



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

To: Chair Chris Spivey and the Planning Commission
From: Michael Scarcelli, Senior Planner
Subject: Analysis of Conditional Use Permits for Marijuana Businesses
Date: May 4, 2016

Proposals for Conditional Use Permits should be reviewed in the same manner of other conditional uses with some specific additions. First, there are specific state regulations the applicant will have to follow should a state license be granted in addition to the conditional use approval. These licensing regulations are incorporated into the standard conditions of approval. Therefore, compliance with those and even review of how those will be complied with may be appropriate for discussion. The paramount issues will be security, odor, diversion from illegal distribution, buffer from sensitive uses, and harmony with all surrounding land use.

Unlike other conditional use permits, if approved there will be seven standard conditions of approval. These seven standard conditions of approval are not discretionary and shall be applied per code, section 22.24.026(C) to all approved conditional use permits for marijuana business. In addition, the Planning Commission shall add to these conditions if it finds negative impacts that can be adequately mitigated by specific measures.

Below are code sections that direct the analysis, findings, and conditions of approval that will be found in all staff reports.

Analysis, Required Findings, and Standard Conditions for Marijuana Business Conditional Use Permit Applications.

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.¹
 - a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:
 - b. Amount of noise to be generated and its impacts on surrounding land use:

¹ § 22.24.010.E

- c. Odors to be generated by the use and their impacts:
- d. Hours of operation:
- e. Location along a major or collector street:
- f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:
- g. Effects on vehicular and pedestrian safety:
- h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:
- i. Logic of the internal traffic layout:
- j. Effects of signage on nearby uses:
- k. Presence of existing or proposed buffers on the site or immediately adjacent the site:
- l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:
- m. Other criteria that surface through public comments or planning commission review: Other Important Considerations
- 2. Any impact or criteria that surfaces through public comment, planning staff review, or planning commission review

FINDINGS

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.

Conditions of Approval:²

Standard Regulations. Dimensions, and Setbacks

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 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 an associated municipal license or conditional use permit.
7. All approved conditional use permits shall comply with all Sitka General Code requirements or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.

² § 22.24.026(C).