

Memorandum

TO: Jim Dinley, Municipal Administrator
Mayor Scott McAdams and Members of the Assembly

FROM: Wells Williams, Planning Director

SUBJECT: Ordinance 2009-78 Adding Recycling Facility as a Conditional Use in the P Zone

DATE: December 15, 2009

The Sitka Planning Commission is unanimously recommending approval of a zoning ordinance text amendment to add the term "Recycling Facility" as a conditional use in the P Public Lands district. The proposal would allow for the consideration of a conditional use permit request for the recycling facility on the former incinerator site if Ordinance 2009-77 passes as well. The board's recommendation was made on November 17, 2009.

The Planning Office encouraged the submittal of the request to make the use a conditional use so that potential impacts could be minimized through a public review process. Recycling facilities are also similar, in many respects, to solid waste transfer facilities. Solid waste transfer facilities are conditional use in the Public Lands zoning district under the current code.

There was not any public comment on the proposal at the Planning Commission meeting.

The Planning Commission minutes, that include a follow up motion making the necessary findings, are attached.

In the event Ordinance 2009-77 and 2009-78 are approved on First Reading, the conditional use application for the facility will be scheduled for Assembly hearing and action at the January 26, 2010 meeting.

RECOMMENDED ACTION:

Approve the ordinance.

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**CITY AND BOROUGH OF SITKA
ORDINANCE NO. 2009-78**

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA
GENERAL CODE TITLE 22 ZONING TO ADD THE USE "RECYCLING FACILITY" AS A
CONDITIONAL USE IN THE P PUBLIC LANDS ZONING DISTRICT**

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 purpose of this ordinance is to amend the municipal zoning regulations to recognize recycling facilities as a use along the Sitka road system by adding the term as a conditional use in the P Public Lands zoning district. The conditional use process is considered appropriate for recycling facilities since it allows for potential impacts to be minimized through a case by case review. The listing of the use as a conditional use is also consistent with the current code language that lists solid waste transfer facilities as conditional uses in the Public Lands district.

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

A. Add the term "Recycling Facility" as a conditional use in the P Public Lands district in SGC Table 22.16.015-4 Public Facilities Uses.

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 26th day of January, 2010.

Scott McAdams, Mayor

ATTEST:

Sara Peterson
Deputy Clerk