



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Case No: CU 17-27
Proposal: Expansion of Existing CUP for Commercial Marijuana Cultivation
Applicant: Northern Lights Indoor Gardens, LLC
Owner: Quitclaim Grantee is Eagle Bay Inn, LLC, but application indicates it is Rudolph Daniel Kelly
Location: 1321 Sawmill Creek Road
Legal Desc.: US Survey 2729
Zone: General Commercial Mobile Home (C-2)
Size: Lot is 69,300 square feet
Parcel ID: 30450000
Existing Use: Commercial
Adjacent Use: Commercial, Heavy Commercial, and Residential
Utilities: Existing
Access: Via Sawmill Creek Road

KEY POINTS AND CONCERNS:

- Odor: Applicant has provided operation plan that includes an HVAC Plan. Past impacts and concerns have included odor impacts. It is a condition to provide an adequate odor control plan.
- Security: City conditions will also mandate an approved Security Plan that also addresses response to inebriated clients.
- Waste management: state regulations and conditions of approval require a waste management plan. It is a condition to provide an adequate waste management plan.
- Cultivation has low traffic and parking demand. Site and provided parking plan is more than sufficient for such use.
- No known sensitive uses within 500 feet; however, there are residential and youth uses immediately across from and adjacent to the proposed use. Impacts could result.
- Annual report required.

RECOMMENDATION: Approve the conditional use permit, as amended by staff, subject to the attached conditions of approval.

ATTACHMENTS:

- I. Staff Attachments
 - a. Maps
 - b. Pictures
 - c. New Correspondence
- II. Applicant's Documentation
 - a. CBS Application
 - b. Floor Plans, Site Plans, HVAC Plan
 - c. Lease, Plat, Deed

BACKGROUND/PROJECT DESCRIPTION

The proposal is for an amendment to an existing conditional use permit (CUP 16-12) for a marijuana cultivation facility located at 1321 Sawmill Creek Road Units adding units L, M, N, to their existing approved units of O and P. The location is zoned General Commercial Mobile Home (C-2). This zone requires a conditional use permit¹ pursuant to SGC 22.24.026 for a marijuana cultivation facility in a C-2 zone.²

Summary of Proposal's Details: The applicant has provided an application, 2 narratives, HVAC plans, floor plan for the first floor, floor plan for the second floor, 3 site plans showing parking (and one showing transformer location), a quit claim deed, a commercial lease, a utility detail, and various plats. The important details are that the floor plans shows 3 units each occupying approximately 1,250 square feet of gross floor area on the first floor, and a second floor that occupies approximately 450 sf of gross floor area each. This would be a total of 1,700 sf each for grand total of 5,100 sf.

Process, Criteria, Findings Summary: All review shall include standard application requirements as other conditional use permits. Review shall use specific criteria that are applicable to determine impact analysis, whether conditions of approval can mitigate negative impacts, and if there are no remaining impacts that have not been mitigated by the proposed conditions and therefore justifies approval. The criteria for analysis shall include all criteria in SGC 22.24.010(E)(1) and any impact or criteria that surfaces through public comment, planning staff review, or planning commission review.³

Findings of fact shall also be made in compliance with SGC. If approved, standard conditions as well as any additional conditions required to mitigate adverse impacts shall be required.⁴

ANALYSIS

¹ SGC Table 22.16.015-5 CUP required for C-2 zone for Marijuana cultivation facility.

² SGC 22.08.587(C): "Marijuana cultivation facility" means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers."

³ SGC 22.24.026(D)[staff note: Criteria for Review].

⁴ SGC 22.24.026(E) Findings of Fact.

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.

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

Traffic modeling for cultivation does not appear to create major impacts to peak traffic demand. Employee numbers are relatively low for this type of commercial use. It could be argued that the larger scale grow operation may indirectly increase greater retail trips. Overall though, the arrangement of the existing parking lot and supporting roads do not appear to be impacted by the proposal as compared to other commercial uses. In fact, this commercial use will create less traffic impact than other types.

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

There have not been any noise issues with grow operations due to fans or other commercial operation associated with the cultivation operations. Should a meritorious impact occur, this could be revisited.

c. Odors to be generated by the use and their impacts: Odors are a concern. Odor impacts have been associated with this operation that have since been remedied. State regulations and City conditions of approval require odor mitigation via high-grade commercial filtration such as inline carbon filtration within any HVAC system and inline carbon filters for any heat and air exhaust systems. Additional HEPA filtration systems may be required. Some odors may be expected in a commercial zone. It will be conditioned to provide an adequate odor control plan.

Applicant proposes to strategically use climate control, air filtration, ventilation, and exhaust. Staff suggests at a minimum, numerous charcoal air filters. In addition, some cultivators use ozone or masking agents. Please be aware about the potential harms of ozone for human health.

d. Hours of operation: Hours of operation shall be allowed to fullest extent allowable by zoning. Due to the character of the commercial location and operation, staff does not see hours of operation generating an adverse impact.

e. Location along a major or collector street: Located along state highway, Sawmill Creek Road. No anticipated adverse impacts due to low trip volumes of proposed use and adequacy of surrounding road, driveway, access, and parking features. Citizens have had concerns about inebriated drivers and the potential impacts on traffic and pedestrian safety, especially children who get dropped off and picked up on the corner of Price Street and Sawmill Creek Road. State and local conditions address selling product to inebriated customers. In addition, the operating and Security Plan should detail how they will respond to inebriated clients (i.e. whether they sell to them or not and how they will respond if somebody comes in inebriated).

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: Use and existing roads and access appear adequate; there have been citizen concerns about vehicular and pedestrian safety. This should be able to be addressed in an approved Security Plan, though largely what private citizens due is up to those people and not under the control of this proposal.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: The commercial strip mall is located at 1321 Sawmill Creek Road, which is approximately 1.4 miles away from the fire department and police department. Part of the operating plan will include emergency access. Due to operating plan and regulations, emergency access may be better than average use. In addition, attached security and electronic monitoring system will reduce emergency notification time for emergencies. Positive impact only. It is a condition for applicant to provide an adequate security plan that would address these issues.

i. Logic of the internal traffic layout: Property has extensive space and traffic areas.

j. Effects of signage on nearby uses: Any signs will need to comply with Sitka General Code and State of Alaska requirements. Existing signs are in violation of Sitka General Code 22.20.090.E.7, which prohibits in all cases blinking or flashing signs. The current LED color changing and blinking signs could impacts adjacent residential neighbors and also impact drivers. It shall be changed to comply.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: The area is large. The lower topography of the mall creates one form of buffer between the existing and proposed uses and surrounding uses. In addition, there is a range of separation from over 50 linear feet to a hundred feet from the proposed uses and existing adjacent uses such as residential.

l. Relationship of the proposed conditional use 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).

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.

Overall, the conditional approval balances promoting a business that has positive impacts to the economic base of the community and balancing it against potential negative impacts to adjacent uses, which the conditions of approval attempt to adequately mitigate.

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.

Safety: There are concerns about security and safety of pedestrians in the area. A security plan is a condition of approval.

Waste Water – Staff have consulted with industry experts for cultivation and waste water and there are no anticipated impacts to the current wastewater treatment facility. It is conditioned that the applicant provide a waste management plan.

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, the permit would include a condition that operations comply with state buffer requirements. The burden is upon the applicant.

Scale of Operation

The fact that the operation is expanding by such as scale next to residential uses may impact the area. The Planning Commission should give this careful consideration.

Findings of Fact for Marijuana Uses⁵

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.

⁵ SGC 22.24.026(E) Findings of Fact.

1. If such a finding can be made, than 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 than the Planning Commission shall so find and deny the proposed conditional use permit.

Staff's Suggested Findings

Staff did find the *potential for* adverse impacts from odor, security, and waste. However, the standard conditions of approval coupled with the additional suggested conditions of approval adequately mitigate any potential negative impacts. Specifically, with an approved odor control plan, waste management plan, fire safety plan, and a security plan it can be found that the zoning code has been followed, that the comprehensive plan has been consulted, and that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval for the proposed marijuana cultivation conditional use permit.

RECOMMENDATION

It is recommended that the Planning Commission adopt the staff analysis and findings as found in the staff report after careful consideration of the potential impacts to the surrounding area and move to approve the proposal subject to the attached conditions of approval, so long as adequate plans have been received as determined by the Planning Director.

Recommended Motions: (two motions - read and voted upon separately)

- 1) I move to adopt the findings and analysis within the written staff report and find that the zoning code has been followed, that the comprehensive plan has consulted, and that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval for the proposed marijuana cultivation conditional use.
- 2) I move to approve the expansion and amendment of an existing conditional use permit request for a marijuana cultivation facility at 1321 Sawmill Creek Road, Units L, M, N, O, and P, subject to the attached conditions of approval. The property is also known as Lot 18, Block 1321, of USS Survey 2729. The request is filed by Northern Lights Indoor Garden, LLC. The owner of record is Eagle Bay Inn, LLC.

Required Standard Conditions of Approval:⁶

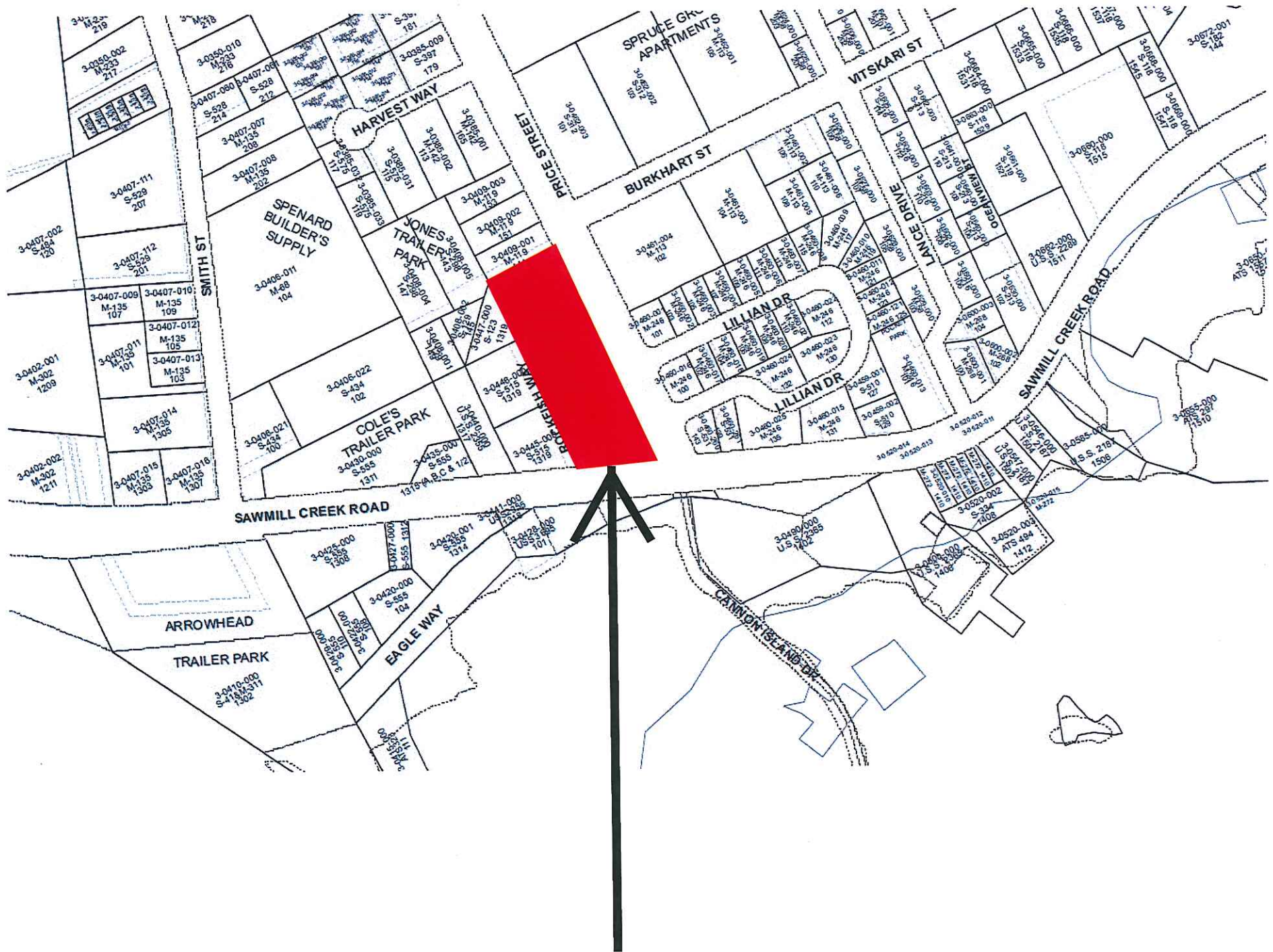
1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the Fire Marshal or their designee and the Building Official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the Municipality and shall comply with all standard & required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish and associated municipal license or conditional use permit.
7. All approved conditional use permits shall comply with all Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.

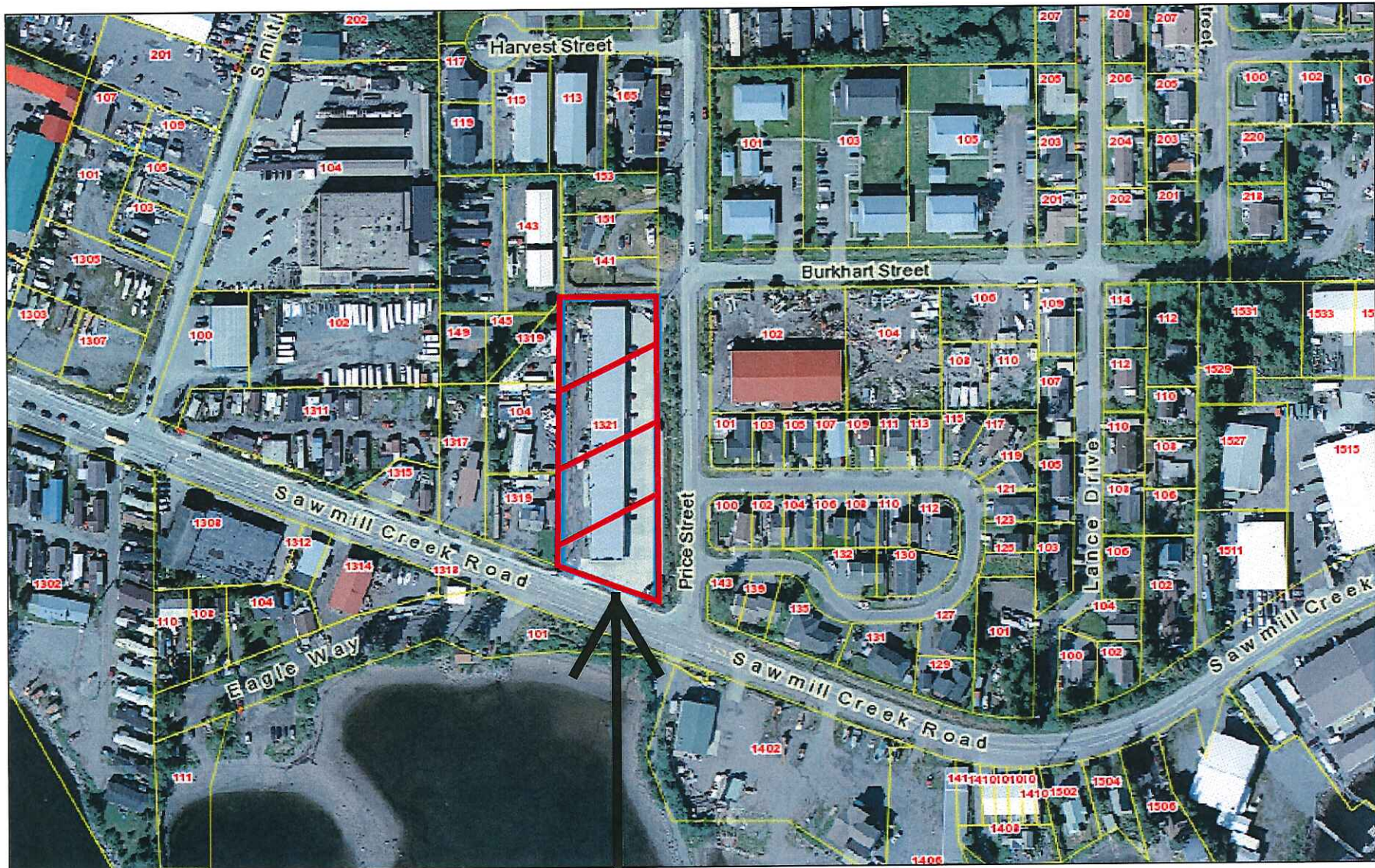
Additional Recommended Conditions

8. Odor Control shall include reasonable best means that include, but are not limited to inline carbon filters within HVAC system and inline carbon filters any heat and odor exhaust systems, to limit and mitigate odor impacts to surrounding uses and industrial park employees. Should a meritorious odor complaint be received, the Planning Commission may require additional odor control measures to mitigate any actual negative impacts, such as additional advanced odor filtration systems.
9. The proposed cultivation site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.

⁶ §22.24.026(C)

10. The permittee shall report, annually, to the planning commission on gross sales, sales tax amounts, electrical consumption, number of employees, hours of operation, complaints, police or other law or regulation enforcement activity, and summary of operations.
11. The permit is subject to review should there be a meritorious complaint, a related 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.
12. Prior to operation, the applicant shall provide a **Security Plan** that is deemed adequate by the Planning Director. Such plan should detail how the applicant's will respond to inebriated customers and other safety issues.
13. The applicant shall provide a **Waste Management Plan** for the disposal of waste and wastewater, excess solution, and chemical fertilizers, and other chemicals used that is deemed adequate by the Planning Director. Such plan should detail how the applicant will dispose of their waste water, waste fertilizers, and waste soil and grow mediums.
14. The applicant shall provide an **Odor Control Plan** that is deemed adequate by the director. Such plan should detail the odor control system, monitoring and enforcement of the control plan, and what steps will be taken to avoid an impact and to address an impact.
15. Note: all conditions above replace all prior conditions. Only these conditions will be valid from this point forward.





City & Borough of Sitka, Alaska

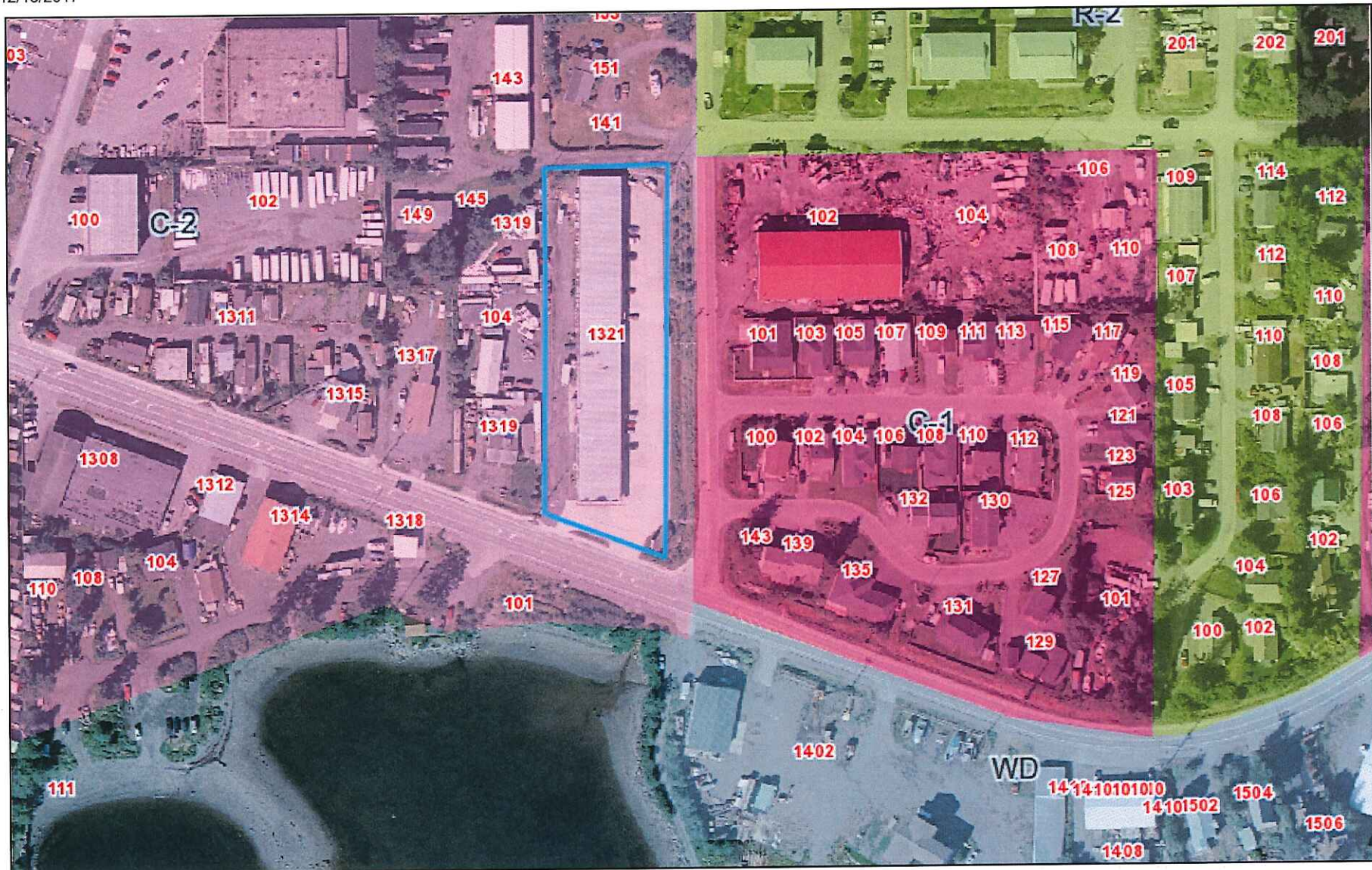
Selected Parcel: 1321 SAWMILL CREEK ID: 30450000

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



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MainStreetGIS, LLC
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City & Borough of Sitka, Alaska

Selected Parcel: 1321 Sawmill Creek Rd ID: 30450000

Printed 12/13/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

100 m
200 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

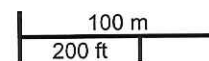
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City & Borough of Sitka, Alaska

Selected Parcel: 1321 Sawmill Creek Rd ID: 30450000

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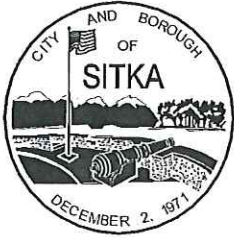
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Planning and Community Development Department

100 Lincoln Street, Sitka, AK 99835

(907) 747-1814

planning@cityofsitka.org

NOTICE OF APPLICATION AND PUBLIC HEARING CUP 17-27

Notice is hereby given that the Planning and Community Development Department (PCDD) has received an application for a(n) conditional use permit major amendment for the expansion of a marijuana cultivation facility at 1321 Sawmill Creek Road. The current facility utilizes Units O and P, and the request would add units L, M, and N. The Planning Commission will hold a public hearing at 7:00 PM at Harrigan Centennial Hall on **1/16/2018** to take testimony and consider the approval of:

Project Description: Expansion of a marijuana cultivation facility

Street Address: 1321 Sawmill Creek Road (Currently in Units O and P, Proposed Expansion into Units L, M, and N)

Legal Description: US Survey 2729

Zoning: C-2 General Commercial Mobile Home District

Applicant: Northern Lights Indoor Gardens, LLC

Owner: Eagle Bay Inn, LLC

A site plan is printed on the reverse side of this notice. The full application and all associated documents are available for viewing in the PCDD office on the first floor of City Hall. Anyone wishing to comment on this proposal may do so in writing and/or by testifying at the hearing.

Send written comments and requests for information to:

planning@cityofsitka.org or (907) 747-1814

100 Lincoln Street, Sitka, AK 99835

Parcel ID: 3-0385-001
Handerson, Ronald
Lundgren, Kari
2702 Sawmill Creek Rd
Sitka AK 99835

Parcel ID: 3-0385-002
Bergey, Anita
Mattingly, Tom
P.O. Box 624
Sitka AK 99835-0624

Parcel ID: 3-0385-031
115 Harvest Way, LLC
P.O. Box 1401
Sitka AK 99835-1401

Parcel ID: 3-0385-033
Allen-Olson, Theresa
Olson, Charles
3009 Halibut Point Rd
Sitka AK 99835

Parcel ID: 3-0406-011
LN Real Estate, LLC
P.O. Box 460069
Houston TX 77056

Parcel ID: 3-0406-022
Prewitt, Eugene, L
Prewitt, Trudy, B
P.O. Box 1001
Sitka AK 99835

Parcel ID: 3-0408-001
Clark, Justin, T
Clark, Sheila, M
149 Price St
Sitka AK 99835

Parcel ID: 3-0408-002
Clark, Justin, T
Clark, Sheila, M
149 Price St
Sitka AK 99835

Parcel ID: 3-0408-005
Jones, P and L
White Living Trust, R and M
4118 Halibut Point RD
Sitka AK 99835

Parcel ID: 3-0409-001
Smith, Debra, J
Smith, Gary
151 Price St, #A
Sitka AK 99835

Parcel ID: 3-0409-002
Smith, Debra, J
Smith, Gary
151 Price St, #A
Sitka AK 99835

Parcel ID: 3-0409-003
Smith, Debra, J
Smith, Gary, L
151 Price St Apt A
Sitka AK 99835

Parcel ID: 3-0420-001
Helem Rev Trust, Gordon and Carole
1314 Sawmill Creek Rd
Sitka AK 99835

Parcel ID: 3-0428-000
State of Alaska
6860 Glacier Way
Juneau AK 99801

Parcel ID: 3-0430-000
Davis, Emily
Davis, Paul
P.O. Box 6186
Sitka AK 99835-6186

Parcel ID: 3-0435-000
Donohoe, Donna
1315 Sawmill Creek Rd Apt A
Sitka AK 99835

Parcel ID: 3-0440-000
Balovich, Sharon
P.O. Box 1396
Sitka AK 99835-1396

Parcel ID: 3-0441-000
Chinalski, Adam
Chinalski, Kris
2174 Halibut Point Rd
Sitka AK 99835

Parcel ID: 3-0445-000
Regis, Caroline, B
77-6653 Walua Rd
Kailua-Kona HI 96740

Parcel ID: 3-0446-000
Taranoff, Sarah, T
Taranoff, Wayne, R
104 Rockfish Way
Sitka AK 99835

Parcel ID: 3-0447-000
Eagle Bay Inn, LLC
P.O. Box 740301
New Orleans LA 70174

Parcel ID: 3-0450-000
Eagle Bay Inn, LLC
P.O. Box 740301
New Orleans LA 70174

Parcel ID: 3-0460-001
Anderson, Tina, P
101 Lillian Dr
Sitka AK 99835

Parcel ID: 3-0460-002
Hwang, Grace
107 Donna Dr
Sitka AK 99835

Parcel ID: 3-0460-003
Barry, Kevin, M
Barry, Melinda, R
105 Lillian Dr
Sitka AK 99835-9301

Parcel ID: 3-0460-004
Mackie, Nicholas
Mackie, Angelina
107 Lillian Dr
Sitka AK 99835

Parcel ID: 3-0460-016
Gillette, Timothy, D
100 Lillian Dr
Sitka AK 99835

Parcel ID: 3-0460-017
Mork, Randy
103 Austin St
Sitka AK 99835

Parcel ID: 3-0460-018
Krupa, Karen
Krupa, Richard
P.O. Box 3126
Sitka AK 99835

Parcel ID: 3-0460-019
Spethmann, Matthew, B
20215 Glacier Park Cir
Eagle River AK 99577-8854

Parcel ID: 3-0460-024
Bartolaba, Michael, A
Bartolaba, Melinda, K
P.O. Box 873
Sitka AK 99835-0873

Parcel ID: 3-0460-261
Harmon Michael
P.O. Box 791
Sitka AK 99835

Parcel ID: 3-0462-003
AK Preservation Sawmill Ltd Prtnshp
520 Pike St, Ste 1010
Seattle WA 98101

Parcel ID: 3-0460-025
Bernhardt, David, A and Gary, S
White, Roberta, and Vilandre, Deborah
1511 Halibut Point Rd
Sitka AK 99835

Parcel ID: 3-0461-004
Coastal Enterprise, LLC
P.O. Box 2421
Sitka AK 99835-2421

Parcel ID: 3-0490-000
Williamson, Danine
Williamson, Thomas
P.O. Box 2135
Sitka AK 99835

Parcel ID: 3-0460-260
Strong, Jeremy
Strong, Krystal, E
143 Lillian Dr
Sitka Ak 99835

Parcel ID: 3-0462-002
AK Preservation Sawmill Ltd Partnshp
520 Pike St, Ste 1010
Seattle WA 98101

P&Z Mailing
January 5, 2017

May 15, 2017

Planning Department Board

100 Lincoln Street

Sitka AK 99835

Re: Notice of Application and Public Hearing CUP 17-09

Dear Members of The Board:

My name is Kevin Barry and I live at 105 Lillian Dr. I am strongly opposed to the requested CUP 17-09 before the Board tonight. Additionally, several residents of Lillian Dr. and other concerned Sitka residents have signed their concurrence with rejecting this proposal.

Our primary items of concern are:

1. Neighborhood of many children

a. Family oriented area – not supported by marijuana sales development nearby

- i. Two years ago, the mall housed a pet store, hotel, theater, restaurant and woodshop
- ii. Today, two marijuana businesses and potentially a marijuana smoking lounge
- iii. Business model that requires security of "high level steel bars" not neighborhood friendly
- iv. Children from Lance Dr., Price St., Lillian Dr. and others use the pedestrian path to await the school bus at a bus stop 50' from the entrance to the mall building. Potential impacts of inebriated drivers is foolhardy. Afternoon school bus times and current student rider numbers for this stop are:

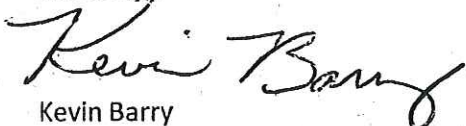
1. Baranof Bus, 8 to 10 students at arriving at 2:50PM
2. Blatchley Bus, 20 students arriving at 3:40PM
3. High School Bus, 20 students arriving at 3:45PM

2. Concern for area quality

- a. Negative impacts to home resale values
- b. Odor control is a significant concern.
- c. Hours are listed as "Unknown." How can we adequately comment on this item?
- d. This business activity should be in city areas that allow activity for persons 21+, not at the perimeter of a sizeable residential neighborhood.

We would strongly urge the Planning Department to reject this Conditional Use Permit Application.

Sincerely,



Kevin Barry

105 Lillian Dr.

907-738-7270 C

907-747-0533 H

Mindy Barry

Karen Krupa

~~William~~

Jessica N. Charlton

Rauge Bernhardt

Erika Seehafer

Kich Krupa

Michael Harmon

Krystal Strong

Janelle Lass

David Lass

Natalie Voron

Chris Voron

~~Kelly Buxton~~

Andrea Colvin

Taylor Colvin

Brittany Richardson

Laren Kenny

Kathy Forrester

Janet M. Schwartz

Jennifer Tulloh

Christina Bachmeier

~~Christina Bachmeier~~

Mindy Barry

Karen Krupa

William

Jessica N. Charlton

Rauge Bernhardt

Erika Seehafer

Kich Krupa

Michael Harmon

Krystal Strong

Janelle Lass

David Lass

Natalie Voron

Chris Voron

Kelly Buxton

Andrea Colvin

Taylor Colvin

Brittany Richardson

Laren Kenny


Kathy Forrester

Janet M. Schwartz

Jennifer Tulloh

Christina Bachmeier

signature


Sandra Smith
Nicole Ritz
Jenna Brooks
Dante A. Ford
Dwight Diller
Angela M. Little
Elizabeth
Diana Erickson

printed name

Marlie Loomis
Jacqueline Hedrick
Nicole Pigg
Jenna Brooks
Linda L. Fredrickson
TERRY PIKE
Angela M. Little
Elizabeth Warren
Diana Erickson

JH

Jennifer Davis

My M Fiddell

Peggy Fiddell

Cynthia Duncan

Misty Feenstra

Heather Lockwood

Mindy Bartolaba

MIKE BARTOLABA

Amy L. Martens

Pete Martens

Jen Dill

Teal West

Mike West

Ramon Quevedo

Jennifer Davis

Megan Fondell

Peggy Fiddell

Cynthia Duncan

Misty Feenstra

Heather Lockwood

Mindy Bartolaba

MIKE BARTOLABA

Amy L. Martens

Pete Martens

Jen Dill

Teal West

Mike West

Sue Conrad
Maia K. Nentra
Ashley Green
Tyler Green
Diana Twardzik
Kathi Jones
Jeanette Foran
Jill Lecrone
Jennifer Oen
Kristine Hoke
Megan Baha
Kirstin Kosciuk
Heather Gluth
Lisa H. Hutter
Barbara Webb
Matthew Burrows
Stephanie Peterson
Kate Mullin
Jacki Horton
Nicki McArthur
Sharon Balovich
Leslie Young

Sue Conrad
Maia Y. Nentra
Ashley Green
Tyler Green
Diana Twardzik
Kathi Jones
Jeanette Foran
Jill Lecrone
Jennifer Oen
Kristine Hoke
Megan Baha
Kirstin Kosciuk
Heather Gluth
Lisa H. Hutter
Barbara Webb
Matthew Burrows
Stephanie Peterson
Kate Mullin
Jacki Horton
Nicki McArthur
Sharon Balovich
LESLIE YOUNG

Michael Scarcelli

From: Maegan Bosak
Sent: Wednesday, May 11, 2016 2:37 PM
To: Clyde Bright
Cc: Michael Scarcelli
Subject: RE: Marijuana Growing Permits

Thanks Clyde.

We will include your comments in the Planning Commissioners packets.

Maegan Bosak
Planning and Community Development Director City and Borough of Sitka
907.747.1824

-----Original Message-----

From: Clyde Bright [mailto:cldebright@icloud.com]
Sent: Tuesday, May 10, 2016 6:38 PM
To: Maegan Bosak <maegan.bosak@cityofsitka.org>
Subject: Marijuana Growing Permits

Maegan,

I'm going to try and make your next meeting to comment on this issue, but if I can't make it I would like to point out that a large grow operation in the strip mall (Eagle Bay) will produce a load of smells. The City needs to require a properly sized carbon filter system to handle the strong odors from the plants, otherwise the other tenants in the building and the neighbors will complain.

You also need to make sure the venting system is designed so it doesn't make any noise. Most grow operations require huge fans to transfer heat out of the space caused by the grow lights, as well as getting fresh air into the space, and these large fan systems can cause a lot of noise.

I would also be concerned about health effects of the other tenants of the building as well as customers that eat in the building as well as shop there.

Clyde

Sent from my iPad

Samantha Pierson

From: Emily Breidenbach <emily@gmddevelopment.com>
Sent: Wednesday, January 03, 2018 8:49 AM
To: Planning Department
Subject: Comments on CUP 17-27

Comments for Planning Commission:

Regarding the CUP application 17-27, as the owners of the neighboring Sawmill Creek Apartments, we have no objection to this CUP.

Emily (Breidenbach) Thompson

GMD Development

520 Pike Street Suite 1010
Seattle, WA 98101

O.206-745-3698

C.206-399-7526



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: Northern Lights Indoor Gardens LLC current occupants of 1321 Sawmill Creek Rd. Suite O & P would like to expand our cannabis cultivation operation to 1321 SMC Rd Suites L, M, and N.

PROPERTY INFORMATION:

CURRENT ZONING: C-2 PROPOSED ZONING (if applicable): n/a
CURRENT LAND USE(S): mini mall PROPOSED LAND USES (if changing): n/a

APPLICANT INFORMATION:

PROPERTY OWNER: Rudolph Daniel Kelly
PROPERTY OWNER ADDRESS: 346 Verret St., New Orleans, LA 70116
STREET ADDRESS OF PROPERTY: 1321 Sawmill Creek Rd
APPLICANT'S NAME: Northern Lights Indoor Gardens LLC
MAILING ADDRESS: 501 Charteris Street
EMAIL ADDRESS: northernlightsig@acsalaska.net DAYTIME PHONE: 907-747-1087

PROPERTY LEGAL DESCRIPTION:

TAX ID: 30450000 LOT: 18 BLOCK: 1321 TRACT: _____
SUBDIVISION: _____ US SURVEY: 2729

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

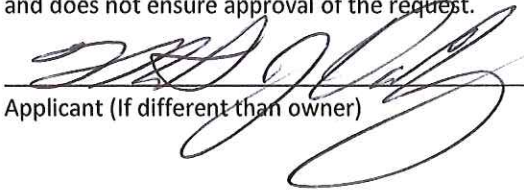
CERTIFICATION:

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.

Owner

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)

12-11-17

Date

Business Narrative for Northern Lights Indoor Gardens LLC 1321 Sawmill Creek Road Suites L, M, N, O and P

Northern Lights Indoor Gardens LLC- owners Mike Daly and Micah Miller would like to expand current commercial cultivation business to suite L, M, and N once the current tenants lease has expired in 2018.

We intend to continue with our current high standards of practice with the new expansion. We hold security and discretion a top priority. We strive to keep our cultivation business unnoticed from public eye and nose and have established multiple safeguard practices to ensure our high standards are met. We are very confident with our carbon filtration system that we will control any indoor odor from leaking to surrounding neighborhood

Suite L, M, and N will be used for our cultivation business, supply storage, and administrative offices. Upon City of Sitka Planning Commission approval, we will begin the necessary application process to State of Alaska Marijuana Control Board for expansion of our current license #10136.

Business Narrative for Northern Lights Indoor Gardens LLC 1321 Sawmill Creek Road Suites L, M, N, O and P

Northern Lights Indoor Gardens LLC-owners Mike Daly and Micah Miller would like to expand the current commercial cultivation business to suite L, M, and N once the current tenants lease has expired in 2018.

We intend to continue with our current high standards of practice with the new expansion. We hold security and discretion a top priority. We strive to keep our cultivation business unnoticed from public eye and nose and have established multiple safeguards practices to ensure our high standards are met.

Each of our purposed air tight grow rooms will be constructed with in the current constructed building suite. Each room will have its own filtration system consisting of 60-inch carbon filters / air scrubbers capable of controlling orders for our proposed room size of 600sq ft. These filters will be mounted above the rooms on the current existing balconies with venting exhaust continuing through the building's existing roof.

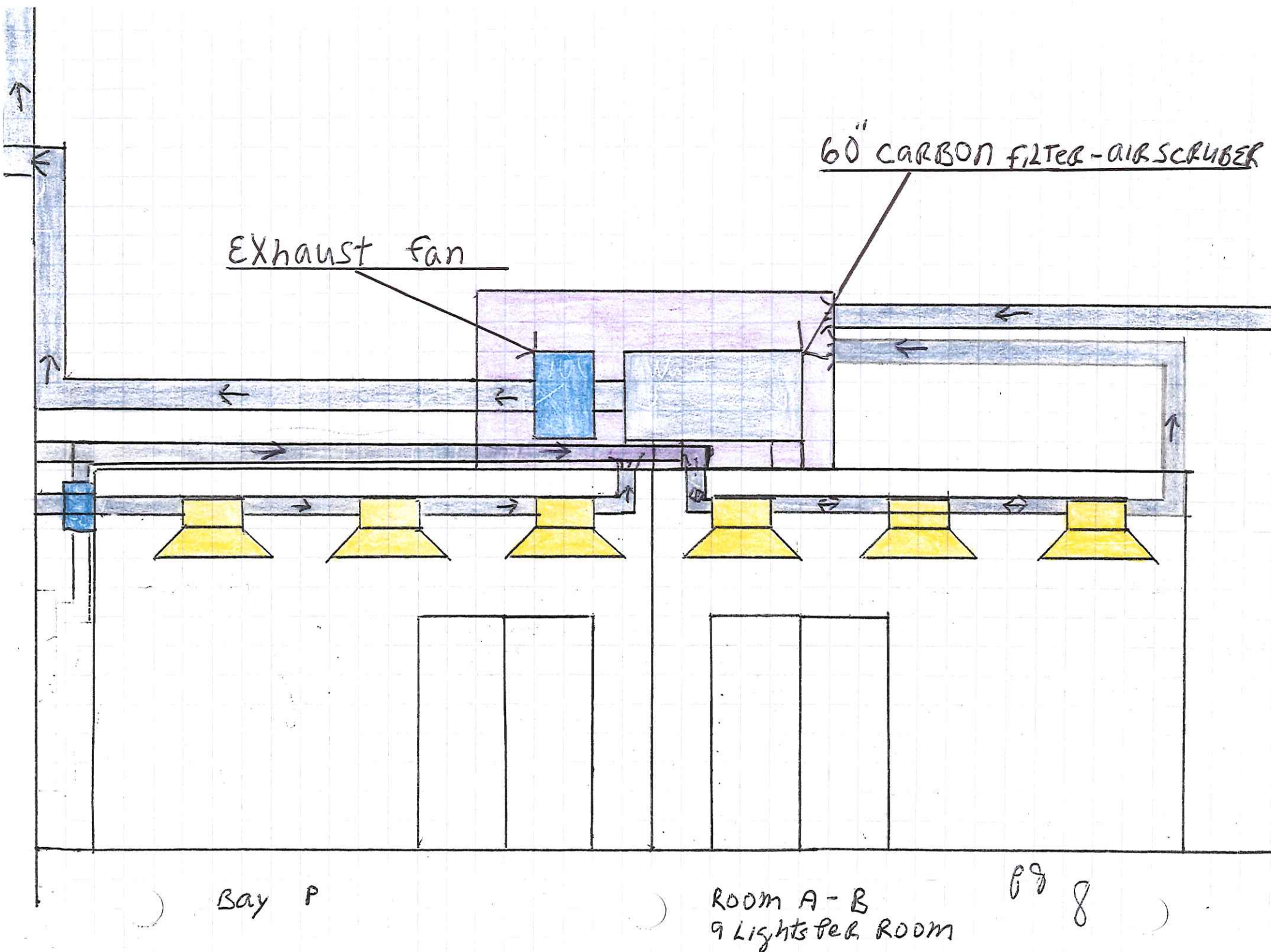
We are using this same filtration system for our current grow rooms in suite O and P. The only issue we experienced with odor was caused by multiple power outages that resulted in a system failure that was immediately addressed and has never occur again. We are very confident our carbon filtration system can control any indoor odor from leaking to the surrounding neighborhood.

We currently have a security system consisting of 32 cameras, and monitored alarms. We are required by the Alaska Marijuana Control Board to continue with the high security practices. Our grow areas are not visible by the public and we do not advertise we are a grow operation.

We currently have 5 full time employees and 4-part time employees. With the additional grow areas, we will hire at least 8 more full time employees and a minimum of 12-part time employees.

Our electricity consumption will rise thus increasing our contribution in the City's plan to bring more high electricity users on line to help subsidize the community's electric needs. We currently use approximately 6200 kwt per suite per month. With the addition of suite L, M, N, our approximate electric usage could run 31,000 kwt per month.

We anticipate growing approximately 100-120 additional plants. The plants will be contained in air tight rooms with the above-mentioned filtration systems for each room. The increase in plant production will help eliminate the need to purchase cost of goods sold outside of Sitka. In 2017 our retail establishment has spent over \$165,000 in cost of goods sold from other growers in the state. The savings alone would allow us to afford additional employees thus keeping that money here in Sitka helping our communities economy.

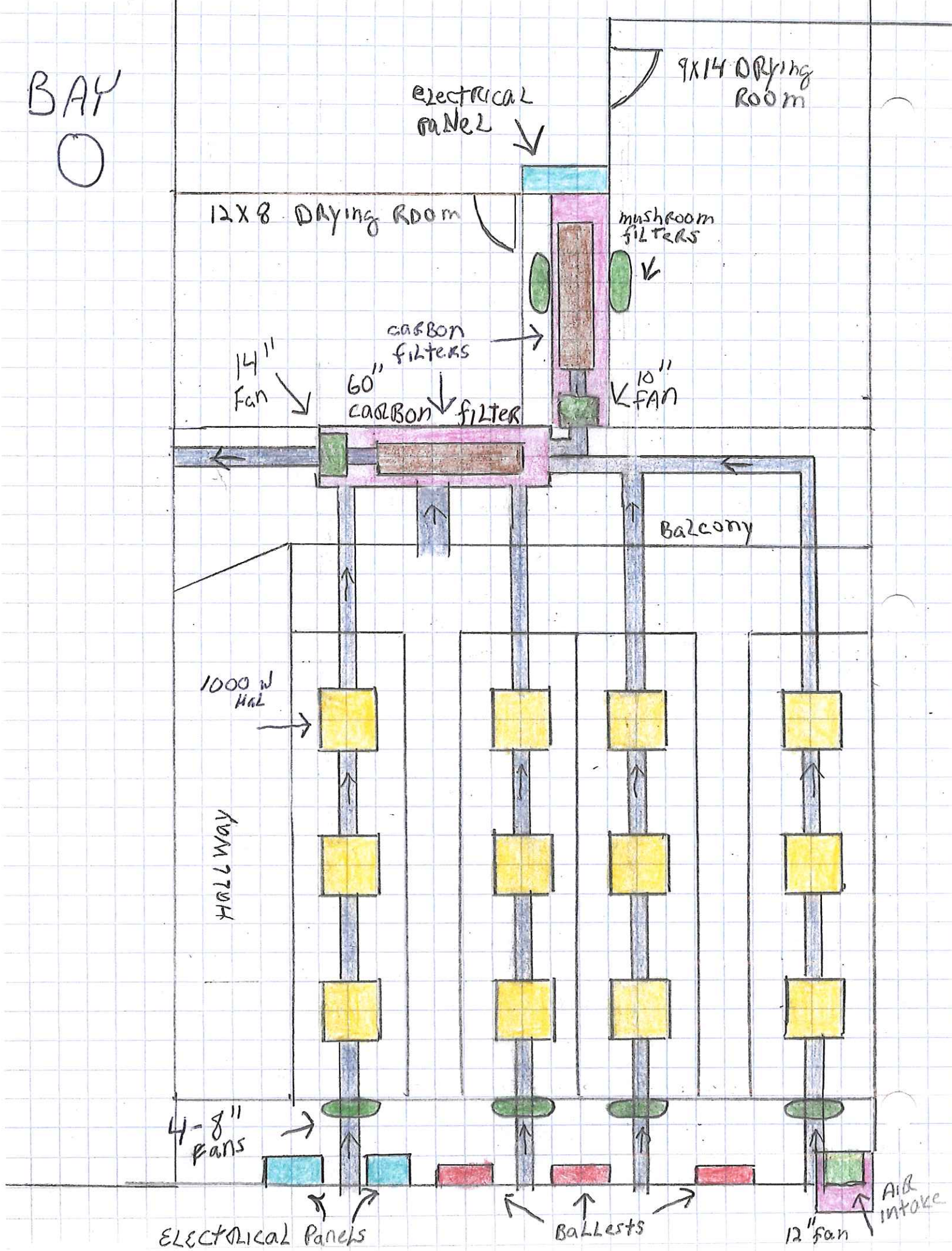


Bay P

Room A-B
9 Light per Room

pg 8

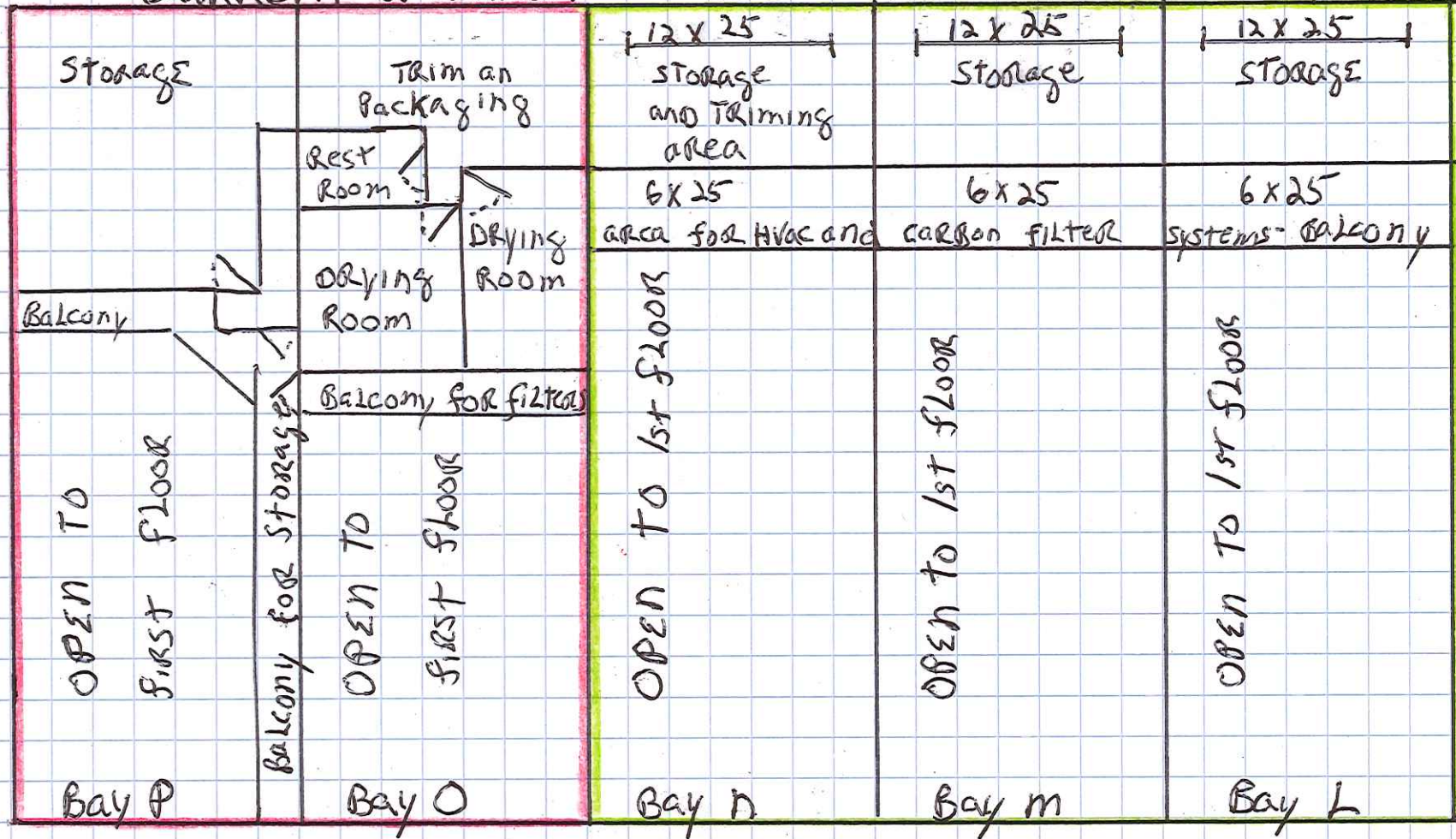
BAY
O

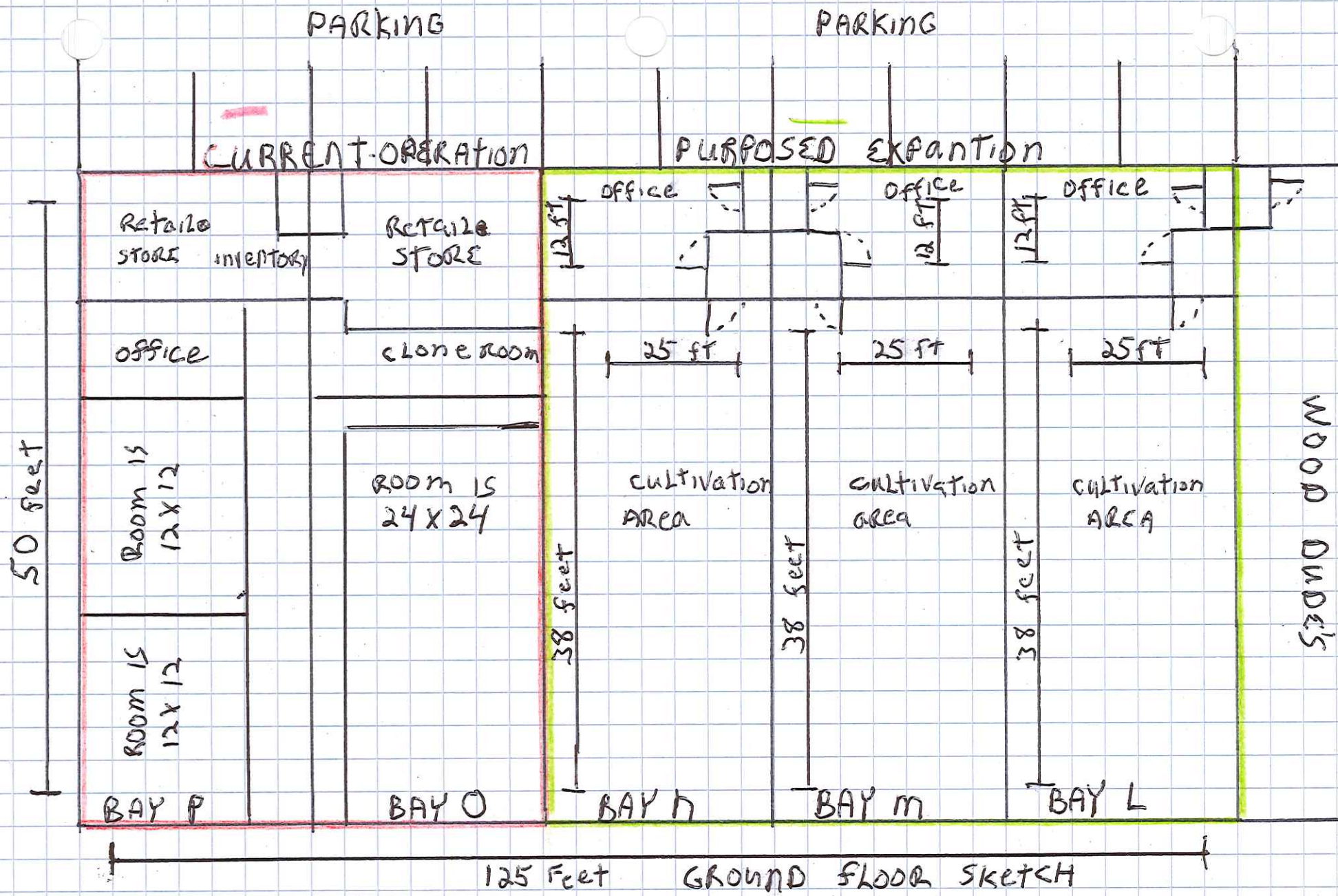


PURPOSED EXPANTION

CURRENT OPERATION

SECOND FLOOR SKETCH





EMPLOYEE PARKING

SHWILL CREEK ROAD

REAR ALLEYWAY
400'

EMPLOYEE PARKING

50'

A

B

C

D

5

F

6

H

I

3

K

L

W

1

—

WEED DUNES

Wood Bores

Purpose

Expansion

NORTHERN LIGHTS
INDOOR GARDENS
current operation

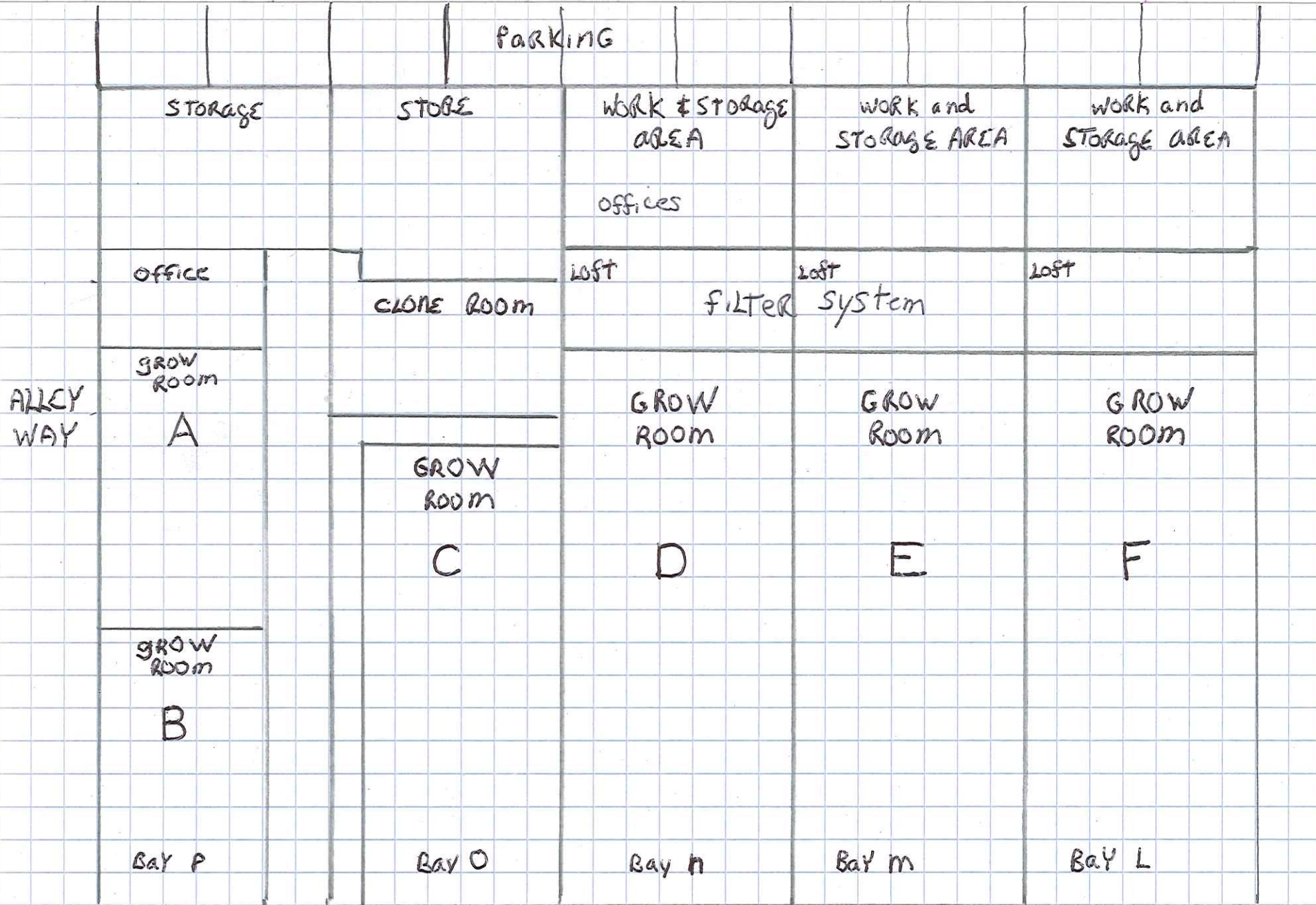
WALK WAY

DIRT ROAD

GARBAGE
DELIVERIES
PUBLIC ENTRANCE

PARKING

PRICE STREET



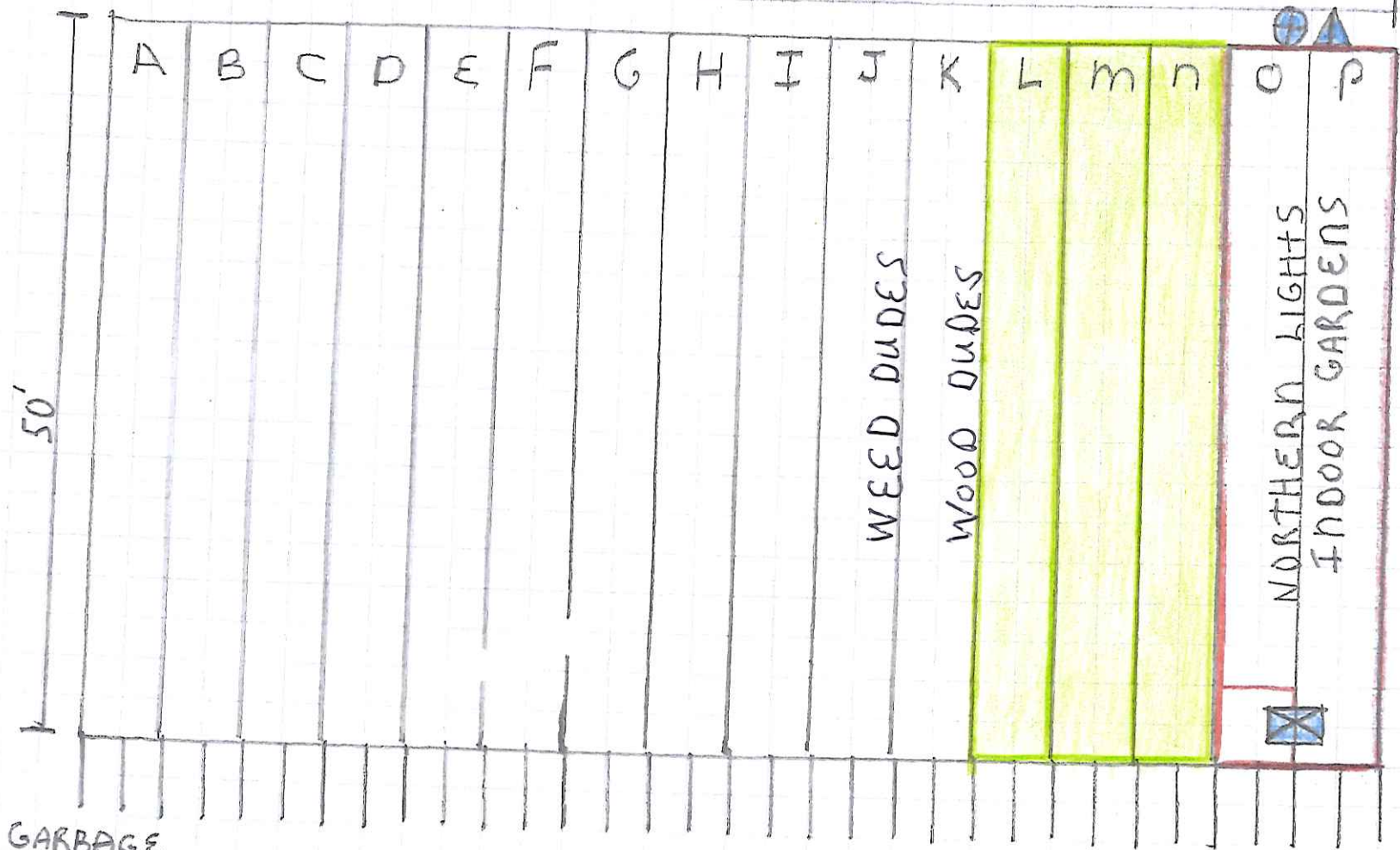
SAWMILL CREEK ROAD

SAWMILL CREEK PLAZA
1321 SAWMILL CREEK RD
PLOT DIAGRAM

NORTHERN LIGHTS INDOOR GARDENS
1321 SAWMILL CREEK RD
BAYS O/P

REAR ALLEYWAY
400'

EMPLOYEE PARKING



GARBAGE
DELIVERIES
PUBLIC ENTRANCE

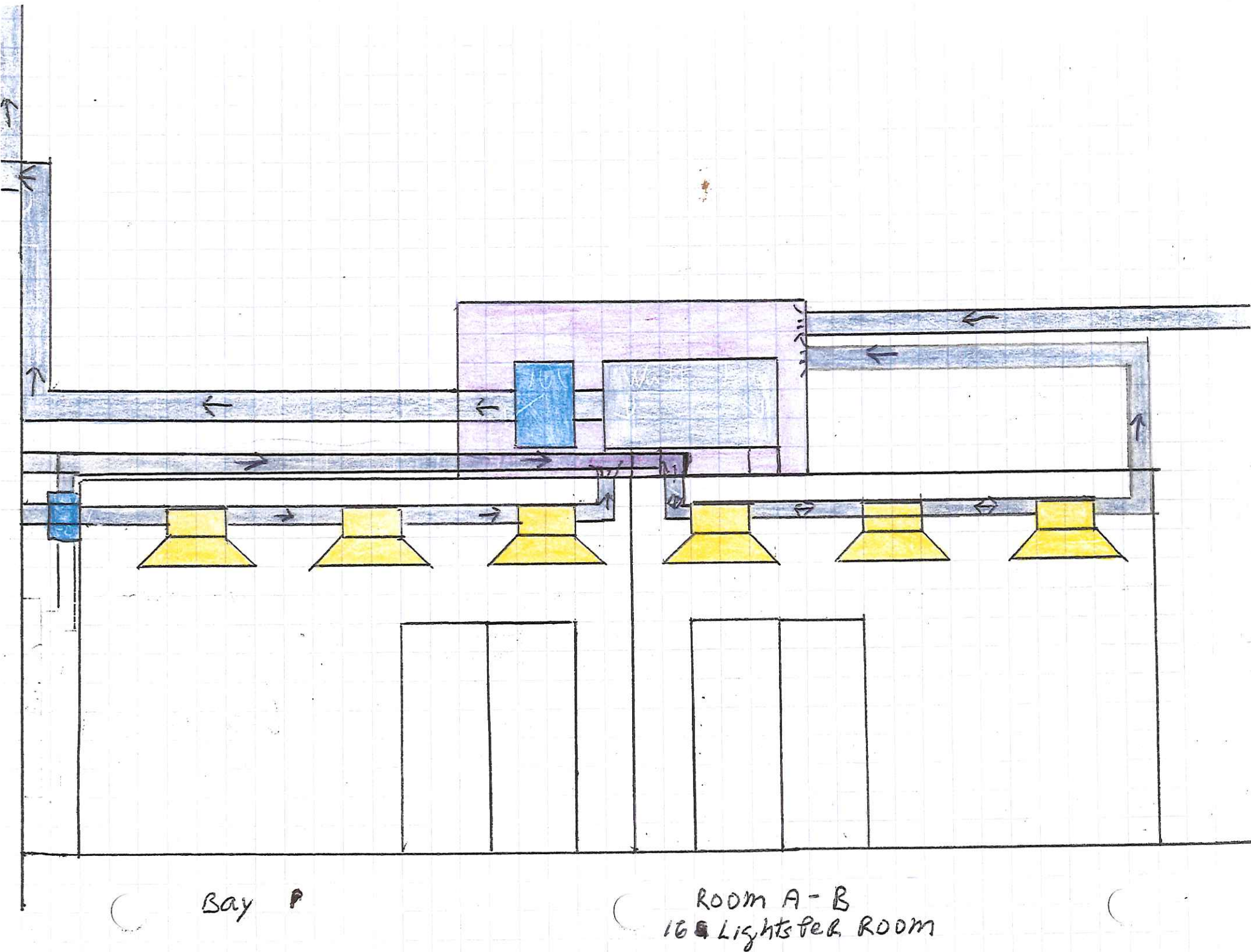
PRICE STREET

PARKING

NORTHERN LIGHTS
INDOOR GARDENS

WALK WAY

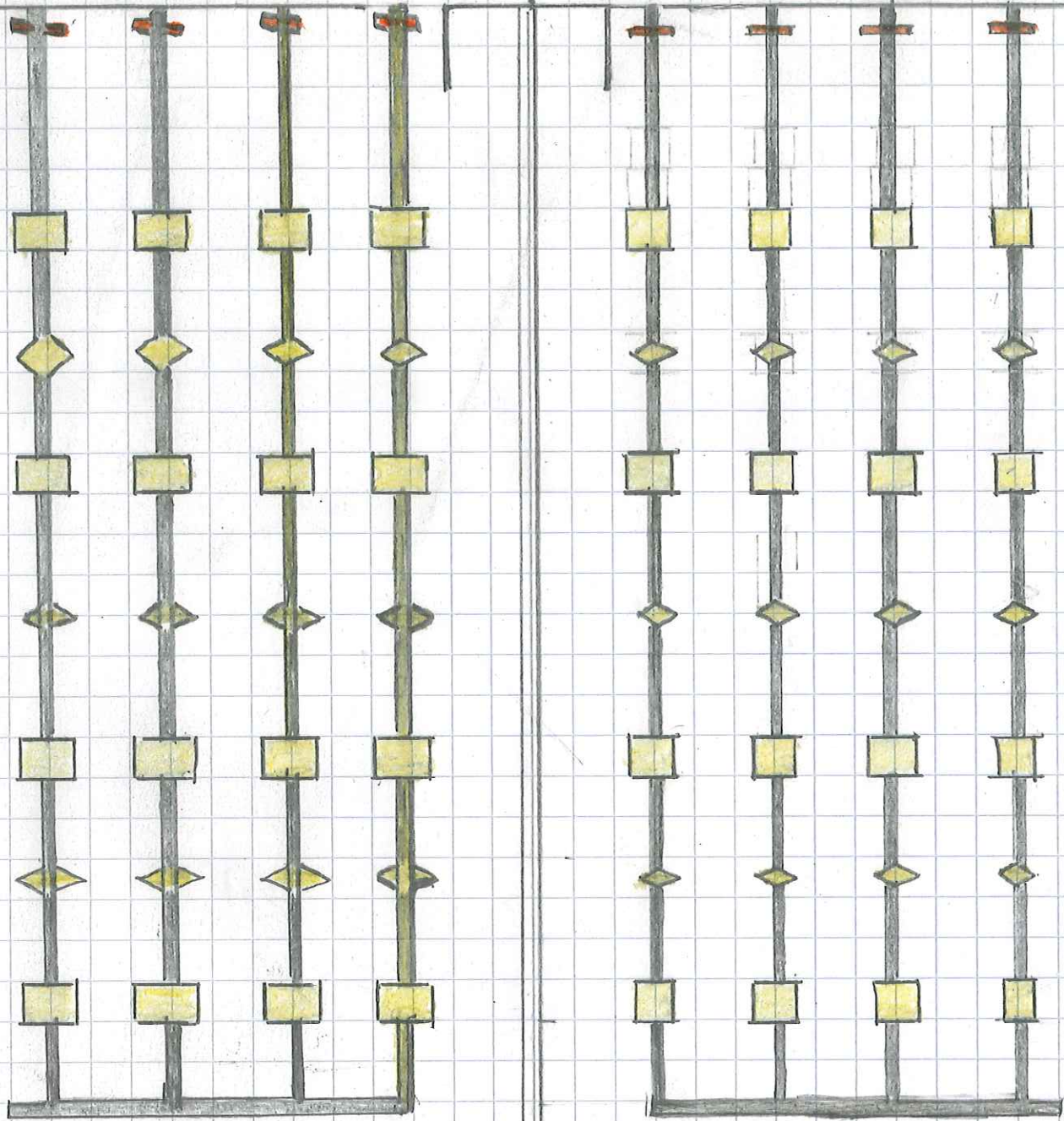
DIRT ROAD

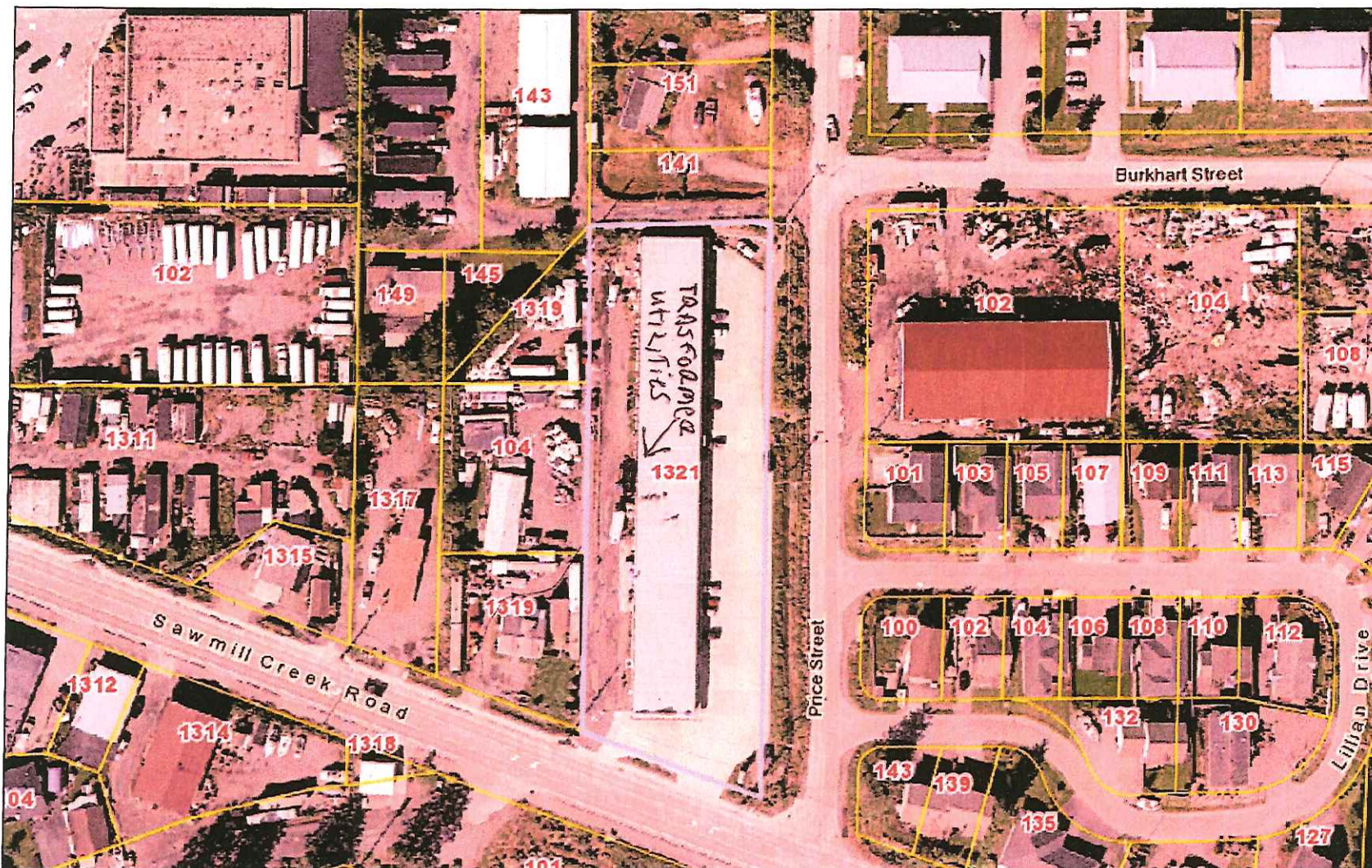


Bay

Room A-B
16 Lights per Room

Office and
Storage

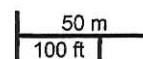




City & Borough of Sitka, Alaska

Selected Parcel: 1321 SAWMILL CREEK ID: 30450000

Printed 6/1/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



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.

COMMERCIAL LEASE AGREEMENT

Eagle Bay Inn LLC
1321 Sawmill Creek Road Suite C
Sitka Alaska 99835

This Lease is made this 1st day of May, 2016 by and between Eagle Bay Inn LLC and Mike Daly, Northern Lights Indoor Gardens LLC. In consideration for the mutual promises and covenants contained herein, and for other good and valuable consideration, the parties hereby agree as follows:

Eagle Bay Inn LLC leases to Mike Daly, Northern Lights Indoor Gardens LLC rents from the Landlord the following described premises: O & P Bays. Eagle Bay Inn LLC understands that this is going to be a marijuana growing business distributions and retail store.

The term of the Lease shall be for 3-year commencing 5/01/2016 and ending 5/01/2019.

Mike Daly, Northern Lights Indoor Gardens LLC shall pay to Eagle Bay Inn LLC as rent \$22,500.00 per year in equal monthly installments of \$1,875.00 payable in advance in 30 days.

Mike Daly, Northern Lights Indoor Gardens LLC shall use and occupy the premises only as a business; this is subject at all times to the approval of Eagle Bay Inn LLC.

Mike Daly, Northern Lights Indoor Gardens LLC shall not make any alterations, additions or improvements to the premises without the prior written consent of Eagle Bay Inn LLC. Eagle Bay Inn LLC, does not furnish the utilities or amenities for the benefit of Mike Daly, Northern Lights. Mike Daly, Northern Lights Indoor Gardens LLC, at his own expense shall furnish all utilities.

Mike Daly, Northern Lights Indoor Gardens LLC shall purchase at his own expense public liability insurance in the amount of one million dollars as well as fire and hazard insurance in the amount of one million dollars, or have it in the business insurance policy, for the premises and shall provide satisfactory evidence thereof to the Landlord and shall continue same in force and effect throughout the Lease term hereof.

Mike Daly, Northern Lights Indoor Gardens LLC, shall not permit or commit waste to the premises. Mike Daly, Northern Lights Indoor Gardens LLC is responsible for snow and ice removal at the back and front of the business entrances. Snow removal of the parking lot is provided and during heavy snow, tenant will comply with all parking and removing vehicles as needed.

Mike Daly, Northern Lights Indoor Gardens LLC shall comply with all rules, regulations, ordinances codes and laws of all Eagle Bay Inn LLC members. The members are: Dan Kelly and JoAnn Daly.

Mike Daly, Northern Lights Indoor Gardens LLC shall not permit or engage in any activity that will affect an increase in the rate of insurance for the Building in which the premises is now

contained nor shall Mike Daly, Northern Lights Indoor Gardens LLC permit or commit any nuisance thereon.

Mike Daly, Northern Lights Indoor Gardens LLC shall not sublet or assign the premises nor allow any other person or business to use or occupy the premises without the prior written consent of Eagle Bay Inn LLC.

At the end of the term of this Lease, Mike Daly, Northern Lights Indoor Gardens LLC shall surrender and deliver up the premises in the same condition (subject to any additions, alterations or improvements, if any) as presently exists, reasonable wear and tear excluded.

Upon default in any term or condition of this Lease, Eagle Bay Inn LLC shall have the right to undertake any or all other remedies permitted by Law.

This Lease shall be binding upon, and insure to the benefit of, the parties, their heirs, successors, and assigns. Eagle Bay Inn LLC agrees to give Mike Daly, Northern Lights Indoor Gardens LLC first option when renewing his lease on March 1, 2016.

Signed this ___ 1st ___ day of ___ May ___ (Month) ___ 2016 ___ (Year).



Tenant

Mike Daly

Northern Lights Indoors Gardens LLC



Eagle Bay Inn LLC

Vicki Brown

Manager

Eagle Bay Inn LLC

1321 Sawmill Creek Road

Sitka, Alaska 99835

December 2, 2013

To Whom It May Concern

Vicki Brown is hereby authorized and empowered by Eagle Bay Inn LLC to pursue any and all litigation which concerns Eagle Bay Inn and Sawmill Creek Business Center.

Thank you,

A handwritten signature in black ink, appearing to read "Jo Ann Daly", with a long horizontal flourish extending to the right.

Jo Ann Daly

Managing Member

504-434-8154

OF FRANCIS J. O'BRIEN

ON THE NORTH SIDE OF SITKA HIGHWAY ABOUT 17 MILES EAST OF SITKA

LATITUDE 57°02.51'N., LONGITUDE 135°18.11'W.
AT CORNER NO. 1

18 SURVEYED BY

LEONARD M. BERLIN, CADASTRAL ENGINEER
MAY 16, 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

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.

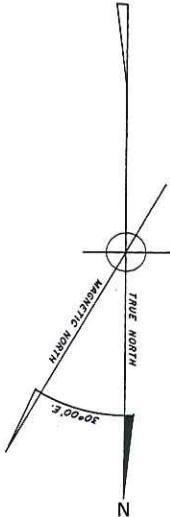
OFFICE CADASTRAL ENGINEER

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

CHIEF, BRANCH OF SURVEYS



JAMESTOWN BAY

U. S. SURVEY No. 1947

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

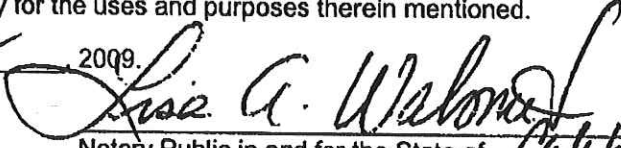


RUDOLPH DANIEL KELLY

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 my hand and official seal on April 22 2009.



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

