



Planning Commission Meeting Agenda
Regular Scheduled Meeting Thursday, January 9, 2020– 6:30PM
CITY HALL COUNCIL CHAMBERS 300 CHIEF EDDIE HOFFMAN HIGHWAY

MEMBERS

Kathy Hanson
Chair
Term Expires 12/2021

Lorin Bradbury
Vice-Chair
Term Expires 12/2020

John Guinn
Commission Member
Term Expires 12/2021

Alex Wasierski
Commission Member
Term Expires 12/2021

Shadi Rabi
Commission Member
Term Expires 12/21

Scott Campbell
Commission Member
Term Expires 1/2020

Tracy Beans
Alternate Member
Term Expires 12/2021

Stanley Hoffman Jr
Alternate Member
Term Expires 12/2021

Haley Hanson
Council Representative
Term Expires 10/2021

Ted Meyer
Ex-Officio Member

Pauline Boratko
Recorder

AGENDA

- I. CALL TO ORDER:
- II. ROLL CALL:
- III. PEOPLE TO BE HEARD – (3 Minute Limit)
- IV. APPROVAL OF THE AGENDA:
- V. APPROVAL OF THE MINUTES:
 - A. Regular Meeting- December 12, 2019
- VI. SPECIAL ORDER OF BUSINESS:
 - A. Election of chair and vice-chair of the planning commission
- VII. NEW BUSINESS:
 - A. Army Corps of Engineers presentation on the wetland general permit program.
 - B. PUBLIC HEARING: Request for Conditional Use Permit- On June 27, 2019, the City of Bethel Planning Office received an application for a Conditional Use Permit from Essenkay, LLC- Jared Karr and Naim Shabani doing business as Kusko Kush to open a retail marijuana store. The legal description is United States Survey 3230 A&B, Lot 4 Block 15. The physical address is 781 3rd Avenue Street, Bethel, Alaska. (action item)
- VIII. UNFINISHED BUSINESS:
- IX. PLANNER'S REPORT:
- X. COMMISSIONER'S COMMENTS:
- XI. ADJOURNMENT:

City of Bethel, Alaska

Planning Commission

December 12, 2019

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER:

A regular meeting of the Planning Commission was held on December 12, 2019 at the Bethel City Hall, Council Chambers in Bethel, Alaska. The Vice-Chair of Commission, Lorin Bradbury called the meeting to order at 6:30 PM.

II. ROLL CALL:

Comprising a quorum of the Commission, the following members were present for roll call: Lorin Bradbury, John Guinn, Shadi Rabi, Scott Campbell, Tracy Bean, Haley Hanson, and Stanley Hoffman Jr arrived late at 7:15pm.

Excused Absence: Kathy Hanson

Also Present: Pauline Boratko, Recorder; Ted Meyer, City Planner

III. PEOPLE TO BE HEARD:

Mike Shantz- voiced his concerns about the Blueberry zone violation, hope something will get done soon.

Daisy Mae Barrera- spoke in favor of Windy Willow conditional use permit (CUP)

Beverly Hoffman- spoke in favor of Windy Willow CUP.

Fred Broerman- spoke in favor of Windy Willow CUP.

IV. APPROVAL OF THE AGENDA:

MOVED:	Shadi Rabi	Motion to approve the agenda
SECONDED:	Scott Campbell	
VOTE ON MOTION	Unanimous	

V. APPROVAL OF THE MINUTES:

MOVED:	John Guinn	Motion to approve the November 14, 2019 regular meeting minutes.
SECONDED:	Haley Hanson	
VOTE ON MOTION	Unanimous	

VI. SPECIAL ORDER OF BUSINESS:

VII. NEW BUSINESS:

- A. On November 15, 2019, the City of Bethel Planning Office received an application from Paul and Tracey Wilbanks for a Conditional Use Permit to open a Hair and Nail Salon in the Residential Zone. The legal description is Plat # 71-425, Block 6 Lot 39 in the Bethel Recording District. The physical address is 258 Akiak Drive in the City Subdivision.

The Planning Commission, acting in a quasi-judicial body held a public hearing.

Vice-Chair of the Commission Lorin Bradbury opened up the public hearing.

The Chair asked members of the Commission to disclose any conflicts of interest or Ex Parte Communications they may have had on the action before them.

Vice Chair Lorin Bradbury stated that he has been friends and a pastor to the Wilbanks, but informed that will have no conflict in making a fair decision.

Testimony by Interested Parties

- Bob & Margaret Herron via email*- spoke in favor of the CUP
- Lea Ann Salzbrun via email*- voiced concerns of business operation in residential zone.
- Annie Cochrane*- spoke in favor of the CUP
- May May Cochrane*- spoke in favor of the CUP
- Rose Thompson*- spoke in favor of the CUP
- Brian Lefferts*- spoke in favor of the CUP
- Tom Bobo*- spoke in favor of the CUP
- Holly Bono*- spoke in favor of the CUP
- Diane Graham*- spoke in favor of the CUP
- Zuly Pitree*- spoke in favor of the CUP
- Brandon Nelson*- spoke in favor of the CUP
- Barb Mikelson*- spoke in favor of the CUP
- Patty Jones*-spoke in favor of the CUP
- Jessica Shroder*- spoke in favor of the CUP
- John Hastie*- spoke in favor of the CUP
- Erin Schalk*- spoke in favor of the CUP
- Jennessa Esquible*- spoke in favor of the CUP

Deliberation took place amongst commissioners.

MOVED:	Scott Campbell	Motion approve the Conditional Use Permit for Paul & Tracey Wilbanks to operate and hair and nail salon in the residential zone under conditions that they continue to live in the home and no signage displayed. The Planning commission did not adopt the Planning Director’s recommendations and conclusions’ because they found the salon will be compatible with in the residential zone.
SECONDED:	Alex Wasierski	
VOTE ON MOTION	Unanimous	

Vice Chair Lorin Bradbury closed the public hearing.

VI. PLANNER’S REPORT: Ted gave his report.

VII. COMMISSIONER’S COMMENTS:

- S. Rabi- no comment
- A. Wasierski- no comment
- S. Campbell- I won’t be here for the January meeting.
- S. Hoffman- no comment
- L. Bradbury-with the hearings like tonight can we have pages printed one sided?
- J. Guinn- no comment
- T. Beans- no comment
- H. Hanson- no comment

X. ADJOURNMENT:

MOVED:	Shadi Rabi	Motion to adjourn the meeting.
SECONDED:	John Guinn	
VOTE ON MOTION	Unanimous	

With no further business the meeting adjourned 9:28 pm

APPROVED THIS ____ DAY OF _____, 2019

ATTEST: Pauline Boratko, Recorder

Lorin Bradbury, Vice- Chair

DRAFT

PURCHASE, SALE AND SETTLEMENT AGREEMENT

This Purchase, Sale and Settlement Agreement (“Agreement”) is made as of December 23rd, 2019 between the City of Bethel (“Seller”) and Essenkay, L.L.C. (“Purchaser”).

In consideration of the mutual promises and covenants set forth below, and intending to be legally bound, the parties agree as follows:

1. Description of Property

Subject to the terms and conditions of this Agreement, Seller agrees to sell and Purchaser agrees to purchase good and marketable title in fee simple to the real property located at 781 3rd Avenue, Bethel, Alaska, and legally described as:

Lot 4, Block 15, United States Survey 3230 A & B, Bethel Recording District, Fourth Judicial District, State of Alaska

(the “Land”); and all rights, titles, and interests appurtenant to the Land. The Land is referred to herein as the “Property.”

2. Purchase Price and Payment Terms

The total purchase price for the Property shall be \$173,000.00, to be paid as follows. A down payment of \$8,650.00, representing at least 5% of the total purchase price (“Earnest Money”), has been paid to Escrow Agent to hold for Seller upon execution and delivery of this Agreement, receipt of which is acknowledged by Seller. The Earnest Money shall be held by the Escrow Agent until closing, at which time this payment shall be credited to Purchaser, or until this Agreement is otherwise terminated and it is dispersed in accordance with the provisions of this Agreement. \$164,350.00, representing the balance of the purchase price is due at the consummation of the sale provided for herein (the “Closing”), and shall be paid in full, in the form of a certified cashier’s check or money order, at Closing.

3. Closing

Consummation of the sale provided for herein (the “Closing”) shall be complete upon the execution of this Agreement by the Purchaser and the Seller. At or prior to the Closing, each of the parties shall execute and deliver such documents and perform such acts as are provided for herein, or as are necessary, to consummate the transaction contemplated hereunder. Risk of loss or damage to the Property until Closing is assumed by the Seller. Possession shall be delivered to the Purchaser at the time of recording.

4. Title

Purchaser may provide a policy of title insurance, which indicates the condition of title subject to reservations, exceptions, easements, rights-of-way, covenants, conditions, and restrictions of record or created by operation of law; and also subject to governmental regulations, including, but not limited to, setback, use classifications, zoning or special permit requirements, and any matters including, but not limited to, existing trails or encroachments which would be disclosed by actual inspection or survey of the property. The Purchaser shall initiate the order for the title report from the title company selected by the Seller. Title shall be delivered at Closing by quitclaim deed, which shall be issued to Purchaser as: Essenkay, LLC.

5. Escrow and Closing Costs

Upon Seller's request, Purchaser will select a company to provide escrow closing services (the "Escrow Agent"). The Seller will initiate the Closing and deliver the documents necessary to the escrow company selected by the Purchaser.

6. Deed

Title to the Property shall be conveyed to Purchaser by a Quitclaim Deed (the "Deed") duly executed by Seller and recorded at the Closing.

7. Inspection

Purchaser acknowledges its responsibility to inspect the property and agrees the Seller assumes no liability for matters which would have been disclosed to Purchaser by an inspection of the Property. Purchaser further acknowledges that the Seller makes no warranties, either express or implied, nor assumes any liability whatsoever, to include but not be limited to, the legal use of the property, regarding the social, economic, or environmental aspects of the Property, to include, without limitation, the soil conditions, water drainage, physical access, availability of personal use wood supplies nor or in the future, or natural or artificial hazards which may or may not exist, or merchantability, suitability, or profitability of the Property for any use or purpose.

8. Prorations and Closing Costs

All Closing costs of the transaction, unless otherwise provided in this Agreement, shall be divided as follows:

Seller shall pay the following Closing costs:

- a. ½ recording fees

- b. ½ document preparation fees
- c. ½ escrow closing fees
- d. Owner's ALTA title insurance
- e. ALTA survey
- f. Quitclaim deed
- g. Any outstanding or pending assessments or liens
- h. Seller's attorney fees and costs

Purchaser shall pay the following Closing costs:

- a. A recording fees
- b. ½ document preparation fees
- c. ½ escrow closing fees
- d. Purchaser's attorney fees and costs
- e. Purchaser's financing costs

Notwithstanding the above, if the Escrow fails to close due to the default of a party, the defaulting party shall pay any escrow and title cancellation fees.

9. Defense and Indemnification

Purchaser agrees that it shall defend, indemnify, and hold harmless Seller, its directors, officers, employees, contractors, assigns and successors from any and all claims, actions, administrative proceedings, formal or informal, judgment damages, punitive damages, penalties, fines, costs, liabilities, amounts paid in settlement, interest or losses including but not limited to attorney's fees, consultant fees, expert fees, arising out of or in any way related to any environmental claim, the existence of any hazardous substances or violation of any environmental law, regulation or ordinance resulting from or related to Seller's use, maintenance, ownership or operation of the Property.

10. Right of First Refusal

Purchaser and Seller agree that if, at any time after Title to the Property is delivered to Purchaser, Purchaser receives a bona fide offer for the purchase of the Property, and providing the offer is acceptable to Purchaser, Purchaser must give Seller the right to purchase the Property at the price and on the terms of the offer so made. This right shall be extended by Purchaser giving written notice of the offer by mail to Seller, requiring Seller to accept the offer in writing and to sign a purchase agreement within 60 days following the mailing of the notice. The failure of Seller to accept the offer to purchase and to sign a purchase agreement within the period provided shall nullify and void the privilege to Seller, and Purchaser shall be at liberty to sell the Property to any other person, corporation, or entity. The failure of the Purchaser to give Seller the right

of first refusal, as described above, will nullify and void any sale of the Property by Purchaser to any other person, corporation, or entity.

11. Settlement Agreement and Release of All Claims

For and in consideration of the Seller's agreement to sell the Property to Purchaser in accordance with the terms of this Agreement, and other good and valuable consideration, the receipt of which is hereby acknowledged, Purchaser, for itself and for its owners and officers, as well as their heirs, executors, administrators, successors, trustees, and assigns, does hereby release and forever discharge Seller, as well as its officials, employees, agents, insurers, underwriters, adjusters, attorneys and servants, as well as their respective heirs, executors, administrators, successors, trustees, and assigns (hereinafter collectively referred to as "the Releasees"), of and from all actions, causes of action, suits, controversies, claims, grievances, and demands of every kind and nature, whether mature or to mature in the future, arising in any way out of the April 23, 2019 Commercial Lease between Seller and Purchaser regarding the Property, any alleged addendum to the Commercial Lease, any subsequent communications between Seller and Purchaser regarding the Commercial Lease, and any action or inaction by Seller or its employees, officials, or agents with regard to Purchaser's ability to operate a marijuana business on the Property while the Commercial Lease was in effect.

Purchaser, by virtue of this Agreement and the terms reflected herein, hereby unequivocally releases and discharges the Releasees from any and all claims, including, but not limited to, claims for damages, costs, expenses, and compensation, whether for insurance proceeds, lost profits, attorney's fees, punitive damages, any other transactions, occurrences, acts, or omissions, or any loss, damage or injury whatever, known or unknown, suspected or unsuspected, resulting from any of them, committed or omitted prior to the date of this Agreement, including, without limitation, claims for breach of contract, breach of the covenant of good faith and fair dealing, interference with prospective economic advantage, or any other tort or contract claim. It is understood and agreed that the waivers in this Agreement are not intended to waive any future claims that Purchaser may have against the Releasees. Purchaser hereby covenants and agrees that it will not, either by itself or in concert with others, or by virtue of other judicial proceedings of any kind whatsoever, make or cause to be made, acquiesce in, or assist in, the bringing of any further claims or actions of any kind against the Releasees for damages or loss arising out of the matters hereinabove described.

Purchaser understands and acknowledges that the settlement reflected herein is the compromise of a disputed claim and that this Agreement is not to be construed as an admission of liability or fault on the part of the Releasees. Purchaser also acknowledges and agrees that in the course of negotiating this Agreement, it did not rely on any representations of any kind made by Releasees or their agents or representatives not expressly set forth herein.

12. Remedies

In the event that the Purchaser breaches any term of this Agreement, Seller shall be entitled to terminate this Agreement and immediately upon such termination by Seller, Escrow Agent shall pay to Seller the Earnest Money. In the event that the Seller breaches any term of this Agreement, Purchaser shall be entitled to terminate this Agreement and receive a refund of the Earnest Money. Alternatively, Purchaser may seek specific performance of the Agreement.

13. Costs and Fees

If either party breaches any term of this Agreement, the breaching party agrees to pay to the non-breaching party all reasonable attorney's fees and reasonable costs and expenses incurred by the non-breaching party in enforcing this Agreement or preparing for legal or other proceedings, whether or not instituted. If any legal or other proceedings are instituted, the party prevailing in any such proceeding shall be paid the reasonable costs, expenses, and fees incurred by the other party, and if any judgment is secured by such prevailing party, all such costs, expenses, and fees shall be included in such judgment, attorney's fees to be set by the court and not by the jury.

14. Waiver

Excuse or waiver of the performance of the other party of any obligation under this Agreement shall only be effective if evidenced by a written statement of the party so excusing. No delay in exercising any right or remedy shall constitute a waiver thereof, and no waiver by the Seller or Purchaser of a breach of any covenant of this Agreement shall be construed as a waiver of any preceding or succeeding breach of the same or any other covenant or condition of this Agreement.

15. Assignment

This Agreement is binding on the heirs, successors, and assigns of the parties, but shall not be voluntarily assigned by either party without prior written consent of the other party, which consent shall not be unreasonably withheld.

16. Commissions

Each party represents and warrants to the other that it has not engaged the services of any broker, finder or other person who would be entitled to any commission or fee in respect to the subject matter of this Agreement and each shall indemnify the other against any loss, cost, liability or expense incurred by the other as a result of any claim asserted

by any such broker, finder or other person on the basis of any brokerage or similar arrangement or agreement made or alleged to have been made.

17. Notices

No notice, consent, approval, or other communication provided for herein or given in connection with this Agreement shall be validly given, made, delivered, or served, unless it is in writing and delivered personally, sent by courier, or sent by registered or certified United States mail, postage prepaid, with return receipt requested to:

Seller: PO Box 1388
Bethel, AK 99559

Purchaser: PO Box 2343
Bethel, AK 99559-2343

or to any other such addresses as either party may from time to time designate in writing and deliver in a like manner to the other party. Notices, consent, approvals, and communications given by mail shall be deemed delivered upon the earlier of three days after deposit in the United States mail in the manner described above or immediately upon delivery to the respective addresses set forth above, if delivered personally or sent by courier.

18. Entire Agreement

This document and its attachments contain the entire Agreement between the parties. It may not be modified except in a writing signed by all parties.

19. Construction of Agreement

The captions of the paragraphs of this Agreement are for convenience only and shall not govern or influence the interpretation thereof. This Agreement is the result of negotiations between the parties, and, accordingly, shall not be construed for or against any party, regardless of which party drafted this Agreement or any portion thereof.

20. Surviving Covenants

The provisions of this Agreement shall survive the delivery of the Deed.

21. Time is of the Essence

Time is of the essence of this Agreement.

22. Controlling Law

This Agreement shall be governed by, construed under, and enforced in accordance with the laws of the state of Alaska.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date first above written.

CITY OF BETHEL

ESSENKAY, L.L.C.





By: William F. Howell III
Acting City Manager

By: NAIM SABANI
Member

Date: December, 23 2019

Date: 12-23-19

CITY OF BETHEL PLANNING OFFICE
 Po Box 1388
 Bethel, AK 99559

 (907) 543-5306
 (907) 543-4168 (facsimile)

RECEIVED

JUN 27 2019

**CITY OF BETHEL
 PLANNING DEPARTMENT**



**APPLICATION FOR A CONDITIONAL USE PERMIT
 BETHEL MUNICIPAL CODE 18.60.20**

Carefully read instructions and applicable City code. Fill out forms completely. Attach information as needed. Incomplete applications will create a delay in the review process.

Application Fee must be attached:	\$200.00	Conditional Use Permit
Payment Type:	<input type="checkbox"/> Credit Card	<input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Cash

1. General Information

NAME OF APPLICANT:	Essenkay, LLC
Physical Address:	781 Third Avenue
Mailing Address:	PO Box 2343
Home Phone Number:	907-545-4977
Work Phone Number:	
Cell Phone Number:	
Email Address:	kuskokush@gmail.com

Please note:

The City of Bethel will not communicate regarding the application with anyone other than the applicant or his/her designated agent. If applicant will be represented by an agent or attorney, proof of consent for representation must be submitted with the application.

NAME OF PROPERTY OWNER: (If different from Applicant)	City of Bethel
Physical Address:	300 Chief Eddie Hoffman State Highway
Mailing Address:	PO Box 1388
Home Phone Number:	907-543-2047
Work Phone Number:	
Cell Phone Number:	
Email Address:	

2. Property Information / Legal Description

Township:	Range:
Section:	Meridian:
Subdivision:	Block(s): 15
Lot(s): 4	US Survey or Plat No.: 3230 A & B
Street Address: 781 Third Avenue	

3. Conditional Use Description

<p>a. <i>Please provide a detailed description of the proposed conditional use in order to provide a thorough understanding of the project (additional sheets of paper may be attached if necessary):</i></p> <p>See attached narrative.</p>
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b. Please comment on any potential project impacts on pedestrian and vehicular traffic circulation and safety on roads abutting the property. Discuss thoroughly, any proposed mitigation activities and show on your site map as well.

See attached narrative.

c. Describe existing parking facilities and whether they can accommodate a reasonably expected increase in demand for parking created by issuing the permit. Include the number of regular and handicap parking spaces currently available and whether the applicant intends to add additional parking spaces.

See attached narrative.

d. Describe existing and any planned access to and from the property.

See attached narrative.

e. Describe water and sewer facilities and capacities on the property. Discuss existing drainage conditions, and any planned improvements

See attached narrative.

f. Describe special features and/or restrictions you have designed to minimize potential negative impacts from the proposed Conditional Use in order to ensure the public health, safety, and welfare of nearby structures and residents.

See attached narrative.

g. What are the dimensions of the structure within the proposed use?
See attached narrative.

4. Mapping

a. Provide a Site Map of the property drawn to Scale. Please include the following:

1. Name of property owner and date (in lower right hand corner)
2. Map Scale
3. North Arrow
4. Property lines with dimensions
5. Streets abutting the property with names
6. Draw in locations of existing and planned buildings with dimensions
7. Locations of water and sewage facilities, with capacities if applicable
8. Property driveways and vehicle parking areas showing the number of 9'x 18' parking spaces
9. Indicate access points to and from the property
10. Show project mitigation improvements

b. Provide a map or plat of the general area surrounding the parcel. The map must include street names and notations of the uses and structures that exist on the abutting and nearby lots.

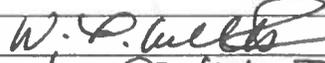
c. List all buildings and structures located within 600' of the property (whether or not owned by the applicant):

- Barber Shop/Dental Office/potential future marijuana retail establishment, 660 Third Avenue;
- Midtown Cottage Rentals, 720 Third Avenue;
- Lumberyard, 841 Third Avenue;
- Gas Station and Auto Repair Shop, 630 Third Avenue;
- Law Office, 900 Third Avenue;
- Restaurant, 751 Third Avenue;
- Hotels, 751 Third Avenue and 881 Third Avenue;
- United Utilities Office, 280 Main Street;
- Potentially ACC Liquor Store (currently unused grocery store), 811 Third Avenue.
- Four apartment complexes owned and operated by the State of Alaska (Trooper Housing), 842 Fourth Avenue.
- Approximately 20 other residential structures, various address on Third Avenue/Jacob's Way

5. Owner's Statement

<p>1. I hereby apply for approval for a conditional use permit on the above property as described in this application.</p> <p>2. I understand all activity must be conducted in compliance with all applicable standards of the Bethel Municipal Code, 18.04 and 18.60 and with all other applicable State or Federal laws.</p> <p>3. The information submitted in this application is accurate and complete to the best of my knowledge.</p>	
Applicant's Signature:	
Printed Name:	Jared Kerr
Date:	6/27/2019

If property is owned by someone other than the applicant, the owner must consent to the application:

Owner's Signature:	
Printed Name of Owner:	City of Bethel, Bill Howell
Mailing Address for Owner:	P.O. Box 1388 Bethel AK 99559
Contact Number for Owner:	545-4998

FOR OFFICIAL USE ONLY		
For answers that indicate a deficiency, a detailed explanation must be attached explaining the deficiency and outlining the City's request to the applicant.		
1. Will the granting of the conditional use permit be harmful to the public health, safety, convenience, and welfare?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Is there any potential negative impact on to the street from which access to and from the establishment is obtained?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Are there adequate parking facilities to accommodate a reasonably expected increase in demand for parking created by issuing the permit?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**PROPOSED COMMERCIAL MARIJUANA RETAIL
ESTABLISHMENT
CONDITIONAL LAND USE PERMIT NARRATIVE**

Essenkay, LLC
dba Kusko Kush
a locally owned and operated business

Submitted: _____, 2019

Hearing Date: _____

Prepared by:



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

On behalf of:
Essenkay, LLC

NARRATIVE

Introduction – our vision & our pledge to our community.

It is with great pleasure to introduce you to the new owners of Kusko Kush, long time Bethel residents Jared Karr and Naim Sabani. Jared and Naim have been community members of Bethel for many years, and they are thrilled to start this new adventure in the community they love. Jared and Naim's new business venture focuses on two common community goals: (1) diversification of Bethel's economy; and (2) job creation for Bethel's community members. The proposed retail establishment furthers both of those vital community goals.

Jared moved to Bethel in 2002. He was a police officer for the community and during that time Jared met the love of his life and married into a local Bethel family in 2006. Jared and his new wife moved out of Bethel in 2006 and returned in 2014. During the time they left Bethel, Jared furthered his education, went to law school, and became a prosecutor in Bethel until 2016. In 2016 Jared decided it was time to venture into private practice, and he currently practices private practice in the City of Bethel. Jared also served as the Chair of the Public Safety Commission and a member of the commission from 2015-2018. He also has relevant business owning experience as earlier in his life he owned and operated a catering company in Fairbanks, Alaska for three years. Clearly, with Jared's legal training, public safety history and clear commitment to public safety, the community could not ask for a more qualified individual to own and operate a marijuana retail establishment in the City of Bethel.

Naim graduated high school in Bethel and dove right into the workplace and started working for Kusko Cab and then eventually became the owner of Kusko Cab. Naim is very invested in the City of Bethel, as this has been his home most of his life. He owns several residential property rentals and also served as City Council Member from 2017-2018. He also served on the Public Safety Commission from 2014 to 2018. Naim is married to a lifelong Alaskan, and the couple devotes a significant amount of time volunteering and donating to various non-profits that benefit the community. Again, the community could not ask for a more qualified and responsible business owner to operate this new business venture.

Kusko Kush is committed to rigorous adherence to 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.

Kusko Kush's objective is to provide diversification to the City of Bethel's economy, provide more employment opportunities to community members, and to provide safe, tested and regulated legal cannabis to the community members who desire to engage in the purchase of marijuana. The retail establishment will be a safe and compliant retail establishment with educated budtenders who provide a quality-focused environment where employees and customers feel secure and comfortable in their surroundings. It is of the utmost importance to Jared, Naim, their staff, and their business model to respect their community's wishes and input and provide the unrivaled quality necessary to satisfy the needs of Alaska's adult

recreational consumers.

Kusko Kush's proposed home is located at 781 3rd Avenue, Bethel, Alaska 99559.

**CONDITIONAL LAND USE PERMIT ("CUP") FOR MARIJUANA RETAIL ESTABLISHMENT APPROVAL CRITERIA
(BMC 18.60.20; BMC 5.10.010-230)**

Question 3a: Conditional Use Description of the Proposed Conditional Use in order to provide a thorough understanding of the project:

The proposed conditional use is a marijuana retail store located at 781 3rd Ave., Bethel, Alaska. It consists of 418 square feet of restricted access area (i.e. area where marijuana is stocked and stored that is not accessible to the public) and 299 square feet of retail sales floor space (where customers can walk around and view the product menu, price sheet, and strains available), totaling a total square footage of licensed area of 717 square feet.

Jared and Naim's initial aim to hire 3-4 employees to run the retail establishment. If this honorable Council approves this CUP application, the retail store will engage in the sale and distribution of cannabis and cannabis products. Each shipment of marijuana and marijuana product that arrive at Kusko Kush will be inspected by a member of the management team before it is accepted and added to the store's inventory. The shipment will be reconciled with the transport manifest, shipment labels and packaging labels to ensure consistency. All product will be weighed by Kusko Kush and reconciled with the weight listed on the manifest and labels. Any shipments with discrepancies will be rejected. Shipments that pass initial inspection will be accepted into the facility, entered into METRC and the point of sale software and added to the store's inventory storage or display cases. At the end of each business day, the management team will reconcile the sale's transactions from the point of sale software with the inventory on hand and with METRC to ensure consistency and that any discrepancies are immediately addressed. When customers enter the retail store, they will enter into a secure entry room and immediately be asked for ID. Once ID has been verified as valid, customers can then be allowed into the retail area and browse the retail store. Employees will be trained to observe customers for signs of impairment. Once a customer completes their transaction, they will exit the licensed premises. Loitering will not be tolerated.

All customers will enter the designated entrance door to the facility where they will immediately be checked for identification. The facility will have signs displayed on the front entrance stating that the Kusko Kush will not sell marijuana or marijuana products to any person under the influence of alcohol or drugs. All employees will be trained to recognize the signs of impairment. If any employee suspects a customer of being impaired, the person will be asked to leave the premises and come back at a later date. If an individual inside the retail area appears to be impaired, the retail agents have the authority to refuse service to anyone, and have the customer removed from the premises.

All marijuana and marijuana products will be displayed in locked and secured display cases and

cabinets behind the POS counters which require employee assistance to access. Only smell sample jars will be reachable to the customers. Product displays will be in full view of a working video surveillance camera at all times that marijuana or marijuana product is stored in the display. Marijuana products will be placed in the secured displays at opening and will only be on display during business hours. Marijuana and marijuana products will be secured in a locked case at all times where customers may be present on the premises with the exception of the product hanging on hooks behind the counter. Only marijuana that is packaged and labeled in accordance with all state and municipal laws and regulations, and in accordance with Kusko Kush policies, will be placed in product displays and accessed for sale to the public.

All marijuana and marijuana products sold at the retail location will be prepackaged by the licensed cultivation or manufacturing facility from which they originate. All shipments to the retail facility will be inspected for quality and consistency with the transport manifest and shipment labels, and for regulatory compliance. Labels will be checked for: (1) name and license number of the manufacturing or cultivation facility; (2) production lot and/or batch number; (3) strain information; (4) net weight of the product (5) packaging date and expiration date; and (6) testing lab name and license number. The transport manifest will be checked for: (1) name and license number of the providing entity; (2) delivery date; (3) start time and estimated arrival time; (4) strain and batch information; (5) delivery driver name and handler's card verification; (6) the weight of the products transferred; and (7) testing information. Once a delivery is approved by either the general manager, the inventory will be accepted into the retail facility and entered into METRC with all mandatory information designated by AMCO. The shipment information will be both recorded in METRC and stored on-site as official business records. Both the transporting agent and the general manager will sign all paperwork and documents expressing that all information is deemed correct and the transfer took place. Shall any of the above be missing or inaccurate, the general manager will refuse the transfer.

In addition to the above policies and procedures, for products or bud/flower that has been returned or otherwise is not fit for sale, Kusko Kush has a disposal plan for marijuana waste and all products that do not meet state testing requirements or the company's internal quality standards for any reason. Kusko Kush will be disposing of: (1) marijuana that is identified as contaminated, infected or is otherwise rejected for quality or fails to meet quality testing; (2) all packaging, labeling, containers, or other related materials which arrive at the facility with marijuana products that have been disqualified for quality; (3) expired marijuana products and (4) any other materials or containers in contact with marijuana products that risk contamination. Marijuana waste will be stored away from all other products in a locked container inside the facility and will be rendered unusable prior to leaving the facility for disposal. Marijuana waste will be rendered unusable by grinding or mixing the materials with other compostable and non-compostable material such as, food waste, cardboard, paper, and yard waste; until the resulting mixture is no more than fifty percent (50%) marijuana waste. Management will maintain a log on the status of all marijuana waste, tracking the type, date of disposal, date it was rendered unusable, and date that it was picked up by the disposal company. The final mixture will be securely stored in locked containers located inside the premises with locks in compliance with the highest UL standards.

Kusko Kush will be equipped with a 24-hour monitoring alarm system, exterior motion detecting

lighting, and video surveillance. The restricted access area doors will always be locked with a spring-loaded hinge to ensure it closes behind persons as they enter or leave the secured area. Access will only be granted to employees, Jared, and Naim, and signage will be displayed on the door/entrance to each restricted access area indicating that members of the public are not allowed un-escorted access. At least one employee will always be present behind the counter, ensuring customers do not enter the restricted access area behind the counter. The facility will be equipped with an alarm system and video surveillance. Security cameras will be installed throughout the retail store that allow for monitoring of all areas 24 hours each day including, at a minimum: all entrances and exits, all restricted access areas, every portion of the office, and the exterior of the building to monitor and identify all activity adjacent to the facility.

No person, except a Kusko Kush employee or the licensee, (with the exception of AMCO enforcement, law enforcement, City of Bethel Officials, and other duly authorized agents) shall be allowed in the restricted access area unless they are a pre-authorized visitor by a designated employee/manager and escorted at all times. All persons who are not employees of the company, but who have been authorized by management to enter the restricted access areas of the facility shall provide a government issued identification to the escorting employee prior to entering the restricted access area in order to obtain a visitor identification badge. An employee will escort and monitor the visitor at all times while the visitor is in the restricted access area. The visitor identification badge shall be visible at all times. Kusko Kush will require the visitor to return the identification badge upon exiting the facility. Kusko Kush will maintain a visitor log, which shall include the name of the visitor, date, time and purpose of the visit. The visitor log will be made available to AMCO upon request. If an unforeseen circumstance requires the presence of a visitor and makes it impractical for designated employee/management to obtain prior authorization, the facility shall record in the visitor log the name of the visitor, date, time, purpose of the visit and the facts upon which the access was granted. Visitor records will be stored on the company's computer server, a hard-original copy will be stored in the secured locked cabinet located in the office. Hard copies will be maintained for at least 7 years. Kusko Kush does not intend to destroy any electronic copies. There will never be more than 5 Visitors per employee/licensee at any given time. Kusko Kush will keep all required records on site for a minimum of 6 months and will reside in the locked and secured storage room in a lockable file cabinet or safe. Hard copies will be scanned into digital files and stored as a backup. The backed up electronic files will be stored on a cloud-based server or external hard drive to prevent loss or destruction of records. After 7 years Kusko Kush may destroy hard copies however, Kusko Kush does not intend to destroy any electronic records.

The exterior of the building will be well lit. Exterior lighting will be specifically designed and positioned to help visually secure the premises and allow the surveillance system to depict individuals up to twenty (20) feet from all entry points. Lights will be mounted in inaccessible places and have sturdy housings and lenses to help make them vandal proof. Kusko Kush will use extremely bright lights to deter crime and ensure maximum visibility. All lights will be commercial grade LED lights and will be checked by management to ensure that each light in the system is operational and well-placed for visibility in security footage and to deter loitering or otherwise unauthorized presence on the premises. The retail facility premises will be protected by a surveillance recording system that will have cameras positioned to view the entire perimeter of the area of the licensed retail premises. The security cameras will be operational and recording 24

hours a day, 7 days a week. A variety of specialty cameras, such as infrared, motion-sensor, and night vision cameras will be used. All cameras will have secure data storage. The premise will have surveillance over all portions of the facility, placed strategically to record all areas of the facility inside and outside, at a variety of angles. All doors and marijuana storage areas will have video coverage to clearly identify the faces of those present. The cameras will offer high resolution and weather resistant features that ensure a clear picture with every use. With these megapixel cameras, the facility will have clear, crisp images that let a Kusko Kush manager see the important details needed for identification. This includes face and license plate recognition, and facial image of anyone within twenty (20) feet of all access point while still capturing a full field of view for exterior monitoring.

As of the date of the submission of this CUP application, the MCB has not yet reviewed the state application – we anticipate that the license application will be in front of the MCB for consideration at the MCB September 2019 meeting.

Kusko Kush proposes to have up to three (3) signs on the Retail Store. Signs will not exceed 4800 square inches. Below is a sample rendering of the proposed signage for the Council's consideration and approval:



There are no protected/sensitive uses within the buffer zones required by the State or BMC 5.10.060. The intent is for the retail establishment to be open Monday thru Sunday, 11am-9pm.

Question 3b: *Please comment on any potential project impacts on pedestrian and vehicle traffic circulation and safety on roads abutting the property. Discuss thoroughly, any proposed mitigation activities and show on your site map as well.*

We do not anticipate any vehicle traffic circulation issues or safety concerns regarding the proposed use and its impact on the roads abutting the property. As shown on the site plan, attached to this application, the Third Ave road that abuts the property is paved, and access to the store is via driveway. The proposed retail site provides for ample parking (off street and onsite) and turning and maneuvering. The traffic flow is indicated on the site plan and has been specifically designed and laid out for this proposed use. The site provides for 10 parking spaces including a handicap accessible space – this should eliminate any on street parking that could cause any negative impact to 3rd Ave traffic and eliminate any safety issue of parking spilling out onto 3rd Ave, which could cause accidents.

Question 3c: *Describe existing parking facilities and whether they can accommodate a reasonably expected increase in demand for parking created by issuing the permit. Include the number of regular and handicap parking spaces currently available and whether the applicant intends to add additional parking spaces.*

The current parking demand is zero and the anticipated parking demand, if the proposed use is approved, is estimated to be 6 spots. Currently, the site has no parking spaces (the site currently under construction) – but, once this application is approved by this Honorable Council, development of the site will be completed and parking spaces delineated. As the attached site plan indicates there will be 10 parking spaces – 9 of which are to be regular spaces, and 1 is to be handicap accessible. The entire building (gross floor area) is 768 square feet and the sales floor is just over 200 sq. feet, therefore the parking layout proposed and number of spaces proposed is far in excess of the actual need. For example, in the municipality of Anchorage, one parking space is required for every 350 square feet of retail space.

Question 3d: *Describe existing and any planned access to and from the property.*

Please review site plan, the access will be via a 32-foot-wide drive way, that turns off of 3rd Ave.

Question 3e: *Describe water and sewer facilities and capacities on the property. Discuss existing drainage conditions, and any planned improvements.*

Water and Sewer facilities: The facility will have a 500 gallon septic holding tank and will have water access via a 300 gallon interior water tank. Please see sheet sewage detail within attached Permit Set for sewage holding tank information and detail. Weekly evacuation of sewer and weekly water fill up will be employed to provided more than ample supply for both waste and water usage.

The entire site is being developed from raw vacant land to a retail establishment with a parking lot, septic, power, and a new retail building. Additionally, over 60 loads of fill dirt have been added to the lot to provide adequate water runoff for drainage and easy navigation for all

customers and vehicles. When construction is complete, the parking lot area will be filled with gravel to abate erosion and damage to the lot caused by vehicle traffic.

Question 3f: *Describe special features and/or restrictions you have designed to minimize potential negative impacts from the proposed Conditional Use in order to ensure the public health, safety and welfare of nearby structures and residents.*

Kusko Kush's entire operating plan and business plan is specifically designed to minimize potential negative impacts on proposed structures and residents. If anything, this use will provide improvement to the value of the surrounding property owners' and increase security of surrounding property owners and residents by providing surveillance of the property's parcel.

Kusko Kush will maintain overall security and possession of the building at all times with 24/7 video surveillance to ensure community and employee safety. All marijuana related activities will **occur indoors**, and access to the retail establishment will be restricted to persons over the age of 21 only. Kusko Kush will also ensure that the property is maintained in a clean and sanitary manner and follow all state laws/regulations regarding retail standards and disposal. Kusko Kush will work pro-actively with state and local regulators as well as local community neighbors and members, to ensure that any concerns voiced in the neighborhood are promptly addressed and any problem rectified in a reasonable and prudent manner.

Additionally, the answers and information regarding the operating policies and procedures provided in Answer 3a all act as safeguards, protecting the health, safety, and wellness of the community and its residents. The policies and procedures outlined in Answer 3a are proven mitigators (as they address ID policy, waste disposal, etc) of negative impacts that an establishment such as the proposed use may have on the community.

Question 3g. *what are the dimensions of the structure within the proposed use.*

Dimensions for the structure of the retail establishment is 32'X 24'. Please see architectural floor plan page in the attached Permit Set.

List all buildings and structures within 600' of the property:

- **Barber Shop/Dental Office/potential future marijuana retail establishment, 660 Third Avenue;**
- **Midtown Cottage Rentals, 720 Third Avenue;**
- **Lumberyard, 841 Third Avenue;**
- **Gas Station and Auto Repair Shop, 630 Third Avenue;**
- **Law Office, 900 Third Avenue;**

¹ <https://listwithclever.com/real-estate-blog/marijuana-housing-market-study/> "Cities that allow retail dispensaries saw home values increase \$22,888 more than cities where marijuana is illegal from 2014 to 2019 (controlling for population and initial home values)"; "CATO research supports our findings, suggesting homes close in proximity to marijuana retail dispensaries increase in value"; From 2017 to 2019, cities where recreational marijuana is legal saw home values increase \$6,337 more than cities where marijuana is illegal (controlling for population, initial home values, and GDP).

- **Restaurant, 751 Third Avenue;**
- **Hotels, 751 Third Avenue and 881 Third Avenue;**
- **United Utilities Office, 280 Main Street;**
- **Potentially ACC Liquor Store (currently unused grocery store), 811 Third Avenue.**
- **Four apartment complexes owned and operated by the State of Alaska (Trooper Housing), 842 Fourth Avenue.**
- **Approximately 20 other residential structures, various address on Third Avenue/Jacob's Way**

Marijuana Regulations

Bethel Municipal Code 5.10.070(A) Conditional Use Permit Required

All marijuana establishments including but not limited to cultivation, manufacturing, testing, dispensing, and retail are permitted only by a conditional use permit.

A. Operations Plan. As part of the conditional use permit application, all marijuana establishments shall submit an operations plan:

1. Specify all means to be used for extracting, heating, washing, or otherwise changing the form of the marijuana plant or for testing any marijuana or marijuana product, including a verification that such plan is in compliance with all applicable federal, state, and local laws and regulations governing ventilation and safety measures for each such process (if applicable);

Kusko Kush is a retail marijuana establishment, it does not have plans for “extracting, washing, or otherwise changing the form of the marijuana or for testing any marijuana.” Those actions are reserved for different licenses issued by the Marijuana Control Board. This question is largely not applicable to Kusko Kush due to it being a retail store only.

2. Describe all toxic, flammable, or other materials regulated by a federal, state, or local government that will be used, kept, or created at the facility, the quantities and location of such materials, and the manner in which such materials will be stored;

Toxic or other materials regulated by a federal, state or local government - Kusko Kush only plans to have and use normal cleaning products associated with day-to-day business operations of presenting a clean establishment. It is estimated that a total of two (2) gallons of various cleaning products will be in the establishment at one time (Windex, 409, furniture polish, Pine-Sol, and the like). Those products will be stored in the restricted area or under the sink in the bathroom. No members of the public will have access to them and their use will be utilized when customers are not in the store – absent exigent needs that routinely arise from various spills or unsanitary situations commonly associated with any retail establishment.

Flammable – Kusko Kush plans to stock a variety of lighters and means to ignite marijuana products. Those will be stored in the retail area in glass display cases for purchase. Those products that are not on display will be stored in storage cabinets within the retail area. No other “flammable” items can be identified in the items Kusko Kush plans to offer, store, or house in the retail store.

3. Describe the processes that will be used to extract or distill marijuana derivatives from their source and the processes used to incorporate marijuana derivatives into all retail marijuana products produced, including a verification that such processes are in compliance with all applicable federal, state, or local laws or regulations; and/or

Kusko Kush is a retail marijuana establishment, it does not have plans to “extract or distill marijuana derivatives from their source.” Those actions are reserved for different licenses issued by the Marijuana Control Board. This question is largely not applicable to Kusko Kush due to it being a retail store only.

4. Describe a plan for ventilation that will be used to prevent any odor of marijuana from dissipating into the area. For retail marijuana cultivation facilities, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems will operate to prevent any odor leaving the premises. [Ord. 16-18 § 2.]

Kusko Kush is a stand-alone building. It is not connected or share a wall with any other business or establishment. Additionally, it does not vent any gases or have any type of environmental controls that dissipate or expel interior gases. The only way any interior gas leaves the retail store is through the front and rear door. Lastly, the only exposure raw marijuana leaf has to the environment could possibly be when it is being packaged in the restricted area. No raw marijuana will be exposed in the retail area except for possibly smell jars which contain a small amount of marijuana for a customer to smell prior to purchasing. There will be no plants or distillation process which produces large amounts of the “odor of marijuana.”

Kusko Kush is not a “retail marijuana cultivation facilit(y)” and including a ventilation system diagram is not applicable.

4. Will a reasonably expected increase in traffic to the property impact the abutting road or to the existing road system beyond?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Is the use compatible with the character of the surrounding neighborhood?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Is the property located in a flood zone?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Does there appear to be adequate existing or proposed water supply and sewage capacity on the property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. What is the zoning designation of the property?		

CONDITIONAL USE PERMIT (CUP) STANDARDS AND PROCEDURES

Sections:

[18.60.010](#) Authorization.

[18.60.020](#) Application.

[18.60.030](#) Hearing and notification.

[18.60.040](#) Staff review.

[18.60.050](#) Planning commission review.

[18.60.060](#) Standards for planning commission decision.

[18.60.070](#) Lapse of approval.

18.60.010 Authorization.

The planning commission may grant a conditional use permit for those uses or structures authorized as a conditional use in the applicable land use district chapter of this title, subject to the standards provided in this chapter. An applicant does not have a right to a conditional use permit, but has a right only to have the planning commission give fair consideration to an application for a conditional use. The planning commission has discretion to deny a conditional use permit application if it is not convinced the proposed use is compatible with principal permitted uses, existing neighborhood development, the environment, the comprehensive plan or maintenance of compatible and efficient development patterns. [Ord. 01-05 § 8.]

18.60.020 Application.

A. The applicant shall complete a conditional use permit application on a form provided by the planning department in which the applicant shall state and describe in narrative:

1. A legal description and street address of the parcel;
2. The names and addresses of the owners of the parcel and of the applicant;
3. A description of the proposed conditional use;
4. A map or plat of the general area surrounding the parcel, with notations of the uses and structures that exist on abutting and nearby lots;
5. Potential impacts on pedestrian and vehicular traffic circulation and safety;
6. Potential output of noise, fumes, dust, wastes and other forms of potential environmental pollution;
7. Special features and restrictions designed to minimize negative impacts and to ensure the public health, safety and welfare of the residents;
8. A complete site plan permit application for the proposed use, including fill placement, quantities and contours and drainage plans;
9. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the proposal shall address the relevant matters and standards covered by BMC 15.08.160 through 15.08.180;
10. The names and addresses of all persons who own property within six hundred (600) feet of the boundaries of the parcel.

B. A fee shall be included as established by resolution of the city council. [Ord. 01-05 § 8.]

18.60.030 Hearing and notification.

A. Upon receipt of a complete application for a conditional use permit, the land use administrator shall set a date for public hearing before the planning commission. The public hearing shall be scheduled no sooner than twenty (20) calendar days and no later than fifty (50) calendar days from the date of acceptance of a complete application.

B. Notice of the public hearing on a proposed conditional use shall be provided as set out in BMC 18.04.070. [Ord. 01-05 § 8.]

18.60.040 Staff review.

A. The land use administrator shall review the conditional use permit application and the accompanying site plan permit application for completeness and request any

additional material required. Upon determining that the application is complete, the land use administrator shall prepare a staff report with analysis and recommendations. The report shall specifically address drainage on the parcel. The land use administrator may recommend any conditions reasonably necessary for the proposed use to permit the conclusions required under subsection B of this section. The written staff report containing the analysis, proposed conditions and conclusions shall be provided to the planning commission with their meeting materials one (1) week prior to the public hearing.

B. The land use administrator may make a recommendation for approval only when the proposed use and conditions clearly support the following conclusions:

1. The proposed conditional use will not be detrimental to the general public health, safety or welfare or to the environment;
2. The conditional use meets the standards otherwise applicable to a use in the applicable land use district;
3. There are adequate existing or proposed sewage capacity, transportation facilities, parking area, drainage facilities and water supply to serve the proposed conditional use without causing a substantial negative impact on the existing level of services provided by such public facilities;
4. The conditional use conforms to the intent and purposes of the land use code that are set out in BMC 16.04.010; (attached)
5. The use and structures proposed are of an appropriate character and scale for the neighborhood in which the project will be located, including parts of the neighborhood that may lie outside the land use district within which the parcel is located;
6. The conditional use is in accordance with and furthers the goals and policies of the comprehensive plan;
7. The proposed use will not subject surrounding properties nor vehicles and pedestrians using nearby streets and ways to hazardous or substantially increased traffic conditions;
8. There is a demonstrated need for the conditional use limited primarily to the area proposed, or, if the use will generally serve a larger area, then a demonstration that the use is essential to the city generally, and because of a feature of the property, the general need can be met by the property, but cannot be met as a principal permitted use on other property in the city;
9. The use, under the conditions proposed, will be compatible with existing and principal uses authorized and will not cause negative impacts on nearby property,

including impacts from drainage, that exceed the impacts that would ordinarily be expected from principal permitted uses of the property that is the subject of the application;

10. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the conditions proposed adequately address the relevant matters and standards covered by BMC 15.08.160 through 15.08.180. [Ord. 01-05 § 8.]

18.60.050 Planning commission review.

A. The applicant or an authorized representative shall be present at the public hearing, informed and available for questions relative to the proposed project. The planning commission may take action on the agenda item even if the applicant or an authorized representative is not present at the public hearing. The planning commission may deny the project based entirely on failure of the applicant or an informed, authorized representative to be available at the hearing.

B. The planning commission shall consider the matter at a public hearing. The commission shall consider the application, the land use administrator's staff report, any written comments from members of the public submitted prior to the public hearing, and oral comments made at the public hearing.

C. During all phases of the public hearing, any speaker shall address the chairperson prior to making any comment. If any person wishes to question any other person in attendance, the question shall be directed through the chairperson. All public hearings shall be conducted in the following manner:

1. The chairperson shall explain the hearing procedure;
2. Planning department staff shall present a staff report and recommendations regarding the subject project;
3. The planning commissioners shall ask staff any questions they may have regarding the staff review and recommendations;
4. The applicant shall be given the opportunity to explain the nature of the project and any other relevant information, including rebuttal or additional information regarding any of the correspondence received and matters raised by the staff or the commission;
5. Planning commissioners may ask the applicant any questions they may have about the project;
6. The neighbors or any other interested persons will be given the opportunity to speak. The chairperson will read all written comments submitted regarding the proposed project or copies shall be provided to each commission member. Information provided

should be limited to facts. Persons who have given testimony previously during the hearing may comment on any new information limiting comments to new information only. The chairperson may limit repetitious testimony based on time constraints or other situations which may arise;

7. Members of the planning commission may ask any questions of neighbors or other interested persons;

8. The applicant shall be given the opportunity to rebut factual matters raised by the staff, neighbors and other interested persons;

9. After the applicant has given rebuttal evidence and summarized, the staff shall be given an opportunity to comment on evidence presented and to make new or amended recommendations.

D. The planning commission may make a decision to approve, conditionally approve, or deny the project. The commission may also decide to take the matter under advisement or continue the hearing or commission discussion to a future date in order to allow time to acquire more information as needed. The planning commission and the planning staff shall be given the opportunity to comment during and between any of these steps.

E. The commission shall make a decision based upon the standards specified in BMC 18.60.060. The commission may impose any conditions reasonably necessary for the proposed use to comply with the standards listed in BMC 18.60.060. If the planning commission does not adopt the land use administrator's recommendations and conclusions, it must support its findings with a statement of findings and conclusions, which shall be included in the official minutes of the hearing and in the resolution approving or disapproving the conditional use. [Ord. 01-05 § 8.]

18.60.060 Standards for planning commission decision.

A. The planning commission may approve a request for a conditional use permit only if it makes findings, supported by the record, as are set out in BMC 18.60.040(B)(1) through (10).

B. Where the approval of a conditional use permit application would result in a mix of residential and nonresidential uses, any approval of the conditional use may impose conditions and design standards necessary:

1. To ensure the public health, safety, and welfare of residents; and
2. To minimize or eliminate adverse impacts on residential property.

C. All standards contained in this chapter are minimum standards. More restrictive conditions may be imposed by the planning commission where necessary to ensure the

public health, safety, and welfare of Bethel's citizens and to maintain consistency with the comprehensive plan and the purposes of this title as set out in BMC 16.04.010.

D. A site plan permit must be obtained following the granting of a conditional use permit and prior to the establishment of the use or structure for which the conditional use permit was sought. [Ord. 01-05 § 8.]

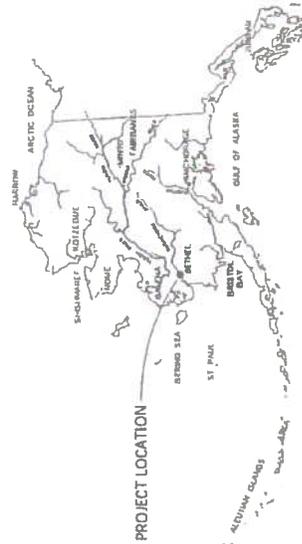
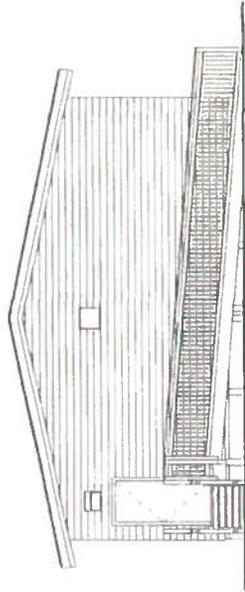
18.60.070 Lapse of approval.

A. Unless a longer time is specifically established as a condition for approval, a conditional use permit approval shall lapse and shall become void if not exercised within one (1) year from the date of approval. For a permit to be considered "exercised," substantial improvement to the land must be performed within one (1) year from the date of approval. Substantial improvement is the completion of fifty (50) percent or more of the total authorized improvements as specified on the subject permit as measured by cost. If the conditional use permit is primarily for a use not involving substantial improvements to the land, the permit is "exercised" when the use commences and continues for thirty (30) days or more.

B. A conditional use permit approval subject to lapse may be extended by the planning commission for an additional period of up to one (1) year; provided, that prior to the expiration date, a written request for extension is submitted to the planning commission and good cause for the extension is shown. [Ord. 01-05 § 8.]

KUSKO KUSH RETAIL

LOT 4, BLOCK 15
 BETHEL, ALASKA
100% PERMIT SET
 06/03/19



GENERAL NOTES

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE MOST RECENT ADOPTED EDITION OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, AND ALL LOCAL AND ALASKA STATE CODE REGULATIONS AND AMENDMENTS. CONTRACTORS ARE RESPONSIBLE FOR CONFORMING TO ALL APPLICABLE LOCAL CODES AND TRADE STANDARDS.
2. THESE DRAWINGS ARE SUBMITTED TO THE GENERAL CONTRACTOR AND OTHERS FOR THEIR USE ON THIS SPECIFIC PROJECT. ALL COPIES OF THESE DRAWINGS SHALL REMAIN THE PROPERTY OF ARCHITECTS EAST BOROUGH AND SHALL NOT BE REPRODUCED OR REPRODUCED WITHOUT PERMISSION FROM ARCHITECTS EAST BOROUGH.
3. THE ORGANIZATION OF THESE DRAWINGS IS NOT INTENDED TO CONTROL THE DIVISION OF WORK AMONG SUB-CONTRACTORS. THE DIVISION OF WORK SHALL BE THE SOLE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
4. CONTRACTORS SHALL TAKE ALL NECESSARY PRECAUTIONARY MEASURES TO PROTECT THE PUBLIC AND ADJACENT PROPERTIES FROM DAMAGE THROUGHOUT CONSTRUCTION. CONTRACTOR ASSUMES ALL LIABILITY FOR DAMAGES INCURRED DURING CONSTRUCTION.
5. CONTRACTOR SHALL PROVIDE ALL LABOR, EQUIPMENT AND MATERIALS REQUIRED TO COMPLETE ALL WORK AS SHOWN OR AS IMPLIED ON THESE DRAWINGS.
6. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO CONSTRUCTION. IF A CONDITION NOT SHOWN OR NOT SPECIFIED IS FOUND, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT BEFORE COMMENCING WITH THAT PORTION OF THE WORK.
7. ALL COMPONENTS, EQUIPMENT, ETC. SHALL BE INSTALLED PER MANUFACTURER'S WRITTEN RECOMMENDATIONS.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL RUBBISH AND DEBRIS RESULTING FROM CONSTRUCTION.
9. ALL DIMENSIONS ARE TO FACE OF STUDY, FACE OF PANEL, STRUTTING, CRUIK, FACE OF ROUGH OPENING, UNLESS OTHERWISE NOTED.
10. CAUSE ALL JOINTS, PROVIDE BACKER ROD AS NEEDED AND PROVIDE FLASHING & COUNTER FLASHING AS NEEDED TO PROVIDE COMPLETE WEATHER PROOF INSTALLATION.

RECEIVED

JUN 27 2019

**CITY OF BETHEL
 PLANNING DEPARTMENT**

PROJECT DESCRIPTION
 PROJECT IS A NEW 785 SF BUILDING LOCATED IN BETHEL, ALASKA. BUILDINGS WILL BE OCCUPIED BY A MARIJUANA RETAIL SHOP.

DRAWING LIST

C1	SITE PLAN
C2	SEPTIC HOLDING TANK DETAILS
A1	ARCHITECTURAL DRAWINGS
A2	FLOOR PLANS, CODE SUMMARY, SCHEDULES & BUILDING ASSEMBLIES
A3	BUILDING SECTION & EXTERIOR ELEVATIONS
A4	ARCHITECTURAL DETAILS
A4	SPECIFICATIONS & MATERIAL SCHEDULE
S1	STRUCTURAL DRAWINGS
S2	STRUCTURAL FRAMING PLANS & SCHEDULES
S3	DECK STAIR & RAMP DETAILS
S4	SPECIFICATIONS

PROJECT TEAM
 ARCHITECTURE SURVEY CIVIL AND STRUCTURAL ENGINEERING

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 Anchorage, AK 99501
 (907) 562-4422
 www.asce.com

KUSKO KUSH RETAIL

1263.01



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www.icginc.com

KUSKO KUSH RETAIL SHOP

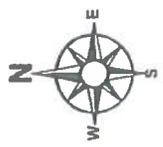
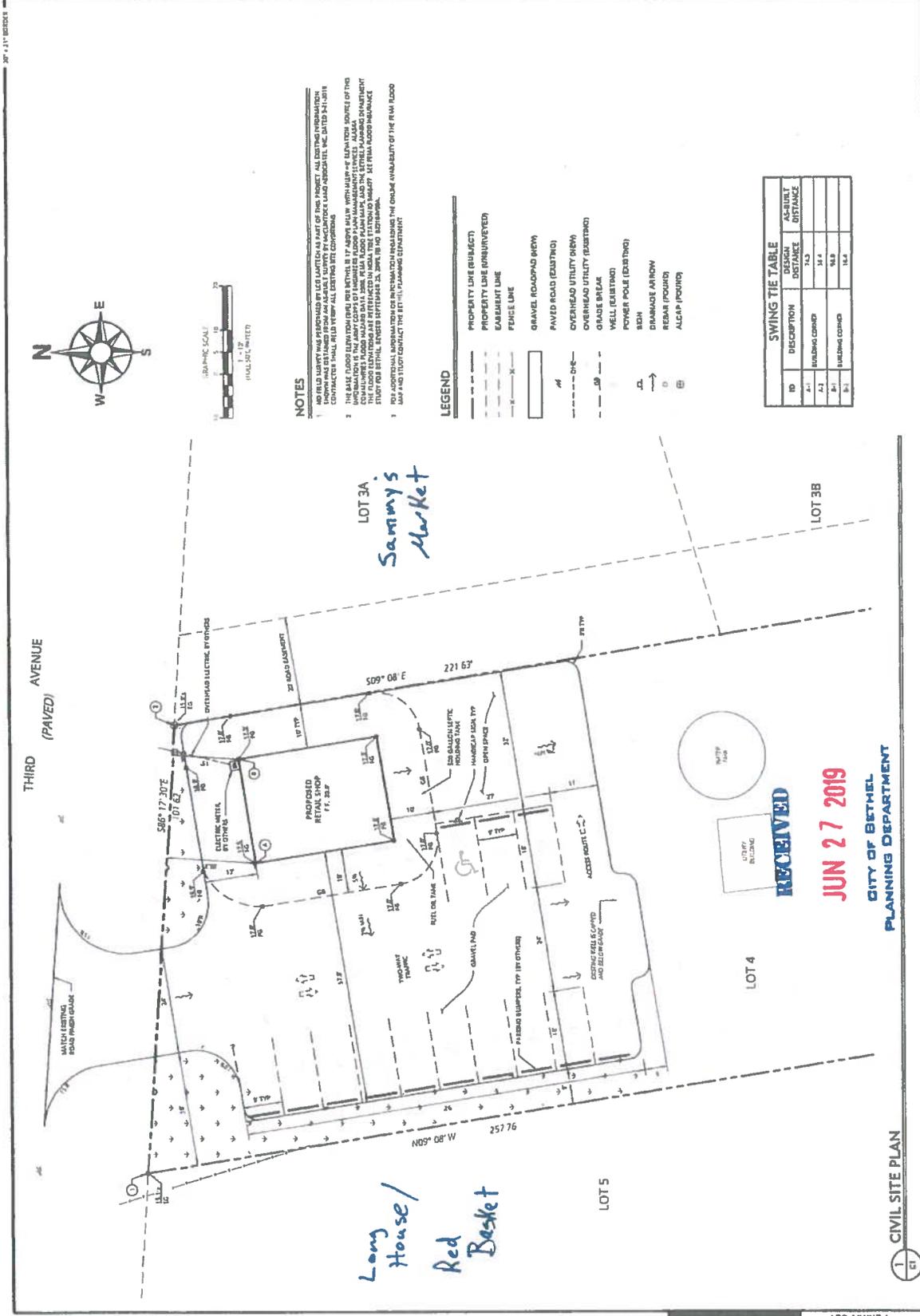
NO.	DATE	BY	REVISIONS

BETHEL, ALASKA
KUSKO KUSH RETAIL SHOP

SITE PLAN

PROJECT NO.: 24232
DESIGNED BY: CS
DRAWN BY: CS
CHECKED BY: DC
DATE: 5/24/19
FILE NO.: 1903.01

CI of 2



NOTES

- NO FIELD SURVEY WAS PERFORMED BY ICG LIMITED AS PART OF THIS PROJECT. ALL DIMENSIONS AND LOCATIONS ARE BASED ON THE RECORD PLANS AND THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES.
- THE BASE FLOOR ELEVATION FOR THIS PROJECT IS 17' ABOVE MLLW WITH MLLW BEING THE NEAREST SOURCE OF THE ELEVATION DATA. THE CONTRACTOR SHALL VERIFY THE MLLW DATA AND PROVIDE A CORRECTION TO THE CONTRACTOR'S RECORD PLANS IF NECESSARY. THE FLOOR ELEVATIONS ARE AFFECTED IN SMALL TYPICAL SITUATIONS AND THE CONTRACTOR SHALL VERIFY THE FLOOR ELEVATIONS ARE AFFECTED IN SMALL TYPICAL SITUATIONS. SEE PERMITS FOR MORE INFORMATION.
- SEE PERMITS FOR MORE INFORMATION.
- SEE PERMITS FOR MORE INFORMATION.

LEGEND

---	PROPERTY LINE (SUBJECT)
---	PROPERTY LINE (UNREVIEWED)
---	EMBANKMENT LINE
---	FENCE LINE
---	GRAVEL ROAD/ROAD BROW
---	PAVED ROAD (EXISTING)
---	OVERHEAD UTILITY (EXISTING)
---	OVERHEAD UTILITY (EXISTING)
---	GRADE BREAK
---	WELL (EXISTING)
---	POWER POLE (EXISTING)
---	SEW
---	DRAINAGE ANCHOR
---	REBAR (POUND)
---	ALGAP (POUND)

SWING TIE TABLE

ID	DESCRIPTION	SWING TIE DISTANCE	PROPERTY DISTANCE
A-1	BUILDING CORNER	14.2	
A-2	BUILDING CORNER	14.4	
A-3	BUILDING CORNER	14.9	
A-4	BUILDING CORNER	14.4	

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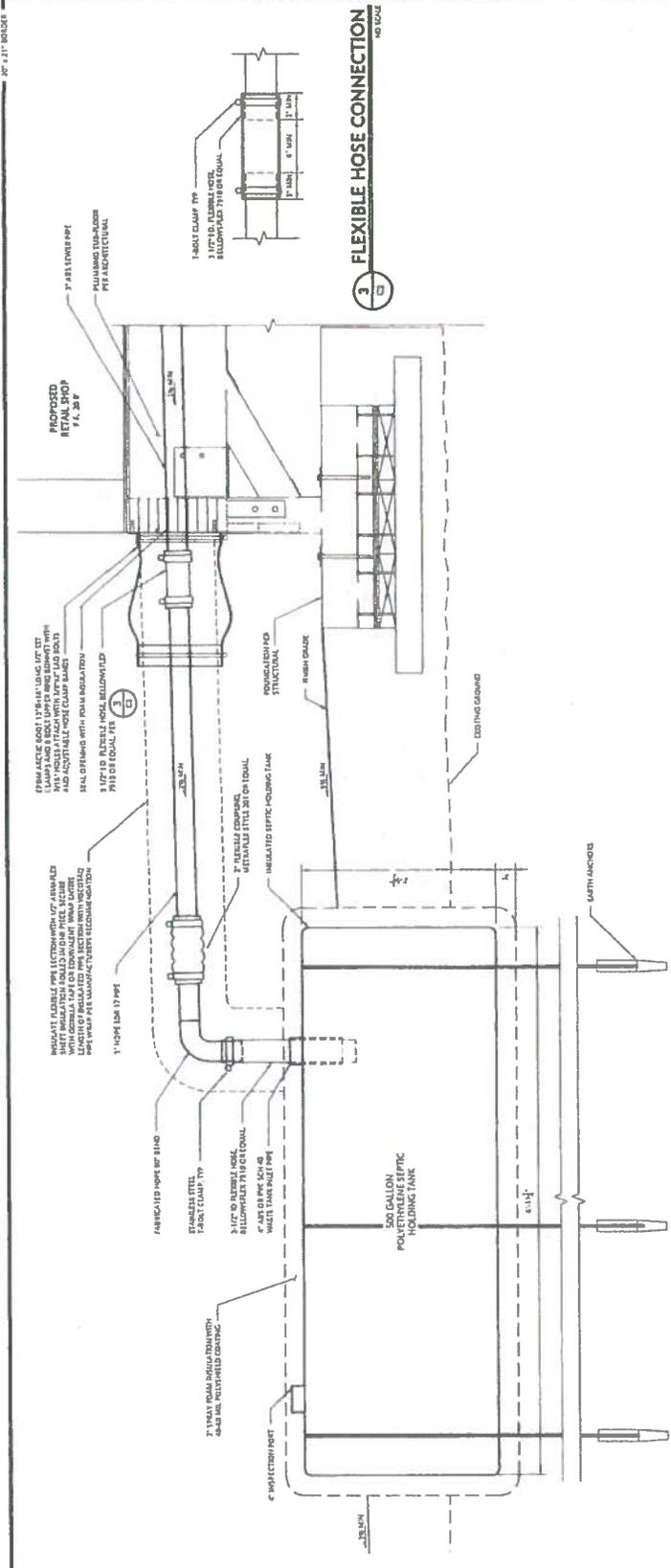


KUSKO KUSH RETAIL SHOP
 250 H Street
 Anchorage, AK 99501
 P 907-563-0000
 F 907-563-0000
 M 907-563-0000

ICG
 Inc
 4140 Spenner Highway
 Anchorage, AK 99508
 P 907-563-0000
 F 907-563-0000
 M 907-563-0000

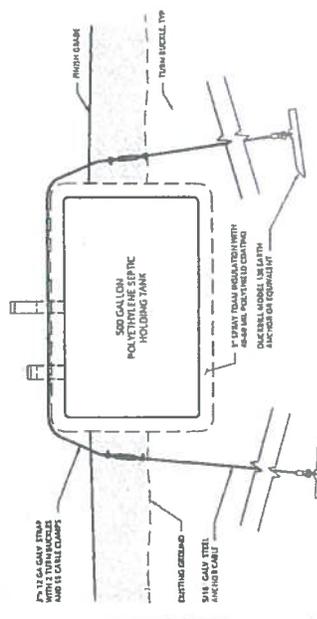
KUSKO KUSH RETAIL SHOP
 250 H Street
 Anchorage, AK 99501
 P 907-563-0000
 F 907-563-0000
 M 907-563-0000

DATE	3/28/19
DESIGNED BY	CS
DRAWN BY	CS
CHECKED BY	DC
DATE	5/24/19
FILE NO.	1907.01
SHEET NUMBER	C2
TOTAL SHEETS	2



1 SEWAGE HOLDING TANK - SIDE ELEVATION

- NOTES**
1. ALL SHALL BE COVERED AND PROTECTED FROM WATER DAMAGE. HOLDING TANK WITH 3" INSULATION AND 6-8" POLYURETHANE CLADDING BY EQUAL.
 2. TANK AND INSULATION SHALL BE COVERED WITH 1/2" GABLET WITH 3" INSULATION. INSULATION SHALL BE COVERED WITH 1/2" GABLET WITH 3" INSULATION. INSULATION SHALL BE COVERED WITH 1/2" GABLET WITH 3" INSULATION.
 3. TANK AND INSULATION SHALL BE COVERED WITH 1/2" GABLET WITH 3" INSULATION. INSULATION SHALL BE COVERED WITH 1/2" GABLET WITH 3" INSULATION.
 4. RETAIL TANK AND LIQUID LEVEL ALARM SYSTEM IN ACCORDANCE WITH LOCAL CODES.



2 SEWAGE HOLDING TANK - FRONT ELEVATION

PERMIT SET

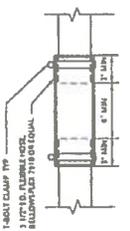
RECEIVED

JUN 27 2019

**CITY OF BETHEL
 PLANNING DEPARTMENT**

DATE: 5/24/19

3 FLEXIBLE HOSE CONNECTION

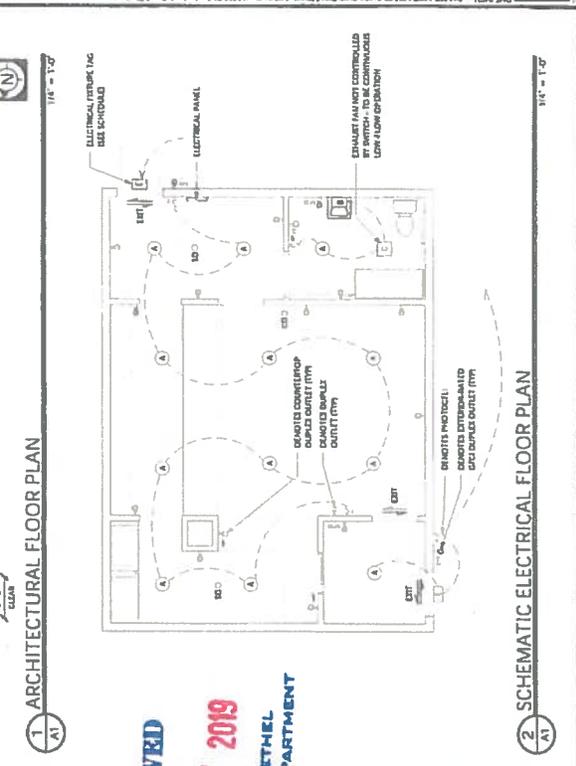
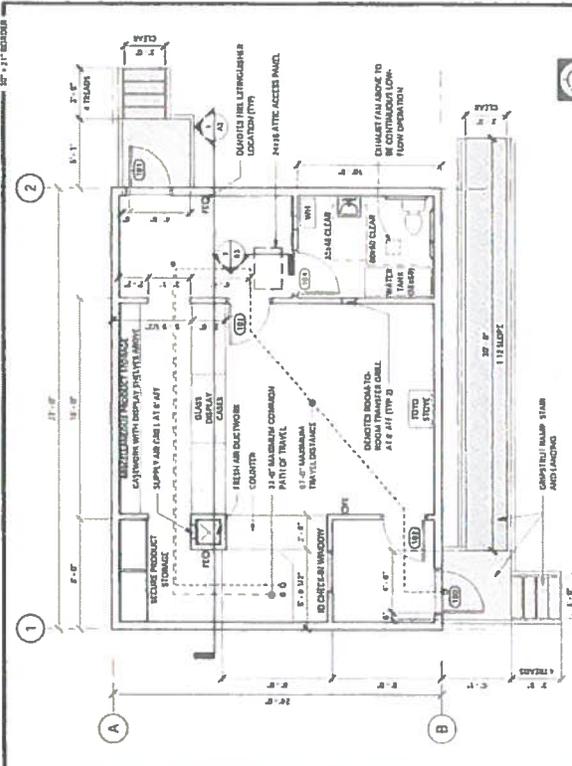


DATE: 5/24/19



ICG
 Architecture • Engineering • Surveying
 250 H Street
 Anchorage, AK 99501
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 F 907.563.8828
 E info@icg.com
 www.icg.com

KUSKO KUSH RETAIL
 FLOOR PLANS, CODE SUMMARY, SCHEDULES & BUILDING ASSEMBLIES
 SHEET NO. **A1** of **4**
 SHEET NUMBER
 DATE: 06/20/2019
 PROJECT: 19030301
 DRAWN BY: JWP
 CHECKED BY: JWP
 DESIGNED BY: JWP
 SCALE: 1/8" = 1'-0"



CODE SUMMARY

APPLICABLE CODES

- ALASKA STATE BUILDING CODE (13 AAC 60A-60A)
- 2012 INTERNATIONAL EXISTING BUILDING CODE (IEBC)
- 2012 INTERNATIONAL FIRE CODE (IFC)
- 2012 INTERNATIONAL MECHANICAL CODE (IMC)
- 2012 INTERNATIONAL PLUMBING CODE (IPC)
- 2014 NFPA 70 NATIONAL ELECTRICAL CODE (NEC)
- ADA ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES (ADAG)

BUILDING AREA MODIFICATIONS

FRONTAGE INCREASE: (100' / 117' - 0.75) * (1000) = 0.844 (05.7M)

ALLOWABLE AREA OR FRONTAGE: 8020 SF

TOTAL ALLOWABLE OF AREA: 13,288 SF

ACTUAL AREA: 784 SF (01)

ALLOWABLE HEIGHT: 1 STORY (01)

ACTUAL HEIGHT: 1 STORY (01)

OCCUPANCY COUNT: 540 / 30 - 18.0 (18) (GRADE FLOOR AREA) / 327,300 - 0.58 (1) STORAGE-STOCK

ALLOWABLE COMMON PATH OF TRAVEL: 15'-0"

ALLOWABLE TRAVEL DISTANCE: 200'-0"

EXITS REQUIRED: 1

BUILDING ASSEMBLIES

EXTERIOR WALL

- EXTERIOR TO INTERIOR
- EXTENSION JOINT
- AS IMPROVED EXTENDER
- 3/4" WOOD STUDS @ 16" O.C.
- 1" WOOD FLOOR @ 16" O.C. WITH
- 1" FIBERGLASS BLANKET INSULATION (R=10)
- 1" GYP/WALL BOARD
- NOTE: ARCHITECTURE RESISTANT ON 9' ALL RESTROOM WALLS

INTERIOR WALL

- 1/2" WOOD STUDS @ 16" O.C.
- 1" WOOD FLOOR @ 16" O.C.
- NOTE: ARCHITECTURE RESISTANT ON 9' ALL RESTROOM WALLS

ROOF ASSEMBLY

- ROOF: EXTERIOR
- 1" SMALL PANELS
- WEATHER-BARRIER
- INSULATION
- PROGRAM ACTUATED TRIBLESS
- UNDER-SLAB CELLULOSE (R=10)
- 1" WOOD FLOOR
- 1" WOOD STUDS

SCHEDULES

DOOR SCHEDULE

DOOR #	WIDTH	HEIGHT	TYPE	MATERIAL	FRAME	HARDWARE
100	3'-0"	7'-0"	FLASH	INSULATED GLASS UNIT	INSULATED FRAME	EXTERIOR LIFT
101	3'-0"	7'-0"	FLASH	INSULATED GLASS UNIT	INSULATED FRAME	EXTERIOR LIFT
102	3'-0"	7'-0"	FLASH	WOOD	WOOD	SECURE
103	3'-0"	7'-0"	FLASH	WOOD	WOOD	SECURE

DOOR HARDWARE GROUPS

GROUP	HINGE	LOCKSET	BOLT	CLOSER	DOOR STOP	JAMB SEAL	HEAD SEAL	DOOR BOTTOM	THRESHOLD	EXCPLATES	FINISH
EXTERIOR EXIT	HEAVY WEIGHT	EXIT HARDWARE	YES	NO	NO	NO	NO	PERIMETER GASKET	PERIMETER GASKET	PERIMETER GASKET	1
INTERIOR EXIT	HEAVY WEIGHT	EXIT HARDWARE	YES	NO	NO	NO	NO	PERIMETER GASKET	PERIMETER GASKET	PERIMETER GASKET	2
PRIVATE	STANDARD WEIGHT	PRIVATE	NO	NO	NO	NO	NO	NO	NO	NO	0
SECURE	STANDARD WEIGHT	OFFICE	NO	NO	NO	NO	NO	NO	NO	NO	0

FLOOR ASSEMBLY

- FLOOR: EXTERIOR
- 1" WOOD FLOOR @ 16" O.C.
- 1" WOOD STUDS @ 16" O.C.
- 1" WOOD FLOOR @ 16" O.C.
- 1" WOOD STUDS @ 16" O.C.
- 1" WOOD FLOOR @ 16" O.C.
- 1" WOOD STUDS @ 16" O.C.

ROOF ASSEMBLY

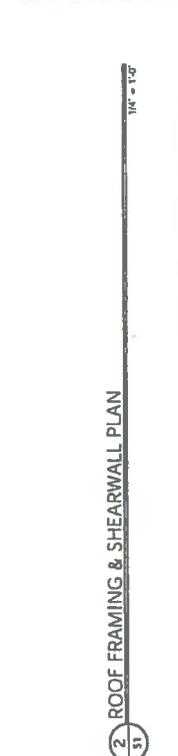
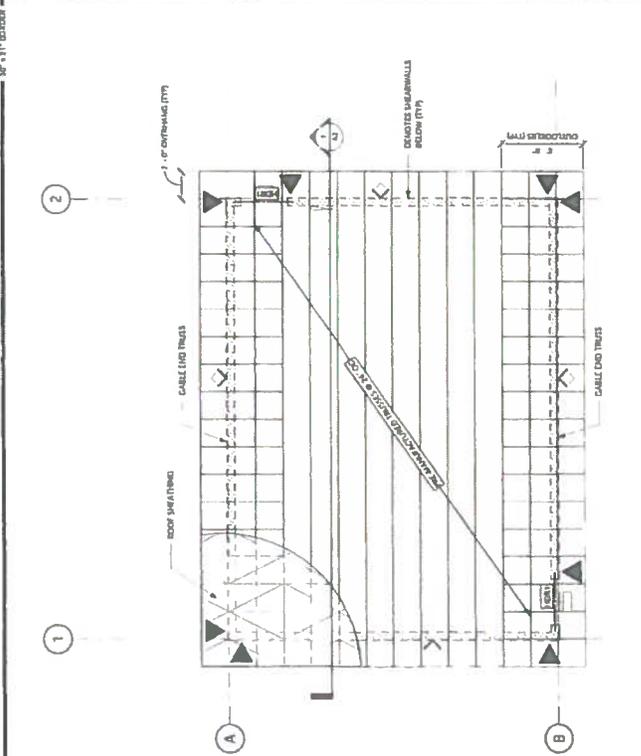
- ROOF: EXTERIOR
- 1" SMALL PANELS
- WEATHER-BARRIER
- INSULATION
- PROGRAM ACTUATED TRIBLESS
- UNDER-SLAB CELLULOSE (R=10)
- 1" WOOD FLOOR
- 1" WOOD STUDS

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 250 H Street
 Anchorage, AK 99501
 P 907.563.8888
 F 907.563.8888
 www.icginc.com

STRUCTURAL FRAMING PLANS & SCHEDULES
 KUSKO KUSH RETAIL



SIMPSON CONNECTOR SCHEDULE		NOTES	
TYPE	MODEL	1	STRAP E30 1/2"
2	STRAP E30 1/2"	3	STRAP E43 1/2"
4	STRAP E43 1/2"	5	STRAP E43 1/2"
6	HWC210	7	HWC210
8	CCM		

FLOOR FRAMING SCHEDULE		NOTES	
TYPE	SPECIFICATION	SPACING	MANAGER
1	18" OC	18" OC	18" OC
2	18" OC	18" OC	18" OC
3	24" x 12"	24" x 12"	24" x 12"
4	24" x 12"	24" x 12"	24" x 12"
5	18" OC	18" OC	18" OC
6	18" OC	18" OC	18" OC
7	18" OC	18" OC	18" OC
8	18" OC	18" OC	18" OC

COLUMN SCHEDULE		NOTES	
MARK	TYPE & SIZE	COLUMN BASE	
C1	18" x 18"	SEE DETAIL 102	

DIAPHRAGM SCHEDULE		NOTES	
TYPE	FASTENERS	FIELD	COMMENTS
1	3" x 6" @ 12"	12"	18" x 18" @ 12"
2	3" x 6" @ 12"	12"	18" x 18" @ 12"
3	3" x 6" @ 12"	12"	18" x 18" @ 12"

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100% PERMIT SET

1 FLOOR FRAMING & FOUNDATION PLAN
 2 ROOF FRAMING & SHEARWALL PLAN

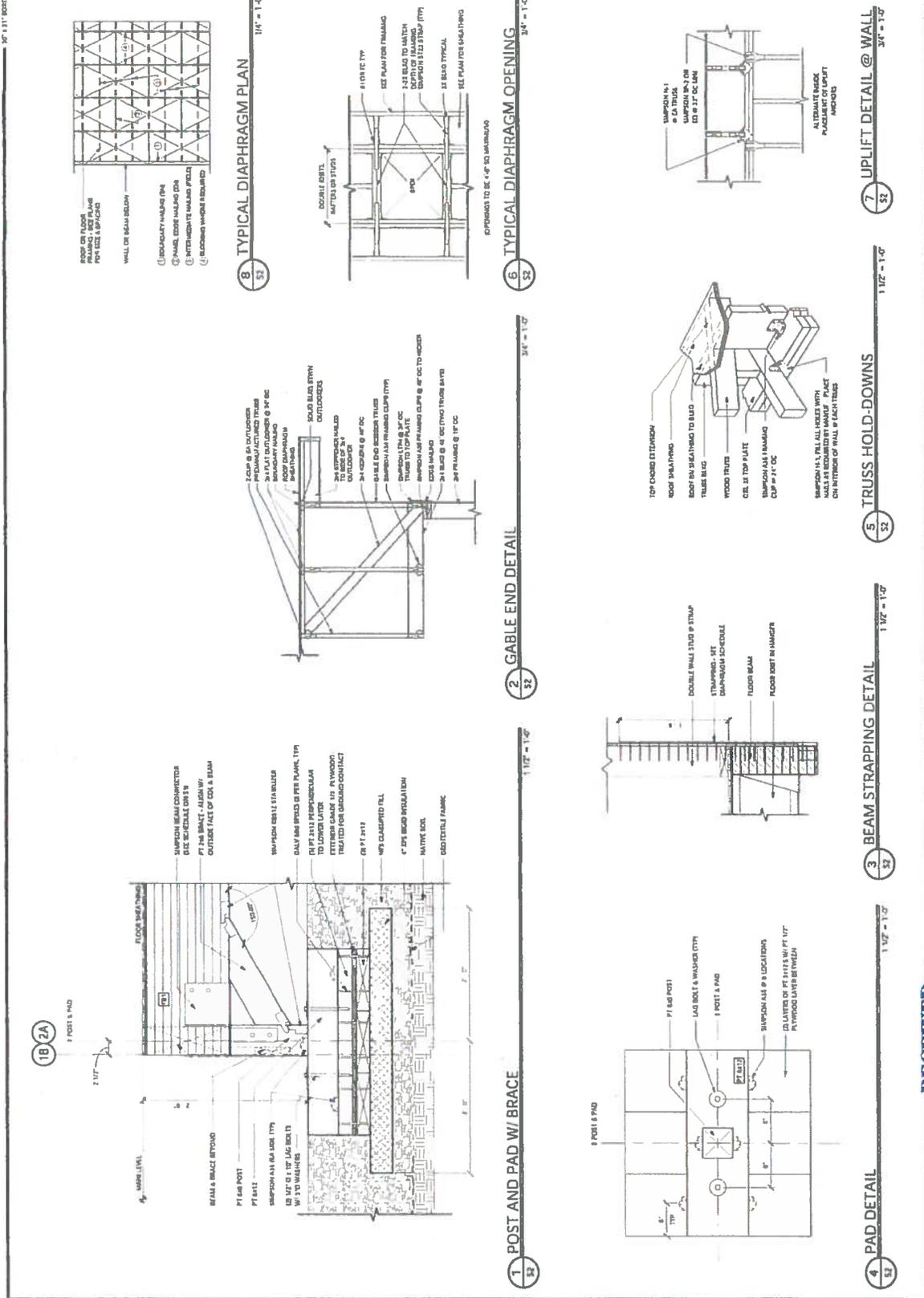
100% PERMIT SET



DATE: 06/23/19	SCALE: 1/2" = 1'-0"
PROJECT: 24122	DATE: 06/23/19
DESIGNED BY: CMA	DATE: 06/23/19
CHECKED BY: CMA	DATE: 06/23/19
DATE: 06/23/19	SCALE: 1/2" = 1'-0"
PROJECT: 24122	SCALE: 1/2" = 1'-0"

DATE: 06/23/19	SCALE: 1/2" = 1'-0"
PROJECT: 24122	SCALE: 1/2" = 1'-0"
DESIGNED BY: CMA	DATE: 06/23/19
CHECKED BY: CMA	DATE: 06/23/19
DATE: 06/23/19	SCALE: 1/2" = 1'-0"
PROJECT: 24122	SCALE: 1/2" = 1'-0"

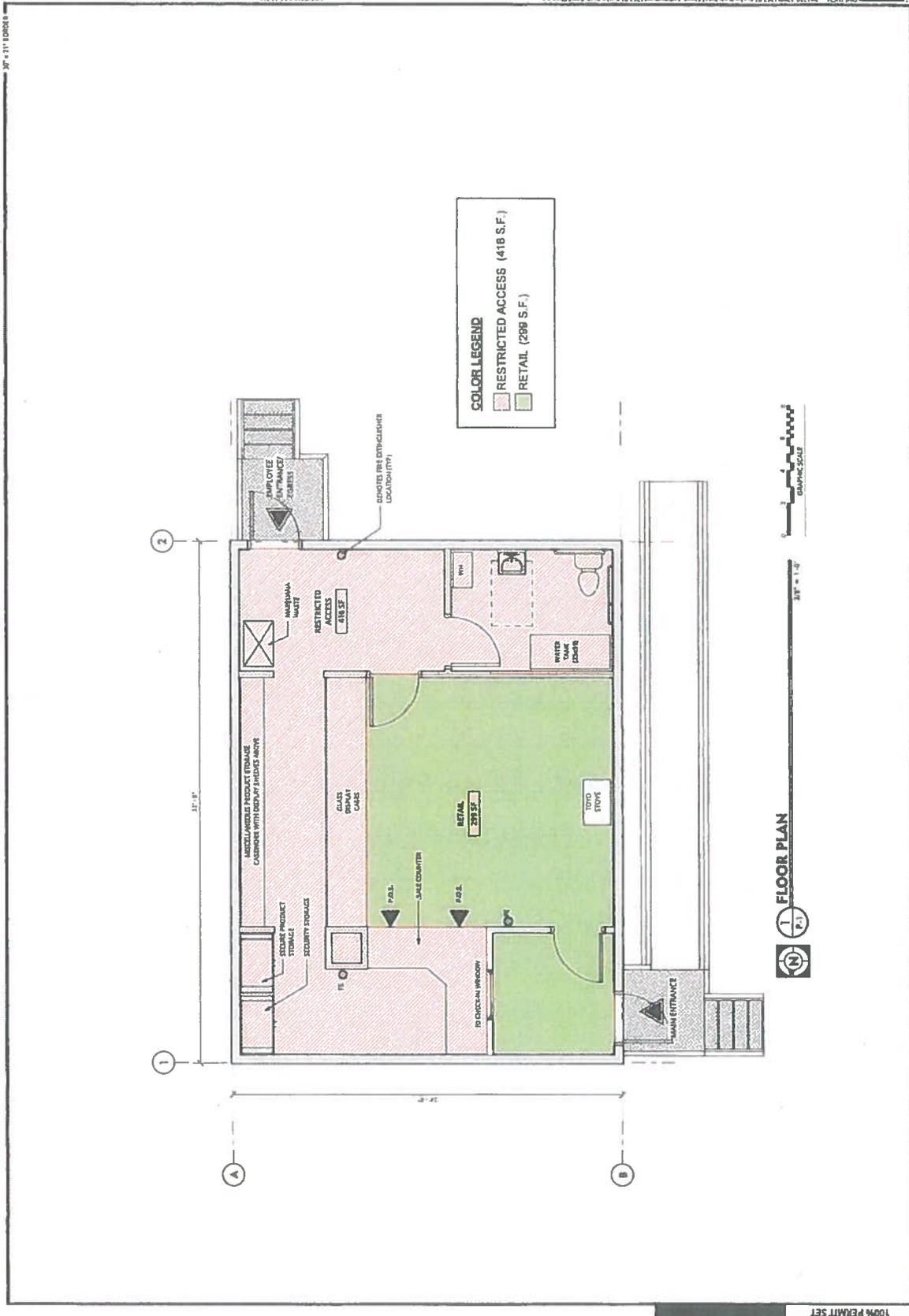
100% PERMIT SET



RECORVED

JUN 27 2019

KUSKO KUSH RETAIL		PREMISES DIAGRAM	
			
220 N. STATE ANCHORAGE, AK 99501 P: 907.261.2429 F: 907.261.2439 W: ICG.COM		SHEET NO.: 24822 DESIGNED BY: VWS DRAWN BY: UMAD CHECKED BY: VWS DATE: 06/01/2019 FILE NO.: 190001 SHEET NUMBER: P-1 OF	
NO.	DATE	BY	REVISION



FLOOR PLAN
 1/21
 3/8" = 1'-0"

RECEIVED
JUN 27 2019



City of Bethel

Planning Department
P.O. Box 1388
Bethel, Alaska 99559
(907) 543-5306

Memo

TO: City of Bethel Planning Commission

FROM: Ted Meyer, Planner

SUBJECT: January 9, 2020 Planning Commission Hearing - Findings and Recommendation for a Conditional Use Permit Application for a Marijuana Retail Store, Submitted by Naim Shabani and Jared Karr.

DATE: January 3, 2020

BACKGROUND

Naim Shabani and Jared Karr of Essenkay LLC, dba Kusko Kush, seek a Conditional Use Permit to open a retail marijuana store to be located in the General Use Zoning District at 781 Third Avenue in Bethel, Alaska. Per *Bethel Municipal Code 18.36.030(H)*, a Conditional Use Permit is required to open a marijuana retail store in the General Use District.

The Conditional Use Permit provides additional review of land uses which are generally considered appropriate in certain zoning districts provided that appropriate safeguards are considered to ensure their compatibility with permitted principal uses. The conditional use permit procedure is intended to allow more scrutiny on the impact of the proposed conditional use on surrounding property, and the application of controls and safeguards to assure that the conditional use will be compatible with the surrounding area.

BMC 18.60.040 Staff review.

A. The land use administrator shall review the conditional use permit application and the accompanying site plan permit application for completeness and request any additional material required. Upon determining that the application is complete, the land use administrator shall prepare a staff report with analysis and recommendations. The report shall specifically address drainage on the parcel. The land use administrator may recommend any conditions reasonably necessary for the proposed use to permit the conclusions required under subsection **B** of this

section. The written staff report containing the analysis, proposed conditions and conclusions shall be provided to the planning commission with their meeting materials one (1) week prior to the public hearing.

B. The land use administrator may make a recommendation for approval only when the proposed use and conditions clearly support the following conclusions:

1. The proposed conditional use will not be detrimental to the general public health, safety or welfare or to the environment.

The division of a municipality into zoning districts for particular uses are designed to serve the general welfare of the community. Zoning ordinances divide a city into separate residential, commercial (General Use), and industrial districts, thereby preserving the desirable characteristics of each type of setting.

Permitting a commercial business such as a marijuana retail store inside the General Use District surrounded by other commercial uses, including a past permitted Conditional Uses such as a marijuana retail store 260-feet to the west on Third Avenue should not be a detriment to the neighborhood nor to the general welfare of the community.

BMC 5.10.030 (J) Marijuana Regulation (see attached), refers to the proximity of marijuana sales to certain establishments such as a school, licensed day care, and alcohol inpatient or outpatient treatment facility. There is no school, licensed day care, or alcohol treatment facility within 500 feet of the proposed use.

2. The conditional use meets the standards otherwise applicable to a use in the applicable land use district.

The proposed store is located on Third Avenue, near the center of the biggest, built-up General Use District of Bethel (*See attached Zoning Map*). Per *BMC 18.36.010 (see attached)*, the General Use District is intended to allow a mix of compatible residential and commercial uses. Existing commercial businesses on both sides of the street are a type that attract vehicles and customers from all over the city.

3. There are adequate existing or proposed sewage capacity, transportation facilities, parking area, drainage facilities and water supply to serve the proposed conditional use without causing a substantial negative impact on the existing level of services provided by such public facilities.

The proposed store would reside in a 768 square-foot building, permitted and constructed in the summer of 2019. There is no planned expansion of the existing structure; the footprint of the building will remain the same.

The proposed retail store will experience short-term customers and parking times. A 32-foot wide driveway will provide access to and from the property from Third Ave. There is currently

no traffic problem in the immediate vicinity. It is anticipated that there would be an increase in traffic to the vicinity upon operation startup.

Per **BMC 18.48.160 D(12)**, there is a retail sales and services parking requirement of one space per 300 feet of gross floor area. The gross floor area space of the proposed store is 768 square feet. This square footage would require three (3) parking spaces. There is adequate parking space, as the attached site plan drawing shows 10 parking spaces that include spaces #7 to #16. Note: Parking spaces #1 to #6 are currently leased to the Red Basket Restaurant next door on a month to month basis. *See attached Photos.*

The store will have hauled water and sewer with a 500-gallon septic holding tank and a 300-gallon interior water tank. According to the Public Works Department, there are no drainage issues.

4. The conditional use conforms to the intent and purposes of the land use code that are set out in BMC 16.04.010;

The proposed Conditional Use conforms to the intents and purposes of the land use code that are set out in **BMC 16.04.010** (*see code directly below*)

16.04.010 Purposes.

A. In addition to the purposes set out in each title, the purposes of BMC Titles 15, 16, 17, and 18 together are to:

1. Promote a logical growth pattern within the city and the economic extension of public services and facilities;
2. Encourage the most appropriate use of land throughout the city;
3. Reduce congestion in the streets;
4. Enhance safety from fire, flooding and other dangers;
5. Provide adequate light, air and open space;
6. Preserve property values;
7. Prevent the overcrowding of the land;
8. Avoid undue concentration of population;
9. Facilitate adequate provisions for transportation, water, sewage, drainage, schools, parks and other facilities;
10. Assure that development does not adversely affect either the ability of the city to deliver public services or the safety of property and the health, safety and welfare of persons;
11. Assure that the burdens placed on public facilities by development are borne by the development;
12. Promote the public health, safety and welfare.

B. BMC Titles 15, 16, 17 and 18 shall be interpreted and administered to complement each other and so as to implement the purposes set out in subsection A of this section. [Ord. 10-15 § 4.]

5. The use and structures proposed are of an appropriate character and scale for the neighborhood in which the project will be located, including parts of the neighborhood that may lie outside the land use district within which the parcel is located.

There are six streets located inside the 600-foot radius of 781 Third Ave (*see attached Land Use Map*). Within the 600 foot radius of the proposed marijuana store, these are the following uses:

1. Third Avenue (South side)

Warehouse	1
Hotels	2
Restaurant	1
Former market & approved Liquor store site	1
Lumber Yard	1
Residences	1

Third Avenue (North side)

Gas station	1
Parking lot	1
Barber shop	1
Dentist office	1
Existing retail marijuana store	1
Trailer park	1
State Trooper housing complex	1 (directly across the street, with a 396-foot distance)
Bus stop	1 (directly across the street)
Warehouse	1
Law office	1
Abandoned houses	4
Retail water distributor	1
Residences	4

Driveway easement accessed by north side of Third Avenue

Residences	4
------------	---

Jacobs Way (accessed by north side of Third Ave)

Residences	13
------------	----

Second Avenue

Book Store	1
Catholic Church	1
Residences	5

Main Street (east side)

Utilities building	1
Apartment complex	1
Parking lot	1

Residences 4

Main Street (west side)

Moravian Church property 1

Construction office complex 1

AT&T site & buildings 1

Residences 3

TOTALS

Commercial 27

Residential 34

Church 1

The location of the proposed store is on Third Street, one of the major thoroughfares of Bethel. The site is near the center of the General Use District (*see attached Zoning map*). Existing commercial businesses on both sides of the street are a type that attract vehicles and customers from all over the city. The north side of Third Avenue also provides access to the Trooper housing complex (396-feet away) and a bus stop, as well as access to two local streets (Jacob's Way and a driveway easement) that include 17 residences.

6. The conditional use is in accordance with and furthers the goals and policies of the comprehensive plan.

The proposed conditional use is in accordance with the Growth Patterns section and the Land Use Compatibility section of the City of Bethel Comprehensive Plan 2035, adopted in 2011.

Goal 2 under "Growth Patterns" (*see attached page 4-8*) encourages future growth to locate near existing employment centers and public services. The proposed store's location is on one of the main thoroughfares and built-up areas of Bethel.

Goal #3 under "Land Use Compatibility" (*see attached page 4-11*) provides for compatibility among adjoining land uses so that future development maintains or improves the quality of life or land value of surrounding uses". The proposed commercial establishment, to be located inside the General Use District, on a predominant commercial street appears to be compatible with adjoining land uses.

The proposed conditional use is also in accordance with the Comprehensive Plan's *Future Land Use Plan Map 4.4* (*see attached*). The map shows the property's location in the Mixed Use Commercial Zone (mix of commercial and residential, fewer constraints on size and character of commercial). Action 1B of *attached page 4-11* states these generalized future land use map designations should be used as starting points for revising the City's zoning codes (if current growth trends support revision). For permitting in the present, the planning department uses the current City of Bethel official land use zoning map.

7. The proposed use will not subject surrounding properties nor vehicles and pedestrians using nearby streets and ways to hazardous or substantially increased traffic conditions.

The proposed retail store is located on one of the bigger thoroughfares of Bethel. Existing commercial businesses on both sides of the street are a type that attract vehicles and customers from all over the city

8. There is a demonstrated need for the conditional use limited primarily to the area proposed, or, if the use will generally serve a larger area, then a demonstration that the use is essential to the city generally, and because of a feature of the property, the general need can be met by the property, but cannot be met as a principal permitted use on other property in the city.

It is anticipated that customers to the Kusko Kush retail marijuana store would come from all over the city. This is currently the same for other businesses in the immediate area that include a gas station, barber shop, dentist office, another retail marijuana store, law office, retail water distributor, restaurant, and lumber yard.

9. The use, under the conditions proposed, will be compatible with existing and principal uses authorized and will not cause negative impacts on nearby property, including impacts from drainage, that exceed the impacts that would ordinarily be expected from principal permitted uses of the property that is the subject of the application.

The proposed location of the marijuana retail store is in a predominant commercial goods and service area. From front door to front door, the distance to the closest residence (on the north side of Third Ave) is approximately 150-feet. There are no drainage problems on the property.

10. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the conditions proposed adequately address the relevant matters and standards covered by BMC 15.08.160 through 15.08.180. [Ord. 01-05 § 8.]

The proposed site of the Kusko Kush Retail Store at 781 Third Avenue is in the floodplain. However, a Floodplain Site Plan Development permit for the building site was approved and issued by the City of Bethel Planning Department on May 10, 2019.

SUMMARY OF FINDINGS

1. Pursuant to Title 18 of the Bethel Municipal Code, a marijuana retail store is permitted only in the General Use Zoning District by Conditional Use Permit.

2. Permitting a commercial business such as a marijuana retail store inside the General Use District surrounded predominantly by other commercial uses, including past permitted Conditional Uses such as a liquor store next door, and a marijuana retail store 260-feet to the west on Third Avenue should not be a detriment to the neighborhood nor to the general welfare of the community.
3. The proposed store is located on Third Avenue, near the center of the biggest, built-up General Use District of Bethel. Per BMC 18.36.010, the General Use District is intended to allow a mix of compatible residential and commercial uses. Existing commercial businesses on both sides of the street are a type that attract vehicles and customers from all over the city.
4. The proposed retail store will experience short-term customers and parking times. A 32-foot wide driveway will provide access to and from the property from Third Ave. There is adequate parking space (10 parking spaces). There is currently no traffic problem in the immediate vicinity. It is anticipated that there would be an increase in traffic to the vicinity upon operation startup.
5. The location of the planned store promotes a logical growth pattern within the city as it is located on a major thoroughfare with predominate commercial uses. It is anticipated that customers to the Kusko Kush retail marijuana store would come from all over the city. This is currently the same for other businesses in the immediate area that include a gas station, barber shop, dentist office, another retail marijuana store, law office, retail water distributor, restaurant, and lumber yard.

Recommendation

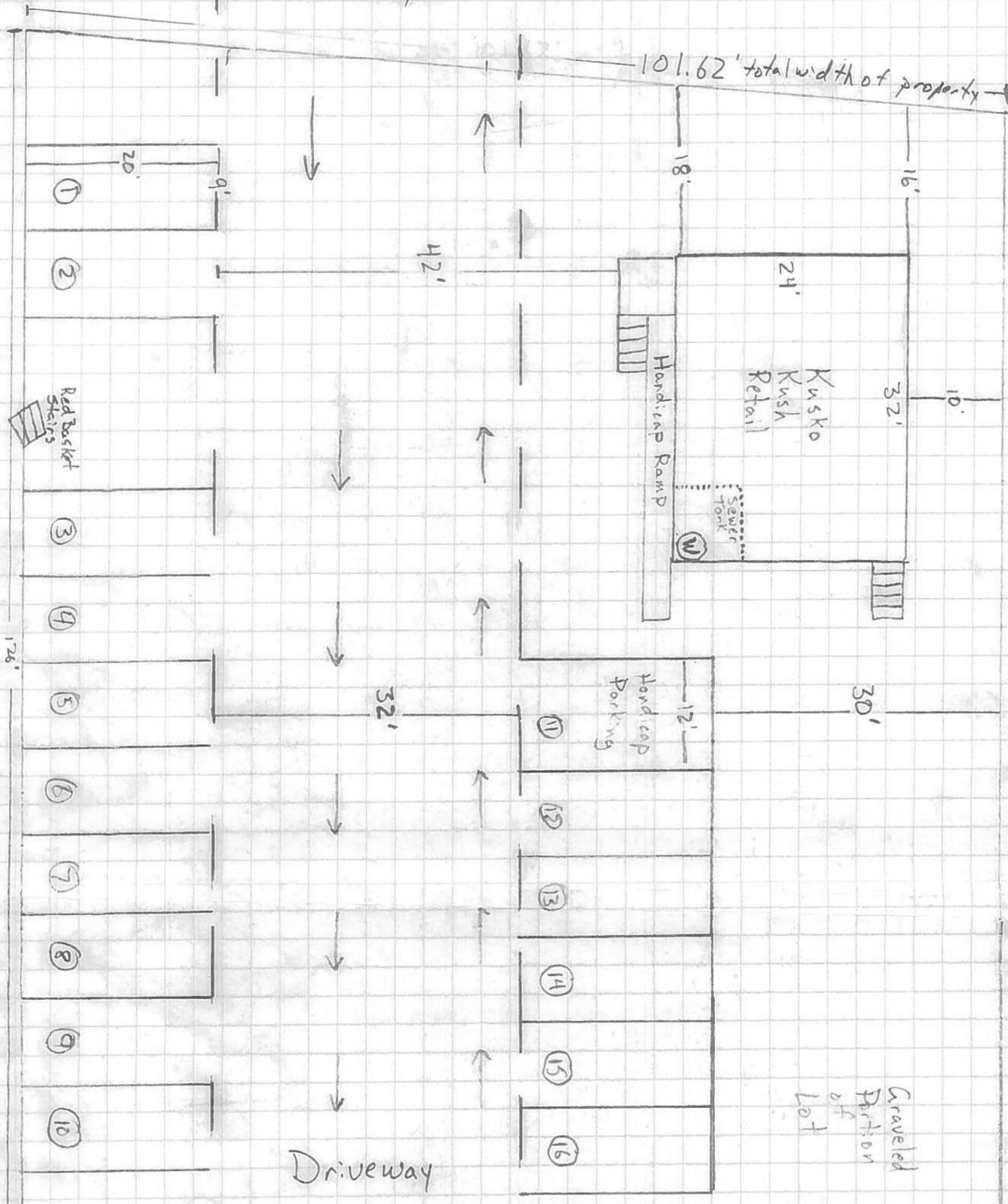
Based on these findings, I recommend the Planning Commission approve the Conditional Use Permit application submitted by Naim Shabani and Jared Karr of Essenkay LLC, dba Kusko Kush to open a retail marijuana store located at 781 Third Avenue in Bethel, Alaska because the proposed use is compatible with surrounding principal uses in the General Use District.

Driveway

101.62' total width of property

Sammy's Market

117'



Red Basket / Longhouse Hotel

Unimproved and unused Area of Lot

1" = 12'
 781 3rd Avenue
 Kusko Kush
 License # 212227
 August 14, 2019

221' = total length of boundary line



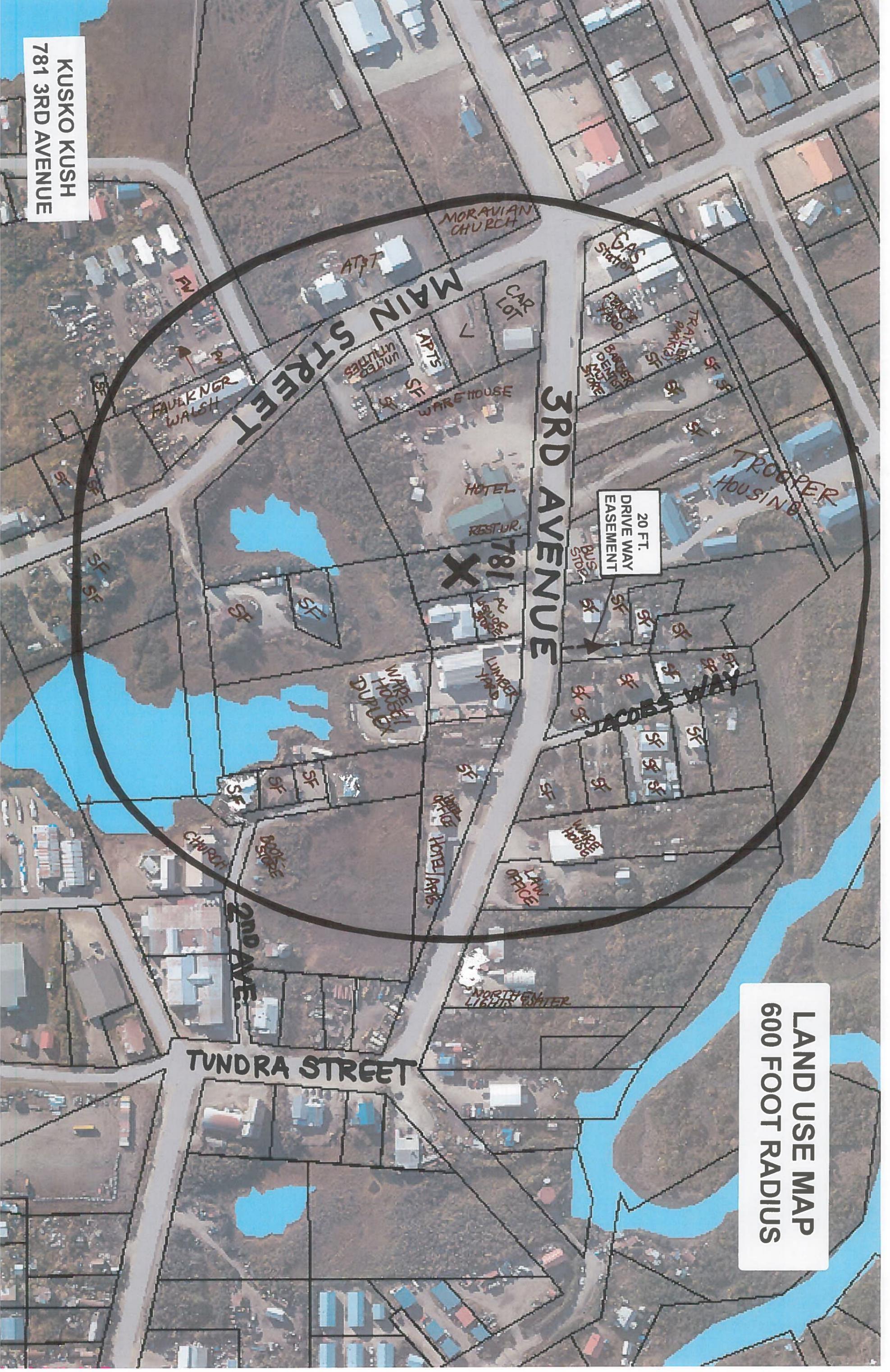
- Parking spaces # 1 - # 6 are on month to month lease to Red Basket rest can become available within 30 day notice.

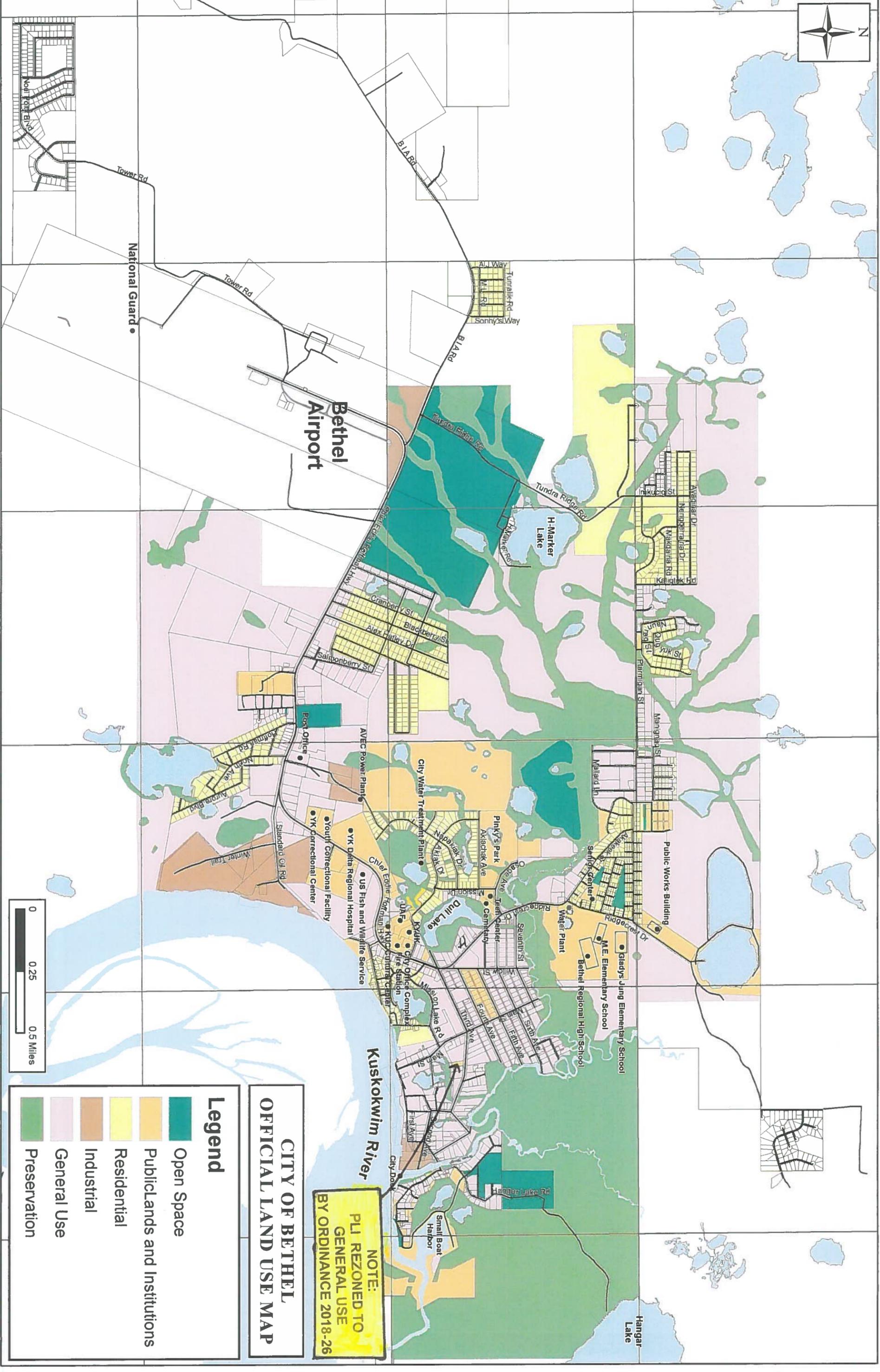
- Parking spaces # 7 - # 16 (Total 10) are reserved for Kusko Kush ONLY. (MS)

236' - total length of boundary

KUSKO KUSH
781 3RD AVENUE

LAND USE MAP
600 FOOT RADIUS





Legend

- Open Space
- Public Lands and Institutions
- Residential
- Industrial
- General Use
- Preservation

**CITY OF BETHEL
OFFICIAL LAND USE MAP**

**NOTE:
PL1 REZONED TO
GENERAL USE
BY ORDINANCE 2018-26**



BETHEL

COMPREHENSIVE PLAN

2035

SEPTEMBER 2011

prepared by AGNEW::BECK Consulting
for the City of Bethel, Alaska



Growth Patterns

GOAL 2: Encourage future growth to locate near existing employment centers and public services. Coordinate plans affecting the location of growth with plans for the location of water, wastewater and roads, as economically feasible.

Strategy 1: Explore policies (including infill and redevelopment) that could be used to encourage development of lands within or adjoining existing developed areas that have the potential to accommodate new growth.

Action 1a: Identify and map areas within or adjoining existing developed areas that have the potential to accommodate new growth; these include vacant or underutilized lands served by roads, with good access to public services and employment.

Candidate areas include:

- *The developed areas of "downtown Bethel."*
- *Undeveloped land immediately adjoining downtown Bethel, for example, the land adjoining the easternmost of the possible "donut hole" road routes – a new north-south road and water/sewer line just west the existing downtown Bethel.*
- *River front land downriver from the existing port, and the vicinity of the East Harbor.*

Action 1b: Review and work to remove barriers that discourage infill and redevelopment (e.g., lack of access to properties, excessive restrictions in the BUC).

Action 1c: Create appropriate incentives for individual landowners to redevelop property and/or carry out infill projects that would otherwise not be feasible.

This might include assisting land owners apply for façade improvement grants, energy-related building upgrades or temporary reductions in taxes (this latter is a strategy that typically applies in communities with property taxes, and may not be possible in Bethel).

Action 1d: Plan for and develop expanded infrastructure, as needed, to support priority uses.

For example, water and sewer lines serving expanded or relocated port facilities.

Policy 1e: Protect the interests of current users as land is redeveloped.

For example, if the City partners with a private developer in redeveloping land currently used for housing, take steps to provide affordable housing available to households currently living on the property.

Strategy 2: Remove regulatory hurdles and/or create incentives for more concentrated development.

Action 2a: Review and revise (as necessary) Bethel's existing parking requirements; where possible, reduce parking requirements and encourage shared parking or access for alternative transportation modes (e.g., pedestrian facilities, public transit).

Public discussion indicated some concern about new retail businesses having adequate off-street parking. BMC Chapter 18.48 Article II. Off-Street Parking and Loading includes parking requirements for all uses. If there is a lack of parking, this code could be revised to require additional spaces. However, if development is concentrated (particularly in central commercial areas) and transportation policies promote alternative modes (e.g., sidewalks for walking or bicycling, legal access for snowmachines), the need for off-street parking can be reduced. Likewise, the need for larger parking areas can be reduced through the use of shared parking arrangements.

Land Use Compatibility

GOAL 3: Provide for compatibility among adjoining land uses, so future development maintains or improves the quality of life or land values of surrounding uses.

Strategy 1: Review and revise Bethel land use regulations.

Action 1a: Examine existing Bethel code and existing land uses; revise and simplify land use designations to better fit the reality of Bethel's mixed use land use patterns.

A first suggestion for these uses includes the following categories:

- *Low density residential areas*
- *Mixed use - residential primary (residential and limited, residential-compatible uses)*
- *Mixed use (mix of commercial & residential, fewer constraints on size and character of commercial).*
- *Industrial/heavy commercial zone,*
- *Public Use*
- *Airport and related uses*

Action 1b: Use the generalized future land use designations in the Land Use Plan Map (Map 4.4), which broadly identifies areas intended for various uses, as the starting point for revising the zoning code in BMC Title 18 (Bethel zoning code).

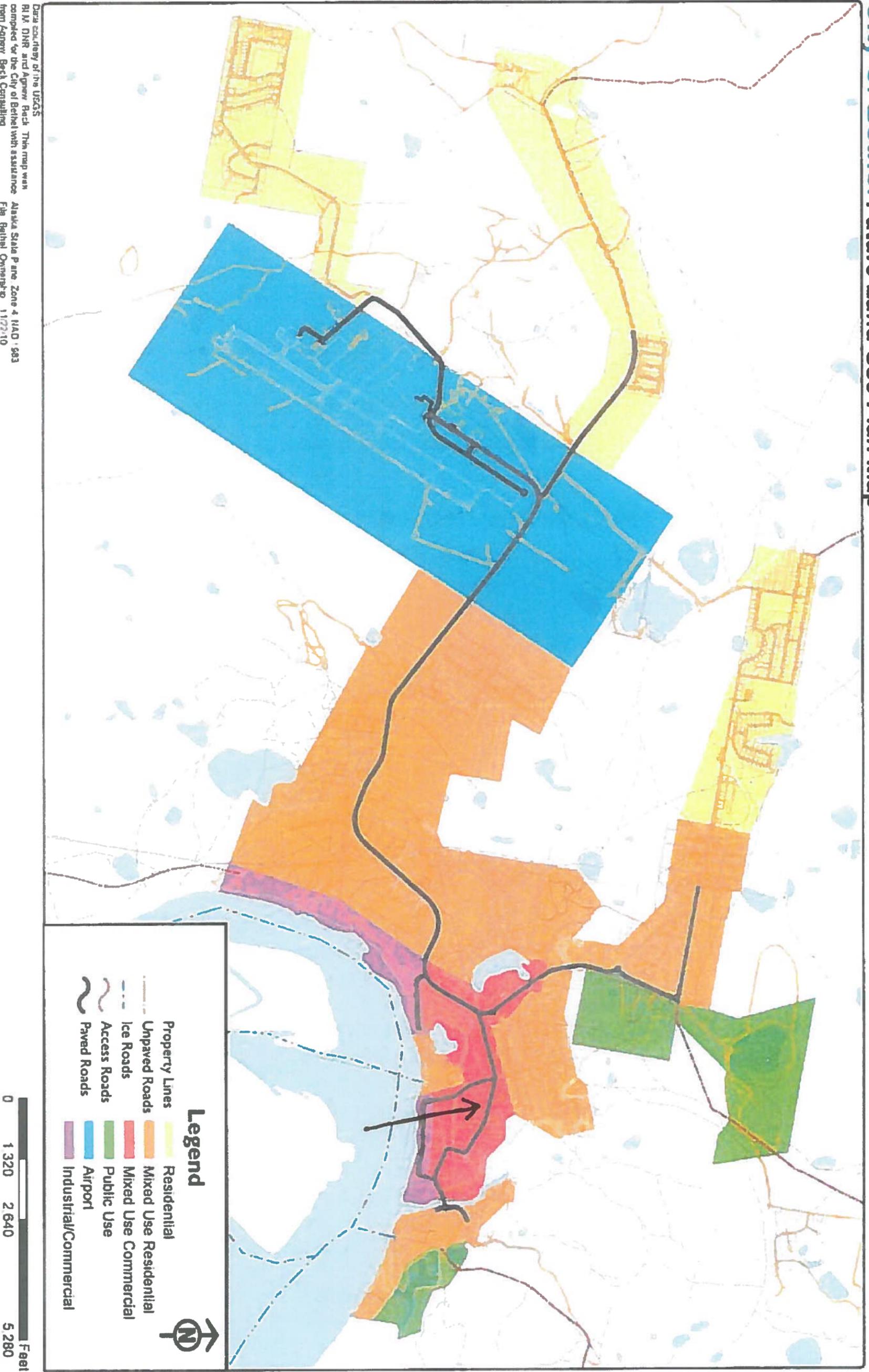
For example,

- *Low density residential areas. This zone takes in several specific subdivisions, e.g., Tundra Ridge, Larson and Blueberry. In these areas uses should be generally limited to residential uses. Exceptions would be for small home-based businesses with minimal off-site impacts, or perhaps neighborhood serving commercial, such as a small grocery store.*
- *Mixed use. This use is intended to be the most common land use zone, made up of residential and residential-compatible uses. Examples of residential compatible uses include schools and other community serving, non-industrial facilities, and churches, office and professional services uses (e.g. health facilities), and neighborhood-serving commercial*
- *Industrial/Heavy Commercial. This zone is intended for uses that are generally incompatible with residential, and consequently need to be located where they do not disrupt adjoining residential or residential-compatible uses. This zone includes such uses as warehousing, storage, construction-related industries, marine and aviation-related industries. Key industrial locations include the tank farm, the port, the airport and portions of the waterfront between Second Avenue and the waterfront and the airport.*

Action 1c: Modify code to require a conditional use review process for large- scale uses or any other use likely to have significant off-site impacts.

Examples of such projects include a large scale public building, or a private use such as car repair.

City of Bethel Future Land Use Plan Map



Data courtesy of the USGS
 RIM DNR and Agency Back. This map was
 compiled for the City of Bethel with assistance
 from Agency Back Consulting. Alaska State Plane Zone 4 NAD 83
 File Bethel_Ownership 11/22/10

PHOTO #1
- PROPOSED STORE
ON THIRD AVE.

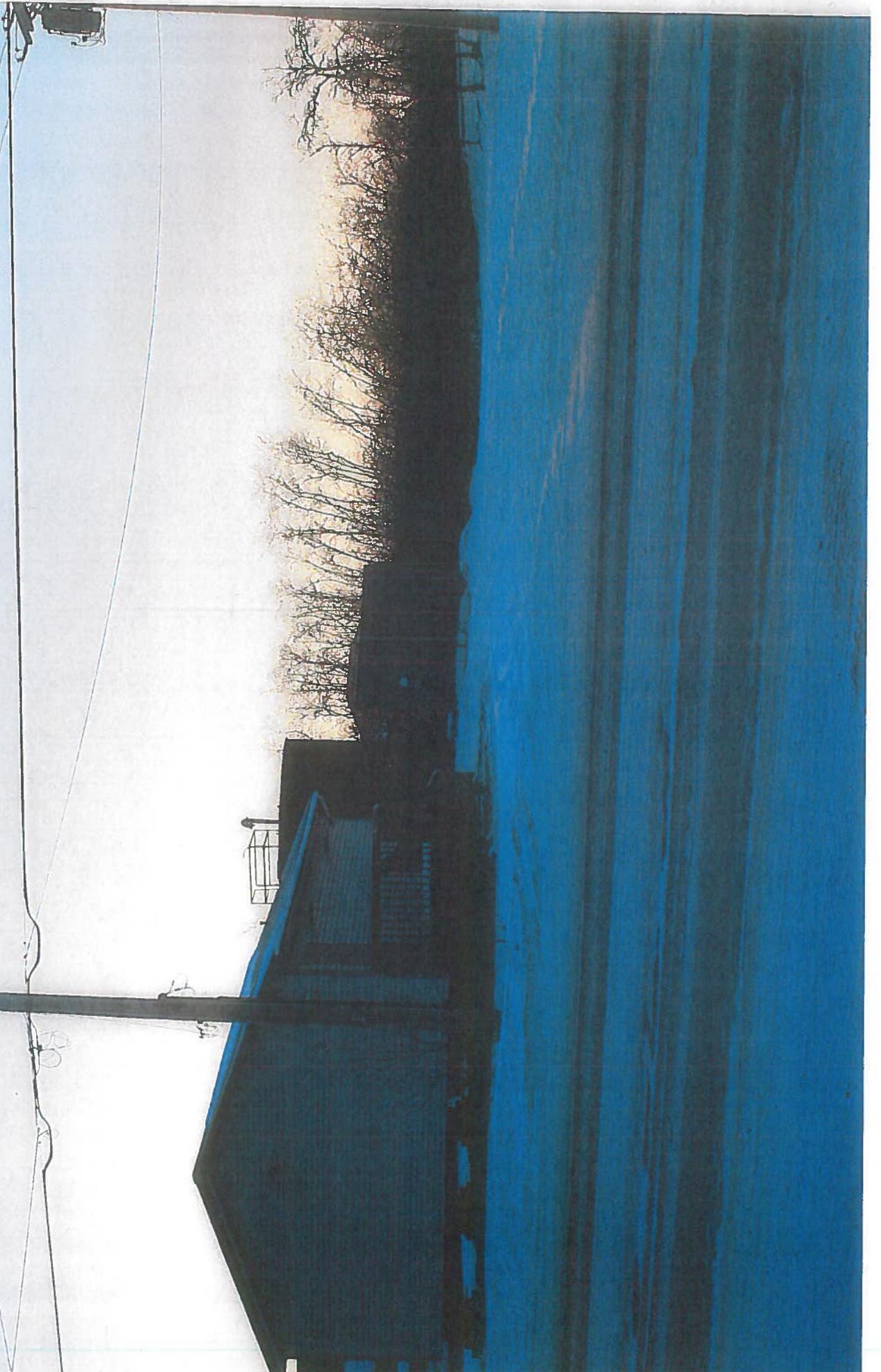


PHOTO #2

- ACROSS STREET FROM SITE
LOOKING EAST ON 3RD AVE.



PHOTO # 3
ACROSS STREET FROM SITE
LOOKING WEST ON 3RD AVE.



PARKING LOT

- 10 PARKING SPACES FOR KUSKO KUSH, (LEASED)
- 6 PARKING SPACES FOR RED BASKET

PHOTO #4

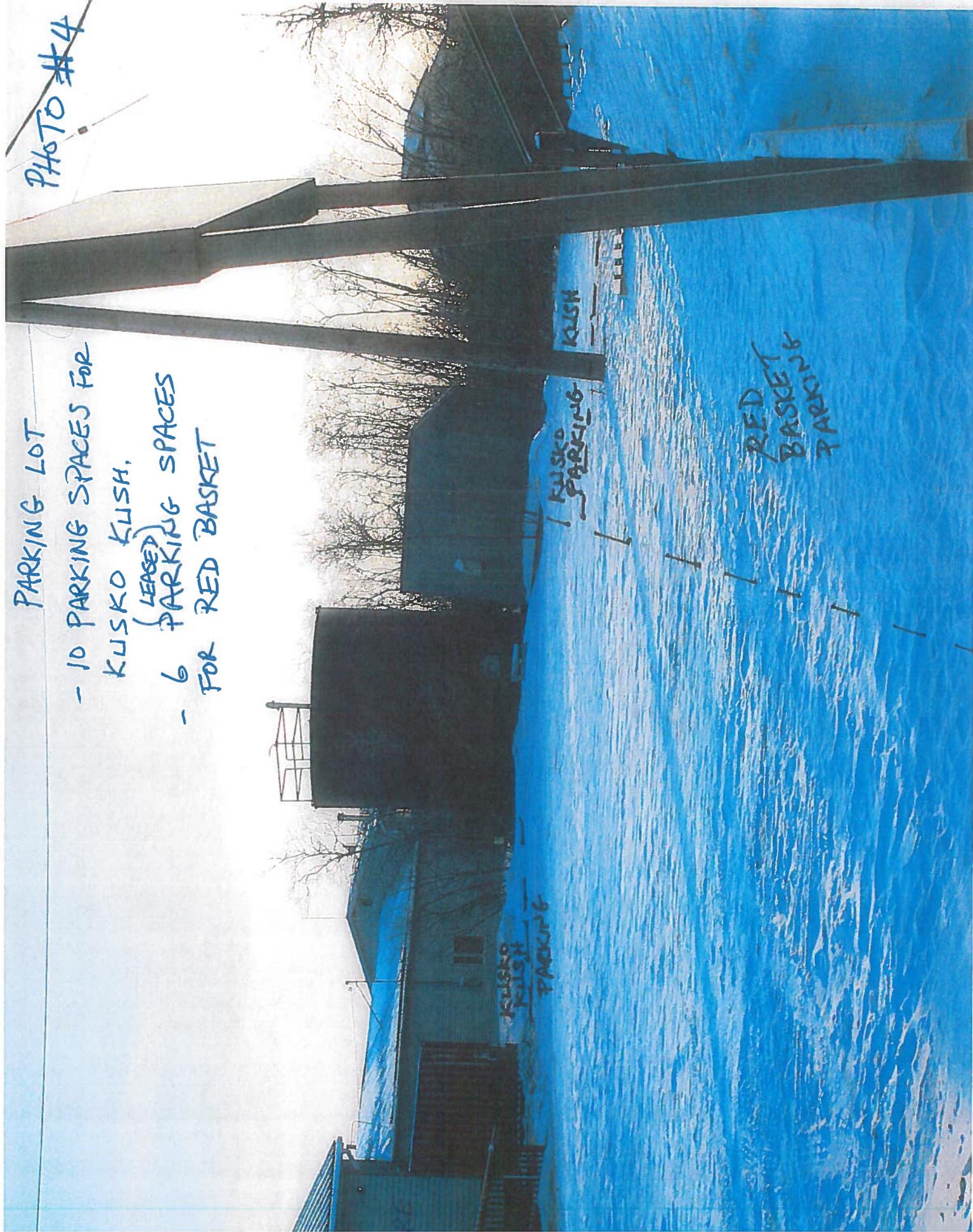


PHOTO # 5
- 6 PARKING SPACES
BEHIND STORE



PHOTO #6
(ACROSS STREET)
- TROOPER HOUSING (396' DISTANCE)
- BUS STOP

TROOPER HOUSING

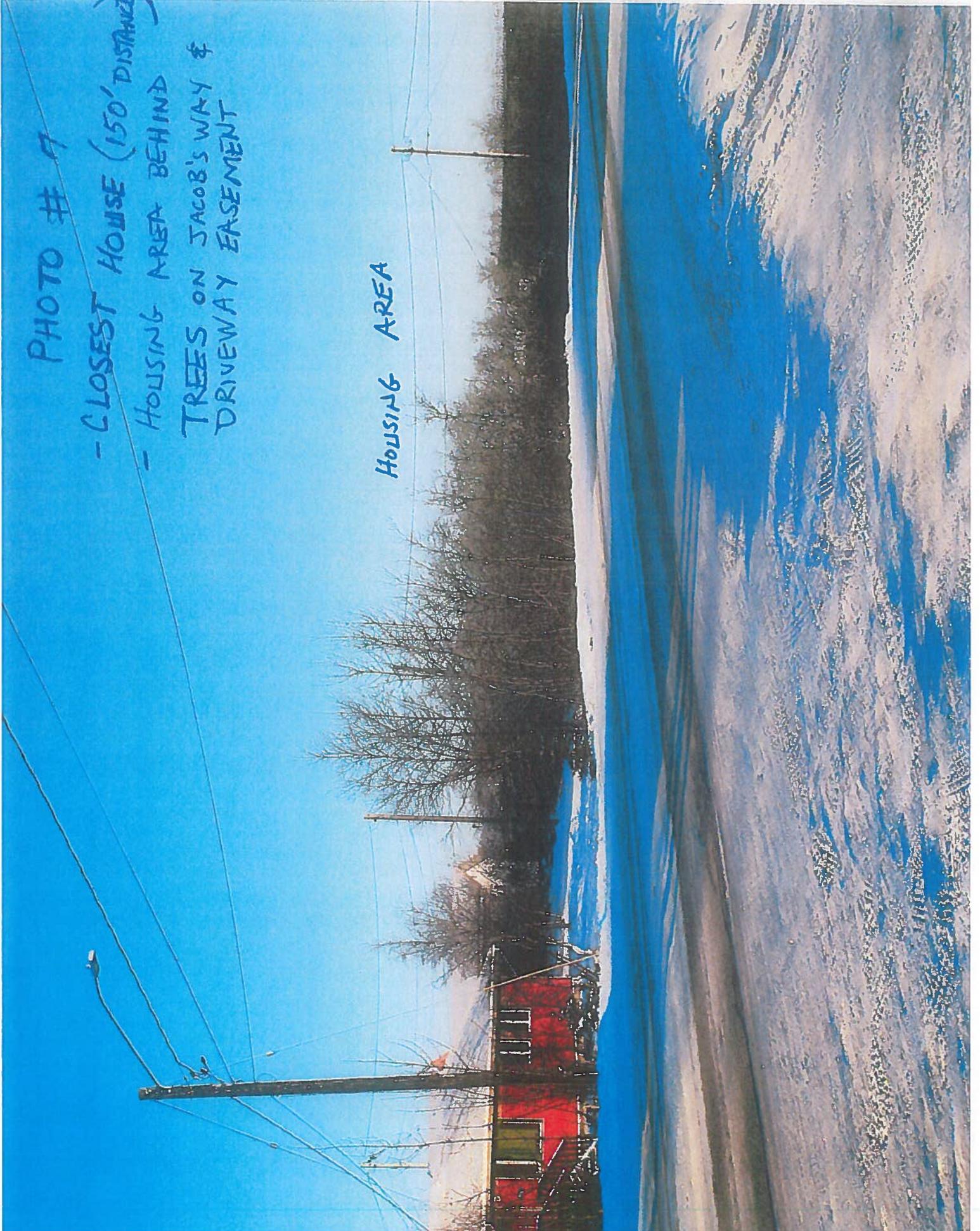
BUS STOP



PHOTO # 7

- CLOSEST HOUSE (150' DISTANCE)
- HOUSING AREA BEHIND TREES ON JACOB'S WAY & DRIVEWAY EASEMENT

HOUSING AREA



Chapter 18.36

GENERAL USE DISTRICT – GU DISTRICT

Sections:

- 18.36.010 Intent.
- 18.36.020 Permitted and principal uses and structures.
- 18.36.030 Conditional uses.
- 18.36.040 Minimum lot size.
- 18.36.050 Minimum setback requirements.
- 18.36.060 Maximum height of structure.
- 18.36.070 Minimum requirements for marijuana facilities.

18.36.010 Intent.

The general use district is intended to allow a mix of compatible residential and commercial uses. Noxious, injurious, or hazardous uses shall not be permitted in the GU district. [Ord. 16-23 § 2; Ord. 01-05 § 8.]

18.36.020 Permitted and principal uses and structures.

The following are permitted and principal uses and structures in the GU district:

- A. Trails and boardwalks.
- B. Nonmotorized public access areas to the Kuskokwim River or other areas that require public access.
- C. Single-family dwelling units.
- D. Duplex uses.
- E. Greenbelts and land reserves.
- F. Subsistence activities.
- G. Any accessory use or structure associated with the principal use or structure on the lot. The use of a freezer van as a residential unit is specifically prohibited, but its use as an accessory structure for storage is not prohibited.
- H. The facilities of sewer, water and other utilities.

-
- I. All uses listed as conditional uses in the PLI district.
 - J. Triplexes and apartment buildings.
 - K. Commercial uses and structures, including:
 - 1. Delicatessens, meat, seafood, and other food specialty shops.
 - 2. Art and picture framing shops.
 - 3. Shoe repair shops.
 - 4. Bookstores, stationery, gift, novelty, souvenir, and card shops.
 - 5. Drug stores.
 - 6. Laundry and dry cleaning shops.
 - 7. Beauty and barber shops.
 - 8. Cafes, restaurants, drive-in and fast-food restaurants, and other places serving food and beverages.
 - 9. Knit shops, yarn shops, dry goods, dressmaking and notions stores.
 - 10. Small appliance repair shops.
 - 11. Photography studios, art studios.
 - 12. Sporting goods stores, bicycle sale shops.
 - 13. Business, professional, and administrative offices.
 - 14. Day care facilities.
 - 15. Video stores.
 - 16. Clothing, apparel, and shoe stores.
 - 17. Hobby store.
 - 18. Florist.
 - 19. Tobacco store.
 - 20. Wholesaling and distribution operations, including incidental assembly or processing of goods for sale at retail or wholesale on the premises, but not to include yards for storage or display of any scrap, junk, or salvaged materials or for any scrap or salvage operations.

-
21. Jewelry stores.
 22. General merchandising store.
 23. Wholesale and retail camera and photographic supply stores.
 24. Funeral services, including crematoriums.
 25. Motion picture theaters and live theaters.
 26. Banking and financial institutions.
 27. Medical and health services.
 28. Business service establishments, including office supply and printing and publishing establishments.
 29. Parking lots.
 30. Taxicab and dispatching offices.
 31. Hotels, motels, hostels, bed and breakfasts, bunk houses and boarding houses.
 32. Radio and television studios.
 33. Plumbing and heating service and equipment dealers.
 34. Paint, glass and wallpaper stores.
 35. Electrical or electronic appliances, parts and equipment.
 36. Gasoline service stations.
 37. Aircraft and marine parts and equipment stores, and outboard motor repair.
 38. Antiques and secondhand stores, including auctions, pawnshops.
 39. Automotive accessories, parts and equipment stores.
 40. Automotive repair, services and garages.
 41. Motor vehicle dealers, new and used.
 42. Wholesale and retail fur repair, storage, and sales.
 43. Automobile display lots, new and used.
 44. Lumber yards and builders supply stores.
 45. Nurseries and garden supply stores.

46. Automobile car washes.
47. Air passenger terminals.
48. Amusement arcades, billiard parlors, bowling alleys, roller and ice skating rinks.
49. Veterinary clinics and boarding kennels, with activities conducted in a completely enclosed building.
50. Vocational or trade schools.
51. Wholesale and retail furniture and home finishing stores.
52. Wholesale and retail radio and television stores.
53. Wholesale and retail household appliance stores.
54. Wholesale, industrial, and retail hardware stores.
55. Merchandise vending machines sales and service.
56. Frozen food lockers.
57. All-terrain vehicles remodeling or repair.
58. Boat building.
59. Sign shops.
60. Cabinet shops.
61. Cleaning, laundry or dyeing plants.
62. Other commercial uses of a character similar to those uses listed in this section. [Ord. 16-23 § 2; Ord. 01-05 § 8.]

18.36.030 Conditional uses.

The following uses and structures are permitted in the GU district under the terms of a conditional use permit:

- A. Industrial uses permitted in the I district.
- B. Radio and television towers and antennas, but not including amateur radio and citizen band radio antennas that are accessory to the principal use of the lot.
- C. Landing strips and air taxi services.

- D. Planned unit developments.
- E. Alcohol sales and dispensing.
- F. Indoor marijuana cultivation facilities (within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof and doors).
- G. Marijuana testing facilities.
- H. Marijuana retail store. [Ord. 16-23 § 2; Ord. 16-11 § 2; Ord. 01-05 § 8.]

18.36.040 Minimum lot size.

The minimum lot size in the GU district is seven thousand (7,000) square feet. [Ord. 16-23 § 2; Ord. 01-05 § 8.]

18.36.050 Minimum setback requirements.

Structures, other than minor structures, in the GU district shall be set back from property lines to provide yards as follows:

- A. Front yard: Fifteen (15) feet.
- B. Side yard: Ten (10) feet.
- C. Rear yard: Ten (10) feet.
- D. Twenty-five (25) feet from the mean high water mark of any drainage or lake. [Ord. 16-23 § 2; Ord. 01-05 § 8.]

18.36.060 Maximum height of structure.

The height of a structure in the GU district is not restricted except as may be limited under airport height restrictions applied under BMC [18.48.250](#) through [18.48.270](#). [Ord. 16-23 § 2; Ord. 01-05 § 8.]

18.36.070 Minimum requirements for marijuana facilities.

- A. Indoor cultivation facilities must be fully enclosed and secure. If the facilities will be a greenhouse, in addition to the need to be fully enclosed and secure, the greenhouse must have rigid walls, a roof and doors.

B. Outdoor cultivation facilities must be obscured from public view either by a sight obscuring wall or a fence at least six (6) feet in height. [Ord. 16-23 § 2.]

The Bethel Municipal Code is current through Ordinance 19-20, and legislation passed through October 8, 2019.

Disclaimer: The city clerk's office has the official version of the Bethel Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: www.cityofbethel.org

Code Publishing Company

Chapter 5.10

MARIJUANA REGULATION

Sections:

- 5.10.010** **Definitions.**
- 5.10.020** **Procedure for administrative review of license applications.**
- 5.10.030** **City council review of license.**
- 5.10.040** **Council action on marijuana license applications.**
- 5.10.050** **Recordkeeping required of all sellers.**
- 5.10.060** **License restrictions.**
- 5.10.070** **Conditional use permit required.**
- 5.10.080** **Licensee responsible for employees' actions on premises.**
- 5.10.090** **Hours and days of operation.**
- 5.10.100** **Obligation to enforce restrictions within licensed premises.**
- 5.10.110** **Marijuana handler permit.**
- 5.10.120** **Operation of licensed premises.**
- 5.10.130** **Sale to intoxicated persons.**
- 5.10.140** **Eviction of patrons.**
- 5.10.150** **Public consumption.**
- 5.10.160** **Transportation of marijuana.**
- 5.10.170** **Inspection of premises.**
- 5.10.180** **Access for enforcement.**
- 5.10.190** **Advertising.**
- 5.10.200** **Water supply - Limited liability.**
- 5.10.210** **Violations.**
- 5.10.220** **Disclaimer.**
- 5.10.230** **Penalties.**

5.10.010 **Definitions.**

- A. "Board" means the Alaska Marijuana Control Board.
- B. "Consumer" has the meaning given in [3 AAC 306.990](#).
- C. "Consumption" means the act of ingesting, inhaling, or otherwise introducing marijuana into the human body.
- D. "Intoxicated person" means a person whose physical or mental conduct is substantially impaired as a result of the introduction of an alcoholic beverage and/or controlled substance(s) into the person's body and who exhibits

those plain and easily observed or discovered outward manifestations of behavior commonly known to be produced by the overconsumption of alcoholic beverages and/or controlled substance(s).

- E. "Licensed premises" has the meaning given in [3 AAC 306.990](#).
- F. "Local government" means the city of Bethel.
- G. "Local regulatory authority" has the meaning given in AS [04.21.080](#).
- H. "Marijuana" has the meaning given in AS [17.38.900](#).
- I. "Marijuana accessories" has the meaning given in AS [17.38.900](#).
- J. "Marijuana cultivation facility" has the meaning given in AS [17.38.900](#).
- K. "Marijuana establishment" has the meaning given in AS [17.38.900](#).
- L. "Marijuana license" means a license issued by the Marijuana Control Board pursuant to the requirements set out in AS [17.38](#) and/or [3 AAC 306](#).
- M. "Marijuana products" has the meaning given in AS [17.38.900](#).
- N. "Marijuana product manufacturing facility" has the meaning given in AS [17.38.900](#).
- O. "Marijuana testing facility" has the meaning given in AS [17.38.900](#).
- P. "Person" means an individual, partnership, cooperative, association, joint venture, corporation, estate trust, business, receiver, or any entity, group or combination acting as a unit.
- Q. "Retail marijuana store" has the meaning given in AS [17.38.900](#).
- R. "Unreasonably impracticable" has the meaning given in AS [17.38.900](#). [Ord. 16-18 § 2.]

5.10.020 Procedure for administrative review of license applications.

- A. Upon receipt of notice from the Board of an application for the issuance, renewal, transfer of location or transfer to another person of a marijuana license for a license location in the city, the clerk shall as soon as practicable distribute copies of the notice to the city manager, the city council and the city attorney.
- B. The city manager shall immediately refer the application for review as follows:
 - 1. To the planning director or their designee to determine if the applicant has complied with the conditional use provision of the Bethel Municipal Code;
 - 2. To the finance director or their designee to determine whether the licensee or license transferee is delinquent in paying to the city any tax, assessment, business license fee, or fee or charge for utility service for the business and/or affiliate (as defined in [3 AAC 304.990](#)) that operates or will operate under the marijuana license;

3. To the police and fire chiefs to determine whether, in their opinion, there have been excessive calls for service, excessive numbers of convictions or arrests for unlawful activity at the license location, police or ambulance reports, reports of unlawful activity at the license location, or police, fire or ambulance dispatches to the license location.
- C. The fire chief, police chief, planning director and finance director shall forward written statements to the city manager within fourteen (14) calendar days after the application was referred by the city manager.
- D. The city manager shall provide a written report to the city council, with a copy to the applicant, listing any objections to the Board's issuance of the application. The city manager's report is due within twenty (20) days after the date of receipt of notice from the city clerk.
- E. An applicant who believes the city manager's report contains factual errors shall file a written protest outlining, with specifics, the sections of the report believed to be factually incorrect. Such protest must be filed to the city manager not later than ten (10) calendar days after issuance of the city manager report.
- F. The city manager shall investigate the applicant's protest and shall issue a written decision no later than ten (10) business days after receipt of the protest.
- G. The city clerk shall place the matter of the application upon the city council agenda not less than thirty (30) and not more than forty (40) calendar days after the date of receipt from the Board. [Ord. 16-18 § 2.]

5.10.030 City council review of license.

The city council shall determine whether to protest, recommend with conditions, or take no action on the issuance, renewal or transfer of a marijuana license application and shall consider the following factors it believes are pertinent. Such factors shall include, but not be limited to:

- A. City records indicating whether the applicant and/or transferor is in violation of the city sales tax ordinances or regulations, has failed to comply with any of the filing, reporting or payment provisions of the city ordinances or regulations, or has any unpaid balance due on tax accounts for which the applicant and/or transferor is liable;
- B. The character and public interests of the surrounding neighborhood;
- C. Actual law enforcement problems with supporting data;
- D. The concentration of other licenses of the same and other types in the area;
- E. The adequacy of parking facilities;
- F. The safety of ingress to and egress from the premises;
- G. Compliance with state and local fire, health and safety codes;
- H. The degree of control the licensee has or proposes to have over the conduct of the licensed business. In determining the applicant's demonstrated ability to maintain order and prevent unlawful conduct, the city council

may consider police reports, the appearance of a readily identifiable pattern or practice of recurring violent acts or unlawful conduct on the licensed premises, testimony presented before the council, written comments, or other evidence deemed to be reliable and relevant to the purpose of this subsection;

- I. Whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in BMC 5.08.110;
- J. The proximity to a school, licensed day care, alcohol/ drug inpatient or outpatient treatment center;
- K. Any history of convictions of the applicants and affiliates of the applicants for any violation of AS Titles 04 and 17, 3 AAC 306 and/or the BMC;
- L. Any other factor the city council determines is relevant to a particular application. [Ord. 16-18 § 2.]

5.10.040 Council action on marijuana license applications.

- A. If a city council member wishes to protest the application, a resolution shall be prepared and introduced at the next regularly scheduled council meeting or earlier if necessary to meet the requirements of 3 AAC 306.060.
- B. At least seven (7) calendar days prior to the council meeting, the city clerk shall provide the applicant with:
 - 1. A copy of the proposed resolution; and
 - 2. Notice of the date and time when council will consider the resolution; and
 - 3. Notice the applicant will have an opportunity, pursuant to BMC, to appear before the council to defend the application.
- C. A protest by the council under this section cannot be based in whole or in part on police reports or other written materials available to the city but which were not provided to the affected applicant before the public hearing on that protest.
- D. At the conclusion of the public hearing, and any deliberation of the council, the council may choose to:
 - 1. Pass the resolution protesting to the Board the issuance, transfer or renewal of the marijuana license application; or
 - 2. Recommend the license be approved with conditions; or
 - 3. Take no action on the application. [Ord. 16-18 § 2.]

5.10.050 Recordkeeping required of all sellers.

- A. Premises licensed under this chapter shall keep and preserve suitable records of all sales made by the seller and such other books or accounts as may be necessary to determine the amount of tax which it is obliged to

collect, including records of the gross daily sales, together with invoices of purchases and sales, bills of lading, bills of sale or other pertinent records and documents as will substantiate and prove the accuracy of a tax return.

B. All sellers within the city who sell marijuana must have a cash register and must record each retail sale on a cash register that provides, at a minimum, a daily "Z" or "Z-total" report, or equivalent.

C. "Suitable records of all sales made" as used in subsection A of this section shall mean at a minimum a daily "Z" or "Z-total" report or equivalent (a "Z" or "Z-total" report is the report generated by the cash register at the end of each business day, which calculates, at least, the totals for each department key, total sales and total receipts - although some cash registers have more detailed "Z" or "Z-total" reports). Whatever records are kept must reflect the total daily purchases of taxable items. If no taxable sales are made on a business day, the records kept shall so reflect "zero" sales on that day. Records must also be kept to substantiate any claimed deductions or exclusions authorized by law. Records may be written, stored on data processing equipment, or may be in any form that the city may readily examine.

D. Records shall be kept in a systematic manner conforming to accepted accounting methods and procedures. Such records include:

1. The books of accounts ordinarily maintained by a prudent business person. Records and accounting information stored on computers must be provided to the city in a readable form when requested by the city;
2. Documents of original entry such as original source documents, prenumbered sequential source documents, prenumbered sequential receipts, cash register tapes, sales journals, invoices, job orders, contracts, or other documents of original entry that support the entries in the books of accounts;
3. All schedules or working papers used to prepare gross and taxable sales results, including receipts or invoices showing exempt sales.

E. Records must show:

1. Gross receipts and amounts due from all taxable and exempt sales; and
2. The total purchase price of all goods and other property purchased for sale, resale, consumption, or lease.

F. Every seller shall preserve suitable records for the period specified in 3 AAC 306.775 or three (3) full calendar years, whichever is greater.

G. The city finance department may examine and audit any relevant books, papers, records, returns or memoranda of any seller, may require the attendance of any seller, or any officer or employee of a seller, at a meeting with the finance director or his or her designee, and may require production of all relevant business records, in order to determine whether the seller has complied with this chapter. [Ord. 16-18 § 2.]

5.10.060 License restrictions.

The city of Bethel adopts 3 AAC 306.010(a) and (b), as it currently reads and as it may later be amended. [Ord. 16-18 § 2.]

5.10.070 Conditional use permit required.

All marijuana establishments including but not limited to cultivation, manufacturing, testing, dispensing, and retail are permitted only by a conditional use permit.

A. *Operations Plan.* As part of the conditional use permit application, all marijuana establishments shall submit an operations plan:

1. Specifying all means to be used for extracting, heating, washing, or otherwise changing the form of the marijuana plant or for testing any marijuana or marijuana product, including a verification that such plan is in compliance with all applicable federal, state, and local laws and regulations governing ventilation and safety measures for each such process (if applicable);
2. Describing of all toxic, flammable, or other materials regulated by a federal, state, or local government that will be used, kept, or created at the facility, the quantities and location of such materials, and the manner in which such materials will be stored;
3. Describing the processes that will be used to extract or distill marijuana derivatives from their source and the processes used to incorporate marijuana derivatives into all retail marijuana products produced, including a verification that such processes are in compliance with all applicable federal, state, or local laws or regulations; and/or
4. Describing a plan for ventilation that will be used to prevent any odor of marijuana from dissipating into the area. For retail marijuana cultivation facilities, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems will operate to prevent any odor leaving the premises. [Ord. 16-18 § 2.]

5.10.080 Licensee responsible for employees' actions on premises.

A. A licensee may not knowingly or negligently allow its agents or employees to violate any provision of Alaska law or the Bethel Municipal Code and may not recklessly or with criminal or civil negligence fail to act in accordance with the duties prescribed under either with the result that if an agent or employee of the licensee violates a law, regulation or ordinance, the licensee may be held responsible.

B. The licensee shall be responsible for all acts or omissions of the licensee's employees on the licensed premises. The licensee may be cited and prosecuted for all acts or omissions of employees which are committed on the licensed premises and which are in violation of this chapter; provided, however, that the prosecution of the

licensee shall not prohibit the prosecution of the employee for acts or omissions committed by the employee in violation of any provision of this chapter. [Ord. 16-18 § 2.]

5.10.090 Hours and days of operation.

- A. Premises licensed for the sales, service and consumption of marijuana shall be closed between the hours of 9:00 p.m. and 11:00 a.m., seven (7) days per week.
- B. A person may not sell, offer for sale, give, furnish, deliver or consume marijuana on premises licensed under this chapter during the hours of closure set forth in this section.
- C. A licensee, an agent, or employee may not permit a person to consume marijuana on the licensed premises between the hours of closure set forth in this section. [Ord. 16-18 § 2.]

5.10.100 Obligation to enforce restrictions within licensed premises.

A licensee, their agent or employee may not permit the consumption of marijuana by any person within the licensed premises unless it is permitted by the license. [Ord. 16-18 § 2.]

5.10.110 Marijuana handler permit.

- A. A marijuana establishment and each licensee, employee, or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, must obtain a marijuana handler permit from the board before being licensed or beginning employment at a marijuana establishment.
- B. A licensee, employee, or agent of a marijuana establishment shall keep the marijuana handler permit card in that person's immediate possession or a valid copy on file on the premises at times when on the licensed premises of the marijuana establishment.
- C. A marijuana product manufacturing facility, including a marijuana concentrate manufacturing facility, shall ensure that each licensee, employee, or agent who is required or permitted to be physically present on the licensed premises at any time:
 - 1. Obtains a marijuana handler permit as provided in 3 AAC 306.700 before being present or employed at the marijuana product manufacturing facility's licensed premises; and
 - 2. Has the marijuana handler permit card in the person's immediate possession, or a valid copy on file on the premises, at all times while on the marijuana product manufacturing facility's licensed premises. [Ord. 16-18 § 2.]

5.10.120 Operation of licensed premises.

A. Except as otherwise provided in this section, the operations procedures set forth in subsection B of this section shall apply to all marijuana establishments within the city of Bethel which sell or serve marijuana or marijuana products for consumption on the premises.

B. Marijuana establishments operating within the city of Bethel which sell or serve marijuana or marijuana products for consumption on the premises shall comply with the following operations procedures:

1. *Public Transportation.* Licensees shall make available to their patrons access to means of public transportation or permit patrons to make arrangements for transportation off the premises.
2. *Notice of Penalties.* Operators shall place, at conspicuous locations within licensed premises, a clear and legible sign describing applicable penalties for driving under the influence, and for service or sale of marijuana to minors or intoxicated persons.
3. *Compliance Determination.* In order to determine whether applicants seeking the issuance, renewal or transfer of marijuana licenses have complied with the provisions of this chapter, applicants shall, at the request of the city, submit to the city manager (or their designee) a marijuana licensee compliance form. Upon request, operators shall also provide the city manager with certificates from all current employees demonstrating that those employees have successfully completed a marijuana awareness training program such as the program for techniques in marijuana management as approved by the Board.
4. *In the Event the City of Bethel Adopts Code for Allowing for the Impoundment and/or Forfeiture of Vehicles Seized Pursuant to an Arrest for or Charge Driving Under the Influence or Refusal to Submit to Chemical Tests, Such Signs Must Be Posted.* Upon adoption of a municipal code allowing for the forfeiture, operators shall display at conspicuous places in licensed premises two (2) signs warning that vehicles are seized in cases of driving under the influence or refusal to submit to chemical tests. One (1) of these warning signs shall be at least eleven (11) inches by fourteen (14) inches in size, and must read, in lettering at least one-half (1/2) inch high and in contrasting colors or black and white, "DRIVE UNDER THE INFLUENCE - LOSE YOUR CAR." The sign described in the preceding sentence must carry a logo or illustration approved by the chief of police or their designee which shows an automobile being towed. The second warning sign shall be at least eleven (11) inches by fourteen (14) inches and must read, in letters at least one-quarter (1/4) inch high and in contrasting colors or black and white:

WARNING: IF YOU DRIVE UNDER THE INFLUENCE OR LET ANYONE DRIVE YOUR VEHICLE UNDER THE INFLUENCE, YOU WILL LOSE YOUR VEHICLE. The police SEIZE cars and trucks driven by intoxicated drivers. A vehicle will be IMPOUNDED for 30 days for the driver's first DUI offense. A vehicle will be FORFEITED if the driver has been convicted of DUI in the past ten (10) years.

C. *Mandatory Identification Check in the Retail Sale of Marijuana.* A retail marijuana store shall refuse to sell marijuana or a marijuana product to a person who does not produce a form of valid photographic identification showing that person and the persons that person entered with are all twenty-one (21) years of age or older.

1. A valid form of photographic identification includes:
 - a. An unexpired, unaltered passport;
 - b. An unexpired, unaltered driver's license, instruction permit, or identification card of any state or territory of the United States, District of Columbia, or a province of Canada;
 - c. An identification card issued by a federal or state agency authorized to issue a driver's license or identification card.

D. *Security Personnel.* Each premises licensed for consumption shall employ at least one (1) person who shall be on duty during open business hours. This person shall not be the budtender on duty, and shall be on duty for the express purpose of maintaining order within the establishment and assuring compliance, by the clientele, with the provisions of this chapter.

E. *Video Surveillance.* The city adopts the provisions of 3 AAC 306.720 regarding video surveillance as they currently exist and as they may be amended in the future.

F. *Premises to Be Cleared Upon Closing.* Upon closing, licensees shall clear the marijuana establishment of all persons, other than necessary employees, within fifteen (15) minutes after the closing hours.

G. *Age Limit Signs to Be Exhibited.* Each entry to a retail marijuana store must be posted with a sign that says, "No one under twenty-one (21) years of age allowed." The sign must be not less than twelve (12) inches long and twelve (12) inches wide, with letters at least one-half (1/2) inch in height in high contrast to the background of the sign. [Ord. 16-18 § 2.]

5.10.130 Sale to intoxicated persons.

- A. A licensee, his agent or employee may not knowingly or negligently:
1. Sell, give or barter marijuana to an intoxicated person;
 2. Allow another person to sell, give or barter marijuana to an intoxicated person within the licensed premises;
 3. Allow an intoxicated person to enter and remain within the licensed premises or to consume marijuana within the licensed premises; or
 4. Permit an intoxicated person to sell or serve marijuana. [Ord. 16-18 § 2.]

5.10.140 Eviction of patrons.

The licensee and employees of the licensee are expressly permitted to evict any person suspected of being under the age of twenty-one (21) or intoxicated and failure of such person to leave after oral request is unlawful and an offense on the part of that person. [Ord. 16-18 § 2.]

5.10.150 Public consumption.

- A. It shall be unlawful to consume marijuana on the public streets, sidewalks, alleys, parks or other public places throughout the city.
- B. It shall be unlawful to consume marijuana in a vehicle.
- C. Marijuana is permitted on private residential property, with the consent of the owner or legal occupant of the property. [Ord. 16-18 § 2.]

5.10.160 Transportation of marijuana.

- A. Pursuant to 3 AAC 306.310(a)(5), a licensed, retail marijuana store may only sell marijuana or marijuana product to a consumer who is physically present on the licensed premises.
- B. The transportation of marijuana by common carrier or commercial carrier within the city of Bethel to a residential home or nonlicensed marijuana facility is strictly prohibited. [Ord. 16-18 § 2.]

5.10.170 Inspection of premises.

- A. A marijuana establishment or an applicant for a marijuana establishment shall, upon request, make the licensed premises or the proposed licensed premises, including any place for storage, available for inspection by the city, an employee or agent of the city, or an officer charged with the enforcement of this chapter.
- B. Inspection under this section includes inspection of the premises, facilities, qualifications of personnel, methods of operation, business and financial records, marijuana inventory tracking system, policies, and purposes of any marijuana establishment and of any applicant for a marijuana establishment license.
- C. The premises of licensees authorized to sell or distribute marijuana shall be easily accessible for inspection by police officers during all regular hours of the transaction of business upon the premises, and at any other time with reasonable notice by the officer.
- D. The city may inspect any premises with a marijuana license for compliance with conditions on the license. Upon discovering a violation of such conditions, the person conducting the investigation shall submit a written report of the violation to the planning director for review by the planning commission and provide a copy thereof to the licensee.
- E. If at any time there appears to be a readily identifiable pattern or practice of recurring calls for service or unlawful conduct in a licensed premises, the city may send notice of possible protest to the licensee that he or she must submit and implement a plan for remedial action or be in jeopardy that a protest will be filed to any renewal, transfer of location or transfer of ownership sought by the licensee.
- F. Upon receiving a report of conditions violation, the city council may:

1. Revoke the premises' conditional use permit;
2. Protest the issuance, renewal, transfer, relocation or continued operation of the license;
3. Recommend imposition of conditions on the state marijuana license pursuant to AS 04.11.480(c); or
4. Notify the Board that a licensee has violated conditions and request that an accusation pursuant to AS 04.11.370 be brought against the licensee.

G. Prior to taking any of the actions listed in subsection F of this section, the city shall give the permittee or licensee notice and an opportunity to be heard on the accusation(s) at a publicly noticed council meeting. [Ord. 16-18 § 2.]

5.10.180 Access for enforcement.

A. The public entrance of licensed marijuana establishments shall be open and unlocked before and after the closing hour of such establishment if there are any patrons in the establishment.

B. A marijuana establishment, and any licensee or employee, or agent in charge, shall cooperate with the city to enforce the laws related to marijuana, including, but not limited to:

1. Permitting entry upon and inspection of the licensed premises; and
2. Providing access to business records at reasonable times when requested by the city.
3. Lack of knowledge or intent shall not be a defense to any action brought under this section.
4. Licensees shall provide the police chief with their current hours of operation. Any changes to the hours of operation shall be communicated in writing, at least three (3) business days prior to the change being implemented. [Ord. 16-18 § 2.]

5.10.190 Advertising.

A. *Outdoor Advertising Generally Prohibited.* Except as otherwise provided in the state rule, 3 AAC 306.360, it shall be unlawful for any retail marijuana establishment to engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device; any sign mounted on a vehicle; any hand-held or other portable sign or any handbill, leaflet or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property without the consent of the property owner. [Ord. 16-18 § 2.]

5.10.200 Water supply – Limited liability.

The city does not guarantee delivery of water on a specified day or time. The city shall not be liable for any loss or damage of any nature whatsoever caused by any delay or failure to deliver water to an establishment regardless of delivery schedules and anticipated requests. Customers are encouraged to have a back-up water source in case of missed water deliveries. [Ord. 16-18 § 2.]

5.10.210 Violations.

- A. Violation of any section of this chapter shall be an infraction.
- B. The Bethel police department shall have the authority to write and serve citations for violations of the provisions of any portion of this chapter. [Ord. 16-18 § 2.]

5.10.220 Disclaimer.

This chapter does not supersede applicable federal law. [Ord. 16-18 § 2.]

5.10.230 Penalties.

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Failure to keep adequate records	5.10.050	Yes	\$500
Failure to allow the city to inspect records	5.10.050	Yes	\$750
Operating without a conditional use permit	5.10.070	Yes	\$750
Operating in violation of conditions of conditional use permit	5.10.070	Yes	\$750
Premises open during nonpermissible days or hours	5.10.090	No	1st offense: \$150 2nd offense: \$300 3rd and subsequent offenses: \$700
Selling, offering for sale, giving, furnishing, delivering or consuming or allowing consumption of marijuana or marijuana product on premises during hours of closure	5.10.090(C)	No	\$300
Allowing consumption on premises in violation of license	5.10.100	No	\$500

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Permitting the consumption of marijuana or marijuana products within a licensed premises outside the scope of the license	<u>5.10.100</u>	Yes	\$750
Selling or dispensing marijuana prior to successful completion of a marijuana handler permit training program	<u>5.10.110(A)</u>	Yes	\$1,000
Failure to maintain marijuana handler permit or valid copy on the premises	<u>5.10.110</u>	Correctable	\$350
Permitting an employee or agent to work on the premises without having their marijuana handler's permit or valid copy readily available	<u>5.10.110</u>	Correctable	\$350
Allowing employee to sell or dispense marijuana prior to their successful completion of a marijuana handler permit training program	<u>5.10.110(A)</u>	Yes	\$1,000

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Failure to show proof of successful completion of a marijuana handler permit training program	5.10.110(B)	Correctable	\$300
Failure to provide access to means of public transportation to patrons or to arrange for transportation off premises	5.10.120(B)(1)	No	\$500
Failure to properly post signs describing penalties for driving under the influence, sale or service to minors, or intoxicated persons	5.10.120(B)(2)	No	\$250
Failure to submit a marijuana compliance form upon request	5.10.120(B)(3)	No	\$300
Failure to check identification of purchaser and/or all persons entering with purchaser	5.10.120(C)	Yes	1st offense: \$500 2nd offense: \$700 3rd and subsequent offenses: \$1,000
Acceptance of nonconforming identification for purchase of marijuana	5.10.120(C)	Yes	1st offense: \$150 2nd offense: \$300

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
			3rd and subsequent offenses: \$700
Failure to install or maintain security equipment	5.10.120(E)	Yes	1st offense: \$500 2nd offense: \$700 3rd and subsequent offenses: \$1,000
Interior camera not positioned to capture sales transactions	5.10.120(E)	Yes	1st offense: \$500 2nd offense: \$700 3rd and subsequent offenses: \$1,000
Failure to clear premises after closing	5.10.120(F)	No	1st offense: \$150 2nd offense: \$300 3rd and subsequent offenses: \$700
Failing to post age limit signs	5.10.120(G)	No	\$300
Sale of marijuana improperly obtained	5.10.120	Yes	\$700
Sale of marijuana to an intoxicated person	5.10.130	Yes	1st offense: \$500 2nd offense: \$700 3rd and subsequent offenses: \$1,000

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Providing marijuana to an intoxicated person	5.10.130(A)(1) and (2)	Yes	1st offense: \$500 2nd offense: \$700 3rd and subsequent offenses: \$1,000
Allowing an intoxicated person to enter and remain within licensed premises	5.10.130(A)(3)	Yes	1st offense: \$150 2nd offense: \$300 3rd and subsequent offenses: \$700
Permitting intoxicated person to consume marijuana within a licensed premises	5.10.130(A)(3)	Yes	1st offense: \$500 2nd offense: \$700 3rd and subsequent offenses: \$1,000
Permitting an intoxicated person to sell or serve marijuana	5.10.130(A)(4)	Yes	1st offense: \$500 2nd offense: \$700 3rd and subsequent offenses: \$1,000
Consuming marijuana in a public place	5.10.150	No	1st offense: \$100 2nd offense: \$250 3rd and subsequent offenses: \$500
Transportation of marijuana or marijuana products to a	5.10.160	Yes	\$1,000

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
residential home or nonlicensed facility			
Failure to make premises reasonably accessible for inspection by police officers	5.10.170	Yes	\$700
Failure to permit or aid the entry of law enforcement during hours of operation	5.10.180(B)	Yes	\$700
Failure to permit or aid the entry of law enforcement any time there are two (2) or more persons on the premises	5.10.180(B)	Yes	\$700
Failure to keep public entrance open and unlocked while there are still patrons	5.10.180	No	\$500
Failure to provide hours of operation to police chief	5.10.180	No	\$250
Violation of electronic advertising	5.10.190	No	\$250
Violation of advertising regulations	5.10.190	No	\$250

[Ord. 16-18 § 2.]

The Bethel Municipal Code is current through Ordinance 19-20, and legislation passed through October 8, 2019.

Disclaimer: The city clerk's office has the official version of the Bethel Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.cityofbethel.org](http://www.cityofbethel.org)

[Code Publishing Company](#)

Order Number: W0012914
Order Status: Submitted
Classification: Legals & Public Notices
Package: Legals ADN
Final Cost: 169.36
Payment Type:
User ID: W0010709

ACCOUNT INFORMATION

City Of Bethel
1155 Ridgcrest Po Box 1388
BETHEL, AK 99559
907-543-5301
legalads@adn.com

TRANSACTION REPORT

Date: 10:49 AM - Tue, Dec 31, 2019
Amount: 169.36

ADDITIONAL OPTIONS

Affidavit Charge - Digital \$5

SCHEDULE FOR AD NUMBER W00129140

Wed Jan 1, 2020
Anchorage Daily News
Legals
Thu Jan 2, 2020
Anchorage Daily News
Legals

PUBLIC HEARING NOTICE
CONDITIONAL USE PERMIT
Notice is hereby given: that on June 27, 2019, the City of Bethel Planning Office received an application for a Conditional Use Permit to open a retail marijuana store. The legal description is United States Survey 3230 A&B Lot 4 Block 15. The physical address is 781 3rd Avenue Street Bethel, Alaska.
Land Owner: same as applicant
Applicant: Essenkay, LLC doing business as Kusko Kush P.O. Box 2343 Bethel, Alaska 99559 phone 907-545-4977.
Purpose: to obtain a Conditional Use Permit in order to open a retail marijuana store.
City of Bethel Contact: Ted Meyer, Planning Director, City of Bethel Planning Department, phone 907-543-5306.
Time and Place: The regular meeting of the City of Bethel Planning Commission on January 9, 2020 at 6:30PM, at City Hall Council Chambers, located at 300 Chief Eddie Hoffman Highway.
Published: Jan. 1, 2/2020

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To: Bill Howell, Acting City Manager
From: Ted Meyer, Planner
Subject: December Manager's Report
Date: January 2, 2020

SUBDIVISIONS

Blue Sky Subdivision

Subdivision Agreement documents and drawings are still being reviewed by DOWL. The proposed Zoning drawing for the new subdivision was submitted by the Blue Sky team. The zoning hearing will be scheduled for the February/March Planning Commission meeting.

ONC Ciullkulek Subdivision

Nothing to report this month.

SITE PLAN PERMITS

One Site Plan Permit application was approved during the month of December.

CODE ENFORCEMENT

Staff continues to work with the attorney on multiple code enforcement issues.

CONDITIONAL USE PERMIT

Staff is currently processing a Conditional Use Permit application for the January 9th Planning Commission hearing.

US ARMY CORPS OF ENGINEERS VISIT TO BETHEL

Staff continues to coordinate with the Corps by researching and calculating data regarding approved Site Plan Permits for construction projects in the tundra over the last three years. The Corps will use this data to evaluate this program. Corps staff will visit Bethel on January 9 to meet with staff and discuss the program at the Planning Commission meeting.