



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Conditional Use Permit for Marijuana Consumption Facility at 1321 Sawmill Creek Unit K

Case No: CU 17-09
Proposal: Marijuana Consumption
Applicant: Michelle Cleaver for Weed Dudes
Owner: Eagle Bay Inn, LLC
Location: 1321 Sawmill Creek Road Unit K
Legal Desc.: US Survey 2729
Zone: C-2 General commercial mobile home
Size: 69,300 square feet
Parcel ID: 30450000
Existing Use: Commercial
Adjacent Use: Commercial, Industrial, and Residential
Utilities: Full Services
Access: Sawmill Creek Road

KEY POINTS AND CONCERNS:

- Key Concern: The reality of the tourist season and the state delay in promulgating state regs regarding on-site consumption. To date, on-site consumption is not allowable. How to respond to this is critical issue before all other issues.
- **Note: On May 15, 2017 the state AMCO will hear and perhaps decide upon on-site consumption.**
- Odor: Applicant proposes and draft state regulations will require HVAC system filtration to mitigate odor impacts.
- Security: Applicant has already provided a security plan, high level steel bars, and other security means that mitigate any impact here.
- Waste management: little concern. Low level of waste production.
- On site traffic circulation and parking. Existing parking, with addition of stripes will adequately provide for efficient parking.
- No known state regulated sensitive uses within 500 feet. Though there are residential and commercial uses that families and children reside at or frequent.
- Annual report required.
- No other concerns about location or use outside of standard conditions.

RECOMMENDATION:

1. **If State adopts regulations for on-site consumption**, approve the conditional use permit subject to the attached conditions of approval.
2. **If state does not adopt regulations**, then postpone until certain date or event.

ATTACHMENTS

- A. Vicinity Map
- B. Aerial Map
- C. Zoning Map
- D. Site Plan with Parking
- E. Floor Plan
- F. Existing Plat
- G. Photos
- H. AMCO Application
- I. Application
- J. Mailing List
- K. Proof of Payment
- L. Warranty Deed

BACKGROUND/PROJECT DESCRIPTION

The proposal is for a marijuana consumption facility in a General Commercial Mobile Home zoning district (C-2) located at 1321 Sawmill Creek Road, Unit J & K. Therefore, the proposed use is subject to amending their existing conditional use permit to be able to operate subject to section 22.24.026.

The current operation is located on ground level and occupies unit J, which takes about 1,250 gross square feet. The expansion into a retail consumption lounge associated with the existing retail use proposes to expand into Unit K (currently Wood Dudes). It provides a restricted public entrance, a consumption room with bud bar, and restricted access for support area.

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:

First, our Department does not have traffic engineering software to calculate traffic impacts, nor does it have the equipment to conduct or own objective traffic studies. However, I was able to glean information from other objective traffic studies. Using a study from Boulder, Colorado, marijuana retail was studied with actual traffic and parking observations and also compared and contrasted to similar businesses to calculate a range of traffic and parking impacts. Using observation and modeling, the average trips to a specific retail location per day ranged from 100 to 321; during the highest am hour, the range was .4 to 14.33, and in the highest pm hour the range was 14 to 48. Note: there was less of a correlation between retail size and traffic impacts, instead that seemed to be determined more by market variables (such as supply, demand, density of similar uses in area).

So what does this mean? It means that these uses will produce similar parking and traffic demand as any other retail use would see in a given market. Weed Dudes would need to provide 4.16 parking spaces for its gross floor area per code. At a moderately high level of sales and trips per hour, the spaces should cover most hours of operation. Some hours of highest demand may need additional spaces to provide for employees and clientele. CUPs can address parking impacts by creating specific additional conditions to address parking,

¹ § 22.24.010.E

such as the condition recommending a parking plan with striped parking stalls to be completed and submitted (this is currently a code requirement anyway). 7 spaces should be sufficient.

b. Amount of noise to be generated and its impacts on surrounding land use:

There is no objective analysis regarding noise. Subjectively, retail use would not appear to create any noise impacts to a General Commercial Area any more so than other commercial uses. In reviewing other planning analysis of such marijuana retail uses, I found no concerns about noise impacts in commercial zones.

c. Odors to be generated by the use and their impacts: Odors are a concern.

There is difficulty ascertaining the quantitative, objective impact of marijuana odor. Subjectively, some may like the odor – whether as an odor alone or compared to other noxious odors that may be found in commercial and industrial areas.

Drafts of state regulations for onsite-consumption for retail include ventilation requirements. City staff have proposed conditions of approval that incorporate those potential and mandate some form of high-grade commercial ventilation whether HVAC or HEPA filtration.

d. Hours of operation: Unknown. Applicant shall include these. Note: General Commercial zones anticipate a range of commercial uses that tend to operate into evening hours (e.g. restaurant, hotel, theatre, etc). Reasonable hours that are in line with the theatre would not result in adverse impacts to the surrounding land uses.

e. Location along a major or collector street: Located along a state highway, Sawmill Creek Road, which is adequate for the proposed use.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: Proposed use is in an existing building. The use itself will not create or alter any access.

g. Effects on vehicular and pedestrian safety: None anticipated or identified.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Part of the operating plan will include emergency access. Due to operating plan and regulations, emergency access may be better than average use. Positive impact only.

i. Logic of the internal traffic layout: Property has proper layout; If 107 spaces are provided in the front, rear, and side for the entire plaza, and 10 are reserved for Weed Dudes, staff feels that will be adequate.²

j. Effects of signage on nearby uses: None anticipated.

² Staff applied retail, office, storage, hotel, theatre, and mfg. use rates to existing units A through P, applying staff generated gross square footage of an average of 25 feet by 50 feet for each unit. All units were accounted for. Storage was applied for upstairs as a default due to unknown use. Regardless, this is a fair parking analysis and meets in the middle (compromise) and property can support 107 spaces (and some).

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Existing lot orientation is proper. In terms of state buffer, there is residential use on site and adjacent vicinity that could be impacted by odor or other impacts of marijuana retail use.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: There are many goals, policies, and objectives that this proposal could fall under, these include but are not limited to: 2.1.2 economic growth, 2.1.3 foster quality family life (condition to protect these), 2.1.10 diverse and vital local job base, 2.1.13 diversified industry and utilizing Sitka's resources for best return on investment (renewable electricity), 2.2.1 economic base, 2.2.3 produce high quality goods, 2.2.5 protect health and welfare of community (through conditions), 2.2.10 respect social and community values (70% support recreational marijuana), 2.3.6 focus on waste water and watershed protection (though conditions and operating plan), 2.4.1 orderly use, 2.4.4 resolve conflicts of use through public process, and 2.6.2 commercial development without substantial negative impacts (through conditions and regulations). Overall, the conditional approval with appropriate conditions and default state regulations appears to offer the best economic development by providing jobs, tax revenue, utilizations of electricity that has extra supply, comports with existing community values, and creates harmony of use for the area.

Some of the positive impacts include increasing jobs directly and indirectly through on-site employees, contractors for building and business design, sale tax revenue, tourism incentives, and sale of electricity. Potential negative impacts are adequately mitigated through stringent state regulations incorporated into the municipal conditional use permit via security protocols, tracking system, diversion protocols, camera and security features, odor control, other means.

m. Other criteria that surface through public comments or planning commission review

1. Any impact or criteria that surfaces through public comment, planning staff review, or planning commission review.³

Safety: Building and occupational safety will be reviewed by the Building Department and Fire Marshal. In addition, default conditions address safety concerns.

1. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.

2. 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.

In addition, all public, health and safety has been adequately addressed with the operating plan and proposed conditions regarding parking compliance and odor control. Emergency access, security, and diversion programs⁴ have all addressed any other potential safety concerns.

³ §22.24.026(D)(2)

Parking: Per section 22.20.100, the applicant shall provide parking in compliance with code. The code requires 1 space per 300 gross square feet of retail floor space. Staff assumes the retail, lounge, and storage components of the proposal would require about **8 spaces**. Due to certain unknowns and potential for higher demand that may result in negative impacts. Staff believes requiring **10 parking** spaces and an overall parking plan, and the striping⁵ of 107 on-site parking spaces that comply with code for the entire plaza would be sufficient and fair and mitigate any potential adverse impacts.

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.

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions: ⁶

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that 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.

⁴ Applicant has provided and will be required by state and municipal condition of approve to provide a tracking system, handler's education, and other mitigation measures to avoid illegal diversion of product, safe handling, and security.

⁵ Striping where feasible, i.e. on concrete pads and not for gravel area.

⁶ § 22.30.160.C – Required Findings for Conditional Use Permits

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.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Specific Guidance from 22.24 on Findings for Marijuana Uses⁷

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.***

⁷ §22.24.026(E)

3.If negative impacts to the public's health, safety, and welfare cannot be mitigated through conditions of approval than the Planning Commission shall so find and deny the proposed conditional use permit.

RECOMMENDATION

It is recommended that the Planning Commission adopt staff's analysis and required findings as found in the written staff report.

Recommended Motions

If state does not adopt state regulations for onsite consumption, then move to postpone hearing and deliberation until date or event certain.

If state adopts regulations for onsite consumption:

1. I move to find that the permit complies with all existing zoning code, the comprehensive plan, and that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval.
2. I move to approve the conditional use permit amendment request filed by Michelle Cleaver for onsite-marijuana consumption at 1321 Sawmill Creek Road, Unit J & K, in the C-2 General Commercial and mobile home zone subject to the conditions of approval. The property is also known as U.S. Survey 2729. The owner of record is Eagle Bay, LLC.

Required Standard Conditions of Approval:⁸

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.

⁸ §22.24.026(C)

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 Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit

Additional Recommended Conditions

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 system) 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 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.

13. This conditional use permit shall not become effective until the state adopts regulations regarding on-site consumption and also approves the applicant's state license to include on-site consumption within her existing licensed retail facility. In other words, this permit is not valid until a condition subsequent of state permission occurs.





City & Borough of Sitka, Alaska

Selected Parcel: 1321 SAWMILL CREEK ID: 30450000

Printed on 4/29/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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City & Borough of Sitka, Alaska

Selected Parcel: 1321 SAWMILL CREEK ID: 30450000

Printed 3/20/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
100 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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Sawmill Creek Rd 1321 Sawmill Creek Plot Diagram

Sawmill Creek Road

28 feet

Rear Alley

400 ft

A B C D E F G H I J L M N O P

Weed Dudes

Future Expansion
consumption lounge

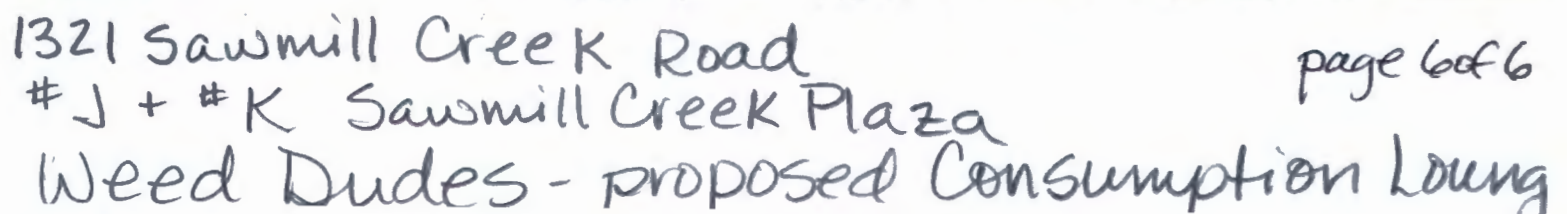
walkway

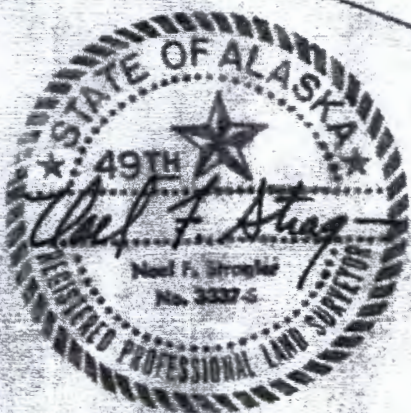
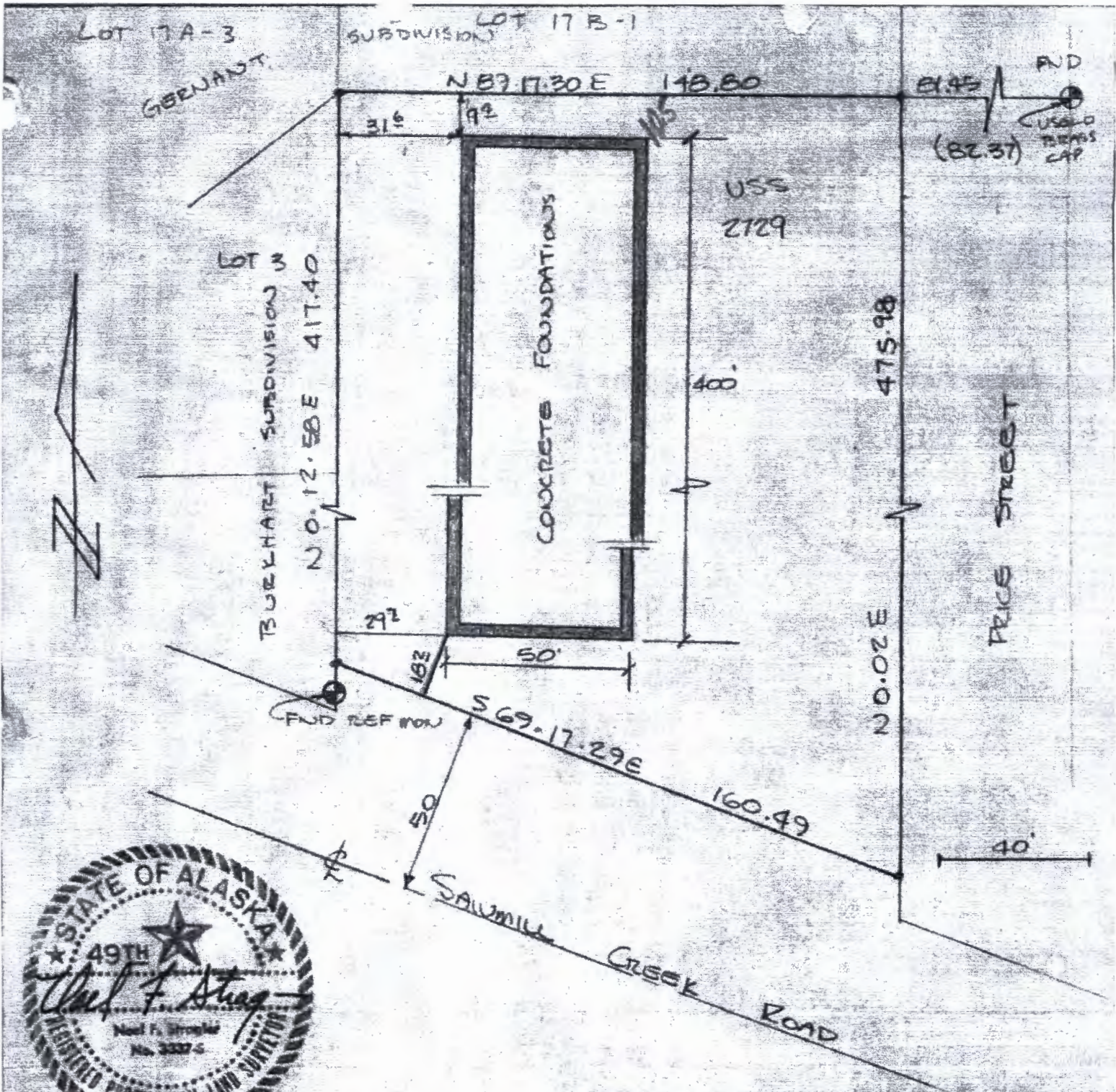
Parking

- ⊗ Deliveries
- △ Garbage Container
- ⊠ Public Entrance

Weed Dudes
1321 Sawmill Creek Rd #J
GPS 57.02.889 N
135.18.294 W

Price Street





I, NOEL F. STRAGIER, being a Registered Land Surveyor in the State of Alaska, having inspected USS 2729, hereby certify that the improvements located thereon lie wholly within the property lines and that improvements on adjacent properties do not encroach upon the subject property.

AS-BUILT PLOT PLAN

USS 2729

PREPARED FOR:

ORNL - NORTH
Box 10-573
ANCHORAGE, ALASKA 99511

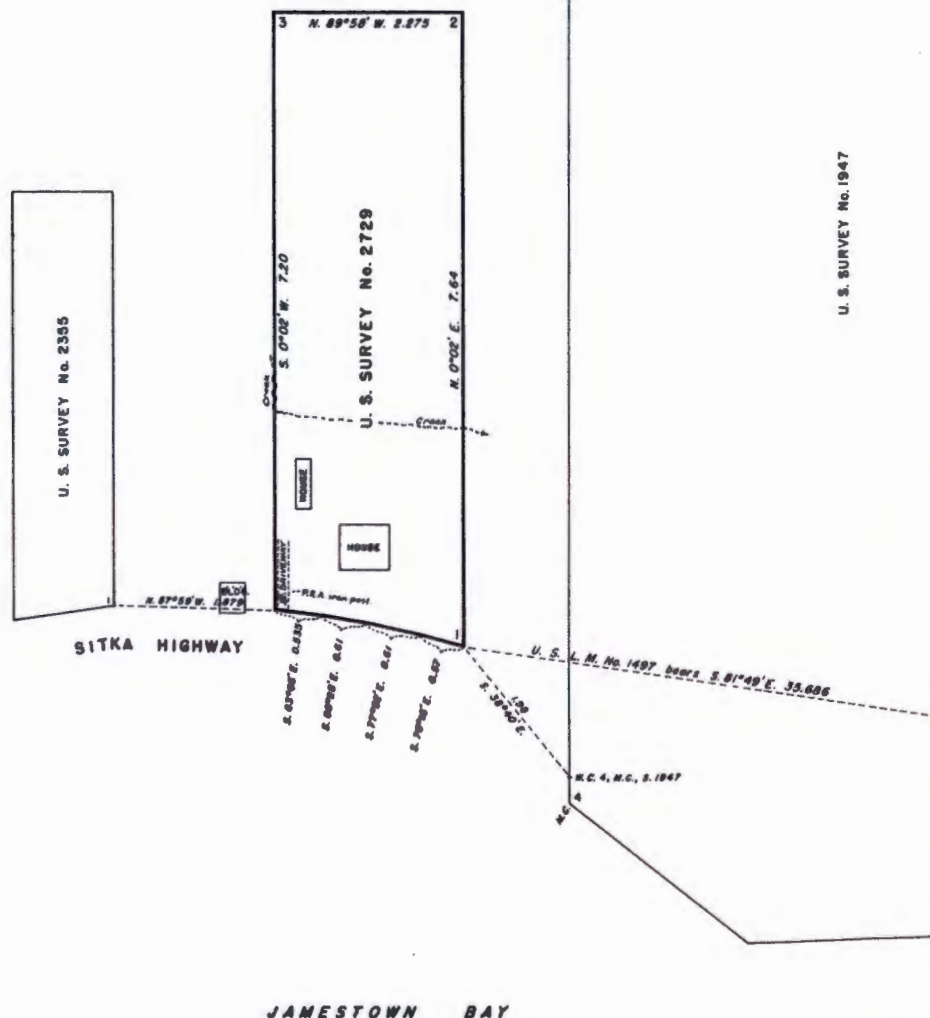
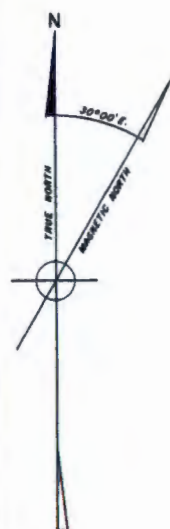
PREPARED BY:

**STRAGIER
ENGINEERING SERVICES**

DATE:

AUG '83

P.O. Box 4558 Sitka, Alaska 99835
(907) 747-5833



U. S. SURVEY No. 1947

U. S. SURVEY No. 2729, ALASKA

HOMESTEAD
OF
FRANCIS J. O'BRIEN

SITUATED
ON THE NORTH SIDE OF SITKA HIGHWAY ABOUT
1 1/2 MILES EAST OF SITKA

AREA: 1.69 ACRES
LATITUDE 57°02'51"N., LONGITUDE 136°10'11"W.
AT CORNER NO. 1

SCALE: 1 INCH EQUALS 1 CHAIN

SURVEYED BY
LEONARD B. DEMLIN, CADASTRAL ENGINEER
MAY 18, 1947

UNDER AUTHORITY OF
SPECIAL INSTRUCTIONS DATED NOVEMBER 26, 1946
AND APPROVED BY THE BUREAU OF LAND MANAGEMENT
DECEMBER 9, 1946

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

PUBLIC SURVEY OFFICE
JUNEAU, ALASKA, JULY 29, 1948

I HEREBY CERTIFY THAT THIS PLAT OF U. S.
SURVEY NO. 2729, ALASKA, IS STRICTLY CONFORMABLE
TO THE FIELD NOTES OF SAID SURVEY WHICH HAVE BEEN
EXAMINED AND APPROVED.

Daniel Ross
OFFICE CADASTRAL ENGINEER

WASHINGTON, D.C., JULY 10, 1951

THE SURVEY REPRESENTED BY THIS PLAT HAVING
BEEN CORRECTLY EXECUTED IN ACCORDANCE WITH THE
REQUIREMENTS OF LAW AND THE REGULATIONS OF THIS
BUREAU, IS HEREBY ACCEPTED.

FOR THE DIRECTOR
William F. Richards
CHIEF, BRANCH OF SURVEYS



OPEN

This is a
SMOKE FREE
BUILDING
Thank you
for not smoking

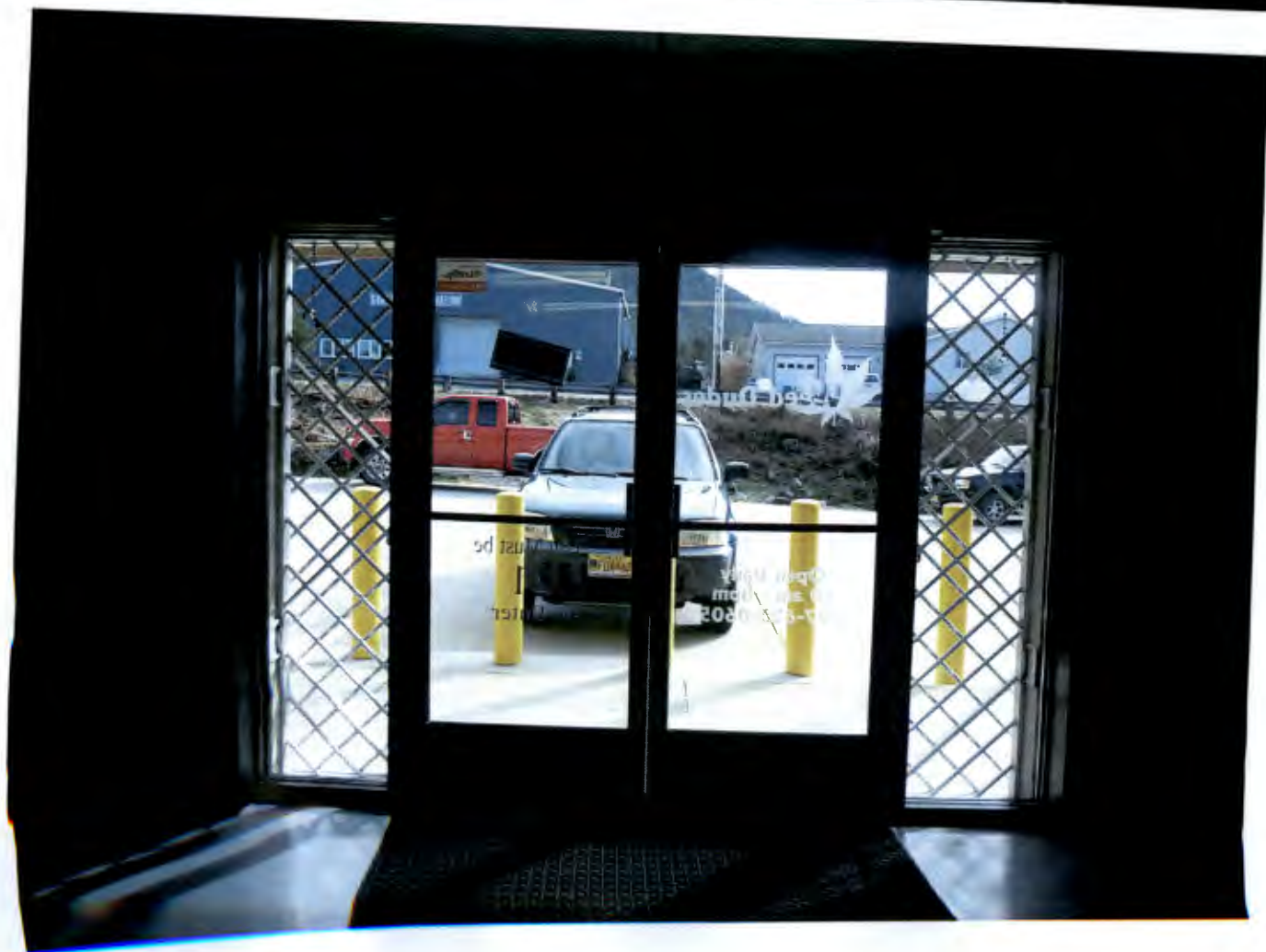
You Must be
21
to Enter

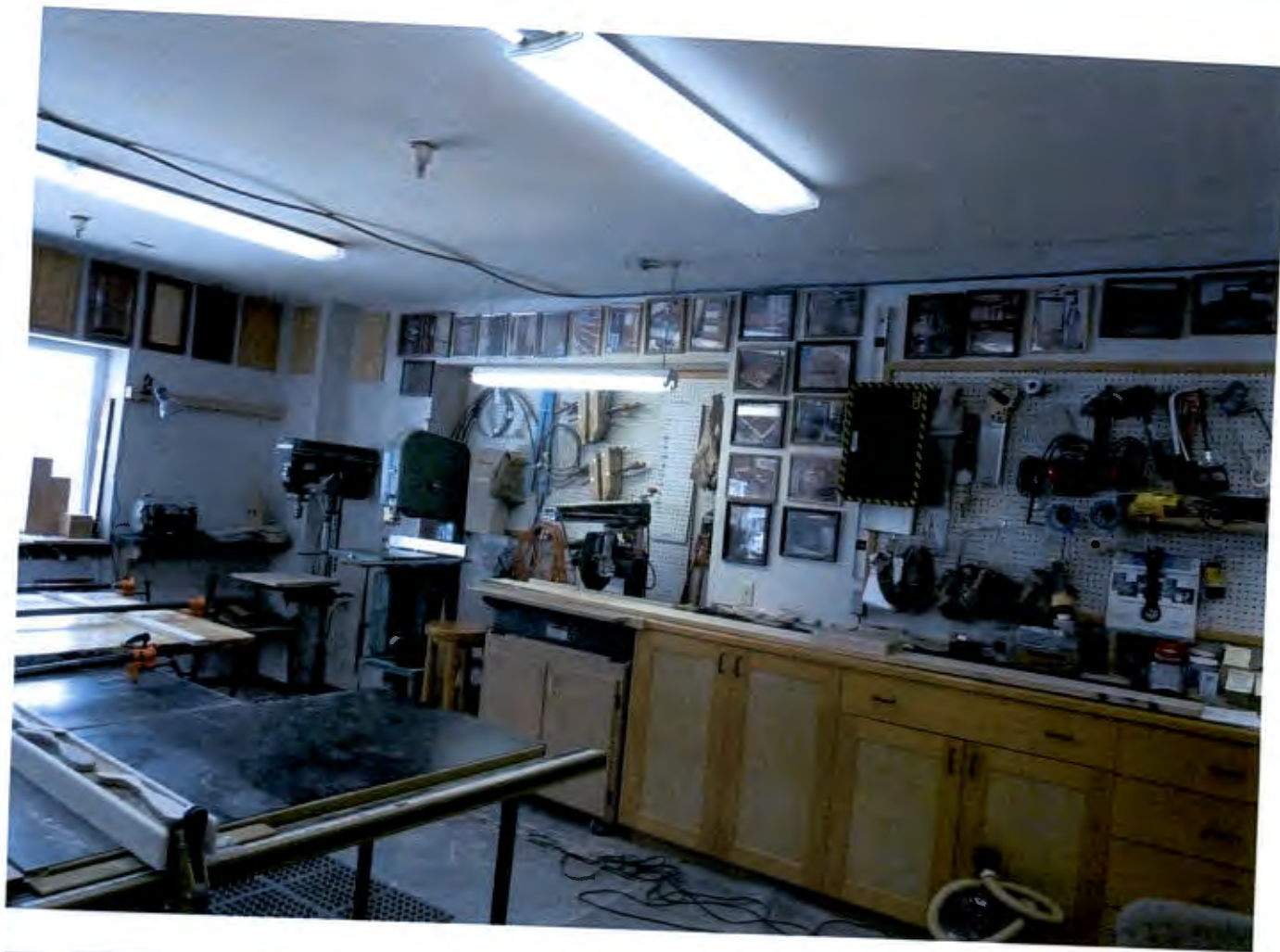














Alaska Marijuana Control Board
**Operating Plan Supplemental
Form MJ-03: Retail Marijuana Store**

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

What is this form?

This operating plan supplemental form is required for all applicants seeking a retail marijuana store license and must accompany the **Marijuana Establishment Operating Plan (Form MJ-01)**, per 3 AAC 306.020(b)(11). Applicants should review **Chapter 306: Article 3 of the Alaska Administrative Code**. This form will be used to document how an applicant intends to meet the requirements of those regulations. If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020 and 3 AAC 306.315(2).

What additional information is required for retail stores?

Applicants must identify how the proposed establishment will comply with applicable regulations regarding the following:

- Prohibitions
- On-site consumption
- Displays and sales
- Exit packaging and labeling
- Security

This form must be submitted to AMCO's main office before any retail marijuana store license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Anna Michelle Cleaver	License Number:	10220		
License Type:	Retail Marijuana Store				
Doing Business As:	Weed Dudes				
Premises Address:	1321 Sawmill Creek Road #J & K				
City:	Sitka	State:	ALASKA	ZIP:	99835



Alaska Marijuana Control Board
Operating Plan Supplemental
Form MJ-03: Retail Marijuana Store

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Section 2 – Prohibitions

Applicants should review 3 AAC 306.310 and be able to answer "Agree" to all items below.

The retail marijuana store will not:

Agree Disagree

Sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver marijuana or marijuana product in a quantity exceeding the limit set out in 3 AAC 306.355

☒☐

Sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver marijuana or marijuana product over the internet

☒☐

Offer or deliver to a consumer, as a marketing promotion or for any other reason, free marijuana or marijuana product, including a sample

☒☐

Offer or deliver to a consumer, as a marketing promotion or for any other reason, alcoholic beverages, free or for compensation

☒☐

Allow a person to consume marijuana or a marijuana product on the licensed premises, except as provided in 3 AAC 306.305(a)(4)

☒☐

Describe how you will ensure that the retail marijuana store will not sell, give, distribute, or deliver marijuana or marijuana product to a person who is under the influence of an alcoholic beverage, inhalant, or controlled substance:

unchanged



Alaska Marijuana Control Board
Operating Plan Supplemental
Form MJ-03: Retail Marijuana Store

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Section 3 – On-site Consumption

Yes No

Do you plan to request approval of the board with your initial application to permit consumption of marijuana or marijuana product in a designated area on the proposed premises?



If "Yes", describe how you ensure that only marijuana or marijuana products that were purchased at your proposed premises are being consumed, per 3 AAC 306.305(a)(4):

There will be a single entrance to the consumption lounge from the retail store. Please see attached premises diagram. Signs will clearly state that materials to be smoked in lounge must be purchased in lounge. Budtenders will allow patrons permission to enter once all rules are clearly understood. The customer will be able to purchase single grams in flower, 1/4 gr. in concentrates and no more than 10mg of edibles to consume in lounge. Any marijuana products left by customers will be disposed of in a safe and acceptable manner as described in Section 5 of Weed Dudes Operating plan MJ-01, page 12 and as required by 3 AAC 306.740.

Section 4 – Displays and Sales

Describe how marijuana and marijuana products at the retail marijuana store will be displayed and sold:

unchanged



Alaska Marijuana Control Board
Operating Plan Supplemental
Form MJ-03: Retail Marijuana Store

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Section 5 – Exit Packaging and Labeling

Review the requirements under 3 AAC 306.345, and identify how the proposed establishment will meet the listed requirements.

Describe how the retail marijuana store will ensure that marijuana and marijuana products sold on its licensed premises will meet the packaging and labeling requirements set forth in 3 AAC 306.345(a):

unchanged

Provide a sample label that the retail marijuana store will use to meet the labeling requirements under 3 AAC 306.645(b):

unchanged



Alaska Marijuana Control Board
Operating Plan Supplemental
Form MJ-03: Retail Marijuana Store

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Section 6 – Security

Identification Requirement to Prevent Sale to Person Under 21 (3 AAC 306.350):

Describe the retail marijuana store's procedures for ensuring a form of valid photographic identification has been produced before selling marijuana or marijuana product to a person, per 3 AAC 306.350(a):

unchanged

I declare under penalty of perjury that I have examined this form, including all accompanying schedules and statements, and to the best of my knowledge and belief find it to be true, correct, and complete.

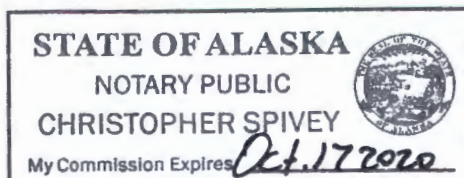
Anna Michelle Cleaver

Signature of licensee

Anna Michelle Cleaver

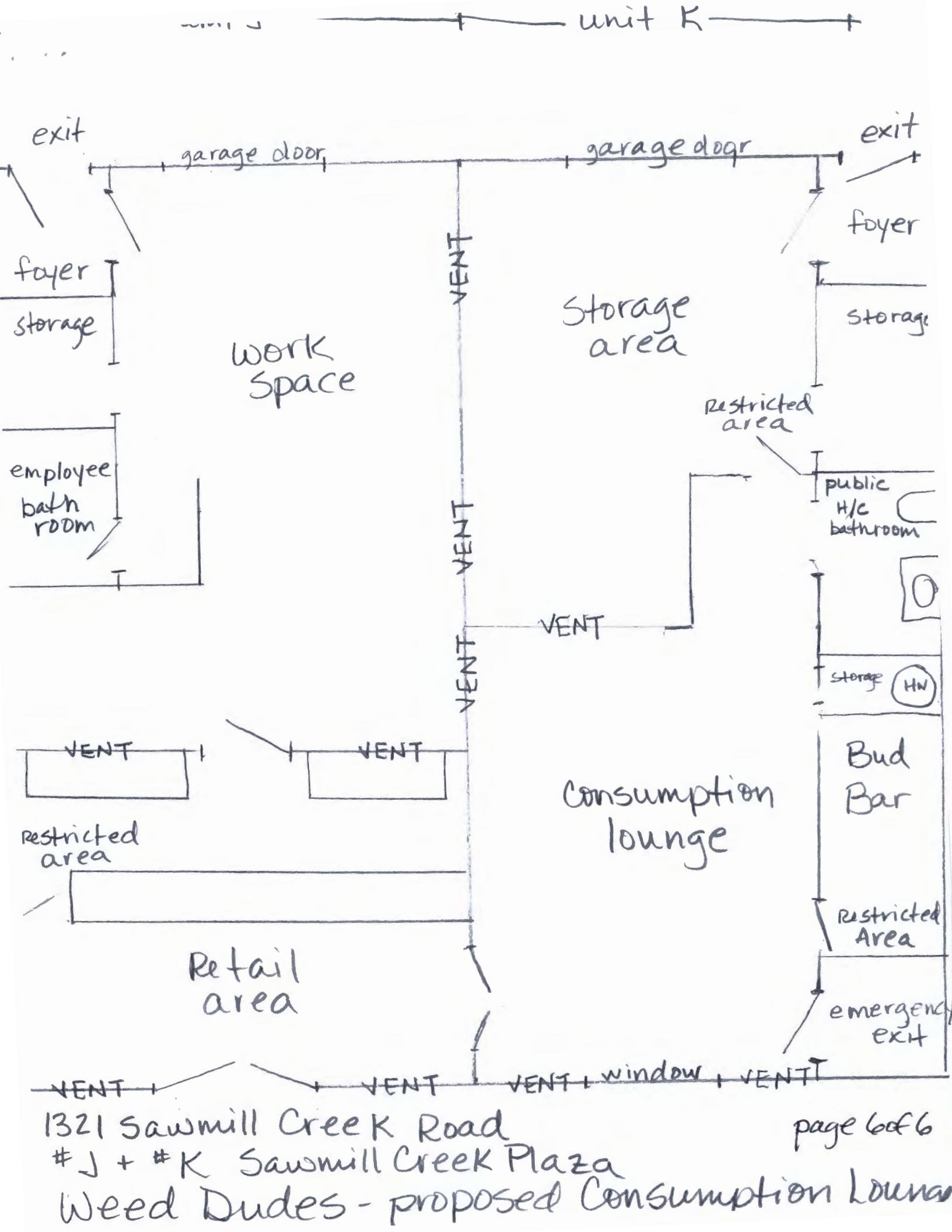
Printed name

Subscribed and sworn to before me this 17th day of March, 2017.



[Signature]
Notary Public in and for the State of Alaska.

My commission expires: Oct 17 2020



Weed Dudes - proposed Consumption Lounge



CITY AND BOROUGH OF SITKA
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

1. Request projects at least TWENTY-ONE (21) days in advance of next meeting date.
2. Review guidelines and procedural information.
3. Fill form out completely. No request will be considered without a completed form.
4. Submit all supporting documents and proof of payment.

APPLICATION FOR: ☐ VARIANCE ☒ **CONDITIONAL USE**
☐ ZONING AMENDMENT ☐ PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: Expansion of Weed Dudes into unit #K of SMC Plaza allowing addition of consumption lounge of Retail MS store

PROPERTY INFORMATION:

CURRENT ZONING: C-2 PROPOSED ZONING (if applicable): _____
CURRENT LAND USE(S): Commercial PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: ~~Anna~~ Eagle Bay Inn/Vicki Brown
PROPERTY OWNER ADDRESS: 1321 SMC #C - Sitka, AK 99835
STREET ADDRESS OF PROPERTY: 1321 SMC #J + #K - Sitka, AK 99835
APPLICANT'S NAME: Anna Michelle Cleaver dba Weed Dudes
MAILING ADDRESS: 1321 SMC #J - Sitka, AK 99835
EMAIL ADDRESS: weeddudessitka@gmail.com DAYTIME PHONE: (907) 623-0605 shop
(907) 738-6423 cell

PROPERTY LEGAL DESCRIPTION:

TAX ID: 30450000 LOT: _____ BLOCK: _____ TRACT: _____
SUBDIVISION: _____ US SURVEY: US Survey 2729
specifically suite J + K

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- ☒ Completed application form
- ☐ Narrative
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Proof of filing fee payment
- ☐ Proof of ownership
- ☐ Copy of current plat

For Conditional Use Permit:

- ☒ Parking Plan
- ☒ Interior Layout

For Plat/Subdivision:

- ☐ Three (3) copies of concept plat
- ☐ Plat Certificate from a title company
- ☐ Topographic information
- ☐ Proof of Flagging

If Pertinent to Application:

- ☐ Landscape Plan
- ☐ Drainage and Utility Plan

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 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.

Ricki H. Brown
Owner

3-20-17
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.

Michelle Cleaver
Applicant (If different than owner)

3/20/17
Date

WEED DUDES
Michelle Cleaver
1321 Sawmill Creek Road, #J
Sitka, AK 99835
(907)623-0605 shop
(907)738-6423 cell
Email: weeddudessitka@gmail.com

March 20, 2017

City & Borough of Sitka
Planning and Zoning
100 Lincoln St.
Sitka, AK 99835

Dear Planning and Zoning,

I currently have a Retail Marijuana License and sell marijuana at the Sawmill Creek Plaza. I have recently applied for a consumption lounge license with the State of Alaska. This would allow patrons of my store to purchase small quantities of marijuana on site and consume it.

I would like the Planning and Zoning to approve this idea. I feel with the incoming tourist trade it would be a wise thing to consider. I would like to give a visitor to our town a safe and private place to consume a legal substance, without becoming a public nuisance. It would be sad to sell a short term visitor a legal joint, but not offer a safe haven to smoke it, force them into the park to find a good tree to hide behind and smoke their purchase.

I would install a top level, engineer approved HVAC system that would remove all traces of odor and would scrub the air before releasing it outside.

I have included a copy of State regulations regarding a consumption lounge. Please feel free to contact me if I can provide any further information.

Sincerely,

A handwritten signature in purple ink that reads "Michelle Cleaver". The signature is fluid and cursive, with the first name "Michelle" written in a larger, more prominent script than the last name "Cleaver".

Michelle Cleaver
Weed Dudes



Chapter 306. Marijuana Control Board

Words in **boldface and underlined** indicate language to be added

Words [CAPITALIZED AND BRACKETED] indicate language being deleted

3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores. (a)

An applicant for an onsite consumption endorsement must file an application on a form the board prescribes, including the documents and endorsement fee set out in this section.

(b) An application for a new or renewal onsite consumption endorsement must include

(1) the name of the applicant and DBA and license number of the retail marijuana store requesting the endorsement, along with the applicant's state business license number issued under AS 43.70;

(2) the applicant's operating plan, in a format the board prescribes, describing to the board's satisfaction the marijuana retail store's plans for

(A) security;

(B) ventilation. **Ventilation plans for consumption that includes inhaling must be signed and approved by a licensed mechanical engineer;**

(C) isolation of the marijuana consumption area from other areas of the retail marijuana store;

(D) disposal or child resistant packaging of unconsumed marijuana; and

(E) preventing introduction into the consumption area of marijuana or marijuana products not sold by the retail marijuana store.

(3) a detailed premises diagram showing the location of

(A) serving area or areas;

- (B) ventilation exhaust points if applicable;
- (C) doors, windows or other exits;
- (D) access control points; and
- (E) adequate separation from non-consumption area(s) of the marijuana

retail store.

(4) An application for a new on-site consumption endorsement must meet the requirements of 3 AAC 306.025(b) and include in that notice the license number of the retail marijuana establishment requesting the endorsement.

(c) The non-refundable fee for a new or renewal onsite consumption endorsement is \$1000.

(d) A retail marijuana store that is issued an onsite consumption endorsement under this section is authorized to sell marijuana and marijuana product to patrons for consumption on the licensed premises in an area separated from the remainder of the premises by a secure door and containing a separate ventilation system. The holder of a marijuana retail store onsite consumption endorsement may sell for consumption on the premises

(1) marijuana bud or flower in quantities not to exceed one gram to any one person in a single transaction;

(2) edible marijuana products in quantities not to exceed 10mg of THC to any one person in a single transaction;

(3) marijuana concentrates intended for inhalation in quantities not to exceed .25 grams to any one person in a single transaction;

(4) food or beverages not containing marijuana;

(e) The retail marijuana store holding an onsite consumption endorsement under this chapter must

- (1) destroy all unconsumed marijuana left abandoned or unclaimed in the marijuana consumption area in accordance with their operating plan and 3 AAC 306.740;
- (2) maintain a ventilation system that directs air from the onsite consumption area to the outside of the building through a filtration system adequate to reduce odor;
- (3) restrict access to the onsite consumption area to persons not less than 21 years of age;
- (4) monitor patrons for overconsumption;
- (5) provide written materials containing marijuana dosage and safety information for each type of marijuana or marijuana product sold for consumption in the onsite consumption area at no cost to patrons ; and
- (6) assure that consumers purchasing marijuana or marijuana product sold for consumption in the marijuana consumption area have access to the label for that marijuana or marijuana product as required in 3 AAC 306.345.

- (f) The holder of a marijuana retail store onsite consumption endorsement may not
- (1) allow any employee or agent to consume marijuana or marijuana product during the course of a work shift;
 - (2) allow intoxicated or drunken persons to enter or to remain on premises;
 - (3) sell, give or barter marijuana or marijuana product to an intoxicated or drunken person;
 - (4) allow a person to consume marijuana or marijuana product not purchased for consumption in the consumption endorsement area licensed retail facility;

(5) allow a person to introduce marijuana or marijuana products onto the premises of a retail marijuana store which was obtained off of the licensed premises

(6) offer or deliver, as a marketing device to the general public, free marijuana or marijuana product to a patron;

(7) deliver marijuana or marijuana product to a person already possessing marijuana or marijuana product that was purchased for consumption on the premises;

(8) sell, offer to sell, or deliver marijuana or marijuana product at a price less than the price regularly charged for the marijuana or marijuana product during the same calendar week;

(9) sell, offer to sell, or deliver an unlimited amount of marijuana or marijuana product during a set period of time for a fixed price;

(10) sell, offer to sell, or deliver marijuana or marijuana product on any one day at prices less than those charged the general public on that day;

(11) encourage or permit an organized game or contest on the licensed premises that involves consuming marijuana or marijuana product or the awarding of marijuana or marijuana product as prizes; or

(12) advertise or promote in any way, either on or off the premises, a practice prohibited under 3 AAC 306.365(f)(5) – 3 AAC 306.365(f)(10) of this section.

(g) A person may remove from the licensed premises marijuana or marijuana product that has been purchased on the licensed premises for consumption under this section, provided packaging is resealed for removal from the premises by the consumer.

(h) Local governments retain a right to protest the issuance or renewal of individual retail marijuana store onsite consumption endorsements that is separate from the right to protest the

issuance of retail marijuana store licenses. Not later than 60 days after the director sends notice of an application for a new or renewal onsite consumption endorsement, a local government may protest the application by sending the director and the applicant a written protest and the reasons for the protest. The director may not accept a protest received after the 60-day period. If a local government protests an application for a new or renewal onsite consumption endorsement, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

(i) A local government may recommend that the board approve an application with a condition or conditions for a new or renewal onsite consumption endorsement. The board will impose a condition or conditions recommended by a local government unless the board finds any of the recommended conditions to be arbitrary, capricious, and unreasonable. If the board imposes a condition recommended by a local government, the local government will assume responsibility for monitoring compliance with the condition unless the board provides otherwise.

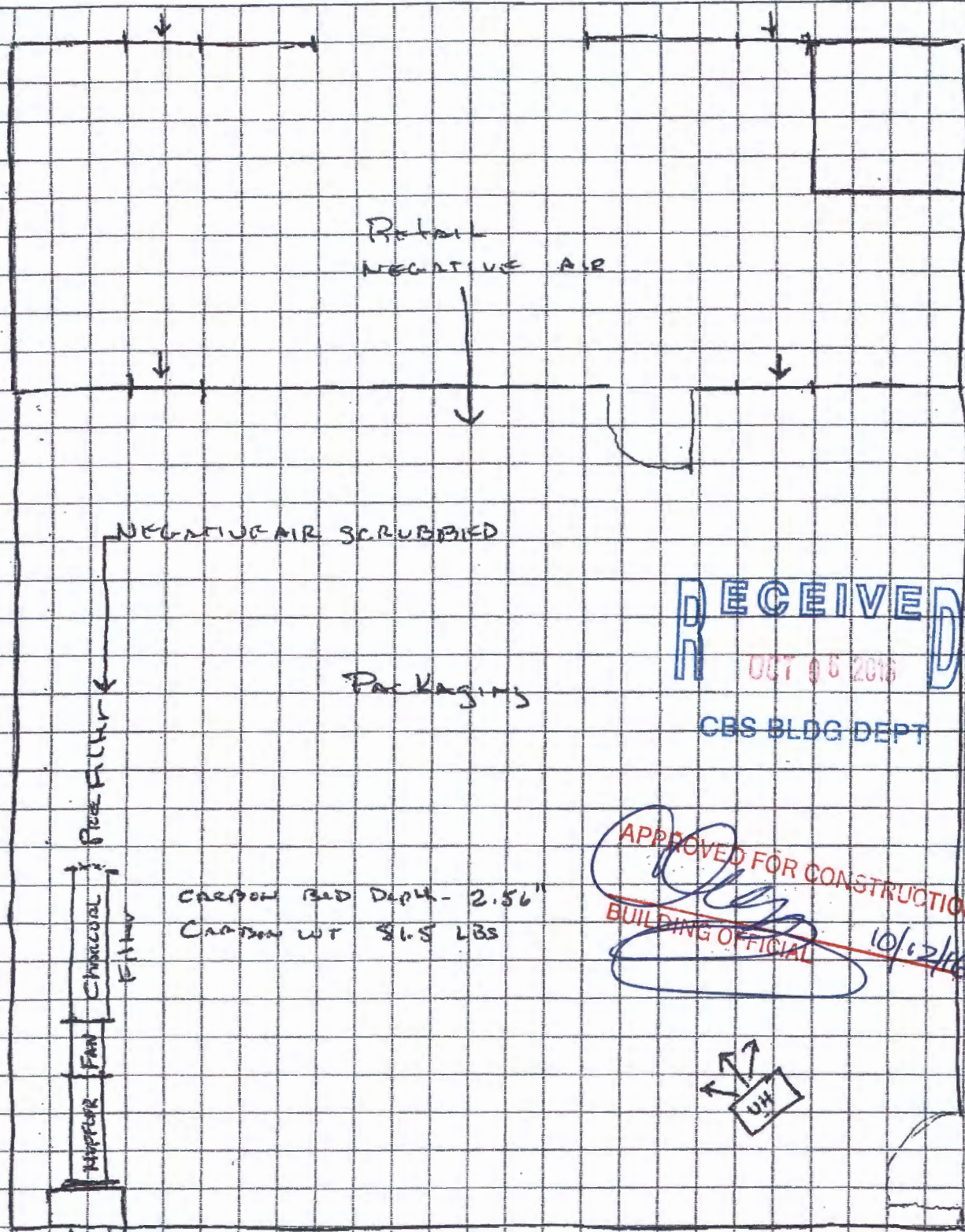
(j) The holder of an onsite consumption endorsement must apply for renewal annually at the time of renewal of the underlying retail marijuana store license.

3 AAC 306.990 (b)

(27) “marijuana consumption area” means an area within a retail marijuana store premises, where marijuana and marijuana products may be consumed.

(37) “retail marijuana store premises” means an area encompassing both the retail marijuana store and the marijuana consumption area.

12x6 PASSIVE AIR INTAKES



RECEIVED
OCT 06 2016
CBS BLDG DEPT

APPROVED FOR CONSTRUCTION
[Signature]
BUILDING OFFICIAL 10/6/16

CARBON BED Depth - 2.56"
CARBON WT 81.5 LBS

UH

12" Ø SS DUCT
up to ROOF

CARBON FILTER - MAX EX. CFM 840
PRE FILTER

FAN Specs 1708 CFM - NOMINAL
89B

10 1/2" Diameter 40" Long
103 LBS
P.D. .75

see IMC Table 403.3
Retail Stores - Sales
more extreme security/vault situations

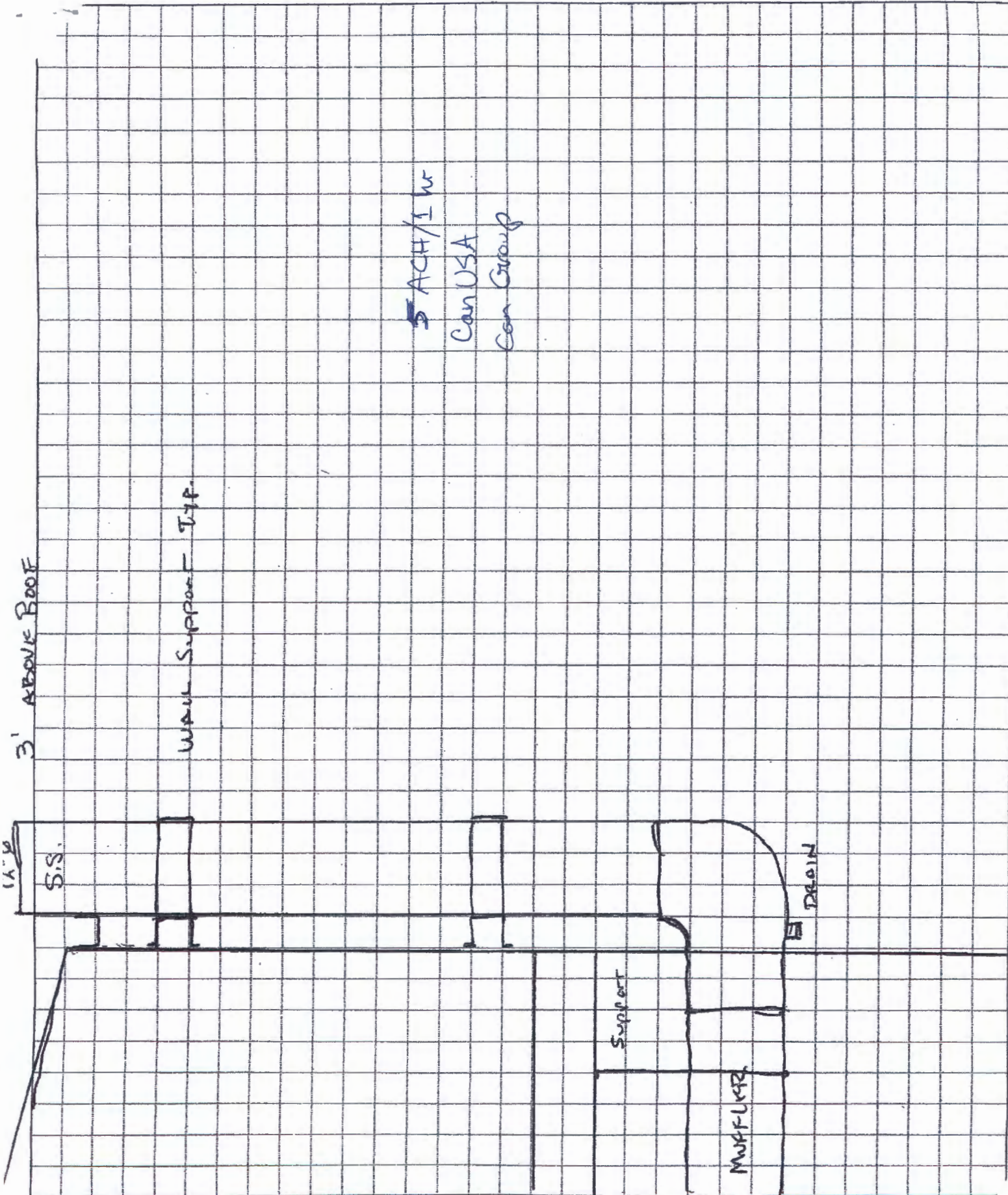
OK
DRILL OK

PROJECT: WEED DUDIES

Schmolek Mechanical Contractors, Inc.
P.O. BOX 8756 • 949 STEDMAN STREET
KETCHIKAN, ALASKA 99901
(907) 225-6648 • FAX: (907) 225-0374

DRAWN BY JB
DATE 10-5-2016
SCALE NTS

DRAWING # 1



PROJECT:

WEEK DUES

**Schmolck Mechanical
Contractors, Inc.**

P.O. BOX 8756 • 949 STEDMAN STREET
KETCHIKAN, ALASKA 99901
(907) 225-6648 • FAX: (907) 225-0374

DRAWN BY

JB

DATE

10-5-2016

SCALE

NTS

DRAWING #

2

Parcel ID: 30385001
RONALD/KARI
HANDERSON/LUNDGREN
HANDERSON, RONALD & LUNDGREN,
KARI
2702 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 30385033
CHARLES/THERESA OLSON/ALLEN-
OLSON
OLSON, CHARLES/ALLEN-OLSON,
THERESA
3009 HALIBUT POINT RD.
SITKA AK 99835

Parcel ID: 30408001
JUSTIN/SHEILA CLARK
CLARK, JUSTIN & SHEILA
149 PRICE ST,
SITKA AK 99835-9716

Parcel ID: 30409001
GARY/DEBRA SMITH
SMITH, GARY, L./DEBRA, J.
151 PRICE ST., #A
SITKA AK 99835

Parcel ID: 30420001
GORDON/CAROLE HELEM REV. TRUST
HELEM REV. TRUST, GORDON &
CAROLE
1314 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 30435000
DONNA DONOHUE
DONOHUE, DONNA
1315 SAWMILL CREEK RD, #A
SITKA AK 99835

Parcel ID: 30445000
CAROLINE REGIS
REGIS, CAROLINE, B.
77-6653 WALUA RD
KAILUA-KONA HI 96740

Parcel ID: 30450000
EAGLE BAY INN, LLC
EAGLE BAY INN, LLC
P.O. BOX 740301
NEW ORLEANS LA 70174

Parcel ID: 30460003
KEVIN/MELINDA BARRY
BARRY, KEVIN, & MELINDA
105 LILLIAN DR
SITKA AK 99835-9301

Parcel ID: 30460017
RANDY MORK
MORK, RANDY, L.
103 AUSTIN ST
SITKA AK 99835

Parcel ID: 30385002
TOM/ANITA MATTINGLY/BERGEY
MATTINGLY, TOM/BERGEY, ANITA
P.O. BOX 624
SITKA AK 99835-0624

Parcel ID: 30406011
LN REAL ESTATE, LLC
C/O THOMSON REUTERS
PROBUILD WEST
P.O. BOX 460069
HOUSTON TX 77056

Parcel ID: 30408002
JUSTIN/SHEILA CLARK
CLARK, JUSTIN & SHEILA
149 PRICE ST
SITKA AK 99835-9716

Parcel ID: 30409002
GARY/DEBRA SMITH
SMITH, GARY, L./DEBRA, J.
151 PRICE ST., #A
SITKA AK 99835

Parcel ID: 30428000
STATE OF ALASKA
STATE OF ALASKA
6860 GLACIER HWY
JUNEAU AK 99801

Parcel ID: 30440000
SHARON BALOVICH
BALOVICH, SHARON, L.
P.O. BOX 1396
SITKA AK 99835-1396

Parcel ID: 30446000
WAYNE/SARAH TARANOFF
TARANOFF, WAYNE & SARAH
104 ROCKFISH WAY
SITKA AK 99835

Parcel ID: 30460001
TINA ANDERSON
ANDERSON, TINA, P.
101 LILLIAN DR
SITKA AK 99835

Parcel ID: 30460004
NICHOLAS/ANGELI MACKIE
MACKIE, NICHOLAS, & ANGELINA
107 LILLIAN DR
SITKA AK 99835

Parcel ID: 30460018
RICHARD/KAREN KRUPA
KRUPA, RICHARD, L./KAREN, L.
P.O. BOX 3126
SITKA AK 99835-3126

Parcel ID: 30385031
115 HARVEST WAY LLC
115 HARVEST WAY, LLC
P.O. BOX 1401
SITKA AK 99835-1401

Parcel ID: 30406022
EUGENE/TRUDY PREWITT
PREWITT, EUGENE & TRUDY
P.O. BOX 1001
SITKA AK 99835-1001

Parcel ID: 30408005
P&L/R&M JONES/WHITE LIVING
TRUST
% JONES
JONES, P. & L./ WHITE, R. & M.
4118 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 30409003
GARY/DEBRA SMITH
SMITH, GARY, L./DEBRA, J.
151 PRICE ST., #A
SITKA AK 99835

Parcel ID: 30430000
EMILY/PAUL DAVIS
COLE'S TRAILER COURT
DAVIS, EMILY & PAUL
P.O. BOX 6186
SITKA AK 99835-6186

Parcel ID: 30441000
ADAM/KRIS CHINALSKI
CHINALSKI, ADAM & KRIS
2174 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 30447000
EAGLE BAY INN, LLC
EAGLE BAY INN, LLC
P.O. BOX 740301
NEW ORLEANS LA 70174

Parcel ID: 30460002
GRACE HWANG
HWANG, GRACE
107 DONNA DR
SITKA AK 99835

Parcel ID: 30460016
TIMOTHY GILLETTE
GILLETTE, TIMOTHY, D.
100 LILLIAN DR
SITKA AK 99835

Parcel ID: 30460018
MATTHEW SPETHMANN
SPETHMANN, MATTHEW, B.
20215 GLACIER PARK CIR
EAGLE RIVER AK 99577-8854

Parcel ID: 30460024
**MICHAEL/MELINDA BARTOLABA
BARTOLABA, MICHAEL & MELINDA
P.O. BOX 873
SITKA AK 99835-0873**

Parcel ID: 30460261
**MICHAEL HARMON
HARMON, MICHAEL
P.O. BOX 791
SITKA AK 99835-0791**

Parcel ID: 30462003
**AK PRESERVATION SAWMILL LTD
PRTNSHP
ATTN: GREGORY DUNFIELD
AK PRESERVATION SAWMILL LTD
PARTNERSHIP
520 PIKE STREET, STE 1010
SITKA AK 99835-0000**

Parcel ID: 30460025
**GARY/DAVID/D/R
BERNHARDT/VILANDRE/WHITE
BERNHARDT,G. & D., WHITE, &
VILANDRE
1511 HALIBUT POINT RD**

Parcel ID: 30461004
**COASTAL ENTERPRISE, LLC
COASTAL ENTERPRISE, LLC
P.O. BOX 2421
SITKA AK 99835-2421**

Parcel ID: 30490000
**THOMAS/DANINE WILLIAMSON
WILLIAMSON, THOMAS/DANINE J.
P.O. BOX 2135
SITKA AK 99835-2135**

Parcel ID: 30460260
**JEREMY/KRYSTAL STRONG
STRONG, JEREMY & KRYSTAL
143 LILLIAN DR
SITKA AK 99835**

Parcel ID: 30462002
**AK PRESERVATION SAWMILL LTD
PRTNSHP
ATTN: GREGORY DUNFIELD
AK PRESERVATION SAWMILL LTD
PARTNERSHIP
520 PIKE STREET, STE 1010
SITKA AK 99835-0000**

P&Z Mailing
April 7, 2017

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 3/20/17

To: Michelle Cleaver

ACCOUNT # 100-300-320-3201.002
PLANNING & ZONING

Variance.....	
Conditional Use Permit.....	<u>100.00</u>
Minor Subdivision.....	
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	<u>5.00</u>
TOTAL.....	<u>105.00</u>

Thank you

PAID

MAR 20 2017

CITY & BOROUGH OF SITKA



WHEN RECORDED RETURN TO:

Name: Eagle Bay Inn LLC
Address: 41 West Blithedale Avenue
City, State, Zip: Mill Valley, CA 94941

QUITCLAIM DEED

THIS INDENTURE, made and entered into this date, April 22, 2009 by and between

RUDOLPH DANIEL KELLY, an unmarried man

whose mailing address is 41 West Blithedale Avenue, Mill Valley, CA 94941, **GRANTOR**, and

EAGLE BAY INN, LLC

whose mailing address is: 41 West Blithedale Avenue, Mill Valley, CA 94941, **GRANTEE**

WITNESSETH:

That the said Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration, does by these presents convey and quitclaim unto the said Grantee, all of the following described property, to wit:

U.S. Survey 2729, Sitka Recording District, First Judicial District, State of Alaska, EXCEPTING THEREFROM that portion conveyed to the State of Alaska by right of way deed recorded March 15, 1954 in Book 10, Page 562, ALSO EXCEPTING THEREFROM any portion within the right of way of Sawmill Creek Road

SUBJECT TO covenants, conditions, easements, restrictions, reservations and rights-of-way of record, if any.

TO HAVE AND TO HOLD the premises, with the appurtenances unto the said Grantee, and to its heirs and assigns forever.

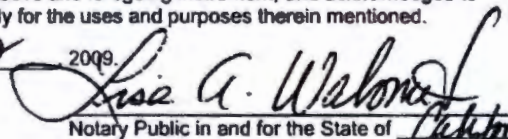
Dated: April 22, 2009


RUDOLPH DANIEL KELLY

STATE OF California)
COUNTY OF Marin) ss.

On this day personally appeared before me: RUDOLPH DANIEL KELLY to me known to be the individual(s) described in and who executed the above and foregoing instrument, and acknowledged to me that they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS ^{he} my hand and official seal on April 22, 2009.


Notary Public in and for the State of California
My commission expires: Sept. 30, 2011

