

**Chair**

Tom McGann

**Commissioners**

Scott Pegau

John Baenen

Allen Roemhildt

Mark Frohnapfel

Nancy Bird

Chris Bolin

**City Planner**

Samantha Greenwood

**Assistant Planner**

Leif Stavig

**PLANNING COMMISSION REGULAR MEETING  
OCTOBER 10, 2017 AT 6:45 PM  
CORDOVA CENTER COMMUNITY ROOMS A & B**

**AGENDA**

**1. CALL TO ORDER**

**2. ROLL CALL**

Chair Tom McGann, Commissioners Scott Pegau, John Baenen, Allen Roemhildt, Mark Frohnapfel, Nancy Bird, and Chris Bolin

**3. APPROVAL OF AGENDA (voice vote)**

**4. APPROVAL OF CONSENT CALENDAR (voice vote)**

- a. Minutes of September 12, 2017 Regular Meeting .....Page 2
- b. Record excused absence for John Baenen and unexcused absence for Mark Frohnapfel from the September 12, 2017 Regular Meeting

**5. DISCLOSURES OF CONFLICTS OF INTEREST**

**6. CORRESPONDENCE**

**7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS**

- a. Guest Speakers
- b. Audience comments regarding agenda items (3 minutes per speaker)

**8. PLANNER'S REPORT .....Page 5**

**9. NEW/MISCELLANEOUS BUSINESS**

- a. Final Plat Approval for Tract A-3 and Lot 2, West Eyak Lake Tracts Subdivision Phase II .....Page 6
- b. Marijuana Cultivation Facility - Conditional Use Permit .....Page 11
- c. Retail Marijuana Store - Conditional Use Permit .....Page 24
- d. Power Creek Road Recommendation to City Council.....Page 31

**10. PENDING CALENDAR**

- a. October 2017 Calendar.....Page 33
- b. November 2017 Calendar.....Page 34

**11. AUDIENCE PARTICIPATION**

**12. COMMISSION COMMENTS**

**13. ADJOURNMENT**

PLANNING COMMISSION REGULAR MEETING  
SEPTEMBER 12, 2017 AT 6:30 PM  
CORDOVA CENTER COMMUNITY ROOMS A & B  
MINUTES

1. CALL TO ORDER

Chair **Tom McGann** called the Planning Commission Regular Meeting to order at 6:30 PM on September 12, 2017 in Cordova Center Community Rooms A & B.

2. ROLL CALL

Present for roll call were Chair **Tom McGann** and Commissioners, **Scott Pegau**, **Allen Roemhildt**, **Nancy Bird**, and **Chris Bolin**. **John Baenen** and **Mark Frohnapfel** were absent.

Also present was City Planner **Samantha Greenwood** and Assistant Planner **Leif Stavig**.

0 people were in the audience.

3. APPROVAL OF AGENDA

M/Bird S/Pegau to approve the agenda.

Upon voice vote, motion passed 5-0.

Yea: **McGann, Pegau, Roemhildt, Bird, Bolin**

Absent: **Baenen, Frohnapfel**

4. APPROVAL OF CONSENT CALENDAR

- a. Minutes of August 8, 2017 Public Hearing
- b. Minutes of August 8, 2017 Regular Meeting
- c. Record unexcused absences for Scott Pegau, John Baenen and Heath Kocan from the August 8, 2017 Regular Meeting

M/Bird S/Pegau to approve the consent calendar.

Upon voice vote, motion passed 5-0.

Yea: **McGann, Pegau, Roemhildt, Bird, Bolin**

Absent: **Baenen, Frohnapfel**

5. DISCLOSURES OF CONFLICTS OF INTEREST

6. CORRESPONDENCE

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

- a. Guest Speakers
- b. Audience comments regarding agenda items

8. PLANNER'S REPORT

**Greenwood** said staff was looking at how home occupancies are billed for utilities. The Post LT2 project was coming to a close. Staff was developing a new code for marijuana facilities, but there was the possibility of a Conditional Use Permit for marijuana facilities prior to the new code being effective. **Stavig** reminded the commission that Conditional Use Permits are considered quasi-judicial, but discussions about future codes are not. **Greenwood** said there were a lot of state requirements and that it was important to not mix up the local and state responsibilities. **Greenwood** explained that fences had to be constructed inside property lines and that there are height restrictions based upon where on the lot the fence is constructed.

## 9. NEW/MISCELLANEOUS BUSINESS

### a. Resolution 17-02 Capital Improvement List

M/Pegau S/Roemhildt to approve Resolution 17-02.

**Pegau** said he liked the order. He wanted to somehow address Power Creek Road, even though it was a state road. He thought that they should do something to let the state know it was critical to Cordova. **Bird** said Power Creek didn't really fit on the list, and that they should create a separate resolution to bring it to the state's attention. **Greenwood** said they could deal with it at pending calendar.

**Roemhildt** said he wished code updates could be higher on the list. **Greenwood** said that Title 17 would probably come before Title 18, because 18 is a much larger project.

**McGann** said that he wished the E-911/Addressing item was clearer. The commission decided to change the wording to "Contract to Develop and Implement Addressing Database." **Bird** said that the item didn't have a number amount on it either. **Greenwood** said it was difficult without proposals. **Bird** suggested \$25,000 to \$60,000 as the price range.

M/Pegau S/Bird to amend the motion as discussed.

Upon voice vote, amendment passed 5-0.

Yea: McGann, Pegau, Roemhildt, Bird, Bolin

Absent: Baenen, Frohnappfel

Upon voice vote, main motion passed 5-0.

Yea: McGann, Pegau, Roemhildt, Bird, Bolin

Absent: Baenen, Frohnappfel

## 10. PENDING CALENDAR

**Greenwood** said that Resolution 17-02 would be on the next City Council meeting.

**Pegau** said he wanted to have something concerning Power Creek Road at the next meeting. **Stavig** said if anyone had whereas statements or ideas to email them to staff.

**Greenwood** said that City Council is still deciding on whether or not to have City Council representatives on other city boards.

## 11. AUDIENCE PARTICIPATION

## 12. COMMISSION COMMENTS

*Bird* thanked staff.

*Roemhildt* welcomed *Bolin* and said he looked forward to butting heads with him.

*Pegau* welcomed *Bolin* and said he looked forward to working with him. He thought that people storing their property in the right of ways was an issue.

*Bolin* thanked everyone for helping him and he looks forward to learning.

## 13. ADJOURNMENT

M/*Pegau* S/*Bird* to adjourn the Regular Meeting at 7:06 PM.  
With no objection, the meeting was adjourned.

Approved:

\_\_\_\_\_  
Tom McGann, Chair

\_\_\_\_\_  
Leif Stavig, Assistant Planner

# Planner's Report

**To:** Planning Commission  
**From:** Planning Staff  
**Date:** 10/5/2017  
**Re:** Recent Activities and Updates

---

- Zero building permits issued since the last meeting.
- Meeting with land owners on the purchase terms for Lot 8 & 9, Block 1, Odiak Park Subdivision.
- Answering questions for Northern Region DOT on the Adams Avenue design.
- Working with surveyor to make sure Kopchak variance conditions are met on the lot line adjustment.
- Working on draft marijuana code with Holly; target is November Planning Commission review of proposed conditional use permit section possibly at November meeting.
- Working with Parks and Rec on possible disc golf course locations. Checking with Corps and state on permit requirements.
- Wrapping up punch list for post LT2 work.
- Budget consolidation and formatting.
- Americus Performance Deed of Trust extended by City Council.
- Talking to PWSSC about potential land development sites.
- Graded RFP proposal for engineering services for relocation or protection of city's water line during ADOT culvert replacement on New England Cannery Road.
- Provided summary of State Block Grant to Alan – City Public Works or Planning projects not eligible although Hospital has some potential.



**AGENDA ITEM # 9a**  
**Planning Commission Meeting Date: 10/10/2017**  
**PLANNING COMMISSION COMMUNICATION FORM**

---

**FROM:** Planning Staff

**DATE:** 10/4/17

**ITEM:** Final Plat Approval for Tract A-3 and Lot 2, West Eyak Lake Tracts Subdivision Phase II

**NEXT STEP:** Motion

---

☐ INFORMATION  
☒ MOTION  
☐ RESOLUTION

---

**I. REQUEST OR ISSUE:**

Requested Actions: Final Plat Approval  
Applicant: Sean O'Brien  
Owner: Eyak Corporation  
Address: Power Creek Road  
Zoning: Unrestricted  
Attachments: Location Map  
Application  
Final Plat

**II. RECOMMENDED ACTION / NEXT STEP:**

Staff recommend that the commission recommend to City Council approval of the final plat for Tract A-3

and Lot 2, West Eyak Lake Tracts Subdivision Phase II be approved.

“I move to recommend to City Council to approve the final plat request for Tract A-3 and Lot 2, West Eyak Lake Tracts Subdivision Phase II.”

**III. FISCAL IMPACTS:**

N/A

**IV. BACKGROUND INFORMATION:**

This plat is creating one SLUP lot.

**V. LEGAL ISSUES:**

No legal review required.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

N/A

**VII. SUMMARY AND ALTERNATIVES:**

Staff findings:

1. The proposed plat conforms to the Comprehensive Plan Policies and serves the public use, health, and safety.
2. There are no known physical conditions present which may be hazardous to the future inhabitants of these tracts.







# CITY OF CORDOVA



## SUBDIVISION APPLICATION

City of Cordova, Alaska

| INSTRUCTIONS  | PERMIT TYPE                                    | FEE                  |
|---|--|----------------------|
| Print or type requested information. Incomplete applications will be returned to the applicant and will delay processing of the request. Complete applications must be recieved by the Planning Department 21 days prior to the next Planning Commission Regular Meeting. | <input type="checkbox"/> Preliminary Plat      | \$150 + \$20 per lot |
|   | <input checked="" type="checkbox"/> Final Plat | 50% of Preliminary   |
|   | <input type="checkbox"/> Plat Amendment        | \$75 + \$15 per lot  |
|   | <input type="checkbox"/> Administrative Plat   | \$100                |

### APPLICANT INFORMATION

|                  |                      |
|------------------|----------------------|
| Name:            | Sean Derrick O'Brien |
| Mailing Address: | P.O. Box 1736        |
| City/State/Zip:  | Cordova, AK 99574    |
| Phone Number:    |                      |
| Email Address:   |                      |

### OWNER INFORMATION\*

|                  |                      |
|------------------|----------------------|
| Name:            | The EYAK Corporation |
| Mailing Address: | P.O. Box 340         |
| City/State/Zip:  | Cordova, AK 99574    |
| Phone Number:    | 907-424-7161         |
| Email Address:   | abutler@eyakcorp.com |

\*If different from applicant.

### PROPERTY INFORMATION\*

|                    |   |
|--------------------|---|
| Address:           | Power Creek road                        |
| Legal Description: | Tract A-2, Eyak Lake tracts subdivision |
| Tax Lot No.:       | 02-046-200                              |
| Zone District:     | unrestricted                            |

\*Planning Department can assist if unknown.

### ADDITIONAL INSTRUCTIONS

Please send an electronic copy of the proposed plat to [planning2@cityofcordova.net](mailto:planning2@cityofcordova.net). Plats must comply with the Cordova Municipal Code, particularly Title 17 - Subdivisions. The Planning Department will review all plats and may request changes. In the case of certain subdivisions, such as major subdivisions, additional information will be required.

### APPLICANT CERTIFICATION

By the signature(s) attached hereto, I (we) certify that the information provided within this application and accompanying documentation is, to the best of my (our) knowledge, true and accurate. Furthermore, I (we) hereby authorize the City and its representatives to enter the property associated with this application for purposes of conducting site inspections.

Applicant Signature:

Date: 9.20.17

Print Name and Title:

Sean Derrick O'Brien





## AGENDA ITEM # 9b

**Planning Commission Meeting Date: 10/10/2017**

### PLANNING COMMISSION COMMUNICATION FORM

---

**FROM:** Planning Staff

**DATE:** 10/4/2017

**ITEM:** Marijuana Cultivation Facility – Conditional Use Permit

**NEXT STEP:** Approve Conditional Use Permit

---

☐ INFORMATION  
☒ MOTION  
☐ RESOLUTION

---

#### **I. REQUEST OR ISSUE:**

Requested Actions: Conditional Use Permit for Marijuana Cultivation Facility  
Applicant: Melina Meyer dba Morpac, LLC  
Parcel Number: 02-053-507  
Zoning: Waterfront Historic District  
Attachments: Location Map  
Application

#### **II. RECOMMENDED ACTION / NEXT STEP:**

“I move to approve the conditional use permit request for Morpac LLC, a marijuana cultivation facility, on Lot 7, Cannery Row Subdivision as described in their application.”

### III. FISCAL IMPACTS:

The establishment of a new business will generate additional sales tax, jobs, and property taxes.

### IV. BACKGROUND INFORMATION:

This Conditional Use Permit (CUP) is the first application for a marijuana related business in Cordova. In absence of code provisions specific to marijuana, staff is applying the existing city code and analyzing the application based on the specific use; e.g., cultivation, retail, etc. The CUP is a part of the state application process for a marijuana license. Once the state has a complete application, the City Council will have the opportunity to protest the license.

*18.34.040 - Conditional uses and exceptions.*

*The planning and zoning commission may grant conditional use permits subject to the requirements of Chapters 18.50 (coastal management plan) and 18.60 (conditional use permits) of this title, and exceptions subject to the requirements of Chapter 18.64 (exceptions) of this title and Section 3.3 of the coastal management plan for additional uses, activities, and structures which are not specifically authorized herein. Additional activities and structures permitted must be consistent with the Cordova coastal management plan and the general intent of this zoning classification.*

Chapter 18.60 – Conditional Use Permits.

18.60.010 - Uses permitted by planning commission approval.

The city planning commission may, after proper notice and public hearing, permit the following exceptions in any district unless otherwise specified, where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the comprehensive city plan and the zoning ordinance. In approving the uses referred to in this chapter, the city planning commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood and the comprehensive city plan and zoning ordinance:

The following Conditional Use Standards have been met:

1. The requested conditional use permit will not adversely affect the public's health, safety, and general welfare.

The State requires numerous plans to document how security, product tracking, access, testing and multiple of other criteria to address public health, safety and general welfare.

2. The requested conditional use will not permanently or substantially injure the lawful use of neighboring properties.

The area where the conditional use permit is being requested has permitted uses that are similar (industrial and commercial) and will not injure the lawful use of the neighboring properties.

3. The requested conditional use is compatible with the zoning district in which it is requested.

As described above, the use meets the Cordova coastal zone general policies. The Waterfront Historic District currently allows large scale processing and some retail shops for primary uses. Morpac LLC will be cultivating marijuana, which is a similar to the processing already occurring in the district. This location meets all state-required buffer zones and the federal 1000 foot buffer from schools.

4. The proposed conditional use will not have a permanent negative impact on pedestrian and vehicular traffic circulation and safety substantially greater than that anticipated from permitted development.

The current permitted uses of canneries and other industrial require large multiple tractor trailers, equipment to move pallets and at times a large work force. This business will not require trucks or large equipment and is located away from the heavy use area of the cannery. It will be in an existing building and will not further congest the area.

5. The proposed conditional use will not have a permanent negative impact on the demand for and availability of public services and facilities substantially greater than that anticipated from permitted development.

This business will not require larger amounts of public services- i.e. water, sewer and garbage then the current permitted uses.

Chapter 18.50.060 defines the general policies for the Cordova Coastal zone. The Waterfront Historic District is the only district that acknowledges the Cordova Coastal Zone or the Cordova Coastal Management Plan. These references are dated, the zone and plan were created in conjunction with the State's Coastal Management Program which no longer exists. Regardless, the application for the Morpac LLC meets these general policies as described below.

***18.50.060 - Policies—Generally applicable.***

*A. New development, when compatible, shall be located near existing development, before committing undeveloped shoreline areas to development where feasible and prudent;*

Morpac LLC will be in an existing building and not be developing any shoreline property.

*B. Priority shall be given to water-dependent and water—related uses over other uses. Uses which are neither water—related nor water—dependent shall be permitted only where no feasible and prudent alternatives are available;*

There are many State restrictions on the development of a marijuana business including 500-foot buffers from schools, youth or recreational centers and buildings where religious service are held and jails. The buffers limit the areas available for development in the city. The business is not dependent on a water location although it is an industrial/large scale type use, much like the canneries and other permitted uses in the zone.

*C. Multiple use of the shoreline shall be encouraged where new uses or activities do not interfere with or*



*inhibit existing uses or activities. Uses or activities which will interfere with the fishing industry shall be located in geographically separate sites where feasible and prudent;*

This business will not be developed on a shoreline and will not interfere with existing uses in the district or fishing related business.

*D. Development and activities allowed shall not significantly degrade the quality of the natural environment including water quality and air quality, nor contribute to erosion or other deleterious effects on adjacent environments;*

All aspect of the marijuana industry is regulated including environmental concerns. Morpac LLC will be required to have a variety of plans in place to protect the environment including disposal of waste, odor control and tracking all of the product produced.

*E. Recreational and visual access to coastal waters shall be maintained, and where appropriate, increased, in those management units designated for their recreational or scenic values;*

Recreational and visual access to Coastal waters will not be impacted by this business. All development will occur in an existing footprint.

*F. Only those uses which require an over-water location shall be permitted to locate seaward of this mean-high water line or the natural wetland boundary where feasible and prudent;*

N/A

*G. New development shall be required to locate in areas already provided with requisite public services and facilities and adequate land where feasible and prudent;*

All development will occur in existing footprints.

*H. Development in the coastal zone shall be located and designed so facility users and watercraft are adequately protected from floods, extreme high tides, and/or destructive stone without provision of massive defense structures;*

This building is not affected by hightides and is not in a mapped flood zone.

*I. Clearing and grading operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time during construction. Erosion control measures, where required, shall be undertaken from the time of beginning of clearing, and vegetation shall be restored or control measures instituted at the earliest possible date. All clearing and grading near to or involving flowing water courses shall be conducted in such a fashion so as to minimize material entering the flow of water.*

No clearing or grading will occur.

*J. Maintenance and enhancement of fisheries shall be given priority consideration in reviewing shoreline use proposals which might adversely impact fisheries habitat, migratory routes and harvest of significant fish or shellfish species. Alternate designs shall be seriously considered for such proposals if such potential adverse impacts are significant. Shorelines having banks, beaches, and beds critical to the*

*fisheries resource base shall be maintained in a productive natural condition whenever possible;*

The business is not located on the shoreline.

*K. Implementation of governmental services and facilities for public purpose shall be in conformance with applicable plans, policies, and programs of the city of Cordova where feasible and prudent;*

N/A

*L. Approval to carry on activities or uses in the Cordova coastal zone shall be contingent upon conformance with all applicable federal and state regulations;*

All State regulations will be met during the licensing and inspection process. While marijuana has not been legalized at the federal level, it has been voted on by the citizens and been legalized in the State of Alaska. All federal laws applicable to coastal management have been or will be met, to the best of staff's knowledge and belief. The applicant will be responsible for continued compliance with such laws.

*M. Subsistence use of resources, where a predominant activity within the publicly-owned areas of the coastal zone, shall be considered equally with other uses in determining use allocations.*

N/A

**V. LEGAL ISSUES:**

An application for a marijuana business must get city approval through zoning and business license prior to having a completed State license application. Once the State has verified that a complete license application has been received, the State will notify the City Clerk. Within 60 days of receiving notice the City Clerk will place an agenda item where City Council will have the opportunity to protest or not to protest the issuance, renewal, or relocation of a marijuana application.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

N/A

**VII. SUMMARY AND ALTERNATIVES:**

The Planning Commission may grant or deny the Conditional Use Permit.



---

MORPAC & THE NEW COMPANY STORE CONDITIONAL USE PERMIT APPLICATION

Applicant Contact and Business Information

**Melina Meyer**

(907) 424-3097

melinajenel@gmail.com

**Morpac, LLC**

AK business license #1058527

Wholesale cultivation licensed business

705 Cannery Row

PO Box 1043

Cordova, Alaska 99574

(907) 424- 3097

info@AlaskaMorpac.com

**The New Company Store**

AK business license #1058528

Licensed retail business

DEC permit operational use: Market, FM-1 MJ Convenience with MJ

703 Cannery Row

PO Box 1043

Cordova, Alaska 99574

(907) 424-3097

info@TheNewCompanyStore.com

Property Owner Information

**Cannery Row Inc**

1 Cannery Row

PO Box 120

Cordova, Alaska 99574

(907) 424-7119

---

MORPAC & THE NEW COMPANY STORE

Melina Meyer  
907-424-3097  
melinajenel@gmail.com

PO Box 1043  
Cordova, Alaska  
99574

September 14, 2017

Planning Commission Members:

Tom McGann, Scott Pegau, John Baenen, Allen Roemhildt, Mark Frohnepfel, Nancy Bird, Chris Bolin  
Sam Greenwood, Planning Director  
City of Cordova  
PO Box 1210  
Cordova, Alaska 99574

Dear Planning Commission Members and Planning Director:

I am seeking a conditional use permit or a clarification on the existing allowable uses in the Waterfront Historical District (WHD) zoning code. The current code seems to be unclear if retail or indoor commercial farming would be considered allowable usage under the current code wording.

I submitted two Conditional Use Permits Applications to the City Planning Department for the new businesses. Attached is a copy of the plat that was submitted with the applications. The warehouse on lot 7 is the proposed location for Morpac and The New Company Store. The entrances and the customer parking area are marked in pen on the gable end of the warehouse.

Morpac, LLC will be a licensed cultivator/wholesaler. The state requirements for this industry are to insure the health and safety of the public. The state requires lab product testing, fire marshal approval, security requirements, waste management, and buildout requirements. This location has the power supply and building structure need for this proposed usage.

The New Company Store will be a licensed retailer. The license that is required for this business has some of the same requirements as the cultivation license but has an additional DEC permit requirement. Having both cultivation and retail at this one location will help to meet all the state requirements.

The Waterfront Historical District's purpose statement of the intent and purpose of the zoning code reflects the intent of these two businesses. Cordova's economy has



---

**MORPAC & THE NEW COMPANY STORE**

Melina Meyer  
907-424-3097  
melinajenel@gmail.com

PO Box 1043  
Cordova, Alaska  
99574

changed throughout history and this property along with it. Morpac and The New Company Store will be aesthetically consistent with, and reflect the community's marine oriented lifestyle and history. The names, signage, interior, and branding are all based on the history of this property. The surrounding properties are currently zoned for commercial/industrial use.

Sincerely,



Melina Meyer

# CITY OF CORDOVA



## CONDITIONAL USE PERMIT APPLICATION

City of Cordova, Alaska

| INSTRUCTIONS  | PERMIT TYPE   | FEE   |
|---|---|-------|
| Print or type requested information. Incomplete applications will be returned to the applicant and will delay issuance of the permit. Attach this application to the Building Permit Application. | <input checked="" type="checkbox"/> Conditional Use Permit<br>Morpac, LLC (Cultivation Wholesale) | \$250 |

### STANDARDS FOR CONDITIONAL USE

The Planning Commission may only approve the conditional use if the commission finds that ALL of the following standards are satisfied. Conditional uses are subject to strict review because of the potential they hold to harm neighboring properties.

Explain how the requested conditional use permit will not adversely affect the public's health, safety, and general welfare.

A marijuana establishment is subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that health or safety concerns are not present. All employees must complete the marijuana handler permit education course. The entire cultivation facility will be restricted access with signs.

Explain how the requested conditional use will not permanently or substantially injure the lawful use of neighboring properties.

The proposed business will be in an existing building and will not be changing the foot print of the building. The neighboring properties are all industrial/commercial properties, and one of the reasons why this location was selected.

Explain how the requested conditional use is compatible with the zoning district in which it is requested.

This property is zoned under Waterfront Historical District (WHD). Under the current permitted uses there is seafood processing, warehousing and wholesaling, along with other industrial/commercial uses. The business will be wholesaling to the licensed retail also on the property and other licensed retailers in the state.

Explain how the proposed conditional use will not have a permanent negative impact on pedestrian and vehicular traffic circulation and safety substantially greater than that anticipated from permitted development.

Parking requirements per 18.48 - manufacturing uses one space for every 2 employees. The cultivation facility will have 4 parking spaces provided for employees.

Explain how the proposed conditional use will not have a permanent negative impact on the demand for and availability of public services and facilities substantially greater than that anticipated from permitted development.

This location is one of the few locations in Cordova that is still centrally located yet meets the state requirements of 500 feet from Churches and Schools. The federal government also has a 1000 feet requirement from schools that this location also meets.

#### OTHER REQUIREMENTS FOR CONDITIONAL USE

Any application approved by the planning commission shall be conditional upon the privilege granted being utilized within (12) months after the effective date of approval.

Site and Building Plan are required. The Site Plan needs to be drawn to scale, showing the location of all existing and proposed buildings or improvements, elevations of such buildings or alterations, and off-street parking areas.

The City Planning Commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood and the Comprehensive City Plan and zoning ordinance.

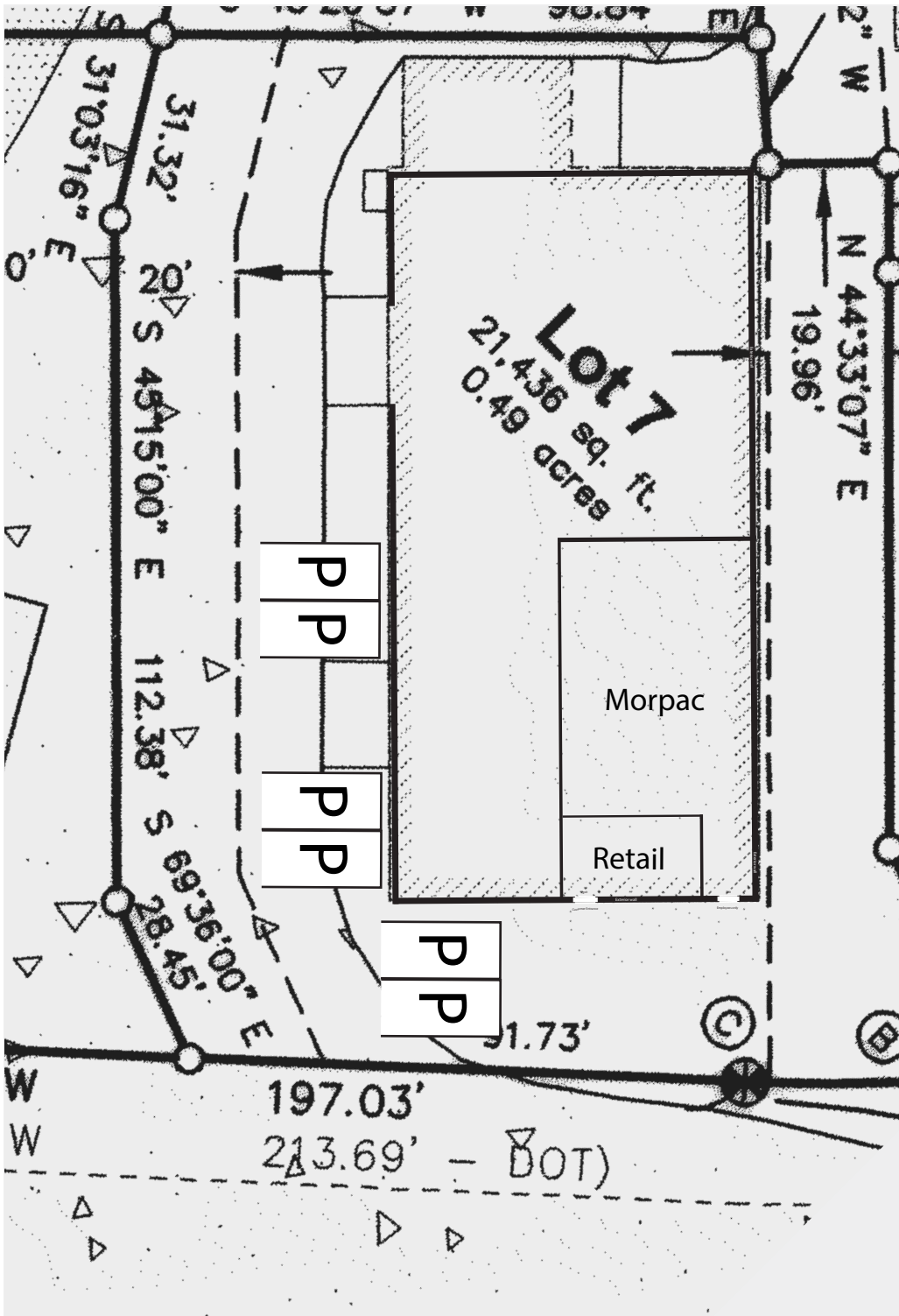
Some conditional uses (telecommunication tower, coastal management areas, junkyard) are subject to additional conditions in Chapter 18.60 of the Cordova Municipal Code.

#### APPLICANT CERTIFICATION

*By the signature(s) attached hereto, I (we) certify that the information provided within this application and accompanying documentation is, to the best of my (our) knowledge, true and accurate. Furthermore, I (we) hereby authorize the City and its representatives to enter the property associated with this application for purposes of conducting necessary site inspections.*

Applicant Signature:  Date: 10/3/17

Print Name and Title: Melina Meyer (owner)

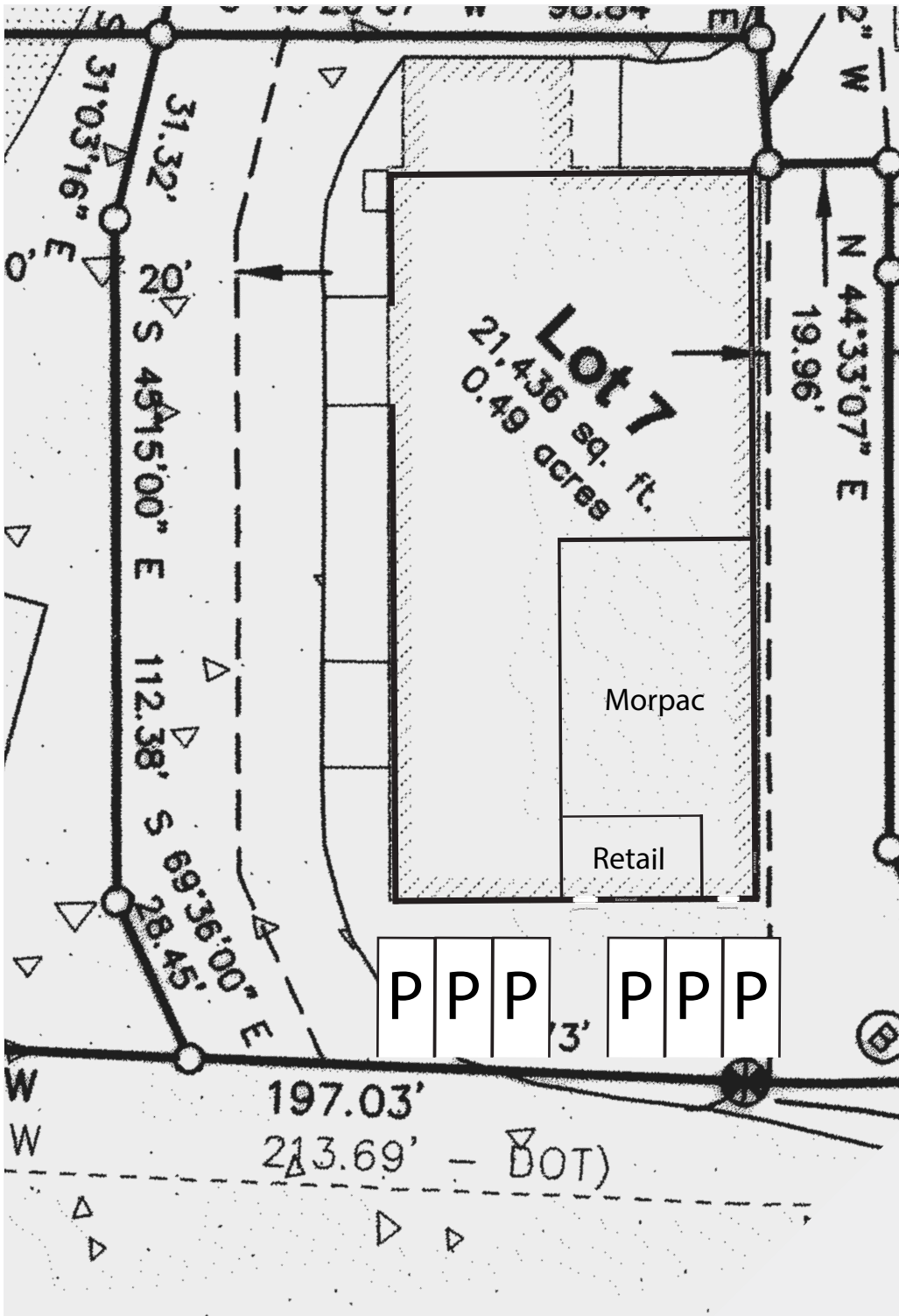


Morpac about 1493 square feet  
The New Company Store about 282 square feet  
The building is about 7,200 total

I have 6 parking spaces marked on this layout that should cover all the parking required. Parking space dimensions are 9' x 19'

Parking requirements per 18.48

- general store one space for each 600 feet of gross floor space
- manufacturing uses one space for every 2 employees.



Morpac about 1493 square feet  
The New Company Store about 282 square feet  
The building is about 7,200 total

I have 6 parking spaces marked on this layout that should cover all the parking required. Parking space dimensions are 9' x 19'

Parking requirements per 18.48

- general store one space for each 600 feet of gross floor space
- manufacturing uses one space for every 2 employees.





**AGENDA ITEM # 9c**  
**Planning Commission Meeting Date: 10/10/2017**  
**PLANNING COMMISSION COMMUNICATION FORM**

---

**FROM:** Planning Staff  
**DATE:** 10/4/2017  
**ITEM:** Retail Marijuana Store - Conditional Use Permit  
**NEXT STEP:** Approve Conditional Use Permit

---

☐ INFORMATION  
☒ MOTION  
☐ RESOLUTION

---

**I. REQUEST OR ISSUE:**

Requested Actions: Conditional Use Permit for a Retail Marijuana Store  
Applicant: Melina Meyer dba The New Company Store  
Parcel Number: 02-053-507  
Zoning: Waterfront Historic District  
Attachments: Location Map  
Application

**II. RECOMMENDED ACTION / NEXT STEP:**

“I move to approve the conditional use permit request for The New Company Store, a retail marijuana store, on Lot 7, Cannery Row subdivision as described in their application.”

### III. FISCAL IMPACTS:

The establishment of a new business will generate additional sales tax, jobs, and property taxes.

### IV. BACKGROUND INFORMATION:

This Conditional Use Permit (CUP) is the first application for a marijuana related business in Cordova. In absence of code provisions specific to marijuana, staff is applying the existing city code and analyzing the application based on the specific use; e.g., cultivation, retail, etc. The CUP is a part of the state application process for a marijuana license. Once the state has a complete application, the City Council will have the opportunity to protest the license.

*18.34.040 - Conditional uses and exceptions.*

*The planning and zoning commission may grant conditional use permits subject to the requirements of Chapters 18.50 (coastal management plan) and 18.60 (conditional use permits) of this title, and exceptions subject to the requirements of Chapter 18.64 (exceptions) of this title and Section 3.3 of the coastal management plan for additional uses, activities, and structures which are not specifically authorized herein. Additional activities and structures permitted must be consistent with the Cordova coastal management plan and the general intent of this zoning classification.*

Chapter 18.60 – Conditional Use Permits.

18.60.010 - Uses permitted by planning commission approval.

The city planning commission may, after proper notice and public hearing, permit the following exceptions in any district unless otherwise specified, where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the comprehensive city plan and the zoning ordinance. In approving the uses referred to in this chapter, the city planning commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood and the comprehensive city plan and zoning ordinance:

The following Conditional Use Standards have been met:

1. The requested conditional use permit will not adversely affect the public's health, safety, and general welfare.

The State requires numerous plans to document how security, product tracking, access, testing and multiple of other criteria to address public health, safety and general welfare.

2. The requested conditional use will not permanently or substantially injure the lawful use of neighboring properties.

The area where the conditional use permit is being requested has permitted uses that are similar (industrial and commercial) and will not injure the lawful use of the neighboring properties.

3. The requested conditional use is compatible with the zoning district in which it is requested.

As described above the use meets the Cordova coastal zone general policies. The Waterfront Historic District currently allows large scale processing and some retail shops for primary uses. The New Company Store will be a retail store, which is similar to the retail uses permitted in the district. This location meets all state-required buffer zones and the federal 1000 foot buffer from schools.

4. The proposed conditional use will not have a permanent negative impact on pedestrian and vehicular traffic circulation and safety substantially greater than that anticipated from permitted development.

The current permitted uses of canneries and other industrial require large multiple tractor trailers, equipment to move pallets and at times a large work force. This business will not require trucks or large equipment and is located away from the heavy use area of the cannery.

5. The proposed conditional use will not have a permanent negative impact on the demand for and availability of public services and facilities substantially greater than that anticipated from permitted development.

This business will not require larger amounts of public services- i.e. water, sewer and garbage then the current permitted uses.

Chapter 18.50.060 defines the general policies for the Cordova Coastal zone. The Waterfront Historic District is the only district that acknowledges the Cordova Coastal Zone or the Cordova Coastal Management Plan. These references are dated, the zone and plan were created in conjunction with the State's Coastal Management Program which no longer exists. Regardless, the application for the Morpac LLC meets these general policies as described below.

***18.50.060 - Policies—Generally applicable.***

*A. New development, when compatible, shall be located near existing development, before committing undeveloped shoreline areas to development where feasible and prudent;*

The New Company Store will be in an existing building and not be developing any shoreline property.

*B. Priority shall be given to water-dependent and water—related uses over other uses. Uses which are neither water—related nor water—dependent shall be permitted only where no feasible and prudent alternatives are available;*

There are many State restrictions on the development of a marijuana business including buffers. The buffers restrict the areas available for development. The business is not dependent on a water location and would be considered an accessory for the primary use of cultivation which is an industrial/large scale type use.

*C. Multiple use of the shoreline shall be encouraged where new uses or activities do not interfere with or inhibit existing uses or activities. Uses or activities which will interfere with the fishing industry shall be located in geographically separate sites where feasible and prudent;*

This business will not be developed on a shoreline and will not interfere with existing uses in the district or fishing related business.

*D. Development and activities allowed shall not significantly degrade the quality of the natural environment including water quality and air quality, nor contribute to erosion or other deleterious effects on adjacent environments;*

This industry is highly regulated in all aspect of the business from tracking inventory with the State to how products can be disposed. Marijuana Control Board and Alaska Department of Environmental Conservation permits are required for the retail business.

*E. Recreational and visual access to coastal waters shall be maintained, and where appropriate, increased, in those management units designated for their recreational or scenic values;*

Recreational and visual access to Coastal waters will not be impacted by this business. All development will occur in existing footprints.

*F. Only those uses which require an over-water location shall be permitted to locate seaward of this mean-high water line or the natural wetland boundary where feasible and prudent;*

N/A

*G. New development shall be required to locate in areas already provided with requisite public services and facilities and adequate land where feasible and prudent;*

All development will occur in existing footprints.

*H. Development in the coastal zone shall be located and designed so facility users and watercraft are adequately protected from floods, extreme high tides, and/or destructive stone without provision of massive defense structures;*

This building is not affected by hightides and is not in a mapped flood zone.

*I. Clearing and grading operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time during construction. Erosion control measures, where required, shall be undertaken from the time of beginning of clearing, and vegetation shall be restored or control measures instituted at the earliest possible date. All clearing and grading near to or involving flowing water courses shall be conducted in such a fashion so as to minimize material entering the flow of water.*

No clearing or grading will occur.

*J. Maintenance and enhancement of fisheries shall be given priority consideration in reviewing shoreline use proposals which might adversely impact fisheries habitat, migratory routes and harvest of significant fish or shellfish species. Alternate designs shall be seriously considered for such proposals if such potential adverse impacts are significant. Shorelines having banks, beaches, and beds critical to the fisheries resource base shall be maintained in a productive natural condition whenever possible;*

The business is not located on the shoreline.

*K. Implementation of governmental services and facilities for public purpose shall be in conformance with applicable plans, policies, and programs of the city of Cordova where feasible and prudent;*

N/A

*L. Approval to carry on activities or uses in the Cordova coastal zone shall be contingent upon conformance with all applicable federal and state regulations;*

All State regulations will be met during the licensing and inspection process. While marijuana has not been legalized at the federal level, it has been voted on by the citizens and been legalized in the State of Alaska. All federal laws applicable to coastal management have been or will be met, to the best of staff's knowledge and belief. The applicant will be responsible for continued compliance with such laws.

*M. Subsistence use of resources, where a predominant activity within the publicly-owned areas of the coastal zone, shall be considered equally with other uses in determining use allocations.*

N/A

**V. LEGAL ISSUES:**

An applicant for a marijuana business must get city approval through zoning and a business license prior to having a completed State license application. Once the State has verified that a complete license application has been received, the State will notify the City Clerk. Within 60 days of receiving notice the City Clerk will place an agenda item where City Council will have the opportunity to protest or not to protest the issuance, renewal or relocation of a marijuana application.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

N/A

**VII. SUMMARY AND ALTERNATIVES:**

The Planning Commission may grant or deny the Conditional Use Permit.



# CITY OF CORDOVA



## CONDITIONAL USE PERMIT APPLICATION

City of Cordova, Alaska

| INSTRUCTIONS  | PERMIT TYPE  | FEE   |
|---|--|-------|
| Print or type requested information. Incomplete applications will be returned to the applicant and will delay issuance of the permit. Attach this application to the Building Permit Application. | <input checked="" type="checkbox"/> Conditional Use Permit<br>The New Company Store (Retail) | \$250 |

### STANDARDS FOR CONDITIONAL USE

The Planning Commission may only approve the conditional use if the commission finds that ALL of the following standards are satisfied. Conditional uses are subject to strict review because of the potential they hold to harm neighboring properties.

Explain how the requested conditional use permit will not adversely affect the public's health, safety, and general welfare.

A marijuana establishment is subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that health or safety concerns are not present. All employees must complete the marijuana handler permit education course. Only adults over the age of 21 will be allowed in the store.

Explain how the requested conditional use will not permanently or substantially injure the lawful use of neighboring properties.

The proposed retail business will be in an existing building and will not be changing the foot print of the building. The neighboring properties are all industrial/commercial properties, and the reasons this location was selected.

Explain how the requested conditional use is compatible with the zoning district in which it is requested.

This building is zoned under Waterfront Historical District (WHD). Under the permitted principal commercial uses are already listed; Eating and drinking establishments, Fish & Seafood Markets, Gift Shops, and other industrial/commercial uses.

Explain how the proposed conditional use will not have a permanent negative impact on pedestrian and vehicular traffic circulation and safety substantially greater than that anticipated from permitted development.

Parking requirements per 18.48 - general store one space for each 600 feet of gross floor space. The store is well under 600 sq ft, but will have 2 parking spaces provided for customers.

Explain how the proposed conditional use will not have a permanent negative impact on the demand for and availability of public services and facilities substantially greater than that anticipated from permitted development.

This location is one of the few locations in Cordova that is still centrally located yet meets the state requirements of 500 feet from Churches and Schools. The federal government also has a 1000 feet requirement from schools that this location also meets.

#### OTHER REQUIREMENTS FOR CONDITIONAL USE

Any application approved by the planning commission shall be conditional upon the privilege granted being utilized within (12) months after the effective date of approval.

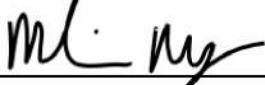
Site and Building Plan are required. The Site Plan needs to be drawn to scale, showing the location of all existing and proposed buildings or improvements, elevations of such buildings or alterations, and off-street parking areas.

The City Planning Commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood and the Comprehensive City Plan and zoning ordinance.

Some conditional uses (telecommunication tower, coastal management areas, junkyard) are subject to additional conditions in Chapter 18.60 of the Cordova Municipal Code.

#### APPLICANT CERTIFICATION

*By the signature(s) attached hereto, I (we) certify that the information provided within this application and accompanying documentation is, to the best of my (our) knowledge, true and accurate. Furthermore, I (we) hereby authorize the City and its representatives to enter the property associated with this application for purposes of conducting necessary site inspections.*

Applicant Signature:  Date: 10/3/17

Print Name and Title: Melina Meyer (owner)



**AGENDA ITEM # 9d**  
**Planning Commission Meeting Date: 10/10/2017**  
**PLANNING COMMISSION COMMUNICATION FORM**

---

**FROM:** Planning Staff  
**DATE:** 10/4/2017  
**ITEM:** Power Creek Road Recommendation to City Council  
**NEXT STEP:** Pass Motion

---

☐ INFORMATION  
☒ MOTION  
☐ RESOLUTION

---

**I. REQUEST OR ISSUE:**

A Planning Commission member requested the commission provide a resolution to the City Council to support the repair of Power Creek Road. The City Clerk determined the best way forward was a motion recommending a resolution of support to City Council. The resolution will then be created for City Council.

**II. RECOMMENDED ACTION / NEXT STEP:**

"I move to recommend City Council provide the State of Alaska a resolution supporting the repair of Power Creek Road from the erosion that is washing the road out multiple times a year."

**III. FISCAL IMPACTS:**

Hydropower generation reduces the cost of electricity for Cordova helping to keep the cost down for the city and the citizens.

**IV. BACKGROUND INFORMATION:**

The transmission lines from the Power Creek plant run under the Power Creek road and the road has eroded multiple times in the past year. Without access to Power Creek road crews cannot reach the power plant and the transmission lines are threatened.

Power Creek hydro plant produces most of Cordova's electricity when operating, reducing the cost of electricity for citizens. It is an important piece of making Cordova a more affordable and environmentally responsible.

The Planning Commission would like to recommend that the City Council provide a resolution of support to the State of Alaska to prioritize the stabilization of Power Creek road to ensure continued operation of the Power Creek hydro plant.

**V. LEGAL ISSUES:**

No legal review required.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

N/A

**VII. SUMMARY AND ALTERNATIVES:**

Passing the motion will provide the City Clerk with the information to develop a resolution and provide it to City Council at their October 18<sup>th</sup> meeting.

| Sunday | Monday | Tuesday   | Wednesday   | Thursday   | Friday | Saturday |
|--------|--------|---|---|--|--------|----------|
| 01     | 02     | 03  | 04<br>7:00 PM - City Council Regular Meeting<br>(Cordova Center Rooms A & B)  | 05   | 06     | 07       |
| 08     | 09     | 10<br>6:30 PM - Planning Commission Public Hearing<br>(Cordova Center Rooms A & B)<br>6:45 PM - Planning Commission Regular Meeting<br>(Cordova Center Rooms A & B) | 11<br>7:00 PM - Harbor Commission Regular Meeting<br>(Cordova Center Room B)<br>7:00 PM - School Board Regular Meeting<br>(High School Library) | 12   | 13     | 14       |
| 15     | 16     | 17  | 18<br>City Closed - Alaska Day<br>7:00 PM - City Council Regular Meeting<br>(Cordova Center Rooms A & B)  | 19   | 20     | 21       |
| 22     | 23     | 24  | 25  | 26<br>6:00 PM - CCMC Board Regular Meeting<br>(CCMC Conference Room) | 27     | 28       |
| 29     | 30     | 31<br>6:00 PM - Parks and Recreation Commission Regular Meeting<br>(Cordova Center Rooms A & B)   | 01  | 02   | 03     | 04       |
| 05     | 06     | 07  | 08  | 09   | 10     | 11       |

| Sunday | Monday | Tuesday   | Wednesday   | Thursday   | Friday                           | Saturday |
|--------|--------|---|---|--|----------------------------------|----------|
| 29     | 30     | 31  | 01<br>7:00 PM - City Council Regular Meeting<br>(Cordova Center Rooms A & B)  | 02   | 03                               | 04       |
| 05     | 06     | 07<br>Cordova Special Election<br>7am - 8pm   | 08<br>7:00 PM - Harbor Commission Regular Meeting<br>(Cordova Center Room B)<br>7:00 PM - School Board Regular Meeting<br>(High School Library) | 09   | 10<br>City Closed - Veterans Day | 11       |
| 12     | 13     | 14<br>6:30 PM - Planning Commission Regular Meeting<br>(Cordova Center Rooms A & B)             | 15<br>7:00 PM - City Council Regular Meeting<br>(Cordova Center Rooms A & B)  | 16   | 17                               | 18       |
| 19     | 20     | 21  | 22  | 23<br>City Closed - Thanksgiving<br>6:00 PM - CCMC Board Regular Meeting<br>(CCMC Conference Room) | 24<br>City Closed - Thanksgiving | 25       |
| 26     | 27     | 28<br>6:00 PM - Parks and Recreation Commission Regular Meeting<br>(Cordova Center Rooms A & B) | 29  | 30   | 01                               | 02       |
| 03     | 04     | 05  | 06  | 07   | 08                               | 09       |