



CITY AND BOROUGH OF SITKA

Meeting Agenda - Final

Planning Commission

Wednesday, April 21, 2021

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM 21-06](#) Approve the April 7th, 2021 meeting minutes.

Attachments: [6-April 7 2021 DRAFT](#)

IV. 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 Chair imposes other time constraints at the beginning of the agenda item.)

V. PLANNING DIRECTOR'S REPORT

VI. REPORTS

VII. THE EVENING BUSINESS

B [MISC 21-07](#) Public hearing and consideration of an amendment to CUP 18-05 for a marijuana cultivation facility at 224 Smith Street in the Industrial district. The property is also known as Lot 6, Smith Street Industrial Subdivision. The request is filed by Eric VanVeen. The owner of record is Steve Skannes.

Attachments: [MISC 21-07 Amendment to CUP 18-05 Staff Memo](#)

[MISC 21-07 Amendment to CUP 18-05 Aerial](#)

[MISC 21-07 Amendment to CUP 18-05 Floor Plans](#)

[MISC 21-07 Amendment to CUP 18-05 Parking Plan](#)

[MISC 21-07 Amendment to CUP 18-05 Photos](#)

[MISC 21-07 Amendment to CUP 18-05 Original CUP Information](#)

[MISC 21-07 Amendment to CUP 18-05 Applicant Materials](#)

- C** [CUP 21-05](#) Public hearing and consideration of a conditional use permit for a short-term rental at 1109 Edgecumbe Drive in the R-1 single-family and duplex district. The property is also known as Lot 1, Baranof Estates Subdivision. The request is filed by Patricia Droz. The owner of record is Patricia Droz.
- Attachments:** [CUP 21-05 Droz 1109 Edgecumbe Drive STR Staff Report](#)
 [CUP 21-05 Droz 1109 Edgecumbe Drive STR Aerial](#)
 [CUP 21-05 Droz 1109 Edgecumbe Drive STR STR Density](#)
 [CUP 21-05 Droz 1109 Edgecumbe Drive STR Building Sketch](#)
 [CUP 21-05 Droz 1109 Edgecumbe Drive STR Plat and parking layout](#)
 [CUP 21-05 Droz 1109 Edgecumbe Drive STR Photos](#)
 [CUP 21-05 Droz 1109 Edgecumbe Drive STR Renter Handout](#)
 [CUP 21-05 Droz 1109 Edgecumbe Drive STR Applicant Materials](#)
- D** [VAR 21-03](#) Public hearing and consideration of a variance to reduce the front setbacks from 14 feet to 10 foot at 424 Katlian Avenue in the WD Waterfront District. The property is also known as Lot 50, Block 1 of U.S. Survey 2542 A&B. The request is filed by Adam Chinalski. The owners of record are Adam and Kris Chinalski.
- Attachments:** [V 21-03 Chinalski 424 Katlian Ave Setback Variance Staff Report](#)
 [V 21-03 Chinalski 424 Katlian Ave Setback Variance Aerial](#)
 [V 21-03 Chinalski 424 Katlian Ave Setback Variance Site Plan](#)
 [V 21-03 Chinalski 424 Katlian Ave Setback Variance Current Plat](#)
 [V 21-03 Chinalski 424 Katlian Ave Setback Variance Photos](#)
 [V 21-03 Chinalski 424 Katlian Ave Setback Variance Applicant Materials](#)
- E** [MISC 21-08](#) Discussion/Direction from the Commission regarding agricultural and/or horticultural activities as currently defined in the Sitka General Code.
- Attachments:** [MISC 21-08 Agriculture & Horticulture Discussion Staff Memo](#)
 [MISC 21-08 Agriculture & Horticulture Discussion Public Comments](#)
- F** [MISC 21-09](#) Discussion/Direction on work plan and process for tourism planning effort.
- Attachments:** [MISC 21-09 Tourism Work Plan Staff Memo](#)

VIII. ADJOURNMENT

NOTE: More information on these agenda items can be found at <https://sitka.legistar.com/Calendar.aspx> or by contacting the Planning Office at 100 Lincoln Street. Individuals having concerns or comments on any item are encouraged to provide written comments to the Planning Office or make comments at the Planning Commission meeting. Written comments may be dropped off at the Planning Office in City Hall, emailed to planning@cityofsitka.org, or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish:



CITY AND BOROUGH OF SITKA

Minutes - Draft

Planning Commission

Wednesday, April 7, 2021

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (Chair), Darrell Windsor, Stacy Mudry, Katie Riley, Wendy Alderson, Thor Christianson (assembly liaison)
Absent: None
Staff: Amy Ainslie, Ben Mejia
Public: David Oen, Connie Oen, Terry Babb, Kim Babb, Dan Kirsch, Jenny Liljedahl, Ariadne Will (Sitka Sentinel)

Chair Spivey called the meeting to order at 7:02pm.

II. CONSIDERATION OF THE AGENDA

Chair Spivey requested that item B be heard after items C and D.

III. CONSIDERATION OF THE MINUTES

A [PM 21-05](#) Approve the March 17th, 2021 minutes.

M-Windsor/S-Alderson moved to approve the March 17th, 2021 minutes.

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie reminded the Commission of the upcoming joint work session with the Assembly on tourism planning to take place on Tuesday, March 13th at 5pm. Ainslie noted that dinner would be provided.

Alderson discussed the results from the 2020 Alaska Residential Rental Survey which had yielded a high vacancy rate likely due to a limited survey size of approximately 200 long-term rental units.

VI. REPORTS

VII. THE EVENING BUSINESS

B [MISC 21-06](#) Public hearing and consideration of an amendment to CUP 05-15 for landfill activities at Upper Granite Creek in the Industrial district. The property is also known as a Portion of USS 5530 and a Portion of Lot 1,

USS 3670. The request is filed by the City and Borough of Sitka, Public Works Department. The owner of record is the City and Borough of Sitka.

Ainslie introduced the item as an amendment to CUP 05-15 which had been approved by the Planning Commission and Assembly in February of 2006 when Kimsham landfill was closing and Granite Creek was considered the best location for an alternative landfill site. Ainslie detailed the proposed changes to the permit. Ainslie explained that the original permit did not specify overburden use and the amendment would explicitly state the use of the site for overburden. Ainslie stated that the operating hours were proposed to expand from 9am-3pm to 7am-7pm with availability for the public from 8am-4pm. Ainslie explained that operational requirements were specific to operation by municipal staff and since the site operations had been leased out, the amendment would provide flexibility for the lease holder to continue operations.

Ainslie explained that location, access, and traffic would remain the same as would adverse impacts noise, odor, as well as health and safety concerns. Ainslie identified this as in keeping with the intended use for the Granite Creek area in the No Name Mountain master plan. Ainslie expressed the importance of having an overburden site for local development and noted that the use was in keeping with the character of the area with minimal impact increases from the existing use. Staff recommended approval.

Commissioners expressed concern over the increase in operation hours and its potential impact on nearby residential use. Windsor asked if nearby residents received buffer mailings. Ainslie explained that the previously limited operation hours were likely due to staff limitations and not for impact concerns but that the buffer area for mailings had been expanded to include the trailer park on Granite Creek Road. Windsor asked who would manage the contract, Ainslie responded that the Public Works Department would. Riley and Alderson asked what waste materials would be accepted and if the site would take asbestos. Ainslie responded that the original permit allowed for solid waste, bio-solids, and construction debris.

Dan Kirsch, who represented the applicant, was present. Kirsch replied that he believed asbestos would be accepted. Having no further questions, the Commission excused the applicant.

M-Alderson/S-Windsor moved to approve the amendment to CUP 05-15 to include land clearing landfill operations to the approved uses for the Upper Granite Creek site in the Industrial district subject to the attached conditions of approval. The property is also known as a Portion of USS 5530 and a Portion of Lot 1, USS 3670. The request was filed by the City and Borough of Sitka, Public Works Department. The owner of record was the City and Borough of Sitka. Motion passed 5-0 by voice vote.

M-Alderson/S-Windsor moved to adopt the required findings of fact for conditional use permits for this amendment as listed in the staff report. Motion passed 5-0 by voice vote.

C [VAR 21-02](#)

Public hearing and consideration of a variance to reduce the front setback from 10 feet to 1 foot and rear setback from 8 feet to 3 feet at 4305 Halibut Point Road in the C-2 General Commercial and Mobile Home District. The property is also known as Lot 2 of Myron Oen lot line adjustment. The request is filed by David and Connie Oen. The owner of

record is David and Connie Oen.

Ainslie introduced the proposal for a front setback reduction from 10 feet to 1 foot and rear setback from 8 feet to 3 feet at 4305 Halibut Point Road to facilitate placement of a greenhouse. Ainslie identified property characteristics as a triangular shape that lacked depth, abutted the tidelands at the rear of the property, with a steep grade change from the road to the property. Ainslie noted that access was granted by means of an easement across the adjacent property to the north. Ainslie explained that the proposed site was identified to take advantage of the open space and natural light on the lot. Ainslie stated that there were no foreseeable visual, traffic, or other adverse impacts due to the grade difference from the road and the lack of direct access and the adjacent tidelands meant there were no crowding or fire separation concerns.

Ainslie concluded that due to the unique circumstances of the lot, minimal impact on neighbors, and as a proposal in keeping with the Comprehensive Plan objective to allow more urban horticulture, staff recommended approval.

The applicant, David Oen, was present. Having no further questions, the Commission excused the applicant.

M-Mudry/S-Windsor moved to approve the zoning variance for reductions in the front and rear setbacks at 4305 Halibut Point Road in the C-2 general commercial and mobile home district subject to the attached conditions of approval. The property was also known as Lot 2 of the Myron Oen lot line adjustment. The request was filed by David and Connie Oen. The owners of record were David and Connie Oen. Motion passed 5-0 by voice vote.

M-Mudry/S-Windsor moved to adopt and approve the required findings for variances involving minor expansions, small structures, fences, and signs as listed in the staff report. Motion passed 5-0 by voice vote.

D [CUP 21-04](#)

Public hearing and consideration of a conditional use permit for a short-term rental at 2950 Sawmill Creek Road in the R-1 LD single-family and duplex low density district. The property is also known as Lot 1, Amended Silver Bay Subdivision. The request is filed by Kimberly Babb. The owner of record is Terrence and Kimberly Babb.

Ainslie introduced the request for a short-term rental (STR) for a 4 bedroom, 4 bathroom apartment within the primary residence of the applicants. Ainslie described the site as within the residential low density district with ample space and vegetation to provide a buffer between neighboring properties. Ainslie explained that the house was set down and away from the road along with water frontage. Ainslie indicated that the property was adjacent to Whale Park. Ainslie explained that there were no permitted and active STRs in the vicinity. Ainslie explained that there was space for at least 6 parking spots on the property. Ainslie noted that the apartment was fitted with a kitchenette which might reduce the property's prospects on the long-term rental market and explained the owners lived on-site would mitigate any adverse impacts. Staff recommended approval.

The applicants, Terry and Kim Babb, were present. Alderson asked if the applicants had considered long-term rental of the apartment. T. Babb explained that they would consider the possibility of renting long-term especially during the winter season. Having no further questions, the Commission excused the applicants.

Christianson excused himself at 7:50pm. The Commission took recess from 7:50pm to

8:04pm.

M-Windsor/S-Mudry moved to approve the conditional use permit for a short-term rental at 2950 Sawmill Creek Road in the R-1 LD Single-Family/Duplex Low Density District, subject to the attached conditions of approval. The property was also known as Lot 1 of Amended Silver Bay Subdivision. The request was filed by Kimberly Babb. The owners of record were Terrence and Kimberly Babb. Motion passed 5-0 by voice vote.

M-Windsor/S-Mudry moved to adopt and approve the required findings for conditional use permits as listed in the staff report. Motion passed 5-0 by voice vote.

E [MISC 21-02](#)

2021 Commission Visioning and Comprehensive Plan Review Session

The Commission reviewed the 13 Comprehensive Plan action items they had previously determined as potential priority actions and identified 5 priority actions to address over the year. The Commission discussed steps that could be taken to establish a community garden through the lease of municipal land. Windsor expressed interest in facilitating the subdivision of trailer courts. Ainslie explained that the PUD process might be appropriate for such a subdivision, though she noted the potential concern of meeting road and utility standards possibly alleviated by a local improvement district. The Commission identified the following as priority actions for the year: H1.1c, H1.1e PTR 2.1g, PTR 6.1, LU 7.8.

No action taken.

F [MISC 21-03](#)

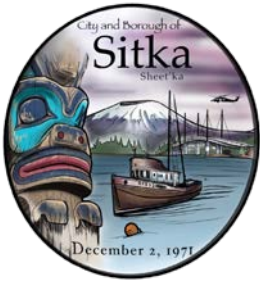
Review of Use Tables in SGC 22.16.015

Commissioners reviewed the Temporary Lodging section of Residential Use Table (SGC 22.16.015-1) and the dock uses in the Cultural/Recreational Use Table (SGC 22.16.015-2) and discussed each item listed in the table. Staff made notes on possible additions, changes, and clarifications. The Commission discussed appropriate zones for hostels. Ainslie provided details on the differences between dock uses.

No action taken.

VIII. ADJOURNMENT

Seeing no objection, Chair Spivey adjourned the meeting at 9:30pm.



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

Coast Guard City, USA

MEMORANDUM

To: Chair Spivey and Planning Commission Members

From: Amy Ainslie, Planning Director *AA*

Date: April 16, 2021

Subject: **Amendment to CUP 18-05 for additional space**

CUP 18-05, a conditional use permit for marijuana cultivation at 224 Smith Street, was approved by the Commission in February 2018. Van Green's, operated by Eric van Veen, has been operating in the space since that time, and currently utilizes bays D and E of the building.

With more space becoming available in the building, Van Green's would like to use this opportunity to expand their cultivation operation. The requested amendment to their original permit is to add units B and C to operational space in addition to D and E. The applicants are going through the appropriate AMCO process in order to expand their grow space.

Location, access, and traffic remain largely unchanged. The property is accessed from Smith Street, a municipal right-of-way and a commonly used road within this industrial area. Our most intensive uses and activities are expected to be housed in this zone.

There are 9 parking spaces identified at the rear of the building (sized 10' x 18') with ample open space for more as needed. Per SGC 22.20.100(G)(13), one space for each four hundred square feet of gross floor area, or for every three employees, is required for industrial or manufacturing buildings. The original square footage approved was a total of 2,784 square feet. The additional space represents approximately 2,964 square feet, making a total of 5,748 square feet. This would imply a parking requirement of 15 parking spots. The original application described that there would be five employees – the applicant has stated that this expansion may necessitate one additional employee (but is still to be determined). This would imply a parking requirement of two parking spaces. On either front, staff feels that parking needs can be adequately met between the dedicated parking spaces and other available open space on the lot.

Noise, odor, or other adverse impacts are always a potential for any industrial operation, and for marijuana cultivation in particular. Staff feels that all of the original conditions of approval should remain in place in order to adequately address concerns/impacts if they were to arise.

Recommendation

The Comprehensive Plan Economic Development action ED 6.7 aims to “Support growth of manufacturing businesses that add value to sustainably developed local resources.” Marijuana cultivation makes use of local space, labor, and electricity. Staff recommends approval of this amendment.

Attachments:

Attachment A: Aerial

Attachment B: Floor Plans

Attachment C: Parking Plan

Attachment D: Photos

Attachment E: Original CUP Information

Attachment F: Applicant Materials

Recommended Motions:

“I move to approve the amendment to CUP 18-05 to include marijuana cultivation operations in bays B and C of 224 Smith Street in the Industrial zoning district. The property is also known as Lot 6, Smith Street Industrial Subdivision. The request is filed by Eric van Veen. The owners of record are George and Steven Skannes.”

Conditions of approval:

1. Operation of the site is consistent with the narrative and applications as presented in the amendment request.
2. All original conditions of approval as approved in CUP 18-05 remain in effect.
3. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties upon receipt of meritorious complaint or evidence of violation of conditions of approval.

“I move to find that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval, and move to adopt the required findings¹ for conditional use permits as listed in the staff report”

1. ...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.

¹ § 22.30.160.C – Required Findings for Conditional Use Permits

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.



vacant space leased by vanGreens

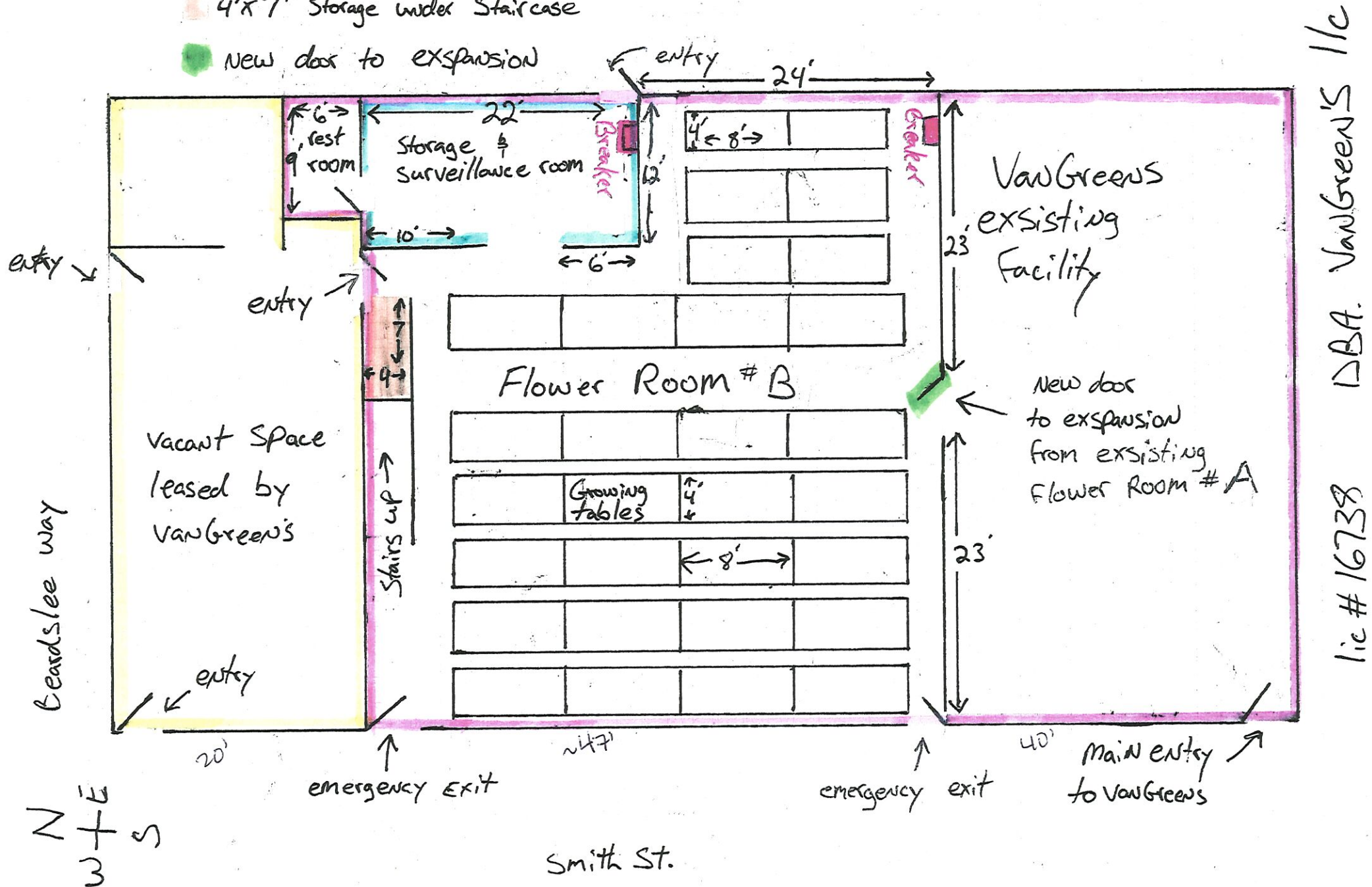
Breaker Panel

Surveillance room for expansion

restricted access & licensed Premises boundary

4'x7' Storage under Staircase

New door to expansion



2nd Floor

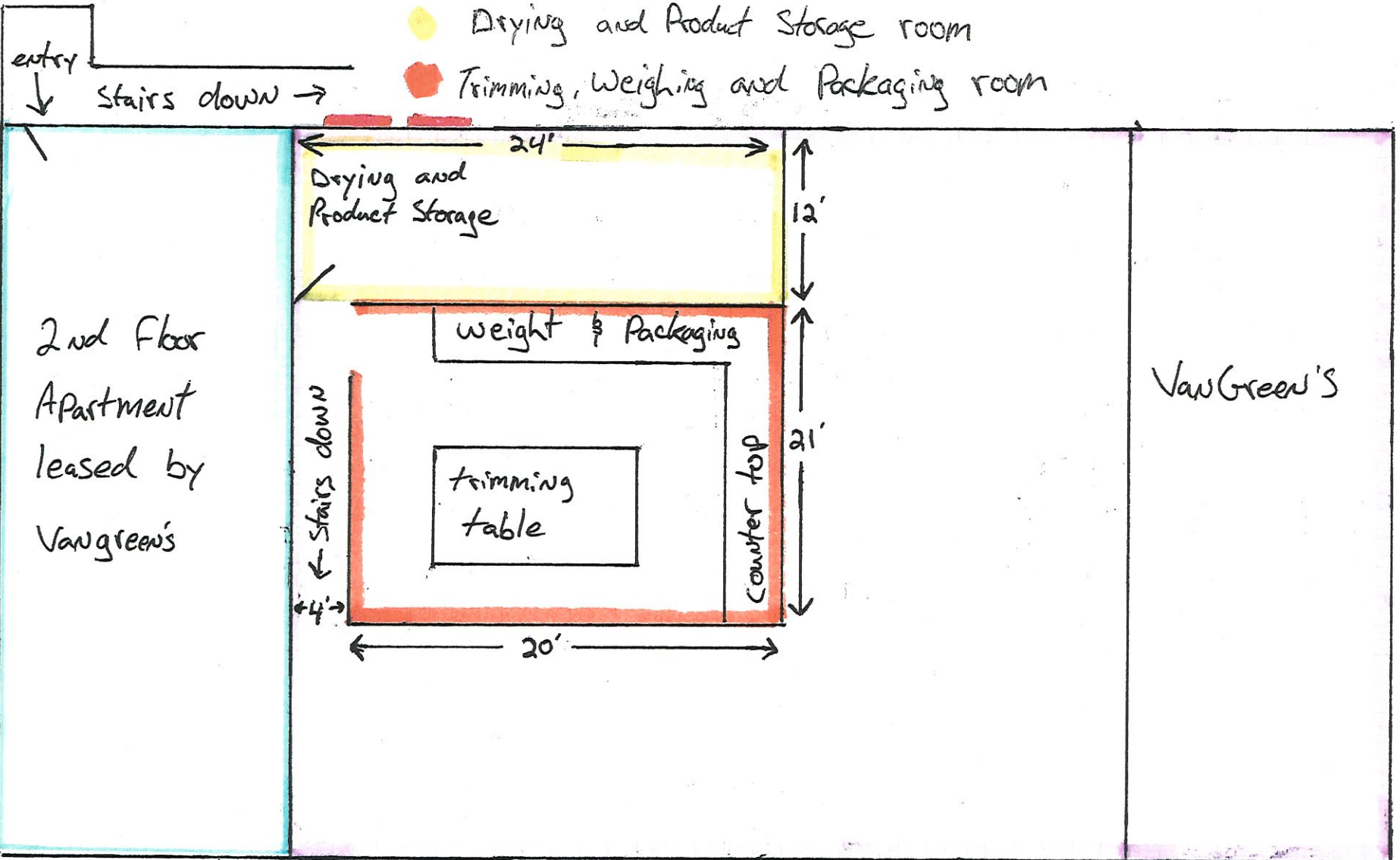
■ windows 4'x3'

■ - Restricted access & licensed premises boundary

■ - 2nd Floor apartment leased by VanGreen's

● Drying and Product Storage room

■ Trimming, Weighing and Packaging room



Bearslee way

N
+
S

Smith St.

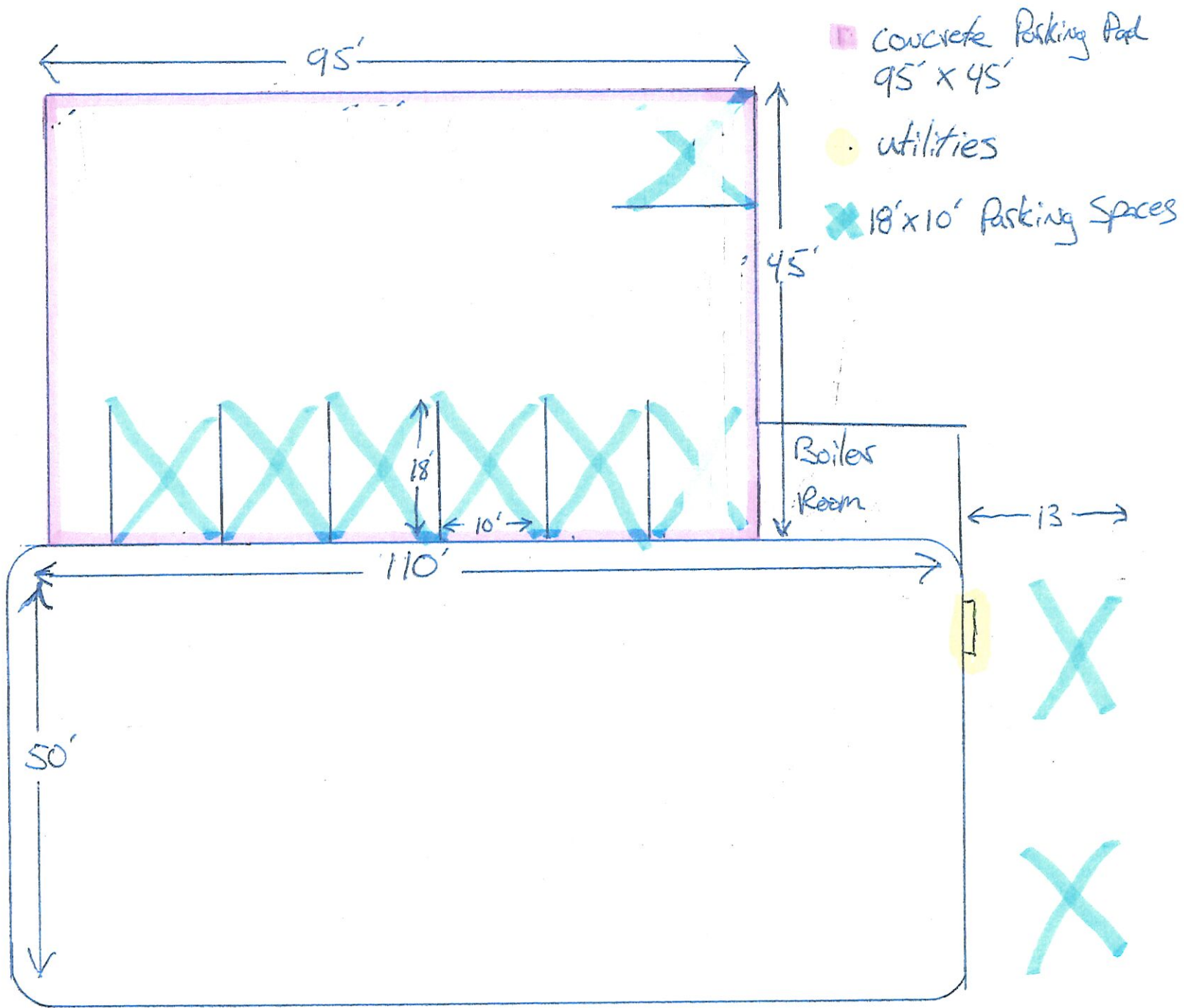
VanGreen's

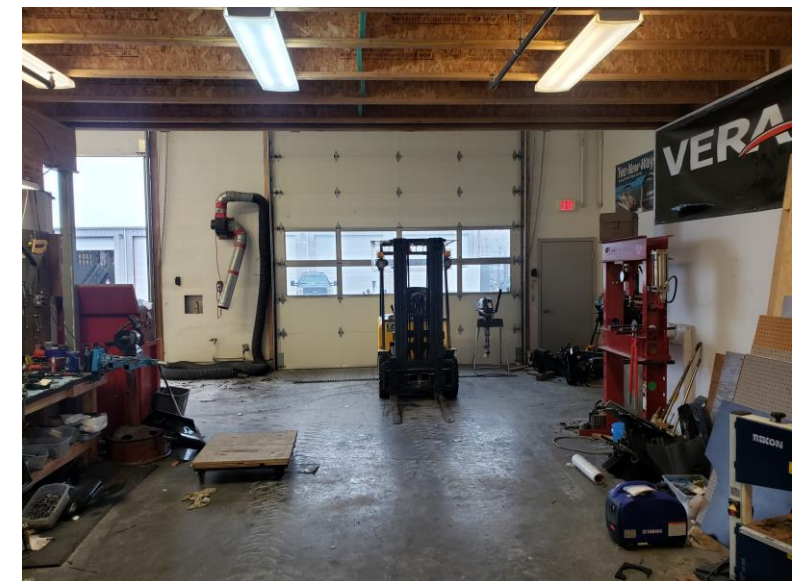
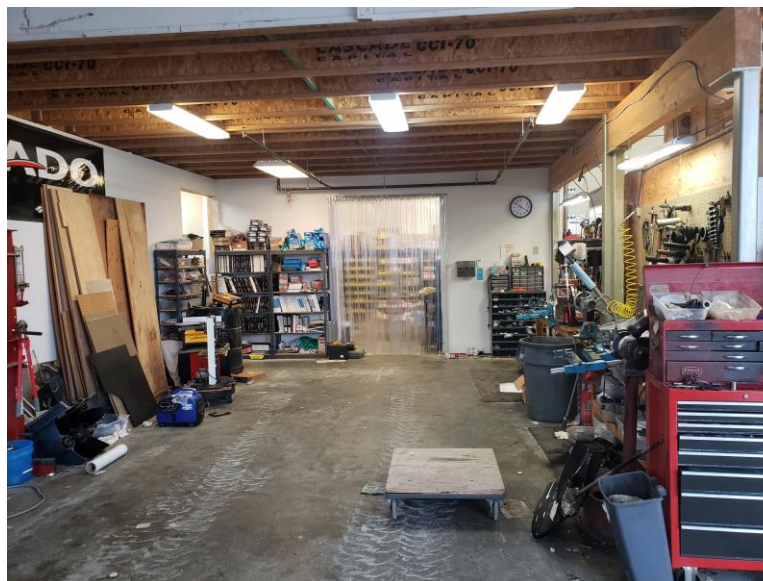
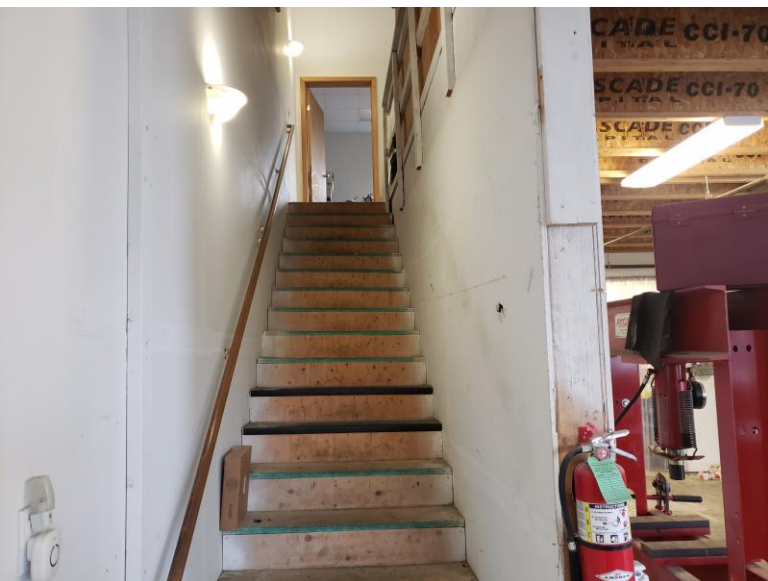
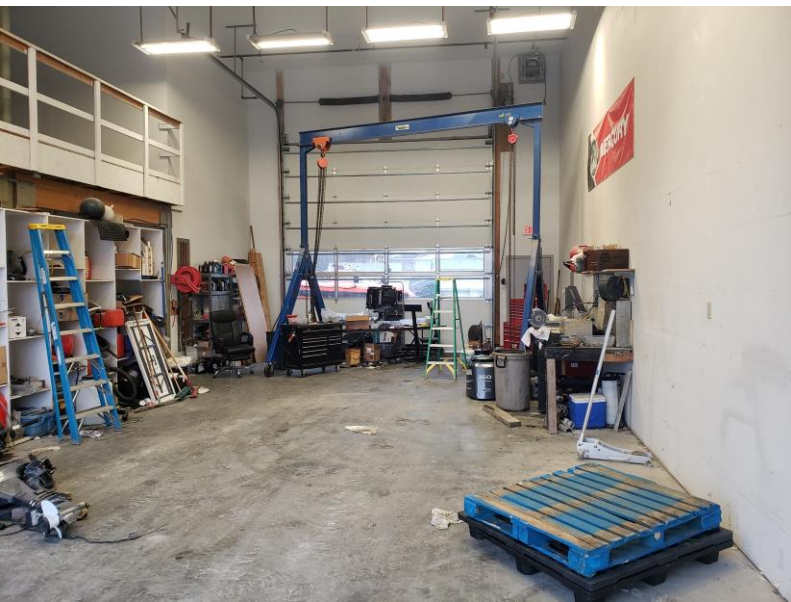
lic # 16738 DBA VanGreen LLC

Parking Plan & utilities

Beardslee Way

Smith St.





First Floor Photos – Bays B & C

Second Floor Photos – Bays B & C





Smith Street



Smith Street



Smith Street



Beardslee Way



Rear Parking, Beardslee Way

**IN THE MATTER OF THE CONDITIONAL USE PERMIT)
APPLICATION OF ERIC VANVEEN)
FOR A MARIJUANA CULTIVATION FACILITY)
AT LOT 6 SMITH STREET INDUSTRIAL SUBDIVISION)**

Findings of Fact and Decision - Page 1 of 3

Colvin/Windsor moved to adopt staff's finding in the written report and find that the zoning code has been followed, that the comprehensive plan has consulted, and that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval for the proposed marijuana cultivation conditional use.

Motion passed 4-0.

Colvin/Windsor moved to approve the conditional use permit for a marijuana cultivation facility at 224 Smith Street in the Industrial zoning district. The property is also known as Lot 6 Smith Street Industrial Subdivision. The request is filed by Eric VanVeen. The owners of record are George and Steven Skannes.

Conditions of Approval:

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the Fire Marshal or their designee and the Building Official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the Municipality and shall comply with all standard & required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish and associated municipal license or conditional use permit.
7. All approved conditional use permits shall comply with all Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit
8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including number of required parking and loading spaces to be approved by the Planning Director. Spaces shall include 3 parking space for employees and one loading zone for the cultivation use, and one space for every 400 square feet of industrial use (outboard).
9. The applicant must provide more detail for an Odor Control Plan to be submitted and approved by the Planning Director prior to issuance of any occupancy permit.
 - a. Odor Control shall include reasonable best means that include, but are not limited to inline carbon filters within HVAC, inline carbon filters for any heat and odor exhaust systems, to limit and mitigate odor impacts to surrounding uses and industrial park employees. The project must comply with the submitted odor control plan and odor control features. Should a meritorious odor complaint be received, the Planning Commission may require additional odor control measures to mitigate any actual negative impacts, such as additional advanced odor filtration systems.
10. The proposed cultivation site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.
11. The permittee shall report, annually, to the planning commission on gross sales, sales tax

amounts, electrical consumption, number of employees, hours of operation, complaints, police or other law or regulation enforcement activity, and summary of operations.

12. The permit is subject to review should there be a meritorious complaint, impact to public health safety or welfare, or violation of a condition of approval. The review may occur at the discretion of the Planning Director or by motion of the Planning Commission to address meritorious issues or complaints that may arise. During this review, based on the evidence provided, existing code and conditions of approval, the permit may be amended or revoked to address impacts to public health, safety, and welfare.

13. Prior to operation, the Sitka Police Department shall approve the security features as being reasonable security measures as outlined in the proposed operating plan and security plan submitted by applicant.

14. The use shall comply with all applicable deed reservations, conditions, restrictions, limitations or exceptions.

Motion passed 4-0.

- b. Adversely affect the established character of the surrounding vicinity specifically, the Central Business District is an area designated for a wide range of commerce; 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, specifically, waste products will be handled in accordance with municipal utility programs;
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, conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting "economic activities which contribute to a stable, long-term, local economic base" by allowing for an economic enterprise that simultaneously provides workforce development.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically that the Planning Commission may review the permit at any time upon receipt of meritorious complaint.

Motion passed 4-0.

Hughey/Windsor moved to approve the conditional use permit application for a food truck/outdoor restaurant at 331 Lincoln Street. The property is also known as a fractional portion of Tract J US Survey 404 subject to the attached conditions of approval. The request is filed by Youth Advocates of Sitka. The owner of record is Christopher Bowen.

Conditions of Approval:

1. All required permits, including but not limited to DEC Food Safety and Sanitation, shall
2. Operations shall not obstruct safe access to the theater entrance and shall not obstruct sidewalk passage.
3. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
4. The Planning Commission, at its discretion and upon receipt of meritorious complaint, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
5. The Planning Commission authorizes greater flexibility for hours of operation beyond the hours outlined in the application.

Motion passed 4-0.

H

CUP 18-05

Public hearing and consideration of a conditional use permit for a marijuana cultivation facility at 224 Smith Street in the I Industrial District. The property is also known as Lot 6 Smith Street Industrial Subdivision. The request is filed by Eric VanVeen. The owners of record are George and Steven Skannes.

Scarcelli described the request and project site. The granted setback variance creates difficulty for establishing adequate parking. Scarcelli discussed the definition of "recreational uses" and the commission's role in determining a sensitive use. In this case, that the 'recreational uses' in the vicinity did not equate to state protected "sensitive uses" and therefore not subject to the state 500 foot buffer; however, the Commission could decide that such recreation uses are not compatible with the proposed use and rule against the proposed use based upon disharmony of uses and impacts to public health safety and welfare. The property is zoned industrial. Scarcelli showed interior and exterior photos and floor plans. Scarcelli stated that conditions of approval require additional information regarding odor, waste, and security. Windsor stated that the parking pads shown in the photos aren't actually parking pads but

access into the building.

Eric VanVeen stated he can do further work on the parking plan. VanVeen stated that he will have five employees. VanVeen stated that his engineer will have more odor plan details available soon. Hughey asked about the growing tension of growing development and federal intervention. VanVeen stated that it's dangerous but it's a booming business and he doesn't believe the federal government will intervene.

John McGraw stated that he lives 300 feet away from this building and is concerned for odor. McGraw stated that other operations are causing odors and he's concerned for concentrating these businesses in one area. Scarcelli stated that applicants must keep a log book of daily odor checks and he encourages applicants exceed the minimum filtration. McGraw stated concern for parking, and Scarcelli clarified that parking is a condition of approval. Hughey stated that the commission wants to hear input from neighbors, as this is a new industry. Spivey stated that the applicant has to prove that they can handle the responsibility of the conditional use permit.

Michelle Cleaver stated that she owns Weed Dudes. Cleaver stated that Alaska's Attorney General has vowed to protect legal marijuana enterprises and go after black market marijuana.

Spivey stated that it's a good idea to note the location and density of marijuana enterprises. Spivey stated that there have been times that he's detected odors in the neighborhood. Windsor asked what happens with the conditional use permit is revoked. Scarcelli stated that it is important to explore the reasons behind condition violations and offer an opportunity to correct prior to permit revocation if possible.

Colvin/Windsor moved to adopt staff's finding in the written report and find that the zoning code has been followed, that the comprehensive plan has consulted, and that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval for the proposed marijuana cultivation conditional use.

Motion passed 4-0.

Colvin/Windsor moved to approve the conditional use permit for a marijuana cultivation facility at 224 Smith Street in the Industrial zoning district. The property is also known as Lot 6 Smith Street Industrial Subdivision. The request is filed by Eric VanVeen. The owners of record are George and Steven Skannes.

Conditions of Approval:

- 1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.**
- 2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.**
- 3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the Fire Marshal or their designee and the Building Official.**
- 4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.**
- 5. All licensed facilities and/or uses shall establish an active sales account and business registration with the Municipality and shall comply with all standard & required accounting practices.**
- 6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish and associated municipal license or conditional use**

permit.

7. All approved conditional use permits shall comply with all Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit

8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including number of required parking and loading spaces to be approved by the Planning Director. Spaces shall include 3 parking space for employees and one loading zone for the cultivation use, and one space for every 400 square feet of industrial use (outboard).

9. The applicant must provide more detail for an Odor Control Plan to be submitted and approved by the Planning Director prior to issuance of any occupancy permit.

a. Odor Control shall include reasonable best means that include, but are not limited to inline carbon filters within HVAC, inline carbon filters for any heat and odor exhaust systems, to limit and mitigate odor impacts to surrounding uses and industrial park employees. The project must comply with the submitted odor control plan and odor control features. Should a meritorious odor complaint be received, the Planning Commission may require additional odor control measures to mitigate any actual negative impacts, such as additional advanced odor filtration systems.

10. The proposed cultivation site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.

11. The permittee shall report, annually, to the planning commission on gross sales, sales tax amounts, electrical consumption, number of employees, hours of operation, complaints, police or other law or regulation enforcement activity, and summary of operations.

12. The permit is subject to review should there be a meritorious complaint, impact to public health safety or welfare, or violation of a condition of approval. The review may occur at the discretion of the Planning Director or by motion of the Planning Commission to address meritorious issues or complaints that may arise. During this review, based on the evidence provided, existing code and conditions of approval, the permit may be amended or revoked to address impacts to public health, safety, and welfare.

13. Prior to operation, the Sitka Police Department shall approve the security features as being reasonable security measures as outlined in the proposed operating plan and security plan submitted by applicant.

14. The use shall comply with all applicable deed reservations, conditions, restrictions, limitations or exceptions.

Motion passed 4-0.

BREAK 8:15 - 8:23

I [CUP 17-25](#)

Public hearing and consideration of a conditional use permit for a marijuana cultivation facility at 202 Smith Street for RTW, LLC in the C-2 General Commercial Mobile Home District. The property is also known as Lot 8 Sitka Projects Subdivision. The request is filed by Ronald T. Waldron. The owner of record is RTW, LLC.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Case No: CU 18-05
Proposal: Marijuana Cultivation Facility
Applicant: Eric VanVeen
Owner: George and Steven Skannes
Location: 224 Smith Street, Units D&E
Legal Desc.: Lot 6 Smith Street Industrial Subdivision
Zone: Industrial zoning district (I)
Size: approx. 15,723 square feet
Parcel ID: 3-0350-006
Existing Use: Industrial/Commercial – Outboard Motors
Adjacent Use: Industrial, Commercial
Utilities: Existing
Access: Via Smith Street and Beardslee Way

KEY POINTS AND CONCERNS:

- Setbacks: existing building and site received a variance to reduce Smith Street setback to 10 feet in 2004. This creates potential parking impact. Parking Plan will need to be amended to meet code. While a challenge, not a problem to overcome it.
- Odor: a more detailed Odor Control Plan is needed (this can be a condition subsequent).
- Security: security will be checked by police prior to occupancy.
- Waste: a waste plan has been provided that is adequate.
- Recreational uses within 500 feet do not meet state definition to be considered a protected “sensitive use.”

RECOMMENDATION: Approve the conditional use permit subject to the attached conditions of approval.

ATTACHMENTS:

- | | |
|--------------------------|-------------------------|
| I. Staff Material | b. AMCO Application |
| a. Maps | c. Narrative and Plans |
| b. Comments | d. Site Plan |
| II. Applicant’s Material | e. Floor Plan |
| a. CBS Application | f. Other Detailed Plans |
| | g. Pictures |

BACKGROUND/PROJECT DESCRIPTION

The proposal is for a conditional use permit for a marijuana cultivation facility located at 224 Smith Street, Units D & E, which is in an Industrial Zoning District (I). This zone requires a conditional use permit¹ pursuant to SGC 22.24.026 for a marijuana cultivation facility in an I zone.²

The request is to utilize an existing building that is used for light to medium level commercial use (Outboard Motors). The proposal would occupy a 40' x 50' portion of a 125' x 50' existing building. The proposal is for 2 floors for total net floor area of approximately 2,784 s.f. The first floor would occupy approximately 1,920 s.f. and the second floor would occupy approximately 864 s.f. The first floor would contain a flower room, two work rooms, storage, stairs, and restrooms; and the second floor would contain a veg room and stairs.

The area is primarily heavy commercial and industrial in nature. Though there are residential uses approximately 407 feet from the proposed location. In addition, a recreation (sports) use is within about 500 linear feet.

STAFF ANALYSIS

All review shall include standard application requirements as other conditional use permits. Review shall use specific criteria that are applicable to determine impact analysis, whether conditions of approval can mitigate negative impacts, and if there are remaining impacts that have not been mitigated by the proposed conditions. The criteria for analysis shall include all criteria in SGC 22.24.010(E)(1) and any impact or criteria that surfaces through public comment, planning staff review, or planning commission review.³

Findings of fact shall also be made in compliance with SGC.⁴ If approved, standard conditions as well as any additional conditions required to mitigate adverse impacts shall be required.

ANALYSIS (The following analysis via the criteria is required by code)

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES⁵.

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:

Using observation and modeling, the average trip rate for cultivation was about 6.97 trips per 1,000 square feet per day. Average peak parking was about 6 spaces in the highest hour and day. There was

¹ SGC Table 22.16.015-5 CUP required for Industrial zone for Marijuana cultivation facility.

² SGC 22.08.587(C): "Marijuana cultivation facility" means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers."

³ SGC 22.24.026(D)[staff note: Criteria for Review].

⁴ Findings of Fact for Marijuana conditional use permits at SGC 22.24.026.E. (and in general 22.30.160.C.).

⁵ Criteria for Analysis prescribed by code at SGC 22.24.026.D

correlation between square footage and trip rates for cultivation. The proposed space is approximately 2,784 square feet. The applicant proposed up to 5 full time employees.

In addition, cultivation does not appear to create high traffic peak demand per hour nor per day that exceeds the existing road system and layout. Parking will need a revised updated parking plan that meets SGC 22.20.100.G.13.

b. Amount of noise to be generated and its impacts on surrounding land use:

There is no objective analysis regarding noise. Subjectively, cultivation use would not appear to create any noise impacts any more than other industrial or commercial uses. Moreover, cultivation is not a major noise generator. The proposed interior self-contained unit will eliminate much of the noise related to fans and exhaust. Odor mitigating conditions, such as a sealed HVAC or air scrubbing system will also help eliminate any noise issues via sealing of vents, etc.

c. Odors to be generated by the use and their impacts: Odors are a major concern. State regulations and City conditions of approval require odor mitigation via high-grade commercial filtration such as inline carbon filtration within any HVAC and inline carbon filters for any heat and air exhaust systems (air scrubbing outside of HVAC system). Additional HEPA filtration systems may be required if carbon filtration is not effective. Some odors may be expected in an industrial and heavy commercial zone. However, according to note 3 of Table 22.16.015-5, “no industrial use shall be of a nature, which is noxious or injurious to nearby properties by reason.

Applicant proposes to strategically use climate control, air filtration, ventilation, and exhaust. Staff will require a more detailed Odor Control Plan as a conditions of approval.

d. Hours of operation: Shall be allowed to fullest extent allowable by zoning. Due to the character of the commercial area and the characteristics of a cultivation operation, staff does not see hours of operation generating an adverse impact.

e. Location along a major or collector street: Smith street is accessed off of Sawmill Creek Road. The site has direct access from Smith Street. In addition, the location can also be accessed via Beardslee Way. No anticipated adverse impacts due to low trip volumes of proposed use and adequacy of surrounding road, driveway, access, and parking features.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: Proposed use is in an existing building. The use itself will not create or alter any access.

g. Effects on vehicular and pedestrian safety: Use, parking, and existing roads and access appear adequate;

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: The site is located off of Sawmill Creek Road and Smith Street, which is approximately 1.44 miles away from the fire department and police department. Part of the operating plan will include emergency access. Due to operating plan and regulations, emergency access may be better than average use. In addition, attached security and electronic monitoring system will reduce emergency notification time for emergencies. Positive impact only.

i. Logic of the internal traffic layout: Property has extensive space and traffic areas. Parking plan has been submitted that shows 4 dedicated spaces, which exceed code requirements.

j. Effects of signage on nearby uses: Any signs will need to comply with Sitka General Code and State of Alaska requirements.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: The site has substandard setbacks and was granted a variance in 2004 reducing the Smith Street front setback to 10 feet. This can be problematic in regards to parking. Parking would not be able to technically fit on-site without encroaching into the Smith Street ROW. Therefore, the lot is constrained from providing parking in the front of the building without trespassing or violating existing parking code, unless angled or parallel parking was utilized.

l. Relationship of the proposed conditional use to the goals, policies, and objectives of the comprehensive plan: There are many goals, policies, and objectives that this proposal could fall under, these include but are not limited to: 2.1.2 economic growth, 2.1.3 foster quality family life (condition to protect these), 2.1.10 diverse and vital local job base, 2.1.13 diversified industry and utilizing Sitka's resources for best return on investment (renewable electricity), 2.2.1 economic base, 2.2.3 produce high quality goods, 2.2.5 protect health and welfare of community (through conditions), 2.2.10 respect social and community values (70% support recreational marijuana), 2.3.6 focus on waste water and watershed protection (through conditions and operating plan), 2.4.1 orderly use, 2.4.4 resolve conflicts of use through public process, and 2.6.2 commercial development without substantial negative impacts (through conditions and regulations). Overall, the conditional approval with appropriate conditions and default state regulations appears to offer the best economic development by providing jobs, tax revenue, utilizations of electricity that has extra supply, comports with existing community values, and creates harmony of use for the area.

Some of the positive impacts include increasing jobs directly and indirectly through on-site employees, contractors for building and business design, sale tax revenue, tourism incentives, and sale of electricity. Potential negative impacts are adequately mitigated through stringent state regulations incorporated into the municipal conditional use permit via security protocols, tracking system, diversion protocols, camera and security features, odor control, other means.

m. Other criteria that surface through public comments or planning commission review

1. Any impact or criteria that surfaces through public comment, planning staff review, or planning commission review.

Safety: Building Safety is being reviewed by the Building Department and shall be governed by Conditions of Approval:

1. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.
2. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the Fire Marshal or their designee and the Building Official.

Planning staff do have a security concern and it is conditioned that the Sitka Police Department opine whether they feel the security features and final building improvements adequately present reasonable security for the intended use as a condition of approval.

In addition, all public, health and safety has been adequately addressed, as conditioned, with the operating plan and proposed conditions regarding security, odor control, waste management, and other conditions. Emergency access, security, and diversion programs have all addressed any other potential safety concerns.

Parking: Per section 22.20.100(G)(13), the applicant shall provide parking in compliance with code of one space per every 3 employees. In addition, a specific loading area shall be designated and marked. Though applicant can meet parking requirements, a condition will require the applicant to provide an updated parking plan showing existing parking that is one site and within the lots dimensions. All uses, including the outboard and cultivation use would have to provide the required parking (1 space per 400 sf of floor area for outboard use aka industrial). Staff believe this can be easily accomplished with a revised parking plan.

Waste Water – Staff have consulted with industry experts for cultivation and waste water and there are no anticipated impacts to the current wastewater treatment facility. Applicant has provided an operational plan that addresses this topic.

Marijuana 500 Foot Buffers

The state requires a 500 foot buffer from sensitive uses that include educational facilities, recreational centers, youth centers, churches, or correctional facilities. The state defines a “recreation of youth center” as meaning a building, structure, athletic playing field or playground (A) run or created by a municipality or the state to provide athletic, recreational, or leisure activities for minors; or (B) operated by a public or private organization licensed to provide shelter, training, or guidance for minors.⁶ It is conditioned that the project comply with state buffers and the burden is upon applicant.

The distance is measured in 2 different ways depending on type of use. Educational, recreation center, and youth center type uses are measured from the public entrance of the marijuana establishment to the outer boundary of the sensitive use by the shortest pedestrian route (determined by State AMCO Board); or 2) from the public entrance of the marijuana establishment to the main public entrance of the religious or correctional facility measured by the shortest pedestrian route (determined by State AMCO Board)⁷.

In this case, there are no “sensitive” uses that fall within these protections. In addition, the closest non-protected recreational use is almost 500 linear feet away at 311 Price Street.

The state, per Cynthia Franklin, the prior Director of the Alcohol and Marijuana Control Office, stated June 16, 2016 in a call to staff that great deference to local decisions regarding sensitive uses and interpretation of land use regulations will be given. Ultimately, these decisions are up to the Marijuana Control Board of the State, but as stated, the municipality can influence that process.

Staff does not view the private recreational uses as state protected sensitive uses, especially considering the decision in CUP 16-13 that approved a cultivation facility adjacent to a state park and recreation site. However, the Planning Commission potentially could make a determination that the adjacent recreational/sport uses are a type that should be protected from a marijuana cultivation facility.

Findings of Fact for Marijuana Uses⁸

Findings of Fact: Upon review and considerations of the required criteria, the Planning Commission shall determine whether the proposed use(s) at the proposed project location are found to not present a negative impact to the public's health, safety, and welfare.

⁶ § AS 17.71.900 (20) Definition of Recreation or Youth Center

⁷ § 3 AAC 306.010 (a) License Restrictions

⁸ SGC 22.24.026(E) Findings of Fact.

1. If such a finding can be made, then the proposed use shall be approved with standard regulations, dimensions, and setbacks.
2. In the alternative, where the Planning Commission finds negative impacts are present, the Planning Commission shall only approve conditional use permits where the negative impacts can be adequately mitigated by conditions of approval that preserve the public's health, safety, and welfare. These conditions of approval shall be case by case specific and in addition to the standard regulations.
3. If negative impacts to the public's health, safety, and welfare cannot be mitigated through conditions of approval than the Planning Commission shall so find and deny the proposed conditional use permit.

Staff's Suggested Findings

Staff did find the potential for adverse impacts from parking, traffic, odor, and public safety/security/safety as well as other public health, safety, and welfare issues. However, the standard conditions of approval coupled with the additional suggested conditions of approval adequately mitigate any potential negative impacts. Specifically, with an approved parking plan and loading area potential impacts to traffic will be mitigated. Odor impacts have been reasonably mitigated through requirement for best means of filtration including inline carbon filters and the ability to further regulate odor control. Public safety and security impacts will be mitigated through the proposed security plan and the additional review by the SPD. Therefore, it can be found that the zoning code has been followed, that the comprehensive plan has consulted, and that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval for the proposed marijuana cultivation conditional use permit.

RECOMMENDATION

It is recommended that the Planning Commission adopt the staff analysis and findings as found in the staff report. And move to approve the proposal subject to the attached conditions of approval.

Recommended Motions: (two motions - read and voted upon separately)

- 1) I move to adopt staff's finding in the written report and find that the zoning code has been followed, that the comprehensive plan has consulted, and that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval for the proposed marijuana cultivation conditional use.

2)I move to approve the conditional use permit for a marijuana cultivation facility at 224 Smith Street in the Industrial zoning district. The property is also known as Lot 6 Smith Street Industrial Subdivision. The request is filed by Eric VanVeen. The owners of record are George and Steven Skannes.

Required Standard Conditions of Approval:⁹

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the Fire Marshal or their designee and the Building Official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the Municipality and shall comply with all standard & required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish and associated municipal license or conditional use permit.
7. All approved conditional use permits shall comply with all Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit

Additional Recommended Conditions

8. **Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including number of required parking and loading spaces to be approved by the Planning Director. Spaces shall include 3 parking space for employees and one loading zone for the cultivation use, and one space for every 400 square feet of industrial use (outboard).**

⁹ §22.24.026(C)

- 9. The applicant must provide more detail for an Odor Control Plan to be submitted and approved by the Planning Director prior to issuance of any occupancy permit.
 - a. Odor Control shall include reasonable best means that include, but are not limited to inline carbon filters within HVAC, inline carbon filters for any heat and odor exhaust systems, to limit and mitigate odor impacts to surrounding uses and industrial park employees. The project must comply with the submitted odor control plan and odor control features. Should a meritorious odor complaint be received, the Planning Commission may require additional odor control measures to mitigate any actual negative impacts, such as additional advanced odor filtration systems.****
- 10. The proposed cultivation site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.**
- 11. The permittee shall report, annually, to the planning commission on gross sales, sales tax amounts, electrical consumption, number of employees, hours of operation, complaints, police or other law or regulation enforcement activity, and summary of operations.**
- 12. The permit is subject to review should there be a meritorious complaint, impact to public health safety or welfare, or violation of a condition of approval. The review may occur at the discretion of the Planning Director or by motion of the Planning Commission to address meritorious issues or complaints that may arise. During this review, based on the evidence provided, existing code and conditions of approval, the permit may be amended or revoked to address impacts to public health, safety, and welfare.**
- 13. Prior to operation, the Sitka Police Department shall approve the security features as being reasonable security measures as outlined in the proposed operating plan and security plan submitted by applicant.**
- 14. The use shall comply with all applicable deed reservations, conditions, restrictions, limitations or exceptions.**



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION

- Applications must be deemed complete at least TWENTY-ONE (21) days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

APPLICATION FOR:

☐ VARIANCE

☒ CONDITIONAL USE

☐ ZONING AMENDMENT

☐ PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: To add units B³C to
existing operations in units D³E
no change in proposed use

PROPERTY INFORMATION:

CURRENT ZONING: industrial PROPOSED ZONING (if applicable): NA
CURRENT LAND USE(S): Commercial PROPOSED LAND USES (if changing): NA

APPLICANT INFORMATION:

PROPERTY OWNER: Steve Skawnes
PROPERTY OWNER ADDRESS: 4763 N. Golfcourse Dr Blair Wash 98230
STREET ADDRESS OF PROPERTY: 224 Smith St.
APPLICANT'S NAME: Eric VanVeen
MAILING ADDRESS: 224 Smith St #E
EMAIL ADDRESS: vangreen907@gmail.com DAYTIME PHONE: 738-9554

VanVeen

Last Name

3-30-21

Date Submitted

224 Smith St B³C

Project Address

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- ☐ Completed General Application form
- ☐ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Floor Plan for all structures and showing use of those structures
- ☐ Proof of filing fee payment
- ☐ Other: _____

For Marijuana Enterprise Conditional Use Permits Only:

- ☒ AMCO Application

For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)

CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

Steve Skarner
Owner

3-29-21
Date

Owner

Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request.

Euro VanVeen
Applicant (If different than owner)

3-29-21
Date

VanVeen
Last Name

2-30-21
Date Submitted

224 Smith St #B3C
Project Address



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM CONDITIONAL USE PERMIT

APPLICATION FOR

☒ MARIJUANA ENTERPRISE

☐ SHORT-TERM RENTAL OR BED AND BREAKFAST

☐ OTHER: _____

CRITERIA TO DETERMINE IMPACT – SGC 22.24.010(E) (Please address each item in regard to your proposal)

- Hours of operation: 6:00 AM – 9:00 PM
- Location along a major or collector street: access from Smith St.
- Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:
Same amount of traffic as we currently have.
NO impact on nearby land uses.
- Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: NONE
- Effects on vehicular and pedestrian safety: NONE
- Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: easy access to all sides of the Building
- Describe the parking plan & layout: We have 9 parking spaces that are 10'x18'. See attached Parking Plan
- Proposed signage: NONE

Van Veen

Last Name

3-30-21

Date Submitted

224 Smith St B3C

Project Address

- Presence of existing or proposed buffers (ie. Fences, boundary walls, natural barriers, etc.) on the site or immediately adjacent the site:

NONE

- Amount of noise to be generated and its impacts on neighbors: Low NOISE.

NO impact on Neighbors.

- Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc):

Please see attached, MI-01

MI-02 and MI-04

also ODOR & Filter log Book

- Mitigation/ Management Plan (How will site be managed to ensure low/no impact on neighbors?)

Owner or management will do daily walk arounds inspecting for Odor, Parked Vehicle's and loitering

VanVeen

Last Name

3-30-21

Date Submitted

224 Smith St #B & #C

Project Address

REQUIRED FINDINGS (SGC 22.30.160(C):

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:

	Initial
a. Be detrimental to the public health, safety, and general welfare;	EV
b. Adversely affect the established character of the surrounding vicinity; nor	EV
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.	EV
2. The granting of the proposed <u>conditional use</u> permit is consistent and compatible with the intent of the goals, objectives and policies of the <u>comprehensive plan</u> and any implementing regulation.	EV
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.	EV
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.	EV
5. The <u>conditional use</u> 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.	EV
6. Burden of Proof. The <u>applicant</u> has the burden of proving that the proposed <u>conditional use</u> meets all of the criteria in subsection B of this section.	EV

ANY ADDITIONAL COMMENTS VanGreen's has been
operating since 2018 with NO violations
or complaints.

Eric VanVeen EV
Applicant

3-29-21
Date

VanVeen
Last Name

3-30-21
Date Submitted

224 Smith St. #B3C
Project Address

Sample ODOR & Filter log Books

Daily walk around ODOR control log

Date	time	NAME	ODOR Yes or NO	ODOR Scale 1-10	ODOR Detail rain, Pot, Normal, etc

exhaust Filter Replacement log

Date of install	Name of Person replacing Filter	Date of next replacement	* Replace Filters every 6 months * Change all Filters at same time



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

Alaska Marijuana Control Board

Form MJ-14: Licensed Premises Diagram Change

What is this form?

This licensed premises diagram change form is required for all marijuana establishment licensees seeking to alter the functional floor plan or reduce or expand the area of the establishment's existing licensed premises.

The required \$250 change fee may be made by check, cashier's check, or money order.

This form must be completed and submitted to AMCO's main office prior to altering the existing floor plan, and along with an initiated application for an Onsite Consumption Endorsement if applicable. The licensed premises may not be altered unless and until the application has been approved by the board.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	vangreens llc	MJ License #:	16738		
License Type:	standard marijuana cultivation				
Doing Business As:	vangreens llc				
Premises Address:	224 smith st. #D & #E				
City:	SITKA	State:	Alaska	ZIP:	99835

Section 2 – Required Information

For your security, do not include locations of security cameras, motion detectors, panic buttons, and other security devices.

The following details must be included:

- ☐ License number and DBA
- ☐ Legend or key
- ☐ Color coding
- ☐ Dimensions
- ☐ Labels
- ☐ True north arrow
- ☐ Surveillance room
- ☐ Licensed premises boundary
- ☐ Restricted access areas
- ☐ Storage areas
- ☐ Entrances, exits, and windows
- ☐ Walls, partitions, and counters
- ☐ Any other areas that must be labeled for specific license types
- ☐ Serving area**
- ☐ Employee monitoring area**
- ☐ Ventilation exhaust points, if applicable**

Items marked with a double asterisks (**) are only required for those retail marijuana establishments that are submitting the MJ-14 form in conjunction with an onsite consumption endorsement application.



Form MJ-14: Licensed Premises Diagram Change

Section 3 – Summary of Changes

Provide a summary of the changes for which you are requesting approval.

Vangreens is seeking approval to expand into units #B & #C. We will be adding 2000 sqft. of flowering space, 264 sqft. for storage and surveillance, 288 sqft. of product drying & storage and 420 sqft. for trimming and packaging. Our operating plan will stay the same as it currently is. New cameras and another camera system will be added for the new space will be placed on all entrys/exits as well as inside the facility to get clear video of any person entering or exiting restricted access areas. all windows will bared up. alarm system will also be upgraded to provide security to expansion.

Section 4 – Declarations

Read each statement below, and then sign your initials in the corresponding box to the right [if applicable]:

Initials

If a local building permit is required, I have attached a copy of it to this form.

The proposed changes conform to all applicable public health, fire, and safety laws.

I have included a title, lease or other documentation showing sole right of possession to the additional area(s) if the additional area(s) are not already part of my approved licensed premises.

As a marijuana establishment licensee, I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Notary Public in and for the State of Alaska.

Printed name of licensee

My commission expires: _____

Subscribed and sworn to before me this ____ day of _____, 20____.



Form MJ-14: Licensed Premises Diagram Change

Section 5 – Approvals

Local Government Review is required to be completed before submission to the Alcohol and Marijuana Control Office.

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

Yes No Pending

The proposed changes shown on this form conform to all local restrictions and laws.

☐ ☐ ☐

A local building permit is required for the proposed changes.

☐ ☐

Signature of local government official

Building Permit #

Date

Printed name of local government official

Title

Section 6 – AMCO Review

AMCO Review:

Approved Disapproved

Signature of AMCO Enforcement Supervisor

Signature of Director

☐ ☐

Printed name of AMCO Enforcement Supervisor

Printed name of Director

Date

AMCO Comments:



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM

Case No: CUP 21-05
Proposal: Request for short-term rental at 1109 Edgumbe Drive
Applicant: Patricia Droz
Owner: Patricia Droz
Location: 1109 Edgumbe Drive
Legal: Lot 1, Baranof Estates Subdivision
Zone: R-1 Single-Family/Duplex District
Size: 4,000 square feet
Parcel ID: 14585001
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Edgumbe Drive

KEY POINTS AND CONCERNS

- Neighborhood is residential, with zero lot-line, duplex, single-family housing, and a nearby church.
- The proposed short-term rental is for a zero lot-line dwelling adjacent to the primary residence of the applicants, available to be rented year-round.
- The renter information handout shall comply with conditions of approval, specifically regarding access, parking, trash management, and transportation.
- No active STR permits in the area.
- Short-term rentals have impacts to long-term rental availability and home values by removing a dwelling from the long-term rental/owner-occupied market.
- The proposed STR in a zero lot-line presents a potential issue if one or both dwellings are sold to different owners and the permit remains active.

RECOMMENDATION

Staff recommends that the Planning Commission approve the short-term rental at 1109 Edgumbe Drive subject to the recommended conditions of approval. Given the nature of the proposal as a zero lot-line, the Commission may wish to add a condition of approval that the permit be made void in the event of a sale of either 1109 or 1111 Edgumbe Drive.

Providing for today...preparing for tomorrow

BACKGROUND/PROJECT DESCRIPTION

This request is for a conditional use permit for a short-term rental (STR) for a two-bedroom, 1.5 bath dwelling unit. As a zero-lot line dwelling attached to the primary residence of the applicant, the owners will be on-site during rental of the property to mitigate any potential negative impacts.

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.¹

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:

Applicant does not anticipate significant increase in vehicular traffic nor impact from proposed use as there is off-street parking available for at least two vehicles with plans to increase the parking area.

b. Amount of noise to be generated and its impacts on surrounding land use: Short term rentals have the potential to create noise from transient guests. However, disturbance from noise is addressed in the rental agreement and the owners will be on-site to mitigate potential impacts.

c. Odors to be generated by the use and their impacts: Potential odor impacts are minimal and in line with similar residential uses. Garbage shall be disposed of in municipal container and in accordance with Sitka General Code requirements.

d. Hours of operation: The proposal is to book rentals year-round.

e. Location along a major or collector street: Access from Edgecumbe Drive.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario: Property is accessed directly from Edgecumbe Drive. There is no access to other streets from the property.

g. Effects on vehicular and pedestrian safety: No significant changes expected, minimal increase in traffic.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Residence has adequate access off Edgecumbe Drive for emergency services.

i. Logic of the internal traffic layout: The rental unit is a two-story dwelling with 2 bedrooms, 1.5 baths, a kitchen, and living/dining room.

¹ § 22.24.010.E

j. Effects of signage on nearby uses: All signs shall comply with Sitka General Code.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: An 8 ft privacy fence along the southern boundary provides a partial buffer primarily in the rear of the property. As a zero lot-line, the property is directly attached to its neighboring property. This is currently mitigated by the owners owning both dwelling but may become an issue in the event of a sale.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: STRs can help support the existing and growing tourism industry by providing transient guests with short-term housing options that allow the potential for more visitors to visit Sitka, bringing in money and creating opportunities for job creation and economic development. STRs also increase the affordability of housing for owners by offsetting housing costs with rental income. STRs in general correlate with negative impacts to available housing stock for residents, long-term rental rates, and increased purchase prices for housing.

m. Other criteria that surface through public comments or planning commission review: Not applicable at this time.

RECOMMENDATION

The Planning Department recommends that the Planning Commission approve the conditional use permit application for a short-term rental at 1109 Edgecumbe Drive subject to the recommended conditions of approval.

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ATTACHMENTS

Attachment A: Aerial

Attachment B: STR Density

Attachment C: Building Sketch

Attachment D: Plat and Parking Layout

Attachment E: Photos

Attachment G: Renter Handout

Attachment H: Applicant Materials

CONDITIONS OF APPROVAL

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
3. The applicant shall submit an annual report beginning in 2022, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility began operation, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.
4. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties upon receipt of meritorious complaint or evidence of violation of conditions of approval.
5. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
7. To mitigate the impact of odor from the short-term rental and comply with bear attraction nuisance requirements, the property owner shall assure all trash is deposited in trash receptacles and only placed on street for collection after 4:00 a.m. on trash collection day.
8. To mitigate parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site, and further that should off-site parking occur at any time, the conditional use permit shall be revoked.
9. Any signs must comply with Sitka General Code 22.20.090.
10. A detailed rental overview shall be provided to renters detailing directions to the unit, transportation options, appropriate access, parking, trash management, noise control/quiet hours, and a general condition to respect the surrounding residential neighborhood. The renter handout shall include an advisory note to tenants to be mindful of vehicle and especially pedestrian traffic in the area, and to exercise caution coming and going from the property in motor vehicles.
11. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.
12. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

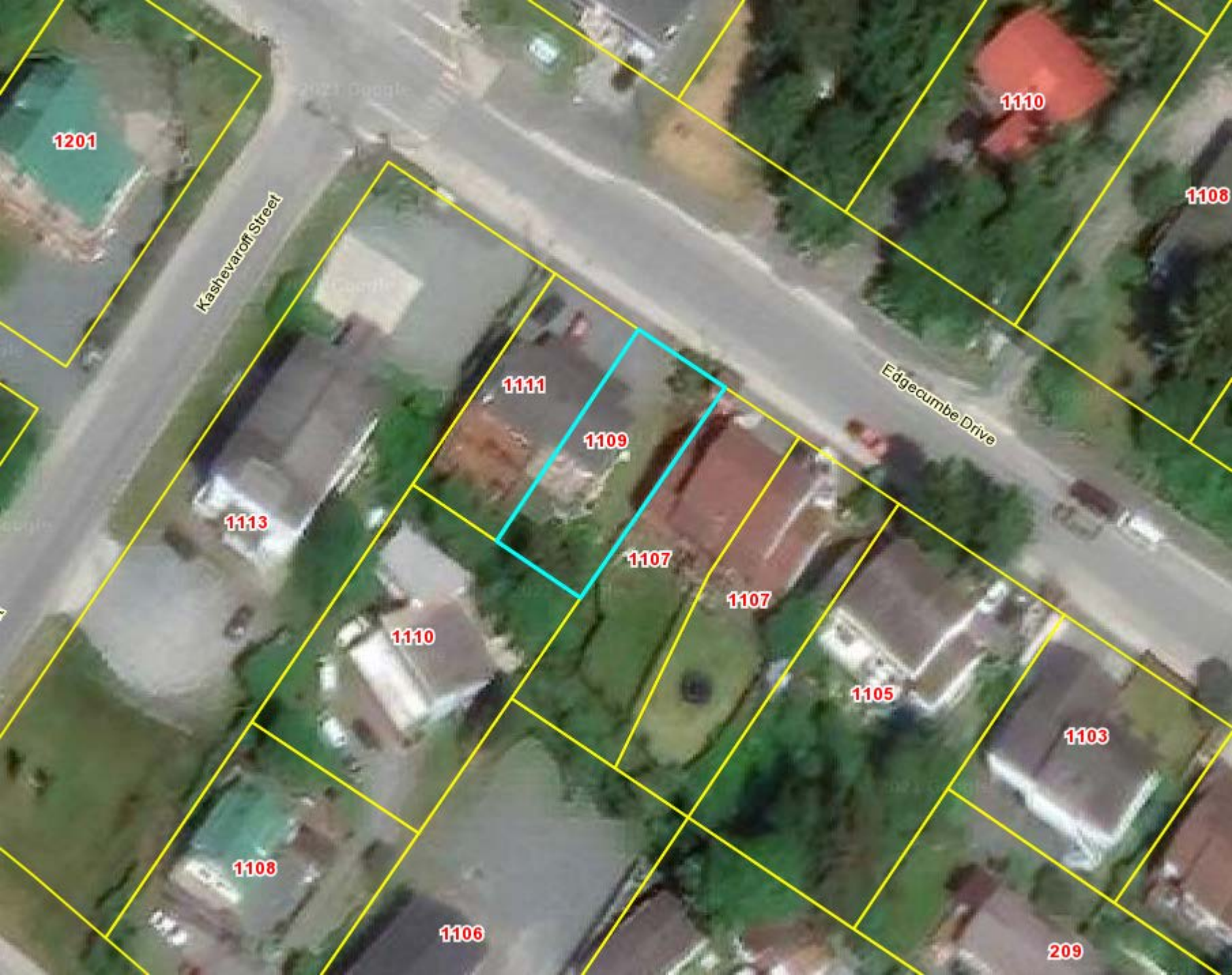
Motions in favor of approval

- 1) **“I move to approve the conditional use permit for a short-term rental at 1109 Edgumbe Drive in the R-1 Single-Family/Duplex District, subject to the attached conditions of approval. The property is also known as Lot 1 of Baranof Estates Subdivision. The request is filed by Patricia Droz. The owner of record is Patricia Droz.”**
- 2) **“I move to adopt and approve the required findings for conditional use permits as listed in the staff report.”**

The Planning Commission shall not approve a proposed development unless it first makes the following findings and conclusions:²

1. ...The granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare; *specifically, conditions of approval require responsible management of garbage, noise, traffic, and parking, which will be monitored and enforced by the applicant.*
 - b. Adversely affect the established character of the surrounding vicinity; *specifically, the rental makes use of an already developed duplex home.*
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site in which the proposed use is to be located; *specifically, by the enforcement of mitigation for potential impacts including traffic, odor, noise, and parking.*
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, to help sustain the existing and growing tourism industry in support of economic development goals and objectives to increase employment and attract new business.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; *specifically, the applicant will monitor the property to enforce conditions 24/7. Violation of the rules provided in the rental overview may be grounds for eviction.*

² §22.30.160(C)—Required Findings for Conditional Use Permits



1201

Kashevaroff Street

1110

1108

1111

1109

1107

1107

Edgecumbe Drive

1113

1110

1105

1103

1108

1106

209



Kostrom

Kashevaroff St

Furukelm St

Tilson St

Edgecumbe Dr

Kimsham St

Wachusett St

Halibut Point Rd

Kruzof St

Peterson St

Brady St

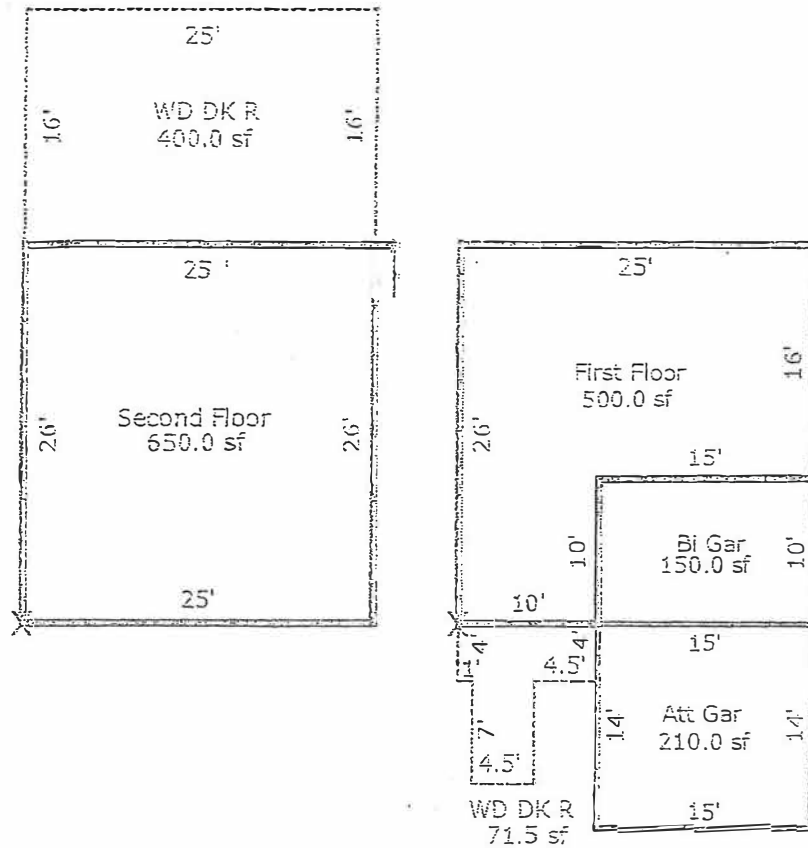
Gavan

SKETCH/AREA TABLE ADDENDUM

Parcel No 14585001

SUBJECT	Property Address 1109 Edgecumbe Street		
	City Sitka	State AK	Zip 99835
	Owner Martindale, Harold & Vivian		
	Client		
APPRAISER	Appraiser Name Josh Joseph		Inspection Date 11/17/15

IMPROVEMENTS SKETCH



Scale: 1" = 36'

AREA CALCULATIONS

AREA CALCULATIONS SUMMARY					
Code	Description	Factor	Net Size	Perimeter	Net Totals
GBA1	First Floor	1.00	500.00	102.0	500.00
GBA2	Second Floor	1.00	650.00	102.0	650.00
GAR	Bi Gar	1.00	150.00	50.0	360.00
	Att Gar	1.00	210.00	58.0	
P/P	WD DK R	1.00	71.50	42.0	
	WD DK R	1.00	400.00	82.0	471.50
Net BUILDING Area (rounded w/ factors)					1150

Comment Table 1	
Comment Table 2	Comment Table 3

(Handwritten signature)

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 84-35, DATED NOV. 1, 1984, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT CLERK, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE 11-5-84 BY John Anderson CHAIRMAN

ATTEST: Claudia A. Johnson SECRETARY

SEAL:

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA, AND THAT SAID PLAT HAS BEEN APPROVED BY THE ASSEMBLY AS RECORDED IN PUBLIC BOOK PAGE 3307-3, DATED NOV. 1, 1984, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT CLERK, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE 11-3-84 BY Steve Shaffer MAYOR

ATTEST: John Anderson CLERK



LEGEND

0 6/8 REGARD WITH SURV-KAP SET THIS SURVEY

ZERO LOT LINE SUBDIVISION

LOT 1 & 2 (ARE) INTENDED TO BE SOLD ONLY FOR ZERO LOT LINE DEVELOPMENT. LOT DEVELOPMENT SHALL REMAIN ZERO LOT LINE IN COMMON PARTY WALL CONSTRUCTION IN THE ENTIRETY, FOR THE LIFE OF THE COMMONLY OWNED UNIT. SHOULD FIRE OR OTHER DESTRUCTION OCCUR TO ONE SUCH UNIT, IT SHALL BE RECONSTRUCTED ONLY AS A COMMON PARTY WALL UNIT, AGAIN, FULLY JOINED TO ITS COMMON NEIGHBOR. THERE IS A RECORDED PARTY WALL ADJACENT RESTRICTING THE USE OF THIS PROPERTY FOUND IN BOOK 67, PAGES 167-168 SITKA RECORDER'S OFFICE, ALSO, "CONSTRUCTION OF COMMON WALL UNIT ALONG THE COMMON LOT LINE SHALL BE SIMULTANEOUS UNLESS SEPARATE CONSTRUCTION RECEIVES PRIOR APPROVAL BY THE MUNICIPALITY FOR GOOD CAUSE SHOWN".

CERTIFICATE

STATE OF ALASKA 1ST JUDICIAL DISTRICT SS

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED AND ACTING ASSESSOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN THE NAME OF:

STEVE SHAFFER AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL, THAT CURRENT TAXES FOR THE YEAR 1984 WILL BE DUE ON OR BEFORE JANUARY 1, 1985.

DATED THIS 12 DAY OF DEC, 1984, AT SITKA, ALASKA. Steve Shaffer ASSESSOR, CITY AND BOROUGH OF SITKA

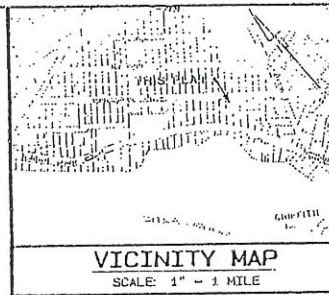
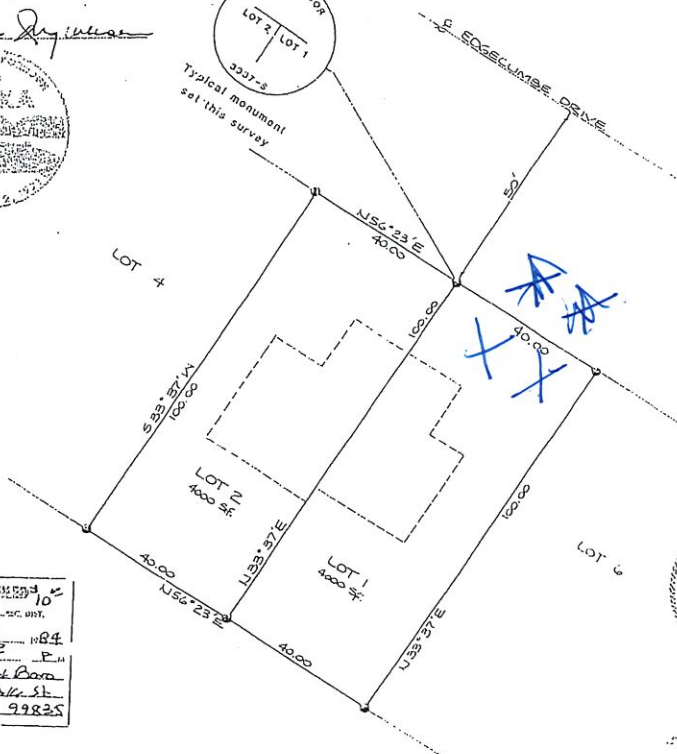
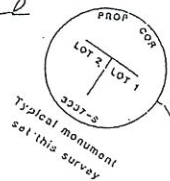
CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED AND ACTING FINANCE DIRECTOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF:

Steve Shaffer AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL D.E.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 10 DAY OF DEC, 1984, AT SITKA, ALASKA. John D. H. Baker FINANCE DIRECTOR, CITY AND BOROUGH OF SITKA

RECORDED - EX-105
SITKA - DIST. 105
DATE DEC 10 1984
BY 245
PREPARED BY City & Borough
SITKA, AK 99835



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADAPT THIS PLAT OF SUBDIVISION UNIT IN FREE CONSENT AND DEDICATE ALL PUBLIC STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE DECEMBER 10, 1984

BY Stephen C. Shaffer and Catherine A. Shaffer

THE NOTARY'S ACKNOWLEDGEMENT

UNITED STATES OF AMERICA 1 SS
STATE OF ALASKA
CITY AND BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 10th day of December, 1984, before me, the undersigned, a Notary Public in and for the State of Alaska, (AKA) COMMISSIONED AND SOBER PERSONALLY APPEARED Stephen C. Shaffer and Catherine A. Shaffer TO ME KNOWN TO BE IDENTICAL INDIVIDUALS TO IDENTIFIED AND HAD EXECUTED THE VOUCHER PLAT AND (AKA) ACKNOWLEDGED TO ME THAT (AKA) SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

IN WITNESS WHEREOF I HAVE HEREON SET MY HAND AND SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.
Claudia A. Johnson
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES JULY 22, 1985



A SUBDIVISION OF LOT 5 OF THE AMENDED PLAT OF A PORTION OF BLOCK 3, NORTHWEST ADDITION, U.S. SURVEY 3303B

BARANOF ESTATES

SURVEYOR'S CERTIFICATE

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

DATED THIS 10 DAY OF DEC, 1984, AT SITKA, ALASKA. Steve Shaffer REGISTERED LAND SURVEYOR

STRAGIER ENGINEERING SERVICES
CIVIL ENGINEERING
LAND SURVEYING
747-8693
P.O. BOX 4588
SITKA, ALASKA 99835

OWN: PLM
SCALE: 1"=20'
PREPARED FOR
STEVE SHAFFER
BOX 1683
SITKA, ALASKA 99835

PLAT 84-35

84-35



Welcome to the last Frontier!

We are glad to have you stay with us at Owl **Retreat!**

Check-in is at 11 a.m. and check-out is at 3 p.m.

Directions:

The Owl Retreat is located at 1109 Edgecumbe Drive, Sitka Alaska 99835

Parking:

There is graveled parking for 2 cars. Do not obstruct walkways.

Door Code:

Door code is XXXX

Internet:

Internet is GCI and passcode is XXXX

Trash:

Trash is deposited in the City Cannister and collected each Thursday.

Please keep noise levels at appropriate quiet levels throughout the day.

No parties or events on this property.

Thank You!



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION

- Applications must be deemed complete at least TWENTY-ONE (21) days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

APPLICATION FOR:

☐ VARIANCE

☒ CONDITIONAL USE

☐ ZONING AMENDMENT

☐ PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: CUP for short term rental
on zero lot line with owner on site.

PROPERTY INFORMATION:

CURRENT ZONING: Residential PROPOSED ZONING (if applicable): N/A

CURRENT LAND USE(S): Residential PROPOSED LAND USES (if changing): N/A

R-1

APPLICANT INFORMATION:

PROPERTY OWNER: Patricia E Droz

PROPERTY OWNER ADDRESS: 1111 EDGECLUMBE DRIVE SITKA AK 99835

STREET ADDRESS OF PROPERTY: 1109 EDGECLUMBE DRIVE SITKA AK 99835

APPLICANT'S NAME: Patricia E Droz

MAILING ADDRESS: 1111 EDGECLUMBE DRIVE SITKA AK 99835

EMAIL ADDRESS: patedroz@me.com DAYTIME PHONE: 907 747 7477

DROZ

Last Name

3/30/2021

Date Submitted

1109 EDGECLUMBE DR

Project Address

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- ☐ Completed General Application form
- ☐ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☐ ~~Site Plan showing all existing and proposed structures with dimensions and location of utilities~~
- ☐ Floor Plan for all structures and showing use of those structures
- ☐ Proof of filing fee payment \$100
- ☐ Other: _____

For Marijuana Enterprise Conditional Use Permits Only:

- ☐ ~~AMCO Application~~

For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)

CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

Patricia Droz
Owner

3/30/2021
Date

Owner

Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request.

Applicant (If different than owner)

Date

Droz
Last Name

3/30/2021
Date Submitted

1109 EDGECLUMBE DR
Project Address



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM CONDITIONAL USE PERMIT

APPLICATION FOR

☐ MARIJUANA ENTERPRISE

☒ SHORT-TERM RENTAL OR BED AND BREAKFAST

☐ OTHER: _____

CRITERIA TO DETERMINE IMPACT – SGC 22.24.010(E) (Please address each item in regard to your proposal)

- Hours of operation: Proposed to book year round
- Location along a major or collector street: 1109 Edgecumbe Drive ^{access from}
- Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: No significant increase in vehicular traffic
- Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: Property is accessed directly from Edgecumbe Drive; there is not cut thru access.
- Effects on vehicular and pedestrian safety: No significant changes
- Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Residence has adequate access off Edgecumbe Drive for emergency services.
- Describe the parking plan & layout: There is a gravel parking area with a capacity of two vehicles
- Proposed signage: All signs shall comply with Sitka General Code. No new signage proposed.

Droz

Last Name

3/30/2021

Date Submitted

1109 EDGECUMBE DR

Project Address

- Presence of existing or proposed buffers (ie. Fences, boundary walls, natural barriers, etc.) on the site or immediately adjacent the site:

8 ft cyclone fence erected on side of house

- Amount of noise to be generated and its impacts on neighbors: Disturbances from noise are not permitted and addressed in agreement

- Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc):

Language on rental covers weekly trash collection

- Mitigation/ Management Plan (How will site be managed to ensure low/no impact on neighbors?)

Managed by owner living on adjacent premises.

DROZ

Last Name

3/30/2021









Date Submitted

1109 EDGECLIFF DR

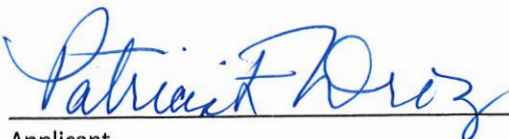
Project Address

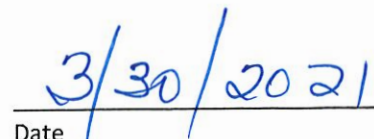
REQUIRED FINDINGS (SGC 22.30.160(C):

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:

	Initial
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 <u>conditional use</u> permit is consistent and compatible with the intent of the goals, objectives and policies of the <u>comprehensive plan</u> 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 <u>conditional use</u> 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 <u>applicant</u> has the burden of proving that the proposed <u>conditional use</u> meets all of the criteria in subsection B of this section.	

ANY ADDITIONAL COMMENTS _____


Applicant


Date


Last Name


Date Submitted


Project Address



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 21-03
Proposal: Reduce front setbacks to Katlian Avenue and Kaagwaantaan Street from 14' to 10'
Applicant: Adam Chinalski
Owner: Adam and Kris Chinalski
Location: 424 Katlian Avenue
Legal: Lot 50, Block 1, U.S. Survey 2542 A&B
Zone: WD Waterfront District
Size: 1,538 square feet
Parcel ID: 1-6230-000
Existing Use: Vacant
Adjacent Use: Single-family and duplex housing, industrial
Utilities: Existing
Access: Katlian Avenue

KEY POINTS AND CONCERNS

- Lot is small, well below the minimum lot size in the zoning district.
- The proposal is to facilitate the relocation and placement of an existing small 364 square foot home.
- Steep embankment serves as a substantive buffer from the right-of-way of Kaagwaantaan Street.

RECOMMENDATION

Staff recommends that the Planning Commission approve the zoning variance for the front and rear setback reductions.

BACKGROUND/PROJECT DESCRIPTION

Project location is on a 1,538 square foot lot in a developed, residential neighborhood. The proposal is to allow for placement of an pre-existing small home on the property. Photos of the structure are provided in attachments. The structure will be placed on a permanent foundation if variance request is granted.

Currently, the lot is vacant. The proposed site plan requests the minimum reduction to setbacks as is practical to place the structure. Because the lot has two fronts, both Katlian Avenue and Kaagwaantaan Street, and is significantly below standard lot size, the available building area is greatly impacted. The applicant feels that these conditions warrant special circumstances that warrant consideration of variances.

Though the property has frontage on Kaagwaantaan, vehicular access is impracticable due to the slope and grade change between the building area of the lot and Kaagwaantaan Street. Further, a steep rock retaining wall provides a buffer on this northern boundary that serves as a mitigation to potential impacts of a setback reduction.

ANALYSIS

Setback requirements

The Sitka General Code requires 14-foot front setbacks, 5/9 foot side setbacks, 5 foot rear setbacks in the WD zone¹. However, similar reduced setbacks are not uncommon in this neighborhood.

22.20.040 Yards and setbacks.

A. Projections into Required Yards. Where yards are required as setbacks, they shall be open and unobstructed by any structure or portion of a structure from thirty inches above the general ground level of the graded lot upward.

Alaska Statute 29.40.040(b)(3) states that a variance may not be granted solely to relieve financial hardship or inconvenience. A required finding for variances involving major structures or expansions in the Sitka General Code echoes this statement by stating that there must be "...special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner". In this case, the dimensions of the lot, primarily the lack of buildable area, can be viewed as justifications for granting a variance.

Potential Impacts

The granting of the variance does not significantly increase traffic, density, or other impacts beyond what is already expected on the right-of-way. Therefore, staff believes potential adverse impacts to

¹ SGC Table 22.20-1

neighborhood harmony and public health and safety are minimal, and the proposal is consistent with the character of the neighborhood, as many structures on Katlian have minimal to no setback separation to the street in many cases.

Comprehensive Plan Guidance

This proposal is consistent with one of the land use and future growth actions in the Sitka Comprehensive Plan 2030; LU 8.2 “Amend development standards to promote affordable development including increasing height, decreasing minimum lot size and width, establishing lot and structure maximums in specific zones, and reducing parking requirements as appropriate.”.

RECOMMENDATION

Staff recommends approval of both front setback reductions. This structure placement is common for the area and still maintains substantial distance between the drivable surface of the road and the front of the structure. Given that the proposal is for a small one-bedroom home on a lot with a significant slope between the road and the northern front property line and reduced setbacks are common within the neighborhood, there is little potential for visual or traffic impacts.

ATTACHMENTS

- Attachment A: Aerial
- Attachment B: Site Plan
- Attachment C: Current Plat
- Attachment D: Photos
- Attachment E: Applicant Materials

MOTIONS TO APPROVE THE ZONING VARIANCE

- 1) I move to approve the zoning variance for reductions in the front setbacks at 424 Katlian Avenue in the WD waterfront district subject to the attached conditions of approval. The property is also known as Lot 50, Block 1, U.S. Survey 2542 A&B. The request is filed by Adam Chinalski. The owners of record are Adam and Kris Chinalski.**

Conditions of Approval:

- a. The front setbacks (north and south) will be decreased from 14 feet to no less than 10 feet.
- b. Building plans shall remain consistent with the narrative and plans provided by the applicant for this request. Any major changes (as determined by staff) to the plan will require additional Planning Commission review.
- c. Substantial construction progress must be made on the project within one year of the date of the variance approval or the approval becomes void. In the event it can be documented that other substantial progress has been made, a one-year extension may be granted by the

Planning Director if a request is filed within eleven months of the initial approval.

2) I move to adopt and approve the required findings for variances involving major structures or expansions as listed in the staff report.

Before any variance is granted, it shall be shown²:

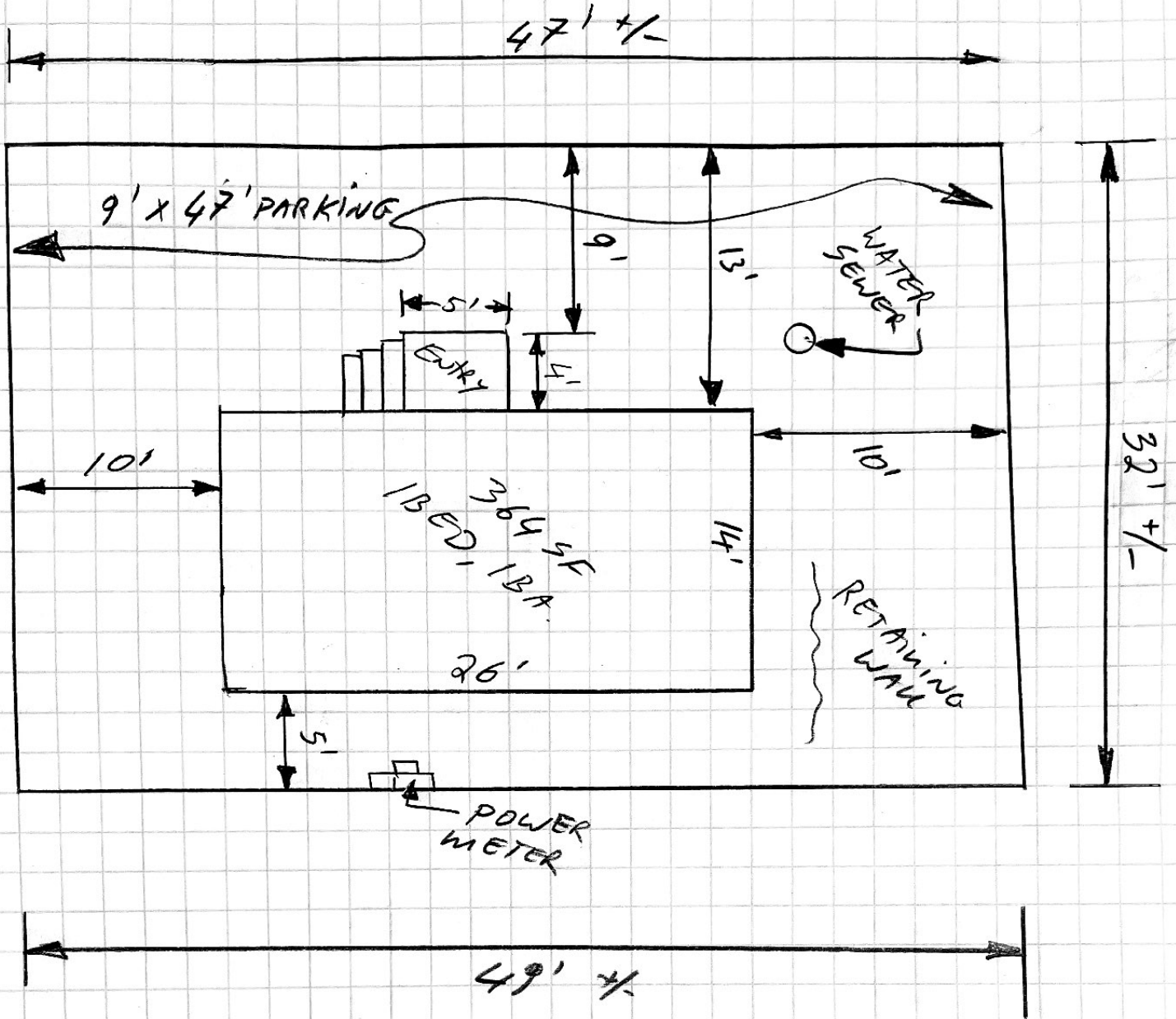
- a. That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner;
- b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity;
- c. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure
- d. That the granting of such a variance will not adversely affect the Comprehensive Plan.

² Section 22.30.160(D)(2)—Required Findings for Minor Variances



KATLIANSKI

SIDEWALK

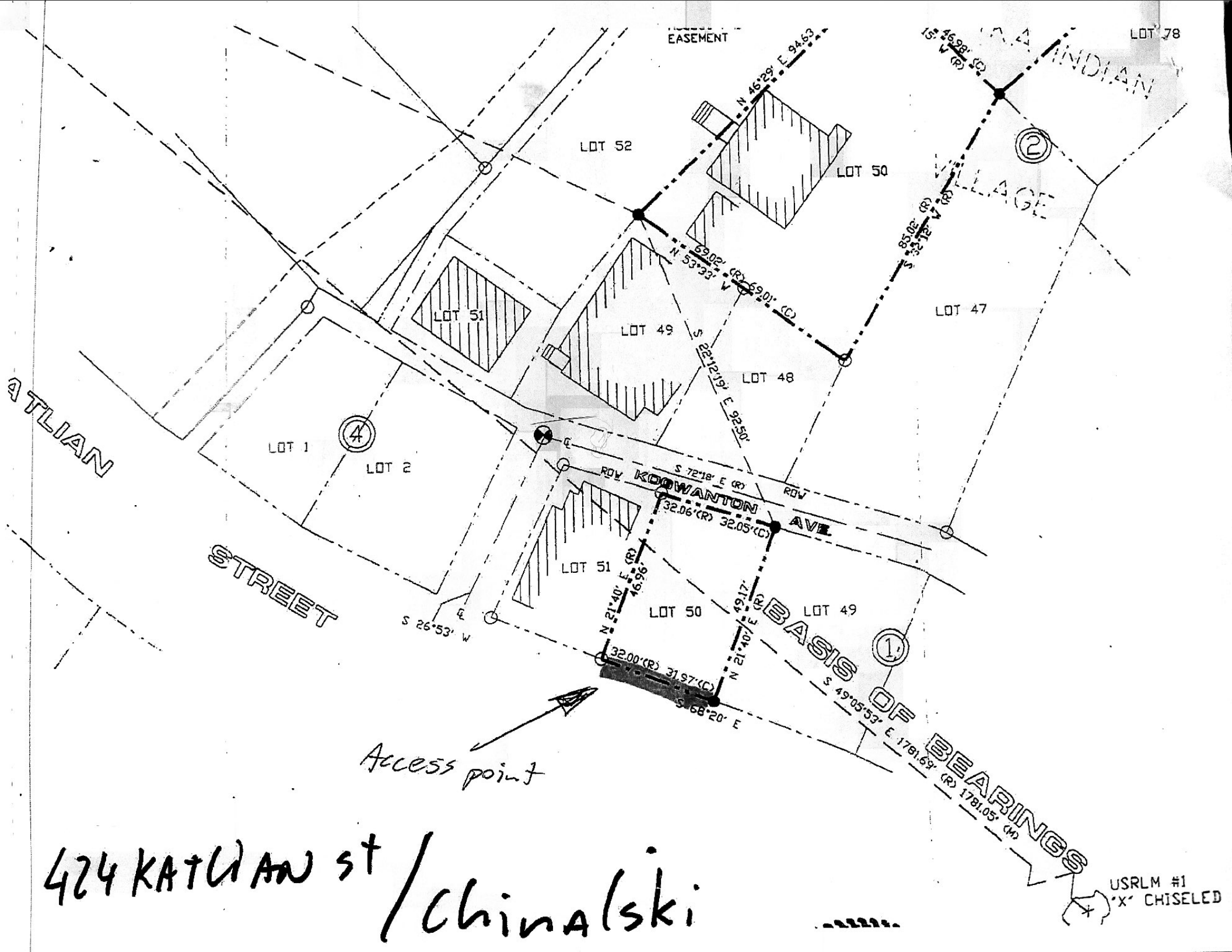


APR/2021

424 KATLIANSKI AVE

CHINALSKI, ADAM
360.652.9092

H 1/4" = 2'









CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION

- Applications must be deemed complete at least **TWENTY-ONE (21)** days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

APPLICATION FOR:



VARIANCE



CONDITIONAL USE



ZONING AMENDMENT



PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: SETBACK REDUCTION

ON FRONT (KATLIAN AVE) to 10' AND

ON BACK (KAWANIAN ST) to 10'

PROPERTY INFORMATION:

CURRENT ZONING: WD PROPOSED ZONING (if applicable): N/A

CURRENT LAND USE(S): RESIDENTIAL PROPOSED LAND USES (if changing): RESIDENTIAL

APPLICANT INFORMATION:

PROPERTY OWNER: ADAM & KRIS CHINALSKI

PROPERTY OWNER ADDRESS: P.O. Box 2493 SITKA, AK

STREET ADDRESS OF PROPERTY: 424 KATLIAN STREET

APPLICANT'S NAME: ADAM CHINALSKI

MAILING ADDRESS: PO Box 2493

EMAIL ADDRESS: HmREPAIRGuy@gmail.com DAYTIME PHONE: 360.652.9092

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- ☒ Completed General Application form
- ☒ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☒ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☒ Floor Plan for all structures and showing use of those structures
- ☐ Proof of filing fee payment
- ☐ Other: _____

For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)

CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.


Owner

MAR / 30 / 2021
Date

Owner

Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request.

Applicant (If different than owner)

Date



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM VARIANCE

APPLICATION FOR

- ☐ ZONING VARIANCE – MINOR EXPANSIONS, SMALL STRUCTURES, FENCES, SIGNS
☒ ZONING VARIANCE – MAJOR STRUCTURES OR EXPANSIONS
☐ PLATTING VARIANCE – WHEN SUBDIVIDING

RATIONALE - Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience. Explain why a variance is required for your project.

TO MAKE THE BEST USE OF THE LOT BY PLACING
SMALL (364 SF) 1 BED, 1 BA HOME

POTENTIAL IMPACTS (Please address each item in regard to your proposal)

- **TRAFFIC** DECREASED LOT SIZE AND HOUSE SIZE SHOULD
MINIMIZE TRAFFIC IMPACT AS WELL.
- **PARKING** PROVIDED ON LOT.
- **NOISE** AS EXPECTED WITH 1 PERSON LIVING SPACE
- **PUBLIC HEALTH AND SAFETY** NOT AFFECTED
- **HABITAT** NOT DISTURBED
- **PROPERTY VALUE/NEIGHBORHOOD HARMONY** SHOULD INCREASE PROPERTY
VALUES / WOULD BE IN HARMONY WITH RESIDENTIAL SURROUNDINGS
- **COMPREHENSIVE PLAN** 5.2 - FACILITATE MORE AND SMALLER HOME DEVELOPMENT,
ED1.4 - ENCOURAGE REVITALIZATION AND REDEVELOPMENT OF
DILAPIDATED STRUCTURES AND VACANT LOTS.

REQUIRED FINDINGS (Choose ONE applicable type and explain how your project meets these criterion):

Major Zoning Variance (Sitka General Code 22.30.160(D)1)

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

a. That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner. Explain the special circumstances:

THE SIZE OF LOT IS SMALL (32' x 49') AND ROCK WALL BUILD FOR BANK PROTECTION IS ALSO USING PORTION OF THE LOT.

b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity. Explain the use/ enjoyment this variance enables: VARIANCES ARE NEEDED TO

FULLY USE THE LOT AND PROVIDE ADEQUATE PARKING

c. The granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure. Initial Here AC

Minor Zoning Variance (Sitka General Code 22.30.160(D)2)

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

a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions. My request should be considered a minor zoning variance because: _____

b. The granting of the variance furthers an appropriate use of the property. Explain the use or enjoyment this variance enables: _____

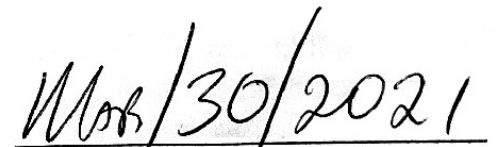
c. The granting of the variance is not injurious to nearby properties or improvements.
Initial Here _____

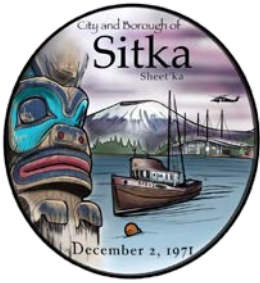
Platting Variance (Sitka General Code 21.48.010)

- a. A variance from the requirements of this title may be granted only if the planning commission finds that the tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property. Explain the conditions of the lot that warrant a variance: _____
- _____
- _____
- b. The granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property. Initial Here _____

ANY ADDITIONAL COMMENTS _____


Applicant


Date



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

Coast Guard City, USA

MEMORANDUM

To: Chair Spivey and Planning Commission Members

From: Amy Ainslie, Planning Director ~~AA~~

Date: April 16, 2021

Subject: Agriculture and Horticulture

At the April 7th meeting, Commissioners identified Comprehensive Plan priority actions, one of which included addressing urban horticulture and agriculture.

Staff would like to provide Commissioners with relevant Sitka General Code sections that speak to urban agriculture/horticulture, as well as past public comments on the topic.

SGC 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 stands, other than those specifically allowed in zoning districts, may be permitted through the planning commission home horticulture permit process in Section 22.24.025.

SGC 22.08.453 Horticulture: “Horticulture” means the on-site production of plants or their products, including but limited to gardening and fruit production. Horticulture does not include construction of accessory buildings other than those specifically allowed in zoning districts. It also does not include such products such as livestock, poultry, other animals, or the production of animal related products.

SGC 22.08.475 Kennel: “Kennel” means a structure on a lot on which four or more small domestic animals at least four months of age are kept.

SGC Table 22.16.015-3:

- Stable is not defined, but conditional in Public, C-1, C-2, and Recreation zones. Allowed on unsubdivided General Islands, Conditional on subdivided General Islands. Prohibited all other zones.
- Kennels are conditional uses in the C-1, C-2, and Industrial zones. Allowed in General Island. Prohibited all other zones.

SGC Table 22.16.015-6:

- Commercial Home Horticulture allowed in Public, CBD, C-1, C-2, WD, Recreation, and Open Space zones. For General Island, allowed on unsubdivided and conditional on subdivided islands. Conditional in SF, SFLD, R-1, R-1MH, R-2, R-2 MHP, and Large Island. Prohibited all other zones.
- Horticulture and related structures are permitted in Public, CBD, C-1, C-2, WD, and Gary Paxton special district. Prohibited all other zones.

SGC 22.20.130 Large Domestic Animals:

A. No horse, donkey, pony, cow or other large animal that is kept outside shall be allowed in any residential zoning district, excluding island residential zoning districts, without a conditional use permit. **Property owners shall be allowed any combination of up to five domestic dogs, cats, feathered fowl, ferrets, rabbits or other small animals living outside. Animals living within a residence are permitted and are excluded from this maximum allowance.**

B. No conditional use permit under this section shall be issued until a site investigation is performed pursuant to Section 22.30.030(C) and a finding of fact is made that keeping of such animals will not unreasonably interfere with the use and enjoyment of neighboring properties. In making such determinations, the planning commission shall consider the size of the premises and the proximity and uses of neighboring properties.

C. Conditional use permits issued under this section shall set limits upon numbers and species of animals allowed and set minimum standards for odor and noise control.

D. Violation of any condition or standard set out in a conditional use permit issued under this section may result in revocation of the permit.

Staff has received varied feedback on livestock/animal rearing in particular. Several comments have been made in relation to the Comprehensive Plan review process (as well as in the general course of business) that there is interest in expanding past the “5 domestic small animals” rule. Fowl and rabbits are of particular interest. On the other hand, citizens have also expressed concern about livestock/animal rearing in residential areas, citing concerns for pest attractants, noise, and mess/visual impact.

Hello Commissioner members, thank you for taking my comment, and thank you to city staff for reading it. My name is Adrienne Wilber, I'm a lifelong Sitkan.

I ask that the Planning Commission promote the public interest in providing more affordable housing in Sitka by recommending to the Assembly to pass legislation that mandates short term rentals in our town be the primary residence of the hosts, or that the hosts must maintain their primary residence on the same lot/property of the short term rental in the case of ADUs/guest cottages. If we want young people and families to make a living here, we need more affordable rent rather than the highest median rent in the state.

In your drafting of a tourism master plan, please keep climate change at the forefront of your mind and resist investing in additional infrastructure relying on fossil fuels. For example it is in the cities best interest to purchase electric vehicles for passenger dispersal as that electricity would benefit the electrical fund, not to mention better air quality, reduced sound pollution, and of course less carbon emissions.

I work in small ship eco tourism, and it was mentioned to me by Ken Gerken one of the ops managers at The Boat Company, that dock space for small ship tourism is tight in Sitka. Currently it sounds like most operators have their niche, but if we were to lose docking space in town it would potentially impact their ability to use Sitka as a embarkation/de-embarkation port. Please continue to protect our waterfront zones for industrial uses such as these.

Additionally, please allow ADU's in more zoning districts in Sitka and promote local agriculture and food security by recommending the Assembly amending Ordinance 22.20.130 A to increase the maximum number of animals allowed to be raised out side from 5 to 20, or exempt food producing animals from this ordinance. This would allow locals to raise more chickens, ducks etc.

Thank you,
Adrienne Wilber

Staff recommended approval.

The applicant, Todd Fleming, was present. Having no further questions, the Commission excused the applicant.

M-Mudry/S-Riley moved to approve the preliminary plat to result in two lots at 230 and 232 Lance Drive in the R-2 Multifamily district subject to the attached conditions of approval. The property is also known as Lot 7A of the Niesen Addition No. 2 Resubdivision. The request was filed by Todd Fleming. The owner of record was Hardshot Enterprises, LLC. Motion passed 4-0 by voice vote.

M-Mudry/S-Riley moved to adopt the required findings for a preliminary plat as listed in the staff report. Motion passed 4-0 by voice vote.

E [MISC 21-02](#)

2021 Commission Visioning and Comprehensive Plan Review Session

Attachments: [Comp Plan Actions Short-List Ver After 3.3.21](#)

[Comp Plan Transportation, Parks Trails Rec, Land Use Actions Only](#)

Ainslie read the short-term actions identified in the previous meeting. Spivey opened the floor for public comment. Michelle Putz expressed interest that affordable housing and rental options be a top priority for the Planning Commission. Putz asked for clarification on action item H 2.4 and the meaning of housing stock rehabilitation. Ainslie explained that it referred to rehabilitating existing housing stock and infill development.

Maureen O'Hanlon expressed her interest for increased short-term rental (STR) regulation and her concern for STRs transferring with the sale of a property. O'Hanlon asked if Accessory Dwelling Units (ADUs) could be used for STRs. Ainslie replied that it would require a Conditional Use Permit.

Adrienne Wilbur thanked the Commission for their time and for accepting her written statement the previous meeting. Wilbur expressed that indigenous culture is the present and continuous and should not be considered history. Wilbur also expressed support for community gardens and an increase to the number of domestic animals.

Staff read written comment from Matt Hunter, Caitlin Woolsey, Chandler O'Connell, and Eleya Rosenthal. Hunter suggested broadening the permitted zones for ADUs and tiny homes to include Single Family and Single Family Low Density districts. Woolsey voiced support for including Tlingit place names in place naming policy. Woolsey suggested action item HCA 1.1h be reworded to specify the use and integration of Tlingit place names throughout the community. Woolsey also voiced support for affordable housing actions and support for community gardens. O'Connell expressed a desire to see the Commission prioritize affordable housing, sustainable economic development opportunities, climate change mitigation, and social equity. Rosenthal voiced her concern about the future of available, accessible, and affordable housing.

The Commission agreed to remove action item ED 6.16 from the priority action short list. The Commission identified comprehensive plan actions ED 1.5, ED 2.7, H1.1a, H1.1c, H1.1e, HCA 1.1h, HCA 4.1c, 8.8E, 2.1g, LU 3.2, and LU 7.8 as their priorities for the year.

No action taken.

VII. THE EVENING BUSINESS**C** [MISC 21-02](#) 2021 Commission Visioning and Comprehensive Plan Review Session

Attachments: [MISC 21-02 Visioning and Comp Plan Review Staff Memo](#)
[MISC 21-02 Comp Plan Actions Short-List Ver After 3.17.21](#)
[MISC 21-02 Visioning and Comp Plan Review Comp Plan Actions Only](#)

Ainslie read the actions listed in the Transportation section, the Parks, Trails and Recreation section, and the Land Use and Future Growth section of the Comprehensive Plan. The Commission identified action item PTR 6.1 for inclusion in the annual priority list.

The Commission opened the floor to public comment. Joel Hanson explained that the Health Needs and Human Services Commission had identified food security as a top priority of their commission and thanked the Commission for aligning their priorities to address the same concerns through consideration of community gardens in undeveloped municipal park space. Hanson also noted that the increase of allowable livestock animals from 5 to 20 would be another means to address food security and provide economic opportunities.

Ainslie read public comment submitted by Adrienne Wilbur. Wilbur voiced support for actions that addressed the impact STRs have on the rental and housing market and requested that the Commission consider actions to mitigate the impacts of climate change in the tourism master plan. Wilbur noted that dock space is limited and there was a need to protect the city's waterfront for maritime use. Wilbur also requested that the Commission consider an increase to the number of animals allowed for food.

The Commission took a recess from 8:34pm to 8:43pm.

D [MISC 21-03](#) Review of Use Tables in SGC 22.16.015

Attachments: [Table 22.16.015-1 Residential Uses](#)
[Table 22.16.015-2 Cultural & Recreational Uses](#)

Chair Spivey opened the floor to public comment. Mejia read public comment submitted by Barth Hamberg. Hamberg voiced support for expanding Accessory Dwelling Units (ADU) to be allowable in Single Family and Single Family Low Density districts.

Commissioners reviewed the Residential Use Table (SGC 22.16.015-1) and discussed each item listed in the table. Staff made notes on possible additions, changes, and clarifications. The Commission discussed appropriate zones for single manufactured home on an individual lot, assisted living, and bunkhouse uses. The Commission discussed adding language similar to the ADU guidelines for manufactured homes and requiring all ADUs receive a Conditional Use Permit. Staff noted that definitions would need to be added to the assisted living and bunkhouse uses.

The Commission moved to postpone the review of temporary lodging at 9:45pm.

M-Windsor/S-Riley moved to postpone review of the use table regarding



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

Coast Guard City, USA

MEMORANDUM

To: Chair Spivey and Planning Commission Members

From: Amy Ainslie, Planning Director *AA*

Date: April 16, 2021

Subject: **Tourism Planning – Work Plan**

At the April 13th work session, the Assembly and the Planning Commission discussed the Assembly's request to work on tourism planning for the 2022 cruise season. The following direction was agreed upon:

- Focus on logistics of how to handle large passenger loads: dispersion throughout town, transportation, traffic/congestion, and emergency services/ access to medical care
 - Provide differentiated plans for different passenger loads, i.e. how a 1k passenger versus an 8k passenger day would be handled
- Report on future planning areas needed (housing, waste management, restrooms, utility infrastructure capacity, other city services, environmental impacts, etc.)
- Planning horizon for the plan should be 1-5 years
- Outreach is vital; a broad approach including industry professionals and organizations, merchants, tour operators, and the general public should be part of the process
- Ideally, plan would be finished by December 2021, or at least the bulk of it

The Planning Commission now needs to shape the work plan for this effort, including meeting times, meeting formats, order of issues to be addressed, etc.

Staff recommends that for the duration of the plan, the Commission has a work session and/or special meeting from 6-6:50pm preceding every regular meeting date to focus solely on plan development. All regular Commission meeting agendas could have a standing agenda item for tourism planning such that any decisions or further discussion needed could take place in the same evening.

In terms of order of addressing issues, staff has the following recommendation:

1. Dispersion: Determine where passengers should be encouraged/enabled to visit, and areas where visitation may want to be discouraged. Identify barriers to access and mitigations/solutions.

2. Transportation: Define the current status/policy for busing passengers into town, provide recommendations and feedback. Identify alternate means of transportation. Consider ways to mitigate potential adverse impacts from transportation.
3. Traffic/Congestion: Consider the solutions proposed in both Versions 1 and 2 of the Sitka Visitor Industry plans for Lincoln Street foot traffic – propose policies for different levels of passenger loads. Consider traffic patterns on Lake Street, Harbor Drive, Lincoln Street, and around Harrigan Centennial Hall, suggest improvements.

This is by no means an exhaustive list, but staff has compiled a starting list of stakeholders to start engaging in outreach with. More suggestions and additions to this list should be discussed:

- Sitka Tribe of Alaska
- CBS Departments (Public Works, Finance, Centennial, Library, Fire Department, Police Department, Harbor Department)
- Chamber of Commerce/Visit Sitka
- SEDA
- Downtown businesses
- Tour operators/attractions
- Sitka Sound Cruise Terminal
- National Park Service
- Sitka Trailworks
- Forest Service

Staff provides these recommendations as a starting point for conversation, and would like to hear from Commissioners what their preferences are for executing the plan.