



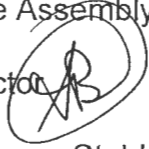
# City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

*Coast Guard City, USA*

## MEMORANDUM

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

**From:** Scott Brylinsky, Interim Planning Director 

**Subject:** Conditional Use Permit approval for Horse Stable  
5304 Halibut Point Road

**Date:** December 16, 2014

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The Sitka Planning Commission unanimously recommended approval, with conditions, of a conditional use permit for a horse stable at 5304 Halibut Point Road, filed by David Allen. The property is owned by Allen Marina, LLC. The Board's recommendation followed two public hearings on November 18<sup>th</sup> and December 2<sup>nd</sup>, 2014.

The applicant is requesting a conditional use permit in order to build a 50' by 50' stable with three horse stalls. The proposed stable would house horses kept primarily for personal use. The applicant may also want to offer riding lessons onsite in the future.

The property is across Halibut Point Road from the Alaska State Ferry Terminal. Two homes are located at the rear of the property. Two additional buildings are located onsite. One of the buildings is used solely for storage. The other building is used for storage and also contains a thrift store. A corral/riding area has recently been constructed on the property.

The property is zoned C-2 general commercial mobile home district. The general commercial district is intended to be served by major essential utilities and to include those areas which are heavily dependent upon vehicular access. The district is intended for those areas surrounding major intersections where personal services, convenience goods and auto-related service facilities are desirable and appropriate land uses. Manufactured homes and manufactured home parks are also permitted uses in this zone.

Public comment was received from one adjacent property owner with concerns about horse manure disposal. David Bryant, who was representing the applicant, stated at the December 2<sup>nd</sup>, 2014 Planning Commission Meeting that some of the horse manure would be given to public gardeners and the remainder would be disposed of at the Granite Creek overburden site.

The Planning Commission's recommendation includes the conditions below and follow up findings.

**RECOMMENDED ACTION: Approve the request with the conditions and findings recommended by the Planning Commission.**

**Conditions:**

1. The facility shall be operated consistent with the application and plans that were submitted with the request.
2. The facility shall be operated in accordance with the narrative that was submitted with the application.
3. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first year of operation for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
4. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

**Findings:**

**MOTION: M/S WINDSOR/POHLMAN** move to approve the following findings 22.30.160 Required Findings for Conditional Use Permits as outlined by staff:

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, *specifically:*  
*Section 2.3.1 To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations.*  
*Section 2.7.9 To assure that animal regulations in outlying areas and islands shall be as liberal as possible.*
  3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced. *Specifically, the four conditions that have been added to the conditional use permit.*
  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 met the burden of proof.

The request is supported by general approval criteria 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; *specifically, that the proposed use is in a large lot with no downstream residential uses.*
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.

The following criteria determining impacts of conditional uses have been considered.

- 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.

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