Application for License and Special Land Use Permit for Marijuana

L&SLUP-MJ (Rev. 5/19) Front

Municipality of Anchorage Clerk's Office/Planning Department PO Box 196650 Anchorage, AK 99519-6650

APPLICANT				The Name of the Na	OT MANUFACTURE N		
Name of Authorized Applicant (see 3 AAC 306.020(d) (L	ast, First, MI):		A SHELL SHELL SHELL	经企业社会基础企业 工业	in the	學學	
Ferguson, Dan							
Home Physical Address:			Home Mailing Addre	SS:			
2050 Wenmatt Circle Anchorage, AK 99517			5313 Arctic Blvd, S	uite 202 Anchorage, AK 99518			
Contact Phone – Day: Evening:	Fax:		Business Mailing Ad				
907-529-2062							
E-mail (required):							
dan@primoak.com							
TYPE OF MARIJUANA ESTABLISHM	IENT PROF	POSED		Part West State			Printer Co.
☐ Cultivation Facility (including Limited C			-				
☐ Manufacturing Facility (including Limited Cultivation Facility) ☐ Manufacturing Facility (including Concentrate Manufacturing Facility) ☐ Retail Sales Establishment							
Business Owner Name: Primo Farms No	rth, LLC						
Doing Business As Name: Primo							
State of Alaska Marijuana Control Board L	icense Numb	per: M243 8	33				
Other marijuana licenses applied for or ap	proved on the	e property?	?				
No.							
PROPERTY INFORMATION					Single State of		
Property Tax # (000-000-00-000): 018-072-46-000	A STATE OF THE STA	A COLUMN TO THE REAL PROPERTY OF THE PARTY O	A REAL PROPERTY AND ADDRESS OF THE PARTY AND A	in the last the same of	Windles.		200
Site Street Address: 12870 Old Seward H	Highway Spa	ce 105 And	chorage, AK 995	15			
Odificiti Legal Description. (use additional shee	t if necessary)						
Vander Hoek LT 2D							
Zoning District: 11	Lot Size:	109,013		Grid #: SW2832			
Any dwelling units on the property?	Yes _x	No	Any liquor licen	ses on the property?	Yes	Х	No
FACILITY OPERATIONAL INC.			, , , , , , , , , , , , , , , , , , , ,				_ 110
FACILITY OPERATIONAL INFORMA	TION		A LIGHTAGE	经验的证明的			
What is the licensed premises area in squ 1,474 sq. ft.	are feet?						
What will be the business days and hours	of operation?	?					
10am-12am Monday - Sunday							
		-					
Accepted by Poster & Affidavit Fee	Ca	se Number	Requ	ested Meeting Date License N	lumber		

Application for license and special land use permit for marijuana, continued

APPLICATION R	APPLICATION REQUIREMENTS					
1 copy required:	☐ Signed/notarized application (original)					
	☐ Property owner letter of authorization (with original signature)					
17 copies required:	☐ Signed/notarized application (copies)					
	☐ Criminal justice information and records as required by AMC 10.80.056					
	☐ Suffilliary of community meeting/community meeting mailer					
	in Project narrative explaining the proposal, with an analysis of how the proposal mosts the special land was a sixty					
	mana approval officia 3ct form below					
	For all marijuana establishments (AMC 21.03.105C.3.a.):					
	O Site plan(s) to scale depicting, with dimensions:					
	♦ building footprint ♦ parking areas ♦ vehicle circulation and driveways ♦ loading facilities					
	 ♦ snow storage area or alternative strategy ♦ freestanding sign location(s) 					
	O Security plan indicating how the applicant will comply with the requirements of municipal and state law and					
	regulation					
	O Waste disposal plan					
	For marijuana cultivation facilities (AMC 21.03.105C.3.b.):					
	O Plan that specifies the methods to be used to prevent the growth of barmful mold					
	O Projected amount of water that will be used					
	O Projected amount of wastewater that will be discharged					
	O Letter from the applicable electric utility stating that power capacity at the proposed location is sufficient for the intended use					
	miterial doc					
	O Odor control plan indicating how the applicant will comply with the requirements of municipal and state law and regulation					
	O Information on moisture and temperature controlled storage (AMC 10.80.535C.)					
i of manuacturing facilities (AMC 21 03 105C 3 c).						
	O Description of the type of products to be processed and the equipment to be used including a list of					
	coveries, gases, criefficals, of other compounds that will be used, kent, or created at the manufacturing					
radinty, the location of Such Materials, and now such materials will be stored						
O Certification of an industrial hygienist or professional engineer, as required in AMC subspection 24 of OFFD 2						
O Projected amount of water that will be used O Projected amount of wastewater that will be discharged						
For marijuana retail sales establishments (AMC 21.03.105C.3.d.):						
	O Neighborhood responsibility planning MOU or community engagement report, as required in AMC subsection					
	21.00,0000.7.					
(Additional information m	ay be required)					
DECENT DECLI	TORY INFORMATION					
Duilding and and	ATORY INFORMATION (Events that have occurred in the last 5 years for all or a portion of the site)					
☐ Building or Land	Use Permit for:					
F1 10 F 6						
☐ Land Use Enforce	ement Action for:					
☐ Nonconforming D	Determination requested for property? ☐ Yes ☐ No					
MADI IIIANA EST	ADJUCUMENTS NEAD DETITION OFF					
Locate and provide	ABLISHMENTS NEAR PETITION SITE					
Locate and provide the name and address of all licensed marijuana establishments within 1,000 feet of the petition site. (use additional sheet if necessary)						
Name:						
	Address:					
N/A						

SPECIAL LAND USE PERMIT FOR MARIJUANA APPROVAL CRITERIA (AMC 21.03.105C.7.)

The assembly may only approve a special land use permit for marijuana if, in the judgment of the assembly, the application meets the following approval criteria. Each criterion must have a response in as much detail as it takes to explain how the project satisfies the criterion. The burden of proof rests with the applicant. (In the B-2A, B-2B, and B-2C districts, please contact the Planning Department as the approval criteria are different.)

- 1. The proposed use is consistent with the comprehensive plan, all applicable provisions of this title [Title 21], and applicable state regulations.
- 2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located, including any district-specific standards set forth in chapter 21.04.
- 3. The proposed use is consistent with applicable use-specific standards set forth in chapter 21.05.
- 4. The proposed use is compatible with uses allowed on adjacent properties, in terms of its scale, site design, operating characteristics (e.g., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).
- 5. The proposed use is appropriately located with respect to existing and/or planned water supply, power supply, fire and police protection, wastewater disposal, storm water disposal, and similar facilities and services.
- 6. Any significant adverse impacts anticipated to result from the use can and will be mitigated or offset to the maximum extent feasible.
- 7. The owner/operator of the establishment has no previous denials or revocations of a marijuana license or special land use permit, or previous documented violations of municipal or state law/regulation relating to marijuana establishments. Alternatively, the owner/operator has provided sufficient evidence of rehabilitation to the assembly.
- 8. The owner/operator of a marijuana retail establishment has meaningfully engaged in neighborhood responsibility planning with residents and other neighborhood businesses to mitigate concerns such as odor, parking, and security. Neighborhood responsibility planning guidelines may be included in AMC chapter 2.40.

SWORN STATEMENT LISTING ALL CRIMINAL CONVICTIONS, NOTWITHSTANDING THE FORM OF JUDGMENT AND INCLUDING WITHHELD JUDGMENTS, DEFERRED JUDGMENTS, AND BOND FORFEITURES, AGAINST EVERY OWNER AND MANAGER OF ANY OFFENSE OTHER THAN TRAFFIC INFRACTIONS FOR THE FIVE YEARS PRECEDING THE APPLICATION DATE, AS REQUIRED BY AMC 10.80.021A.

the proposed establishment.	a complete list of all such convictions for each proposed owner and manager of
	(use additional sheet if necessary)
OTHER LICENSEES AND AFFILIATES (3 A	AC 306.020)
List all other licensees and affiliates with their phy	sical home addresses. (use additional sheet if necessary)
Last, First, MI:	Address:
None	
·	
	I

(initial) I hereby certify that I am owner of the property described above, or that I have permission from the owner to use the property described above, and that I am applying for a municipal license and special land use permit for marijuana in conformance with Title 10 and Title 21 of the Anchorage Municipal Code. My establishment will remain in conformance with municipal code at all times.
establishment, I swear that neither I nor any proposed licensee (as defined in 3 AAC 306.020(b)(2)), agent, or employee of the proposed licensee, have any ownership or financial interest in any marijuana testing facility. If I am applying for a license for a marijuana testing facility, I swear that cultivation facility, marijuana manufacturing facility, or marijuana retail sales establishment.
(initial) I hereby swear that no proposed licensee (as defined in 3 AAC 306.020(b)(2)) owes past-due taxes (property, business personal property, or other), fees (utility or other), or fines (traffic, library, trash, or other) to the municipality.
(initial) In accordance with AMC 10.80.056, I will immediately provide the Municipal Clerk with any communication from the state Marijuana Control Board disclosing the substance of information received by the Board as a result of a criminal history record check.
(initial) I understand municipal code requirements regarding separation distance from protected land uses, and I attest that to the best of my knowledge, the proposed premises meets the separation requirements of Title 21 of the Anchorage Municipal Code.
(initial) I acknowledge that the Assembly may deny my application for a special land use permit for marijuana if it determines that my application does not meet the criteria listed in AMC 21.03.105C.7., and that the Assembly may deny my application for a marijuana establishment license for any of the reasons listed in AMC 10.80.080.
(initial) I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the license or special land use permit. I also understand that assigned hearing dates are tentative and may have to be postponed by the Planning Department, Municipal Clerk, or the Assembly, for administrative reasons or to meet legal requirements regarding notice and public hearings.
State of Alaska Third Judicial District
application and is the authorized agent for this business; acknowledges that a person other than the proposed licensee(s) may not have a direct or indirect financial interest in the business being issued the license per AMC 10.80.015A.; and affirms that the answers to the questions, the sworn statements regarding (1) listing all criminal convictions and (2) past due taxes, fines, and fees, and all other information contained in this application are true and complete to his/her knowledge.
Subscribed and sworn before me this 30th day of April 2020. Day Green
Signature of Applicant Notary Public My commission expires: Under AMC 8.30.170 a person commits the crime of unsworn falsification if, with the intent to mislead a public servant in the performance of a duty, the person submits a false written of fedebroded statement that the person does not believe to be true (1) in an application for a benefit; or (2) on a form bearing notice.
submits a false written of felder statement that the person does not believe to be true (1) in an application for a benefit; or (2) on a form bearing notice, authorized by law, that false statements made in it are punishable. Unsworn falsification is a class A misdemeanor.

Primo Farms North, LLC Community Meeting Summary Report Old Seward/Oceanview Community

Date and Time of Meeting: April 16, 2020 from 5:30-6:30pm

Location: Virtual (Zoom & GoToMeeting) & Telephonic (Free Conference Call)

Number of Attendees: Approximately 8-10 people¹ - Zoom: has the majority of attendees (5-7); conference line had second most (3-6); and goto meeting had none, but at around 5:45pm we did close goto meeting because the ZOOM participants stated that I (Jana Weltzin) started to freeze up and it was due to poor connection. I was giving the presentation from my residence, so I decided since no one had showed up to goto meeting 15 minutes into the meeting, that I could close a separate laptop I had going that was running the goto meeting that was slowing my internet connection. Unfortunately, we did receive one (1) email from a gentleman named Joe Koss, he attempted to utilize the goto meeting, but did not get in. I assume it was because I closed the goto meeting at 5:45 and therefore we asked him for his input so we could include it, since he did not get the opportunity to participate in the meeting. He did not indicate whether he tried the other lines of communication we provided, but I have included his email correspondence for the Assembly so his thoughts can be included.

On April 16th, 2020 Dan Ferguson, owner of Primo Farms North, LLC, dba Primo, and his legal counsel, Attorney Jana Weltzin, held a virtual/telephonic community meeting. The purpose of this meeting was to introduce himself to the community, discuss his new endeavor and business plans, as well as answer any questions or concerns the community may have regarding the new proposed marijuana retail facility.

There were at least 8 people who were with us, virtually. We began our meeting with a clarifying question from a gentleman caller, Steve Beardsley, who is a local homeowner and also the President of the Old Seward/Oceanview Community Council. Steve wanted clarification as to whether Primo intended to be growing marijuana at the location due to the word "Farms" in the entity's legal name. We explained that no, there was no intent or plans to license a cultivation in the facility where the proposed retail is to be located. Steve further inquired about additional locations besides Primo as he felt that "Farms" indicated multiple locations and/or other marijuana licenses. We clarified that so far, the only license that Dan, the owner of Primo, is applying for and actively pursuing is this retail location. Dan further elaborated that he may in the future look for a separate location to house a cultivation license, but it wouldn't be at this strip mall location and it would be far in the future. Steve also was curious if Dan would be applying for onsite consumption or making edibles onsite. Dan explained that Primo is only a retail facility, and that retail facilities are not allowed to manufacturing edibles without securing a manufacturing license, which he had no plans to do. Dan also explained and that he is not applying for onsite consumption and Jana, Dan's lawyer, explained that any application for onsite consumption is an entirely separate licensing process

¹ It was difficult to ascertain exact number of folks because on the virtual and conference call platforms, we don't have a sign in sheet and most folks just gave their first name, some had multiple people with them on their chosen viewing platform, and some just showed as user phone numbers and didn't introduce themselves. Realistically, I believe we had more like 10-16 people attending, but I only was able to identify by voices 8-10.

that would have to come back in front of the assembly and would also require a new community meeting to specifically discuss the onsite application.

Another Steve (we were not given his last name) was on the conference call — he asked what type of products Dan would be selling at his retail shop. Dan explained that he would be selling all types marijuana products and bud and flower, and that all the products would be from licensed marijuana establishments. Dan elaborated to explain that this included topicals, concentrates, flower and bud, pre-rolls and edibles.

Judy (no last name given) from the conference line, asked if Primo bought the strip mall – Dan responded that no, he did not, he was only leasing this one unit that is the proposed licensed premises.

A community member named Bob piped up² and talked about traffic flow into the complex that is associated with the popular restaurant. He explained that there was only one entrance and one exit coming in and out of this site, and that traffic flow during certain hours can be challenging and that we should make sure to be aware of that issue. Dan thanked him for this information and explained that his architect is working on the site plan and will be comparing what is currently provided for one the site, the new requirements that Primo's proposed use will impose, and will draft a site plan that will comply with Title 21. Jana added that traffic department at the municipality will need to weigh in and approve the site plan before this use will be allowed. Jana explained that title 21 requires a certain number of parking spots and requirements for sufficient egress and ingress, and turning and maneuvering, etc., and all those issues will be reviewed and verified by the traffic department prior to the site plan being approved.

Nancy (did not catch last name) chimed in that Dan and his architect need to keep in mind that because of COVID a lot of places are shut down and wanted to make sure that we didn't base the parking calculations on the use of the spaces right now, because everything is closed. Jana assured her that the number of spaces required is based on the code's requirements, so that shouldn't be a problem but it's a good thought to keep in mind.

Don (didn't catch last name) had similar concerns which included traffic flow into and out of the strip mall and parking overflow due to a nearby restaurant in the same strip mall. Nancy added that that the whole parking lot has several areas where the parking spots are not stripped which causes some confusion with parking.

Steve raised a concern about security and asked what type of security measures would be taken by Primo – Dan explained that he is required to have cameras inside and outside within 20 feet of any entry. He further elaborated that any windows need to have alarm sensors that are backed up to a third party monitoring company that will immediately contact Dan or law enforcement if triggered. Jana explained further that Primo is also required to have a no loitering policy and that any persons that tried to hang around the store front would be asked to leave and law enforcement would be contacted if they did not comply. Jana explained that the camera system is required to have 40 days of storage of 24/7 video footage, which could be helpful to neighboring uses in the strip mall if there was criminal activity at some point, Dan would have video footage that could be helpful if it happened to occur near the Primo suite. Jana further explained that a lot of her clients have actually received very positive feedback from their

² A note from JDW Counsel – we did our best to keep track of the voices and what platform they were coming from, but it was hard to document everything in our notes, even though the licensee, Jana, and her legal assistant were all keeping notes.. However, we do not remember what platform Bob called on, but we think it was ZOOM.

non-marijuana neighbors that the mere presence of the marijuana establishments intense security system has lowered crime in the area.

Per some of the community members in the meeting there are current issues with the supply & quality of water at the site. Tom (did not catch last name) indicated that the strip mall is on a well, and that the water might not be the best quality. Dan has not been made aware of this by the property owner nor experienced of any such issue with the water nor has this problem seemingly affected the neighboring restaurant; Dan does not feel this will be a problem, as long as the water is sanitary for hand washing and ware washing (which given the fact the restaurant uses it, then it must be) Dan can provide a water cooler for his staff and customers.

Jeff Childs (a community patrol member) voiced concerns about the security – he indicated that the area already has security issues. He was particularly concerned about the "type of people who use marijuana" and that he was concerned that Primo's customer base was going to bring more crime into the area. Jana suggested that Tom go visit some of the other marijuana shops in town because it might put him at ease as most marijuana shop customers are typically employed adults who hold good jobs, or older folks that utilize marijuana in lieu of pain killers and alcohol. Jana explained that marijuana that you purchase from regulated licensed shops is way more expensive than unregulated, untested marijuana you find on the unlicensed (i.e. illegal) market, so it was very unlikely that folks that engage in criminal behavior would be incentivized to visit a legal marijuana shop. Its much more realistic that folks that engage in criminal behavior would go to the illegal market, as its much less expensive. Tom responded that he has been to many Anchorage retailers and that "you should see the type of people that go in and out of those places." Jana thanked him for his input but respectfully and completely disagreed with that summation.

There was also concern (I think this concern came from Judy, but our notes do not specify) surrounding robbery of the facility and what security measures were in place to deter such nuisances and our plans should we ever lose power. We explained that our facility will be secure and elaborated on our backup generator and security plan which includes exterior lighting and camera coverage, door sensors, glass break sensors, motion detectors throughout the facility and a 3rd party alarm monitoring company.

We also received questions regarding hours of operation and if we would be open on Sundays which Dan explained we would be open 7 days per week from 10am to 12am. Jeff (we believe this was Jeff, but it could've been another community member on the conference call) voiced concern for late night customers and their boombox car speakers and what that might mean for the peace and quiet of their neighborhood during nighttime hours, specifically after 10pm. The same community member eluded that Primo may be welcoming crime into the neighborhood and feared that the customers may rob the neighbors and use the "loot" to buy marijuana from Primo. We explained that safety is one of Dan's highest priorities and summarized our security measures outlined above and explained that legal marijuana is much more expensive than black market marijuana and we didn't suspect anything of the sort to happen.

Don or Bob (not sure because only Steve, Dan and myself did video feature), another local homeowner, was curious if Dan already had current possession of the property and if Dan had personally met any of the existing shop neighbors within the strip mall. We explained that the very first step in securing a marijuana license is to have a premise locked down before any paperwork begins. Dan also explained that he is not the property owner and is merely leasing the property and while the landlord did inform all shop renters of the new marijuana shop, Dan had not personally met any of the business owners yet, but

will start engaging in that process. Collectively, the group strongly encouraged Dan to meet each neighbor before opening the store which Dan agreed he would do.

We concluded our community meeting with a great question from Steve & Don regarding the marijuana licensing process. They are unfamiliar with the process and asked us to explain where we were at in the licensing process, what was left for us to do, what upcoming meetings if any are left and if the documents we are producing, like this community engagement report, would be available for public viewing, would there be another notice for the Assembly hearing. Jana took point on this question and explained that Primo is just starting the municipality's process but that the State had approved the Primo license, pending approval from the municipality. She explained that this community meeting is one of the first and most important steps in the muni's process. She explained that the next step for Dan is to apply for a Special Land Use Permit (SLUP), which includes a summary of this meeting and Primo's community engagement process. Jana explained that the SLUP process, once submitted, takes between 75-90 days for the muni to process and calendar for Assembly consideration. Once the SLUP has been reviewed by the Municipality and deemed complete, a Community & Economic Development Committee meeting is scheduled and would review the application and the suggestion of the Municipality regarding the approval of the license itself and form their own suggestion for the final Assembly meeting. Steve inquired how the public would gain knowledge of the dates and times of such meetings and how long do we anticipate before we are open for business. Jana explained that the municipality would send out 500 ft mailers to all surrounding property owners once the SLUP has been deemed complete and scheduled for an Assembly meeting the muni would mail out hearing notices. Jana also explained that prior to Assembly approval, there would be a Econ Dev. Community Meeting and that would be open to the public and is very similar to a worksession. Depending if there are any hold ups, Primo would hope to be open within the next 3 to 5 months.

The meeting was overall very positive and constructive. We all appreciated the community members participating in all the various forms of tele-meeting and we really appreciate everyone taking the time to be respectful while voicing concerns, and giving good quality input. Primo looks forward to continuing to build their relationship with their neighboring community.

Primo Farms North, LLC Community Meeting Engagement Report Old Seward/Oceanview Community

Date and Time of Meeting: April 16, 2020 from 5:30-6:30pm

Location: Virtual (Zoom & GoToMeeting) & Telephonic (Free Conference Call)

Number of Attendees: Approximately 8-10 people¹ - Zoom: has the majority of attendees (5-7); conference line had second most (3-6); and goto meeting had none, but at around 5:45pm we did close goto meeting because the ZOOM participants stated that I (Jana Weltzin) started to freeze up and it was due to poor connection. I was giving the presentation from my residence, so I decided since no one had showed up to goto meeting 15 minutes into the meeting, that I could close a separate laptop I had going that was running the goto meeting that was slowing my internet connection. Unfortunately, we did receive one (1) email from a gentleman named Joe Kross, he attempted to utilize the goto meeting, but did not get in. I assume it was because I closed the goto meeting at 5:45 and therefore we asked him for his input so we could include it, since he did not get the opportunity to participate in the meeting. He did not indicate whether he tried the other lines of communication we provided.

Additionally, we have emailed (on April 28th) the community meeting summary to the President of the Oceanview/Old Seward for additional input, however, we submitted the SLUP app only a few days later, so if we receive additional input from the President, we will supplement this application material.

In addition to our efforts, the community council also has Primo's marijuana retail application posted on their community council website.

¹ It was difficult to ascertain exact number of folks because on the virtual and conference call platforms, we don't have a sign in sheet and most folks just gave their first name, some had multiple people with them on their chosen viewing platform, and some just showed as user phone numbers and didn't introduce themselves. Realistically, I believe we had more like 10-16 people attending, but I only was able to identify by voices 8-10.

COMMERCIAL MARIJUANA RETAIL ESTABLISHMENT SPECIAL LAND USE PERMIT NARRATIVE

Primo Farms North, LLC DBA: Primo a locally owned and operated business

Submitted: May 15, 2020
Hearing Date: _____
Prepared by:



JDW, LLC
Jana D. Weltzin, Esq.
901 Photo Ave.
Anchorage, AK 99503
jana@jdwcounsel.com
630-913-1113
907-231-3750

On behalf of: Primo Farms North, LLC dba Primo

NARRATIVE

Introduction - our vision & our pledge to our community.

It is with great pleasure to introduce Dan Ferguson, local business owner in this great State of Alaska. Dan is born and raised Alaskan with great dedication and experience in owning and operating a successful business. Dan has 33 years of experience as a business owner of an IT company. Dan attended Chugiak high school and then ventured on to briefly attend U.A.A when he began to operate his I.T company. Dan, like many others, is excited to join the highly regulated and exciting new venture that we call the cannabis industry.

Dan is a man of virtue and it is of the utmost importance to him to conduct all business with the utmost responsibility, respect for the laws and rules of this community and the state and will exceed all requirements and conditions imposed on the project by the State of Alaska and this Honorable Assembly. The proposed Retail Facility will be Dan's first marijuana license.

As part of Primo's commitment to follow state and local regulations, the facility will have an inventory tracking system, maintain health and safety protocols according to industry standards, maintain high level security and video surveillance, provide an employee training program, and follow efficient operating procedures. Storage functions and waste disposal processes will be carried out in the most prudent way allowed by regulation. Primo is committed to giving back to the community and making Anchorage a thriving and vibrant place to live, work, and play.

Primo's objective is to provide a compliant, customer friendly, and quality-focused environment where employees and customers feel secure and comfortable in their surroundings. Dan and the Primo staff respect their community's wishes and input and will provide unrivaled quality to satisfy the needs of Alaska's adult recreational consumers. Dan's main focus at Primo is to ensure a high standard of care for his customers, products and service to his community that reflects Primo's commitment to quality.

SPECIAL LAND USE PERMIT FOR MARIJUANA APPROVAL CRITERIA (AMC 21.03.105)

(a) The proposed use is consistent with the comprehensive plan, all applicable provisions of this title (Title 21), and applicable state regulations.

Rigid adherence to applicable state laws, as well as the policies and procedures set forth in our operational manual, are fundamental to Primo Farms North, LLC (hereby referred to as Primo). We pledge to work diligently to ensure that we are following the goals of our community, the Anchorage Bowl 2020 and the 2040 Comprehensive Plan (2020 Plan & 2040 Plan):

<u>Maintaining a healthy economy that provides ongoing opportunities for residents to be gainfully employed:</u>

As discussed infra, the use will create year-round employment for Anchorage community members. It will promote a healthy and safe environment for its crew members. Primo is committed to providing safe, clean, controlled, and taxed cannabis to Alaska. To do this, Primo will invest in employees who understand the importance of strict adherence to the regulations. Primo is counting on creating long term employee relationships, furthering the creation of employment opportunities for residents.

Dan also understands that a healthy economy means more services for the public to promote and install healthy living and more resources for those in need. Furthermore, as we continue to see, this new market will continue to make a huge dent in the black market and limit diversion to minors and keep cannabis where it belongs; In the hands of regulated and responsible business owners whom will only provide it to consenting adults over the age of 21.

Consistent with the creation and sustainability of a transportation system that includes all modes (vehicle circulation and parking, transit, and pedestrian trail access), and said forms of transportation are linked to land use patterns and density:

Primo will strive to engage with the local community council and interest groups, as well as help encourage the use of public transit, bicycles, and shared commutes and carpools within the community which is consistent with the 2020/2040 plan. Primo will create an employment atmosphere that fosters use of sustainable transportation methods and is inclusive of all modes of transportation, and will encourage the use of trails, bicycle, pedestrian routes, and reliance on public modes of transportation.

(b) Proposed Land Use is consistent with the General Purpose and Intent of Title 21.04.050 I-1 Light Industrial Districts:

Title 21 codifies the intent general of Industrial Districts at 21.04.050(A) (1-6). The code specifies that the intent and purpose of industrial zoned areas are for creating suitable

environments for industrial use, ensures we have adequate and appropriately located areas for industrial use, strengthen and diversify Anchorage's economic industrial base and provide employment opportunities. The Industrial District also intends to minimize land use impacts of industrial development on abutting non-industrial districts, while protecting streams, wetlands, and other natural resources from the adverse impacts of industrial development.

Primo will be a marijuana retail store and this use is properly placed in a light industrial zone that has other industrial uses. Consistent with Policy 26 of the 2020 Plan and with the intent of this zoning district, the facility will be home to the company's new marijuana retail store. Primo is properly placed in a key industrial area which will continue to preserve the industrial purpose of the municipality of Anchorage's I-1 zone.



Title 21.04.050(A)(1) Create suitable environments for various types of industrial uses:

This is a light industrial area and the marijuana retail store will be a good fit for the area. This project furthers the intent and purpose of 21.04.050(A) and (B). The facility is a distributor of goods and surrounded by similar uses. The Assembly made it clear that it believes it is in the best interest of the public to limit this type of establishment to zones I-2, I-1, and B-3(Except for the downtown area). I-1 provides for a mixture of public and private light and general manufacturing, processing, service, storage, wholesale, and distribution operations along with other uses that support and/or are compatible with industrial uses, Primo's use fits this primary intent.

<u>Title 21.04.050(A)(2)</u> Reserve appropriately located areas for industrial purposes, and limit non-industrial uses that may erode the supply of industrial lands:

The proposed use is consistent with the purpose and intent of 21.04.050(A)(2) and 2020 Plan's Policies 7, 27, and 31, as the application illustrates. Primo is focused on creating opportunities for development while minimizing land use conflicts. Goal 9 of the 2040 plan is furthered with this proposed marijuana retail store as it requires strategically located industrial land supplies which allows industry employment to grow, and it protects against non-industrial uses that may

be displaced by a heavy industrial use. The facility is in a light industrial district surrounded by other business uses and is property utilized for light industrial purposes. The application provides for a perfect year-round use of the land and it is not in conflict with the surrounding uses.

<u>Title 21.04.050(A)(3) Provide adequate space to meet the needs of industrial development, including off street parking and loading:</u>

The proposed use is consistent with the purpose and intent of this provision and consistent with Policies 26-27 and 30-31 of the 2020 Plan— as identified in the site plans, the property will have its own parking and loading area off the street of which there is adequate space on the property for both of the aforementioned requirements. Goal 5 of the 2040 Plan is positively impacted by this new proposed use as Goal 5 requires coordinated and targeted infrastructure investments should be utilized, such as re-development of older currently vacant properties such as this property, as such redevelopment spurs new growth in an area that needs more growth progress.

<u>Title 21.04.050(A)(4) Strengthen and diversify the municipality's economic industrial base and provide for employment opportunities:</u>

Policies of 2020 Plan 7 and 26 are supported by this project – new employment opportunities that did not exist just a few years ago will continue to be created, along with additional increase in property values due to the extensive remodels, municipal permitting fees, and the need to engage contractors and design professionals, this project aids the aids diversification of our city's economic industrial base. The increase of the property value after the renovations of this project are completed, we anticipate will also strengthen the Municipalities economic base, while furthering employment opportunities. Dan plans to have 3 to 6 full-time year-round employees to work the retail store. Additionally, Dan will be hiring contractors to complete the build out, and utilizes a local attorney and her team, and will need accounting services, further strengthening & diversifying the municipality's general economic base.

<u>Title 21.04.050(A)(5) Minimize Land Use impacts on industrial development and butting non -industrial districts</u>

The proposed use is consistent with the purpose and intent of this provision and Policies 7,26,27 and 31 – as well as the 2040 Plan. Dan will operate his marijuana establishment, if approved, in a manner that will minimize land use conflicts. The Site is in an industrial area surrounded by industrial uses and properties utilized for industrial and commercial purposes. The application provides for a perfect year-round use of the land and it is not in conflict with the surrounding uses. Primo's retail store will have no more than three signs or logos affixed to the building. One sign is in place directly above the entrance door and is under 7' x 4' in size, there will also be a sign in the street side structure that is going to be built for the mall. Because Primo is NOT the owner of the mall, there is no information regarding the dimensions of the signage, however, as the municipality of Anchorage has strict codes, Primo will practice rigid adherence and comply with all requirements. No marijuana will be visible to the public outside of the facility at any point

in the operation of the retail establishment.

<u>Title 21.04.050(A)(6) Protect Stream corridors, wetlands, and other important natural resources</u> from the adverse impacts of business development:

The proposed use is consistent with Policy 40 of the 2020 and 2040 Plan and the purpose and intent of this provision. The founder of the company, Dan, is dedicated to integrating development with responsible stewardship of our resources — Primo seeks not only to limit its impact, but also to create a positive impact, on the surrounding environment. Dan believes that it is important for his employees and leadership to volunteer within the community and have a positive impact on the immediate environment. This project should not have any adverse air quality impacts of major public land use and transportation decisions. Primo will encourage ride sharing, public transportation and bicycle use by employees to aid in a greener environment.

<u>I-1: Light Industrial District:</u>

Primo's proposed retail store is located in a I-1 Light Industrial District, which is outlined in AMC 21.04.050(B)(1) and is intended primarily for public and private light and general manufacturing, processing, service, storage, wholesale, and distribution operations along with other uses that support and/or are compatible with industrial uses. Business-industrial parks and single-commodity bulk retail sales and building supply stores and services are allowed. Many commercial uses are also permitted and/or conditionally allowed, with some limitations on the more intensive customer retail, community service, and commercial employment establishments, to reduce land use and traffic conflicts, promote efficient use of industrial lands, and encourage the location of intensive commercial activities in commercial centers. This district is applied in areas designated as industrial/commercial by the comprehensive plan. Primo is helping to minimize land use impacts of business development on abutting non-business districts and complying with Policy 7 of the 2020 Plan and Goal 7 2040 Plan, in that the premises is avoiding incompatible uses joining one another as all other properties located near the premises are commercial properties.



(c) The proposed use is consistent with applicable use-specific standards set forth in chapter 21.05.055:

Premises Containing Uses Where Children are Not Allowed:

The proposed use is consistent with this use-specific standard as the facility will ensure that all individuals under the age of 21 are prohibited from accessing any portion of the premises, consistent with the 2020 and 2040 Plan, this too will limit impact on the community or surrounding vicinity by ensuring; proper distance from protected land uses, maintaining a strict employee and visitor policy regulating individuals entering the building, having a 24/7 security monitoring system with cameras as well as working with the local community to ensure impacts that may arise are mitigated to the fullest extent. The proposed use will abide by all regulations set forth in AMC 21.05.055 in relation to the separation of protected use as it pertains to the minimum distance from certain uses standard.

<u>1.</u> The proposed use is consistent with applicable use-specific standards set forth in chapter 21.05.055:

Licenses Required:

Primo will ensure it remains in good standing in the community and will obtain all necessary licenses and permits as outlined by the State of Alaska Marijuana Control Board and the Municipality of Anchorage, before operations begin. Dan will work closely with local and state officials in order to ensure compliance with the necessary components needed to ensure a safe and secure business environment with minimal negative impacts on the surrounding community.

Separation from Protected Land Uses:

The proposed use is consistent with the separation from protected land use standard as it falls outside of the 500 feet (shortest practicable pedestrian route from the entrance of the facility to the closest lot line of the protected use area) regulation that guides the placement of marijuana establishments within the community as stated herein. All marijuana establishments are required to be at least 500 feet away from the following uses; boarding school, college or university, elementary or middle school, high school, playground, athletic field, housing facility owned by a public housing authority, child care center, homeless or transient shelter, habilitative care facility, community center, neighborhood recreational center, religious assembly, correctional institution, or correctional community residential center as well as 100 feet from an arcade with at least 10 machines. The proposed premises closest protected land use areas are as follows:

- Dominion Ministries Church of God in Christ: 12601 Old Seward Highway, Anchorage, AK 99515 (0.3 miles)
- God's Greater Holy Temple: 12601 Old Seward Highway, Anchorage, AK 99515 (0.3 miles)
- Christ Our Savior Lutheran Church: 1612 Oceanview Drive, Anchorage, AK 99515 (0.4 miles)
- Turning Point Community Church: 1612 Oceanview Drive, Anchorage, AK 99515 (0.4 miles)
- Early Learning for Everyone South: 13030 Brandon Street, Anchorage, AK 99515 (567 feet)

Prohibited with Alcohol License/Residential:

The proposed use will not have an alcohol license at the same establishment as the retail store as outlined in AMC 21.05.055(A)(3) nor will it be attached to a residential use as outlined in AMC 21.05.055(A)(4).

Inspection of Premises:

Primo is open to the public and has developed an operating plan that specifically states that AMCO, AMCO enforcement, Municipal Agents or Law Enforcement will have access to the facility if/when the need arises for such things as, inspections and examination.

Ventilation:

Primo has strict odor control policies (also mentioned in Appendix E) however, Primo does not anticipate any odor issues. Primo's retail store has its own private ventilation system and will take precautions by having an employee walk the property premises and ensure no odors from the retail store are escaping. If any odor is detected, additional odor control measures will be added.

<u>Permanent Structure & Display of Land Use Approval Conditions:</u>

The facility is in an existing permanent structure, located on a light industrial lot and meeting all regulations requiring that the establishment be located within a permanent structure. The team will ensure that a Conditions Certificate is visible and near the entrance as applicable under this standard.

Signs:

Primo will abide by any/all state regulations and chapter 21.11. There will be a sign and logo on the retail store above the entrance door measuring under $7' \times 4'$, there will also be a sign in the street side structure that is going to be built for the mall. Because Primo is NOT the owner of the mall, there is no information regarding the dimensions of the signage, but the owner of the building will abide by all municipal codes. Primo understands that there are no temporary signs permitted in the municipality of Anchorage and will abide by the regulations set forth.

Accessory Uses and Structures:

Personal Cultivation of marijuana will not occur on the proposed premises as an accessory use due to it being prohibited by local regulation to have personal cultivation on any premises in where a licensed marijuana establishment is located.

(d) The proposed use is compatible with uses allowed on adjacent properties, in terms of scale, site design, operating characteristics (e.g. hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts):

The proposed use is compatible with adjacent properties and fits succinctly into the neighborhoods light industrial purpose both in size and design which is consistent with Policies 7, 26, and 31. Adjacent properties are zoned as I-1 which is compatible with the proposed property and its proposed use. Nearby properties focus on industrial services, range from Southside Grill, Lehi's Barbershop, Primping Pooches and Cats, (pet groomers), MGJ Building Group, TMG Wall (Building Owners), VFN Post 9981, Penny Royalty Boutique, Uresco Construction Materials, Super Floors of Alaska, to O'Malley Auto Parts and other commercial and industrial facilities. Adjacent lots are similarly set up with a building, parking area, side yards and storage areas as is seen on the proposed property.

The retail store will be open to the public, appointments will be set for visitors, vendors, deliveries and other allowable activities between the hours of 10am until 12am, Monday through Sunday. Primo will not disturb adjacent properties as its location is compatible with several adjacent businesses who operate on a Monday through Sunday basis, with hours ranging from 7am to 6pm or later.

The retail store will be consistent with the 2020/2040 Plan and will have evenly distributed lighting affixed to the exterior of the building and posted on the outer perimeter of the premises. The lighting will be placed to keep a twenty (20) radius around the building well-lit without disturbing the surrounding buildings. Some adjacent properties have outside lighting to facilitate security, both flood lights as well as security lights, with off-street parking that is similar to the proposed premises.

The proposed use is consistent with the 2020/2040 Plan regarding noise, odor and dust. Several adjacent properties have minimal sound or sound that is limited to daytime operations such as a restaurant, pet groomers, barbershop and construction material commercial supply store's customer vehicles. The properties are comparable to the proposed site as the site would have noise limited to hours of operation.

The proposed use will meet all compatible uses allowed on adjacent properties and will improve the overall neighborhood as the premises will not emit odor, will not produce excess dust, will have limited noise as compared to adjacent properties, will have similar business hours and will have designated parking spaces and loading area in order to cut down on traffic generation in front of the premises and on the street thus fitting in with adjacent properties uses.

(e) The proposed use is appropriately located with respect to existing and/or planned water supply, power supply, fire and police protection, wastewater disposal, storm water disposal, and similar facilities and services:

Due to the proposed facility and use being located within the city limits of Anchorage, it is appropriately located with respect to existing and/or planned facilities and services. The following services and facilities used by the retail store are listed below including distance to the retail store's service address and other important information.

- Alaska State Troopers, public safety services: 5700 E. Tudor Rd (8.3 miles)
- Anchorage Police Department, public safety services: 4501 Elmore Rd (7.3 miles)
- Anchorage Fire Department (Station 9) fire safety services: 13915 Lake Otis Parkway (1.2 miles)
- Anchorage Municipal Light & Power: 1200 E. 1st Avenue (9.1 miles)
- Enstar Natural Gas Company: 3600 Spenard Rd (7.3 miles)
- Anchorage Water & Wastewater Utility: 3000 Arctic Blvd (7.8 miles)
- Anchorage Recycling Center, solid waste and wastewater disposal services: 6161
 Rosewood St. (5.0 mile)
- Alaska Waste, trash collection services: 6301 Rosewood St (5.2 miles)
- Anchorage Regional Landfill, solid waste disposal services: 15500 E. Eagle River Rd. (30.5 miles)
- Municipality of Anchorage, road maintenance services: 632 W. 6th Ave (9.1miles)

(f) Any significant adverse impacts anticipated to result from the use can and will be mitigated or offset to the maximum extent feasible:

Primo does not anticipate any significant adverse impacts anticipated as a result of the proposed use. However, if any do become apparent, they will be mitigated or offset to the maximum extent feasible. Primo will always maintain overall security and possession of the building with 24/7 video surveillance to ensure community and employee safety. All marijuana related activities will

occur indoors, and access to marijuana storage areas will be restricted to authorized personnel only to ensure adverse impacts such as crime or minor exposure is limited. Primo will also ensure that the property is maintained in a clean and sanitary manner and follow all state laws/regulations regarding retail marijuana standards and disposal. Primo will work pro-actively with state and local regulators as well as the Old Seward/Oceanview Community Council to ensure that any concerns voiced in the neighborhood are promptly addressed and any problem rectified in a reasonable and prudent manner.

(g) The owner/operator of the establishment has no previous denials or revocations of a marijuana license or special land use permit, or previous documented violations of municipal or state law/regulation relating to marijuana establishments:

There is currently one (1) owner of the marijuana retail facility, Dan has not previously applied for any special land use permits, and has not been previously denied or revoked nor has he had any documented violations of municipal or state law/regulation relating to marijuana establishments.

(h) The owner/operator of a marijuana cultivation establishment has meaningfully engaged in neighborhood responsibility planning with residents and other neighborhood businesses to mitigate concerns such as odor, parking and security:

On April 16th, 2020 Dan Ferguson, owner of Primo Farms North, LLC and his legal counsel, Attorney Jana Weltzin, held a virtual/telephonic community meeting. The purpose of this meeting was to introduce himself to the community, discuss his new endeavor and business plans, as well as answer any questions or concerns the community may have regarding the new proposed marijuana retail facility.

Please see attached Community Summary; Engagement Report; and Invite Mailer.

Application Requirements:

Primo's founder and team will ensure that the establishment follows all requirements set forth in the project narrative and approval process including the following required items:

Upgrades to the Facility:

The following is an estimated break-down for estimated costs of improvements to the facility necessary to bring the building to code:

Mechanical: \$3,500.00 Electrical: \$12,000.00

Architectural/Structural/Fire: \$12,500.00

Landscaping/Parking: \$5,000.00

For All Marijuana Establishments:

Site Plan:

See the Site Plans in Appendix A for more information pertaining in site demographics including building footprint, parking areas, landscaping, pedestrian facilities, required open space, fences, lighting, snow storage area or alternative strategy, trash receptacle location and screening detail.

Security Plan:

See the Security Plan in Appendix B for information on how the applicant will comply with the requirements of municipal and state laws & regulations.

Waste Disposal Plan:

See the Waste Disposal Plan in Appendix C for information on how the applicant will comply with the requirements of municipal and state laws & regulations.

Appendix A Site Plan

Site plan including building footprint, parking areas, and driveways, landscaping, pedestrian facilities, required open space, fences, lighting, snow storage area or alternative strategy, trash receptacle location and screening detail, are attached. Note, that the site will not have one free-standing sign locations shared with the other tenants.

Appendix B Security Plan

As part of our commitment to the security of our employees, community and overall public safety, Primo will maintain a comprehensive security plan that will focus on ensuring the overall premises, restricted access areas as outlined in 3 AAC 306.710(a) and parking areas are under video surveillance and safe and secure at all times.

Primo will restrict access to any part of the licensed premises where marijuana is grown, processed, stored, or stocked. Each entrance to a restricted access area will be marked with a sign that says "Restricted Access Area. Visitors Must Be Escorted." Visitors will be limited to not more than five (5) per each authorized employee. In a restricted area, the licensee, employee, and agent will wear an identification badge bearing their photograph and name. Individuals under the age of 21 are not allowed and visitors will show identification as outlined in 3 AAC 306.710, always obtain a visitor pass and be escorted.

Video surveillance will maintain a 360' view of the exterior premises and interior of the premises including restricted access areas as outlined in 3 AAC 306.720 (1). Cameras will be placed with a full view of the entrance and exit of all interior and exterior doors, parking lot, point of sales, any place where marijuana and marijuana products will be stored or displayed, and all restricted access areas without any blockage of views per 3 AAC 306.720(b).

Video surveillance monitors will be in the restricted access area office and will ensure that the last 40 days are recorded (including time & date) and stored in order to comply with regulatory requirements (3 AAC 306.720(d)(e)). All security records will be accessible to law enforcement, Peace Officers, and staff and/or Directors of the Marijuana Control Board as requested.

Primo's retail store has exterior lighting to help facilitate surveillance, a security alarm system on all exterior doors and windows and has continuous video monitoring. Commercial grade, non-residential door locks are used on all exterior entry points into the licensed premises. In the case of an unauthorized breach of the premises, local law enforcement and the owner/licensee will be notified immediately. Primo will enforce strict policies and procedures to prevent diversion of marijuana or marijuana product, prevent loitering (3 AAC 306.715), and ensure methods are put in place and maintained to ensure that marijuana cannot be observed by the public from outside the facility.

During transport, product will be in a sealed package and locked safe or secure storage compartment in a transporting vehicle (3 AAC 306.750). Primo will keep records of all products in the electronic inventory tracking system to ensure overall compliance with state and local laws/regulations.

Appendix C Waste Disposal Plan

Primo will store, manage and dispose of any solid waste, determined by the Board in compliance with applicable federal, state and local laws and regulations as outlined in 3 AAC 306.740(a).

Primo will ensure that health and safety standards are met, and reasonable precautions are taken while storing, managing and disposing of solid waste as outlined in 3 AAC 306.740.

Waste for a marijuana retail store is defined as marijuana plant waste, including, stalks, leaves, and stems that have not been processed with a solvent, solid marijuana sample plant waste in the possession of a marijuana testing facility, marijuana or a marijuana product that has been found by the licensee unfit for sale or consumption such as; expired marijuana products and other waste as determined by the Marijuana Control Board.

Solid Waste

Waste will be weighed using an industrial scale as outlined below and in compliance with 3 AAC

306.745 and logged into the electronic inventory tracking system, which will provide the required three (3) day notice to the Board in preparation for rendering it unusable and disposing of it (3 AAC 306.745(b)(1)). After notifying AMCO Enforcement of the destruction, Primo will wait the required three (3) day waiting period before rendering marijuana waste unusable. The marijuana solid waste will be combined and ground up with a compostable or non-compostable material. Primo will ensure that the final disposal mixture is composed of no more than fifty percent (50%) marijuana waste by volume.

Unusable solid waste will be taken to a solid waste facility or transfer station or incinerator and a record of the destination will be maintained as part of the business record (3 AAC 306.470(c)(2).

Upon rendering an item unusable, the following information will be recorded in the electronic inventory tracking system:

- 1. A description of and reason for the marijuana being disposed of.
- The date of disposal.
- The destination of the waste.
- Confirmation that the marijuana was rendered unusable before disposal.
- 5. The method of disposal and
- The name and permit number of the agent responsible for disposal.

Appendix E- Odor Control Plan

Primo will abide by a strict no odor policy that will ensure no odor is detectible by the public from outside the facility as required by 3 AAC 306.420(a)(2)(F). And 3 AAC 306.430(c)(2). Odor control methods will consist of several methods meant to eliminate odors including sealed containers and air sanitizers throughout the building and when transporting marijuana to the premises. As stated above, Primo has an independent air ventilation system so no air or odor will travel into the adjoining units. Primo will also engage in the DHHS four corner's smell test and keep a log of the smell results to ensure no marijuana smell is leaking over the facility's property lines. If any odor is detected, Primo will utilize additional odor control devices.

Water Usage and Water Waste

The retail facility will use an estimated 100 gallons per week of water which will be used for hand washing, ware washing, restrooms and cleaning. Wastewater that is introduced into the sewer system will be minimal as it will be in the Company's best interest to conserve water.









