



# CITY AND BOROUGH OF SITKA

## Minutes - Final

### Planning Commission

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Wednesday, October 7, 2020

7:00 PM

Harrigan Centennial Hall

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

Present: Chris Spivey (Chair), Darrell Windsor, Randy Hughey, Stacy Mudry, Wendy Alderson

Absent: Kevin Mosher (assembly liaison)

Staff: Amy Ainslie (Planning Director), Ben Mejia (Planner I)

Public: Marty Martin, Justin Brown, Katie Riley

**Chair Spivey called the meeting to order at 7:02 PM.**

#### II. CONSIDERATION OF THE AGENDA

#### III. CONSIDERATION OF THE MINUTES

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

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

**M-Windsor/S-Mudry moved to approve the September 16, 2020 minutes. Motion passed 5-0 by voice vote.**

#### IV. PERSONS TO BE HEARD

#### V. PLANNING DIRECTOR'S REPORT

Ainslie welcomed Alderson as the newest member of the Commission. Ainslie introduced Alderson by stating that she had lived in Sitka for 25 years and volunteered on numerous non-profits. Ainslie also noted that Alderson had been active in the development process, specifically through renovation and in the rental market.

Ainslie announced Hughey's final Commission meeting was this evening and commended his five years of service to the Commission, where he provided his wisdom and insight.

Ainslie informed the Commission that two applications for Hughey's vacant chair were scheduled for review by the Assembly on October 13th which meant all seats should be filled for the October 21st meeting. Ainslie reminded the Commission that City Hall would be closed on October 19th in observance of Alaska Day.

#### VI. REPORTS

**VII. THE EVENING BUSINESS**

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

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

Ainslie described the proposal for a marijuana cultivation facility at 213 Price Street in the Industrial Zone. Ainslie stated that the location was directly adjacent to another cultivation facility, concentrate facility, and retail shop operated by the applicant at 1210 Beardsley Way. Ainslie explained that the current proposal was to use an existing approximately 5,600 sq. ft. building on the property. The proposal would have four grow rooms, a veg. room, a clone room, three bathrooms, a storage room, and a kitchenette. Ainslie told the Commission that no sensitive uses were identified within a 500 foot buffer around the property although Ainslie noted that the burden of proof to the Alcohol & Marijuana Control Office (AMCO) was on the applicant.

Ainslie presented the potential impacts of the proposal and identified a minimal impact to traffic due to the proposed grow operation, as only around five employee vehicles would park at the property although the property was in the Industrial zone, high traffic was expected in the area. Ainslie also identified that the chance of creating a cut-through traffic scenario was low. Ainslie identified minimal impact to noise from the proposal, the primary cause of increased noise would come from ventilation and heat pump, but noise was expected in the Industrial zone. Ainslie identified a possible impact to odors from the proposal, as is a common concern with marijuana facilities. Ainslie noted that the applicant had a strong track record of odor mitigation and management. The proposal included ventilation filtration and carbon canister filtration. Ainslie stated that while there were not a lot of buffers on the site, the building was situated to the west of the lot away from Price Street and some vegetation and drainage easements also served as a buffer. Staff recommended approval on this item.

Present were Justin Brown and Marty Martin, as the applicant AKO Farms, LLC. Brown informed the Commission that the proposal was to add 84 more lights to provide more product to meet demand and would be the first LED lighting system they would implement. Spivey asked the applicants if their intent was to match the quality of their existing grow operations. The applicants said they would build it exactly the same. Spivey commended the applicants as a model of how to operate marijuana facilities and saw no issue with their application. Alderson requested that staff read the public

comment and asked if ventilation was to be placed away from neighboring residential uses. Brown responded that their ventilation is placed away from residential properties and that the heat from lighting heated the exhaust as it left the facility upward from the roof rather than outward. Ainslie read public comment from Ann-Marie Parker that voiced concern over odor, noise, and traffic in the area.

Spivey expressed his understanding of the public comment but recognized that they were in Industrial and Commercial zones and those uses needed to be preserved.

**M-Hughey/S-Windsow moved to approve the conditional use permit application for a marijuana cultivation facility at 213 Price Street subject to conditions of approval. The property was also known as Lot 1A, Mick's Resubdivision. The request was filed by AKO Farms, LLC. The owner of record was Justin Brown. Motion passed 5-0 by voice vote.**

**M-Hughey/S-Windsor moved to find that there were no negative impacts present that had not been adequately mitigated by the attached conditions of approval, and to adopt the findings as listed in the staff report. Motion passed 5-0 by voice vote.**

**C**      [MISC 20-15](#)

Discussion/Direction on annual reporting for marijuana establishment conditional use permits.

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

Ainslie introduced the item and explained that staff was interested in conducting annual or bi-annual reports for most conditional use permits to better track active and inactive permits and mitigate potential impacts. Ainslie referred to annual report for short-term rentals as a good system that was a single form that allowed data aggregation and analysis over time. Ainslie explained that the next category of conditional use permits that staff wanted to implement reporting for was marijuana. Ainslie sought input and guidance from the Commission on the whether to pursue reporting for this issue and what information might benefit the Commission.

Hughey asked if there had been a lot of public complaints with regards to marijuana use. Ainslie responded that there had not been a lot of public complaint yet and that the primary reason for staff to pursue reporting was to facilitate in recommendations that staff provides AMCO and to determine what permits are still active. Spivey asked if staff could use information from AMCO to generate reports. Ainslie responded that she would investigate that possibility and noted that annual reporting would provide the data needed to make informed policy. The Commission expressed a desire to minimize the burden placed on the local marijuana industry.

Katie Riley asked if there was a limited number of permits and if different marijuana uses required the same permitting process. Ainslie explained that while there was no definite number of marijuana related conditional use permits, the stringent permitting process placed a damper on the number marijuana permits given. Ainslie also explained that all types of marijuana use required a permit. Staff agreed with the Commission to look into what information could be accessed from AMCO and internally in the city and report back to the Commission on subsequent steps.

**VIII. ADJOURNMENT**

Seeing no objection, Chair Spivey adjourned the meeting at 7:38 PM.