



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
330 Harbor Drive
Sitka, AK
(907)747-1811

Meeting Agenda City and Borough Assembly

Tuesday, November 25, 2014

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

IV. CORRESPONDENCE/AGENDA CHANGES

[14-227](#)

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

[Local Sales Report.pdf](#)

V. CEREMONIAL MATTERS

Recognize retiring employee Chris Wilbur

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

[14-208](#)

Solid Waste Advisory Committee - update Representative Jonathan Kreiss-Tomkins <10

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 [14-222](#) Approve the minutes of the November 10, 2014 Assembly meeting
 Attachments: [Motion Consent Agenda.pdf](#)
 [Motion Minutes.pdf](#)
 [Minutes November 10.pdf](#)
- B [14-225](#) Appoint Scott Wagner to a term on the Gary Paxton Industrial Park Board
 Attachments: [Motion GPIP Appointment.pdf](#)
 [GPIP Appointment.pdf](#)
- C [14-226](#) Authorize an award for the replacement of Compressor #2 for the Marine Service Center to Wyatt Refrigeration in accordance to 3.16.060 Exceptions to Competitive Bidding Requirements
 Attachments: [Motion Marine Service Center Compressor.pdf](#)
 [Marine Service Center Compressor.pdf](#)

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

New Business First Reading

- D [ORD 14-38](#) Amending SGC Title 22 Zoning regarding commercial home horticulture
 Attachments: [Motion Ord 2014-38.pdf](#)
 [Memo Ord 2014-38.pdf](#)
 [Ord 2014-38.pdf](#)
 [Misc Docs relating to Ord 2014-38.pdf](#)
- E [ORD 14-37](#) Adjusting the FY15 Budget
 Attachments: [Motion Ord 2014-37.pdf](#)
 [Ord 2014-37.pdf](#)
- F [ORD 14-36](#) Repealing SGC Chapter 2.52 Parks and Playgrounds
 Attachments: [Motion Ord 2014-36.pdf](#)
 [Ord 2014-36.pdf](#)

- G** [ORD 14-34](#) Amending SGC at 2.40 elections, adding Section 2.40.095 Candidate biographical information, amending sections 2.40.110 Withdrawal or amendment of nomination, 2.40.115 Write-in candidates, renaming Chapter Section VI to add Advanced voting, amending Sections 2.40.190 Eligibility, 2.40.200 Assisted voting, adding Section 2.40.205 Voting by electronic transmission, amending Sections 2.40.220 Issuance of absentee or advanced ballots, 2.40.230 Casting absentee or advanced ballots, 2.40.250 Election officials (E) Oath, 2.40.310 Ballot box, 2.40.315 (D)(2) Marking of ballot, 2.40.315 (G) Improperly marked ballots, adding Sections 2.40.315 (H) closing of polls, and 2.40.316 Poll watchers, amending Sections 2.40.320 reports of unused and damaged ballots, 2.40.330 (B), (C), (D) Counting ballots - hand-counted, 2.40.390 (H) Counting ballots, 2.40.420 Canvass board, 2.40.430 Election results, renaming Section 2.40.440 Assembly approval, amending Sections 2.40.460 Certificate of election, 2.40.470 Notice of election contest, 2.40.500 Costs, and 2.40.520 Prohibited practices
Attachments: [Motion Ord 2014-34.pdf](#)
[Ord 2014-34.pdf](#)
- H** [ORD 14-35](#) Repealing SGC Chapter 2.48 District Civil Defense Council without replacement
Attachments: [Motion Ord 2014-35.pdf](#)
[Ord 2014-35.pdf](#)
- I** [ORD 14-39](#) Amending SGC Section 2.08.015 Selection of acting administrator to include a procedure for unforeseen appointments
Attachments: [Motion Ord 2014-39.pdf](#)
[Ord 2014-39.pdf](#)

Additional New Business Items

- J** [14-224](#) Discussion/Consideration on appointing existing commission members to seats on the Strategic Planning Commission
Attachments: [Discussion Strategic Planning Commission.pdf](#)
- K** [14-223](#) Discussion/Direction on the strategy and scheduling of an Assembly Visioning Session(s)
Attachments: [Discussion Assembly Visioning Session.pdf](#)

XII. PERSONS TO BE HEARD:

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

XIII. EXECUTIVE SESSION

XIV. ADJOURNMENT

*Colleen Ingman, MMC
Municipal Clerk
Publish: November 21*



Legislation Details

File #: 14-227 **Version:** 1 **Name:**
Type: Item **Status:** AGENDA READY
File created: 11/20/2014 **In control:** City and Borough Assembly
On agenda: 11/25/2014 **Final action:**

Title:

Sponsors:

Indexes:

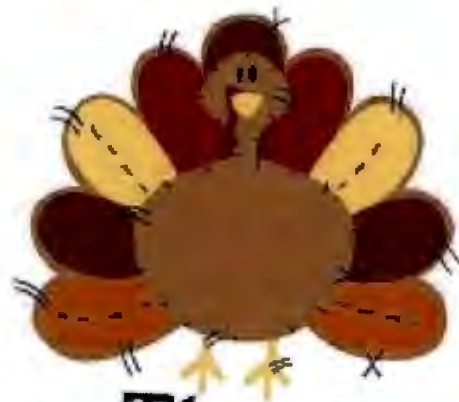
Code sections:

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

Date	Ver.	Action By	Action	Result
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REMINDERS

<u>DATE</u>	<u>EVENT</u>	<u>TIME</u>
Tuesday, November 25	Regular Meeting	6:00 PM
Tuesday, December 9	Regular Meeting	6:00 PM



Happy Thanksgiving

Assembly Calendar

2013 Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec 2015

November 2014

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26 Oct	27	28 1:00pm SCVB Board 6:00pm Regular Assembly Mtg	29	30	31	1 Nov
2	3	4 7:00pm Planning 7:00pm School	5 7:00pm Library Board	6 12:00pm - 1:30pm SEDA Board Meeting	7 Hackett	8 Hackett
9 Hackett	10 Hackett 6:00pm Reg Assembly Mtg	11 Hackett HOLIDAY	12 Hackett 6:00pm Historic Preservation 6:00pm Port & Harbors Commission	13 Hackett 12:00pm LEPC 12:00pm Parks & Rec	14 Hackett	15 Hackett
16 Hackett	17 Hackett	18 Hackett 12:00pm Tree/Landscape 7:00pm Planning 7:00pm School	19 Hackett 6:30pm STA	20 Hackett	21	22
23	24	25 1:00pm SCVB Board 6:00pm Regular Assembly Mtg	26	27	28	29
30	1 Dec	2 7:00pm Planning 7:00pm School	3 7:00pm Library Board	4 12:00pm - 1:30pm SEDA Board Meeting 6:30pm Hospital Board Meeting	5	6

Assembly Calendar

2013 Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec 2015

December 2014

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30 Nov	1 Dec	2 7:00pm Planning 7:00pm School	3 7:00pm Library Board	4 12:00pm - 1:30pm SEDA Board Meeting 6:30pm Hospital Board Meeting	5	6
7	8	9 6:00pm <u>Reg Assembly Mtg</u>	10 6:00pm Historic Preservation 6:00pm Police and Fire Commission	11 12:00pm LEPC 12:00pm <u>Parks & Rec</u>	12 6:00pm CBS Holiday Party at Harrigan Hall	13 Hackett
14 Hackett	15 Hackett	16 Hackett 12:00pm Tree/Landscape 7:00pm Planning 7:00pm School	17 Hackett 6:30pm STA	18 Hackett	19 Hackett	20 Hackett
21 Hackett	22 Hackett	23 Hackett 6:00pm <u>Regular Assembly Mtg</u>	24 Hackett	25 Hackett	26 Hackett	27 Hackett
28 Hackett	29 Hackett	30 1:00pm SCVB Board	31	1 12:00pm - 1:30pm SEDA Board Meeting	Jan 2	3

Memo

To: Mayor and Assembly Members

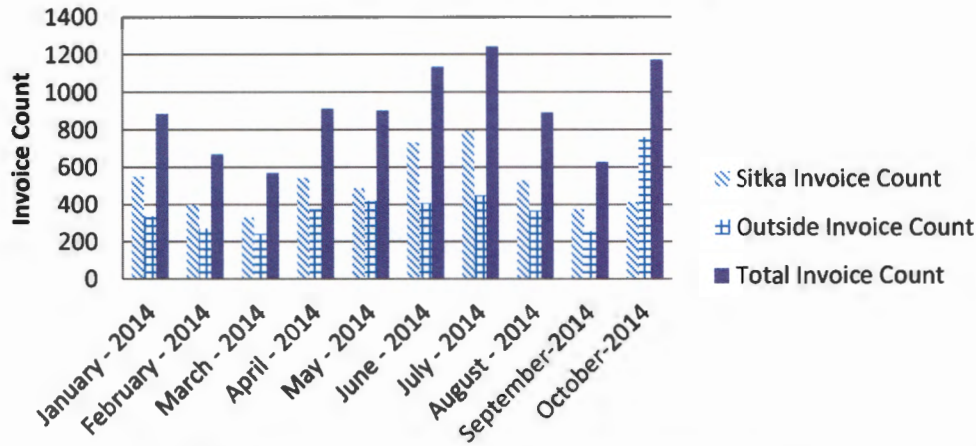
From: Jay Sweeney, CFAO

Date: November 10, 2014

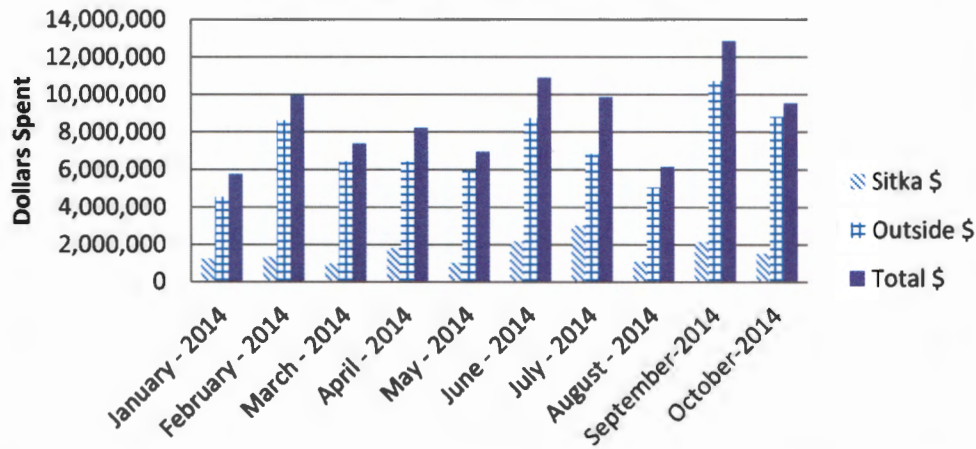
Re: Periodic Reporting on Local Sales

The attached report constitutes the periodic report on local purchasing.

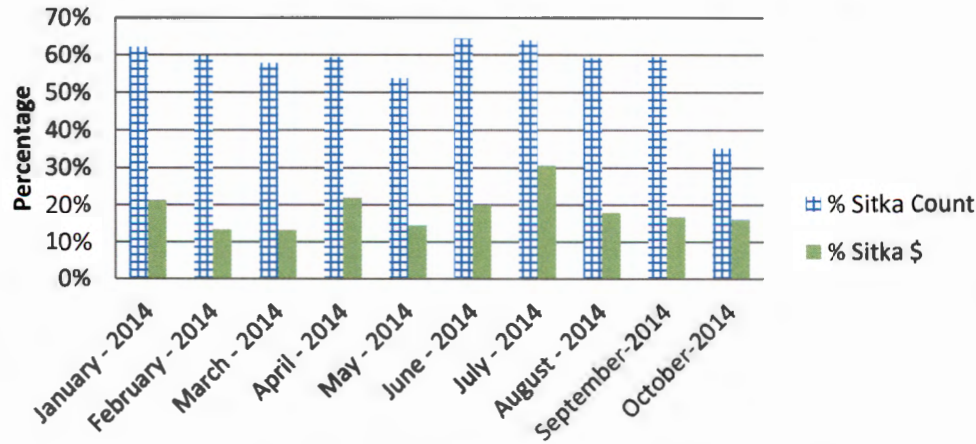
Invoice Count over time



Dollars spent over time



Percent of Count & Dollars over time





Legislation Details

File #: 14-208 **Version:** 1 **Name:**
Type: Special Report **Status:** AGENDA READY
File created: 10/21/2014 **In control:** City and Borough Assembly
On agenda: 11/25/2014 **Final action:**
Title: Solid Waste Advisory Committee - update Representative Jonathan Kreiss-Tomkins <10
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Legislation Details

File #: 14-222 **Version:** 1 **Name:**
Type: Minutes **Status:** AGENDA READY
File created: 11/14/2014 **In control:** City and Borough Assembly
On agenda: 11/25/2014 **Final action:**
Title: Approve the minutes of the November 10, 2014 Assembly meeting
Sponsors:
Indexes:
Code sections:
Attachments: [Motion Consent Agenda.pdf](#)
[Motion Minutes.pdf](#)
[Minutes November 10.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 & C

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 would be in order:

POSSIBLE MOTION

I MOVE TO approve the minutes of the November 10, 2014 Assembly meeting.



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
330 Harbor Drive
Sitka, AK
(907)747-1811

Minutes - Draft City and Borough Assembly

Monday, November 10, 2014

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 6 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, and Guevin

Absent: 1 - Hackett

IV. CORRESPONDENCE/AGENDA CHANGES

14-219 Correspondence: Blue Lake Expansion Project Update, Public Works Update, 2015 Summer AMHS Ferry Schedule, SCH Letter of Support

V. CEREMONIAL MATTERS

14-217 Proclamation - Small Business Saturday

Mayor McConnell read a proclamation proclaiming November 29, 2014 as Small Business Saturday. Jennifer Robinson, Executive Director of the Chamber of Commerce, urged citizens to shop local and take advantage of sales tax free days on November 28 and 29.

14-218 Proclamation - Veteran's Day

The Mayor read a proclamation honoring Veteran's Day. George Bennett offered a few words to the Assembly and thanked the Assembly for the recognition.

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

STA General Manager, Lawrence SpottedBird reported on events happening at Sitka Tribe of Alaska this month.

14-221 Report by Sitka Community Development Corporation

Randy Hughey, President of the Sitka Community Development Corporation (SCDC), provided an update to the Assembly. Hughey noted the SCDC had established a Community Land Trust (CLT) to address the issue of affordable home ownership in Sitka and as a first step planned to build a single-family home at 125 Lillian Drive on property given to the land trust by the City. Hughey stated those interested in purchasing a home through the CLT would need to take a class offered by the Alaska Housing Finance Corporation. Long-range plans include a 12 to 15 house neighborhood on the old city shops property.

VII. PERSONS TO BE HEARD

Zachary Desmond of Brave Heart Volunteers noted the group would be hosting the first Southeast Alaska regional grief support conference November 14 and 15.

Robb Farmer, Library Director, invited the community to an Open House at the Stratton on Sunday, November 16 from 2-5pm.

Frank Ockert, Chaplain, shared a poem he had written.

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

Mayor - attended the Easter Group's annual Homeless Summit which had a different format this year with the goal of providing greater opportunities for agencies to work together to help those in need, attended a housing meeting with various agencies and the new temporary Planning Director, Scott Brylinsky in which Scott expressed an interest in generating a complete list of brainstorm ideas and identifying most likely opportunities for partnership, attending a preliminary planning meeting for the 150th anniversary of the transfer of Alaska, attending the monthly SEDA meeting where only updates were heard due to a lack of a quorum, planned to march in the Veteran's Day parade, attending the ribbon cutting ceremony at the new power house on Thursday, attending AML Conference in Anchorage the week of November 17.

Administrator - reminded the public of shortened hours at Utility Customer Service in City Hall, mentioned appraisal being conducted for Gary Paxton Industrial Park, recognized Police Dispatcher Lyn Blankenship for her exemplary work in keeping a wounded hunter on the line while help arrived.

Attorney - stated she had hired a legal assistant, Janine Canul, who would begin November 17.

Liaisons - Swanson, Guevin, and Miyasato reported on the Police and Fire Commission, Sitka School Board, and Parks and Recreation Committee respectively.

IX. CONSENT AGENDA

A 14-215 Approve the minutes of the October 28, 2014 Assembly meeting

This item was **APPROVED** on the Consent Agenda.

B 14-216 Appoint Cora Nisbet to a three-year term on the Tree and Landscape Committee and reappoint Willow Moore to a three-year term on the Health Needs and Human Services Commission

This item was **APPROVED** on the Consent Agenda.

X. UNFINISHED BUSINESS:

C ORD 14-33 Updating Attachment G: FWHA Anti-Drug and Alcohol Policy (CDL Drivers)

A motion was made by Miyasato that this Ordinance be **APPROVED** on second and final reading. The motion **PASSED** by the following vote.

Yes: 6 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, and Guevin

Absent: 1 - Hackett

XI. NEW BUSINESS:

D RES 14-19 Supporting Sitka Trail Works, Inc. grant application to the State of Alaska Recreational Trails Program to repair storm damage to the Herring Cove-Beaver Lake Trails

Mayor McConnell read the title of the resolution.

Hunter noted there was no City money being pledged.

A motion was made by Hunter that this Resolution be approved on first and final reading. The motion **PASSED** by the following vote.

Yes: 6 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, and Guevin

Absent: 1 - Hackett

E 14-220**Discussion/Decision/Direction on the assignment of a revenue generating study to the newly formed Strategic Planning Commission**

Mayor McConnell offered her thoughts on strategic planning and noted it was important to gather facts. She hoped that by tasking the Commission they would come back with recommendations for the Assembly.

Administrator Gorman reported Municipal Solutions, who had been hired to conduct an efficiency study, would have a final report ready by the end of the year. Gorman noted that comprehensive planning and strategic planning were an arduous process and often required a great deal of money.

Guevin stated he was a strong supporter of the Strategic Planning Commission but was unsure a revenue generating study was the place for them to start. He would like to see an update of the 2007 Comprehensive Plan.

Eisenbeisz cautioned directing a Commission to explore revenue generating ideas and noted this was not a purpose outlined in the ordinance that created the Strategic Planning Commission.

Hunter and Guevin urged citizens to apply for the Strategic Planning Commission.

Suggestions: Guevin noted it would be beneficial to identify areas and key stakeholders and then report to the Assembly. Gorman suggested the Comprehensive Plan Review be undertaken by the Strategic Planning Commission. McConnell suggested using the outcomes from the efficiency study (Municipal Solutions) as building blocks to creating a strategic plan.

Gorman and Guevin suggested staff come back to the Assembly once the Municipal Solutions report had been received and offer a recommendation as to how to proceed with an operational comprehensive plan. The Assembly agreed with this approach.

XII. PERSONS TO BE HEARD:

None.

XIII. ADJOURNMENT

A motion was made by Hunter to ADJOURN. Hearing no objection, the meeting ADJOURNED at 7:08pm.

ATTEST: _____
Sara Peterson, CMC
Acting Municipal Clerk



Legislation Details

File #: 14-225 **Version:** 1 **Name:**
Type: Appointment **Status:** AGENDA READY
File created: 11/14/2014 **In control:** City and Borough Assembly
On agenda: 11/25/2014 **Final action:**
Title: Appoint Scott Wagner to a term on the Gary Paxton Industrial Park Board
Sponsors:
Indexes:
Code sections:
Attachments: [Motion GPIP Appointment.pdf](#)
[GPIP Appointment.pdf](#)

Date	Ver.	Action By	Action	Result
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Should this item be pulled from the consent the following motion would be in order:

POSSIBLE MOTION

I MOVE TO appoint Scott Wagner to an unexpired term on the Gary Paxton Industrial Park Board.



**Application for Appointment to Boards, Committees, and Commissions
City and Borough of Sitka**

Board/Commission/Committee: Gary Parton Industrial Park
 Name: Scott Wagner Daytime Phone: 907 747-6850
 Address: 304 N. Cole St. Evening Phone: 907 747-3791
 Email Address: scott.wagner@nsraa.org Fax Number: _____
 Length of Residence in Sitka: 22 years Registered to vote in Sitka? Yes No
 Employer: NSRAA

Organizations you belong to or participate in:

LEPC

Explain your main reason for applying:

To become more knowledgeable + informed of activities at the Gary Parton Industrial Park.

What background, experience or credentials will you bring to the board, commission, or committee membership?

NSRAA operates a butchery in the park and I am well aware of park infrastructure and operation.

Please attach a letter of interest, outline, or resume which includes your education, work, and volunteer experience that will enhance your membership.

→ (To be considered, your application must be complete AND be accompanied by one of the above supporting documents.)

Date: 11/13/14 Signature: Scott Wagner

Your complete application and resume should be returned to the Municipal Clerk's Office by noon on the Wednesday prior to an advertised Assembly meeting. Applications received after the deadline will be considered but will not be included in the Assembly packets for review prior to appointment.

Appointments are normally made during open session of an Assembly meeting, however, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? Yes No

Return to:
 Sara Peterson, Deputy Clerk
 100 Lincoln Street
 Fax: 907-747-7403
 Email: sara@cityofsitka.com





GARY PAXTON INDUSTRIAL PARK BOARD OF DIRECTORS

NAME	CONTACT NUMBERS	TERM STARTS	EXPIRES	CATEGORY
GRANT J. MILLER P.O. Box 6097	738-3443 w 747-7870 fax grant@gci.net	6/13/06 6/10/08 6/8/10 6/12/12 6/24/14	6/13/08 6/10/10 6/8/12 6/12/14 6/24/16	CHAIR
DAN JONES 719 Sirstad Street	738-6998 c 747-6373 h danielgjonespe@gci.net	10/11/11 10/22/13	10/11/13 10/22/15	VICE- CHAIR
CHRISTOPHER FONDELL 407 Lincoln Street	747-5744 w 747-0660 fax chrisf@gci.net	7/24/07 7/14/09 7/12/11 7/9/13	7/24/09 7/14/11 7/12/13 7/9/15	
PTARMICA MCCONNELL 2575 Sawmill Creek Road	738-9941 c ptarmica@sheeatika.com	6/10/14	6/10/16	
STEVEN EISENBEISZ 208 Lincoln Street	738-9075 c akninezeroseven@yahoo.com	12/10/13 6/24/14	6/12/14 6/24/16	
Garry White 329 Harbor Drive, #212	747-2660 w 747-7688 fax garrywhite@gci.net			Sawmill Cove Director
Mark Gorman City & Borough of Sitka 100 Lincoln Street	747-1808 w 747-7403 fax markgorman@cityofsitka.com			Municipal Administrator
Steven Eisenbeisz 208 Lincoln Street Alternate: Phyllis Hackett 500 Lincoln Street #B4	738-9075 c assemblyeisenbeisz@cityofsitka.com 738-1991 c assemblyhackett@cityofsitka.com			Assembly Liaison
Linda Wilson 329 Harbor Drive, #212	747-2660 w 747-7688 fax admin@sitka.net			Secretary

Established by Ordinance 00-1568

Five members appointed by the Assembly for 2-year terms, one designated At-Large

Revised: October 29, 2014



Legislation Details

File #: 14-226 **Version:** 1 **Name:**

Type: Item **Status:** AGENDA READY

File created: 11/17/2014 **In control:** City and Borough Assembly

On agenda: 11/25/2014 **Final action:**

Title: Authorize an award for the replacement of Compressor #2 for the Marine Service Center to Wyatt Refrigeration in accordance to 3.16.060 Exceptions to Competitive Bidding Requirements

Sponsors:

Indexes:

Code sections:

Attachments: [Motion Marine Service Center Compressor.pdf](#)
[Marine Service Center Compressor.pdf](#)

Date	Ver.	Action By	Action	Result
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Should this item be pulled from the Consent Agenda the following motion would be in order:

POSSIBLE MOTION

I MOVE TO authorize an award for the replacement of Compressor #2 for the Marine Service Center to Wyatt Refrigeration in accordance to 3.16.060 Exceptions to Competitive Bidding Requirements.

MEMORANDUM

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

From: Michael Harmon, P.E., Public Works Director *MAH*
Gary E. Baugher Jr., M&O Superintendent *GEB*
Chris Wilbur, Facilities Manager

Reviewed: Jay Sweeney, Chief Finance and Administration Officer *[Signature]*
Robin Koutchak, Attorney *RK*

Date: November 11, 2014

Subject: Approval for Exception: Marine Services Center Compressor #2 Replacement

Background:

The Marine Services Center (MSC) was built in 1991. The refrigeration system has three screw compressors to power the cold room refrigeration. Compressor #1 and 2 were rebuilt in 2003, and are past their service life. Compressor #3 is a smaller compressor that was replaced in 2007. All three compressors are maintained and operated by CBS refrigeration maintenance contractor, Wyatt Refrigeration.

Due to the technical nature of the ammonia refrigeration system when we replace any piece of equipment we require the Contractor have three replacement projects of similar size. The Contractor is also responsible for the operation of the refrigeration system while the replacement is underway. This is especially critical because of the 3.6 million pounds of product held in the freezers and leased by Northern Pacific Processor Inc. (NPPI), and Seafood Producers Cooperative (SPC). These specialized equipment replacement projects and standardization of that equipment is critical for the continuity of services.

Wyatt Refrigeration was the original contractor that installed the refrigeration equipment in the MSC. They have held the CBS refrigeration maintenance contract since January 2003. They also perform maintenance and capital projects on the refrigeration systems at NPPI and SPC. There are no refrigeration contractors in Sitka capable of doing this work.

Analysis

CBS procurement policy and procedures, section 3.16.060, Section I, authorizes exceptions to the competitive bid process:

3.16.060 Exceptions to competitive bidding requirements. *Unless authorized by law, all procurements actions shall be by competitive bidding. The following is a list of authorized exceptions describing situations in which competitive bidding is not practicable:*

Item I: Specialized equipment for enterprise funds where standardization is a primary criteria.

Fiscal Note

There is \$135,000 budgeted for this project in the MSC FY 15 budget in GL account 320-600-630-5212.000 31016 2015

Recommendation:

Approve an award for the replacement of this compressor with our Refrigeration Maintenance Contractor, Wyatt Refrigeration.



Legislation Details

File #: ORD 14-38 **Version:** 1 **Name:**
Type: Ordinance **Status:** AGENDA READY
File created: 11/14/2014 **In control:** City and Borough Assembly
On agenda: 11/25/2014 **Final action:**
Title: Amending SGC Title 22 Zoning regarding commercial home horticulture
Sponsors:
Indexes:
Code sections:
Attachments: [Motion Ord 2014-38.pdf](#)
[Memo Ord 2014-38.pdf](#)
[Ord 2014-38.pdf](#)
[Misc Docs relating to Ord 2014-38.pdf](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve Ordinance 2014-38 on
first reading.



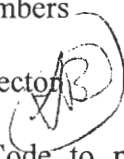
City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

Memorandum

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

From: Scott Brylinsky, Interim Planning Director 

Subject: Ordinance Amending the Zoning Code to provide an expedited process for permitting Commercial Home Horticulture, including the construction and operation of Garden Stands

Date: November 14, 2014

The attached ordinance amends the Sitka Zoning Code to provide an expedited permitting process for commercial home horticulture, including the construction and operation of garden stands, in the R-1, R-1MH, R-2, R-2MHP, GI, and LI zones.

The motivation for this ordinance change is the growing community interest in using and selling locally grown produce. The topic came up before the Planning Commission specifically as a Zoning Text Amendment application submitted by Lisa Sadler-Hart and Tom Hart to make commercial home horticulture and related structures a permitted use in residential zones.

The Administration, and the Planning Commission, felt that an expedited process for issuing Conditional Use permits for commercial home horticulture, including garden stands, was in the community interest. The ordinance framework was developed by the Planning Commission over a series of four meetings. The framework ultimately developed modifies the definition of commercial home horticulture to include the use of garden stands, and defines an expedited conditional use permitting process. At the October 21, 2012 meeting the Planning Commission unanimously approved the conceptual framework for the attached ordinance.

In summary, the proposed ordinance simplifies the conditional use process for commercial home horticulture, including garden stands, by eliminating the requirement for Assembly approval. Review and approval is by the Planning Commission, and will take a minimum of two meetings.

CITY AND BOROUGH OF SITKA
ORDINANCE NO. 2014 - 38

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA
GENERAL CODE TITLE 22 ZONING REGARDING COMMERCIAL HOME HORTICULTURE

BE IT ENACTED by the Assembly of the City and Borough of Sitka, Alaska as follows:

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 purposes of this ordinance are to provide an expedited process to allow for commercial home horticulture, including the construction and operation of garden stands, by amending the municipal zoning regulations to provide the Planning Commission with authority to grant conditional use permits for commercial home horticulture in selected zoning districts.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough to:

5. Amend SGC 22.08.195 Definition - Commercial Home Horticulture as follows:

“Commercial home horticulture” means the on-site production, principally for use or consumption by the property owner or tenant, of plants or their products, including but not limited to gardening and fruit production. Commercial home horticulture does not include the sale of such products produced off-site, but does include the sale of such products produced and sold on-site to others. ~~Commercial home horticulture does not include construction of accessory buildings other than those specifically allowed in the zoning districts.~~ It also does not include such products as livestock, poultry, other animals, or the production of animal related products. **Accessory buildings, such as garden stands, other than those specifically allowed in zoning districts, may be permitted through the Planning Commission home horticulture permit process in SGC 22.24.025.**

6. Amend SGC Table 22.16.015-6 to make Commercial Home Horticulture in the R-1, R-1MH, R-2, R-2MHP, GI, and LI zones a conditional use subject to new Footnote (9) of that table. New footnote (9) reads as follows:

Commercial home horticulture conditional use permits governed by SGC 22.24.025.

7. Add a new section to SGC Chapter 22.24 Special Use Permits, as follows:
Section 22.24.025 **Commercial Home Horticulture Permits**

A. Application Requirements: Same as conditional use application outlined in Table 22.24.010-1.

51 **B. Standards, Dimensions, and Setbacks:**

- 52 a. Garden stands: Maximum shall be size six(6) feet by eight(8) feet with
53 awning.
- 54 b. The annual period of use shall be May 1 through October 30. Stands must
55 be portable and removed in off season.
- 56 c. Setbacks from lot lines shall be minimum five(5) feet.
- 57 d. Driveways on adjacent lots shall not be blocked.
- 58 e. Sales are permitted a maximum four hours a day twice a week.

59

60 **C. Review Criteria: In evaluating applications under this section the Planning**
61 **Commission shall consider the overall plan of operation, potential adverse**
62 **impacts on adjacent properties including but not limited to odors generated, and**
63 **adequacy of parking along the right-of-way.**

64

65 **D. Review Procedure and Authority to Approve: Upon receipt of a completed**
66 **application for a garden stand under this section, there shall be a four-week notice**
67 **period to include not less than two Planning Commission meetings. Notice shall**
68 **be provided to properties within 300 feet of the applicant's property. The Planning**
69 **Commission is authorized to approve or deny Garden Stand conditional use**
70 **permit applications submitted under this section. Approvals and denials may be**
71 **appealed to the Assembly.**

72

73 **E. Sunset and Revocation: Permits issued under this section shall sunset two years**
74 **after approval. Permit renewal shall follow the same process as initial application.**
75 **Permits may be revoked by the Planning Commission following a public hearing.**

76

77 **F. This section supersedes other code sections that may be in conflict, including**
78 **setbacks for garden stands.**

79

80

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

83

84

85 PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka,
86 Alaska this 9th day of December, 2014.

87

88

89 _____
Mim McConnell, Mayor

90 ATTEST:

91

92 _____
93 Colleen Ingman, MMC
94 Municipal Clerk

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
October 21, 2014**

Present: Chris Spivey (Vice-Chair), Debra Pohlman (Member), Darrell Windsor (Member), Wells Williams (Planning Director), Erin Clay (Temporary Planner I)

Absent: Richard Parmelee (Chair)

Members of the Public: Lisa Sadleir-Hart, Tom Hart, Stewart Pook

Acting Chair Spivey called the meeting to order at 7:00 p.m.

Roll Call:

PRESENT: 3 –Spivey, Pohlman, Windsor

Consideration of the Minutes from the October 7, 2014 meeting:

MOTION: M/S WINDSOR/POHLMAN moved to approve the meeting minutes for October 7, 2014.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

The evening business:

**ZONING TEXT CHANGE
COMMERCIAL HOME HORTICULTURE
TOM AND LISA SADLEIR-HART**

Planning Commission deliberation on a proposal to make zoning ordinance text changes for commercial home horticulture and garden stands. The proposal would create a Planning Commission review process for commercial home horticulture in residential and island zoning districts. A variety of zoning code sections would be revised to facilitate the proposal including SGC Chapter 22.24 Special Use Permits, SGC Table 22.16.015-6 Retail and Business Uses, and SGC 22.08.195 Commercial Home Horticulture (definition). The current proposal is in lieu of making the use a permitted use in these districts. The proposal represents a consensus developed between the Planning Commission, Lisa Sadleir-Hart and Thomas Hart.

STAFF REPORT: Williams described the evolution of the zoning ordinance text change application.

COMMISSIONER DELIBERATION: No questions.

PUBLIC COMMENT: No public comment.

MOTION: M/S WINDSOR/POHLMAN moved to approve the following findings:

1. The proposed revisions fill a community need and there has been substantial written testimony in support of changing the current process;

2. The proposed Planning Commission review process allows for permits to be considered on a case by case abbreviated review process;
3. The proposals are consistent with the Comprehensive Plan.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

MOTION: M/S WINDSOR/POHLMAN moved to approve the zoning ordinance text change for commercial home horticulture and garden stands. The applicant is Lisa Sadlier-Hart and Thomas Hart.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

VARIANCE
104 KELLY STREET
STEWART POOK

Public hearing and consideration of a variance requested by Stewart Pook at 104 Kelly Street. The request is to increase the allowable fence height from 8ft to 10ft. The purpose of the increase in fence height is to mitigate impacts from the adjacent property. The property is also known as Lot 3 Block 1 Mission Subdivision.

STAFF REPORT: Williams described the request.

APPLICANT: Stewart Pook came forward to interact and answer questions.

COMMISSIONER DELIBERATION: Chair Spivey asked Pook if he has anything to add to the staff report. Pook described how his current fence is not tall enough to mitigate impacts from the adjacent yard. Pook said that if the yard/home were to be maintained or re-built in the future he would be happy to cut his fence to a shorter size.

PUBLIC COMMENT: No public comment.

MOTION: M/S WINDSOR/POHLMAN moved to approve the following findings:

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

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

MOTION: M/S WINDSOR/POHLMAN moved to approve the variance request at 104 Kelly Street filed by Stewart Pook. The property is also known as Lot 3 Block 1 Mission Subdivision. The applicant is requesting an increase in the allowable fence height from 8ft to 10ft. The owner of record is Stewart Pook.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

PLANNING DIRECTOR'S REPORT: No Planning Commission meeting November 4th. The zoning ordinance text change will go to the November 10th Assembly meeting. Williams thanked the Commissioners for their work on the Commission.

PUBLIC COMMENT: No public comment.

ADJOURNMENT:

MOTION: M/S WINDSOR/POHLMAN moved to adjourn at 7:24 pm.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

Richard Parmelee, Chair

Erin Clay, Temporary Secretary

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
October 7, 2014**

Present: Richard Parmelee (Chair), Chris Spivey (Vice-Chair), Debra Pohlman (Member), Darrell Windsor (Member), Wells Williams (Planning Director), Erin Clay (Temporary Planner I)

Absent: None

Members of the Public: Tom and Lisa Sadleir-Hart

Chair Parmelee called the meeting to order at 7:00 p.m.

Roll Call:

PRESENT: 4 –Parmelee, Spivey, Pohlman, Windsor

Consideration of the Minutes from the September 2, 2014 meeting:

MOTION: M/S SPIVEY/WINDSOR moved to approve the meeting minutes for September 2, 2014.

ACTION: Motion **PASSED unanimously 4-0** on a voice vote.

The evening business:

**ZONING TEXT CHANGE
COMMERCIAL HOME HORTICULTURE
TOM AND LISA SADLEIR-HART**

Public hearing and consideration of a zoning text change to revise SGC 22.16.015-6 to make commercial home horticulture a permitted use in the R-1, R-1 MH, R-2, R-2 MHP, GI and LI zones and revise SGC 22.08.195 Commercial home horticulture definition to clarify it allowing for the sale of products produced on site and to allow for the construction of accessory buildings. The applicant is Lisa Sadleir-Hart and Tom Hart.

STAFF REPORT: Williams described a spreadsheet summarizing the proposed commercial home horticulture standards and Planning Commission approval process. Williams asked for a break in normal procedure to determine the Commission and Sadleir-Harts comfort with the proposed standards at this time.

APPLICANT: Tom Hart and Lisa Sadleir-Hart come forward to interact and answer questions.

COMMISSIONER DELIBERATION: Commissioner Pohlman has concerns about specifying a time frame for home horticulture sales (i.e. 11:00– 14:00), though she understands the intent is to prevent additional traffic during normal commuting hours. The Commission agrees on establishing a standard for the maximum time that that home horticulture sales may occur (4

hours, twice per week) but for the specific hours of operation to be approved on a case by case basis.

Sadleir-Hart also prefers the specifying the maximum time standard and for each applicant to negotiate their hours of operation.

Commissioner Spivey has concerns about the proposed notification buffer of neighbors within 150ft of the applicant's property and feels that it is insufficient to account for all neighbors who may be impacted by odors. Sadleir-Hart describes fertilizers typically used in Sitka and states that commercial home culture is unlikely to produce excessive odor necessitating a 300ft notification buffer. Conditional use permits typically require a 300ft notification buffer so the Commission agrees to increase the notification buffer for commercial home horticulture applications to all neighbors within 300ft of the applicant's property.

STAFF REPORT: Williams describes the zoning text change and definition change request. The proposed code changes do not address accessory buildings associated with commercial home horticulture, such as greenhouses, so Williams will verify that greenhouses are covered as accessory uses in the existing zoning code prior to the October 21st meeting.

COMMISSIONER DELIBERATION: Hart asked whether adding more details to the maximum time standards for home horticulture sales would be helpful and Williams responded that that level of detail is difficult to codify.

Hart also asked if all application findings, both approvals and denials, may be appealed through the assembly appeal process. The Commission agreed that both approvals and denials may be appealed.

Sadleir-Hart asked about allowable green house size. Commissioner Parmelee said that greenhouse size would be negotiated on a case by case basis. Williams said that size restrictions would only affect proposed greenhouses through the permitting process, not existing greenhouses.

PUBLIC COMMENT: No public comment.

Request will be back for deliberation and recommendation at October 21st Planning Commission meeting.

**MAJOR SUBDIVISION - CONCEPT PLAT
PARCEL C SOUTH BENCHLANDS – 300 KRAMER AVENUE
SOUND DEVELOPMENT**

Public hearing and consideration of a concept plat for a major subdivision at 300 Kramer Avenue or Parcel C South Benchlands filed by Scound Development, LLC. The proposed subdivision will create 19 lots. The property is also known as Tract A12-III, Whitcomb Heights III Subdivision.

STAFF REPORT: Williams discussed the Commission's review process from concept to preliminary plat, including the Public Works requirements which must be met prior to presentation of a preliminary plat to the Commission. Dan Tadic, a Municipal Engineer, comes forward to discuss Public Works submittal requirements for the subdivision including grading and drainage plans. These submittal requirements are based largely off of those required by

the City of Ketchikan because the City and Borough of Sitka currently does not have codified drainage guidelines.

APPLICANT: Todd Flemming, of Sound Development, comes forward to interact and answer questions. Flemming discusses what permitting, surveying, and land clearing steps have been taken thus far. Flemming states that walking the site is challenging at this time due to brush and trees that have been taken down.

COMMISSIONER DELIBERATION: Commissioner Windsor asks about the small lot sizes proposed for the subdivision. Flemming describes the Planned Unit Development approach for the subdivision, which allows for smaller lot sizes than in standard residential zones. Flemming states that Sound Development intends to include a plat note specifying the maximum allowable structure size for lots within the subdivision. At this time, Sound Development is thinking that these structure size limits will be 1,500 ft² for the main structure and 500ft² for garages.

Williams asks if Sound Development will retain ownership of the 20ft drainage easement that runs through the proposed subdivision. Flemming states that Sound Development will retain ownership of this drainage easement.

PUBLIC COMMENT: No public comment.

The preliminary plat will be scheduled for Planning Commission Review after the Public Works Department is comfortable with the geotechnical materials that are forthcoming from the applicant.

**CONDITIONAL USE
506 FIRST STREET
DAWN and PETER MENENDEZ**

Public hearing and annual review of an approved conditional use permit for a day care at 506 First Street. The property is also known as Lot 1 H & P Estates. Owner of record is Joanna Giglia and Dawn and Peter Menendez.

STAFF REPORT: Williams describes the history of the Menendezs' conditional use permit. The main issue in the past has been whether the next door neighbors' driveway becomes blocked by customers picking up and/or dropping off children. No comments were received by the Planning Office during the current public notification period.

APPLICANT: Dawn and Peter Menendez come forward to interact and answer questions.

COMMISSIONER DELIBERATION: Chair Parmelee asks D. Menendez to report on the past year. D. Menendez describes the pickup/drop off schedule that she has developed with her customers and states that she has had no issues with customers adhering to that schedule. If customers have to come early or late they either check to make sure there is parking available or park on Monastery Street and walk down First Street. D. Menendez states that they recently purchased gravel and hand graded to fix potholes that had developed on First Street.

PUBLIC COMMENT: No public comment.

MOTION: M/S PARMELEE/SPIVEY moved to approve the completed annual review for 2014 and to look forward to the final annual review in 2015.

ACTION: Motion **PASSED unanimously 4-0** on a voice vote.

PLANNING DIRECTOR'S REPORT: Williams discusses agenda items for next Planning Commission Meeting. Williams gives personal thanks to Commissioner Parmelee for his years of service as Planning Commission Chair.

PUBLIC COMMENT: No public comment.

ADJOURNMENT:

MOTION: M/S PARMELEE/POHLMAN moved to adjourn at 8:05 pm.

ACTION: Motion **PASSED unanimously 4-0** on a voice vote.

Richard Parmelee, Chair

Erin Clay, Temporary Secretary

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
September 2, 2014**

Present: Richard Parmelee (Chair), Chris Spivey (Vice-Chair), Debra Pohlman (Member), Wells Williams (Planning Director), Maegan Bosak (Planner I)

Absent: Darrell Windsor (Member), Terrance Seslar (Member)

Members of the Public: Tom and Lisa Sadler-Hart

Chair Parmelee called the meeting to order at 7:03 p.m.

Roll Call:

PRESENT: 3 –Parmelee, Spivey, Pohlman

Consideration of the Minutes from the August 19, 2014 meeting:

MOTION: M/S SPIVEY/POHLMAN moved to approve the meeting minutes for August 19, 2014.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

The evening business:

**REPLAT
LOTS 11 AND 12 AMENDED JAMESTOWN HEIGHTS SUBDIVISION
WILLIAM AND AMELIA PENROSE**

Public hearing and consideration of a replat at 319 and 321 Eliason Loop filed by William and Amelia Penrose. The replat will remove the center lot line and merge two lots into one. The property is also known as Lots 11 and 12, Amended Jamestown Heights Subdivision.

Planning Director Williams describes the process of combining the lots. The process only requires one meeting at the Planning Commission level.

APPLICANT: Bill Penrose is planning to build a single family single level home with a detached garage that will straddle the current center lot line. In order to be compliant with setbacks, they would like to remove the center lot line, combining the two lots into one larger. The access will be directly off of Eliason Loop.

PUBLIC COMMENT: No public comment.

COMMISSIONER DELIBERATION: No commissioner deliberations.

MOTION: M/S SPIVEY/POHLMAN moved to approve a replat at 319 and 321 Eliason Loop filed by William and Amelia Penrose. The replat will remove the center lot line and

merge two lots into one. The property is also known as Lots 11 and 12, Amended Jamestown Heights Subdivision.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

**ZONING TEXT CHANGE
COMMERCIAL HOME HORTICULTURE
TOM AND LISA SADLER-HART**

Public hearing and consideration of a zoning text change to revise SGC 22.16.015-6 to make commercial home horticulture a permitted use in the R-1, R-1 MH, R-2, R-2 MHP, GI and LI zones and revise SGC 22.08.195 Commercial home horticulture definition to clarify it allowing for the sale of products produced on site and to allow for the construction of accessory buildings. The applicant is Lisa Sadler-Hart and Tom Hart.

Williams describes the zoning text change and definition change request as well as spreadsheet summarizing concerns presented at last meeting.

APPLICANT: Tom Hart and Lisa Sadler-Hart come forward to interact and answer questions.

COMMISSIONER DELIBERATION: Commissioner Spivey talks about public concern he has heard over commercial uses in the R-1 zone. He foresees major issues in the downtown residential area.

Commissioner Pohlman has concern with smokehouses being added to the list of small structures being considered as she feels they are not related to horticulture and could add new nuisances such as bears, etc. Sadler-Hart agrees. Smokehouses will no longer be grouped in. Concerns over greenhouses and small structures being removed from setback requirements. The Commission envisions a permitting process with approval after two Planning Commission meetings. Commissioner Parmelee says he would like more of a flexible plan based on neighborhoods rather than a standardized.

Discussion over the size of the "garden stand" structure. Sadler-Hart doesn't think any larger than a 6 foot table would be necessary. Spivey wants to make sure they are temporary in nature and aesthetically pleasing.

PUBLIC COMMENT: No public comment.

Request will be back for discussion at September 16th Planning Commission meeting.

PLANNING DIRECTOR'S REPORT: No report.

PUBLIC COMMENT: No public comment.

ADJOURNMENT:

MOTION: M/S POHLMAN/SPIVEY moved to adjourn at 8:25 pm.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

Richard Parmelee, Chair

Maegan Bosak, Secretary

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
August 19, 2014**

Present: Richard Parmelee (Chair), Chris Spivey (Vice-Chair), Debra Pohlman (Member) Darrell Windsor (Member), Terrance Seslar (Member), Wells Williams (Planning Director), Maegan Bosak (Planner I)

Members of the Public: Scott Brylinsky, Tom and Lisa Sadler-Hart, Kay Turner, Lynne Brandon

Chair Parmelee called the meeting to order at 7:01 p.m.

Roll Call:

PRESENT: 5 –Parmelee, Spivey, Pohlman, Windsor, Seslar

Consideration of the Minutes from the August 5, 2014 meeting:

MOTION: M/S SPIVEY/POHLMAN moved to approve the meeting minutes for August 5, 2014.

ACTION: Motion **PASSED unanimously 5-0** on a voice vote.

The evening business:

**CONDITIONAL USE PERMIT- 2 BEDROOM BED AND BREAKFAST
LOT 1-S GIBSON/KITKA/SNOWDEN SUBDIVISION
BRIAN JARDINE**

Planning Commission deliberation of a two bedroom bed and breakfast conditional use permit filed by Brian Jardine at 105 Shelikof Way. The property is also known as Lot 1-S Gibson/Kitka/Snowden Subdivision. The owner of record is Shannon J. Jardine and Brian R. Jardine.

Planning Director Williams describes the process up to this point. Jardine's request is for conditional use permit for a 2 bedroom bed and breakfast. The public comment period is over and this meeting is specifically for Commissioner deliberation, findings and motions.

COMMISSIONER DELIBERATION: Commissioner Seslar researched Jardine's website and found that changes were being made by the applicant, even though he stated previously that he was not able to do so. Commissioner Spivey says that the Administrator asked the applicant to stop housing clients and he failed to do so. Furthermore, Spivey says the Municipal Attorney brings up many valid points and he is not willing to approve something that could create legal problems for the City. Commissioner Windsor says that this property is acting as a lodge which is not permitted. Commissioner Pohlman says she can't ignore that a neighbor is claiming he is adversely affected.

FINDINGS: 22.30.160 Planning commission review and recommendation.

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;

MOTION: M/S SPIVEY/WINDSOR moved to approve that these findings can be met.

ACTION: Motion FAILED unanimously 0-5 on a voice vote.

b. adversely affect the established character of the surrounding vicinity;

MOTION: M/S WINDSOR/PARMELEE moved to approve that these findings can be met.

ACTION: Motion FAILED unanimously 0-5 on a voice vote.

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.

MOTION: M/S SPIVEY/WINDSOR moved to approve that these findings can be met.

ACTION: Motion FAILED unanimously 0-5 on a voice vote.

2. That 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.

MOTION: M/S SPIVEY/WINDSOR moved to approve consistent with Comprehensive Plan 2.5.2 *To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas.*

ACTION: Motion FAILED unanimously 0-5 on a voice vote.

3. That all conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.

MOTION: M/S POHLMAN/SPIVEY moved to approve that these findings can be met.

ACTION: Motion FAILED unanimously 0-5 on a voice vote.

4. That 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.

MOTION: M/S SPIVEY/WINDSOR moved to approve that these findings can be met.

ACTION: Motion PASSED unanimously 5-0 on a voice vote.

5. That 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.

MOTION: M/S SPIVEY/POHLMAN moved to approve that these findings can be met.

ACTION: Motion PASSED unanimously 5-0 on a voice vote.

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

MOTION: M/S SPIVEY/SESLAR moved to approve.

ACTION: Motion FAILED unanimously 0-5 on a voice vote.

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.

22.24.010 Conditional uses.

E. In evaluating the inputs of a proposed conditional use permit, the municipality may consider a commercial conditional use to be inappropriate for residential neighbors while the same conditional use may be acceptable when it is located along an arterial or collector street. The additional vehicular traffic generated by conditional uses, such as professional offices, may not be able to be adequately mitigated in residential areas.

1. Criteria to Be Used in Determining Impacts of Conditional Uses.

- a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses.
- b. Amount of noise to be generated and its impacts on surrounding land uses.
- c. Odors to be generated by the use and their impacts.
- d. Hours of operation.
- e. Location along a major or collector street.
- f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario.
- g. Effects on vehicular and pedestrian safety.
- h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site.
- i. Logic of the internal traffic layout.
- j. Effects of signage on nearby uses.
- k. Presence of existing or proposed buffers on the site or immediately adjacent the site.
- l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan.
- m. Other criteria that surface through public comments or planning commission assembly review.

MOTION: M/S SPIVEY/WINDSOR recommended denial of conditional use permit because the majority of required findings cannot be met and neighborhood concerns cannot be mitigated.

ACTION: Motion PASSED unanimously 5-0 on a voice vote.

This request and recommendation will be forwarded to the Assembly. Materials can still be submitted and notices will go out to the adjacent neighborhood.

CONDITIONAL USE PERMIT- DAYCARE/KINDERGARTEN IN R-1 ZONE LOT 1 WESTOVER SUBDIVISION EMILY DAVIS

Public hearing and consideration of a daycare conditional use permit filed by Emily Davis at 304 Baranof Street. The property is also known as Lot 1 Westover Subdivision. The owner of record is John and Karen Thielke.

Bosak provides a staff report summarizing the conditional use permit request and concerns that were heard at the last meeting. The request is across from Baranof Elementary. It was most recently the Boys and Girls Club and professional offices. Staff feels the applicant should formalize their request so that Commissioners can proceed with their deliberations. Mary

Wegner, Sitka School Superintendent, submitted a letter with concerns that was included in the packets for review.

APPLICANT: Paul and Emily Davis step forward. Ms. Davis states that two classrooms will be sufficient with a living unit above for teacher. The applicant stresses that they want to make sure parking does not add to Baranof Elementary School congestion. Davis states she is happy to revise application if need. She also states that the lot next to the building should be marked as a private lot because it is confusing.

Williams asks about drop off and pick-ups. Davis plans to use the side lot of the building and the historically reserved spaces in the public lot. Commissioner Windsor asks about walking school kids from Baranof to the facility. Davis again stresses that they don't want to conflict with Baranof Elementary school hours. She would walk students from school to the learning center, reducing the cars in the area. Commissioners voice concerns over congestion.

Williams asks if Davis has worked with Baranof Elementary on the congestion schedule and specifically the signing out process. Davis has no association with the district but has sign in/out protocol with parents. Davis says she is happy to work with the district. Her number one goal is the safety of children.

COMMISSIONER DELIBERATION: Commissioner Parmelee asks Davis to talk with teachers and staff regarding drop off protocol. Davis asks if there is a conditional use permit with the building already as it was used as the Boys and Girls Club. Williams says that the extension of the permit would have to include plans that were exactly the same as the prior after school program. Mr. Davis exclaims that Ms. Davis is just trying to earn a living and work within the parameters. Williams ask Mr. Davis to lower his voice – everyone is working hard to go through all the details of the permit.

Commissioner Spivey says the application continues to change. Now they want to just do an after school program?

Dan Tadic, Municipal Engineer, says that the public parking lot will be used for construction materials and machinery storage for next summer's road projects. The lot is the only area to store the materials.

Davis says she can withdrawal application however every daycare application will come back before the Commission.

PUBLIC COMMENT: No public comment.

This request will be back on the September 2nd Planning Commission agenda.

**ZONING TEXT CHANGE
COMMERCIAL HOME HORTICULTURE
TOM AND LISA SADLER-HART**

Public hearing and consideration of a zoning text change to revise SGC 22.16.015-6 to make commercial home horticulture a permitted use in the R-1, R-1 MH, R-2, R-2 MHP, GI and LI zones and revise SGC 22.08.195 Commercial home horticulture definition to clarify it allowing for the sale of products produced on site and to allow for the construction of accessory buildings. The applicant is Lisa Sadler-Hart and Tom Hart.

Williams describes the zoning text change and definition change request.

APPLICANT: Tom Hart and Lisa Sadler-Hart come forward to share idea. They hope to increase economic benefit for food growers while increasing neighborhood access to fruits and vegetables. They are open to all discussions and understand that the process could take a while to flush out all the details. They also have concerns over increased traffic in neighborhoods and individual "garden stands" and what they should look like.

Williams is excited as this could be a new movement in Sitka. Sadler-Hart has done beautiful work throughout the community.

COMMISSIONER DELIBERATION: Commissioner Pohlman asks about conditional use permit process. Pohlman brings up fertilizer odor issues. What is the Commission going to do to include checks and balances? She asks about chicken coops.

Discussion over traffic generation and how this would affect R-1 neighborhood issues. Spivey says this could become like never ending garage sales and in the downtown area that could be a problem.

Sadler-Hart asks if traffic is the issue or the producible amount of food on the lots.

Spivey says it is mainly parking. Discussion on prohibitions on streets that are a lane and a half or properties under 50 ft wide. Commissioner Windsor says if it's a small lot they won't be able to grow enough to sell. Commissioner Seslar says perhaps the garden stand could be based on the size of the property.

Discussion over a time limit. Possibly one weekend per month or once a week.

Sadler-Hart states they would mainly take place June through September or during the growing season.

Various items such as orders, lockbox system and hours of operation come up.

Williams asks if we should include limiting greenhouses in the discussion. Specifically sizing and proximity to property lines.

Pohlman comments that this goes back to commercial uses in residential areas. How can we mitigate impacts? Perhaps another permitting process.

PUBLIC COMMENT: No public comment.

Request will be back for discussion at September 2nd Planning Commission meeting.

DISCUSSION

CRESCENT HARBOR PARK PLAYGROUND EXPANSION

KAY TURNER

Discussion on proposed expansion of the Crescent Harbor Park Playground located on Lincoln Street next to Crescent Harbor by Kay Turner.

Bosak describes details of the request. The idea was supported at the Historic Preservation Commission meeting.

APPLICANT: Kay Turner and Lynne Brandon come forward to answer questions. Turner says that a new playground is needed in Sitka and that the cause was recognized as a health summit goal. This playground would be ADA accessible and sustainable. Brandon states that the equipment will include games and encourage imaginative play. Park will be Sitka themed and have a neutral color scheme.

COMMISSIONER DELIBERATION: Commissioner Spivey asks about parking. Brandon says that the City has taken over maintenance on the lot across the street on SJ campus. Parking is also available at Crescent Harbor.

PUBLIC COMMENT: No public comment.

MOTION: M/S SPIVEY/WINDSOR moved to make a motion of recommendation to the Assembly on behalf of the proposed expansion of the Crescent Harbor Park Playground located on Lincoln Street next to Crescent Harbor by Kay Turner.

ACTION: Motion **PASSED unanimously 5-0** on a voice vote.

PLANNING DIRECTOR'S REPORT: No report.

PUBLIC COMMENT: No public comment.

ADJOURNMENT:

MOTION: M/S SPIVEY/SESLAR moved to adjourn at 9:17 pm.

ACTION: Motion **PASSED unanimously 5-0** on a voice vote.

Richard Parmelee, Chair

Maegan Bosak, Secretary

Request:

Zoning text change to Table 22.16.015-6 to make Commercial Home Horticulture a permitted use in the R-1, R-1MH, R-2, R-2 MHP, GI and LI zones.

Zoning text change to SGC 22.08.195 Commercial Home Horticulture definition to clarify, allowing for the sale of products produced onsite and to allow for the construction of accessory buildings.

Meeting Flow

- o Report from Staff
- o Applicant comes forward
- o Applicant identifies him/herself – provides comments
- o Commissioners ask applicant questions
- o Staff asks applicant any questions
- o Floor opened up for Public Comment
- o Comment period closed - brought back to the board

Zoning District: R-1, R-1 MH, R-2, R-2 MHP, GI and LI

Tonight's Actions

Discuss approval process and definitions

Walk through findings

Make recommendation to approve text changes

**Lisa Sadler-Hart and Thomas Hart
Zoning Text Change
Commercial Home Horticulture
October 21st, 2014**

Tuesday night will be an opportunity for the Planning Commission to walk through the proposed commercial home horticulture text changes and make a recommendation, for approval, to the Assembly.

Since there has been considerable dialogue, there may not be any additional revisions from the Planning Commission.

Staff will suggest three findings for the board to consider. They are 1) the proposed revisions fill a community need and there has been substantial written testimony in support of changing the current process, 2) the proposed Planning Commission review process allows for permits to be considered on a case by case abbreviated review process, and, 3) the proposals are consistent with the Comprehensive Plan.

Following a motion on findings, a motion recommending approval to the Assembly is in order.

Lisa Sadler-Hart and Thomas Hart
Zoning Text Change
Commercial Home Horticulture
October 7, 2014

Lisa Sadler-Hart and Thomas Hart
Zoning Text Change
Commercial Home Horticulture
September 16, 2014

Discussions continued at the last meeting on the zoning text amendment. Again bringing up a range of issues, from concerns of commercial uses in residential zones to number of sales per week.

Commissioners struck smokehouses from the proposal as the general consensus was they are not congruent with horticulture uses. This discussion sparked more concerns over small structures and greenhouses proximity to property lines. It was decided that this is also a separate issue and should not be included in this discussion.

The discussion moved on to the permitting process that included two Planning Commission meetings for approval. This would allow permits to be based on the individual neighborhood and could deal with concerns on a case by case basis as opposed to generalized throughout all areas.

Discussion also led to the size of the garden stand. Sadler-Hart thought that no larger than a six foot table was necessary. Commissioners thought there would be instances where it should be larger. The main points being that the structure should be aesthetically pleasing and temporary (i.e. put away in winter) in nature.

Staff has crafted a code framework for tonight's discussion. The framework covers the points that were considered on September 2nd. We have also provided the relevant sections of the code that cover permit reviews. The framework can be discussed at the meeting and the definition of commercial home horticulture can be explored.

Lisa Sadler-Hart and Thomas Hart
Zoning Text Change
Commercial Home Horticulture
September 2, 2014

Back again this evening, is the request for zoning text change for commercial home horticulture and change to the definition.

Discussion points from last meeting that should be continued:

- Commercial use in residential zone
- Increased traffic
- Parking
- Possibility of odors
- Never-ending garage sale like
- Additional permitting process limiting garden stands on smaller roads or properties under 50 ft. wide

- Time/occurrence limit on garden stands
- Greenhouses- size and proximity to property lines

Staff anticipates these discussions will take multiple meetings but are important in the final outcome. No new public comment has been received.

Lisa Sadler-Hart and Thomas Hart
Zoning Text Change
Commercial Home Horticulture
August 19, 2014

The Applicants are requesting that Commercial Home Horticulture be a permitted use in the R-1, R-1 MH, R-2, R-2 MHP, GI and LI zones rather than a conditional use permit.

The Hart's have a large vegetable garden and small greenhouse at their personal residence, located at 815 Charles Street (R-1 zone). They are requesting the zoning text change and definition change so they have the option, through permitted use, of having a small stand at their residence to sell produce.

The zoning text change would allow these small stands and sales to be a permitted use in almost all residential zones including islands.

Discussion needs to occur surrounding the size of structure that will be allowed as a place to sell from. Also should this Commercial Home Horticulture request be limited to summer months, etc. The applicant is envisioning a small "lemonade" style stand or single table, however the dimensions should be defined in the zoning text change definition.

There is also merit, since we are dealing with this concept, in coming up with a maximum size for any greenhouses that may be on residential lots. There are a number of ways to size the greenhouses, including a range based on the size of the lots.

The Planning Office is suggesting the Board have a discussion with the applicant on the overall concepts behind the text change, the size of the produce stands, and the size of greenhouses. After a consensus is reached, we can schedule it for the Planning Commission meeting on September 2nd. It's important to give the public an opportunity to comment on the proposed size of the structures before a formal recommendation is made to the Assembly.

The Planning Office is fully supportive of this request and considers it to be a natural evolution in how home horticulture is permitted in Sitka. Home horticulture was dealt with cautiously when the current code was enacted. Support and awareness has increased so it makes sense to make it a permitted use instead of a conditional use. Working out all the details at the Planning Commission level may result in a shorter Assembly review period.

The issue will be scheduled for an additional Planning Commission meeting on September 2nd for additional public comment unless the Board moves faster than staff anticipates.

22.08.195 Commercial home horticulture.

"Commercial home horticulture" means the on-site production, principally for use or consumption by the property owner or tenant, of plants or their products, including but not limited to gardening and fruit production. Commercial home horticulture does not include the sale of such products produced off-site, but does include the sale of such products produced and sold on-site to others. It also does not include such products as livestock, poultry, other animals, or the production of animal related products. **Accessory buildings, such as garden standds, other than those specifically allowed in zoning districts, may only be permitted through the Planning Commission Home Horticulture Permit Process in SGC 22.24.025.**

**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	SC
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
• 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 Sawmill Cove Industrial Park SCIP																		P
• Sales of gifts, souvenirs and promotional materials that bear the logo or trade name of an SCIP permitted use business																		P
• Stand alone souvenir and gift shops									P	P	P	P						
• Bulk retail										P	P			C	C			

DISTRICT REGULATIONS

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	SC
• Commercial home horticulture	P	C	C	C	C		C	C	P	P	P	P		PU/CS	C	P	P	
• Horticulture and related structures	P								P	P	P	P						P
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
• 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

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

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home 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-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

OS: Open Space District

SC: Sawmill Cove Special District

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.

(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,

**.....For Commercial Home Horticulture Permits Code Placement
Context.....**

Title 22 ZONING

Chapters:

22.04 Introduction and General Provisions

22.08 Definitions

22.12 Zoning Maps and Boundaries Revised 7/14

22.16 District Regulations Revised 7/14

22.20 Supplemental District Regulations and Development Standards

22.24 Special Use Permits

22.30 Zoning Code Administration

Chapter 22.24 SPECIAL USE PERMITS

Sections:

22.24.005 General.

22.24.010 Conditional uses.

22.24.020 Variances.

....22.24.025 Commercial Home Horticulture Permits....

22.24.030 Planned unit developments.

22.24.040 Binding site plan approval.

22.24.050 Nonconforming use permit.

22.24.010 Conditional Uses E. In evaluating the inputs of a proposed conditional use permit, the municipality may consider a commercial conditional use to be inappropriate for residential neighbors while the same conditional use may be acceptable when it is located along an arterial or collector street. The additional vehicular traffic generated by conditional uses, such as professional offices, may not be able to be adequately mitigated in residential areas.

1. Criteria to Be Used in Determining Impacts of Conditional Uses.
 - a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses.
 - b. Amount of noise to be generated and its impacts on surrounding land uses.
 - c. Odors to be generated by the use and their impacts.
 - d. Hours of operation.
 - e. Location along a major or collector street.
 - f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario.
 - g. Effects on vehicular and pedestrian safety.

A. **Staff Report.** The administrator shall prepare a staff report on the proposed development or action summarizing any comments, analysis, and recommendations of city departments, affected agencies and special districts, evaluating the development's consistency with the comprehensive plan, code, and other adopted plans and regulations. The staff report may include findings, conclusions or proposed recommendations for disposition of the development application.

B. **Hearing.** The planning commission shall conduct a public hearing on development proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the city's comprehensive plan, code, and other adopted plans and regulations. Notice of the planning commission hearing shall be in accordance with Article IV of this chapter.

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.

22.30.050 Planning commission.

The planning commission shall be constituted in accordance with Chapter 2.18 of this code and the Sitka Home Rule Charter and shall have the responsibility of reviewing and acting on the following:

A. Recommendations to the assembly on approvals of subdivisions, planned unit developments, and binding site plans.

- h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site.
- i. Logic of the internal traffic layout.
- j. Effects of signage on nearby uses.
- k. Presence of existing or proposed buffers on the site or immediately adjacent the site.
- l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan.
- m. Other criteria that surface through public comments or planning commission assembly review.

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.

22.30.160 Planning commission review and recommendation.

Planning commission decision and action authority is defined in Section 22.30.050.

22.30.030 Administrator.

The term "administrator" shall mean the city and borough administrator, or an individual operating with his/her express knowledge on his/her behalf. Said individual may include, but is not limited to, the planning director or planning assistant. The administrator is responsible for the administration of this title and shall review and act on the following:

- A. Administrative Interpretation. Upon request or as determined necessary, the administrator shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation. All administrative determinations shall be reported to the planning commission within a reasonable period of time following their issuance.
- B. Nonconforming use permits.
- C. Administrative approvals as set forth in Section 22.30.150.

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.

- B. Recommendations to the assembly on amendments to the comprehensive plan.
- C. Recommendations to the assembly on amendments to the subdivision code, Title 21 of this code.
- D. Recommendations to the assembly on amendments to the zoning code, this Title 22, or the official map.
- E. Approve variances with appeals possible to the assembly.
- F. Recommendations on conditional use permit applications.
- G. Other actions requested or remanded by the assembly.

B. Administrator's decisions under this section shall be final on the date issued.

August 5th, 2014

To Whom It May Concern;

We have heard that a request to make commercial home horticulture a permitted use in the in the residential and island zones is coming before the Planning Commission and we would like to go on record as supporting such an amendment to the City codes for several reasons.

As you may be well aware, the "Sitka Community Food Assessment Indicators Report" recently revealed that Sitka has a serious food security issue and that there is a definite need to increase our food resiliency. Encouraging home horticulture is one of the many needed steps the City can take to increase our food security and resiliency and this zoning text amendment is one of those steps.

From a more personal experience, we have been gardening and growing on Finn Island for years and have watched the demand for locally grown vegetable "starts" and, later in the season, locally grown produce increase almost exponentially. Noticing this trend - especially requests for locally grown vegetable starts - we expanded our greenhouse and started a business (Finn Island Farm) to meet this demand. Suffice it to say that this season went so well that we are planning on expanding again. Needless to say, as a business that supplies vegetable starts to small scale growers, we whole-heartedly support any action the City takes which encourages home horticulture.

From an economic point of view, encouraging current and future growers to sell extra produce locally means that those funds (which normally "flow" out of Sitka through the purchase of products from outside the community) will stay within and benefit our community and have an economic "multiplier-effect."

Lastly, improving Sitka's food security system also includes improving the nutritional value of what we eat. Given that it can take up to 2 weeks for imported produce to reach our grocery stores; that, once harvested, the vitamins, minerals, and antioxidants in produce decreases substantially during storage, shipping and grocery store display periods, and; that organic naturally grown produce contains higher levels of vitamins and minerals compared to industrialized, conventional agriculture products - promoting locally grown produce means Sitkans can eat healthier foods while supporting not only their neighbors, but the community as a whole.

Once again... as citizens and local business owners we support amending the zoning codes to make commercial home horticulture a permitted use in both residential and island zones.

Sincerely;

Keith Nyitray & Debby LeVeck - owners
Finn Island Farm
PO Box 6531
Sitka, AK 99835



SITKA LOCAL FOODS NETWORK

408-D Marine St.
Sitka, Alaska 99835

sitkalocalfoodsnetwork@gmail.com

<http://www.sitkalocalfoodsnetwork.org/>

<https://www.facebook.com/SitkaLocalFoodsNetwork>

Aug. 8, 2014

To whom it may concern:

The Sitka Local Foods Network is writing to show its support for the pending rezoning request of Tom Hart and Lisa Sadleir-Hart, dba Anam Cara Family Garden. This rezoning request will make commercial home horticulture (ie, a farm/garden stand) a permitted use in residential and island zones (R-1, R-1 MH, R-2, R-2 MHP, GI and LI).

The passing of this rezoning request will create opportunities for small growing operations, such as Anam Cara Family Garden and other current and future growers, to sell extra produce on-site once the operation has moved through the permitting process. This request also will create an expedited permitting process, so future operations can receive their permits without having to go to the Sitka Assembly for approval.

A special note about this request. Lisa Sadleir-Hart is president of the Sitka Local Foods Network, but she recused herself when our board voted to support this rezoning request. The Sitka Local Foods Network's mission is dedicated to promoting the growing, harvesting and eating of local foods in Sitka, Alaska, and we feel this rezoning request falls within this mission. We feel this is another spoke in the wheel of improving Sitka's food system, and it also will stimulate the economy by promoting small local businesses. We are amenable to the addition of special conditions, such as parking limitations and time limits for the produce stands, if that makes it easier for neighbors to accept the stands.

Among the reasons we support this rezoning request is because the Alaska Department of Health and Social Services reports that only 25 percent of Alaskans eat the recommended five servings of fruits and vegetables per day, and this rezoning request will improve access to fresh, local produce. Also, grocery prices in Sitka have risen 43 percent since 2006, and making it easier to sell excess produce will help encourage more people to garden, which will improve food security in Sitka.

Thank you for your time,

The Sitka Local Foods Network Board of Directors
President, Lisa Sadleir-Hart; Vice-President, Michelle Putz; Secretary, Beth Kindig; Treasurer, Maybelle Filler; Lauren Fetzer; Milt Fusselman; Charles Bingham; Matthew Jackson; one vacancy.



P.O. Box 6407
Sitka, AK 99835

Bringing good food and
community together

August 8th, 2014

To The Sitka Planning Commission;

The Sitka Food Co-op supports the request to make commercial home horticulture a permitted use in the residential and island zones of the City & Borough of Sitka.

As the Sitka Food Co-op, we are intrinsically involved in the local food system. Among our "Purposes and Powers" (as incorporated within our ByLaws) we state that the Sitka Food Co-op was formed to:

- Make available wholesome natural and organic foods and products as inexpensively as possible;
- Support and encourage local growing of fresh organic foods;
- Purchase and purvey, whenever feasible, the goods or services of local and regional growers and producers;
- Serve as a center for activities and services which otherwise enrich the life of the community.

Amending the City zoning rules/regulations/codes to support home horticulture is something we strongly encourage you to do as it will both support and allow Sitkans greater access to healthy, locally sourced food as well as providing greater local access to (and sources of) affordable food for the sustainable future.

Most Sincerely;

The Board of Directors
*Kallie Adams, Robert Baines,
Pat Hanson, Jen Mac Donald,
Keith Nyitray*

August 8, 2014

Maegan Bosak
City of Sitka Planning and Zoning Department
100 Lincoln Street
Sitka, AK 99835

RE: Zoning and Permitting of Home Horticulture

To whom it may concern,

As a resident of Sitka and coordinator of Blatchley Community Gardens I support making commercial home horticulture a permitted use in the residential and island zones.

I support amending Sitka General Code to amend the zoning text to add zones R-1, R-1 MH, R-2, R-2 MHP, GI and LI to those permitted under home horticulture.

As a gardener my partner and I grow more food then we can eat. We are always giving it away to friends or exchanging it for other foods. I would like to see an easy process where gardeners can also sell their extra food or grow enough to have a steady income from their sales.

Thank you for considering this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Nuetzel", written in a cursive style.

Dave Nuetzel
Blatchley Community Garden Coordinator & citizen

Linda Wilson – Seaview Gardens
3509 Halibut Point Road
Sitka, Alaska 99835
907-747-3096 (home)

August 8, 2014

Sitka Planning and Zoning Commission
City & Borough of Sitka
100 Lincoln Street
Sitka, Alaska 99835

Dear Sirs:

I have been growing produce on my residential property for about ten years. For the past seven years I have been selling some of that produce at the Sitka Farmers Market. Most of the produce is either used by my family and friends or given to others that need it.

I have expanded my growing capacity every year and now find that I have excess produce available at times when there is no scheduled Farmers Market. Some of this I take to the Salvation Army.

However, in order to keep growing all this fresh, tasty nutritious produce, I do need to sell enough to pay the costs to purchase seeds, soil amendments, supplies and tools.

Therefore, I strongly support making commercial home horticulture a permitted use in the residential and island zones. This would allow me to recover some of my costs by selling produce directly at the garden.

Best regards,



Linda Wilson – Seaview Gardens (AK business license #1006681)
An Approved **Alaska Grown** Business



July 25, 2014

Dear Planning and Zoning Commission,

We support re-zoning requests for “commercial” home horticulture in residential neighborhoods in Sitka and on island property.

For that last eight years local residents have gathered to answer and simple and important question, “what wellness initiative deserves Sitka’s attention in the next 365 days?” Many of the ideas participants have submitted revolve around improving our local food system. In 2008 creating a Farmers Market was selected as a top goal along with creating a community greenhouse.

Good health and good nutrition go hand in hand so it is no surprise that growing local food in Sitka is a common theme. The particular ideas vary from starting the Fish to Schools Program to completing a food assessment to launching a community kitchen. One thing that all of the ideas have in common is a emphasis on fresh, local, and nutritious food.

Based on what’s happened at our annual planning we fully endorse the proposal you are considering, in part because it has community support and in part because of the health benefits.

Produce that is grown in Sitka has many advantages. One is that the food comes fresh and without a shipping costs. Secondly the produce that could be grown here (lettuce, kale, rhubbarb, chard, peas, onions, leeks, etc.) is very healthy. Encouraging fruit and vegetable consumption is an important part of the promoting public health.

The Sitka Health Summit coalition is led by the Sitka Community Hospital, the SouthEast Alaska Regional Health Consortium and the State of Alaska Division of Public Health Nursing in partnership with dozens of local non –profit agencies, businesses and individual supporters. The Summit’s vision is *“to serve our great state as a model for community wellness by creating a healthy community where all Sitkans strive for and enjoy a high quality of life.”* Growing and eating nutritious local food is part of how that vision will be realized.

Thank you for your consideration,

Sitka Health Summit Coalition members,

Doug Osborne, Patrick Williams, Melissa Marconi-Wentzel

August 3, 2014

To whom it may concern,

I am writing to ask for your support in making commercial home horticulture a permitted use in residential and island zones. This ~~rezoning~~ zoning change will help simplify the permitting process for developing small, home-based horticulture businesses ~~move more easily through the permitting process, which~~ and will help to stimulate the local economy and provide more local food to our community.

Thank you,
Lori Adams
Down To Earth U-pick Garden



Alaska Food Policy Council
E-mail: akfoodpolicycouncil@gmail.com
Blog: akfoodpolicycouncil.wordpress.com
Facebook: akfoodpolicy

Governing Board

Co-Chairs

Victoria Briggs, *Ugashik*
Elizabeth Hodges Snyder,
Anchorage

Members

Abigail Enghirst,
Anchorage
Daniel Consenstein,
Anchorage
Mike Emers, *Ester*
Gary Ferguson, *Anchorage*
Hans Geier, *Fairbanks*
Kelly Harrell, *Anchorage*
Carolyn Kinneen,
Anchorage
Lorinda Lhotka, *Fairbanks*
Nick Moe, *Anchorage*
Lisa Sadleir-Hart, *Sitka*
Darren Snyder, *Juneau*
Louisa Yanes, *Palmer*

Ex-Officio Members

Diane Peck, *Anchorage*
Amy Pettit, *Palmer*

July 22, 2014

City and Borough of Sitka

The Alaska Food Policy Council Governing Board would like to extend its support for the Sitka re-zoning request in making commercial home horticulture a permitted use in the residential and island zones. This zoning text amendment will add zones R-1, R-1 MH, R-2 MHP, GI and LI to those permitted under home horticulture. Allowing farm and garden stands in residential neighborhoods to sell extra produce on-site will help improve Sitka's food system, thereby improving Sitka's health, self-reliance and prosperity.

The Alaska Food Policy Council works to improve the food system for the benefit of all Alaskans. Our three-year strategic plan includes objectives and strategies that encourage the expansion of local food production capacity. Policies, such as allowing permitted farms and garden stands to sell produce on-site, encourage the expansion of personal capacities in agriculture and local food production, build economic opportunity for local small businesses, improve access to healthy, affordable food for local residents, and reduce reliance on expensive, imported foods. We believe this re-zoning request will have a positive impact on the food system, residents and community of Sitka.

Sincerely,

Victoria Briggs
Alaska Food Policy Council, Co-Chair

Elizabeth Hodges Snyder
Alaska Food Policy Council, Co-Chair

Letter of Support for Sitka Zoning Change.

To whom it may concern,

This letter is to affirm my strong support for making commercial home horticulture a permitted use in the residential and island zones of Sitka. My conviction for this proposed change is based on several aspects;

- That a diversity of income options is becoming an essential aspect to home economy in Sitka.
- That “home horticulture” is a valuable skill that was once commonplace and needs to be more broadly relearned and adapted to the S.E. environment.
- That stronger nutritional food systems and more divers economic options create stronger citizenry in relation to physical and mental health which returns dividends to the community in both intrinsic measurements and extrinsic values.
- That production systems such as “home horticulture” are inherently primary economic functions and inevitably the secondary, or value added, economies will develop.
- That self sufficiency is not the true goal but every step closer makes a community more resilient in the face of unforeseen changes.
- That increased personal connections created through developing small scale business opportunities also fosters community cohesion and resiliency.
- That we are at a moment in time where our community can distinguish itself as a leading role model in re-visioning of the Alaska food system, and support at the public policy level will greatly serve to demonstrate this both to outside interested parties and to households eager to engage in new opportunities.
- That the groundwork of support has already been laid down by events such as the Sitka Health Summit, and groups like The Sitka Local Foods Network and Sitka Conservation Society to name just a few.

And lastly;

- That the benefits to such a proposed change far outweigh the possible issues that may arise, and that if we are not equipped as a community to surmount such issues we are likely ill prepared to competently face bigger ones as they arise.

The bullet points mentioned here focus heavily on economic and community resiliency values which are the subject of greatest interest to myself, but there are a great deal of points left to be made on general mental and physical health, as well as subjects such as childhood education and community leadership development, green infrastructure development as a positive benefit to public infrastructure, and the myriad of other extrinsic values that have been measured in association with garden projects such as reduced crime rates, less sick days, increased public participation, and so on.

Clearly I could go on but I offer instead my email, judkirkness@yahoo.com, and my cell phone number, 907-738-3254.

Sincerely
Jud Kirkness

Maegan Bosak

From: Tom, Lisa & Muriel Sadleir Hart [3akharts@acsalaska.net]
Sent: Tuesday, July 22, 2014 7:55 PM
To: Maegan Bosak
Subject: Fwd: In Support of Commercial Home Horticulture

Here's a letter in support of the zoning change from our neighbor across the street from us.

Lisa
Tom, Lisa & Muriel Sadleir Hart
3akharts@acsalaska.net

Begin forwarded message:

From: Isaac Grody-Patinkin <isaac.grody@gmail.com>
Subject: In Support of Commercial Home Horticulture
Date: July 22, 2014 3:41:54 PM AKDT
To: Lisa & Muriel Sadleir Hart Tom <3akharts@acsalaska.net>
Cc: Kristen Widmer <kristenwidmer@gmail.com>

Dear City Planning Department of Sitka,

We are writing in strong support of making commercial home horticulture a permitted use in the residential and island zones, by amending the zoning text to add zones R-1, R-1 MH, R-2, R-2 MHP, GI and LI to those permitted under home horticulture.

The Local foods movement of Sitka is a tremendous inspiration for our family to lay roots here and being able to buy local produce from our neighbors would be a fantastic step in the direction of Sitka's long term food security.

We sincerely hope you will make this zoning change and that we'll be able to buy local produce on ever block in Sitka in years to come.

In gratitude,

Isaac Grody-Patinkin & Kristen Widmer

--
Isaac Grody-Patinkin
505-231-8407 cell
Isaac.Grody@gmail.com
www.communitymassage.org
102 Bahrt Circle
Sitka, AK 99835

ORIGINAL
SUBMITTAL

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
ZONE CHANGE APPLICATION

ZONE MAP AMENDMENT FEE	\$100.00
ZONE TEXT AMENDMENT FEE	\$100.00
Plus current city sales tax	

Applicant's Name: LISA SAOLGER-HART AND THOMAS HART
 Phone Number: 747-5985
 Mailing Address: 815 CHARLES ST
 Applicant's Signature: [Signature] Date Submitted 7/9/14

Provide information or data, as necessary, to fully outline the reasons and justifications for the request. Attach additional sheets as necessary.

- For official map amendments, the application shall contain:
1. A legal description of **each** subject property along with the owner's name, address, and contact person for **each** subject property;
 2. An analysis showing the public benefit of the proposed amendment;
 3. An analysis showing the proposal's consistency with the Comprehensive Plan;
 4. A map of the area to be rezoned.

LIST SPECIFIC REQUEST: PERMIT HORTICULTURE AND RELATED STRUCTURES IN RESIDENTIAL ZONES SPECIFICALLY AT 815 CHARLES ST. AND MOVE TO A PERMIT PROCESS RATHER THAN

EXPLANATION OF REQUEST: WE CURRENTLY HAVE A LARGE RESIDENTIAL VEGETABLE GARDEN AND SMALL GREENHOUSE ON OUR 815 CHARLES STREET PROPERTY. WE WOULD LIKE TO SELL OUR EXCESS PRODUCE PLUS STARTS DIRECTLY TO CONSUMERS ON SITE. THIS PROPOSED CHANGE WOULD ALSO ALLOW OTHER RESIDENTIAL BASED GROWERS TO HAVE AN OUTLET FOR THEIR PRODUCE AND WOULD WORK TO "GROW" SMALL, HOME-BASED BUSINESS IN SITKA PLUS WORK TO IMPROVE SITKA'S FOOD SECURITY.

CONDITIONAL
USE
PERMIT

After the application and supporting materials has been determined to be complete by the Planning Office, the request will be placed on the next available Planning Commission agenda.

th August 2013

Home Grown.

e best part of late summer is all the farm fresh produce that is for sale along the backroads. Most of the stands are self serve, but at some the owner will come out when a car drives up. Pricing and quality are much better than at the big stores.

Enjoy the earth's bounty while you can, because summer will be gone soon. Tom



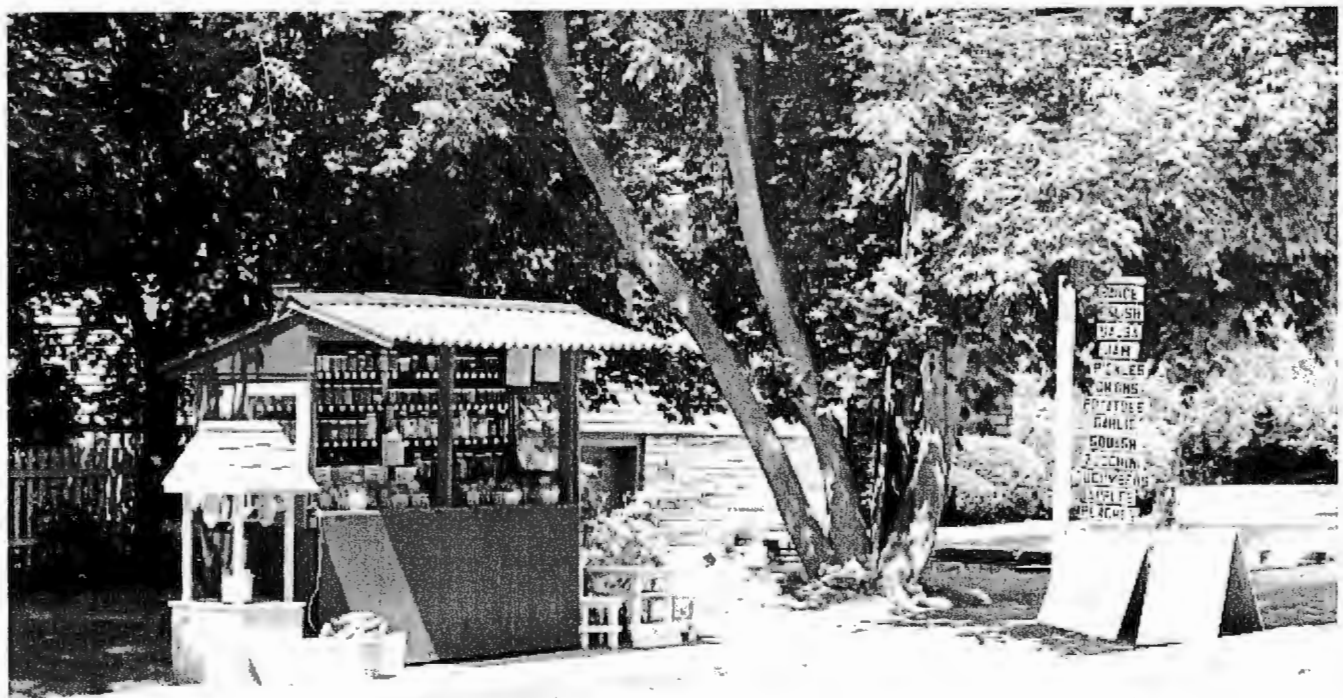
[\[http://4.bp.blogspot.com/-YqbNttoNjrc/Uq1I_got9eI/AAAAAAAAAhk/YufzRvixU-A/s1600/IMG_7743.JPG\]](http://4.bp.blogspot.com/-YqbNttoNjrc/Uq1I_got9eI/AAAAAAAAAhk/YufzRvixU-A/s1600/IMG_7743.JPG)

A big farmer in our area has a bunch of these red trailer stands.

Example A



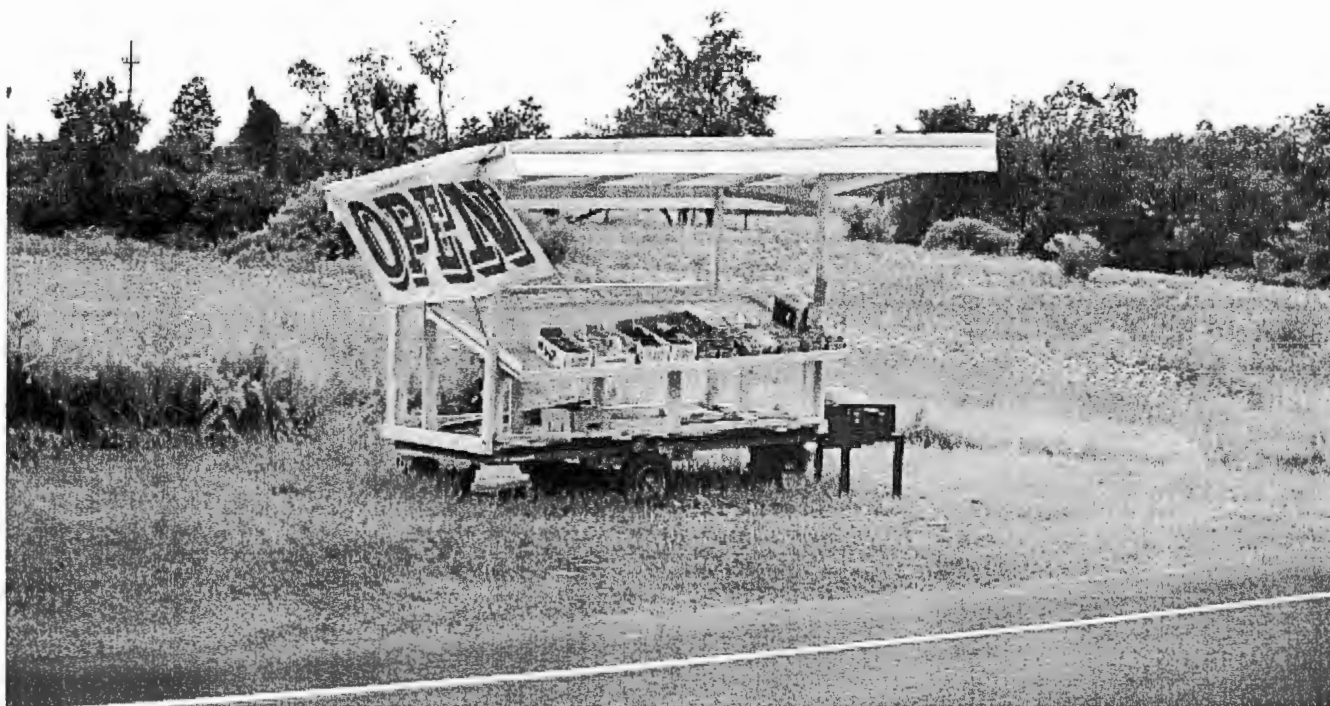
[http://4.bp.blogspot.com/-vaNlmd7IFNo/Ug1Hwzu9f9I/AAAAAAAAIhE/UsUZGIMi8E8/s1600/DSC_3000.JPG]
If you want corn and squash, they can fix you up.



Example B

[http://1.bp.blogspot.com/_K5t5M1C4DQ/UG1HqCprzo/AAAAAAAAAig0/FT8OhS7KjNE/s1600/DSC_3604.JPG]

These folks sell vegetables and canned goods.



[http://1.bp.blogspot.com/_jAHjddJYmDs/UG1HqCprzo/AAAAAAAAAig0/FT8OhS7KjNE/s1600/DSC_3604.JPG]

A big banner tells folks they're open.



[http://4.bp.blogspot.com/-zR0M1swztbc/Ug1l-bq45JI/AAAAAAAAIhc/-udjk7iaX-Y/s1600/DSC_3862.JPG]
In late afternoon lots of folks stop at this stand to pick up fresh corn for their dinner.



Example D

[http://2.bp.blogspot.com/_500Apn1z147/0y1ue0FLI/AAAAAAAAAhs/WBYpdEaDCJU/s1600/IMG_7732.JPG]

It's hard to see what they have.

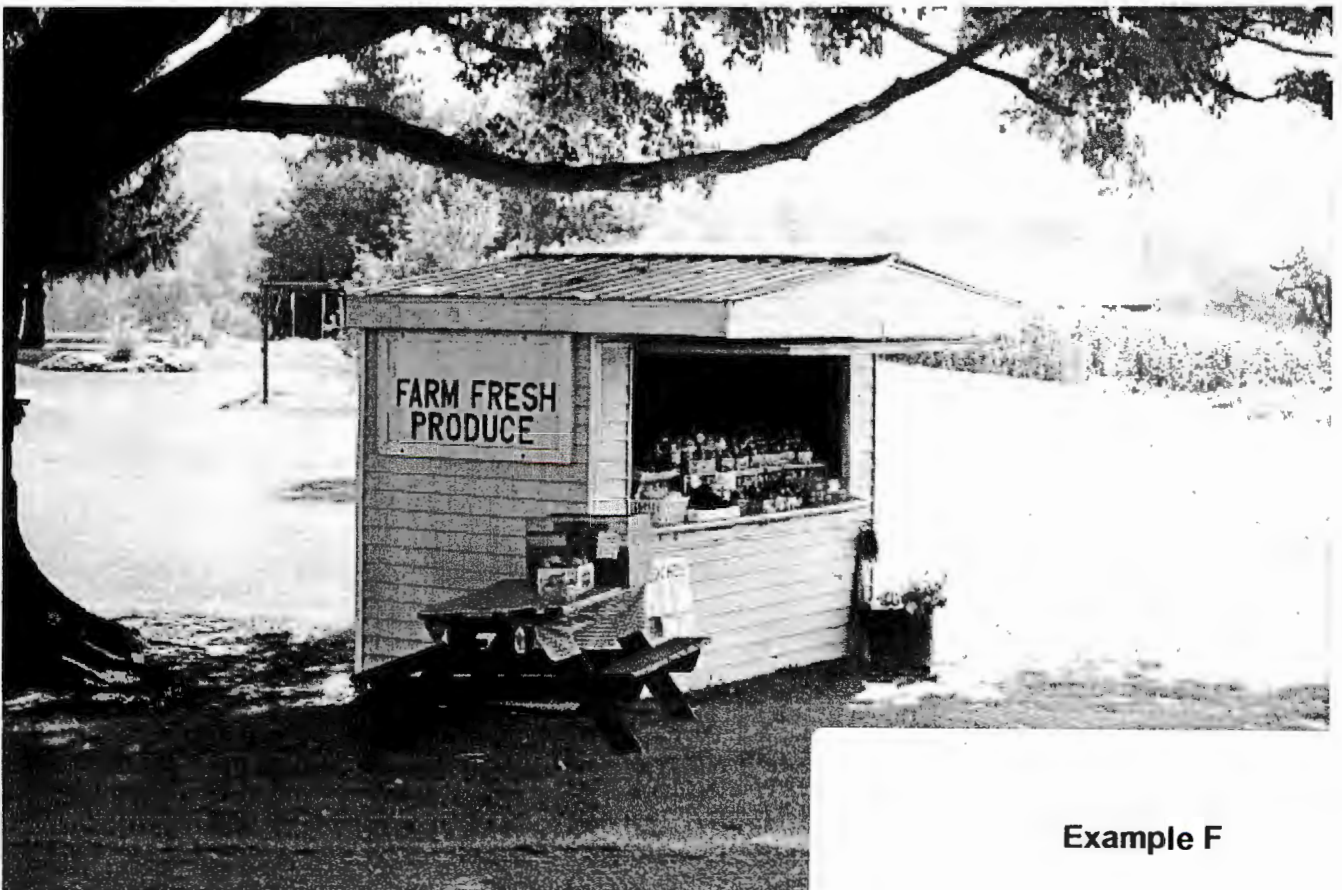


[http://1.bp.blogspot.com/_luoRSXDipSg/Ug1JPnii-tI/AAAAAAAAAhs/WBYpdEaDCJU/s1600/IMG_8128.JPG]

They bring corn by the truckload to this stand.



[http://3.bp.blogspot.com/-q8WwWsh0BYA/Ug1JW8JnoTI/AAAAAAAAAh0/YcxczHL6uls/s1600/IMG_8810.JPG]
It seems that every small town has a farmers market these days.



Example F

I stop here often.



Come and get your veggies.



[http://1.bp.blogspot.com/-K8qae-a-LLY/Ug_pS0tVR9I/AAAAAAAAAloI/Vmh4fuiLeZA/s1600/IMG_8890.JPG]
The Clyde market is busy on Saturday mornings.



Example H

I think I came by too early last Saturday. They weren't stocked up yet.



[http://4.bp.blogspot.com/-MAgyBnKDM8/UhAH2VOjn-I/AAAAAAAAAqA/aqaQLNz29FQ/s1600/IMG_4830.JPG]

WOW 45 varieties of tomatoes! But. they aren't open anymore.



[http://2.bp.blogspot.com/-YbdoFHSCcRE/UhKi5m9qhul/AAAAAAAAI2g/RalcpPVh4cg/s1600/IMG_6476.JPG]

A small self service stand near our home.



Legislation Details

File #: ORD 14-37 **Version:** 1 **Name:**
Type: Ordinance **Status:** AGENDA READY
File created: 11/14/2014 **In control:** City and Borough Assembly
On agenda: 11/25/2014 **Final action:**
Title: Adjusting the FY15 Budget
Sponsors:
Indexes:
Code sections:
Attachments: [Motion Ord 2014-37.pdf](#)
[Ord 2014-37.pdf](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve Ordinance 2014-37 on
first reading.

Memo

Thru: Mark Gorman, Municipal Administrator

To: City and Borough of Sitka Assembly

From: Jay Sweeney, CFAO

Date: November 6, 2014

Re: Bed Tax and the Sitka Convention and Visitors Bureau

The CBS collects a bed tax on all hotel, motel, and bed and breakfast rooms rented. This is used to provide funding to the Sitka Convention and Visitors Bureau (SCVB).

Bed taxes, as is the case with all taxes, are budgeted based on an estimate of actual amounts for the upcoming fiscal year; a percentage (92%) is budgeted to be provided to the SCVB as support. Thus, it is almost certain that actual tax revenues collected will differ from the estimate in the budget. Since support to the SCVB is at a fixed percentage of actual taxes collected, there will likewise be some required adjustment to "true up" SCVB support once final bed taxes collected for the year are known. This is normally done in the fall of the year.

In Fiscal year 2014, the budgeted bed tax revenue was \$337,000 with support to the SCVB budgeted at \$310,040 (92%). The actual bed tax received in Fiscal Year 2014 was \$377,547. Given that the actual amount of collected taxes was in excess of budgeted amounts by \$40,547, the "true up" amount of additional support to the SCVB, in order for support to equal 92% of actual taxes collected is \$37,303.

This "true up" is included in the budget ordinance presented for Assembly Consideration at the November 25 Assembly meeting.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2014-37

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA
ADJUSTING THE FY15 BUDGET

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 FY15 budgets for known changes.

4. **ENACTMENT.** The Assembly of the City and Borough of Sitka hereby adjusts the FY15 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, 2014 and ending June 30, 2015 is hereby adjusted as follows:

<u>Account Number</u>	<u>Account</u>	<u>Increase</u>	<u>Decrease</u>
<u>FISCAL YEAR 2015 EXPENDITURE BUDGETS</u>			
<u>CAPITAL PROJECTS</u>			
Sitka Convention & Visitors Bureau – Operations:			
100-540-045-5290.000	Other Expense	\$37,303	
To increase by \$37,303 to Sitka Convention & Visitors Bureau in order to achieve the intended 92% of actual Bed Tax revenue.			
Fund 710 - Feeder Improvement Project #80003: The Utility Director has requested to close Jeff Davis Line Upgrade to 3 Phase Project #90563 and transfer the remaining funds in the amount of \$49,685 to the Feeder Improvement Project #80003. This is for informational purpose only.			
Fund 710 – Jarvis Street Diesel Capacity Incr. Project #90646:			
712-600-680-7200.000	Interfund Transfers	\$549,344	
710-300-390-3950.712	Transfer in Revenue Bond	\$549,344	
710-600-630-5212.000	Contracted/Purchased Services	\$549,344	
To approve using interest earned from the Blue Lake Revenue Bonds for the Jarvis Street Diesel Capacity Inc. Project #90646.			
Fund 740 – Solid Waste Management Plan Project #90764:			
230-600-680-7200.000	Interfund Transfers	\$214,875	
740-300-370-3701.230	Interfund Billing	\$214,875	
740-600-630-5212.000	Contracted/Purchased Billing	\$214,875	
At the June 25, 2013 meeting, the Assembly approved advertising for a Request for Qualifications (RFQ) and select a consultant to assist Public Works in developing a Solid Waste Management Plan. This will transfer funds from the Solid Waste Fund to cover those expenses.			

<u>Account Number</u>	<u>Account</u>	<u>Increase</u>	<u>Decrease</u>
CAPITAL PROJECTS (cont.)			
Fund 700 – Kettleon Memorial Library Expansion Project #90739			
165-300-380-3809.000	Donations	\$530,244	
This transaction recognizes donations for the Kettleon Memorial Library Study/Expansion Projects in the amount of \$530,244. This amount will be left in an interest bearing account until at which time the donations and interest earned will be transferred to Fund 700 and used on project #90739.			
Fund 707 – Pacific High Renovation Project #90699			
707-300-360-3610.000	Interest Income	\$58,000	
707-600-630-5212.000	Contracted/Purchased Services	\$58,000	
This will increase the budget for the earned interest to be used on the Pacific High Renovation Project #90699.			

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EXPLANATION

Necessary revisions in the FY 2015 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 9th Day of December, 2014.

ATTEST:

Mim McConnell, Mayor

Colleen Ingman, MMC
Municipal Clerk



Legislation Details

File #: ORD 14-36 **Version:** 1 **Name:**
Type: Ordinance **Status:** AGENDA READY
File created: 11/14/2014 **In control:** City and Borough Assembly
On agenda: 11/25/2014 **Final action:**
Title: Repealing SGC Chapter 2.52 Parks and Playgrounds
Sponsors:
Indexes:
Code sections:
Attachments: [Motion Ord 2014-36.pdf](#)
[Ord 2014-36.pdf](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION


I MOVE TO approve Ordinance 2014-36 on
first reading.



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
Cc: Municipal Administrator Mark Gorman
From: Municipal Clerk Colleen Ingman 
Date: 11-14-14
Subject: **Ordinances resulting from Legal Analysis**

In September of 2014, CBS contracted with Code Publishing to complete a legal analysis of our code. Their attorney recommended items that they felt needed immediate action to bring the code into legal compliance and, where possible, has recommended amending language for this purpose.

Chapter 2.52 Parks and Playgrounds became outdated when it was superseded by Title 23 Parks and Recreation. Title 23 encompasses the parks and playgrounds referred to in Chapter 2.52, making Chapter 2.52 absolute. This ordinance has been reviewed by legal, Parks and Recreation Manager Lynne Brandon, and Maintenance and Operations Superintendent Gary Baugher.

Attachment: Ordinance 2014-36

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2014-36

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA
REPEALING SITKA GENERAL CODE CHAPTER 2.52
PARKS AND PLAYGROUNDS

- 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 circumstances shall not be affected.
- 3. **PURPOSE.** Chapter 2.52 Parks and Playgrounds became an outdated section of the Sitka General Code when it was superseded by Ordinance 2004-39 which established Title 23 Parks and Recreation. Title 23 sets out extensive operational rules for all of the municipality’s parks and recreational facilities, lands, and trails. Title 23 encompasses the parks and playgrounds referred to in Chapter 2.52, making Chapter 2.52 obsolete.
- 4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that Chapter 2.52 Parks and Playgrounds be repealed in its entirety.

~~Chapter 2.52~~
PARKS AND PLAYGROUNDS

Sections:

- ~~2.52.010 Policy.~~
- ~~2.52.020 Management.~~
- ~~2.52.030 Classes of parks.~~
- ~~2.52.040 Designation of parks.~~
- ~~2.52.010 Policy.~~

~~It is the declared policy of the city and borough that the provisions in this chapter shall apply to all city and borough parks and playgrounds of the class in question. All city and borough parks and playgrounds shall be maintained and governed under regulations which shall give the greatest possible public use by all citizens as may be allowed by the finances available. No one group or organization shall have any special claim or privilege. (S.C.C. § 3-10-2.)~~

~~2.52.020 Management.~~

~~All parks and playgrounds shall be managed by the assembly as specified in Chapter 2.04. The assembly shall have the authority to make rules and regulations in keeping with the spirit of this chapter for the day to day management of the parks and playgrounds. The assembly may, after obtaining approval of a general policy or plan of development, expend such funds as may be allocated by the assembly, but all bills before payment shall be passed upon by the assembly in accordance with standard assembly procedures. (S.C.C. § 3-10-3.)~~

~~2.52.030 Classes of parks.~~

- ~~A. Class I Parks. Class I parks are strictly recreational and shall be those parks at which:~~
 - ~~1. No commercial enterprises shall be allowed in or out of the buildings except:~~
 - ~~a. For special events or classes of events nonprofit organizations may be allowed to sell~~

1 refreshments from push carts or vehicles or on foot;
2 ~~b. For special events or classes of events nonprofit organizations may build strictly temporary~~
3 ~~stalls or other strictly temporary structures from which to sell such merchandise or services as may~~
4 ~~be consistent with the spirit of the occasion. Example: Stalls for a carnival put on by a student~~
5 ~~organization;~~
6 ~~2. All development shall be in line with one consistent policy;~~
7 ~~3. There shall be a specific policy of care and maintenance and methods of implementation of~~
8 ~~that policy including recognition of the city and borough's responsibility to keep such parks free~~
9 ~~and clear of rubbish;~~
10 ~~4. All structures located in the parks shall be of no more than one story and no more than sixteen~~
11 ~~feet in height. Exception: Lighting, electrical or other small mass structures typical of recreational~~
12 ~~parks;~~
13 ~~5. There shall be no alcoholic beverages sold or dispensed.~~
14 ~~B. Class II Parks. All other activities, structures and standards consistent with the rules and~~
15 ~~regulations of the assembly may be allowed at class II parks. Example: A commercial midway is~~
16 ~~operated for a week, under appropriate regulation.~~
17 ~~(S.C.C. § 3-10-4.)~~

18 **2.52.040 Designation of parks.**

19 The classification of parks shall be as follows:

20 A. Class I Parks:

- 21 1. Crescent Harbor Park;
- 22 2. Front Street Playground.

23 B. Class II Parks:

- 24 1. Moller Memorial Park;
- 25 2. Spruce Glen Park. (S.C.C. § 3-10-5.)

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

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30 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka,
31 Alaska this 8th day of December, 2014.

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35 **ATTEST:**

Mim McConnell, Mayor

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40 _____
41 Colleen Ingman, MMC
42 Municipal Clerk



Legislation Details

File #: ORD 14-34 **Version:** 1 **Name:**
Type: Ordinance **Status:** AGENDA READY
File created: 11/14/2014 **In control:** City and Borough Assembly
On agenda: 11/25/2014 **Final action:**
Title: Amending SGC at 2.40 elections, adding Section 2.40.095 Candidate biographical information, amending sections 2.40.110 Withdrawal or amendment of nomination, 2.40.115 Write-in candidates, renaming Chapter Section VI to add Advanced voting, amending Sections 2.40.190 Eligibility, 2.40.200 Assisted voting, adding Section 2.40.205 Voting by electronic transmission, amending Sections 2.40.220 Issuance of absentee or advanced ballots, 2.40.230 Casting absentee or advanced ballots, 2.40.250 Election officials (E) Oath, 2.40.310 Ballot box, 2.40.315 (D)(2) Marking of ballot, 2.40.315 (G) Improperly marked ballots, adding Sections 2.40.315 (H) closing of polls, and 2.40.316 Poll watchers, amending Sections 2.40.320 reports of unused and damaged ballots, 2.40.330 (B), (C), (D) Counting ballots - hand-counted, 2.40.390 (H) Counting ballots, 2.40.420 Canvass board, 2.40.430 Election results, renaming Section 2.40.440 Assembly approval, amending Sections 2.40.460 Certificate of election, 2.40.470 Notice of election contest, 2.40.500 Costs, and 2.40.520 Prohibited practices

Sponsors:

Indexes:

Code sections:

Attachments: [Motion Ord 2014-34.pdf](#)
[Ord 2014-34.pdf](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve Ordinance 2014-34 on
first reading.



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
Cc: Municipal Administrator Mark Gorman
From: Municipal Clerk Colleen Ingman
Date: 11-14-14
Subject: **Ordinances resulting from Legal Analysis**

In September of 2014, CBS contracted with Code Publishing to complete a legal analysis of our code. Their attorney recommended items that they felt needed immediate action to bring the code into legal compliance and, where possible, has recommended amending language for this purpose.

We considered doing a single "clean-up" ordinance but quickly learned that one clean up ordinance that addressed all the recommendations would be extremely bulky and difficult to follow. It is still our intent to bring forward as few ordinances as possible, but at the same time keep the amendments concise enough that they can be easily understood. We will combine amendments whenever possible.

The section of the code requiring the most amendments was in Title 2, in part, because I took this opportunity to review and edit our election procedures to bring them up to date.

We will continue over the next several months to bring forward amendments from these recommendations. The majority will be fairly straight forward.

Attachment: Ordinance 2014-34

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2014-34

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA GENERAL CODE AT 2.40 ELECTIONS, ADDING SECTION 2.40.095 CANDIDATE BIOGRAPHICAL INFORMATION, AMENDING SECTIONS 2.40.110 WITHDRAWAL OR AMENDMENT OF NOMINATION, 2.40.115 WRITE-IN CANDIDATES, RENAMING CHAPTER SECTION VI TO ADD ADVANCED VOTING, AMENDING SECTIONS 2.40.190 ELIGIBILITY, 2.40.200 ASSISTED VOTING, ADDING 2.40.205 VOTING BY ELECTRONIC TRANSMISSION, AMENDING SECTIONS 2.40.220 ISSUANCE OF ABSENTEE OR ADAVANCED BALLOTS, 2.40.230 CASTING ABSENTEE OR ADVANCED BALLOTS, 2.40.250 ELECTION OFFICIALS (E) OATH, 2.40.310 BALLOT BOX, 2.40.315 (D)(2) MARKING OF BALLOT, 2.40.315 (G) IMPROPERLY MARKED BALLOTS, ADDING SECTIONS 2.40.315 (H) CLOSING OF POLLS, AND 2.40.316 POLL WATCHERS, AMENDING SECTIONS 2.40.320 REPORTS OF UNUSED AND DAMAGED BALLOTS, 2.40.330 (B), (C), (D) COUNTING BALLOTS – HAND-COUNTED, 2.40.390 (H) COUNTING BALLOTS, 2.40.420 CANVASS BOARD, 2.40.430 ELECTION RESULTS, RENAMING 2.40.440 ASSEMBLY APPROVAL, AMENDING SECTIONS 2.40.460 CERTIFICATE OF ELECTION, 2.40.470 NOTICE OF ELECTION CONTEST, 2.40.500 COSTS, AND 2.40.520 PROHIBITED PRACTICES

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 circumstances shall not be affected.

3. **PURPOSE.** The City and Borough of Sitka wishes to remain current in their municipal election procedures as they evolve with new technology, state procedures, and acceptable verbiage. The following are proposed. Instructions to aid the public in learning about candidates are codified. Procedures are outlined for withdrawal of nominee. A write-in candidate’s instructions for application with the municipal clerk are detailed. Section VI allows advanced voting and not just with a requirement of absence. Assisted voting details how voters with special needs may be assisted to vote. Voters are allowed under certain rules to vote by electronic transmission. Advanced or absentee ballots are processed according to specific rules. Election officials’ oath is updated to current verbiage. The ballot box is witnessed to be empty before balloting begins. New guidelines are described for use of equipment by hearing or sight impaired voters. Rules are clarified for how improperly marked ballots are counted. Procedures for poll watchers are codified. The disposition of unused ballots is detailed. Hand-counting procedure for ballots is clarified. To write-in a candidate’s name on the ballot, specific rules are followed for that vote to count. The duties of the canvass board in counting absentee and questioned ballots are explained. In the event of a tie, the assembly may either toss a coin or draw lots. Assembly

48 approval of canvass board's certification is detailed. Responsible parties for election contest
49 costs are explained. Current law proscribes ramifications of prohibited election practices.

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51 4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City
52 and Borough of Sitka that the following sections of Title 2 are amended as follows:

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**Title 2
ADMINISTRATION**

55

56 Chapter

57 2.40 Elections.

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IV. Nomination of Candidates

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62 2.40.095 Candidate biographical information

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2.40.095 Candidate biographical information.

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A candidate for elected office is to provide the municipal clerk with biographical information of not more than 150 words, a recent photo of the candidate, and a candidate's advocacy statement of not more than 250 words for publication on the municipal website. All information is to be turned in at the time of filing and must be received by the municipal clerk no later than ten working days after submittal of a completed candidate packet. A candidate may not make a change to the candidate's biographical information or advocacy statement after the deadline. A candidate's biographical information and advocacy statement must be submitted typewritten or, preferably, transmitted electronically. An article (i.e. a, and, the) will be counted as one word. Any words included in the candidate's biographical information or advocacy statement beyond the allowed word counts will not be published. The municipal clerk will provide the candidate with acceptable topics for the biographical information and advocacy statement. The municipal clerk may reject any portion of a candidate's biographical information or advocacy statement containing obscene, libelous, profane, slanderous or defamatory material.

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2.40.110 Withdrawal or amendment of nomination

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2.40.115 Write-in candidates

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2.40.115 Write-in candidates.

If a qualified elector wishes to be a candidate in an election, but failed to properly file before the deadline, that person may file as a write-in candidate by following rules established by the municipal clerk. The write-in candidate must register with the municipal clerk and complete a form of intent not later than five days before the election. Votes for a write-in candidate will not be counted unless that candidate has completed properly filed with the municipal clerk and the ballot is marked in accordance with this chapter.

* * *

VI. Absentee or Advanced Balloting

2.40.190 Eligibility

Any qualified voter ~~who expects to be absent from their election precinct or who will be unable to go to the polling place of that precinct for reasons of physical disability on the day of election~~ may cast an **absentee** ballot **on or after the day the ballots are available from the municipal clerk up to and including election day in a location and at times determined by the municipal clerk. An absentee ballot may also be referred to as an advanced ballot.** The provisions of this chapter effectuating absentee or advanced voting rights shall be liberally construed.

Remark: Current Section 2.40.200 first paragraph A will be moved above the heading for Assisted Voting and into Section 2.40.190, as it refers to all absentee or advanced voting, not just assisted voting. That second paragraph will be amended to read as follows:

Any qualified voter shall ... apply to the municipal clerk for an absentee **or advanced** ballot. The application must be signed by the applicant ~~and must make clear the applicant's reason for requesting an absentee ballot~~ and specify the election for which a ballot is requested. A separate request must be made for each subsequent election.

* * *

2.40.200 **Assisted Voting** ~~Application by physically disabled voters~~

A. Application for Assisted Voting ~~B. Application by physically disabled voters.~~

1. A qualified voter who is **unable to go to the polls** ~~physically disabled~~ due to age, **serious** illness or disability may apply
2. The municipal clerk ... shall provide the ballot ... to the disabled voter's personal representative
5. **A personal representative may not be a candidate for office at that election, may not be your employer, an agent of your employer, or an officer or agent of your union.** ~~A candidate for office at that election may not act as a personal representative.~~

2.40.205 Voting by electronic transmission

2.40.205 Voting by electronic transmission.

141 Although this should be considered a last alternative, voters may cast a ballot by
142 electronic transmission with the municipal clerk (if other choices are unavailable to
143 the voter). The voter submits an application form to the municipal clerk which also
144 certifies that they are a qualified voter and that they recognize they are voluntarily
145 waiving a portion of their right to a secret ballot when voting using electronic
146 transmission. Voted ballots by electronic transmission must be submitted according
147 to municipal clerk's instructions and received no later than 8:00 pm on Election
148 Day.

149 * * *

150
151 2.40.220 Issuance

152
153 ~~A. An envelope which shall have ... certificate of voter eligibility ... and shall have on~~
154 ~~the front... in the City and Borough of Sitka, Alaska, I am an elector qualified to vote,~~
155 ~~and that I have herein enclosed my ballot for such election, duly marked in the presenee~~
156 ~~of no other person.~~

157 Signed: _____ Witness: _____

158 A. An envelope with notations for a certification of voter eligibility and
159 qualification, date of municipal election, that the ballot is enclosed, that it was
160 properly marked with no undue influence, signature line, date of voting, and witness
161 signature line, and a note on the front of the envelope that a ballot is enclosed.

162
163 2.40.230 Casting absentee or advanced ballot

164
165 A qualified voter may vote early, as soon as the ballots are available from the
166 election official up to and including election day, in a location and at places and
167 times determined by the municipal clerk. ~~Except for ballots issued under an application~~
168 ~~by physically disabled voter, ballots must either be personally delivered to the municipal~~
169 ~~elrk before the opening of the polls on election day or postmarked not later than election~~
170 ~~day. Ballots issued under an application by a physically disabled voter must be delivered~~
171 ~~to the municipal clerk or the appropriate election official not later than the hour set forth~~
172 ~~elosing the polls on election day.~~

173
174 VII. Conduct of Elections

175 2.40.250 Election officials.

176
177 E. Oath. The election officials shall take or subscribe to the following oath:

178 "I do solemnly swear (or affirm) that I "State your name" will honestly, faithfully, and
179 promptly perform the duties of election board member according to law; and **I will make**
180 **every effort to prevent the violation of any provision of law in conducting the**
181 **election.** ~~that I will strive to prevent fraud, deceit, or abuse in conducting the election to~~
182 ~~the best of my ability, so help me God."~~

183 * * *

184
185 2.40.310 Ballot box.

186
187 Before issuing any ballots, the election **official** officials must, in the presence of **at least**

188 **one other election official** any persons assembled at the polling place, open and exhibit
189 the ballot box

190
191 2.40.315 (D)(2), (G), (H) Voting procedure at polls.

192
193 D. Marking of Ballot. Each voter shall retire alone to a booth or private area

194 **2. Voters with special needs that do not require assistance will be routed to a**
195 **special "ADA" apparatus and special booth that will allow voters to hear the**
196 **contents of the ballot and make selections on their own. Once the voter has made all**
197 **selections, the voter's ballot will be printed out on a printer. This will enable the**
198 **voter to vote and cast his or her ballot unassisted.**

199
200 * * *

201 Section 2.40.315, Item G Closing of Polls is re-lettered to Item H. Insert new Item G, to
202 read as follows:

203 **G. Improperly marked ballots.**

204 **If the voter marks more names than there are persons to be elected to an office, that**
205 **race shall not be counted. If a voter marks more than one choice on a ballot issue,**
206 **that issue shall not be counted. A failure to properly mark a ballot in a candidate**
207 **race or issue shall not invalidate the entire ballot. If the voter mismarks a ballot in**
208 **this fashion, the voter will be advised that they can receive a replacement ballot,**
209 **spoiling the mis-marked one.**

210 **H. Closing of Polls.**

211 * * *

212
213 2.40.316 Poll watchers.

214
215 **2.40.316 Poll watchers.**

216 **A registered poll watcher may observe election set-up, general conduct throughout**
217 **election day, and after polls close. A poll watcher has no duties in conducting an**
218 **election and may not interfere with the orderly conduct of elections. One poll**
219 **watcher may be registered for any candidate for elective office or advocate for or**
220 **against a ballot proposition per precinct. The poll watcher must register with the**
221 **municipal clerk prior to election day and agree to rules established by the municipal**
222 **clerk. Poll watchers may not closely observe signatures on precinct registers, but**
223 **may sit close enough to hear an election official say the voter's name. Poll watchers**
224 **may check polling booths after each voter leaves to ensure that no campaign**
225 **material has been left behind. The poll watcher may utilize the municipal clerk's**
226 **complaint form to report problems.**

227 * * *

228
229 2.40.320 Reports of unused and damaged ballots.

230
231 The numbers of ballots not issued shall be recorded, and ~~all such ballots shall be~~
232 ~~destroyed by tearing off and discarding the lower portion of the unvoted ballots~~ **all**
233 **unused, unmarked ballots will be destroyed according to the municipal clerk's**
234 **instructions. After recording the ballot stub numbers of the unvoted ballots.**

235 **Election workers will return the stubs of used ballots to the municipal clerk with**
236 **other election materials.** The numbers of ballots damaged by voters

237
238 2.40.330 (B), (C), (D) Counting ballots—Hand-counted.

239
240 B. For purposes of counting During transportation, the ballot boxes containing the
241 ballots **shall be locked and registration books secured.** ~~and registration books shall be~~
242 ~~locked.~~ When the polls

243
244 C. Though the public may not be excluded...the public may be kept behind a guardrail or
245 other natural barrier ~~in the same room~~ to prevent interference with the election
246 officials....

247
248 D. The ballots, after having been counted...read aloud the name of each person voted for
249 **and/or Yes or No on issues,** provided that no more ballots

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251 * * *

252
253 2.40.390 Counting ballots.

254
255 H. In order to vote for a write-in candidate, the voter must write in the candidate's name
256 **as it appears on the write-in declaration of candidacy and** mark the oval **next to the**
257 **right of the written-in name. Write-in votes will be counted when the oval is marked**
258 **and the name as it appears on the write-in declaration of candidacy are written in**
259 **these manners: first and last name or any reasonable spelling of the first and last**
260 **name are used; first and last names with or without the suffix (e.g. Jr., Sr., III); last**
261 **names with correct initial for the first name is used; commonly known nicknames**
262 **with correct last name are used; or when the candidate's name is already printed on**
263 **the ballot. Write-in votes will be rejected in these circumstances: fictional names are**
264 **used (e.g. Mickey Mouse, None of the Above); only initials are used; only first name**
265 **is used; correct last name is used, but an incorrect first name or incorrect initial is**
266 **used; or the oval next to the candidate's name is not marked.**

267
268 * * *

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270 2.40.420 Canvass Board. [Renamed]

271
272 2.40.420 **Canvass Board** ~~Counting absentee and questioned ballots.~~
273 **There will be a canvass board consisting of an election board of at least up to two**
274 **qualified voters and the municipal clerk. The canvass board is responsible for**
275 **meeting in a public session to declare which absentee, advanced, questioned, special**
276 **needs, and write-in ballots are valid. The canvass board will review, tally, and**
277 **officially report the results of the ballots. No later than its next regular assembly**
278 **meeting after the municipal clerk submits the Certification of Election, the assembly**
279 **shall receive and adopt the Certification. This meeting may be rescheduled by a**
280 **majority vote of the assembly. If the assembly determines that the election was**
281 **validly held, the assembly shall approve the Certification of Election.**

282
283 * * *

284 2.40.430 Election results.

285
286 Following canvass board review, the candidates receiving the greatest number of votes
287 shall be certified elected to office by the **municipal clerk and approved by the**
288 assembly. In case of a tie, the election shall be determined by **coin toss or** by lot from
289 among the candidates tying at a meeting of the assembly

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291 * * *

292
293 VIII. Certification of Election

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295 2.40.440 Assembly **Approval Certification.**

296
297 At the first regular meeting of the assembly after the election, the assembly shall meet and
298 **approve the municipal clerk and canvass board's certification of returns.** ~~certify the~~
299 ~~returns.~~ The **approval of** certification may be postponed for cause as determined by the
300 assembly from day to day, but not exceeding three postponements. The **approval of**
301 certification shall be by motion duly made, seconded and passed and the results shall be
302 set forth in the minutes of the meeting. In the case of a recount, the **approval of**
303 certification of the recount may be postponed until the next regular assembly meeting
304 following the recount. Upon **approval of** certification, the **municipal** clerk may issue a
305 written certificate of election to the winning candidates.

306 **The initial election returns shall be announced in public on election night.** The
307 certification of all election returns shall be made ~~in public~~ by examining the judges'
308 certificates of returns and compiling these along with the count of valid **advanced or**
309 absentee and challenged ballots **by the municipal clerk and canvass board.** ~~At or,~~ at the
310 discretion of the assembly, an actual recount may be undertaken after due notice to
311 candidates.

312 * * *

313
314 2.40.460 Certificate of election.

315
316 Immediately after the **assembly's approval of** assembly certification is completed, the
317 municipal clerk

318
319 IX. Contested Elections

320
321 2.40.470 Notice of election contest.

322
323 SUBSCRIBED AND SWORN to before me this ___ day of ___, 20, ~~19~~.

324
325 The municipal clerk shall apprise the assembly of receipt of the notice before **approval of**
326 certification of the returns has commenced.

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329
330 2.40.500 Costs.

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- 332 B. If, upon investigation or recount, the contentions of the person filing the notice are
333 proven to be correct, the entire deposit shall be refunded. ~~If the contentions of the~~
334 ~~person filing the notice are proven to be incorrect, the municipal clerk shall refund~~
335 ~~any money remaining after the costs have been paid.~~
336 C. The contestant shall pay all costs and expenses incurred in a recount of an election
337 demanded by the contestant if the recount fails to reverse any result of the election or
338 if the difference between the winning and a losing vote on the position or
339 proposition result contested is more than two percent after recount. If the entire
340 deposit is not refunded, the municipal clerk shall refund any money remaining
341 after the cost of the recount has been paid from the deposit.

342 * * *

344 X. Prohibited Practices

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346 2.40.520 Prohibited practices.

347 * * *

348 B. Under Influence by Force. Any person who ~~directly or indirectly~~ uses or threatens
349 to use force, coercion ... is guilty of a Class C felony misdemeanor.—

350
351 C. Undue Influence by Offer. ~~4.~~ Any person who promises to give or offers money or
352 a valuable thing to any persons ... is guilty of a Class C felony misdemeanor.

353 ~~2.—The providing of refreshments of any nature on election day by any candidate,~~
354 ~~political party, or those acting for them or identified with them shall be within the~~
355 ~~above stated prohibition.~~

356 ~~3.—The providing of refreshments of any nature by any person seeking to induce~~
357 ~~others to sign or not to sign any petition for initiative or referendum shall be within~~
358 ~~the above stated prohibition.~~

359
360 D. Improper Subscription to Petition. Any person who signs any name other than
361 their own ... shall be guilty of a Class B misdemeanor.

362
363 E. Under Influence of Election Official. Any person who by force, threat,
364 intimidation ... shall be guilty of a Class C felony misdemeanor.

365 (A.S. 15.56.060(a)[1])
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367
368 **5. EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of
369 its passage.

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371 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of
372 Sitka, Alaska this 9th day of December, 2014.

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ATTEST:

Colleen Ingman, MMC
Municipal Clerk

Mim McConnell, Mayor



Legislation Details

File #: ORD 14-35 **Version:** 1 **Name:**
Type: Ordinance **Status:** AGENDA READY
File created: 11/14/2014 **In control:** City and Borough Assembly
On agenda: 11/25/2014 **Final action:**
Title: Repealing SGC Chapter 2.48 District Civil Defense Council without replacement
Sponsors:
Indexes:
Code sections:
Attachments: [Motion Ord 2014-35.pdf](#)
[Ord 2014-35.pdf](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve Ordinance 2014-35 on
first reading.



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
Cc: Municipal Administrator Mark Gorman
From: Municipal Clerk Colleen Ingman
Date: 11-14-14
Subject: **Ordinances resulting from Legal Analysis**

In September of 2014, CBS contracted with Code Publishing to complete a legal analysis of our code. Their attorney recommended items that they felt needed immediate action to bring the code into legal compliance and, where possible, has recommended amending language for this purpose.

Chapter 2.48 District Civil Defense Council was repealed when the State of Alaska declared that all homeland security and civil defense functions of the state be coordinated through the Department of Military and Veteran's Affairs. All duties mentioned in this chapter are now completed by state personnel. This ordinance has been reviewed with both legal and Chief Miller.

Attachment: Ordinance 2014-35

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2014-35

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA
REPEALING SITKA GENERAL CODE CHAPTER 2.48
DISTRICT CIVIL DEFENSE COUNCIL WITHOUT REPLACEMENT

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 circumstances shall not be affected.

3. **PURPOSE.** Chapter 2.48 District Civil Defense Council’s authority was repealed when the State of Alaska declared that all homeland security and civil defense functions of this state be coordinated by and through the Department of Military and Veterans' Affairs. All duties mentioned in Chapter 2.48 are now conducted by state personnel.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that

A. Chapter 2.48 District Civil Defense Council in its entirety be repealed without replacement, including footnote 8.

~~Chapter 2.48~~

~~DISTRICT CIVIL DEFENSE COUNCIL~~

~~Sections:~~

~~2.48.010 Formation.~~

~~2.48.020 Civil defense organization.~~

~~2.48.030 Powers.~~

~~2.48.010 Formation.~~

~~There is created the civil defense organization as an agency of the municipality to be composed of the mayor and such other persons that may be appointed by the assembly from time to time. The assembly shall appoint a civil defense director and a staff to serve at the pleasure of the assembly. (Ord. 73-69 § 4, 1973.)~~

~~2.48.020 Civil defense organization.~~

~~All municipal officers and employees, together with those volunteer forces enrolled to aid them prior to or during a disaster, shall constitute the civil defense organization, as provided by law. (Ord. 73-69 § 5, 1973.)~~

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~~2.48.030 Powers.~~

~~The civil defense organization shall have the authority to set the hours of black-out of the municipality and to make other regulations (which shall have the force of law), as may be reasonable in light of circumstances existing at the time, to protect life and property, provided a majority of any assembly members immediately available consent. Oral consent is sufficient, but any such oral consent shall be reduced to writing within such time as is feasible. Should the civil defense director not be available, the next ranking civil defense officer shall act in his place. These are emergency powers to continue only for the duration of any emergency, as declared and terminated by order of the assembly. (Ord. 73-69 § 6, 1973.)Chapter 2.48~~

~~8— For statutory provisions regarding local civil defense organization, see AS 26.20.060 et seq.~~

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 8th day of December, 2014.

Mim McConnell, Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk



Legislation Details

File #: ORD 14-39 **Version:** 1 **Name:**
Type: Ordinance **Status:** AGENDA READY
File created: 11/14/2014 **In control:** City and Borough Assembly
On agenda: 11/25/2014 **Final action:**
Title: Amending SGC Section 2.08.015 Selection of acting administrator to include a procedure for unforeseen appointments
Sponsors:
Indexes:
Code sections:
Attachments: [Motion Ord 2014-39.pdf](#)
[Ord 2014-39.pdf](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve Ordinance 2014-39 on
first reading.



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

Thru: Municipal Administrator Mark Gorman

From: Municipal Clerk Colleen Ingman

Date: November 14, 2014

Subject: Acting Administrator Assignment(s) Amendment

Historically, even though there are three people assigned to fill in as acting administrator there are times when none of the three are available - the most recent being the week of November 17th when Mark travels to AML. During that absence he has assigned Dave Miller to serve, Chief Miller has served in this capacity in the past.

His action and the upcoming annual acting administrator assignments prompted me to review and rewrite the existing code. A copy of that rewrite is attached as Ordinance 2014-39. Please see the purpose section for further explanation.

Attachment

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2014-39

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA GENERAL CODE SECTION 2.08.015 SELECTION OF ACTING ADMINISTRATOR TO INCLUDE A PROCEDURE FOR UNFORESEEN APPOINTMENTS

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

3. PURPOSE. There have been circumstances when none of the three persons listed to serve as acting administrator are available to serve. This ordinance amends the selection of acting administrator to address those times.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that Section 2.08.015 of Sitka General Code is amended to read as follows (underlined/bold new with old verbiage stricken):

2.08.015 Selection of acting administrator.

No later than January 15th of each calendar year, the administrator shall provide in writing to the assembly a rank-order list of at least three department heads from which the administrator can select a person to serve as acting administrator for a given period of time during the next twelve months. The first person on the list will be selected before the second person listed, and the second person shall be selected before the third person listed. The selected person will serve when the administrator has a planned or unplanned absence from the municipality or is otherwise unable to perform administrator duties The administrator will select from that list, unless unforeseen circumstances require the administrator to select another person not on the list. If another person is selected, the assembly will be informed as soon as possible. The assembly by majority vote may direct the administrator to change the list or the selection at anytime.



Legislation Details

File #: 14-224 **Version:** 1 **Name:**

Type: Item **Status:** AGENDA READY

File created: 11/14/2014 **In control:** City and Borough Assembly

On agenda: 11/25/2014 **Final action:**

Title: Discussion/Consideration on appointing existing commission members to seats on the Strategic Planning Commission

Sponsors:

Indexes:

Code sections:

Attachments: [Discussion Strategic Planning Commission.pdf](#)

Date	Ver.	Action By	Action	Result
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Discussion / Consideration

Discussion/Consideration on appointing existing commission members to seats on the Strategic Planning Commission.



Legislation Details

File #: 14-223 **Version:** 1 **Name:**
Type: Item **Status:** AGENDA READY
File created: 11/14/2014 **In control:** City and Borough Assembly
On agenda: 11/25/2014 **Final action:**
Title: Discussion/Direction on the strategy and scheduling of an Assembly Visioning Session(s)
Sponsors:
Indexes:
Code sections:
Attachments: [Discussion Assembly Visioning Session.pdf](#)

Date	Ver.	Action By	Action	Result
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Discussion / Direction

Discussion/Direction on the strategy and scheduling of an Assembly Visioning Session(s).