



# CITY AND BOROUGH OF SITKA

## Meeting Agenda - Final

### Planning Commission

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Wednesday, October 7, 2020

7:00 PM

Harrigan Centennial Hall

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I. CALL TO ORDER AND ROLL CALL

II. CONSIDERATION OF THE AGENDA

- A [PM 20-16](#) Approve the September 16, 2020 minutes.

**Attachments:** [15-September 16 2020 DRAFT](#)

III. CONSIDERATION OF THE MINUTES

IV. PERSONS TO BE HEARD

*(Public participation on any item off the agenda. All public testimony is not to exceed 3 minutes for any individual, unless the Chair imposes other time constraints at the beginning of the agenda item.)*

V. PLANNING DIRECTOR'S REPORT

VI. REPORTS

VII. THE EVENING BUSINESS

- B [CUP 20-14](#) Public hearing and consideration of a conditional use permit for a marijuana cultivation facility at 213 Price Street in the I Industrial district. The property is also known as Lot 1A, Mick's Resubdivision. The request is filed by AKO Farms, LLC. The owner of record is Justin Brown.

**Attachments:** [CUP 20-14 AKO Farms MJ Cultivation 213 Price St Staff Report](#)  
[CUP 20-14 AKO Farms MJ Cultivation 213 Price St Aerial](#)  
[CUP 20-14 AKO Farms MJ Cultivation 213 Price St Zoning and Buffer Maps](#)  
[CUP 20-14 AKO Farms MJ Cultivation 213 Price St Site Plan](#)  
[CUP 20-14 AKO Farms MJ Cultivation 213 Price St Floor Plan](#)  
[CUP 20-14 AKO Farms MJ Cultivation 213 Price St Photos](#)  
[CUP 20-14 AKO Farms MJ Cultivation 213 Price St Plat and As-Built](#)  
[CUP 20-14 AKO Farms MJ Cultivation 213 Price St CBS Applications](#)  
[CUP 20-14 AKO Farms MJ Cultivation 213 Price St AMCO Application](#)

- C      [MISC 20-15](#)      Discussion/Direction on annual reporting for marijuana establishment conditional use permits.

**Attachments:**   [MISC 20-15 Annual Reporting Marijuana CUPs Staff Memo](#)  
[MISC 20-15 Annual Reporting Marijuana CUPs Draft Report Template](#)

**VIII.      ADJOURNMENT**

*NOTE: More information on these agenda items can be found at <https://sitka.legistar.com/Calendar.aspx> or by contacting the Planning Office at 100 Lincoln Street. Individuals having concerns or comments on any item are encouraged to provide written comments to the Planning Office or make comments at the Planning Commission meeting. Written comments may be dropped off at the Planning Office in City Hall or emailed to [planning@cityofsitka.org](mailto:planning@cityofsitka.org). Teleconference options can be found at <https://www.cityofsitka.com/government/departments/planning/index.html>. Those with questions may call (907) 747-1814.*



# CITY AND BOROUGH OF SITKA

## Minutes - Draft

### Planning Commission

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Wednesday, September 16, 2020

7:00 PM

Harrigan Centennial Hall

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#### I. CALL TO ORDER AND ROLL CALL

Present: Darrell Windsor (Acting Chair), Randy Hughey, Stacy Mudry  
Absent: Kevin Mosher (assembly liaison), Chris Spivey (excused)  
Staff: Amy Ainslie (Planning Director), Ben Mejia (Planner I)  
Public: Garry White, Richard Wein, Katie Riley, Ariadne Will (Sitka Sentinel)

**Acting Chair Windsor called the meeting to order at 7:00 p.m.**

#### II. CONSIDERATION OF THE AGENDA

#### III. CONSIDERATION OF THE MINUTES

**M-Mudry/S-Hughey moved to approve the September 2, 2020 minutes. Motion passed 3-0 by voice vote.**

**A**     [PM 20-15](#)     Approve the September 2, 2020 minutes.

**Attachments:**     [14-September 2 2020 DRAFT](#)

#### IV. PERSONS TO BE HEARD

#### V. PLANNING DIRECTOR'S REPORT

Ainslie reported that Wendy Alderson had applied for the Commissioner position that would fill Victor Weaver's seat. Alderson's application would be reviewed for appointment by the Assembly on September 22nd. Ainslie also informed the Commission that the seat to be vacated by Commissioner Hughey would continue to be advertised and she had been in contact with interested individuals.

#### VI. REPORTS

#### VII. THE EVENING BUSINESS

**B**     [ZA 20-05](#)     Public hearing and consideration of a zoning text amendment to Sitka General Code 22.16 District Regulations for the Gary Paxton Special Zone. The request is filed by the Gary Paxton Industrial Park Board of Directors.

**Attachments:**     [ZA 20-05 GPIIP ZTA Staff Report](#)  
                              [ZA 20-05 GPIIP ZTA Applicant Materials](#)  
                              [ZA 20-05 GPIIP ZTA Applicant Proposed Text Changes](#)

Ainslie introduced the item as a zoning text amendment for the Gary Paxton Special Zone. She explained that the proposed amendments represented a fundamental change to how the zoning code, in particular the district regulations that define allowable uses, work for the Gary Paxton Industrial Park (GPIP). Ainslie explained that the current process that governed appropriate use required considerable oversight and review by the GPIP Board of Directors and that proposed amendments would transfer the review of conditional uses to the Planning Commission, in keeping with the process of all other districts.

Ainslie explained the proposed changes and stated that residential and cultural uses were limited to protect the industrial nature of GPIP. She noted that vocational schools were permitted as a good use for the area as it promoted work force development and that a wide array of public services were permitted. Ainslie explained that restaurants were a conditional use to prevent uses that were incongruous with the established functions of the area.

Ainslie stated that as GPIP development progressed and evolved, further changes to Zoning Code may be needed, whether it was more flexibility or more oversight. Ainslie explained that the Gary Paxton Special Zone was intentionally unique to allow GPIP to serve as an economic engine for Sitka, and that required adaptability but noted that the proposed amendments were a good first step toward growth of GPIP. Staff recommended approval.

Hughey asked if the GPIP Board of Directors were in support of these amendments. Ainslie responded that the applicant represented the Board of Directors and that the proposal was generated from the Board. Hughey inquired about the land outside of park within the same district and whether it was excluded from residential development. Ainslie explained that the area was not planned as a prospective residential development. Ainslie added that the Gary Paxton Special Zone was unique to encourage economic development but that the intended zoning changes sought to clarify and normalize those uses.

Garry White was present as representative for the Gary White Industrial Park Board of Directors.

Mudry requested clarification on the permissible use of asphalt plant and concrete batch plant when it was conditional in the Industrial zone. White responded that proposed amendments were meant to allow a wide array of approved uses, but if that use were determined to be more suitable as conditional the Board would be in support of that decision. Windsor asked if there was an asbestos landfill site in the area. White replied that there was an asbestos and normal landfill to the east of GPIP, and that the use of that land was restricted until 2094. Windsor requested clarification regarding residential uses in GPIP. Ainslie replied that residential uses could be allowed in the zone through a watchman or caretaker dwelling or by means of a non-conforming use.

The Commission opened the floor for public comment. Wein expressed his concern that the proposed alterations might infringe upon the special function of GPIP as a place for industrial use and economic growth. Mudry voiced her agreement that the industrial function of GPIP should be preserved. Windsor asked if the GPIP Board of Directors would stay in place to oversee development.

White replied that the Board intended to dissolve after full development of the Industrial Park but their priority was to complete the haul-out.

Having no further questions from the Commission, the applicant was dismissed.

**M-Hughey/S-Mudry moved to recommend approval of the zoning text change to amend Title 22 of the Sitka General Code to amend the district regulations for the Gary Paxton special zone. Motion passed 4-0 by voice vote.**

#### **VIII. ADJOURNMENT**



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

### **AGENDA ITEM:**

Case No: CUP 20-14  
Proposal: Marijuana Cultivation Facility  
Applicant: AKO Farms LLC  
Owner: Justin Brown  
Location: 213 Price Street  
Legal: Lot 1A, Mick's Resubdivision  
Zone: Industrial District (I)  
Size: 38,118 SF  
Parcel ID: 3-0360-000  
Existing Use: Marijuana cultivation  
Adjacent Use: Industrial, commercial, residential  
Utilities: Existing  
Access: Smith Street, Price Street, Beardslee Way

### **KEY POINTS AND CONCERNS:**

- Proposed marijuana cultivation facility in addition to existing cultivation and concentrates licensed and operating adjacent to premises
- Located in the Industrial District on private property
- AMCO permit pending

### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve the conditional use permit request for a marijuana cultivation facility at 213 Price Street subject to conditions of approval.

## **BACKGROUND/PROJECT DESCRIPTION**

The proposal is for a marijuana cultivation facility in an Industrial zoning district (I) located at 213 Price Street. Therefore, the proposed use is subject to receiving a conditional use permit to be able to operate subject to section 22.24.026. The proposal is for an approximate 5,264 square foot marijuana cultivation facility. The facility is proposed to contain four grow rooms, a veg room, a clone room, three bathrooms, storage room, and kitchenette. It is important to note, all potential uses of the building shall conform to any potential conditions of approval for this conditional use permit. Even future permitted uses that could arguably create synergistic adverse impacts, could trigger revocation or additional future conditions of approval to mitigate those future impacts for this prospective conditional use permit.

Cultivation, concentrate, and retail operations, not subject to this review, are located in the applicant's adjacent property at 1210 Beardslee Way. The existing operations have received all necessary municipal and state licenses and permits.

The applicant has submitted as part of their application and also as part of their state license application extensive supporting documents that address security, safety, tracking, and overall operation of the facility. This is attached and also conditioned to be complied with.

See attachments for details on applicant's site plan, proposed layout, and operational information.

## **ANALYSIS**

### **1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>1</sup>**

#### **a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:**

Traffic will not be substantially impacted by the proposed use, as it will only be accessed by employees, of which there is an estimated five vehicles that will park on-site. However, given that the lot is located in the Industrial District, moderate to heavy traffic is expected.

**b. Amount of noise to be generated and its impacts on surrounding land use:** The proposed use would not seem to generate much noise. Heat pumps and ventilation fans will be located within the facility. Some noise is expected in industrial zones; this use compared to other allowed uses in the industrial district adds minimal noise.

**c. Odors to be generated by the use and their impacts:** Odor is a concern with marijuana uses. Ventilation filtration and carbon canister filtration is included in the proposal.

**d. Hours of operation:** Proposed hours of operation are 8am to 8pm.

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<sup>1</sup> § 22.24.010.E

**e. Location along a major or collector street:** Accessible from Price Street and Beardslee Way

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** Access to the property is along major collector roads, either Jarvis Street, Smith Street, or Price Street. Likelihood of users using other side streets or residential streets to access the site is improbable.

**g. Effects on vehicular and pedestrian safety:** 4 to 5 employee vehicles to be associated with the operation. There have been some traffic concerns noted in a public comment included in the attachments. It is staff's opinion that as the area is industrial in nature, and therefore heavy traffic is to be expected.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Site is accessible for police, fire, and EMS response. Knox Boxes will be installed on entry. Security system is in place.

**i. Logic of the internal traffic layout:** Internal layout conducive to cultivation work while providing adequate security and monitoring of product and restricted areas.

**j. Effects of signage on nearby uses:** Minimal, subject to AMCO limitations.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** Existing buffers on site including vegetation and drainage/utility easements on the west and south sides.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** Conforms to the chapter on Economic Development that supports promoting new entrepreneurial business, and supports growth of manufacturing businesses that add value to sustainably developed local resources.

**m. Other criteria that surface through public comments or planning commission review:** One comment received about speeding on Price Street and concern for potential noise/odor. Comments regarding traffic were forwarded on to Public Works and the Police Department for consideration.

### **Marijuana 500 Foot Buffers**

The state requires a 500 foot buffer from sensitive uses that include educational facilities, recreational centers, youth centers, churches, or correctional facilities. This is measured in different ways. Educational, recreation center, and youth center type uses are measured from the public entrance of the marijuana establishment to the outer boundary of the sensitive use by the shortest pedestrian route (determined by State AMCO Board); or 2) from the public entrance of the marijuana establishment to the main public entrance of the religious or correctional facility measured by the shortest pedestrian route (determined by State AMCO Board). There are no state

regulated sensitive uses that staff is aware of per site visit. However, this is conditioned to comply with state buffers and burden is upon applicant.

### **Specific Guidance on Findings for Marijuana Uses (SGC 22.24.026(E))**

Findings of Fact. Upon review and considerations of the required criteria, the planning commission shall determine whether the proposed use(s) at the proposed project location are found to not present a negative impact to the public's health, safety, and welfare.

1. If such a finding can be made, then the proposed use shall be approved with standard regulations, dimensions, and setbacks.
2. In the alternative, where the planning commission finds negative impacts are present, the planning commission shall only approve conditional use permits where the negative impacts can be adequately mitigated by conditions of approval that preserve the public's health, safety, and welfare. These conditions of approval shall be case-by-case specific and in addition to the standard regulations.
3. If negative impacts to the public's health, safety, and welfare cannot be mitigated through conditions of approval then the planning commission shall so find and deny the proposed conditional use permit.

### **RECOMMENDATION**

It is recommended that the Planning Commission approve the conditional use permit request for a marijuana cultivation facility at 213 Price Street subject to conditions of approval.

### **ATTACHMENTS**

Attachment A: Aerial  
Attachment B: Zoning and Buffer Maps  
Attachment C: Site Plan  
Attachment D: Floor Plan  
Attachment E: Photos  
Attachment F: Plat and As-Built  
Attachment G: CBS Applications  
Attachment H: AMCO Application  
Attachment I: Public Comment

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### **Motions in favor of approval:**

**1) I move to approve** the conditional use permit application for a marijuana cultivation facility at 213 Price Street subject to conditions of approval. The property is also known as Lot 1A, Mick's Resubdivision. The request is filed by AKO Farms, LLC. The owner of record is Justin Brown.

Conditions of Approval:

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal

licensing

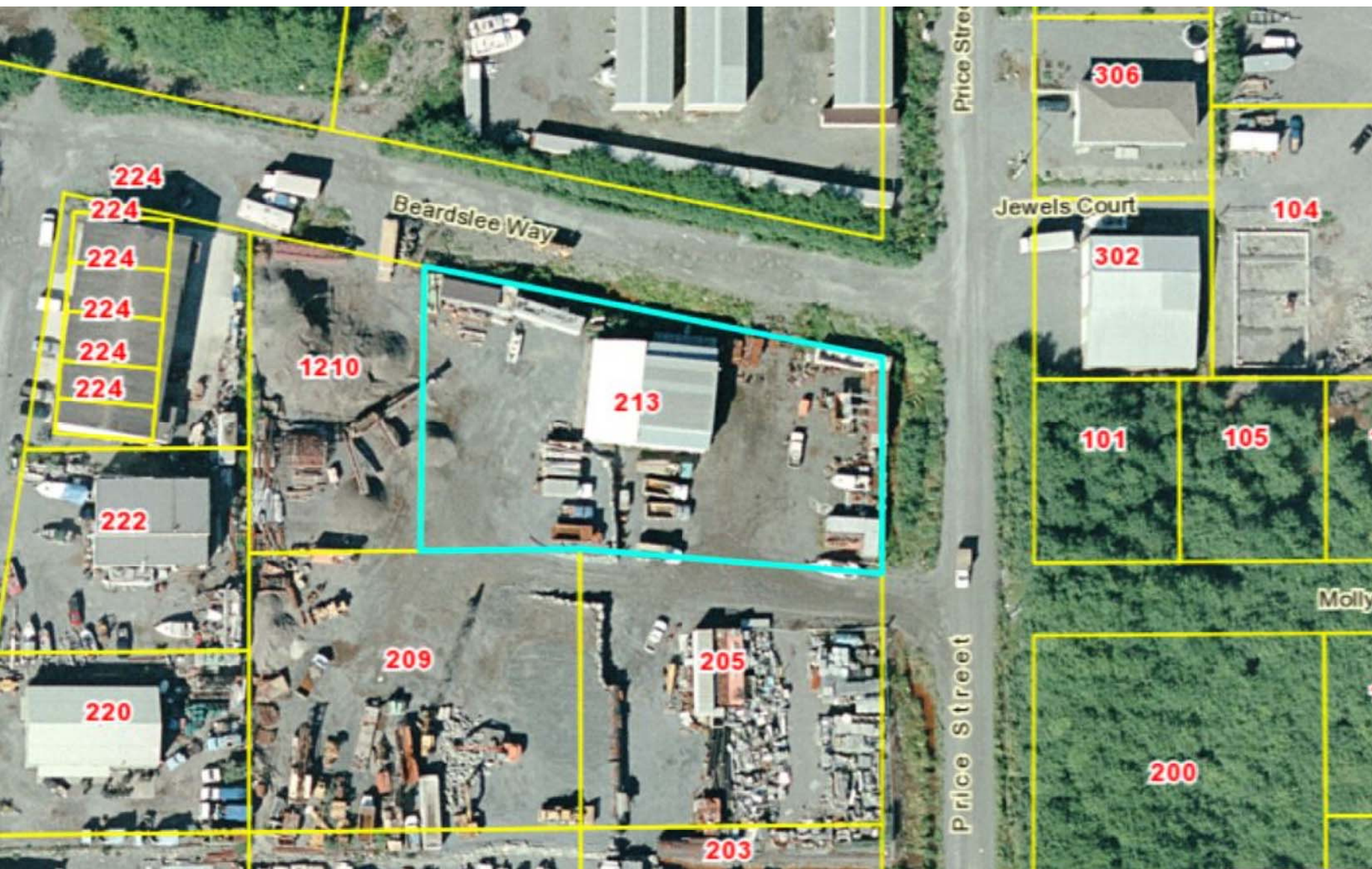
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal building official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfy the fire 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 and 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 any associated municipal license or conditional use permit.
7. All approved conditional use permits shall comply with all of the Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.
8. The Planning Commission or Planning Department shall be able to schedule a hearing to resolve issues, impacts, or review conditions of approval related to meritorious issues connected to the public's health, safety, and welfare.

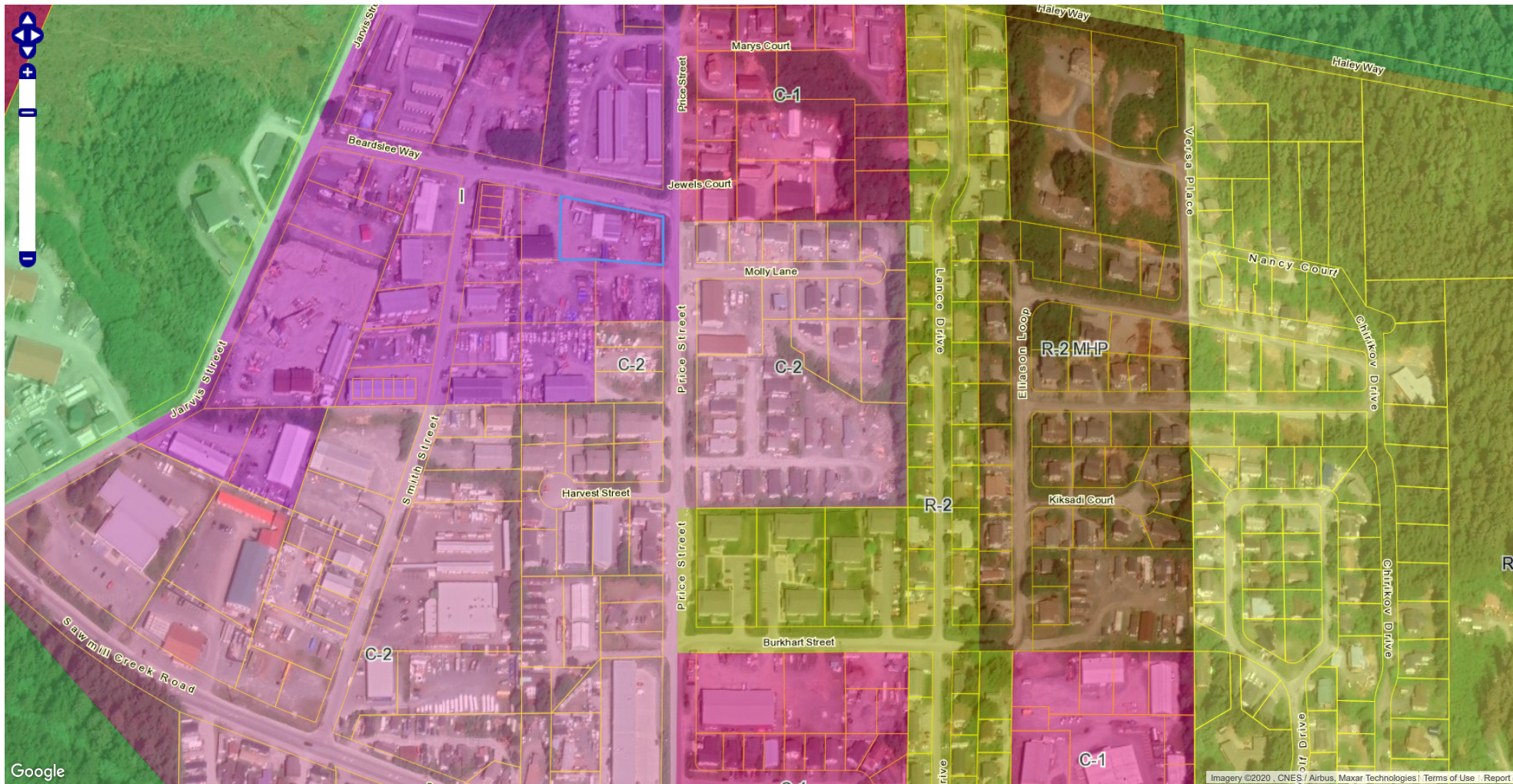
**2) I move to find that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval, and move to adopt the following findings<sup>2</sup>:**

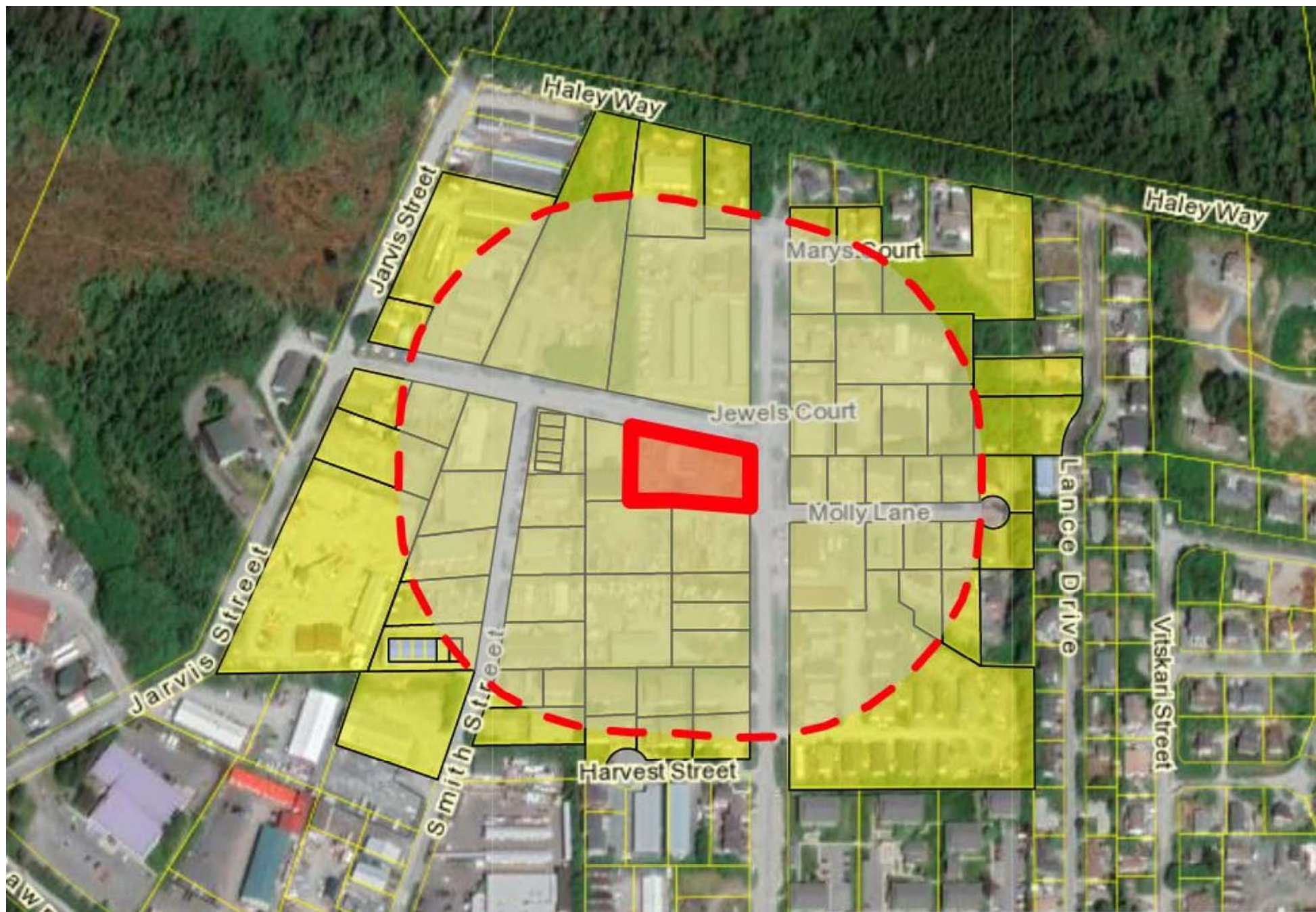
1. ...The granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare
  - b. Adversely affect the established character of the surrounding vicinity; nor
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation,
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

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<sup>2</sup> § 22.30.160.C – Required Findings for Conditional Use Permits









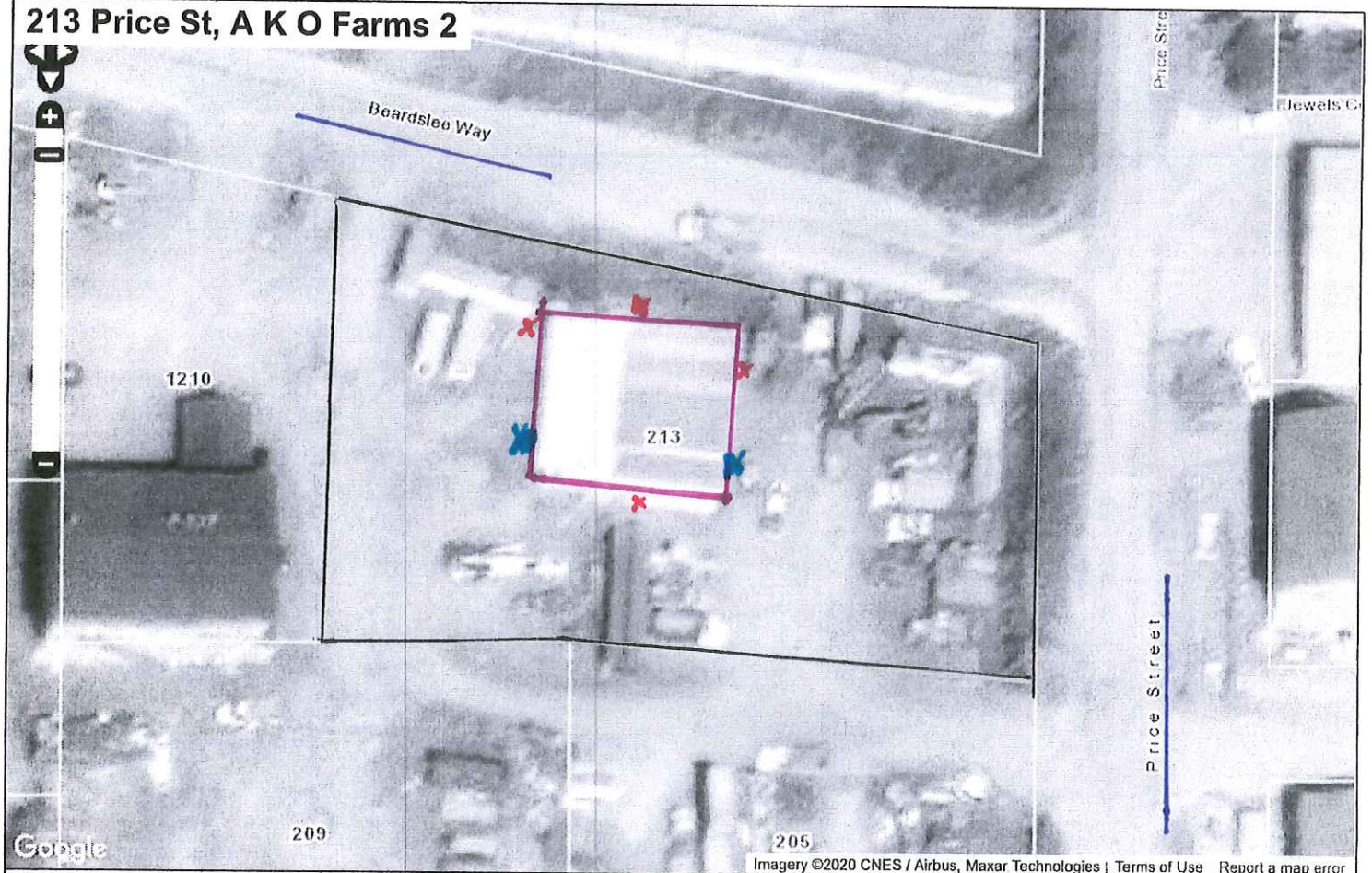
**LICENSE # 26162**  
**DBA: AKO2**

**LICENSED  
PREMISES**

**PROPERTY  
LINE**

**CROSS STREET**

# 213 Price St, A K O Farms 2



## City & Borough of Sitka, Alaska

Selected Parcel: 213 Price St ID: 30360000

Printed 9/21/2020 from <http://www.mainstreetmaps.com/ak/sitka/public.asp>

10 m  
50 ft



MainStreetMaps  
MainStreetGIS, LLC  
[www.mainstreetgis.com](http://www.mainstreetgis.com)

This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land. The City & Borough of Sitka, Alaska and MainStreetGIS, LLC assume no legal responsibility for the information contained herein.



LICENSE # 26162  
DBA: AKO 2

### DIAGRAM 3

LICENSED  
PREMISES



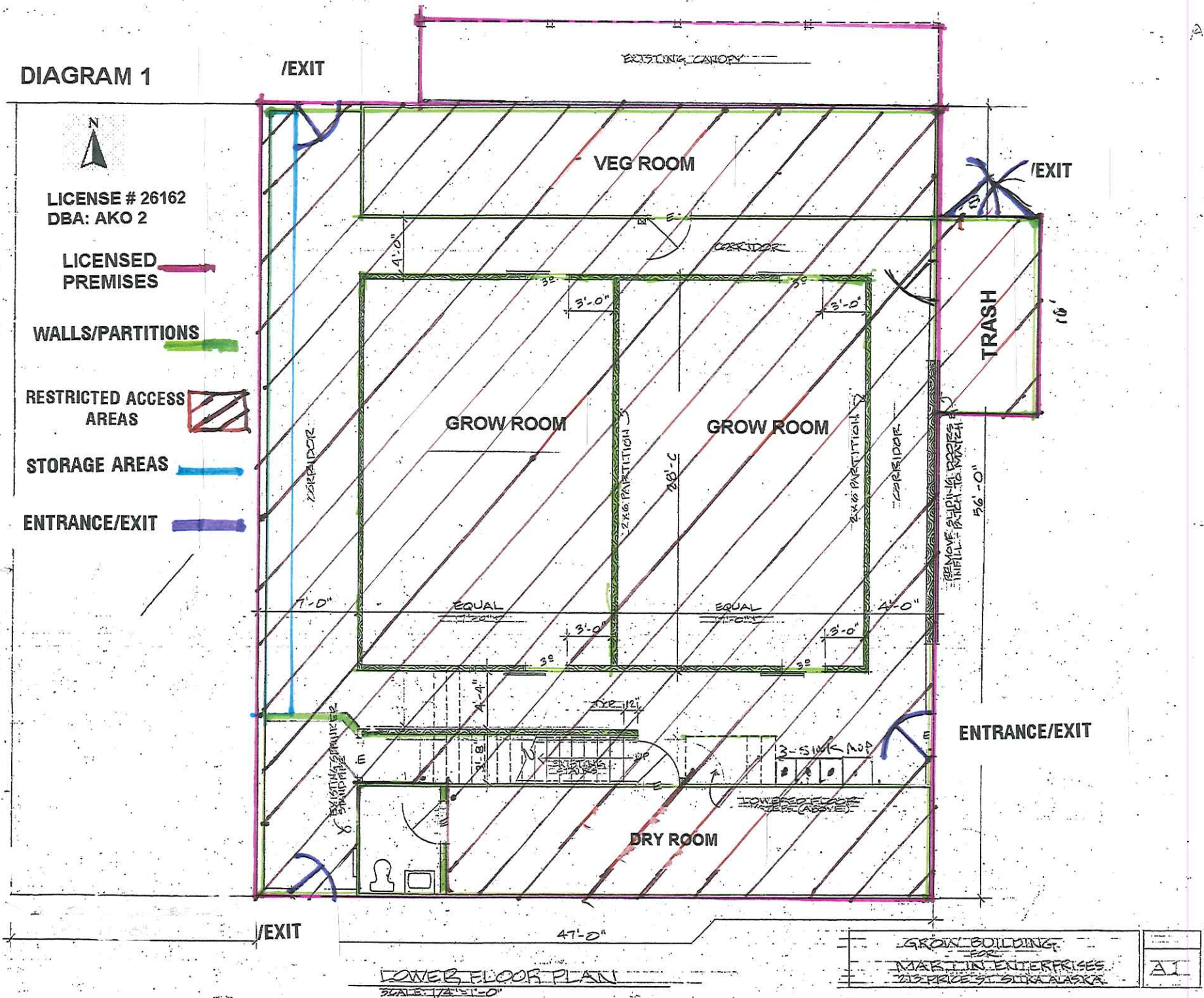
AREA OF INGRESS



AREA OF EGRESS



DIAGRAM 1





LICENSE # 26162  
DBA: AKO 2

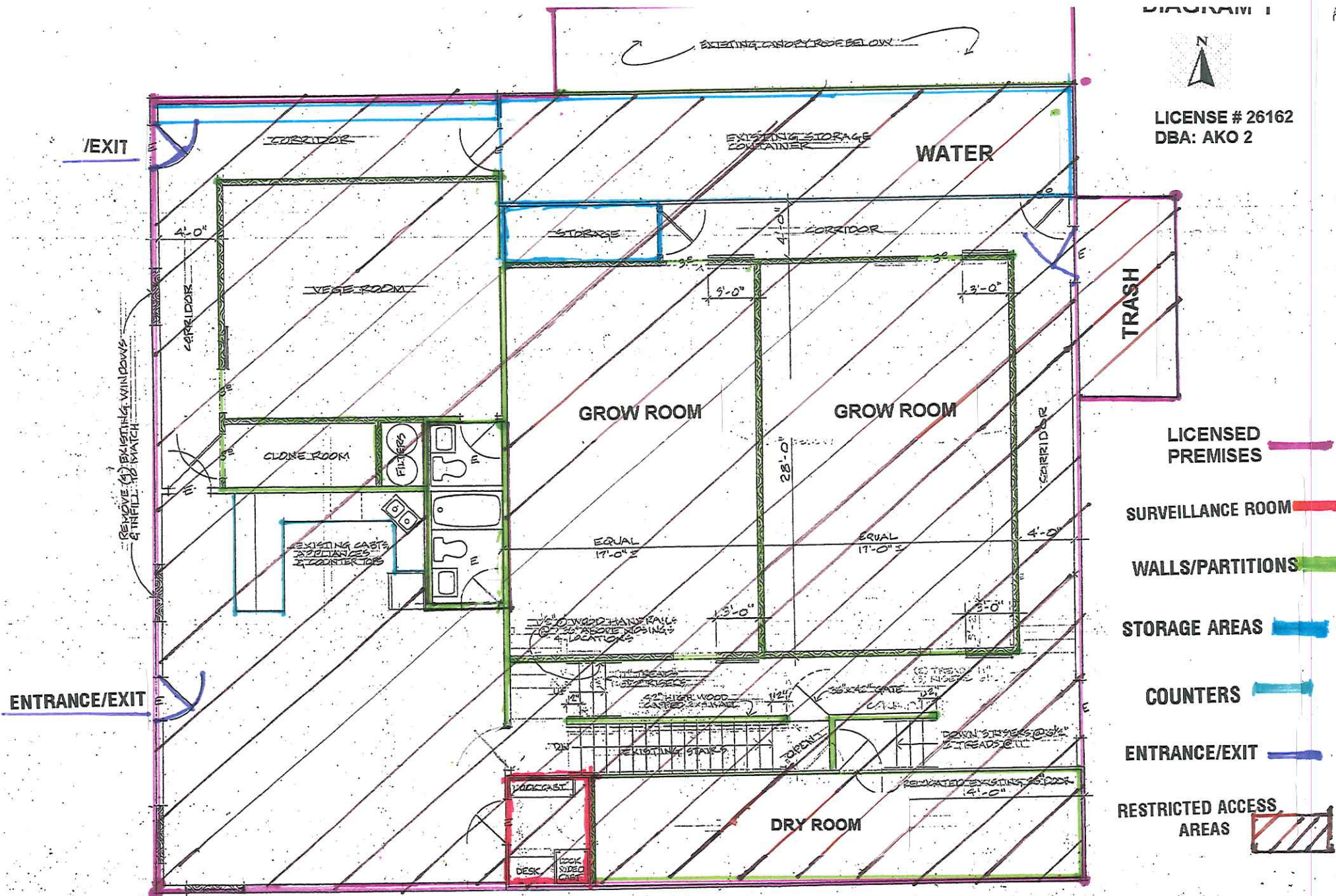


DIAGRAM 2



LICENSE # 26162  
DBA: AKO 2

LICENSED  
PREMISES

AREA OF INGRESS

AREA OF EGRESS

WALLS/PARTITIONS

EXIT

EXISTING CANOPY

VEG ROOM

TRASH

GROW ROOM

GROW ROOM

ENTRANCE/EXIT

DRY ROOM

EXIT

LOWER FLOOR PLAN

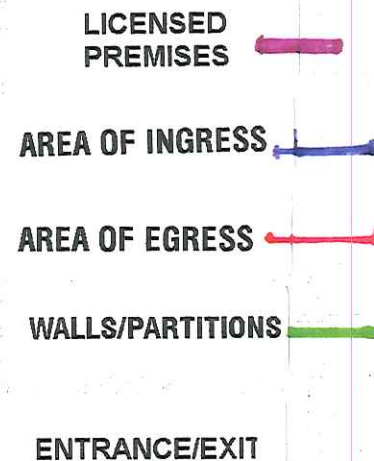
SCALE: 1/8" = 1'-0"

GROW BUILDING

MARTIN ENTERPRISES  
25 PRICE ST. SEKONAK, AK

AI

/EXIT



SCALE: 1/4" = 1'-0"

MARTIN ENTERPRISES

A2



# CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE 12-14-15 OWNER Michael J. Tisher (SIGNATURE)  
DATE \_\_\_\_\_ OWNER \_\_\_\_\_ (SIGNATURE)

## NOTARY'S ACKNOWLEDGMENT

US OF AMERICA  
STATE OF ALASKA  
CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 14<sup>th</sup> DAY OF December, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Michael J. Tisher

TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND he ACKNOWLEDGED TO ME THAT he SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

MY COMMISSION EXPIRES: 9-1-2016  
Melissa Henshaw  
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA My Commission Expires 9-1-2016

## CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE CITY & BOROUGH OF SITKA, HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY & BOROUGH OF SITKA, IN THE NAME OF Michael J. Tisher

AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL THAT CURRENT TAXES FILED TO DATE 2015 WILL BE DUE ON OR BEFORE AUGUST 31, 2015, DATED THIS 14<sup>th</sup> DAY OF December 2015

Wade Lawrence  
ASSESSOR, CITY AND BOROUGH OF SITKA

## CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLANNING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 2-15-11, DATED December 1, 2015, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE 12/17/15 CHAIRMAN, PLANNING BOARD  
Sam Pison  
SECRETARY

## CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF: Michael J. Tisher

CALL OWNERS OF RECORD, AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.I.D.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 17th DAY OF Dec. 2015, AT SITKA, ALASKA.

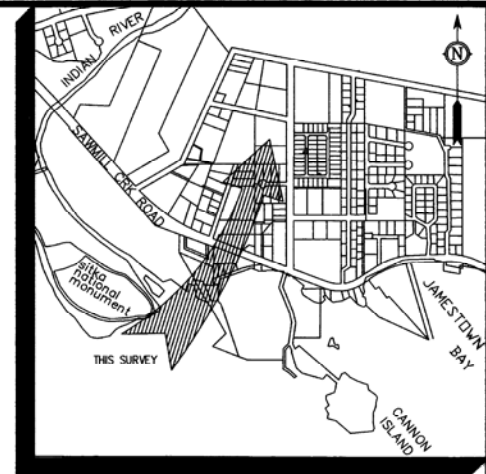
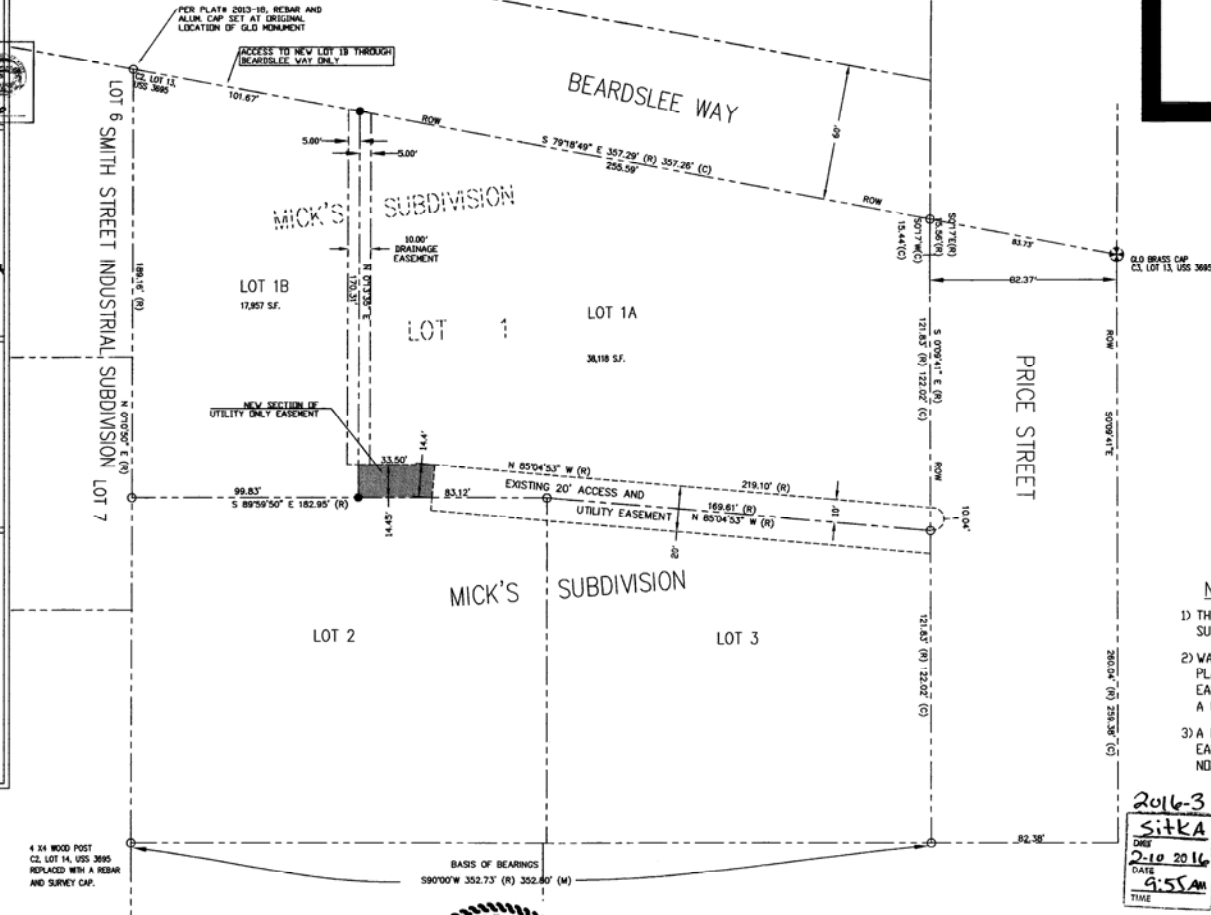
Donna Sweeney III  
FINANCE DIRECTOR

CITY & BOROUGH OF SITKA

# CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK 15 PAGE 138 DATED Dec. 1, 2015, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE 12/15/2015 MAYOR Alvin McConnell  
Sara Peterson  
CITY AND BOROUGH CLERK



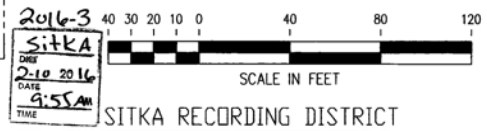
VICINITY MAP  
SCALE 1"=1,000'

## LEGEND

- ⊕ BLM/GLO PRIMARY BRASS CAP (RECOVERED)
- SECONDARY MONUMENT (SET)
- SECONDARY MONUMENT (RECOVERED)
- (R) RECORDED DATA
- (C) COMPUTED DATA
- (M) MEASURED DATA

## NOTES

- 1) THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT 1, MICK'S SUBDIVISION, INTO TWO (2) LOTS.
- 2) WATER, SANITARY SEWER, AND ELECTRIC UTILITIES ALREADY IN PLACE WITHIN THE EXISTING 20 FT. ACCESS AND UTILITY EASEMENT WILL BE EXTENDED TO SERVE NEW LOT 1B THROUGH A UTILITY ONLY EASEMENT.
- 3) A MAINTENANCE AGREEMENT FOR UTILITIES WITHIN THE NEW EASEMENT AND EXISTING EASEMENT ARE FILED UNDER SERIAL NO. 2016-000130-0, SITKA, ALASKA RECORDING DISTRICT.



O'NEILL  
SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835  
PHONE: (907) 747-6700  
FAX: (907) 747-7590  
EMAIL: onellengr@aol.net

BY	DATE	REV.	DESCRIPTION OF CHANGE

RECORD OF REVISIONS



DESIGNED: P. O'NEILL  
DRAWN: WAD/ACAD  
CHECKED: PKO  
DATE OF PLAT: 12/02/2015  
SCALE: 1" = 40'  
DRAWING NAME: 30234-022  
PROJECT NO. 30234-22-00

## SURVEYOR'S CERTIFICATE

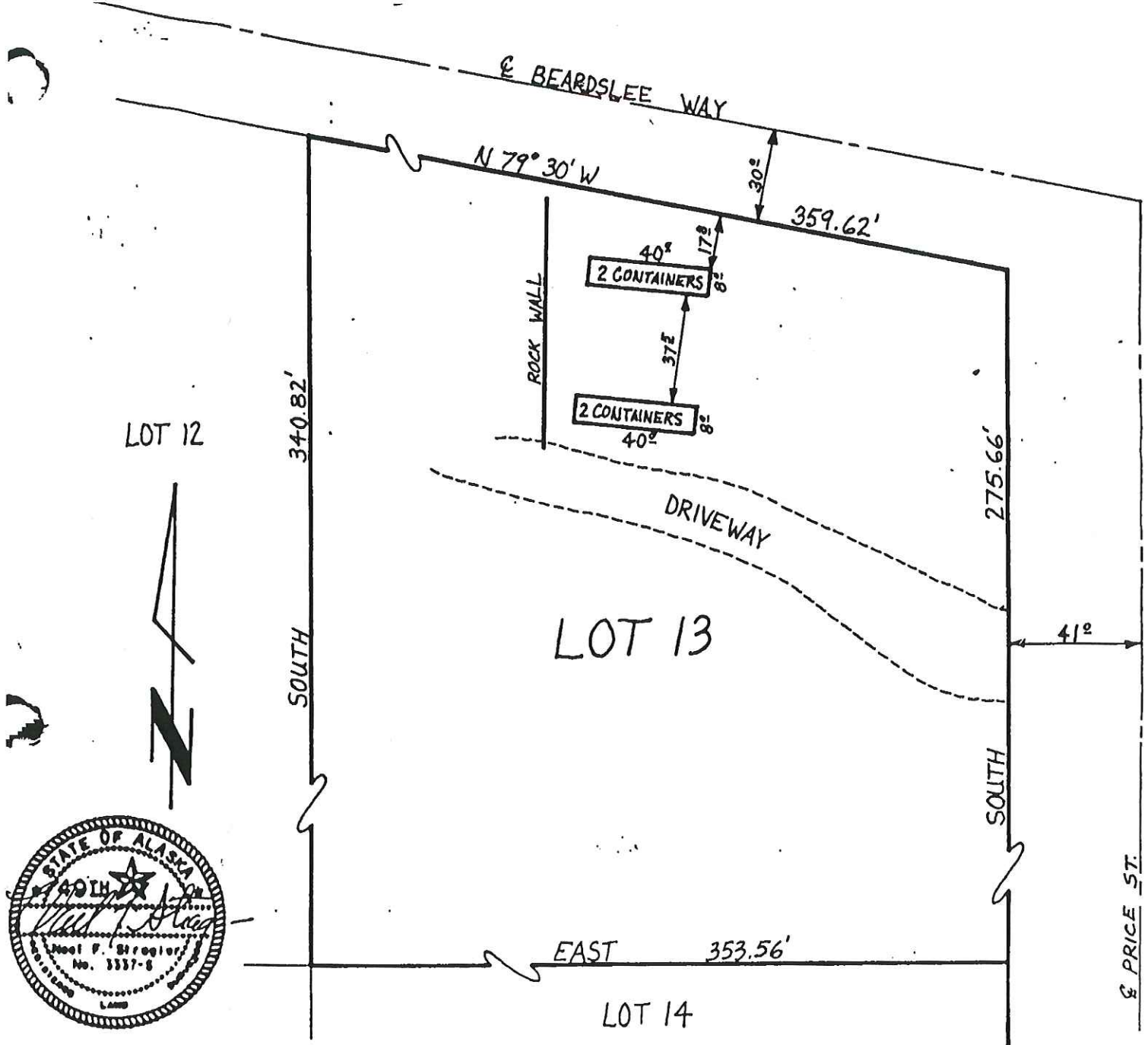
I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT ON Dec. 14, 2016 A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE 11/16/15 Patrick K. O'Neill  
PATRICK K. O'NEILL, L.S. 6304

## MICK'S RESUBDIVISION

LOT 1, MICK'S SUBDIVISION  
(PLAT # 2013-18)

CLIENT: MICHAEL TISHER, SITKA, ALASKA



I hereby certify that I have inspected the following described property **LOT 13**  
**U.S.S. 3695** Sitka Recording District, Alaska, and that the improvements situated thereon are within the property lines and do not encroach on the adjacent property, that no improvements on adjacent property encroach on the subject property and that there are no roadways, transmission lines or other visible easements on subject property, except as noted hereon. It is the owner's responsibility to determine the existence of any easements, covenants or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data shown hereon be used for construction or for establishment of boundary or fence lines. Dated this 23<sup>rd</sup> day of May, 1995.

*Carl F. Stragier*  
 SURVEYOR

**AS-BUILT PLOT PLAN**

**LOT 13**  
**U.S.S. 3695**

**STRAGIER**  
**ENGINEERING SERVICES**  
 504 DeGROFF ST  
 SITKA, ALASKA 99835  
 907) 747-5833

**AS-BUILT PLOT PLAN**  
 Scale 1" = 50'  
 Job No 2353S  
 Date 5-23-95  
 Field Book 105, Pg. 70

**PREPARED FOR**  
**MR. MICK TISHER**  
**315 SEWARD ST.**  
**SITKA, AK 99835**



# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

- Applications must be deemed complete at least **TWENTY-ONE (21)** days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

**APPLICATION FOR:**☐

VARIANCE

☒

CONDITIONAL USE

☐

ZONING AMENDMENT

☐

PLAT/SUBDIVISION

**BRIEF DESCRIPTION OF REQUEST:** State Licensed Standard Marijuana Cultivation Facility**PROPERTY INFORMATION:**CURRENT ZONING: Industrial PROPOSED ZONING (if applicable): NACURRENT LAND USE(S): Warehouse/Storage PROPOSED LAND USES (if changing): Cultivation facility**APPLICANT INFORMATION:**PROPERTY OWNER: Justin R BrownPROPERTY OWNER ADDRESS: 103 Metlakatla St.STREET ADDRESS OF PROPERTY: 213 Price St.APPLICANT'S NAME: AKO Farms LLCMAILING ADDRESS: P. O. Box 2426EMAIL ADDRESS: akofarmsllc@gmail.com DAYTIME PHONE: 907-738-4048**PROPERTY LEGAL DESCRIPTION:**TAX ID: 30360000 LOT: 1 BLOCK: PLAT# 2016-3 TRACT: Replat of Lot1SUBDIVISION: mikr US SURVEY: 3695Brown

Last Name

9/16/2020

Date Submitted

213 Price St.

Project Address

## REQUIRED INFORMATION:

### For All Applications:

- ☒ Completed General Application form
- ☒ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☒ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☒ Floor Plan for all structures and showing use of those structures
- ☒ Copy of Deed (find in purchase documents or at Alaska Recorder's Office website)
- ☒ Copy of current plat (find in purchase documents or at Alaska Recorder's Office website)
- ☒ Site photos showing all angles of structures, property lines, street access, and parking – emailed to [planning@cityofsitka.org](mailto:planning@cityofsitka.org) or printed in color on 8.5" x 11" paper
- ☐ Proof of filing fee payment

### For Marijuana Enterprise Conditional Use Permits Only:

- ☒ AMCO Application

### For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)

## CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

Justin R Brown

Owner



Owner

9/16/2020

Date

Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

Applicant (If different than owner)

Date

Brown

Last Name

9/16/2020

Date Submitted

213 Price St.

Project Address



## CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
SUPPLEMENTAL APPLICATION FORM  
CONDITIONAL USE PERMIT

### APPLICATION FOR



MARIJUANA ENTERPRISE



SHORT-TERM RENTAL OR BED AND BREAKFAST



OTHER: \_\_\_\_\_

### CRITERIA TO DETERMINE IMPACT – SGC 22.24.010(E) *(Please address each item in regard to your proposal)*

- Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:

The Traffic will be less than there is now, with 4 to 5 vehicles which will be workers parking to work in the facility.

- Amount of noise to be generated and its impacts on surrounding land use: The noise will be very little 4 heat pumps and some ventilation fans that will inside the facility.

- Odors to be generated by the use and their impacts: There are odors created in the growing of marijuana, we will have ventilation filters and carbon cannister filters installed in each of the grow rooms and vege room

- Hours of operation: 8am to 8 pm

- Location along a major or collector street: Yes Price St. , Beardslee Way, Smith St.

- Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: The roads that lead to this location both Price St. and Beardslee Way do not go thru residential areas. There will be no cut through scenario.

- Effects on vehicular and pedestrian safety: Nothing is being created that will effect the traffic flow or create more traffic. We are not open to the public.

- Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Yes  
Very easy and we will install KNOX Boxes on entry!
- Logic of the internal traffic layout: There will be no internal traffic. One building  
sitting on a lot with a Knox Box on the front door.
- Effects of signage on nearby uses: Signage is not allowed by the State of Alaska
- Presence of existing or proposed buffers on the site or immediately adjacent the site: The building is  
situated in the middle of a large lot with buffers around all sides
- Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan (CITE SPECIFIC SECTION AND EXPLAIN): ED-6.7 Supports growth  
of manufacturing businesses that add value to sustainably developed local resources
- Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc.): We have a licensed marijuana grow building on the lot next to this one, we have worked  
very hard to control odors, keeping the security to the State of Alaska standards,  
we will control all of our waste and will be disposed in proper manner with State standards.

Brown

Last Name

9/16/2020

Date Submitted

213 Price St.

Project Address

**REQUIRED FINDINGS (SGC 22.30.160(C):**

1. ...The granting of the proposed conditional use permit will not:
- a. Be detrimental to the public health, safety, and general welfare because We have taken safe  
guards to protect the public, and have met all the State safety requirments.;
  - b. Adversely affect the established character of the surrounding vicinity, because We have cleaned  
the entire lot removed all the equipment and will be a stand alone building ; nor
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon  
which the proposed use is to be located, because, all the dangers of stored equipment  
crab pots, fishing gear has been removed, it will stay a empty lot for employee parking;
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the  
goals, objectives, and policies of the comprehensive plan and any implementing regulation, specifically,  
conforms to Comprehensive Plan Section ED 6.7 which states Supports growth of  
manufacturing businesses that add value to sustainably developed local resourses  
because the proposal Taking locally provided power and converting it into  
a sellable product that is sold around the State of Alaska.;
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and  
enforced, because We are a daily operating business that can be  
visited and inspected at any time, and a yearly review of the CUP.

**ANY ADDITIONAL COMMENTS** We look forward to doing business with the City and  
Borough of Sitka at this new location. Just as we have enjoyed the last 3 years  
of working with the City of Sitka and its employees.



Applicant

9/16/2020

Date

Brown

Last Name

9/16/2020

Date Submitted

213 Smith St.

Project Address

## Amy Ainslie

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**From:** Parker Guide Service <parkerguideservice@gmail.com>  
**Sent:** Thursday, October 01, 2020 5:13 PM  
**To:** Planning Department  
**Subject:** Re: 213 Price St. Application

I am requesting that when they build they put the fans, heat pumps and anything that will in it noise to the back of the building. Away from price and Beardsley way.

Sent from my iPhone

On Oct 1, 2020, at 12:42 PM, Planning Department <planning@cityofsitka.org> wrote:

Hello Ms. Parker,

Thank you for contacting the Planning Department on this, your note will be included in public comment sent to the Planning Commission on this item.

To address a few of the concerns raised in your email:

- Odor: The new facility will also be run by AKO Farms which has the cultivation facility on Beardslee. The filtration system should be similar if not identical, including ventilation filters and carbon cannister filters.
- Noise: The applicant indicated in their application that noise should be minimal, the main sources would be the operation of 4 heat pumps and ventilation fans. Again, it should be very similar to their current operation on Beardslee.
- Traffic: I will certainly forward your concerns to our streets division as well as PD to discuss and see if some of the solutions you proposed are appropriate.

Thank you,

*Amy Ainslie*

**Planning Director**

City and Borough of Sitka

100 Lincoln Street

Sitka, AK 99835

(907) 747-1815

amy.ainslie@cityofsitka.org

**From:** Parker Guide Service <parkerguideservice@gmail.com>  
**Sent:** Wednesday, September 30, 2020 6:41 PM  
**To:** Planning Department <planning@cityofsitka.org>  
**Subject:** 213 Price St. Application

We live at 306 Price St. ,located diagonally across from what this development will be.

How do they plan on containing the Marijuana smell at their facility?

Besides The smell issue, What are they planning to use to power and maintain their facility? How loud will it be? The sound from lower Price and Smith Street travel right up Price st. and up to Lance drive via the rock pit.

If the sounds and smells of the operation can be contained, and normal setbacks are used, then I would not object to it. However I do have issues with the patrons of these facilities as seen below...

I request that the city ask for several speeding signs to be placed along Price St. and perhaps and a stop sign to be located on Price and the intersection of Price and Bearsley Way. Since we have seen a cultivation farm put in which is located right next to this location on Bearsley Way, there has been an increase of cars speeding up Price Street, not using stop signs located at Bearsley Way, pulling onto Price St. without stopping, as well as smoking pot in their cars while driving away from the facility. Our home is right on the line where Price becomes more residential than commercial, even though we are zoned commercial. We have had to watch our children carefully for people and commercial trucks speeding up our street.

Thank you,

Ann-Marie Parker

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Parker Guide Service  
Bruce & Ann-Marie Parker  
P.O. Box 6290  
Sitka, AK. 99835  
Cell: Bruce (907) 738-6760 or Ann-Marie (907) 747-6026  
[parkerguideservice@gmail.com](mailto:parkerguideservice@gmail.com)  
[www.alaskaboathunts.com](http://www.alaskaboathunts.com)  
[www.alaskaboatcruises.com](http://www.alaskaboatcruises.com)



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Memorandum

**To:** Chair Spivey and Planning Commission  
**From:** Amy Ainslie, Director, Planning and Community Development  
**Subject:** **Annual Reporting for Marijuana Establishment Conditional Use Permits**  
**Date:** October 2, 2020

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Starting in 2017, the Planning Commission and staff agreed that annual reporting for short-term rental permits would be better handled through a single, annual report that permit holders would fill out rather than scheduling ad hoc reviews of every individual permit. Staff maintains that this has been a positive and efficient change in process that has allowed the department to stay on top of permit reviews and aggregate useful data.

Currently, there is a lack of similar, efficient process for other types of conditional use permits which has created a backlog of permit reviews. Staff would like to standardize and streamline permit reviews as much as possible, and like short-term rentals, group together similar types of permits and create an annual review cycle. The next major grouping of conditional use permits other than short-term rentals is marijuana establishments. A draft reporting template was included in your packet to provide an idea of what the report would entail.

Staff would like feedback from the Commission on the following:

- Whether the Commission would like to move reporting for marijuana establishment conditional use permits to a single reporting cycle (and if we should extend this means of annual reporting to other conditional use permit groupings)
- What type of information the report should capture
- Time of year the reporting should be done
- Whether permit holders should be required to participate in-person during reporting review with the Commission

Potential motion: **“I move to direct staff to prepare an annual report template and timeline for marijuana establishment conditional use permits.”**



## Planning and Community Development Department

100 Lincoln Street, Sitka, AK 99835

(907) 747-1814

[planning@cityofsitka.org](mailto:planning@cityofsitka.org)

### **CALENDAR YEAR 20XX ANNUAL REPORT: MARIJUANA ESTABLISHMENTS**

- I. Applicant Name, Mailing & Email Address:**
  
  
  
  
  
  
  
  
  
  
- II. Registered Business Name & Property Address:**
  
  
  
  
  
  
  
  
  
  
- III. Taxes Remitted and Utilities Paid to CBS:**
  
  
  
  
  
  
  
  
  
  
- IV. Violations or Complaints:**
  
  
  
  
  
  
  
  
  
  
- V. Outstanding Conditions of Approval (Building Inspection, Tax Registrations, etc.):**
  
  
  
  
  
  
  
  
  
  
- VI. Challenges Experienced and Solutions Implemented**
  
  
  
  
  
  
  
  
  
  
- VII. Comments/Suggestions:**