



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

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

KEY POINTS AND CONCERNS:

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

RECOMMENDATION:

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

BACKGROUND/PROJECT DESCRIPTION

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

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

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

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

ANALYSIS

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

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

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

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

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

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

¹ § 22.24.010.E

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

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

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

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

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

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

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

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

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

Marijuana 500 Foot Buffers

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

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

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

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

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

RECOMMENDATION

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

ATTACHMENTS

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

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Motions in favor of approval:

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

Conditions of Approval:

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

licensing

2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal building official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfy the fire marshal or their designee and the building official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the municipality and shall comply with all standard and required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.
7. All approved conditional use permits shall comply with all of the Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.
8. The Planning Commission or Planning Department shall be able to schedule a hearing to resolve issues, impacts, or review conditions of approval related to meritorious issues connected to the public's health, safety, and welfare.

2) I move to find that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval, and move to adopt the following findings²:

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

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