that she is not, but attends meetings

Mr. Whitaker then inquired if there were any commissioners in the room.

Ms. Scott stated there were not.

Mr. Whitaker asked that if at their last meeting, were there discussions about improving Roland Road.

Ms. Scott responded that there was extensive discussion on the safety issues presented tonight, but due to current road design and limitations of existing easements, it would be unlikely anyone can come up with the money.
Ms. Thayer asked Ms. Scott to quantify an “incredible amount of money”.

Ms. Scott responded, with the help of others in attendance, that it is in the millions of dollars.

Ms. Thayer asked if that was just for the guardrail or all road upgrades for safety.

Ms. Scott responded that those are the upgrades needed. She reiterated that there are no shoulders.

Ms. Thayer replied that that figure includes shoulders, guardrails and is the whole safety issues.

Ms. Scott indicated that they said Roland Road was not meant for what it is now. She further addressed the earlier testimony that the statement of a neighbor who claimed he does not even know they are having outside activities. She pointed out that his property is heavily vegetated with trees as a barrier whereas her property is not due to a wildfire that burned a lot of the spruce trees.

Ms. Presler asked how close Ms. Scott’s outdoor screened area is to the proposed school building.

Ms. Scott replied that she could throw a tennis ball onto it.

Ms. Presler asked for confirmation that the vegetation in the winter time is very sparse and that the structure can be easily seen.

Ms. Scott affirmatively responded.

Ms. Presler inquired from Ms. Scott what the vegetation would look like in the summer.

Ms. Scott responded that between her and the building, the birch trees are about 6 feet high. She further stated that the maps in the packet are not accurate and do not reflect the trees taken out by the fire near her property which were primarily spruce trees.

Mr. Manthei stated his concern that the growth projections for the classes are also being used as projections for the public events which is not necessarily the same.

Ms. Scott responded that she only had the numbers provided to go on and large events will have significant impacts.

Mr. Ron Ashcraft reiterates concerns expressed by others not supporting in the proposed location for a Folk School. He further pointed out that everyone keeps saying Roland Road is an accident waiting to happen, he pressed, “it has happened”.

Mr. Billingsley asked if he purchased his property from the Kopenens.

Mr. Ashcraft replied yes. He bought lot 5 from the Kopenens.

Mr. Billingsley queried which parcel is being bought.

Mr. Ashcraft confirmed the lot being purchased.
Mr. Billingsley questioned by the Kopenens would want to encourage a school to move into a neighborhood that they are trying to build; presumably in a positive way.

Mr. Ashcraft indicated he cannot think for the Kopenens and does not want to express his opinions.

Ms. Raelene Wentz stated to the Planning Commission that her property is not within the allowable area, but believes she can show why she should be allowed to testify.

Ms. Presler asked her to state why her property interests are different than others in her area.

Ms. Wentz testified that she owns property outside the interested party area, and intends to start a non-profit organization on her property which is complimentary and compatible to the Folk School and its mission.

Ms. Presler determined the proposed business interests have a compatible relationship with the proposed school and, as such, allowed Ms. Wentz’ testimony.

Ms. Wentz testified that she is forming a non-profit organization that will build a tool library for Chena Marina and Chena Ridge residents. She reports the idea is built similar to the Folk School on influencing the children in the community to be self-reliant.

Mr. Billingsley asked if she anticipates if it will require a conditional use permit.

Ms. Wentz reported they are currently in the process right now, and her property is zoned general use 1.

Mr. Billingsley asked if it is a t-o-o-l library.

Ms. Wentz responded that it is essentially like a book library, but in this case, people wanting to do projects any maybe not having the necessary tools, can come in a check them out at the tool library.

Mr. Billingsley asked for confirmation that they are looking to get a conditional use permit for their general use lot.

Ms. Wentz replied that that is correct.

OATH GIVEN TO BARBARA ANDERSEN

Ms. Barbara Andersen stated that she reiterates the concerns of others by the proposed Folk School in a residential neighborhood. She further comments that the neighborhood is growing with the additional traffic from Pickering and Chena Hills funneling to Roland Road creating a heavy impact. She further stated her concerns on drainage and land erosion that may occur and if the Folk School intends to utilize the trails in the neighborhood, she worries about garbage, sewage and increased noise. She mentioned a potential concern of signage is placed on Roland Road and what it may do to visibility and brush clearing.

Interested Person Testimony Closed

Ms. Presler stated for the record that three (3) individuals provided written affidavits to the Planning Commission.
Mr. Manthei commented that all the issues raised by residents are issues they have tried to address in their proposal and feels the application addressed most, if not all of them.

Mr. Schuttner added that from the testimony he heard a lot of fear on the school’s growth potential, but felt those fears may not be warranted because there will be constraints to limit uncontrolled growth from the conditions placed on the school.

Mr. Whitaker stated that the real concern appeared to be the size of events; and asked if a size and number of events limitation were placed would the school survive.

Mr. Manthei indicated that generating income is necessary to stay afloat. He reiterates the infrequency of the public events and that they are generally small in size.

Mr. Muehling asked Mr. Manthei to speculate on the event and parking size they could live with.

Mr. Manthei deferred to a board member. 

Mr. Williams indicated his awkwardness in responding to the question without consulting the members of his board, however, indicated he personally believed it would be desirable to have a maximum of 150 people (fundraiser) maybe twice a year. He further stated that it would be easier for them if a limitation on number of events per year were imposed, but that space itself will limit numbers and the 150 people is at the very high spectrum. He stated if the Commission placed limitations on renting out to the public, they could live with that.

Mr. Guinn commented that fundraising events could be held at other venues, including public buildings at a nominal cost.

Mr. Williams responded that they could, but it is desirable to hold these events at their home to show potential donors what they are actually contributing to by donating.

Mr. Whitaker asked how many people they generally get for the Alaska Cello Institute.

Mr. Manthei responded that they are lucky if they get 20.

Ms. Thayer stated that there is limited access from the lot, but also #16, and inquired if there are any covenants limiting structure size.

Mr. Williams indicated none that he is aware of.

Mr. Manthei interjected that what they are proposing to build is smaller than the residences in the area.

Ms. Thayer rephrased and asked do the protective covenants restrict in any way.

Mr. Manthei replied that he was not aware of any.

Ms. O’Neall asked whether alternate routes to access the property have been considered.

Mr. Manthei responded that there were discussions with the Kopenens about an easement North of the property because the Kopenens desire to subdivide their parcel into two lots, but he is not sure that would be any better and believes it may even have a greater impact.
MOTION: To approve a ten (10) minute break by Mr. Guinn, seconded by Mr. Whitaker.

MOTION CARRIED WITHOUT OBJECTION

MOTION: To approve CU2017-019 for a vocational school on Lot 27 with six (6) Conditions, adopting the staff report, and three (3) Findings of Fact in support of approval by Mr. Thayer, seconded by Mr. Whitaker.

Mr. Guinn requested to ask a question of Staff.

Ms. Doxey indicated that the Chair could allow it, but then Mr. Manthei would be able to offer rebuttal.

Ms. Presler allowed the question.

Mr. Guinn asked Mr. Spillman if the Roland Road service area has brought the issue of Roland Road to FMATS.

Mr. Spillman replied that Roland Road is relatively new to FMATS, and that in 2012 the MPO boundary was updated which brought the majority of Roland Road into FMATS boundary, so it could potentially be eligible for funding.

Ms. Thayer inquired from Ms. Doxey whether in considering public safety and health, etc., when the Commission has no control over a road, can the road be taken into consideration.

Ms. Doxey informed the Commission that they can look at impacts of the proposed conditional use on existing facilities, so they can consider the condition of Roland Road and its use.

Mr. Muehling commented that the character of the neighborhood is residential and although does allows other uses that may impact neighbors, the issues appear to be is it a “Folk School which equals classes” or is it an “Events Center”. He believes the perception and impacts change if it becomes an events center like the Carlson Center.

Ms. Doxey clarified that if the use being characterized (event center) is an accessory use to the trade/technical school, then it would be allowed for consideration, but if it is not an accessory use, then it cannot be considered. She read into the record, the definition of “use, accessory” from Title 18.

Ms. Thayer stated that if she interpreted it correctly, then an example would be if Woodriver School held an event in the evening that was part of the school, it would be no different than the Folk School holding an event that was part of its custom.

Ms. Doxey clarified that the Woodriver is a traditional school and this is a technical/trade school.

Mr. Billingsley asked then if then, the only thing they are approving would be conditional use of the vocational school and accessory uses that are permitted.

Ms. Doxey indicated that anything that falls within the scope of a trade/vocational school is what could be a conditional use. She further stated that if something is proposed that is not actually
part of the school and not an allowable use (either outright or as a conditional use permit), it’s not an allowed use and not before the Commission.

Mr. Billingsley stated that accessory uses are permitted uses under RE-2.

Ms. Doxey responded affirmatively, and stated that if you can characterize what is being proposed and what Mr. Manthei has characterized as an event center as an accessory to a vocational school it would be approved with the conditional use be for the Commission, but because it is being characterized as an “event center”, is that part of the vocational use or a separate use that is not even permitted by the zone.

Mr. Billingsley stated he believed that would be a question of law.

Ms. Doxey indicated it is a fact-based consideration. She further stated that Title 18 has a use that is an event center use, and that is not a listed allowed use in the zone, but just because we call it an event center does not mean it is actually something that falls within the vocational school definition.

Mr. Billingsley inquired why a distinction would be made.

Ms. Presler stated that she would if trying to define accessory use. She re-read use, accessory.

Mr. Billingsley stated then that narrows the scope of the analysis to vocational school and they should ignore an event that is not an accessory use.

Ms. Presler stated that memorial services, weddings, and those kinds of events, according to definition, would not be allowed under a conditional use permit anyway.

Mr. Muehling asked if we could set for the purpose of maintaining residential character to the neighborhood health, safety, welfare, asks to go back to limiting the size of events that are customary to a trade school.

Ms. Presler inquired from Ms. Doxey if she would like to answer the question.

Ms. Doxey stated she thinks it is a question for the body to consider based on what has been heard and can conditions adequately be made to make the use suitable for the neighborhood.

Mr. Guinn stated that it bothers him that the service area was asked to respond and didn’t and feels it sends the message that they do not really care.

Ms. Presler clarified for the record that Mr. Guinn is saying that in their packet he saw correspondence to the road service from staff and they the road service neglected to respond.

Mr. Guinn replied affirmatively, and stated they did not send anyone to attend or respond by letter.

Mr. Peterson stated that the people that live in the area are the road service area, and they are present in the room, so he stated he would disagree even though the Commissioner of the road service area, the residents have shown up and made their opinion clear.
Mr. Billingsley indicated he found it notable that Linda Harriger, who received a DPO, said she was strongly in favor or the conditional use and Chena Newman, who received a DPO, said she was in favor as well.

Ms. Presler pointed out that those were affidavits received.

Mr. Billingsley suggested someone might want to propose an amendment to cap attendance or number of cars.

**MOTION:** To amend and add a Condition number 7 restricting the number of attendees 50 people per event and limiting events to 10 per year, by Mr. Muehling, seconded by Mr. Whitaker.

**Discussions on the Motion to Amend**

Ms. Thayer questioned whether the amendment also included a limitation on off-road parking.

Ms. Doxey expressed concern about enforceability of off-road parking and suggested utilizing language requiring adequate parking.

Ms. Thayer indicated that looking at the subdivision plat; it states a specific location of access point.

Mr. Muehling clarified that the amendment does not say anything about parking.

Mr. Billingsley expressed concern that if we deem events as accessory uses then they are already permitted, so can the Commission regulate a permitted activity.

Ms. Doxey responded that when considering conditional use and impacts, the Commission should look at the proposed use of lot and evaluate impacts of the use and whether it's appropriate.

Mr. Billingsley replied that the Commission can only regulate the conditional use (vocational school), and not events which are accessory because they are already authorized.

Mr. Doxey stated that when evaluating impacts to determine if appropriate to even grant the conditional use, the entire proposal as a whole should be considered.

Mr. Muehling responded that the intent of the amendment is for the traffic safety and noise concerns.

Ms. Thayer pointed out that the application is for a vocation school, not an event facility.

Ms. Presler replied that that is being addressed because applicant brought the issue before the Commission and neighbors testifying have expressed concerns.

Mr. Muehling clarified the school will only be able to hold events customary to a trade school.

Mr. Billingsley stated he would want this amendment as an added condition.
Ms. O’Neill expressed her concern on capping attendance at events and limiting the number of events.

Mr. Muehling stated that the Folk School has indicated self-limiting its growth, however, there is “no technical cap on growth”.

Ms. Presler indicated Mr. Spillman had a comment.

Ms. Doxey interjected that the proceedings were in deliberation and calling on Mr. Spillman is not allowed unless Chair allows a variance.

Ms. Presler elected to allow Mr. Spillman to comment.

Mr. Spillman stated that from a code enforcement standpoint, it would be difficult to quantify what constitutes an “event” in limiting them to 10 per year.

Mr. Williams questioned an event versus an accessory function, and indicated if accessory functions are limited to 50 attendees that would be a source of great concern.

Ms. Doxey offered the definition of “event” and concluded based upon the record, it to be “a planned public or social occasion”.

Mr. Billingsley reiterated that the majority of the testimony heard was concern about the “big events”, so adding the condition would be a good idea.

Ms. Presler advised the Commission that before them was a motion to amend and a yes vote would constitute adding the condition.

ROLL CALL (on motion to amend)

Five (5) in Favor: Mr. Billingsley, Mr. Peterson, Mr. Whitaker, Mr. Guinn, Mr. Muehling

Three (3) Opposed: Ms. O’Neall, Ms. Thayer, Ms. Presler

MOTION CARRIED

Further discussion on main Motion

Mr. Billingsley mentioned the percentage increase in trips per day.

Mr. Guinn indicated he is in favor of the conditional use permit. He stated that Roland Road will be an issue regardless of the school with continued development. The residents should become more proactive in their service area to ensure concerns are addressed.

Mr. Muehling stated that approval satisfies the FNSB Regional Comprehensive Plan.

Ms. O’Neall echoed Mr. Guinn’s statements concerning community’s need to do something about an unsafe road and further stated that the Roland Road unsafe issue is not going to go away even if the Folk School is not there. She encouraged the Folk School to do outreach of its users in addressing the areas of concerns expressed by the residents.
Mr. Muehling indicated his support of the application.

Ms. Presler commented on the utilities; indicating that there is no public water or sewer systems, does have adequate power, but is not in favor of location due to the road being unsafe.

Ms. Thayer echoed Ms. Presler’s comments on public safety due to the conditions of the road. She further encouraged the residents to address the service area and FMATS.

**ROLL CALL (on main motion)**

Four (4) in Favor: Ms. O’Neall, Mr. Whitaker, Mr. Guinn, Mr. Muehling

Four (4) Opposed: Ms. Thayer, Ms. Presler, Mr. Peterson, Mr. Billingsley

**MOTION FAILED** (lack of majority)

Ms. Presler asked if anyone would like to change their vote.

Mr. Whitaker stated his desire to change is vote to “no”.

**ROLL CALL (on main motion)**

Three (3) in Favor: Ms. O’Neall, Mr. Guinn, Mr. Muehling

Five (5) Opposed: Ms. Thayer, Ms. Presler, Mr. Peterson, Mr. Billingsley, Mr. Whitaker

**MOTION CARRIED**

Ms. Doxey advised that Findings of Facts need to be developed on the record for denial of the conditional use.

Break (5 minutes)

**MOTION:** To reconsider the previous vote on CU2017-019, by Mr. Whitaker, seconded by Mr. Muehling.

**Discussion on Motion to Reconsider**

Mr. Whitaker reiterates that the condition of the road should not be that much of a factor when allowing the conditional use permit.

Ms. Presler stated a yes vote would allow reconsideration of the conditional use permit and a no vote would allow the denial to move forward.

**ROLL CALL**

Five (5) in Favor: Mr. Muehling, Mr. Guinn, Mr. Whitaker, Ms. O’Neall, Mr. Billingsley

Three (3) Opposed: Mr. Peterson, Ms. Thayer, Ms. Presler
MOTION CARRIED

Discussion on Main Motion

Mr. Whitaker commented that the size and number of events had been approved in the Amendment and feels the road should not be given so much weight.

Mr. Guinn echoed Mr. Whitaker’s comments.

Ms. Doxey suggested that the record be established further on the condition of the road(s), by those Commissioners using that as a basis for denial of the conditional use permit.

Mr. Muehling stated the limitations imposed by the amendment, mitigates the traffic concern.

Ms. Presler commented on the proposed use and permitted use traffic data calculations being skewed.

Ms. Thayer echoed Ms. Presler’s comments and provided her interpretation on traffic calculations.

Ms. O’Neall stated her support of the conditional use permit and expressed concern that the Commission is focused on what “may” happen, rather than focus on the minimal use on a day-to-day basis that will occur.

Ms. Presler asked for roll call on the move to approve or deny the conditional use permit.

Ms. Doxey clarified that the motion before the Commission is a motion to approve the permit with 7 conditions and 3 findings of fact.

ROLL CALL (on main Motion)

Four (4) in Favor: Ms. O’Neall, Mr. Whitaker, Mr. Guinn, Mr. Muehling

Four (4) Opposed: Ms. Thayer, Ms. Presler, Mr. Peterson, Mr. Billingsley

MOTION FAILED (lack of majority)

Mr. Guinn stated he felt a motion to deny isn’t necessary.

Ms. Doxey indicated that code says you have to have a motion to deny.

MOTION: To deny by Ms. Thayer, seconded by Ms. Presler.

Discussion on Motion to Deny

Ms. Presler summarized her primary reasons for denial.

Ms. Thayer replied that she could not have said it better.

Ms. Presler proposed language concerning 3 findings of fact.
Mr. Billingsley stated he would like a proposed Finding of Fact concerning health, safety and welfare.

Ms. Doxey indicated you need to address all 3 areas, but it does not have to be negative, it only needs to fail on one.

Discussion ensued on development of the proposed Findings of Fact.

MOTION: Motion to approve proposed Findings of Fact, (1) adequate transportation facilities do not appear to be in place to support the conditional use application, (2) traffic impact analysis provided in the packet depicts the worst case scenario for allowable uses but not for the conditional use, so the Planning Commission is not basing their decision on it, and (3) Based on negative impacts to traffic, negative impacts to the residential character of the neighborhood caused by the proposed use and other potential uses in the future, the proposed conditional use does not protect the health, safety, and welfare of the neighborhood and therefore does not meet the intent and purpose of Title 18, by Ms. Presler, seconded by Ms. Thayer.

ROLL CALL (on Motion to Amend)

Four (4) in Favor: Ms. O'Neall, Mr. Guinn, Mr. Muehling, Mr. Whitaker
Four (4) Opposed: Ms. Thayer, Ms. Presler, Mr. Peterson, Mr. Billingsley

MOTION FAILED (lack of majority)

MOTION: To postpone till next meeting, by Ms. Thayer, seconded by Mr. Whitaker.

Discussion on Motion to Postpone

Mr. Peterson in favor of postponing, but wants to make sure there is enough time. He further stated he is willing to stay and postpone the other two items on the Agenda.

ROLL CALL (on Motion to Postpone)

Four (4) in Favor: Mr. Guinn, Mr. Whitaker, Mr. Peterson, Ms. O'Neall
Four (4) Opposed: Mr. Billingsley, Ms. Thayer, Mr. Muehling, Ms. Presler

MOTION FAILED (lack of majority)

Ms. Presler asked if anyone would like to change their vote.

Ms. Peterson stated he would like to change his vote to “no”.

MOTION CARRIED

MOTION: To table this matter, by Mr. Billingsley, seconded by Mr. Peterson.
ROLL CALL (on Motion to Table)

Seven (7) in Favor:  Mr. Guinn, Mr. Whitaker, Mr. Peterson, Ms. O’Neall, Mr. Billingsley, Ms. Thayer, Ms. Presler

One (1) Opposed: Mr. Muehling

MOTION CARRIED

2. CU2017-015: A request by Paul Gitschel for conditional use approval for a school building in the Multiple-Family Residential (MF) zone with the Mobile Home Subdivision (MHS) overlay zone on Block 67, Bjerremark Subdivision (located at 2404 Barnette Street, on the west side of Barnette Street, between 24th Avenue and 25th Avenue).

MOTION: To postpone CU2017-015 until next meeting, by Ms. Thayer, seconded by Mr. Peterson.

Discussion on the Motion

Ms. Presler stated her strong objection to postponing.

ROLL CALL (on Motion to Postpone)

Two (2) in Favor: Mr. Peterson, Ms. Thayer

Six (6) Opposed: Mr. Guinn, Mr. Whitaker, Mr. Muehling, Ms. O’Neall, Mr. Billingsley, Ms. Presler

MOTION DENIED

Mr. Paul Gitschel addressed the Planning Commission and stated that the facility was previously a large church which also operated as a Christian school. He further indicated it is on City utilities and natural gas, and that a full traffic study was completed as part of its application. He noted that based upon the traffic study, there is no increased traffic and no different or additional impacts to the neighborhood then if it had remained a church.

Ms. Wasinger presented the staff report with assistance from Mr. Spillman on the transportation section. Based on the staff analysis, the Department of Community Planning recommends APPROVAL of the conditional use permit request for a school building on Block 67 in the MF/MHS zone with four (4) conditions.

Mr. Muehling asked if overflow parking would be allowed on the street.

Mr. Spillman advised that the City of Fairbanks has an ordinance which states a vehicle cannot be parked within ten (10) feet of the centerline of a roadway. He further indicated that although one could comply with the roads in this area, since the facility is functioning as a school with the minimum age of students being under the driving age, parking was determined not to be an issue.
Mr. Peterson questioned whether there is anything in the findings of fact that requires approval from other agencies.

Mr. Spillman responded that the City is the building authority.

Mr. Peterson expressed concern that if the Commission grants the permit, they may not be able to use if they do not comply with the other agencies’ conditions, so questioned if a requirement for them to comply should be put in the permit.

Mr. Spillman stated it was up to the Commission.

Ms. Doxey responded that there should not be a condition that states “you must abide by the law” unless there is something specific that would require such a condition.

Mr. Billingsley stated that he has raised this issue in the past and questions why the inconsistency.

Ms. Doxey indicated that Mr. Billingsley’s question was not a legal question; rather a question for staff. She further stated that from a legal perspective, if staff brings forward a condition that the Commission thinks is inconsistent or unnecessary, the Commission can remove it.

Mr. Muehling asked if there was adequate sewer capacity and restrooms to accommodate 214 students and 20 staff, and questioned if they meet code requirements.

Ms. Wasinger replied that those are all code requirements which the City of Fairbanks has jurisdiction to ensure compliance.

Mr. Gitschel commented to Mr. Peterson that all building permits have been submitted to the City of Fairbanks. The building will meet all required codes after completion of renovations.

Interested Person Testimony Opened

Ms. Glory Kuleskey expressed her concern with the school children utilizing the public areas in the neighborhood and the noise and traffic generated by such use.

Ms. Presler asked Ms. Kuleskey the distance between her property and the school

Ms. Kuleskey stated it is approximately 2.5 blocks. She further indicated the traffic in the morning will be fine, it is the noise in the afternoon that is of concern.

Interested Person Testimony Closed

Mr. Gitschel reiterated that there is no change from the impact the facility had as a church/school to now being just a K-8 school.

Mr. Muehling commented that it is a K-8 school, but a charter school and inquired what area of Fairbanks would be drawn from for enrollment and asked for detail on future bus transportation plans.

Mr. Gitschel deferred to the school principal.
Ms. Tal Harlan stated that the school will be drawing students from a wide area – Fox, Ester, North Pole, etc.

Mr. Muehling questioned if parents then provide transportation.

Ms. Harlan responded affirmatively.

Mr. Muehling asked what discussions have occurred concerning busing.

Ms. Harlan indicated that if busing becomes available, they would only be able to provide busing either before school or after due to sharing with the School District. Students from their school would be bussed to neighboring middle schools and then transferred to a route to take them home.

Mr. Muehling asked if the dimensions of the turnaround and parking are sufficient for a long bus.

Ms. Harlan indicated that she thought so.

Mr. Gitschel indicated that he felt a fire truck would fit and is size comparable to a bus.

Mr. Guinn inquired if children are required to remain on site or if they would be able to go off site to the play areas.

Ms. Harlan replied that if they go off site, it would be under adult supervision. They may go off site on occasions when they utilize the parks across the street, but it would not be their every day recess venue.

MOTION: To approve CU2017-015 for a school building on Block 67 with four (4) Conditions, adopting the staff report, and three (3) Findings of Fact in support of approval by Mr. Thayer, seconded by Ms. O’Neill.

Discussion on the Motion

Ms. Thayer expressed her support for approval of the conditional use permit as all issues concerning health, safety and welfare have been addressed in the application packet.

Mr. Muehling indicated he would be supporting as well. He stated it appears there is adequate parking and it supports the Regional Comprehensive Plan which encourages the neighborhood sighting of elementary schools and encourages the incorporation of schools and parks in residential areas.

Ms. Presler stated her support for the conditional use permit and thanked the applicant for putting together a complete packet with plans and traffic data. She further summarized her basis for justifying issuance of the permit.

Ms. Doxey questioned whether the Commission wished to address the concerns expressed during public testimony.
Ms. Thayer stated that she appreciates people who do “shift work” and need to sleep during the day, but felt that there will not be a change in noise from the previous use to its proposed use now.

Ms. Presler indicated that she had concerns about children being unattended, but from the testimony provided by the applicant, recess will generally take place on the property and, on a rare occasion, a field trip may be taken to the park under adult supervision.

ROLL CALL

Eight (8) in Favor: Mr. Peterson, Ms. Presler, Mr. Whitaker, Ms. Thayer, Mr. Guinn, Mr. Billingsley, Ms. O’Neill, Mr. Muehling

Zero (0) Opposed

MOTION CARRIED


OATH GIVEN TO KAREN LOWRY

Mr. Singh presented the staff report, based on the staff analysis, the Department of Community Planning recommended APPROVAL of the amendment of the conditional use permit request for marijuana cultivation facility, indoor unlimited in the LI zone with five (5) conditions.

Ms. Presler asked if during the past year that the current conditional use permit has been in effect, has any complaints been received.

Mr. Singh responded that to the best of his knowledge, Community Planning has not received any complaints.

Mr. Muehling noted that there are no wastewater sewer lines, so inquired how the plan handles marijuana liquid waste.

Mr. Singh referred to the application and the manner in how they re-utilize wastewater. He further explained DEC’s characterization of wastewater related to marijuana cultivation and further indicated that a condition recommended by the Community Planning staff requires them to comply with all DEC requirements.

Ms. Doxey questions that the record may not support condition number 2 concerning not discharging into GHU sewer lines and why gray water needs to be restricted.

Ms. Presler clarified that the second paragraph in condition number 2 indicates the use of a 500 gallon gray water tank for buildings 3, 4, 5, and 6 and that there are no restrooms in those buildings.
Ms. Lowry offered a brief summary of why she is back before the Commission on the expanded facilities under a conditional use permit issued over a year ago.

Mr. Peterson asked how they are able to control odors and if they have received any complaints.

Ms. Lowry replied that they have had no complaints. She further stated that they use different types of filtration systems, including using carbon filters and recirculation of the air.

Mr. Peterson questioned why, if they are not letting air in or out, are they using carbon filters.

Ms. Lowry stated that new buildings 4, 5, and 6 are greenhouses, so they will be drawing outside air.

OATH GIVEN TO LINDEN ANSON

Mr. Anson provided testimony on the facilities design and air handling system related to air handling and carbon filters.

Mr. Peterson related back to previous testimony on this matter where businesses in the area of their cultivation facilities have complaint on about the odor. He asked for confirmation that the applicant has not received or heard any complaints on odor.

Ms. Lowry indicated there are many marijuana cultivators that do vent outside and then you can smell the odor; there facilities do not.

Ms. Doxey cautioned Commissions of relying to previous testimony wherein the people are not currently in the room for cross-examination.

Mr. Singh commented that during his inspection on the afternoon of May 12, 2017, during his inspection, he did not smell any odors emitting from the facilities.

Mr. Anson invited everyone to drive by the facilities to see for themselves if there are any odors from their marijuana cultivation operation.

Interested Person Testimony Opened

No interested parties present

Interested Person Testimony Closed

MOTION: To approve extend the meeting until 1:00 a.m. by Mr. Peterson, and seconded by Mr. Billingsley.

Discussion on the motion

Ms. Thayer clarifies that the motion to extend includes completing the current matter before them, and finishing that matter which had been tabled.

Mr. Peterson responded that that was his intent.
ROLL CALL

Eight (8) in Favor: Mr. Peterson, Ms. Presler, Mr. Whitaker, Ms. Thayer, Mr. Guinn, Mr. Billingsley, Ms. O’Neill, Mr. Muehling

Zero (0) Opposed

MOTION CARRIED

MOTION: To approve the amendment of CU2017-018 to expand the commercial marijuana cultivation facility, indoor unlimited into TL-2013, TL-2014, TL-2015, TL-2017, TL-2018 and a portion of TL-2065, Section 20, T1S-R1W, F.M. with five (5) conditions, adopting the staff report, and three (3) findings of fact in support of by Ms. Thayer, seconded by Ms. Presler.

Discussion on the motion

Ms. Thayer summarized the basis for her motion in support of the conditional use.

Mr. Muehling summarized areas he was concerned with and indicated his support based on the conditions of the permit which mitigate those concerns.

Ms. Presler summarized her support of the proposed permit allowing additional cultivation facilities to their existing permit and commends the applicants for their diligence in ensuring no negative impacts on the neighborhood.

ROLL CALL

Eight (8) in Favor: Mr. Stepovich, Mr. Perreault, Ms. Presler, Mr. Whitaker, Mr. Billingsley, Ms. Thayer, and Mr. Guinn

Zero (0) Opposed

MOTION CARRIED

The Planning Commission returned to CU2017-019 that was previously tabled.

CU2017-019: A request by John Manthei for conditional use approval for a vocational school in the Rural Estates 2 (RE-2) zone on Lot 27, Koponen Homestead Subdivision (located at 2860 Roland Road, on the north side of Roland Road, west of Chena Pump Road).

MOTION: To postpone to the next meeting by Ms. Thayer, seconded by Mr. Guinn.

Discussion on the Motion

Mr. Muehling indicated he would like the matter to be concluded tonight.
Mr. Guinn asked for clarification on which ordinance requires that a decision must be made by the Commission.

Ms. Doxey read ordinance 18.104.050(c) which requires that the Planning Commission shall make a decision and adopt findings.

Mr. Guinn commented that a vote of 4 in favor and 4 opposed is a decision of the Commission.

Ms. Doxey indicated that is not a correct interpretation due to a lack of majority and, as such, the motion would fail because it is not a decision and does not meet the requirements of the code.

Mr. Billingsley stated he is open to considering it from different perspectives.

Mr. Muehling stated that after further reflection, he may not be supporting the permit.

**ROLL CALL**

Two (2) in Favor: Ms. O’Neall, Mr. Whitaker

Six (6) Opposed: Ms. Presler, Mr. Muehling, Mr. Billingsley, Ms. Thayer, Mr. Peterson, Mr. Guinn

**MOTION FAILED**

**Discussion on the Motion to Deny**

Mr. Billingsley commented that the residents have spoken about potential changes in the character of their neighborhood. He further stated his belief that if allowed, it will change and has the potential of creating more issues if the anticipated growth materializes which presents issues with health, safety, welfare, and noise and could present significant impacts.

Mr. Peterson indicated his concurrence with Mr. Billingsley’s comments.

Ms. Presler indicated her concurrence with Mr. Billingsley’s comments.

Mr. Guinn commented that he found Mr. Billingsley’s arguments compelling, and state he will be voting against the permit.

Mr. Muehling commented that the residents in the neighborhood appeared and objected in strength and spoke strongly about the current character and culture of the neighborhood and believed that cannot be ignored. He indicated he will be changing his previous vote.

Planning Commission works to formulate Findings of Fact supporting its anticipated denial of the permit.

Ms. Presler read the findings of fact into the record as follows: (1) Adequate transportation facilities do not appear to be in place to support the conditional use application, (2) Traffic impact analysis provided in the packet depicts the worst case scenario for allowable uses, but not for the conditional use, so the Planning Commission is not basing their decision on it, and
(3) Based on negative impacts to traffic, negative impacts to the residential character of the neighborhood caused by the proposed use and other potential uses in the future, the proposed conditional use does not protect health, safety, and welfare of the neighborhood and therefore, does not meet the intent and purpose of Title 18.

ROLL CALL

Eight (8) in Favor: Ms. O’Neall, Mr. Whitaker, Ms. Presler, Mr. Muehling, Mr. Billingsley, Ms. Thayer, Mr. Peterson, Mr. Guinn

Zero (0) Opposed

MOTION CARRIED

ROLL CALL (Motion to Deny)

Eight (8) in Favor: Ms. O’Neall, Mr. Whitaker, Ms. Presler, Mr. Muehling, Mr. Billingsley, Ms. Thayer, Mr. Peterson, Mr. Guinn

Zero (0) Opposed

MOTION CARRIED

G. PUBLIC HEARING
None

H. APPEALS
None

I. UNFINISHED BUSINESS
None

J. NEW BUSINESS
None

K. EXCUSE ABSENT MEMBERS

Ms. Thayer and Ms. O’Neall stated they would be absent for the Planning Commission meeting on June 20, 2017.

L. COMMISSIONER’S COMMENTS

1. FMATS

Ms. Thayer stated that she did not have an FMATS report.
Ms. Nelson indicated that she had attended, but that there was nothing urgent enough to report to delay adjournment of this meeting.

M. ADJOURNMENT

There being no further business, the meeting was adjourned at 12:21 a.m. on May 17, 2017.
A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 7:08 p.m. by Wendy Presler, Chairperson.

MEMBERS PRESENT:  Mark Billingsley  Chris Guinn  
Eric Muehling  Mindy O’Neall  
Robert Peterson  Wendy Presler  
Patricia Thayer  John Perreault  
Charles Whitaker  

MEMBERS ABSENT:  David Brandt  Mike Stepovich  

OTHERS PRESENT:  Christine Nelson, Director of Community Planning  
Manish Singh, Planner  
Wendy Doxey, Assistant Borough Attorney  
Mary Bork, Administrative Assistant  
Nicole Nordstrand, Administrative Assistant  

A. ROLL CALL  

B. MESSAGES  

1. Chairperson's Comments  

There were no comments by the Chairperson.  

2. Commissioner's Comments  

There were no comments by Commissioners.  

3. Communications to the Planning Commission  

Ms. Nelson introduced the newly approved Pre-Hearing Determination Forms for Quasi-Judicial Hearings.  

Ms. Nelson reported on the Housing Summit hosted by the Fairbanks Economic Development Corporation related to the increase of personnel at Eielson Air Force Base from the additional squadrons of F-35’s.  

Ms. Nelson drew attention the appeals matrix in Commissioners’ Addendum packets and specifically noted the recent appeal of the Folk School's conditional use denial and reminded Commissioners not to discuss the matter.
Ms. Nelson referred to the marijuana matrix in the Addendum packet and stated that if any Commissioners have questions, they should contact Manish Singh as the subject matter expert in the Community Planning Department.

4. Citizen’s Comments – limited to three (3) minutes

There were no comments by citizens.

5. Disclosure & Statement of Conflict of Interest

There were no disclosures or conflicts of interest.

C. *APPROVAL OF AGENDA AND CONSENT AGENDA*

Approval of Consent Agenda passes all routine items indicated by asterisk (*) on agenda. Consent Agenda items are not considered separately unless any Planning Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.

CARRIED WITHOUT OBJECTION

D. MINUTES

The May 16, 2017, regular meeting minutes were not available.

E. CONSENT AGENDA ITEMS

There were no consent agenda items.

F. QUASI-JUDICIAL HEARING

1. CU2017-017: A request by Donna Mears, PE from Environmental Management, Inc. on behalf of Central Monofil Services, Inc. DBA Salcha Canaday Homestead C&D Monofil for renewing conditional use approval of a sanitary landfill in the General Use 1 (GU-1) zone on TL-3403, TL-3405 & TL-3409, Section 34, T4S-R4E, F.M. (located at 7070 Canaday Road, on the north side of Canaday Road, east of Richardson Highway).

OATH GIVEN

Mr. Singh presented his report and presentation on CU2017-017.

Questions by the Commissioners

Mr. Muehling asked if there is a regulatory agency that ensures compliance of conditions.

Mr. Singh answered that enforcement of conditions have been on a complaint basis. He further stated that the Community Planning Department does not conduct an annual inspection, but that most enforcement is handled by Department of Environmental Conservation [hereinafter referred to as “DEC”].

Mr. Perreault asked if there have been any complaints on this property in the past.
Mr. Singh replied that the Community Planning Enforcement Officer indicated no reported complaints.

Mr. Billingsley questioned how many tires were found on site.

Mr. Singh responded that it was hard to quantify; there were no tires lying around loosely, and that all the tires on the property were those used in road stabilization, marking perimeters of cell sites, and for construction of berms.

Mr. Billingsley clarified that then there were no spare tires.

Mr. Singh replied that it was reported by DEC in 2015 that there were some lying around, but he had not seen any during his site visit.

Mr. Muehling asked for clarification on the 15’ vegetative buffer.

Mr. Singh replied that the intent is for them to retain the existing buffer which is full of existing vegetation to mitigate the visual impact.

Mr. Muehling inquired what a berm looks like.

Mr. Singh drew Commissioners’ attention to the photographs in the addendum packet and described the related photographs.

Mr. Muehling inquired on the source of the 6” cover material.

Mr. Singh responded that most of the cover material is soil itself, and explained how they are using soil on the property to use as a cover on an as needed basis.

Ms. O’Neall asked if Mr. Singh had seen Applicant’s reply to Condition #3, and what his position is on their proposed language.

Mr. Singh replied that he understands tires are being used for berm construction and road stabilization, but that he was unclear until he visited the site on June 2, 2017. He further stated that the term “landfill construction” is not specific, and is general. He expressed concerns that having tires on site is a health, safety, and welfare issue.

Mr. Billingsley questioned Mr. Singh on whether or not he would accept tires if they are used for berm construction and/or road stabilization.

Mr. Singh replied that generally they are not seen as impacting health, safety, and welfare, whereas general disposal of tires could be a health, safety, and welfare issue.

Mr. Billingsley asked what Community Planning Department’s position is on Applicant’s proposed response to Conditions 6, 8, and 9.

Mr. Singh replied that Condition #6 was imposed to mitigate the visual impact. He further stated that the Applicant did advise that constructing a berm prior to placement of the waste is not a standard practice, but he was not a monofilfill expert, and believes constructing the berms prior to placement is the best practice to mitigate the visual impact to neighboring properties.
Mr. Billingsley probed again for position on Conditions 8 and 9.

Mr. Singh responded that Condition #8 addressed the soil cover, and that the Community Planning Department’s belief that the 6” soil cover is necessary for litter control and restricting water from infiltrating the ground. He further explained that the term “weekly” was used because “as needed” is not a quantifiable and enforceable criterion. He further indicated that there is nothing in the Alaska Administrative Code addressing quantifiable, but that DEC has asked the Applicant for a schedule of soil cover.

Ms. Presler requested response to Condition #9.

Mr. Singh responded that the condition is practically verbatim from their Application, but as a measure of protecting health, safety, and welfare during winter months, addresses snow melt and infiltration. He further explained of the potential concerns of water contamination.

Mr. Peterson questioned if soil or test wells are required on site.

Mr. Singh asked for clarification.

Mr. Peterson specified “water test wells around the perimeter”.

Mr. Singh responded that the Applicant must demonstrate that the groundwater table meets the 10’ separation distance every five (5) years. He further stated that according to the application, the water tables were between 8’ to 15’ around the property, but noted that general groundwater monitoring is not required by DEC due to the amount of precipitation. He further explained that DEC does require testing to demonstrate the groundwater table level of separation.

Mr. Perreault asked if the 6” of cover once a week is a new condition.

Mr. Singh responded affirmatively.

Mr. Perreault inquired of the previous condition on this issue.

Mr. Singh drew attention to Exhibit 3 on page 41 outlining the eight (8) conditions in the previous permit which did not have a condition for soil cover.

Mr. Perreault inquired if that is the same condition for the intermediate soil cover in the winter and in times of disuse.

Mr. Singh responded that the Conditions in CU2013-001 did not include intermediate cover.

Mr. Perreault asked why the there is a need to include that now, and since we do not have a five (5) year time limit from this point going forward, why the change.

Mr. Singh replied that it is not necessarily a change, it is monitored by DEC, and they are required to establish 12” of soil cover if not in use for ninety (90) days, and the Applicant has been doing it without the condition, however, noted that the Community Planning Department believes it is necessary to establish as a condition due to health, safety, and welfare issues and that if soil covers are not applied, litter could be blown around the property (noted he did not find any), especially in light of the no expiration date.
Mr. Perreault stated he understands the value of the cover, but if they are already required by Alaska Department of Environmental Conservation (DEC), but questioned why the need for a separate condition requiring them to comply with a DEC regulation when they are already required to do so.

Mr. Singh responded that it’s a health, safety, and welfare issue, and further explained his understanding from DEC on their soil cover regulations.

Mr. Perreault clarified that at the time of disuse there is quantifiable regulations for soil cover.

Mr. Singh replied that DEC requires them to apply soil cover to protect any nuisance. He further stated that his understanding of nuisance is affecting health, safety, and welfare (high standard), and that Community Planning wants to protect the health, safety, and welfare of neighboring property.

Mr. Stuart Jacques introduced himself and indicated he is with Central Monofil Services.

Ms. Donna Mears introduced herself and provided a summary of Central Monofil Services’ history of use of the land and past and current operations and practices at the site.

Ms. Mears provided a brief summary of the permitting and oversight required by DEC, and expressed concern related to conditions contained within the Staff Report as stated in her response dated June 2, 2017, further explained their objections and impact to operations, and appealed that additional requirements, outside of the already established DEC requirements, not be imposed. She specifically addressed the DEC requirements already in place related to Conditions 3, 6, 8, and 9 recommended in the Staff Report. She further indicated that they are seeking membership with Salcha Fire and Rescue.

Mr. Jacques added that ADEC regulates monofil and landfills and has a rigorous process every five (5) years for permitting, and he does not want to see conditions applied to conditions already in place by ADEC because they are the subject matter experts. He further expressed his frustration of “prohibiting a prohibited item” as a condition not making sense. He stated that they want to continue to be a good operator and believes they provide a valuable service to the Fairbanks North Star Borough and they would like to continue.

Ms. Presler clarified that the monofil accepts construction and demolition debris, and not usually a bag of garbage.

Mr. Jacques stated that they are prohibited from accepting municipal waste.

Ms. Presler asked for a percentage of “garbage” type debris that may become part of their operation from the construction and demolition type debris.

Mr. Jacques indicated that the amount is very small. He further provided an example of the Ryan Middle School demolition that consisted of concrete and CMU block and when mixed all together, it becomes quite dense and in their process binds it all together. He further pointed out that as Mr. Singh indicated, there is no litter offsite which DEC has confirmed too.

Ms. Presler asked Mr. Jacques to explain the berms constructed ahead of time and built all the way around the cell, how the debris gets dumped, compacted, and covered.
**Mr. Jacques** explained varying load volume depending on projects, and indicated they are selective on what is taken. He provided an example of a “project” and further explained the different trucks used for the different types of materials being hauled, and how the materials are dumped and compacted.

**Ms. Presler** quantified that generally if a load gets delivered it gets compacted.

**Mr. Perreault** asked Mr. Jacques to elaborate on the ADEC time and type requirement for coverage of an active cell and its difference from a disused cell.

**Mr. Jacques** explained that generally it’s the tops being covered because the side slopes are already formed by be compacting, and DEC’s requirement is a performance type of requirement for not generating litter. He further expressed concern for the need to cover at a depth of 6” once a week and questioned where the 6” number comes from and secondly indicated there is no such requirement. He explained that he does not want to be limited to the method, and explained how Mat-Su Borough uses a membrane that it pulls back and then puts back in place each time it has a dump.

**Mr. Perreault** stated that ADEC’s general requirement is to limit litter.

**Mr. Jacques** indicated that is correct, and that DEC has requirements for other things, such as, RACM has to be covered every day, and non-RACM has to be covered once a week, and general debris is more open.

**Mr. Perreault** inquired where the coverage is coming from.

**Mr. Jacques** indicated that generally the materials are being mined from the site, concrete from projects are often used, and they may need to import materials in the future.

**Ms. Mears** interjected that the FNSB landfill utilizes a cover system similar to their operation.

**Mr. Jacques** stated that ADEC does actually approve shredded waste as an approved daily cover.

**Mr. Guinn** questioned where the old tires come from.

**Mr. Jacques** responded that they generate some tires from their recycle facilities, but generally the tires come from around their operation, and there is not a massive amount of tires. He further stated that they do bale tires for use as retaining walls, use them for the center of the berms and build dirt around them which make them extremely stable and water flows, and use them for stabilization.

**Mr. Guinn** queried if he will take tires from anyone.

**Mr. Jacques** responded that they are not in that business “necessarily” and that they do take tires at times. He further explained their Anchorage recycle operation, and stated that their operation up here does not have the mechanism to take them like their Anchorage operation.

**Ms. O’Neall** asked if tire recycling is something they want to get into in Fairbanks.
Mr. Jacques indicated no, but he doesn’t want to have a restriction just because they have a few tires on the property. He further stated that there are no such restrictions on any other monofil in the State of Alaska.

Ms. O’Neall clarified that the tires that they have are part of their operation and use on site.

Mr. Jacques indicated her understanding is correct, but clarified that there will be some amount of tire disposal and use of tires. He further stated that tires do not self-combust, so there is no fire hazard risk.

Mr. Muehling asked if the asbestos is separated on site or before it is delivered.

Mr. Jacques replied that it is separated before it is delivered.

Mr. Muehling asked how easily it becomes airborne.

Mr. Jacques questioned if Mr. Muehling was referring to the asbestos.

Mr. Muehling responded affirmatively.

Mr. Jacques stated that in the landfill it won’t at all. He further explained regulated asbestos materials and non-regulated materials and the types of materials commonly falling under these categories.

Mr. Muehling inquired about Mr. Jacques concerns on building a berm being cost prohibitive.

Mr. Jacques stated it is not just cost prohibitive.

Mr. Muehling further inquired if it would be feasible to stipulate that a berm would be built while you fill and maintained at 5’ above the highest fill point.

Mr. Jacques responded that it is close, but 5’ above is high, considering you have to keep it structurally sound.

Mr. Muehling asked what Mr. Jacques felt would be a reasonable regulation of berm height that stays above the material height.

Mr. Jacques indicated that a couple feet above it would be just fine. He further stated that he has no problem with the berm, rather building it beforehand.

Mr. Muehling inquired about the other technologies Mr. Jacques mentioned other than 6” of fill. He further asked Mr. Jacques to illustrate how regulation could be written to achieve covering takes place with changing technologies.

Ms. Mears interjected that it should be left to DEC to regulate and that any alternative covers must be approved by DEC.

Mr. Muehling asked what the approved covers are by DEC.
Mr. Jacques replied that the approved cover is the soil, but you can go to DEC to get that modified to add a cover. He further gave an example of achieving cover by DEC for alternative methods.

Mr. Guinn spoke indicating that the answer to Mr. Muehling’s question is whatever DEC says.

Mr. Jacques replied affirmatively.

Ms. O’Neall stated that Staff had some questions on clarity (related to proposed condition #3), of what landfill construction means, and the application lists it as road construction and stabilization. She asked if there could be anything else used under the context of landfill construction.

Ms. Mears replied that for this facility those are the only two things they have used it for, but in their Anchorage operation they have approval from DEC to use them to construct the side-slope. She further indicated that there are no plans to use them in Fairbanks at this time.

Ms. O’Neall clarified that ADEC already has regulations that would clarify what that would mean in that particular instance.

Ms. Mears stated that ADEC has a process.

Mr. Muehling inquired if the Applicant had acquired the lot to the North.

Mr. Jacques responded affirmatively.

Mr. Muehling asked Ms. Doxey that if Applicant wished to develop the new lot, would they have to go through the same process.

Ms. Doxey replied that if it is zoned the same, then they would need to go through the conditional use process.

Opened Public Testimony

There was no public testimony.

Closed Public Testimony

Ms. Doxey expressed concerns about the record. She stated that her review of proposed conditions #8 and #9 indicate standards written, for instance soil cover material to cover the non-asbestos waste to a depth of 6” at least once per week, which addresses concerns expressed by Staff, but there hasn’t been a connection between how this condition is going to address their concern.

Mr. Guinn asked what Staff thinks now and if they would like to make changes to the proposed conditions. He further inquired if now was the appropriate time to ask this question.

Ms. Doxey stated the time to ask questions is before the Motion and the Applicant can then have the opportunity for rebuttal.

Mr. Muehling asked what health concern is being addressed with a 6” cover every week.
Mr. Singh responded that the reason or the condition is because the application was not specific for when they apply soil cover. He further indicated that while their operation appeared clean during his visits and no complaints have been received in the past five years, this proposed monofil is for the next 42 years. He further explained that there is no regulation by DEC or AAC which regulates a quantifiable measure rather it is “as needed”.

Mr. Muehling summarized the purpose is to protect the ground water.

Mr. Singh responded that it is protecting ground water contamination and protecting general debris being blown to neighboring properties.

Mr. Muehling asked if there was any data showing that 2” is not as good as 6”.

Mr. Singh responded that there are not a lot of studies done in Alaska perspective, but 6” was a number that was frequently mentioned for asbestos and non-asbestos cells, and Staff believes the same soil cover will protect general debris.

Ms. Thayer asked for clarification of if there are any changes to the conditional use permit, the Applicant would have to come back before the Commission again.

Mr. Singh responded that that is the standard, and that the Applicant would report any changes to the Community Planning Department, and that any changes would come back to the Commission, however, a minor change could just be filed in the file, but a substantial change, it would come back to the Commission.

Ms. Thayer asked if the Commission were to come up with the appropriate soil covering, but if it was later changed by DEC, then the Applicant could come back to Community Planning, and if it is something simple, Community Planning would handle and it wouldn't come back before the Commission.

Mr. Singh deferred to Ms. Doxey, but indicated that if it was a change that directly relates to discussion here, then it would come back to the Planning Commission. He then deferred to Ms. Nelson.

Ms. Nelson indicated that the other cover options were not initially addressed in the application. She suggested the Commission indicate something along the lines of “…..or other DEC approved cover methodology”, and that way it would be permissible under the current condition and not have to come back before the Commission.

Ms. Thayer questioned again why a certain condition for coverage amount would be placed as a condition if DEC is providing that background.

Ms. Nelson replied that DEC does not require how often cover is required except when it is inactive (Condition #9) which is in Alaska Statutes, so in discussions with DEC, weekly cover is at the very conservative end of the spectrum; daily cover is too restrictive, bi-weekly is okay, but the “as needed” is not regulated and is up to the applicant. She further explained the basis for the 6” in discussions with other communities.

Ms. Thayer stated that there are different kinds of waste, for instance the general landfill rubbish, so inquired if “apples to apples” were being compared.
Ms. Nelson responded affirmatively that discussions were specifically on construction monofils.

Ms. O’Neall inquired then if proposed Condition #9 would read, intermediate cover as per the ADEC permit.

Ms. Nelson responded that the Commission could chose to eliminate Condition #9 because there is State Law that says 90 days which essentially winter months, but Condition #8 helps mitigate when cell is active.

Ms. O’Neall asked Mr. Singh if their business model includes the buying and selling of tires, would that constitute a change in the conditions requiring it to come before the Commission.

Mr. Singh asked for clarification of the question.

Ms. O’Neall restated that if they were to expand their operation in a way that they have in their Anchorage location.

Mr. Singh indicated that Condition #3, as written, would require them to if they are disposing of tires other than the berm construction.

Mr. Peterson speculated that although DEC is not very specific on the cover, they certainly are very specific on the trash leaving the site, and there has not been a problem with that occurring.

Mr. Singh explained the lack of specificity in the application and generally his lack of knowledge of the Alaska Administrative Code. He further explains the language related to litter and nuisance related to trash and standards for creating such conditions.

Mr. Thayer questioned the use of term “for the next 42 years”, but recalls early statements about there being no limit on the term of the proposed conditional use permit.

Mr. Singh replied that there is no end date for the conditional use permit, but the life of the monofil is 42 years as stated in the application.

Mr. Jacques stated that we are trying to regulate something that DEC already regulates, and one of his concerns is that DEC puts a lot of effort into the wording of their regulations. He further indicated that DEC sends that wording out for review to public hearing, legal, etc., and is concerned that there isn’t that process here. He provided an example of the problem with wording, but reading Condition #8 which requires “weekly” cover, so questions if that really means 52 weeks out of the year and doesn’t indicate “when operational”.

Mr. Singh responded that in discussions with DEC that requirement is when you have an active cell, so that is why the language is as written, “uncovered, non-asbestos waste”, because if it has already been covered and project ends, you do not have to put the fill.

Ms. Nelson stated that Staff did have extensive discussions about establishing a sunset date versus more extensive conditions. She further explained the basis for the conditions in meeting the community concerns.

Mr. Guinn indicated that the Applicant indicated the cover does not have to be 6” and could be a tarp, is that something Staff can work with.
Mr. Singh replied that the Department would be okay with any DEC approved cover material, but still believes a timeframe is needed for health, safety, and welfare.

Mr. Guinn inquires if Staff is looking for Commission to develop or if Mr. Singh could go back and work with the Applicant to develop new conditions and come back to the Commission.

Mr. Singh responded that it is up to the Commission to determine the Conditions based on the information before them.

Ms. Presler indicated that she believes the Commission should not be specifying cover because DEC does closely monitor landfill and it is there thing and not the Commission’s. She indicates her inclination to remove some of the conditions and leave it at “they must comply with DEC”.

Mr. Singh responded he would be okay if the Commissioners feel that DEC has the enforcement authority to protect health, safety, and welfare. He further stated that proposed Conditions #8 and #9 were added because it was very unclear what DEC regulates and what they do not, and DEC indicated that they require some cover as a nuisance control plan.

Ms. Presler interjected that they do inspect the landfill periodically.

Mr. Singh replied affirmatively, and indicated annually.

Ms. Presler indicated her understanding that they are being monitored and have been doing a good job, so we should let DEC continue.

Mr. Singh responded that he was okay with that and deferred further to Ms. Nelson.

Ms. Nelson stated that DEC only regulates according to State Statutes, and have heard about other construction monofils that have operated and DEC only became involved after the Borough tried to do code enforcement and was not successful. She expressed concerns on putting everything on DEC and removing the “tools from our tool kit” for enforcement, so maybe amend proposed Condition #9 to say what you want it to say, but not eliminated because DEC is not regulating “daily cover”.

Ms. Thayer asked if the FNSB is going to go out on a weekly or bi-weekly basis to confirm that this is being done.

Ms. Nelson responded that it would not unless a complaint about the site is made and then it would be inspected, and if there is evidence they are not doing what the conditions say, then they have a tool to say the Applicant is not doing what they are supposed to be doing and bring it back to the Commission.

Ms. Thayer asked if DEC would be brought in to have them fulfill what the requirements are.

Ms. Nelson responded affirmatively, but indicated if they were violating their litter control plan, but DEC might have a level of discretion that is different than what our community demands. She further indicated that it should be a partnership to ensure the operations are appropriate and not negatively impacting surrounding properties.
Mr. Perreault asked why, if there is a litter issue, we cannot use DEC’s “as needed” language for enforcement.

Ms. Nelson replied that the term “as needed” is subjective and the applicant, DEC, and the Borough may have different opinions.

Ms. Doxey interjected with a suggestion that language could include something to the effect of “cover that is adequate protect waste from blowing off site or leaving the site”, to get rid of the subjective “as needed” language. She further stated that the standard is if there is waste off site and it belongs on site, you have violated your conditional use permit.

Mr. Perreault responded by asking whether or not it is enough that the site needs to satisfy DEC requirements and if we feel they don’t, do they have to violate to ADEC’s requirement to fail the requirement.

Ms. Nelson replied that it depends on how the condition is written. She further asks Mr. Singh if they received a copy of the Litter Control Plan.

Mr. Singh indicated they do have it and it is at pages 124 and 130 of packet.

Ms. Nelson responded that in her experience in enforcement and in writing conditions, specificity is necessary to ensure the Applicant knows their responsibility and that if there is an issue it can be enforced.

Mr. Muehling asked how much of the landfill requires covering every week and how large of an area requires covering.

Mr. Jacques explains the varying requirements based on type of waste and explains how waste is built up in conforming to requirements. He further questions whether the Borough already has litter enforcement authority.

Mr. Muehling stated that the cover is not just litter control; it is also ground water protection.

Mr. Jacques responded that that is Mr. Singh’s statement; not his.

Mr. Muehling again asked how large of an area requires coverage.

Mr. Jacques indicated that most of the landfill is already covered. He further stated that at a given time, it might be an acre or two acres; the stuff behind it would have already been covered.

Ms. Nelson stated that proposed Condition #8 states that it shall not exceed more than 5,000 square feet at any time of uncovered waste and the Applicant indicated to Mr. Singh that they never have more than that.

Ms. Mears spoke up that there are other areas of the landfill, but the 5,000 square feet is the working face.

Ms. Doxey asked for someone to point her to where in the record it refers to the 42 year life span.
Mr. Singh replied that Exhibit 11 on page 73 which is a table from the Applicant which indicates the 42 year life of the monofil.

Applicant’s Rebuttal

Mr. Jacques stated that there has been reference to this being an open-ended permit, and reminded everyone that every five (5) years they have to go before DEC. He provided a scenario of if during a five (5) year period there was a litter complaint that matter would be brought up at the next five (5) year timeframe. Here reiterated that there is a set of established regulations and that is what they should be held to.

(Five (5) minute break)

Ms. Presler reconvened the meeting and reminded everyone of Robert’s Rules of Order which indicates that each Commissioner can address a certain topic no more than twice.

Mr. Guinn stated that the Applicant cannot be satisfied by proposed Condition #6 with the 15’ height, and the fact that it has not been addressed yet.

Ms. Presler asked the Applicant that if the language concerning the 15’ were changed to read that the height of the berms would be constructed to be 1’ to 2’ above the top of the debris, that that would be acceptable.

Ms. Mears believes the proposed language gets there without putting a specific number in there.

Ms. Presler offers Applicant Further Rebuttal

Ms. Mears clarified that on proposed Condition #6 that that is the waste as going up immediately adjacent to the waste. She further indicates that their June 2nd response to the Staff Report are all still valid and within DEC.

MOTION: To approve CU2017-017 for a sanitary landfill with the following conditions by Ms. Presler:

1. 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 State of Alaska Department of Environmental Conservation (ADEC), the applicant or holder of this conditional use permit shall ensure that the site meets all solid waste disposal permitting requirements for a private construction and demolition debris solid waste disposal facility.
   b. The applicant or holder of this conditional use permit shall obtain and maintain approval of the ADEC’s Division of Water for a General Permit for Storm Water Discharges for Construction General Permit Activity (Construction General Permit) of which, the Storm Water Pollution Prevention Protection Plan (SWPPP) is a component. The applicant or holder of this conditional use permit shall provide a copy of the approved SWPPP to the Department of Community Planning.
   c. The applicant or holder of this conditional use permit shall dispose all Non-Regulated Asbestos-Containing Materials (Non-RACM) and Regulated Asbestos-
Containing Materials (RACM) complying with all applicable local, state and federal laws.

2. The applicant or holder of this conditional use permit shall only dispose of inert construction and demolition material in the monofill but excluding PCB Waste or other Hazardous Wastes, Household Waste, Putrescible Waste, Liquids, Compressed Gas Cylinders, Batteries, Appliances with CFC/HCFC, Chemical Waste, Animal Carcasses, Petroleum Contaminated Materials and Polluted Soils.

3. The applicant or holder of this conditional use permit shall ensure that the site has emergency fire response service.

4. The applicant or holder of this conditional use permit shall maintain a 15 foot wide dense vegetative buffer along all property lines.

5. The applicant or holder of this conditional use permit shall construct earth berms along the proposed outer 'limit of monofill waste'; the height of these berms shall be higher than the top of the debris.

6. The applicant or holder of this conditional use permit shall construct an 8 foot fence, or a 4 foot fence on top of a berm on all sides of any open cell. The combined height of the berm and the fence shall be no less than 8 feet in total. The fence and/or the berm shall be constructed before any waste is placed in an open cell and must be maintained until the waste material in a cell is fully covered and reclaimed.

7. The applicant or holder of this conditional use permit shall spread native soil over the top for a minimum of two feet once a cell is full and revegetate with renewable vegetation within two years after closure of each cell.

8. If any modifications are made to the site plan, operations plan, or other FNSB required documents, 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).

9. Monofill waste shall not be allowed to blow off site.

Seconded by Ms. Thayer.

Discussion on the Motion

Mr. Billingsley stated that the Motion recommended approval, whereas it should be seeking to approve.

Ms. Presler clarifies her Motion was to approve.

Ms. Thayer indicates her second also included approving.

Ms. Presler indicated she removed #3 because it is a construction and debris monofil and tires are not necessary to consider, there hasn’t been tires litter in the site, and Applicant pointed out that it is not a municipal waste site (an inert debris landfill). She further explained her belief that
it should not be their place to dictate how they cover the material or if they cover the material which is why she added the new condition, so the Borough has the ability to enforce. She further addresses the health, safety and welfare aspect in that the Applicant will be contracting with Salcha Fire and Rescue, has utilities available (even though may not be required), conforms to the intent of Title 18, and is consistent with the Open Space and Natural Air Comprehensive Plan.

**Ms. Doxey** indicated she did not hear anything about adopting Findings of Fact with the motion.

**MOTION:** To Amend Motion to Approve to adopt the three (3) Findings of Fact by **Ms. Presler** and seconded by **Ms. Thayer**.

**MOTION:** To Strike Findings of Fact 3I from the record by **Mr. Perreault** and seconded by **Mr. Peterson**.

**Discussion on the Motion to Strike**

**Mr. Perreault** stated he made the Motion in order to match the Findings of Fact with the Conditions put forth for this permit.

**VOTE:** The Motion to Strike Findings of Fact 3I was passed without objection.

**VOTE:** The Motion to Amend the Motion to Approve to Adopt the Findings of Fact passed without objection.

**Mr. Muehling** requested that main Motion be restated.

**Ms. Presler** restated the Conditions that are part of the Motion to Amend and her justification for the changes from Staff’s recommended Conditions.

**Mr. Muehling** questioned whether 8 or 9 were included.

**Ms. Presler** responded that she did not, and explained how they were already addressed by DEC regulated.

**Mr. Perreault** stated his support of the Motion and believes it allows ADEC to be the arbiter while still allowing the Borough the ability to enforce. **Ms. Thayer** illustrates her support and points to the Applicant’s compliance during the past five (5) years.

**Mr. Muehling** stated that the 100% by ADEC indicates their compliance, but is concerned that this property is in their back yard and would have like to see a higher stand and a condition requiring cover every two (2) weeks.

**Ms. Doxey** clarified that she did not see anything in the permit limiting the permit to expire at the end of the 42 year life and that the permit runs with the use of the land.

**ROLL CALL**

Eight (8) in Favor: **Mr. Billingsley, Mr. Peterson, Mr. Whitaker, Mr. Guinn, Ms. O’Neall, Ms. Thayer, Ms. Presler, and Mr. Perreault**
G. PUBLIC HEARING

1. **RZ2017-005**: A request by Patrick Smith on behalf of the City of Fairbanks to rezone Lot 2, Tanana Chiefs Medical Center Subdivision and Tract L, ASLS80-64 from Single-Family Residential 10 (SF-10) to General Commercial (GC) or other appropriate zone (located south of Eagan Ave and west of Lathrop Street).

Mr. Singh gave his Staff Report and presentation recommending preliminary approval of the rezone from Single-Family Residential 10 to General Commercial with twelve (12) findings of fact in support of approval.

**Questions from Commissioners**

Mr. Perreault asked for clarification that the plan is to open Lathrop Street to now access the proposed expansion of the parking lot for Chief Andrew Isaac Center.

Mr. Singh replied that they are certainly open for access, but the City has indicated that they will not provide any vehicular access of that parking lot on Lathrop Street, and they will continue to access the facility, including the new parking lot, from Cowles Street.

Mr. Perreault asked about development of the plotted, but not yet developed, Eagan Avenue.

Mr. Singh responded that Eagan Avenue is on the map, but it is not constructed.

Mr. Perreault stated that then there are no plans in this expansion to construct it.

Mr. Singh responded affirmatively.

Mr. Perreault inquired if there was any discussion concerning this pocket of two (2) family surrounded by GC to make this expansion not to GC, but to LC as a buffer.

Mr. Singh replied that there were internal discussions and explained and drew attention to the plan on zoning it GC and not LC.

Ms. Thayer asked about the colored lines on the zoning map of the area, and asked if the intent was to vacate portions of those as part of replat.

Mr. Singh clarified that the red line is the property boundary, but when you rezone something, the rezone boundary (which is a hypothetical line) goes to the middle of the road. He further explains how the rezone will work if approved.

Ms. Thayer asked if any discussions took place requesting a portion of Eagan Avenue be vacated, if not going to be developed, to give them more room.

Mr. Singh responded that that was not part of discussion.
Mr. Billingsley asked if the City planned to transfer the property to TCC.

Mr. Singh indicated the intent is to transferring the property to TCC after the rezoning to double the parking lot.

Mr. Billingsley asked if that was only the lot on the right.

Mr. Singh indicated that they are dividing the lots, and selling a portion of lot 2 which is 3.5 acres to TCC with the City keeping the remaining portion.

Mr. Billingsley asked if there are any other restrictions on how this property gets used if rezoned to GC which allows basically anything.

Mr. Singh responded that there may be some confusion on GC versus GU-1; GU-1 allows for anything but certain conditional uses, such as a nuclear power plant.

Mr. Billingsley stated that the jail could expand to this lot if the City decided to sell to FCC.

Mr. Singh indicated he would need to check if a jail is an allowable use.

Mr. Billingsley stated his point is that there is nothing binding them to make this into a parking lot as opposed to something else.

Mr. Singh replied that when something is rezoned, it is open to all the allowed uses and conditional uses allowed in that zone.

Mr. Patrick Smith provides history of ownership since 1938 and have had many offers of purchase from the public which have all been denied, until now with the healthcare program offered to Native Alaskans through the Chief Andrew Isaac Health Center which was the final factor in the City to engage. He stated that parting with the space is painful to the City due to the lack of snow dumping areas they will be losing. He further explained the plan to acquire other properties to ensure no net loss in dumping grounds, and explained access and use to the site now and in the future, and explained the community and social benefits of healthcare.

Questions by the Commissioners

Mr. Billingsley asked for clarification that the City will still utilize this site for snow storage just beyond the portion conveyed to TCC.

Mr. Smith replied his understanding was correct.

Mr. Billingsley stated that it would be a diminished amount of snow storage compared to what it was before.

Mr. Smith responded that they will be losing some, but will be able to still maintain a healthy visual and acoustical buffer to the North.

Mr. Billingsley asked Mr. Smith if he knew if TCC expects to have access to the parking lot from Lathrop.
Mr. Smith replied that they would use their existing access on the South, but has been approved yet, and explained the City’s process and involvement in future development of the parking lot.

**Opened Public Testimony**

Ms. Melissa Farmer expressed her concerns about Eagan Avenue involving more foot traffic and loitering from visitors of TCC. She indicated that there is already a lot of car loitering as a result of the movie theater and medical center next to movie theater and the lack of lighting in the areas immediately adjacent to the proposed parking lot and parking lot itself.

Ms. O’Neall inquired if it was lighted.

Ms. Farmer replied that none of it is lighted.

Ms. O’Neall asked if the path and back of the parking lots are lighted.

Ms. Farmer stated that they were not.

Ms. O’Neall asked if the TCC current parking lot is lighted.

Ms. Farmer indicated she was unsure if it is lighted at night. She further stated that there were a lot of homeless people back there and a lot of trash.

Mr. Singh indicated that the application does include information on TCC’s lighting plans for the new parking lot.

Ms. Farmer indicated she received the letter and had no previous experience with the process.

Mr. Ben Shilling introduced himself as the Deputy Finance Officer for Tanana Chiefs. He gave a briefing on TCC’s expansion needs and plans and the suitable of the land for parking, as well as, the economic impacts that TCC has on the community.

Mr. Peterson inquired if it is just a day use facility.

Mr. Shilling responded that there are no overnights.

Mr. Peterson asked about future plans to do so.

Mr. Shilling replied that there are no current plans.

Mr. Peterson inquired about security guards.

Mr. Shilling indicated that there is 24 hours security.

Mr. Perreault asked if the lighting plan calls for overnight lights in the parking lot.

Mr. Shilling indicated they are at the very preliminary stages and that nothing has been specked out.
Mr. Perreault inquired if any consideration was given for a parking structure rather than a flat lot.

Mr. Shilling responded that the land would not support a structure.

Mr. Billingsley asked if this was expected expansion.

Mr. Shilling responded that it was always expected that would need to expand, but the schedule has been accelerated.

Closed Public Testimony

MOTION: To recommend approval of RZ2017-005 to rezone Lot 2, Tanana Chiefs Medical Center Subdivision and Tract L, ASLS 80-64 from Single-Family Residential 10 (SF-10) to General Commercial (GC) or other appropriate zone (located south of Eagan Ave and west of Lathrop Street) and adopt the staff report and twelve (12) findings of fact in support of approval by Mr. Guinn, seconded by Ms. Thayer.

Discussion on the Motion

Mr. Guinn indicated that it makes sense to make the land compatible with other land uses and believes that leaving it SF-10 may make it a spot zone.

Ms. Thayer stated her support of the rezoning upon belief that it falls within the Borough’s Comprehensive Land Use Plan and Economic Plan for Quality Healthcare to the Community, it fits within Title 18 the health, safety, and welfare for the Community providing additional services.

Ms. Presler indicates her support and states that it supports land use goals 3 and 6, it is a good compromise and good use of that land, and might be eliminating a spot zone, and it conforms to neighboring uses.

Ms. O’Neall expressed her appreciation to Ms. Farmer for her feedback.

Mr. Muehling stated that the expansion of healthcare in Fairbanks is beneficial to us as a community for our health and has economic benefits to our community, therefore offered his support.

ROLL CALL

Nine (9) in Favor: Mr. Billingsley, Mr. Peterson, Mr. Whitaker, Mr. Guinn, Mr. Muehling, Mr. Perreault, Ms. O’Neall, Ms. Thayer, and Ms. Presler

Zero (0) Opposed:

MOTION PASSED

(Mr. Whitaker departed meeting)

Ms. Nelson presented the history and development of the Vision Fairbanks Downtown Plan. She discussed the issues that arose related to compliance with such specific implementation requirements; leading to the need for the proposed Ordinance.

**Questions by the Commissioners**

Mr. Billingsley asked if repealing is going to reduce the amount of time before another plan is put in place.

Ms. Nelson replied that it would not because repealing is only one piece.

Mr. Billingsley asked what could be done to get a new plan in place sooner.

Ms. Nelson stated that resources were needed, and that they are exploring options in an attempt to get funding and technical assistance from non-profits. She further explained critical need for feedback from the Planning Commission and indicated she will be keeping the Commission advised.

Mr. Billingsley inquired about actually making improvement and not just planning for improvements.

Ms. Nelson indicated working on parallel efforts, including a parking study that will align with any downtown discussion of parking. She further stated that the Plan is not bad; it was the level of specificity that was creating issue with implementation.

Mr. Billingsley stated that if there are smaller pieces that do not need to wait on a new Plan, desires to have them brought forward.

Ms. Nelson indicated she thinks there are some small amendments to the Central Business District zone that could be addressed and stated she would put it on the 2nd meeting in July.

Ms. Thayer inquired how the Downtown Fairbanks Association feels about this matter.

Ms. Nelson indicated that they are one of the driving forces for bringing it forward, and explained issues and ways to solve those issues.

Ms. O’Neill asked if there has been any opposition.

Ms. Nelson replied that none that have been relayed to her.

Mr. Muehling inquired what the process was in developing the original plan.

Ms. Nelson detailed who was involved, level of involvement and steps undertaken to develop the original Plan.
**Opened Public Testimony**

Mr. **David Vanden Berg** introduced himself as the Executive Director of the Fairbanks Downtown Association and explained that Mayor Kassel invited them to participate and take part in development of a new plan and support of the repeal efforts.

He further provided a historical recount of the implementations efforts since the Vision Fairbanks Downtown Plan and stated his desire to add additional “whereas” clauses to address historical accuracy. He stated that the Fairbanks Downtown Association had canvased the general public and found no one opposed to repealing Vision Fairbanks Downtown Plan.

Mr. **Billingsley** asked for explanation on requested changes to the “whereas” clauses.

Mr. **Vanden Berg** replied he would like the whereas clause starting at Line 29 to read: “The concept of new zone types was integral and fundamental to the function and implementation of the Vision Fairbanks Downtown Plan”, and then change the whereas clause beginning at Line 41 from specifying City of Fairbanks and replacing it with Fairbanks North Star Borough Assembly and adding language specific to zoning. He further explained his basis for asking for these clarified whereas clauses.

Mr. **Chris Miller** introduced himself and indicated to the Commission that he had sat on the other side of the dais during approval of the Regional Comprehensive Plan and the Vision Fairbanks Downtown Plan. He explained how the Vision Fairbanks Downtown Plan, as written, has gotten in the way of projects and explained historical development and intent versus practicality in implementation.

Ms. **Nelson** stated that pages 40 and 41 of the Plan has information about the Retail Hot Spot, and a conscious decision was made not to include a “whereas” clause in the ordinance and explained the basis for that decision.

**Closed Public Testimony**

**MOTION:** A motion by **Ms. Thayer**, seconded by **Mr. Billingsley**, that the Planning Commission makes a recommendation of approval of Ordinance No. 2017-42 to the Fairbanks North Star Borough Assembly.

**Discussion on the Motion**

**Ms. Thayer** stated that it falls within the Comprehensive Land Use Plan and economic quality of development of downtown, that the Vision Fairbanks Downtown Plan was developed before its time, and falls within Title 18 in developing of economic in downtown Fairbanks.

**Ms. O’Neall** stated her support of repealing the Ordinance, and expressed her excitement in seeing a new plan development and the vision for Fairbanks.

**Mr. Billingsley** stated that in order to get business done, the parties have gone away from the plan and have navigated around the plan to get projects done, and stated his belief that the Plan has been used as a guiding tool. He further stated his priority is not necessarily repealing this Plan; rather to get a new plan in place, so he indicated his support.
Ms. Presler stated her support in repealing the Plan, and echoes Mr. Billingsley desire to get a new plan in place.

**ROLL CALL**

Eight (8) in Favor: Mr. Peterson, Ms. O'Neall, Mr. Billingsley, Mr. Muehling, Mr. Guinn, Mr. Perreault, Ms. Thayer and Ms. Presler.

Zero (0) Opposed:

**MOTION PASSED**

**H. APPEALS**

*There were no appeals.*

**I. UNFINISHED BUSINESS**

*There was no unfinished business.*

**J. NEW BUSINESS**

1. The process for determining affirmative recognition (grandfathering) of substandard sized lots.

Mr. Guinn reported that there are subdivisions within the Borough whose lot size do not meet lot size requirements, and during the sale of the property these lots are non-conforming use which require a grandfather letter and must go through the timely process, to more often than not, be approved. He requested that these known subdivisions be named and approved as substandard lots to avoid having to go through the grandfather process each time, and that staff work on an ordinance.

Ms. Nelson reported that the Mayor has brought up Mr. Guinn’s idea; unfortunately, the code is written as such, preventing the Borough from initiating subdivision wide grandfather rights affirmations, so a code amendment would be required to allow more proactive initiation. She further stated her support.

Ms. Presler inquired if the Planning department is going to initiate the amendment to code.

Ms. Nelson replied that the Mayor or the Planning Commission could request that the Planning Department initiate the code amendment.

Mr. Presler asked Mr. Guinn if he wanted to tackle the matter or wait for the Planning Department.

Mr. Guinn stated he had no preference, but requested if Community Planning could get it done, the Planning Commission would back their efforts.

Ms. Nelson indicated she would talk to the Mayor.
K. EXCUSE ABSENT MEMBERS

Ms. Thayer and Mr. Muehling stated she would be absent for the Planning Commission meeting on June 20, 2017.

L. COMMISSIONER’S COMMENTS

1. FMATS

Ms. Thayer reported that FMATS meets tomorrow, June 7th. Since Ms. Thayer will not be able to report on June 20th, Ms. O’Neall will attend the meeting on Ms. Thayer’s behalf and report to the Commission on June 20, 2017.

M. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:55 p.m.
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

CU2017-020
June 20, 2017 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission

FROM: Stacy Wasinger, Planner III

DATE: June 2, 2017

RE: CU2017-020: A request by Michael Emers on behalf of Rosie Creek Farm LLC for conditional use approval of a marijuana product manufacturing facility, limited in the Rural and Agricultural 20 (RA-20) zone on Tract A, Rosie Creek Farm Subdivision (located at 2659 Livingston Loop (on the south side of Livingston Loop, south of Rosie Creek Trail, and north of the Tanana River).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends APPROVAL of the conditional use request with three (3) conditions of approval and three (3) Findings of Fact in support of approval. The applicant has requested a conditional use permit to utilize a 20 foot by 24 foot ATCO building for a marijuana product manufacturing facility, limited in the Rural and Agricultural 20 (RA-20) zone. With conditions as proposed, the staff analysis finds that the proposed marijuana product manufacturing facility, limited will meet the intent and purpose of Title 18 and of other ordinances and state statutes, will have adequate public services and will protect public health, safety and welfare.

II. GENERAL INFORMATION

A. Purpose

To request a marijuana product manufacturing facility, limited, in the RA-20 zone

B. Location

On the south side of Livingston Loop, between Rosie Creek Trail and the Tanana River

C. Access

Livingston Loop

D. Size/PAN

<table>
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<th>Acres</th>
<th>PAN</th>
</tr>
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<td>35.55</td>
<td>0549495</td>
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E. Existing Zone

RA-20 (approximately 26.6 acres, accessed through approximately 8.9 acre RE-4 portion of lot)

F. Existing Land Use

Marijuana cultivation facility, outdoor limited

G. Surrounding Land Use/Zoning

North: Zoning: RE-4
        Land Use: Residential
South: Zoning: GU-1  
Land Use: Vacant/Tanana River

East: Zoning: GU-1  
Land Use: Vacant

West: Zoning: RA-40  
Land Use: Vacant

H. Community Facilities  
Water and Sewer: private  
Electricity: GVEA

I. Code Violations  
None on file

J. Flood Zone  
X (91%), A (9%) (March 17, 2014 dFIRM)

K. Zoning History  
Unrestricted Use (UU) through the adoption of Ord. No. 67-34 on March 28, 1968

Unrestricted Use (UU) to General Use 1 (GU-1) with Ord. No. 88-010, effective April 25, 1988

General Use 1 (GU-1) to Rural and Agricultural 20 (RA-20) with Ord. No. 2015-43, adopted August 27, 2015

L. Ownership  
Rosie Creek Farm LLC  
P.O. Box 181  
Ester, AK 99725

M. Applicant  
Michael Emers  
P.O. Box 181  
Ester, AK 99725

III. ZONING AND DEVELOPMENT HISTORY

The parcel is a split zone. The portion of the subject property proposed to be utilized for this conditional use is currently zoned RA-20. It was originally zoned Unrestricted Use (UU) with the adoption of Ordinance No. 67-34 on March 28, 1968. The subject parcel was rezoned from UU to General Use 1 (GU-1) with the adoption of Ordinance No. 88-010, effective April 25, 1988. It was then rezoned from GU-1 to Rural and Agricultural 20 (RA-20) with the adoption of Ordinance No. 2015-43 on August 27, 2015.

The northern-most portion of the subject parcel contains the driveway that accesses the southern portion of the site. This portion of the site is zoned Rural Estates 4 (RE-4) and was formerly Lot 3 of the Rosie Creek Subdivision. This portion of the property is not proposed to be utilized for the conditional use.
FNSB Assessor records indicate that the property was developed for agricultural uses in 2004 (Exhibit 1). At the time, the property was zoned GU-1 and zoning permits were not required. Vegetable growing and greenhouses were constructed and agriculture continued on the site from that time until present. In 2016, Rosie Creek Farm obtained a zoning permit and state license for commercial marijuana cultivation on the site. The zoning permit was revised in May 2017 to include additional fencing within the existing fenced area to separate the vegetable growing greenhouses from the marijuana cultivation areas (Exhibit 2). Both marijuana and other crops, such as vegetables, are currently cultivated on the site. This conditional use permit application is to allow limited manufacturing operations on the site.

IV. PROPOSED USE AND PROJECT INFO

Rosie Creek Farm proposes to place a new 480 square foot manufactured building for marijuana product manufacturing, limited which requires a conditional use permit in the RA-20 zone (FNSBC18.28.020 (B)). A limited manufacturing facility is defined in Title 18 as “a legally licensed commercial marijuana product manufacturing facility as defined by state law, that packages, prepares or processes marijuana into a value-added form or product subject to testing, but excluding extraction processes utilizing hazardous substances, volatile chemicals or explosive materials or processes” and does not exceed 10,000 square feet.

Figure 1: Surrounding Land Uses
(Source: FNSB GIS, Parcels in yellow are residential uses, gray are vacant parcels, and the blue is farm use.)
Figure 1 shows the current land use of parcels in the surrounding area, based on the FNSB Assessor primary use designations. The properties directly south, east, and west of the subject property are vacant. The properties to the north are predominantly residential.

The RE-4 zone to the north represents the only sensitive use buffer required by FNSBC 18.96.240(A)(3). Commercial marijuana establishments must be at least 100 feet from residential zones. The existing cultivation operations and the proposed manufacturing building are all greater than 100 feet from this residential zone.

Hours of operation for the manufacturing are proposed to be 8 am to 5 pm, Monday through Friday. A total of eight employees, four full-time and four seasonal from May through September are proposed. All eight employees will be involved in both the existing cultivation activities on site and the proposed conditional use manufacturing activities. The proposed manufacturing processes will not utilized chemicals or hazardous materials. Manufacturing activities are proposed to be post-harvest of marijuana grown on-site. This application does not propose to process marijuana from other off-site growers. If the operation changes to include processing marijuana from other growers or product grown other than on the subject property, the applicant should submit that information to Community Planning for additional review for traffic impacts, etc. and a modification to the CU may be required. Four manufacturing processes are proposed:

1) Pre-rolls through which plant material is ground with a food mill and placed in pre-rolled paper cones;
2) Dry sift hash through which plant material is ground and sifted to collect hash;
3) Ice water hash through which frozen plant material is agitated in ice water and sifted to collect hash; and
4) A rosin press will be utilized to heat and press plant material or hash to produce oils.
Figure 2 illustrates the proposed site plan provided by the applicant. The fenced area is approximately 6.5 acres and will not be increased in size. The addition of the 20 foot by 24
foot structure for manufacturing is the only change to the site plan previously approved by zoning permit #17435 for the marijuana cultivation operation. The manufacturing building and use are the subject of this conditional use permit application.

The phasing plan provided by the applicant indicates that the farm drive will be improved in summer 2017. This drive is currently dirt with some gravel and the applicant is currently taking bids to resurface the drive and parking areas to compact gravel. Additionally, the product manufacturing building and two Conex storage units would be placed on site. After 2018, additional improvements such as a business office/operations center may be placed on the site. This structure would not be utilized for manufacturing and is not part of this conditional use permit application. Modifications to the site or the marijuana cultivation, outdoor limited use would require a zoning permit in the RA-20 zone.

A maximum of 8 employees, 4 seasonal and 4 full-time, are expected to be on-site on a daily basis. These employees are shared among the cultivation uses already existing on-site and area proposed to be shared with the manufacturing use. Sufficient parking is already available on-site for these employees; the applicant is currently taking bids to resurface the parking areas in compact gravel, along with the farm drive.

The existing driveway is not proposed to be altered. A loading area is provided on the site plan and the applicant expects approximately 2 vehicles per day, excluding employee commuting. These trips include deliveries and other farm visitors. Daily activities will include the existing outdoor cultivation activities, harvesting, processing, and packaging of crops. Marijuana plant waste material is rendered unusable, then composted and reused on site. Waste material other than plant material will be disposed of in the borough landfill.

Water from the ice-water hash extraction method is the only wastewater expected from the product manufacturing use. The applicant states that this water will have all cannabinoids removed via the hash manufacturing process. The resultant water will be disposed of on site in a buried gravel pit within the fenced area. ADEC was provided the application materials and did not indicate concern regarding waste or wastewater disposal. However, because the wastewater discharge is specific to marijuana waste, staff recommends a condition that the applicant shall comply with any required ADEC permit review requirements and regulations.

Odor from the manufacturing operation is expected to be minimal. The outdoor marijuana cultivation operation already exists on the site. Additionally, the vegetable growing operation uses “pungent fish based fertilizers” in its operations and has received no complaints from neighbors. The manufacturing facility is more than 200 feet from the nearest property line, which will also lessen the impact of any odor from this use.

Due to the outdoor seasonal nature of the outdoor cultivation operation, existing lighting on the site is at the main gate, farm office, and the vegetable processing shed. Outdoor lighting will be provided for the manufacturing building as required for security, including motion detector lighting. The manufacturing building is more than 200 feet from the nearest property line. The application materials show that outdoor lighting complies with FNSBC 18.96.140, which states that “Lighting, glare and general illumination shall not be directed towards residentially zoned properties other than that property from which the lighting, glare and general illumination originates.”
V. **APPLICABLE APPROVAL CRITERIA**

Conditional Uses are governed by the following provisions of Title 18, Fairbanks North Star Borough Code of Ordinances:

18.104.050 (C) Hearing and Decision by the Planning Commission

*The planning commission shall review, hear and decide whether or not to approve a request for a conditional use. The planning commission shall also consider and adopt findings in each of the following:*

1. *Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state statutes;*

2. *Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use;*

3. *Whether or not the proposed conditional use will protect the public health, safety and welfare.*

*The planning commission may approve or deny a conditional use request or may approve a conditional use request with conditions to ensure the protection of the public health, safety and welfare. Such conditions may relate to any, or more, of the following: traffic flow and access requirements, lighting, pedestrian movements, time limits for commencing or ceasing use.*

Conditional Uses for marijuana establishments are also governed by FNSBC18.96.240

VI. **Public Notice**

There were 43 dear property owner notices mailed out and staff received two inquiries about this conditional use.

VII. **Agency Comments**

The FNSB Department of Community Planning contacted following agencies for comments:

a. State Fire Marshal  
b. Chena Goldstream Fire Service Area  
c. Alaska State Troopers  
d. Alaska Department of Transportation and Public Facilities (ADOT&PF)  
e. FNSB Rural Services  
f. Becker Ridge Road Service Area  
g. FNSB Floodplain Administrator  
h. FNSB E-911 Addressing  
i. Alaska Department of Environmental Conservation (ADEC) (Water/Wastewater Division)
j. Alaska Department of Environmental Conservation (ADEC) (Solid Waste Division)
k. Alaska Department of Fish and Game (ADF&G)
l. US Army Corp of Engineers
m. Golden Valley Electric Association (GVEA)

As of the date of this report, no agency comments returned have indicated concern or conflict with the proposed conditional use. All written comments are included in the “Agency Comments” section following this report.

VIII. STAFF ANALYSIS

A. Zoning and Comprehensive Plan Designation

A marijuana product manufacturing facility, limited is permitted by conditional use in the RA-20 zone (FNSBC18.28.020 (B)). The RA-20 zone is “intended for agricultural uses of land for very low density residential development. These districts are intended for areas where community sewer and water systems are unavailable.” This zone also permits uses such as single-family and two-family residential, agricultural uses, outdoor marijuana cultivation, limited, kennels, etc. Required setbacks in the RA-20 zone are 35 feet from the front property line and 10 feet from the side and rear property lines. Outdoor marijuana cultivation is also required to be at least 50 feet from property lines pursuant to FNSBC 18.96.240(B)(1).

The comprehensive plan designation for the subject parcel is “Outskirt Area” and “Preferred Residential Land”. Outskirt Area is defined as “[a]rea generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged provided they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities. Other uses include agriculture, and supporting commercial uses.” The area is also designated as “Preferred Residential Land”, which is defined as “[l]and determined to be more suitable than other lands for development because it is generally: a) on slopes of 20% or less, b) not designated wetlands, c) has a lower probability of containing detrimental permafrost conditions.”

The proposed conditional use will utilize an on-site well and a 1,000 gallon buried sewage tank. An outhouse and a bathroom facility in the manufacturing building are provided for employees. The factors, such as slopes, that make the land suitable for development as residential also apply to the existing agricultural uses and proposed associated manufacturing facility.

The application materials align with Land Use Goal 4, Strategy 10 of the FNSB Regional Comprehensive Plan, which is to “attract and support development that is compatible with and enhances existing land use”. The subject parcel is already in operation as an agricultural facility, including marijuana cultivation. The proposed manufacturing use would help support that agricultural use. Additionally, the application aligns with Economic Development Goal 1 to “strengthen and expand the existing economy.” This manufacturing use would support the existing marijuana cultivation use and the new marijuana industry.
Figure 3 shows the zoning of the surrounding area. There is RE-4 zoning to the north, RA-40 to the west, and GU-1 to the south and east.

B. Transportation Facilities

Circulation and Transportation

The proposed site will have a maximum of 8 employees, including those shared among the marijuana cultivation, marijuana manufacturing, and vegetable growing operations. The applicant states there will be approximately 2 additional vehicles on-site, including deliveries and farm visitors. Nine parking spaces have been provided on-site, exceeding the required six spaces for the proposed eight employees. Livingston Loop provides access to the site and is in the Becker Ridge Road Service Area. This marijuana product manufacturing land use is not expected to generate many additional vehicle trips beyond the existing uses on the site. The existing transportation facilities are sufficient to accommodate any additional trips.

1 Sections of this staff report involving transportation related reviews include comments and feedback from Kellen Spillman, Deputy Director, and Donald Galligan, Transportation Planner, after a review of the application materials with FNSB Planner Stacy Wasinger.
Table 1: Trip Generation Summary

<table>
<thead>
<tr>
<th>Existing and proposed land use</th>
<th>Size/employees</th>
<th>Closest related land use in ITE Trip Generation Manual</th>
<th>Trip generation standard in ITE</th>
<th>Weekday trip ends</th>
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</thead>
<tbody>
<tr>
<td>Proposed marijuana product manufacturing facility, limited</td>
<td>480 sq.ft.</td>
<td>Light Industrial</td>
<td>6.97 trip ends/1,000 sq.ft</td>
<td>3.35 trip ends</td>
</tr>
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C. 18.104.050 (C) Hearing and Decision by the Planning Commission

(1) **Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state statutes;**

**Purpose of FNSBC Title 18:** The purpose of Title 18 is “to implement the Fairbanks North Star Borough comprehensive plan” (FNSBC 18.12.020). The comprehensive plan designation for the subject parcel is “Outskirt Area” and “Preferred Residential Land”. Outskirt Area is defined as “[a]rea generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged provided they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities. Other uses include agriculture, and supporting commercial uses.” The area is also designated as “Preferred Residential Land”, which is defined as “[l]and determined to be more suitable than other lands for development because it is generally: a) on slopes of 20% or less, b) not designated wetlands, c) has a lower probability of containing detrimental permafrost conditions.” The factors, such as slopes, that make the land suitable for development as residential also apply to the existing agricultural uses and proposed associated manufacturing facility.

The application materials align with Land Use Goal 4, Strategy 10 of the FNSB Regional Comprehensive Plan, which is to “attract and support development that is compatible with and enhances existing land use”. The subject parcel is already in operation as an agricultural facility, including marijuana cultivation. The proposed manufacturing use would help support that agricultural use. Additionally, the application aligns with Economic Development Goal 1 to “strengthen and expand the existing economy.” This manufacturing use would support the existing marijuana cultivation use and the new marijuana industry.

With conditions as proposed, the proposed conditional use will be compatible with the existing uses in the surrounding area such as the existing agricultural activities on-site and adjacent residential uses. Appropriate conditions will help mitigate impacts and increase compatibility.

**Intent of FNSBC Title 18:** The intent of Title 18 is “to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and

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safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise; and to divide the borough into districts (FNSBC 18.12.020)."

This conditional use proposal is to include a marijuana product manufacturing facility on the subject site that already contains marijuana and vegetable cultivation activities. Other conditional uses permitted in the RA-20 zone include cemeteries, professional offices, public dumping sites, etc. The public notification, public hearing procedures and approval criteria for conditional uses protect the property rights of the surrounding property owners.

Noise and odor created by manufacturing processes are potential impacts that could possibly cross property lines. However, the manufacturing activities would occur in an enclosed and ventilated structure. Hours of operation are proposed to be 8 am to 5 pm, Monday through Friday. Additionally, odor, if any, would be minuscule compared to the outdoor cultivation activities on-site, which are not the subject of this conditional use. Staff recommends a condition to include appropriately-sized odor filtration systems in the manufacturing facility to minimize the odor impact of the conditional use.

The proposed marijuana manufacturing facility is not expected to generate many additional vehicle trips and the existing transportation facilities are sufficient to serve the use. Portions of the parcel are in the floodplain and may contain some wetlands. The applicant states that development is not proposed in these areas and that the wetlands are outside of the existing fenced area. Staff recommends a condition that any development in floodplain or wetland designated areas obtain appropriate permits from relevant agencies. No runoff is expected from the manufacturing use beyond that from the roof. This runoff is expected to be absorbed on-site because the building is more than 200 feet from any property line and the runoff is not collected or channeled to point discharge.

The application material and the narrative for this proposal demonstrate that it meets the intent of Title 18 because the public process for a conditional use helps protect property rights. With the conditions imposed, the application promotes the public health, safety and general welfare of the residents of the borough because the proposed use will be compatible with the existing surrounding land uses and zoning.

Alaska State Statute and Other Ordinances: The site is required to meet local, state, or federal requirements, including State Fire Marshal requirements. These agencies had an opportunity to review the application materials and no comments were received expressing concern about the conditional use. The proposed conditional use complies with the FNSB Comprehensive Plan and other ordinances.

(2) Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use;

The applicant has demonstrated that the proposed conditional use has adequate power supply from GVEA. The proposed conditional use has an on-site well and will utilize a sewage holding tank for waste water. The proposed conditional use will utilize an on-site well and buried sewage tank. An outhouse and a bathroom facility in the manufacturing building are provided for employees. Staff recommends a condition that all appropriate ADEC reviews and approvals be obtained.
This use is not expected to generate many additional trips. The driveway provides adequate access, parking meets Title 18 requirements, and the on-site circulation is adequate. The applicant states that the drive and parking areas will be surfaced in gravel, meeting Title 18 requirements. Existing off-site transportation facilities are sufficient to accommodate the trips generated.

The proposed conditional use is in a fire service area and Livingston Loop is in a road service area. Waste materials will either be composted on site or disposed of properly in the FNSB landfill.

(3) **Whether or not the proposed conditional use will protect the public health, safety and welfare.**

With the conditions imposed, the application promotes the public health, safety and general welfare of the residents of the borough because the proposed use does not create traffic or fire hazards.

Noise and odor created by manufacturing processes are potential impacts that could possibly cross property lines. However, the manufacturing activities would occur in an enclosed and ventilated structure. Hours of operation are proposed to be 8 am to 5 pm, Monday through Friday, limiting potential noise impacts to daytime hours with lesser impact on residential uses. Additionally, odor, if any, would be miniscule compared to the outdoor cultivation activities on-site, which are not the subject of this conditional use. Refuse will be properly disposed of by composting or being disposed of in the FNSB landfill. Staff recommends a condition to include appropriately-sized odor filtration systems in the manufacturing facility to minimize the odor impact of the conditional use. Dust impacts from the conditional use are not expected. The drive and parking areas are proposed to be gravel, which will minimize dust impacts.

The proposed use of a marijuana manufacturing facility is not expected to generate additional vehicle trips and existing facilities are sufficient for the use. Portions of the parcel are in the floodplain and may contain some wetlands. The subject property is 91% in flood zone ‘X’ (protected by levee) and 9% in flood zone ‘A’. Properties within the designated floodplains and floodway have additional requirements established by the Title 15 of the Borough code to ensure structures are safe from potential flooding. No existing structure, including the fence, appears to be constructed in the floodway, which is on the southern portion of the property adjacent to the Tanana River. Designated floodplains and the floodway in the Borough are subject to periodic inundation of floodwaters, which could cause loss of life or property, health or safety hazards. The applicant states that development is not proposed in these areas and that the wetlands are outside of the existing fenced area. The current proposal is within the existing fenced area and does not include any construction in the floodplain. Therefore, Community Planning staff recommends the subject property complies with Title 15 regulations to protect public health, safety and welfare.  

No runoff is expected from the manufacturing use beyond that from the roof. This runoff is expected to be absorbed on-site because the building is more than 200 feet from any property line and the runoff is not collected or channeled to point discharge.

---

3 Sections of this staff report involving floodplain related reviews include comments and feedback from Nancy Durham, FNSB Floodplain Administrator, MURP, CFM after a review of the application materials.
The proposed conditional use will have a safe traffic flow because the existing transportation facilities are adequate for any additional trips generated. The proposed conditional use is not expected to impede vehicular and pedestrian traffic on the surrounding roads. The existing driveway will be utilized and sufficient parking, loading, and maneuvering space is available on site.

The site is within the Chena Goldstream Fire Service Area. The buildings on the site meet both zoning setbacks and are at least 10 feet apart, which allows adequate fire separation distance.

Because this conditional use approval is for a particular use of the said property, a change in the site plan or operation method or expansion may result in increased impacts or trigger a public health, safety and welfare concern which have not been analyzed as part of this conditional use permit. Therefore, Community Planning staff recommends a condition to file final site design plans with Community Planning to ensure compliance with Planning Commission approved site plan and conditions. If modifications are made in the final site designs or operational characteristics, an amendment to the conditional use permit may be required.

IX. **RECOMMENDATION**

Based on the staff analysis, the Department of Community Planning recommends **APPROVAL** of the conditional use permit request for a marijuana product manufacturing facility, limited on Tract A in the RA-20 zone with three (3) conditions.

X. **CONDITIONS**

1. Prior to the commencement of operations, 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 that the site meets all licensing requirements for a commercial marijuana product manufacturing facility.

   b. The applicant or holder of this conditional use permit shall obtain any required formal plan review by the State of Alaska Department of Environmental Conservation (ADEC), Division of Water, Wastewater Discharge for their non-domestic wastewater discharge proposal 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 any required floodplain permits or US Army Corp of Engineers wetland permits.

   d. 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.
2. Indoor product manufacturing rooms or portions of the building shall be equipped with appropriately sized odor filtration systems such that the marijuana odor shall not be detectable by the public from outside the manufacturing facility.

3. If any modifications are made to the site plan, floor plan, operations, or other FNSB required documents, 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).

XI. FINDINGS OF FACT

The Department of Community Planning further recommends the following Findings of Fact in support of approval:

1. The proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes because it will conform to Title 18 requirements as a conditional use in the RA-20 zone.
   a. The conditional use is consistent with the Outskirt Area designation. With appropriate conditions, the conditional use is compatible with the existing land uses. The purpose of Title 18 will be met because the proposed use supports Land Use Goal 4, Strategy 10 of the FNSB Regional Comprehensive Plan, which is to “attract and support development that is compatible with and enhances existing land use”. The use also aligns with Economic Development Goal 1 to “strengthen and expand the existing economy.”
   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 by allowing a land use compatible with the existing agricultural uses. Additionally, no traffic hazards, fire hazards, or other safety hazards will be created by the conditional use.
   c. The applicant has provided information sufficient to show they intend to meet all local, state, and federal laws.

2. 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 conditional use has an existing on-site well and sewage holding tank.
   b. The site is served by the Chena Goldstream Fire Service Area and Livingston Loop is served by the Becker Ridge Road Service Area.
   c. The use is not expected to generate many additional trips but existing facilities are adequate for any additional trips. The use will not impede vehicular and pedestrian traffic on the surrounding roads because they have adequate capacity for current and future vehicular trips.
   d. Adequate on-site parking is provided that meets Title 18 requirements.

3. With the conditions imposed, the conditional use will protect public health, safety, and welfare as the marijuana manufacturing facility, limited will comply with Title 18 standards for the RA-20 zone.
a. It is compatible with the existing agricultural uses on site and other adjacent uses.
b. No off-site stormwater runoff is expected from the manufacturing facility as any runoff is expected to be absorbed on site since the manufacturing building is more than 200 feet to any property line.
c. The hours of operation minimize noise impacts associated with the operation of the manufacturing equipment. Odor is not expected to increase with the manufacturing use but an odor filtration system will minimize any impacts.
d. Lighting is not directed at any residentially zoned parcel and the manufacturing building is more than 200 feet from any property line.
e. The site is partially in the floodplain but no development is proposed in this area. Appropriate floodplain and other permits will be obtained as required for future development.
f. The conditional use does not create any fire, traffic, or public safety hazards.

DRAFT PLANNING COMMISSION MOTION:

I move to approve the Conditional Use Permit for a marijuana product manufacturing facility, limited on Tract A with three (3) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval.
Public Hearing sign posted May 31, 2017

Livingston Loop, west from driveway
Drive area to fenced entrance

Existing outdoor cultivation on southeast portion of site
Existing greenhouses and cleared area

Cleared area for manufacturing building
#0599495

**Owner:** Emers + Hornig  
**Property Address:**

| IMPROV TYPE | ROOF TYPE | ROOF COVER | PLUMBING | BASEMENT | FOUNDATION | FRAME | HEATING METHOD | HEATING SOURCE | MISC. PLB. | ELECTRICAL | FIREPLACES | GARAGE TYPE | INTERIOR FINISH | PORCHES & DECKS | OTHER BLDGS. MISC. | AREAS | FLOOR | ROOF | HEAT | AGE | COND: | OTHER |
|-------------|-----------|------------|----------|----------|------------|-------|----------------|----------------|-----------|------------|------------|-------------|----------------|------------------|------------------|-----------------|-------|-------|------|------|-----|-------|--------|
| # Stories  | Gab.      | Asph. Shingle | # 4 Fix  | Full     | Concrete   | Walls  | Baseboard      | Oil            | Hot Tub   | Wired      | Green House | Floors       | Green House     | 2nd Sty.        |                  |       |       |      |      |     |       |        |
| Bsm't      | Gamb.     | Metal      | # 3 Fix  | Partial  | C/C Bk     | Radiant | Forced Duct    | Wood           | Sauna     | Amps 100    | 16' x 16'   | West         |                |                  |                  |       |       |      |      |     |       |        |
|            | Hip       | Asph. Roll | # 2 Fix  |          | All WW     | Forced Duct | Space Heat | Wood           | Spa            | Amps 200    | 16' x 36'   | North        | East         |                |                  |                  |       |       |      |      |     |       |        |
|            | A-Frame   | Shakes     | # Sgl. Fix|          | Wood Posts | Monitor | Space Heat | Multi-Fuel    | Swim. Pool   |            |            | West         |              |                |                  |                  |       |       |      |      |     |       |        |
|            | Flat      | Tar & Gravel|         |          | C/C Piers | Monitor | Space Heat | Electric Coal |              |            |            |              |                |                |                  |                  |       |       |      |      |     |       |        |
|            | Dome      | Urethane   |          |          | Pilings   | Monitor | Space Heat | Coal           |              |            |            |              |                |                |                  |                  |       |       |      |      |     |       |        |
|            | Other     | Other       |          |          | Other     | Monitor | Space Heat | Other          |              |            |            |              |                |                |                  |                  |       |       |      |      |     |       |        |
|            |           |             |          |          |           |        |              |                |            |            |            |              |                |                  |                  |                  |       |       |      |      |     |       |        |
|            |           |             |          |          |           |        |              |                |            |            |            |              |                |                  |                  |                  |       |       |      |      |     |       |        |
|            |           |             |          |          |           |        |              |                |            |            |            |              |                |                  |                  |                  |       |       |      |      |     |       |        |
|            |           |             |          |          |           |        |              |                |            |            |            |              |                |                  |                  |                  |       |       |      |      |     |       |        |
|            |           |             |          |          |           |        |              |                |            |            |            |              |                |                  |                  |                  |       |       |      |      |     |       |        |
|            |           |             |          |          |           |        |              |                |            |            |            |              |                |                  |                  |                  |       |       |      |      |     |       |        |
LOCATION: within the S 1/2 SE 1/4 Sec. 11 - NE 1/4 NE 1/4 Sec. 14 2S 31W

LAND SIZE: 35.55 Ac.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>REASON FOR CHANGE</th>
</tr>
</thead>
</table>

APPRAISAL LAND NOTES
Portions of this property have been determined to be located in Flood Zone A. See plat note #3

IMPROVEMENTS

<table>
<thead>
<tr>
<th>NOTES</th>
<th>PICTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>8'x10' U/C w/employee - 3 temp greenhouses for commercial use</td>
<td></td>
</tr>
<tr>
<td>Rosie Creek Farm. Cultivating</td>
<td></td>
</tr>
<tr>
<td>lazy portion of lot very</td>
<td></td>
</tr>
<tr>
<td>New reinforced greenhouse - 20'</td>
<td></td>
</tr>
<tr>
<td>YEAR</td>
<td>OWNERSHIP</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------</td>
</tr>
</tbody>
</table>
Fairbanks North Star Borough
Department of Community Planning
P.O. Box 71267
Fairbanks, Alaska 99707-1267
Zoning Permit Number: 17435

This permit is issued based on the lot dimensions and zone applicable to the lot on the date of issuance. If prior to construction, the zone or the lot dimensions change, this permit will no longer be valid and a new permit must be obtained.

**General Information**

*Date:* 5/8/2017
*Telephone:* 907-479-3642
*Applicant:* EMERS MICHAEL
*Cell Phone:* 907-347-1800
*Mailing Address:* PO BOX 181, ESTER AK 99725
*Email:* mike@rosiecreekfarm.com

**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 Height (stories):** 15

**Total Area of Structure:** 22,048 SF **New:** 3,744 SF **Existing:** 18,304 SF

**Lot Size:** 35.55 AC
**Est. Construction Cost:** $0

**Note:** 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 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.
- I certify that I am the owner or that I am authorized to act for the owner of the property.
- I certify that this information is to the best of my knowledge true and complete.
- I acknowledge and will comply with the conditions set forth in this zoning permit.
- I understand that the holder of this permit is required to comply with all other applicable laws, including city, borough, state and federal laws.
- I agree to submit current and accurate documents if the site plan or other application materials are changed subsequent to issuance of this permit.
- I understand that this permit is appealable and that this 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.

Applicant Signature: [Signature]
Date: 5/9/2017

---

**Zoning Specifications**

**Existing Zone:** GU-1

**Minimum Lot Size:** 40,000 sq. ft. / 0.00 sq. mi.

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

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

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

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

**Road Service Area:** Yes

**Parking Spaces Req:** 4

**Building Type:** Principal

---

**Conditions**

**Floodplain Permit Required:** No

**Conditions:** Marijuana cultivation facility, outdoor limited

**FNSB Driveway Permit Required:** Yes

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

**Permit Approval:** Approved

**Zoning Official:** Singh, M

**Date:** 2/22/2016

---

This is a Fairbanks North Star Borough Community Planning Department Zoning Permit. Please contact other departments and agencies to obtain permits as necessary.
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.

---

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.

<table>
<thead>
<tr>
<th>Licensee:</th>
<th>RCFC, LLC</th>
<th>License Number:</th>
<th>10005</th>
</tr>
</thead>
<tbody>
<tr>
<td>License Type:</td>
<td>Standard Marijuana Cultivation Facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Doing Business As:</td>
<td>Rosie Creek Farm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Premises Address:</td>
<td>2659 Livingston Loop</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>Fairbanks</td>
<td>State:</td>
<td>AK</td>
</tr>
</tbody>
</table>
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.
Section 3 – Declarations and Approvals

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

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

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.

Signature of licensee

Michael J Emers

Printed name of licensee

Notary Public in and for the State of Alaska.

My commission expires: 

Subscribed and sworn to before me this ____ day of ____________, 20____.

Local Government Review (to be completed by an appropriate local government official):

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

☐ Yes  ☐ No

A local building permit is required for the proposed changes.

Signature of local government official

D. Christine Nelson

Date

5-8-17

Community Planning Director

Printed name of local government official

AMCO Review:

Approved  Disapproved

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor

Signature of Director

Printed name of Director

Date

AMCO Comments:

[Form MJ-14] (rev 06/24/2016)
License 10005 - Rosie Creek Farm

MJ-14 Diagram Narrative

We are proposing a premises diagram change to reflect both changes in our operating plan in an accompanying MJ-15 and changes to the restricted access areas (RAA) and licensed premises areas for our standard cultivating facility, and to accommodate a new proposed product manufacturing license application.

The outer eight foot “security fence” is staying the same. We are adding fences within the outer fence that will enclose outdoor cultivation areas. These are the RAA fences. These inner fences will be the required six-feet tall and provide a visual and physical barrier.

We are also adding two more structures and one greenhouse to our licensed premises. We are adding two “marijuana storage” units that are secure 8’ x 20’ storage containers (connexes). These two containers are of steel construction and will have the required commercial grade locks and be designated as RAA’s.

The one new greenhouse ("Propagation Greenhouse") is a 20’ x 48’ structure of steel bows covered by 2 layers of greenhouse film. This will serve for seed production and will be within a RAA fence.

Instead of the entire area fenced in by the 8 foot security fence being designated as the cultivation facility’s licensed premises, we are proposing that only those areas indicated on our proposed new diagram outlined in red be the licensed premises. All other areas within the security fence (that aren’t designated as the product manufacturing facility) will be unlicensed areas.
## MJ-14 Premises diagram map key

<table>
<thead>
<tr>
<th>Description</th>
<th>Construction</th>
<th>Restricted Access Area?</th>
<th>Licensed Premises?</th>
<th>Use</th>
<th>Dimensions</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Security Fence</td>
<td>Steel posts @20’ and 12 ga. wire mesh</td>
<td>no</td>
<td>no</td>
<td>Outer security Fence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restricted access area fences</td>
<td>Wire mesh fences, w steel posts</td>
<td>yes</td>
<td>yes</td>
<td>Inner fences for restricted access areas within farm compound</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Tunnel 1</td>
<td>Steel frame and greenhouse plastic</td>
<td>yes</td>
<td>yes</td>
<td>Cannabis growing and trimming</td>
<td>96’ x 30’</td>
<td>2880 ft²</td>
</tr>
<tr>
<td>High Tunnel 2</td>
<td>Steel frame and greenhouse plastic</td>
<td>yes</td>
<td>yes</td>
<td>Cannabis growing and trimming</td>
<td>96’ x 30’</td>
<td>2880 ft²</td>
</tr>
<tr>
<td>High Tunnel 3</td>
<td>Steel frame and greenhouse plastic</td>
<td>yes</td>
<td>yes</td>
<td>Cannabis growing and trimming</td>
<td>96’ x 30’</td>
<td>2880 ft²</td>
</tr>
<tr>
<td>High Tunnel 4</td>
<td>Steel frame and greenhouse plastic</td>
<td>yes</td>
<td>yes</td>
<td>Cannabis growing and trimming</td>
<td>96’ x 30’</td>
<td>2880 ft²</td>
</tr>
<tr>
<td>High Tunnel 5</td>
<td>Steel frame and greenhouse plastic</td>
<td>no</td>
<td>no</td>
<td>Cherry Tomatoes</td>
<td>96’ x 30’</td>
<td>2880 ft²</td>
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<tr>
<td>Tomato Greenhouse</td>
<td>Wood frame and greenhouse plastic</td>
<td>no</td>
<td>no</td>
<td>Tomatoes</td>
<td>96’ x 20’</td>
<td>1920 ft²</td>
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<tr>
<td>Pepper Greenhouse</td>
<td>Wood frame and greenhouse plastic</td>
<td>no</td>
<td>no</td>
<td>Vegetables</td>
<td>40’ x 20’</td>
<td>800 ft²</td>
</tr>
<tr>
<td>Vegetable processing shed and cold storage.</td>
<td>Timber frame mostly open air. On concrete pad.</td>
<td>no</td>
<td>no</td>
<td>Vegetable processing, packing</td>
<td>40’ x 20’</td>
<td>800 ft²</td>
</tr>
<tr>
<td>Propagation Greenhouse</td>
<td>Steel frame and greenhouse plastic</td>
<td>yes</td>
<td>yes</td>
<td>Cannabis growing and seed increases</td>
<td>20’ x 48’</td>
<td>960 ft²</td>
</tr>
<tr>
<td>Product Manufacturing Facility</td>
<td>Modular building (ATCO units)</td>
<td>yes</td>
<td>Yes for proposed new product</td>
<td>Employee bathroom, (double unit)</td>
<td>20’ x 24’</td>
<td>480 ft²</td>
</tr>
<tr>
<td>Building Type</td>
<td>Characteristics</td>
<td>Insulated and/or Heated</td>
<td>Product Type</td>
<td>Size (ft²)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>----------------------------------------------------</td>
<td>-------------------------</td>
<td>-------------------------------------</td>
<td>------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ice Water Hash Production area</td>
<td>Open Air moveable tent</td>
<td>yes</td>
<td>Yes for proposed new product manufacturing facility</td>
<td>10' x 10'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Processed Product Storage</td>
<td>Steel storage container, insulated and heated</td>
<td>yes</td>
<td>product storage (concentrates)</td>
<td>8' x 20'</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>160 ft²</td>
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</tr>
<tr>
<td>Farm Office</td>
<td>Frame</td>
<td>yes</td>
<td>office</td>
<td>24' x 16'</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>384 ft²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marijuana Storage 1</td>
<td>Steel storage container</td>
<td>yes</td>
<td>Product storage</td>
<td>8' x 20'</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>160 ft²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marijuana Storage 2</td>
<td>Steel storage container</td>
<td>yes</td>
<td>Product storage</td>
<td>8' x 20'</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>160 ft²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Processed Product Storage</td>
<td>Steel storage container, insulated and heated</td>
<td>yes</td>
<td>Is the same one as above?</td>
<td>8' x 20'</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>160 ft²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Security Shack</td>
<td>Frame</td>
<td>yes</td>
<td></td>
<td>8' x 12'</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>96 ft²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Well</td>
<td></td>
<td>no</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outhouse</td>
<td>Alaska outhouse construction</td>
<td>no</td>
<td></td>
<td>32 ft²</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**General Information**

<table>
<thead>
<tr>
<th>Date: 2/29/2016</th>
<th>Telephone: 907-479-3642</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant: EMERS MICHAEL</td>
<td>Cell Phone: 907-347-1800</td>
</tr>
<tr>
<td>Mailing Address: PO BOX 181, ESTER AK 99725</td>
<td>Email: <a href="mailto:mike@rosiecreekfarm.com">mike@rosiecreekfarm.com</a></td>
</tr>
</tbody>
</table>

**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 Height (stories):** 15

**Total Area of Structure:** 22,048 SF  
**New:** 3,744 SF  
**Existing:** 18,304 SF

**Lot Size:** 35.55 AC

**Est. Construction Cost:** $0

**Note:** 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.

**VOIDED**

**DATE 5/11/17**
- I certify that I am the owner or that I am authorized to act for the owner of the property.
- I certify that this information is to the best of my knowledge true and complete.
- I acknowledge and will comply with the conditions set forth in this zoning permit.
- I am responsible for obtaining all applicable federal, state and local permits and approvals.
- I understand that this permit is appealable and that this appeal must be submitted and perfected within 15 days of the date of the decision in accordance with FNSBC 18.54.070.
- This permit is issued contingent upon the applicant obtaining the appropriate State of Alaska Commercial Marijuana facility License.

Applicant Signature: [Signature]  
Date: 3/1/2016

### Zoning Specifications

- Existing Zone: CR-1 RA20/RE4
- Minimum Lot Size: 80000 / 800,000 sq ft / 160,000 sq m
- Front Yard Req: 8' / 35 ft / 35 m
- Side Yard Req: 8' / 10 ft / 25 m
- Rear Yard Req: 8' / 10 ft / 25 m
- Flood Zone: X (91%) / A (9%)
- Road Service Area: Yes
- Parking Spaces Req: 4
- Building Type: Principal

### Conditions

- Floodplain Permit Required: No
- FNSB Driveway Permit Required: Yes
- Conditions: Marijuana cultivation facility, outdoor limited

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

Permit Approval: Approved  
Zoning Official: Singh, M  
Date: 2/29/2016

This is a Fairbanks North Star Borough Community Planning Department Zoning Permit. Please contact other departments and agencies to obtain permits as necessary.
**APPLICANT:**

**Name:** Michael Emers

**Mailing Address:** P.O. Box 181 Ester, AK 99725

**Phone:** 907-479-3642, 907-347-1800 (cell)

**Fax:**

**E-mail:** mike@rosiecreekfarm.com

---

**Property Information:**

**Legal Description:** Tract A, Rosie Creek Subdiv., RA-20 zone

**Street Address:** 2554 Longrow Loop

**Lot Size:** 3.5 acres

**Parcel Account Numbers (PAN):** 549495

**Existing Use & Structures:** Agricultural – 2 greenhouses, farm office, processing Bldg.

---

**Proposed Use/Construction:**

- [ ] Residential
- [X] Commercial
- [ ] Industrial

**Description of proposed use:** Marijuana Cultivation Outdoors Limited

If commercial, include number of employees, seating capacity, net office or sales area (sq. ft.)

- [ ] 5 employees

**Number of existing dwelling units:** N/A

**Number of proposed dwelling units:** N/A

**Total Number of dwelling units:** N/A

**Size of existing construction in square feet:** 1800 sq. ft.

**Size of proposed construction in square feet:** N/A

**Building height/number of stories:** N/A

**Estimated cost of new construction:** N/A

**Number of Bedrooms:** N/A

---

I certify that [X] (I am) [ ] (I am authorized to act for) the owner of the property.

I certify that the information included in this application is to the best of my knowledge true and complete.

I understand that processing of this application may take up to 5 working days.

I have attached a detailed site plan, drawn to scale, in compliance with the guidelines document titled “Site Plans” and the drawing is no larger than 11” x 17”.

I understand that the Zoning Permit is appealable and that said appeal must be submitted and perfected within 15 days of the date of the decision in accordance with 18.54.070.

I can be notified of the decision at the above [X] (phone number) [ ] (address).

**APPLICANT SIGNATURE:** [Signature]

**DATE:** 2/4/2019

---

The Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq, and this document may be subject to public disclosure under state law.
The intent of this application is to grow marijuana on 6 acres of our 35.5 acre acres. We are applying for a limited outdoor growing permit.

Michael Emerson 2/4/2016

907-347-1800
Hi Manish,

I'm just following up to see if there are any issues that I need to be aware of for our permit application.

Thank you,

Mike Emers
Rosie Creek Farm
907-347-1800
February 11, 2016

Michael Emers
PO Box 181
Ester, AK 99725
Via Email: mike@rosiecreekfarm.com

RE: Determination of Incomplete Application for Zoning Permit Application (ZP-17435)
   Tract A, Rosie Creek Farm Subdivision (PAN 549495)

Dear Mr. Emers:

Upon reviewing your application material for the zoning permit approval for a marijuana outdoor cultivation facility in the Rural and Agricultural 20 (RA-20) zone at 2559 Livingston Loop, we have determined that the application is incomplete per FNSBC 18.50.300 Standards for Commercial Marijuana Establishments and 18.54.060 (B) Zoning Permit Requirements. In order to complete your application, please submit the following information:

Please provide a site plan(s)/drawing(s) showing:

- Lot line dimensions
- Location of all existing and proposed buildings and structures including greenhouses, offices, employee washrooms/restrooms, etc.
- Uses of all existing and proposed buildings, structures and areas of the property (residence, barn, storage, cultivation, etc.)
- Dimensions of all existing and proposed buildings and structures including height
- Distances between all existing and proposed buildings and structures
- Setbacks of all existing and proposed buildings and structures from property lines
- Square footage area of the proposed marijuana cultivation facility
  - Location and square footage of portions of existing and proposed buildings and structures to be used for the proposed marijuana cultivation facility; if applicable
- Location and dimensions of all existing and proposed signage
- Traffic, Parking, and Circulation Elements:
  - Location, surface material and dimensions of off-street parking spaces. Off-street parking spaces are required to be at least 9' by 18', with sufficient back-up and maneuvering area such that all back-up and maneuvering actions occur on the site (FNSBC 18.50.060).
  - Location, surface material and dimensions of loading areas.
- Location, surface material and dimensions of existing and proposed driveways, including any aprons and distances to property corners.
- Location, surface material and dimensions of all traffic circulation areas including drive aisles, backing and maneuvering areas and areas where wheeled and/or motorized vehicles are proposed to travel on the site.

Please remember that the applicant has the burden of proof to demonstrate the application meets the zoning permit application and commercial marijuana establishment standards. Once the above listed materials have been submitted, and the application has been determined complete, the Community Planning Department will process the revised application within five business days from the date of a complete application.

If you have any questions, please contact Manish Singh at 907-459-1260 or via e-mail at m Singh@fnsb.us.

Sincerely,

D. Christine Nelson, AICP
Community Planning Director
Hi Mike,

Please find attached the incompleteness letter for your recent zoning permit application. Let me know if you have any questions regarding this.

Thanks,
Manish

-----Original Message-----
From: Mike Emers [mailto:mike@rosiecreekfarm.com]
Sent: Tuesday, February 09, 2016 1:37 PM
To: Manish Singh
Subject: Limited outdoor cultivation permit for Rosie Creek Farm

Hi Manish,

I'm just following up to see if there are any issues that I need to be aware of for our permit application.

Thank you,

Mike Emers
Rosie Creek Farm
907-347-1800
Thank you Manish,

Could I meet with you tomorrow and discuss exactly what you want us to do. I.e. can I draw these in myself or will I need to hire a surveyor and deliver a more complete report.

Sincerely,

Mike Emers
Rosie Creek Farm

On 2/10/16 4:13 PM, Manish Singh wrote:
> Hi Mike,
>
> Please find attached the incompleteness letter for your recent zoning permit application. Let me know if you have any questions regarding this.
>
> Thanks,
> Manish
>
> -----Original Message-----
> From: Mike Emers [mailto:mike@rosiecreekfarm.com]
> Sent: Tuesday, February 09, 2016 1:37 PM
> To: Manish Singh
> Subject: Limited outdoor cultivation permit for Rosie Creek Farm
>
> Hi Manish,
>
> I'm just following up to see if there are any issues that I need to be aware of for our permit application.
>
> Thank you,
>
> Mike Emers
> Rosie Creek Farm
> 907-347-1800
Hi Mike,

You are welcome to drop by anytime. I can explain the items listed in the incompleteness letter.

Thanks,
Manish

-----Original Message-----
From: Mike Emers [mailto:mike@rosiecreekfarm.com]
Sent: Wednesday, February 10, 2016 5:33 PM
To: Manish Singh
Subject: Re: ZP-17435

Thank you Manish,

Could I meet with you tomorrow and discuss exactly what you want us to do. I.e. can I draw these in myself or will I need to hire a surveyor and deliver a more complete report.

Sincerely,

Mike Emers
Rosie Creek Farm

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>
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>
> Thank you,
>
> Mike Emers
> Rosie Creek Farm
> 907-347-1800
Hi Manish,

Attached are the drawings required for the Limited Outdoor Cultivation Marijuana application.

Please let me know if you will need hard copies or have any questions.

Thanks

Mike Emers
Rosie Creek Farm
907-347-1800

Comm. Planning Dept
FEB 19 2016
RECEIVED
Rosie Creek Farm

Map Key

<table>
<thead>
<tr>
<th>Map Designation</th>
<th>Description</th>
<th>Dimensions</th>
<th>Area</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>HT-1</td>
<td>High Tunnel</td>
<td>96' x 30'</td>
<td>2880 ft²</td>
<td>12'</td>
</tr>
<tr>
<td>HT-2</td>
<td>High Tunnel</td>
<td>96' x 30'</td>
<td>2880 ft²</td>
<td>12'</td>
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<td>2880 ft²</td>
<td>12'</td>
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<tr>
<td>HT-4</td>
<td>High Tunnel</td>
<td>96' x 30'</td>
<td>2880 ft²</td>
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<tr>
<td>HT-5</td>
<td>High Tunnel</td>
<td>96' x 30'</td>
<td>2880 ft²</td>
<td>12'</td>
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<tr>
<td>G1</td>
<td>Heated Greenhouse</td>
<td>96' x 20'</td>
<td>1920 ft²</td>
<td>15'</td>
</tr>
<tr>
<td>G2</td>
<td>Heated Greenhouse</td>
<td>40' x 20'</td>
<td>800 ft²</td>
<td>10'</td>
</tr>
<tr>
<td>P</td>
<td>Processing Shed and Cold Storage</td>
<td>40' x 20'</td>
<td>800 ft²</td>
<td>15'</td>
</tr>
<tr>
<td>O</td>
<td>Farm Office</td>
<td>24' x 16'</td>
<td>384 ft²</td>
<td>12'</td>
</tr>
<tr>
<td>FOC</td>
<td>Proposed Farm Operations Center (full basement)</td>
<td>60' x 30'</td>
<td>3600 ft²</td>
<td>12'</td>
</tr>
<tr>
<td>S</td>
<td>Proposed Security Shack</td>
<td>12' x 12'</td>
<td>144 ft²</td>
<td>8'</td>
</tr>
<tr>
<td>W</td>
<td>Well</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>Outhouse</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

Narrative:

The possible area able to be cultivated within the security fence is approximately 6.5 acres or 18% or the total property area of 35.5 acres. However, we are not intending on growing more than the one-acre of outdoor plants and in 3 of our 5 high tunnels. The rest of the area inside the security fence are either walkways, buildings, tractor roads, or wooded.

The Farm sign is located on Kallenberg Road. The Farm road (driveway) is 20 to 25 feet wide. It is large enough to get some of the largest vehicles including tour busses, drill rigs, and fuel trucks to the farm and ample space to turn around. There is ample parking for the proposed 5 employees. The parking and most of the road is dirt, but we intend to improve it once we achieve ample profits from the farm.

Comm. Planning Dept

FEB 19 2016

RECEIVED
Thanks Mike. I received your email with revised drawings. I will get back to you as soon as possible.

Thanks,
Manish

-----Original Message-----
From: Mike Emers [mailto:mike@rosiecreekfarm.com]
Sent: Friday, February 19, 2016 1:49 PM
To: Manish Singh
Subject: Rosie Creek Farm Drawings

Hi Manish,

Attached are the drawings required for the Limited Outdoor Cultivation Marijuana application.

Please let me know if you will need hard copies or have any questions.

Thanks

Mike Emers
Rosie Creek Farm
907-347-1800
Hi Manish

Attached are the changes that we discussed. Please let me know if there are any other issues.

Thanks for your time,

Mike Emers
Rosie Creek Farm

Map Key

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Narrative:

The possible area able to be cultivated within the security fence is approximately 6.5 acres or 18% or the total property area of 35.5 acres. Although we do not intend on utilizing the entire area within the security fence at this time, we might in the future. However, at this time, we do not intend on growing more than the one-acre of outdoor plants and in our high tunnels (approximately 60,000 square feet or 1.3 acres). The rest of the area inside the security fence are walkways, buildings, tractor roads, or wooded. It is important to note that there is a portion on the western edge of the farm within the security fence that falls within the 50-foot setback from a property line where no marijuana is allowed to be grown per FNSB zoning ordinance. This area will be unambiguously demarcated and used as a roadway for the farm and will not be cultivated.

The Farm sign is a 3’x4’ wooden sign and is located on Livingston Loop at the beginning of the farm driveway. The Farm road (driveway) is 20 to 25 feet wide. It is large enough to get some of the largest vehicles including tour busses, drill rigs, and fuel trucks to the farm and ample space to turn around. There is ample parking for the proposed 5 employees. The traffic circulation zone is approximately 10,000 square feet and is dirt. The parking area, the road, and
the traffic circulation areas are dirt with some sections of rock. We intend to improve them once we achieve ample profits from the farm.
Comm. Planning Dept
FEB 22 2016
RECEIVED

North

100' to Residential Zone

Security Fence

Farm Road

Office 16' x 24'

Traffic circulation zone

High Tunnel 1
30' x 96'

Proposed Operations Building
30' x 60'

Processing Shed
20' x 40'

Greenhouse 20' x 40'

High Tunnel 2
30' x 96'

Greenhouse 20' x 96'

High Tunnel 3
30' x 96'

High Tunnel 4
30' x 96'

High Tunnel 5
30' x 96'

100 feet
From: Mike Emers <mike@rosiecreekfarm.com>
Sent: Monday, February 29, 2016 11:28 AM
To: Manish Singh
Subject: new site map
Attachments: Rosie Creek Farm.pdf
Stacy Wasinger

From: Nancy Durham  
Sent: Monday, May 22, 2017 8:39 AM  
To: Stacy Wasinger  
Subject: RE: CU2017-020 - Marijuana Product Manufacturing, Limited (2659 Livingston Loop)  

Stacy,

This property is partially located in the Special Flood Hazard Area. A Floodplain Permit Application with a site plan is required for this project.

Sincerely,

Nancy Durham, MURP, CFM  
Flood Plain Administrator  
FNSB Community Planning  
ndurham@fnsb.us  
(907) 459-1263

**Any property can flood even if it is not in a Special Flood Hazard Area. Flood insurance is recommended.**

---

From: Stacy Wasinger  
Sent: Thursday, May 18, 2017 3:27 PM  
To: Nancy Durham; Bill Witte  
Subject: FW: CU2017-020 - Marijuana Product Manufacturing, Limited (2659 Livingston Loop)

Hi,

The email below was sent to external agencies for review, but I also wanted to forward this to you all for review. This parcel had a zoning permit approved for the cultivation facilities and the CU application is for limited manufacturing. Let me know if you have any questions.

Thanks!
Stacy

Stacy Wasinger  
Planner III | FNSB Community Planning  
swasinger@fnsb.us  
907-459-1262

Fairbanks North Star Borough  
PO Box 71267 / 907 Terminal Street  
Fairbanks, AK 99707-1267

---

From: Stacy Wasinger  
Sent: Thursday, May 18, 2017 2:58 PM
To: Stacy Wasinger  
Subject: CU2017-020 - Marijuana Product Manufacturing, Limited (2659 Livingston Loop)  

Good afternoon,

The FNSB Department of Community Planning has received an application request for a conditional use permit for a marijuana product manufacturing facility, limited located at 2659 Livingston Loop in the Rural and Agricultural 20 (RA-20) zone. The proposed conditional use proposes to use a 20’ by 24’ ATCO building within the fenced area on the parcel for the manufacturing facility. The parcel also contains marijuana cultivation uses; however, these are permitted uses and the applicant has already received a zoning permit for the cultivation, so that use is not the subject of the conditional use application. Attached are the application and narrative, as well as a report containing basic information for the property. This application is currently scheduled for a public hearing before the Planning Commission on June 20, 2017.

This information is being sent to you for review and comment, if any, because the property is potentially in your agency review area. If there is someone else that would be more appropriate to review this application, please feel free to forward it or let me know. If possible, please return any written comments by Friday, May 26, 2017. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy

Stacy Wasinger  
Planner III | FNSB Community Planning  
swasinger@fnsb.us  
907-459-1262

Fairbanks North Star Borough  
PO Box 71267 / 907 Terminal Street  
Fairbanks, AK 99707-1267
The Alaska Department of Fish and Game, Division of Habitat has no objections.

Jim Durst
ADF&G Habitat
(907) 459-7254

Good afternoon,

The FNSB Department of Community Planning has received an application request for a conditional use permit for a marijuana product manufacturing facility, limited located at 2659 Livingston Loop in the Rural and Agricultural 20 (RA-20) zone. The proposed conditional use proposes to use a 20’ by 24’ ATCO building within the fenced area on the parcel for the manufacturing facility. The parcel also contains marijuana cultivation uses; however, these are permitted uses and the applicant has already received a zoning permit for the cultivation, so that use is not the subject of the conditional use application. Attached are the application and narrative, as well as a report containing basic information for the property. This application is currently scheduled for a public hearing before the Planning Commission on June 20, 2017.

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Thanks,
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 907 Terminal Street
Fairbanks, AK 99707-1267
Thank you, Stacy; that answers my question and composting the plant material is fine. I figured that might be the plan but I couldn’t find it in the application. With this explanation, I don’t need any further information.

Thanks again!
Doug Buteyn

Good afternoon,

Thank you for the review and comments – I did follow up with the applicant and the response is as follows:

“All marijuana plant waste will be disposed of on the farm. It will be (is currently) composted along with other vegetable waste from the farm in our farm compost pile according to standard for compost in our USDA organic farm plan. It is rendered unusable prior to composting by mixing it with fish based fertilizer.”

Does this help answer the question or do you need additional details on the composting?

Please just let me know if you have any questions.

Thanks,
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 907 Terminal Street
Fairbanks, AK 99707-1267
I reviewed the referenced proposal for the ADEC Solid Waste Program and so focused my review on the proposed waste disposal methods. Although the general procedures described comply with the requirements of the state’s marijuana regulations, I have one question about the ultimate fate of marijuana plant waste generated at the proposed facility.

On page 3 of the pdf application file, under “Disposal Plan and Procedures”, section 2 states that all marijuana waste will be rendered unusable prior to leaving the facility. Although nothing is said as to what will be done with this waste after it leaves the facility, I assumed it was destined for the FNSB landfill. However, near the bottom of page 4 of the pdf file, the applicant states that “all refuse other than plant waste will be taken in farm vehicles to be disposed at the FNSB landfill”.

From that statement, it appears that marijuana plant waste will not be brought to the FNSB landfill and I was unable to find any statement regarding what is intended for marijuana plant waste. Without that information I cannot determine compliance with the state’s disposal requirements and so I need to request that the application revise the application to more clearly define what is intended for marijuana plant waste.

Thank you for the opportunity to review this proposal. Please let me know if you have any questions.

Douglas Buteyn
Northern/Southeastern Regional Program Manager
ADEC Solid Waste Program
610 University Avenue
Fairbanks, AK  99709
Phone:  907-451-2135
Fax:  907-451-2188
Email:  doug.buteyn@alaska.gov

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From: Stacy Wasinger [mailto:SWasinger@fnsb.us]
Sent: Thursday, May 18, 2017 2:58 PM
To: Stacy Wasinger <SWasinger@fnsb.us>
Subject: CU2017-020 - Marijuana Product Manufacturing, Limited (2659 Livingston Loop)

Good afternoon,

The FNSB Department of Community Planning has received an application request for a conditional use permit for a marijuana product manufacturing facility, limited located at 2659 Livingston Loop in the Rural and Agricultural 20 (RA-20) zone. The proposed conditional use proposes to use a 20’ by 24’ ATCO building within the fenced area on the parcel for the manufacturing facility. The parcel also contains marijuana cultivation uses; however, these are permitted uses and the applicant has already received a zoning permit for the cultivation, so that use is not the subject of the conditional use application. Attached are the application and narrative, as well as a report containing basic information for the property. This application is currently scheduled for a public hearing before the Planning Commission on June 20, 2017.

This information is being sent to you for review and comment, if any, because the property is potentially in your agency review area. If there is someone else that would be more appropriate to review this application, please feel free to forward it or let me know. If possible, please return any written comments by Friday, May 26, 2017. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy
APPLICATION
MATERIAL
SUBMITTED ON

May 5, 2017
MARIJUANA FACILITY
CONDITIONAL USE PERMIT APPLICATION

File No. cu2017-020

FEES:
☐ $800 conditional use permit application
☐ $250 verification of sensitive use buffers
☐ $200 sign deposit (check or cash only)

Applicant:
Contact Name: Michael Emer
Business Name: RCFC LLC
Mailing Address: P.O. Box 191
City, State Zip: Ester, AK 99725
Phone: 907-479-3642
E-mail: mike@rosiecreckfarm.com

Property Owner:
Name: Rosie Creek Farm LLC
Mailing Address: Same
City, State Zip: 
Phone: 
E-mail: 

Property Information:
Property Description: Tract A Rosie Creek Farm Subdiv.
Street Address: Lot 51 Livingston Loop
Parcel Account Numbers (PAN): 0549495
Lot Size: 35.55 Acres
Zoning District: KA-20
Existing Use(s): Vegetable Farm, Unlimited Marijuana Cultivation

Conditional Use Request Information:
Proposed Use(s):
Marijuana Product Manufacturing Limited

Request Description and Reasons for the Request:
Wish to add value added manufacturing to our cultivation operation.

I have attached a detailed site plan drawn to scale and to the standards of the Commercial/Industrial Site Plan guidelines.
I certify that the information included in this application is to the best of my knowledge true and complete.

APPLICANT SIGNATURE: 
DATE: 5/5/2017

OWNER SIGNATURE (if different): 
DATE: 6/1/2017

If the applicant is not the sole property owner, written consent of all property owners must be provided pursuant to FNSBC 18.104.050(B).
Rosie Creek Farm

Conditional Use Permit FNSB - Marijuana Product Manufacturing Limited

SECTION 4

- Total (maximum) number of employees expected to be working on the site, including full and part-time, temporary and seasonal.

We will employ a total of 8 employees - four seasonal (May through September) and four year-round.

- Type and frequency of other vehicle trips to the site such as deliveries, security, product transport, or other visitors.

Vehicle trips (other than employees commuting) will be on the average of 2 per day per week. These will include deliveries, expediting, and farm visitors.

- Hours of operation

8 AM to 5PM Monday through Friday

- Activities occurring on the site on a daily, weekly, monthly, periodic, seasonal, occasional and annual basis

Daily activities: Including our cultivation operations will include general farm work. This will include planting, tending to, harvesting and post-harvest processing of crops. After harvests are complete, product manufacturing will include production of hash products (dry-sift and ice-water) and extruding resins by means of mechanical pressing. Post production will also include packaging of products. The nature of the particular activities will follow the summer farm cycle from mid-April through

Other daily activities will include farm maintenance and office work.

- Phases of development, if applicable

Summer 2017:
1) Improve farm drive. 2) Place ATCO units for product manufacturing and Conex units for product storage which includes upgrading electric, security and plumbing.
After 2018
Improve farm facilities to include a farm operations center to allow for more indoor space for operations, staff comfort, and business office.

- **Impacts of the proposed use that may cross property lines such as odor, noise, dust, light, etc.**

Product manufacturing will occur in an enclosed and ventilated structure. The structure is within the confines of our farm and cultivation operation. This is situated in a river valley with patterns of regular summer winds. The processing facility is more than 200 feet from the nearest property line. In addition there is a forested buffer around the farm. We have been operating this farm for the past 19 years using pungent fish based fertilizers for the entire time. There has never been a complaint from the adjacent residential zone of the odors permeating the neighborhood and we do not anticipate that to change.

- **Provide a list of the chemicals utilized or stored on the site.**

There are no chemicals that will be used in our product manufacturing.

- **Describe how plant waste and/or product waste materials will be handled and disposed of:**

**DISPOSAL PLAN AND PROCEDURES**

1) **Types of Waste for Disposal**
The following is a list of the expected waste that RCF will be disposing of:

- Waste from marijuana flowers, trim, and solid plant materials
- Marijuana that is identified as infected or fails to meet quality testing
- Marijuana plant waste
- Medium used for cultivation and root matter
- Water from ice water hash production.

2) **Method for Disposal**

RCF will ensure that all marijuana is rendered unusable prior to leaving the facility. The Lead Grower will maintain a log on the status of all marijuana waste, tracking the type of marijuana waste. These methods render all marijuana unusable and safe for disposal. To render marijuana unusable, the Farm will grind and incorporate the marijuana waste with compostable solid wastes so
that the resulting mixture is at least fifty percent non-marijuana waste.

The following is a list of the compostable solid wastes that the Farm will use:

- Farm vegetable waste
- Animal manure
- Fish emulsion

The Lead Grower will ensure that the resulting mixture is composed of no more than 50% marijuana by volume. The Lead Grower will log the composition of the mixture, and the records. The disposal log shall be kept as part of the Company’s business records pursuant to State Statute 3 AAC 306.755.

Water from ice-water hash production will be devoid of cannabinoids due to the fine screen mesh employed in hash production. Waste water from ice-water hash production will be disposed of in a gravel pit buried on site.

- Energy source serving the proposed use

The farm is on the GVEA power grid with 200 amp service.

- Water source serving the proposed use

The farm has an on-site well.

- Method of sewage disposal for the proposed use

We will have a 1000 gallon tank buried behind the processing facility for black-water waste. A system of this sort requires no DEC approval. We will contract to have this pumped out periodically as needed.

- Method of wastewater management for the proposed use

Other than ice-water disposal (covered above) there will be no waste-water generated from product manufacturing.

- Other public utilities and services to serve the proposed use such as garbage, communications, fire protection, police, etc.

Garbage — all refuse other than plant waste will be taken in farm vehicles to be disposed of at the FNSB landfill

Communications — Cell phone service is sometimes available at the farm. We
also have a “land-line” through ACS for phone service. Internet is provided by HughesNet Satellite Internet.

Fire Protection – the farm is within the Chena-Goldstream Fire District. The closest fire station is 3 miles from the farm on Becker Ridge

Police – the farm is required to have a both video surveillance system and an intruder alarm system by state statute for all marijuana facilities. The alarm system will notify Alaska State Troopers if a break in is detected.

· For a marijuana manufacturing facility, provide information on the type of manufacturing process(es) to be utilized.

Pre-rolls: The production of pre-rolled cannabis smoking products will require the use of a food mill to grind plant material into a powdered consistency as well as a cone filling machine that uses mechanical vibration to fill pre-rolled paper cones with plant material. Apart from cannabis, cannabis concentrate, and other herbs (such as mullein, kinnickinnick, and raspberry leaf) no additional ingredients will be used.

Dry Sift Hash: To produce dry sift hash, dried cannabis plant material will be finely ground either by hand or in a food mill. Cannabis will then be sifted in one of two ways: by placing it into a nylon mesh cylinder suspended in a food grade plastic container and rotating the cylinder with a small electric motor, or by placing cannabis on top of flat nylon mesh screens and manually moving the cannabis back and forth across the top of the screen. In both methods agitating the cannabis will result in the glandular trichomes detaching from the cannabis plant material and passing through the nylon mesh. Trichomes will then be hand collected and either stored in a loose, powdery state or pressed into “cakes” by hand or with a small hydraulic press.

Ice Water Hash: To produce ice water hash, previously frozen cannabis plant material will be submerged in a solution of water and ice where it will be gently agitated. The cold temperatures and agitation will cause trichomes to detach from the plant material. Cannabis will then be removed from the solution and trichomes filtered from the solution by use of nylon mesh screens. Resulting trichomes will be manually collected from screens. Hash will then be air dried and either grated into a fine powder using a stainless steel cheese grater or pressed into “cakes” by hand or with a small hydraulic press.

Rosin: To produce rosin, either cannabis plant material or hash will be placed into heat-resistant nylon mesh bags. Bags will then be inserted between two heated metal plates attached to a hydraulic press. The material will then be pressed for roughly 10-20 seconds at a temperature not higher than 300
degrees F and with a pressure not more than 10 tons. Cannabis oils will be squeezed through the nylon mesh bags onto parchment paper where they will be manually collected using stainless steel tools.

- Compliance with state requirements for facility security.

Rosie Creek Farm is currently in compliance for state requirements for a standard cultivation facility. We will be adding additional security to encompass the proposed facilities (ATCO units and Connexes) for product manufacturing.

SECTION 5

Narrative demonstrating conformation with the condition use approval criteria FNSBC 18.04.050(C)1-3, including Title 18, the FNSB Regional Comprehensive Plan, and other applicable FNSV ordinances and statute statutes.

**Strengthening the Borough's role as the commercial, transportation, and cultural hub of Interior Alaska** – RCF’s new marijuana manufacturing element of the Farm will strengthen the Borough’s position as the commercial, transportation, and cultural hub of the interior of Alaska. By providing employment on a year round and seasonal basis borough will benefit by the commercial expansion of creating new jobs for people, who will then also contribute to the commercial market by expending their salary on goods and services within the Borough. By diversifying the Borough’s economy with this type of business, the Borough’s role as the commercial, transportation, and cultural hub will strengthen.

**Creating opportunities for development while minimizing land use conflicts** – the is located on the existing Farm that Mike and his family have run for years and years to come. This use is not in conflict with surrounding land uses.

**Maintaining a healthy economy that provides ongoing opportunities for residents to be gainfully employed** – As discussed infra, the use will create year round & seasonal employment for residents of the Borough. It will promote a healthy and safe environment for its crew members and a team like community is the type of environment RCF strives to create.

**Integrating development with responsible stewardship of our resources** – RCF seeks to limit any negative impact on the environment by utilizing green friendly nutrients and cleaning supplies. The farm has always been a certified organic farm and the use of organic nutrients and green friendly practices continues on. Mike and his team
understand the earth and its resources are limited and that sustainable green practices are the only way to increase longevity of these precious resources.

**FNSBC 18.104.050(C):**
The planning commission shall review, hear and decide whether or not to approve a request for a conditional use. The planning commission shall also consider and adopt findings in each of the following:

1. **Whether or not the proposed conditional use conforms to the intent and purpose of this title and other ordinances and state statutes;**

   Per the above narrative and attached site plans, the proposed conditional use does conform to the intent and purpose of this title, other ordinances, state statutes and state regulations. We respectfully ask this Commission to make and adopt a finding that Rosie Creek Farm’s proposed conditional use conforms to the intent and purpose of this title and all applicable laws and regulations.

2. **Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies and other public services to serve the proposed conditional use;**

   Per the narrative above, and attached site plans and proposed use, there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use. We respectfully ask this Commission to make and adopt a finding that Rosie Creek Farm’s proposed conditional use has adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.

3. **Whether or not the proposed conditional use will protect the public health, safety and welfare.**

   Per the narrative above, and attached site plans and proposed use, this conditional use will protect the public health, safety and welfare. We respectfully ask this Commission to make and adopt a finding that Rosie Creek Farm’s proposed conditional use protects the public health, safety and welfare of the community.
<table>
<thead>
<tr>
<th>Height</th>
<th>Area</th>
<th>Dimensions</th>
<th>Use</th>
<th>Restricted Access Area</th>
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<td>96' x 30'</td>
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<td>Steel Frame and no Greenhouse Plastic</td>
<td>High Tunnel 5</td>
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<tr>
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<td>Farm compound restricted access areas with inner fences, w steel posts and wire mesh fences</td>
<td>Restricted access area fences Security Fence</td>
<td>Steel posts @ 20', and no fence</td>
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<td>1,792 ft²</td>
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<td>Office parking lower parking areas (2) Upper parking area</td>
<td>12' metal fence Rock</td>
<td>Security Fence</td>
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**Premises diagram map Key**

- **AMCO** Construction
- **Rose Creek Farm**
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<tr>
<th>Area</th>
<th>Building</th>
<th>Wall Material</th>
<th>Insulation</th>
<th>Roof Type</th>
<th>Foundation</th>
<th>Heating</th>
<th>Cooling</th>
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Notes:
- Insulation: yes/no
- Roof Type: none/steel/concrete/insulated
- Foundation: concrete/stone/none
- Heating: gas/electric/none
- Cooling: gas/electric/none
- Electrical Equipment: yes/no
- Ventilation: yes/no
PLUMWOOD
INTERIOR WALLS: 2" x 4" STUDS & 1 1/2" RIGID FOAM (FOAMULAR 250), 3/8" CDX
CEILING: 2" FURRING & 2" RIGID FOAM (FOAMULAR 250), 3/8" CDX PLUMWOOD
FLOORS: 3/8" MARINE GRADE HARDWOOD PLUMWOOD
8' X 20' OFFICE CONEX

VENT FAN
DEHUMIDIFIER
DUPILEX OUTLET (6X)
TABLE

DISCONNECT PANEL WITH

SHELVING

20' CONCENTRATION STORAGE CONEX - PLAN VIEW
8' x 20' OFFICE CONEX

FLOOR: 1 1/8" MARINE GRADE HARDWOOD PLYWOOD
CEILING: 2" FURRING & 2" RIGID FOAM (FOAMULAR 250), 3/8" CDX PLYWOOD
INTERIOR WALL: 2"x4" STUDS & 1 1/2" RIGID FOAM (FOAMULAR 250), 3/8" CDX PLYWOOD
APPLICATION MATERIAL SUBMITTED ON

May 12, 2017
Hi Stacy

My answers to your questions are below.

Thanks,

Mike

On 5/11/17 4:11 PM, Stacy Wasinger wrote:

Good afternoon Mike,

In review of the CU application, there are a few follow-up questions I would like to clarify. I do realize that the CUP is only regarding the manufacturing use, but there are some clarifications that are needed for that site as a whole in order to evaluate the conditional use criteria.

- First, in terms of setbacks and building separation, the site plan does not note distances. The site plan is to scale, and it appears the north setback distance to the fence is 120’, the west is 20’ to the fence and 80 feet to the buildings, the south is 550’ to the fence, and the east is 280’ to the fence. Can you confirm those distances and clarify that all buildings proposed are within the fence?

All the setbacks are within the required buffers and buildings are within the outer security fence. On the west, the fence is within the 50’ buffer for the adjoining property, however we noted where the required 50’ buffer is. There are no state restricted access areas (RAAs) within the western buffer. On the north side, the fence is beyond (~120’) the required buffer for residential zones of 100’.

- Additionally, can you confirm that all distances between buildings are at least 10 feet? Has this layout been reviewed by the state fire marshal and the response agency to confirm that all buildings are accessible for emergency response?

There are at least 10’ between all buildings. I believe my attorneys office has submitted the plan for approval to the State Fire Marshal. While making the plan for the ATCOs, Summit Logistics was corresponding with the fire marshals office to make sure that the design complied with state regs.

- I believe we did discuss this at the counter, but I cannot see notes of outdoor lighting on the site plan. Since this was a summer operation for cultivation, the state did not require outdoor lighting. All security cameras have low-light detection capabilities

- Is there outdoor lighting proposed on the manufacturing building?
There are outdoor motion detector lights planned for the new ATCOs for product manufacturing.

- Or already existing for the cultivation use?
There are exterior lights already in place at the main gate, the farm office and at the vegetable processing shed
- What is the width of the driveway and drive into the site?
18'
- The driveway, parking, and circulation area materials are not clear. What is the surface material for these area (i.e. asphalt, compact gravel, etc.)?
right now it is dirt with some gravel in critical places- we are taking bids now to re-do the entire road and parking areas with gravel
- The 2 parking area dimensions appear to be approximately 50' wide by 30' feet deep. Please confirm that each parking space will be at least 9’ by 18’ (which would allow approximately 5 spaces in each parking area for 10 total parking spaces).
Yes - they should be indicated on the site plan key right now we have room for 9 vehicles within the security fence and 4 vehicles in the upper parking area with a minimum space of 9' x 18'
- To confirm, no chemicals will be utilized for the manufacturing processes?
Correct
- No CO2, alcohol, or any other liquids or gasses are part of the processes?
correct
- Is there any machinery utilized to grind the marijuana or heat it in any of the processes?
Any grinding of raw marijuana is done by hand. We will purchase a commercial rosin press which uses heat (minimal - below 200 degrees) and pressure to create extracts
- The narrative states that there will be 4 full time and 4 seasonal employees. Is this the total for both the cultivation and manufacturing use? If so, will any or all of the employees be engaged in both cultivation and manufacturing?
All will be involved in both and also in the vegetable operations
- There is discussion of solid waste disposal of marijuana waste and a 1000 gallon tank for blackwater. However, there is not specific discussion of facilities for employees other than the outhouse noted on the site plan. the site plan for the ATCO units shows an employee bathroom - the tank will be located behind the ATCO units.
- Are there restrooms in the office building for employees? If not, are there handwashing facilities provided in one of the buildings?
Handwashing is in the employee bathroom in the ATCO
- Will there be anyone on the site outside of the hours of operation? It does not appear that anyone is living on the site, correct?
No-one is living on site
- Will any construction take place in the flood zone?
no
It appears that there may be wetlands present on the site. Have you received a Jurisdictional Determination from or spoken to the Army Crop of Engineers regarding development? Wetlands are to the south and west of the farm and not within the fence.

If you could please respond in writing to these questions, I will add the answers to the application materials. If you have any questions, please just let me know.

Thanks!
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 907 Terminal Street
Fairbanks, AK 99707-1267

-----Original Message-----
From: Mike Emers [mailto:mike@rosiecreekfarm.com]
Sent: Friday, May 05, 2017 11:59 AM
To: Manish Singh; Stacy Wasinger
Cc: Jana Weltzin; Christina Thibodeaux; Valerie Mastolier
Subject: Rosie Creek Farm CUP application - Marijuana Product Manufacturing Limited

Hi Manish and Stacy,

I am sending you a digital copy of our application, in part because the site map files are too detailed for a hard-copy. I will deliver the original application this afternoon and pay our required fees.

Thank You,

Mike Emers
Rosie Creek Farm
STAFF REPORT

CU2017-021
TO: Fairbanks North Star Borough Planning Commission
FROM: Manish Singh, Planner II
DATE: June 12, 2017
RE: CU2017-021: A request by Haley Essig DBA Thirdstate on behalf of Green Diamond LLC for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone on Tract A, White Firehood Subdivision (located at 200 Pheasant Farm Road, on the east side of Pheasant Farm Road, south of Chena Hot Springs Road).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends APPROVAL of the conditional use request with four (4) conditions and three (3) Findings of Fact in support of approval. The staff analysis finds that the marijuana cultivation facility, indoor large (see Figure 1), with proposed conditions, will meet the intent and purpose of Title 18 and of other ordinances and state statutes, will have adequate public services and will protect public health, safety and welfare.

Figure 1: Indoor Cultivation Building
II. GENERAL INFORMATION

A. Purpose  
To allow use of an existing building with a proposed addition as marijuana cultivation facility, indoor large in the GU-1 zone.

B. Location  
On the east side of Pheasant Farm Road, south of Chena Hot Springs Road

C. Access  
Pheasant Farm Road

D. Size/PAN  
<table>
<thead>
<tr>
<th>Area</th>
<th>PAN (Lot)</th>
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</thead>
<tbody>
<tr>
<td>40 acres</td>
<td>0629621 (Tract A)</td>
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</table>

E. Existing Zone  
General Use 1 (GU-1)

F. Existing Land Use  
Residence, Warehouse

G. Surrounding Land Use/Zoning  
<table>
<thead>
<tr>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning: GU-1</td>
<td>Zoning: GU-1</td>
<td>Zoning: GU-1</td>
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<tr>
<td>Land Use: Vacant Land</td>
<td>Land Use: Farm Use</td>
<td>Land Use: Residential</td>
<td>Land Use: Vacant Land</td>
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</tbody>
</table>

H. Community Facilities  
Water: Private Well  
Sewer: Septic System  
Electricity: GVEA

I. Code Violations  
None on file

J. Flood Zone  
X (100%) (March 17, 2014 dFIRM)

K. Zoning History  
Zoning changed from UU to LI through Ordinance No. 88-010, effective April 25, 1988

L. Ownership  
Green Diamond Properties LLC  
PO Box 84662  
Fairbanks, AK 99708

M. Applicant  
Haley Essig  
PO Box 111969  
Anchorage, AK 99511
III. PROPERTY DEVELOPMENT HISTORY

FNSB Assessor’s Records reflect that the existing warehouse building was constructed in 2000 and the existing residence was constructed in 2008 (Exhibit 1). These structures are located in GU-1 zoning where zoning permits are not required.

IV. PROPOSED USE AND PROJECT INFO

The applicant has proposed a 42’ X 40’ addition to the existing 60’ X 40’ warehouse building. The applicant has requested a conditional use permit to use this entire building as a marijuana cultivation facility, indoor large (see Figure 2). A marijuana cultivation facility, indoor large is defined as “a legally licensed, fully enclosed commercial marijuana cultivation facility as defined by state law, in which all growing, preparation and packaging activities are conducted completely indoors. Net floor area of all cultivation facility structures does not exceed 10,000 square feet [FNSBC 18.04.010].” The total floor area of this marijuana cultivation facility, indoor large is 4,240 sq.ft. (4,080 sq.ft. indoor cultivation building with one 160 sq.ft. storage Conex. This indoor cultivation building is proposed to have five cultivation rooms, drying/processing area, an office and a restroom (see Exhibit 2). The applicant estimates having maximum 10 employees which would be shared with the marijuana cultivation facility, outdoor limited conditional use (CU2017-021). The applicant has stated that the facility will operate from 7 am to 7 pm. This property is not within a fire service area and therefore, the applicant has proposed to follow additional fire protection measures such as following Alaska DNR ‘Firewise’ practices.

Figure 2: Site Plan
The indoor cultivation building is shown in red
The subject property is currently zoned GU-1. This property is surrounded by GU-1 on all sides (Figure 3). The surrounding properties to the north and east are vacant. The parcel to the south is used residentially and the parcel to the west is a farm with a residence. The Comprehensive Plan Land Use Map characterizes this area as ‘Rural Settlement Area’.

Figure 3: Zoning in the Surrounding Area

V. APPLICABLE APPROVAL CRITERIA

Conditional Uses for marijuana establishments are governed by FNSBC18.104.050(C) and FNSBC18.96.240 (see Exhibit 3 for details).

VI. PUBLIC NOTICE

The Community Planning Department mailed 25 dear property owner notices and received one telephonic inquiry about this case.

VII. AGENCY COMMENTS

The FNSB Department of Community Planning contacted following agencies for comments:

a. State Fire Marshal
b. Alaska State Troopers
c. Alaska Department of Transportation and Public Facilities (ADOT&PF)
d. FNSB E-911 Addressing
e. FNSB Emergency Operations
f. Alaska Department of Environmental Conservation (ADEC)
g. Alaska Department of Natural Resources (ADNR)
h. Golden Valley Electric Association (GVEA)
i. Steese Fire Department

All written comments are included in the “Agency Comments” section following this report.

VIII. STAFF ANALYSIS

A. Transportation & Parking

The subject property is accessible from Pheasant Farm Road. Pheasant Farm Road is an unmaintained local road, not constructed to Borough standards (see Figure 4).

Figure 4: Pheasant Farm Road

The proposed use would generate approximately 47 trip ends per weekday. This calculation is based on the estimated maximum 10 employees and relying on the closest related land use “Nursery (Wholesale)” in the Institute of Transportation Engineers (ITE) Trip Generation Manual (Table 1). Because the 10 employees are shared between the indoor and outdoor cultivation conditional uses, these 47 trips would also be generated cumulatively from the indoor and outdoor cultivation conditional uses.

1 This section of this staff report includes comments from Donald Galligan, FNSB Transportation Planner
Table 1: Trip Generation Summary²

<table>
<thead>
<tr>
<th>Proposed land use</th>
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<th>Trip generation standard in ITE</th>
<th>Weekday trip ends</th>
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<tbody>
<tr>
<td>Marijuana cultivation facility, indoor large</td>
<td>10 employees</td>
<td>Nursery (Wholesale)</td>
<td>23.40 trip ends/ 5 employees</td>
<td>46.8 trip ends</td>
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The traffic from the proposed marijuana cultivation use is unlikely to further degrade Pheasant Farm Road, and will have a negligible, if any, effect on nearby Chena Hot Springs Road, a major collector that handles an average of 1,774 vehicles a day in this segment.³ Pheasant Farm Road is a gravel road and appears to be well drained with adequate surface and gravel base course. Based on these conditions and geometry, it appears that the Pheasant Farm Road could accommodate the small number of trip ends generated by the proposed cultivation facility.

The proposed facility is located in GU-1 zoning where FNSB parking standards do not apply. However, Community Planning has analyzed the off-street parking provided on site using FNSB parking standard requirement of 3 parking spaces for every 4 employees [FNSBC 18.96.060(C)]. The applicant expects maximum 10 employees for the marijuana cultivation facility, indoor large. The site plan provided by the applicant shows 9 parking spaces when only 8 parking spaces are required. The site plan shows the gravel traffic circulation and loading area with adequate backing, turning and maneuvering space.

B. FNSBC 18.96.240 Standards for Commercial Marijuana Establishments

A. General Standards

2. A commercial marijuana establishment may only be allowed with the written consent of the owner of the property.

The current property owner has provided written consent to the proposed marijuana cultivation facility.

3. No marijuana establishment, except a marijuana testing facility, shall be located within the following buffer distances (see FNSBC 18.96.240(A)(3)(a-e)).

The buffer map and property detail provided by the applicant (Exhibit 4) demonstrates that the commercial marijuana cultivation facility is not located within the buffer distances provided in FNSBC18.96.240(A)(3)(a-e) because the buffer map does not show any FNSB sensitive uses within a 500-foot proximity of the subject lot.

All state buffer requirements provided in 3AAC 306 must also be met.

³ 2015 Annual Average Daily Traffic (AADT) GIS Map, Alaska DOT&PF Transportation Data Programs
4. **Outdoor Storage.** No outdoor storage of marijuana, marijuana products or hazardous substances shall be allowed.

The applicant is not proposing outdoor storage of marijuana, marijuana products, or hazardous substances, as shown in the site plan (Figure 2) and explained in the narrative. The applicant has stated that the existing Conex will only be used for storage of cultivation related materials but will not be used for storing any marijuana product or waste. The applicant has proposed to use a locked dumpster within the fenced area for marijuana waste storage.

5. **In all zones in which marijuana establishments, with the exception of a marijuana testing facility, are a permitted or conditional use, the applicant shall include an area map drawn to scale indicating all land uses on complete parcels within a 500-foot proximity of the lot upon which the applicant is seeking a zoning permit or conditional use permit.**

The applicant’s submittals include an area map drawn to scale indicating all land uses within a 500-foot proximity of the subject lot (Exhibit 4).

6. **Marijuana establishments other than marijuana cultivation facilities, indoor small and marijuana testing facilities located in GU-1 or GU-5 zoning and adjacent to a lot upon which a principal building used as a dwelling is located are a conditional use subject to the requirements of this title.**

The subject property is in GU-1 zone adjacent to a lot containing dwelling. Therefore, the applicant has applied for a conditional use permit.

G. **FNSBC 18.104.050(C) Hearing and Decision by the Planning Commission**

1) **Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state statutes.**

**Purpose of FNSBC Title 18:** The purpose of Title 18 is “to implement the Fairbanks North Star Borough comprehensive plan” (FNSBC 18.12.020). The Comprehensive Plan Land Use Map characterizes this area as ‘Rural Settlement Area’. Rural Settlement Area is defined as “publicly owned land planned for residential land disposals. Rural settlement areas are intended to have appropriate public improvements common in other rural residential areas.”

The proposed conditional use is not inconsistent with the comprehensive plan land use designation, Rural Settlement Area, for the subject property because it proposes indoor cultivation of marijuana on a 40-acre parcel which does not change the rural residential character of the area.

The request is consistent with the following goals of the Comprehensive Plan:

**Land Use Goal 3** – To have a variety of land uses that fit the diverse needs of the community  
**Strategy 6** – Provide for commercial land uses in both urban and non-urban areas  
**Action A** – Provide for a variety of commercial areas that adequately serve the market area
This conditional use proposal adds a commercial marijuana cultivation establishment in the Borough. Commercial marijuana is a new industry and this conditional use would serve the market by making products available for commercial marijuana product manufacturing and retail establishments.

**Economic Development Goal 2** – To diversify the economy

**Strategy 6** – Emphasize development that brings new dollars into the community, including efforts to add value to the region’s natural, manufactured, service and intellectual resources.

**Action B** – Create a variety of types and sizes of commercial and industrial areas that support diversification of economic activity.

The applicant submittals state that this marijuana cultivation establishment would support 10 jobs with this conditional use. This operation would diversify the commercial activity in the Fairbanks North Star Borough enhancing community’s ability to generate revenue.

**Intent of FNSBC Title 18**: The intent of Title 18 which is “to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise; and to divide the borough into districts (FNSBC 18.12.020).”

Allowing a property owner to develop their private property is an example of protecting private property rights via clearly defined local zoning regulations. This proposal is to use the property as a marijuana cultivation facility, indoor large which requires a conditional use permit in GU-1 zone because the adjacent property has a dwelling as a primary structure. The public notification, public hearing procedures and approval criteria for conditional uses help protect the property rights of the surrounding property owners.

The marijuana cultivation facility is served by Pheasant Farm Road. The traffic from the proposed marijuana cultivation use is unlikely to degrade Pheasant Farm Road, and will have a negligible, if any, effect on nearby Chena Hot Springs Road, a major collector.

The proposed conditional use promotes economic development and the growth of private enterprise because it would support 10 jobs in the area and would help diversify the commercial activity in the Fairbanks North Star Borough.

The applicant has addressed site security elements and has developed strategies for plant and liquid waste disposal. Moreover, the applicant has agreed to comply with state marijuana regulations. The application material and the narrative for this proposal illustrates that it meets the intent of Title 18 because this application is to protect property rights and with the conditions imposed, it would promote the public health, safety and general welfare of the residents of the borough.

**Alaska State Statute and Other Ordinances**: 3AAC 306 governs the state licensing and operational standards for marijuana facilities. Title 18 requires that a borough permitted commercial marijuana facility 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) **Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.**

**Water & Wastewater/Sewage:** The applicant has stated that the property has a private well. The applicant has stated that the residence has a septic system which is approved by ADEC for domestic wastewater. ADEC Division of Water, Wastewater Discharge treats wastewater produced from the marijuana cultivation operation as non-domestic wastewater and does not allow any non-domestic wastewater discharge into this septic system without express written approval from ADEC (18 AAC 72, Wastewater Disposal Regulations). Therefore, Community Planning staff recommends a condition requiring a formal plan review by ADEC and compliance with all recommendations and/or requirements resulting from the plan review as a condition to ensure that there is adequate wastewater/sewage capacity for the conditional use. In order to obtain approval for a non-domestic wastewater discharge, the applicant will likely need to hire a professional engineer to evaluate the septic system, characterize the wastewater, and request approval from ADEC to discharge non-domestic wastewater to the septic system or construct a separate ADEC approved septic system for non-domestic wastewater.

**Emergency Fire Response:** The proposed conditional use is not within a Fire Service Area and they cannot subscribe to a service. The applicant has contacted Borough Emergency Services Coordinator who has mentioned that the fire services could still respond on this property, on a discretionary basis, if a person is trapped. Additionally, ADNR, Division of Forestry may respond on this property, on a discretionary basis, to any forest fires. The proposed conditional use has emergency ambulance service from Steese Volunteer Fire Department. However, the property does not have emergency fire response from Steese Volunteer Fire Department.

The State Fire Marshal’s office has stated that it is not unusual in Alaska to have a commercial building where there is no fire service and having emergency fire response is not a criterion for their approval. The State Fire Marshal’s office would allow a commercial marijuana cultivation operation if the proposed building meets the adopted fire and mechanical codes (2012 International Building and Fire Codes). The applicant has stated that they have contracted a licensed architect to ensure that their building plans meet all the required codes for State Fire Marshal’s approval. The application states that the proposed building will also meet plumbing and electrical codes administered by the Alaska Department of Labor.

The applicant has stated that they will use ‘Firewise’ best practices recommended by ADNR, Division of Forestry to mitigate risk of forest fires (Exhibit 5). The applicant has stated that they would have fire extinguishers and water barrels on the property. The applicant has proposed to have a total of 11 fire extinguishers, 9 indoors and 2 outdoors. The applicant has planned to place these fire extinguishers in a way that the distance between any two fire extinguishers will not be more than 30 feet. The applicant plans to train their employees for fire training per OSHA standards. The applicant has stated that the property has fire insurance and they are currently working on having marijuana business insurance. The applicant has stated that they plan to keep two 55 gallon barrels close to the cultivation building with gas powered pump and a hose.
Community Planning believes that the two 55 gallon barrels will not be sufficient for firefighting on this property. State Fire Marshal’s office does not have any recommendation for sizes of water tanks for firefighting in areas where there is no emergency fire response. Moreover, they do not recommend using a pump and a hose without firefighting training. Community Planning researched national standards and standards from other states to make a recommendation for a water tank capacity for this property. National Fire Protection Association\(^4\) recommends calculating the capacity and elevation after due consideration of all factors involved. San Diego County Fire Authority\(^5\) recommends a 10,000 gallon tank for structures over 1,500 sq.ft. in size (250 gallon per minute for 40 minute duration).

In other conditional use requests for commercial development, Community Planning has relied on State Fire Marshal’s requirements for fire safety of properties outside the city limits. This property is located in GU-1 zoning where other uses with similar or higher fire risk are allowed without any zoning or conditional use permit. These uses include, but are not limited to, heavy manufacturing (explosives, chemicals etc.), power generation plants, and bulk fuel distribution and storage. Therefore, Community Planning believes that having a water tank for private firefighting is a good proactive measure; however, does not make a recommendation for a specific capacity because State Fire Marshal’s office does not provide any size recommendations and Community Planning does not have in-house fire safety expertise.

Necessary fire safety provisions for a marijuana cultivation operation are critical because marijuana cultivation operations have high usage of electricity in a moist environment which can lead to electrical fire concerns. Therefore, Community Planning recommends a formal plan review by the Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and compliance with all recommendations and/or requirements resulting from the plan review as a condition to minimize fire and other safety risks. Community Planning also recommends a condition to require ‘Firewise’ landscaping practices at least within 100 feet from the indoor cultivation building to minimize risk of forest fires.

Although the property is not located in a Fire Service Area, the applicant is taking fire safety precautions such as adhering to the applicable building codes, following ADNR recommended ‘Firewise’ best practices for landscaping, and having fire extinguishers on the property. With the conditions proposed, Community Planning believes that the proposed conditional use has adequate fire safety capacity and conditions.

**Energy:** The proposed conditional use has adequate power supply because they are served by GVEA grid.

**Police:** The proposed conditional use is served by Alaska State Troopers.

**Transportation:** The marijuana cultivation facility is served by Pheasant Farm Road. Pheasant Farm Road could accommodate the small number of trip ends generated by the proposed facility. The applicant has provided nine off-street parking spaces and a loading area with sufficient backing and maneuvering space.

\(^4\) NFPA 22, Standards for Water Tanks for Private Fire Protection, 1998 Edition  
\(^5\) San Diego County Fire Authority Water Tank Standards for Fire Protection
Whether or not the proposed conditional use will protect the public health, safety and welfare.

With the conditions imposed, this use will protect the public health, safety, and welfare through responsible operation of the facility as demonstrated in applicant’s business plan. The proposed marijuana cultivation facility, indoor large meets the standards required by FNSBC 18.96.240 and the operating plan is intended to minimize and mitigate adverse impacts to surrounding properties. The applicant has a detailed plan for site security, fire safety, and employee health to help address public health, safety, and welfare concerns.

Site security, marijuana liquid and plant waste, outdoor lighting, noise, odor and hours of operation could be potential concerns for surrounding properties with a commercial marijuana cultivation operation but the applicant has addressed these issues in a way that mitigates the public health, safety and welfare concerns.

Site Security and Marijuana Waste Disposal: The applicant intends to secure all marijuana and marijuana products inside the building to ensure the general public does not have access to them. The applicant has stated that their security system include an alarmed security system and 24-hour video surveillance. The applicant has stated that the marijuana plant waste would be rendered unusable via mixing with equal parts compostable and non-compostable material. The compostable material mixed waste would be composted on site and non-compostable material mixed waste would be disposed of at the FNSB Solid Waste Facility.

The state licensing and operational standards including restricted access areas, security alarm systems, video surveillance, waste disposal methods for marijuana facilities are governed by 3AAC 306. The application material acknowledges that a marijuana cultivation facility, indoor large cannot legally operate without obtaining a state issued license [FNSBC18.04.010] and compliance with 3AAC 306 is required to obtain a state license. Compliance with state regulations related to security, waste disposal, health and safety would help ensure employees’ health and safety. Therefore, Community Planning recommends compliance with 3AAC 306 as a condition to ensure public health, safety and welfare.

Odor: The applicant plans to address odor by carbon filters. However, if these filters are not of sufficient capacity, the odor could potentially become a public health, safety and welfare issue for the neighbors. Therefore, Community Planning recommends a condition requiring installation of appropriately sized odor filtration systems in the indoor cultivation space to help ensure the public health, safety and welfare.

Outdoor Lighting: The site plan provided by the applicant shows four exterior lights which would point downward. The property is not adjacent to a residential zone. The applicant has provided a map which shows that the nearest residence is at least 1,000 feet away from the subject building (Exhibit 6). Therefore, Community Planning believes that the outdoor lighting does not negatively impact the public health, safety and welfare of the surrounding properties.

Noise: The applicant has stated that the noise generated from this cultivation operation would not cross property lines because the nearest residence is at least 1,000 feet away from the subject building and the noise from the cultivation building would dissipate.
before reaching to the neighboring properties. Therefore, Community Planning believes that the noise produced from the indoor cultivation building will not negatively impact the public health, safety and welfare of the surrounding properties.

**Hours of Operation:** The applicant has stated the hours of operation would be 7 am to 7 pm. These hours of operation should not negatively impact the neighborhood’s public health, safety and welfare because the nearest residence is at least 1,000 feet away. Moreover, the subject property is located in GU-1 zoning where there are no restrictions on hours of operation.

**Fire Safety:** Although the property is not located in a Fire Service Area, the applicant is taking fire safety precautions such as adhering to the applicable building codes and ADNR recommended ‘Firewise’ best practices for landscaping, and having fire extinguishers on the property. With the conditions proposed, Community Planning believes that the proposed conditional use will not negatively impact public health, safety and welfare.

The applicant's submittals indicate that the applicant plans to go to other agencies such as the Marijuana Control Board (MCB), ADEC and Fire Marshall for plan reviews and approvals. Because this conditional use approval is for a specific use, a change in the site plan or operation method may result in increased impacts or trigger a public health, safety and welfare concern which has not been analyzed. Therefore, Community Planning recommends a condition that the applicant file final site and floor plans with Community Planning to ensure compliance with Planning Commission approved site plan, floor plan and conditions. If any modifications are made to the approved documents or operations characteristics, an amendment to the conditional use permit may be required.

**IX. RECOMMENDATION**

Based on the staff analysis, the Department of Community Planning recommends **APPROVAL** of the conditional use permit request for marijuana cultivation facility, indoor large in the GU-1 zone with four (4) conditions.

**X. CONDITIONS**

1. Prior to the commencement of operations, 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 marijuana cultivation facility.

   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 onsite septic system and shall comply with all recommendations and/or requirements resulting from the plan review.

2. Indoor cultivation, drying, and processing rooms or portions of the building where marijuana will be grown, processed or stored, shall be equipped with appropriately sized odor filtration systems such that the marijuana odor shall not be detectable by the public from outside the indoor cultivation facility.

3. The applicant or holder of this conditional use permit shall follow ‘Firewise’ landscaping practices listed in Exhibit 5 for at least the first 100 feet around the indoor cultivation building.

4. 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).

XI. FINDINGS OF FACT

The Department of Community Planning further recommends the following Findings of Fact in support of approval:

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 not inconsistent with ‘Rural Settlement Area’ comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are being enhanced with the redevelopment of this site as a marijuana cultivation facility.
   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 marijuana facility 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 site has an onsite septic system. With the conditions imposed, the property will have adequate capacity to receive the non-domestic wastewater generated from the cultivation facility.
b. The site is not served by a Fire Service Area. However, with the conditions proposed, the conditional use will have adequate fire safety capacity because the applicant would take extra fire safety precautions such as adhering to the application building and fire codes, following ADNR recommended ‘Firewise’ best practices for landscaping, and having fire extinguishers on the property.

c. The site is served by Steese Volunteer Fire Department for emergency ambulance service.

d. The site is served by Alaska State Troopers for law enforcement.

e. The site is currently connected to the GVEA grid which will provide sufficient energy supply for indoor cultivation activities.

f. Nine (9) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed cultivation conditional use.

g. The traffic generated from the proposed marijuana cultivation use will not further degrade Pheasant Farm Road, and will have a negligible, if any, effect on nearby Chena Hot Springs Road, a major collector.

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

   a. With the conditions imposed, security systems, alarms, cameras and lighting will meet state regulations required to obtain a commercial marijuana cultivation 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. With the conditions imposed, odor will be mitigated with appropriately sized odor filtration systems on cultivation, drying, and processing facilities.

   d. All marijuana and marijuana products will be secured inside the building to ensure the general public does not have access to them.

   e. The noise generated from this cultivation operation would be minimal and it would not negatively impact the neighboring residential property owners because the nearest residence is at least 1,000 feet away from the subject building.

   f. The outdoor lighting would point downwards and will not negatively impact the neighborhood or residential uses.

DRAFT PLANNING COMMISSION MOTION:

I move to approve the Conditional Use Permit for a commercial marijuana cultivation facility, indoor large with four (4) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval.
# General

**Neighborhood:** Two Rivers

**Valuation Method:** Cost

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- 10/7/2014 : DJP : 94
- 8/28/2012 : DJP : 24

- 8/28/2012 : DJP : 82

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**Total SQ FT:**

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A WHITE FIREWEED : 0629621

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Page 2
## Interior

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<th>Yr-Built</th>
<th>Eff-Yr</th>
<th>PHYS</th>
<th>LOC</th>
<th>FUNC</th>
<th>INC</th>
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<td>2</td>
<td>R</td>
<td>R1/SFR</td>
<td>02/Standard</td>
<td>600</td>
<td>2008</td>
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### Main Area

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<td>Total SQ FT:</td>
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### Secondary Sections

*FP*: Finish Type

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### Amenity Qualifiers

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### Functional Qualifiers

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The net value is calculated as follows:

\[
\text{Net Value} = \text{Total Base Rate} - \text{Total Deviation} + \text{Amenities}
\]

\[
\text{Net Value} = 213,212 - 36,640 + 4,000 = 179,572
\]
GENERAL NOTES:

1. DIMENSIONS ARE TO FACE OF FRAMING OR ICY, UNLESS NOTED OTHERWISE.
2. DOORS ARE TO BE LOCATED 4" FROM THE ADJACENT WALL HINGE SIDE TO INSIDE FACE OF FRAME, UNLESS DIMENSIONED OTHERWISE.
3. REFER TO ENLARGED FLOOR PLANS FOR DIMENSIONS AS REQUIRED.
4. GARAGE FLOOR RADIANT SLAB ELEVATION IS 0'-0" BASELINE. ALL OTHER ELEVATIONS ARE MEASURED FROM THIS REFERENCE POINT.
5. ALL ELEVATIONS ARE TO TOP OF RADIANT CONCRETE SLAB. NO FINISH FLOOR MATERIAL HAS BEEN ACCOUNTED FOR. COORDINATE FLOOR FINISH WITH OWNER.
6. ALL WINDOW AND DOOR OPENING DIMENSIONS ARE ROUGH OPENING DIMENSIONS ALLOWING APPROXIMATE 1/2" SHIM/FOAM SPACE EVERY SIDE. ACTUAL SHIM SPACE VARIES.

FIRST FLOOR PLAN

MECHANICAL MEZZANINE

1/4"=1'-0"
APPLICABLE APPROVAL CRITERIA

Conditional Uses are governed by the following provisions of Title 18, Fairbanks North Star Borough Code of Ordinances:

18.104.050 (C)

1. Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state statutes.

2. Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.

3. Whether or not the proposed conditional use will protect the public health, safety and welfare.

The Planning Commission may approve or deny a conditional use request or may approve a conditional use request with conditions to ensure the protection of the public health, safety and welfare. Such conditions may relate to any, or more, of the following: traffic flow and access requirements, lighting, pedestrian movements.

Marijuana Facilities are also governed by the provisions of Title 18, Standards for Commercial Marijuana Establishments:

18.96.240

A. General Standards

1. Applicability. Standards of this section shall apply to commercial marijuana establishments regardless of whether they are a permitted or conditional use.

2. A commercial marijuana establishment may only be allowed with the written consent of the owner of the property.

3. No marijuana establishment, except a marijuana testing facility, shall be located within the following buffer distances:

   a. Five hundred feet of primary and secondary school buildings (K-12) including vocational programs, playgrounds, adult and juvenile correctional facilities and housing facilities owned by a public housing authority with children as residents; and

   b. Two hundred feet of any post-secondary school buildings including but not limited to trade/technical/vocational schools, colleges and universities; and

   c. One hundred feet of youth centers, group homes serving persons ages 18 and under, public swimming pools, state licensed day care facilities, arcades, state licensed substance use treatment provider or facility providing substance abuse use treatment, church buildings and residential zones (RE, RR, SF, TF, MF, MFO).
d. Buffer distances shall be measured from the lot line of the lot containing a use or zone listed in subsections (A)(3)(a) through (c) of this section to the commercial marijuana establishment.

e. Buffer distance measurements shall not extend beyond the nearest ordinary high water (OHW) mark of a river or lake or beyond the nearest edge of a right-of-way (ROW) of a controlled access facility.

4. Outdoor Storage. No outdoor storage of marijuana, marijuana products or hazardous substances shall be allowed.

5. In all zones in which marijuana establishments, with the exception of a marijuana testing facility, are a permitted or conditional use, the applicant shall include an area map drawn to scale indicating all land uses on complete parcels within a 500-foot proximity of the lot upon which the applicant is seeking a zoning permit or conditional use permit.

6. Marijuana establishments other than marijuana cultivation facilities, indoor small and marijuana testing facilities located in GU-1 or GU-5 zoning and adjacent to a lot upon which a principal building used as a dwelling is located are a conditional use subject to the requirements of this title.

B. Cultivation Facility Standards.

1. Yard Setbacks. Outdoor marijuana cultivation facilities, including all land planted with marijuana, shall be located at least 50 feet from a lot line.

2. Height Limitations.

   a. The maximum height for a marijuana cultivation facility, indoor small shall be 35 feet.

   b. The maximum height for a marijuana cultivation facility, indoor large shall be 75 feet.
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Objective:
A lean, clean and green landscape will slow fire’s spread.

Make the most of your efforts by starting at the house.

Thin and prune trees, one section at a time.

Separate islands of vegetation.

Prioritize Firewise landscaping within the first 30 feet from your home.

- Maintain lawn at 3 inches and keep well watered.
- Separate vegetation with grass, rock gardens and gravel walkways.
- Cut or prune needle-bearing trees (spruce, hemlock, pine, etc.) adjacent to the home to maintain 15 feet of clearance between tree branches and the roof line.
- Thin needle-bearing trees to 15 feet between extending branches.
- Prune tree branches up 6-8 feet from the ground.
- Remove shrubs and mow grass under trees.
- Remove dead vegetation.
- Use Firewise plants, prune often and keep well watered.
- Separate groups of shrubs by 10 feet.
- Remove all wood and bark mulch from this area.
- Water trees frequently. Watering at the drip line is most effective: the outer circumference of the tree branches.
- Store firewood and tires ≥30 feet from the home, and at least 10 feet from a wood fence.
Treat vegetation between 30 to 100 feet from your home (increase the distance if slope exceeds 30%).

- Thin needle-bearing trees to 15 feet between extending branches.
- Thin black spruce in clusters (<10 feet in diameter) with 15 feet between clusters.
- Prune tree branches up 6-8 feet from the ground.
- Remove shrubs and mow grass under trees.
- Remove dead vegetation.

Defensible space is an area that will help protect your home and provide a safety zone for those who are battling the flames.

Beyond 30 feet from your home, a healthy forest comprised of both birch and spruce can be maintained through regular pruning of branches, trimming shrubs and mowing grass beneath trees.

Prune trees in fall months.
- Prune spruce trees in fall to limit bark beetle activity.
- All pruning should be done in late fall or cold months to maintain good tree health.
- No pruning in the spring when trees are budding.

Easy action items:
- Prune a tree
- Water plants

In one hour:
- Rake around the wood pile
- Rake under trees
- Rake under the deck and exterior stairs

Weekend project:
- Pile tree limbs and brush >30 feet from the house for fall burning or composting.
General Landscaping

- In heavily wooded areas on your property, thin and prune trees to decrease the fire hazard and improve growing conditions. Remove dead, weak, or diseased trees, leaving a healthy mixture of older and younger trees.
- Reduce fire risk by emphasizing hardwood trees, either mixed with conifers or as pure stands near your home.
- Gravel or stone walkways serve as fire breaks around your home.
- Work together with your neighbors to treat common areas between houses: thin and prune trees, mow grass.
- Trim shrubs and mow grass in easements surrounding electrical power lines.
- Avoid planting trees near overhead power lines where they may grow into and contact the lines under windy conditions, causing a fire. Contact your local utility with questions.
- Consult a tree care professional with your questions. Visit http://www.forestry.alaska.gov/community/.

WOOD STORAGE TIPS

Store wood piles at least 30 feet from any structure and clear 10 feet around pile.

Many homes have survived as a fire moved past, only to burn later from a woodpile that ignited after the firefighters moved on to protect other homes.

Do not stack firewood under trees or on downhill side of home.
More Tips

- Properly dispose of all cut vegetation by an approved method. Open burning may require a permit. Contact your nearest fire agency or village public safety officer for local requirements.
- Locate a brush pile at least 30 feet from the house for fall burning.
- Care for piles of wood chips by turning regularly to avoid combustion.
- Locate burn barrels and open fires at least 30 feet from any structure and clear the ground around the site for a minimum of 10 feet. A burn barrel must be in good condition and should be covered with a woven metal screen. Always stay with your fire!
- Keep garden hoses and fire tools readily available: axe, shovel, rake or Pulaski.
- Keep storage areas clean. Discard oily rags and newspapers. Sheds, car ports and under decks are vulnerable storage areas that often serve as fire starters or fuel.
- Check spark arresters on all motorized equipment (any vehicle or machinery with a gas engine). Store 30 feet away from structures or put inside garage.
- Locate and label liquefied petroleum gas (LPG), propane tanks and any fuel storage containers at least 30 feet from a structure and clear 10 feet around tank. Use stone or iron instead of wood for cribs under tanks. If you store gasoline, label it.
- Junk piles are fire hazards. Move discarded items outside of the home’s 30 foot perimeter.

Yard debris disposal options

- Chip branches, use as mulch around trees outside of the home’s 30 foot perimeter.
- Compost grass and fine woody debris (visit the online publications database at UAF Cooperative Extension Service http://www.uaf.edu/ces/).
- Haul to landfill.

Firewise plants are fire resistant, not fire proof.
- High water content and supple, moist leaves.
- Little or no accumulation of dead vegetation, either on the ground or on the plant.
- Sap that is water-like such as that found in birch trees.
Pheasant Farm Road

Private Driveway, looking east
Property is mostly cleared, looking northwest

Existing Residence, looking north
Existing Warehouse, looking northeast

Neighboring property, looking southeast
Agency Comments

CU2017-021
Hello Manish,
The proposed property is outside of a fire service area and therefore has no fire protection. It is within the Fairbanks North Star Borough and does receive Emergency Medical Services which is an ambulance from my department, the Steese VFD. I have no other comments at this time. If you have any other questions please contact my office.

Mitch Flynn, Fire Chief
Steese VFD
800 William C. Leary Lane
Fairbanks, AK 99712
907-457-1519 office
907-347-7685 cell
mitch.flynn@steesefire.org

On Thu, May 18, 2017 at 10:33 AM, Steele, Samara <samara.steele@steesefire.org> wrote:
FYI
Manish Singh

From: Roberts, Jillian T (DPS) <jillian.roberts@alaska.gov>
Sent: Thursday, May 18, 2017 10:48 AM
To: Manish Singh
Subject: RE: CU2017-021/22: Requesting Comments for Marijuana Cultivation App. (200 Pheasant Farm Road)

Follow Up Flag: Follow up
Flag Status: Flagged

Manish,

We have not received a plan review for this project yet.

Take care,

Jill Roberts
Plan Review Bureau
Division of Fire & Life Safety
Jillian.roberts@alaska.gov
Phone 269-2004 Fax 269-0098

From: Manish Singh [mailto:MSingh@fnsb.us]
Sent: Thursday, May 18, 2017 10:30 AM
To: Tyler, David L (DPS); Aden, David G (DPS); Roberts, Jillian T (DPS); Nakano, Lloyd M (DPS); diana.parks@alaska.gov; Carpenter, Margaret (DOT); Horton, George C (DNR); Maisch, John C (DNR); McAlpin, Robert R (DNR); Keech, Paul A (DNR); Sanford, Edward (DNR); Bear, Tonya (DEC); Buteyn, Douglas J (DEC); AST Directors Office, DPS (DPS sponsored); JLKarl@gvea.com; Bill Witte; Brad Paulson; info@steesefire.org
Subject: CU2017-021/22: Requesting Comments for Marijuana Cultivation App. (200 Pheasant Farm Road)

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering **CU2017-021**, a request for conditional use approval of a marijuana cultivation facility, indoor large and **CU2017-022**, a request for conditional use approval of a marijuana cultivation facility, outdoor limited in the General Use 1 (GU-1) zone, located at **200 Pheasant Farm Road** (on the east side of Pheasant Farm Road, south of Chena Hot Springs Road). These applications (CU2017-021 & CU2017-022) are scheduled for the Planning Commission meeting on June 20, 2017.

I have attached the applications with this email. The department requests you to send us your comments for this proposal by June 01, 2017. For more information about this case, please email m singh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Application Material Received on
May 05, 2017

CU2017-021
MARIJUANA FACILITY
CONDITIONAL USE PERMIT APPLICATION

File No. CU2017-021

FEES:
- $800 conditional use permit application
- $250 verification of sensitive use buffers
- $200 sign deposit (check or cash only)

Applicant:
Contact Name: HALEY ESSIG
Business Name: THIRDSTATE
Mailing Address: PO BOX 111969
City, State Zip: ANCHORAGE, AK 99511
Phone: (907) 317-7340
E-mail: HALEY@THIRDSTATE.CO

Property Owner:
Name: GREEN DIAMOND PROPERTIES, LLC
Mailing Address: PO BOX 84662
City, State Zip: FAIRBANKS, AK 99708
Phone: (907) 222-6336
E-mail: BILL@TVTV.COM

Property Information:
Property Description: TRACT A WHITE FIREWEED
Street Address: 200 PLEASANT FARM ROAD
Lot Size: 40 ACRES
Parcel Account Numbers (PAN): #0029621
Zoning District: GU-1
Existing Use(s): RESIDENTIAL AND COMMERCIAL SHOP

Conditional Use Request Information:
Proposed Use(s):
MARIJUANA CULTIVATION FACILITY, INDOOR LARGE

Request Description and Reasons for the Request:

I have attached a detailed site plan drawn to scale and to the standards of the Commercial/Industrial Site Plan guidelines.
I certify that the information included in this application is to the best of my knowledge true and complete.

APPLICANT SIGNATURE: [Signature] DATE: 5/4/2017

OWNER SIGNATURE (if different): [Signature] DATE: 5/5/2017

If the applicant is not the sole property owner, written consent of all property owners must be provided pursuant to FNSBC 18.104.050(B).

(WILLIAM ST. PIERRE)
**Figure 1**

- **House (not licensed)** (78' X 40')
  - 110 ft Driveway (2 ft deep pit run gravel)
  - 25 ft Parking lot (9' x 18' spaces)
  - 53 ft Parking/loading/traffic circulation area (2 ft deep pit run gravel)
  - 10 ft gate

- **Existing Building** (60' X 40')
  - Height: 23 ft
  - Well

- **Proposed Extension** (42' X 40')

- **50 ft public access & utility easement** (1,020 ft)
  - Septic

- **Conex (Storage)**

- **Fenced area** (60' X 20')

- **Dumpster**

- **30 ft GVEA electrical easement**

- **Small fence**

- **Gravel access road** (2 ft deep pit run gravel)

- **Small fence**

- **North** (1" = 40 feet)
30 ft GVEA electrical easement

(720 ft)  300 ft of property line shown  (300 ft)
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<tr>
<td>20</td>
<td></td>
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<td></td>
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</tr>
</tbody>
</table>
## 200 Pheasant Farm Road Total Square Footage Calculations

<table>
<thead>
<tr>
<th>Under Cultivation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Building</td>
<td>Size</td>
</tr>
<tr>
<td>Shop</td>
<td>4,080 ft^2</td>
</tr>
<tr>
<td>Greenhouse</td>
<td>3,000 ft^2</td>
</tr>
<tr>
<td>Total</td>
<td>7,080 ft^2</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Supplementary</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>Size</td>
</tr>
<tr>
<td>Shop Fenced Area</td>
<td>1,200 ft^2</td>
</tr>
<tr>
<td>Greenhouse Fenced Area</td>
<td>9750 ft^2</td>
</tr>
<tr>
<td>Total</td>
<td>7,950 ft^2</td>
</tr>
</tbody>
</table>

Total Square Footage: 15,030 ft^2
ThirdState - Narrative, Indoor & Outdoor Commercial Marijuana Cultivation CUP Request

Specific type of commercial marijuana facility being requested as defined in FNSBC 18.06.010.

ThirdState is in the process of applying for a standard marijuana commercial cultivation license from the state of Alaska and is respectfully requesting the Planning and Zoning commission approve its proposed location of a Marijuana Cultivation Facility, Indoor Large, meaning a legally licensed, fully enclosed commercial marijuana cultivation facility, as defined by the FNSB code and Alaska state law, in which all growing preparation and packaging activities are conducted completely indoors and for which the net floor of the cultivation does not exceed 10,000 square feet. This application for a CUP also requests the approval of a Marijuana Cultivation Facility Outdoor Limited, which means a legally licensed, commercial marijuana facility as defined by state law in which any portion of the growing, preparation and packaging activities are conducted outdoors are within buildings that are not fully enclosed or which utilize odor permeable materials. Area of the marijuana cultivation outdoor limited facility does not exceed 20 percent of the total parcel area, including all land planted with marijuana and the net floor area of all temporary and permanent buildings utilized to grow, prepare and package marijuana.

Narrative demonstrating conformation with the condition use approval criteria FNSBC 18.04.050(C)1-3, including Title 18, the FNSB Regional Comprehensive Plan, and other applicable FNSV ordinances and statute statutes.

ThirdState is owned and operated by two long time Alaskans, Haley Essig and Eric Solie. Both are entrepreneurs and are committed and invested to protecting the FNSB community and diversifying this State’s economic playbook. The owners will work diligently to ensure this new business venture meets and furthers the goals of the FNSB Plan and adheres to the regulations and ordinance to maintain compliance at all times. Thank you in advance for your consideration of this request:

Strengthening the Borough's role as the commercial, transportation, and cultural hub of Interior Alaska – ThirdState’s new marijuana farm will strengthen the Borough’s position as the commercial, transportation, and cultural hub of the interior of Alaska. By providing employment on a year round basis (as the company grows) the borough will benefit by the commercial expansion of creating new jobs for people, who will then also contribute to the commercial market by expending their salary on housing, food, and entertainment within the borough. ThirdState strategically picked the Borough in order to capitalize on the community’s strong leadership and progressive approach to the immerging marijuana industry. By diversifying the Borough’s economy with this type of business, the Borough’s role as the commercial, transportation, and cultural hub will strengthen.

Creating opportunities for development while minimizing land use conflicts – the Site is in a General Use area on a 40-acre parcel – the development of this under-utilized parcel will create and foster more opportunities for development, and this new use does not conflict with the existing and surrounding uses.

Maintaining a healthy economy that provides ongoing opportunities for residents to be gainfully employed – As discussed infra, the use will create year round employment for residents
of the Borough. It will promote a healthy and safe environment for its crew members and a team like community is the type of environment ThirdState strives to create.

**Integrating development with responsible stewardship of our resources** – ThirdState seeks to limit any negative impact on the environment by utilizing green friendly nutrients and cleaning supplies. It also applies the mantra of “reduce, reuse, and recycle” and as the business develops and matures the owners will see additional manners to improve and preserve natural resources and protect the environment. ThirdState and its owners believe that it is important for employees and owners to volunteer within the community and have a positive impact on the immediate environment. Eric and Haley will develop an “Environmental Impact Plan” and shall be responsible for maintaining and updating the content and procedures. The Environmental Impact Plan will detail, among other things, company efforts to ensure proper construction and design, work alongside governing agencies and officials, follow all required health and safety requirements, and promote safe building and operational practices.

The team will strive to align with local charities and nonprofit interest groups, and will encourage employees to use shared commutes and carpools.

**Narrative Question Number One – Number of Employees onsite:**

Initially, after the building and buildout is complete, the ThirdState indoor facility will have two employees working fulltime (including one onsite employee who will live onsite 24/7 to maintain a constant eye on the property and facility and to minimize risk of any fires as discussed below). There will also be two-part time employees that will help with harvest every two weeks and ThirdState will hire two additional employees for seasonal employment to work in the greenhouses from the months of April to August. Keep in mind this is a startup company and as the business develops and grows it will have an employment budget that grows with it, so the number of employees could increase in the future.

**Narrative Question Number Two – Frequency of vehicle trips to site:**

During the construction and buildout of the facility there will be multiple construction vehicles enter and leaving the site on a daily basis. ThirdState estimates that the buildout period will conclude approximately around August 2017. Once the building and greenhouses are both operational and cultivation is occurring, ThirdState estimates that transportation of product out of the facility every two weeks. Materials such as nutrients, grow medium and other materials will be acquired off site by employees and delivered to the site on an as needed basis. ThirdState estimates this type of transportation will occur every 2-3 weeks. Propane for use in the greenhouse will be delivered in the fall and spring – ThirdState estimates needing propane delivered twice a year.

Employees, in the number and type as described above, will also be traveling to and from the property site.

**Narrative Question Three – Hours of Operation:**
ThirdState cultivation facility is never open to the public but the hours of operation will be 7 AM to 7 PM Monday through Sunday. Additionally, we will have an employee living on the same lot as the licensed premises who will enter the facility as needed at any hour.

**Narrative Question Four & Five – Activities occurring on site on daily, weekly, monthly, periodic, seasonal, occasional and annual basis; phases of development:**

- Activities occurring on the site:
  - The cultivation of marijuana plants indoors as well as in greenhouse(s)
  - Drying of marijuana plants indoors
  - Grinding/Disposing of plant waste
  - Packaging and tagging of product indoors
  - Cleaning and building/greenhouse maintenance
  - Security of the facility/product

- Phases of Development
  - Phase 1 will include a 42 foot extensions on the East end of the building as well as the placement of a 3,000 sq. ft. greenhouse on the empty field southwest of the shop
  - Subsequent phases will be the placement of additional greenhouses in the empty field southwest of the shop, not to exceed 20% of the total area of the land. Subsequent phases will be conducted if/when it is feasible.

**Narrative Question Six – Impacts of proposed use that may cross property lines, such as odor, noise, dust, light, etc.:**

Odor from our indoor facility will not cross property lines year round as it will be contained in our through ventilation systems and carbon filtration.

Greenhouses will be operated seasonally. We have intentionally placed the proposed greenhouse at the southern end of the property due to the Fairbanks average annual wind direction heading predominantly northeast. This will mitigate odors from reaching the public by allowing odors to dissipate naturally over our property. See attached graphic of annual wind direction in Fairbanks.

Noise may cross property lines during construction. Once construction is complete, all noise generated by the facility will be hard to detect as the property is so large and will dissipate before reaching neighbors.

All lights used for security will be angled down around the premises of the licensed facility and will not cross property lines but will be in accordance with the state surveillance requirement of 20 feet.

**Narrative Question Seven – Provide a list of chemicals utilized or stored on site:**
Chemicals used will be nitrogen, phosphorus, and potassium fertilizers, phosphoric acid, and cleaning supplies such as bleach, simple green, etc. On an as needed basis, only pesticides from the “July 2016 Alaska List of Marijuna Pesticides” published by the Alaska DEC will be used. All other chemicals used are DEC approved.

All cleaning products, whether potentially hazardous to health or not, will be stored away from marijuana and any related products that come into direct contact with marijuana. In an effort to minimize chemicals in the air and settling on unintended surfaces, employees will dispense all spray, aerosol, or similar airborne cleaning products into a paper towel rather than directly onto the surface.

Cleaning products to be used are as follows: Windows: Windex sprayed into a paper towel, wiping up and down or in circular motion;

1. Floor: ZEP neutral floor cleaner for the concrete floors;
2. Countertops/Trays: Simple Green;
3. Computers and Hand-Operated Electronics: Dust Off and Simple Green sprayed lightly into a paper towel to clean the outside surface of all electronics;
4. TV Screens: feather duster or water sprayed into a paper towel;
5. Cultivation, processing, storage areas: Simple Green;
6. Metal processing utensils: rubbing alcohol. All metal utensils used for processing marijuana, such as trimming scissors, are to be soaked overnight in a plastic container filled with isopropyl alcohol and hydrogen peroxide early labeled as such; and
7. Plastic marijuana storage or processing bins: Simple Green. After each use, all storage containers are to be wiped down with Simple Green and rinsed, and all exterior labels removed.

Narrative Question Eight– Describe how plant waste materials will be handled and disposed of:

ThirdState will implement thorough disposal policies and procedures in an effort to safeguard marijuana consumers and the surrounding community from the potential hazards presented by marijuana waste. Solid waste will be kept in trash cans lined with plastic bags and disposed of at the Two Rivers transfer site. Plant waste will be shredded and mixed with equal parts compostable or non-compostable material, logged into METRC, and used as compost or disposed of in an approved landfill.

A. Types of Waste for Disposal.

The following is a list of the expected waste that ThirdState will be disposing of:

1. Waste from marijuana flowers, trim, and solid plant materials;
2. Wastewater generated during cultivation and processing;
3. Marijuana that is identified as infected or fails to meet quality testing; and
4. Marijuana plant waste, including roots, stalks, leaves, and stems.

B. Method of Disposal.

To ensure that marijuana products are safely kept away from the public, cultivation facilities must render the products unusable before disposal.

Once flagged for disposal, all marijuana and marijuana products will be secured and destroyed by grinding the material and incorporating the remains with compostable or non-compostable solid wastes until the resulting mixture is, at a minimum, fifty percent (50%) non-marijuana waste.

1. Non-Compostable Solid Wastes.

ThirdState will use the following non-compostable solid waste for safe disposal of marijuana waste:

   a. Paper waste;
   b. Plastic waste;
   c. Cardboard waste; and/or
   d. Soil.

2. Compostable Solid Wastes.

ThirdState will use the following compostable solid waste for safe disposal of marijuana waste:

   a. Food waste;
   b. Yard waste; and/or
   c. Vegetable-based grease or oils.


Ownership and Management will give at least three (3) days notice to the MC Board before disposing of any marijuana waste by logging the affected products in the marijuana inventory tracking system, Metrc.

Management will ensure that the final disposal mixture is composed of no more than fifty percent (50%) marijuana waste by volume.

D. Compliance with Disposal Regulations.

ThirdState will comply with all of the federal, state, and borough laws, regulations, and codes, as set forth and amended from time to time, with regard to marijuana waste disposal.

The grinding method for disposal is the approved method to render marijuana waste unusable by the Alaska Administrative Code and the MC Board. This technique has been deemed to be safe for disposal, and its reliability and safety have been proven through its use in other jurisdictions across the nation.

ThirdState will utilize the standards set by the MC Board, and in the absence of such
standards, will adhere to the strictest standards set by comparable jurisdictions that have been proven and tested. ThirdState aims to cultivate and process marijuana using only the safest, most dependable, and MC Board-approved methods for every step of the process.

If at any time the MC Board or the Fairbanks North Star Borough implements or approves a different type of disposal method than the one described in the Disposal Plan, ThirdState will take immediate action to ensure that it complies with all of the MC Board’s requirements.

E. Hazardous Waste.

Any hazardous waste will be identified and disposed of in accordance with all of the federal, state, and borough laws, regulations, and codes, as set forth and amended from time to time. Hazardous waste includes solids, semi-solids, liquids, or contained gases which cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness, or pose a substantial hazard or potential hazard to human health, public safety or the environment when given improper treatment, storage, transportation, disposal, or other management. Hazardous waste also includes waste identified as hazardous by the Alaska Administrative Code. Hazardous waste includes, among other wastes, toxins, corrosives, flammable materials, irritants, strong sensitizers and materials which generate pressure by decomposition, heat or otherwise.

F. Disposal Records in the Inventory Control System.

All marijuana rendered unusable and disposed of will be tracked using the Metrc system. Upon identifying any plant, batch of plants, or any quantity of marijuana for disposal, the plant(s) or item will immediately be marked in the Metrc system for disposal. Upon rendering the plant(s) or item unusable, the following information will be recorded in the Metrc system:

1. A description of and reason for the marijuana being disposed of, including, if applicable, the number of failed or other unusable marijuana plants and the weight of the plant(s) or item(s);
2. The date of disposal;
3. Confirmation that the marijuana was rendered unusable before disposal;
4. The method of disposal; and
5. The name and permit number of the agent responsible for disposal.

**Narrative Question Nine— Energy Source:**

Electricity provided by GVEA.

**Narrative Question Ten— Water Source:**

Water source: Private well

**Narrative Question Eleven— Method of Sewage Disposal for Proposed Use:**
Sewage disposal: DEC approved septic system. See attached DEC approval

**Narrative Question Twelve – Wastewater management for proposed use:**
All wastewater will be collected and reused for further watering of marijuana plants. Any remaining wastewater will be disposed of into the DEC approved septic system.

**Narrative Question Thirteen – Other services to serve the proposed use such as fire protection and police, etc.:**

The ThirdState cultivation facility is located outside of a of fire service area. However, Eric and Haley are well aware of this fact and have taken extra fire safety precautions to ensure the safety of the building, employees, and neighboring properties. The owners have been in contact with the State Fire Marshal (Diana Parks) and Diana has explained that it’s not unusual in this area of the state to have commercial buildings outside of fire service areas. She elaborated that the Fire Marshall still conducts plan reviews to ensure the building is built to meet all applicable building codes. ThirdState’s building plans have been approved by a licensed architect and will meet all building codes in order to pass State Fire Marshall approval. Please see attached emails from our architect, David Hayden and from the Department Fire & Life Safety, Diana Parks. As additional fire protections, the employees and owners of ThirdState will take the following fire-risk reducing precautions:

- ✔ Within 15 feet of structure, the team will remove all conifers and dry or dead vegetation.
- ✔ Around the edge of the facility, the team will line it with either small plants, flowers or gravel.
- ✔ Any trees that are 15-30 feet of the indoor cultivation facility or greenhouses will be groomed and their branches trimmed;
- ✔ Shrubs underneath trees that are within 30 feet of the building will be removed.
- ✔ Dead or dry vegetation under trees will be removed;
- ✔ Leaves and needles will be racked up routinely around the property;
- ✔ Empty 55 gallon barrels will be left outside to catch rain water for use of extra water in case of an emergency;
- ✔ 24/7 onsite employee will be on the property 7 days a week. The onsite employee has direct and constant access to a cellular phone that has great reception and high speed internet;
- ✔ There are cameras running 24/7 that allow both owners to view the live feed stream on their mobile devices at any time
- ✔ Multiple commercial grade fire extinguishers will be place throughout the property for easy access; and
- ✔ In addition to meeting code for state fire marshal approval, we will also be using “firewise” practices in our landscaping to further mitigate any fire hazards.

It is also important to note that ThirdState has contacted and been informed by the Borough Emergency Services Coordinator that fire services do still respond if there is a person trapped, or on a discretionary basis, when outside a fire service district. Also, during the summer, Division
of Forestry, may respond to fire calls at the site. Meanwhile, there will be ambulance service to the site at all times.

**Narrative Question Fourteen – Compliance with state requirements for facility security:**

ThirdState will comply and exceed the state requirements for security and alarm systems and procedures.

**Narrative Question Fourteen – Conformance with the conditional use approval criteria (FNSBC 18.54.030(C) (1-3)) including Title 18, the FNSB Regional Comprehensive Plan, ordinances an applicable state statues:**

C. Hearing and Decision by the Planning Commission. The planning commission shall review, hear and decide whether or not to approve a request for a conditional use. The planning commission shall also consider and adopt findings in each of the following:

1. Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state statutes;

   *Based on the narrative above, and attached site plans, the proposed conditional use does conform to the intent and purpose of this title, other ordinances, state statutes and state regulations. We respectfully ask this Honorable Commission to make and adopt a finding that ThirdState proposed conditional use confirms to the intent and purpose of this title and all applicable laws and regulations.*

2. Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use;

   *Based on the narrative above, and attached site plans, and proposed use, there are more than adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use. We respectfully ask this Honorable Commission to make and adopt a finding that ThirdState proposed conditional use has adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.*

3. Whether or not the proposed conditional use will protect the public health, safety and welfare.

   *Based on the narrative above, and attached site plans, and proposed use, this conditional use will protect the public health, safety and welfare. ThirdState is committed to providing safe, clean, controlled, and taxed cannabis to Alaska. This will take away power from the black market, limit diversion to minors and keep cannabis where it belongs, in the hands of regulate and responsible business owners whom will only provide it to consenting adults over the age of 21. We respectfully*
ask this Honorable Commission to make and adopt a finding that ThirdState proposed conditional use protects the public health, safety and welfare of the community.
For us, it is our adopted codes. The Department of Labor administers the plumbing and electrical code. And it sounds like you have the borough and marijuana board covered. Those are the contacts in my sphere of influence.

From: Haley Essig <haley@thirdstate.com>
Sent: Wednesday, April 19, 2017 8:46 AM
To: Parks, Dana C (DPS)
Cc: Nakano, Lloyd H (DPS)
Subject: Re: 200 Pheasant Farm Road

Dana,

Thank you. The local government has indicated it would defer to you. It is safe to assume that if we are meeting all requirements in the 2005 International Building Codes, that we would be in compliance with the State Fire Marshall's requirements. Are there any additional sources you can point me towards to ensure we are in state compliance?

Thank you,

Haley Essig

On Wed, Apr 19, 2017 at 9:18 AM Parks, Dana C (DPS) <dana.parks@alaska.gov> wrote:

Haley,

It is not unusual for us to have a commercial building where there is no fire service. In those cases, we still do our plan review to ensure the building meets our adopted building, fire and mechanical codes. The building is then approved. If the borough has additional requirements to our adopted codes, that is within their rights.

Dana Parks
Supervisor, Plan Review Bureau
Division of Fire and Life Safety
5700 East Tudor Road
Anchorage, AK 99504
dana.parks@alaska.gov
http://www.dps.state.ak.us/Fire/PR/
907-266-5004

From: Haley Essig <haley@thirdstate.com>
Sent: Tuesday, April 18, 2017 5:55 PM
To: Parks, Dana C (DPS)
Subject: 200 Pheasant Farm Road

Hello Dana,

This is Haley Essig, we spoke yesterday on the phone about a property I am trying to license as a marijuana cultivation facility. The building is on a cleared 40 acre lot more than 20 miles from Fairbanks, at 200 Pheasant Farm Road. The property is not serviced by a fire department. It is also zoned GU-1 (general use), the Fairbanks North Star Borough requires us to go through a conditional use permitting process in this type of zoning. This means we will have to go in front of the planning commission and prove that we will not be harming the health, safety, and welfare of the public.

Originally, the planning department told us to get something in writing from the state fire marshal to help our case. The state fire marshal's plan review application requires us to have local government approval. This left us in a difficult situation.

Marsha, a planner for the FNSS Department of Community Planning, has since spoken with his director who has advised us to continue along with the Conditional Use Permitting Process but we will have to address this issue in our application narrative.

With that being said, I would like to know how cases like this (such as commercial/industrial operations without emergency response services) have been handled before when getting approval by the state fire marshal? Are there specific code related requirements?

I would like this information as I think it would be useful when forming a narrative for the local permitting process. If you can provide this information, perhaps you can lead me in the right direction.

Thank you,

Haley Essig
Fwd: Marijuana Grow Facility

Bill St. Pierre <bill@ah.com>
To: Haley Essig <haley@thirdstate.com>

This is:

Sent from my iPhone

Begin forwarded message:

From: David Hayden <david@406design.com>
Date: May 1, 2017 at 4:23:03 PM AKDT
To: "Bill St. Pierre" <bill@ah.com>
Subject: Marijuana Grow Facility

Hi Bill,

I'm currently working on the Pheasant farms marijuana grow facility located at 200 Pheasant Farm Road in the FNQ8, Alaska 99712. The design will conform with the 2009 International Building Code. The state of Alaska has adopted the code as the fire life safety building code.

Thank you.

David Hayden

406 Design

147 3rd Ave

Fairbanks Alaska 99701
Fairbanks Wind Direction

Mean annual wind direction frequency distribution (%) for non-calm observations.

Fairbanks, AK
64° 49'N / 147° 51' W
436 ft. above sea level

More about this part of Alaska.
Click for wind speed data

Analyses are based on hourly observations for the period 1971 - 2000.

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<th></th>
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<th>Non-Calm</th>
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<tr>
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<td>77 %</td>
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</table>
**State of Alaska**
Department of Environmental Conservation
Documentation of Construction

### Part I. General Information

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<th>Legal Description</th>
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<tr>
<td>Submitted By</td>
<td>Registered Engineer ☐, Approved Homeowner ☐, Certified Installer No. ☑</td>
</tr>
<tr>
<td>Installer Mailing Address &amp; Phone</td>
<td>P.O. Box 14077 Two Rivers AK 99716 - 907-428-2636</td>
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### Part II. Wastewater Disposal

<table>
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<tr>
<th>Onsite Wastewater System Serves</th>
<th>Single Family # of bedrooms 3 ☑, Duplex Total # of bedrooms ☐, Small Commercial Facility with Estimated Design flow of less than 500 gpd. - show calc below ☐, New System ☑, Repair Existing System ☐</th>
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</thead>
<tbody>
<tr>
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<td>Certified Installer ☑, Registered Engineer ☐, Inspection by a Registered Engineer ☐, Approved Homeowner (attach approval letter) ☐</td>
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<td>15 Aug 08</td>
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<tr>
<td>Date Installed</td>
<td>16 Aug 08</td>
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<tr>
<td>Septic Tank</td>
<td>Size 1000, # of Compartments 2, Manufacturer Greer</td>
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<tr>
<td>Type of Soil Absorption System</td>
<td>Deep Trench ☑, Shallow Trench ☐, Septic Pit ☐, Bed ☐, Mound ☐</td>
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<tr>
<td>Soils</td>
<td>Classification S, M. Rating - sq ft/bedroom 275</td>
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<tr>
<td>Dimensions</td>
<td>Absorption Area 6' x 2' x 70'</td>
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<tr>
<td></td>
<td>Thickness/Depth of Distribution Rock 6'</td>
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<tr>
<td></td>
<td>Size of Rock 3/4&quot; to 3&quot;</td>
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<tr>
<td>Perc Test Results</td>
<td>Minutes per Inch NA, Sq. Ft. per bedroom NA</td>
</tr>
<tr>
<td></td>
<td>(Attach results by sealed/signed registered engineer)</td>
</tr>
<tr>
<td>Ground Cover Over</td>
<td>Septic Tank 6' to 5', Absorption Area 5' to 7', Sewer Pipes 7' to 5'</td>
</tr>
<tr>
<td>Cleanout Pipes/Caps</td>
<td>Foundation Cleanout ☑, Septic Tank ☑, Monitor Tubes ☑</td>
</tr>
</tbody>
</table>

**Separation Distances from septic tank or absorption area, whichever is closest, to all nearby**
- Public drinking water sources within 200 feet 200' +
- Private drinking water sources within 100 feet 100' +
- Nearest water bodies (see 18 AAC 72.020(b)) 100' +, Lot Line 10' +

**Separation Distances from On Lot Sewer Lines to Drinking Water Sources**
- Public 100' +
- Private 25' +

**Separation Distances from Bottom of Distribution Rock to Groundwater Table**
- 4' +
- Bedrock 6' +

**Separation Distance from Absorption Area to Slope exceeding 25%**
- 50' +

**Comments/Recommendations/Criteria used to size commercial facility:**

I certify that the above information, and that provided in Section III, is correct:

**Signature** [Signature]

**Printed Name** [Printed Name]

**Title, Reg/Cert No, Last No.** 2008-30-1076

**Date** 23 Aug 08

**NOTE:** Must be signed by a Certified Installer, DEC staff or Approved Homeowner. If engineering seal bears printed name, registration number and is signed, those blocks need not be completed for engineered subsurface.
Part III - Required Diagram of System(s)

1. In a plan view, locate and identify each of the following:
   a) Well    b) All Structures    c) Septic Tank    d) Soil Absorption system (include dimensions)
   e) Surface Water    f) Sources of contamination    g) Property Line    h) Closest well on adjacent property
   i) Closest septic tank on an adjacent property    j) Closest edge of an absorption field on adjacent property
   k) All Cleanouts and monitor tubes    l) Testhole location

2. Show distances between the well and each of the sources of contamination listed in 1.

3. Show distances between water bodies and each part of the onsite system listed in 1.

4. In a cross section view of the soil absorption area, identify each component and show the depth (thickness) of the following:
   a) Soil cover    b) Absorption Material    c) Water Table    d) Bedrock    e) Discharge pipes    f) Insulation

Testhole total depth: ____________ ft
Groundwater/Seepage encountered? Y (X) at ______ ft
Impermeable soil (Silt/Clay/Bedrock) encountered? Y (X) at ______ ft

Testhole Log

| Date | 1 ft | 2 ft | 3 ft | 4 ft | 5 ft | 6 ft | 7 ft | 8 ft | 9 ft | 10 ft | 11 ft | 12 ft | 13 ft | 14 ft | 15 ft | 16 ft | 17 ft | 18 ft | 19 ft | 20 ft | 21 ft |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
|      | 1/2 ft |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
|      | Inspected By |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |

M. Swanson
Application Material Received on
May 17, 2017

CU2017-021
Dear Ms. Essig,

Thank you for your two conditional use applications. I reviewed your application materials for completeness and I need following additional information/clarifications before we can process your application –

1. **Number of Employees** – The narrative states “the number of employees could increase in the future.” Although parking standards does not apply to GU-1 zoning but for conditional uses, FNSB Community Planning has a policy of ensuring adequate off-street parking spaces by providing three parking spaces per four employees pursuant to FNSBC 18.96.060(C). The site plan provided with your application shows 5 off-street parking spaces, which should be adequate for the currently proposed total of six (6) employees (full & part time). Do you have any available areas where you could expand off-street parking in future? Is there a maximum number for employees that Community Planning could consider for this conditional use operation?

   We will have a maximum of 10 employees and will build an additional parking lot to the west of the house to meet the requirements laid out in FNSBC 18.96.060, for a total of 9 parking spaces. I have attached a revised plot plan drawing showing this parking lot.

2. **Phases of Development** - The narrative states “subsequent phases will be the placement of additional greenhouses in the empty field southwest of the shop, not to exceed 20% of the total area of the land.” The site plan provided with the application does not show any greenhouses for future phases. Do you know the sizes and locations of these future greenhouses? If not, is this conditional use application for the one greenhouse shown on the site plan or are you requesting the FNSB Planning Commission to approve 8 acres of greenhouses (20 % of 40 acres) without specific locations/sizes?

   At this point we are asking to be licensed for one indoor facility and one greenhouse, we understand that we will have to appear before the board again for any new additions.

3. **Odor Mitigation for Indoor Facility** – The narrative states “odor from our indoor facility will not cross property lines year round as it will be contained in our through ventilation systems and carbon filtration.” Does this mean your indoor cultivation building will be equipped with appropriately sized odor filtration systems such that the marijuana odor will not be detectable by the public from outside the indoor facility? You have outdoor cultivation greenhouse on the property. How do you propose to differentiate between the odors emanating from indoor and outdoor facilities if the someone detects them on the property lines?

   Our indoor facility will be equipped with an appropriately sized odor filtration system. It will be difficult in the summer months to differentiate the odors from our indoor versus outdoor facilities. However, in the winter months, odor will not be detectable.

4. **Odor Mitigation for Outdoor Facility (Greenhouse)** – Your proposal accounts for the Fairbanks Average Annual Wind Direction for the placement of the greenhouse. Other than this strategy, are there any plans of installing appropriately sized odor filtration systems for this greenhouse?

   We do not have plans to install an odor filtration system for this greenhouse as this greenhouse is odor permeable.
5. **Nearby Residences** – The distances between the cultivation facility and the nearby existing residences is important in evaluating lighting and odor impacts of outdoor marijuana cultivation facilities. Please provide a map showing the existing residences on the surrounding properties and showing their approximate distances from the proposed marijuana cultivation greenhouse.

   Map is attached

6. **Marijuana Waste Disposal** – The narrative discusses mixing marijuana waste with equal amount of compostable and non-compostable solid wastes. Where do you plan to eventually dispose the marijuana waste mixed with equal amount of compostable and non-compostable solid wastes?

   The compostable waste will be spread out over the hay field, non-compostable waste will be disposed of at the Two Rivers Transfer station.

7. **Onsite Septic** – The narrative states that there is an onsite DEC approved septic. Alaska DEC treats wastewater generated from marijuana cultivation facilities as non-domestic. Does this existing septic have approval to receive marijuana enriched wastewater? Or is it only approved to receive only domestic wastewater?

   Currently, our septic system is only approved for domestic wastewater. We are working with an engineer to find out if our current septic system can also meet our non-domestic needs, and will then submit this plan to the ADEC Wastewater Discharge Authorization Program. If we find that it cannot meet our non-domestic needs then we will either build a new septic system on site or filter and haul water to Golden Heart Utilities following an approved Cannabis Wastewater Control Plan.

8. **Plumbing and Electrical Codes** - The narrative states that the building would be constructed to conform with 2009 International Building Codes which are adopted by the State Fire Marshal. Ms. Parks from State Fire Marshal’s office mentioned about Department of Labor’s Plumbing and Electrical Codes. Are there any plans for the construction to conform to these Plumbing or Electrical Codes?

   The building construction will conform to the required plumbing and electrical codes.

9. **Signage** – Is there any existing or proposed signage on the property?

   No

10. **Existing Residence** – The narrative states that an employee will live on the property in the existing house. Apart from this employee living in the existing house, are there any plans for using any portions of this existing house for any functions associated with marijuana cultivation facilities including but not limited to marijuana office, storage or employee restroom?
This house will be considered this employee’s private residence. We do not plan to use this building for any business related functions.

11. **Conex (storage) and supplementary 60x20 fenced area** – Is the Conex on the property existing or proposed? Will it be used for marijuana cultivation related storage? What are your plans for the 60’ x 20’ fenced area? Is there any outdoor cultivation proposed in this fenced area?

The Conex is proposed and will only be used for marijuana cultivation related materials, it will not contain any marijuana product or waste. The 60’ X 20’ fenced area will have an area where marijuana waste will be destroyed, there will also be a locked dumpster to store marijuana waste. We may also store additional tools in this fenced area used for landscaping and general labor.

12. **Toilet and Handwashing Facilities** – The site plan (drawing no. A101) is not legible. Are there any toilets or handwashing facilities available for employees? Please provide a legible copy of the drawing no. A101.

I have attached a “blown up” version of Drawing A101, showing the floor plan. As you can see, there is an ADA compliant bathroom in the southeast corner of the building.

13. **Fire Safety** – The narrative states that “the employees and owners of ThirdState will take the following fire-risk reducing precautions.” What is the source of these fire-risk reducing precautions? Are these part of any agency’s manual or based on any best practices?

   a. **“Firewise” practices** - The narrative states that “[we] will be using “firewise” practices in our landscaping to further mitigate any fire hazards.” The application does not provide any details on these firewise practices. Please provide more details on what these practices are? Are these part of any agency’s manual or based on any best practices?

      We will be following the “Firewise” packet practices found on the Alaska Department of Natural Resources Division of Forestry website. Here is the link to a PDF of the referenced packet:


   b. **Empty 55 gallon barrels** – The narrative states that “empty 55 gallon barrels will be left outside to catch rain water for use of extra water in case of an emergency.” How many of these 55 gallon barrels will be left outside? Are there any plans of keep them manually filled?

      Two 55 gallon barrels will be placed at the two south corners of the building in the spring, summer, and fall (above freezing temperatures). The barrels will be checked daily as part of the employees’ daily rounds and readings, and will be filled manually as needed. We will have a gas powered pump and hoses on site.
c. **Fire Extinguishers** - The narrative states that “*multiple commercial grade fire extinguishers will be placed.*” How many fire extinguishers do you plan to place?

There will be a total of 11 fire extinguishers, 9 indoors and 2 outdoors. I have made a handwritten note showing where the indoor fire extinguishers will be placed on the attached drawing, A101. Fire extinguishers will be placed next to the entrance of each veg/bud room and curing and drying room. There will also be fire extinguishers placed in other areas of the facility so that the distance from one fire extinguisher to the next does not exceed 30 feet. In our greenhouse, the fire extinguishers will be placed at the west and east end of the greenhouse. The fire extinguishers will be mounted on the wall and placed 3 feet off the ground. Each employee working in the facility will receive incipient fire training upon hire and a refresher training course annually thereafter per OSHA Standard 29 CFR 1910.157. Each fire extinguisher will be inspected and certified annually and a complete breakdown and internal inspection will be done every 6 years. Both of these inspections will be done by a fire protection equipment company.

d. **Ambulance Service** - The narrative states that “*there will be ambulance service to the site at all times.*” What agency would respond with ambulance?

   Steese Volunteer Fire Department

e. **Insurance** – Are there any insurance provisions which would allow you to rebuild your fully or partially burnt structures if they are damaged in a fire? Are there any plans for having any such insurances?

   The property itself has fire insurance, purchased by the landowner. ThirdState is currently in correspondence with Cannasure, a marijuana business insurance company. We are discussing fire and other insurance products with them at this point and will disclose all of the details once we have come to a decision.
50 ft public access & utility easement

300 ft of property line shown

30 ft GVEA electrical easement

53 ft

2 ft deep pit run gravel

Parking/traffic circulation area

2 ft deep pit run gravel

110 ft

30 ft

2 ft deep pit run gravel

Gravel access road

3 ft

2 ft deep pit run gravel

(1,020 ft)

300 ft of property line shown

10 ft gate

23 ft

Small fence

Septic

House (not licensed) (78' X 40')

Existing Building (60' X 40')

Proposed Extension (42' x 40')

Fenced area (60' X 20')

Conex (Storage)

Dumpster

110 ft

2 ft deep pit run gravel

Parking lot (9' X 18' spaces)

10 ft gate

Light

Door

1" = 40 feet

North

Forested area

Parking (9' X 18')

Light

Door
Manish,

I just got off the phone with Steese Fire Department. They do not provide subscription based fire service. In fact, the only station that does is Salcha and they will not serve Chena Hot Springs Road.

I will also forward you the email from my partner, Eric, that explains the content of his phone conversation with Brad Paulson, head of emergency operations for the borough. In this email he references fire departments serving unserviceable areas on a discretionary basis, especially if somebody may be stuck inside of the building.

Feel free to call me at any time to address anything else.

Thank you,
Haley Essig
(907) 317-7346
Hey guys,

Just got off the phone with several different people.

Fire chief for North Star VFD passed me on to Brad Paulson, head of Emergency Operations for the Borough. He will be sending me information in the next couple days about extending the fire service area, apparently there is no way to pay for service. Manish was probably referring to something where the city had done that once or twice, but that was only very close to the city (Van Horn area). In order to do that in our area, we would need the majority of property owners between us and the current fire service boundary to agree (!!!!!), then bring it up for a vote, and it is a very time consuming process that likely won't work- largely because we're so far from services that the 30-45 minutes it would take them to get to us would mean there's nothing left of the structure.

However, when I explained our situation, he seemed very supportive of our efforts at due diligence for the protection of our neighbors. He said they like to see 30-40 ft distance to tree cover, which I believe we have there. Also we have a metal roof and T-111 siding, and if we keep the grass mowed down around the structure, there is very little chance of a structural fire passing on to the neighbors.

He also told me that ambulance service is borough wide, so even though we do not have active fire service, we should have ambulances available. Also, if there is a fire in the summer out there, DNR or Forestry will apportion resources as available to help fight the fire, and borough fire services do send assets to fires outside their service areas on a discretionary basis, especially if it's believed that there is a person in the structure.

He gave me the number of Don Anderson (who I called but won't be in the office til tomorrow morning, so I'll try him then). Don is the head of fire prevention and education at Div of Forestry. I will ask him about a free site survey, and we can act on their recommendations to strengthen our case that we are taking real measures to protect the public.
Manish,

Since Two Rivers Transfer Station does not accept commercial waste we will be hauling our non-compostable marijuana waste to the FNSB Solid Waste Facility.

I also just got off the phone with Brad Paulson, head of emergency operations for the borough. He informed me that the fire service area station closest to us, North Star Volunteer Fire Department, would help on a discretionary basis if they believe a person may be stuck inside the building. In this scenario, they would send one unit and it would be strictly search and rescue, their resources would not be used to fight the fire.

Feel free to contact me at any time if you need additional information.

Thank you,
Haley Essig
(907) 317-7346
STATUTORY WARRANTY DEED

THE GRANTOR: Beverstock Family Trust
whose mailing address is: 5429 Chena Hot Springs Rd, Fairbanks, AK, 99712
for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in
hand paid, conveys and warrants to

THE GRANTEE(s): Green Diamond Properties, LLC
whose mailing address is: P.O. Box 84662, Fairbanks, AK, 99708
the following described real estate:

Tract ‘A’, WHITE FIREWEED SUBDIVISION, according to the plat filed
February 15, 2011 as Plat No. 2011-16, Records of the Fairbanks Recording District,
Fourth Judicial District, State of Alaska.

EXCEPTING THEREFROM THE SUBSURFACE ESTATE and all rights,
privileges, immunities and appurtenances of whatsoever nature accruing unto said
estate pursuant to the terms of the Patent recorded February 17, 1995 in Book 893 at
Page 123.

SUBJECT TO property taxes; reservations and exceptions as contained in the U.S. Patent; easements of record;
and covenants, conditions and restrictions of record, if any.

Dated this 6th day of March, 2017.

Beverstock Family Trust

By: Wendell R. Beverstock, Trustee

STATE OF ALASKA
JUDICIAL DISTRICT OR COUNTY: FOURTH

THIS IS TO CERTIFY that on this 6th day of March, 2017, before me the undersigned Notary Public,
personally appeared Wendell R. Beverstock, Trustee of the Beverstock Family Trust known to me and to me
known to be the individual(s) described in and who executed the foregoing instrument and acknowledged to me
that he/she/they signed the same freely and voluntarily for the uses and purposes therein set forth.

(Seal)

STATE OF ALASKA
NOTARY PUBLIC

Jenny McCarthy
My Commission Expires October 14, 2020

ALASKA
TO: Fairbanks North Star Borough Planning Commission
FROM: Manish Singh, Planner II
DATE: June 12, 2017
RE: CU2017-022: A request by Haley Essig DBA Thirdstate on behalf of Green Diamond LLC for conditional use approval of a marijuana cultivation facility, outdoor limited in the General Use 1 (GU-1) zone on Tract A, White Firehood Subdivision (located at 200 Pheasant Farm Road, on the east side of Pheasant Farm Road, south of Chena Hot Springs Road).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends APPROVAL of the conditional use request with four (4) conditions and three (3) Findings of Fact in support of approval. The staff analysis finds that the marijuana cultivation facility, outdoor limited, with proposed conditions, will meet the intent and purpose of Title 18 and of other ordinances and state statutes, will have adequate public services and will protect public health, safety and welfare.

II. GENERAL INFORMATION

A. Purpose

To allow use of a proposed greenhouse as marijuana cultivation facility, outdoor limited in the GU-1 zone.

B. Location

On the east side of Pheasant Farm Road, south of Chena Hot Springs Road

C. Access

Pheasant Farm Road

D. Size/PAN

<table>
<thead>
<tr>
<th>Area</th>
<th>PAN (Lot)</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 acres</td>
<td>0629621 (Tract A)</td>
</tr>
</tbody>
</table>

E. Existing Zone

General Use 1 (GU-1)

F. Existing Land Use

Residence, Warehouse

G. Surrounding Land Use/Zoning

North:
  Zoning: GU-1
  Land Use: Vacant Land

South:
  Zoning: GU-1
  Land Use: Farm Use
III. PROPERTY DEVELOPMENT HISTORY

The property contains an existing residence and an existing warehouse. These structures are located in GU-1 zoning where zoning permits are not required. FNSB Assessor’s Records reflect that the existing warehouse building was constructed in 2000 and the existing residence was constructed in 2008 (Exhibit 1).

IV. PROPOSED USE AND PROJECT INFO

The applicant has proposed a 100’ X 30’ greenhouse within 130’ X 75’ fenced area. The applicant has requested a conditional use permit to use this greenhouse as a marijuana cultivation facility, outdoor limited (see Figure 1). A marijuana cultivation facility, outdoor limited is defined as “a legally licensed, commercial marijuana cultivation facility as defined by state law in which any portion of the growing, preparation and packaging activities are conducted outdoors or within buildings that are not fully enclosed or which utilize odor-permeable materials. Area of the marijuana cultivation facility does not exceed 20 percent of the total parcel area, including all land planted with marijuana and the net floor area of all temporary and permanent buildings utilized to grow, prepare and package marijuana [FNSBC 18.04.010].”

The applicant estimates having maximum 10 employees which would be shared with the marijuana cultivation facility, indoor large conditional use (CU2017-022). The applicant has stated that the greenhouse will operate from 7 am to 7 pm on a seasonal basis (March through October). This property is not within a fire service area and therefore, the applicant has proposed to follow additional fire protection measures such as following Alaska DNR ‘Firewise’ practices.
Figure 1: Site Plan
The outdoor cultivation greenhouse is shown in red.

Figure 2: Zoning in the Surrounding Area
The subject property is currently zoned GU-1. This property is surrounded by GU-1 on all sides (Figure 2). The surrounding properties to the north and east are vacant. The parcel to the south is used residentially and the parcel to the west is a farm with a residence. The Comprehensive Plan Land Use Map characterizes this area as ‘Rural Settlement Area’.

V. APPLICABLE APPROVAL CRITERIA

Conditional Uses for marijuana establishments are governed by FNSBC18.104.050(C) and FNSBC18.96.240 (see Exhibit 2 for details).

VI. PUBLIC NOTICE

The Community Planning Department mailed 25 dear property owner notices and received one telephonic inquiry about this case.

VII. AGENCY COMMENTS

The FNSB Department of Community Planning contacted following agencies for comments:

a. State Fire Marshal
b. Alaska State Troopers
c. Alaska Department of Transportation and Public Facilities (ADOT&PF)
d. FNSB E-911 Addressing
e. FNSB Emergency Operations
f. Alaska Department of Environmental Conservation (ADEC)
g. Alaska Department of Natural Resources (ADNR)
h. Golden Valley Electric Association (GVEA)
i. Steese Fire Department

All written comments are included in the “Agency Comments” section following this report.

VIII. STAFF ANALYSIS

A. Transportation & Parking1

The subject property is accessible from Pheasant Farm Road. Pheasant Farm Road is an unmaintained local road, not constructed to Borough standards (see Figure 3).

The proposed use would generate approximately 47 trip ends per weekday. This calculation is based on the estimated maximum 10 employees and relying on the closest related land use “Nursery (Wholesale)” in the Institute of Transportation Engineers (ITE) Trip Generation Manual (Table 1). Because the 10 employees are shared between the indoor and outdoor cultivation conditional uses, these 47 trips would also be generated cumulatively from the indoor and outdoor cultivation conditional uses.

1 This section of this staff report includes comments from Donald Galligan, FNSB Transportation Planner
The traffic from the proposed marijuana cultivation use is unlikely to further degrade Pheasant Farm Road, and will have a negligible, if any, effect on nearby Chena Hot Springs Road, a major collector that handles an average of 1,774 vehicles a day in this segment. Pheasant Farm Road is a gravel road and appears to be well drained with adequate surface and gravel base course. Based on these conditions and geometry, it appears that the Pheasant Farm Road could accommodate the small number of trip ends generated by the proposed cultivation facility.

The proposed facility is located in GU-1 zoning where FNSB parking standards do not apply. However, Community Planning has analyzed the off-street parking provided on site using FNSB parking standard requirement of 3 parking spaces for every 4

3 2015 Annual Average Daily Traffic (AADT) GIS Map, Alaska DOT&PF Transportation Data Programs
employees [FNSBC 18.96.060(C)]. The applicant expects maximum 10 employees for the marijuana cultivation facility, outdoor limited. The site plan provided by the applicant shows 9 parking spaces when only 8 parking spaces are required. The site plan shows the gravel traffic circulation and loading area with adequate backing, turning and maneuvering space.

B. FNSBC 18.96.240 Standards for Commercial Marijuana Establishments

A. General Standards

2. A commercial marijuana establishment may only be allowed with the written consent of the owner of the property.

The current property owner has provided written consent to the proposed marijuana cultivation facility.

3. No marijuana establishment, except a marijuana testing facility, shall be located within the following buffer distances (see FNSBC 18.96.240(A)(3)(a-e)).

The buffer map and property detail provided by the applicant (Exhibit 3) demonstrates that the commercial marijuana cultivation facility is not located within the buffer distances provided in FNSBC18.96.240(A)(3)(a-e) because the buffer map does not show any FNSB sensitive uses within a 500-foot proximity of the subject lot. All state buffer requirements provided in 3AAC 306 must also be met.

4. Outdoor Storage. No outdoor storage of marijuana, marijuana products or hazardous substances shall be allowed.

The applicant is not proposing outdoor storage of marijuana, marijuana products, or hazardous substances, as shown in the site plan (Figure 1) and explained in the narrative. The applicant has stated that the existing Conex will only be used for storage of cultivation related materials but will not be used for storing any marijuana product or waste. The applicant has proposed to use a locked dumpster within the fenced area for marijuana waste storage.

5. In all zones in which marijuana establishments, with the exception of a marijuana testing facility, are a permitted or conditional use, the applicant shall include an area map drawn to scale indicating all land uses on complete parcels within a 500-foot proximity of the lot upon which the applicant is seeking a zoning permit or conditional use permit.

The applicant’s submittals include an area map drawn to scale indicating all land uses within a 500-foot proximity of the subject lot (Exhibit 3).

6. Marijuana establishments other than marijuana cultivation facilities, indoor small and marijuana testing facilities located in GU-1 or GU-5 zoning and adjacent to a lot upon which a principal building used as a dwelling is located are a conditional use subject to the requirements of this title.
The subject property is in GU-1 zone adjacent to a lot containing dwelling. Therefore, the applicant has applied for a conditional use permit.

G. FNSBC 18.104.050(C) Hearing and Decision by the Planning Commission

1) Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state statutes.

Purpose of FNSBC Title 18: The purpose of Title 18 is “to implement the Fairbanks North Star Borough comprehensive plan” (FNSBC 18.12.020). The Comprehensive Plan Land Use Map characterizes this area as ‘Rural Settlement Area’. Rural Settlement Area is defined as “publicly owned land planned for residential land disposals. Rural settlement areas are intended to have appropriate public improvements common in other rural residential areas.”

The proposed conditional use is not inconsistent with the comprehensive plan land use designation, Rural Settlement Area, for the subject property because it proposes outdoor cultivation of marijuana on a 40-acre parcel which does not change the rural residential character of the area.

The request is consistent with the following goals of the Comprehensive Plan:

Land Use Goal 3 – To have a variety of land uses that fit the diverse needs of the community
Strategy 6 – Provide for commercial land uses in both urban and non-urban areas
Action A – Provide for a variety of commercial areas that adequately serve the market area

This conditional use proposal adds a commercial marijuana cultivation establishment in the Borough. Commercial marijuana is a new industry and this conditional use would serve the market by making products available for commercial marijuana product manufacturing and retail establishments.

Economic Development Goal 2 – To diversify the economy
Strategy 6 – Emphasize development that brings new dollars into the community, including efforts to add value to the region’s natural, manufactured, service and intellectual resources.
Action B – Create a variety of types and sizes of commercial and industrial areas that support diversification of economic activity.

The applicant submittals state that this marijuana cultivation establishment would support 10 jobs with this conditional use. This operation would diversify the commercial activity in the Fairbanks North Star Borough enhancing community’s ability to generate revenue.

Intent of FNSBC Title 18: The intent of Title 18 which is “to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise; and to divide the borough into districts (FNSBC 18.12.020).”
Allowing a property owner to develop their private property is an example of protecting private property rights via clearly defined local zoning regulations. This proposal is to use the property as a marijuana cultivation facility, outdoor limited which requires a conditional use permit in GU-1 zone because the adjacent property has a dwelling as a primary structure. The public notification, public hearing procedures and approval criteria for conditional uses help protect the property rights of the surrounding property owners.

The marijuana cultivation facility is served by Pheasant Farm Road. The traffic from the proposed marijuana cultivation use is unlikely to degrade Pheasant Farm Road, and will have a negligible, if any, effect on nearby Chena Hot Springs Road, a major collector.

The proposed conditional use promotes economic development and the growth of private enterprise because it would support 10 jobs in the area and would help diversify the commercial activity in the Fairbanks North Star Borough.

The applicant has addressed site security elements and has developed strategies for plant and liquid waste disposal. Moreover, the applicant has agreed to comply with state marijuana regulations. The application material and the narrative for this proposal illustrates that it meets the intent of Title 18 because this application is to protect property rights and with the conditions imposed, it would promote the public health, safety and general welfare of the residents of the borough.

**Alaska State Statute and Other Ordinances:** 3AAC 306 governs the state licensing and operational standards for marijuana facilities. Title 18 requires that a borough permitted commercial marijuana facility 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) **Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.**

**Water & Wastewater/Sewage:** The applicant has stated that the property has a private well. The applicant has stated that the residence has a septic system which is approved by ADEC for domestic wastewater. ADEC Division of Water, Wastewater Discharge treats wastewater produced from the marijuana cultivation operation as non-domestic wastewater and does not allow any non-domestic wastewater discharge into this septic system without express written approval from ADEC (18 AAC 72, Wastewater Disposal Regulations). Therefore, Community Planning staff recommends a condition requiring a formal plan review by ADEC and compliance with all recommendations and/or requirements resulting from the plan review as a condition to ensure that there is adequate wastewater/sewage capacity for the conditional use. In order to obtain approval for a non-domestic wastewater discharge, the applicant will likely need to hire a professional engineer to evaluate the septic system, characterize the wastewater, and request approval from ADEC to discharge non-domestic wastewater to the septic system or construct a separate ADEC approved septic system for non-domestic wastewater.

**Emergency Fire Response:** The proposed conditional use is not within a Fire Service Area and they cannot subscribe to a service. The applicant has contacted Borough Emergency Services Coordinator who has mentioned that the fire services could still
respond on this property, on a discretionary basis, if a person is trapped. Additionally, ADNR, Division of Forestry may respond on this property, on a discretionary basis, to any forest fires. The proposed conditional use has emergency ambulance service from Steese Volunteer Fire Department. However, the property does not have emergency fire response from Steese Volunteer Fire Department.

The State Fire Marshal’s office has stated that it is not unusual in Alaska to have a commercial building where there is no fire service and having emergency fire response is not a criterion for their approval. The State Fire Marshal’s office would allow a commercial marijuana cultivation operation if the proposed building meets the adopted fire and mechanical codes (2012 International Building and Fire Codes). However, State Fire Marshal’s office exempts certain greenhouses from their review depending on the construction material of the greenhouse. The applicant has stated that they have contracted a licensed architect to ensure that their plans meet all the required codes for State Fire Marshal’s approval. The applicant states that the plans will also meet plumbing and electrical codes administered by the Alaska Department of Labor.

The applicant has stated that they will use ‘Firewise’ best practices recommended by ADNR, Division of Forestry to mitigate risk of forest fires (Exhibit 4). The applicant has stated that they would have water barrels on the property. The applicant has stated that the property has fire insurance and they are currently working on having marijuana business insurance. The applicant has stated that they plan to keep two 55 gallon barrels close to the cultivation building with gas powered pump and a hose.

Community Planning believes that the two 55 gallon barrels will not be sufficient for firefighting on this property. State Fire Marshal’s office does not have any recommendation for sizes of water tanks for firefighting in areas where there is no emergency fire response. Moreover, they do not recommend using a pump and a hose without firefighting training. Community Planning researched national standards and standards from other states to make a recommendation for a water tank capacity for this property. National Fire Protection Association4 recommends calculating the capacity and elevation after due consideration of all factors involved. San Diego County Fire Authority5 recommends a 10,000 gallon tank for structures over 1,500 sq.ft. in size (250 gallon per minute for 40 minute duration).

In other conditional use requests for commercial development, Community Planning has relied on State Fire Marshal’s requirements for fire safety of properties outside the city limits. This property is located in GU-1 zoning where other uses with similar or higher fire risk are allowed without any zoning or conditional use permit. These uses include, but are not limited to, heavy manufacturing (explosives, chemicals etc.), power generation plants, and bulk fuel distribution and storage. Therefore, Community Planning believes that having a water tank for private firefighting is a good proactive measure; however, does not make a recommendation for a specific capacity because State Fire Marshal’s office does not provide any size recommendations and Community Planning does not have in-house fire safety expertise.

The applicant has stated that they would use thirty 1,000 watt grow lights and a propane heating system inside the greenhouse. Necessary fire safety provisions for a marijuana

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5 San Diego County Fire Authority Water Tank Standards for Fire Protection
cultivation operation are critical because marijuana cultivation operations have high usage of electricity in a moist environment which can lead to electrical fire concerns. Therefore, Community Planning recommends a formal plan review by the Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and compliance with all recommendations and/or requirements resulting from the plan review as a condition to minimize fire and other safety risks. Community Planning also recommends a condition to require ‘Firewise’ landscaping practices at least within 100 feet from the outdoor cultivation greenhouse to minimize risk of forest fires.

Although the property is not located in a Fire Service Area, the applicant is taking fire safety precautions such as adhering to the applicable building codes and following ADNR recommended ‘Firewise’ best practices for landscaping. With the conditions proposed, Community Planning believes that the proposed conditional use has adequate fire safety capacity and conditions.

Energy: The proposed conditional use has adequate power supply because they are served by GVEA grid.

Police: The proposed conditional use is served by Alaska State Troopers.

Transportation: The marijuana cultivation facility is served by Pheasant Farm Road. Pheasant Farm Road could accommodate the small number of trip ends generated by the proposed facility. The applicant has provided nine off-street parking spaces and a loading area with sufficient backing and maneuvering space.

(3) Whether or not the proposed conditional use will protect the public health, safety and welfare.

With the conditions imposed, this use will protect the public health, safety, and welfare through responsible operation of the facility as demonstrated in applicant’s business plan. The proposed marijuana cultivation facility, outdoor limited meets the standards required by FNSBC 18.96.240 and the operating plan is intended to minimize and mitigate adverse impacts to surrounding properties. The applicant has a detailed plan for site security, fire safety, and employee health to help address public health, safety, and welfare concerns.

Site security, marijuana liquid and plant waste, outdoor lighting, noise, odor and hours of operation could be potential concerns for surrounding properties with a commercial marijuana cultivation operation but the applicant has addressed these issues in a way that mitigates the public health, safety and welfare concerns.

Site Security and Marijuana Waste Disposal: The applicant intends to secure all marijuana and marijuana products inside the building to ensure the general public does not have access to them. The applicant has stated that their security system include an alarmed security system and 24-hour video surveillance. The applicant has stated that the marijuana plant waste would be rendered unusable via mixing with equal parts compostable and non-compostable material. The compostable material mixed waste would be composted on site and non-compostable material mixed waste would be disposed of at the FNSB Solid Waste Facility.
The state licensing and operational standards including restricted access areas, security alarm systems, video surveillance, waste disposal methods for marijuana facilities are governed by 3AAC 306. The application material acknowledges that a marijuana cultivation facility, outdoor limited cannot legally operate without obtaining a state issued license [FNSBC18.04.010] and compliance with 3AAC 306 is required to obtain a state license. Compliance with state regulations related to security, waste disposal, health and safety would help ensure employees’ health and safety. Therefore, Community Planning recommends compliance with 3AAC 306 as a condition to ensure public health, safety and welfare.

**Odor:** The application states that the marijuana odor is expected because the greenhouse structure is odor permeable. The application has proposed to locate the greenhouse on the southern end of the property due to the wind direction heading predominantly northeast. The applicant has stated that the greenhouse location would mitigate odors from reaching the public by allowing the odors to dissipate naturally over the property. However, the applicant does not plan to address odor by using carbon filters.

Community Planning believes that outdoor cultivation is likely to have marijuana odor, however, to protect the public health, safety and welfare of the neighboring residential property owners, proactive measures must be put in place to minimize this negative impact. Community Planning believes that the location of the greenhouse will not be sufficient to mitigate the odor and the greenhouse should have an odor filtration system to minimize the odor that leaves the greenhouse. Therefore, Community Planning recommends a condition requiring installation of odor filtration systems in the greenhouse to help ensure the public health, safety and welfare.

For indoor marijuana cultivation conditional uses, Community Planning has previously recommended a quantifiable condition of approval that the marijuana odor shall not be detectable outside the indoor cultivation building. Community Planning acknowledges that a similar quantifiable condition of approval is not possible for the outdoor cultivation. However, installation of odor filtration systems inside the greenhouse would better protect health, safety and welfare of the neighbors by minimizing the marijuana odor.

**Outdoor Lighting:** The site plan provided by the applicant shows three exterior lights which would point downward. The property is not adjacent to a residential zone. The applicant has provided a map which shows that the nearest residence is at least 1,000 feet away from the subject building *(Exhibit 5)*. Therefore, Community Planning believes that the outdoor lighting will not negatively impact the public health, safety and welfare of the surrounding properties.

**Noise:** The applicant has stated that the noise generated from this cultivation operation would not cross property lines because the nearest residence is at least 1,000 feet away from the subject building and the noise from the cultivation building would dissipate before reaching to the neighboring properties. Therefore, Community Planning believes that the noise produced from the outdoor cultivation greenhouse will not negatively impact the public health, safety and welfare of the surrounding properties.

**Hours of Operation:** The applicant has stated the hours of operation would be 7 am to 7 pm (May through October). These hours of operation should not negatively impact the neighborhood’s public health, safety and welfare because the nearest residence is at
least 1,000 feet away. Moreover, the subject property is located in GU-1 zoning where there are no restrictions on hours of operation.

**Fire Safety:** Although the property is not located in a Fire Service Area, the applicant is taking fire safety precautions such as adhering to the applicable building codes and ADNR recommended ‘Firewise’ best practices for landscaping. With the conditions proposed, Community Planning believes that the proposed conditional use will not negatively impact public health, safety and welfare.

The applicant’s submittals indicate that the applicant plans to go to other agencies such as the Marijuana Control Board (MCB), ADEC and Fire Marshall for plan reviews and approvals. Because this conditional use approval is for a specific use, a change in the site plan or operation method may result in increased impacts or trigger a public health, safety and welfare concern which has not been analyzed. Therefore, Community Planning recommends a condition that the applicant file final site and floor plans with Community Planning to ensure compliance with Planning Commission approved site plan, floor plan and conditions. If any modifications are made to the approved documents or operations characteristics, an amendment to the conditional use permit may be required.

**IX. RECOMMENDATION**

Based on the staff analysis, the Department of Community Planning recommends **APPROVAL** of the conditional use permit request for marijuana cultivation facility, outdoor limited in the GU-1 zone with four (4) conditions.

**X. CONDITIONS**

1. Prior to the commencement of operations, 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 marijuana cultivation facility.
   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 onsite septic system and shall comply with all recommendations and/or requirements resulting from the plan review.

2. Outdoor cultivation greenhouse shall be equipped with appropriately sized odor filtration systems at each venting location to minimize the marijuana odor from the greenhouse.

3. The applicant or holder of this conditional use permit shall follow ‘Firewise’ landscaping practices listed in Exhibit 4 for at least the first 100 feet around the outdoor cultivation greenhouse.
4. 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).

XI. FINDINGS OF FACT

The Department of Community Planning further recommends the following Findings of Fact in support of approval:

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 not inconsistent with ‘Rural Settlement Area’ comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are being enhanced with the redevelopment of this site as a marijuana cultivation facility.
   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 marijuana facility 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 site has an onsite septic system. With the conditions imposed, the property will have adequate capacity to receive the non-domestic wastewater generated from the cultivation facility.
   b. The site is not served by a Fire Service Area. However, with the conditions proposed, the conditional use will have adequate fire safety capacity because the applicant would take extra fire safety precautions such as adhering to the applicable building and fire codes and following ADNR recommended ‘Firewise’ best practices for landscaping.
   c. The site is served by Steese Volunteer Fire Department for emergency ambulance service.
   d. The site is served by Alaska State Troopers for law enforcement.
   e. The site is currently connected to the GVEA grid which will provide sufficient energy supply for outdoor cultivation activities.
   f. Nine (9) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed cultivation conditional use.
   g. The traffic generated from the proposed marijuana cultivation use will not further degrade Pheasant Farm Road, and will have a negligible, if any, effect on nearby Chena Hot Springs Road, a major collector.
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 Standards for Commercial Marijuana Establishments (FNSBC 18.96.240) as well as state requirements for a commercial marijuana cultivation facility.

   a. With the conditions imposed, security systems, alarms, cameras and lighting will meet state regulations required to obtain a commercial marijuana cultivation 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. With the conditions imposed, odor will be minimized inside the greenhouse with appropriately sized odor filtration systems.
   d. All marijuana and marijuana products will be secured inside the building to ensure the general public does not have access to them.
   e. The noise generated from this cultivation operation would be minimal and it would not negatively impact the neighboring residential property owners because the nearest residence is at least 1,000 feet away from the subject building.
   f. The outdoor lighting would point downwards and will not negatively impact the neighborhood or residential uses.

DRAFT PLANNING COMMISSION MOTION:

I move to approve the Conditional Use Permit for a commercial marijuana cultivation facility, outdoor limited with four (4) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval.
A WHITE FIREWEED : 0629621

### General

Neighborhood: Two Rivers

Valuation Method: Cost

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A WHITE FIREWEED : 0629621
### A WHITE FIREWEED : 0629621

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4,000
A WHITE FIREWEED : 0629621

BEVERSTOCK TRUST
5479 CHENA HOT SPRINGS RD
FAIRBANKS AK 99712 3507
APPLICABLE APPROVAL CRITERIA

Conditional Uses are governed by the following provisions of Title 18, Fairbanks North Star Borough Code of Ordinances:

18.104.050 (C)

1. Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state statutes.

2. Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.

3. Whether or not the proposed conditional use will protect the public health, safety and welfare.

The Planning Commission may approve or deny a conditional use request or may approve a conditional use request with conditions to ensure the protection of the public health, safety and welfare. Such conditions may relate to any, or more, of the following: traffic flow and access requirements, lighting, pedestrian movements.

Marijuana Facilities are also governed by the provisions of Title 18, Standards for Commercial Marijuana Establishments:

18.96.240

A. General Standards

1. Applicability. Standards of this section shall apply to commercial marijuana establishments regardless of whether they are a permitted or conditional use.

2. A commercial marijuana establishment may only be allowed with the written consent of the owner of the property.

3. No marijuana establishment, except a marijuana testing facility, shall be located within the following buffer distances:

   a. Five hundred feet of primary and secondary school buildings (K-12) including vocational programs, playgrounds, adult and juvenile correctional facilities and housing facilities owned by a public housing authority with children as residents; and

   b. Two hundred feet of any post-secondary school buildings including but not limited to trade/technical/vocational schools, colleges and universities; and

   c. One hundred feet of youth centers, group homes serving persons ages 18 and under, public swimming pools, state licensed day care facilities, arcades, state licensed substance use treatment provider or facility providing substance abuse use treatment, church buildings and residential zones (RE, RR, SF, TF, MF, MFO).
d. Buffer distances shall be measured from the lot line of the lot containing a use or zone listed in subsections (A)(3)(a) through (c) of this section to the commercial marijuana establishment.

e. Buffer distance measurements shall not extend beyond the nearest ordinary high water (OHW) mark of a river or lake or beyond the nearest edge of a right-of-way (ROW) of a controlled access facility.

4. Outdoor Storage. No outdoor storage of marijuana, marijuana products or hazardous substances shall be allowed.

5. In all zones in which marijuana establishments, with the exception of a marijuana testing facility, are a permitted or conditional use, the applicant shall include an area map drawn to scale indicating all land uses on complete parcels within a 500-foot proximity of the lot upon which the applicant is seeking a zoning permit or conditional use permit.

6. Marijuana establishments other than marijuana cultivation facilities, indoor small and marijuana testing facilities located in GU-1 or GU-5 zoning and adjacent to a lot upon which a principal building used as a dwelling is located are a conditional use subject to the requirements of this title.

B. Cultivation Facility Standards.

1. Yard Setbacks. Outdoor marijuana cultivation facilities, including all land planted with marijuana, shall be located at least 50 feet from a lot line.

2. Height Limitations.

   a. The maximum height for a marijuana cultivation facility, indoor small shall be 35 feet.

   b. The maximum height for a marijuana cultivation facility, indoor large shall be 75 feet.
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Objective:
A lean, clean and green landscape will slow fire’s spread.

Prioritize Firewise landscaping within the first 30 feet from your home.

- Maintain lawn at 3 inches and keep well watered.
- Separate vegetation with grass, rock gardens and gravel walkways.
- Cut or prune needle-bearing trees (spruce, hemlock, pine, etc.) adjacent to the home to maintain 15 feet of clearance between tree branches and the roof line.
- Thin needle-bearing trees to 15 feet between extending branches.
- Prune tree branches up 6-8 feet from the ground.
- Remove shrubs and mow grass under trees.
- Remove dead vegetation.
- Use Firewise plants, prune often and keep well watered.
- Separate groups of shrubs by 10 feet.
- Remove all wood and bark mulch from this area.
- Water trees frequently. Watering at the drip line is most effective: the outer circumference of the tree branches.
- Store firewood and tires ≥30 feet from the home, and at least 10 feet from a wood fence.
Treat vegetation between 30 to 100 feet from your home (increase the distance if slope exceeds 30%).

- Thin needle-bearing trees to 15 feet between extending branches.
- Thin black spruce in clusters (<10 feet in diameter) with 15 feet between clusters.
- Prune tree branches up 6-8 feet from the ground.
- Remove shrubs and mow grass under trees.
- Remove dead vegetation.

Defensible space is an area that will help protect your home and provide a safety zone for those who are battling the flames.

Beyond 30 feet from your home, a healthy forest comprised of both birch and spruce can be maintained through regular pruning of branches, trimming shrubs and mowing grass beneath trees.

Prune trees in fall months.
- Prune spruce trees in fall to limit bark beetle activity.
- All pruning should be done in late fall or cold months to maintain good tree health.
- No pruning in the spring when trees are budding.

Easy action items:
- Prune a tree
- Water plants

In one hour:
- Rake around the wood pile
- Rake under trees
- Rake under the deck and exterior stairs

Weekend project:
- Pile tree limbs and brush >30 feet from the house for fall burning or composting.
**General Landscaping**

- In heavily wooded areas on your property, thin and prune trees to decrease the fire hazard and improve growing conditions. Remove dead, weak, or diseased trees, leaving a healthy mixture of older and younger trees.
- Reduce fire risk by emphasizing hardwood trees, either mixed with conifers or as pure stands near your home.
- Gravel or stone walkways serve as fire breaks around your home.
- Work together with your neighbors to treat common areas between houses: thin and prune trees, mow grass.
- Trim shrubs and mow grass in easements surrounding electrical power lines.
- Avoid planting trees near overhead power lines where they may grow into and contact the lines under windy conditions, causing a fire. Contact your local utility with questions.
- Consult a tree care professional with your questions. Visit [http://www.forestry.alaska.gov/community/](http://www.forestry.alaska.gov/community/),

**Wood Storage Tips**

Store wood piles at least 30 feet from any structure and clear 10 feet around pile.

Many homes have survived as a fire moved past, only to burn later from a woodpile that ignited after the firefighters moved on to protect other homes.

Do not stack firewood under trees or on downhill side of home.
More Tips

- Properly dispose of all cut vegetation by an approved method. Open burning may require a permit. Contact your nearest fire agency or village public safety officer for local requirements.
- Locate a brush pile at least 30 feet from the house for fall burning.
- Care for piles of wood chips by turning regularly to avoid combustion.
- Locate burn barrels and open fires at least 30 feet from any structure and clear the ground around the site for a minimum of 10 feet. A burn barrel must be in good condition and should be covered with a woven metal screen. Always stay with your fire!
- Keep garden hoses and fire tools readily available: axe, shovel, rake or Pulaski.
- Keep storage areas clean. Discard oily rags and newspapers. Sheds, car ports and under decks are vulnerable storage areas that often serve as fire starters or fuel.
- Check spark arresters on all motorized equipment (any vehicle or machinery with a gas engine). Store 30 feet away from structures or put inside garage.
- Locate and label liquefied petroleum gas (LPG), propane tanks and any fuel storage containers at least 30 feet from a structure and clear 10 feet around tank. Use stone or iron instead of wood for cribs under tanks. If you store gasoline, label it.
- Junk piles are fire hazards. Move discarded items outside of the home’s 30 foot perimeter.

Yard debris disposal options

- Chip branches, use as mulch around trees outside of the home’s 30 foot perimeter.
- Compost grass and fine woody debris (visit the online publications database at UAF Cooperative Extension Service http://www.uaf.edu/ces/)
- Haul to landfill.

Firewise plants are fire resistant, not fire proof.

- High water content and supple, moist leaves.
- Little or no accumulation of dead vegetation, either on the ground or on the plant.
- Sap that is water-like such as that found in birch trees.
Pheasant Farm Road

Private Driveway, looking east
Property is mostly cleared, looking northwest

Existing Residence, looking north
Existing Warehouse, looking northeast

Neighboring property, looking southeast
Agency Comments

CU2017-022
Hello Manish,

The proposed property is outside of a fire service area and therefore has no fire protection. It is within the Fairbanks North Star Borough and does receive Emergency Medical Services which is an ambulance from my department, the Steese VFD. I have no other comments at this time. If you have any other questions please contact my office.

Mitch Flynn, Fire Chief
Steese VFD
800 William C. Leary Lane
Fairbanks, AK 99712
907-457-1519 office
907-347-7685 cell
mitch.flynn@steesevfd.org

On Thu, May 18, 2017 at 10:33 AM, Steele, Samara <samara.steele@steesevfd.org> wrote:
FYI

Samara "Sam" Steele
Administrative Assistant
Steese Volunteer Fire Department
800 William C. Leary Lane
Fairbanks, AK 99712
P:907.457.3710
F:907.457.1512
E: samara.steele@steesevfd.org
www.steesevfd.org

"Lead by Serving"

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Manish Singh

From: Roberts, Jillian T (DPS) <jillian.roberts@alaska.gov>
Sent: Thursday, May 18, 2017 10:48 AM
To: Manish Singh
Subject: RE: CU2017-021/22: Requesting Comments for Marijuana Cultivation App. (200 Pheasant Farm Road)

Follow Up Flag: Follow up
Flag Status: Flagged

Manish,

We have not received a plan review for this project yet.

Take care,

Jill Roberts
Plan Review Bureau
Division of Fire & Life Safety
Jillian.roberts@alaska.gov
Phone 269-2004 Fax 269-0098

From: Manish Singh [mailto:Msingh@fnsb.us]
Sent: Thursday, May 18, 2017 10:30 AM
To: Tyler, David L (DPS); Aden, David G (DPS); Roberts, Jillian T (DPS); Nakano, Lloyd M (DPS); djiana.parks@alaska.gov; Carpenter, Margaret (DOT); Horton, George C (DNR); Maisch, John C (DNR); McAlpin, Robert R (DNR); Keech, Paul A (DNR); Sanford, Edward (DNR); Bear, Tonya (DEC); Buteyn, Douglas J (DEC); AST Directors Office, DPS (DPS sponsored); JlKarl@gvea.com; Bill Witte; Brad Paulson; info@steesefire.org
Subject: CU2017-021/22: Requesting Comments for Marijuana Cultivation App. (200 Pheasant Farm Road)

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering CU2017-021, a request for conditional use approval of a marijuana cultivation facility, indoor large and CU2017-022, a request for conditional use approval of a marijuana cultivation facility, outdoor limited in the General Use 1 (GU-1) zone, located at 200 Pheasant Farm Road (on the east side of Pheasant Farm Road, south of Chena Hot Springs Road). These applications (CU2017-021 & CU2017-022) are scheduled for the Planning Commission meeting on June 20, 2017.

I have attached the applications with this email. The department requests you to send us your comments for this proposal by June 01, 2017. For more information about this case, please email msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Application Material Received on
May 05, 2017

CU2017-022
Fairbanks North Star Borough
Department of Community Planning
907 Terminal Street/P.O. Box 71267
Fairbanks, Alaska 99707-1267
(907) 459-1260 Fax: (907) 459-1255
planning@fnsb.us

MARIJUANA FACILITY
CONDITIONAL USE PERMIT APPLICATION
File No. CU 2017-022

FEES:
☐ $800 conditional use permit application
☐ $250 verification of sensitive use buffers
☐ $200 sign deposit (check or cash only)

(concurrent w/ 2017-021)

Applicant:
Contact Name: Haley C.
Business Name: Third State
Mailing Address: PO Box 34082
City, State Zip: Anchorage, AK 99511
Phone: (907) 317-1746
E-mail: Haley@ThirdState.co

Property Owner:
Name: Green Diamond Properties, LLC
Mailing Address: PO Box 34082
City, State Zip: Fairbanks, AK 99708
Phone: (907) 322-5334
E-mail: Bill@TVTV.com

Property Information:
Property Description: TRACT A WHITE FIREWEED
Street Address: 200 Pheasant Farm Road
Lot Size: 10 Acres
Parcel Account Numbers (PAN): # 062-1621
Existing Use(s): Residential and Commercial Shop
Zoning District: GU-1

Conditional Use Request Information:
Proposed Use(s):
MARIJUANA CULTIVATION FACILITY, OUTDOOR LIMITED

Request Description and Reasons for the Request:

I have attached a detailed site plan drawn to scale and to the standards of the Commercial/Industrial Site Plan guidelines.
I certify that the information included in this application is to the best of my knowledge true and complete.

APPLICANT SIGNATURE: ___________________________ DATE: 5/4/2017

OWNER SIGNATURE (if different): _________________________ DATE: 5-5-2017

If the applicant is not the sole property owner written consent of all property owners must be provided pursuant to FNSBC 18.104.050(B).

Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.
<table>
<thead>
<tr>
<th>Tax Lot</th>
<th>Land Use</th>
<th>Business/Owner Name</th>
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<tbody>
<tr>
<td>T/L20</td>
<td>Pastoral</td>
<td>State of Alaska</td>
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<tr>
<td>F/G</td>
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<td>Haley Farms</td>
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<tr>
<td>T/L212</td>
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<td>Boston Properties, LLC</td>
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<td></td>
<td>Business</td>
<td>Ross R. &amp; J. Shoemaker</td>
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</table>
### 200 Pheasant Farm Road Total Square Footage Calculations

<table>
<thead>
<tr>
<th>Under Cultivation</th>
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<tbody>
<tr>
<td>Building</td>
<td>Size</td>
</tr>
<tr>
<td>Shop</td>
<td>4,080 ft^2</td>
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<tr>
<td>Greenhouse</td>
<td>3,000 ft^2</td>
</tr>
<tr>
<td>Total</td>
<td>7,080 ft^2</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Supplementary</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>Size</td>
</tr>
<tr>
<td>Shop Fenced Area</td>
<td>1,200 ft^2</td>
</tr>
<tr>
<td>Greenhouse Fenced Area</td>
<td>9750 ft^2 minus GH=6,750 ft^2</td>
</tr>
<tr>
<td>Total</td>
<td>7,950 ft^2</td>
</tr>
</tbody>
</table>

Total Square Footage: 15,030 ft^2
ThirdState - Narrative, Indoor & Outdoor Commercial Marijuana Cultivation CUP Request

Specific type of commercial marijuana facility being requested as defined in FNSBC 18.06.010.

ThirdState is in the process of applying for a standard marijuana commercial cultivation license from the state of Alaska and is respectfully requesting the Planning and Zoning commission approve its proposed location of a Marijuana Cultivation Facility, Indoor Large, meaning a legally licensed, fully enclosed commercial marijuana cultivation facility, as defined by the FNSB code and Alaska state law, in which all growing preparation and packaging activities are conducted completely indoors and for which the net floor of the cultivation does not exceed 10,000 square feet. This application for a CUP also requests the approval of a Marijuana Cultivation Facility Outdoor Limited, which means a legally licensed, commercial marijuana facility as defined by state law in which any portion of the growing, preparation and packaging activities are conducted outdoors are within buildings that are not fully enclosed or which utilize odor permeable materials. Area of the marijuana cultivation outdoor limited facility does not exceed 20 percent of the total parcel area, including all land planted with marijuana and the net floor area of all temporary and permanent buildings utilized to grow, prepare and package marijuana.

Narrative demonstrating conformation with the condition use approval criteria FNSBC 18.04.050(C)1-3, including Title 18, the FNSB Regional Comprehensive Plan, and other applicable FNSV ordinances and statute statutes.

ThirdState is owned and operated by two long time Alaskans, Haley Essig and Eric Solie. Both are entrepreneurs and are committed and invested to protecting the FNSB community and diversifying this State’s economic playbook. The owners will work diligently to ensure this new business venture meets and furthers the goals of the FNSB Plan and adheres to the regulations and ordinance to maintain compliance at all times. Thank you in advance for your consideration of this request:

Strengthening the Borough's role as the commercial, transportation, and cultural hub of Interior Alaska – ThirdState's new marijuana farm will strengthen the Borough’s position as the commercial, transportation, and cultural hub of the interior of Alaska. By providing employment on a year round basis (as the company grows) the borough will benefit by the commercial expansion of creating new jobs for people, who will then also contribute to the commercial market by expending their salary on housing, food, and entertainment within the borough. ThirdState strategically picked the Borough in order to capitalize on the community’s strong leadership and progressive approach to the immerging marijuana industry. By diversifying the Borough’s economy with this type of business, the Borough’s role as the commercial, transportation, and cultural hub will strengthen.

Creating opportunities for development while minimizing land use conflicts – the Site is in a General Use area on a 40-acre parcel – the development of this under-utilized parcel will create and foster more opportunities for development, and this new use does not conflict with the existing and surrounding uses.

Maintaining a healthy economy that provides ongoing opportunities for residents to be gainfully employed – As discussed infra, the use will create year round employment for residents
of the Borough. It will promote a healthy and safe environment for its crew members and a team like community is the type of environment ThirdState strives to create.

**Integrating development with responsible stewardship of our resources** – ThirdState seeks to limit any negative impact on the environment by utilizing green friendly nutrients and cleaning supplies. It also applies the mantra of “reduce, reuse, and recycle” and as the business develops and matures the owners will see additional manners to improve and preserve natural resources and protect the environment. ThirdState and its owners believe that it is important for employees and owners to volunteer within the community and have a positive impact on the immediate environment. Eric and Haley will develop an “Environmental Impact Plan” and shall be responsible for maintaining and updating the content and procedures. The Environmental Impact Plan will detail, among other things, company efforts to ensure proper construction and design, work alongside governing agencies and officials, follow all required health and safety requirements, and promote safe building and operational practices.

The team will strive to align with local charities and nonprofit interest groups, and will encourage employees to use shared commutes and carpools.

**Narrative Question Number One – Number of Employees onsite:**

Initially, after the building and buildout is complete, the ThirdState indoor facility will have two employees working fulltime (including one onsite employee who will live onsite 24/7 to maintain a constant eye on the property and facility and to minimize risk of any fires as discussed below). There will also be two-part time employees that will help with harvest every two weeks and ThirdState will hire two additional employees for seasonal employment to work in the greenhouses from the months of April to August. Keep in mind this is a startup company and as the business develops and grows it will have an employment budget that grows with it, so the number of employees could increase in the future.

**Narrative Question Number Two – Frequency of vehicle trips to site:**

During the construction and buildout of the facility there will be multiple construction vehicles enter and leaving the site on a daily basis. ThirdState estimates that the buildout period will conclude approximately around August 2017. Once the building and greenhouses are both operational and cultivation is occurring, ThirdState estimates that transportation of product out of the facility every two weeks. Materials such as nutrients, grow medium and other materials will be acquired off site by employees and delivered to the site on an as needed basis. ThirdState estimates this type of transportation will occur every 2-3 weeks. Propane for use in the greenhouse will be delivered in the fall and spring – ThirdState estimates needing propane delivered twice a year.

Employees, in the number and type as described above, will also be traveling to and from the property site.

**Narrative Question Three – Hours of Operation:**
Third State cultivation facility is never open to the public but the hours of operation will be 7 AM to 7 PM Monday through Sunday. Additionally, we will have an employee living on the same lot as the licensed premises who will enter the facility as needed at any hour.

**Narrative Question Four & Five – Activities occurring on site on daily, weekly, monthly, periodic, seasonal, occasional and annual basis; phases of development:**

- Activities occurring on the site:
  - The cultivation of marijuana plants indoors as well as in greenhouse(s)
  - Drying of marijuana plants indoors
  - Grinding/Disposing of plant waste
  - Packaging and tagging of product indoors
  - Cleaning and building/greenhouse maintenance
  - Security of the facility/product

- Phases of Development
  - Phase 1 will include a 42 foot extensions on the East end of the building as well as the placement of a 3,000 sq. ft. greenhouse on the empty field southwest of the shop
  - Subsequent phases will be the placement of additional greenhouses in the empty field southwest of the shop, not to exceed 20% of the total area of the land. Subsequent phases will be conducted if/when it is feasible.

**Narrative Question Six – Impacts of proposed use that may cross property lines, such as odor, noise, dust, light, etc.:**

Odor from our indoor facility will not cross property lines year round as it will be contained in our through ventilation systems and carbon filtration.

Greenhouses will be operated seasonally. We have intentionally placed the proposed greenhouse at the southern end of the property due to the Fairbanks average annual wind direction heading predominantly northeast. This will mitigate odors from reaching the public by allowing odors to dissipate naturally over our property. See attached graphic of annual wind direction in Fairbanks.

Noise may cross property lines during construction. Once construction is complete, all noise generated by the facility will be hard to detect as the property is so large and will dissipate before reaching neighbors.

All lights used for security will be angled down around the premises of the licensed facility and will not cross property lines but will be in accordance with the state surveillance requirement of 20 feet.

**Narrative Question Seven – Provide a list of chemicals utilized or stored on site:**
Chemicals used will be nitrogen, phosphorus, and potassium fertilizers, phosphoric acid, and cleaning supplies such as bleach, simple green, etc. On an as needed basis, only pesticides from the “July 2016 Alaska List of Marijuana Pesticides” published by the Alaska DEC will be used. All other chemicals used are DEC approved.

All cleaning products, whether potentially hazardous to health or not, will be stored away from marijuana and any related products that come into direct contact with marijuana. In an effort to minimize chemicals in the air and settling on unintended surfaces, employees will dispense all spray, aerosol, or similar airborne cleaning products into a paper towel rather than directly onto the surface.

Cleaning products to be used are as follows: Windows: Windex sprayed into a paper towel, wiping up and down or in circular motion;

1. Floor: ZEP neutral floor cleaner for the concrete floors;
2. Countertops/Trays: Simple Green;
3. Computers and Hand-Operated Electronics: Dust Off and Simple Green sprayed lightly into a paper towel to clean the outside surface of all electronics;
4. TV Screens: feather duster or water sprayed into a paper towel;
5. Cultivation, processing, storage areas: Simple Green;
6. Metal processing utensils: rubbing alcohol. All metal utensils used for processing marijuana, such as trimming scissors, are to be soaked overnight in a plastic container filled with isopropyl alcohol and hydrogen peroxide early labeled as such; and
7. Plastic marijuana storage or processing bins: Simple Green. After each use, all storage containers are to be wiped down with Simple Green and rinsed, and all exterior labels removed.

Narrative Question Eight—Describe how plant waste materials will be handled and disposed of:

ThirdState will implement thorough disposal policies and procedures in an effort to safeguard marijuana consumers and the surrounding community from the potential hazards presented by marijuana waste. Solid waste will be kept in trash cans lined with plastic bags and disposed of at the Two Rivers transfer site. Plant waste will be shredded and mixed with equal parts compostable or non-compostable material, logged into METRC, and used as compost or disposed of in an approved landfill.

A. Types of Waste for Disposal.

The following is a list of the expected waste that ThirdState will be disposing of:

1. Waste from marijuana flowers, trim, and solid plant materials;
2. Wastewater generated during cultivation and processing;
3. Marijuana that is identified as infected or fails to meet quality testing; and
4. Marijuana plant waste, including roots, stalks, leaves, and stems.

B. Method of Disposal.

To ensure that marijuana products are safely kept away from the public, cultivation facilities must render the products unusable before disposal.

Once flagged for disposal, all marijuana and marijuana products will be secured and destroyed by grinding the material and incorporating the remains with compostable or non-compostable solid wastes until the resulting mixture is, at a minimum, fifty percent (50%) non-marijuana waste.

1. Non-Compostable Solid Wastes.

ThirdState will use the following non-compostable solid waste for safe disposal of marijuana waste:

   a. Paper waste;
   b. Plastic waste;
   c. Cardboard waste; and/or
   d. Soil.

2. Compostable Solid Wastes.

ThirdState will use the following compostable solid waste for safe disposal of marijuana waste:

   a. Food waste;
   b. Yard waste; and/or
   c. Vegetable-based grease or oils.


Ownership and Management will give at least three (3) days notice to the MC Board before disposing of any marijuana waste by logging the affected products in the marijuana inventory tracking system, Metrc.

Management will ensure that the final disposal mixture is composed of no more than fifty percent (50%) marijuana waste by volume.

D. Compliance with Disposal Regulations.

ThirdState will comply with all of the federal, state, and borough laws, regulations, and codes, as set forth and amended from time to time, with regard to marijuana waste disposal.

The grinding method for disposal is the approved method to render marijuana waste unusable by the Alaska Administrative Code and the MC Board. This technique has been deemed to be safe for disposal, and its reliability and safety have been proven through its use in other jurisdictions across the nation.

ThirdState will utilize the standards set by the MC Board, and in the absence of such
standards, will adhere to the strictest standards set by comparable jurisdictions that have been proven and tested. ThirdState aims to cultivate and process marijuana using only the safest, most dependable, and MC Board-approved methods for every step of the process.

If at any time the MC Board or the Fairbanks North Star Borough implements or approves a different type of disposal method than the one described in the Disposal Plan, ThirdState will take immediate action to ensure that it complies with all of the MC Board’s requirements.

E. Hazardous Waste.

Any hazardous waste will be identified and disposed of in accordance with all of the federal, state, and borough laws, regulations, and codes, as set forth and amended from time to time. Hazardous waste includes solids, semi-solids, liquids, or contained gases which cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness, or pose a substantial hazard or potential hazard to human health, public safety or the environment when given improper treatment, storage, transportation, disposal, or other management. Hazardous waste also includes waste identified as hazardous by the Alaska Administrative Code. Hazardous waste includes, among other wastes, toxins, corrosives, flammable materials, irritants, strong sensitizers and materials which generate pressure by decomposition, heat or otherwise.

F. Disposal Records in the Inventory Control System.

All marijuana rendered unusable and disposed of will be tracked using the Metrc system. Upon identifying any plant, batch of plants, or any quantity of marijuana for disposal, the plant(s) or item will immediately be marked in the Metrc system for disposal. Upon rendering the plant(s) or item unusable, the following information will be recorded in the Metrc system:

1. A description of and reason for the marijuana being disposed of, including, if applicable, the number of failed or other unusable marijuana plants and the weight of the plant(s) or item(s);
2. The date of disposal;
3. Confirmation that the marijuana was rendered unusable before disposal;
4. The method of disposal; and
5. The name and permit number of the agent responsible for disposal.

Narrative Question Nine– Energy Source:

Electricity provided by GVEA.

Narrative Question Ten– Water Source:

Water source: Private well

Narrative Question Eleven– Method of Sewage Disposal for Proposed Use:
Sewage disposal: DEC approved septic system. See attached DEC approval

**Narrative Question Twelve - Wastewater management for proposed use:**
All wastewater will be collected and reused for further watering of marijuana plants. Any remaining wastewater will be disposed of into the DEC approved septic system.

**Narrative Question Thirteen - Other services to serve the proposed use such as fire protection and police, etc.:**

The ThirdState cultivation facility is located outside of a of fire service area. However, Eric and Haley are well aware of this fact and have taken extra fire safety precautions to ensure the safety of the building, employees, and neighboring properties. The owners have been in contact with the State Fire Marshal (Diana Parks) and Diana has explained that it’s not unusual in this area of the state to have commercial buildings outside of fire service areas. She elaborated that the Fire Marshall still conducts plan reviews to ensure the building is built to meet all applicable building codes. ThirdState’s building plans have been approved by a licensed architect and will meet all building codes in order to pass State Fire Marshall approval. Please see attached emails from our architect, David Hayden and from the Department Fire & Life Safety, Diana Parks. As additional fire protections, the employees and owners of ThirdState will take the following fire-risk reducing precautions:

- ✓ Within 15 feet of structure, the team will remove all conifers and dry or dead vegetation.
- ✓ Around the edge of the facility, the team will line it with either small plants, flowers or gravel.
- ✓ Any trees that are 15-30 feet of the indoor cultivation facility or greenhouses will be groomed and their branches trimmed;
- ✓ Shrubs underneath trees that are within 30 feet of the building will be removed.
- ✓ Dead or dry vegetation under trees will be removed;
- ✓ Leaves and needles will be racked up routinely around the property;
- ✓ Empty 55 gallon barrels will be left outside to catch rain water for use of extra water in case of an emergency;
- ✓ 24/7 onsite employee will be on the property 7 days a week. The onsite employee has direct and constant access to a cellular phone that has great reception and high speed internet;
- ✓ There are cameras running 24/7 that allow both owners to view the live feed stream on their mobile devices at any time
- ✓ Multiple commercial grade fire extinguishers will be place throughout the property for easy access; and
- ✓ In addition to meeting code for state fire marshal approval, we will also be using “firewise” practices in our landscaping to further mitigate any fire hazards.

It is also important to note that ThirdState has contacted and been informed by the Borough Emergency Services Coordinator that fire services do still respond if there is a person trapped, or on a discretionary basis, when outside a fire service district. Also, during the summer, Division
of Forestry, may respond to fire calls at the site. Meanwhile, there will be ambulance service to the site at all times.

**Narrative Question Fourteen – Compliance with state requirements for facility security:**

ThirdState will comply and exceed the state requirements for security and alarm systems and procedures.

**Narrative Question Fourteen – Conformance with the conditional use approval criteria (FNSBC 18.54.030(C) (1-3)) including Title 18, the FNSB Regional Comprehensive Plan, ordinances and applicable state statues:**

C. Hearing and Decision by the Planning Commission. The planning commission shall review, hear and decide whether or not to approve a request for a conditional use. The planning commission shall also consider and adopt findings in each of the following:

1. Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state statutes;

   Based on the narrative above, and attached site plans, the proposed conditional use does conform to the intent and purpose of this title, other ordinances, state statutes and state regulations. We respectfully ask this Honorable Commission to make and adopt a finding that ThirdState proposed conditional use confirms to the intent and purpose of this title and all applicable laws and regulations.

2. Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use;

   Based on the narrative above, and attached site plans, and proposed use, there are more than adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use. We respectfully ask this Honorable Commission to make and adopt a finding that ThirdState proposed conditional use has adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.

3. Whether or not the proposed conditional use will protect the public health, safety and welfare.

   Based on the narrative above, and attached site plans, and proposed use, this conditional use will protect the public health, safety and welfare. ThirdState is committed to providing safe, clean, controlled, and taxed cannabis to Alaska. This will take away power from the black market, limit diversion to minors and keep cannabis where it belongs, in the hands of regulate and responsible business owners whom will only provide it to consenting adults over the age of 21. We respectfully
ask this Honorable Commission to make and adopt a finding that ThirdState proposed conditional use protects the public health, safety and welfare of the community.
From: Haley Essig [mailto: Haley@thirdstate.co]
Sent: Wednesday, April 19, 2017 8:46 AM
To: Parks, Diana C (OPB) <dianna.parks@alaska.gov>
Cc: Nakano, Lloyd H (OPB) <lloyd.nakano@alaska.gov>
Subject: Re: 200 Pheasant Farm Road

Diana:

Thank you for the local government has indicated it would defer to you. It is safe to assume that if we are meeting all requirements in the 2006 International Building Codes, that we would be in compliance with the State Fire Marshal’s requirements. Are there any additional resources you can point me towards to ensure we are in state compliance?

Thank you.
Haley Essig

On Wed, Apr 19, 2017 at 8:18 AM Parks, Diana C (OPB) <dianna.parks@alaska.gov> wrote:

Hi Haley,

It is not unusual for us to have a commercial building where there is no fire service. In those cases, we still do our plan review to ensure the building meets our adopted building, fire, and mechanical codes. The building is then approved. If the Borough has additional requirements to our adopted codes, that is within their rights.

Diana Parks
Superintendent-Plan Review Bureau
Division of Fire and Life Safety
5700 East Tudor Road
Anchorage, AK 99507
dianna.parks@alaska.gov
http://www.dps.state.ak.us/Fire/MB/807-269-2004

From: Haley Essig [mailto:Haley@thirdstate.co]
Sent: Tuesday, April 18, 2017 5:55 PM
To: Parks, Diana C (OPB)
Subject: 200 Pheasant Farm Road

Hello Diana,

This is Haley Essig, we spoke yesterday on the phone about a property I am trying to license as a marijuana cultivation facility. The building is on a cleared 40 acre lot more than 20 miles from Fairbanks, at 200 Pheasant Farm Road. The property is not serviced by a fire department. It is also zoned OUI (agricultural use), so the Fairbanks North Star Borough requires us to go through a conditional use permitting process in this type of zoning. This means we will have to go through the planning commission and prove that we will not be harming the health, safety, and welfare of the public.

Originally, the planning department told us to get something in writing from the state fire marshal to help our case. The state fire marshal safety plan review is the law. If you have local government approval. This left us in a difficult situation.

Marshall, a planner for the FNSB Department of Community Planning, has since spoken with his director who has advised us to continue along with the Conditional Use Permitting Process but we will have to address this issue in our application narrative.

With that being said, I would like to know how cases like this (such as commercial/industrial operations without emergency response service) have been handled before when getting approval by the state fire marshal. Are there specific code related requirements?

I would like to get this information as I think it would be useful when forming a narrative for the local permit process. Can you provide this information before you can lead me in the right direction.

Thank you.
Haley Essig
Fwd: Marijuana Grow Facility

Bill St. Pierre <btp@btv.com>
To: Haley Essig <haley@thirdstate.co>
This wk?
Sent from my iPhone

Begin forwarded message:

From: David Hayden <david@thirdstate.co>
Date: May 1, 2017 at 4:23:03 PM AKDT
To: "Bill St. Pierre" <btp@btv.com>
Subject: Marijuana Grow Facility

Hi Bill,
I'm currently working on the Pheasant farms marijuana grow facility located at 205 Pheasant Farm Road in the FNHB, Alaska 99712. The design will conform with the 2009 International Building Code. The state of Alaska has adopted this code as the fire life safety building code.

Thank you,

David Hayden

5th Design
301 4th Ave
Fairbanks Alaska 99701
Fairbanks, AK
64° 49'N / 147° 51' W
436 ft. above sea level

More about this part of Alaska.

Click for wind speed data

Monthly Date

Analyses are based on hourly observations for the period 1971 - 2000.
Part I. General Information

Legal Description: 206 Pheasant Farm Rd, PBKAL, EY5 SW4 S32 T8N

Submitted By: R. Scott, Fairbanks, AK, Tax ID # (optional)

Installer Mailing Address & Phone: P.O. Box 14077 Two Rivers, AK 99711-907-488-2636

Part II. Wastewater Disposal

Onsite Wastewater System Serves: Single Family # of bedrooms 3

New System: Certified Installer

System Installed By: Inspected by a Registered Engineer

Installation Notification Date: 15 Aug 08

Date Installed: 16 Aug 08

Septic Tank: Size 1000 # of Compartments 2

Type of Soil Absorption System: Deep Trench

Soils: Classification S.M., Rating - sq ft/bedroom 275

Dimensions: Absorption Area 6' x 2' x 10'

Perc Test Results: Minutes per inch NA, Sq. Ft. per bedroom NA

Ground Cover Over: Septic Tank 6' to 5', Absorption Area 5' to 4', Sewer Pipes 7' to 5'

Cleanout Pipes/Caps: Foundation Cleanout Yes, Septic Tank Yes, Monitor Tubes Yes

Separation Distances from septic tank or absorption area, whichever is closest, to all nearby:

- Public drinking water sources within 200 feet 300' +
- Private drinking water sources within 100 feet 100' +
- Nearest water bodies (see 18 AAC 72.020(b)) 100' +
- Lot Line 10' +

Separation Distances from On Lot Sewer Lines to Drinking Water Sources - Public 100' +
- Private 25' +

Separation Distances from Bottom of Distribution Rock to Groundwater Table 4' +
- Bedrock 6' +

Separation Distance from Absorption Area to Slope exceeding 25% 50' +

Comments/Recommendations/Criteria used to size commercial facility:

I certify that the above information, and that provided in Section III, is correct:

Signature: Brad M. Sundstrom

Title, Reg/Cert No, Inst No: 2008-30-1076 Date: 23 Aug 08

NOTE: Must be signed by a Certified Installer, DEC staff or Approved Homeowner. If engineer, seal bears printed name, registration number and is signed, those blocks need not be completed for engineered submittals.
Part III - Required Diagram of System(s)

1. In a plan view, locate and identify each of the following:
   a) Well  b) All Structures  c) Septic Tank  d) Soil Absorption system (include dimensions)
   e) Surface Water  f) Sources of contamination  g) Property Line  h) Closest well on adjacent property
   i) Closest septic tank on an adjacent property  j) Closest edge of an absorption field on adjacent property
   k) All Cleanouts and monitor tubes  l) Testhole location
2. Show distances between the well and each of the sources of contamination listed in 1.
3. Show distances between water bodies and each part of the onsite system listed in 1.
4. In a cross section view of the soil absorption area, identify each component and show the depth (thickness) of the following:
   a) Soil cover  b) Absorption Material  c) Water Table  d) Bedrock  e) Discharge pipes  f) Insulation

Testhole total depth: [ ]________ ft
Groundwater/Seeps encountered? Y (N) at _______ ft
Impermeable soil (Silt/Clay/Bedrock) encountered? Y (N) at _______ ft

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<th>Date</th>
<th>Inspected By</th>
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<tbody>
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<td>Ll Van</td>
<td>M. S. Van</td>
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<tr>
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300
Application Material Received on
May 17, 2017

CU2017-022
Dear Ms. Essig,

Thank you for your two conditional use applications. I reviewed your application materials for completeness and I need following additional information/clarifications before we can process your application –

1. **Number of Employees** – The narrative states “the number of employees could increase in the future.” Although parking standards does not apply to GU-1 zoning but for conditional uses, FNSB Community Planning has a policy of ensuring adequate off-street parking spaces by providing three parking spaces per four employees pursuant to FNSBC 18.96.060(C). The site plan provided with your application shows 5 off-street parking spaces, which should be adequate for the currently proposed total of six (6) employees (full & part time). Do you have any available areas where you could expand off-street parking in future? Is there a maximum number for employees that Community Planning could consider for this conditional use operation?

   We will have a maximum of 10 employees and will build an additional parking lot to the west of the house to meet the requirements laid out in FNSBC 18.96.060, for a total of 9 parking spaces. I have attached a revised plot plan drawing showing this parking lot.

2. **Phases of Development** - The narrative states “subsequent phases will be the placement of additional greenhouses in the empty field southwest of the shop, not to exceed 20% of the total area of the land.” The site plan provided with the application does not show any greenhouses for future phases. Do you know the sizes and locations of these future greenhouses? If not, is this conditional use application for the one greenhouse shown on the site plan or are you requesting the FNSB Planning Commission to approve 8 acres of greenhouses (20% of 40 acres) without specific locations/sizes?

   At this point we are asking to be licensed for one indoor facility and one greenhouse, we understand that we will have to appear before the board again for any new additions.

3. **Odor Mitigation for Indoor Facility** – The narrative states “odor from our indoor facility will not cross property lines year round as it will be contained in our through ventilation systems and carbon filtration.” Does this mean your indoor cultivation building will be equipped with appropriately sized odor filtration systems such that the marijuana odor will not be detectable by the public from outside the indoor facility? You have outdoor cultivation greenhouse on the property. How do you propose to differentiate between the odors emanating from indoor and outdoor facilities if the someone detects them on the property lines?

   Our indoor facility will be equipped with an appropriately sized odor filtration system. It will be difficult in the summer months to differentiate the odors from our indoor versus outdoor facilities. However, in the winter months, odor will not be detectable.

4. **Odor Mitigation for Outdoor Facility (Greenhouse)** – Your proposal accounts for the Fairbanks Average Annual Wind Direction for the placement of the greenhouse. Other than this strategy, are there any plans of installing appropriately sized odor filtration systems for this greenhouse?

   We do not have plans to install an odor filtration system for this greenhouse as this greenhouse is odor permeable.
5. **Nearby Residences** – The distances between the cultivation facility and the nearby existing residences is important in evaluating lighting and odor impacts of outdoor marijuana cultivation facilities. Please provide a map showing the existing residences on the surrounding properties and showing their approximate distances from the proposed marijuana cultivation greenhouse.

   Map is attached

6. **Marijuana Waste Disposal** – The narrative discusses mixing marijuana waste with equal amount of compostable and non-compostable solid wastes. Where do you plan to eventually dispose the marijuana waste mixed with equal amount of compostable and non-compostable solid wastes?

   The compostable waste will be spread out over the hay field, non-compostable waste will be disposed of at the Two Rivers Transfer station.

7. **Onsite Septic** – The narrative states that there is an onsite DEC approved septic. Alaska DEC treats wastewater generated from marijuana cultivation facilities as non-domestic. Does this existing septic has approval to receive marijuana enriched wastewater? Or is it only approved to receive only domestic wastewater?

   Currently, our septic system is only approved for domestic wastewater. We are working with an engineer to find out if our current septic system can also meet our non-domestic needs, and will then submit this plan to the ADEC Wastewater Discharge Authorization Program. If we find that it can not meet our non-domestic needs then we will either build a new septic system on site or filter and haul water to Golden Heart Utilities following an approved Cannabis Wastewater Control Plan.

8. **Plumbing and Electrical Codes** - The narrative states that the building would be constructed to conform with 2009 International Building Codes which are adopted by the State Fire Marshal. Ms. Parks from State Fire Marshal’s office mentioned about Department of Labor’s Plumbing and Electrical Codes. Are there any plans for the construction to conform to these Plumbing or Electrical Codes?

   The building construction will conform to the required plumbing and electrical codes.

9. **Signage** – Is there any existing or proposed signage on the property?

   No

10. **Existing Residence** – The narrative states that an employee will live on the property in the existing house. Apart from this employee living in the existing house, are there any plans for using any portions of this existing house for any functions associated with marijuana cultivation facilities including but not limited to marijuana office, storage or employee restroom?
This house will be considered this employee’s private residence. We do not plan to use this building for any business related functions.

11. Conex (storage) and supplementary 60x20 fenced area – Is the Conex on the property existing or proposed? Will it be used for marijuana cultivation related storage? What are your plans for the 60’ x 20’ fenced area? Is there any outdoor cultivation proposed in this fenced area?

The Conex is proposed and will only be used for marijuana cultivation related materials, it will not contain any marijuana product or waste. The 60’ X 20’ fenced area will have an area where marijuana waste will be destroyed, there will also be a locked dumpster to store marijuana waste. We may also store additional tools in this fenced area used for landscaping and general labor.

12. Toilet and Handwashing Facilities – The site plan (drawing no. A101) is not legible. Are there any toilets or handwashing facilities available for employees? Please provide a legible copy of the drawing no. A101.

I have attached a “blown up” version of Drawing A101, showing the floor plan. As you can see, there is an ADA compliant bathroom in the southeast corner of the building.

13. Fire Safety – The narrative states that “the employees and owners of ThirdState will take the following fire-risk reducing precautions.” What is the source of these fire-risk reducing precautions? Are these part of any agency’s manual or based on any best practices?

a. “Firewise” practices - The narrative states that “[we] will be using “firewise” practices in our landscaping to further mitigate any fire hazards.” The application does not provide any details on these firewise practices. Please provide more details on what these practices are? Are these part of any agency’s manual or based on any best practices?

We will be following the “Firewise” packet practices found on the Alaska Department of Natural Resources Division of Forestry website. Here is the link to a PDF of the referenced packet:


b. Empty 55 gallon barrels – The narrative states that “empty 55 gallon barrels will be left outside to catch rain water for use of extra water in case of an emergency.” How many of these 55 gallon barrels will be left outside? Are there any plans of keep them manually filled?

Two 55 gallon barrels will be placed at the two south corners of the building in the spring, summer, and fall (above freezing temperatures). The barrels will be checked daily as part of the employees’ daily rounds and readings, and will be filled manually as needed. We will have a gas powered pump and hoses on site.
c. **Fire Extinguishers** - The narrative states that “multiple commercial grade fire extinguishers will be placed.” How many fire extinguishers do you plan to place?

There will be a total of 11 fire extinguishers, 9 indoors and 2 outdoors. I have made a handwritten note showing where the indoor fire extinguishers will be placed on the attached drawing, A101. Fire extinguishers will be placed next to the entrance of each veg/bud room and curing and drying room. There will also be fire extinguishers placed in other areas of the facility so that the distance from one fire extinguisher to the next does not exceed 30 feet. In our greenhouse, the fire extinguishers will be placed at the west and east end of the greenhouse. The fire extinguishers will be mounted on the wall and placed 3 feet off the ground. Each employee working in the facility will receive incipient fire training upon hire and a refresher training course annually thereafter per OSHA Standard 29 CFR 1910.157. Each fire extinguisher will be inspected and certified annually and a complete breakdown and internal inspection will be done every 6 years. Both of these inspections will be done by a fire protection equipment company.

d. **Ambulance Service** - The narrative states that “there will be ambulance service to the site at all times.” What agency would respond with ambulance?

Steese Volunteer Fire Department

e. **Insurance** – Are there any insurance provisions which would allow you to rebuild your fully or partially burnt structures if they are damaged in a fire? Are there any plans for having any such insurances?

The property itself has fire insurance, purchased by the landowner. ThirdState is currently in correspondence with Cannasure, a marijuana business insurance company. We are discussing fire and other insurance products with them at this point and will disclose all of the details once we have come to a decision.
Manish,

I just got off the phone with Steese Fire Department. They do not provide subscription based fire service. In fact, the only station that does is Salcha and they will not serve Chena Hot Springs Road.

I will also forward you the email from my partner, Eric, that explains the content of his phone conversation with Brad Paulson, head of emergency operations for the borough. In this email he references fire departments serving unserviceable areas on a discretionary basis, especially if it somebody may be stuck inside of the building.

Feel free to call me at any time to address anything else.

Thank you,
Haley Essig
(907) 317-7346
Hey guys,

Just got off the phone with several different people.

Fire chief for North Star VFD passed me on to Brad Paulson, head of Emergency Operations for the Borough. He will be sending me information in the next couple days about extending the fire service area, apparently there is no way to pay for service. Manish was probably referring to something where the city had done that once or twice, but that was only very close to the city (Van Horn area). In order to do that in our area, we would need the majority of property owners between us and the current fire service boundary to agree (!!!!), then bring it up for a vote, and it is a very time consuming process that likely won't work- largely because we're so far from services that the 30-45 minutes it would take them to get to us would mean there's nothing left of the structure.

However, when I explained our situation, he seemed very supportive of our efforts at due diligence for the protection of our neighbors. He said they like to see 30-40 ft distance to tree cover, which I believe we have there. Also we have a metal roof and T-111 siding, and if we keep the grass mowed down around the structure, there is very little chance of a structural fire passing on to the neighbors.

He also told me that ambulance service is borough wide, so even though we do not have active fire service, we should have ambulances available. Also, if there is a fire in the summer out there, DNR or Forestry will apportion resources as available to help fight the fire, and borough fire services do send assets to fires outside their service areas on a discretionary basis, especially if it's believed that there is a person in the structure.

He gave me the number of Don Anderson (who I called but won't be in the office til tomorrow morning, so I'll try him then). Don is the head of fire prevention and education at Div of Forestry. I will ask him about a free site survey, and we can act on their recommendations to strengthen our case that we are taking real measures to protect the public.
Manish,

Since Two Rivers Transfer Station does not accept commercial waste we will be hauling our non-compostable marijuana waste to the FNSB Solid Waste Facility.

I also just got off the phone with Brad Paulson, head of emergency operations for the borough. He informed me that the fire service area station closest to us, North Star Volunteer Fire Department, would help on a discretionary basis if they believe a person may be stuck inside the building. In this scenario, they would send one unit and it would be strictly search and rescue, their resources would not be used to fight the fire.

Feel free to contact me at any time if you need additional information.

Thank you,
Haley Essig
(907) 317-7346
STATUTORY WARRANTY DEED

THE GRANTOR: Beverstock Family Trust
whose mailing address is: 5429 Chena Hot Springs Rd, Fairbanks, AK, 99712
for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in
hand paid, conveys and warrants to

THE GRANTEE(s): Green Diamond Properties, LLC
whose mailing address is: P.O. Box 84462, Fairbanks, AK, 99708
the following described real estate:

Tract ‘A’, WHITE FIREWEED SUBDIVISION, according to the plat filed
February 15, 2011 as Plat No. 2011-16, Records of the Fairbanks Recording District,
Fourth Judicial District, State of Alaska.

EXCEPTING THEREFROM THE SUBSURFACE ESTATE and all rights,
privileges, immunities and appurtenances of what so ever nature accruing unto said
estate pursuant to the terms of the Patent recorded February 17, 1995 in Book 893 at
Page 123.

SUBJECT TO property taxes; reservations and exceptions as contained in the U.S. Patent; easements of record;
and covenants, conditions and restrictions of record, if any.

Dated this 6th day of March, 2017

Beverstock Family Trust

By: Wendell R. Beverstock, Trustee

STATE OF ALASKA
JUDICIAL DISTRICT OR COUNTY: FOURTH

THIS IS TO CERTIFY that on this 6th day of March, 2017, before me the undersigned Notary Public,
personally appeared Wendell R. Beverstock, Trustee of the Beverstock Family Trust known to me and to me
known to be the individual(s) described in and who executed the foregoing instrument and acknowledged to me
that he/she/they signed the same freely and voluntarily for the uses and purposes therein set forth

(Seal)

STATE OF ALASKA
NOTARY PUBLIC

Jenny McCarthy
My Commission Expires October 14, 2020
Manish Singh

From: Haley Essig <haley@thirdstate.co>
Sent: Friday, June 09, 2017 11:32 AM
To: Manish Singh
Subject: Greenhouse material

Follow Up Flag: Follow up
Flag Status: Flagged

Manish,

The greenhouse is made of 2 layers of 6 mil polysheeting. While this material itself is not odor permeable, the greenhouse vents will be. Let me know if you need any additional information.

---

Regards,

Haley Essig

GM & Co-Founder

P: 907.317.7346
Manish Singh

From: Haley Essig <haley@thirdstate.co>
Sent: Friday, June 09, 2017 2:14 PM
To: Manish Singh
Subject: Greenhouse specs

Manish,

In our greenhouse we will be running 30 lights, a propane heating system, and the maximum month span would be March - October. I will send the website to the Grow king model as well as specific information regarding the flammability of the material. Let me know if you need anything else.

--

Regards,

Haley Essig
GM & Co-Founder

P: 907.317.7346
30’x100’ Light Dep Greenhouse Package

1. Greenhouse Structure
   - 30’ x 100’ Greenhouse Frame
     - 1.90” gothic design trussed arch’s with “V” bracing
     - Arch’s on 4 ft. spacing. “V” bracing on 8 ft. spacing
     - High sidewall ground stakes (62”)
     - (6) 1.315” x 16 gauge purlins with cross connectors
     - (6) wind braces
     - End wall brackets for 2x4’s
       - Note: Customer to supply pressure treated end wall and baseboard lumber
     - Include 36” insulated, steel door with window. Pre-hung on aluminum frame. Includes lockset
     - Includes Detailed Construction Manual
     - Engineered to 20 lb. snow load and 90 MPH wind load
     - With the Insect Exclusion System, the structure will be a total of 108’ long

2. Greenhouse Covering
   - Double layer, Inflated Greenhouse Poly (6mil, 4 Year, UV resistant)
     - Roof covering includes
       - (1) IR Inner Cover – provides energy savings and light diffusion to reduce shadowing
       - (1) UVA clear poly outer cover
       - (1) air inflation fan to inflate double layer covering
     - Includes extruded aluminum polylock system to securely fasten roof covering to structure
   - End Wall Opaque Covering
     - 8 mm, 100% opaque, black polycarbonate covering for both gable end walls to block light

3. Insect Exclusion System
   - Insect Exclusion System for air Inlet end of greenhouse
     - 8 ft. greenhouse framing extension
     - No-thrip screening (finer than anti-virus, and excludes more insects including
thrips)
- Aluminum screen lock to fasten screening to frame
- Includes access door into greenhouse extension
- Also comes with an extra 36” pre-hung, steel entrance door and motorized air curtain system to turn a customer-supplied head house into an air-locked greenhouse entry corridor

4. Automated Blackout
- Motorized, fully automated blackout curtain system for roof and sidewalls
- Obscura 2 layer blackout curtain material
- Drive motor, curtain material, and all hardware included for installation
- Includes detailed installation instructions
- Operation controlled by iGrow 1400 (see environmental control section) supplied in Greenhouse Package

5. Ventilation, Cooling, Heating, & CO2 System
- (2) 48” slant wall exhaust fans – 1hp 230v 1ph motor
  - (1) 2 speed, (1) single speed
  - Includes Light Traps
- Evaporative Cooling Pad System
  - 4’ x 25’ x 6” open top PVC system with integrated sump tank.
- Custom Power Ventilation Door 4’ x 25’ operated by iGrow Controller
  - Extruded aluminum framing with 8mm polycarbonate covering
  - Aluminum rack & pinion operators
  - Galvanized steel mounting arms to support the door on the side of the end wall
  - Includes Light Traps to allow cooling system to operate while keeping light out
- Jet Fan Package
  - 30” Jet Fan – 1/2hp 230v 1ph motor
  - 30” multi-vent jet fan poly tube
  - Poly tube support cable
  - Heat kit and hardware
  - (1) 30” x 30” air inlet shutter for jet fan hardware
  - (1) 36” x 36” air inlet shutter located in upper south gable end
  - Light Traps for air inlet shutters
- Heating Package
  - (1) 93% efficient overhead unit heater 215,000 BTU (primary heater)
  - (1) 80% efficient overhead unit heater 175,000 BTU (back-up heater)
  - Heater hanger kits for use with jet fan system and hardware
  - *Note:* heater vent pipe to be supplied by customer
- (6) 20” HAF Fans for added air circulation
• CO2 Enrichment System and Controlled by iGrow controller
  • (1) CO2 generator (propane or natural gas)
  • iGrow CO2 sensor and wiring

6. Environmental Controls
• Computerized environmental control system including:
  • (2) iGrow 1400 Greenhouse Controllers
  • Precise control of heating, cooling, and related equipment for optimum crop production and energy savings
  • LED status display screen with 24 control outputs with auto/manual switch’s and indicator lights
  • Includes temperature and humidity sensor, CO2 sensor, outside air sensor, solar light sensor
  • iGrow LinkConn Remote Access Software Package to be connected to customer supplied computer (windows based) for data analysis, controller programming, and live greenhouse status information
  • Pre programmed based on customer geographical location

7. Electrical Panel
• Pre-wired electrical panel for computer controller including:
  • 200 amp/ 240v/ Single phase interior main breaker panel box
  • Relay Box and relays
  • Breakers
  • Duplex Receptacle
  • Breaker box and iGrow controllers are pre-mounted on white painted plywood panel, ready to hang.
  • Panel designed to operate up to (30) 1000w 240v plant lighting fixtures.

Additional lighting will require custom light panel
• Note: Panel is not UL listed, however all components of panel are UL listed. Requires environmental control computer listed under environmental control. The wire needed from service to supplied panel, and the wire needed from supplied panel to the motors, heaters, etc, is to be supplied by customer

Total Price: $64,999
Application Material Received on
June 12, 2017

CU2017-022
30 FREE
1000w DE Grow Lights
Plant Lighting Hydroponics is giving away thirty 1000 watt double-ended 240v grow lights with a purchase of our 30x100 Blackout Greenhouse! For details and ordering info, call us at 888-258-0670 TODAY!

30x100 LIGHT DEPRIVATION GREENHOUSE
This 3,000 sqft. greenhouse package includes top of the line components, such as Wadsworth Automated Blackout Curtains, Modine Heating, American Coolair Fans, 2 Igrow Environmental Controllers, Electrical Panel, CO2 system, and more! Manufactured in the USA!

DON'T WAIT FOR A SALE!
ALL PRODUCTS AT ROCK BOTTOM PRICING EVERYDAY!

1000W PHANTOM DE $369.99
HORTILUX 1000W DOUBLE ENDED LAMP $99.99
NANOLUX 315W FIXTURE $239.99

WWW.PLANTLIGHTINGHYDROPONICS.COM
30’ x 100’ Greenhouse Spec Sheet

Structure:
1.90” X 13 gauge formed two piece arches and arch coupler
2.375 x 12 gauge ground stakes to be set in concrete
1.315 x 14 gauge purlins, cross bracing and web members
All fasteners to be galvanized
72” wide double entrance door, Aluminum frame, Insulated

Covering:
6ml, 4 year, double layer poly roof covering with 60 cfm inflation fan
8mm twinwall, black polycarbonate end wall covering
Extruded Aluminum locking profiles for poly roof covers

Blackout Curtain:
Wadsworth Automated blackout curtain for roof and sides
2 layer Obscura blackout curtain material
Drive motor and installation hardware

Ventilation and Cooling:
48” American Coolair Exhaust fans with deep wall housings
1Hp, 230 volt fan motors
Blackout baffles sized for deep wall fan housings
4’ x 25’ evaporative cooling with 6” cooling pads
Open top design
PVC support trough and reservoir
1/3 HP, 120 volt submersible pump

Vent Door:
4’ x 25’ aluminum frame air inlet vent door
Rack & pinion operating system
Heavy duty 1/3 HP, 120 volt, vent motor with limit switches

Air Circulation:
30” Jet Fan with 100 ft stagger punched convection tube
1 HP, 230 volt fan motor
Motorized air inlet shutter with blackout baffle
20” 1/15 HP, 120 volt HAF fans
**Overhead Unit Heaters:**
One Modine PTC 93% efficiency, 215,000 Propane unit heater
One Modine PDP 80% efficiency, 250,000 Propane unit heater
Mounting hardware

**Environmental Controls:**
iGrow 1400 controllers setup in a master/slave configuration
Digital internal temperature/humidity sensor in a radiation housing
Auxiliary, analog temperature sensor
Solar light sensor
Remote access software

**Electric panel:**
200 Amp, 230 volt, single phase, 40 space main breaker panel
Pre-wired to equipment control panel
Control relays
120 volt panel receptacles
24 volt control transformer
Lighting contactors for (30) 1000 watt, 230 volt lights

**CO2 Enrichment:**
60,000 BTU propane CO2 Burner
CO2 Sensor

**Insect Screen:**
8 ft structure extension
50 mesh insect screen for 8 Ft extension
Aluminum locking profile
36” wide air curtain
Here is some additional information regarding the different pieces you will find within the package. Please keep in mind that the structure shown here is our **Gutter Connect Green House** and not the **Gothic Arch High Tunnel** you have purchased.
The Double Poly Cover greenhouse film serves many purposes, it prevents the entry of pests and disease, protects the crop from wind, rain and snow. It also retains heat in the form of long wave radiation during the winter months. The main body of the greenhouse is covered with two layers of 6mil greenhouse plastic. The top layer is UV film, and the inner cover is an IR greenhouse poly—an IR film can deliver year-round savings. In the winter, this plastic cover prevents infrared radiation from escaping, which prevents heat loss and in the summer, it blocks infrared radiation and reduces the need for some ventilation. Air is pumped between the layers of poly with an inflation fan kit. This air space between the covers adds insulation and keeps the covers taut so that they don’t wear from flapping in the wind.
The most economical way to cover the **The North End Wall** is with locally purchased lumber. 2” x 4” or 2” x 6” lumber and then covered it in the grower’s choice of material, such as T-111 barn siding. There is little or no sunshine that reaches the crop from the North end of the greenhouse, so covering it with a solid material and insulating it makes sense and saves on heating costs. Should you wish, CropKing also offers polycarbonate covering materials and steel end walls framing material.

**The South End Wall** is framed using locally purchased heat-treated 2”x4” or 2” x 6” lumber and covered in twin-wall polycarbonate that is part of the greenhouse covering package. CropKing frames are also available with steel end wall framing. Often, we find it is more economical for the grower to frame the end walls in locally purchased, heat treated lumber because the lumber is cheaper than steel.

CropKing suggests adding a **Head House** to the greenhouse entrance constructed from local building materials. It adds a double entrance to the greenhouse, or first defense against pests and cold air during the winter months. A head house is a great location to place the injection system, the electrical panel, and other greenhouse equipment in a little drier environment.
The Insect Exclusion System extends the greenhouse frame 8’ past the cooling wall of the greenhouse. This extension or “screen room” is covered with thrip screen material. Thrip screen, with a mesh of 50 (0.0117 inch opening) is fine enough to prevent the entry of thrips (1 mm long or less, 0.0394 inch), which are typically the smallest greenhouse pest, thereby also excluding any larger greenhouse pest from entering the greenhouse when the intake door opens up on the evaporative cooling (wet wall). The insect exclusion package also includes an entrance door allowing rear access to the vent door and wet wall, a second entrance door into the head house, and an air curtain that comes on when the entrance door is opened to prevent pets from entering into the head house. The insect exclusions include a screened box to cover the intake of the gable vent fan as shown in the photo below.
**Motorized Gable Fan and Shutter** bring outside air into the top of the greenhouse for de-humidification and for cooling during the winter months. This fan is located above the entrance door in each bay and includes motorized shutters which open and closes as needed. This air which is pulled into the top of the greenhouse through the gable fan is used for humidity control and is part of the winter cooling in the greenhouse. During the winter months when the outside temperatures are much too cold for the plants, the gable fan air into the top of the greenhouse that is picked up by the VAF fans (see below) and dispersed throughout the greenhouse. Even in the month of January when it is very, very cold outside; sunshine on the greenhouse can cause it to become too hot inside for the plants. It is not good to open up the large evaporative cooling doors in the back of the greenhouse and shock the plants with a blast of outside frigid air. Allowing small amounts of cold air into the top of the greenhouse through the gable fan and blending it in gently with the warm moist air in the greenhouse works well and does not shock the plants.

![Motorized Gable Fan and Shutter](image)

**The VAF (Vertical Air Flow)** system circulates air in a vertical vortex to prevent temperature and humidity stratification. With months of comparison research CropKing saw a great improvement with better air movement by using a vertical airflow fan rather than a convection tube to move the air from the heaters as well as the winter cooling down the full length of the greenhouse. We also saw a marked improvement in powdery mildew control with the VAF fans. Two of these VAF fans are located in each bay of the greenhouse.

![VAF (Vertical Air Flow)](image)

**The Overhead Unit Heaters** are manufactured by Modine, a well known name in the greenhouse industry and one that CropKing feels is very dependable with less maintenance issues. These heaters were designed to work in the moist humid air of a greenhouse and CropKing sizes them based on the coldest temperature in your area. These heaters can be sized specifically for your location. We suggest that the primary heater (the one that runs most of the time) be a 93% efficient heater. The backup heater can be a less expensive 80% heater and is designed to only come on if the primary heater cannot handle the load.
CropKing uses exhaust fans are manufactured by American Coolair and have a history of reliability. These fans are placed in the North end wall to pull air through the wet wall and exhaust it out of the greenhouse. These fans are capable of pulling air 128' from the wet wall end of the greenhouse (usually South end) and exhausting it, out the North end of the greenhouse. There are two American Coolair slant wall exhaust fans per bay.

The Evaporative Cooling Wall and vent door are usually located in the South end of the greenhouse. When the exhaust fans turn on, it pulls outside air through the open vent door and is cooled as it is drawn across the water soaked pads and then exhausted out through the exhaust fans in the North end of the greenhouse. This automated wet wall and power venting door is operated by the iGrow Controller (the brains of the greenhouse) and is opened and closed as needed. The framework of the door is extruded aluminum to avoid rusting and the door is covered with 8mm polycarbonate. A heavy duty right angle gear motor with limit switches adjusts the opening and closing positions.

The iGrow Control System is the computerized environmental control system. This is the brains of the greenhouse. It allows precision control of the heating and cooling. It is the iGrow 1400 with 12 outputs. This controller includes temperature and humidity sensors, housed in special radiation housing. Also included is an outside air temperature sensor. This unit(s) is mounted and pre-wired to the electrical panel board.
The Electrical and Breaker Panel is a prewired electrical panel ready to install in the greenhouse. The electric panel is pre-mounted on a white painted board with the relay box and the iGrow controller. It is only necessary to provide incoming power and then run the wires from the terminal strips out to the equipment in the greenhouse. Our panels are NEMA enclosures because of the greenhouse environment. CropKing uses only UL listed components, however some codes require that the constructed panel be UL listed. In some areas, agricultural buildings are exempt from electrical zoning. Please check with your local electric codes.
FMATS
TECHNICAL COMMITTEE MEETING
Wednesday, June 7, 2017
12:00 – 2:00 P.M.
City of Fairbanks, 800 Cushman Street, City Council Chambers

1. Call to Order
2. Introduction of Members and Attendees
3. Approval of the June 7, 2017 Agenda
4. Approval of the May 3, 2017 Minutes
5. Committee/Working Group Reports (including the Chair’s Report)
   a. Road/Rail Crossing Reduction Plan Working Group (Action Item)
   b. Non-Motorized Working Group (Action Item)
6. Public Comment Period (Non-Action Items)
7. Old Business
   a. Chena River Walk Field Visit Update
   b. FMATS Bicycle and Pedestrian Advisory Committee Roles (Action Item)
8. New Business
   a. Airport/Cushman Intersection Discussion and Recommendation (Action Item)
   b. FFY17 – 20 Transportation Improvement Program Administrative Modification #1 (Action Item)
   c. Vision Fairbanks Downtown Plan ordinance (Action Item)
9. Other Issues
10. Informational Items
    a. AMPO Symposium Summary
    b. 05.17.17 Policy Board Action Items
    c. Obligations and Offsets
11. Technical Committee Comments
12. Adjournment

Next Scheduled Technical Committee Meeting – Wednesday, July 5, 2017, Noon, City Hall,
City Council Chambers