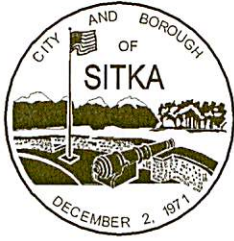


POSSIBLE MOTION

I MOVE TO approve a standard marijuana cultivation facility license for Justin Brown dba AKO Farms LLC at 1210 Beardslee Way and forward this approval to the Alcohol and Marijuana Control Office without objection.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

MEMORANDUM

To: Mayor Hunter and Assembly Members
Keith Brady, Municipal Administrator

From: Sara Peterson, Municipal Clerk

Date: October 17, 2017

Subject: Approval of Standard Marijuana Cultivation Facility License

Attached you will find a notification, and additional information, from the Alcohol and Marijuana Control Office of an application for a new marijuana standard cultivation facility license for the following applicant:

License #:	12253
License Type:	Standard Marijuana Cultivation Facility
Licensee/Applicant:	AKO Farms, LLC
D.B.A.:	AK O Farms LLC
Physical Address:	1210 Beardslee Way; Sitka, AK
Designated Licensee:	Justin Brown

The applicant was granted a conditional use permit for a cultivation facility by the Planning Commission on March 21, 2017. The motion passed by a 4-0 vote.

A notice was published in the local newspaper and posted to the establishment. In addition, a memo was circulated to the various municipal departments who may have a reason to protest. No departmental objections were received.

Recommendation: Approve the standard marijuana cultivation facility license for Justin Brown dba AK O Farms LLC and forward this approval to the Alcohol and Marijuana Control Office without objection.



THE STATE
of ALASKA
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

October 4, 2017

City & Borough of Sitka

Attn: City & Borough of Sitka

Via Email: sara.peterson@cityofsitka.org
melissa.henshaw@cityofsitka.org
Michael.scarcelli@cityofsitka.org
planning@cityofsitka.org
brian.hanson@cityofsitka.org

License Number:	12253
License Type:	Standard Marijuana Cultivation Facility
Licensee:	AKO Farms, LLC
Doing Business As:	AK O FARMSLLC.
Physical Address:	1210 beardsley sitka, AK 99835
Designated Licensee:	justin brown
Phone Number:	907-738-5301
Email Address:	rgjrjb@hotmail.com

☒ New Application ☐ Transfer of Ownership Application ☐ Onsite Consumption Endorsement

AMCO has received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under 3 AAC 306.025(d)(2).

To protest the approval of this application(s) pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a new license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our November 14-15, 2017 meeting.

Sincerely,

Erika McConnell

Erika McConnell, Director

amco.localgovernmentonly@alaska.gov

availability of affordable housing, both long-term and short-term, to accommodate working families, seasonal workers, and students" by creating an additional dwelling unit.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically, one unit shall be inhabited by the owner to ensure that operations maintain neighborhood harmony and fencing shall be maintained for the life of the ADU to maintain the appearance of a single-family property.

Motion PASSED 4-0.

Windsor/Parmelee moved to APPROVE the conditional use permit application for an accessory dwelling unit at 415 DeArmond Street subject to the attached conditions of approval. The property is also known as Lot 12 and Portion of Lot 11 Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owners of record are Sheila Finkenbinder.

Conditions of Approval:

1. The facility shall be operated consistent with the application, plans, and narrative that were submitted with the request.
2. One unit shall be inhabited by the owner to ensure that operations maintain neighborhood harmony.
3. With the exception of the necessary access point from Andrews Street, fencing shall remain throughout the life of the ADU to maintain the appearance of a single-family property.

Motion PASSED 4-0.

J

Public hearing and consideration of a conditional use permit for a marijuana cultivation operation at 1210 Beardslee Way. The property is also known as Lot 1B Mick's Resubdivision. The request is filed by Justin Brown for AKO Farms LLC. The owner of record is Martin Enterprises, Inc.

Scarcelli explained the location. The building would be built to submitted plans if the permit was approved. This permit is only for cultivation, although the applicant plans to eventually apply for other permits. Scarcelli stated that the submitted state application addresses such concerns as diversion, odor control, and security. Staff recommends approval.

Justin Brown stated that the state application packet is comprehensive, and Spivey agreed that the application was thorough.

No public comment.

Spivey stated appreciation for submission of the state application with the city application.

Pohlman/Windsor moved to APPROVE findings that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval

Motion PASSED 4-0.

Pohlman/Parmelee moved to APPROVE the conditional use permit request filed by Justin Brown for AKO Farms, LLC marijuana cultivation at 1210 Beardslee

Way, in the Industrial zoning district subject to the 12 attached conditions of approval. The property is also known as Lot 1B Mick's Resubdivision. The owner of record is Martin Enterprises, Inc.

Conditions of Approval:

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the Fire Marshal or their designee and the Building Official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the Municipality and shall comply with all standard & required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish and associated municipal license or conditional use permit.
7. All approved Conditional use permits shall comply with all Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit
8. Applicant shall provide a Parking and traffic circulation plan.
9. Odor Control shall include charcoal filters and other best means to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.
10. The proposed cultivation site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.
11. The permittee shall report, annually, to the planning commission on gross sales, sales tax amounts, complaints, police or other law or regulation enforcement activity, and summary of operations.
12. The permit is subject to review should there be a meritorious complaint, impact to public health safety or welfare, or violation of a condition of approval. The review may occur at the discretion of the Planning Director or by motion of the Planning Commission to address meritorious issues or complaints that may arise. During this review, based on the evidence provided, existing code and conditions of approval, the permit may be amended or revoked to address impacts to public health, safety, and welfare.

Motion PASSED 4-0.

K

Public hearing and consideration of a preliminary plat of a minor subdivision at 180 Price Street. The property is also known as Tract 1B Mountain View Phase II Subdivision. The request is filed by Jeremy Twaddle for Mountain View Estates. The owner of record is Mountain View Estates, LLC.

Spivey stated that he has a business relationship with the applicant but believed that he could participate fairly. The commission allowed him to