



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

To: Chair Spivey and Planning Commission
CC: Keith Brady, Municipal Administrator
Brian Hanson, Municipal Attorney
From: Michael Scarcelli, Director, Planning and Community Development
Subject: Review of CUP 16-14, 16-31, and 17-12 (Greenleaf, Marijuana Retail and Cultivation Facilities)
Date: August 1, 2018

Background:

1. On May 17, 2016, the Planning Commission unanimously approved, 5-0, a conditional use permit for Marijuana Cultivation Facilities at 4614 Halibut Point Road (HPR), subject to the attached conditions of approval (Minutes attached).
2. On November 16, 2016, the Planning Commission unanimously approved, 4-0, a conditional use permit for Marijuana Retail Facilities at 4612 HPR, subject to the attached conditions of approval (Minutes attached).
3. On April 18, 2017, the Planning Commission unanimously approved, 5-0, an amendment to expand an existing conditional use permit for Marijuana Cultivation Facilities at 4614 HPR, subject to the attached conditions of approval (Minutes attached).
4. On May 15, 2018 a complaint regarding parking at 4612 HPR, the retail location is received (attached).
5. On May 17, 2018 a complaint regarding odor at 4614 HPR, the cultivation location is received (attached).
6. On May 21, 2018, a complaint regarding odor at 4614 HPR, the cultivation location is received. In addition, there have been general complaints that waste-water is being released directly into the driveway instead of into the sewer system (attached).
7. On May 24, 2018 the Planning Director, according to existing policy and precedent, sends a Notice of Alleged Violations of Restrictions or Conditions to the owners of the permit and the owners of the land seeking more information regarding the concerns and what corrective action has occurred or would occur (attached).
8. On June 4, 2018, the Planning Director observes that Greenleaf was taking steps to address the odor issues. Odor was strong at the beginning of the site visit, but at the conclusion of initial filter upgrades odor was substantially reduced.
9. On June 5, 2018, the Planning Director returns to observe odor and final filter changes. Odor is no longer perceivable from street, though lower level odor is perceivable near the rear of building and directly in front of the high-volume exhaust vents. This venting odor is similar to the majority of odor emanating from the majority of other approved marijuana businesses.
10. On June 22, 2018, the Planning Department receives a response from land owner (attached).

Issue: Whether the alleged complaints under the current facts support any Planning Commission action regarding the existing CUPs.

Analysis: odor was perceived. Odor reduction was perceived after filtration was upgraded. Director perceives this odor level to be similar to odor level with the majority of other marijuana businesses in town. Parking

availability is more than adequate and any reduction to available parking is a private issue. No signs of waste-water being dumped outside were observed.

Recommendation: leave the permits as-is. No corrective action is needed. Greenleaf, Inc. took corrective action upon notice of alleged violation regarding odor. In the alternative, reschedule a new hearing to modify all existing permits to add more robust odor control features and to address allegations regarding parking.