

**Petersburg Borough
RESOLUTION #2016-02**

**A RESOLUTION OF THE PETERSBURG BOROUGH REQUESTING THE STATE
DEPARTMENT OF LAW REVISE THE 500 FOOT SETBACK PROVISION IN
3 AAC 306.010, REGULATION OF MARIJUANA INDUSTRY, LICENSE
RESTRICTIONS**

WHEREAS, Ballot Measure No. 2, "An Act to Tax and Regulate the Production, Sale, and Use of Marijuana" passed with a majority of the voters in support; and

WHEREAS, due to geographic constraints dictated by local topography, many municipalities have limited real estate on which to develop;

WHEREAS, a result of those limitations on developable real estate is that municipalities are compelled to reconcile highly incongruous zoning and building uses in close proximity to each other; and

WHEREAS, the requirement for there to be a 500 foot space between any licensed marijuana establishment and a school, recreation or youth center, building where religious services are regularly conducted, or a correctional facility limits the ability of an establishment to receive a license from the State; and

WHEREAS, the 500 foot setback requirement severely reduces the ability of a licensed marijuana establishment to exist in the retail business district in Petersburg; and

WHEREAS, such a requirement stands in direct contradiction to AS 17.38.090(a), The Regulation of Marijuana, Rulemaking, which states, in part: "Such regulations shall not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable"; and

WHEREAS, licensed liquor establishments operate under a 200 foot setback, per AS 04.11.410(a).

NOW THEREFORE BE IT RESOLVED, the Petersburg Borough Assembly requests that the Alaska State Department of Law recommend the setback distance required between all marijuana establishments and any schools, recreation or youth centers, religious buildings and correctional facilities be a minimum of 200 feet to be determined by local planning and zoning regulation.

PASSED and **APPROVED** by the Borough Assembly of Petersburg, Alaska this 4th day of January, 2016.

Mark Jensen, Mayor

ATTEST:

Debra Thompson, Borough Clerk