

# **CITY OF CRAIG PLANNING COMMISSION AGENDA**

Meeting of May 28, 2015  
7:00 p.m., Craig City Council Chambers

## **Roll Call**

Sharilyn Zellhuber (chair), John Moots, Kevin McDonald, Barbara Stanley, Millie Schoonover

## **Approval of Minutes**

1. Approval of minutes of April 23, 2015

## **Public Comment**

1. Non-Agenda Items

## **Public Hearing and New Business**

1. PC Resolution 553-15, RZ 052815, Rezoning a portion of Tract 15, USS 2611 from Public to Medium Density Residential
2. PC Resolution 554-15, RP 052815, Preliminary plat of Jones Subdivision (HS 457 and a portion of West Hamilton Drive)

## **Old Business**

1. Marijuana Regulations

## **Adjourn**

CITY OF CRAIG  
PLANNING COMMISSION AGENDA  
Meeting of April 23, 2015

**Roll Call**

Present were Sharilyn Zellhuber (chair), John Moots, Kevin McDonald, and Millie Schoonover. Barbara Stanley was absent excused.

Also present was Brian Templin, Craig City Planner

**Commissioner Swearing In**

1. Swearing Millie Schoonover as a Craig Planning Commissioner. Millie Schoonover was sworn in as a Craig Planning Commissioner with a term to expire January 2018.

**Approval of Minutes**

1. Approval of minutes of January 29, 2015. A motion was made and seconded to approve the minutes of the January 29, 2015 minutes with no changes.

MOTION TO APPROVE

MOOTS/MCDONALD

APPROVED

**Public Comment**

1. Non-Agenda Items – there were no public comments.

**Public Hearing and New Business**

1. PC Resolution 552-15, Conditional Use Permit 042315 – Don Reed, Building Above Maximum Height. Brian provided a staff report recommending approval of PC Resolution 552-15 allowing Don Reed to construct a duplex up to a maximum height of 32'. Brian reported that there had been no public comment on the issue. The commission referred to a couple of responses in the application and asked if the use was residential or commercial since the application talked about storage of charter boats and fish processing. Brian said that those would be allowed as long as the applicant met all the requirements of a home occupation business but not allowed if it didn't. Brian said he would make sure that the applicant was aware of the use restrictions. Commissioner Moots recused himself since he owns property adjoining the applicants property. A motion was made and seconded to approve PC Resolution 552-15.

MOTION TO APPROVE

MCDONALD/SCHOONOVER

APPROVED

2. Tract 15 Development. Brian shared a memo with the commission talking about a new city residential development on Ptarmigan Court. Brian said that the city council approved a new subdivision of city property and that there would be a number of actions (including rezoning and platting) that would end up before the planning commission. No action from the commission was required on this item.

3. Marijuana Regulations. Brian provided a memo and held a short discussion about how the approval of ballot measure 2, legalizing recreational marijuana might affect the city. Brian talked about the legislative actions that were taken this session, the rule making process and council discussions on the issue to date. If commercial production, processing, testing and sales are allowed in Craig it is likely that there will be some “time, place and manner” restrictions on businesses that would be handled through changes to the zoning code. Brian said that these changes to Title 18 would go through the planning commission prior to council consideration. No action from the commission was required on this item.

### **Adjourn**

A motion was made and seconded to adjourn the meeting at 7:45 pm.

MOTION TO ADJOURN

MOOTS/MCDONALD

APPROVED

---

Chairman Sharilyn Zellhuber

---

ATTEST: Brian Templin

## **CITY OF CRAIG MEMORANDUM**

To: Craig Planning Commission  
From: Brian Templin, City Planner  
Date: May 22, 2015  
RE: Rezone request by the City of Craig to rezone a portion of Tract 15, USS 2611 shown as Lots 1-8, Ptarmigan Subdivision (Concept Plat) from Public to Residential – Medium Density

---

The Craig City Council recently approved a concept subdivision for seven new residential lots on Ptarmigan Court. Currently the area is zoned Public and is largely undeveloped (except the Craig Cable TV site). This rezone action will rezone the area encompassed by the lots to Residential – Medium Density (RM).

The following seven conditions must be met for a rezone request to be approved.

1. That the proposal is consistent with the policies of the Craig Comprehensive Plan, the Craig Coastal Management Program, the Craig Municipal Code and other applicable ordinances.
2. That the proposed designation is compatible with other existing or proposed designations in the area affected by the proposal. Compatibility is evaluated based on the permitted uses and their effects on the following:
  - a. The level of noise, odor, smoke, dust, or other objectionable pollutants that would be created and their effects on surrounding areas;
  - b. The health and safety of persons or property;
  - c. The land, air, and water or habitat quality;
  - d. Property values in the area;
  - e. Volume and type of traffic generated and the effect alterations in traffic volumes and patterns would have on health and safety;
  - f. Availability of adequate off-street parking for the uses permitted in the land use or zone designation;
  - g. Trees or shrubs designated for: habitat protection; wind, noise, sediment, or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations.
3. That additional utilities required by the proposed designation will be made adequate by the applicant at no additional expense to the City and will not interfere with utility capacity to serve other areas of the City.
4. That the land use or zone change does not create a shortage of land in the current land use or zone designation.
5. That there is a community need for the change.
6. That the proposed designation will not interfere with the efficiency of, the planned expansion of, or access to water dependent or water related uses unless:
  - a. There is a documented public need for the proposed use,
  - b. there is no alternative site, and

- c. the public good will be served better by the proposed use than by a water dependent or water related use.
- 7. That other relevant objections made evident at the public hearing are addressed.

Conditions 1 – 5 are met, condition 6 is not applicable to this action and condition 7 can be met at the conclusion of the public hearing. The rezone request was publicly advertised per the municipal code.

Recommendation: Approve PC Resolution 553-15-PC recommending that the City Council approve the rezoning of a portion of Tract 15, USS 2611 shown as Lots 1-8, Ptarmigan Subdivision (Concept Plat) from Public to Residential – Medium Density

---

**CITY OF CRAIG  
PLANNING COMMISSION**

**RESOLUTION 553-15-PC**

RECOMMENDING APPROVAL OF A REQUEST THE CRAIG CITY COUNCIL TO REZONE A PORTION OF TRACT 15, USS 2611 (SHOWN ON ATTACHMENT A) FROM PUBLIC TO RESIDENTIAL – MEDIUM DENSITY (RM) ZONE

WHEREAS, the Planning Commission held a public hearing on May 28, 2015; and,

WHEREAS, public notice was given in accordance with Section 18.06.004 of the Craig Land Development Code; and,

WHEREAS, the Planning Commission finds that the specific criteria of Section 18.06.004 of the Craig Land Development Code are met as follows:

1. That the proposal is consistent with the policies of the Craig Comprehensive Plan, the Craig Coastal Management Program, the Craig Municipal Code and other applicable ordinances.
2. That the proposed designation is compatible with other existing or proposed designations in the area affected by the proposal. Compatibility is evaluated based on the permitted uses and their effects on the following:
  - a. The level of noise, odor, smoke, dust, or other objectionable pollutants that would be created and their effects on surrounding areas;
  - b. The health and safety of persons or property;
  - c. The land, air, and water or habitat quality;
  - d. Property values in the area;
  - e. Volume and type of traffic generated and the effect alterations in traffic volumes and patterns would have on health and safety;
  - f. Availability of adequate off-street parking for the uses permitted in the land use or zone designation;
  - g. Trees or shrubs designated for: habitat protection; wind, noise, sediment, or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations.
3. That additional utilities required by the proposed designation will be made adequate by the applicant at no additional expense to the City and will not interfere with utility capacity to serve other areas of the City.
4. That the land use or zone change does not create a shortage of land in the current land use or zone designation.
5. That there is a community need for the change.
6. That the proposed designation will not interfere with the efficiency of, the planned expansion of, or access to water dependent or water related uses unless:

- a. There is a documented public need for the proposed use,
  - b. there is no alternative site, and
  - c. the public good will be served better by the proposed use than by a water dependent or water related use.
7. That other relevant objections made evident at the public hearing are addressed.

NOW, THEREFORE, BE IT RESOLVED That the Craig Planning Commission recommends that the Craig City Council approve the request to rezone that portion of Tract 15, USS 2611 shown as Lot 1-6, Ptarmigan Subdivision (Attachment A).

Approved this 28<sup>th</sup> day of May, 2015.

---

Chairman Sharilyn Zellhuber

---

Attest: Brian Templin, Craig City  
Planner

**CITY OF CRAIG  
PLANNING COMMISSION**

Staff Report  
May 22, 2015

Applicant: City of Craig/Lynn Jones

Requested Action: Approval of Preliminary Plat of HS457 and West Hamilton Drive. A 2 lot replat of HS 457 and a portion of West Hamilton Drive

Location: Hamilton Drive

Zoning: High Density Residential/ROW

Surrounding Uses: North: High Density Residential  
South: Hamilton Drive/Public  
East: Public  
West: West Hamilton Drive

**Analysis**

Lynn Jones currently owns HS 457 and there are two residential structures on the lot. This lot is bisected by the West Hamilton Drive right-of-way. The constructed road and the right-of-way have never correctly aligned and an agreement was made with Lynn to replat the ROW to match the road after paving and reconstruction was complete. This plat realigns the ROW to match the existing road, dedicates a 45' ROW and creates two lots (one on each side of the road) to be retained by Lynn.

Staff is in the process of reviewing the plat and will include comments to the commission at the public hearing on May 28, 2015. A copy of the preliminary plat is attached.

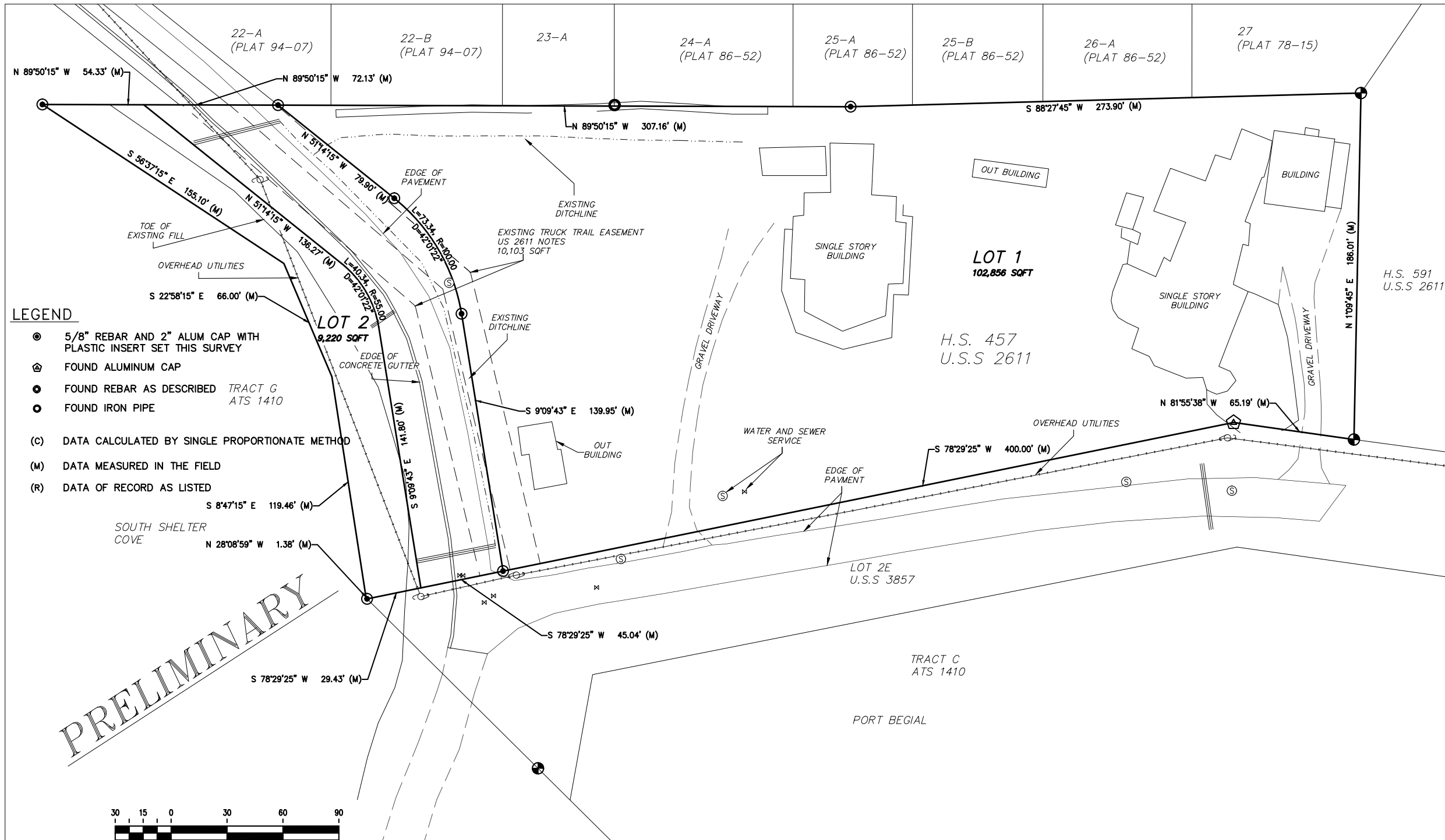
The preliminary plat can be approved, but the final plat should be approved when the following conditions have been met:

1. The field survey is completed,
2. All changes noted by the city planner and changes made by the commission are incorporated, and;
3. Corners are properly monumented.

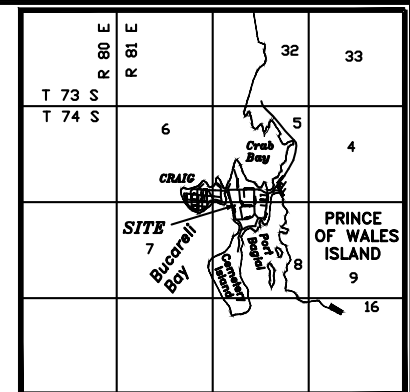
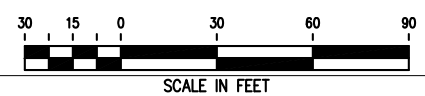
**Recommendation**

That the planning commission approve Resolution 554-15-PC, approving the preliminary plat creating Lots 1 and 2 and dedicating a portion of West Hamilton Drive, Jones Replat.





- LEGEND**
- ⊙ 5/8" REBAR AND 2" ALUM CAP WITH PLASTIC INSERT SET THIS SURVEY
  - ⊕ FOUND ALUMINUM CAP
  - ⊙ FOUND REBAR AS DESCRIBED TRACT G ATS 1410
  - ⊙ FOUND IRON PIPE
  - (C) DATA CALCULATED BY SINGLE PROPORTIONATE METHOD
  - (M) DATA MEASURED IN THE FIELD
  - (R) DATA OF RECORD AS LISTED



**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
We hereby certify that we are the owners of HS 457, USS 2611, that we do approve of this survey and plat; and that we do for ourselves, our heirs, and assigns dedicate, donate and convey to the public, all rights-of-way/ alleys/public utility areas/easements/other public ways, as shown hereon.

Owner \_\_\_\_\_ Date \_\_\_\_\_  
Lynn Jones

Owner \_\_\_\_\_ Date \_\_\_\_\_  
City of Craig

**NOTARY'S ACKNOWLEDGEMENT**  
Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

For \_\_\_\_\_

Notary Public for Alaska  
My Commission Expires \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**  
I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, that this plat represents a survey made by me or under my direct supervision, that the monuments shown hereon actually exist as described, and that all dimensions and other details are correct.

Date \_\_\_\_\_ Registration Number: LS-6700  
Gregory G. Scheff, R.L.S.



KETCHIKAN RECORDING DISTRICT

Revisions	
No.	Description

**R&M ENGINEERING-KETCHIKAN, INC.**  
355 Carlanna Lake Road  
Ketchikan, AK 99901  
Phone: (907) 225-7917  
Fax: (907) 225-3441

WRANGELL OFFICE  
P.O. BOX 1331  
Wrangell, AK 99929  
Phone: (907) 874-2177  
Fax: (907) 874-2187

PROJECT:  
**JONES SUBDIVISION**  
THE SUBDIVISION OF H.S. 457,  
US SURVEY 2611

CLIENT:	CITY OF CRAIG
DATE:	03/12/15
SCALE:	1"=30'
DRAWN BY:	C.G.P.
JOB NO.:	XXXXXX
APPRVD BY:	G.G.S.
SHEET:	1 OF 1

**APPROVAL SIGNATURES**  
This final subdivision plat has been reviewed and approved in accordance with the Craig Land Development Code - Subdivision Ordinance. All dedications to the public have been inspected and accepted by the City of Craig.

City Platting Official \_\_\_\_\_ Date \_\_\_\_\_  
Presiding Officer - Planning Commission \_\_\_\_\_ Date \_\_\_\_\_  
Planning Commission Member \_\_\_\_\_ Date \_\_\_\_\_

**TAX STATEMENT**  
I hereby certify that all ad velorum taxes, special assignments and other charges required by law to be placed on the tax roll have been paid.

City Clerk \_\_\_\_\_ Date \_\_\_\_\_

**CERTIFICATE OF IMPROVMENTS**  
NO IMPROVEMENTS ARE REQUIRED FOR THE VACATION/REPLAT

PUBLIC WORKS DIRECTOR \_\_\_\_\_ Date \_\_\_\_\_  
CITY PLATTING OFFICIAL \_\_\_\_\_ Date \_\_\_\_\_

**NOTES**

**PRELIMINARY**

**CITY OF CRAIG  
PLANNING COMMISSION**

**RESOLUTION 554-15-PC**

GRANTING PRELIMINARY PLAT APPROVAL TO LYNN JONES AND THE CITY OF CRAIG TO SUBDIVIDE HS 457 AND A PORTION OF WEST HAMILTON DRIVE INTO TWO LOTS AND DEDICATED RIGHT OF WAY

WHEREAS, the Planning Commission held a public hearing on May 28, 2015; and,

WHEREAS, public notice was given in accordance with Section 18.09 of the Craig Land Development Code; and,

WHEREAS, the Planning Commission finds that the specific criteria of Section 18.09 of the Craig Land Development Code are met as follows, subject to the conditions listed later in this resolution:

- A. That the proposed subdivision is consistent with the Craig Comprehensive Plan;
- B. That historic buildings or sites or natural features which are significant to the community or required to be protected by law (such as eagle nest trees) are preserved in the design of the development.
- C. That the proposed subdivision will not interfere with existing or officially planned development.
- D. That the future street plan and utilities for the proposed subdivision will permit the development of adjoining land.
- E. That proposed access, drainage, sanitary and water facilities, and fire protection are available and adequate for the subdivision, subject to approval by the city public works director.
- F. That the City has utility capacity to serve the area without interfering with utility capacity to serve other areas if City utilities are proposed.
- G. That the proposed subdivision does not disturb trees or shrubs which are designated for habitat or resource protection; wind, noise, sediment, or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations unless a plan is approved which will mitigate potential adverse impacts.

NOW, THEREFORE, BE IT RESOLVED that the Craig Planning Commission does hereby approve the preliminary plat for the replat shown as Jones Subdivision and will grant final plat approval once the following conditions are met:

- 1. that the comments provided by the Craig City Planner and Craig Planning Commission are incorporated into the final plat;
- 2. that all property corners be monumented with rebar and capped;
- 3. that the final plat conform to the requirements of 18.09.009-010 of the Craig Land

- Development Code;
4. that the final plat be submitted in .DWG format and on reproducible mylar;

Approved this 28<sup>th</sup> day of May 2015.

---

Sharilyn Zellhuber, Chairman

---

Brian Templin, City Planner

**CITY OF CRAIG  
MEMORANDUM**

To: Craig Planning Commission  
From: Brian Templin, City Planner  
Date: May 22, 2015  
RE: Marijuana Regulation – Set 1

---

As the commission is aware the State of Alaska has been tasked with writing regulations regarding commercial production, testing, processing and sales of marijuana in Alaska. The agency tasked with writing the new regulations is the Alcoholic Beverages Control Board (ABC Board).

The ABS Board recently published the first of three sets of regulation for public review and comment. This set of regulations pertains to definitions and to local options for limiting or regulating commercial activities.

The due date for comments on these regulations is June 20, 2015.

Recommendation: Briefly discuss the regulations and direct the planner to submit comments that the commission has on the regulations.

NOTICE OF PROPOSED REGULATIONS  
REGARDING MARIJUANA AND LOCAL OPTIONS.  
ALCOHOLIC BEVERAGE CONTROL BOARD/MARIJUANA CONTROL BOARD

The Alcoholic Beverage Control Board proposes to adopt regulations to implement the marijuana law which was voted on as Ballot Measure 2 in November, 2014. These proposed regulations relate to definitions, as well as local options for communities to “opt out” of having certain kinds of marijuana establishments.

The Alcoholic Beverage Control Board proposes to adopt regulation changes in Title 3 of the Alaska Administrative Code, dealing with local option regulations and definitions relating to marijuana and marijuana establishments, including the following:

- (1) local option regulations are proposed as follows:

The regulations consist of a series of provisions establishing a local governing body’s ability, by ordinance or popular vote, to opt out of allowing marijuana establishments to operate in their jurisdiction. The proposed local option regulations are modeled on the local option statutes for liquor licensed establishments in AS 04.11. The proposed regulations include rules prescribing types of local options, a change of a local option, the removal of a local option, the effect on licenses of a prohibition on sale, the prohibition of importation or purchase after a local option election, the effect on licenses of a restriction on sale, licensing after a prohibition on sale except on premises operated by a municipality, the procedure for local option elections, the establishment of the perimeter of an established village, and notice of results of a local option election.

- (2) Definitions are proposed to be adopted, including the following:

Definitions of the terms “assist”, “personal cultivation”, “adulterated food or drink product”, “edible marijuana product”, “licensed premises”, “local governing body”, “marijuana concentrate”, “marijuana product”, “marijuana plant”, and “possess”.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to John Calder, Alcoholic Beverage Control Board at 550 W. 7<sup>th</sup> Ave, Suite 1600, Anchorage, AK 99501. Additionally, the Alcoholic Beverage Control Board will accept comments by electronic mail at [john.calder@alaska.gov](mailto:john.calder@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the "comment" link. The comments must be received no later than 4:30 p.m. on June 20, 2015.

You may submit written questions relevant to the proposed action to John Calder by email and physical address. Please do not submit questions through the Alaska Online Public Notice System. The questions must be received at least 10 days before the end of the public comment period. The Alcoholic Beverage Control Board will aggregate its response to substantially similar questions and make the questions and response available on the Alcoholic Beverage Control Board website. The Alcoholic Beverage Control Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact John Calder at (907) 754-3427 no later than June 10, 2015 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and/or through the electronic link to the complete text on the Alaska Online Public Notice System and by contacting John Calder at 550 W. 7<sup>th</sup> Ste 1600, Anchorage, AK 99501.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System or through the electronic link to the complete text on the Alaska Online Public Notice System.

After the public comment period ends, the Alcoholic Beverage Control Board will either adopt the proposed regulations or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

**Statutory Authority:** AS 17.38090;

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 17.38.100; AS 17.38.110

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: May 19, 2015

---

Cynthia A. Franklin, Director, Alcoholic Beverage  
Control Board/Marijuana Control Board

3 AAC is amended by adding a new chapter to read:

**Section**

200. Local options

210. Change of local option

220. Removal of local option

230. Procedure for local option election

240. Prohibition of importation or purchase after election

250. Effect on licenses of restriction on sale

260. Licensing after prohibition on sale except in premises operated by municipality

270. Notice of the results of a local option election

**3 AAC 306.200. Local options.** (a) If a majority of the persons voting on the question vote to approve the option, or if the assembly or city council passes an ordinance to the same effect, a municipality shall adopt a local option to prohibit

(1) the sale of marijuana and marijuana products;

(2) the operation of any marijuana establishment, including one or more of the

following license types:

(A) a marijuana cultivation facility or marijuana brokerage facility;

(B) a marijuana products manufacturing facility;

(C) a marijuana testing facility;

(D) a marijuana retail facility;

(3) the sale of marijuana and marijuana products except on premises operated by the municipality under a retail marijuana license; or

(4) the sale or importation for sale of marijuana and marijuana products.

(b) If a majority of the persons voting on the question vote to approve the option, or if the assembly or city council passes an ordinance to the same effect, an established village shall exercise a local option to prohibit

(1) the sale of marijuana and marijuana products;

(2) the operation of any marijuana establishment, including one or more of the following license types:

(A) a marijuana cultivation facility or marijuana brokerage facility;

(B) a marijuana products manufacturing facility;

(C) a marijuana testing facility;

(D) a marijuana retail facility; or

(3) the sale and importation for sale of marijuana and marijuana products.

(c) A ballot question to adopt a local option under this section must at least contain language substantially similar to: "Shall (name of municipality or village) adopt a local option to prohibit (local option under (a) or (b) of this section)? (yes or no)."

(d) The ballot for an election on the options set out in (a)(2) and (b)(2) of this section must include a brief explanation of the activity that each license type on the ballot may carry out.

(e) If a municipality dissolves under AS 29.06.450(a) or (b), a local option adopted by that municipality under (a) of this section shall continue in effect as the corresponding local option under (b) of this section for an established village having the same perimeter as the previous boundaries of the municipality. Any marijuana establishment license issued to a municipality under 3 AAC 306.\_\_\_\_ expires when the municipality dissolves. Establishment of the perimeter of an established village for purposes of this section shall be governed by AS 04.11.508. (Eff. \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)



**Authority:** AS 17.38.090 AS 17.38.110 AS 17.38.900

**3 AAC 306.210. Change of local option.** If a majority of persons voting on the question vote to approve a local option different from one previously adopted under this section and currently in effect, or if the assembly or city council passes an ordinance to the same effect, a municipality or established village shall change the local option to the newly approved option. A ballot question to change a local option under this section must at least contain language substantially similar to: "Shall (name of municipality or village) change the local option currently in effect, that prohibits (current local option), and adopt in its place a local option to prohibit (proposed local option)? (yes or no)." (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 17.38.090 AS 17.38.110 AS 17.38.900

**3 AAC 306.220. Removal of local option.** (a) If a majority of the persons voting on the question vote to remove a local option previously adopted under this section and currently in effect, or if the assembly or city council passes an ordinance to the same effect, that local option is repealed effective the first day of the month following certification of the results of the election. A ballot question to remove a local option under this section must at least contain language substantially similar to: "Shall (name of municipality or village) remove the local option currently in effect, that prohibits (current local option), so that no local option continues in effect? (yes or no)."

(b) When issuing a license in the municipality or established village that has removed a local option, the board will give priority to any formerly licensed applicant whose license was not renewed because of the results of the previous local option election. However, an applicant described in this subsection does not have a legal right to a license and the board is not required

to approve the application. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 17.38.090 AS 17.38.110 AS 17.38.900

**3 AAC 306.230. Procedure for local option election.** (a) When the local governing body of a municipality receives a petition to adopt, change, or remove a local option, and the petition is signed by a number of registered voters equal to 35 percent or more of the number of votes cast at the last regular municipal election, the governing body shall place the issue that is the subject of the petition on a separate ballot at the next regular election, or hold a special election, The local governing body shall conduct the election under the election ordinance of the municipality.

(b) When the lieutenant governor receives a petition to adopt, change, or remove a local option, and the petition is signed by a number of registered voters equal to 35 percent or more of the registered voters residing in an established village, the lieutenant governor shall place the issue that is the subject of the petition upon a separate ballot at a special election conducted in compliance with AS 15.

(c) In a general law municipality, AS 29.26.110 - 29.26.160 apply to a petition under (a) of this section except that the

(1) the number of required signatures is determined under (a) of this section rather than under AS 29.26.130;

(2) an application filed under AS 29.26.110 must at least contain language substantially similar to the questions set out under 3 AAC 306.200(c), 3 AAC 306.210, or 3 AAC 306.220 rather than language of an ordinance or resolution;

(3) a petition must at least contain language substantially similar to the questions set out under 3AAC 306.200(c), 3 AAC 306.210, or 3 AAC 306.220 rather than material

required under AS 29.26.120 (a)(1) and (2).

(d) Notwithstanding any other provisions of law, a municipality or established village may not conduct an election to change to a less restrictive option under 3 AAC 306.210, or to remove a local option under 3 AAC 306.220, or pass an ordinance to the same effect, during the first 24 months after the local option was adopted or more than once in a 36-month period.

(e) Notwithstanding AS 29.26.140(a), after a petition has been certified as sufficient to meet the requirements of (a) or (b) of this section, no other petition may be filed or certified until after the question presented in the first petition has been voted on or pass an ordinance to the same effect,. Only one local option question may be presented in an election. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 17.38.090 AS 17.38.110 AS 17.38.900

**3 AAC 306.240. Prohibition of importation or purchase after election.** (a) If a majority of the voters vote to prohibit the importation for sale of marijuana and marijuana products under 3 AAC 306.200(a)(4) or (b)(3), or if the assembly or city council passes an ordinance to the same effect, a person, beginning on the first day of the month following certification of the results of the election, may not knowingly send, transport, or bring marijuana or marijuana products into the municipality or established village.

(b) A person who resides in a municipality or established village that has adopted a local option under 3 AAC 306.200(a) or (b) may not purchase marijuana or marijuana products from another person who has sent, transported, or brought marijuana or marijuana products into the municipality or established village in violation of the local option.

(c) In this section,

(1) "bring" means to carry or convey or to attempt or solicit to carry or convey;

(2) "send" means to cause to be taken or distributed or to attempt or solicit to cause to be taken or distributed, and includes use of the United States Postal Service;

(3) "transport" means to ship by any method, and includes delivering or transferring or attempting or soliciting to deliver or transfer marijuana or marijuana products to be shipped to, delivered to, or left or held for pickup by any person. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 17.38.090 AS 17.38.110 AS 17.38.900

**3 AAC 306.250. Effect on licenses of restriction on sale.** If a majority of the voters vote under 3 AAC 306.200(a) or (b) to prohibit sale of marijuana and marijuana products or the operation of marijuana establishments, or if the assembly or city council passes an ordinance to the same effect, the board may not issue, renew, or transfer between persons or locations a license for a marijuana establishment with premises located within the boundary of the municipality or in the unincorporated area within ten miles of the boundaries of the municipality, or within the perimeter of the established village. A license for a marijuana establishment within the boundary of the municipality or in the unincorporated area within ten miles of the boundary of the municipality, or within the perimeter of the established village, is void 90 days after the results of the election are certified. A license that expires during the 90 days after the results of a local option election are certified may be extended, until it is void under this section, by payment of a prorated portion of the annual license fee. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 17.38.090 AS 17.38.110 AS 17.38.900

**3 AAC 306.260. Licensing after prohibition on sale except in premises operated by municipality.** (a) If a majority of the voters vote under 3 AAC 306.200(a)(3) to prohibit sale of marijuana and marijuana products except by the municipality, or operation of marijuana

establishments except marijuana establishments operated by the municipality, or if the assembly or city council passes an ordinance to the same effect, the board may not issue, renew, or transfer a marijuana establishment license in any other person's name within the boundaries of a municipality and in unincorporated areas within ten miles of the boundaries of the municipality. A license in effect is void 90 days after the results of the election are certified. A license that expires during the 90 days after the results of a local option election are certified may be extended, until it is void under this subsection, by payment of a prorated portion of the annual license fee.

(b) If a majority of the voters approve the sale of marijuana and marijuana products by the municipality, or the operation of a marijuana establishment by the municipality, the municipality's local governing body shall apply for a license to operate the type of marijuana establishment listed on the ballot and approved by a majority of the voters. The municipality shall operate the marijuana establishment subject to the conditions and fees applicable to the applicable type of license. Nothing in this section precludes a municipality from applying to be a licensee under other provisions of this title. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 17.38.090 AS 17.38.110 AS 17.38.900

**3 AAC 306.270. Notice of the results of a local option election.** (a) If a majority of the voters vote to adopt, change, or remove a local option under 3 AAC 306.200-3 AAC 306.220 or if the assembly or city council passes an ordinance to the same effect,:

(1) the clerk of the municipality, or, if the election is in an established village, the lieutenant governor, shall notify the board of the results of the election or of the passage of the ordinance immediately after the results of the election are certified or the ordinance is formally adopted;

(2) the municipality or established village shall post public notice of the prohibition in a central location in the municipality or village before the date the prohibition becomes effective; and

(3) the board shall immediately notify the Department of Law and the Department of Public Safety of the results of the election. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 17.38.090 AS 17.38.110 AS 17.38.900

In this section, “local governing body” means, as appropriate, a city council, a borough assembly, or a traditional village council, but does not include a corporation established under the Alaska Native Claims Settlement Act.

**3 AAC 306.990. Definitions.** (a) In AS 17.38,

(1) “assist” does not include

(A) using, displaying, purchasing, or transporting marijuana in excess of the amount allowed in AS 17.38.020;

(B) possessing, growing, processing, or transporting marijuana plants in excess of the amount allowed in AS 17.38.020;

(C) growing marijuana plants for another person in a place other than that other person's residence;

(2) “personal cultivation” does not include

(A) using, displaying, purchasing, or transporting marijuana in excess of the amount allowed in AS 17.38.020;

(B) possessing, growing, processing, or transporting marijuana plants in excess of the amount allowed in AS 17.38.020;

(C) growing marijuana plants for another person in a place other than that other person's residence.

(b) In AS 17.38 and this chapter, unless the context requires otherwise,

“adulterated food or drink product” means a product which is intended to be consumed orally and which existed without marijuana in a form ready for consumption to which marijuana was subsequently added by any process. Adulterated food or drink products do not include raw ingredients which are combined with marijuana in a manufacturing process;

“edible marijuana product” means any marijuana product which is intended to be consumed orally, including but not limited to, any type of food, or drink. Edible marijuana products do not include adulterated food or drink products;

“licensed premises” means any or all designated portions of a building or structure, rooms or enclosures in the building or structure, used, controlled, or operated by a licensee in the conduct of business for which the licensee is licensed by the board at the specific address for which the license is issued;

“local governing body” means, as appropriate, a city council, a borough assembly, or a traditional village council, but does not include a corporation established under the Alaska Native Claims Settlement Act;

“marijuana concentrate” means resin, oil, wax, or any other substance derived from the marijuana plant by any method which isolates the THC-bearing resins of the plant;

“marijuana product” means concentrated marijuana and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures;

“marijuana plant” means a living organism of genus *Cannabis* capable of absorbing water and inorganic substances through its roots, and synthesizing nutrients in its leaves by photosynthesis;

“possess” means having physical possession or the exercise of dominion or control over property. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 17.38.090      AS 17.38.110      AS 17.38.900