

postpone approval of guidelines for consumption lounges. Tourist season is near and tourists may not otherwise have a legal place to consume marijuana. Scarcelli stated that he has not heard back from the Municipal Attorney. Scarcelli stated that he does not recommend moving forward until he can discuss the matter with the Municipal Attorney. Scarcelli recommends to postpone the item to the next meeting.

Michelle Cleaver stated that she is trying to do the responsible thing and mitigate marijuana nuisances. Cleaver stated that Seattle is currently experiencing problems with people smoking in public, and she is concerned that tourists will smoke in our parks and on our sidewalks. Cleaver stated that the draft state regulations identify the maximum amount that people can consume on-site. Cleaver stated that a bud tender will monitor consumption levels, and she is considering a shuttle back to town. Scarcelli stated appreciation for Mrs. Cleaver's proactive approach to addressing on-site consumption issues. Scarcelli stated that in his correspondence with the state regulatory office, he has critiqued the slow process. Scarcelli stated he is willing to approve the applicant's building permit prior to conditional use permit approval if she is willing to accept the risk.

Scarcelli read a letter from Gary Smith, who was concerned for exhaust and impacts on the neighborhood.

Windsor/Pohlman moved to POSTPONE this request until the state promulgates rules.

Motion PASSED 5-0.

BREAK 8:08-8:15

J

Public hearing and consideration of a major amendment to a conditional use permit for marijuana cultivation at 4614 Halibut Point Road. The property is also known as Lot 3 Carlson Resubdivision. The request is filed by Aaron Bean for Green Leaf, Inc. The owners of record are Connor and Valorie Nelson.

Spivey stated that he has a business relationship with the property owner but receives no financial gain.

Scarcelli stated that this is a major amendment to an approved marijuana cultivation facility in order to add additional floor space for cultivation. The property has access via easement. Scarcelli stated that staff are not aware of any sensitive uses in the buffer area. Scarcelli stated that staff have not observed odor to be an issue. Green Leaf has two separate conditional use permits, one for cultivation and one for retail. Any future amendment to the retail conditional use permit, such as for on-site consumption, would require Planning Commission approval. Further, any addition to the cultivation conditional use permit would require Planning Commission approval. Staff recommend approval of the major amendment.

Aaron Bean, owner of Green Leaf, came forward. Bean stated that the additional square footage would be 1000 square feet.

No public comment.

Hughey/Windsor moved to APPROVE findings that the zoning code has been followed, that the comprehensive plan has consulted, and that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval for the proposed major amendment to the exiting marijuana cultivation conditional use.

Motion PASSED 5-0.

Hughey/Windsor moved to APPROVE the major amendment to the existing marijuana cultivation conditional use permit request filed by Aaron Bean at 4614 Halibut Point Road, in the C-2 General Commercial and Mobile Home zone. The property is also known as Lot 3 of Carlson Resubdivision. The owners of record are Connor K. Nelson and Valorie L. Nelson.

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 Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where feasible (i.e. concrete or asphalt areas).
9. Odor Control shall include reasonable best means (such as high quality Commercial HEPA filter or HVAC systems) 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 5-0.**

**K**

Public hearing and consideration of a conditional use permit request for a short-term rental at 112 Toivo Circle. The property is also known as Lot 7 Fleming Subdivision. The request is filed by John and Alison Dunlap. The owners of record are John and Alison Dunlap.

Pierson described the request. The applicants' intent is to rent out their 3 bedroom 3 bathroom single-family house until it is sold, although conditional use permits run with the land. Neighbors have raised concerns for bears, parking, and neighborhood impacts. Pierson stated that these concerns can be mitigated with conditions of approval, and staff recommend approval. Scarcelli stated that conditional uses are to be approved if there are not impacts or if impacts can be mitigated. Scarcelli stated that concerns for parking and bears have been brought up before for other properties and staff have created more strict conditions of approval in response. Scarcelli stated that if the conditions of approval are violated, staff would revoke the permit or issue warning when appropriate. Pohlman and Windsor asked about placing a condition of approval that the permit will expire when the property is sold. Scarcelli stated that staff are looking into sunset clauses, but it appears that Alaska errs on the side of private property rights.

John and Alison Dunlap came forward to represent their request. They have lived in the home since 2001 and are selling it since they are empty nesters and now live on a boat. John stated that the house has been on the market for 9 months and they would like to get some income until the house is sold. Alison stated that they intend to use VRBO and will have an outside housecleaner. Alison stated that it will be much quieter with a renter versus their large family.

Bruce White and Suzanne Shea stated that they live across from the applicant and have concerns. White stated that when they bought the house that the neighborhood could include vacation rentals. White stated that the neighborhood is a small area, and someone recently blocked him in his driveway. White has concerns for the neighborhood, dust, and congestion. White stated concerns for enforcement of conditions and management of trash. White stated he is here for the long-term but the short-term rental could impact resale of his house. Shea is concerned for the precedent for converting a residential property to commercial. Shea stated that she bought her house with the understanding that it is in a residential neighborhood.

Pierson read a letter of support from John Hardwick.

Morrison stated that he lives next door at 114 Toivo and stated that he shares some of the same concerns as Bruce White. Three other houses are not occupied year-round. If those houses were granted short-term rental permits, long-term residents would be outnumbered.

Hughey asked Scarcelli about sunset clauses, and Scarcelli stated that it is not an option. Scarcelli shared a case law example of adult oriented business in Anchorage. Scarcelli stated that there is potential for a temporary conditional use permit in the future but not in current code. Scarcelli recommended