POSSIBLE MOTION

I MOVE TO approve Resolution 2016-01 on first and final reading.

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2016-01

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA, REQUESTING THE STATE DEPARTMENT OF LAW REVISE THE 500 FOOT SET-BACK PROVISION IN 3 AAC 306.010.

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; and

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 and a correctional facility limits the ability of an establishment to receive a license from the state; and

WHEREAS, such a requirement stands in direct contradiction to AS 17.38.090(a) thus making implementation of the law unreasonably impracticable; and,

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

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

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 12th day of January, 2016.

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Mim McConnell, Mayor

ATTEST:

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Sara Peterson, CMC
Municipal Clerk