



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
1332 Seward Ave.
Room 229
Sitka, AK
(907)747-1811

Meeting Agenda

City and Borough Assembly

Mayor Mim McConnell
Deputy Mayor Matt Hunter
Vice-Deputy Mayor Benjamin Miyasato
Aaron Swanson, Steven Eisenbeisz
Tristan Guevin, and Bob Potrzuski

Municipal Administrator: Mark Gorman
Acting Municipal Attorney: Brian Hanson

Tuesday, August 9, 2016

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

IV. CORRESPONDENCE/AGENDA CHANGES

[16-145](#) Reminders, Calendars and General Correspondence

Attachments: [Reminders and Calendars.pdf](#)

V. CEREMONIAL MATTERS

[16-142](#) Service Awards - Chris Gale and Ptarmica McConnell

Attachments: [Service Award Gale.pdf](#)

[Service Award McConnell.pdf](#)

VI. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Sitka Community Hospital, Municipal Departments, School District, Students and Guests (time limits apply)

VII. PERSONS TO BE HEARD

Public participation on any item off the agenda. All public testimony is not to exceed 3 minutes for any individual, unless the mayor imposes other time constraints at the beginning of the agenda item.

VIII. REPORTS

a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other**IX. CONSENT AGENDA**

All matters under Item IX Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A** [16-141](#) Approve the minutes of the July 26 and August 2 Assembly meetings

Attachments: [Consent and Minutes.pdf](#)

- B** [16-147](#) Approve a Restaurant Designation Permit application for Trinity Business Services, LLC dba Halibut Point Crab & Brew at 4513 Halibut Point Road

Attachments: [Restaurant Designation Permit.pdf](#)

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

None.

XI. UNFINISHED BUSINESS:

- C** [ORD 16-25](#) Amending Title 15 of the Sitka General Code to increase rates at Chapter 15.04 "Sewer System" Sections 15.04.100 entitled "Service Connection Charge", 15.04.320 entitled "Rates and Fees", Chapter 15.05 "Water System" Sections 15.05.240A entitled "Service Connection Charge", 15.05.620 entitled "Rates and Fees"

Attachments: [Ord 2016-25.pdf](#)

- D** [ORD 16-26](#) Amending the Home Rule Charter of the City and Borough of Sitka for purposes of increasing the property tax limit to eight-tenths (0.008) of one percent; and submitting the question of such an amendment to the qualified voters at a regular election on October 4, 2016 (ballot proposition)

Attachments: [Ord 2016-26.pdf](#)

XII. NEW BUSINESS:

- E** [16-139](#) Approve the 2016-2019 International Brotherhood of Electrical Workers (IBEW), Local 1547 Collective Bargaining Agreement

Attachments: [IBEW Collective Bargaining Agreement.pdf](#)

- F [16-140](#) Approve a final plat for a major subdivision filed by Global Positioning Services, Inc. for Alaska State Land Survey No. 2015-06. The property, owned by the State of Alaska Department of Natural Resources, is located on Lisianski Peninsula and Nakwasina Sound.
 Attachments: [Major Subdivision Plat ASLS 2015-06.pdf](#)
- G [ORD 16-29](#) Amending the official Sitka Zoning Map to assign OS (Open Space) Zoning to ASLS 2015-06, a previously unzoned parcel (first reading)
 Attachments: [Motion ORD 2016-29.pdf](#)
 [Ord 2016-29..pdf](#)
- H [ORD 16-28](#) Amending Sitka General Code Title 22 "Zoning" by amending Section 22.30.150 "Administrative Approvals Without Notice" (first reading)
 Attachments: [Motion ORD 2016-28.pdf](#)
 [Ord 2016-28.pdf](#)
- I [ORD 16-27](#) Adjusting the FY17 Budget (Float Plane Dock Funding - first reading)
 Attachments: [Motion ORD 2016-27.pdf](#)
 [Ord 2016-27.pdf](#)

XIII. PERSONS TO BE HEARD:

Public participation on any item on or off the agenda. Not to exceed 3 minutes for any individual.

XIV. EXECUTIVE SESSION

- J [16-144](#) Legal/Financial matters - Baranof Island Brewing Company loans
 Attachments: [Motion Executive Session.pdf](#)

XV. ADJOURNMENT

*Sara Peterson, CMC
Municipal Clerk
Publish: August 5*



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 16-145 **Version:** 1 **Name:**
Type: Item **Status:** AGENDA READY
File created: 8/2/2016 **In control:** City and Borough Assembly
On agenda: 8/9/2016 **Final action:**
Title: Reminders, Calendars and General Correspondence
Sponsors:
Indexes:
Code sections:
Attachments: [Reminders and Calendars.pdf](#)

Date	Ver.	Action By	Action	Result
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REMINDERS

<u>DATE</u>	<u>EVENT</u>	<u>TIME</u>
Tuesday, August 9	Special Meeting Attorney Candidate Selection	5:00 PM
Tuesday, August 9	Regular Meeting	6:00 PM
Tuesday, August 23	Regular Meeting	6:00 PM



Municipal Election Reminders

Monday, July 18	First day to file candidate petitions
Tuesday, July 26	Last scheduled meeting to introduce ordinance charter changes and ballot measures
Friday, August 5	5pm deadline for filing candidate petitions
Tuesday, August 9	Last scheduled meeting to adopt ordinances for charter changes and ballot measures
Tuesday, October 4	Municipal Election

Expiring Terms:

Assembly
Mayor Mim McConnell
Ben Miyasato
Aaron Swanson

School Board
Jennifer McNichol

Assembly Calendar

[2015](#)
[Jan](#)
[Feb](#)
[Mar](#)
[Apr](#)
[May](#)
[Jun](#)
[Jul](#)
[Aug](#)
[Sep](#)
[Oct](#)
[Nov](#)
[Dec](#)
[2017](#)

August 2016

Sunday		Monday		Tuesday		Wednesday		Thursday		Friday		Saturday	
31	<u>Jul</u>	1	<u>Aug</u>	2		3		4		5		6	
McConnell Eisenbeisz		McConnell Eisenbeisz		McConnell Eisenbeisz 6:00pm Special Meeting at UAS: Ballot Prop 7:00pm Planning		McConnell Eisenbeisz 7:00pm Library Board		McConnell Eisenbeisz 12:00pm - 1:30pm SEDA Board Meeting		McConnell Eisenbeisz 5pm Candidate filing period closes		McConnell Eisenbeisz	
7		8		9		10		11		12		13	
McConnell Eisenbeisz		McConnell		McConnell 5:00pm Special Meeting - Attorney candidate selection 6:00pm <u>Regular Assembly Mtg</u>		McConnell 12:00pm Health Needs & Human Services Commission 6:00pm Historic Preservation		McConnell 12:00pm LEPC 12:00pm <u>Parks & Rec</u>		McConnell		McConnell	
14		15		16		17		18		19		20	
McConnell		McConnell		McConnell PRIMARY ELECTION 12:00pm Tree/Landscape 7:00pm <u>Planning</u>		McConnell		McConnell		McConnell			
21		22		23		24		25		26		27	
				6:00pm <u>Regular Assembly Mtg</u>		6:00pm Police and Fire Commission - Fire Hall						Eisenbeisz	
28		29		30		31		1	<u>Sep</u>	2		3	
Eisenbeisz		Eisenbeisz		Eisenbeisz		Eisenbeisz		Eisenbeisz 12:00pm - 1:30pm SEDA Board Meeting		Eisenbeisz			

Assembly Calendar

[2015](#)
[Jan](#)
[Feb](#)
[Mar](#)
[Apr](#)
[May](#)
[Jun](#)
[Jul](#)
[Aug](#)
[Sep](#)
[Oct](#)
[Nov](#)
[Dec](#)
[2017](#)

September 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28 Aug	29	30	31	1 Sep	2	3
Eisenbeisz	Eisenbeisz	Eisenbeisz	Eisenbeisz	Eisenbeisz 12:00pm - 1:30pm SEDA Board Meeting	Eisenbeisz	
4	5	6	7	8	9	10
	LABOR DAY	7:00pm Planning	7:00pm Library Board	12:00pm LEPC 12:00pm Parks & Rec		
11	12	13	14	15	16	17
		6:00pm <u>Regular Assembly Mtg</u>	12:00pm Health Needs & Human Services Commission 6:00pm Port & Harbors 6:00pm Historic Preservation			
18	19	20	21	22	23	24
		McConnell 12:00pm Tree/Landscape 7:00pm Planning	McConnell	McConnell		
25	26	27	28	29	30	1 Oct
		6:00pm <u>Regular Assembly Mtg</u>	6:00pm Police and Fire Commission - Fire Hall			



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 16-142 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 8/2/2016 In control: City and Borough Assembly
On agenda: 8/9/2016 Final action:
Title: Service Awards - Chris Gale and Ptarmica McConnell
Sponsors:
Indexes:
Code sections:
Attachments: [Service Award Gale.pdf](#)
[Service Award McConnell.pdf](#)

Date	Ver.	Action By	Action	Result
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Service Award

On behalf of the City and Borough of Sitka is hereby awarded to

Chris Gale

*this expression of grateful acknowledgment for your over 7 years of
valued service rendered in the public interest while serving on the
Tree and Landscape Committee. Thank you!*

Signed and sealed this 9th day of August 2016



Deputy Mayor, Matt Hunter



ATTEST: Municipal Clerk, Sara Peterson



Service Award

On behalf of the City and Borough of Sitka is hereby awarded to

Ptarmica McConnell

*this expression of grateful acknowledgment for your 2 years of
valued service rendered in the public interest while serving on the
Gary Paxton Industrial Park Board of Directors. Thank you!*

Signed and sealed this 9th day of August 2016

Sara L Peterson

ATTEST: Municipal Clerk, Sara Peterson

Matt Hunter

Deputy Mayor Matt Hunter





CITY AND BOROUGH OF SITKA

Legislation Details

File #: 16-141 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 8/2/2016 In control: City and Borough Assembly
On agenda: 8/9/2016 Final action:
Title: Approve the minutes of the July 26 and August 2 Assembly meetings
Sponsors:
Indexes:
Code sections:
Attachments: [Consent and Minutes.pdf](#)

Date	Ver.	Action By	Action	Result
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CONSENT AGENDA

POSSIBLE MOTION

**I MOVE TO APPROVE THE CONSENT AGENDA
CONSISTING OF ITEMS A & B**

I wish to remove Item(s) _____

**REMINDER – Read aloud a portion of each item being
voted on that is included in the consent vote.**

Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve the minutes of the July 26th and August 2nd Assembly meetings.



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
1332 Seward Ave.
Room 229
Sitka, AK
(907)747-1811

Minutes - Draft

City and Borough Assembly

*Mayor Mim McConnell
Deputy Mayor Matt Hunter
Vice-Deputy Mayor Benjamin Miyasato
Aaron Swanson, Steven Eisenbeisz
Tristan Guevin, and Bob Potrzuski*

*Municipal Administrator: Mark Gorman
Acting Municipal Attorney: Brian Hanson*

Tuesday, July 26, 2016

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 5 - Hunter, Swanson, Eisenbeisz, Guevin, and Potrzuski

Absent: 2 - McConnell, and Miyasato

IV. CORRESPONDENCE/AGENDA CHANGES

16-135 Reminders, Calendars and General Correspondence

V. CEREMONIAL MATTERS

16-134 1) Service Award - PJ Ford Slack 2) Citation - U.S. Coast Guard Day

Deputy Mayor Hunter read a service award in recognition of PJ Ford Slack's service as a Library Commission member. In addition, Hunter read and presented a Citation to the U.S. Coast Guard in honor of U.S. Coast Day on August 4.

VI. **SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Sitka Community Hospital, Municipal Departments, School District, Students and Guests (time limits apply)**

Robb Farmer, Library Director, invited the public to a Harry Potter event at the Library on July 30.

16-138 Update on Municipal Attorney hire process - Mark Danielson

Human Resources Director, Mark Danielson, stated a number of applications had been received and distributed to Assembly members for review. A special meeting was scheduled for August 9 at 5:00 p.m. to select applicants to be interviewed.

VII. PERSONS TO BE HEARD

Lloyd Platson of Sitka Counseling and the HOPE Coalition announced Sitka Counseling had been a recipient of City and Borough of Sitka FY16 Non Profit Grant Funding and thanked the Assembly for their support. Platson stated the funding had been used to implement a prevention program for prescription opioid and heroin abuse.

Members of the ad hoc committee Citizens Concerned For Sitka spoke: Beverly Brill and Marjorie Parmelee voiced concerns with Finance Department operations including employee turnover and lack of sales tax collection. Gail Roderick urged the Assembly to remove itself from the current bulk water export contracts and explore other alternatives. Joe Meador shared ideas for suggested changes to the City tax codes.

VIII. REPORTS

a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other

Deputy Mayor - Hunter invited the community to attend the Kramer Avenue landslide commemoration event and unveiling of the William Stortz portrait at City Hall on August 18.

Administrator - Gorman reported he and Mayor McConnell had recently met with Rear Admiral McAllister of the Coast Guard who is new to Alaska.

Clerk - Peterson advised of the August 5 filing deadline for Assembly and School Board.

IX. CONSENT AGENDA

A motion was made by Swanson that the Consent Agenda consisting of items A & B be APPROVED. The motion PASSED by the following vote.

Yes: 5 - Hunter, Swanson, Eisenbeisz, Guevin, and Potrzuski

Absent: 2 - McConnell, and Miyasato

A 16-132 Approve the minutes of the July 12 Assembly meeting

This item was APPROVED ON THE CONSENT AGENDA.

B 16-133 Approve a new seasonal liquor license (Restaurant/Eating Place) for Trinity Business Services, LLC dba Halibut Point Crab & Brew at 4513 Halibut Point Road

This item was APPROVED ON THE CONSENT AGENDA.

C RES 16-13 Increasing permanent and temporary moorage rates (*first and final reading*)

Kevin Knox, Chair of the Port and Harbors Commission, expressed the desire of the Commission to sustain the harbor system as a well maintained and robust infrastructure. Knox stated the Commission was dedicated to working with the Assembly and the community to determine how to best support the Harbor Enterprise Fund. Potrzuski stressed the importance of the fishing fleet to Sitka, thanked the Commission for their service, and noted the severity of the fiscal situation. Hunter reminded that the Assembly recently acted on a recommendation of the Citizens' Taskforce to contribute \$100,000 from Raw Fish Tax directly to the Harbor Fund. This contribution made a lower rate increase possible from what was originally projected for FY17.

A motion was made by Swanson that this Resolution be APPROVED on FIRST AND FINAL READING. The motion PASSED by the following vote.

Yes: 5 - Hunter, Swanson, Eisenbeisz, Guevin, and Potrzuski

Absent: 2 - McConnell, and Miyasato

D ORD 16-25 Amending Title 15 of the Sitka General Code to increase rates at Chapter 15.04 "Sewer System" Sections 15.04.100 entitled "Service Connection Charge", 15.04.320 entitled "Rates and Fees", Chapter 15.05 "Water System" Sections 15.05.240A entitled "Service Connection Charge", 15.05.620 entitled "Rates and Fees"

Hugh Bevan believed there had been increased operational costs with the Fund.

Administrator Gorman stated the intent of the rate increases was to minimally adjust for inflation.

A motion was made by Potrzuski that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.

Yes: 5 - Hunter, Swanson, Eisenbeisz, Guevin, and Potrzuski

Absent: 2 - McConnell, and Miyasato

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

None.

XI. UNFINISHED BUSINESS:

E ORD 16-22 Adjusting the FY16/FY17 Budgets

Eisenbeisz stated he would be voting in opposition to the ordinance due to a lack of information provided on the disaster declaration work.

A motion was made by Guevin that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

Yes: 4 - Hunter, Swanson, Guevin, and Potrzuski

No: 1 - Eisenbeisz

Absent: 2 - McConnell, and Miyasato

F ORD 16-23 Amending Chapter 4.19 "Sitka Permanent Fund" by adding a new Section 4.19.020 "Annual Transfer to Permanent Fund"

Eisenbeisz agreed with the need to inflation proof the Permanent Fund, however, did not agree with the outlined process and suggested a Charter change if that is what was ultimately needed. Hunter understood the concern but reminded the suggested process was legal and ultimately, to inflation proof the Permanent Fund, was the right thing to do. Gorman clarified that the take out from the Permanent Fund was not being reduced but instead, the Fund would be replenished.

A motion was made by Swanson that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

Yes: 4 - Hunter, Swanson, Guevin, and Potrzuski

No: 1 - Eisenbeisz

Absent: 2 - McConnell, and Miyasato

G ORD 16-24 Amending Chapter 4.28 "Investment Policy" by replacing Section 4.28.120 "Assets Mix Policy for the Permanent Fund", with 4.28.120 "Assets Mix Policy"

Eisenbeisz questioned the need for "Investment Managers" on line 53 and wondered if it was limiting. Administrator Gorman offered it could be genericized in the event that the Permanent Fund was internally managed.

A motion was made by Eisenbeisz to AMEND the Ordinance and strike the words "The Investment Managers of" from line 53. The amendment PASSED by the following vote.

Yes: 5 - Hunter, Swanson, Eisenbeisz, Guevin, and Potrzuski

Absent: 2 - McConnell, and Miyasato

Hunter believed "Investment Managers" to be an individual or firm. "Investment Managers" was not the name of the firm.

A motion was made by Guevin that this Ordinance be APPROVED on SECOND AND FINAL READING AS AMENDED. The motion PASSED by the following vote.

Yes: 5 - Hunter, Swanson, Eisenbeisz, Guevin, and Potrzuski

Absent: 2 - McConnell, and Miyasato

Municipal Clerk's note

The amended sentence reads:

4.28.120 Assets Mix Policy. The Sitka Permanent Fund shall employ a total return investment strategy in their choice of investments for the Permanent Fund and shall have discretion to change the asset mix and composition of the Portfolio to maximize return, subject to the following broad restrictions:

After reviewing the approved amendment to Ordinance 2016-24 it was determined that additional changes would need to be made for syntax purposes. The Municipal Clerk made the following changes to the first

sentence of 4.28.120 maintaining the intent of the amendment. Codification of the sentence will read:

4.28.120 Assets Mix Policy. The management of the Sitka Permanent Fund shall employ a total return investment strategy in its choice of investments for the Permanent Fund and shall have discretion to change the asset mix and composition of the Portfolio to maximize return, subject to the following broad restrictions:

XII. NEW BUSINESS:

- H 16-136** Update and Discussion/Direction/Decision of a ballot proposition to increase the millage rate and create a residential real-property home-owners exemption of up to \$50,000

Administrator Gorman explained the City and Borough of Sitka (CBS) would begin the FY18 budget process with a \$2.5 million deficit. The deficit included funding Public Works capital projects at \$1.5 million but did not include a subsidy to the Electric Department nor other Citizens' Taskforce (CTF) recommendations. Gorman explained the deficit would grow to \$3 million if a 2 mill increase were approved by voters and recommendations of the CTF were included in the FY18 budget. To add CTF recommendations with no increase in the millage rate, the deficit would grow to \$5 million. He named the following as possible budget reductions: school support, parks and ballfields, convert roads to gravel, and public safety - reduction of police officers. Gorman stated citizens have high demand and a low tolerance for reductions in services. Gorman stressed the need for additional revenue sources and shared some possibilities: millage increase, maintain year round 6% sales tax, excise tax on bulk fuel, vehicle registration fee, increase sales tax cap to \$10,000, eliminate senior sales tax exemption, and eliminate non profit sales tax exemption.

Public Comment:

Alene Henning spoke against a property tax increase. School Board member, Tom Conley, thanked the Assembly for their support and expressed concerns about the availability of future funding from the City and Borough of Sitka (CBS) and the State of Alaska. Joe Meador urged the Assembly to be cautious in the ballot proposition language and offered the outcome should benefit both the CBS and the citizens. Shirley Robards spoke in opposition to eliminating the senior sales tax exemption. Hugh Bevan offered a millage rate increase should be tied to a specific use.

Assembly Discussion:

Members Potrzuski, Guevin, Eisenbeisz, Swanson, and Hunter spoke in support of placing a ballot question before the voters to increase the millage rate from 6 mills to 8 mills. Guevin reminded this would put the question before the voters. He believed a larger increase was needed to give future Assemblies the ability to maintain infrastructure but was comfortable moving forward with a 2 mill increase. Assembly members discussed the possibility of using revenue raised from the millage increase to subsidize the General Fund and either remove sales tax on certain groceries or subsidize the electric fund to lessen rate impacts to citizens.

Direction to Staff:

Prepare a ballot proposition for a 2 mill increase to be placed before voters at the October 4, 2016 regular election. The Assembly stated they would intend the revenue generated from 2 mills be used to: 1) subsidize the General Fund and 2) use the remaining mill to either eliminate sales tax on groceries or subsidize the electric fund to lessen rate impacts. Staff was asked to prepare two ordinances for future Assembly consideration: one to eliminate sales tax on groceries and one to subsidize

the Electric Fund. It was decided a special meeting would be held August 2 for consideration of first reading of the ballot proposition.

I 16-137

Update and Discussion/Direction of the bulk water contracts with Alaska Bulk Water Inc. and Arctic Blue Waters (Canada) Inc.

Garry White, Director of the Gary Paxton Industrial Park (GPIP) Board, informed the Assembly that Alaska Bulk Water Inc. (ABWI) and Arctic Blue Waters (Canada) Inc. had not made their required payments as of June 30 and therefore the contracts were null and void. The GPIP Board met recently and determined they would continue to advertise for prospective bulk water clients. Administrator Gorman stated the GPIP Board was discussing the appropriate marketing strategy for bulk water and how to reach out to more established entities. White noted there were high logistical costs with transporting water. He added that ABWI had invested capital to build a mooring buoy system with a floating pipeline to load ships. Eisenbeisz noted ABWI would be offered a month to month lease on the tidelands and the uplands infrastructure they had put in place which was beneficial to the City and Borough of Sitka and ABWI. Gorman stated he was comfortable with the direction the GPIP Board was taking.

XIII. PERSONS TO BE HEARD:

None.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

A motion was made by Swanson to ADJOURN. Hearing no objections, the meeting ADJOURNED at 8:12pm.

ATTEST: _____
Sara Peterson, CMC
Municipal Clerk



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
1332 Seward Ave.
Room 229
Sitka, AK
(907)747-1811

Minutes - Draft

City and Borough Assembly

*Mayor Mim McConnell
Deputy Mayor Matt Hunter
Vice-Deputy Mayor Benjamin Miyasato
Aaron Swanson, Steven Eisenbeisz
Tristan Guevin, and Bob Potrzuski*

*Municipal Administrator: Mark Gorman
Acting Municipal Attorney: Brian Hanson*

Tuesday, August 2, 2016

6:00 PM

Assembly Chambers

SPECIAL MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 5 - Hunter, Swanson, Miyasato, Guevin, and Potrzuski

Absent: 2 - McConnell, and Eisenbeisz

IV. PERSONS TO BE HEARD

None.

V. NEW BUSINESS:

- A **ORD 16-26** Amending the Home Rule Charter of the City and Borough of Sitka for purposes of increasing the property tax limit to eight-tenths (0.008) of one percent; and submitting the question of such an amendment to the qualified voters at a regular election on October 4, 2016 (ballot proposition)

Potrzuski believed this was the best way to proceed noting the Assembly had taken a long long at the Citizens' Taskforce (CTF) recommendations. Administrator Gorman reminded the public that the Assembly was not taking action to raise property tax. The Assembly instead was taking action to allow the citizens to take action and vote on property tax. Guevin remarked he was excited to see this going forward to the voting public. He noted when the Assembly established the CTF they were asked to bring forward recommendations on taxes, fees and revenues that were more sustainable and more equitable. Coupling a potential millage increase with either removing sales tax on groceries or subsidizing electric rates was a step in the right direction to more sustainable revenue and fees.

VI. PERSONS TO BE HEARD:

School Board member, Tom Conley, spoke to the finances of the Sitka School District including potential budget shortfalls for FY18.

VII. EXECUTIVE SESSION

None.

VIII. ADJOURNMENT

A motion was made by Miyasato to ADJOURN. Hearing no objections, the meeting ADJOURNED at 6:08pm.

ATTEST: _____

**Sara Peterson, CMC
Municipal Clerk**



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 16-147 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/3/2016 In control: City and Borough Assembly

On agenda: 8/9/2016 Final action:

Title: Approve a Restaurant Designation Permit application for Trinity Business Services, LLC dba Halibut Point Crab & Brew at 4513 Halibut Point Road

Sponsors:

Indexes:

Code sections:

Attachments: [Restaurant Designation Permit.pdf](#)

Date	Ver.	Action By	Action	Result
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Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve a Restaurant Designation Permit application for Trinity Business Services, LLC dba Halibut Point Crab & Brew at 4513 Halibut Point Road and forward this approval to the Alcoholic Beverage Control Board without objection.



City & Borough of Sitka
Municipal Clerk's Office
100 Lincoln Street, Sitka AK 99835
Telephone: 907-747-1811 Fax: 907-747-4004



Memorandum

To: Mayor and Assembly Members
From: Sara Peterson, Municipal Clerk
Date: August 3, 2016
Subject: Application for Restaurant Designation Permit (#5510)

This office has received notification of the following application for a restaurant designation permit for:

License #: 5510
Applicant: Trinity Business Services, LLC
DBA: Halibut Point Crab & Brew
Address: 4513 Halibut Point Road
Type: Restaurant/Eating Place

This application is for the request of the following designations:

- Bona fide hotel, restaurant, or eating place
- Dining by persons under the age of 16 years, accompanied by a person over the age of 21

At the July 26th Assembly meeting, a new liquor license was approved for Trinity Business Services, LLC dba Halibut Point Crab & Brew and forwarded to the Alcoholic Beverage Control Board without objection. In addition to the license, a restaurant designation permit is required and is before you for approval. Correspondence was circulated to the various municipal departments who may have a reason to protest. No objections were received.

Recommendation: Approve a Restaurant Designation Permit for Trinity Business Services, LLC dba Halibut Point Crab & Brew at 4513 Halibut Point Road and forward this approval to the Alcoholic Beverage Control Board without objection.

Sara Peterson

From: Senquiz, Shilo L (CED) <shilo.senquiz@alaska.gov>
Sent: Tuesday, August 02, 2016 10:34 AM
To: Sara Peterson
Subject: Revised Notification of pending new liquor license # 5510 dba: Halibut Point Crab & Brew
Attachments: 5510 application and diagram and RDP.pdf; 5510 4 page LGB.pdf

Sara,

Attached is the revised notification (originally sent 7/14/16). The only difference for this notice, is the applicant has filled out an RDP. (Restaurant Designation Permit)

Please respond approved or protest to this application within 60 days.
Please notify me when you receive this email and attachments.

Please cc our licensing email with any correspondence -amco.localgovernmentonly@alaska.com

Thanks,

Shilo Senquiz

Business Registration Examiner | Dept. of Commerce and Economic Development | Alcoholic & Marijuana Control Office
550 W. 7th Ave. Ste. 1600 Anchorage, AK 99501 | 907.334-0892 |



Please consider the environment before printing this e-mail.

Less paper is better for us and our environment.

RECEIVED
AUG - 2 2016
City & Borough of Sitka-
Clerk's Office



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.263.5900
TDD: 907.465.5437
Fax: 907.263.5930

July 14, 2016

City and Borough of Sitka
Attn: Sara Peterson & Melissa Henshaw

VIA Email: **Municipal Clerk:** sara.peterson@cityofsitka.org
Deputy Clerk: melissa.henshaw@cityofsitka.org

Restaurant/Eating Place License #5510 DBA: Halibut Point Crab & Brew

- New Application** **Transfer of Ownership** **Transfer of Location**
 Restaurant Designation Permit **DBA Name Change**

We have received an application for the above listed licenses (see attached application documents) within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 3 AAC 304.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e) must be approved by the governing body.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shilo Senquiz". The signature is fluid and cursive, with a large initial "S" and "S".

Shilo Senquiz
Business Registration Examiner
Direct line: 907-334-0892
Email: shilo.senquiz@alaska.gov

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: July 14, 2016

Application Type: **NEW** **X**

TRANSFER
 Ownership
 Location
 Name Change

Governing Body: **City and Borough of Sitka**
 Community Councils: None

License #: 5510
 D.B.A.: Halibut Point Crab & Brew
 Licensee/Applicant: Trinity Business Services, LLC.
 Physical Location: 4513 Halibut Point Rd.
 Mail Address: PO Box 816 Sitka, AK
 Telephone #:
 EIN:

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Trinity Business Services, LLC.	PO Box 816 Sitka, AK 99835		03/13/2015 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Benjamin T. Hilberg		485 Katlan Unite Sitka, AK 99835		100%

If **transfer** application, current license information:

License #: n/a
 Current D.B.A.: n/a
 Current Licensee: n/a
 Current Location: n/a

Additional comments:

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is “arbitrary, capricious and unreasonable”. Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

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AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 3 AAC 304.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e) must be approved by the governing body.

Sincerely,

Shilo Senquiz
Business Registration Examiner
shilo.senquiz@alaska.gov
907-334-0892



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

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

What is this form?

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A detailed floor plan of the proposed designated and undesignated areas of the licensed business and a menu or expected menu listing the meals to be offered to patrons must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Section 1 – Establishment Information

Enter information for licensed establishment.

Licensee:	TRINITY BUSINESS SERVICES, LLC		
License Type:	Restaurant/Eating Place	License Number:	5510
Doing Business As:	HALIBUT POINT CRAFTS and Brew		
Premises Address:	4513 HALIBUT PT ROAD		
City:	SITKA	State:	AK ZIP: 99835

Section 2 – Type of Designation Requested

This application is for the request of the following designation(s) (check all that apply):

- Bona fide hotel, restaurant, or eating place: AS 04.11.100, 3 AAC 304.715 – 3 AAC 304.745
- Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
- Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- Employment for persons 16 or 17 years of age: AS 04.16.049(c)
- Dining by persons 21+ years of age after standard closing hours: AS 04.16.010(c)

OFFICE USE ONLY			
Issue Date:	Transaction #:	BRE:	CNS



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0330

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 3 – Additional Information

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

Generally M-S 11am-6pm when cruise ship on dock
 Parties on request

Are any forms of entertainment offered or available within the licensed business or on the proposed designated portions of the premises?

Yes No

If "Yes", describe the entertainment offered or available:

Food and beverage service offered or anticipated is:

table service buffet service counter service other

If "other", describe the manner of food and beverage service offered or anticipated:

Order @ counter food/beer/wine delivered

Is an owner, manager, or assistant manager 21 years of age or older always present on the premises during business hours?

Yes No

Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the third page of this form.

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the third page of this form that meet the requirements of this form.

Yes No



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

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 4 – Detailed Floor Plan

Provide a detailed floor plan that clearly indicates the proposed designated and undesignated areas of the licensed business.

See attach

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: Halibut Point Crab and Brew

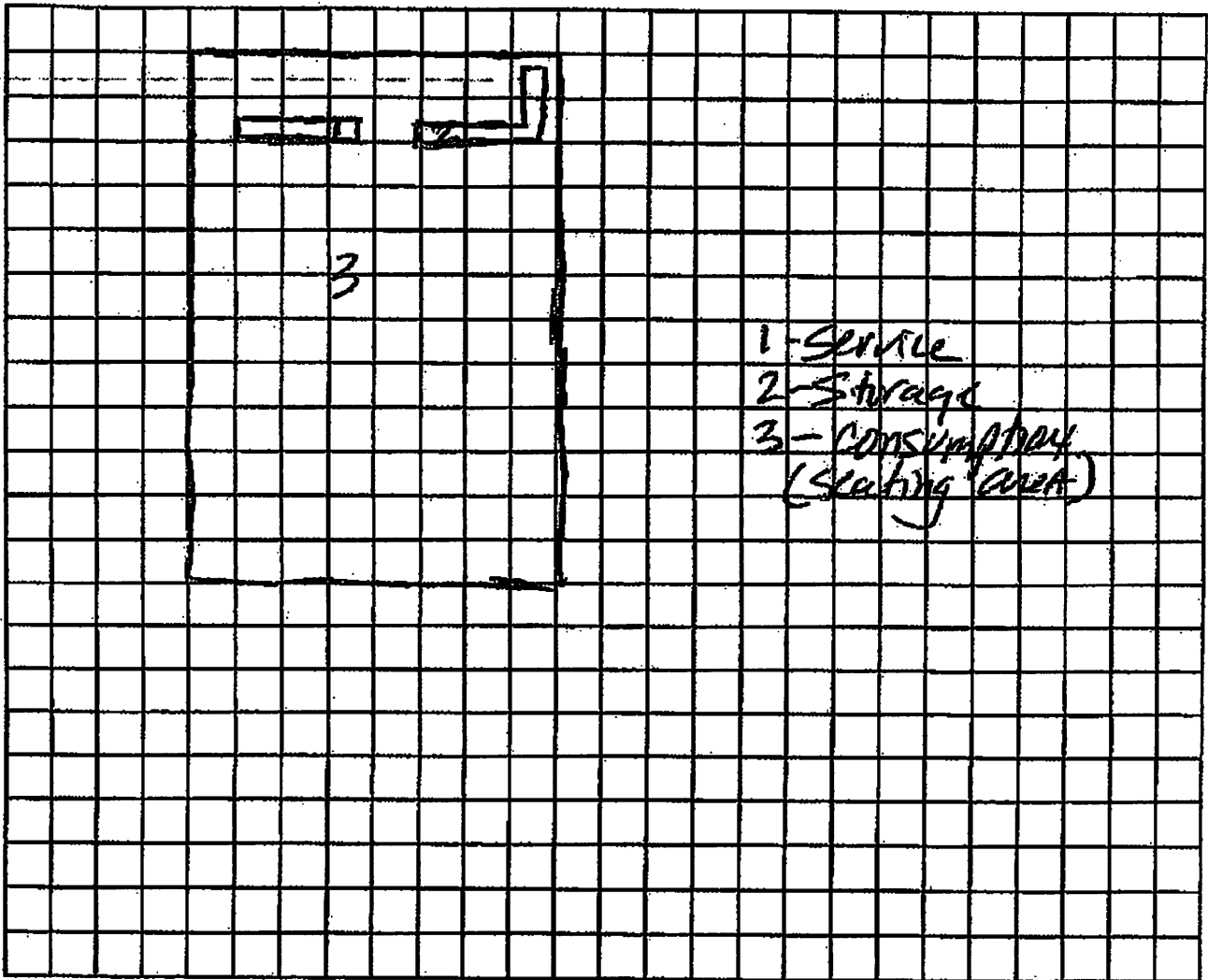
PREMISES LOCATION: 4513 HALIBUT POINT ROAD SITKA 99835

Indicate scale by x after appropriate statement or show length and width of premises.

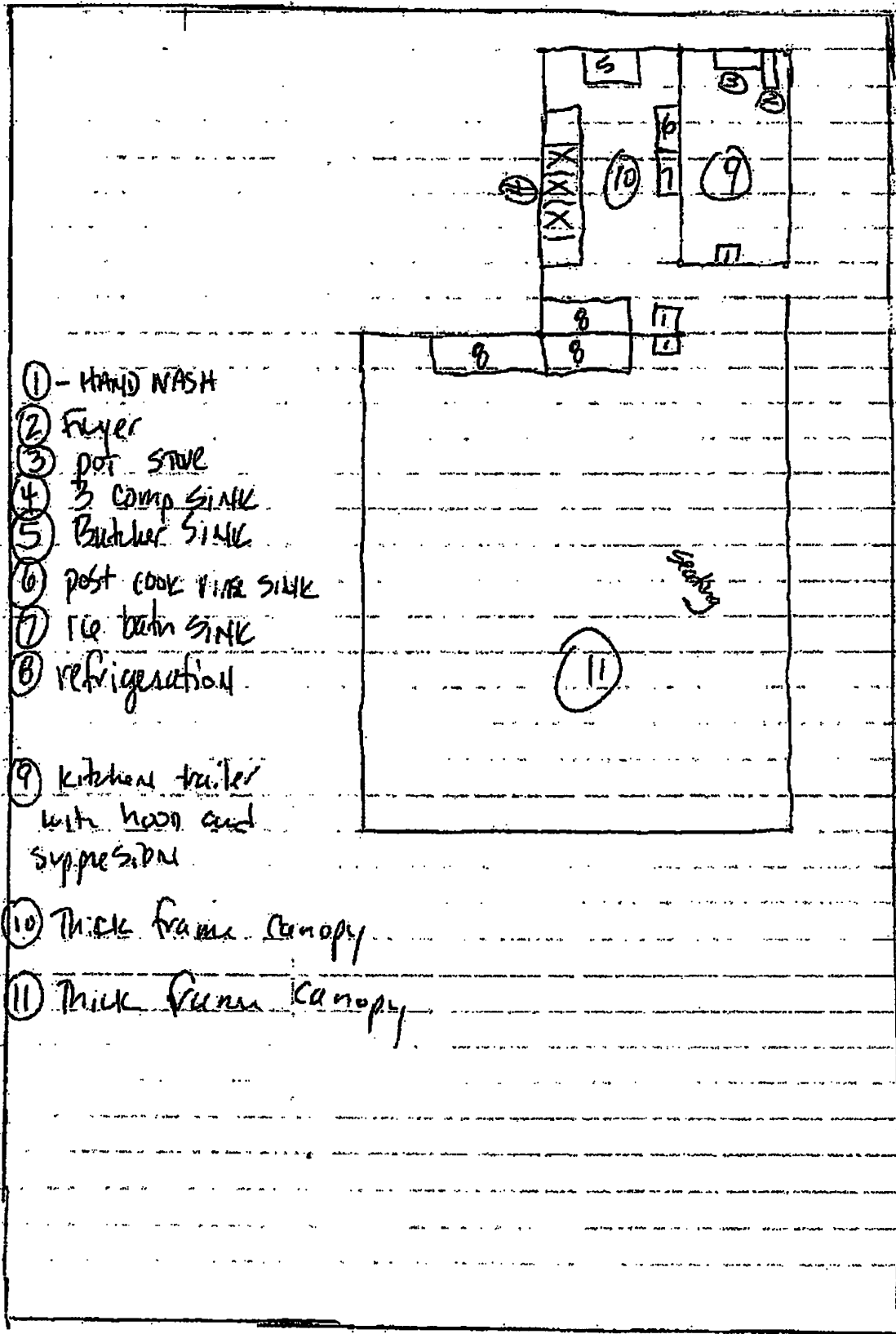
SCALE A: 1 SQ. = 4 FT. SCALE B: 1 SQ. = 1 FT.

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



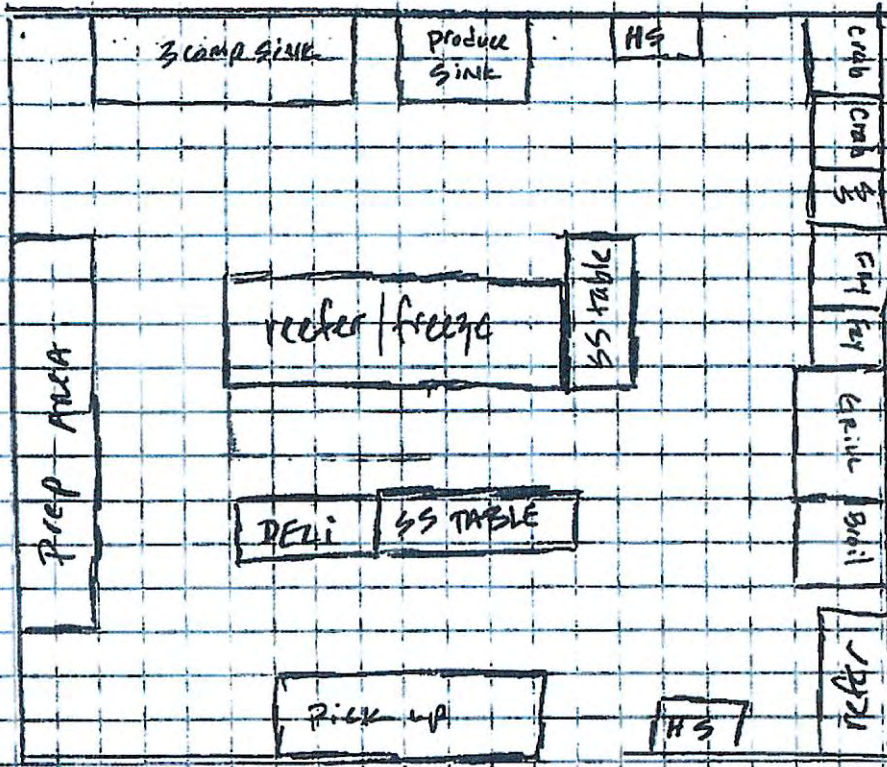
1/17 1/17



- ① - HAND WASH
- ② Fryer
- ③ HOT STOVE
- ④ 3 COMP SINK
- ⑤ Butcher Sink
- ⑥ post-cook line sink
- ⑦ ice bath sink
- ⑧ refrigeration
- ⑨ kitchen trailer with hood and suppression
- ⑩ Thick frame canopy
- ⑪ Thick frame canopy

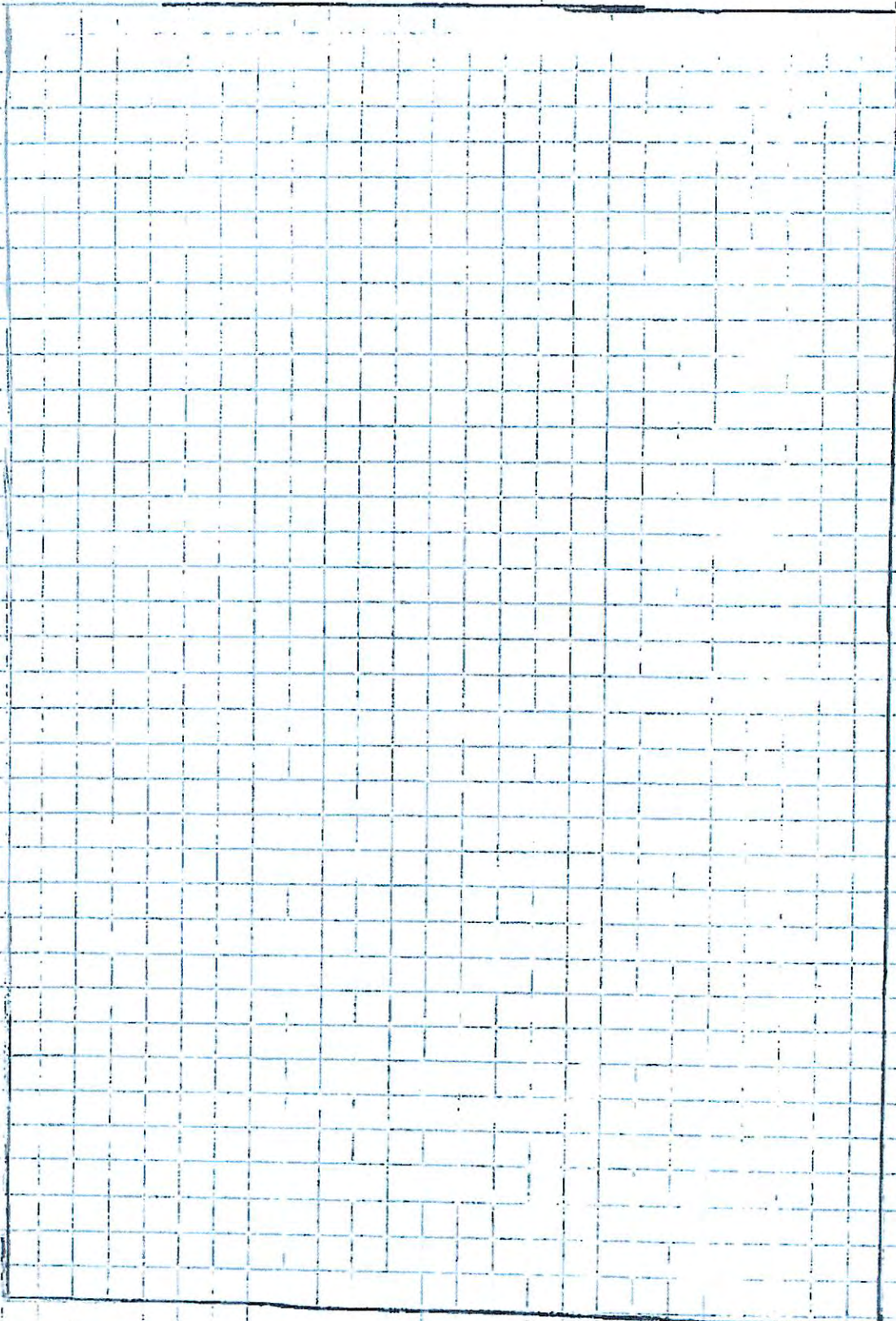
Western side

Storage



draft kitchen layout

WATER SIDE



ROAD
INLET

Proposed Menu

Live Dungeness Crab

King Crab Legs

Sourdough Corn Fritters

Crab Cakes

Crab Sandwich

Crab Louie

Cole Slaw

Bottled Soda

Beer (draft and Bottles)



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

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 – Certifications and Approvals

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I have included with this form a detailed floor plan of the proposed designated and undesignated areas of the licensed business.

Mr

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons.

Mr

I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.

Mr

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

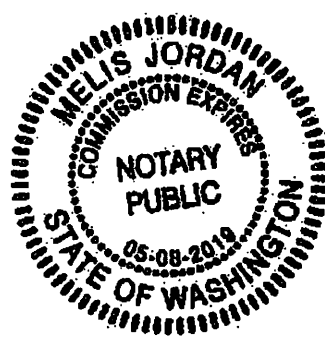
Benjamin T. Hiberty
 Signature of licensee:

Melis Jordan
 Signature of Notary Public

BENJAMIN T. HIBERTY
 Printed name of licensee

Notary Public in and for the State of Washington

My commission expires: 05-08-2019

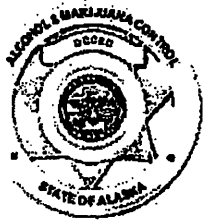


Subscribed and sworn to before me this 30th day of July, 2016

Local Government Review (to be completed by an appropriate local government official): Approved Disapproved

Signature of local government official _____ Date _____

Printed name of local government official _____ Title _____



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

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review:

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor

Enforcement Recommendations:

AMCO Director Review:

Approved Disapproved

Signature of AMCO Director

Printed name of AMCO Director

Date

Limitations:

Alcoholic Beverage Control Board
 550 West 7th Ave. Suite 1600
 Anchorage, AK 99501

New Liquor License

(907) 269-0350
 Fax: (907) 334-2285
<http://commerce.alaska.gov/dnn/abc/Home.aspx>

License is: Full Year OR Seasonal List Dates of Operation: 4/1/16 - 9/30/16

SECTION A - LICENSE INFORMATION			FEES
Office Use: License Year: <u>2016-17</u>	License Type: <u>Restaurant and Eating Place License</u> <u>LAS 04.11.100</u>	Statute Reference Sec. 04.11. <u>100</u>	<u>14045</u> License Fee: \$ <u>600.00</u> Filing Fee: \$100.00 Rest. Desig. Permit Fee: \$ Fingerprint: \$ <u>49.75</u> (\$49.75 per person) TOTAL <u>749.75</u>
Office Use: License #: <u>5510</u>	Local Governing Body: (City, Borough or Unorganized) <u>SITKA</u>		Community Council Name(s) & Mailing Address: <u>see attach.</u>
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): <u>TRINITY BUSINESS SERVICES, LLC</u>	Doing Business As (Business Name): <u>HALIBUT POINT CLUB BREW</u>		
Mailing Address: <u>PO BOX 816</u>	Street Address or Location of Premises: <u>4513 HALIBUT POINT ROAD</u> <u>SITKA, ALASKA 99835</u>		Business Telephone Number: Fax Number: <u>SAME</u> Email Address:
City, State, Zip: <u>SITKA ALASKA 99835</u>			
SECTION B - PREMISES TO BE LICENSED			
Distance to closest school grounds: <u>Approx 4 mile</u>	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable	
Distance to closest church: <u>Approx 3.5 mile</u>	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____		
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	



New Liquor License

SECTION C - LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

Yes No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

Yes No If Yes, attach written explanation.

SECTION D - OWNERSHIP INFORMATION - CORPORATION

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): TRINITY BUSINESS SERVICES, LLC		Telephone Number:	Fax Number:
Corporate Mailing Address PO BOX 816	City: SITKA	State: ALASKA	Zip Code: 99835
Name, Mailing Address and Telephone Number of Registered Agent: BEN HILBERG PO BOX 816 SITKA 99835		Date of Incorporation OR Certification with DCED: 3/13/15	State of Incorporation: ALASKA
Is the Entity in "Good Standing" with the Alaska Division of Corporations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, attach written explanation. Your entity <i>must</i> be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.			

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)					
Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
BENJAMIN T HILBERG	PLCS	100	MRS KATLAN UNITE SITKA 99835		

NOTE: If you need additional space, please attach a separate sheet.



New Liquor License

SECTION E - OWNERSHIP INFORMATION - SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

Individual Licensee/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)				
Name:	Applicant <input type="checkbox"/>	Name:	Applicant <input type="checkbox"/>	
Address:	Affiliate <input type="checkbox"/>	Address:	Affiliate <input type="checkbox"/>	
Home Phone:	Date of Birth:	Home Phone:	Date of Birth:	
Work Phone:		Work Phone:		
Name:	Applicant <input type="checkbox"/>	Name:	Applicant <input type="checkbox"/>	
Address:	Affiliate <input type="checkbox"/>	Address:	Affiliate <input type="checkbox"/>	
Home Phone:	Date of Birth:	Home Phone:	Date of Birth:	
Work Phone:		Work Phone:		

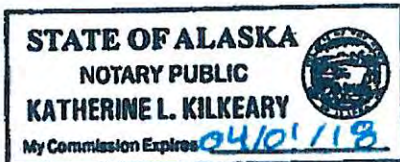
I hereby certify under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief, the information is true, correct and complete, and this application is not in violation of any security interest or other contracted obligation.

There have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. If there have been changes, and the licensee(s) on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application if the information is not true and correct.

I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, the licensee(s) has any direct or indirect financial interest in the licensed business.

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Licensee(s) Signature: <i>[Signature]</i>	Signature of Licensee(s) Signature: _____
Signature: _____	Signature: _____
Name & Title (Please Print) <i>BT HILBERT President</i>	Name & Title (Please Print) _____
Subscribed and sworn to before me this <i>11</i> day of <i>July</i> , <i>2016</i>	Subscribed and sworn to before me this _____ day of _____, _____
Notary Public in and for the State of <i>Alaska</i> <i>Katherine L. Kilkeary</i>	Notary Public in and for the State of _____ _____
My commission expires: <i>04/01/18</i>	My commission expires: _____



STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below, show all entrances and exits, and all fixtures such as tables, booths, counters, bars, coolers, stages, etc.

DBA: Haribut Point Crab and Brew

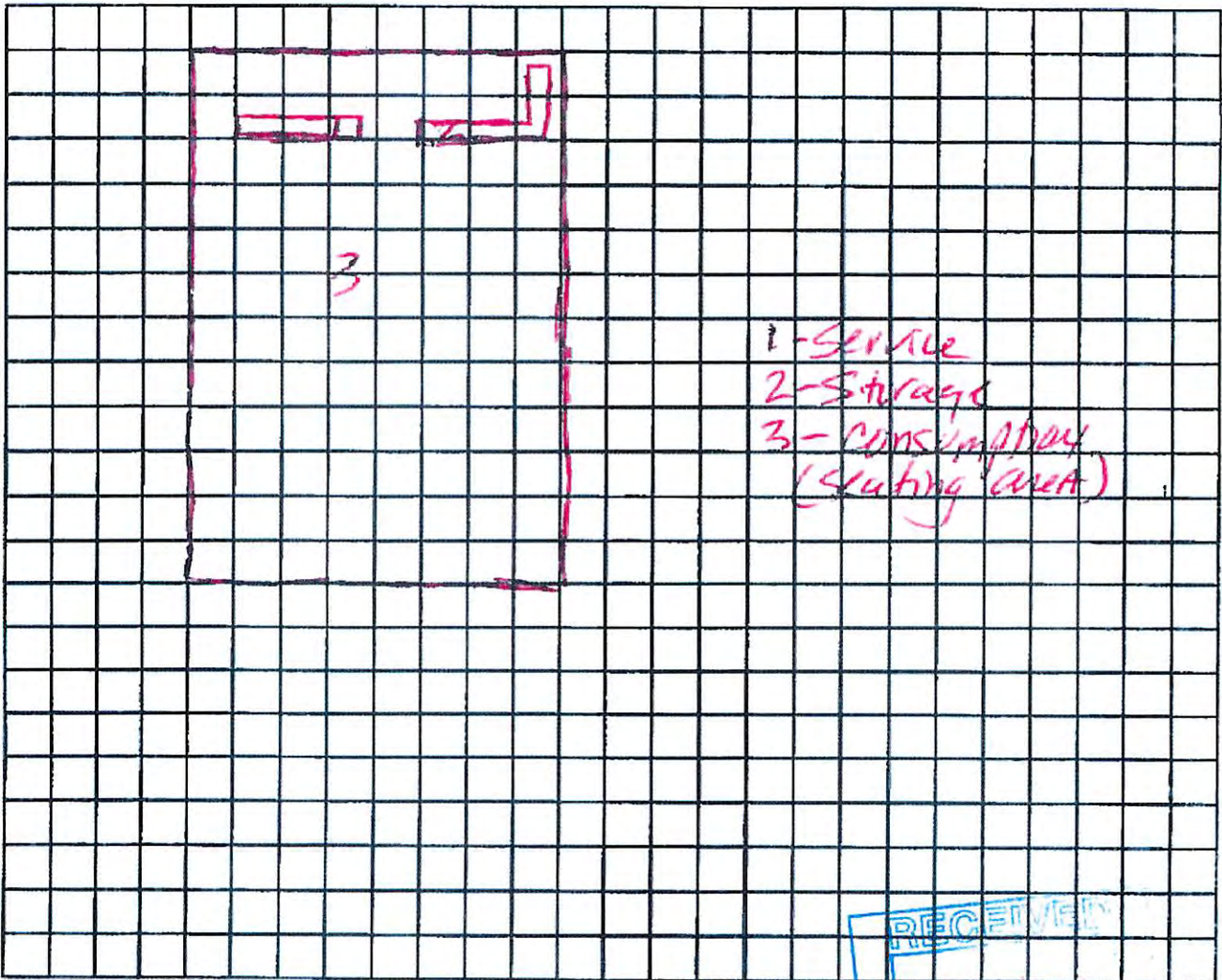
PREMISES LOCATION: 4513 Haribut Point Road Sitka 99835

Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: 1 SQ. = 4 FT. SCALE B: 1 SQ. = 1 FT.

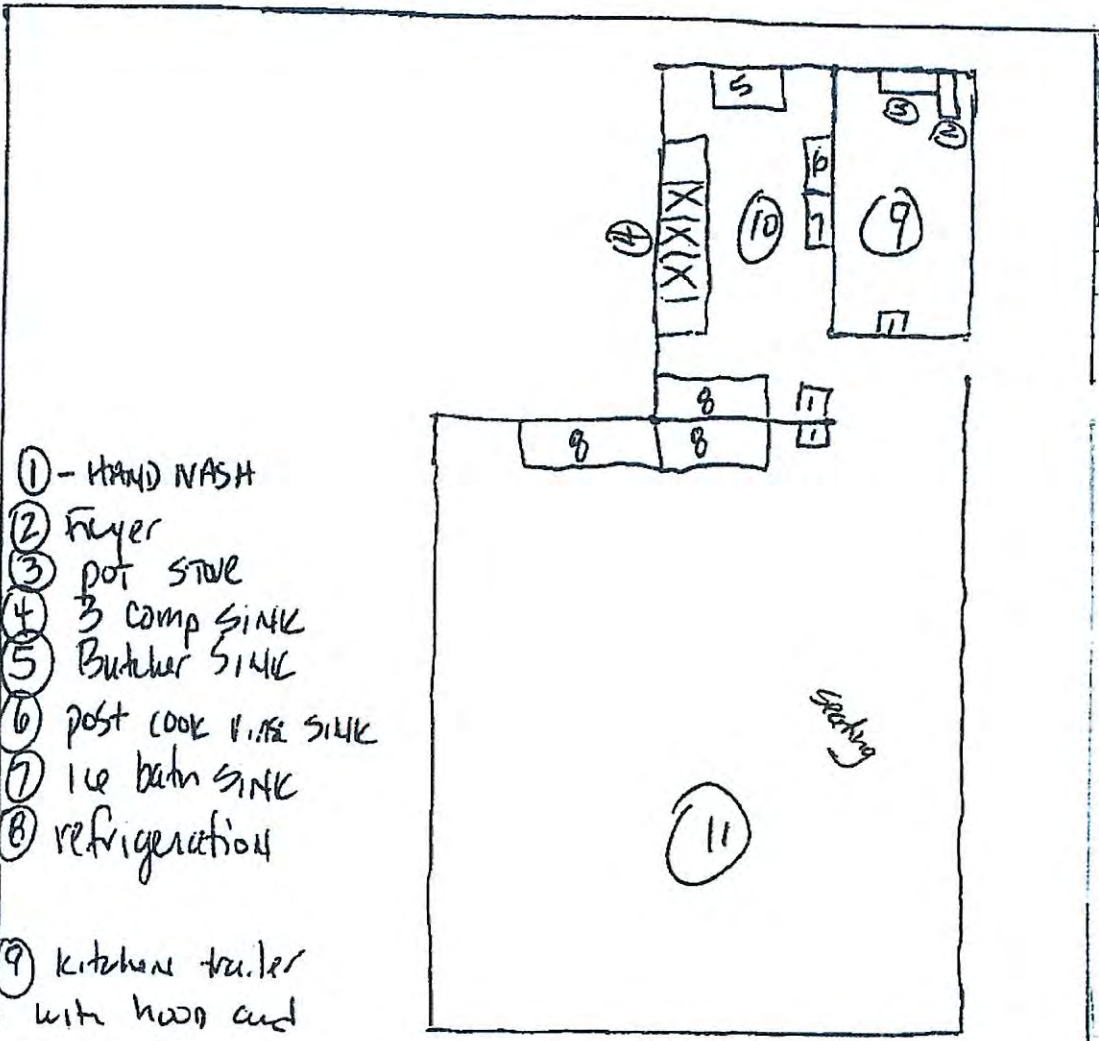
Length and width of premises in feet:

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



RECEIVED
JUL
ALCOHOL MA
ST

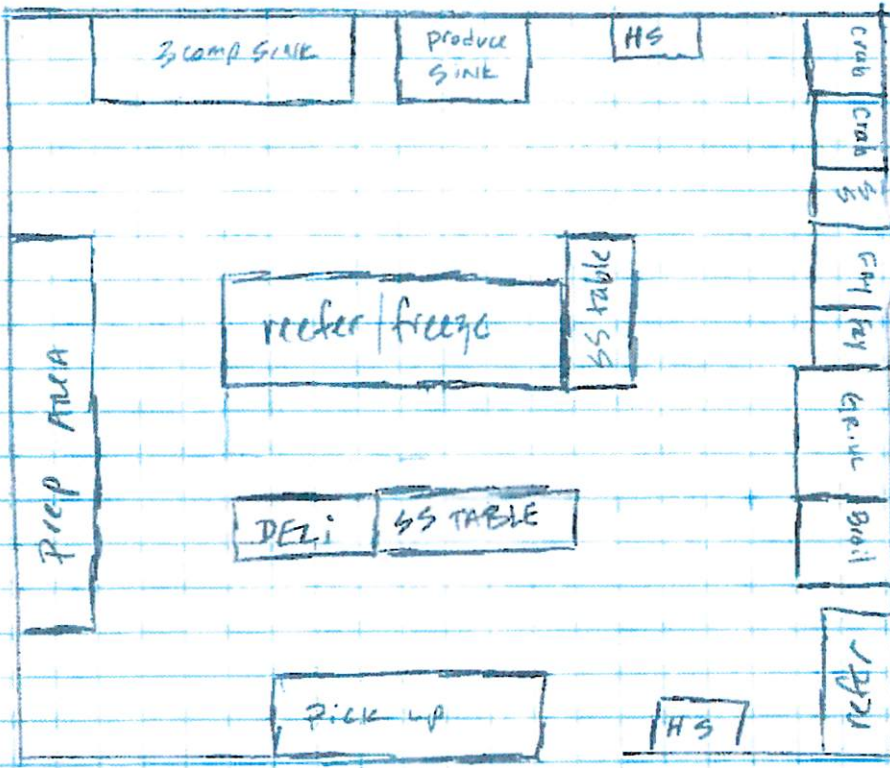
WEST EAST



- ① - HAND WASH
- ② Fryer
- ③ pot stove
- ④ 3 comp sink
- ⑤ Butcher sink
- ⑥ post cook waste sink
- ⑦ ice bath sink
- ⑧ refrigeration
- ⑨ kitchen trailer with hood and suppression
- ⑩ Thick frame canopy
- ⑪ Thick frame canopy

WEST SIDE

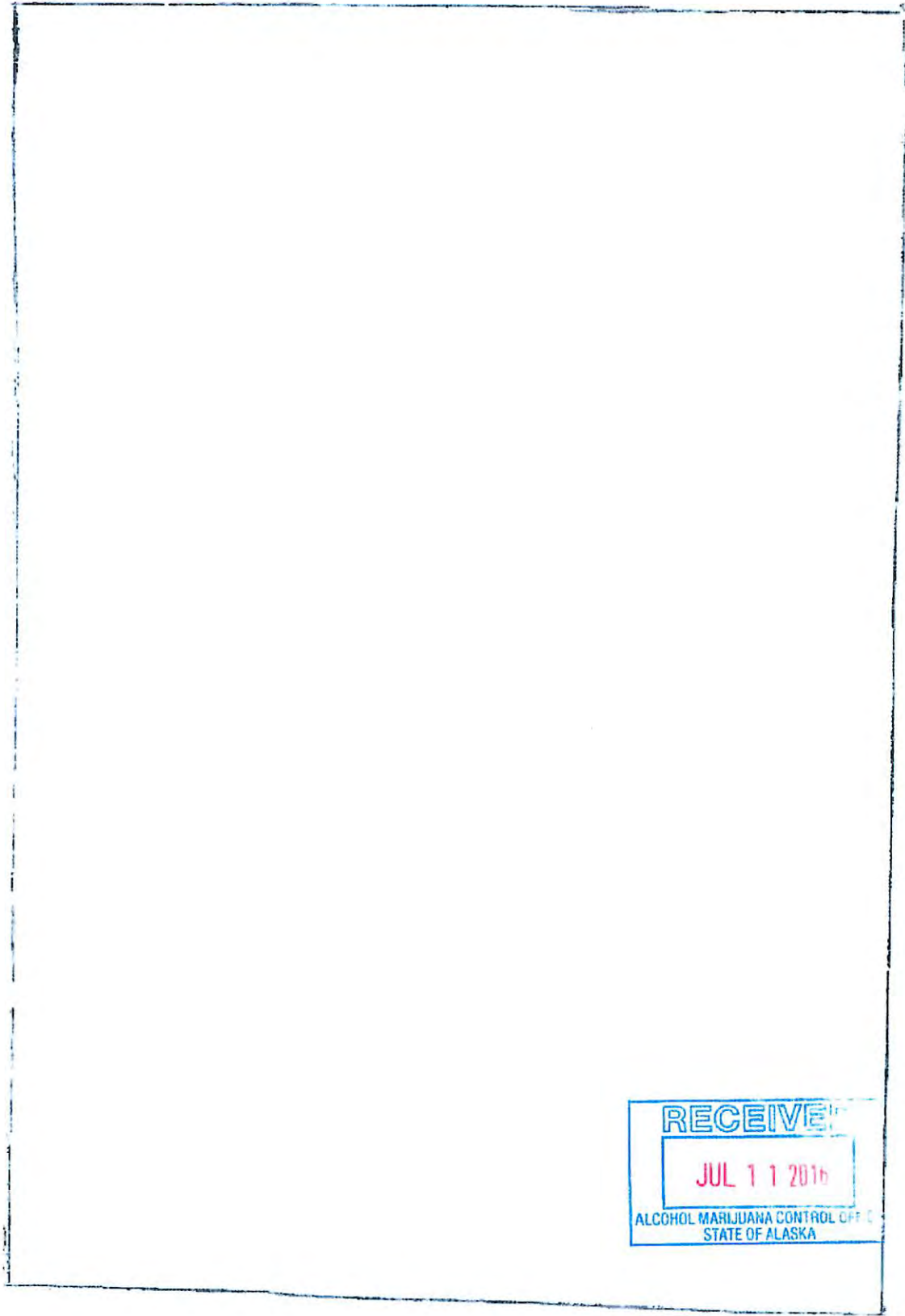
RECEIVED
 JUL 11
 ALCOHOL MARIJUANA CONTROL
 STATE OF ALASKA



draft kitchen layout



WATER SIDE



RECEIVED
JUL 11 2016
ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA

WATER SIDE

Proposed Menu

Live Dungeness Crab

King Crab Legs

Sourdough Corn Fritters

Crab Cakes

Crab Sandwich

Crab Louie

Cole Slaw

Bottled Soda

Beer (draft and Bottles)





CITY AND BOROUGH OF SITKA

Legislation Details

File #: ORD 16-25 Version: 1 Name:
Type: Ordinance Status: AGENDA READY
File created: 7/19/2016 In control: City and Borough Assembly
On agenda: 8/9/2016 Final action:
Title: Amending Title 15 of the Sitka General Code to increase rates at Chapter 15.04 "Sewer System" Sections 15.04.100 entitled "Service Connection Charge", 15.04.320 entitled "Rates and Fees", Chapter 15.05 "Water System" Sections 15.05.240A entitled "Service Connection Charge", 15.05.620 entitled "Rates and Fees"

Sponsors:

Indexes:

Code sections:

Attachments: [Ord 2016-25.pdf](#)

Date	Ver.	Action By	Action	Result
7/26/2016	1	City and Borough Assembly		

POSSIBLE MOTION

I MOVE TO approve Ordinance 2016-25 on
second and final reading.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2016-25

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 15 OF THE SITKA GENERAL CODE TO INCREASE RATES AT CHAPTER 15.04 "SEWER SYSTEM" SECTIONS 15.04.100 ENTITLED "SERVICE CONNECTION CHARGE", 15.04.320 ENTITLED "RATES AND FEES", CHAPTER 15.05 "WATER SYSTEM" SECTIONS 15.05.240A ENTITLED "SERVICE CONNECTION CHARGE", AND 15.05.620 ENTITLED "RATES AND FEES"

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. PURPOSE. The purpose of this ordinance is to increase user fees for water and wastewater service; and, to increase the connection charges for connecting a structure to the Municipal water and wastewater systems.

4. ENACTMENT, NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC Sections: 15.04.100A, 15.04.320, 15.05.240A, 15.05.0620, and are amended to read as follows (new language underlined; deleted language stricken):

* * *

Chapter 15.04

SEWER SYSTEM

15.04.100 Service Connection Charge.

A. At the time the applicant files for a connection permit where no service previously existed; or, if the applicant is filing for a change in service connection, or size, or to serve a new structure, the applicant shall submit with the application the service connection charge of seven hundred ~~twenty-five~~ thirty dollars. This charge is to cover the costs to the CBS of locating the stub-out from the sewer main (if available), inspection of the sewer service line, administrative costs, and permit fees. Upon approval of the connection, the property owner may proceed in accordance with the provisions in Section 15.04.130.

* * *

46
47
48
49

15.04.320 Rates and Fees.

A. Base rate: fifty three dollars and ~~seven~~ sixty cents per unit per month.

UNIT DESCRIPTION		UNIT
Residential/Dwelling Unit ⁽¹⁾		1.0 ⁽²⁾
Commercial (General, Miscellaneous) ⁽³⁾		1.0
Clubs and lodges without bar or restaurant		
Garages, service stations		
Offices including medical (10 or less employees)		
Shops and stores without food processing		
Commercial Specifics⁽³⁾ (1 Minimum) Plus	Per Each	
Bar, lounge, restaurant, snack bar	seat or stool	0.05
Barber, beauty shop (one station = 1.0)	station	0.6
Bowling alley	lane	1.0
Church	10 seats	0.1
Office/office space	over 10 employees	0.2
Hospital	bed	0.8
Meat market		3.0
Supermarket, grocery store with food process		8.0
Rest home	bed	0.2
Hotel, motel ⁽⁴⁾	bed or room	0.3
Dormitory, boardinghouse ⁽⁴⁾	bed or room	0.3
RV park ⁽⁴⁾⁽⁶⁾	RV space	0.3
Bed and breakfast ⁽⁴⁾	bed or room	0.15
Commercial laundry	wet machine	8.0
Launderette	wet machine	1.0
Schools, college, day care ⁽⁵⁾	10 students	0.4
Theater	10 seats	0.2
Car wash (no minimum)	stall	2.0

50 Notes:

- 51 (1) Including apartments and trailers, per each. (Apartments shall be assessed as if on a
- 52 separate meter.)
- 53 (2) Base rate.
- 54 (3) Business in homes shall be assessed for the additional appropriate commercial rate.
- 55 (4) Hotel, motel, B&B may count rooms only. Dormitory or boardinghouse must count
- 56 beds or rooms. RV parks count RV spaces with utility hookups.
- 57 (5) Approximate enrollment—may be reviewed annually.
- 58 (6) RV parks have all mobile units able to be underway on the road with a minimal
- 59 amount of time and not require special permits to drive on the road. Underway can
- 60 be under its own power, pulled by a vehicle or in the bed of a pickup. Rental rates are
- 61 based on the day and utilities are included.

- 62
- 63 B. Sewer Service in Conjunction with Metered Water.
- 64 1. General Sewer Service in Conjunction with Metered Water. Minimum charge:
- 65 One times the unmetered sewer base rate plus two dollars ~~eighty-six~~ nine
- 66 cents per one thousand metered gallons.

* * *

- 67
- 68
- 69 2. Gary Paxton Industrial Park. Treated wastewater, metered: one hundred ~~four~~
- 70 five dollars and ninety five cents per month minimum.
- 71 a. Treated wastewater, metered: three dollars and ~~fourteen~~ seventeen cents
- 72 per one thousand gallons water use.

- 73 C. Connection Fee. Seven hundred ~~twenty-five~~ thirty dollars per connection.

* * *

**Chapter 15.05
WATER SYSTEM**

15.05.240. Service Connection Charge.

- 80 A. At the time the applicant files for a connection permit where no service previously
- 81 existed; or, if the applicant is filing for a change in service location, or size, or to serve a
- 82 new structure, the applicant shall submit with this application the service connection
- 83 charge of seven hundred ~~twenty-five~~ thirty dollars. This charge is to cover permit fees,
- 84 inspection, and administrative costs.

* * *

15.05.620 Rates and fees.

- 85
- 86
- 87 A. Unmetered Water. Base rate: ~~thirty-eight~~ nine dollars and ~~ninety-six~~ thirty five cents per
- 88 unit.
- 89
- 90

UNIT DESCRIPTION		UNIT
Residential/Dwelling Unit ⁽¹⁾		1.0 ⁽²⁾
Commercial (General, Miscellaneous) ⁽³⁾		1.0
Clubs and lodges without bar or restaurant		
Garages, service stations		
Offices including medical (10 or less employees)		
Shops and stores without food processing		
Commercial Specifics⁽³⁾ (1 Minimum) Plus	Per Each	
Bar, lounge, restaurant, snack bar	seat or stool	0.05
Barber, beauty shop (one station = 1.0)	station	0.6
Bowling alley	lane	1.0
Church	10 seats	0.1
Office/office space	over 10 employees	0.2
Hospital	bed	0.8
Meat market		3.0
Supermarket, grocery store with food process		8.0
Rest home	bed	0.2
Hotel, motel ⁽⁴⁾	bed or room	0.3
Dormitory, boardinghouse ⁽⁴⁾	bed or room	0.3
RV park ⁽⁴⁾⁽⁶⁾	RV space	0.3
Bed and breakfast ⁽⁴⁾	bed or room	0.15
Commercial laundry	wet machine	8.0
Launderette	wet machine	1.0
Schools, college, day care ⁽⁵⁾	10 students	0.4
Theater	10 seats	0.2

UNIT DESCRIPTION		UNIT
Car wash (no minimum)	stall	2.0

91

92 Notes:

93 ⁽¹⁾ Including apartments and trailers, per each. (Apartments shall be assessed as if on a
 94 separate meter.)

95 ⁽²⁾ Base rate.

96 ⁽³⁾ Business in homes shall be assessed for the additional appropriate commercial rate.

97 ⁽⁴⁾ Hotel, motel, B&B may count rooms only. Dormitory or boardinghouse must count
 98 beds or rooms. RV parks count RV spaces with utility hookups.

99 ⁽⁵⁾ Approximate enrollment—may be reviewed annually.

100 ⁽⁶⁾ RV parks have all mobile units able to be underway on the road with a minimal
 101 amount of time and not require special permits to drive on the road. Underway can be
 102 under its own power, pulled by a vehicle or in the bed of a pickup. Rental rates are
 103 based on the day and utilities are included.
 104

105 B. Metered Water Service.

106 1. General Metered Water Service

Meter Size	Allowance (GAL)	Minimum Charge
Up to 1"	15,000	\$55.55 <u>\$56.11</u>
2"	50,000	\$121.83 <u>\$123.05</u>
3"	100,000	\$182.73 <u>\$184.56</u>
4"	250,000	\$365.46 <u>\$369.11</u>
6" and above	500,000	\$730.92 <u>\$738.23</u>

107

108 All over allowance charged at minimum charge plus one dollar ~~twenty-one~~two cents per one
109 thousand gallons. The over allowance charged at minimum charge plus ~~five~~six cents ~~fifty~~seventy
110 per one thousand gallons will apply to major fish processing plants (Seafood Producers
111 Cooperative, Sitka Sound Seafoods, Inc., aka North Pacific Seafoods, and Stikine Holdings, LLC,
112 aka Silver Bay Seafoods).

113 2. Gary Paxton Industrial Park.

114 a. Metered water: ~~one hundred twenty one dollars and eighty three cents~~ one hundred
115 twenty three dollars and five cents per month minimum.

116 i. Treated water: ~~two dollars and forty four cents~~ two dollars and forty six cents
117 per one thousand gallons.

118 ii. Treated water, fish processing use: ~~one dollar and eighty four cents~~ one dollar
119 and eighty six cents per one thousand gallons.

120 iii. Raw water for heating: ~~Seventy seven~~ Seventy-eight cents per one thousand
121 gallons.

122 iv. Raw water for industrial processing: One dollar and ~~ten~~ eleven cents per one
123 thousand gallons.

124 v. Raw water for water bottling at Gary Paxton industrial park: in container
125 sizes of five gallons or less: One dollar and ninety-~~four~~ six cents per one
126 thousand gallons.

127 vi. Raw water for bottling at Gary Paxton industrial park in container sizes
128 greater than five gallons: one cent per gallon.

129 C. Curb Stop/Service Valve Operation Fee. Except for the initial turn-on that occurs when
130 property is first connected to the municipal water system, each customer or applicant for
131 service shall pay a fee of ~~fifty five~~ fifty-five dollars and fifty-five cents dollars for turning on or
132 turning off the water service to the property. The fee shall be paid for each turn-on and turn-off
133 whether at the customer's or applicant's request or due to nonpayment for water services. The
134 water service to a property may not be turned on unless all water system fees associated with
135 the property have been paid in full.

136
137 D. Fire Hydrant Use Fee. Provided in Section 15.05.590.
138

139 E. Connection Fee. ~~Seven hundred twenty five dollars~~ Seven hundred thirty dollars per
140 connection.

141 ***

142 **5. EFFECTIVE DATE.** This ordinance shall become effective on the day after the
143 date of its passage.

144
145 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka,
146 Alaska this 9th day of August, 2016.

147

148

149

Matthew Hunter, Deputy Mayor

150 ATTEST:

151

152

153

Sara Peterson, CMC

154 Municipal Clerk

155

156



CITY AND BOROUGH OF SITKA

Legislation Details

File #: ORD 16-26 Version: 1 Name:
Type: Ordinance Status: AGENDA READY
File created: 7/28/2016 In control: City and Borough Assembly
On agenda: 8/9/2016 Final action:
Title: Amending the Home Rule Charter of the City and Borough of Sitka for purposes of increasing the property tax limit to eight-tenths (0.008) of one percent; and submitting the question of such an amendment to the qualified voters at a regular election on October 4, 2016 (ballot proposition)

Sponsors:

Indexes:

Code sections:

Attachments: [Ord 2016-26.pdf](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve Ordinance 2016-26 on
second and final reading.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2016-26

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING THE HOME RULE CHARTER OF THE CITY AND BOROUGH OF SITKA FOR PURPOSES OF INCREASING THE PROPERTY TAX LIMIT TO EIGHT-TENTHS (0.008) OF ONE PERCENT; AND SUBMITTING THE QUESTION OF SUCH AN AMENDMENT TO THE QUALIFIED VOTERS AT A REGULAR ELECTION ON OCTOBER 4, 2016

1. CLASSIFICATION. All sections of this ordinance, except Section 5 regarding the ballot proposition, are of a permanent nature, with Section 4 intended to become a part of the Home Rule Charter of the City and Borough of Sitka ("Charter") if approved by the qualified voters at the October 4, 2016 Regular Election.

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. PURPOSE. This ordinance amends the Charter, Article 13.03, entitled "Property Tax Limit," by raising the property tax millage rate limit from 6 mills to 8 mills.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Sitka Assembly that the Charter, Article 13.03, entitled "Property Tax Limit," is amended to read as follows (new language underlined; deleted language stricken):

HOME RULE CHARTER
ARTICLE XIII
TAXATION

Section 13.03 Property Tax Limit.

The property tax levy shall not exceed ~~six~~ eight-tenths (0.008) of one per cent (~~6 mill~~) (8 mills) of the assessed valuation of the property to be taxed. The voters may raise this limit by an affirmative vote of the majority of the voters participating in a special or regular election.

45 This section shall not in any way limit the ability of the municipality to meet its bonded
46 obligations and in no event shall the property tax levy during a year exceed three
47 percent (thirty mills) of the assessed value of the property in the municipality.

48 * * *

49
50
51
52 5. **BALLOT QUESTION.** The following question shall be placed before the
53 qualified voters at a regular election to be held on October 4, 2016:

54
55 Shall the City and Borough of Sitka amend the Charter
56 Section (13.03; Property Tax Limit) to allow for an increase
57 of the property tax levy not to exceed 8 mills (eight-tenths
58 (0.008) of one percent)?

59
60 YES

61
62 NO

63
64
65 **Informational:** If approved by the qualified voters, the
66 effective date of this amendment shall be July 1, 2017.

67
68 6. **EFFECTIVE DATES.** This ordinance shall become effective on the day
69 after the date of its passage.

70
71 The amendment to the Charter set forth in Section 4 hereof shall only become
72 effective if the ballot question set forth in Section 5 hereof is approved by a majority of
73 the qualified voters at the regular election held on October 4, 2016. Subject to the
74 foregoing, the effective date of this amendment shall be July 1, 2017.

75
76 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and
77 Borough of Sitka, Alaska this 9th day of August, 2016.

78
79
80
81 _____
Matthew Hunter, Deputy Mayor

82 ATTEST:

83
84 _____
85 Sara Peterson, CMC
86 Municipal Clerk



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 16-139 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/2/2016 In control: City and Borough Assembly

On agenda: 8/9/2016 Final action:

Title: Approve the 2016-2019 International Brotherhood of Electrical Workers (IBEW), Local 1547 Collective Bargaining Agreement

Sponsors:

Indexes:

Code sections:

Attachments: [IBEW Collective Bargaining Agreement.pdf](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve the Collective Bargaining Agreement between the City and Borough of Sitka and the International Brotherhood of Electrical Workers, Local 1547 and authorize the Municipal Administrator to execute the document.



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

Date: Thursday, August 04, 2016

To: Honorable Mayor Mim McConnell and Assembly of the City and Borough of Sitka

From: Mark Gorman
Municipal Administrator

RE: IBEW – CBS Collective Bargaining Agreement Approval

Dear Ms. Mayor and Assembly,

We have concluded negotiations with the International Brotherhood of Electrical Workers Local 1547 (IBEW). Negotiations began June 14, 2016 with our team composed of lead negotiator Kimberly Geariety and Mark Danielson, HR Director. These negotiations with IBEW representatives concluded July 19, 2016 when tentative agreement was reached between the parties.

Attached is a reference table outlining the changes in the agreement with the central issue being wages. The agreement on wages is:

- Effective July 1, 2016, wage rates shall be increased by One Dollar and twenty-five cents (\$1.25) an hour.
- Effective July 1, 2017, wage rates shall be increased by One Dollar (\$1.00) an hour.
- Effective July 1, 2018, wage rates shall be increased by One Dollar (\$1.00) an hour.

The IBEW has ratified this agreement and the CBS bargaining team and I recommend that the Assembly approve this three-year agreement.

2016 – 2019 IBEW City and Borough of Sitka Tentative Agreement Reference Table

ARTICLE	CHANGE/NO CHANGE
Article 1 – Policy and Purpose	No change.
Article 2 – Recognition and Scope	No change.
Article 3 – No Strike/No Lockout	No change.
Article 4 – Duration	07/01/2016 – 06/30/2019
Article 5 – Union Security	No change.
Article 6 – Non Discrimination	No change.
Article 7 – Personnel Files	No change.
Article 8 – Employee Status and Appointment	No change.
Article 9 – Management Rights	No change.
Article 10 – Apprenticeship	No change.
Article 11 – Safety	No change.
Article 12 – Time Off	Floating Holidays increased to from 16 to 24 hours
Article 13 – Hours of Work and Compensation	Cell phone policy subject to negotiations as term and condition of employment only if changes are made to current administrative policy which would require Assembly approval
Article 14 – Wage Rates	<ul style="list-style-type: none"> • Effective July 1, 2016, wage rates shall be increased by One Dollar and twenty-five cents (\$1.25) an hour. • Effective July 1, 2017, wage rates shall be increased by One Dollar (\$1.00) an hour. • Effective July 1, 2018, wage rates shall be increased by One Dollar (\$1.00) an hour. • Warehouseperson moves from 85% of Journeyman rate to 90% after 5th year of service (Incumbent to get raise per above new formula)
Article 15 – Grievance Arbitration procedures	<ul style="list-style-type: none"> • Updated language and simplified format for ease of use.
Article 16 – Seniority	No change.
Article 17 – Performance Evaluations	No change.
Article 18 – Discipline and Discharge	No change.
Article 19 – Benefits	No change.
Article 20 – Personnel Policies	Removed language referencing the non-existent CBS Rewards for Excellence Program
Article 21 – General Provisions	No change.
Article 22 – Subcontracting	No change.

COLLECTIVE BARGAINING
AGREEMENT
2016-2019

CITY AND BOROUGH OF SITKA,

AND THE

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS,
LOCAL 1547

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**COLLECTIVE BARGAINING AGREEMENT
BY AND BETWEEN
THE CITY AND BOROUGH OF SITKA, ALASKA
AND
LOCAL #1547 INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO**

For the purposes of maintaining cordial relations between the City and Borough of Sitka, Alaska, ("Employer" or "CBS") and Local #1547 International Brotherhood of Electrical Workers, AFL-CIO ("Union") the parties do enter into, establish and agree to the following conditions of employment.

**ARTICLE 1
POLICY AND PURPOSE**

It is the policy of the Employer and Union to promote harmonious and cooperative relations between the Employees and the Employer, to protect the public by promoting orderly and effective operations of government, and to maintain merit principles. The Employer, Union, and Employees are committed to develop a positive labor management relationship, which promotes the success of the Employer, provides rewarding jobs for its Employees, and makes available quality service to meet the needs of its customer. The purpose of this Agreement is to set forth terms and conditions of employment to support a work environment that will further these objectives.

**ARTICLE 2
RECOGNITION AND SCOPE**

The Employer recognizes the Union as the sole and exclusive bargaining agent for, and this Agreement shall cover all Employees in the Electric Department except those identified as exempt and confidential.

**ARTICLE 3
NO-STRIKE/NO-LOCKOUT**

The parties understand and agree there will be no strikes or lockouts during the life of the Agreement pursuant to Sitka General Code §2.08.125 (j). The Union and Employees further agree that they will not sanction, encourage or continue any sickouts, slowdowns, or other disruptive activity during the life of the Agreement.

ARTICLE 4

DURATION

The term of this Agreement is July 1, 2016, and shall continue in effect until June 30, 2019 and thereafter from year to year; provided, however that either party may give the other party written notice of its desire to change the Agreement. Such written notice shall specify the particular Articles in which changes are desired, and shall be served upon the other party not more than one hundred eighty (180) days, and not less than one hundred twenty (120) days, prior to the date of expiration or any annual extension. If such notice is given, negotiations shall commence within thirty (30) days following the date of the notice. This agreement shall become effective on the date of signing and remain in effect until the terms of a new or amended agreement becomes effective.

ARTICLE 5

UNION SECURITY

Section 5.1 Union Security

A. The Employer agrees that all Employees covered by this Agreement will, as a condition of employment, within sixty (60) days of the date of this Agreement, or within thirty days after the Employee's date of hire, whichever is later, make application to become a member of the Union or shall pay a service fee of not more than the required Union dues.

B. The Employer agrees that only those Employees covered hereby who remain in good standing in the Union should continue in its employ. As used in this Section, "good standing" means that an Employee is not in arrears to the Union for current dues, assessments or fees, including initiation fees.

C. On the written demand of the Union, any Employee or member who has been employed for more than sixty (60) days and is not in compliance with Paragraph A above or any Employee who is not in good standing as determined by the Union shall be separated by the Employer thirty (30) days after the Employee is provided notice of such separation. Upon receipt of the written demand from the Union, the Employer shall provide written notice to the Employee thirty (30) days prior to the effective date of separation to allow the Employee or member to be compliant.

D. The Union will indemnify, defend, and hold harmless the Employer, its agents, insurers and Employees from any claim or cause of action arising from or related to any act or omission under this Section.

Section 5.2 Payroll Deductions

A. The Employer shall make all appropriate deductions in the first payroll period, including monthly and working dues and assessments from the pay of those Employees who have presented the Employer with a signed authorization for the deduction. The Employer agrees to make these deductions and to remit these funds, together with a list of Employees' names for which the deductions were made, to the Union on or before the fifteenth (15th) day of the month.

B. Following thirty (30) calendar days of employment, an Employee may voluntarily elect to participate in the IBEW PAC Fund by signing and submitting to payroll an authorization form supplied by the Union. These funds shall be forwarded in the same manner and at the same time as set forth in paragraph A above.

C. The Employer will not be held liable for deduction errors. If the Employer makes an error in deductions the sole remedy will be to increase or reduce the amount deducted from the Employee's future deduction until the error has been corrected.

Section 5.3 Standards of Work

The Union agrees that all Employees who are covered by this Agreement will individually and collectively perform safe, efficient and diligent service, and will use their influence and best efforts to protect the property and interests of the Employer.

Section 5.4 Shop Stewards

A. Upon written notification, the Employer will recognize shop stewards who have been selected pursuant to the rules and regulations of the Union to represent the Employees covered hereby. The Union shall appoint no more than two shop stewards and an alternate. The names of the stewards will be furnished to the Utility Director of the Employer and the Human Resources Director in writing before beginning or being relieved of their duties.

B. The Employer recognizes that the stewards will be assigned their Union duties and responsibilities by the Union and pursuant to this Agreement. The stewards will cooperate with the Employer in securing compliance with this Agreement and, at the request of the Utility Director of the Employer, or designee, or the Human Resources Director will notify Employees of any violations of this Agreement.

C. Stewards are expected to perform their normal assigned duties as an Employee covered by this Agreement. However, the parties agree that stewards shall be granted a reasonable amount of time to handle Union business during work time which cannot be handled during non-work time without loss of pay so long the Employee's supervisor has been notified.

D. Time spent performing steward duties during work time shall be recorded on the Employee's time card as Union business.

E. The Utility Director reserves the right to deny the use of work time for steward or Union business if it interferes with the operational needs of the Department or the performance the Employee.

Section 5.5 Union Bulletin Board

Employer will provide bulletin boards and/or space on existing bulletin boards for use by the Union for the purpose of posting Union notices and communications.

Section 5.6 Union Access to Employer's Premises

With prior notice and approval, authorized representatives of the Union will be permitted to visit the work sites where Employees covered by this Agreement work during working hours so long as such visits do not disrupt or interfere with the operations of the Utility or the Employee's work.

ARTICLE 6
NONDISCRIMINATION

The parties mutually agree that the Employer and the Union will not discriminate against any person or persons so as to deny such person or persons equal employment opportunities because of race, religion, color, sex, age, national origin, or disabilities or any other protected class provided for in federal, state, and local law as may be amended from time-to-time.

ARTICLE 7
PERSONNEL FILES

Section 7.1 Employees shall have access to their personnel files in the Human Resources Department at reasonable times in the presence of the Director of Human Resources or designee.

Section 7.2 The Employee will receive a copy of any disciplinary letters and any material placed in the Employee's personnel files. Upon request, the Employee shall be provided a copy of any other document in the Employee's personnel files.

Section 7.3 The Employee's personnel file in the Human Resources Department is confidential. The personnel file is only available for inspection by the Human Resources Director, or designee, and the Employee's immediate supervisor. Other CBS personnel who, due to the nature of their work with the Employer need access to personnel information, may obtain the specific information needed from the Employee's personnel file from the Human Resources Director or designee, or through review of the pertinent documents from the Employee's personnel file.

Section 7.4 Except as provided by law or required by a court order, all other persons or entities are barred from reviewing an Employee's personnel files without the Employee's written consent.

ARTICLE 8

EMPLOYEE STATUS AND APPOINTMENT

Section 8.1 Employee Status

A. All Employees covered by this Agreement are designated as Regular Employees. All regular Employees shall serve a probationary period as set forth below in Section 8.4A.

B. The Employer reserves the right to utilize relief Employees who are qualified individuals available to substitute for regular Employees. The intent of this Section is not to reduce the number of regular positions by the hiring of relief Employees. Relief Employees shall be subject to this Agreement when working for the Employer only as to Union security, hours of work, rates of pay, and applicable working rules. They shall not be eligible for holiday pay, leave, benefits, health and welfare benefits, pension or other benefits extended to regular Employees.

Section 8.2 NECA-Temporary Employees

A. Journeyman linemen and wiremen and other classifications as set forth in the IBEW-NECA Agreement may be employed as NECA-Temps for a period not to exceed six (6) months of continuous employment. The IBEW Inside-Outside Alaska Electrical Construction Agreement, as amended, shall govern the NECA-Temporary wages and benefits. NECA-Temporary Employees shall be subject to this Agreement only as to the hours of work and applicable working rules. When assigned to assume the position of a Leadman a NECA-Temporary Journeyman shall receive 104% of the applicable wage rate.

B. Any Employee hired as a NECA-Temporary or Temporary may be awarded or transferred to Probationary or Regular status by the Employer. Any such change in status will be in writing. The Employee, on the date of accepting the award or transfer will be transferred to probationary status and the time accrued from the Employee's temporary hire date will be considered part of the probationary time period.

Section 8.3 Vacancies

A. The Utility Director is responsible for filling vacancies in the Department, subject to the approval of the Administrator. Hiring decisions are at the sole discretion of the Employer.

B. Posting

1. All vacancies shall be posted internally on the Union Bulletin Board in the Department first. When there are current, qualified Employees within the Department interested and available for the vacancy, the Employer shall endeavor to hire, promote, or transfer from within the existing work force. Any current Department Employee who applies for a vacancy within the Department shall receive an interview during the hiring process.
2. If there are no interested or qualified Employees within the Department, or in the Utility Director's discretion, the vacancy will be advertised locally and the Union Hiring Hall shall be notified at the same time in writing. The Union Hiring Hall may refer applicants to be considered through the normal hiring process.

Section 8.4 Probationary Periods

- A. Every new regular Employee shall serve a six-month probationary period (180 consecutive days of service from date of hire) during which time the Employee may be terminated at the sole discretion of the Employer without right of appeal. All probationary Employees shall accrue service credits and seniority during the probationary period. An Employee's probationary period may be extended by mutual agreement between the Employer and Union.
- B. Current regular Employees who are promoted or transferred to a different position shall serve a three-month (90 consecutive days from date of promotion or transfer) probationary period. If the Employee's performance in the new position is unsatisfactory in the Employer's sole discretion, the Employee may be returned to their previous position if vacant or to another vacant position so long as the Employee is qualified for that position. This employment action shall not be construed to be a demotion or disciplinary action requiring just cause.

ARTICLE 9

MANAGEMENT RIGHTS

The Union recognizes the right of the Employer to operate and manage the Utility, including but not limited to the right to establish and require standards of performance; maintain order and efficiency; direct Employees and their work; determine job assignments, and work schedules and overtime; assign bargaining unit work to supervisory and management personnel whenever bargaining unit members are not available or in an emergency; determine the materials and equipment to be used; implement new and different operational methods and procedures; determine staffing levels and requirements; establish qualifications of work to be performed by Employees; determine the kinds, type, and location of facilities; introduce new or different service products, methods, or facilities; select, hire, classify, assign, promote, transfer, discipline, demote, or discharge Employees for just cause; lay off and recall Employees; regulate all activity conducted upon company premises and on company time; and promulgate and enforce rules, regulations and personnel policies and procedures; provided that such rights, which are vested solely and exclusively in the Employer, shall not be exercised by ordinance or otherwise so as to violate any of the specific provisions of this Agreement. The parties recognize that the above statement of management rights is for illustrative purposes only and should not be construed as restrictive or interpreted so as to exclude management prerogatives mentioned. All matters not covered by the language of this Agreement may be administered by the Employer on a unilateral basis in accordance with such policies and procedures as it, from time to time, shall determine. Any claim that the Employer has exercised such rights and power contrary to the provision of the Agreement may be submitted to the grievance procedure contained herein.

ARTICLE 10

APPRENTICESHIP

Section 10.1 The Employer reserves the right to utilize apprentices to perform the work at the Utility. Nothing in the paragraph precludes the Employer from using any apprenticeship program including the Alaska Joint Electrical Apprenticeship and Training Trust ("AJEATT").

Section 10.2 The apprentice to journeyman ratio shall not exceed one (1) apprentice for every two (2) journeyman unless agreed to otherwise. Foremen working with tools will be counted as a journeyman for purposes of this paragraph.

Section 10.3 The Employer agrees to consider using the AJEATT during the life of this Agreement in the event a need for an apprentice arises at the Utility.

A. If the Employer decides to utilize the AJEATT, the Employer agrees to pay \$5,000.00 per calendar year, prorated for any portion of a year an Employee is in the apprenticeship program.

B. If the Employee is participating in the AJEATT, the Employee will be required to apply for State Training Education Program (STEP) grants, if available. In addition to the STEP grant monies and in lieu of any wages or reimbursements, the Employer agrees to pay the Employee \$100 for every day assigned to attend training in either Anchorage or Fairbanks, including travel days.

ARTICLE 11 **SAFETY**

Section 11.1 Safety Codes and Manual

The state and federal electrical safety codes, as amended, and the American Public Power Association Safety Manual are adopted by the parties as the minimum standards of safety under this Agreement. It will be the mutual concern of the parties that, recognizing their common objective of promoting the safety of Employees and the public, reasonable and rational safety programs and practices will be initiated and diligently implemented.

Section 11.2 Employer, Union, and Employee Responsibilities

A. It is recognized that the Employer has the legal responsibility to provide a safe and healthful workplace and working conditions. The Employer will furnish such safety devices and equipment as may be necessary for the safety of Employees, and such first aid equipment and supplies as may be necessary for proper emergency treatment of such Employees.

B. The Union agrees to cooperate with the Employer by encouraging and holding Employees accountable to observe and comply with applicable safety laws, regulations, and workplace rules.

C. All Employees shall be responsible for carrying out safety and good housekeeping policies and practices. Each Employee is required to act with due care and regard for his own safety and that of his fellow Employees. Employees shall not expose or subject themselves or others to unsafe working conditions. Employees will use safety equipment on all appropriate occasions. All Employees covered hereby will possess a current Red Cross First Aid Certificate and a current CPR Certificate or a State of Alaska _____.

Section 11.3 Safety Training

A. The Employer will schedule and Employees will attend and participate during normal working hours in safety training meetings. There will normally be a one-hour safety meeting scheduled each week. If a safety meeting has to be rescheduled due to operational requirements, it shall be scheduled to guarantee the Employees have a minimum of four (4) hours safety training in a month. Management may participate in these safety meetings.

B. The Employer shall provide the applicable training required to secure and maintain an approved first aid and CPR certificate.

Section 11.4 Safety Committee

A. Safety Committee consisting of at least one (1) Employee as selected by the Union and one (1) representative of the Employer as designated by the Utility Director shall meet monthly.

B. By the end of the March each calendar year, the Safety Committee will propose a safety training program consistent with legal mandates, operational needs, and based on Employee desires for the next fiscal year subject to the Utility Director for approval.

**ARTICLE 12
TIME OFF**

Section 12.1 Vacation

A. All regular full-time Employees covered by this Agreement shall accrue vacation at the following rate. Regular part-time Employees shall accrue vacation on a ratio of the hours they work to a forty (40) hour week. No vacation will accrue while on leave without pay.

Years of Service	Accrual Rate Per Month	Accrual Rate Each Year	Mandatory Yearly Usage
0 through 1 st year	6.67 hours	80 hours	None
1 st year through 3 rd year	8.67 hours	104 hours	40 hours/5 days
4 th year through 7 th year	12.67 hours	152 hours	80 hours/10 days
Start of the 8 th year	16.67 hours	200 hours	120 hours/ 15 days

B. Vacation shall be taken with authorization of the immediate supervisor and shall be paid at the current rate of pay. Employee requests for time off under this section shall be granted based on operational needs.

C. Vacation shall not accrue and may not be taken prior to six (6) months of continuous satisfactory service, but after six months of employment vacation time shall accrue retroactive to the date of employment.

D. Regular Employees may accumulate up to and including four hundred and eighty (480) hours. There shall be no accrual after the 480 hour cap has been reached and it will resume when the Employee's vacation balance is less than 480.

E. When a holiday falls when an Employee is on vacation, the Employee shall be paid for the holiday without a deduction from accrued vacation.

F. Accrued vacation will be paid to Employees who terminate, so long as such termination is not for gross misconduct and the Employee has completed one (1) year of service.

G. Employees may cash out up to one hundred and sixty (160) hours each fiscal year in no more than two (2) installments. Employees may not cash in leave to avoid the mandatory use requirements of Section 12.1 A.

H. An Employee may request an advance of their vacation pay if they are going to be absent for more than ten (10) consecutive days and during which time a payroll is paid. The request to payroll must be made at least five (5) working days before the Employee's vacation is to begin and must include the signature of the Employee's immediate supervisor. Otherwise, Employees shall receive their pay check on regular scheduled pay days while on vacation.

I. Employees who do not use their mandatory time off as required in 12.1A shall forfeit the remaining balance of their unused mandatory time off as of June 30 of each calendar year. When operational needs do not allow an Employee to take the required time off, the city administrator may extend the time to use mandatory leave for up to six (6) months. An extension does not waive the following year's mandatory leave usage requirement.

Section 12.2 Sick Leave

A. Regular full-time Employees shall accrue sick leave at the rate of eight (8) hours for each calendar month of employment. Regular part-time Employees shall accrue sick leave on a ratio of the hours they work to a forty (40) hour week. No sick leave will accrue while on leave without pay.

B. Sick leave accrual shall be capped at a maximum of 560 hours.

C. When an Employee has exhausted his or her accrued sick and annual leave, the Employee may apply for leave from the sick leave bank consistent with the Personnel Policies Handbook.

D. Employees are responsible to notify their immediate supervisor or the Utility Director as soon as possible prior to the beginning of the Employee's shift if they are to be absent. If the notice is left by voice mail message, Employees are required to talk directly to a supervisor or Utility Director at some time during the day while absent. If such notification is not given, such absence shall be charged to leave without pay and may subject the Employee to disciplinary action up to and including discharge. In the event the Employee is unable to contact their supervisor or the Utility Director, it will be acceptable for someone from the Employee's immediate family to contact the Employer about the Employee's absence by talking directly to the Employee's immediate supervisor or the Utility Director.

E. Sick leave shall be paid at the Employee's current rate of pay and may be used for the Employee's illness or injury. Up to 120 hours of sick leave may be used or for the illness or injury of the Employee's immediate family members each calendar year. Up to 40 hours of sick leave may be used for a death in the Employee's immediate family. "Immediate family" for purposes of this section includes the Employee's spouse, children, parents, siblings, parents-in law, grandparents, grandchildren, or any person acting in one of these capacities.

F. The Employer may require a certificate from a medical provider confirming the absence was due to illness or injury for three days or more or to provide a fitness to return to duty for any absence. If the Employer suspects abuse of sick leave, nothing in this paragraph prohibits the Employer from requiring a medical certification for absences less than three days.

G. When a holiday falls when an Employee is on sick leave, the Employee shall be paid for the holiday without a deduction from accrued sick leave.

H. Employees shall be eligible for a sick leave benefit from date of hire. Sick leave will be granted to the Employee commencing on the first day of illness.

I. A regular employee who leaves employment with the City for any reason other than discharge for cause will be paid \$1.00 for every hour of sick leave accumulated as of their last day of employment.

Section 12.3 Family and Medical Leave

The Employer shall grant family and medical leave consistent with both the Federal and State Family and Medical Leave Act effective the first day of the authorized leave.

Section 12.4 Leave without Pay

Subject to the approval of the Department Head and the Administrator and based on a written request by the Employee of a compelling reason for additional time off, an Employee who has used all accrued annual leave may be granted leave without pay consistent with the Personnel Policies Handbook.

Section 12.5 Holidays

A. All Employees covered by this Agreement shall have nine (9) holidays per year to be observed on the following days:

New Year's Day	January 1
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Alaska Day	October 18
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

and such other days as may be proclaimed by the City Administrator.

B. When the holiday falls on a Saturday, the holiday will be observed on the preceding Friday, and when the holiday falls on a Sunday, the holiday will be observed on the following Monday.

C. Employees must be working or on an approved vacation or sick leave the day before the holiday and the day after the holiday in order to receive pay for a holiday.

D. All Employees will be paid eight (8) hours of holiday pay at the Employee's straight time rate for a designated holiday. If the Employee would have been scheduled to work on that day, the Employee may also get the day off.

E. If an Employee is required to work on a designated holiday, the first eight (8) hours of work on a holiday shall be compensated at the one and one-half (1 1/2) times the Employee's regular rate of pay in addition to the holiday pay in Section 12.5D. Any hours worked on a holiday in excess of eight (8) hours shall be at double time. No additional time off or pay will be granted for a holiday worked except as provided in paragraph G below.

F. All Employees with more than one (1) year of continuous service shall receive 28 hours for use as floating holidays at the start of the fiscal year to be taken at a time approved by the Employee's immediate supervisor. All floating holidays must be taken in the fiscal year accrued or forfeited.

G. Power Plant Operators who work a holiday may elect, in lieu of the holiday pay provided in paragraph D above, to receive an additional floating holiday that must be used during the fiscal year in which the holiday fell.

Section 12.6 Military Leave

Employees shall be eligible for military time consistent with federal (USERRA) and state law (AS 39.20.340) governing military time off.

Section 12.7 Occupational Injury Leave

An Employee shall be paid the difference between their workers compensation and their regular wages consistent with the Personnel Policies Handbook.

Section 12.8 Court Leave

Employees shall be eligible for court leave consistent with the Personnel Policies Handbook. Such leave time shall be treated as administrative leave without loss of pay. Pay for these hours shall be at the Employee's regular rate of pay. If the employee is excused from court leave on any given day, the Employee shall contact their immediate supervisor to determine if they are required to return to work.

ARTICLE 13
HOURS OF WORK AND COMPENSATION

Section 13.1 Workday and Workweek

A. The regular workweek shall consist of five (5) consecutive eight (8) hour days. Employees will be assigned to work either a Monday through Friday workweek or a five (5) consecutive eight (8) hour day workweek during a work period starting on Monday and ending the following Sunday.

B. Four-Tens (4-10's) Workweek Schedule. Upon approval of the Department Head, Employees may be assigned to work 4 days at 10 hours per day. No Employee will be assigned to a four ten schedule without Employee written consent.

C. No Employee shall be required to work more than a total of sixteen (16) consecutive hours without an eight (8) hour break. Nothing in the paragraph precludes an employee from working more consecutive hours in the event of an unforeseen emergency, like a power outage, that lasts longer than sixteen (16) hours.

D. An Employee who has been on duty for four (4) or more hours after the workday and within eight (8) hours of their normal starting time the following day shall not be required to report for work without a minimum eight (8) hour rest period. The Employee shall be paid at the straight time rate of pay for scheduled hours not worked during a rest period. Employees required to report to work during their eight (8) hours rest period will be paid at double time rate of pay for all hours worked until the Employee has received an uninterrupted eight (8) hours rest period.

Section 13.2 Meals

A. All Employees shall be granted an unpaid meal period of at least thirty (30) minutes in duration once during an eight (8) hour work day. The Employer shall schedule an Employee's meal period approximately halfway through the Employee's designated shift. If an Employee is required to work through their meal period, the Employee shall be paid at the Employee's applicable rate of pay for thirty (30) minutes.

B. Scheduled Overtime

If the Employee is required to work scheduled overtime, the Employee shall be entitled to an unpaid meal period of at least thirty (30) minutes for a meal every four (4) hours worked and twenty-five dollars (\$25.00).

C. Unscheduled Overtime

1. If an Employee is required to work unscheduled overtime, the Employee shall be entitled to an unpaid meal period of at least thirty (30) minutes for a meal every four (4) hours and twenty-five dollars (\$25.00). If the Employee is unable to take the meal period off, the Employer will provide a meal for the Employee and the Employee shall be paid at the Employee's applicable rate of pay for the meal period not to exceed thirty (30) minutes, but not the twenty-five dollar (\$25.00) benefit.
2. If the Employee is required to work more than two (2) hours past their regular shift and it has not been scheduled prior to the start of the regular shift, the Employee shall be entitled to another unpaid meal period of at least thirty (30) minutes and twenty-five dollars (\$25.00).

D. Employees are required to note on their time sheets meal payments due in order to receive payment under this Section which shall be paid in the Employee's next regular paycheck.

Section 13.3 Shift Change Notice

The Employer shall notify the Employee(s) by the end of the shift plus one work week before the required start time of any shift change.

Section 13.4 Compensation

A. The first eight (8) hours of the first five (5) consecutive workdays shall be at the straight time rate of pay. Any hours worked in excess of eight (8) in a work day shall be paid at time and one-half the Employee straight time rate of pay.

B. Any time worked on an Employee's first scheduled day off shall be paid at one and one-half the straight time rate of pay and any time worked on the Employee's second day off shall be paid at two (2) times the straight time rate of pay.

Section 13.5 Shift Differentials

Shift differential shall be paid as follows to Employees designated in writing by the Utility Director to be eligible for such differential. The premium shall be based on the Employee's regular rate of pay.

4 p.m. to Midnight	3% per hour
Midnight to 8 a.m.	5% per hour

Section 13.6 Call-Out Pay

An Employee called to work outside their regular shift will be paid a minimum of two (2) hours at the double time rate of pay.

Section 13.7 On-Call Pay

The Department Head or designee shall designate in writing every six (6) months the Employees to be on-call status. When the Employer designates an Employee to be on-call the Employee shall be provided a pager or cell phone and must be capable at all times to respond to calls promptly and as requested. When an Employee is designated to be available for work on-call status, the Employee will be compensated at the rate of forty-five dollars (\$45.00) for a work day and ninety (\$90.00) dollars on a Saturday, Sunday, and holidays. If called in to work while on-call, the Employee shall be paid for all hours worked at the applicable rate of pay.

Section 13.8 Compensation of Employee Working in Higher Classification

When an Employee is temporarily required to perform work in another higher classification for more than eight (8) or more hours, the Employee shall be paid the higher rate for all hours worked in the higher classification. Such assignment shall be designated in writing by the Employee's immediate supervisor and submitted with the Employee's timesheet to payroll.

Section 13.9 Compensation of Employee Working in Lower Classification

No Employee will suffer a reduction in pay by reason of the Employee's temporary transfer to a job carrying a lower pay classification. If an Employee is permanently assigned into a lower pay classification, the Employee will be paid at the lower pay rate.

Section 13.10 Payday

Employees shall be paid every other week.

Section 13.11 Wage Discrepancies

Employees are responsible to notify the Employee's immediate supervisor whenever a wage discrepancy exists. Employees may also notify the shop steward for assistance with a wage issue. If the Employee is unable to resolve the wage discrepancy with their immediate supervisor, the Employee should bring it to the attention of the utility director. Wage discrepancies shall be resolved by the Utility Director. No time sheet shall be changed without the Employee's knowledge.

Section 13.12 Pyramiding of Overtime

No Employee shall receive more than one (1) overtime rate of pay for the hours worked and if more than one (1) overtime rate is applicable to the same hours worked, the higher rate only shall be paid.

Section 13.13 Hot-Stick Work

Premium pay for hot-stick work will be allowed to crews while working with such equipment on voltages in excess of 5,000 volts. Hot-stick work will not include the opening and closing of switches, the removal and replacement of fuses, or the lifting and replacing of hot-taps when hot-line clamps are used. Hot-stick compensation will be at fifteen percent (15%) above the applicable hourly rate.

Section 13.14 Licensing and Certifications

The Employer shall pay for, or reimburse Employees for, all expenses incurred to maintain any license and certification required by Employer, or by local, state or federal law or regulation, as a condition of employment. Employees shall obtain written approval from the Employer prior to incurring expenses for which an Employee seeks reimbursement.

Section 13.15 Clothing Allowance

Employees shall receive on the first pay check after January 1 of each year of this Agreement Three Hundred and Fifty Dollar (\$350.00) for a clothing allowance.

Section 13.16 Green Lake/Blue Lake Tunnel Work

Employees who perform tunnel work at Green Lake or Blue Lake shall be paid 15% above the Employee regular rate of pay.

Section 13.17 Green Lake/Blue Lake Dam Ladder Access

Employees who utilize the dam ladders at Green Lake or Blue Lake shall be paid 15% above the Employee regular rate of pay.

Section 13.18 Cell Phone Policy

Any changes or adjustments to the Municipal Cell Phone Policy shall be negotiated with the Union prior to submission to the Municipal Assembly for approval.

Section 13.19 Other Compensation Issues Not Addressed

The parties recognize that there are other compensation issues may arise during the life of this agreement including but not limited to being assigned to be away from home overnight or out of town, assigned to fly in a fixed-wing aircraft or helicopter, work underneath helicopters, or work seventy (70) feet above the ground or tunnel work which constitute wages or terms and conditions of employment. The parties agree to bargain as required by law on such matters.

**ARTICLE 14
WAGE RATES**

Section 14.1

A. Effective July 1, 2016 the following shall be the hourly wage rates for each job classification listed.

General Foreman	\$50.84
Line Foreman	\$48.15
Journeyman Lineman	\$45.17
Senior Generation Facilities Mechanic	\$45.76
Meter Technician	\$45.17
Relay/Control Technician	\$45.17
Senior Power Plant Operator/System Dispatcher	\$45.17
Power Plant Operators/System Dispatcher	\$42.35
Generation Facilities Mechanics	\$42.35

B. Effective July 1, 2017, wage rates shall be increased by One Dollar (\$1.00) an hour.

C. Effective July 1, 2018, wage rates shall be increased by One Dollar (\$1.00) an hour.

Section 14.2 Relief workers in any of the job classifications in A above shall be paid at 80% of the designated wage rate.

Section 14.3 Apprentices in any of the job classifications set forth in A. shall be paid according to the following schedule.

Starting wage	50%
At the end of six months	55%
At start of second year	60%
At the end of 18 months	65%
At start of third year of service	70%
At the end of 30 months	75%
At start of fourth year	80%
After fourth year and completion of all testing for certification or license	100%

Section 14.4 Warehousepersons shall be paid according to the following schedule based on the Journeyman Lineman rate.

Starting wage	55%
At start of second year	65%
At start of third year of service	75%
At start of fourth year of service	85%
At start of fifth year of service	90%

Relief Warehousepersons 55% of Journeyman Lineman Rate

Section 14.5 Meter Reader positions shall be paid according to the following schedule based on the Journeyman Lineman rate.

Starting wage	45%
At start of second year	55%
At start of third year	65%

Relief Meter Reader 45% of Journeyman Lineman Rate

ARTICLE 15

GRIEVANCE-ARBITRATION PROCEDURES

Section 15.1 Having a desire to promote and maintain labor relations harmony, the parties agree that they will promptly attempt to adjust all complaints arising between them at the lowest possible level.

Section 15.2 Grievance Definition

A grievance shall be defined as an alleged violation of the Agreement and the following procedures shall be the sole and exclusive method of resolving such disputes. The Grievance-Arbitration procedure shall be available to all regular Employees. Probationary, relief, and NECA-Temps do not have access to the Grievance-Arbitration procedure, except for alleged pay violations under Article 14.

Section 15.3 Grievance Time Frames and Procedures

- A. Both parties are expected to comply with and follow the time frames and process set forth in this Section.
- B. Any grievance not filed according to the procedures described in this Section shall be deemed to have been waived and shall not be entitled to further consideration.
- C. For the purpose of this Article, "working days" shall mean Monday through Friday, excluding any holidays under this agreement.
- D. Posting by certified mail return receipt, by fax, or hand delivery within the time frame allotted will constitute satisfaction of time frame requirements.
- E. Time frames may be extended only by written agreement between the Employer and the Union.
- F. Steps
 1. Step One: The aggrieved Employee, with or without a Union Representative, or Union must meet with and discuss the grievance with the Employee's immediate supervisor within ten (10) working days of the event or the Employee's or Union's first knowledge of the event. The immediate supervisor shall prepare a written response within ten (10) working days after meeting with the Employee.
 2. Step Two: If satisfactory resolution is not reached at Step One, the grievance shall be reduced to writing and be filed by a Union Representative with the Department Head within ten (10) working days after the date of the supervisor's written response. The Union Representative, the Employee, and the Department Head may meet to discuss the grievance. The Department

Head shall respond in writing within ten (10) working days of the Step Two filing.

3. Step Three: If satisfactory resolution is not reached at Step Two, the grievance shall be submitted in writing to the CBS Administrator by the Union within ten (10) working days of the receipt of the Step Two grievance response. The Union Representative and the CBS Administrator may meet to discuss the grievance. The CBS Administrator shall respond in writing within fifteen (15) working days of the Step Three filing.
4. Step Four: If not satisfactorily resolved at Step Three, the Union may submit the grievance to final and binding arbitration within ten (10) working days following the receipt of the CBS Administrator's response.
 - a. The Employer and the Union shall attempt to agree on an Arbitrator within ten (10) working days.
 - b. If the parties are unable to agree on an Arbitrator, the Union shall request the Federal Mediation & Conciliation Service ("FMCS") to supply a list of thirteen (13) qualified Arbitrators from Alaska, California, Oregon, and Washington with a copy to the Employer.
 - c. Upon receipt of the arbitrator list, the parties shall alternate striking names from such list until the name of one (1) Arbitrator remains who shall be the Arbitrator. The party to strike the first name shall be determined by coin toss.
 - d. The Arbitrator shall be notified immediately of his or her selection by letter from the Employer with a copy to the Union requesting that a list of possible hearing dates. Upon receipt of the list of possible hearing dates, the parties will agree on a time for a hearing as soon as possible thereafter.
 - e. The Arbitrator's award shall be final and binding, subject to the limits of authority stated below. The parties shall use their best efforts to minimize the costs.

Section 15.4 Arbitration

A. The Arbitrator's function is to interpret the Agreement. The Arbitrator shall have no authority or power to add to, delete from, disregard, or alter any of the provisions of this Agreement, but shall be authorized only to interpret the existing provisions of this Agreement as they may apply to the specific facts of the issue(s) in dispute. The Arbitrator shall not substitute his or her own judgment for that of the Employer. Nothing in the Section precludes the parties from seeking an appropriate remedy from the Arbitrator.

B. The Arbitrator shall review procedural issues during the same proceeding as the underlying merits of the same grievance, unless agreed to otherwise by the parties. Either party may request and require the arbitrator to issue a ruling on the procedural arbitrability issues immediately upon the close of arguments on those issues. If the Arbitrator rules that the grievance is barred from further review because of procedural deficiencies, the Arbitrator will not review or rule on the underlying merits of the grievance.

C. The losing party, as determined by the Arbitrator, will be assessed the full cost of the Arbitrator fees and expenses. If the Arbitrator deems that there is no losing party, the Arbitrator may apportion the full cost as the Arbitrator sees fit. All other expenses shall be borne by the party incurring them, and neither party shall be responsible for the expenses of witnesses called by the other party, except that witnesses who are Employees of the Employer shall be paid by the Employer for normal working time spent testifying at the hearing.

ARTICLE 16 SENIORITY

Section 16.1 Seniority

The Employee having the longest term of unbroken service in the job classification represented by the Union shall be number one (1) on the seniority list within that job classification. All other Employees shall be listed in descending order.

Section 16.2 Termination of Seniority

The seniority of an Employee will terminate under any of the following conditions:

- A. When a regular Employee is laid off, except that if that Employee is re-employed as a regular Employee and his service break is twelve (12) months or less, seniority will accrue uninterrupted to original date of hire;
- B. when the Employee resigns; or
- C. when the Employee is discharged for just cause.

Section 16.3 Layoff

A. Should layoffs become necessary due to lack of work or lack of funds or any other operational reason, seniority by job classification as described below shall prevail regarding such layoffs except for NECA Temps. Job classifications for layoff purposes are as follows:

- Journeyman linemen;
- Control Wiring/Relay Technicians;
- Warehouse Department;
- Meter Techs & Readers;
- Power Plant Mechanics;
- Power Plant Operators

B. NECA Temps shall be laid off in reverse book order and reverse order within book by hire date.

C. Layoffs shall occur in the following order

1. NECA Temps
2. Probationary Employees
3. Regular Employees.

D. If a probationary or regular Employee is laid off, the Employee shall be given the first opportunity to work relief. There shall be no obligation to work relief by the Employee.

ARTICLE 17

PERFORMANCE EVALUATIONS

On or within thirty (30) working days after an Employee's anniversary date, the immediate supervisor outside the bargaining unit shall evaluate the performance of the Employee. After review and approval by the Utility Director, the supervisor will discuss the evaluation with the Employee privately. The Employee may provide written comments or a rebuttal to be attached to the evaluation. The final evaluation, with any Employee comments or rebuttal shall be filed in the Employee's personnel file located in Human Resources. Evaluations may be subject to review through the grievance procedure but not subject to arbitration.

ARTICLE 18

DISCIPLINE AND DISCHARGE

Section 18.1 No regular Employee shall be disciplined or discharged except for just cause.

Section 18.2 The Employer retains the sole discretion to determine the level or order of discipline to be issued in any given case. However, whenever possible, the Employer shall utilize progressive discipline to correct workplace misconduct or improve poor performance. Progressive discipline steps shall, include but not be limited to, written reprimand, suspension without pay, demotion, or discharge.

Section 18.3 The Employer shall provide a copy of all disciplinary notices to the Employee and Union.

Section 18.4 Resignation

Any Employee resigning his or her position shall give at least two (2) weeks written notice to the Department Head. At the Employer's option, the Employee may be paid two weeks full pay and benefits and allowed to leave employment immediately.

ARTICLE 19

BENEFITS

Section 19.1 Retirement

- A. All regular Employees shall be eligible to participate in the Alaska Public Employees Retirement System (PERS).
- B. Employees shall continue to participate in the State of Alaska Supplemental Benefit System (SBS).
- C. Nothing in this Section precludes the parties from further discussing or negotiating a transition from PERS to the Alaska Electrical Pension Fund during the life of this Agreement.

Section 19.2 Alaska Electrical Legal Plan

Within ninety days of the effective date of this Agreement, Employees will have the opportunity to participate in the Alaska Electrical Legal Plan. Upon notice from the Union that an Employee has elected to participate, the Employer shall deduct and remit fifteen cents (\$0.15) from the Employee's net pay for each compensable hour not to exceed forty (40) hours per week to the Alaska Electrical Legal Fund.

Section 19.3 Life Insurance

The Employer will provide life insurance benefits for regular Employees, subject to plan eligibility requirements. Additional life insurance benefits may be purchased by the Employees at their own expense.

Section 19.4 Health and Welfare

The Employer will make available to all regular Employees a health insurance plan, subject to plan eligibility requirements. The Employer shall pay 90% of the cost of coverage for the Employee and their dependents.

Section 19.5 IBEW Hardship and Benevolent Fund ("IHBF")

The Employer shall deduct from Employee's net pay five cents (\$0.05) per compensable hour. The Employer shall deduct and remit those funds in accordance with the IHBF plan.

Article 20

PERSONNEL POLICIES

The City's Personnel Policies Handbook as adopted by Ordinance does not apply to any Employee covered by this Agreement unless specifically referenced otherwise in this Agreement or as listed below. If the Employer recommends changes to the Handbook after the effective date of this Agreement, the Union will be provided a copy of the proposed changes before submission to the Assembly. Upon request, the parties will meet to negotiate the proposed changes if such changes impact the wages, hours, and terms and conditions of employment of the Employees covered by this Agreement. Where a specific provision of the Personnel Policies directly conflicts with a specific provision contained in a section of this Agreement, as it may apply to any Employee covered by this Agreement, the provisions of this Agreement shall prevail.

Section 20.01 Nepotism

No employee may be employed in a position supervised by another family member. If an employee and their supervisor should marry, the Employer shall elect which employee may continue with the department and which employee shall terminate or transfer, if other positions are available. Family members for purposes of this paragraph, shall include spouse, father, mother, brother, sister, child and the same relationship by in-law.

Section 20.02 Personal Business

An employee is expected to conduct personal business outside the employee's work hours. Personal calls during the employee's work hours are discouraged. Breaks, meal periods, and leave are available for an employee to use for personal business.

Section 20.03 Anti-Harassment Policy

All employees covered by this Agreement shall be expected to comply with the City's Sexual Harassment and Anti-Harassment Policy found in Attachment D of the Personnel Policies Handbook.

Section 20.04 Email and Internet Policy

All employees covered by this Agreement shall be expected to comply with the City's E-Mail and Internet Policy found in Attachment E of the Personnel Policies Handbook.

Section 20.05 Other Employment

Occupations or outside activity, which are incompatible with employment with the City or adversely affects the performance of the employee's job duties with the City are prohibited.

Section 20.06 Gifts and Gratuities

An employee shall not accept a gift, gratuity, consideration or extraordinary favor for any person doing business or likely to do business with the City and shall immediately report to their Department Head any offer, promise or suggestion that such a gift be made. This prohibition does not apply to the giving of ceremonial gifts of nominal value or gifts received from an employee's family or ordinary circle of friend when not offered for an actual or perceived conflict of interest.

Section 20.07 Training

Each Department Head shall develop and conduct such practical training programs as are suited to the special requirements for the Department. Training programs shall particularly emphasize accident prevention, employee safety and public relations.

Section 20.08 Travel

Travel by any employee covered by this Agreement shall be paid consistent with Section 19 of the Personnel Policies Handbook.

Section 20.09 Drug and Alcohol Policy

All employees covered by this Agreement shall be expected to comply with the City's Drug and Alcohol Policy found in Section 24 of the Personnel Policies Handbook.

ARTICLE 21

GENERAL PROVISIONS

Section 21.1

This Agreement sets forth all of the terms, conditions and understandings negotiated between the parties for the life of this Agreement except as provided in Section 21.2 below.

Section 21.2 Letters of Agreement

No subsequent alternation, amendment, change or addition to this Agreement shall be binding on the parties hereto unless reduced to writing and signed by them in the form of a Letter of Agreement.

Section 21.3 Severability

Should it be decided by decree of judgment of any court of competent jurisdiction or by mutual agreement of the parties that any article, section or provision herein is rendered invalid by reason of any existing or subsequently enacted statute, ordinance or other law, the invalidation of such article, section or provision will not affect the remaining portions hereof and such other parts and provisions will remain in full force and effect. Upon the invalidation of any article, section or provision hereof, the parties will meet and negotiate the parts and provisions concerned within thirty (30) days from the date the fact of such invalidation is communicated to them; provided, however, that the parties may mutually agree to extend the time for such negotiations.

Section 21.4 Entire Agreement

The parties acknowledge that during the negotiations which resulted in this Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any subject matter not removed by law from the area of collective bargaining and that the understandings and agreements arrived at by the parties are set forth in this Agreement. The parties further understand that they have agreed to meet and confer about any subjects relating to this Agreement and other matters of mutual concern during the term of this Agreement when requested. However, nothing in this Section obligates a party to reach agreement or to change this Agreement with respect to any subject or matter specifically referred to or covered by this Agreement. This Agreement replaces and supersedes all prior oral and written understandings, agreements, and policies otherwise referred to or covered by this Agreement and concludes all collective bargaining for the duration of the Agreement. Nothing in this Section relieves either party of their legal obligation to bargain in good faith with respect to mandatory subjects of bargaining.

Section 21.5 Assignability

This Agreement shall be binding upon the successors and assigns of the parties hereto, and no provisions, terms or obligations herein contained shall be affected, modified, altered, or changed in any respect whatsoever by the consolidation, merger, sale, transfer, or assignment of either party, or of any kind of ownership or management of either party, or by any change, geographic or otherwise, in the location or place of business of either party.

ARTICLE 22 **SUBCONTRACTING**

- A. The Employer retains the right to contract and subcontract work at the Utility.
- B. The Employer may utilize qualified contractors for electrical or communication work, whether new or maintenance work, who have a collective bargaining agreement or letter of assent with the Union, so long as the use of such contractors furthers the Employer's fiscal responsibility and safety for the citizens and rate payers of the community.

This Agreement is entered into on this _____ day of _____, 2016

Mark Gorman
Municipal Administrator

Mike Hodsdon
IBEW
Business Manager/Financial Secretary

Kimberly K. Gearity,
Chief Negotiator

Dave Reaves
Assistant Business Manager

Mark Danielson
Human Resources Director

Rodney Hesson
Assistant Business Manager

Max Russell
IBEW Negotiation Team Member

Adam Charleton
IBEW Negotiation Team Member

**Letter of Agreement
Between the
International Brotherhood of Electrical Workers, Local 1547
And the
City and Borough of Sitka, Alaska**

**RE: Wage Rate for Employee in Meter Reader Job Classification
During Term of 2016-2019 Agreement**

The parties understand and agree that the following shall be the wage rates for the individual incumbent employees in the Meter Reader job classification effective July 1, 2016.

Levi Albertson Meter Reader	\$29.80 per hour
--------------------------------	------------------

No other adjustments shall be made to the wage rates for these employees effective July 1, 2016. The Employee will be eligible for the negotiated wage rate adjustment on July 1, 2017 and July 1, 2018, if still employed in those job classifications on that date.

The parties agree and understand that this is a wage rate adjustment contrary to the schedules found in Article 14.4 and Article 14.5 for this job classification. This letter shall expire at the end of the 2016-2019 Agreement or if the job classification is vacated by the incumbent, whichever is earlier. Any new hires shall be paid according to the schedules found in Article 14.

Mark Gorman
Municipal Administrator
City and Borough of Sitka

Mike Hodsdon
Business Manager/Financial Secretary
IBEW, Local 1547



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 16-140 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 8/2/2016 In control: City and Borough Assembly
On agenda: 8/9/2016 Final action:
Title: Approve a final plat for a major subdivision filed by Global Positioning Services, Inc. for Alaska State Land Survey No. 2015-06. The property, owned by the State of Alaska Department of Natural Resources, is located on Lisianski Peninsula and Nakwasina Sound.

Sponsors:

Indexes:

Code sections:

Attachments: [Major Subdivision Plat ASLS 2015-06.pdf](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

POSSIBLE MOTION

I MOVE TO approve a final plat for a major subdivision filed by Global Positioning Services, Inc. for Alaska State Land Survey No. 2015-06 as approved by the Planning Commission. Owner of record is the State of Alaska Department of Natural Resources.

Note: Assembly review and approval is required for major subdivisions per Sitka General Code 21.32.180



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

To: Mayor McConnell and Members of the Assembly
Mark Gorman, Municipal Administrator

From: Samantha Pierson, Planner I
Maegan Bosak, Planning and Community Development Director *MB*

Subject: Final Subdivision Plat – Nakwasina Sound Subdivision

Date: July 22, 2016

The final subdivision plat for the Nakwasina Sound Subdivision is on the Assembly agenda for approval. The Planning Commission approved the final plat during the June 21, 2016 meeting on a 5-0 vote.

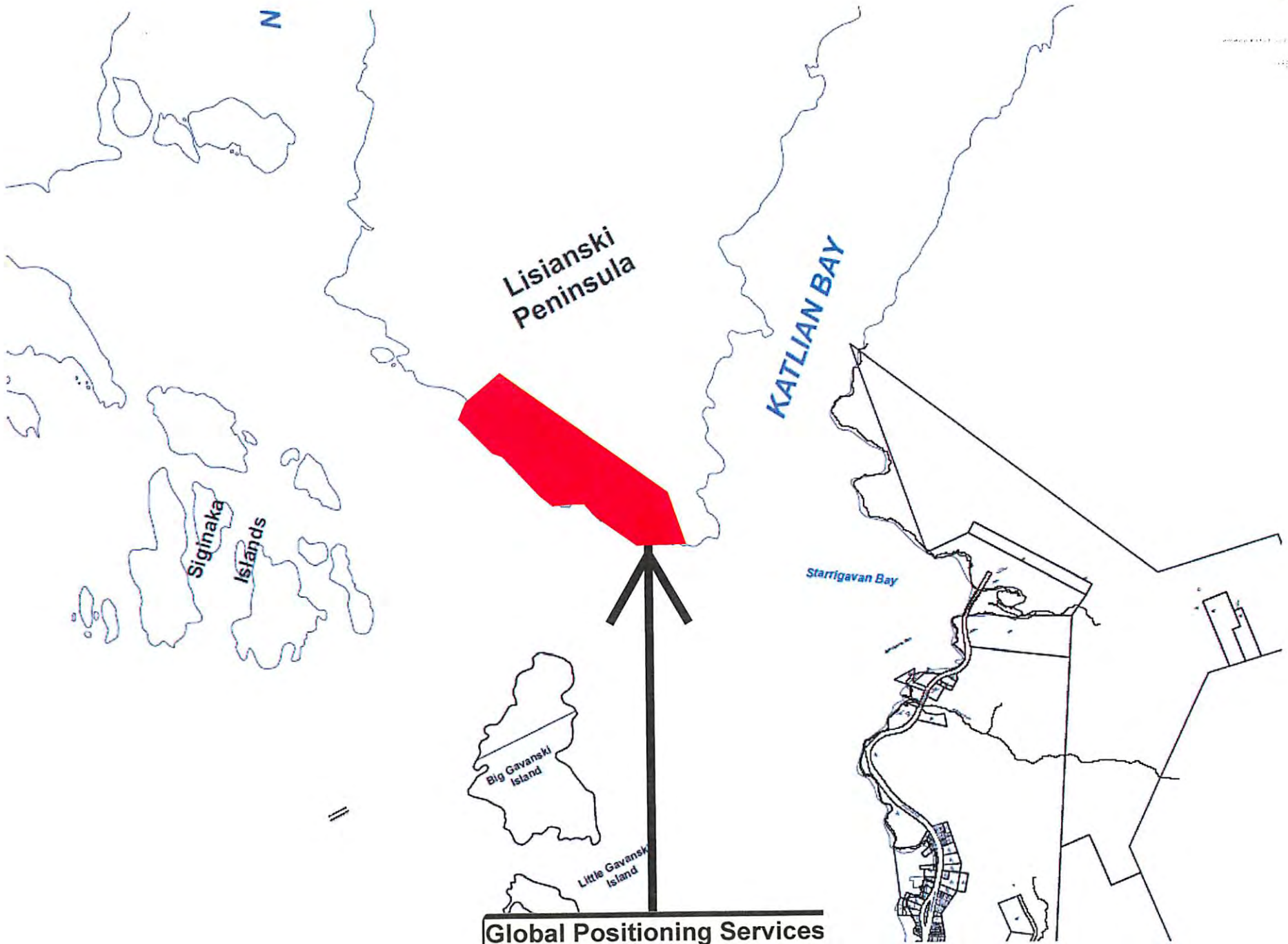
Global Positioning Services is requesting approval of a final plat for a major subdivision of ASLS 15-06 on behalf of the State of Alaska Division of Natural Resources. ASLS 15-06 consists of 122.35 acres. The subdivision would result in 18 lots and 1 tract. The 18 lots, ranging in size from 4.29 to 9.94 acres, would be made available for sale to the public for recreational use. The lots would be accessed via water, and would not have municipal utility services.

Property owners and the public will access Lisianski Peninsula via the waterfront. The subdivision includes a platted 50 foot public access easement along the waterfront border, which will preserve public access.

Public Works has stated no concern for drainage issues, and is unaware of landslide activity in the vicinity. There will be no dedicated public right-of-way, drainage, or public utilities. Private sewer systems will be required to be permitted by CBS Building Department and Alaska Department of Environmental Conservation.

The land is currently not zoned. The Planning Commission has recommended OS Open Space zoning for the subdivision. Consideration of the zoning assignment will be on a separate agenda item.

Recommended Action: Approve the final plat as approved by the Planning Commission.



Global Positioning Services
Major Subdivision Request
ASLS 2015-06 - Lisianski
Peninsula

Mineral Map C.R.M., T. 54 S., R. 63 E.

Alaska Mapper

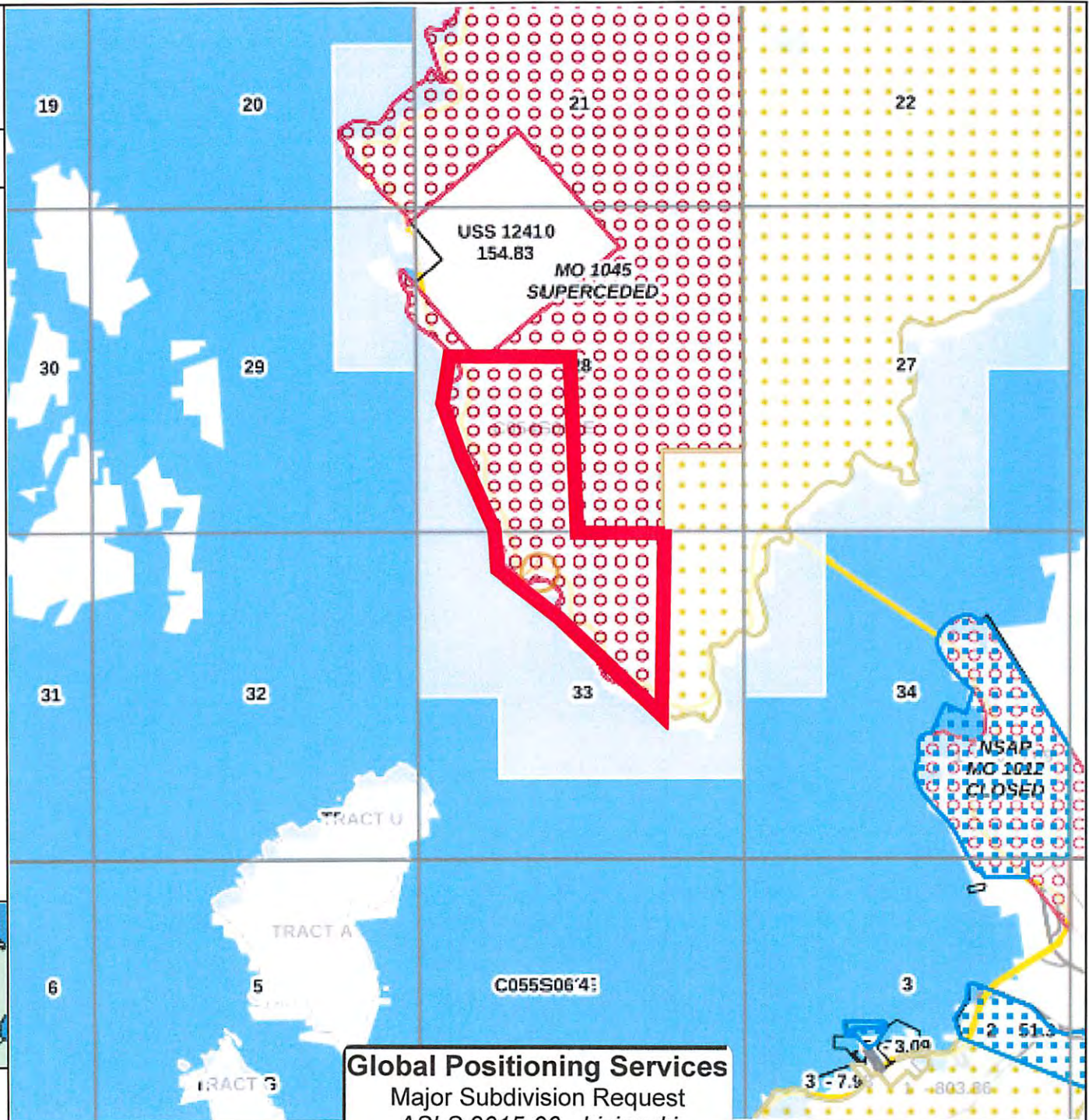
Spherical Mercator WGS 84 - EPSG:3857

2,000 ft

- PLSS Sections
- Agrmnt, Sttlmnt, Rcnvynce
- Agrmnt, Sttlmnt, Rcnvynce
- Agrmnt, Sttlmnt, Rcnvynce
- APMA
- Federal Mining Claims
- Federal Actions
- Federal Actions
- Lease Hold
- Lease Hold
- Management Agreement
- Management Agreement
- Mental Health Trust Land
- Mineral Order
- Native Allotment
- Other Acquired Land
- Other Acquired Land
- Permit or Lease
- Permit or Lease
- State Claims
- Prospecting Site
- State Selected
- Tentatively Approved or Patented
- Tentatively Approved or Patented
- Well Site
- Boroughs
- Recording Districts
- Survey Boundary
- Survey Boundary
- Survey Boundary
- Township



GRAPHIC ILLUSTRATION ONLY.
SOURCE DOCUMENT REMAINS THE OFFICIAL RECORD.
Date Created: Wednesday, April 15, 2015
Created By: edkleweno

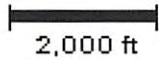


Global Positioning Services
Major Subdivision Request
ASLS 2015-06 - Lisianski
Peninsula

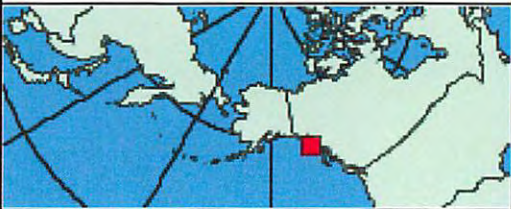
Ownership Map C.R.M., T. 54 S., R. 63 E.

Alaska Mapper

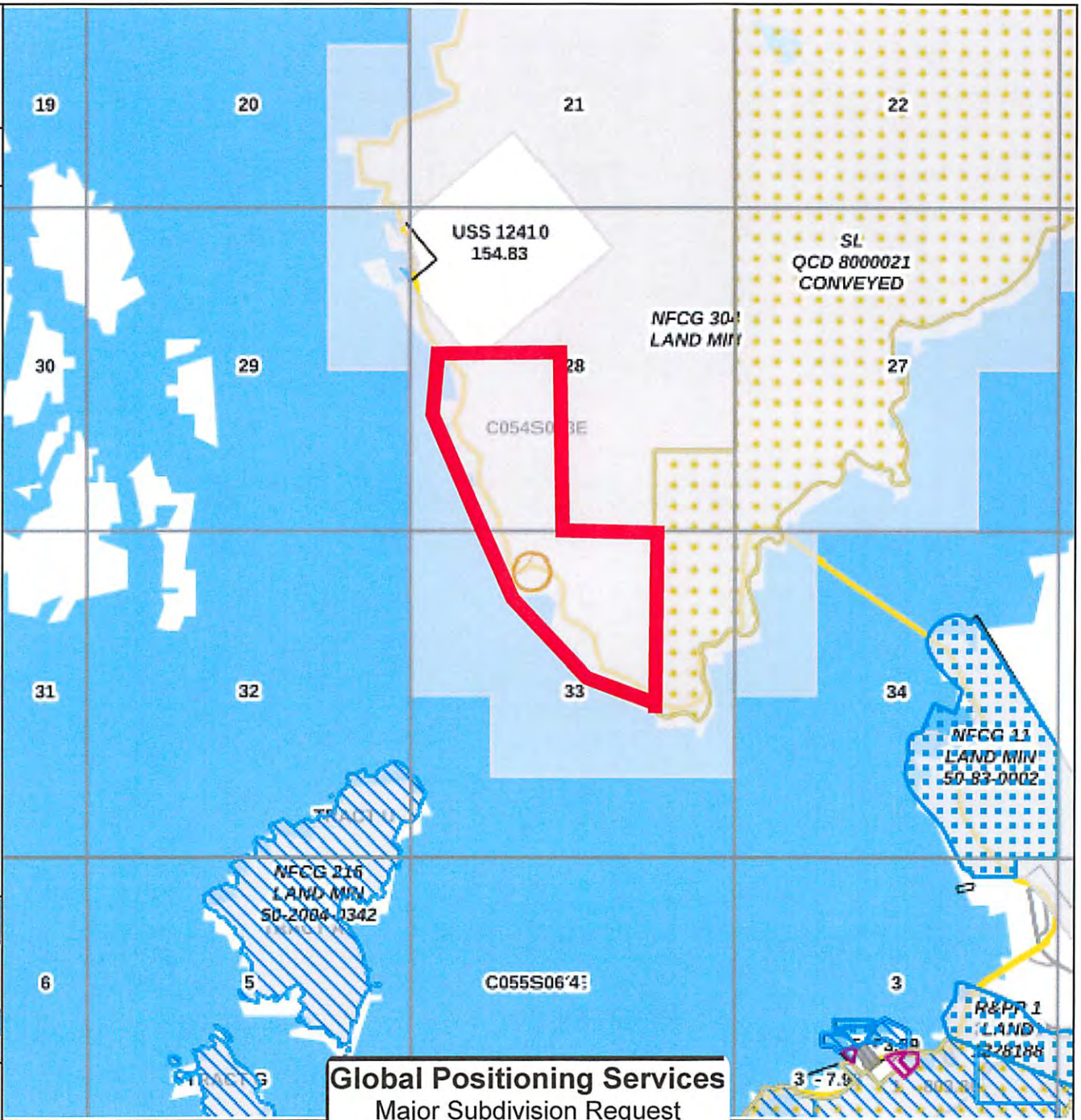
Spherical Mercator WGS 84 - EPSG:3857



- PLSS Sections
- Agrmnt, Sttlmnt, Rcnvynce
- Agrmnt, Sttlmnt, Rcnvynce
- Agrmnt, Sttlmnt, Rcnvynce
- Federal Actions
- Federal Actions
- Land Disposal Conveyed
- Land Disposal Conveyed
- Land Disposal Conveyed
- Management Agreement
- Management Agreement
- Mental Health Trust Land
- Municipal Entitlement
- Municipal Tideland
- Native Allotment
- Other Acquired Land
- Other Acquired Land
- OSL 490 School Trust Land-Other Acquired Lands
- RS2477
- State Selected
- State Selected
- State Tentative Approval or Patent
- State Tentative Approval or Patent
- School Trust Lands-St Tentative App or Patent
- Boroughs
- Recording Districts
- Survey Boundary
- Survey Boundary
- Survey Boundary
- Township



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SOURCE DOCUMENT REMAINS THE OFFICIAL RECORD.
Date Created: Wednesday, April 15, 2015
Created By: edkleweno



Global Positioning Services
Major Subdivision Request
ASLS 2015-06 - Lisianski
Peninsula

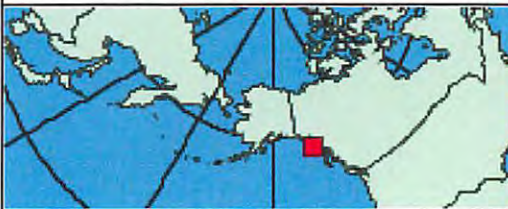
TOPO C.R.M., T. 54 S., R. 63 E.

Alaska Mapper

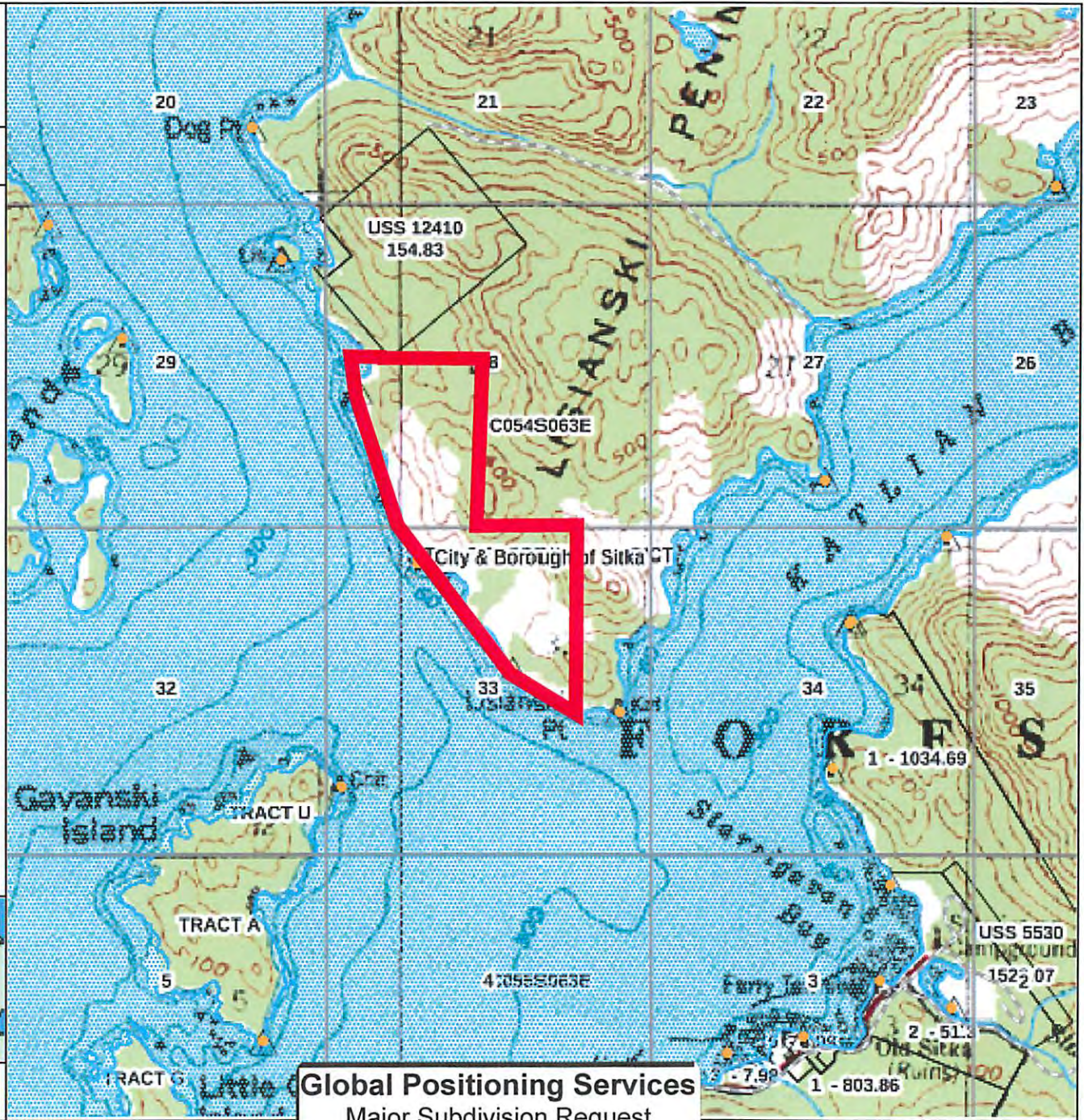
Spherical Mercator WGS 84 - EPSG:3857



- PLSS Sections
- Alaska Seaward Boundary
- ASB - Disputed
- BLM Monument
- Boroughs
- Incorporated Cities
- Control Monuments
- Hydrology
- Hydrology
- Airstrips
- Airstrips
- Electrical
- Highways
- Pipeline
- Railroad
- Secondary Roads
- Telephone
- Trails
- National Geodetic Survey
- Township
- Recording Districts
- Survey Boundary
- Survey Boundary
- Survey Boundary



GRAPHIC ILLUSTRATION ONLY.
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Date Created: Wednesday, April 15, 2015
Created By: edkleweno

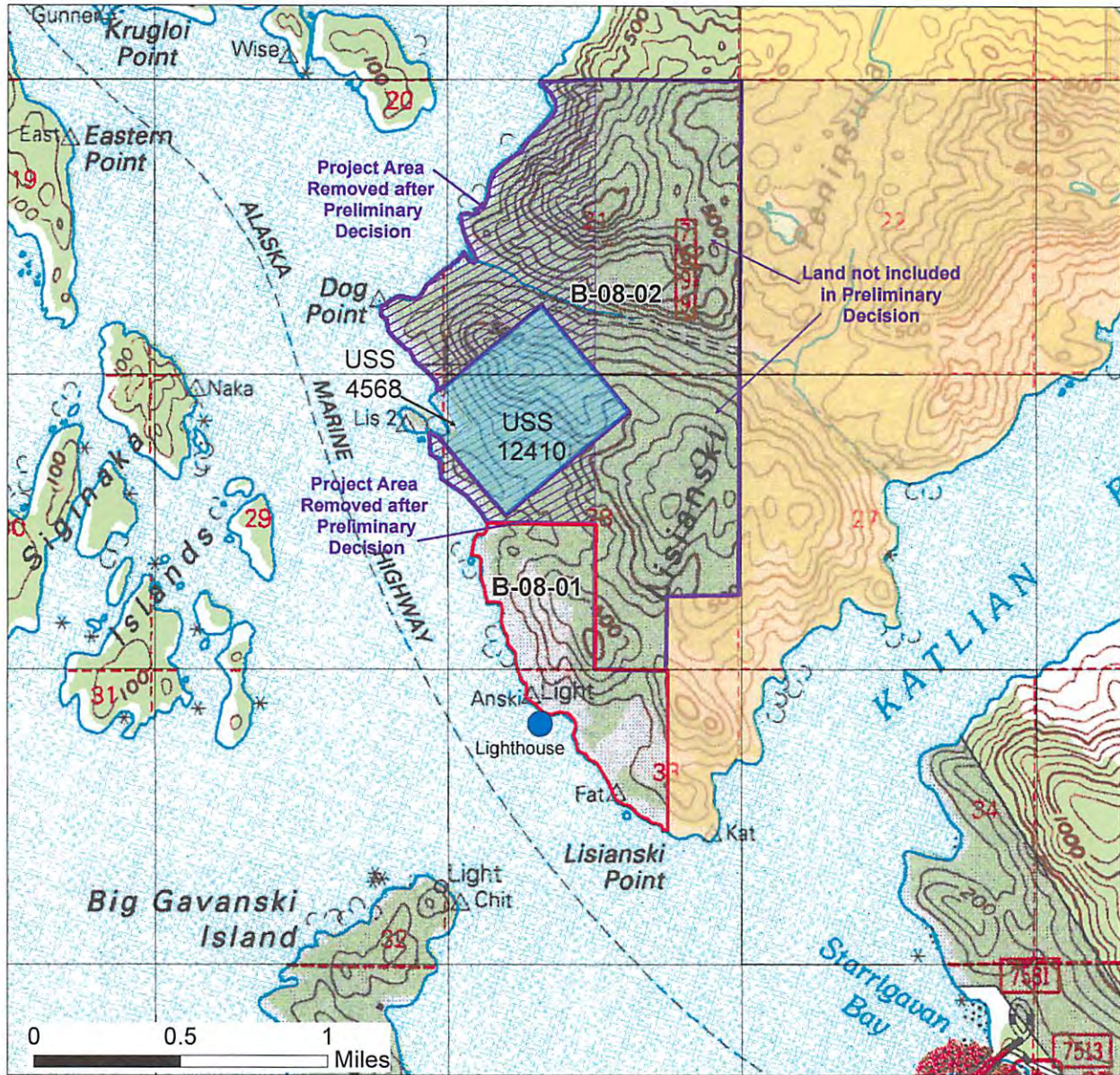


Global Positioning Services
Major Subdivision Request
ASLS 2015-06 - Lianski
Peninsula



Attachment 1- Amended Vicinity Map

to the Final Finding and Decision for a
Proposed Land Offering in the City and Borough of Sitka
Nakwasina Sound Subdivision - ADL - 108062

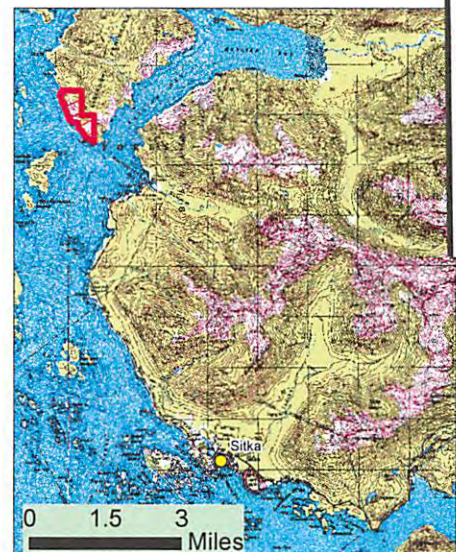
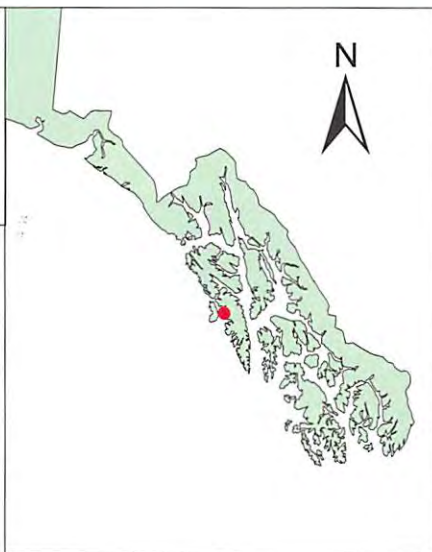


hbf 1/20/2015

- Private Property
- B-08-02 Area
- Removed from Project Area
- Project Area, B-08-01
- Mental Health Trust Land

USGS Quad 1:63,360
Sitka A-5
For more information, contact:
Blair French
State of Alaska - DNR
Division of Mining, Land, and Water
3700 Airport Way
Fairbanks, AK 99709
Phone: (907)451-3011
FAX: (907)451-2751
Email: subdivisionsales@alaska.gov

This map is for graphic representation only. It is intended to be used as a guide only, and may not show the exact location of all existing easements, reservations, and third party interests.



Global Positioning Services
Major Subdivision Request
ASLS 2015-06 - Lisianski Peninsula

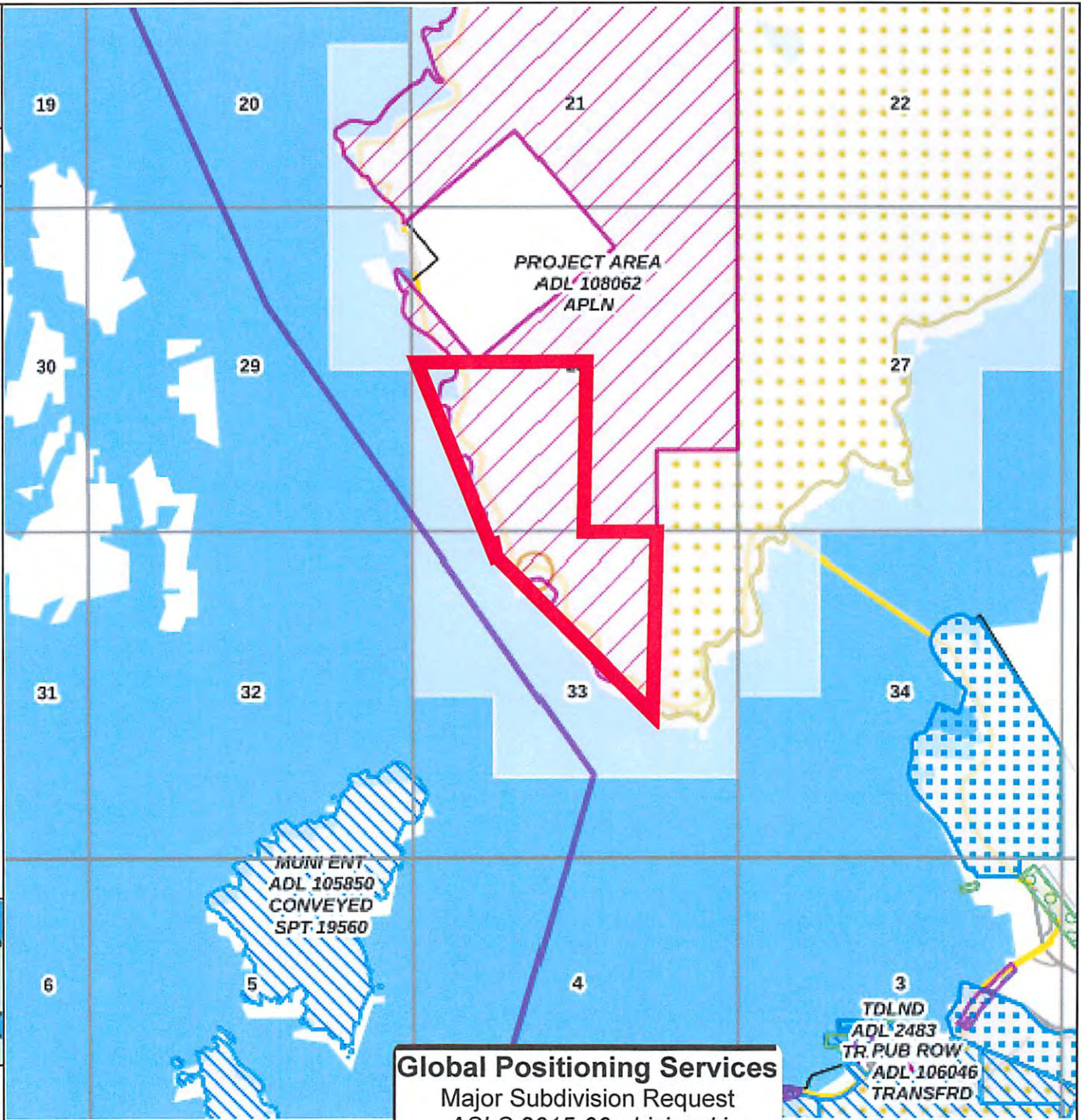
Land Estate C.R.M., T. 54 S., R. 63 E.

Alaska Mapper

Spherical Mercator WGS 84 - EPSG:3857

2,000 ft

- Land Disposal Other
- Land Disposal Other
- Land Disposal Other
- Easements
- Easement
- Easement
- Easement
- PLSS Sections
- Other Activities
- Other Activities
- Other Activities
- Agrmnt, Sttlmnt, Rcnvynce
- Agrmnt, Sttlmnt, Rcnvynce
- Agrmnt, Sttlmnt, Rcnvynce
- Agrmnt, Sttlmnt, Rcnvynce
- Permit or Lease
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Global Positioning Services
Major Subdivision Request
ASLS 2015-06 - Lisianski Peninsula

GRAPHIC ILLUSTRATION ONLY.
SOURCE DOCUMENT REMAINS THE OFFICIAL RECORD.
Date Created: Wednesday, April 15, 2015
Created By: edkleweno

PARTIALLY SURVEYED TOWNSHIP 54 SOUTH RANGE 63 EAST OF THE COPPER RIVER MERIDIAN, ALASKA

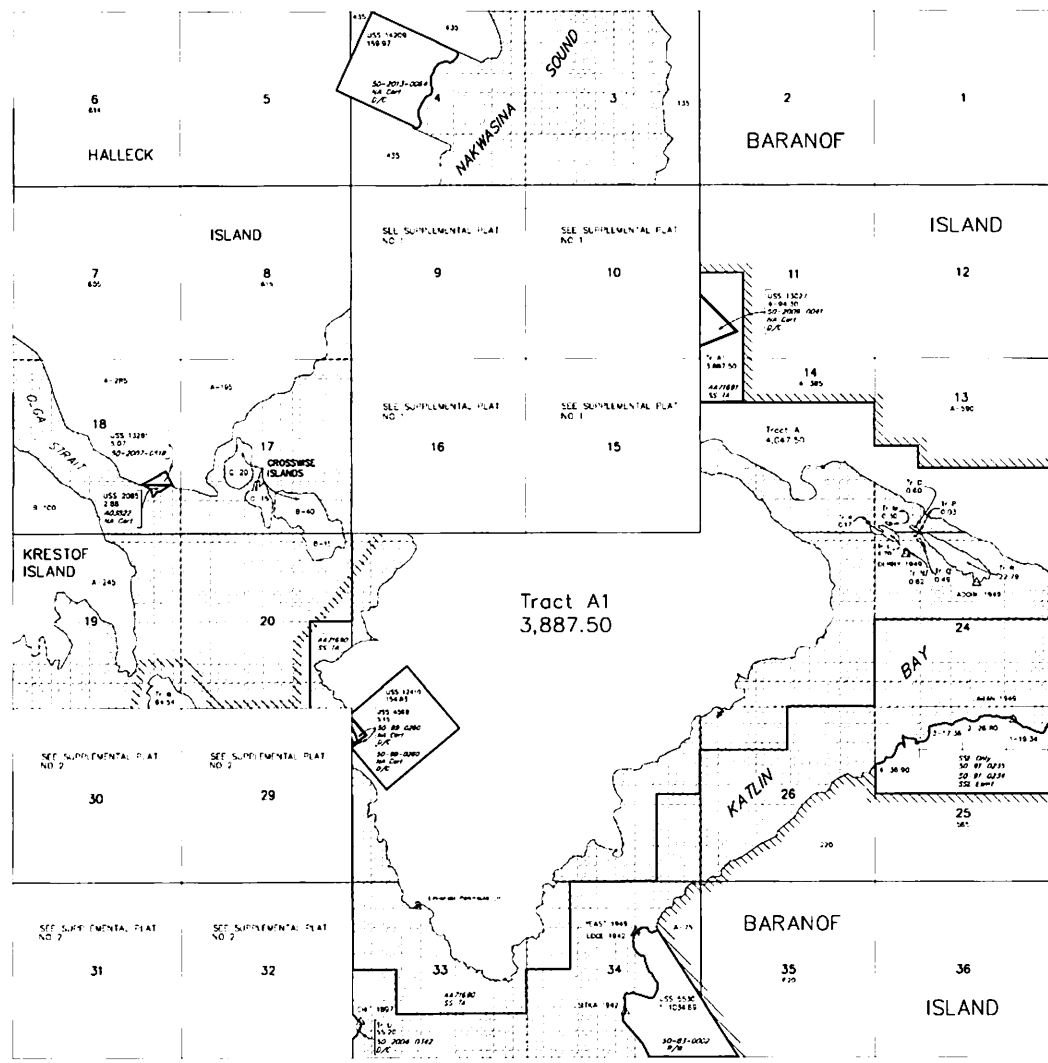
PROTRACTION DIAGRAM NO. C14-6 OFFICIALLY FILED 3/24/1960

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
DERTAKEN LANDS WITHDRAWN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

Progress Not entered to _____
Motions #/A Spec 29,30 admitted by USGS SWS A-3
US Survey 12410, approved 5/4/2009, affects
patented lots #/A sections 1, 21, 28, 29



Lot 1 51°09'37.56"N
Long 135°08'36.48"W

SCALE 1" = 400 FT
15 10 5 0 5 10 15

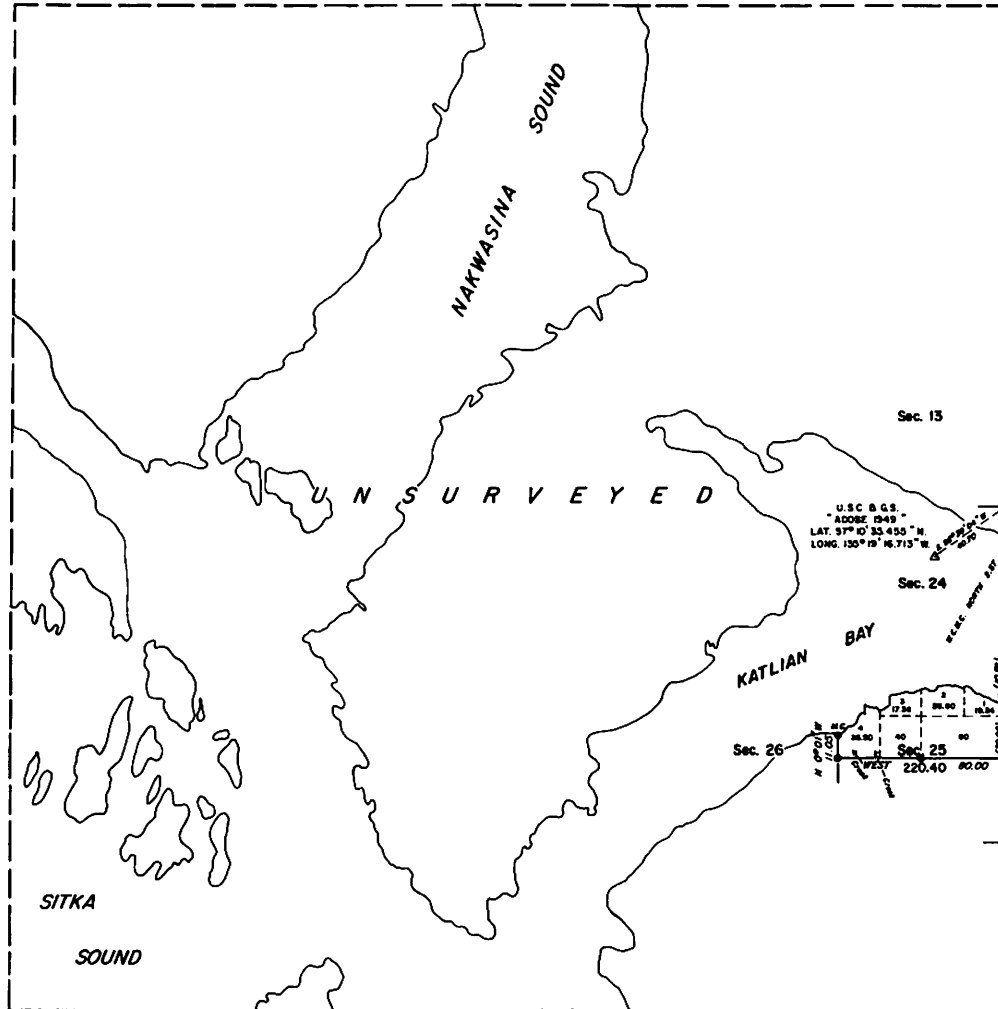
Warning:
This map is the Bureau's record of Title and should be used
only as a graphic index of the Township Survey data. It
does not constitute a deed or conveyance and may be
affected by subsequent actions of other landowners or
other laws of the State or Federal Government.

CURRENT TO	CR Mer
3-27-2013	T 54 S
	R 63 E

ACAD

Global Positioning Services
Major Subdivision Request
ASLS 2015-06 - Lisianski
Peninsula

TOWNSHIP 54 SOUTH, RANGE 63 EAST, OF THE COPPER RIVER MERIDIAN, ALASKA



This plat and field notes represent the survey of a portion of the subdivisional lines and partial subdivision of section 25, and the meanders of Katlian Bay through section 25, Township 54 South, Range 63 East, Copper River Meridian, Alaska. A portion of the subdivisional lines were surveyed by protraction as shown on this plat.

This survey was executed by Robert T. Kean, Registered Land Surveyor for Kean and Associates, July 23, 1984 through August 27, 1984, in accordance with the Manual of Surveying Instructions, 1973, Special Instructions for Group No. 413, Alaska, dated November 30, 1982, approved December 7, 1983, and Contract No. TA-551-CTA-340030, dated May 17, 1984.

The hydrography on this plat identifies the meanders along the ordinary high tide line of water bodies segregated from the land areas. The meanders are photogrammetrically interpreted and digitized from rectified aerial photography flown in August 1984, and July 1985, by North Pacific Aerial Surveys, Anchorage, Alaska.

This survey encompasses all land, including islands, islets, and rocks, above the line of mean high tide which were in existence at the time of survey whether or not they are shown on this plat.

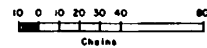
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage, Alaska

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Laurie A. ... *May 1, 1986*
Date

Deputy State Director for Cadastral Survey, Alaska



Area Surveyed: 220.40 Acres

Global Positioning Services
Major Subdivision Request
ASLS 2015-06 - Lisianski
Peninsula

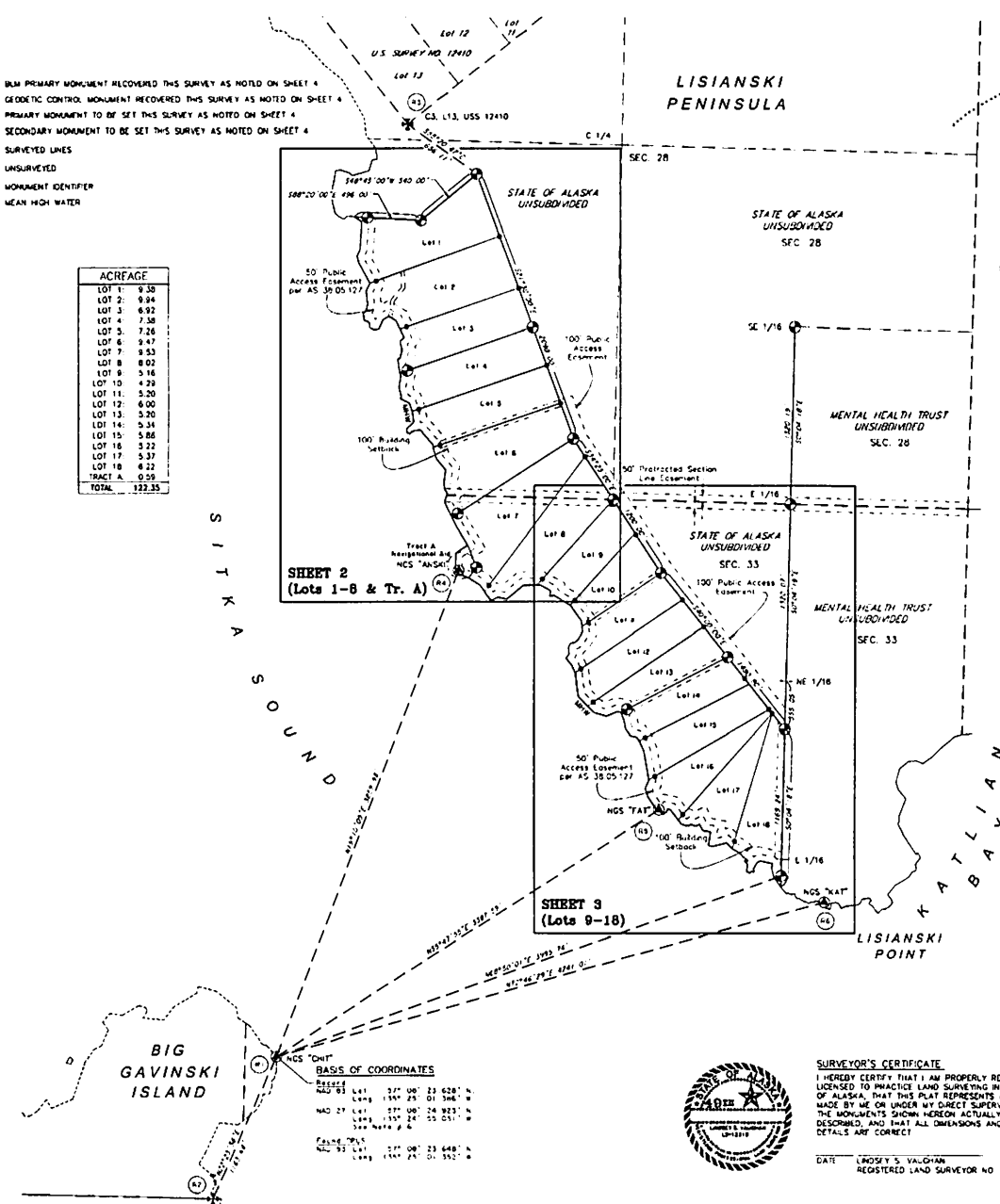
NOTES

- THIS SURVEY WAS ACCOMPLISHED IN ACCORDANCE WITH AS 38.04.045, CSC 807, AND SS 2015-06.
- ALL BEARINGS SHOWN ARE TRUE BEARINGS AS OPPOSED TO HORIZONTAL BEARINGS.
- THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000, AND/OR CORNER POSITIONS HAVE A RELATIVE POSITIONAL ACCURACY AT THE 95 PERCENT CONFIDENCE LEVEL OF 0.13 FEET PER 100 FEET.
- ALL PARCELS OF LAND OWNED BY THE STATE OF ALASKA, LOCATED WITHIN 50.00 FEET OF, OR BISECTED BY A SURVEYED OR PROTRACTED SECTION LINE, ARE SUBJECT TO A 50-FOOT (50') EASEMENT, ON EACH SIDE OF THE SECTION LINE, WHICH IS RESERVED TO THE STATE OF ALASKA FOR PUBLIC HIGHWAYS UNDER A.S. 19.10.010.
- THE BASIS OF BEARING FOR THIS PLAT WAS DETERMINED BY HIGH PRECISION GLOBAL NAVIGATION SATELLITE TECHNOLOGY IN MARCH 2011 (EPOCH 2010.000) DATA, USING TRIMBLE R6 AND R6 CARRIER PHASE RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED USING TRIMBLE BUSINESS CENTER SOFTWARE, VERSION 2.11. LOCAL PLANE BEARINGS ARE ORIENTED TO TRUE GEODETIC NORTH AT NATIONAL GEODETIC SURVEY CONTROL MONUMENT "OH" (MONUMENT #1) OF THIS SURVEY.
- THE SHOWN RECORD COORDINATES ARE FROM NATIONAL GEODETIC SURVEY, NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION CONTROL MONUMENT "OH". THIS MONUMENT IS DESIGNATED IN 1 OF THIS SURVEY. THESE COORDINATES WERE FIELD AND USED TO COMPUTE THE PROTRACTED POSITIONS OF THE RECTANGULAR (SECTION, QUARTER & SIXTEENTH) CORNERS THE FOUND MARCH 2011 COORDINATES (LAT/LONG) ARE BASED ON AN OBLIQUE SOLUTION (EPOCH 2010.000) FOR NGS "OH" AND USED FOR VERIFICATION ONLY OF THE LOCATION. THE COORDINATES WERE CONSTRAINED TO THE NATIONAL SPATIAL REFERENCE SYSTEM USING THE CONTROL POINT STATIONS: MONTALEKANKA2005 CORS AMP (PD 0648495), JUNEAU WAAS 1 CORS AMP (PD 0643667), AND CARMICHAELK2007 CORS AMP (PD 0647445).
- THE NATURAL MEANDERS OF THE LINE OF MEAN HIGH WATER (MHW) FORM THE TRUE BOUNDS OF LOTS 1-19 AND TRACT A. THE APPROXIMATE LINE OF MHW AS SHOWN IS FOR AREA COMPUTATIONS ONLY, WITH THE TRUE CORNERS BEING ON THE EXTENSION OF THE SIDELINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.
- THERE IS A 100-FOOT WIDE BUILDING SETBACK FROM THE MEAN HIGH WATER LINE OF SITKA SOUND.
- ALASKA REGISTERED LAND SURVEYORS AND THEIR EMPLOYEES HAVE ACCESS RIGHTS FOR SURVEY PURPOSES TO NGS MONUMENTS "ANSKY", "TAT" AND THEIR RELIANCE OBJECTS. THE OWNER OR SUCCESSOR IN TITLE SHALL PROVIDE ACCESS TO AND PRESERVE THE LOCATION OF THE MONUMENTS AND REFERENCES.
- THE MUNICIPALITY IS PARTY TO ALL EASEMENTS AND PLAT NOTES. THEY SHALL NOT BE WOOLDED WITHOUT APPROVAL OF THE PLATING BOARD.

LEGEND:

- ⊕ SURVEYED LINES
- UNSURVEYED
- ⊙ MONUMENT IDENTIFIER
- MEAN HIGH WATER

ACREAGE	
LOT 1:	9.30
LOT 2:	9.94
LOT 3:	6.92
LOT 4:	7.58
LOT 5:	7.26
LOT 6:	9.47
LOT 7:	8.53
LOT 8:	8.02
LOT 9:	5.16
LOT 10:	4.39
LOT 11:	5.20
LOT 12:	6.00
LOT 13:	5.20
LOT 14:	5.34
LOT 15:	5.86
LOT 16:	5.22
LOT 17:	5.37
LOT 18:	6.22
LOT 19:	0.58
TRACT A:	0.58
TOTAL:	122.35



CERTIFICATION OF APPROVAL BY THE PLANNING COMMISSION
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH PLANNING COMMISSION, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. _____ AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE _____ CHAIRMAN, PLANNING COMMISSION
 SECRETARY _____

CERTIFICATION OF PAYMENT OF TAXES
 STATE OF ALASKA (FIRST JUDICIAL DISTRICT)
 I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ACTING ASSESSOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN THE NAME OF _____ AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL. THAT CURRENT TAXES FOR THE YEAR _____ WILL BE DUE ON OR BEFORE _____.

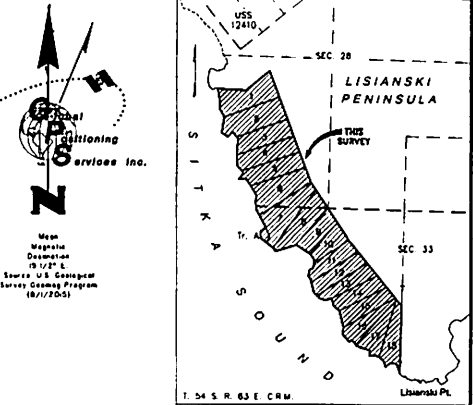
DATED THIS _____ DAY OF _____, 20____ AT SITKA, ALASKA.
 ASSESSOR _____

CERTIFICATE OF APPROVAL BY THE ASSEMBLY
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA, AND THAT SAID PLAT HAS BEEN APPROVED BY THE ASSEMBLY AS RECORDED IN MY FILE BOOK _____ PAGE _____ DATED _____ AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE _____ MAYOR _____
 MUNICIPAL CLERK _____

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT
 I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ACTING FINANCE DIRECTOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF _____ AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.I.D.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS _____ DAY OF _____, 20____ AT SITKA, ALASKA.
 FINANCE DIRECTOR _____
 CITY AND BOROUGH OF SITKA _____



CERTIFICATE OF OWNERSHIP AND DEDICATION
 I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE DIRECTOR, DIVISION OF MINING, LAND AND WATER AND THAT THE STATE OF ALASKA IS THE OWNER OF ASLS 2015-06, AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT FOR THE STATE OF ALASKA, AND DEDICATE FOR PUBLIC OR PRIVATE USE AS NOTED. ALL EASEMENTS, PUBLIC UTILITY AREAS, AND RIGHTS-OF-WAY AS SHOWN AND DESCRIBED HEREON.

DATE _____
 BRETT W. COODRUM, DIRECTOR
 DIVISION OF MINING, LAND AND WATER
 350 W 7TH AVE, SUITE 1070
 ANCHORAGE, AK 99501-3578

NOTARY'S ACKNOWLEDGEMENT
 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20____.
 FOR: _____

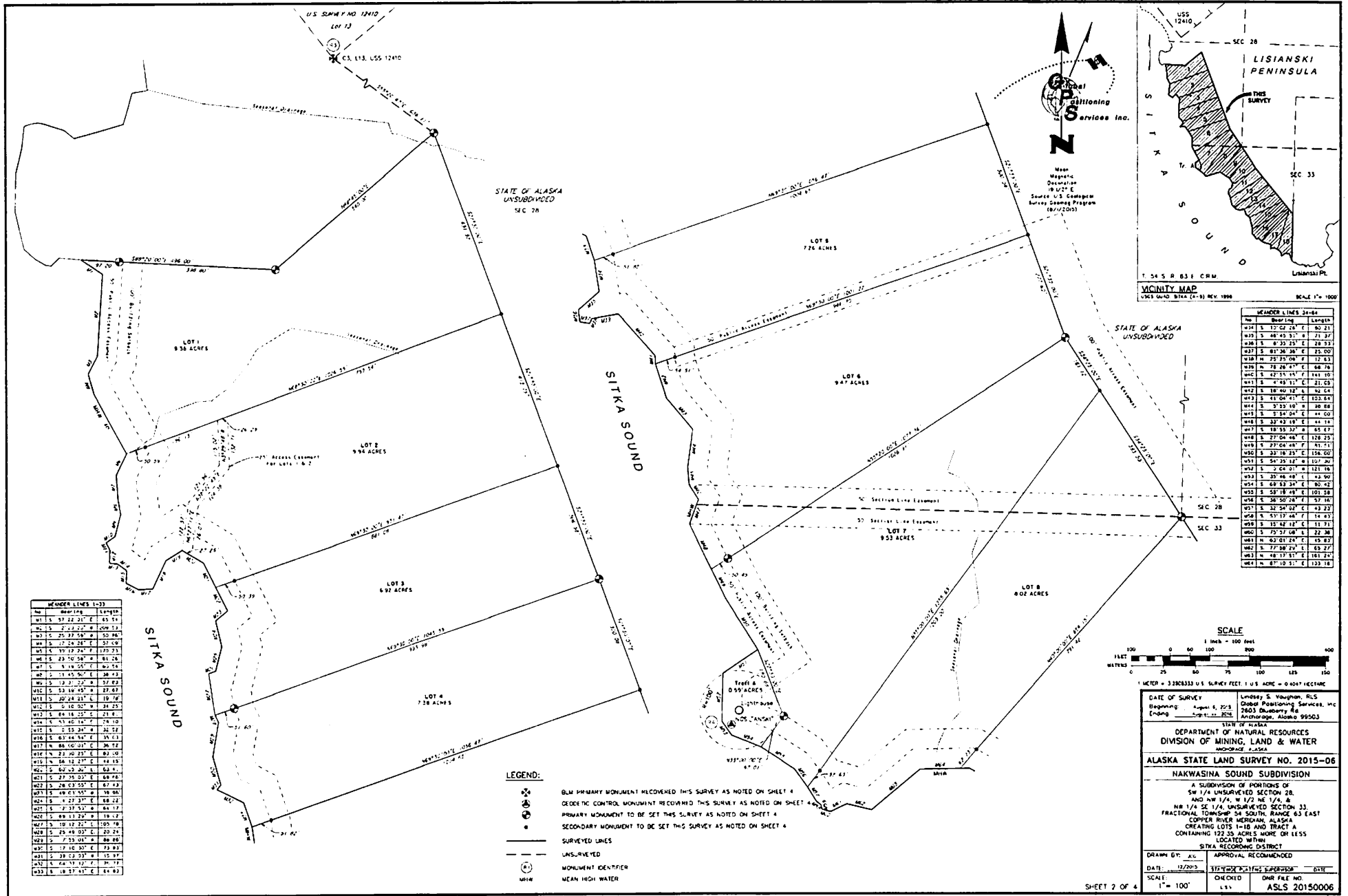
NOTARY PUBLIC FOR ALASKA
 BY COMMISSION EXPIRES _____



SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE _____
 LINDSEY S. VAUGHAN
 REGISTERED LAND SURVEYOR NO. 15-12316

DATE OF SURVEY Beginning: August 4, 2015 Ending: August 11, 2015		Lindsay S. Vaughan, RLS Chief Positioning Services, Inc. 2803 Blueberry Rd Anchorage, Alaska 99503	
STATE OF ALASKA DEPARTMENT OF MINING, LAND & WATER ANCHORAGE, ALASKA			
ALASKA STATE LAND SURVEY NO. 2015-06 NAKWASINA SOUND SUBDIVISION			
A SUBDIVISION OF PORTIONS OF SW 1/4 UNSURVEYED SECTION 28, AND NW 1/4, N 1/2 NE 1/4, & NR 1/4 SE 1/4, UNSURVEYED SECTION 33, FRAGMENTAL TOWNSHIP 54 SOUTH, RANGE 63 EAST COPPER RIVER MERIDIAN, ALASKA CREATING LOTS 1-18 AND TRACT A CONTAINING 122.35 ACRES MORE OR LESS LOCATED WITHIN SITKA RECORDING DISTRICT			
DRAWN BY: JCC	APPROVAL RECOMMENDED		
DATE: 12/20/15	DATE: _____		
SCALE: 1" = 400'	CHECKED: LLS	DNR FILE NO.:	ASLS 20150006

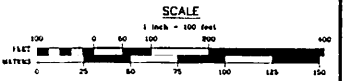


Line	Bearing	Length
M1	S 37 22 21" E	85.54
M2	S 7 13 22" E	209.53
M3	S 25 32 58" E	152.86
M4	S 17 24 28" E	57.67
M5	S 19 12 24" E	129.23
M6	S 23 10 28" E	81.26
M7	S 19 52 57" E	60.54
M8	S 11 45 50" E	38.43
M9	S 12 21 52" E	57.62
M10	S 53 16 45" E	32.63
M11	S 20 24 23" E	19.78
M12	S 0 16 02" E	34.23
M13	S 84 18 55" E	21.81
M14	S 53 40 14" E	74.10
M15	S 2 15 24" E	32.52
M16	S 63 14 54" E	35.13
M17	S 84 10 03" E	36.52
M18	S 21 10 23" E	82.10
M19	S 84 12 23" E	14.13
M20	S 62 5 24" E	62.71
M21	S 22 19 53" E	48.84
M22	S 28 03 55" E	67.43
M23	S 49 03 55" E	38.86
M24	S 1 23 20" E	158.22
M25	S 2 37 53" E	84.17
M26	S 89 13 29" E	19.12
M27	S 19 12 24" E	109.78
M28	S 29 48 53" E	20.24
M29	S 7 53 04" E	86.86
M30	S 17 16 30" E	73.83
M31	S 28 53 23" E	35.77
M32	S 44 19 52" E	35.77
M33	S 19 17 41" E	64.83

LEGEND:

- BLM PRIMARY MONUMENT RECOVERED THIS SURVEY AS NOTED ON SHEET 4
- GEODETIC CONTROL MONUMENT RECOVERED THIS SURVEY AS NOTED ON SHEET 4
- PRIMARY MONUMENT TO BE SET THIS SURVEY AS NOTED ON SHEET 4
- SECONDARY MONUMENT TO BE SET THIS SURVEY AS NOTED ON SHEET 4
- SURVEYED LINES
- UNSURVEYED LINES
- MONUMENT IDENTIFIER
- MEAN HIGH WATER

Line	Bearing	Length
M34	S 12 02 26" E	30.21
M35	S 48 43 31" E	21.87
M36	S 47 35 25" E	28.53
M37	S 87 38 00" E	25.00
M38	S 23 25 04" E	12.63
M39	S 78 26 47" E	68.76
M40	S 27 51 11" E	144.15
M41	S 4 49 11" E	21.65
M42	S 18 40 12" E	42.64
M43	S 41 04 47" E	103.64
M44	S 3 23 40" E	1 08.88
M45	S 5 54 04" E	44.00
M46	S 32 43 18" E	11.14
M47	S 18 53 27" E	65.87
M48	S 27 04 44" E	128.23
M49	S 27 04 44" E	41.21
M50	S 23 18 25" E	154.00
M51	S 54 23 17" E	160.21
M52	S 2 04 21" E	121.16
M53	S 23 46 48" E	42.90
M54	S 62 33 17" E	80.21
M55	S 58 18 44" E	101.58
M56	S 38 50 24" E	57.14
M57	S 32 54 52" E	43.23
M58	S 33 17 47" E	14.83
M59	S 32 42 12" E	11.71
M60	S 23 27 08" E	22.38
M61	S 43 01 24" E	45.87
M62	S 77 08 20" E	63.27
M63	S 48 17 51" E	181.24
M64	S 87 10 51" E	133.18



METER = 3.280833 U.S. SURVEY FEET 1 U.S. ACRE = 0.4047 HECTARE

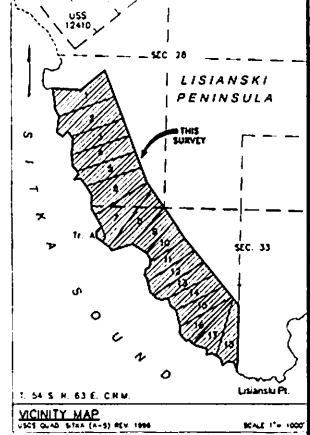
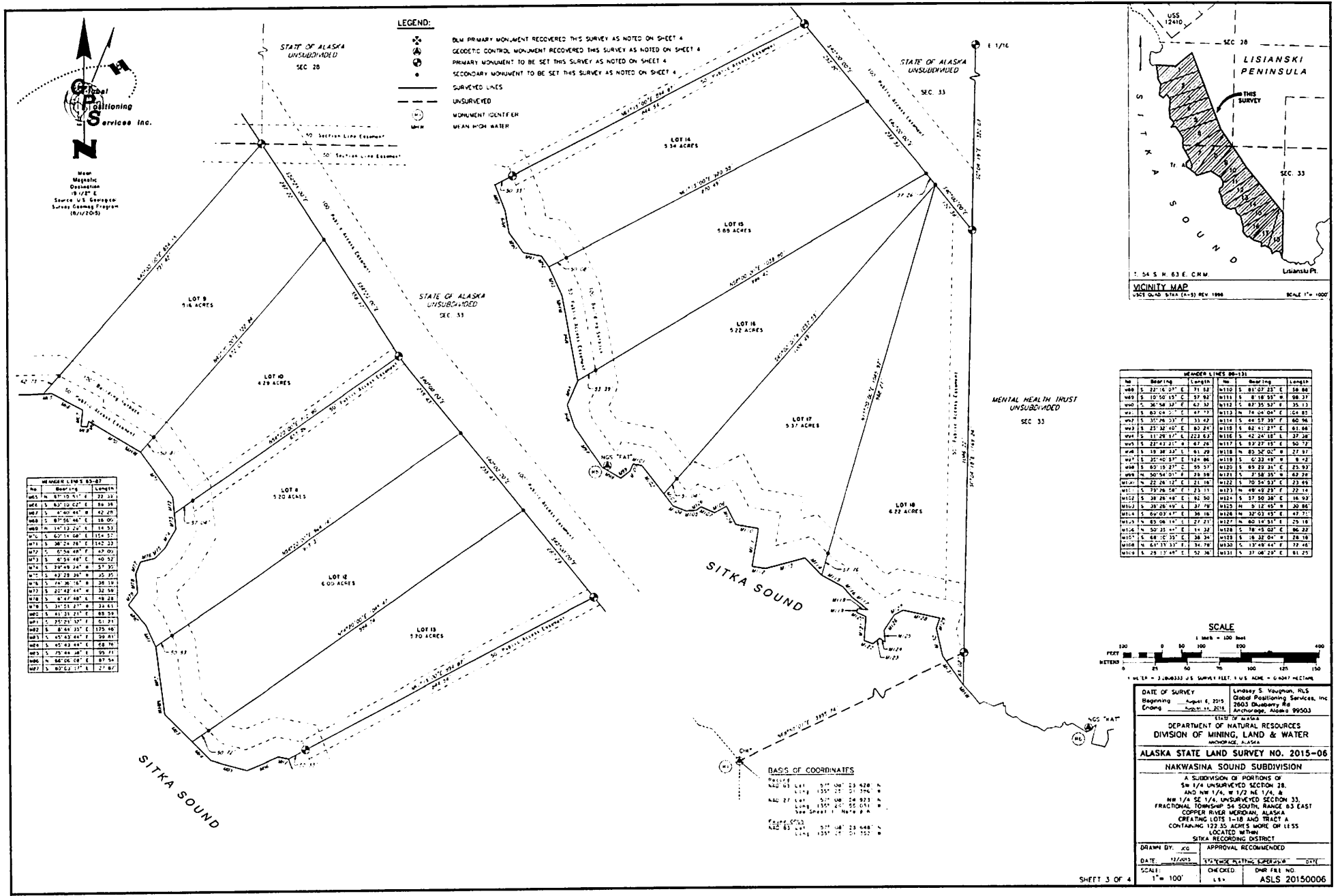
DATE OF SURVEY: August 5, 2015
 Beginning: 2403 Dumberry Ave Anchorage, Alaska 99503
 Ending: 2503 Dumberry Ave Anchorage, Alaska 99503

DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF MINING, LAND & WATER
 ANCHORAGE, ALASKA

ALASKA STATE LAND SURVEY NO. 2015-06
 NAKWASINA SOUND SUBDIVISION

A SUBDIVISION OF PORTIONS OF SW 1/4 UNSURVEYED SECTION 28 AND NW 1/4, NE 1/2 NE 1/4, & NE 1/4 SE 1/4 UNSURVEYED SECTION 33, FRACTIONAL TOWNSHIP 54 SOUTH, RANGE 63 EAST COPPER RIVER MERIDIAN, ALASKA CREATING LOTS 1-18 AND TRACT A CONTAINING 122.35 ACRES MORE OR LESS LOCATED WITHIN SITKA RECORDING DISTRICT

DRAWN BY: JAC APPROVAL RECOMMENDED
 DATE: 12/20/15
 SCALE: 1" = 100' CHECKED: DNR FILE NO. ASLS 20150006

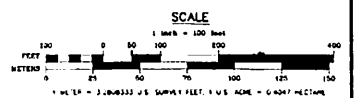


MONUMENT LINES 88-87		
No.	Bearing	Length
M1	S 87°10'31" E	22.33
M2	S 62°10'02" E	80.38
M3	S 4°00'44" W	42.29
M4	S 87°56'46" E	18.06
M5	S 14°13'24" E	14.53
M6	S 62°14'08" E	154.57
M7	S 38°24'28" E	134.23
M8	S 62°54'48" E	49.02
M9	S 6°54'48" E	40.92
M10	S 29°49'24" E	57.95
M11	S 42°28'36" E	22.95
M12	S 74°36'12" E	28.18
M13	S 25°42'44" W	32.58
M14	S 67°48' E	40.28
M15	S 15°51'27" E	33.63
M16	S 41°31'27" E	85.94
M17	S 25°23'37" E	81.21
M18	S 8°44'33" E	172.46
M19	S 45°43'44" E	29.81
M20	S 45°43'44" E	68.78
M21	S 25°44'38" E	95.71
M22	S 44°06'08" E	87.94
M23	S 82°62'17" E	27.87

MONUMENT LINES 88-13					
No.	Bearing	Length	Length		
M24	S 22°16'07" E	171.82	M110	S 81°07'25" E	58.88
M25	S 10°50'15" E	57.82	M111	S 8°18'35" W	98.27
M26	S 36°54'39" E	42.32	M112	S 82°35'27" W	25.13
M27	S 82°04'55" E	49.79	M113	S 78°04'04" E	124.85
M28	S 35°24'53" E	33.42	M114	S 44°57'35" E	60.96
M29	S 25°32'40" E	80.247	M115	S 82°41'27" E	81.64
M30	S 11°28'57" E	122.837	M116	S 42°28'18" E	37.285
M31	S 22°43'21" E	42.24	M117	S 53°27'15" E	50.737
M32	S 19°38'33" E	61.29	M118	S 85°52'02" W	27.937
M33	S 35°40'37" E	124.86	M119	S 62°34'49" W	8.427
M34	S 62°19'24" E	95.917	M120	S 83°22'31" E	23.832
M35	S 50°54'01" E	23.867	M121	S 2°58'35" W	43.221
M36	S 22°28'12" E	21.187	M122	S 70°54'57" E	23.493
M37	S 72°24'54" E	23.117	M123	S 48°48'23" E	22.147
M38	S 28°28'48" E	142.50	M124	S 57°50'28" E	18.927
M39	S 38°28'48" E	31.78	M125	S 51°45' W	20.86
M40	S 60°07'47" E	35.187	M126	S 32°03'45" E	47.757
M41	S 83°04'15" E	27.217	M127	S 40°14'51" E	25.18
M42	S 52°35'11" E	14.32	M128	S 78°15'02" E	86.227
M43	S 64°15'35" E	36.347	M129	S 18°32'04" E	28.18
M44	S 67°33'37" E	34.787	M130	S 15°48'44" E	72.447
M45	S 28°13'48" E	52.78	M131	S 37°08'25" E	81.25

BASIS OF COORDINATES
 NAD 83 L1 577 047 23 428 N
 NAD 83 L2 1357 25 27 194 W
 NAD 2011 L1 807 448 28 823 N
 L1 1557 02 25 015 W
 True Spheroid 1 Meter GRS

Project Code
 NAD 83 L1 577 047 23 428 N
 L1 1357 25 27 192 W



DATE OF SURVEY
 Beginning August 6, 2015
 Closing August 11, 2015

FIELD NOTES
 Lindsey S. Vaughan, RLS
 Global Positioning Services, Inc.
 2603 Broadway Rd
 Anchorage, Alaska 99503

STATE OF ALASKA
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF MINING, LAND & WATER
 ANCHORAGE, ALASKA

ALASKA STATE LAND SURVEY NO. 2015-06
NAKAWASINA SOUND SUBDIVISION

A SUBDIVISION OF PORTIONS OF
 SW 1/4 UNSURVEYED SECTION 28,
 AND NW 1/4, W 1/2 NE 1/4, &
 NW 1/4 SE 1/4, UNSURVEYED SECTION 33,
 FRACTIONAL TOWNSHIP 54 SOUTH, RANGE 03 EAST
 COPPER RIVER MERIDIAN, ALASKA
 CREATING LOTS 1-18 AND TRACT A
 CONTAINING 122.35 ACRES MORE OR LESS
 LOCATED WITHIN
 SITKA RECORDING DISTRICT

DRAWN BY: JCO **APPROVAL RECOMMENDED**
DATE: 12/01/15 **STATE OF ALASKA** **DATE:** 01/16/16

SCALE: 1" = 100' **CHECKED:** LLS **DNR FILE NO.:** ASLS 20150006

SHEET 3 OF 4

RECOVERED MONUMENTS

82

Recovered a 3/8" dia. steel pipe with the rock in a drilled hole with the rock from which.
 Reference monuments of record exist and are in good condition.
 Monument is located on the top of a steep rock ledge a few feet above the top of mean high tide. There is a negotiating area within a few feet of the monument sitting on top of the ledge.



Recovered a Stainless Steel Post 7/12" dia. with a 3/4" dia. brass cap. Marked as "Steel" set high with rock, from which.
 Existing trees at record are plus in good condition. If's were not measured due to a steep slope and extensive clearing to make measurement possible. However, bearings were in agreement with records.
 SW 2nd Spruce with double 1/2" dia. metal No. 257 brass cap 3" dia.

83



Recovered a Stainless Steel Post 7/12" dia. with a 3/4" dia. brass cap. Marked as "Steel" set high with rock, from which the original bearing was taken.
 2 cedar 1 1/2" dia. beams No. 277 C, 2 1/2 ft. dist. with no regular section marks.
 (Records N. 32 1/4° E. 2 10 ft.)
 4 spruce 7" dia. diam. beams 5" x 1 1/2" x 10 1/2 ft. dist. with no regular section marks.
 (Record N. 42 1/4° E. 19 85 ft.)

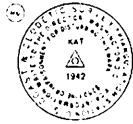
84



Recovered a Bronze Disk. Marked as "Iron" set in concrete in a plan that has been changed and from which.
 Reference monuments of record were located and are in good condition.

85

Found NGS FAP on 2" dia. white rock at top of steep rise from which.
 One of two reference monuments of record were located. Other not found due to safety hazard.
 The monument location was not suitable for instrument setup.



Recovered a Bronze Disk. Marked as "Iron" set in concrete in a hole about 1' from which.
 Reference monuments of record were located and in good condition.

TYPICAL SET PRIMARY MONUMENT

TYPICAL SET SECONDARY MONUMENT



Set a 3 1/2" Aluminum Cap on a 2 1/2" Aluminum Post 30" Long in the ground with a wooden or an Orange Plastic cap at the base of the monument. Locate the hole next to the hole.



Set a 3 1/2" Aluminum Cap on a 2 1/2" Aluminum Post 30" Long in the ground with a wooden or an Orange Plastic cap at the base of the monument. Locate the hole next to the hole.

DATE OF SURVEY Beginning August 6, 2015 Ending August 22, 2015	Lindsey S. Vaughan, M.S. Global Positioning Services, Inc. 2603 Blueberry Rd Anchorage, Alaska 99503
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND & WATER ANCHORAGE, ALASKA	
ALASKA STATE LAND SURVEY NO. 2015-06	
NAK WASINA SOUND SUBDIVISION	
A SUBDIVISION OF PORTIONS OF SW 1/4 UNSURVEYED SECTION 28, AND NW 1/4, W 1/2 NE 1/4, & NW 1/4 SE 1/4 UNSURVEYED SECTION 33, FRACTIONAL TOWNSHIP 54 SOUTH, RANGE 63 EAST COPPER RIVER MERIDIAN, ALASKA CREATING LOTS 1-18 AND TRACT A CONTAINING 122.35 ACRES MORE OR LESS LOCATED WITHIN SIKA RECORDING DISTRICT	
DRAWN BY: KC	APPROVAL RECOMMENDED
DATE: 12/20/15	STATE ENGINEERING LICENSE NO. 5174
SCALE: 1" = 100'	CHECKED: DNR FILE NO. ASLS 20150006



CITY AND BOROUGH OF SITKA

Minutes

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Tamie (Harkins) Parker Song
Debra Pohlman
Randy Hughey

Tuesday, June 21, 2016

7:00 PM

Sealing Cove Business Center

I. CALL TO ORDER AND ROLL CALL

Chair Spivey called the meeting to order at 7:00 PM. All commissioners were present.

II. CONSIDERATION OF THE AGENDA

Chair Spivey stated that items K, N, and O were pulled from the agenda.

III. CONSIDERATION OF THE MINUTES

A Approval of the minutes from the June 7, 2016 meeting.

Pohlman/Windsor moved to APPROVE the June 7, 2016 minutes. Motion PASSED 5-0.

IV. REPORTS

B Planning Regulations and Procedures.

C Annual report for a short-term rental at 1601 Davidoff Street granted to Ali Clayton. No action required.

D Annual report for a conditional use permit for a short term rental at 713 Lake Street filed by Chris Balovich and Shelly Vaughn. No action required.

V. THE EVENING BUSINESS

E Public hearing and consideration of a variance request filed by Peter Thielke for 722 Bioraka Street, in the R-1 residential zone. The request is for the reduction of the easterly front setback from 20 feet to 6 feet, and the reduction of the southerly rear setback from 10 feet to 0 feet for the relocation of a shed. The property is also known as a fractional portion of Lot 13, Block 14, U.S. Survey 1474, Tract A, identified on the deed as Parcel 2. The application is filed by Peter Thielke. The owner of record is Peter L. Thielke.

Scarcelli explained the request. The proposal would move the existing shed structure toward conformity by moving it further inside the property lines. Hughey asked about requiring the applicant to consolidate the lots, and Scarcelli replied that it is not necessary at this time because the applicant is not building new structures but moving an existing structure toward conformance.

Peter Thielke represented his application via phone. Thielke said that the building is an eyesore. Thielke reported that city officials told his parents that the city would move the building during a Jeff Davis improvement project, but a worker cut off an encroaching portion instead of moving it. Thielke said he has no plans for footings or a slab. Thielke stated that he wants to finish the building to match the house.

Spivey stated that this is fixing a nonconformity. Pohlman stated comfort with at least a 1 inch setback.

Windsor/Hughey moved to APPROVE the required findings for major structures and expansions as discussed in the staff report.

Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, specifically, the small lot size, and two front and two rear setbacks;
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, specifically, the ability to fully utilize a pre-existing structure;
- c) That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels, or public infrastructure, specifically, by relocating a structure further away from city infrastructure; and
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan: specifically, the modified variance is in line with Comprehensive Plan 2.4.1, which states, "To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners" by moving an existing structure further within property lines and off of public sidewalks.

Motion PASSED 5-0.

Hughey/Windsor moved to APPROVE a modification of the variance request filed by Peter Thielke for 722 Jeff Davis Street. The variance is for the reduction in the easterly front setback from 20 feet to 6 feet, and the southerly rear from 10 feet to 1 inch for the relocation of a shed. The property is also known as a fractional portion of Lot 13, Block 14, USS 1474, Tract A. The request is filed by Peter Thielke. The owner of record is Peter L. Thielke.

Motion PASSED 5-0.

F Public hearing and consideration of a final plat for a major subdivision of ASLS 2015-06. The request is filed by Global Positioning Services, Inc. The owner of record is State of Alaska Department of Natural Resources

Division of Mining, Land, and Water.

Scarcelli explained the location of the request, and described the proposed lots. The applicant provided electronic flagging, which Scarcelli distributed. Bosak noted that the plat includes a public access easement along the oceanfront perimeter so that the public can still utilize those beaches. Scarcelli stated that a condition of approval should be that the land be zoned, as it is unzoned.

Jon Guffey represented Global Positioning Services via phone, and stated that he had nothing to add.

Windsor/Hughey moved to APPROVE findings 1) that the proposed subdivision complies with the comprehensive plan by providing for the development of additional open space, housing, development, and recreational options; and 2) that the major subdivision would not be injurious to the public health, safety, and welfare.

Motion PASSED 5-0.

Windsor/Parker Song moved to APPROVE the final plat of a major subdivision for ASLS 15-06. This approval is subject to the attached conditions of approval. The request is filed by Global Positioning Services. The owner of record is Alaska Department of Natural Resources Division of Mining, Land, and Water.

Conditions of Approval:

Plat shall note the following:

1. The municipality shall be a party to all easements. All easements shall be recorded and no changes shall occur without municipal approval.
2. Water Supply and Sewage Disposal. No individual water supply system or sewage disposal system shall be permitted on any lot unless such system, is located, constructed, and equipped in accordance with the requirements of the Alaska Department of Environmental Conservation and in accordance with any applicable regulations. Approval of such systems shall be obtained from applicable authorities.
3. All applicable regulations and permits shall be required for any development.

Motion PASSED 5-0.

G

Public hearing and consideration of a variance request at 263 Katlian Avenue, in the Waterfront District. The variance is for the reduction of the southerly side setback from 10 feet to 3 feet, and for the reduction of the northerly side setback from 10 feet to 0 feet for the relocation of an existing house. The property is also known as Lot 14 Block 5 Sitka Indian Village, US Survey 2542. The request is filed by Forrest Dodson and Janine Holzman. The owners of record are Forrest Dodson and Janine Holzman.

Pierson described the request. The applicant seeks to relocate an existing house further back onto the property and construct three porches and one addition. Staff recommend that new structures should not protrude beyond the sides of the existing house.

Mary Holzman explained the history of the property. Spivey asked about accessing the porch from the exterior of the house, and Holzman explained

that they would like to be able to walk directly up the steps and into the kitchen for unloading groceries and bringing in fish. Holzman stated that she was told by the Building Department that a covered porch must be on the same level as the house. Scarcelli asked the applicant to clarify the location of the stairs, and she pointed at the map and explained the plans. Holzman stated that there would be stairs on the rear side of the porch as well.

Spivey stated that he believes the applicant does not need a zero setback for the project. Pohlman stated that she would like to see the property in line with its historic nature, which did not include protruding structures.

Hughey/Windsor moved to APPROVE the required findings for variances involving major structures or expansions.

Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, specifically, the small lot size and existing structure;
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, specifically, the ability to move a pre-existing structure toward code conformance;
- c) That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels, or public infrastructure, specifically, by relocating a structure further away from the right of way; and
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan: specifically, the modified variance is in line with Comprehensive Plan 2.4.1, which states, "To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners" by moving an existing structure further within property lines.

Motion PASSED 5-0.

Hughey/Pohlman moved to APPROVE a modified variance request at 263 Katlian Avenue, in the Waterfront District. The variance is for the reduction of the southerly side setback from 10 feet to 3 feet, and for the reduction of the northerly side setback from 10 feet to 2.8 feet for the relocation of an existing house, and the construction of a new addition and two new covered porches. The property is also known as Lot 14 Block 5 Sitka Indian Village, US Survey 2542. The request is filed by Forrest Dodson and Janine Holzman. The owners of record are Forrest Dodson and Janine Holzman.

Motion PASSED 5-0.

H

Public hearing and consideration of a platting variance for development standards at 216 Observatory Street, in the Single Family District. The property is also known as a fractional portion of Lot 2 Block 8 US Survey 1474 Tract A. The request is filed by Karen Lucas. The owner of record is Karen Lucas.

Scarcelli explained the platting variance request. The applicant owns 216 and 218 Observatory Street and seeks to move the boundaries between the lots. The proposal includes an access and utility easement to provide access to 216 Observatory. Staff views this as a minor variance. The applicant has agreed to a plat note stating that 216 Observatory shall maintain 2 parking spaces.

Karen Lucas stated that technically, 216 Observatory currently only has foot access. Spivey stated that this application is cleaning up some problems.

Windsor/Pohlman moved to APPROVE the required findings for minor expansions, small structures, fences, and signs.

Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

- a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions;
- b. The granting of the variance is not injurious to nearby properties or improvements;
- c. The granting of the variance furthers an appropriate use of the property.

Motion PASSED 5-0.

Windsor/Pohlman moved to APPROVE the platting variance from development standards at 216 Observatory Street subject to the condition that a plat note that 2 parking spaces shall be provided on site of 216 Observatory. The property is also known as a fractional portion of Lot 2 Block 8 US Survey 1474 Tract A. The request is filed by Karen Lucas. The owner of record is Karen Lucas.

Motion PASSED 5-0.

Public hearing and consideration of a replat of 216 and 218 Observatory Street, in the Single Family District. The property is also known as a fractional portion of Lot 2 Block 8 US Survey 1474 Tract A. The request is filed by Karen Lucas. The owner of record is Karen Lucas.

Scarcelli handed out an updated plat with a note to provide 2 parking spaces, and explained the plat.

Karen Lucas stated that she wants to stay flexible to allow the future owner to determine parking as they wish.

Windsor/Pohlman moved to APPROVE the required finding as discussed in the staff report, specifically that the replat would not be injurious, but supportive of nearby properties and the property in question, and would further the historical and existing use of both properties.

Motion PASSED 5-0.

Windsor/Parker Song moved to APPROVE the replat of 216 and 218 Observatory Street, subject to the condition of approval that the plat note shall state that 2 parking spaces shall be provided on 216 Observatory. The property is also known as a fractional portion of Lot 2 Block 8 US Survey 1474 Tract A. The request is filed by Karen Lucas. The owner of record is Karen Lucas.

Motion PASSED 5-0.

J Public hearing and consideration of a conditional use permit request for marijuana cultivation at 3872 Halibut Point Road. The property is also known as Lot 4 Salmon Subdivision. The request is filed by Jeremy Erickson. The owners of record are Marcus and Faith Lee.

Scarcelli described the request. The proposed building currently houses metal fabrication and storage. The property is adjacent to residential, recreational, and commercial uses. The golf course and Halibut Point Recreation Area are within the 500 foot buffer. Staff recommends denial due to the uses within the buffer and disharmony with recreational and residential uses. Hughey asked if it is up to the Commission to determine what entails recreational uses, and Scarcelli stated that the state is giving great deference to local government bodies. Hughey stated that welding and auto shops cause greater health impacts than marijuana cultivation. Pohlman stated that she does not view the HPR Rec as a "recreational center." Scarcelli read the state's definition of recreational center. Hughey stated that customers will not come and go, but is merely an indoor farm for marijuana. Commissioners agreed by consensus that the Rec and golf course are not sensitive uses.

Jeremy Erickson handed out packets regarding sensitive uses. Erickson stated that alcohol is consumed at the HPR Rec and the golf course. Erickson clarified that the photos in the commissioner packet do not adequately show the entrance to the facility, and shared photos. Hughey asked if marijuana would be distributed to local retailers, and Erickson stated that it would be sold wholesale. Windsor asked about ventilation. Erickson stated that there would be sound dampeners and double charcoal filters to be replaced annually. Erickson stated that nutrients would be stored in sealed containers. Erickson stated that he hopes to produce 100 pounds annually, and hopes to hone in on a niche market for organic product. Erickson stated that an additional parking plan would not be a problem, but the lot is not paved.

Morgan Doubleday asked how many employees would be expected. Erickson stated that it would be himself and possibly a person to fill in when he's out of town. Faith Lee, property owner, stated that there are residential renters on the lot, and they are okay with the proposal. Lee stated that each residence has 2-4 parking spaces. Lee stated that the applicant is an upstanding person. Zak Wass stated that alcohol use on at the Rec and golf course have greater impact than marijuana cultivation.

Windsor stated that it is a good location. Hughey stated that Sitka is so small and there are many places with mixed uses. Spivey stated that he may have been concerned if residential neighbors voiced concern, but no comment has been received. Hughey clarified that the commission views the Rec as a broad area rather than a recreation center. Pohlman stated that people of all ages use the Rec and golf course, not just children. Windsor stated that the commission approved permits at the same plaza as a movie theater.

Windsor/Hughey moved to APPROVE findings that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval.

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

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

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

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

Specific Guidance from 22.24 on Findings for Marijuana Uses

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 than the Planning Commission shall so find and deny the proposed conditional use permit.

Motion PASSED 5-0.

Windsor/Parker Song moved to APPROVE the conditional use permit, subject to the attached conditions of approval, filed for marijuana cultivation at 3872 Halibut Point Road. The property is also known as Lot 4 Salmon Subdivision. The request is filed by Jeremy Erickson. The owners of record are Marcus and Faith Lee.

Conditions of Approval:

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.
8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where practical.
9. Odor Control shall include charcoal filters and other best means to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.
10. The proposed 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.

11. The conditional use permit may be reviewed by the Planning Commission at anytime upon receipt of a meritorious complaint.

12. The applicant shall provide an annual report every year.

Motion PASSED 5-0.

K PULLED - Public hearing and consideration of a conditional use permit request filed by Justin Brown for marijuana cultivation at 113 Molly Lane, in the C-2 general commercial mobile home district. The property is also known as Lot 4 Mountain View Subdivision. The request is filed by Justin Brown. The owner of record is Martin Enterprises, Inc.

L Public hearing and consideration of a conditional use permit request filed for 4622 Halibut Point Road, in the C-2 General Commercial and Mobile Home Zone. The request is for fabricated metal products in conjunction with permitted retail sales and miscellaneous repair. The property is also known as Lot 58B Carlson Subdivision. The request is filed by Paul and Lamoyne Smith. The owners of record are Paul and Lamoyne Smith.

Scarcelli reviewed the request. The property is to be developed in line with planning and building requirements. Surrounding uses are primarily commercial. The business plan includes gun sales and service, survival goods retail, and welding services. No test firing of guns will occur onsite. Spivey asked about security, and Scarcelli stated that he would defer to the applicant.

Paul and Lamoyne Smith came forward. Paul stated that they own an adjacent lot that could be used for parking. Spivey asked about security. Paul stated that the retail area would have security cameras. Paul stated that firearm retail is regulated by ATF, and they have safes. Bosak stated that she first spoke with Lamoyne about two years ago, and they have done their homework.

Windsor/Hughey moved to APPROVE the required findings for conditional use permits as discussed in the staff report.

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

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public

health, safety, and welfare of the community from such hazard.

5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

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

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

Conclusion on Findings: That the proposed conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties; and that the required findings have been met.

Motion PASSED 5-0.

Parker Song/Windsor moved to APPROVE the conditional use permit request filed for 4622 Halibut Point Road, in the C 2 General Commercial and Mobile Home Zone. The request is for fabricated metal products and wood products in conjunction with permitted retail sales and miscellaneous repair. The property is also known as Lot 58B Carlson Subdivision. The request is filed by Paul and Lamoyne Smith. The owners of record are Paul and Lamoyne Smith.

Conditions of Approval:

1. Contingent upon a completed occupancy inspection by the Building Department.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application and hour of operations for any noise producing uses that exceed 60dB emanating from the exterior of the building or property shall not occur outside of the time range of 8 am to 8 pm. Note: retail and light commercial uses that do not create noise above 60dB need not be limited in hours of operation; and firing of guns shall not occur on site.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues and mitigating adverse impacts on nearby properties.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. Some form of noise attenuation shall be provided to reduce fabrication noises to acceptable levels (below 60 dB to adjoining uses within building and to exterior of property) such as a choice of sound attenuation batting, baffling, blankets, boards, building design and orientation, and/or natural buffers and mitigation.
8. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
9. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
10. All operations shall comply with ATF regulations and industry safety standards.

Motion PASSED 5-0.

M

Public hearing and consideration of a conditional use permit for an accessory dwelling unit at 1705 Sawmill Creek Road, in the R-1 single family and duplex residential district. The property is also known as a portion of US Survey 1878. The request is filed by Zak Dylan Wass. The owner of record is Morgan Doubleday.

Pierson described the request. The applicant seeks to convert an existing shed to an accessory dwelling unit. The lot already contains a duplex. The proposed unit would be 866 square feet, which is in excess of the permitted ADU size of 800 square feet. Staff recommend approval.

Wass described that he will have to do some excavating to create two of the six parking spaces, but that he has spoken to a contractor and that it is doable. Bosak stated that the ADU must be for long term residents. Windsor pointed out that there is parking at the bottom of the hill.

Pohlman stated that she does not see being the applicant's physician as a conflict of interest. Commissioners agreed that she could continue.

Bosak stated that the commission could stipulate that one unit always remain

owner occupied.

Hughey/Parker Song moved to APPROVE the required findings for conditional use permits as discussed in the staff report.

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

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

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

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses

and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Conclusion on Findings: That the proposed conditional use as conditioned would not be detrimental to the public’s health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties; and that the required findings have been met.

Motion PASSED 5-0.

Hughey/Windsor moved to APPROVE the accessory dwelling unit at 1705 Sawmill Creek Road, in the R 1 single family and duplex residential district, subject to conditions of approval. The property is also known as a portion of US Survey 1878. The request is filed by Zak Dylan Wass. The owner of record is Morgan Doubleday.

Conditions of Approval:

1. The facility shall be operated consistent with the application, plans, and narrative that were submitted with the request.
2. One unit must always be owner occupied.
3. Upon receipt of meritorious complaint regarding potential harm to public health, safety, and welfare, the Planning Commission may schedule a public hearing for the purpose of resolving issues and mitigating adverse impacts.

Motion PASSED 5-0.

N Public hearing and consideration of a conditional use permit for a short term rental located on a boat in Crescent Harbor 1-24, 500 Lincoln Street, in the Public zone. The property is also known as a portion of ATS 15. The application is filed by Bruce and Ann-Marie Parker. The owner of record is the City and Borough of Sitka.

O Public hearing and consideration of a conditional use permit application for a three-unit multiple-family structure and a short-term rental at 1715 Sawmill Creek Road, in the R-1 single family and duplex residential district. The property is also known as Lot 1A Corrective Plat of Knauss Lot Line Adjustment. The request is filed by Michael Knauss and Jacklynn Barmoy. The owners of record are Michael Knauss and Jacklynn Barmoy.

P Public hearing and consideration of a conditional use permit request for a short term rental at 504 Shennet Street, in the R-1 residential zone. The property is also known as Lot 2 Block B Sirstad Addition 2. The request is filed by Georgianna and Matthew Foruria. The owners of record are Georgianna and Matthew Foruria.

**Windsor/Hughey moved to POSTPONE the item until the applicant can attend.
Motion PASSED 5-0.**

VI. PLANNING DIRECTOR'S REPORT

Bosak stated that there is no comprehensive plan meeting in July. Bosak reviewed the July 19 agenda. Bosak stated that the department has received additional funds for FY 17 for the comprehensive plan, some of which will be used to pay for the services of consultant Barb Sheinberg. Bosak reminded commissioners of open meetings act requirements for email. Bosak discussed the Aspen Hotel and stated that it has met zoning code requirements.

VII. PUBLIC BUSINESS FROM THE FLOOR

Spivey stated that he has been approached about increasing downtown parking, and mentioned the concept of building a parking garage behind the courthouse. Hughey proposed parking exclusions for rental units for people who can verify that they don't have cars. Pohlman stated that enforcement is an issue with parking.

VIII. ADJOURNMENT

Windsor/Pohlman moved to ADJOURN at 9:45 PM. Motion PASSED 5-0.

Attest: _____
Samantha Pierson, Planner I



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Tamie (Harkins) Parker Song
Debra Pohlman
Randy Hughey

Tuesday, May 17, 2016

7:00 PM

Sealing Cove Business Center

I. CALL TO ORDER AND ROLL CALL

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A Approval of the minutes from the May 3, 2016 meeting.

Pohlman/Windsor moved to APPROVE the May 3, 2016 minutes. Motion PASSED 5-0.

IV. REPORTS

B Planning Regulations and Procedures.

V. THE EVENING BUSINESS

C Annual review of a conditional use permit granted to Phyllis Hackett for an accessory dwelling unit at 707 Lake Street. The property is also known as Lot 21 Block 11, according to the amended plat of Sirstad Addition No. 2. The owner of record is Phyllis A. Hackett.

Pierson described the history of the conditional use permit. The Planning Commission originally denied the permit, but the Assembly approved the request. No comments have been received since the permit was approved.

Hughey/Parker Song moved to APPROVE the annual review. Motion PASSED 3-2. Spivey and Windsor voted against approval.

D Public hearing and consideration of a variance request filed by Jamie Steinson for 224 Marine Street, in the R-1 residential zone. The variance is for an increase in lot coverage to 40% for the construction of a patio. The property is also known as Lot 1 Golden Subdivision. The request is filed by Jamie Steinson. The owners of record are Gary and Phyllis Mulligan.

Neither the applicant nor the owners were present.

Windsor/Pohlman moved to POSTPONE until a representative can attend a meeting. Motion PASSED 5-0.

- E Public hearing and consideration of a variance request filed by Peter Thielke for 722 Biorka Street, in the R-1 residential zone. The request is for the reduction of the easterly front setback from 20 feet to 6 feet, and the reduction of the southerly rear setback from 10 feet to 0 feet for the relocation of a shed. The property is also known as a fractional portion of Lot 13, Block 14, U.S. Survey 1474, Tract A, identified on the deed as Parcel 2. The application is filed by Peter Thielke. The owner of record is Peter L. Thielke.

POSTPONED by consent, as the applicant could not be reached by phone.

- F Public hearing and consideration of a final plat for a major subdivision of ASLS 2015-06. The request is filed by Global Positioning Services, Inc. The owner of record is State of Alaska Department of Natural Resources Division of Mining, Land, and Water.

Scarcelli described the request for subdivision of state property. The lots will be primarily accessed via water, and will be intended for recreational use. Staff does not anticipate that roads will be developed in the near future. The applicant has agreed to include a plat note stating that the city is a party to all easements.

Stan Sears with Global Positioning Service represented the applicant. Access to some lots requires the use of easements. There are 4 or 5 coves for water access. Sears stated that the plat note making the city a party to all easements is acceptable to GPS.

Spivey stated that request is straight forward.

Parker Song/Pohlman moved to APPROVE the preliminary plat of a major subdivision for ASLS 15-06, and request that the final plat include a plat note that states that the municipality is a party to all easements. The request is filed by Global Positioning Services. The owner of record is Alaska Department of Natural Resources Division of Mining, Land, and Water. Motion PASSED 5-0.

- G Public hearing and consideration of a tideland sale application filed by Forrest Dodson for tidelands adjacent to 263 Katlian Avenue.

Bosak explained the request. The applicant previously purchased the tidelands seaward of 263 Katlian, and now request to purchase tidelands adjacent to the house. Bosak stated the need to maintain public access to tidelands, and that tidelands may increase in value over time. Staff recommend denial of the sale, and recommend a Class I, month-to-month lease.

Forrest Dodson stated that he would prefer to purchase the property. Construction will cost \$10,000 more if he cannot acquire this parcel, and he would like to have more elbow room. Dodson stated that he believes there would be sufficient water access even if he was allowed to purchase the parcel. Hughey asked about current fill in the parcel. Dodson stated that the fill was temporary, and would have to be removed. Dodson stated that the parcel isn't being used. Hughey clarified that the previous proposal was to move the

house onto the seaward parcel with parking in front.

Margie Esquiro stated that Dodson's wife does a great job of restoring old properties.

Hughey stated that work on the house will happen regardless of the approval of this purchase, and stated that it would serve the public good to preserve access to the tidelands. Pohlman stated that the Land Use Plan meetings have raised concerns for lands on Katlian that were taken for the WWII effort. Bosak stated that the applicant can move forward to the Assembly even if the Planning Commission does deny the request. At Pohlman's request, Bosak explained the difference between the 3 tideland lease classifications.

Parker Song/Hughey moved to DENY the proposed land sale of 1,017 square feet of tidelands adjacent 263 Katlian Avenue and instead encourage the applicants to apply for a Class I tideland lease. Motion PASSED 4-1.

H Public hearing and consideration of a tideland lease request filed by Petro Marine Services for tidelands adjacent to 1 Lincoln Street.

Bosak explained the request for a 50-year Class 3 tideland lease. The request was originally a purchase request, but staff directed the applicant to pursue a lease. No public comment has been received. Staff recommend approval of the lease proposal.

Jerry Jacobs represented Petro Marine. Jacobs stated that Petro does not anticipate any change of hours. Windsor asked about access to the Forest Service dock. Jacobs stated that he believes the new dock will improve access. Hughey stated that it looks like a good idea. Bosak stated that staff anticipates that upland owners will respond to mailed notices if they anticipate problems. Jacobs stated the new dock will improve control of spills.

Hughey/Pohlman moved to RECOMMEND preliminary approval of the proposed tideland lease adjacent to 1 Lincoln Street filed by Petro Marine Services. Motion PASSED 5-0.

I Public hearing and consideration of a conditional use permit request filed by Kristy Crews and Levi Hunt for a short-term rental at 3001 Mikele Street, in the R-1 residential zone. The property is also known as Lot 7 West Subdivision. The request is filed by Kristy Crews and Levi Hunt. The owners of record are Kristy M. Crews and Levi G. Hunt.

Pierson described the request, and read a letter of support from Peter and Michelle Kennedy at 3002 Mikele.

Kristy Crews stated that they are new to home ownership, and would like to experiment with various lengths of rentals.

Windsor clarified that a short-term rental must be used within 12 months or it becomes void.

Pohlman/Windsor moved to APPROVE the required findings for conditional use permit.

Required Findings for Conditional Use Permits. The planning commission shall

not recommend approval of a proposed development unless it first makes the following findings and conclusions:

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

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

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

dependent upon the specific use and its visual impacts.

Motion PASSED 5-0.

Pohlman/Windsor moved to APPROVE the conditional use permit request for a short-term rental at 3001 Mikele Street, subject to conditions of approval. The property is also known as Lot 7 West Subdivision. The request is filed by Levi Hunt and Kristy Crews. The owners of record are Levi Hunt and Kristy Crews.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

Motion PASSED 5-0.

J

Public hearing and consideration of a conditional use permit request for marijuana retail at 1321 Sawmill Creek Road Suites O and P, in the C-2 commercial and mobile home zone. The property is also known as US Survey 2729. The request is filed by Mike Daly. The owner of record is Eagle Bay Inn LLC.

Scarcelli explained the request. Bays O and P will be reconfigured to house two facilities – one for retail and one for cultivation. Staff believes that parking is adequate. Staff recommends a condition of approval that the plaza's parking is striped to delineate 107 spaces. Scarcelli read a letter of concern submitted by Clyde Bright. Staff recommends approval. Windsor asked about electrical load. Scarcelli stated that the applicant has submitted the load calculation to staff.

Mike Daly stated that he is building airtight rooms and use filters to control odors. Daly stated that they will test for mold as they go. Daly stated that windows will be blacked out. Daly stated that eventually wants a smoke room for tourists. Spivey thanked Daly for thorough plans.

Joe D'Arienzo stated that this proposal will be a positive first step for the industry in town, and supports the application "whole heartedly."

Jennifer Davis urged caution. Children and families frequent the theater and Pizza Express.

Jay Stelzenmeller stated that he is encouraged by the thorough work of the applicant and staff.

Parker Song stated that the plans are thorough, and it seems like a good location. Spivey stated that kids do play in the neighborhood, and families do frequent the plaza. Spivey stated that the applicant's plans are sufficient to mitigate any concerns. Hughey stated that the applicant has set a high bar for future applicants. Hughey stated concern that the applicant will invest heavily, and the conditional use permit could theoretically be revoked in the future. Windsor stated that there aren't many areas for marijuana retail in town. Bosak stated that the reception room is a nice feature.

Windsor/Hughey moved to APPROVE the required findings.

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

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

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

criteria are as follows:

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

Specific Guidance from 22.24 on Findings for Marijuana Uses

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.

Motion PASSED 5-0.

Windsor/Parker Song moved to APPROVE the conditional use permit request filed by Mike Daly and Northern Lights, LLC for marijuana retail at 1321 Sawmill Creek Road, Units O & P, in the C 2 General Commercial and mobile home zone subject to the attached 12 conditions of approval. The property is also known as U.S. Survey 2729. The owner of record is Eagle Bay Inn, LLC.

Conditions of Approval:

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
8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where feasible (i.e. concrete or asphalt areas).
9. Odor Control shall include charcoal filters and other best means to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.
10. The proposed retail site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.
11. This permit only conditionally approved the use of retail; however, at the same time, all legally vested uses operating within Units O and P must comply with all pertinent state and local regulations, licenses, and permits to remain valid.
12. The Planning Commission may, at its discretion and upon receiving meritorious evidence of negative impacts to public health, safety, and welfare, schedule a review to address issues of concern and pursue mitigation through additional conditions if necessary.

Motion PASSED 5-0.

K

Public hearing and consideration of a conditional use permit request for marijuana cultivation at 1321 Sawmill Creek Road Suites O and P, in the C-2 general commercial and mobile home zone. The property is also known as US Survey 2729. The request is filed by Mike Daly. The owner of record is Eagle Bay Inn LLC.

Scarcelli described the request for a cultivation facility. The applicants submitted their entire AMCO application. One public comment was received, with concerns for odors. Staff believe that parking is sufficient, but the lot should be striped. There is no known sensitive use within the 500 foot buffer zone. Staff recommend approval.

Mike Daly stated that he had nothing additional to contribute. Windsor asked if Daly anticipated difficulty with striping the parking lot. Daly replied that the owner has given consent to striping.

Michelle Cleaver stated that the owner has stated that the entire lot will be

striped by the end of the month.

Parker Song/Pohlman moved to APPROVE the required findings.

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

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

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

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent

uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Specific Guidance from 22.24 on Findings for Marijuana Uses

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.

Motion PASSED 5-0.

Parker Song/Pohlman moved to APPROVE the request the conditional use permit request filed by Mike Daly and Northern Lights, LLC for marijuana cultivation at 1321 Sawmill Creek Road, Units O & P, in the C-2 General Commercial and mobile home zone subject to the attached 12 conditions of approval. The property is also known as U.S. Survey 2729. The owner of record is Eagle Bay Inn, LLC.

Conditions of Approval:

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

8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where feasible (i.e. concrete or asphalt areas).

9. Odor Control shall include charcoal filters and other best means to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.

10. The proposed 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.

11. This permit only conditionally approved the use of cultivation; however, at the same time, all legally vested uses operating within Units O and P must comply with all pertinent state and local regulations, licenses, and permits to remain valid.

12. The Planning Commission may, at its discretion and upon receiving meritorious evidence of negative impacts to public health, safety, and welfare, schedule a review to address issues of concern and pursue mitigation through additional conditions if necessary.

Motion PASSED 5-0.

L

Public hearing and consideration of a conditional use permit request for marijuana cultivation at 4614 Halibut Point Road, in the C-2 general commercial and mobile home zone. The property is also known as Lot 3 of Carlson Resubdivision. The request is filed by Green Leaf, Inc. The owners of record are Connor K. Nelson and Valerie L. Nelson.

Scarcelli explained the request for a cultivation facility. The applicant has worked with staff to mitigate staff concerns. Cultivation tends to have lower traffic than other manufacturing uses. Staff have received public comment about noise from the fans; however, the property is commercially zoned. The applicant has proposed extensive ventilation. Staff recommends approval.

Aaron Bean asked that the application be amended to list Green Leaf, Inc. as the applicant. Spivey asked if the applicant plans to do retail in the future. Bean stated that he hopes to eventually do retail on a different lot at the same site. Spivey thanked the applicant for the thorough application.

Hughey/Pohlman moved to APPROVE the required findings.

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

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

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

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

Specific Guidance from 22.24 on Findings for Marijuana Uses

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.

Motion PASSED 5-0.

Hughey/Parker Song moved to APPROVE approve the conditional use permit request filed by Green Leaf, Inc. for marijuana cultivation at 4614 Halibut Point Road, in the C 2 General Commercial and Mobile Home zone, subject to conditions of approval. The property is also known as Lot 3 of Carlson Resubdivision. The owners of record are Connor K. Nelson and Valorie L. Nelson.

Conditions of Approval:

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
8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where practical.
9. Odor Control shall include charcoal filters and other best means to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.
10. The proposed 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.
11. The Planning Commission may, at its discretion and upon receiving

meritorious evidence of negative impacts to public health, safety, and welfare, schedule a review to address issues of concern and pursue mitigation through additional conditions if necessary.

Motion PASSED 5-0.

M

Public hearing and consideration of a conditional use permit request for marijuana retail at 205 Harbor Drive, in the central business district. The property is also known as Lot 1 Van Winkle Subdivision. The request is filed by Mary Magnuson. The owners of record are Frank and Mary Magnuson.

Scarcelli reviewed the request. The ultimate decision about possible buffer zone issues would be determined by the state AMCO office. Staff recommends that the commission postpone the request to a later meeting so more information can be provided. Windsor asked if a postponement would “foul up” the process for the applicant. Scarcelli stated that he understands that the state is postponing some of their previously advertised dates. Spivey asked if staff have reached out to request additional information, and Scarcelli stated that he and Pierson had both been in touch with the applicant, requested additional information, and the applicant indicated that she would provide more information. Pohlman stated concern for proximity to the Lutheran Church.

Mary Magnuson stated that operations will be according to state regulations. Magnuson stated that she has difficulty luring her potential tenant before a permit is granted. The property has been retail in the past, and will be some sort of retail in the future. Magnuson stated that she believes her application is adequate. The building is already sprinkled and fire alarmed, has “tremendous” ventilation, and will have approximately 16 security cameras. Magnuson stated that she does not see the need to delay the request. Windsor asked if the applicant had plans for a smoking room, and Magnuson said no.

Margie Esquiro stated concern for the proximity to sensitive uses, and the city can be more stringent than the state.

Joe D'Arienzo stated that this is one of the only available sites in the central business district due to sensitive uses.

Scarcelli read a letter from Susan Jensen, in opposition to the proposal.

Windsor asked what would happen if the conditional use permit was granted but the state license was denied. Scarcelli stated that until a state license is granted, the conditional use permit is not activated. Hughey asked what would be required for staff to view the application as complete. Scarcelli stated that the ordinance pulls state regulations into municipal requirements, so the city can enforce issues as they arise; therefore, the planning department would like to receive the same information that is submitted to the state, including security, diversion, floor plan, and overall detailed plans. Parker Song asked if another retail would be analyzed to this extent. Bosak stated that uses that are conditional are analyzed by the framework in code.

Pohlman stated that community concerns have been raised, so she would like to see the lessee and his/her plans in full detail. Spivey stated that a conditional use requires detailed plans.

Windsor/Hughey moved to POSTPONE the item to June 21 and request that the applicant provide more information. Motion PASSED 5-0.

N

Public hearing and consideration of a conditional use permit request for a marijuana retail facility at 1321 Sawmill Creek Road J, in the C-2 commercial and mobile home zone. The property is also known as US Survey 2729. The request is filed by Anna Michelle Cleaver. The owner of record is Eagle Bay Inn, LLC.

Scarcelli described the request for marijuana retail. The applicant has provided the AMCO application. Parking is sufficient, but parking space striping should be a condition of approval. No sensitive uses are known within the state buffer zone. Staff recommends approval. Spivey stated that he notarized the state application, but has no financial gain at stake.

Michelle Cleaver stated that the owner intends to stripe 120 parking spaces by the end of the month. Hughey clarified that Cleaver would sell locally cultivated marijuana, and she stated yes.

Jeremy Twaddle asked about how odor is determined. Bosak stated that odor would be addressed if complaints were raised.

Jennifer Davis stated that she lives nearby, and is concerned that children and families use the plaza.

Windsor asked about the time requirements for review by the board. Bosak stated that review could occur at any time when a meritorious complaint is received which indicates that the operation is not in compliance with the conditions of approval.

Parker Song/Pohlman moved to APPROVE the required findings.

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

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

6. **Burden of Proof.** The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

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

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

Specific Guidance from 22.24 on Findings for Marijuana Uses

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.

Motion PASSED 5-0.

Parker Song/Pohlman moved to APPROVE the conditional use permit request filed by Anna Michelle Cleaver for marijuana retail at 1321 Sawmill Creek Road, Unit J, in the C 2 General Commercial and mobile home zone subject to the attached 11 conditions of approval. The property is also known as U.S. Survey 2729. The owner of record is Eagle Bay, LLC.

Conditions of Approval:

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
8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where feasible (i.e. concrete or asphalt areas).
9. Odor Control shall include reasonable best means (such as high quality Commercial HEPA filter) to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received, the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.
10. The proposed retail site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.
11. The Planning Commission may, at its discretion and upon receiving meritorious evidence of negative impacts to public health, safety, and welfare, schedule a review to address issues of concern and pursue mitigation through additional conditions if necessary.

Motion PASSED 5-0.**VI. PLANNING DIRECTOR'S REPORT**

Bosak reported on the Assembly Lands Work Session from the previous week. The June 7 meeting will focus on acquisition, retention, and disposal of municipal lands, and will be held at the Fire Hall. The July 5 meeting is

cancelled.

VII. PUBLIC BUSINESS FROM THE FLOOR

Mary Magnuson stated that she was told that she would not have to disclose the identity of her lessee. Scarcelli stated that the tenant isn't relevant, but the details are relevant.

VIII. ADJOURNMENT

Hughey/Windsor moved to ADJOURN at 9:44 PM. Motion PASSED 5-0.

ATTEST: _____
Samantha Pierson, Planner I



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: June 14, 2016

From: Samantha Pierson, Planner I, and Michael Scarcelli, Senior Planner

To: Planning Commission

Re: P 16-05 Final Plat of a Major Subdivision, Nakwasina Sound Subdivision, of ASLS 2015-06 on Lisianski Peninsula

GENERAL INFORMATION

Applicant: Global Positioning Services

Property Owner: Alaska DNR
Division of Mining, Land, & Water

Property Address: Lisianski Peninsula

Legal Description: ASLS 2015-06

Parcel ID Number: none

Size of Existing Lot: 122.35 acres

Zoning: None, but pending OS zone app.

Existing Land Use: undeveloped

Utilities: none

Access: via water

Surrounding Land Use: undeveloped

MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion to approve the final plat

ATTACHMENTS

Attachment A: Vicinity Map
Attachment B: Application
Attachment C: Proposed Plat
Attachment D: Current Survey

Providing for today...preparing for tomorrow

Attachment E: Zoning Map
Attachment F: Ownership Information

BACKGROUND

The State of Alaska holds title to the land and mineral estates of the current parcel, a portion of Lisianski Peninsula on Baranof Island. The State wishes to subdivide this parcel and sell 18 residential lots that result from the subdivision (Nakwasina Sound Subdivision).

PROJECT DESCRIPTION

The proposed subdivision consists of 18 lots and 1 tract. The tract houses Lisianski Peninsula Lighthouse. Lots range in size from 4.29 to 9.94 acres. The lots will be sold as residential properties. The subdivision includes a 100 foot building setback along ocean frontage. A 100 foot public access easement abuts the island side of 13 lots, and a 50 foot public access easement abuts the water side of all 18 lots.

ANALYSIS

Project/Site: The property is remote, and is only accessible by water. The city does not have current plans now or in our lifetimes to extend road access to the proposed subdivision. The lots are large, providing another housing, recreation, open space, and development option for Sitkans who do not wish to live in a town setting.

According to Sitka General Code 21.40.030.A, the municipality shall be a party to all easements. A plat note regarding the easements should be added to the final plat.

Procedure: Major subdivisions require Planning Commission approval of the preliminary and final plats. The Assembly must approve the final plat.¹

Traffic: As the subdivision will not offer road access, road traffic will not be impacted. Boat traffic may increase in Nakwasina Sound.

Parking: Though lots have adequate space for parking, parking is a non-issue due to remote location off the road system.

Noise: Lots are large, which should provide sufficient sound buffers.

Public Health or Safety: No known impacts. All future development shall comply with all applicable regulations such as Building and Construction Code.

Habitat: No known impacts.

Property Value or Neighborhood Harmony: Large lots of comparable size will result in similarly valued properties, and will contribute to the city's property tax base. To secure harmony for anticipated uses, the subdivision will be proposed to be zoned Open Space, which is intended to serve as a holding zone for large tracts where specific plans are not in place. Such a zoning would allow a single-family

¹ Section 21.32.010—General Outline of Procedure for Major Plat Approval.

home, park, trails, campground, marina, personal docks, utility facilities, commercial home horticulture, and a single private cabin per lot as permitted uses; and a sportsclub as a conditional use.

Comprehensive Plan:

The proposal is consistent with the Comprehensive Plan section 2.4.1, which states, “To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations” by creating large, secluded rural residential lots and making them available for purchase.

Conformity with Subdivision Code:

Pursuant to Section 21.40.020, Compliance with Standard Specifications and Subdivision Agreements, and Section 21.52.020 Administrative Responsibilities, and due to the remote location of the proposed subdivision, Planning Staff and the Municipal Engineer conclude that certain standard specifications, such as streets to nowhere that would have to be maintained by the City, are not in the best interests of the community at large. Therefore, the proposal as presented with the amended plat notes is sufficient to comply with the intent of the zoning and subdivision code. City maintained right of ways shall not be required by developer nor maintained by City. Water and Sewer shall be provided by lot owners and in compliance will all applicable regulations and require all applicable permits. Easements as provided are sufficient for current and future development.

FINDINGS:

Staff recommends the following findings:

- 1) That the proposed subdivision complies with the comprehensive plan by providing for the development of additional open space, housing, development, and recreational options.
- 2) That the major subdivision would not be injurious to the public health, safety, and welfare.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Planner's analysis and move to approve the Final Plat of the major subdivision of ASLS 15-06.

RECOMMENDED MOTION

Move to approve the final plat of a major subdivision for ASLS 15-06. This approval is subject to the attached conditions of approval. The request is filed by Global Positioning Services. The owner of record is Alaska Department of Natural Resources Division of Mining, Land, and Water.

Conditions of Approval:

Plat shall note the following:

1. The municipality shall be a party to all easements. All easements shall be recorded and no changes shall occur without municipal approval.
2. Water Supply and Sewage Disposal. No individual water supply system or sewage disposal system shall be permitted on any lot unless such system, is located, constructed, and equipped in accordance with the requirements of the Alaska Department of Environmental Conservation and in accordance with any applicable regulations. Approval of such systems shall be obtained from applicable authorities.
3. All applicable regulations and permits shall be required for any development.

Samantha Pierson

From: Chris Duguay
Sent: Friday, June 10, 2016 10:09 AM
To: Michael Scarcelli
Cc: Maegan Bosak; Samantha Pierson
Subject: FW: Nakwasina subdivision

Good afternoon,

Public Works Engineering and Building Department offer the following comments on the proposed Nakwasina Subdivision. As you are aware, major subdivisions typically include the construction of roadways, drainages and utilities to municipal standards by a developer which then become the responsibility of the municipality to own and maintain upon acceptance. Given the remote location of this subdivision, it is our understanding that the Planning Dept has exercised their authority to administratively waive some code requirements for Major Subdivisions. PW supports that decision as we have no interest in accepting a public ROW in this instance. Given the site grades and remote location, construction and maintenance of a roadway to municipal standards is not practical or in the City's best interest. As each lot has waterfront access and naturally drains toward the ocean, site drainage is not a concern.

Since there will be no dedicated public ROW, drainages or public utilities associated with this subdivision, our comments below are limited to references to relevant Sitka General Code citations for the benefit of the Planning Commission and public who may be interested in eventually purchasing these lots.

1. SGC Chapter 15.04 Sewer Systems requires private sewer systems to be permitted by CBS Building Dept and the Alaska Department of Environmental Conservation. See 15.04.010, 15.04.040, 15.04.070, 15.04.080 for more specific details and requirements. ADEC guidance can be found at the following website:
<http://dec.alaska.gov/water/wwdp/onsite/index.htm>
2. Generally, SGC Title 19 Building and Construction is applicable along the Sitka road system (see 19.08.010). However, per 19.08.030, SGC Chapters 19.09, 19.10, 19.11, 19.12 and 19.14 apply for this subdivision. These chapters establish the relevant portions of the applicable codes which apply to structures on islands in the general island, large island and open space districts. Without going into a detailed analysis of the differences between code requirements as we're accustomed to applying to structures on the road system, the general synopsis is that the building codes would be very similar for this subdivision. We can be much more specific in the plan review process when we look at each proposed structure. Standard grading, foundation and building permit applications are required for development in this location.
3. Public Works has no knowledge of landslides on these specific lots and this area is likely outside of any future city wide hazard mapping. It's conceivable that some of these lots may be exposed to landslide activity, but we don't have (and probably will not receive) data to define or manage that level of risk.

We appreciate the opportunity to comment. Please feel free to contact us with any questions or comments.

Regards,

Dan Tadic, PE, Municipal Engineer and Chris Duguay Building Official

From: Samantha Pierson
Sent: Tuesday, June 07, 2016 8:12 AM
To: Dan Tadic <dan.tadic@cityofsitka.org>; David Longtin <david.longtin@cityofsitka.org>
Subject: Nakwasina subdivision

CITY AND BOROUGH OF SITKA
 PLANNING DEPARTMENT
 SUBDIVISION PLAT APPLICATION

Boundary Line Adjustment	\$25.00
Major Subdivision	\$50.00
Minor Subdivision	\$50.00
Planned Unit Development Subdivision	\$50.00
Subdivision Replat	\$50.00
* Plus current sales tax *	

GLOBAL POSITIONING SERVICES, INC

Applicant's Name: JON GUFFEY Phone: 907-569-2000 x101
 Address: 2603 BLUEBERRY ROAD, ANCHORAGE, AK. 99503-2623
 Owner's Name: State of Alaska Department of Natural Resources Phone: 907-269-8610
 (If different from applicant) Division of Mining, Land and Water
 Address: 550 W. 7th Avenue, Suite 650, Anchorage, AK 99501

Legal Description: Lot _____ Block _____ U.S. Survey No. _____
 Existing Subdivision _____
 Project Address ASLS 2015-06
 Number of Lots Created 18 LOTS Smallest 186872 sq. ft. Largest 439084 sq. ft.
1 TRACT AT 0.59 acres
 IMPORTANT - PLEASE READ AND REVIEW

- Check if there are any easements on the property and show them on all concept and preliminary plats.
- Check if there are any drainage or storm water facilities on the property and show them on all concept and preliminary plats.
- Check if there are any encroachments on current or proposed easements and show them on all concept and preliminary plats.
- Check if there are any public or private utilities on the property and show them on all concept and preliminary plats.

ITEMS TO REMEMBER:

1. Application and two copies of the plat are to be submitted at least 13 days prior to the next Planning Commission meeting.
2. Taxes must be current before an application is processed. All L.I.D.'s (if any) must be paid in full prior to the recording of any final plat.
3. Minor subdivisions and boundary line adjustments require submittal of owner's Deed of Trust.
4. Review your subdivision with both the Electrical and Engineering Departments to avoid unnecessary delays.
5. A filing fee of \$50.00 plus current sales tax is required for replats, planned unit developments, and minor and major subdivisions. A fee of \$25.00 plus current sales tax is required for boundary line adjustments. Plus reimbursement for any fees associated with the recording of the plat and documents associated with.
6. Plats shall contain the information above and all other information required in the Sitka General Code, Title 21 Subdivisions.
7. Lot areas are net of access easements.
8. Existing and proposed utility lines must be protected by easements. The applicant is required to have a survey or locate existing lines and show the proposed easements.

Applicants are encouraged to obtain a Plat Certificate from a title company prior to having the subdivision plat prepared. The certificate verifies ownership, easements, and other recorded documents that affect the property. Obtaining a plat certificate and providing it to the surveyor and the municipality may prevent future title problems.

In applying for and signing this application, the prition, the property owner hereby grants permission to Municipal staff to access the property before nerty before and after the Planning Commission's review for the purposes of inspecting the pricting the proposed and/or approved parcels.

Applicant's Signature: [Signature] Date: 3/30/2016
 Owner's Signature: Kathryn Young Date: 3/31/2016
 (If different from applicant)



CITY AND BOROUGH OF SITKA

Legislation Details

File #: ORD 16-29 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 8/2/2016 In control: City and Borough Assembly

On agenda: 8/9/2016 Final action:

Title: Amending the official Sitka Zoning Map to assign OS (Open Space) Zoning to ASLS 2015-06, a previously unzoned parcel (first reading)

Sponsors:

Indexes:

Code sections:

Attachments: [Motion ORD 2016-29.pdf](#)
[Ord 2016-29..pdf](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve Ordinance 2016-29 on
first reading.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

To: Mayor McConnell and Members of the Assembly
Mark Gorman, Municipal Administrator

From: Samantha Pierson, Planner I
Maegan Bosak, Planning and Community Development Director *MB*

Subject: Zoning Map Amendment – Assigning Open Space (OS) zoning to ASLS 15-06, Nakwasina Sound Subdivision

Date: July 22, 2016

The request is for a Zoning Map Amendment to assign zoning to ASLS 15-06 on Lisianski Peninsula, otherwise known as Nakwasina Sound Subdivision. The Planning Commission recommended the Zoning Map Amendment assigning Open Space (OS) zoning during the July 19, 2016 meeting on a 3-0 vote.

Global Positioning Services is requesting approval of a final plat for a major subdivision of ASLS 15-06, consisting of 122.35 acres. The land is currently unzoned, and this proposal would assign Open Space (OS) zoning.

Open Space (OS) zoning would allow property owners to build recreational housing, while still preserving rural character. The Open Space (OS) zoning district: “is to serve as a holding zone for large islands or tracts for which specific plans have not been established.”¹ Permitted OS uses include single-family detached housing, trails, campgrounds, docks, a marina, and commercial home horticulture. One small private recreational cabin per lot is permitted in addition to the principal structure.

Recommended Action: Approve the Zoning Map Amendment for Open Space (OS) zoning as recommended by the Planning Commission.

¹ § 22.16.160 OS Open Space Zone

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2016-29

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING THE OFFICIAL SITKA ZONING MAP TO ASSIGN OS (OPEN SPACE) ZONING TO ASLS 2015-06, A PREVIOUSLY UNZONED PARCEL

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.

2. SEVERABILITY. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.

3. PURPOSE. The purpose of this ordinance is to assign OS (Open Space) zoning to ASLS 2015-06, a previously unzoned parcel. The zoning is consistent with the goals and policies of the 2007 Sitka Comprehensive Plan, specifically Sections 2.4.3 and 2.4.14, and Title 22, Section 22.16.160 (Open Space Zone).

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the official zoning map is amended to zone ASLS 2015-06 as OS (Open Space).

Appendix A is attached showcasing zoning map amendment.

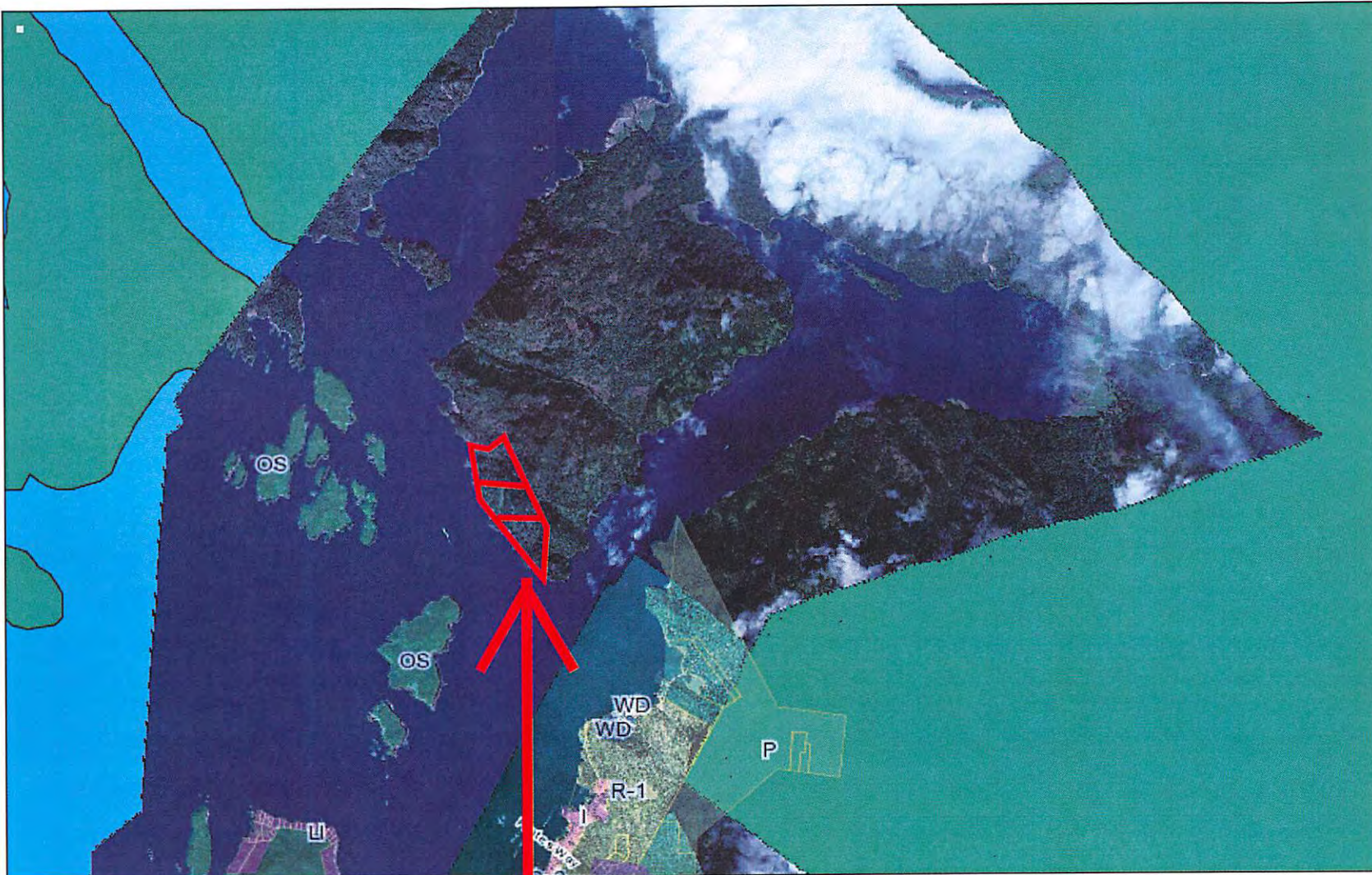
5. EFFECTIVE DATE. This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 23rd day of August, 2016.

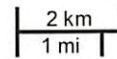
Mim McConnell, Mayor

ATTEST:

Sara Peterson, CMC
Municipal Clerk



City & Borough of Sitka, Alaska



Printed on 7/28/2016 from <http://www.mainstreetmaps2.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.

Exhibit A

Page 1 of 2

NOTES

- THIS SURVEY WAS ACCOMPLISHED IN ACCORDANCE WITH AS 38.04.045, CSC 807, AND SS 2015-06.
- ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE HAZYS OF BEARING AND DISTANCES ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
- THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1/5000. ANY/ON CORNER POSITIONS HAVE A RELATIVE POSITIONAL ACCURACY AT THE 95 PERCENT CONFIDENCE LEVEL OF 0.13 FEET PER 100 FEET.
- ALL PARCELS OF LAND OWNED BY THE STATE OF ALASKA, LOCATED WITHIN 500 FEET OF, OR INTERSECTED BY A SUBDIVIDED OR UNDIVIDED SECTION LINE, ARE SUBJECT TO A 50-FOOT EASEMENT ON EACH SIDE OF THE SECTION LINE, WHICH IS REFERRED TO THE STATE OF ALASKA FOR PUBLIC HIGHWAYS UNDER AS 19.10.010.
- THE BASIS OF BEARING FOR THIS PLAT WAS DETERMINED BY HIGH PRECISION GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) MEASUREMENTS IN MARCH 2015 (EPOCH 2010.000) DATUM, USING TRIMBLE R6 AND R6 CORNER PHASE RECEIVERS DIFFERENTIALLY CORRECTED AND PROCESSED USING TRIMBLE BUSINESS CENTER SOFTWARE, VERSION 2.11. LOCAL PLUMB BEARINGS ARE ORIENTED TO TRUE GEODETIC NORTH AS NATIONAL GEODETIC SURVEY CONTROL MONUMENT "CHIT" (MONUMENT RT) OF THIS SURVEY.
- THE SHOWN RECORD COORDINATES ARE FROM NATIONAL GEODETIC SURVEY, NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION CONTROL MONUMENT "CHIT". THIS MONUMENT IS DESIGNATED IN THIS SURVEY. THESE COORDINATES WERE HELD AND USED TO COMPUTE THE PROTRACTED POSITIONS OF THE RECTANGULAR (SECTION, QUARTER & SIXTEENTH) CORNERS THE FOUND MARCH 2015 COORDINATES (LAT/LONG) ARE BASED ON AN GNSS SOLUTION (EPOCH 2010.000) FOR NGS "CHIT" AND USED FOR VERIFICATION ONLY OF THE LOCATION THE COORDINATES WERE CONFINED TO THE NATIONAL SPATIAL REFERENCE SYSTEM USING THE CORNERS REFERENCE STATIONS: NORP16 (NANUKAGUS CORNERS) (PO 488893), JANGU (WAS 1 CORNERS) (PO 483637), AND CAMP/NEC/NEC/2007 CORNERS (PO 480445).
- THE NATURAL BOUNDARIES OF THE LINE OF MEAN HIGH WATER (MHW) FROM THE TIDE BOUNDS OF LOTS 1-19 AND TRACT A, THE APPROPRIATE LINE OF MHW, AS SHOWN, IS FOR AREA COMPUTATIONS ONLY, WITH THE TRUE CORNERS BEING ON THE EXTENSION OF THE SEPARATES AND THEIR INTERSECTION WITH THE NATURAL BOUNDARIES.
- THERE IS A 100-FOOT MHW BUILDING SETBACK FROM THE MEAN HIGH WATER LINE OF SITKA SOUND.
- ALASKA REGISTERED LAND SURVEYORS AND THEIR EMPLOYEES HAVE ACCESS RIGHTS FOR SURVEY PURPOSES TO NGS MONUMENTS "ANSKI", "TAT" AND THEIR REFERENCE OBJECTS. THE OWNER OR SUCCESSOR IN TITLE SHALL PROVIDE ACCESS TO AND PRESERVE THE LOCATION OF THE MONUMENTS AND REFERENCES.
- THE MUNICIPALITY IS PARTY TO ALL EASEMENTS AND PLAT NOTES. THEY SHALL NOT BE MODIFIED WITHOUT APPROVAL OF THE PLATING BOARD.

LEGEND:

- BLM PRIMARY MONUMENT RECOVERED THIS SURVEY AS NOTED ON SHEET 4
- GEODETIC CONTROL MONUMENT RECOVERED THIS SURVEY AS NOTED ON SHEET 4
- PRIMARY MONUMENT TO BE SET THIS SURVEY AS NOTED ON SHEET 4
- SECONDARY MONUMENT TO BE SET THIS SURVEY AS NOTED ON SHEET 4
- SURVEYED LINES
- UNSURVEYED
- MONUMENT CENTER
- MEAN HIGH WATER

ACREAGE	
LOT 1:	9.36
LOT 2:	9.94
LOT 3:	6.92
LOT 4:	7.38
LOT 5:	7.26
LOT 6:	9.15
LOT 7:	9.53
LOT 8:	8.02
LOT 9:	5.18
LOT 10:	4.29
LOT 11:	3.20
LOT 12:	6.00
LOT 13:	5.20
LOT 14:	3.34
LOT 15:	2.86
LOT 16:	3.22
LOT 17:	5.37
LOT 18:	6.22
TRACT A:	0.25
TOTAL:	122.35

CERTIFICATION OF APPROVAL BY THE PLANNING COMMISSION
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH PLANNING COMMISSION, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. _____ DATED _____ AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

TITLE _____ CHAIRMAN, PLANNING COMMISSION
 SECRETARY _____

CERTIFICATION OF PAYMENT OF TAXES
 STATE OF ALASKA (CITY/DISTRICT)
 I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ACTING ASSESSOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN THE NAME OF _____ AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL. THAT CURRENT TAXES FOR THE YEAR _____ WILL BE DUE ON OR BEFORE _____ DAY OF _____ AT SITKA, ALASKA.

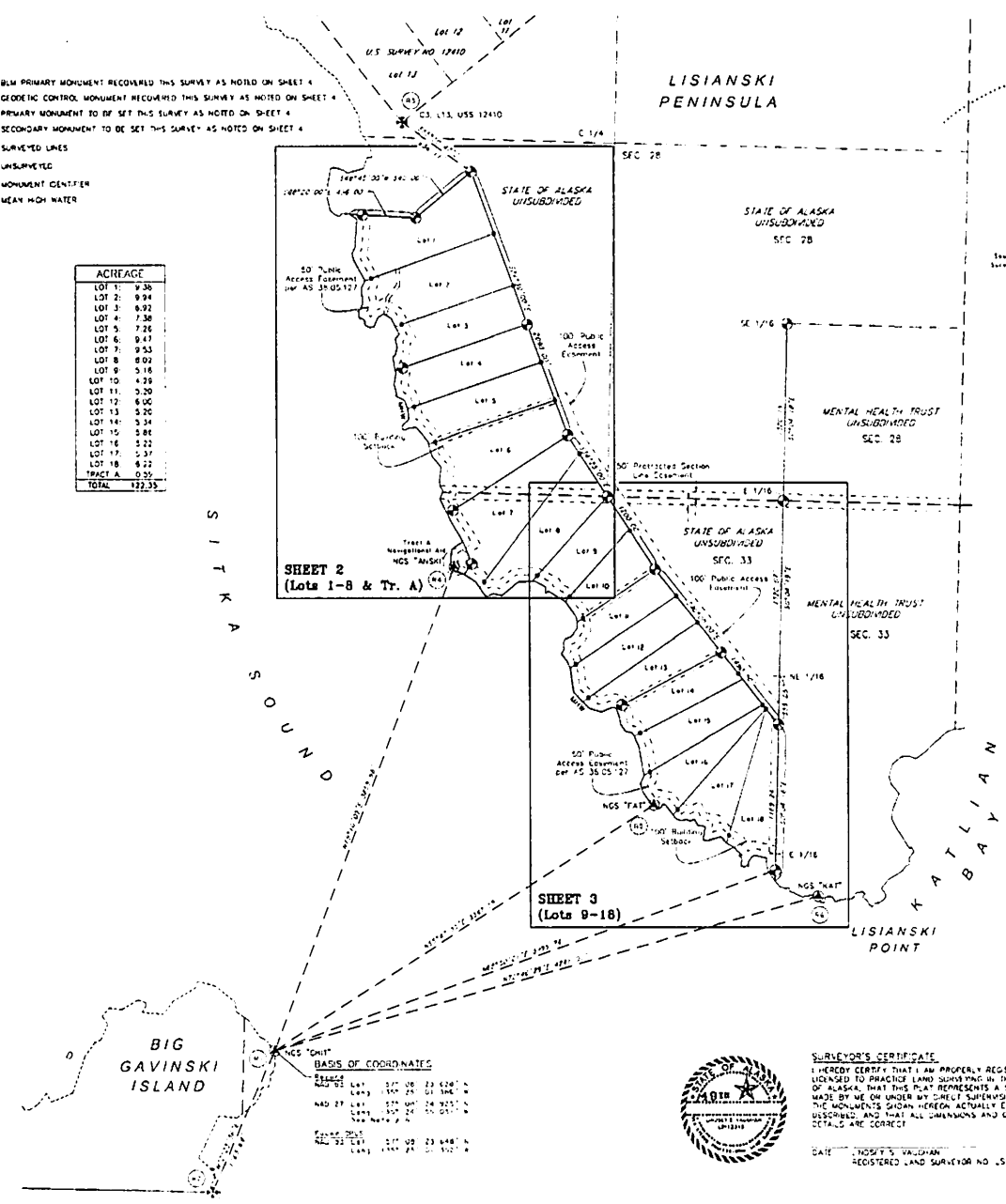
DATED THIS _____ DAY OF _____ 20____ AT SITKA, ALASKA
 ASSESSOR _____ CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE ASSEMBLY
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE ASSEMBLY AS RECORDED BY MINUTE BOOK _____ PAGE _____ AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE _____ MAYOR _____ MUNICIPAL CLERK _____

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT
 I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ACTING FINANCE DIRECTOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF _____ AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL LID'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS _____ DAY OF _____ 20____ AT SITKA, ALASKA
 FINANCE DIRECTOR _____ CITY AND BOROUGH OF SITKA



SHEET 2
(Lots 1-8 & Tr. A)

SHEET 3
(Lots 9-18)



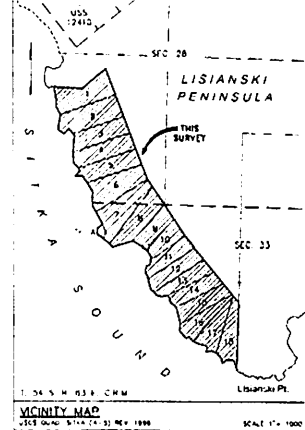
BASIS OF COORDINATES

STATION	Easting	Northing
CHIT	171 00	23 626 7
ANSKI	170 25	21 346 2
TAT	170 00	24 217 2
CHIT	171 00	23 626 7



SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE _____ NOTARY'S VALIDATION _____ REGISTERED LAND SURVEYOR NO. 15-12318

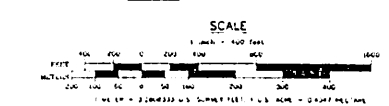


CERTIFICATE OF OWNERSHIP AND DECLARATION
 I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE DIRECTOR, DIVISION OF MINING, LAND AND WATER AND THAT THE STATE OF ALASKA IS THE OWNER OF AS 5 2015-06, AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT FOR THE STATE OF ALASKA, AND CERTIFY FOR PUBLIC OR PRIVATE USE, AS NOTED. ALL EASEMENTS, PUBLIC UTILITY AREAS AND RIGHTS-OF-WAY AS SHOWN AND DESCRIBED HEREON.

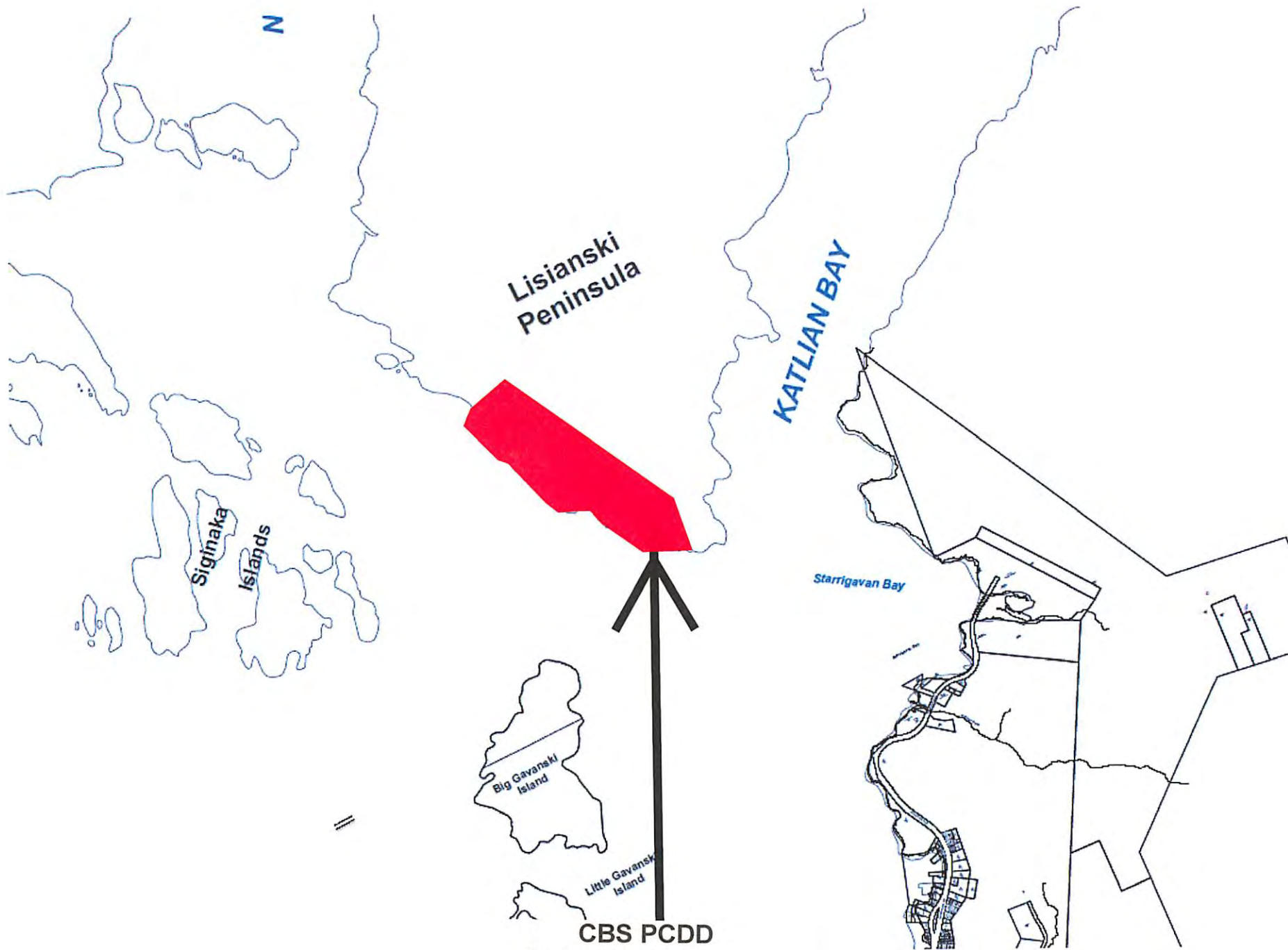
DATE _____ DIVISION OF MINING, LAND AND WATER
 200 W. 7TH AVE., SUITE 10700
 ANCHORAGE, AK 99501-3078

NOTARY'S ACKNOWLEDGEMENT
 SUBSCRIBED AND SWORN TO before me this _____ DAY OF _____ 20____.

NOTARY PUBLIC FOR ALASKA
 BY COMMISSION EXPIRES _____



DATE OF SURVEY	August 5, 2015
Requesting Party	Gregory S. Vaughan, RLS 2803 Dunwoody Rd Anchorage, Alaska 99503
DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND & WATER	
ALASKA STATE LAND SURVEY NO. 2015-06	
NAKWASINA SOUND SUBDIVISION	
A SUBDIVISION OF PORTIONS OF SW 1/4 UNSURVEYED SECTION 28, AND NW 1/4, S 1/2 NE 1/4, & NW 1/4 SE 1/4 UNSURVEYED SECTION 33, NATIONAL TOWNSHIP 24 SOUTH, RANGE 63 EAST, SITKA MERIDIAN, ALASKA, CREATING LOTS 1-18 AND TRACT A CONTAINING 122.35 ACRES MORE OR LESS LOCATED WITHIN SITKA RECORDING DISTRICT	
PREPARED BY	Gregory S. Vaughan, RLS
DATE	8/5/15
SCALE	1" = 400'
SHEET	1 OF 4

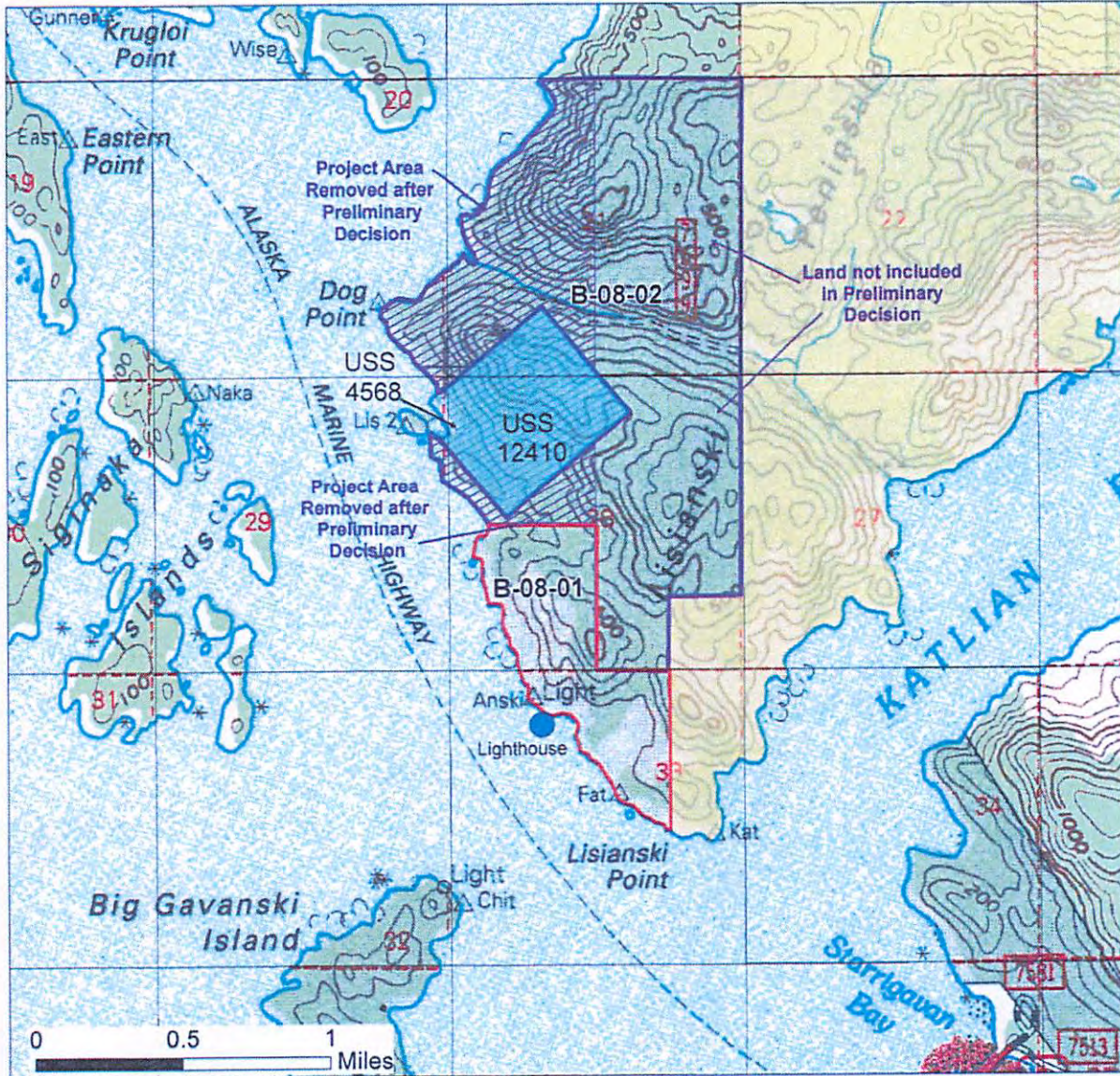


CBS PCDD
Zoning Map Amendment
ASLS 15-06



Attachment 1- Amended Vicinity Map

to the Final Finding and Decision for a
Proposed Land Offering in the City and Borough of Sitka
Nakwasina Sound Subdivision - ADL - 108062



hbf 1/20/2015

- Private Property
- B-08-02 Area
- Removed from Project Area
- Project Area, B-08-01
- Mental Health Trust Land

USGS Quad 1:63,360
Sitka A-5
For more information, contact:
Blair French
State of Alaska - DNR
Division of Mining, Land, and Water
3700 Airport Way
Fairbanks, AK 99709
Phone: (907)451-3011
FAX: (907)451-2751
Email: subdivisionsales@alaska.gov

This map is for graphic representation only. It is intended to be used as a guide only, and may not show the exact location of all existing easements, reservations, and third party interests.

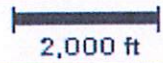


CBS PCDD
 Zoning Map Amendment
 ASLS 15-06

Land Estate C.R.M., T. 54 S., R. 63 E.

Alaska Mapper

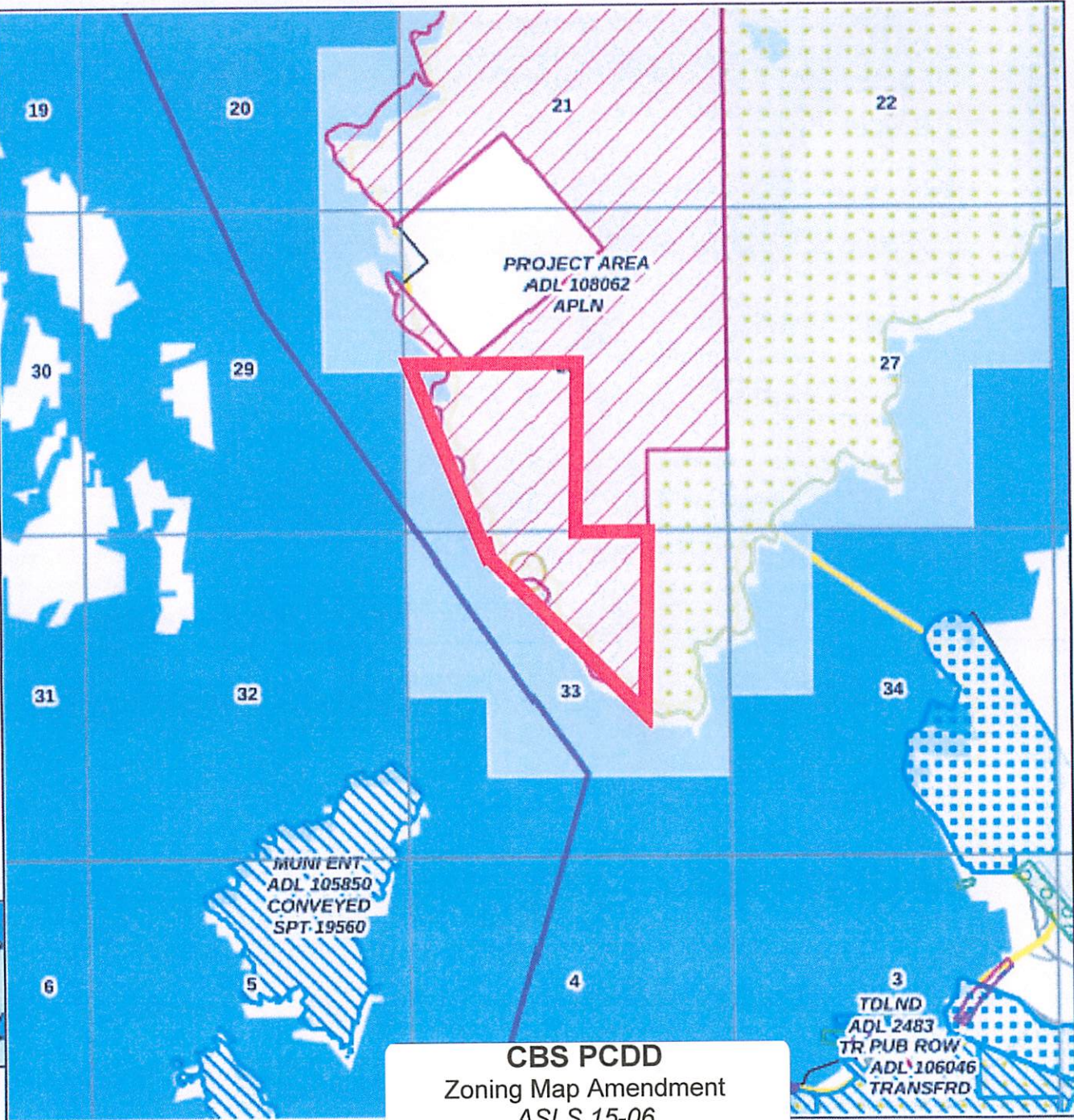
Spherical Mercator WGS 84 - EPSG:3857



- Land Disposal Other
- ✓ Land Disposal Other
- ▣ Land Disposal Other
- Easements
- ✓ Easement
- ▣ Easement
- PLSS Sections
- ▣ Other Activities
- Other Activities
- Other Activities
- Agmt. Sttlmt. Rcvynce
- Agmt. Sttlmt. Rcvynce
- Agmt. Sttlmt. Rcvynce
- ▣ Permit or Lease
- ✓ Permit or Lease
- Permit or Lease
- ▣ Municipal Entitlement
- ✓ Federal Actions
- ▣ Federal Actions
- Land Disposal Available
- ✓ Land Disposal Available
- ▣ Land Disposal Available
- Land Disposal Conveyed
- ✓ Land Disposal Conveyed
- ▣ Land Disposal Conveyed
- ▣ Management Agreement
- ✓ Management Agreement
- ▣ Mental Health Trust Land
- ▣ Municipal Tideland
- ▣ Native Allotment
- ▣ Other Acquired Land
- ▣ Other Acquired Land
- OSL 490 School Trust Land-Other Acquired Lands
- ▣ Resource Sale
- ✓ Resource Sale
- RS2477
- Tentative Approval or Patent
- Tentative Approval or Patent
- School Trust Lands-St Tentative App or Patent
- ▣ Boroughs
- ▣ Recording Districts
- ▣ Survey Boundary
- Survey Boundary
- Survey Boundary
- ▣ Township



GRAPHIC ILLUSTRATION ONLY.
SOURCE DOCUMENT REMAINS THE OFFICIAL RECORD.
Date Created: Wednesday, April 15, 2015
Created By: edkleweno



CBS PCDD
Zoning Map Amendment
ASLS 15-06

Mineral Map C.R.M., T. 54 S., R. 63 E.

Alaska Mapper

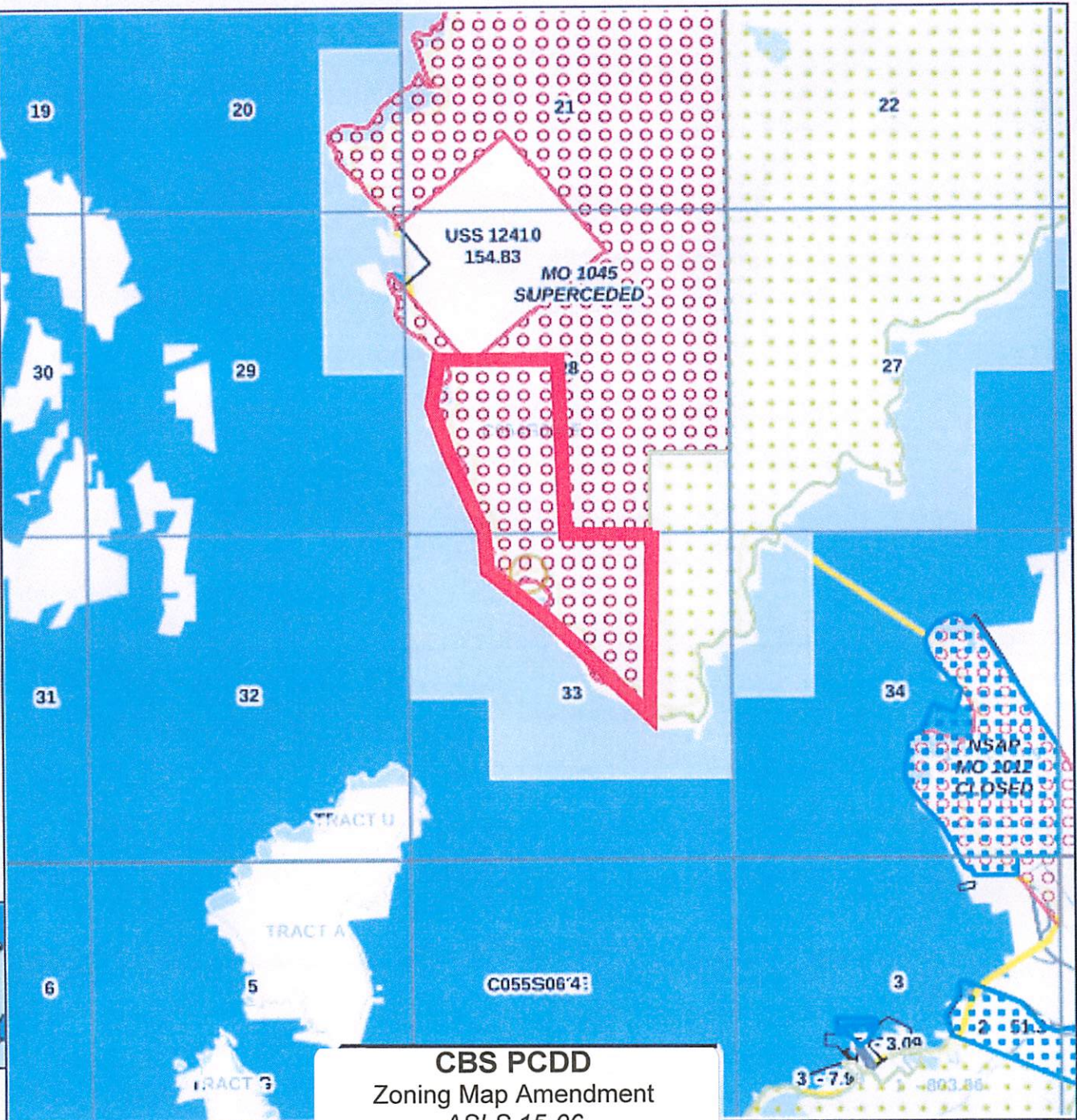
Spherical Mercator WGS 84 - EPSG:3857

2,000 ft

- PLSS Sections
- Agrmnt, Sttlmnt, Rcnvynce
- Agrmnt, Sttlmnt, Rcnvynce
- Agrmnt, Sttlmnt, Rcnvynce
- APMA
- Federal Mining Claims
- Federal Actions
- Federal Actions
- Lease Hold
- Lease Hold
- Management Agreement
- Management Agreement
- Mental Health Trust Land
- Mineral Order
- Native Allotment
- Other Acquired Land
- Other Acquired Land
- Permit or Lease
- Permit or Lease
- State Claims
- Prospecting Site
- State Selected
- Tentatively Approved or Patented
- Tentatively Approved or Patented
- Well Site
- Boroughs
- Recording Districts
- Survey Boundary
- Survey Boundary
- Survey Boundary
- Township



GRAPHIC ILLUSTRATION ONLY.
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Date Created: Wednesday, April 15, 2015
Created By: edkleweno



CBS PCDD
Zoning Map Amendment
ASLS 15-06

Ownership Map C.R.M., T. 54 S., R. 63 E.

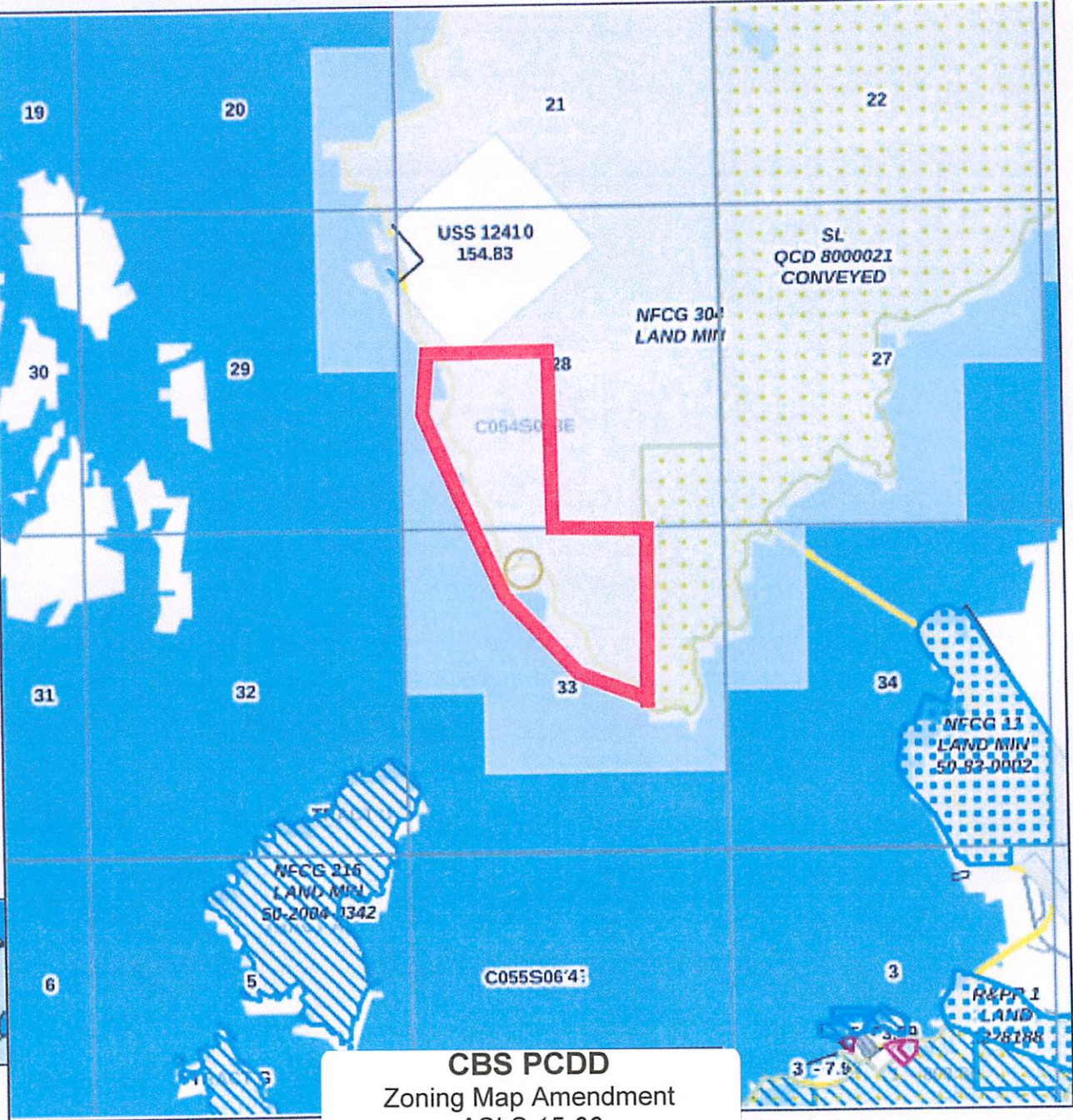
Alaska Mapper
Spherical Mercator WGS 84 - EPSG:3857

2,000 ft

- PLSS Sections
- Agrmnt, Sttlmnt, Rcnvynce
- Agrmnt, Sttlmnt, Rcnvynce
- Agrmnt, Sttlmnt, Rcnvynce
- Federal Actions
- Federal Actions
- Land Disposal Conveyed
- Land Disposal Conveyed
- Land Disposal Conveyed
- Management Agreement
- Management Agreement
- Mental Health Trust Land
- Municipal Entitlement
- Municipal Tideland
- Native Allotment
- Other Acquired Land
- Other Acquired Land
- OSL 490 School Trust Land-Other Acquired Lands
- RS2477
- State Selected
- State Selected
- State Tentative Approval or Patent
- State Tentative Approval or Patent
- School Trust Lands-St Tentative App or Patent
- Boroughs
- Recording Districts
- Survey Boundary
- Survey Boundary
- Survey Boundary
- Township



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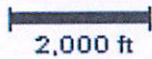


CBS PCDD
Zoning Map Amendment
ASLS 15-06

TOPO C.R.M., T. 54 S., R. 63 E.

Alaska Mapper

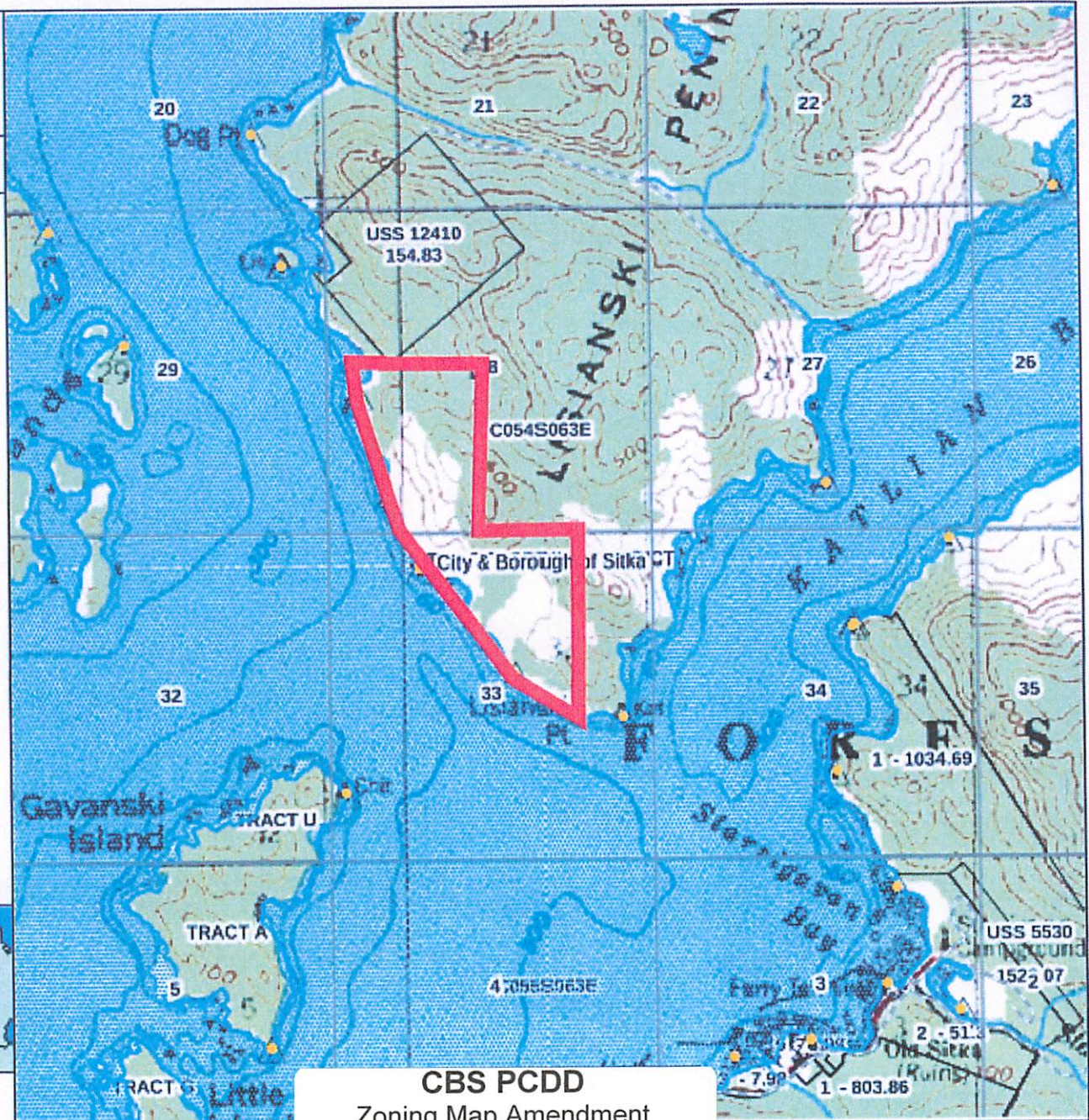
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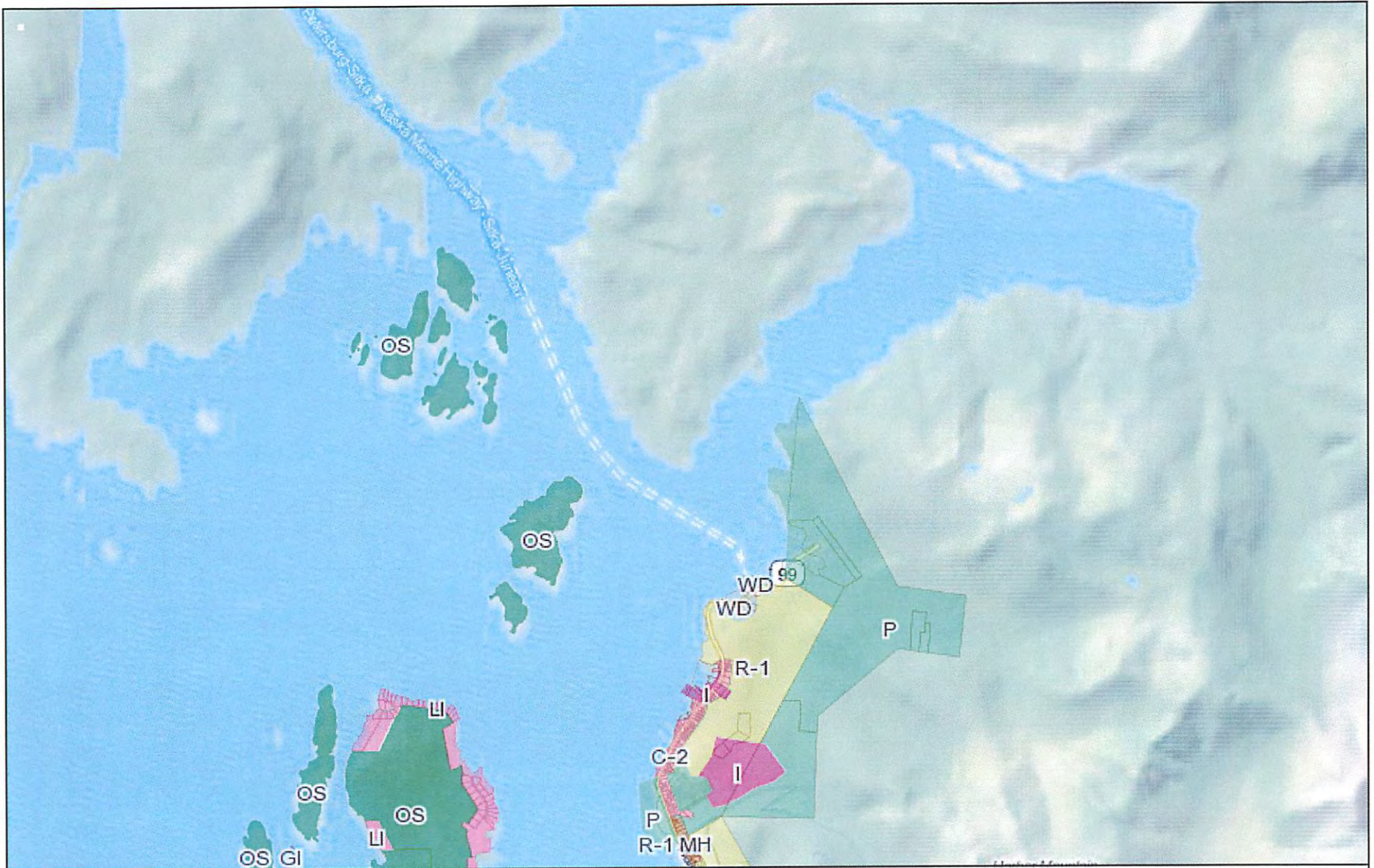
- PLSS Sections
- Alaska Seaward Boundary
- ASB - Disputed
- BLM Monument
- Boroughs
- Incorporated Cities
- Control Monuments
- Hydrology
- Hydrology
- Airstrips
- Airstrips
- Electrical
- Highways
- Pipeline
- Railroad
- Secondary Roads
- Telephone
- Trails
- National Geodetic Survey
- Township
- Recording Districts
- Survey Boundary
- Survey Boundary
- Survey Boundary



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Date Created: Wednesday, April 15, 2015
Created By: edkleweno



CBS PCDD
Zoning Map Amendment
ASLS 15-06



City & Borough of Sitka, Alaska

Printed on 4/1/2016 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.

Global Positioning Services

Major Subdivision Request
 ASLS 2015-06 - Lisianski
 Peninsula

MainStreetGIS, LLC assumes no legal responsibility for the information contained herein.

NOTES

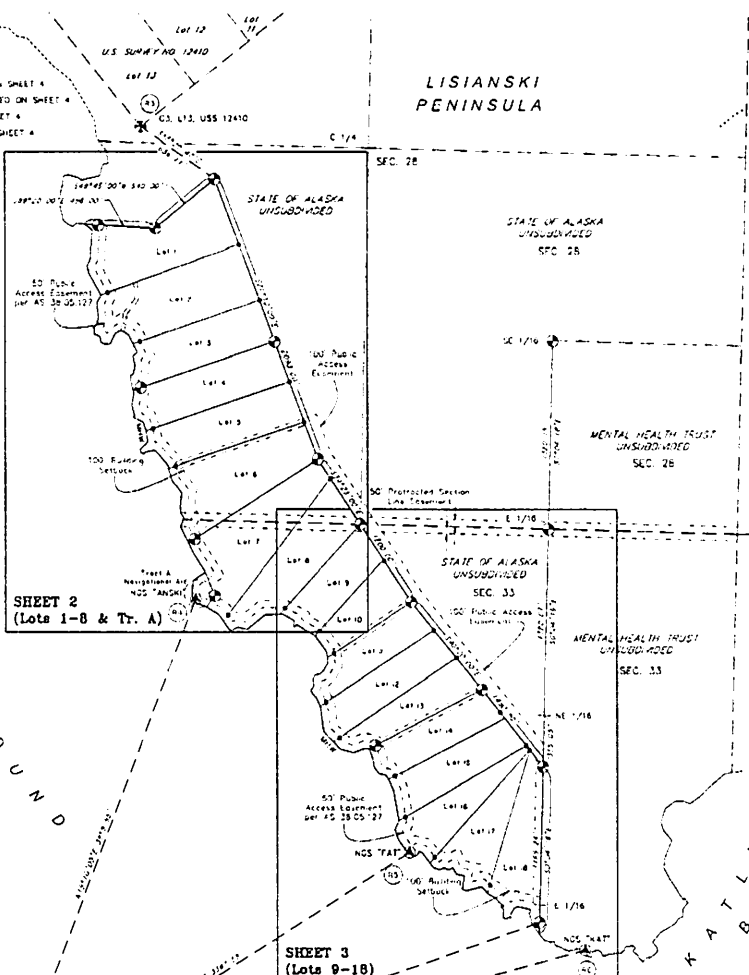
- 1. THIS SURVEY WAS ACCOMPLISHED IN ACCORDANCE WITH AS 38:04:045, GSC 807, AND 55:2015-06.
2. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE MARKS OF BEARING AND DISTANCES ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
3. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000, AND/OR CORNER POSITIONS HAVE A RELATIVE POSITIONAL ACCURACY AT THE 95 PERCENT CONFIDENCE LEVEL OF 0.13 FEET PLUS 100 PPM.
4. ALL PARCELS OF LAND OWNED BY THE STATE OF ALASKA LOCATED WITHIN 500 FEET OF, OR INTERSECTED BY A SURVEYED OR PROTRACTED SECTION LINE, ARE SUBJECT TO A 50-FOOT (50') EASEMENT ON EACH SIDE OF THE SECTION LINE, WHICH IS RESERVED TO THE STATE OF ALASKA FOR PUBLIC HIGHWAYS UNDER AS 19:10:010.
5. THE BASIS OF BEARINGS FOR THIS PLAT WAS DETERMINED BY HIGH PRECISION GLOBAL NAVIGATION SATELLITE SYSTEM TECHNOLOGY IN 2015 (EPOCH: 2010.0000) DATUM, USING TRIMBLE HE AND HE CARVER TRIMBLE RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED USING TRIMBLE BUSINESS CENTER SOFTWARE, VERSION 2.11. LOCAL PLATE BEARINGS ARE ORIENTED TO TRUE GEODETIC NORTH AT NATIONAL GEODETIC SURVEY CONTROL MONUMENT "CHIT" (MONUMENT #1) OF THIS SURVEY.
6. THE SHOWN RECORD COORDINATES ARE FROM NATIONAL GEODETIC SURVEY, NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION CONTROL MONUMENT "CHIT". THIS MONUMENT IS DESIGNATED #1 OF THIS SURVEY. THESE COORDINATES WERE HELD AND USED TO COMPUTE THE PROTRACTED POSITIONS OF THE RECTANGULAR (SCHEMATIC QUANTER & SEVENTH) CORNERS THE FOUND AND BE (2015) COORDINATES (EPOCH: 2010.0000) AND BASED ON AN OPEN SOLUTION (EPOCH: 2010.0000) FOR NOS "CHIT" AND USED FOR VERIFICATION ONLY OF THE LOCATION. THE COORDINATES WERE CONstrained TO THE NATIONAL SPATIAL REFERENCE SYSTEM USING THE CORS REFERENCE STATIONS: HORTALEFAAR0005 CORS ARP (PD 895693), JANEAU WAAS 1 CORS ARP (PD 894367), AND LAMPHRENEAR2007 CORS ARP (PD 894740).
7. THE NATURAL MEANDERS OF THE LINE OF MEAN HIGH WATER (MHW) FORM THE TRUE BOUNDS OF LOTS 1-19 AND TRACT A. THE APPROXIMATE LINE OF MHW, AS SHOWN, IS FOR AREA COMPUTATIONS ONLY, WITH THE TRUE CORNERS BEING ON THE EXTENSION OF THE SECTIONS AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.
8. THERE IS A 100-FOOT WIDE BUILDING SETBACK FROM THE MEAN HIGH WATER LINE OF SITKA SOUND.
9. ALASKA REGISTERED LAND SURVEYORS AND THEIR EMPLOYEES HAVE ACCESS RIGHTS FOR SURVEY PURPOSES TO NOS MONUMENTS "CHIT", "TAT" AND THEIR REFERENCE OBJECTS. THE OWNER OR SUCCESSOR IN TITLE SHALL PROVIDE ACCESS TO AND PRESERVE THE LOCATION OF THE MONUMENTS AND REFERENCES.
10. THE MUNICIPALITY IS PARTY TO ALL EASEMENTS AND PLAT NOTES. THEY SHALL NOT BE MODIFIED WITHOUT APPROVAL OF THE PLATING BOARD.

LEGEND:

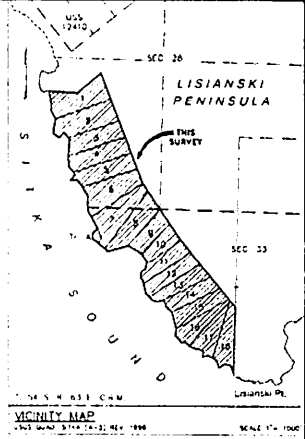
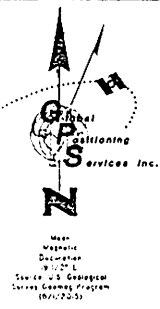
- Primary Monument Recovered This Survey as Noted on Sheet 4
Geodetic Control Monument Recovered This Survey as Noted on Sheet 4
Primary Monument to be Set This Survey as Noted on Sheet 4
Secondary Monument to be Set This Survey as Noted on Sheet 4
Surveyed Lines
Unsurveyed
Monument Identifier
Mean High Water

Table with 2 columns: ACRES, TOTAL. Rows list lots 1 through 19 and Tract A, with a total of 122.35 acres.

SITKA SOUND



LISIANSKI PENINSULA



CERTIFICATION OF APPROVAL BY THE PLANNING COMMISSION

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA, ALASKA, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD OF PLAT REGULATION AND DATED... AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE: CHAIRMAN, PLANNING COMMISSION

SECRETARY

CERTIFICATION OF PAYMENT OF TAXES
STATE OF ALASKA
(FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ACTING AS RECORDER FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN THE NAME OF... AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL, THAT CURRENT TAXES FOR THE YEAR... WILL BE PAID ON OR BEFORE...

DATED THIS... DAY OF... AT SITKA, ALASKA

RECORDER
CITY AND BOROUGH OF SITKA

CERTIFICATION OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA, AND THAT SAID PLAT HAS BEEN APPROVED BY THE ASSEMBLY AS RECORDED IN VOLUME BOOK... PAGE... DATED... AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE: MAYOR

MUNICIPAL CLERK

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ACTING AS RECORDER FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF... STATE OF ALASKA AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL LID 3 ASSESSMENTS AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS... DAY OF... AT SITKA, ALASKA

FINANCE DIRECTOR
CITY AND BOROUGH OF SITKA



Table titled 'BASE OF COORDINATES' with columns for Record, NAD 83, and NAD 27, listing coordinates for monuments CHIT, TAT, and NOS.



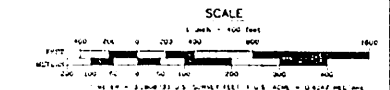
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE: JUNE 14, 2016
REGISTERED LAND SURVEYOR NO. 15-12278

CERTIFICATE OF OWNERSHIP AND DEDICATION
I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AS DIRECTOR, DIVISION OF MINING, LAND AND WATER AND THAT THE STATE OF ALASKA IS THE OWNER OF ASL 2015-006, AS SHOWN HEREON, I HEREBY AFFIRM THAT THIS SURVEY AND PLAT FOR THE STATE OF ALASKA AND DEDICATE FOR PUBLIC USE PRIVATE USE, AS NOTED, ALL EXISTING PUBLIC UTILITY AREAS, AND RIGHTS-OF-WAY AS SHOWN AND DESCRIBED HEREON.

DATE: JUNE 14, 2016
DIRECTOR
DIVISION OF MINING, LAND AND WATER
500 W. 7TH AVE., SUITE 1070
ANCHORAGE, AK 99501-3579

NOTARY'S ACKNOWLEDGEMENT
SUBSCRIBED AND SIGNED TO WITNESS ME THIS... DAY OF... 20...
FOR:
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES:...

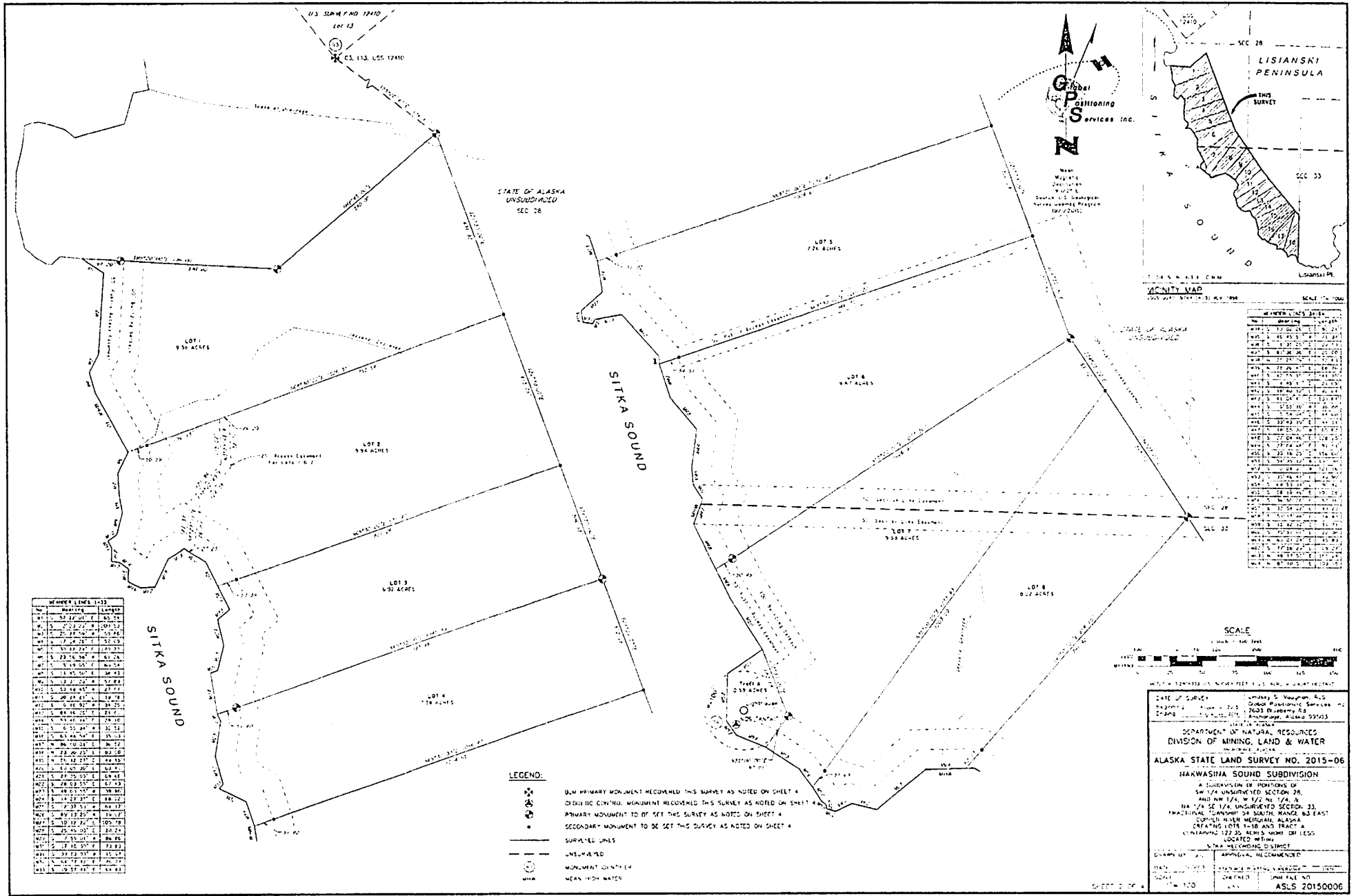


DATE OF SURVEY: JUNE 14, 2016
SURVEYOR: Lindsey S. Vaughan, NLS
RECORDING: ASL 2015-006
2803 Rutherford Rd
ANCHORAGE, ALASKA 99503

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND & WATER
ANCHORAGE, ALASKA
ALASKA STATE LAND SURVEY NO. 2015-06

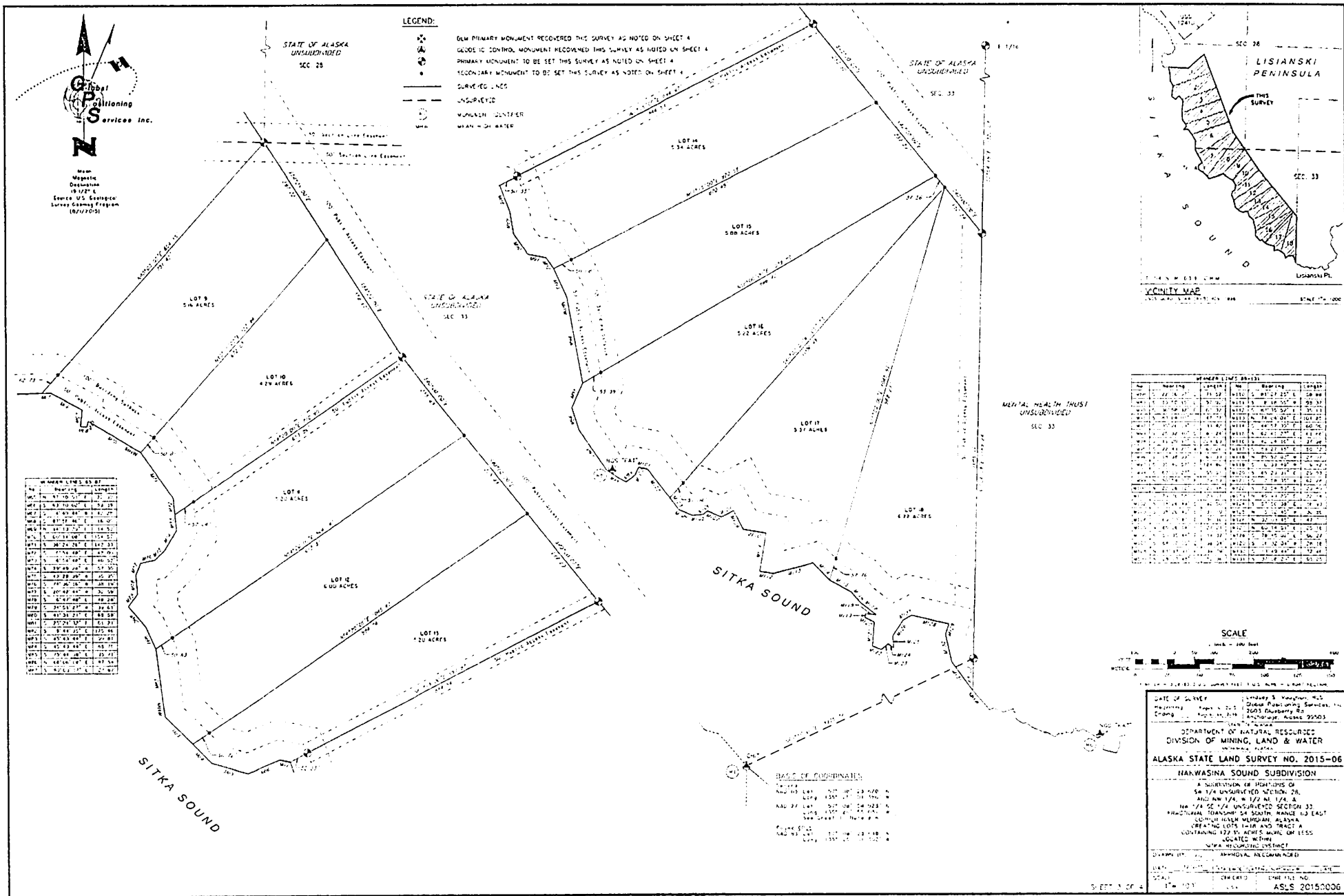
HAKWASINA SOUND SUBDIVISION
A SUBDIVISION OF PORTIONS OF
S1/4 UNRESERVED SECTION 28,
AND NW 1/4, N 1/2 N1/4, E 1/2 N1/4, E
NW 1/4 SE 1/4 UNRESERVED SECTION 33
FRAGMENTAL TOWNSHIP 34 SOUTH, RANGE 63 EAST
CANTON RIVER MIDDLEBURY, ALASKA
CREATING LOTS 1-18 AND TRACT A
CONTAINING 122.35 ACRES MORE OR LESS
LOCATED WITHIN
SITKA RECORDING DISTRICT

DRAWN BY: [Name]
DATE: [Date]
SCALE: 1" = 400'
SHEET 1 OF 4
ASL 20150006

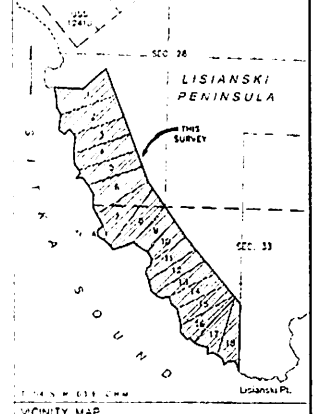


NUMBER	BEARING	LENGTH
1	S 75° 12' 00" E	85.74
2	S 75° 12' 00" E	101.17
3	S 75° 12' 00" E	53.78
4	S 75° 12' 00" E	53.78
5	S 75° 12' 00" E	101.17
6	S 75° 12' 00" E	85.74
7	S 75° 12' 00" E	85.74
8	S 75° 12' 00" E	101.17
9	S 75° 12' 00" E	53.78
10	S 75° 12' 00" E	53.78
11	S 75° 12' 00" E	101.17
12	S 75° 12' 00" E	85.74
13	S 75° 12' 00" E	85.74
14	S 75° 12' 00" E	101.17
15	S 75° 12' 00" E	53.78
16	S 75° 12' 00" E	53.78
17	S 75° 12' 00" E	101.17
18	S 75° 12' 00" E	85.74
19	S 75° 12' 00" E	85.74
20	S 75° 12' 00" E	101.17
21	S 75° 12' 00" E	53.78
22	S 75° 12' 00" E	53.78
23	S 75° 12' 00" E	101.17
24	S 75° 12' 00" E	85.74
25	S 75° 12' 00" E	85.74
26	S 75° 12' 00" E	101.17
27	S 75° 12' 00" E	53.78
28	S 75° 12' 00" E	53.78
29	S 75° 12' 00" E	101.17
30	S 75° 12' 00" E	85.74
31	S 75° 12' 00" E	85.74
32	S 75° 12' 00" E	101.17
33	S 75° 12' 00" E	53.78
34	S 75° 12' 00" E	53.78
35	S 75° 12' 00" E	101.17
36	S 75° 12' 00" E	85.74
37	S 75° 12' 00" E	85.74
38	S 75° 12' 00" E	101.17
39	S 75° 12' 00" E	53.78
40	S 75° 12' 00" E	53.78
41	S 75° 12' 00" E	101.17
42	S 75° 12' 00" E	85.74
43	S 75° 12' 00" E	85.74
44	S 75° 12' 00" E	101.17
45	S 75° 12' 00" E	53.78
46	S 75° 12' 00" E	53.78
47	S 75° 12' 00" E	101.17
48	S 75° 12' 00" E	85.74
49	S 75° 12' 00" E	85.74
50	S 75° 12' 00" E	101.17
51	S 75° 12' 00" E	53.78
52	S 75° 12' 00" E	53.78
53	S 75° 12' 00" E	101.17
54	S 75° 12' 00" E	85.74
55	S 75° 12' 00" E	85.74
56	S 75° 12' 00" E	101.17
57	S 75° 12' 00" E	53.78
58	S 75° 12' 00" E	53.78
59	S 75° 12' 00" E	101.17
60	S 75° 12' 00" E	85.74
61	S 75° 12' 00" E	85.74
62	S 75° 12' 00" E	101.17
63	S 75° 12' 00" E	53.78
64	S 75° 12' 00" E	53.78
65	S 75° 12' 00" E	101.17
66	S 75° 12' 00" E	85.74
67	S 75° 12' 00" E	85.74
68	S 75° 12' 00" E	101.17
69	S 75° 12' 00" E	53.78
70	S 75° 12' 00" E	53.78
71	S 75° 12' 00" E	101.17
72	S 75° 12' 00" E	85.74
73	S 75° 12' 00" E	85.74
74	S 75° 12' 00" E	101.17
75	S 75° 12' 00" E	53.78
76	S 75° 12' 00" E	53.78
77	S 75° 12' 00" E	101.17
78	S 75° 12' 00" E	85.74
79	S 75° 12' 00" E	85.74
80	S 75° 12' 00" E	101.17
81	S 75° 12' 00" E	53.78
82	S 75° 12' 00" E	53.78
83	S 75° 12' 00" E	101.17
84	S 75° 12' 00" E	85.74
85	S 75° 12' 00" E	85.74
86	S 75° 12' 00" E	101.17
87	S 75° 12' 00" E	53.78
88	S 75° 12' 00" E	53.78
89	S 75° 12' 00" E	101.17
90	S 75° 12' 00" E	85.74
91	S 75° 12' 00" E	85.74
92	S 75° 12' 00" E	101.17
93	S 75° 12' 00" E	53.78
94	S 75° 12' 00" E	53.78
95	S 75° 12' 00" E	101.17
96	S 75° 12' 00" E	85.74
97	S 75° 12' 00" E	85.74
98	S 75° 12' 00" E	101.17
99	S 75° 12' 00" E	53.78
100	S 75° 12' 00" E	53.78

Lot	Area (Acres)	Perimeter (Feet)
1	9.30	1,234.56
2	9.34	1,234.56
3	6.92	1,234.56
4	1.29	1,234.56
5	7.74	1,234.56
6	4.47	1,234.56
7	9.33	1,234.56
8	0.22	1,234.56



LINE NO.	BEARING	LENGTH
1	N 71° 15' 00" E	72.00
2	S 71° 15' 00" W	72.00
3	S 71° 15' 00" W	72.00
4	N 71° 15' 00" E	72.00
5	N 71° 15' 00" E	72.00
6	S 71° 15' 00" W	72.00
7	S 71° 15' 00" W	72.00
8	N 71° 15' 00" E	72.00
9	N 71° 15' 00" E	72.00
10	S 71° 15' 00" W	72.00
11	S 71° 15' 00" W	72.00
12	N 71° 15' 00" E	72.00
13	N 71° 15' 00" E	72.00
14	S 71° 15' 00" W	72.00
15	S 71° 15' 00" W	72.00
16	N 71° 15' 00" E	72.00
17	N 71° 15' 00" E	72.00
18	S 71° 15' 00" W	72.00
19	S 71° 15' 00" W	72.00



MONUMENT NO.	BEARING	LENGTH	BEARING	LENGTH
101	N 71° 15' 00" E	72.00	N 71° 15' 00" E	72.00
102	S 71° 15' 00" W	72.00	S 71° 15' 00" W	72.00
103	S 71° 15' 00" W	72.00	N 71° 15' 00" E	72.00
104	N 71° 15' 00" E	72.00	N 71° 15' 00" E	72.00
105	S 71° 15' 00" W	72.00	S 71° 15' 00" W	72.00
106	S 71° 15' 00" W	72.00	N 71° 15' 00" E	72.00
107	N 71° 15' 00" E	72.00	N 71° 15' 00" E	72.00
108	S 71° 15' 00" W	72.00	S 71° 15' 00" W	72.00
109	S 71° 15' 00" W	72.00	N 71° 15' 00" E	72.00
110	N 71° 15' 00" E	72.00	N 71° 15' 00" E	72.00

BASE OF COORDINATES

NAD 83	111° 50' 00" W	6621 123 470 N
Lot 9	113° 57' 10" W	52 140 N
NAD 83	113° 57' 10" W	52 140 N
Lot 19	113° 57' 10" W	52 140 N



**DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND & WATER**

**ALASKA STATE LAND SURVEY NO. 2015-06
HAWASINA SOUND SUBDIVISION**

A SUBDIVISION OF PORTIONS OF
S 1/4 UNDIVIDED SECTION 28,
AND NW 1/4, W 1/2 NE 1/4, &
NE 1/4 SE 1/4 UNDIVIDED SECTION 33,
FRANCIS TRANSMONTE SOUTH RANGE 13 EAST
COUNCIL BLUFFS MERIDIAN, ALASKA
CONTAINING 122.30 ACRES MORE OR LESS
LOCATED WITHIN
MENTAL HEALTH TRUST

APPROVAL RECOMMENDED

DATE: 05/23/2016 TIME: 10:00 AM
SCALE: 1" = 100' ASLS 2015:006

RECOVERED MONUMENTS

81 Recovered a Metal Rod, set flush with the rock in a 6" hole, with no cap, from which
 Evidence monuments of record exist and are in good condition
 Monument is located on the top of a steep rock ledge in the forest
 near the top of a steep slope. There is a horizontal nail with a
 few feet of the marker and sitting on top of the 6" PU



82 Recovered a Stainless Steel Nail, 2 1/2" in. diam.,
 with a 3/4" in. Brass Cap, Marked as shown, set flush with rock,
 from which
 Ground 'rest of record' are shown in good condition. BT's were not
 measured due to a steep slope and distance along to more
 measurement possible. However, bearings were in agreement with
 notes
 SW 3" Spikes, with diameter inside marks
 are 2" diameter, and 2 1/2"



83 Recovered a Stainless Steel Nail, 2 1/2" in. diam.,
 with a 3/4" in. Brass Cap, Marked as shown, set flush with rock,
 projecting 1/2 in. out of the ground, from which the
 or ground bearing lines
 1. corner, NW 1/4 sec., Range 10 27' N., 2: 32 11' W.,
 with an 18" high brass marker
 (Marker, N. 32 1/4" E., 2:10 11")
 2. corner, 7' in. diam., Range 3 27' N., 12 7 11' W.,
 with no height inside marks
 (Marker, S. 42 1/4" E., 1:01 11")



84 Recovered a Brass Disk, Marked as shown,
 set in surface on a post, and some additional pins,
 from which
 Evidence monuments of record were located and are
 in good condition

85 Found NGS FAT - on N in center lead at top of steep rock,
 from which
 One of the Evidence monuments of record were located
 Other not found due to safety hazard
 The monument location was not suitable for instrument
 setup.



86 Recovered a Brass Disk, Marked as shown,
 set in surface on a rock post, from which
 Evidence monuments of record were located and are
 in good condition

TYPICAL SET PRIMARY MONUMENT



Set a 2 1/2" aluminum cap on a
 2 1/2" aluminum post, set flush
 with the rock surface
 2 1/2" in. diam. cap
 on the base of the monument
 contains witness mark in the cap

TYPICAL SET SECONDARY MONUMENT



Set a 2 1/2" aluminum cap
 on a 3/4" brass nail, set flush
 with the rock surface
 2 1/2" in. diam. cap
 on the base of the monument
 contains witness mark in the cap

DATE OF SURVEY	Ernest S. Youngman, NLS Ernest S. Youngman, NLS 2603 Blueberry Rd Anchorage, Alaska 99503
DESIGN	1513-01-001
DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND & WATER	
ALASKA STATE LAND SURVEY NO. 2015-06	
NAKAWASINA SOUND SUBDIVISION	
A SUBDIVISION OF PORTIONS OF SW 1/4 UNSURVEYED SECTION 28, AND NW 1/4, W 1/2 NE 1/4, & NW 1/4 SE 1/4, UNSURVEYED SECTION 33, FRACTIONAL TOWNSHIP 24 SOUTH, RANGE 63 EAST COPPER RIVER MERIDIAN, ALASKA CREATING LOTS 1-18 AND TRACT A CONTAINING 122.33 ACRES MORE OR LESS LOCATED WITHIN	
STATE RECORDING DISTRICT	
DRAWN BY:	APPROVAL RECOMMENDED
DATE: 12/20/03	DATE: 12/20/03
SCALE: 1" = 100'	SCALE: 1" = 100'
	ASLS 20150006



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Tamie (Harkins) Parker Song
Debra Pohlman
Randy Hughey

Tuesday, July 19, 2016

7:00 PM

Sealing Cove Business Center

I. CALL TO ORDER AND ROLL CALL

Chair Spivey called the meeting to order at 7:01 PM.

II. CONSIDERATION OF THE AGENDA

Chair Spivey stated that he would need to recuse himself from Item I requested by Ida Eliason, and that a quorum for the item would not be met.

III. CONSIDERATION OF THE MINUTES

A Approval of the June 21, 2016 meeting minutes.

Pohlman/Parker Song moved to APPROVE the June 21, 2016 meeting minutes.
Motion PASSED 3-0.

IV. REPORTS

V. THE EVENING BUSINESS

B Planning Regulations and Procedures.

C Public hearing and consideration of a conditional use permit for a short term rental located on a boat in Crescent Harbor 1-24, 500 Lincoln Street, in the Public zone. The property is also known as a portion of ATS 15. The application is filed by Bruce and Ann-Marie Parker. The owner of record is the City and Borough of Sitka.

Item was not heard as applicants were not present.

D Public hearing and consideration of a conditional use permit for a short term rental located on a boat in Crescent Harbor 6-45, 500 Lincoln Street, in the Public zone. The property is also known as a portion of ATS 15. The application is filed by Tiffany Justice and Ben Timby. The owner of record is the City and Borough of Sitka.

Scarcelli explained the request for a short-term rental on a 24 foot sailboat.

Ultimately, conditional uses must not be detrimental to public health and safety. Scarcelli stated that the Fire Chief had some concerns for access in the event of an emergency. Spivey asked if the conditional use would run with the slip or the boat. Bosak stated that it would be similar to food truck approvals, and the permit is for this boat in this slip. Pohlman stated concern for parking near Crescent Harbor. Bosak stated that approvals are on a case-by-case basis. Bosak read a public comment from Marcia Strand against the proposal.

Tiffany Justice and Ben Timby stated that they want to offer a unique lodging experience through Airbnb. Justice stated that they have a fire extinguisher, carbon monoxide detector, and other safety items. Timby stated that they believe the majority of their renters will not rent cars, but that they will tell renters to park at Crescent Harbor. Timby stated that they will not leave candles or the stove on the boat. Timby stated that he has worked on boats since he was 18. Pohlman asked about emergency contacts for renters. Justice stated that they will make the rental unavailable when they are out of town. Timby stated that they will screen renters through Airbnb. Spivey asked about insurance. Timby stated that they do not currently have insurance, but he could add it to his policy.

Harbormaster Stan Eliason stated that there had previously been an agreement with Sheldon Jackson College to not allow liveaboards in Crescent Harbor, but liveaboards are now allowed. Eliason stated that this is a liveable boat. Pohlman asked about electrical usage. Eliason stated that electrical usage is under the jurisdiction of the Electric Department. Bosak stated that a condition of approval is that the boat is registered as a liveaboard and pay liveaboard fees.

Spivey stated that a condition should be that the owners get and maintain insurance. Parker Song asked if that is a condition for short-term rentals in homes. Bosak stated no, although owners typically have homeowners insurance. Municipal Attorney Brian Hansen stated that the city requires insurance when it contracts with outside entities. Hansen stated that he would need to conduct more research before determining if insurance can be a condition of approval. Parker Song stated that requirements for boat short-term rentals should be commensurate with short-term rentals on land. Pohlman stated that few short-term rentals are located on city property. Bosak recommended that the commission request that staff take another look at this request.

Peter Bradley stated that Airbnb requires that property owners have insurance. Timby stated that many boats are listed on Airbnb. Timby stated that he wants to do everything right.

Pohlman stated that she would like to see how other municipalities deal with boat short-term rentals before making a decision.

Parker Song/Pohlman moved to POSTPONE the item for staff and the applicants to provide additional information.

Motion PASSED 3-0.

E

Public hearing and consideration of a minor subdivision at 211 Shotgun Alley, zoned SFLD Single Family Low Density Residential. The subdivision would result in four lots. The property is also known as Lot 2

of Johnstone Subdivision Replat. The request is filed by Barth Hamberg. The owner of record is Barth Hamberg.

Scarcelli described the request for a four-lot subdivision. Covenants restrict subdivision of this lot to four lots, whereas zoning code would have allowed more lots. A drainage plan was provided, and CBS Public Works has approved the plan. US Army Corps of Engineers issued a de minimis waiver for wetlands. Spivey requested that CBS Municipal Engineer Dan Tadic explain the drainage findings in layman's terms. Tadic stated that the channel probably carried much more water in the past than it does today, and Sawmill Creek Road likely altered local drainage. Tadic stated that pre- and post-development drainage was calculated. Tadic stated that the drainage capacity on the applicant's property is more than sufficient. Tadic stated that the downhill property has created constraints with a manmade dam. Tadic stated that the report has met his requirements.

Barth Hamberg stated that he did not have anything to add. Spivey asked about housing sizes. Hamberg stated that he hasn't decided at this time. Bosak asked Hamberg to elaborate on the covenants. Hamberg stated that the previous owners wanted to ensure that the property was developed responsibly. Hamberg stated that the hydrologist who wrote the drainage report is very experienced and works for the US Forest Service. Pohlman stated concerns for responsible development. Hamberg stated that the deed restrictions would run with the land. Hamberg said that the property does not have an ocean or mountain view, but has a beautiful forest.

Lisa Busch stated that she lives directly below the proposed subdivision. Busch stated concern that a grading permit was granted before the subdivision process. Busch stated that the lots have already been developed and now it seems too late. Busch stated that code states that uphill developers needs to get an easement from the downhill owners. Busch asked the commission how they would protect property owners and preserve the character of the neighborhood.

Davey Lubin stated that he is a downhill property owner. Lubin believes the process is flawed, and that plans should be reviewed by licensed professionals before work can commence. Lubin stated that the drainage report was written by a non-engineer.

Pohlman asked if the drainage assessment was conducted before or after grading occurred. Tadic stated that the report considers the pre-development condition, but was conducted after grading. Pohlman asked if any similar data was conducted when preparing for the Benchlands. Tadic stated that assessments were conducted with different methodology, and this situation is much different than the Benchlands.

CBS Municipal Attorney Brian Hanson stated that the easement requirement only comes into play if the uphill owner develops an artificial drainage system. Hanson stated that the natural stream has not been altered. Hanson recommends that no drainage easement is required. Hanson stated that CBS staff required a drainage assessment and determined that no mitigation is required. Hanson stated that the proper procedure has been followed. Hanson stated that municipal code does not provide clear guidelines for what requires mitigation, but staff have used their professional opinions and past precedence. The uphill property owner has the right to use their property in a

way that does not unreasonably impact the downhill property.

Commission took a 5 minute break.

Scarcelli gave a recap of the proposed subdivision. Parker Song stated that she is inclined to grant the request. Pohlman stated a desire to reach a compromise between the property owners, although it seems that communications are constrained. Parker Song stated that she believes this proposal to be very different from the Benchlands area regarding topography and drainage. Spivey stated that some have said that the Benchlands development caused flooding issues on Sand Dollar Drive, although that has not been proven. Spivey stated that understood the drainage report to state that drainage concerns are caused by the downhill owners, not the applicant. Bosak stated that if an owner maintained the lot as a single-family property, development could impact drainage without a required drainage analysis.

Parker Song asked about requiring collaboration between the property owners. Spivey stated that the commission cannot require them to get along.

Pohlman/Parker Song moved to POSTPONE the item to a meeting when more commissioners are present.

Motion PASSED 3-0.

F

Public hearing and consideration of a conditional use permit application for a three-unit multiple-family structure and a short-term rental at 1715 Sawmill Creek Road, in the R-1 single family and duplex residential district. The property is also known as Lot 1A Corrective Plat of Knauss Lot Line Adjustment. The request is filed by Michael Knauss and Jacklynn Barmoy. The owners of record are Michael Knauss and Jacklynn Barmoy.

Scarcelli described the request for a triplex and a one-unit short-term rental. Both uses are conditional uses in the R-1 zone. The third unit has a complete kitchen and a separate entrance. The property has more than the six required parking spaces. The owners live in one unit, have long-term renters in the second unit, and plan to rent the third unit short-term. The applicants plan to use Airbnb to rent the unit, and will accept a maximum of two renters at a time.

Jacklynn Barmoy and Michael Knauss represented their request. Barmoy stated that she has consulted with the Building Official about occupancy requirements. Pohlman asked if neighbors had stated any concerns. Barmoy stated that the property is separated from neighbors by topography and trees.

No public comment.

Spivey stated that he has reservations due to traffic and creating precedence for triplex approvals. Bosak stated that at the last meeting, the commission approved an accessory dwelling unit with a duplex. Scarcelli stated that he had to be mindful to his speed when driving by the property, and that the commission could condition the installation of a mirror to improve visibility. Spivey asked who owns the property across the street, and Scarcelli confirmed that the applicants did. Knauss stated that there is good visibility both ways. Knauss said many people turn around on his property. Pohlman asked if there was enough space for a three-point turn for the short-term renters, and Barmoy stated that there is enough space. Spivey stated that he does not like lending

to common sense, and stated that future owners must be considered. Scarcelli stated that the Planning Commission can hold a hearing upon receipt of meritorious complaint.

Pohlman/Parker Song moved to APPROVE the required findings.

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

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

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

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot

coverage and height of structures;

4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Conclusion on Findings: That the proposed conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties; and that the required findings have been met.

Motion PASSED 3-0.

Pohlman/Parker Song moved to APPROVE the conditional use permit application for a three-unit multiple-family dwelling and a short term rental at 1715 Sawmill Creek Road, in the R-1 single family and duplex residential district subject to the nine conditions of approval. The property is also known as Lot 1A Corrective Plat of Knauss Lot Line Adjustment. The request is filed by Michael Knauss and Jacklynn Barmoy. The owners of record are Michael Knauss and Jacklynn Barmoy.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
9. Owners shall provide renters with a brief explanation of best traffic circulation patterns to mitigate any potential traffic impacts.

Motion PASSED 3-0.

G

Public hearing and consideration of a conditional use permit request for a daycare at 514 Halibut Point Road and 203 Lakeview Drive, in the R-1 zone. The property is also known as Lots 1, 2, 30, and 31 of Lakeview

Heights Subdivision. The request is filed by Emily Davis and Michelle Barker. The owner of record is First Baptist Church.

Parker Song/Pohlman moved to POSTPONE the item until the applicants commit to attending the hearing. Motion PASSED 3-0.

H

Public hearing and consideration of a conditional use permit major amendment request for a short-term rental at 304 Baranof Street, in the R-1 zone. The property is also known as Lot 1 Westover Subdivision. The request is filed by Island Institute. The owners of record are John and Karen Thielke.

Scarcelli stated that the application is for a major amendment to a nonconforming use permit. A long-term rental has been approved for the property. The applicant would now like to offer the unit as a short-term rental. Scarcelli stated that short-term rentals can increase long-term rental rates. Scarcelli stated that if this amendment is approved, one year must pass before another amendment can be considered, so that any concerns can be appropriately mitigated. Staff recommend approval with eight conditions.

Peter Bradley represented the Island Institute. Bradley stated that the unit is rented for a month or two at a time for artists in residence, which result in "awkward chunks of time."

No public comment.

Spivey stated that his only concern was for traffic, but the unit has already been operating as a long-term rental.

Parker Song/Pohlman moved to APPROVE the required findings.

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

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

section.

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

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

Motion PASSED 3-0.

Parker Song/ Pohlman moved to APPROVE the conditional use permit amendment request for a short-term rental subject to the eight attached conditions of approval. The property is also known as Lot 1 Westover Subdivision. The request is filed by the Island Institute. The owners of record are John and Karen Thielke.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating

adverse impacts on nearby properties.

6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.

7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

Motion PASSED 3-0.

I Public hearing and consideration of a variance request for 216 Lakeview Drive, in the R-1 zone. The request is for the reduction in the northwesterly side setback from 5 feet to 1 foot for the construction of a garage to replace an existing carport. The property is also known as Lot 51 Lakeview Heights Subdivision. The request is filed by Ida Eliason. The owner of record is Ida Eliason.

Item was not heard due to lack of quorum. To be scheduled on next meeting's agenda.

J Public hearing and consideration of a variance request for substandard lot size at 204 Jeff Davis Street, in the R-2 zone. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision. The request is filed by Randy Hitchcock. The owner of record is Randy Hitchcock.

Scarcelli stated that the applicant seeks to subdivide his property into two lot, and a code note states that development standard size is net of access easements. The total square footages of the lots meet development standards, but when the easements are subtracted, the lots do not meet minimum square footage requirements. Utilities currently exist on a portion of the access easement. If the properties were arranged side by side with no easements, the proposed lot sizes would not be problematic. The easement will act as a buffer and for parking. Scarcelli stated that the proposal is in line with the spirit of the code. Bosak read a comment of concern from Becky Martollo.

Randy Hitchcock stated that upon his purchase of the land, his intention was to build two structures on the property. He would like to subdivide into two lots. Hitchcock stated that he previously had concerns with the easement preventing parking, but he has decided to not request adjustments to the easements. Bosak asked if the new house would have a garage. Hitchcock said that it may have a small garage.

Pohlman/Parker Song moved to adopt as found in the staff report and APPROVE the findings of fact that state there are special circumstances that exist, the variance is necessary to preserve the enjoyment of property rights, the granting of the variance will not be materially detrimental to the public's welfare, health, or safety or nearby parcels or infrastructure; and comports with the Comprehensive Plan by providing substantial justice and equity in line with the spirit of the law.

Required Findings for Variances.

1. Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:
 - a. That there are special circumstances to the intended use that do not apply

generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner (here the existing large oversized easements and code section that reduces net area);

b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity (here alternatives would allow identical development, but for the access easements);

c. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure (again, alternatives would allow the same outcome, and the outcome is in harmony with surrounding land use); and

d. That the granting of such a variance will not adversely affect the comprehensive plan (A grant of a variance will consider relevant factors including spirit of the code section that applies and seeking substantial justice and equity).

Motion PASSED 3-0.

Pohlman/Parker Song moved to APPROVE the platting variance request for substandard lot sizes at 204 Jeff Davis Street, in the R 2 zone reducing the net size lot B to 5,097 s.f. and lot A to 5,596.87 s.f. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision. The request is filed by Randy Hitchcock. The owner of record is Randy Hitchcock.

Motion PASSED 3-0.

K

Public hearing and consideration of a minor subdivision and easement change request for 204 Jeff Davis Street, in the R-2 zone. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision. The request is filed by Randy Hitchcock. The owner of record is Randy Hitchcock.

Scarcelli stated that the proposal is to split an approximately 17,000 square foot lot into two lots. With the granted variance, the proposal meets development standards. The proposal would result in another lot that can be developed. The easement would not be changed. Staff recommend approval. Spivey stated concern for a potential front setback variance to be required to build on the new lot. Bosak clarified that the front lot would only have one front setback, and that the easement does not create another front setback.

Randy Hitchcock stated that the approval at the Historic Preservation Commission failed 3-1, but 3 were in favor. Scarcelli stated that staff and the applicant have reached out to a variety of interested parties, and feedback has been largely positive.

No public comment.

Spivey stated that it would be unrealistic to build two houses on each of the new two lots.

Pohlman/Parker Song moved to adopt the Senior Planner's analysis and APPROVE the findings of fact that the minor subdivision is not detrimental the public's health, safety, and welfare nor injurious to nearby parcels.

Motion PASSED 3-0.

Pohlman/Parker Song moved to APPROVE the minor subdivision request for 204 Jeff Davis Street, in the R 2 zone. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision. The request is filed by Randy Hitchcock. The owner of record is Randy Hitchcock

Motion PASSED 3-0.

L

Public hearing and consideration of a minor subdivision request filed for tidelands adjacent to 1 Lincoln Street, as required for the tideland lease process. The property is also known as a portion of ATS 15, and is in the Waterfront District. The request is filed by Petro Marine Services. The owner of record is the City and Borough of Sitka.

Bosak described the request. The subdivision is required for the 50 year tideland lease request. The proposed dock will streamline boat traffic and provide additional safety measures. An access easement should be a condition of approval. Staff is in support of the request.

Jerry Jacobs represented Petro Marine and stated that he didn't have anything additional to add.

No public comment.

Parker Song/Pohlman moved to APPROVE the findings as discussed in the staff report.

- 1) That the proposed minor subdivision complies with the Comprehensive Plan and Sitka General Code by delineating an area for a prospective tideland lease; and
- 2) That the subdivision would not be injurious to public health, safety, and welfare.

Motion PASSED 3-0.

Parker Song/Pohlman moved to APPROVE the preliminary plat of the minor subdivision for tidelands adjacent to 1 Lincoln Street with the condition that access is guaranteed. The property is also known a portion of ATS 15. The request is filed by Petro Marine Services. The owner of record is the City and Borough of Sitka.

Motion PASSED 3-0.

M

Public hearing and consideration of a zoning map amendment for ASLS 15-06. The proposal would change the property from unzoned to OS Open Space. The request is filed by the City and Borough of Sitka Planning Department. The owner of record is the State of Alaska.

Scarcelli stated that this is a follow-up item to the major subdivision on Nakwasina Sound. The property is not zoned. A zoning assignment would guide future development. Staff recommend that the Commission recommend OS Open Space zoning to the Assembly. Single family residential and recreational uses would be permitted. Lodges are not permitted. OS zoning is less intensive than other possibility zoning assignments, particularly since the

properties will not have municipal water and sewer service.

No public comment.

Spivey stated that the OS zoning makes sense for this parcel.

Pohlman/ Parker Song moved to APPROVE findings as discussed in the staff report.

1. That the granting of such zoning map amendment will not adversely affect the Comprehensive Plan, and it is consistent with Comprehensive Plan 2.4.1 which states, "To guide the orderly and efficient use of private and public land in a manner that encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations, specifically, by assigning OS zoning to preserve the property's rural character."

2. The zoning map change is consistent with the public purpose of developing commonsense zoning.

3. The zoning map change will not result in adverse effects on public health, safety, and welfare.

Motion PASSED 3-0.

Pohlman/Parker Song moved to RECOMMEND approval the zoning map amendment of ASLS 15-06 to assign OS Open Space zoning. The request is filed by the City and Borough of Sitka Planning and Community Development Department. The owner of record is the State of Alaska Department of Natural Resources Division of Mining, Land, and Water.

Motion PASSED 3-0.

N

Public hearing and consideration of a zoning text amendment to allow staff to approve administrative variances of up to two feet in C-1 General Commercial, C-2 General Commercial Mobile Home, Industrial, and Waterfront zones. The request is filed by the CBS Planning and Community Development Department.

Bosak explained the request, which would give an administrative authority to grant administrative variances of up to 2 feet in Commercial C-1, Commercial C-2, Waterfront WD and Industrial I zones. This can already be done in residential zones.

No public comment.

Pohlman asked how 2 feet was determined for this request. Bosak stated that administrative variances in residential zones are up to 2 feet.

Pohlman/Parker Song moved to RECOMMEND the zoning text amendment.

Motion PASSED 3-0.

VI. PLANNING DIRECTOR'S REPORT

Bosak reported that the next Comp Plan meeting is August 2 at ANB Hall. Bosak stated that Barb Sheinberg will be contacting commissioners and

participating in the meeting. The meeting will include a walkability assessment.

VII. PUBLIC BUSINESS FROM THE FLOOR

VIII. ADJOURNMENT

Pohlman/Parker Song moved to ADJOURN at 10:07 PM. Motion PASSED 3-0.

Attest: _____
Samantha Pierson, Planner I



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: June 28, 2016
From: Samantha Pierson, Planner I
To: Planning Commission
Re: ZMA 16-03 Zoning Map Amendment of ASLS 15-06

GENERAL INFORMATION

Applicant: CBS Planning and Community Development Department
Property Owner: Alaska Department of Natural Resources
Property Address: Lisianski Peninsula
Legal Description: ASLS 15-06
Parcel ID Number: None
Size of Existing Lot: 122.35 acres
Zoning: None
Existing Land Use: Undeveloped
Utilities: None
Access: Water
Surrounding Land Use: Undeveloped, Recreational

MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion of Approval for the replat

ATTACHMENTS

Attachment A: Vicinity Map
Attachment B: Aerial Vicinity Map
Attachment C: Additional Maps

Providing for today...preparing for tomorrow

Attachment D: Application
Attachment E: Plat
Attachment F: Use Tables
Attachment G: Ownership

PROJECT DESCRIPTION

Global Positioning Services, on behalf of Alaska DNR, applied for a major subdivision of ASLS 15-06 located on Lisianski Peninsula. The Planning Commission approved the final plat, and the plat will go to the Assembly for approval at a later date. The property is currently unzoned. The CBS Planning and Community Development Department requests that the Planning Commission recommend Open Space (OS) zoning for the property. The final decision will be made by the Assembly.

BACKGROUND

Lisianski Peninsula, like much of the undeveloped portions of Baranof Island, is unzoned. This action will only assign zoning to ASLS 15-06, otherwise known as the Nakwasina Sound Subdivision. The assignment of a zoning classification is essential, as it will guide the future development of the property.

Open Space (OS) zoning would allow property owners to build recreational housing, while still preserving rural character. The Open Space (OS) zoning district: "is to serve as a holding zone for large islands or tracts for which specific plans have not been established."¹ Permitted OS uses include single-family detached housing, trails, campgrounds, docks, a marina, and commercial home horticulture. One small private recreational cabin per lot is permitted in addition to the principal structure.

ANALYSIS

Project / Site: The proposed parcel is unzoned. The parcel is 122.35 square feet, and is currently undergoing the subdivision process to create 18 lots and 1 tract.

Traffic: The zoning map amendment will not result in more traffic beyond what is created by the subdivision.

Parking: Not applicable.

Noise: Lots are large to provide sound buffers. No concerns.

Public Health or Safety: Property owners will be responsible for installing DEC approved

¹ § 22.16.160 OS Open Space Zone

utilities. This is clearly stated in the plat notes.

Habitat: Any future docks must comply with US Army Corps of Engineers requirements.

Property Value or Neighborhood Harmony: Neighboring property is undeveloped and government-owned. No concerns.

Comprehensive Plan: 2.4.1 To guide the orderly and efficient use of private and public land in a manner that encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations, *specifically, by assigning OS zoning to preserve the property's rural character.*

FINDINGS

1. That the granting of such zoning map amendment will not adversely affect the Comprehensive Plan, and it is consistent with Comprehensive Plan 2.4.1 which states, "To guide the orderly and efficient use of private and public land in a manner that encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations, *specifically, by assigning OS zoning to preserve the property's rural character.*"
2. The zoning map change is consistent with the public purpose of developing commonsense zoning.
3. The zoning map change will not result in adverse effects on public health, safety, and welfare.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Planner's analysis and grant the zoning map amendment to assign Open Space to ASLS 15-06.

RECOMMENDED MOTIONS

1. Move to approve the findings as discussed in the staff report.
2. Move to approve the zoning map amendment of ASLS 15-06 to assign Open Space (OS) zoning. The request is filed by the City and Borough of Sitka Planning and Community Development Department. The owner of record is Alaska Department of Natural Resources Division of Mining, Land, and Water.



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

1. Request projects at least FOURTEEN (14) 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

BRIEF DESCRIPTION OF REQUEST: Assign OS zoning to
ASLS 15-06

PROPERTY INFORMATION:

CURRENT ZONING: not zoned PROPOSED ZONING (if applicable): OS Open Space
 CURRENT LAND USE(S): underdeveloped PROPOSED LAND USES (if changing): recreational

APPLICANT INFORMATION:

PROPERTY OWNER: Alaska DNR
 PROPERTY OWNER ADDRESS: _____
 STREET ADDRESS OF PROPERTY: _____
 APPLICANT'S NAME: CBS PCDD
 MAILING ADDRESS: _____
 EMAIL ADDRESS: _____ DAYTIME PHONE: _____

PROPERTY LEGAL DESCRIPTION:

TAX ID: _____ LOT: _____ BLOCK: _____ TRACT: _____
 SUBDIVISION: _____ ~~US~~ SURVEY: ASLS 15-06

OFFICE USE ONLY			
COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

REQUIRED SUPPLEMENTAL INFORMATION:

- 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
- Topographic information (If Pertinent to Application)
- Landscape Plan (If Pertinent to Application)
- Drainage and Utility Plan (If Pertinent to Application)
- Parking Plan (For Conditional Use Permit)
- Floor Plan (For Conditional Use Permit)
- Three (3) copies of concept plat (For Plat)
- Plat Certificate from a title company (For Plat)

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.

Owner

Samantha Pinow

Applicant (If different than owner)

Date

6/23/16

Date

22.16.015 Permitted, conditional and prohibited uses. Revised 5/16 Revised 5/16

The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. Each lot or parcel in single-family and related zones shall contain only one principal use as defined by the use tables in this chapter. Multifamily and commercial zones may contain up to three principal uses. Other uses on the lot or parcel may be permitted accessory uses or conditional uses. All applicable requirements of this code, or other applicable state or federal requirements, shall govern a use located in the city and borough of Sitka.

The land use tables contained in this chapter determine whether specific uses are permitted as principal (P) or conditional (C) uses. Each table lists the zoning districts in the vertical columns and the land use activities in the horizontal rows. If no symbol appears in the box at the intersection of a row and column, the use is not allowed and is prohibited unless otherwise noted. In general, prohibited uses shall be as follows:

- A. Any use or structure not of a character indicated under permitted principal, accessory or conditional uses;
- B. Any use which causes, or may be reasonably expected to cause, an excessive disturbance not in keeping with the character and stated intent of this district. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation or to a degree injurious to the public safety, health, welfare or convenience.

If the letter "P" appears in the box, the use is permitted outright subject to the provisions of the code. If the letter "C" appears in the box, the use is a conditional use subject to review and approval including site plan approval. If the box contains a number, there will be a corresponding footnote further specifying the conditions applicable to the use in the zone.

With the exception of the Gary Paxton special district or as otherwise provided in this code, if the letter "P," "C," or another notation does not appear in the box, the use is prohibited.

The Gary Paxton special (GP/GPS) district was specifically developed to allow for a wide range of flexible uses on the site. When the site was acquired, it was recognized that a number of appropriate uses may surface that could not be anticipated. Appropriate and inappropriate uses could be regulated through lease agreements and sales agreements that must be approved by the municipality. As a result, the GP/GPS district use tables shall function differently from the manner outlined above.

Any uses, except retail and business uses, at Table 22.16.015-6, as well as natural resource extracting and mining support facilities uses within Table 22.16.015-5, may be approved in the GP/GPS district without a requirement of a zoning amendment in accordance with Section 2.38.080.

Retail and business uses in the GP/GPS district that are permitted uses, conditional uses, or prohibited uses on the site are governed by Table 22.16.015-6. Natural resource extractions and mining support facilities are conditional uses governed by Table 22.16.015-5 in the GP/GPS district. These use tables are binding on the owners and the operators in the Gary Paxton industrial park. No changes to these tables shall be made without a zoning ordinance text amendment that follows the full procedures in Chapter 22.30, Zoning Code Administration.

As outlined in Section 22.16.110, the I industrial zone is intended for industrial and heavier commercial uses. The zone also contains a number of heavy public uses as permitted and conditional uses. Additional conditional uses may be approved by the assembly, through the conditional use process, even though they may not be specifically listed as permitted or conditional uses in the following table.

**Table 22.16.015-1
Residential Land Uses**

Zones	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (11, 12)	C-1 (11)	C-2 (11)	WD (2, 11)	I	GI (3, 10)	LI(3)	R	OS	GP (13)
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CBS PCDD
 Zoning Map Amendment
 ASLS 15-06

Zones	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (11, 12)	C-1 (11)	C-2 (11)	WD (2, 11)	I	GI (3, 10)	LI(3)	R	OS	GP (13)
RESIDENTIAL																		
• Single-family detached		P	P	P(4)	P(4)	P(4)	P(4)	P(4)		P	P	P		P	P	P	P	
• Townhouse				C(5)	C(5)	C(5)	C(5)	C(5)	C	P	P	P		C	C			
• Duplex				P	P		P	P		P	P	P		P	P			
• Residential zero lot line				P	P	P	P	P		P	P	P						
• Multiple-family				C(5)	C(5)	C(5)	P(5)	P(5)	P(5,8)	P(5)	P(5)	P(5)		C	C			
• Single manufactured home on an individual lot					P	P		P			P			C	C			
• Mobile home park								P			P	P						
• Accessory dwelling unit				P(14) C	C	C	P(14) C	C										
GROUP RESIDENCES																		
• Assisted living	C						C	C						C	C			
• Bunkhouse for transient workers							C	C				C		C				
• Dormitory	C(4)						C	C										
• Quasi-institutional	C			C	C	C	C	C						C	C			
TEMPORARY LODGING																		
• Hostel							C	C		P	P	P						
• Hotel/motel									P	P	P	P		PU/ CS	C	C		
• Bed and breakfast				C(7)	C(7)	C(7)	C(8)	C(8)	P	P	P	P		P	C			
• Short-term rental	C(15)			C	C	C	C	C	P	P(9)	P(9)	P(9)		P	C	P(9)		
• Rooming house							C	C	C	P	P	P		C	C			
• Lodge										P	P	P		PU/ CS	C			
• Limited storage				C(6)	C(6)	C(6)	C(6)	C(6)						P	C			

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

R-1 MH: Single-Family/Duplex/Manufactured Home District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

C-1/C-2: General Commercial and General Commercial/ Mobile Home Districts

WD: Waterfront District

I: Industrial District

GI: General Island District

LI: Large Island District

R: Recreational District

R-2: Multifamily District

OS: Open Space District

R-2 MHP: Multifamily/Mobile Home District

GP: Gary Paxton Special District

CBD: Central Business District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

C. Residential Uses Table 22.16.015-1 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest; all reasonable safeguards are to be employed to protect the surrounding area; and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. Including zero lot developments.
5. Townhouse, cluster housing developments and planned unit developments are conditional uses subject to this title and Title 21 of this code, Subdivisions.
6. On-site storage of commercial fishing vessels, fishing equipment and other small business equipment is a permitted conditional use so long as such storage does not occupy more than four hundred square feet.
7. Bed and breakfast establishments are limited to three guest rooms in the R-1, R-1 MH, and R-1 LD districts as conditional uses only when no other rental such as apartments is in operation on the same lot.
8. Bed and breakfast establishments are limited to five guest rooms in the R-2, R-2 MHP districts as conditional uses only when no other rental such as apartments is in operation on the same lot.
9. Short-term rentals including legal nonconforming uses shall provide two off-street parking spaces per unit, comply with the municipal fire code, and comply with the requirements of the building department based on a life safety inspection.
10. Hotels, motels, lodges, boarding houses and bed and breakfasts capable of accommodating a maximum of six guests plus one guest for each one-half acre or fraction thereof above one acre on unsubdivided islands are permitted principal uses. Hotels, motels, lodges, boarding houses and bed and breakfasts, on unsubdivided islands that exceed this maximum, are conditional uses.

Bed and breakfast establishments, boarding houses, hotels, motels and lodges are conditional uses on subdivided islands.
11. Many of the permitted and conditional uses in the CBD, C-1, C-2, and WD zones generate traffic, noise, odor, and general impacts to a higher level and greater degree than permitted and conditional uses in residential districts. Owners of residential uses in the CBD, C-1, C-2 and WD districts must be aware of and accepting of all the permitted uses in these districts.
12. Single or multiple apartments shall only be permitted on the first floor of structures in the CBD district if approved through the conditional use process. Single and multiple apartments are permitted uses on upper floors of structures in the CBD district.

13. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

14. Accessory dwelling units shall be constructed in conformance with the standards outlined in Chapter 22.20, Supplemental District Regulations and Development Standards.

15. Conditional use limited to allow boats to be used as short-term rentals in harbors and slips within the public lands zoning district.

Table 22.16.015-2
Cultural/Recreational Uses

ZONES	P(1)	SF (7)	SFLD(7)	R-1 (7)	R-1 MH (7)	R-1 LDMH (7)	R-2 (7)	R-2 MHP(7)	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP (9)
CULTURAL																		
• Library	P								P	P	P			P	P			
• Museum	P								P	P	P			P	P			
• Conference center							C	C	P	P	P			C	C			
• Church		C	C	C	C	C	C	C	P	P	P			PU/CS	C			
• Art gallery	P			C(4)	C(4)	C(4)	C(4)	C(4)	P	P	P	C		C	C			
• Radio station												P						
RECREATIONAL																		
• Park and recreation														P	P			
• Park	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	
• Trails	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	
• Campground	P													C	C		P	
• Resort										P	P			C	C	P		
• Marina	P									P	P	P		C	C	C	P	
• Travel trailer/recreational vehicle park	C									P	P	C		C	C			
• Ballpark/athletic field	P	C	C	C	C	C	C	C		P	P	P	P	P	C	P		
• Amusement and entertainment														PU/CS	C			
• Theater									P	P	P			C	C			
• Theater, drive-in										P	P			C	C			
• Outdoor amphitheater	P								P	P	P			PU/CS	C		P	
• Bowling center									P	P	P			C	C			

ZONES	P(1)	SF (7)	SFLD(7)	R-1 (7)	R-1 MH (7)	R-1 LDMH (7)	R-2 (7)	R-2 MHP(7)	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP (9)
• Sports club and yacht club	C									P	P	P		C	C		C (5)	
• Golf facility	P									P	P			C	C			
• Shooting range—indoor	C									C	C			PU/CS				
• Shooting range—outdoor										C	C			PU/CS				
• Arcades									P	P	P			C	C			
• Community center	C						C	C	P					C	C			
• Personal use docks—accomodating waterborne aircraft		C(6)	C(6)	C(6)	C(6)	C(6)	C(6)	C(6)				P		P(8)	P(8)	P(8)	P(8)	
• Personal use docks—perimeter of dock and float exceed 300 linear feet		C	C	C	C	C	C	C				P		P(8)	P(8)	P(8)	P(8)	
• Personal use docks—one lease slip, float houses permitted in accordance with the Sitka Coastal Management Program, no linear perimeter restriction, allowing liveaboards, and allowing float planes												P		P(8)	P(8)	P(8)	P(8)	
• Personal use docks—no perimeter restrictions, no restrictions on liveaboards and float planes. Float houses allowed if permitted in accordance with Sitka Coastal Management Program										P	P	P	P	P(8)	P(8)	P(8)	P(8)	
• Personal use docks—one nonfee liveaboard		P	P	P	P	P						P		P(8)	P(8)	P(8)	P(8)	
• Personal use docks—liveaboards, no more than 300-foot perimeter							P	P				P		P(8)	P(8)	P(8)	P(8)	
• Community personal use docks		C	C	C	C	C	C	C				P		P(8)	P(8)	P(8)	P(8)	
• Commercial use docks										P	P	P	P	C	C	C	C	

P: Public Lands District

C-1/C-2: General Commercial and General Commercial/ Mobile Home Districts

SF: Single-Family District

SFLD: Single-Family Low Density District

WD: Waterfront District

- R-1: Single-Family/Duplex District
- R-1 MH: Single-Family/Duplex/Manufactured Home District
- R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts
- R-2: Multifamily District
- R-2 MHP: Multifamily/Mobile Home District
- CBD: Central Business District
- I: Industrial District
- GI: General Island District
- LI: Large Island District
- R: Recreational District
- OS: Open Space District
- GP: Gary Paxton Special District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

D. Cultural/Recreational Uses Table 22.16.015-2 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. When operated as a home occupation.
5. Sport fishing lodges.
6. Any waterborne aircraft approved through the conditional use process shall be restricted to those owned by the upland property owner or long-term lessee that are not used for commercial purposes. Waterborne aircraft shall also only be allowed on docks in a secure environment.
7. The city requires liveaboards in R-1, R-2, SF, and related zones to meet the relevant liveaboard regulations that are required in the municipal harbor regulations under “liveaboards.”
8. Waterborne aircraft that moor on docks on an ongoing basis are allowed as a permitted use on personal use and community personal use docks if they are solely used by the owners of the property and are solely used for noncommercial purposes. All nonprivate use of waterborne aircraft would require conditional use approval.
9. Any uses except retail and business uses and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

**Table 22.16.015-3
General Services Uses**

ZONES	P(1)	SF	SFLD	R-1 (6)	R-1 MH (6)	R-1 LDMH (6)	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP (8)
PERSONAL SERVICES																		
• General services									P	P	P			C				

ZONES	P(1)	SF	SFLD	R-1 (6)	R-1 MH (6)	R-1 LDMH (6)	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP (8)
• Dry cleaning									P	P	P							
• Industrial laundry										C	C		P					
• Funeral home/crematorium									C	P	P			C				
• Cemeteries/mausoleum	P													C	C			
• Day care/kindergartens	P			P(6)	P(6)	P(6)	P(5)	P(5)	C	P(5)	P(5)			P	P			
• Veterinary clinic							(7)		C	C	C		P	C				
• Automotive repair									C	P	P	P	P	C				
• Automotive service									C	P	P	P	P	C				
• Miscellaneous repair									P	P	P	P	P	C	C			
• Social service agencies									P	P	P	C		CU/*S	C			
• Stable	C									C	C			PU/CS		C		
• Kennel										C	C		C	P				
• Bank							C	C	P	P	P			C	C			
• Credit union							C	C	P	P	P			C	C			
• Massage treatments																C		
HEALTH SERVICES																		
• Offices/outpatient clinic							C	C	P	P	P			C	C			
• Hospital	C(4)								C	P	P			C	C			
• Medical/dental laboratory							C	C	P	P	P		P	C	C			
• Marijuana testing facility									C	C	C	C	C	C	C			C
• Miscellaneous health facility							C	C	C	C	C			C	C			
EDUCATIONAL SERVICES																		
• Elementary school	p						C	C	C	C	C			C	C			
• Middle/junior high school	p						C	C	C	C	C			C	C			
• Secondary/high school	p						C	C	C	C	C			C	C			
• Vocational school	p						C	C	C	C	C			C	C			
• Specialized instruction school	p						C	C	C	C	C			C	C			
• College/university	p								C	C	C			C	C			
• School district support facility (excluding	p						C	C	C	P	P		P	C	C			

ZONES	P(1)	SF	SFLD	R-1 (6)	R-1 MH (6)	R-1 LDMH (6)	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP (8)
bus barns)																		
• Auditorium	P																	

P: Public Lands District

C-1/C-2: General Commercial and General Commercial/ Mobile Home Districts

SF: Single-Family District

SFLD: Single-Family Low Density District

WD: Waterfront District

R-1: Single-Family/Duplex District

I: Industrial District

R-1 MH: Single-Family/Duplex/Manufactured Home District

GI: General Island District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

LI: Large Island District

R-2: Multifamily District

R: Recreational District

R-2 MHP: Multifamily/Mobile Home District

OS: Open Space District

CBD: Central Business District

GP: Gary Paxton Special District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

CU/*S—Conditional Use on Unsubdivided Islands and Prohibited on Subdivided Islands

E. General Services Uses Table 22.16.015-3 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.

2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.

3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.

4. Hospital buildings shall be set back a minimum of ten feet from all property lines.

5. Establishments accommodating five or more children require state licenses and are conditional uses.

6. Day cares with four children or less not related to the provider are a permitted use in owner occupied detached single-family dwellings in the R-1 and related zones.

Day cares with four children or less not related to the provider are a conditional use in residential zero lot line dwellings in the R-1 and related zones. Day cares with four children or less not related to the provider are also a conditional use in two-family dwellings, that are constructed as duplex where each unit is of similar size, in the R-1 and related zones.

Day cares are not allowed in apartments or similar dwelling units in R-1 or related zones.

Day cares with five children or more not related to the provider are a conditional use, in owner occupied detached single-family dwellings only, in the R-1 and related zones.

7. A replacement vet clinic in the 1200 block of Halibut Point Road as a substitute for the long standing historical use in the area is expressly authorized and shall be the only vet clinic allowed in an R-2 zone.

8. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

Table 22.16.015-4
Public Facilities Uses

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD (2)	I	GI(3)	LI(3)	R	OS	GP (6)
GOVERNMENT SERVICES										C								
• Public agency or utility office	P								P	C				PU/CS	C			
• Public agency or utility service yard	P									C		P	P	C	C			
• Public agency warehouse	P									C		P	P	C	C			
PUBLIC SERVICES																		
Courts	P								P					C	C			
Police station	P								P	P	P			C	C			
Fire station	P			C	C	C	C	C	P	P	P	C	C	PU/CS	C	C		
Utility facilities (transformers, pump stations, etc.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solid waste transfer facility	C(4)									C	C	C	C	C	C			
Landfill	P												C	C	C	C		
Land clearing landfills	C												C					
Wastewater treatment plant	C									C	C	P	P	C	C			
Public water supply facility	P									P	P	P	P	C	C	P		
Public transportation facility/airport	C								C	C	C	P(5)	P	C				
Animal shelter	P									C	C		C	C				
Recycling facility	C																	
Housing support facility (7)							C	C										

P: Public Lands District

C-1/C-2: General Commercial and General Commercial/ Mobile Home Districts

SF: Single-Family District

SFLD: Single-Family Low Density District

WD: Waterfront District

R-1: Single-Family/Duplex District

I: Industrial District

- R-1 MH: Single-Family/Duplex/Manufactured Home District
- R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts
- R-2: Multifamily District
- R-2 MHP: Multifamily/Mobile Home District
- CBD: Central Business District
- GI: General Island District
- LI: Large Island District
- R: Recreational District
- OS: Open Space District
- GP: Gary Paxton Special District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

F. Public Facilities Uses Table 22.16.015-4 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. Minimum site area is twenty acres.
5. Ferry terminals, barge freight terminals, docks, and harbor facilities including float plane facilities, fueling piers and tank farms, and other port facilities are permitted principal uses subject to planning commission review and public hearing and assembly approval of a binding site plan.
6. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.
7. In which the primary purpose of the support facility is to support and maintain housing-related programs in the immediate area.

Table 22.16.015-5
Manufacturing/Storage Uses

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP (7)
MANUFACTURING																		
• Food products include seafood processing										C	C	P	P	C	C	C		
• Mariculture												P		C	C			
• Winery/brewery, small scale									C	C	C	P	P	C	C			
• Textile mill products									C	C	C	P	P	C	C			

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP (7)
• Apparel and textile products										C	C	P	P	C	C			
• Wood products, except furniture										C	C	P	P	PU/CS	C			
• Furniture and fixtures										P	P	P	P	P	C			
• Paper and allied products										C	C	P	P	C	C			
• Petroleum refining and related products										C	C	P	P					
• Rubber and plastics products										C	C	P	P					
• Leather and leather goods										P	P	P	P	C	C			
• Tannery										C	C							
• Stone, clay, glass and concrete products										C	C	P	P	C	C			
• Primary metal products										C	C	P	P	C	C			
• Asphalt plant/concrete batch plant													C					
• Fabricated metal products										C	C	P	P	C				
• Industrial and commercial machinery										C	C	P	P					
• Heavy machinery and equipment										C	C	P	P					
• Computer and office equipment										P	P	P	P	C	C			
• Electronic and electric equipment										P	P	P	P	PU/CS	C			
• Miscellaneous vehicle manufacturing										C	C	P	P	C				
• Boat building										C	C	P(5)	P	C				
• Tire retreading										C	C	P	P					
• Other manufacturing										C	C	P	P(6)	C	C			
• Marijuana cultivation facility									C	C	C	C	C	C	C			C
• Marijuana cultivation facility, limited									C	C	C	C	C	C	C			C
• Marijuana product manufacturing facility									C	C	C	C	C	C	C			C
• Marijuana product manufacturing facility, extract only									C	C	C	C	C	C	C			C
STORAGE AND WAREHOUSING													P					

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP (7)
• Marine equipment/ commercial fishing gear/material storage										P	P	P	P	PU/CS	C			
• Boat storage										P	P	P	P					
• Construction materials storage									P	P	P	P	P	C	C	C		
• Trucking, courier and taxi service facilities									P	P	P	P(5)	P	C	C			
• Warehousing and wholesale trade									P	P	P	P(5)	P	C				
• Self-service storage									P	P	P	P	P	C				
• Log storage	C									C	C	P	P	C		P		
• Freight and cargo services									P	P	P	P(5)	P	C				
• Equipment rental services									P	C	C	P	P	C				
• Vehicle rental services									P	P	P	P	P	C				
• Natural resource extraction and mining support facilities												C	C	C	C			C
• Storage of explosives													C					
• Bulk fuel storage												C						

P: Public Lands District

C-1/C-2: General Commercial and General Commercial/ Mobile Home Districts

SF: Single-Family District

SFLD: Single-Family Low Density District

WD: Waterfront District

R-1: Single-Family/Duplex District

I: Industrial District

R-1 MH: Single-Family/Duplex/Manufactured Home District

GI: General Island District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

LI: Large Island District

R-2: Multifamily District

R: Recreational District

R-2 MHP: Multifamily/Mobile Home District

OS: Open Space District

CBD: Central Business District

GP: Gary Paxton Special District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

G. Manufacturing/Storage Uses Table 22.16.015-5 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. No industrial use shall be of a nature which is noxious or injurious to nearby properties by reason of smoke, emission of dust, refuse matter, odor, gases, fumes, noise, vibration or similar conditions.
4. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
5. Ferry terminals, barge freight terminals, docks and harbor facilities including float plane facilities, fueling piers and tank farms and other port facilities are permitted principal uses subject to planning commission review and public hearing and assembly approval of a binding site plan.
6. Automobile wrecking yards, salvage yards, and junkyards are conditional uses and shall be set back a minimum of twenty feet from property lines and be enclosed by fences a minimum of eight feet in height. The setback area may be used for customer parking but not for vehicle storage.
7. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

**Table 22.16.015-6
Retail and Business Uses**

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (8)	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP
RETAIL USES																		
• Building, hardware and garden materials										P	P		P	C	C			P
• Bulk forest products sales									P	P	P	P	P	P				P
• Retail forest products sales										P	P	P	P					C
• Art galleries and sales of art									P	P	P	P						
• Department and variety stores									P	P	P	P(5)		C	C			
• Food stores									P	P	P	P(5)		C	C	C(6)		C
• Agricultural product sales										P	P		P	C	C			P
• Motor vehicle and boat dealers									P(7)	P	P	P(5)		C				P
• Auto supply stores									P	P	P			C	C			P
• Gasoline service stations									C	P	P		P	C	C			C
• Apparel and accessory stores									P	P	P	P(5)		C	C			
• Furniture and home furnishing stores									P	P	P			C				C

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (8)	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP
• Eating and drinking places									P	P	P	P	C	PU/CS	C			C
• Drug stores									P	P	P			C	C			
• Liquor stores									P	P	P	P(5)		C	C			
• Used goods, secondhand stores									P	P	P	P(5)		C	C			C
• Sporting goods									P	P	P	P(5)		C	C			
• Book, stationery, video and art supply									P	P	P	P(5)		C	C			
• Jewelry stores									P	P	P	P(5)		C	C			
• Monuments, tombstones and gravestones									P	P	P		P	C	C			P
• Hobby, toy, game stores									P	P	P			C	C			
• Photographic and electronic stores									P	P	P	P(5)		C	C			
• Fabric stores									P	P	P			C	C			
• Fuel dealers										P	P		P	C	C			C
• Florists									P	P	P			C	C			
• Medical supply stores									P	P	P			C	C			
• Pet shops									P	P	P			C	C			
• Sales of goods that are wholly manufactured at Gary Paxton industrial park GPIP																		P
• Sales of gifts, souvenirs and promotional materials that bear the logo or trade name of a GPIP permitted use business																		P
• Stand alone souvenir and gift shops									P	P	P	P						
• Bulk retail										P	P			C	C			
• Commercial home horticulture	P	C	C	C(9)	C(9)		C(9)	C(9)	P	P	P	P		PU/CS(9)	C(9)	P	P	
• Horticulture and related structures	P								P	P	P	P						P
• Marijuana retail facility									C	C	C	C	C	C	C			C
BUSINESS SERVICES																		P
• General business services									P	P	P	P(5)	P	C	C			C
• Professional offices							C	C	P	P	P	P(5)		C	C			P

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (8)	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP
• Communications services									P	P	P	P(5)		C	C			P
• Research and development services									C	P	P	C(5)	P	C	C			P

P: Public Lands District

C-1/C-2: General Commercial and General Commercial/ Mobile Home Districts

SF: Single-Family District

SFLD: Single-Family Low Density District

WD: Waterfront District

R-1: Single-Family/Duplex District

I: Industrial District

R-1 MH: Single-Family/Duplex/Manufactured Home District

GI: General Island District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

LI: Large Island District

R-2: Multifamily District

R: Recreational District

R-2 MHP: Multifamily/Mobile Home District

OS: Open Space District

CBD: Central Business District

GP: Gary Paxton Special District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

H. Retail and Business Uses Table 22.16.015-6 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. No industrial use shall be of a nature which is noxious or injurious to nearby properties by reason of smoke, emission of dust, refuse matter, odor, gases, fumes, noise, vibration or similar conditions.
4. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
5. When associated with a water-related principal use.
6. Small scale convenience stores subordinate to principal permitted uses.
7. Motor vehicles and boat dealers permitted on a short-term basis.
8. Kiosks, outdoor restaurants, portable structures such as food stands and other temporary structures that are clearly incidental to the primary use on the lot are permitted uses. Mobile food carts on wheels are permitted uses on private property. Kiosks, outdoor restaurants, portable structures such as food stands and other temporary structures that are not clearly incidental to the primary use on the lot are conditional uses.
9. Commercial home horticulture conditional use permits governed by Section 22.24.025.

(Ord. 16-14 § 4, 2016; Ord. 16-11 § 4 (part), 2016; Ord. 15-42 § 4 (part), 2015; Ord. 15-08 § 4 (part), 2015; Ord. 14-38A § 6, 2014; Ord. 14-21 § 4 (part), 2014; Ord. 13-14A § 4 (part), 2013; Ord. 12-31A §§ 4(E), (F), 2012; Ord. 11-34 § 4, 2011; Ord. 11-31 § 4, 2011; Ord. 11-04S § 4(A), 2011; Ord. 10-32 § 4, 2010; Ord. 10-12 § 4 (part), 2010; Ord. 09-78 § 4, 2010; Ord. 09-51 §§ 4(A), (B), (D), 2009; Ord. 08-44 § 4, 2008; Ord. 08-30 § 4, 2008; Ord. 07-08 § 4 (part), 2007; Ord. 06-24 § 4, 2006; Ord. 06-09 § 4, 2006; Ord. 06-06 § 4(A), (B), (G), (H), (I), 2006; Ord. 05-47 § 4(B), 2005; Ord. 05-16 § 4(A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), (N), 2005; Ord. 05-09 § 4(A), 2005; Ord. 05-03 § 4(A), 2005; Ord. 04-60 § 4(A), (B), (E), (I), (O), (P), (Q), (V), 2004; Ord. 03-1750 § 4 (part), 2003; Ord. 03-1746 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)

22.16.016 Accessory uses.

A. Intent. Certain uses are incidental and supportive of the principal use. These are indicated for each zoning district in the following table.

Table 22.16.016-1

Accessory Uses

PERMITTED ACCESSORY USES	ZONES
Accessory buildings such as garages and sheds	All zones
Required automobile parking in conjunction with permitted principal or conditional uses	All zones
Off-street parking for one commercial truck or van used for commuting	All residential zones
Required loading facilities	All zones
Utility installations except solid waste disposal facilities and water storage dams	All zones
Home occupations as defined by Section 22.20.060	All residential zones
Private outside storage of small noncommercial trucks, boats, recreational vehicles in required setbacks no closer than five feet to the property line	All residential zones
Parks, playgrounds and open space for informal recreation	All residential zones
Accessory uses incidental to any permitted use	All nonresidential zones
One small private recreational cabin per lot in addition to the single principal structure	GI, LI and OS zones
One single unit watchman or caretaker dwelling	P and I zones
Boardwalks	R zone

(Ord. 06-06 § 4(F), 2006; Ord. 03-1750 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)

Warning: Title reports are only current as of the date issued. Adjudicator must check for new information using the Recorder's Office database and LAS prior to making any decisions. A new title report needs to be requested if existing title report is more than one year old.

Title Researched by **Elizabeth D. Kleweno**
State of Alaska
Realty Services Section Title Unit
Phone: 375-7732

Title Report RPT # 7651
ADL No. 108062
Nakwasina Sound

Current as of 4/15/2015

1. REQUESTOR:

Nikki Potter
Land Disposals - Subdivisions

2. PROVIDE COPY OF COMPLETED REPORT TO:

Nikki Potter
Tim Shilling
George Horton
Mark Hall

3. TITLE IS VESTED IN:

State of Alaska

The State owns the land and mineral estates of the project area. All known third party interests are listed within this report.

4. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

T. 54 S., R. 63 E., C.R.M.

Section 28: SW1/4

Section 33: NW1/4, W1/2NE1/4, NW1/4SE1/4

5. TITLE CHAIN:

- Tentative Approval dated 8/1/1995. Issued for the land and mineral estates to the State of Alaska. Excepting and Reserving to the United States:
 - A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945 (1988); and
 - The following Aid to Navigation Site appropriated by the United States, over or upon the lands, together with the right of the United States, its officers, employees, agents, contractees, lessees, permissess, or assignees to the complete enjoyment of all rights privileges, and benefits previously granted, issued, reserved or appropriated under the Alaska National Interest Lands Conservation Act of December 2, 1980, 94 Stat. 2371 at 2442, 43 U.S.C. 1635(l) (1988);
 - A Navigation Site known as Lisianski Peninsula Light House located at the intersection of latitude 57°09'00" N by 135°24'30" W, in Sec. 33, T. 54 S., R. 63 E., Copper River Meridian, measuring approximately fifteen (15) feet square, maintained by the U.S. Coast Guard, including the right of access for ingress and egress by boat or helicopter and the right to maintain an arc of visibility for the aid.

Note: Title Report will only list active interests of record found in the following public records:

6. BLM RECORDS:

- Master Title Plat (MTP) T. 54 S., R. 63 E., C.R.M. current to 3/27/2013
 - AA71690 State Selection Tentative Approval
 - Linianski Peninsula Light House
 - Entire Township, Tongass National Forest
- Spatial Data Management System (SDMS) reviewed on 4/15/2015
 - AA 071690, Community Grant Forest, Tentative Approval 19950056

7. STATE CASE FILE IS: NFCG 304

8. DNR LAND ADMINISTRATION RECORDS:

- Classifications:
 - MO 1045, Mineral Order
 - MO 1118, Mineral Order
 - Area plans and the status of plan revisions affecting classifications are available on the following site: <http://dnr.alaska.gov/mlw/planning/>. Hard copies of published area plans are available in Suite 1050 of the Atwood Building. The most current land classifications may not appear on the State Status Plats or in LAS. Be sure and verify current land classifications with the pertinent area plan. Any questions concerning area plans or classifications should be directed to the Planning Unit at 269-8534.
- Surface Activity:
 - ADL 108062, Land Sale Project, Auction Brochure, Initial Status, DMLW Land Sales and Contract Administration, **Title Report Project Area**
- Sub-Surface Activity:
 - No records found
- Pending Actions:
 - Query returned no data
- Division of Oil and Gas Lease Records:
 - No records found.

9. NAVIGABILITY DETERMINATION:

State Navigability Determination:

- Was not addressed in State Selection File NFCG 304. Contact the PAAD Unit at 269-6008 for further information.

Federal Navigability Determination:

- In a Memorandum dated 11/6/2003, it was determined that there are no navigable inland waters in the township. Contact the PAAD Unit at 269-6008 for further information.

10. STATE RECORDER'S OFFICE:

A search of the records of the State Recorder's Office for the **Sitka** Recording District at 11:30 AM on 4/15/2015 indicated the following actions against the Title Report Project Area:

- Tentative Approval, recorded in Book 116 Page 802

The following liens were found when searching under the name: N/A

- N/A

11. RESEARCH RESOURCES/ATTACHMENTS:

The following resources were used in the preparation of this title report:

- Alaska Mapper for Land Estate, Mineral Estate and Ownership created 4/15/2015
- BLM Master Title Plat (MTP) T. 54 S., R. 63 E., C.R.M. current to 03/27/2013
- USRS T. 54 S., R. 63 E., C.R.M. officially filed 6/9/1986
- Recorder's Office documents listed in item 10

- State Selection File NFCG 304
- BLM Spatial Data Management System (SDMS)
- DNR Land Administration System (LAS)
- DNR Spatial Case Information Management System (SCIMS)
- State of Alaska Recorder's Office Database
- DNR Business Reporting System (DBRS)
- Navigability Determination

12. SUMMARY OF TITLE/SPECIAL CONCERNS/COMMENTS:

The State of Alaska, holds fee title to the *land and mineral estates* for the Title Report Project Area as described in this title report under **Tentative Approval dated 8/1/1995** subject to valid existing rights, including reservations, easements, and exceptions in the U.S. Patent or other state or federal conveyance, and in acts authorizing the issue thereof, easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any, including, but not limited to, those set out in items 5, 8 and 10.

A Title Report is not a substitute for analysis of an ADL case file. It will not tell you whether a contemplated land action is advisable, if a permit should be issued, or if land should be offered for sale. It will tell you if the State owns the land in question and what interest others may have in the land. It is up to the requestor to use this information to make their decisions.

NOTE: Be sure to check the Pending Actions (SCIMS) for any actions that do not appear in Alaska Mapper, issued subsequent to this report.

NOTE: This report is intended for internal State uses only. Not for distribution to or use by the general public.



CITY AND BOROUGH OF SITKA

Legislation Details

File #: ORD 16-28 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 8/2/2016 In control: City and Borough Assembly

On agenda: 8/9/2016 Final action:

Title: Amending Sitka General Code Title 22 "Zoning" by amending Section 22.30.150 "Administrative Approvals Without Notice" (first reading)

Sponsors:

Indexes:

Code sections:

Attachments: [Motion ORD 2016-28.pdf](#)
[Ord 2016-28.pdf](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

POSSIBLE MOTION

I MOVE TO approve Ordinance 2016-28 on
first reading.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

To: Mayor McConnell and Members of the Assembly
Mark Gorman, Municipal Administrator

From: Samantha Pierson, Planner I
Maegan Bosak, Planning and Community Development Director *MB*

Subject: Zoning Text Amendment – Administrative Variances of up to two feet in C-1 General Commercial, C-2 General Commercial Mobile Home, Waterfront District, and Industrial Zones

Date: July 22, 2016

The request is for a Zoning Text Amendment of SGC 22.30.150, "Administrative approvals without notice." The Planning Commission is requesting that the Assembly consider allowing administrative variances of up to two (2) feet in the commercial, waterfront and industrial zones, in addition to the currently permitted administrative variances in residential zones, as proposed by Planning and Community Development Department staff.

Administrative variances go through the same review process as variance requests that go before the Planning Commission. A lengthy analysis, staff report and associated documents are required for approval. Code Section 22.30.170(A)(1) states that the Assembly may hear appeals of administrative approvals.

Code Section 22.30.150(A)(5) currently allows administrative approval of "minor adjustment to yard requirements in residential zones where the administrator may allow development to encroach up to two feet into a required yard setback when it is determined that strict application of the setback requirement may cause an undue hardship and there are not impacts on adjacent properties." Section 22.30.150(A)(6) allows "minor adjustment to yard requirements for residential structures in commercial zones where the administrator may allow development to encroach up to two feet in required setbacks adjacent to municipally owned upland tracts exceeding fifty acres when it is determined that strict application of the setback requirement may cause an undue hardship and there are not impacts on adjacent properties."

Staff believes that a small setback request could be approved based on the administrative approvals without notice code language and reported to the Commission under the Planning Director's Report as current administrative variances are.

Recommended Action: Approve the Zoning Text Amendment to allow administrative variances of up to two feet in the C-1 General Commercial, C-2 General Commercial Mobile Home, Waterfront District, and Industrial Zones.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2016-28

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, AMENDING SITKA GENERAL CODE TITLE 22 "ZONING" BY AMENDING SECTION 22.30.150 "ADMINISTRATIVE APPROVALS WITHOUT NOTICE"

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.

2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.

3. **PURPOSE.** The purpose of this ordinance is to allow administrative approvals of setback variances of up to two feet in the following zones: C-1 General Commercial, C-2 General Commercial Mobile Home, WD Waterfront, and I Industrial.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC Section 22.30.150 is amended to read as follows (new language underlined; deleted language stricken):

* * *

**Chapter 22.30
Zoning Code Administration**

* * *

22.30.150 Administrative approvals without notice.

A. The administrator may approve, approve with conditions, or deny the following without notice:

1. Boundary (lot) line adjustments.

2. Extension of time for approval.

3. Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not (a) affect overall project character, (b) increase the number of lots, dwelling units, or density, or (c) decrease the quality or amount of open space.

4. Home occupations and other accessory uses in single-family zones.

5. Minor adjustment to yard requirements in residential zones, C-1 general commercial, C-2 general commercial mobile home, WD waterfront, and I industrial zones where the administrator may allow development to encroach up to two feet into a required yard setback when it is determined that strict application of the setback requirement may cause an undue hardship and there are not impacts on adjacent properties.

~~6. Minor adjustment to yard requirements for residential structures in commercial zones where the administrator may allow development to encroach up to two feet in required setbacks adjacent to municipally owned upland tracts exceeding fifty acres when it is determined that strict~~

39 ~~application of the setback requirement may cause an undue hardship and there are not impacts~~
40 ~~on adjacent properties.~~

41 7. 6. Required Findings for Nonconforming Use Permits. The city shall grant a nonconforming
42 use permit if documentary evidence is provided by the applicant to support the planning
43 commission's findings that:

44 a. Granting a nonconforming use permit is necessary to adapt the nonconforming use and
45 associated structures to changes in technology, merchandising, or other generally recognized
46 trends which affect the utility of structures or the applicant's ability to compete;

47 b. Granting a nonconforming use permit will not introduce any (additional) hazards or
48 interfere with the potential development of nearby properties in accordance with present
49 zoning regulations;

50 c. The nonconforming use and associated structures will comply with the requirements of
51 Section 22.24.050(B);

52 d. The applicant's proposal will result in improvements in functionality or safety, or in
53 exterior appearance, screening, access and other features which will make the use or
54 structure more compatible with allowed uses; and

55 e. Granting a nonconforming use permit will not detract from the intent of the
56 comprehensive plan and any implementing regulation.

57 B. Administrator's decisions under this section shall be final on the date issued.

58
59 **5. EFFECTIVE DATE.** This ordinance shall become effective the day after the date of its
60 passage.

61 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka,
62 Alaska this 23rd day of August, 2016.

63
64
65
66 _____
Mim McConnell, Mayor

67 ATTEST:

68
69
70 _____
71 Sara Peterson, CMC
72 Municipal Clerk

22.30.150 Administrative approvals without notice.

- A. The administrator may approve, approve with conditions, or deny the following without notice:
1. Boundary (lot) line adjustments.
 2. Extension of time for approval.
 3. Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not (a) affect overall project character, (b) increase the number of lots, dwelling units, or density, or (c) decrease the quality or amount of open space.
 4. Home occupations and other accessory uses in single-family zones.
 5. Minor adjustment to yard requirements in residential zones where the administrator may allow development to encroach up to two feet into a required yard setback when it is determined that strict application of the setback requirement may cause an undue hardship and there are not impacts on adjacent properties.
 6. Minor adjustment to yard requirements for residential structures in commercial zones where the administrator may allow development to encroach up to two feet in required setbacks adjacent to municipally owned upland tracts exceeding fifty acres when it is determined that strict application of the setback requirement may cause an undue hardship and there are not impacts on adjacent properties.
 7. Required Findings for Nonconforming Use Permits. The city shall grant a nonconforming use permit if documentary evidence is provided by the applicant to support the planning commission's findings that:
 - a. Granting a nonconforming use permit is necessary to adapt the nonconforming use and associated structures to changes in technology, merchandising, or other generally recognized trends which affect the utility of structures or the applicant's ability to compete;
 - b. Granting a nonconforming use permit will not introduce any (additional) hazards or interfere with the potential development of nearby properties in accordance with present zoning regulations;
 - c. The nonconforming use and associated structures will comply with the requirements of Section 22.24.050(B);
 - d. The applicant's proposal will result in improvements in functionality or safety, or in exterior appearance, screening, access and other features which will make the use or structure more compatible with allowed uses; and
 - e. Granting a nonconforming use permit will not detract from the intent of the comprehensive plan and any implementing regulation.
- B. Administrator's decisions under this section shall be final on the date issued.

(Ord. 04-60 § 4(J), 2004; Ord. 03-1746 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)

22.20.030 Classification of new and unlisted uses.

Addition of uses which are not defined or regulated by this title shall be made by the following process:

- A. The administrator shall provide the planning commission with a staff report describing the proposed use addition in the form of an amendment to this title.
- B. The planning commission shall hold a public hearing and, subject to its review, shall recommend an appropriate code amendment to the assembly.
- C. Unless the assembly takes action otherwise within thirty days of the planning commission recommendation, the recommended amendment shall take effect.

(Ord. 11-04S § 4(B) (part), 2011: Ord. 02-1683 § 4 (part), 2002.)

**Table 22.20-1
Development Standards⁽²⁾**

ZONES	MINIMUM LOT REQUIREMENTS		MINIMUM SETBACKS			MAXIMUM HEIGHTS ⁽¹⁹⁾		MAXIMUM BUILDING COVERAGE	MAXIMUM DENSITY
	Width	Area ^(1, 18)	Front ⁽³⁾	Rear	Side	Principal Structures	Accessory Structures		
P	⁽⁴⁾	⁽⁴⁾	20 ft.	15 ft.	10 ft.	40 ft.	16 ft.	35%	
SF ⁽¹⁶⁾	80 ft.	8,000 s.f.	20 ft. ⁽⁸⁾	10 ft. ⁽⁹⁾	8 ft.	35 ft. ⁽¹⁰⁾	16 ft.	35%	
SFLD	80 ft.	15,000 s.f.	20 ft. ⁽⁸⁾	20 ft. ⁽⁹⁾	15 ft.	35 ft. ⁽¹⁰⁾	16 ft.	35%	
R-1 ^(6, 16)	80 ft.	8,000 s.f.	20 ft. ⁽⁸⁾	10 ft. ⁽⁹⁾	8 ft.	35 ft. ⁽¹⁰⁾	16 ft.	35%	
R-1 MH ^(6, 16)	80 ft.	8,000 s.f.	20 ft. ⁽⁸⁾	10 ft. ⁽⁹⁾	8 ft.	35 ft. ⁽¹⁰⁾	16 ft.	35%	
R-1 LD/ LDMH	80 ft.	15,000 s.f. ⁽⁵⁾	20 ft. ⁽⁸⁾	20 ft. ⁽⁹⁾	15 ft.	35 ft. ⁽¹⁰⁾	16 ft.	35%	
R-2 ^(6, 16)	80 ft.	8,000 s.f. for the first two units and 1,000 s.f. for each additional unit	20 ft. ⁽⁸⁾	10 ft. ⁽⁹⁾	8 ft.	40 ft.	16 ft.	50%	Maximum density = 24 DU/A
R-2 MHP ⁽⁶⁾	80 ft.	Same as R-2	20 ft. ⁽⁸⁾	10 ft. ⁽⁹⁾	8 ft.	40 ft.	16 ft.	50%	Same as R-2
CBD ⁽¹⁷⁾	None	None ⁽⁷⁾	⁽¹¹⁾	⁽¹¹⁾	⁽¹¹⁾	50 ft.	16 ft.	None	
C-1 ⁽⁶⁾	60 ft.	6,000 s.f. ⁽⁷⁾	20 ft. ⁽⁸⁾	10 ft.	5 ft.	40 ft.	16 ft.	None, except for setback areas	
C-2 ⁽⁶⁾	60 ft.	6,000 s.f. ⁽⁷⁾	20 ft. ⁽⁸⁾	10 ft.	5 ft.	40 ft.	16 ft.	Same as C-1	
WD ⁽⁶⁾	60 ft.	6,000 s.f. ⁽⁷⁾	20 ft. ^(8, 12)	5 ft. ⁽¹²⁾	10 ft. ⁽¹²⁾	40 ft.	16 ft.	Same as C-1	
GP	50 ft.	5,000 s.f.	10 ft.	5 ft. ⁽¹²⁾	10 ft. ⁽¹²⁾	50 ft.	50 ft.	Same as C-1	
I	100 ft.	15,000 s.f.	20 ft. ⁽⁸⁾	10 ft.	5 ft.	40 ft.	16 ft.	50% ⁽¹³⁾	
LI	None	1 acre ⁽¹⁴⁾	None ⁽¹⁵⁾	None ⁽¹⁵⁾	None ⁽¹⁵⁾	35 ft.	35 ft.	25%	
GI	None	1 acre	None ⁽¹⁵⁾	None ⁽¹⁵⁾	None ⁽¹⁵⁾	35 ft.	35 ft.	None	
R	⁽¹⁶⁾	⁽¹⁶⁾	20 ft.	10 ft.	5 ft.	35 ft.	20 ft.	50%	

ZONES	MINIMUM LOT REQUIREMENTS		MINIMUM SETBACKS			MAXIMUM HEIGHTS ⁽¹⁹⁾		MAXIMUM BUILDING COVERAGE	MAXIMUM DENSITY
	Width	Area ^(1, 18)	Front ⁽³⁾	Rear	Side	Principal Structures	Accessory Structures		
OS	None	1 acre	None ⁽¹⁵⁾	None ⁽¹⁵⁾	None ⁽¹⁵⁾	35 ft.	35 ft.	None ⁽¹⁵⁾	

(Ord. 13-14A § 4 (part), 2013; Ord. 11-04S § 4(B) (part), 2011; Ord. 06-06 § 4(C), 2006; Ord. 03-1746 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)

22.20.035 Notes to Table 22.20-1.

1. Minimum lot area net of access easements.
2. All developed lots and parcels shall have access to a public street and circulation within the development to ensure adequate vehicular circulation for parking, freight, and emergency vehicles. Where lots or parcels do not front on and have direct access to streets, a minimum twenty-foot improved driveway with a minimum of a twelve-foot wide developed driveable surface on a legal easement shall provide access between the subject development and the street.
3. Front setbacks apply to all lot lines adjacent a public street. Corner lots have two front setbacks.
4. As determined by the specific use and its parking and loading requirements.
5. Duplex shall have a minimum of twelve thousand square feet of lot area per unit.
6. Zero lot line lots shall be a minimum of seven thousand five hundred feet in area.

Additional Note: The minimum square footages for each unit of a zero lot line shall be as follows:

- R-1 and R-1 MH 4,000 sq. ft.
- R-1 LD and R-1 LDMH 7,500 sq. ft.
- R-2 and R-2 MHP 4,000 sq. ft.
- C-1, C-2 and WD 3,000 sq. ft.

Zero lot lines may be allowed on existing lots of record in the R-1 and R-1 MH zones with square footages less than above if the planning commission finds that there is adequate density and parking.

7. Minimum lot area per dwelling unit shall be six thousand square feet for one and two-family dwellings with an additional one thousand square feet for each additional dwelling unit.
8. Front yard setback shall be ten feet when lots abutting street rights-of-way are equal to or greater than eighty feet.
9. Residential docks are exempt from rear yard setback.
10. Except as exempted by Section 22.20.050.
11. Subject to site plan approval.
12. No setbacks are required from property lines of adjacent filled, intertidal, or submerged tidelands.
13. Additional building coverage may be permitted subject to site plan approval.
14. Unless the subject use occupies the entire island.

15. Where island lots share common property lines, the minimum setback shall be fifteen feet.
16. The minimum site setback on lots in zones SF, R-1, R-1 MH, and R-2 shall be five feet for lots that are sixty feet wide or narrower; in all other cases in those zones, the minimum side setback shall be eight feet.
17. A five-foot setback shall be along any property line abutting a public street, alley, or deed access easement. The purpose of this setback shall be to assure that sidewalks, curb and gutter, power pole locations, or other public necessities can be accommodated.
18. Lot size variances may be allowed for subdivisions that include sidewalks or pathways.
19. Accessory dwelling units in residential zones shall be limited to a maximum height of twenty-five feet or the height of the existing principal dwelling unit on the property whichever is less.

(Ord. 13-14A § 4 (part), 2013; Ord. 06-06 § 4(C), 2006; Ord. 03-1746 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Tamie (Harkins) Parker Song
Debra Pohlman
Randy Hughey

Tuesday, July 19, 2016

7:00 PM

Sealing Cove Business Center

I. CALL TO ORDER AND ROLL CALL

Chair Spivey called the meeting to order at 7:01 PM.

II. CONSIDERATION OF THE AGENDA

Chair Spivey stated that he would need to recuse himself from Item I requested by Ida Eliason, and that a quorum for the item would not be met.

III. CONSIDERATION OF THE MINUTES

A Approval of the June 21, 2016 meeting minutes.

Pohlman/Parker Song moved to APPROVE the June 21, 2016 meeting minutes.
Motion PASSED 3-0.

IV. REPORTS

V. THE EVENING BUSINESS

B Planning Regulations and Procedures.

C Public hearing and consideration of a conditional use permit for a short term rental located on a boat in Crescent Harbor 1-24, 500 Lincoln Street, in the Public zone. The property is also known as a portion of ATS 15. The application is filed by Bruce and Ann-Marie Parker. The owner of record is the City and Borough of Sitka.

Item was not heard as applicants were not present.

D Public hearing and consideration of a conditional use permit for a short term rental located on a boat in Crescent Harbor 6-45, 500 Lincoln Street, in the Public zone. The property is also known as a portion of ATS 15. The application is filed by Tiffany Justice and Ben Timby. The owner of record is the City and Borough of Sitka.

Scarcelli explained the request for a short-term rental on a 24 foot sailboat.

Ultimately, conditional uses must not be detrimental to public health and safety. Scarcelli stated that the Fire Chief had some concerns for access in the event of an emergency. Spivey asked if the conditional use would run with the slip or the boat. Bosak stated that it would be similar to food truck approvals, and the permit is for this boat in this slip. Pohlman stated concern for parking near Crescent Harbor. Bosak stated that approvals are on a case-by-case basis. Bosak read a public comment from Marcia Strand against the proposal.

Tiffany Justice and Ben Timby stated that they want to offer a unique lodging experience through Airbnb. Justice stated that they have a fire extinguisher, carbon monoxide detector, and other safety items. Timby stated that they believe the majority of their renters will not rent cars, but that they will tell renters to park at Crescent Harbor. Timby stated that they will not leave candles or the stove on the boat. Timby stated that he has worked on boats since he was 18. Pohlman asked about emergency contacts for renters. Justice stated that they will make the rental unavailable when they are out of town. Timby stated that they will screen renters through Airbnb. Spivey asked about insurance. Timby stated that they do not currently have insurance, but he could add it to his policy.

Harbormaster Stan Eliason stated that there had previously been an agreement with Sheldon Jackson College to not allow liveaboards in Crescent Harbor, but liveaboards are now allowed. Eliason stated that this is a liveable boat. Pohlman asked about electrical usage. Eliason stated that electrical usage is under the jurisdiction of the Electric Department. Bosak stated that a condition of approval is that the boat is registered as a liveaboard and pay liveaboard fees.

Spivey stated that a condition should be that the owners get and maintain insurance. Parker Song asked if that is a condition for short-term rentals in homes. Bosak stated no, although owners typically have homeowners insurance. Municipal Attorney Brian Hansen stated that the city requires insurance when it contracts with outside entities. Hansen stated that he would need to conduct more research before determining if insurance can be a condition of approval. Parker Song stated that requirements for boat short-term rentals should be commensurate with short-term rentals on land. Pohlman stated that few short-term rentals are located on city property. Bosak recommended that the commission request that staff take another look at this request.

Peter Bradley stated that Airbnb requires that property owners have insurance. Timby stated that many boats are listed on Airbnb. Timby stated that he wants to do everything right.

Pohlman stated that she would like to see how other municipalities deal with boat short-term rentals before making a decision.

Parker Song/Pohlman moved to POSTPONE the item for staff and the applicants to provide additional information.

Motion PASSED 3-0.

E

Public hearing and consideration of a minor subdivision at 211 Shotgun Alley, zoned SFLD Single Family Low Density Residential. The subdivision would result in four lots. The property is also known as Lot 2

of Johnstone Subdivision Replat. The request is filed by Barth Hamberg. The owner of record is Barth Hamberg.

Scarcelli described the request for a four-lot subdivision. Covenants restrict subdivision of this lot to four lots, whereas zoning code would have allowed more lots. A drainage plan was provided, and CBS Public Works has approved the plan. US Army Corps of Engineers issued a de minimis waiver for wetlands. Spivey requested that CBS Municipal Engineer Dan Tadic explain the drainage findings in layman's terms. Tadic stated that the channel probably carried much more water in the past than it does today, and Sawmill Creek Road likely altered local drainage. Tadic stated that pre- and post-development drainage was calculated. Tadic stated that the drainage capacity on the applicant's property is more than sufficient. Tadic stated that the downhill property has created constraints with a manmade dam. Tadic stated that the report has met his requirements.

Barth Hamberg stated that he did not have anything to add. Spivey asked about housing sizes. Hamberg stated that he hasn't decided at this time. Bosak asked Hamberg to elaborate on the covenants. Hamberg stated that the previous owners wanted to ensure that the property was developed responsibly. Hamberg stated that the hydrologist who wrote the drainage report is very experienced and works for the US Forest Service. Pohlman stated concerns for responsible development. Hamberg stated that the deed restrictions would run with the land. Hamberg said that the property does not have an ocean or mountain view, but has a beautiful forest.

Lisa Busch stated that she lives directly below the proposed subdivision. Busch stated concern that a grading permit was granted before the subdivision process. Busch stated that the lots have already been developed and now it seems too late. Busch stated that code states that uphill developers needs to get an easement from the downhill owners. Busch asked the commission how they would protect property owners and preserve the character of the neighborhood.

Davey Lubin stated that he is a downhill property owner. Lubin believes the process is flawed, and that plans should be reviewed by licensed professionals before work can commence. Lubin stated that the drainage report was written by a non-engineer.

Pohlman asked if the drainage assessment was conducted before or after grading occurred. Tadic stated that the report considers the pre-development condition, but was conducted after grading. Pohlman asked if any similar data was conducted when preparing for the Benchlands. Tadic stated that assessments were conducted with different methodology, and this situation is much different than the Benchlands.

CBS Municipal Attorney Brian Hanson stated that the easement requirement only comes into play if the uphill owner develops an artificial drainage system. Hanson stated that the natural stream has not been altered. Hanson recommends that no drainage easement is required. Hanson stated that CBS staff required a drainage assessment and determined that no mitigation is required. Hanson stated that the proper procedure has been followed. Hanson stated that municipal code does not provide clear guidelines for what requires mitigation, but staff have used their professional opinions and past precedence. The uphill property owner has the right to use their property in a

way that does not unreasonably impact the downhill property.

Commission took a 5 minute break.

Scarcelli gave a recap of the proposed subdivision. Parker Song stated that she is inclined to grant the request. Pohlman stated a desire to reach a compromise between the property owners, although it seems that communications are constrained. Parker Song stated that she believes this proposal to be very different from the Benchlands area regarding topography and drainage. Spivey stated that some have said that the Benchlands development caused flooding issues on Sand Dollar Drive, although that has not been proven. Spivey stated that understood the drainage report to state that drainage concerns are caused by the downhill owners, not the applicant. Bosak stated that if an owner maintained the lot as a single-family property, development could impact drainage without a required drainage analysis.

Parker Song asked about requiring collaboration between the property owners. Spivey stated that the commission cannot require them to get along.

Pohlman/Parker Song moved to POSTPONE the item to a meeting when more commissioners are present.

Motion PASSED 3-0.

F

Public hearing and consideration of a conditional use permit application for a three-unit multiple-family structure and a short-term rental at 1715 Sawmill Creek Road, in the R-1 single family and duplex residential district. The property is also known as Lot 1A Corrective Plat of Knauss Lot Line Adjustment. The request is filed by Michael Knauss and Jacklynn Barmoy. The owners of record are Michael Knauss and Jacklynn Barmoy.

Scarcelli described the request for a triplex and a one-unit short-term rental. Both uses are conditional uses in the R-1 zone. The third unit has a complete kitchen and a separate entrance. The property has more than the six required parking spaces. The owners live in one unit, have long-term renters in the second unit, and plan to rent the third unit short-term. The applicants plan to use Airbnb to rent the unit, and will accept a maximum of two renters at a time.

Jacklynn Barmoy and Michael Knauss represented their request. Barmoy stated that she has consulted with the Building Official about occupancy requirements. Pohlman asked if neighbors had stated any concerns. Barmoy stated that the property is separated from neighbors by topography and trees.

No public comment.

Spivey stated that he has reservations due to traffic and creating precedence for triplex approvals. Bosak stated that at the last meeting, the commission approved an accessory dwelling unit with a duplex. Scarcelli stated that he had to be mindful to his speed when driving by the property, and that the commission could condition the installation of a mirror to improve visibility. Spivey asked who owns the property across the street, and Scarcelli confirmed that the applicants did. Knauss stated that there is good visibility both ways. Knauss said many people turn around on his property. Pohlman asked if there was enough space for a three-point turn for the short-term renters, and Barmoy stated that there is enough space. Spivey stated that he does not like lending

to common sense, and stated that future owners must be considered. Scarcelli stated that the Planning Commission can hold a hearing upon receipt of meritorious complaint.

Pohlman/Parker Song moved to APPROVE the required findings.

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

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

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

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot

coverage and height of structures;

4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Conclusion on Findings: That the proposed conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties; and that the required findings have been met.

Motion PASSED 3-0.

Pohlman/Parker Song moved to APPROVE the conditional use permit application for a three-unit multiple-family dwelling and a short term rental at 1715 Sawmill Creek Road, in the R-1 single family and duplex residential district subject to the nine conditions of approval. The property is also known as Lot 1A Corrective Plat of Knauss Lot Line Adjustment. The request is filed by Michael Knauss and Jacklynn Barmoy. The owners of record are Michael Knauss and Jacklynn Barmoy.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
9. Owners shall provide renters with a brief explanation of best traffic circulation patterns to mitigate any potential traffic impacts.

Motion PASSED 3-0.

G

Public hearing and consideration of a conditional use permit request for a daycare at 514 Halibut Point Road and 203 Lakeview Drive, in the R-1 zone. The property is also known as Lots 1, 2, 30, and 31 of Lakeview

Heights Subdivision. The request is filed by Emily Davis and Michelle Barker. The owner of record is First Baptist Church.

Parker Song/Pohlman moved to POSTPONE the item until the applicants commit to attending the hearing. Motion PASSED 3-0.

H

Public hearing and consideration of a conditional use permit major amendment request for a short-term rental at 304 Baranof Street, in the R-1 zone. The property is also known as Lot 1 Westover Subdivision. The request is filed by Island Institute. The owners of record are John and Karen Thielke.

Scarcelli stated that the application is for a major amendment to a nonconforming use permit. A long-term rental has been approved for the property. The applicant would now like to offer the unit as a short-term rental. Scarcelli stated that short-term rentals can increase long-term rental rates. Scarcelli stated that if this amendment is approved, one year must pass before another amendment can be considered, so that any concerns can be appropriately mitigated. Staff recommend approval with eight conditions.

Peter Bradley represented the Island Institute. Bradley stated that the unit is rented for a month or two at a time for artists in residence, which result in "awkward chunks of time."

No public comment.

Spivey stated that his only concern was for traffic, but the unit has already been operating as a long-term rental.

Parker Song/Pohlman moved to APPROVE the required findings.

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

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

section.

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

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

Motion PASSED 3-0.

Parker Song/ Pohlman moved to APPROVE the conditional use permit amendment request for a short-term rental subject to the eight attached conditions of approval. The property is also known as Lot 1 Westover Subdivision. The request is filed by the Island Institute. The owners of record are John and Karen Thielke.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating

adverse impacts on nearby properties.

6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.

7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

Motion PASSED 3-0.

I Public hearing and consideration of a variance request for 216 Lakeview Drive, in the R-1 zone. The request is for the reduction in the northwesterly side setback from 5 feet to 1 foot for the construction of a garage to replace an existing carport. The property is also known as Lot 51 Lakeview Heights Subdivision. The request is filed by Ida Eliason. The owner of record is Ida Eliason.

Item was not heard due to lack of quorum. To be scheduled on next meeting's agenda.

J Public hearing and consideration of a variance request for substandard lot size at 204 Jeff Davis Street, in the R-2 zone. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision. The request is filed by Randy Hitchcock. The owner of record is Randy Hitchcock.

Scarcelli stated that the applicant seeks to subdivide his property into two lot, and a code note states that development standard size is net of access easements. The total square footages of the lots meet development standards, but when the easements are subtracted, the lots do not meet minimum square footage requirements. Utilities currently exist on a portion of the access easement. If the properties were arranged side by side with no easements, the proposed lot sizes would not be problematic. The easement will act as a buffer and for parking. Scarcelli stated that the proposal is in line with the spirit of the code. Bosak read a comment of concern from Becky Martollo.

Randy Hitchcock stated that upon his purchase of the land, his intention was to build two structures on the property. He would like to subdivide into two lots. Hitchcock stated that he previously had concerns with the easement preventing parking, but he has decided to not request adjustments to the easements. Bosak asked if the new house would have a garage. Hitchcock said that it may have a small garage.

Pohlman/Parker Song moved to adopt as found in the staff report and APPROVE the findings of fact that state there are special circumstances that exist, the variance is necessary to preserve the enjoyment of property rights, the granting of the variance will not be materially detrimental to the public's welfare, health, or safety or nearby parcels or infrastructure; and comports with the Comprehensive Plan by providing substantial justice and equity in line with the spirit of the law.

Required Findings for Variances.

1. Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:

a. That there are special circumstances to the intended use that do not apply

generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner (here the existing large oversized easements and code section that reduces net area);

b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity (here alternatives would allow identical development, but for the access easements);

c. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure (again, alternatives would allow the same outcome, and the outcome is in harmony with surrounding land use); and

d. That the granting of such a variance will not adversely affect the comprehensive plan (A grant of a variance will consider relevant factors including spirit of the code section that applies and seeking substantial justice and equity).

Motion PASSED 3-0.

Pohlman/Parker Song moved to APPROVE the platting variance request for substandard lot sizes at 204 Jeff Davis Street, in the R 2 zone reducing the net size lot B to 5,097 s.f. and lot A to 5,596.87 s.f. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision. The request is filed by Randy Hitchcock. The owner of record is Randy Hitchcock.

Motion PASSED 3-0.

K

Public hearing and consideration of a minor subdivision and easement change request for 204 Jeff Davis Street, in the R-2 zone. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision. The request is filed by Randy Hitchcock. The owner of record is Randy Hitchcock.

Scarcelli stated that the proposal is to split an approximately 17,000 square foot lot into two lots. With the granted variance, the proposal meets development standards. The proposal would result in another lot that can be developed. The easement would not be changed. Staff recommend approval. Spivey stated concern for a potential front setback variance to be required to build on the new lot. Bosak clarified that the front lot would only have one front setback, and that the easement does not create another front setback.

Randy Hitchcock stated that the approval at the Historic Preservation Commission failed 3-1, but 3 were in favor. Scarcelli stated that staff and the applicant have reached out to a variety of interested parties, and feedback has been largely positive.

No public comment.

Spivey stated that it would be unrealistic to build two houses on each of the new two lots.

Pohlman/Parker Song moved to adopt the Senior Planner's analysis and APPROVE the findings of fact that the minor subdivision is not detrimental the public's health, safety, and welfare nor injurious to nearby parcels.

Motion PASSED 3-0.

Pohlman/Parker Song moved to APPROVE the minor subdivision request for 204 Jeff Davis Street, in the R 2 zone. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision. The request is filed by Randy Hitchcock. The owner of record is Randy Hitchcock

Motion PASSED 3-0.

L

Public hearing and consideration of a minor subdivision request filed for tidelands adjacent to 1 Lincoln Street, as required for the tideland lease process. The property is also known as a portion of ATS 15, and is in the Waterfront District. The request is filed by Petro Marine Services. The owner of record is the City and Borough of Sitka.

Bosak described the request. The subdivision is required for the 50 year tideland lease request. The proposed dock will streamline boat traffic and provide additional safety measures. An access easement should be a condition of approval. Staff is in support of the request.

Jerry Jacobs represented Petro Marine and stated that he didn't have anything additional to add.

No public comment.

Parker Song/Pohlman moved to APPROVE the findings as discussed in the staff report.

- 1) That the proposed minor subdivision complies with the Comprehensive Plan and Sitka General Code by delineating an area for a prospective tideland lease; and
- 2) That the subdivision would not be injurious to public health, safety, and welfare.

Motion PASSED 3-0.

Parker Song/Pohlman moved to APPROVE the preliminary plat of the minor subdivision for tidelands adjacent to 1 Lincoln Street with the condition that access is guaranteed. The property is also known a portion of ATS 15. The request is filed by Petro Marine Services. The owner of record is the City and Borough of Sitka.

Motion PASSED 3-0.

M

Public hearing and consideration of a zoning map amendment for ASLS 15-06. The proposal would change the property from unzoned to OS Open Space. The request is filed by the City and Borough of Sitka Planning Department. The owner of record is the State of Alaska.

Scarcelli stated that this is a follow-up item to the major subdivision on Nakwasina Sound. The property is not zoned. A zoning assignment would guide future development. Staff recommend that the Commission recommend OS Open Space zoning to the Assembly. Single family residential and recreational uses would be permitted. Lodges are not permitted. OS zoning is less intensive than other possibility zoning assignments, particularly since the

properties will not have municipal water and sewer service.

No public comment.

Spivey stated that the OS zoning makes sense for this parcel.

Pohlman/ Parker Song moved to APPROVE findings as discussed in the staff report.

1. That the granting of such zoning map amendment will not adversely affect the Comprehensive Plan, and it is consistent with Comprehensive Plan 2.4.1 which states, "To guide the orderly and efficient use of private and public land in a manner that encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations, specifically, by assigning OS zoning to preserve the property's rural character."

2. The zoning map change is consistent with the public purpose of developing commonsense zoning.

3. The zoning map change will not result in adverse effects on public health, safety, and welfare.

Motion PASSED 3-0.

Pohlman/Parker Song moved to RECOMMEND approval the zoning map amendment of ASLS 15-06 to assign OS Open Space zoning. The request is filed by the City and Borough of Sitka Planning and Community Development Department. The owner of record is the State of Alaska Department of Natural Resources Division of Mining, Land, and Water.

Motion PASSED 3-0.

N

Public hearing and consideration of a zoning text amendment to allow staff to approve administrative variances of up to two feet in C-1 General Commercial, C-2 General Commercial Mobile Home, Industrial, and Waterfront zones. The request is filed by the CBS Planning and Community Development Department.

Bosak explained the request, which would give an administrative authority to grant administrative variances of up to 2 feet in Commercial C-1, Commercial C-2, Waterfront WD and Industrial I zones. This can already be done in residential zones.

No public comment.

Pohlman asked how 2 feet was determined for this request. Bosak stated that administrative variances in residential zones are up to 2 feet.

Pohlman/Parker Song moved to RECOMMEND the zoning text amendment.

Motion PASSED 3-0.

VI. PLANNING DIRECTOR'S REPORT

Bosak reported that the next Comp Plan meeting is August 2 at ANB Hall. Bosak stated that Barb Sheinberg will be contacting commissioners and

participating in the meeting. The meeting will include a walkability assessment.

VII. PUBLIC BUSINESS FROM THE FLOOR

VIII. ADJOURNMENT

Pohlman/Parker Song moved to ADJOURN at 10:07 PM. Motion PASSED 3-0.

Attest: _____
Samantha Pierson, Planner I



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Staff propose a zoning text amendment of 22.30.150 Administrative approvals without notice. We request that the Planning Commission consider allowing administrative variances of up to two (2) feet in the commercial, waterfront and industrial zones, in addition to the currently permitted administrative variances in residential zones.

Administrative variances go through the same review process as variance requests that come before the Commission. A lengthy analysis, staff report and associated documents are required for approval.

Staff believes that a small setback request could be approved based on the administrative approvals without notice code language and reported to the Commission under the Planning Directors report as current administrative variances are.

Recommendation: Approve the zoning text amendment.



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

1. Request projects at least **FOURTEEN (14)** 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

BRIEF DESCRIPTION OF REQUEST: Change to 22.30.150 Administrative approvals without notice
Allow administrative variance of up to two (2) feet in commercial, industrial and waterfront zones.
Currently only permitted in residential zones

PROPERTY INFORMATION:

CURRENT ZONING: _____ PROPOSED ZONING (if applicable): _____
 CURRENT LAND USE(S): _____ PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: CBS- Planning and Community Development Department Maegan Bosak
 PROPERTY OWNER ADDRESS: _____
 STREET ADDRESS OF PROPERTY: _____
 APPLICANT'S NAME: _____
 MAILING ADDRESS: _____
 EMAIL ADDRESS: maegan.bosak@cityandboroughofsitka.org DAYTIME PHONE: 907.747.1824

PROPERTY LEGAL DESCRIPTION:

TAX ID: _____ LOT: _____ BLOCK: _____ TRACT: _____
 SUBDIVISION: _____ US SURVEY: _____

OFFICE USE ONLY			
COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

REQUIRED SUPPLEMENTAL INFORMATION:

- 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
- Topographic information (If Pertinent to Application)
- Landscape Plan (If Pertinent to Application)
- Drainage and Utility Plan (If Pertinent to Application)
- Parking Plan (For Conditional Use Permit)
- Floor Plan (For Conditional Use Permit)
- Three (3) copies of concept plat (For Plat)
- Plat Certificate from a title company (For Plat)

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.

Mary BOSNEK
Owner

4/22/16
Date

Applicant (If different than owner)

Date



CITY AND BOROUGH OF SITKA

Legislation Details

File #: ORD 16-27 Version: 1 Name:
Type: Ordinance Status: AGENDA READY
File created: 8/2/2016 In control: City and Borough Assembly
On agenda: 8/9/2016 Final action:
Title: Adjusting the FY17 Budget (Float Plane Dock Funding - first reading)
Sponsors:
Indexes:
Code sections:
Attachments: [Motion ORD 2016-27.pdf](#)
[Ord 2016-27.pdf](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve Ordinance 2016-27 on
first reading.

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CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2016-27

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA
ADJUSTING THE FY17 BUDGET (FLOAT PLANE DOCK FUNDING)

BE IT ENACTED by the Assembly of the City and Borough of Sitka, Alaska as follows:

1. **CLASSIFICATION.** This ordinance is not of a permanent nature and is not intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.

2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.

3. **PURPOSE.** The purpose of this ordinance is to adjust the FY17 budgets for known changes.

4. **ENACTMENT.** The Assembly of the City and Borough of Sitka hereby adjusts the FY16 budget for known changes. In accordance with Section 11.10(a) of the Charter of the City and Borough of Sitka, Alaska, the budget for the fiscal period beginning July 1, 2016 and ending June 30, 2017 is hereby adjusted as follows:

<u>Account Number</u>	<u>Account</u>	<u>Increase</u>	<u>Decrease</u>
<u>FISCAL YEAR 2017 EXPENDITURE BUDGETS</u>			
<u>CAPITAL PROJECTS</u>			
Harbor Department: At the May 31st Assembly meeting an Ordinance was approved to appropriate \$170,000 from the Harbor Department undesignated working capital for the Float Plane Dock Repairs. At this meeting, the Assembly recommended a grant from the Southeast Alaska Economic Development Fund and to transfer the funds back to the Harbor Department.			

EXPLANATION

Necessary revisions in the FY 2017 budget were identified. These changes involve the increase of expenditure accounts and causes decreased cash flows to the fund balance of various funds. A short explanation of each budget revision is included.

5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 23rd Day of August, 2016.

ATTEST:

Mim McConnell, Mayor

Sara Peterson, CMC
Municipal Clerk



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 16-144 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 8/2/2016 In control: City and Borough Assembly
On agenda: 8/9/2016 Final action:
Title: Legal/Financial matters - Baranof Island Brewing Company loans
Sponsors:
Indexes:
Code sections:
Attachments: [Motion Executive Session.pdf](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTIONS

EXECUTIVE SESSION

I MOVE to go into Executive Session with Chief Finance and Administrative Officer Jay Sweeney to discuss matters, the immediate knowledge of which would adversely affect the finances of the municipality and speak with the Acting Municipal Attorney regarding a legal matter having legal consequences for the municipality.

I MOVE to reconvene as the Assembly in regular session.