



# CITY AND BOROUGH OF SITKA

## Meeting Agenda - Final

### Planning Commission

*Chris Spivey, Chair*  
*Darrell Windsor, Vice Chair*  
*Randy Hughey*  
*Taylor Colvin*  
*Victor Weaver*

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Wednesday, May 1, 2019

7:00 PM

Harrigan Centennial Hall

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**I. CALL TO ORDER AND ROLL CALL**

**II. CONSIDERATION OF THE AGENDA**

**III. CONSIDERATION OF THE MINUTES**

**A**     [PM 19-06](#)     Approve the April 3, 2019 minutes.

**Attachments:**   [06-April 3 2019 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**      [CUP 19-07](#)      Public hearing and consideration of a conditional use permit for a short-term rental at 505 Park Street in the R-1 zoning district. The property is also known as Lot 31 of the Amended Plat of Pinehurst Addition. The applicant is Timothy Riley. The owners of record are Timothy Riley and Sandra Gebler.

**Attachments:** [CUP 19-07 Riley 505 Park STR Staff Report](#)  
[CUP 19-07 Riley 505 Park STR Aerial](#)  
[CUP 19-07 Riley 505 Park STR Site Plan](#)  
[CUP 19-07 Riley 505 Park STR Photos](#)  
[CUP 19-07 Riley 505 Park STR Plat](#)  
[CUP 19-07 Riley 505 Park STR Admin Back-Up](#)  
[CUP 19-07 Riley 505 Park STR Public Comment](#)

- C**      [ZA 19-04](#)      Discussion and direction on a zoning text amendment to reflect recently enacted State of Alaska regulations allowing for onsite marijuana consumption facilities. The applicant is Michelle Cleaver.

**Attachments:** [ZA 19-04 Cleaver Onsite Consumption Staff Report](#)  
[2019-xx Marijuana Onsite Consumption v.2](#)  
[ZA 19-04 Cleaver Onsite Consumption Application](#)  
[3 AAC 306.370 Onsite consumption endorsement for retail marijuana stores](#)

- D**      [P 19- 03](#)      Public hearing and consideration of a conceptual plat for a minor subdivision at 1306 Halibut Point Road in the R-2 zoning district. The property is also known as Lot 1A, Little Critter Subdivision. The applicant is the Sitka Community Land Trust. The owner of record is the Sitka Community Land Trust.

**Attachments:** [P 19-03 SCLT 1306 HPR Staff Report](#)  
[P 19-03 SCLT 1306 HPR Aerial](#)  
[P 19-03 SCLT 1306 HPR Applicant Materials](#)  
[P 19-03 SCLT 1306 HPR Plat](#)  
[P 19-03 SCLT 1306 HPR Public Comment](#)

## **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](mailto: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

*Chris Spivey, Chair*  
*Darrell Windsor, Vice Chair*  
*Randy Hughey*  
*Taylor Colvin*  
*Victor Weaver*

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Wednesday, April 3, 2019

7:00 PM

Harrigan Centennial Hall

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#### I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (Chair), Darrell Windsor, Randy Hughey (in at 7:30), Victor Weaver, Taylor Colvin (teleconference)  
Absent: Aaron Bean (Assembly Liaison)  
Staff: Scott Brylinsky (Interim Planning Director), Amy Ainslie (Planner I)  
Public: Mary Miller, Ted Laufenberg, Chance Gray, Scott Saline, Anne Pollnow, Rebecca Poulson, Mary Hames, Steve Fish, Karen Lucas, Richard Wein, Roger Hames, Sam Skaggs

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

#### II. CONSIDERATION OF THE AGENDA

Spivey noted that at the applicant's request, item B had been pulled from the agenda.

**M-Windsor/S-Weaver moved to approve the agenda. Motion passed 4-0 by voice vote.**

#### III. CONSIDERATION OF THE MINUTES

A [PM 19-05](#) Approve the March 20, 2019 minutes.

**Attachments:** [05-March 20 2019 DRAFT](#)

**M-Windsor/S-Weaver moved to approve the March 20, 2019 minutes. Motion passed 4-0 by voice vote.**

#### IV. PERSONS TO BE HEARD

#### V. PLANNING DIRECTOR'S REPORT

Brylinsky presented the Director's Report. A new Planning Director had been hired, Bruce Wall of Soldotna. Wall would start July 1st. This would be Brylinsky's last meeting, Ainslie would be facilitating meetings until Walls arrived. Spivey thanked Brylinsky for his work over the last few months and for stepping into the interim position to keep business moving.

The draft ordinance to create a cemetery zoning district approved at the March 20th

meeting would be going to the next Assembly meeting on April 9th for the first reading. Due to the ordinance adoption sequencing, the draft ordinance on development standards that had also been approved at the March 20th meeting would go before the Assembly for first reading on April 23rd.

On the No Name Mountain/Granite Creek area Master Plan, the top three RFQ's had been selected for further consideration. As Brylinsky was leaving, the project was being handed off to the City Administrator.

Coming up for the Commission's consideration would be a zoning text amendment to create a designation in the zoning code for onsite marijuana consumption facilities as the State of Alaska had recently amended the marijuana control board code to allow for such establishments. An overlay district was also in the works for Baranof Warm Springs, the applicant would be the Baranof Warm Springs Property Owner's Association. As an update to an item previously postponed by the Commission, Bryanna Graham was continuing to work towards a resolution with her neighbor regarding a zoning map amendment on the 5300 block of Halibut Point Road. Brylinsky had spoken with Graham and was told that positive progress was being made.

Brylinsky reminded the Commission that the Boards and Commission training held by the city clerks and legal department would take place at noon on Friday, April 12th at Centennial Hall.

## VI. REPORTS

## VII. THE EVENING BUSINESS

### B ZA 19-03

~~PULLED-Public hearing and consideration of a zoning map amendment to rezone twelve contiguous lots in the Baranof Warm Springs Townsite from R- (Recreational) to WD (Waterfront District). The applicant is Dale Young. The owner of record is Dale Young.~~

**Attachments:**

ZA 19-03\_Dale Young BWS R to WD\_Staff Report  
ZA 19-03\_Dale Young BWS R to WD\_Aerial  
ZA 19-03\_Dale Young BWS R to WD\_Drawing of Affected Lots  
ZA 19-03\_Dale Young BWS R to WD\_Legal Descriptions  
ZA 19-03\_Dale Young BWS R to WD\_Applicant Packet  
ZA 19-03\_Dale Young BWS R to WD\_Public Comment

**PULLED**

### C [MISC 19-10](#)

Discussion, direction, and decision on historic preservation plat notes for the Sheldon Jackson College National Historic Landmark and/or referencing certain lots within the landmark.

**Attachments:**

[MISC 19-10 Meeting Format Recommendation](#)  
[MISC 19-10 Staff Report SJ Plat Notes 28Mar19](#)  
[SJ plats and plat notes](#)  
[Sheldon Jackson School NHL Campus Preservation Plan](#)  
[HPC Minutes 4.7.2010](#)



Brylinsky presented the staff report. Brylinsky described the nature of the historic preservation plat notes for particular properties on the Sheldon Jackson College Campus (SJ), focusing on the lack of clarity on whether or not the plat notes should be enforced, and if so, who should enforce them. Brylinsky also read a letter from the State Historic Preservation Office.

Spivey asked for clarification, as the Planning Commission did not regularly interact with historic preservation efforts. Spivey also expressed some hesitancy to take action on the basis that historic preservation was outside the scope of the Commission.

Public comment was received from Mary Miller, Superintendent of the Sitka National Historic Park; Peter Gorman, member of the Historic Preservation Commission (HPC) when the plat notes were created; Anne Pollnow, current member of HPC, Scott Saline, current member of HPC, Sam Skaggs, President of Alaska Arts Southeast which was also located on the SJ campus; Ted Laufenberg who had performed contract work on the SJ campus; Jim Steffen, board member of the Sitka Summer Music Festival; Karen Lucas; Roger Hames, former trustee on the SJ board; and Rebecca Poulson. The Commission asked those who provided public comment if they thought the plat notes should be enforced; responses were mixed. Some felt the plat notes were voluntary in nature, while others felt the plat notes ought to be mandatory. In terms of an enforcement body, suggestions were made to create a downtown historic district or overlay district such as Juneau had created, implement a design review process and/or board, or a historic preservation ordinance.

The Commissioners discussed if they should make a recommendation to the assembly to create an enforcement policy and/or body. Windsor and Spivey both wanted to explore adoption of the Secretary of Interior's Standards in the general code. The Commissioners agreed that bringing HPC into the conversation would be the best way to move forward.

**M-Windsor/S-Weaver moved to establish a work session with the Historic Preservation Commission to further discuss historic preservation plat notes.  
Motion passed 5-0 by voice vote.**

## **VIII. ADJOURNMENT**

Seeing no objection, Chair Spivey adjourned the meeting at 8:45 p.m.



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## **Planning and Community Development Department**

### **AGENDA ITEM**

Case No: CUP 19-07  
Proposal: Request for short-term rental at 505 Park Street  
Applicant: Timothy Riley  
Owner: Timothy Riley and Sandra Gebler  
Location: 505 Park Street  
Legal: Lot 31 of the Amended Plat of Pinehurst Addition  
Zone: R-1 single-family and duplex residential district  
Size: 2,500 sf  
Parcel ID: 1-8167-000  
Existing Use: Residential  
Adjacent Use: Single-family housing  
Utilities: Existing  
Access: DeGroff Street and Sawmill Creek Road

### **KEY POINTS AND CONCERNS**

- Neighborhood appears to be primarily residential uses including single-family dwellings.
- The short-term rental is in a structure housing one dwelling unit.
- The renter information handout shall comply with conditions of approval, specifically regarding access, parking, quiet hours, trash management, transportation, and respect for the neighborhood.
- The property is accessed via an access easement.
- Short-term rentals have impacts to long-term rentals and home values. This is important to note regarding this specific proposal and STRs at large.

### **RECOMMENDATION**

Staff recommends that the Planning Commission approve the short-term rental at 505 Park Street subject to the recommended conditions of approval.

## **BACKGROUND/PROJECT DESCRIPTION**

This request is for a conditional use permit for short-term rental (STR) for a unit of a single dwelling unit building. The home has one bedroom. The owner will utilize a property manager to oversee the rental. The unit is in close proximity to downtown and other visitor attractions. The unit would likely attract visitors who plan to forego a rental car and walk or bike while in town.

## **ANALYSIS**

### **1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>1</sup>**

**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 parking on-site, namely space for two cars. This meets the Sitka General Code requirement to afford space for two vehicles per dwelling unit. As the unit has one bedroom and a maximum of 4 guests, it is unlikely that more than one vehicle, if any, would access the property at a time.

**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. Owner will have a property manager available to monitor noise concerns and enforce quiet hours.

**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:** Available year-round.

**e. Location along a major or collector street:** Access from DeGroff St. and Sawmill Creek, access easement from major streets to property.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario:** Access easement is the only way to access the property.

**g. Effects on vehicular and pedestrian safety:** No significant changes expected, minimal traffic with one or no cars utilized for the rental.

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<sup>1</sup> § 22.24.010.E

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Residence has reasonable access from DeGroff and Sawmill Creek similar to other residential buildings in the neighborhood.

**i. Logic of the internal traffic layout:** The rental unit is a single dwelling unit with one bedroom and one bathroom.

**j. Effects of signage on nearby uses:** No signage proposed. All signs shall comply with Sitka General Code.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** Some natural buffers of bushes and trees are on the site and surrounding areas.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** An STR 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. However, STRs 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 505 Park Street subject to the recommended conditions of approval.

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## **ATTACHMENTS**

Attachment A: Aerial Map

Attachment B: Site plan

Attachment C: Photos

Attachment D: Plat

Attachment E: Administrative backup

Attachment F: Public Comment

## **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 2020, 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.
12. 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.
13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

## **Motions in favor of approval**

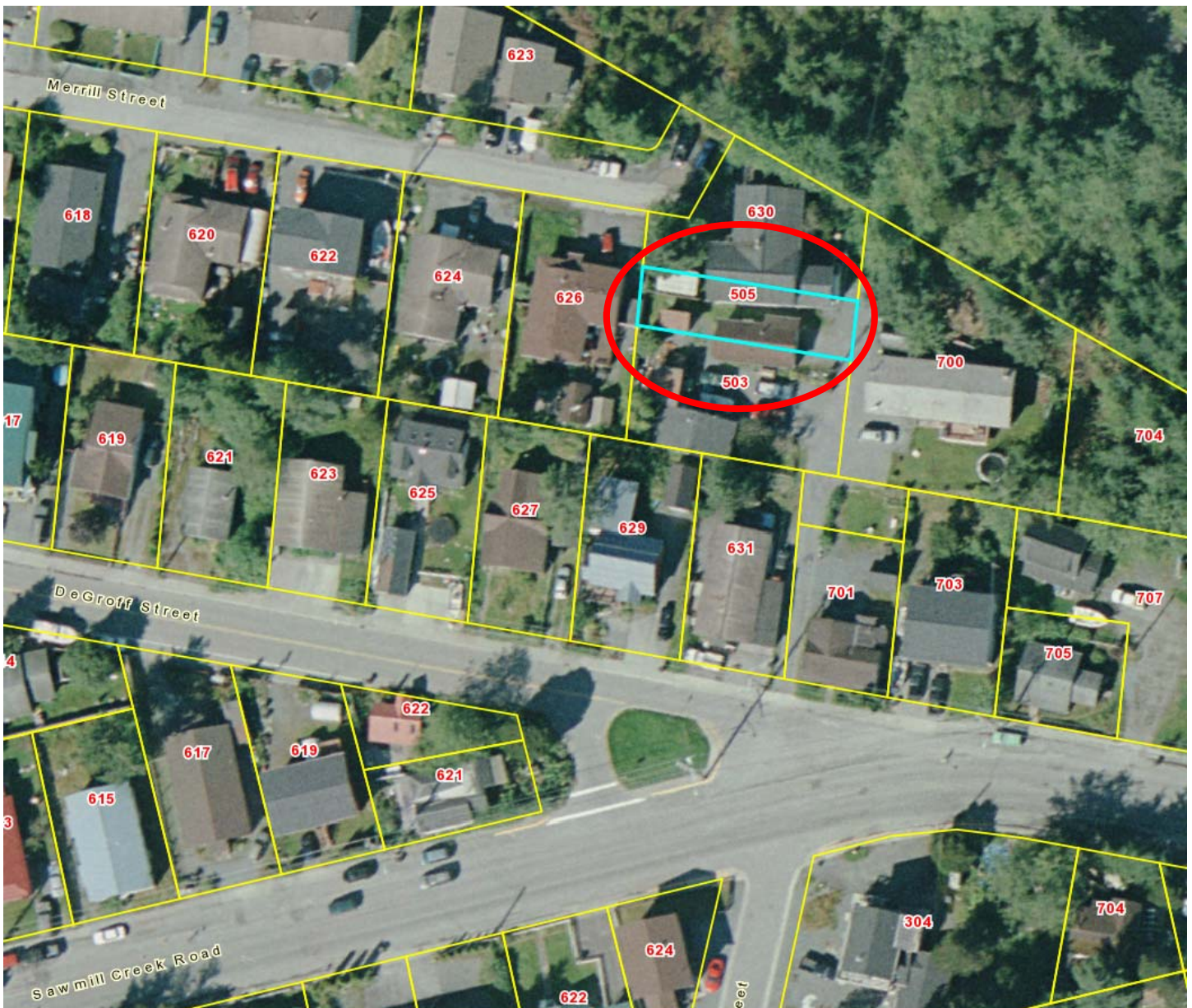
- 1) I move to approve the conditional use permit for a short-term rental at 505 Park Street in the R-1 zoning district, subject to the attached conditions of approval. The property is also known as Lot 31 of the Amended Plat of Pinehurst Addition. The request is filed by Timothy Riley. The owners of record are Timothy Riley and Sandra Gebler.
- 2) I move to adopt and approve the required findings for conditional use permits. The Planning Commission shall not approve a proposed development unless it first makes the following findings and conclusions:<sup>2</sup>

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 single-family home with owner/manager monitoring the property.**
  - 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.**

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<sup>2</sup> §22.30.160(C)—Required Findings for Conditional Use Permits



Timothy Riley – Short-Term Rental  
505 Park Street  
CUP 19-07



# SITE & FLOOR PLAN

## SKETCH/AREA TABLE ADDENDUM

Parcel No 18167000

SUBJECT

Property Address 505 Park Street

City Sitka

County USA

State AK

Zip 99835

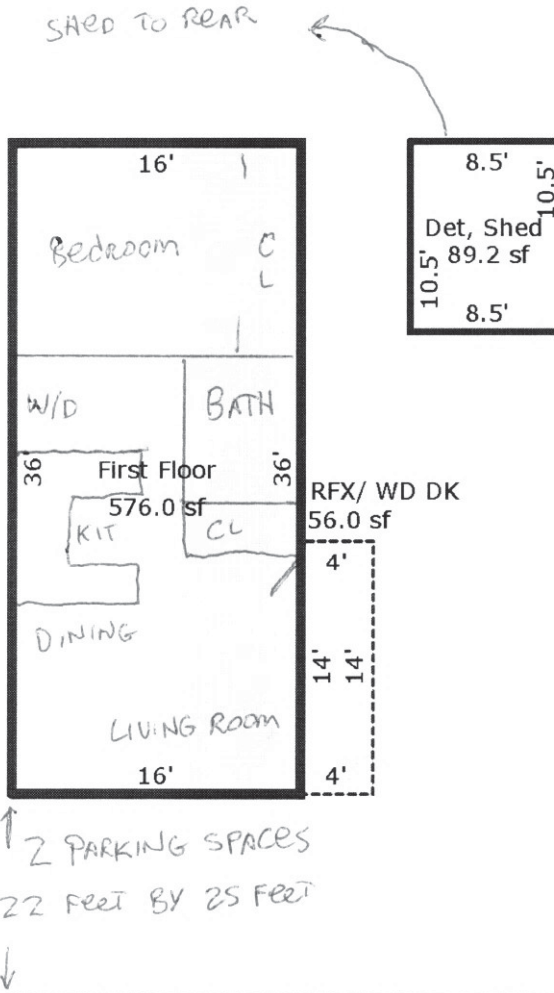
Owner Gelber/Riley

Client

Appraiser Name Josh Joseph

Inspection Date 8/22/14

IMPROVEMENTS SKETCH



Scale: 1 = 10

AREA CALCULATIONS

### AREA CALCULATIONS SUMMARY

Code	Description:	Factor	Net Size	Perimeter	Net Totals
GBA1	First Floor	1.00	576.0	104.0	576.0
GAR	Det, Shed	1.00	89.2	38.0	89.2
P/P	RFX/ WD DK	1.00	56.0	36.0	56.0

Net BUILDING Area

(rounded w/ factors)

576

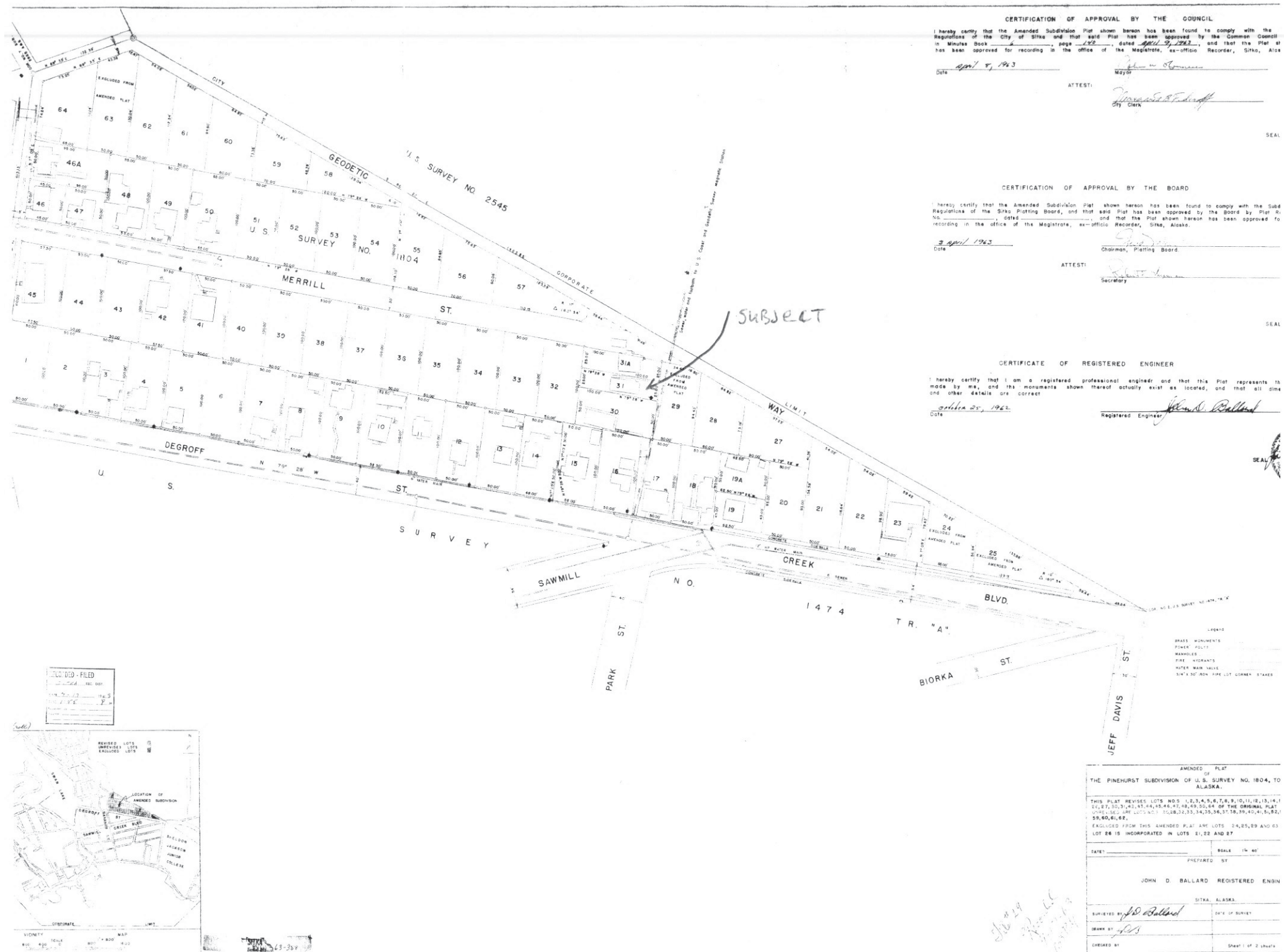
Comment Table 1

Comment Table 2

Comment Table 3







CERTIFICATION OF APPROVAL BY THE COUNCIL

I hereby certify that the Amended Subdivision Plat shown hereon has been found to comply with the Regulations of the City of Sitka and that said Plat has been approved by the Common Council in Minutes Book 142, page 142, dated April 5, 1963, and that the Plat of has been approved for recording in the office of the Magistrate, ex-officio Recorder, Sitka, Alaska

Date April 5, 1963 Mayor [Signature]

ATTEST: [Signature] City Clerk

CERTIFICATION OF APPROVAL BY THE BOARD

I hereby certify that the Amended Subdivision Plat shown hereon has been found to comply with the Subd Regulations of the Sitka Planning Board, and that said Plat has been approved by the Board by Plat R, No. 142, dated April 5, 1963, and that the Plat shown hereon has been approved for recording in the office of the Magistrate, ex-officio Recorder, Sitka, Alaska.

Date April 5, 1963 Chairman, Planning Board [Signature]

ATTEST: [Signature] Secretary

CERTIFICATE OF REGISTERED ENGINEER

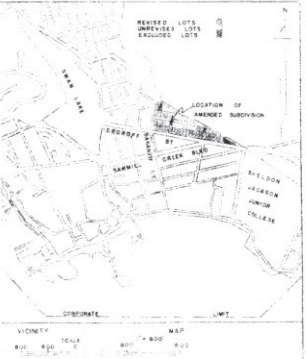
I hereby certify that I am a registered professional engineer and that this Plat represents the made by me, and its monuments show thereof actually exist as located, and that all line and other details are correct

Date April 25, 1963 Registered Engineer [Signature]

RECORDED FILED

APR 11 1963

SITKA, ALASKA



AMENDED PLAT OF THE PINEHURST SUBDIVISION OF U.S. SURVEY NO. 1804, TO ALASKA.	
THIS PLAT REVISES LOTS NOS. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, EXCLUDED FROM THIS AMENDED PLAT ARE LOTS 24, 25, 29 AND 63 LOT 26 IS INCORPORATED IN LOTS 21, 22 AND 27	
DATE: _____	SCALE: 1" = 40'
PREPARED BY: JOHN D. BALLARD REGISTERED ENGR.	
SITKA, ALASKA.	
SURVEYED BY: <u>[Signature]</u>	DATE OF SURVEY: _____
DRAWN BY: <u>[Signature]</u>	_____
CREATED BY: _____	Sheet 1 of 2 sheets





# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

- 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:** ALLOW A SHORT TERM RENTAL IN AN  
EXISTING SFR.

### PROPERTY INFORMATION:

CURRENT ZONING: R-1 PROPOSED ZONING (if applicable): \_\_\_\_\_

CURRENT LAND USE(S): Single Family Residence PROPOSED LAND USES (if changing): SHORT TERM RENTAL

### APPLICANT INFORMATION:

PROPERTY OWNER: TIMOTHY W. RILEY

PROPERTY OWNER ADDRESS: PO BOX 21970, JUNEAU AK 99802

STREET ADDRESS OF PROPERTY: 505 PARK ST., SITKA AK 99835

APPLICANT'S NAME: TIMOTHY W RILEY

MAILING ADDRESS: PO BOX 21970, JUNEAU AK 99802

EMAIL ADDRESS: AlaskanRiley@gmail.com DAYTIME PHONE: 907-738-6667

### PROPERTY LEGAL DESCRIPTION:

TAX ID: 1-8167-000 LOT: 31 BLOCK: — TRACT: —

SUBDIVISION: AMENDED PINEHURST ADDITION US SURVEY: 1804

TIMOTHY W. RILEY

Last Name

4/10/2019

Date Submitted

505 PARK ST.

Project Address

## REQUIRED 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
- ☒ Copy of Deed (find in purchase documents or at Alaska Recorder's Office website)
- ☒ Copy of current plat (find in purchase documents or at Alaska Recorder's Office website)
- ☒ Site photos showing all angles of structures, property lines, street access, and parking – emailed to [planning@cityofsitka.org](mailto:planning@cityofsitka.org) or printed in color on 8.5" x 11" paper
- ☒ Proof of filing fee payment

### 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.) (PROVIDED BY MANAGER)

## 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.

DWRM

Owner

4/10/2019

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

Timothy W. Riley

Last Name

4/10/2019

Date Submitted

505 PARK ST.

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)

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

NOMINAL - WITHIN WALKING DISTANCE OF CBD, HISTORICAL PARK, SITKA  
FINE ARTS Complex, harbors & trails.

- Amount of noise to be generated and its impacts on surrounding land use: Minimal noise is  
expected due to 1 bedroom, well insulated free standing home.

- Odors to be generated by the use and their impacts: NONE

- Hours of operation: All hours

- Location along a major or collector street: NO. PARK STREET EXTENSION IS AN ACCESS  
EASEMENT OFF OF DEGROFF ST. AND SAWMILL CREEK ROAD.

- Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: NONE - PARKING AVAILABLE ON SITE

- Effects on vehicular and pedestrian safety: NONE. No changes to existing residential  
use.

Timothy W Riley  
Last Name

4/10/2019  
Date Submitted

505 PARK ST.  
Project Address



- Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Located  
4 blocks from Police & Fire Stations.
- Logic of the internal traffic layout: Direct access to building from 2 parking  
spaces fronting on easement.
- Effects of signage on nearby uses: No signage anticipated.
- Presence of existing or proposed buffers on the site or immediately adjacent the site: No buffers  
planned.
- Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan (CITE SPECIFIC SECTION AND EXPLAIN): Development of short  
housing adjacent the city center reducing the need for cars and  
reducing overall congestion
- Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc.): \_\_\_\_\_

Timothy W Riley  
Last Name

4/10/2019  
Date Submitted

505 PARK ST.  
Project Address

**REQUIRED FINDINGS (SGC 22.30.160(C):**

1. ...The granting of the proposed conditional use permit will not:

a. Be detrimental to the public health, safety, and general welfare because home is an

existing rental.

b. Adversely affect the established character of the surrounding vicinity, because no changes

to the use or character of the property.

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, because, no changes from the existing

residential use.

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 \_\_\_\_\_ which states \_\_\_\_\_

because the proposal \_\_\_\_\_

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

enforced, because \_\_\_\_\_

**ANY ADDITIONAL COMMENTS** \_\_\_\_\_

Applicant

Date

Timothy W. Riley  
Last Name

4/10/2019  
Date Submitted

505 PARK ST.  
Project Address

## SHORT-TERM RENTAL PROJECT OVERVIEW – 505 PARK STREET

This proposed short-term rental shall be professionally managed by Sitka Sound Vacation Rentals (SSVR). SSVR has over twenty years' experience in the real estate industry and have been operating Sitka rentals through various online booking services with success. The applicant, Tim Riley, is applying for a Conditional Use Permit in order to establish a short-term rental in this single-family dwelling at 505 Park Street.

### KEY POINTS AND CONCERNS:

It has been demonstrated through years of property management experience that potential issues can be adequately addressed through clear communication throughout the booking process, and through proper planning and contractual agreement. Short-term rentals do have impacts that long-term rentals do not; therefore, SSVR manages guest interactions under strict contractual agreements to ensure access, parking, noise, disturbance, vehicular traffic and bear nuisance issues do not arise, mitigates these issues if and when they do, and provides clear guest information so that they don't.

Guest information consists of a clear short-term rental contract which must be signed by the guests before arrival, online listings that contain a comprehensive "Guest Information Guide" outlining what is expected of guests during their stay, and the display of emergency placards throughout the rental unit for information in the event of an emergency. Rental contracts are written in accordance with Alaska Landlord Tenant law and are clear about mitigation if any contract provision is broken.

**Access, Signage, and Effects on Vehicular and Pedestrian Traffic:** Access to the rental is via an unmarked private drive; therefore, explicit instructions to include step-by-step directions, aerial drawings and property photos will be listed online so that vehicular traffic impacts are minimized to surrounding land uses. Because this is a one-lane driveway, the potential for a backup into Sawmill Creek Road is possible, the likelihood is very minimal and there appears to be sufficient room within the right-of-way to navigate without entering having to enter the access point in the event this should happen. A small waypoint sign will be placed at the drive entrance and on the front entry door; such signs shall conform to Sitka General Code provisions. All guests will receive online instructions prior to arrival indicating rules and policies, and instructions to enter and exit carefully as children may be at play.

### **Potential for Guests to Access the Rental through Residential Areas or Substandard Street Creating a Cut-Through Traffic Scenario:**

There is no potential risk for a cut-through traffic scenario as the rental is accessed by a non-thoroughfare private drive.

**Parking:** All guest parking shall be onsite, within designated areas as indicated by onsite parking signs, and as required by any planning conditions. History and experience have shown that guests typically have no more than one car onsite at a time and/or intentionally do not rent a vehicle. Parking has not been an issue with the applicant's other current rentals, but it will be managed for potential short-term guests through contractual language, and clear aerial parking photos and/or diagrams provided online at booking and within the rental unit for reinforcement.

**Hours of Operation and Noise:** Guest tenancy whether short-term or long-term has no hours of operation. Guests may arrive at any time during their booked tenancy, so measures to mitigate the potential for noise or disruption outside of "normal" business hours will be taken in the form of strict contract language and clear Guest Information Guides outlining the rules and expectations of living local. Most guests booking with SSVR are keenly aware they are not in a typical hotel setting and act accordingly. This is primarily due to strict contract language, strict enforcement of that language, and setting clear expectations beforehand. Access is quiet and convenient via a lighted keyless entry, and safety is ensured through providing appropriately lighted walkways and parking areas.

**Bear Nuisance Related to Garbage and Resulting Odors:** Strict garbage management measures to deter bear attraction will be taken. Measures will include: storage of all garbage within the rental unit until it can be removed by the manager or owner, rental contract language on the management of garbage and the imposition of a \$100 fine to the guest should these provisions be violated, and the placement of garbage in the appropriate collection area and within an appropriate collection container, no earlier than 4AM on trash collection day.

**Ability of Police, Fire and EMS to Respond to Emergency Calls:** This rental is readily accessible by police, fire, and EMS services and strict enforcement of parking requirements will be implemented to ensure this access at all times.

**Logic of the Internal Traffic Layout:** This property is one of three properties that utilize the private drive for access from Sawmill Creek Road. Strict enforcement of parking in designated areas will be enforced through contract language, and specific reiteration in the "Guest Information Guide."



**Safety Inspection:** A City and Borough of Sitka safety inspection will be completed once the rental is set-up and rental-ready. Pertinent safety items will be installed and requirements will be met.

### GUEST INFORMATION GUIDE

#### *How do I Get to this Property?*

From the airport head into town, and at the central round-about take Sawmill Creek Road (South to your right) and travel 1/4<sup>th</sup> mile to a Y in the road. At the Y take a left into a small private drive and head straight back to the property located in the rear left (505 Park Street). The rental is a small bungalow with a green exterior and a small picket fence indicating the parking area in front.



This is what it will look like where you need to turn into the private drive for access. Turn into the drive between the beige and blue houses in front of you. There will be a one-way gravel driveway for your access to this rental just behind these homes.



The drive access is easily missed to if necessary, head further up Sawmill Creek Road and turn around where it is safe to do so and head North. When you approach the Y in the road, keep to the right and the private drive access will be immediately on your right between these two houses:



This is what the turn-off (right turn) from Sawmill Creek Road will look like. Be careful of potential oncoming traffic as this is a one-lane private drive and there are often children at play.

Pull forward to the residence straight ahead and to the left rear; park in the designated area noted by the “Guest Parking” signs. If you should have two vehicles, or guests arriving, please park side-by-side. Please see the attached aerial view indicating where to enter and park in order to comply with local code requirements.



#### ***How do I Check In?***

Check-in is via a keypad entry any time after 3PM. Please be sure to respect surrounding property owners by entering and exiting quietly and by not trespassing onto other properties.

#### ***Where is the Entry Door?***

Entry is through the front door on the right and back side of this rental, as indicated by the photo below.



#### ***What Should I do with Trash?***

Your rental is professionally cleaned after each departure. We ask that you please keep all trash within the rental unit and within in the trash can provided. A \$100 fine will be imposed for failure to follow this policy. At no time may you leave trash or food items outside of the rental. Recycling can be accommodated via the recycle bins provided.



#### **PERTINENT GUEST TERMS & CONDITIONS**

**SAFETY & SECURITY:** Please be aware when entering and exiting that we live in bear country and bears could be present on the grounds. We take every effort to ensure that they are not attracted to our property, such as not leaving garbage or food out. Please keep all trash within the rental unit and within the bear-proof garbage can provided. A \$100 fine will be imposed should this requirement be violated.

**PRIVACY OF OTHERS:** While we encourage you to enjoy the grounds, we encourage you not to travel onto adjoining private property. This request is for your own safety and respect of others.

**DISTURBANCE POLICY:** Please keep in mind that our rentals are in residential areas and as such, behavior should be considerate. If owner or neighbors are disturbed by your behavior, you may be asked to quiet down, or be asked to leave. If asked to leave due to disturbing behavior, you will not receive a refund. Rentals are family-oriented properties, and if a house party develops all vacationers will be asked to leave immediately without refund. This policy will be enforced without exception. Groups renting under false pretenses will be evicted without refund. Quiet hours are from 10PM to 8AM.

**DEFAULT:** If Guest should fail to comply with the conditions and obligations of this Agreement, Guest shall surrender the Property, remove all Guest's property and belongings and leave the Property in good order and free of damage. No refund of any portion of the Total Rental Fee shall be made and if any legal action is necessary, the prevailing party shall be entitled to reimbursement from the other party for all costs incurred.

**ENTRY AND INSPECTION:** Rental Agent reserves the right to enter the Property at reasonable times and with reasonable advance notice for the purposes of inspecting the Property or showing the Property to prospective purchasers, renters or other authorized Person(s). If Rental Agent has a reasonable belief that there is imminent danger to any person or property, Rental Agent may enter the Property without advance notice.

**GENERAL PROVISIONS:** By accepting this reservation, it is agreed that all guests are expressly assuming the risk of any harm arising from their use of the premises or others whom they invite to use the premise. This agreement shall be governed by the laws of the state of Alaska. Each of the parties irrevocably consents to the exclusive personal jurisdiction of the federal and state courts located in Alaska, as applicable, for any matter arising out of or relating to this Agreement. Failure to abide by these terms and conditions may result in eviction with no more than 24 hour notice. By signing or accepting this agreement online or in person, you are agreeing to all the rules and regulations as set forth within it.

## Amy Ainslie

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**From:** Kris Hoffmann <kris4robert@gci.net>  
**Sent:** Wednesday, April 24, 2019 12:16 PM  
**To:** Planning Department  
**Subject:** Short term rental comment

Hello,

I received a letter about 505 Park Street. Assuming they have enough extra parking spaces for guests, it is far enough from my house to not be a personal problem for me.

BUT, I have a big problem with the city allowing so many short term rentals when there is such a shortage of year round affordable housing. In looking at the AirB&B offerings in Sitka, I can see that some people I know have converted their regular relatively affordable rentals to short term, much more lucrative rentals. I also see people who own more than one home using the short term rental system. Where are the locals who can't afford to buy a home supposed to live? The city supposedly is studying the problem of affordable housing, while creating much of the problem with numerous variances on residential properties to change to short term rentals.

Let the hotel industry take care of visitors, and Sitka take care of its own residents.

Thank you,  
Kris Hoffmann  
621 Sawmill Creek  
966-2607



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## **Planning and Community Development Department**

### **AGENDA ITEM**

Case No: ZA 19-04  
Proposal: Designation and process for onsite marijuana consumption facility  
Applicant: Michelle Cleaver  
Location: N/A  
Legal: N/A  
Zone: CBD, C-1, C-2, WD, I, GI, LI, GP

### **PROJECT DESCRIPTION**

This request is for a zoning text amendment to update the Sitka General Code (SGC) in accordance with recently enacted State of Alaska regulations regarding onsite marijuana consumption endorsements pursuant to 3 AAC 306.370. The SGC currently lacks a designation for onsite marijuana consumption facilities and does not outline where such facilities could operate and under what, if any, conditions. This zoning text change will define an onsite marijuana consumption facility, identify which zones such an establishment could operate in, and prescribe the conditional use permit process for those applying to operate an onsite marijuana consumption facility.

### **KEY POINTS AND CONCERNS**

- Many parts of the SGC touch on marijuana definitions and regulation. Therefore, sections of the SGC in addition to the Zoning code required updated or added verbiage. The draft ordinance will include changes or additions to titles 7, 10, and 22.
- The State of Alaska is the first state to approve onsite marijuana consumption facilities, so there is a lack of precedent or examples from other jurisdictions on how such a facility would function and be regulated.
- To maintain consistency within the code, onsite marijuana consumption facilities have been added to the code as another type of marijuana establishment. These facilities would be a conditional use in the same zoning districts as all other marijuana establishments, and require the same conditional use permit process; no more or less process and/or limitations are required.

### **RECOMMENDATION**

Staff does not have a recommendation for the Commission at this time – the purpose of this agenda item is to allow Commissioners an opportunity to gain familiarity with the new regulations, provide

suggestions for how onsite consumption should be managed, and allow for feedback from the public.

## **BACKGROUND**

The State of Alaska regulations allowing for onsite consumption came into effect April 11, 2019 under 3 AAC 306.370. The State of Alaska has created a new endorsement that businesses with an existing license for retail sales of marijuana can apply for. This means onsite consumption facilities must be linked to a retail location, but not all retail locations will be able to operate an onsite consumption facility by right. 3 AAC 306.370(a) reads:

*Unless prohibited by local or state law, a freestanding licensed retail marijuana store with an approved onsite consumption endorsement is authorized to:*

- (1) sell marijuana and marijuana products, excluding marijuana concentrates, to patrons for consumption on the licensed premises at the time of purchase only in an area designated as the marijuana consumption area and separated from the remainder of the premises, either by a secure door and having a separate ventilation system, or by being outdoors in compliance with c)(4) below;*
- (2) sell for consumption on the premises*
  - (A) marijuana bud or flower in quantities not to exceed one gram to any one person per day;*
  - (B) edible marijuana products in quantities not to exceed 10 mg of THC to any one person per day; and*
  - (C) food or beverages not containing marijuana or alcohol; and*
- (3) allow a person to remove from the licensed premises marijuana or marijuana product that has been purchased on the licensed premises for consumption under this section, provided it is packaged in accordance with 3 AAC 306.345.*

3 AAC 306.370(b) further regulates the operations of an onsite consumption facility by prohibiting the sale or consumption of marijuana concentrates, employee consumption during a work shift, tobacco consumption, consumption of marijuana products not purchased at the licensed retail marijuana store, and limits discounts or promotional prices.

3 AAC 306.370(c) describes the characteristics of an onsite consumption facility in that it will be isolated from the other areas of the retail area with walls and secure door, there will be a smoke-free area for employees to monitor the consumption area, a ventilation system that directs air outside through a filtration system to sufficiently remove visible smoke and odor, and limitations for an outdoor consumption area.

The SGC does not have a definition or designation for onsite consumption, nor any zoning limitations for the placement and operations of onsite consumption facilities.

Businesses with a marijuana retail license are now able to apply for an endorsement allowing onsite consumption. Due to the State application process, it will likely be several more months before a

business could have an approved endorsement and begin operation of an onsite marijuana consumption facility (per State regulations).

## **ANALYSIS**

The following zoning text changes are proposed to reflect the State regulation in the SGC:

- [“]Onsite marijuana consumption facility[”] is added as a new definition in SGC 22.08.587(J), as a type of marijuana establishment defined as, “a marijuana retail facility that is authorized to sell marijuana and marijuana products to patrons for consumption on the premises in an area separated from the remainder of the premises by a secure door and containing a separate ventilation system. Patrons are not allowed to consume marijuana or marijuana products that were not purchased at the onsite marijuana consumption facility.”
- In the use tables (Table 22.16.015-6 Retail and Business Uses (Continued)), onsite marijuana consumption facility is added as a conditional use in zoning districts CBD, C-1, C-2, WD, I, GI, LI, and GP.
- Conditional use permits undergo the same process as all other marijuana establishments by adding onsite marijuana consumption facility to section 22.24.026(A).

Additionally, changes to titles 7 and 10 of the SGC are necessary to fully integrate the State regulations. Title 7 Marijuana Regulations prohibits consumption of marijuana in public. Verbiage was added to SGC 7.30.010(B)(3) to state “An exception is made for onsite marijuana consumption facilities as defined in SGC 22.08.587(J) that operate under an approved conditional use permit.”

Title 10 Public Peace, Safety, and Morals also has provisions to limit access and possession of marijuana and marijuana products to minors. Language was included in this title to limit persons under the age of 21 from entering onsite marijuana consumption facilities. SGC section 10.76.050 was amended to add a section 10.76.050(D): “Pursuant to Alaska Administrative Code Chapter 306.310, the operator of an onsite marijuana consumption facility as defined in SGC 22.08.587(J) shall restrict access to persons not less than twenty-one years of age.”

Allowing for onsite consumption facilities has several economic and public safety benefits. Onsite consumption facilities present a new economic activity for Sitka businesses that locals and tourists alike would be able to partake in. As the Commission has approved conditional use permits for cultivation of marijuana, there are growers in Sitka who would also benefit from an increase in demand of locally grown product. This new activity expands employment opportunities for Sitka residents, and also grows tax revenues for the City. On tourism, Alaska is one of the few states that has legalized retail sales of marijuana and now is the first state to legalize onsite consumption. Sitka can offer a unique experience to visitors and create an attraction to bring more.

Visitors to Sitka are already purchasing and using marijuana when they visit Sitka, however, many of them lack a safe, private place to consume their purchases. This inevitably leads to consumption

in public places such as tidelands or parks. Allowing onsite consumption would contain consumption to a private, secure, monitored location and lessen the impact on public consumption.

It is worth noting that some contend instances of driving under the influence of marijuana would increase if onsite consumption were allowed to take place, the State regulations provide clear guidelines on the serving limits at onsite consumption facilities to mitigate this impact.

At this time, the Planning, Police, and Legal departments are still reviewing the new State regulations to fully understand the provisions and ensure the language and references incorporated into the SGC are consistent. Staff is presenting this draft ordinance for review and feedback from the Commission to be incorporated into a draft ordinance that will be brought back to the Commission at a future for additional consideration and possible recommendation for approval to the Assembly.

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**ATTACHMENTS**

Attachment A: Draft ordinance language

Attachment B: Applicant materials

Attachment C: State regulations 3 AAC 306.370



CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2019-XX

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 7  
“MARIJUANA REGULATIONS”, TITLE 10 “PUBLIC PEACE, SAFETY AND MORALS”,  
AND TITLE 22, “ZONING” OF THE SITKA GENERAL CODE BY MODIFYING CERTAIN  
SECTIONS THROUGHOUT THESE TITLES TO REFLECT THE NEW MARIJUANA  
ONSITE CONSUMPTION REGULATIONS**

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

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

**3. PURPOSE.** The purpose of this ordinance is to reflect State of Alaska regulations allowing for onsite marijuana consumption endorsements to businesses with licenses for retail sales of marijuana in the Sitka General Code. The proposed changes will define an onsite marijuana consumption facility, identify which zoning districts such an establishment could operate in, prescribe the conditional use permit process for those applying to operate an onsite marijuana consumption facility, and limit access to such facilities exclusively those over the age of twenty-one.

**4. ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 7, Title 10 and Title 22, be amended by modifying chapters 7.30 entitled “Public Consumption”, chapter 10.76 entitled “Loitering”, chapter 22.08 “Definitions”, chapter 22.16 “District Regulations” and chapter 22.24 entitled “Special Use Permits” to read as follows (deleted language stricken, new language underlined):

**Title 7  
MARIJUANA REGULATIONS**

**Chapters:**

- 7.30 Public Consumption**
- 7.40 Local Regulatory Authority**
- 7.50 Licensing**

\* \* \*

**Chapter 7.30  
PUBLIC CONSUMPTION**

**Sections:**

- 7.30.010 Public consumption.**

**7.30.010 Public consumption.**

A. Pursuant to AS 17.38.040, public consumption of marijuana is prohibited. A person who violates this law is guilty of a violation punishable by a fine of up to one hundred dollars.

B. Except as otherwise provided, it is unlawful for a person to knowingly consume marijuana:

22. Upon any public streets, alleys, sidewalks, municipally operated harbor walkways and floats, restrooms and parking lots, any municipally controlled areas open to the general public and public school grounds, whether in a motor vehicle or not;

2. At any public park, recreation area, playground, or ball field, whether in a motor vehicle or not;

3. In or upon those portions of any private property upon which the public has an express or implied license to enter or remain, including but not limited to eating and/or drinking establishments, places of business or amusement. An exception is made for onsite marijuana consumption facilities as defined in SGC 22.08.587(J) that operate under an approved conditional use permit; and

\* \* \*

## **Title 10**

### **PUBLIC PEACE, SAFETY AND MORALS**

#### **Chapters:**

\* \* \*

#### **VIII. Offenses BY or Against Minors**

**10.72 Juvenile Curfew**

**10.76 Loitering**

**10.80 Detention of Minors**

**10.84 Liquor Regulations**

\* \* \*

#### **Chapter 10.76 LOITERING**

#### **Sections:**

10.76.040 Sale and display of narcotic and other paraphernalia.

10.76.050 Prohibiting contraband substances to minors.

10.76.060 Definition.

10.76.070 Student protection and school property.

\* \* \*

#### **10.76.050 Prohibiting contraband substances to minors.**

A. It is unlawful to sell, transfer, or give to any person under the age of eighteen years, and it is unlawful for any person under eighteen years of age to possess any marijuana, hashish, PCP or any other controlled substance (except by prescription) or any device, contrivance, instrument or paraphernalia described in subsection A of Section 10.76.040, or any circular multi-bladed throwing knives.

B. Any of the above-mentioned substances and items found in the possession of a minor under the age of eighteen years shall be confiscated and destroyed as contraband.

C. Any person convicted of selling, transferring, trading or giving any of the above-mentioned substances or items to a minor under the age of eighteen years shall be subject to a penalty of not more than thirty days in jail or a fine of up to five hundred dollars, or both.

D. Pursuant to Alaska Administrative Code Chapter 306.310, the operator of an onsite marijuana consumption facility as defined in SGC 22.08.587(J) shall restrict access to persons not less than twenty-one years of age.

\* \* \*

## **Title 22 ZONING**

### **Chapters:**

- 22.04 Introduction and General Provisions**
- 22.08 Definitions**
- 22.12 Zoning Maps and Boundaries**
- 22.16 District Regulations**
- 22.20 Supplemental District Regulations and Development Standards**
- 22.24 Special Use Permits**
- 22.30 Zoning Code Administration**

\* \* \*

### **Chapter 22.08 Definitions**

#### **Sections:**

\* \* \*

22.08.587 Marijuana.

\* \* \*

#### **22.08.587 Marijuana.**

A. "Marijuana" means all parts of the plant of the genus Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

B. "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, ~~or a retail marijuana store,~~ or an onsite marijuana consumption facility.

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.

D. "Marijuana cultivation facility, limited" means a marijuana cultivation facility with fewer than five hundred square feet under cultivation.

E. "Marijuana product manufacturing facility" means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

F. "Marijuana product manufacturing facility, extract only" means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana concentrate; and sell marijuana concentrate to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

G. "Marijuana retail facility" means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

H. "Marijuana testing facility" means an entity registered to analyze and certify the safety and potency of marijuana.

I. "Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

J. "Onsite marijuana consumption facility" means a marijuana retail facility that is authorized to sell marijuana and marijuana products to patrons for consumption on the premises in an area separated from the remainder of the premises by a secure door and containing a separate ventilation system. Patrons are not allowed to consume marijuana or marijuana products that were not purchased at the onsite marijuana consumption facility.

\* \* \*

## **Chapter 22.16 DISTRICT REGULATIONS**

### **Sections:**

22.16.010 Generally.

22.16.015 Permitted, conditional and prohibited uses.

\* \* \*

### **22.16.015 Permitted, conditional and prohibited uses.**

\* \* \*

#### **Table 22.16.015-6 Retail and Business Uses**

ZONES	P (1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (8)	C-1	C-2	WD (2)	I (3)	GI (4)	LI (4)	R	OS	GP	C (10)
RETAIL USES																			
• Building, hardware and garden materials										P	P		P	C	C			P	
• Bulk forest products sales									P	P	P	P	P	P				P	
• Retail forest products sales										P	P	P	P					C	
• Art galleries and sales of art									P	P	P	P							
• Department and variety stores									P	P	P	P(5)		C	C				
• Food stores									P	P	P	P(5)		C	C	C(6)		C	
• Agricultural product sales										P	P		P	C	C			P	
• Motor vehicle and boat dealers									P(7)	P	P	P(5)		C				P	
• Auto supply stores									P	P	P			C	C			P	
• Gasoline service stations									C	P	P		P	C	C			C	
• Apparel and accessory stores									P	P	P	P(5)		C	C				
• Furniture and home furnishing stores									P	P	P			C				C	
• Eating and drinking places									P	P	P	P	C	PU/ CS	C			C	
• Drug stores									P	P	P			C	C				
• Liquor stores									P	P	P	P(5)		C	C				
• Used goods, secondhand stores									P	P	P	P(5)		C	C			C	
• Sporting goods									P	P	P	P(5)		C	C				
• Book, stationery, video and art supply									P	P	P	P(5)		C	C				
• Jewelry stores									P	P	P	P(5)		C	C				
• Monuments, tombstones and									P	P	P		P	C	C			P	

## Page 6

[illegible]

ZONES	P (1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (8)	C-1	C-2	WD (2)	I (3)	GI (4)	LI (4)	R	OS	GP	C (10)
SERVICES																			
• General business services									P	P	P	P(5)	P	C	C			C	
• Professional offices							C	C	P	P	P	P(5)		C	C			P	
• Communications services									P	P	P	P(5)		C	C			P	
• Research and development services									C	P	P	C(5)	P	C	C			P	

\* \* \*

## Chapter 22.24 SPECIAL USE PERMITS

### Sections:

- 22.24.005 General.
- 22.24.010 Conditional uses.
- 22.24.020 Variances.
- 22.24.025 Commercial home horticulture permits.
- 22.24.026 Marijuana conditional use permits.
- 22.24.030 Planned unit developments.
- 22.24.040 Binding site plan approval.
- 22.24.050 Nonconforming use permit.

\* \* \*

### **22.24.026 Marijuana conditional use permits.**

A. Intent. This section shall govern the approval of all conditional use permits for the following uses defined as: Sections 22.08.587(B), Marijuana Establishment; 22.08.587(C), Marijuana Cultivation Facility; 22.08.587(D), Marijuana Cultivation Facility, Limited; 22.08.587(E), Marijuana Product Manufacturing Facility; 22.08.587(F), Marijuana Product Manufacturing Facility, Extract Only; 22.08.587(G), Marijuana Retail Facility; ~~and~~ 22.08.587(H), Marijuana Testing Facility; and 22.08.587(J), onsite marijuana consumption facility. Such uses shall only be approved where there are no negative impacts that exist or where any negative impacts are mitigated through conditions that shall mitigate any potential negative impacts to preserve the public's health, safety, and welfare.

\* \* \*

**5. EFFECTIVE DATE.** This ordinance shall become effective \_\_\_\_\_.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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ATTEST:

\_\_\_\_\_  
Sara Peterson, MMC  
Municipal Clerk

\_\_\_\_\_  
Gary L. Paxton, Mayor

DRAFT





# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM ZONING AMENDMENT APPLICATION

### APPLICATION FOR

☐ ZONING MAP AMENDMENT

☒ ZONING TEXT AMENDMENT

### ANALYSIS: (Please address each item in regard to your proposal)

- NEED/HARDSHIP/JUSTIFICATION FOR PROPOSAL: state regulations now allow this, we need to create City Code to allow such uses a marijuana consumption facility.
- PUBLIC BENEFIT OF PROPOSAL: gives patrons/visitors a safe place to consume marijuana products
- CONSISTENCY WITH COMPREHENSIVE PLAN (Cite Section and Explain): 1st section - ED6.7 - supports growth of local businesses; ED6.5 - supports growth of independent or cruise related tourism by offering a secure and unique experience.
- CONSISTENCY WITH PHYSICAL BOUNDARIES (Streets, Major Creeks, etc.): n/a
- DOES NOT RESULT IN SPOT ZONING BECAUSE: it does not change zoning boundaries
- PUBLIC HEALTH, SAFETY, AND WELFARE: Mitigates use of marijuana in public places, such as federal parks, neighborhood streets, etc.

Michelle Cleaver

Applicant

3/27/19

Date

Cleaver

Last Name

3/27/19

Date Submitted

~~1324~~ n/a

Project Address

marijuana, marijuana products, or both marijuana and marijuana products sold contains more than 5,600 milligrams of THC.

(b) These limits include marijuana or marijuana product sold for onsite consumption under 3 AAC 306.370(a)(2).

### **3 AAC 306.360. Restriction on advertising of marijuana and marijuana products**

Repealed 10/17/2018.

### **3 AAC 306.365. Required consumer notices for retail marijuana stores**

(a) A retail marijuana store shall post, in a conspicuous location visible to customers, the following notices:

(1) "Consumption of marijuana in public is prohibited by law.";

(2) "Transportation or carriage of marijuana or marijuana products on Alaska waterways, including cruise ships, or by air carrier is prohibited by federal law.";

(3) "Transportation or shipment of marijuana or marijuana products outside the State of Alaska is prohibited by federal law.";

(4) "Providing marijuana to persons under 21 years of age is prohibited by law.".

(b) Notification signs required under (a) of this section must be at least 11 inches by 14 inches in size. Lettering must be at least one-half inch in height and in colors that contrast with the background.

### **3 AAC 306.370. Onsite consumption endorsement for retail marijuana stores.**

(a) Unless prohibited by local or state law, a freestanding licensed retail marijuana store with an approved onsite consumption endorsement is authorized to

(1) sell marijuana and marijuana products, excluding marijuana concentrates, to patrons for consumption on the licensed premises at the time of purchase only in an area designated as the marijuana consumption area and separated from the remainder of the

premises, either by a secure door and having a separate ventilation system, or by being outdoors in compliance with (c) (4) below;

(2) sell for consumption on the premises

(A) marijuana bud or flower in quantities not to exceed one gram to any one person per day;

(B) edible marijuana products in quantities not to exceed 10 mg of THC to any one person per day; and

(C) food or beverages not containing marijuana or alcohol; and

(3) allow a person to remove from the licensed premises marijuana or marijuana product that has been purchased on the licensed premises for consumption under this section, provided it is packaged in accordance with 3 AAC 306.345.

(b) A licensed retail marijuana store with an approved onsite consumption endorsement may not

(1) sell marijuana concentrate for consumption in the marijuana consumption area or allow marijuana concentrate to be consumed in the marijuana consumption area;

(2) allow any licensee, employee, or agent of a licensee to consume marijuana or marijuana product, including marijuana concentrate, during the course of a work shift;

(3) allow a person to consume tobacco or tobacco products in the marijuana consumption area;

(4) allow a person to bring into or consume in the marijuana consumption area any marijuana or marijuana product that was not purchased at the licensed retail marijuana store;

(5) sell, offer to sell, or deliver marijuana or marijuana product at a price less than the price regularly charged for the marijuana or marijuana product during the same calendar week;

(6) sell, offer to sell, or deliver an unlimited amount of marijuana or marijuana product during a set period of time for a fixed price;

(7) sell, offer to sell, or deliver marijuana or marijuana product on any one day at prices less than those charged the general public on that day;

(8) encourage or permit an organized game or contest on the licensed premises that involves consuming marijuana or marijuana product or the awarding of marijuana or marijuana product as prizes; or

(9) advertise or promote in any way, either on or off the premises, a practice prohibited under this section.

(c) A marijuana consumption area shall have the following characteristics:

(1) the consumption area shall be isolated from the other areas of the retail marijuana store, separated by walls and a secure door, and shall have access only from the retail marijuana store;

(2) a smoke-free area for employees to monitor the marijuana consumption area;

(3) a ventilation system that directs air from the marijuana consumption area to the outside of the building through a filtration system sufficient to remove visible smoke, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property line;

(4) if outdoors, be found by the board to be compatible with uses in the surrounding area through evaluation of

(A) neighboring uses;

(B) the location of air intake vents on neighboring buildings;

(C) a sight-obscuring wall or fence around the outdoor marijuana consumption area;

(D) objections of property owners, residents, and occupants within 250 linear feet or the notification distance required by the local government, whichever is greater; and

(E) any other information the board finds relevant.

(d) An applicant for an onsite consumption endorsement must file an application on a form the board prescribes, including the documents and endorsement fee set out in this section, which must include

(1) the applicant's operating plan, in a format the board prescribes, describing the retail marijuana store's plan for

(A) security, in addition to what is required for a retail marijuana store, including:

- (i) doors and locks;
- (ii) windows;
- (iii) measures to prevent diversion; and
- (iv) measures to prohibit access to persons under the age of 21;

(B) ventilation. If consumption by inhalation is to be permitted, ventilation plans must be

- (i) signed and approved by a licensed mechanical engineer;
- (ii) sufficient to remove visible smoke; and
- (iii) consistent with all applicable building codes and ordinances;

(C) monitoring overconsumption;

(D) unconsumed marijuana, by disposal or by packaging in accordance with 3 AAC 306.345; and

(E) preventing introduction into the marijuana consumption area of marijuana or marijuana products not sold by the retail marijuana store, and marijuana or marijuana products not sold specifically for onsite consumption;

(2) the applicant's detailed diagram of the marijuana consumption area which must show the location of

(A) the licensed premises of the retail marijuana store;

(B) serving area or areas;

(C) ventilation exhaust points, if applicable;

(D) the employee monitoring area;

(E) doors, windows, or other exits; and

(F) access control points;

(3) the title, lease, or other documentation showing the applicant's sole right of possession of the proposed marijuana consumption area, if the area is not already part of the approved licensed premises for the retail marijuana store;

(4) an affidavit that notice of an outdoor marijuana consumption area has been mailed to property owners, residents, and occupants of properties within 250 linear feet of the boundaries of the property on which the onsite consumption endorsement is proposed, or the notification distance required by the local government, whichever is greater.

(e) The retail marijuana store holding an onsite consumption endorsement under this chapter shall

(1) destroy all unconsumed marijuana left abandoned or unclaimed in the marijuana consumption area in accordance with the operating plan and 3 AAC 306.740;

(2) monitor patrons in the marijuana consumption area at all times, specifically for overconsumption;

(3) display all warning signs required under 3 AAC 306.360 and 3 AAC 306.365 within the marijuana consumption area, visible to all consumers;

(4) provide written materials containing marijuana dosage and safety information for each type of marijuana or marijuana product sold for consumption in the marijuana consumption area at no cost to patrons;

(5) package and label all marijuana or marijuana product sold for consumption on the premises as required by 3 AAC 306.345; and

(6) comply with any conditions set by the local government or placed on the endorsement by the board.

(f) The holder of an onsite consumption endorsement must apply for renewal annually at the time of renewal of the underlying retail marijuana store license.



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## **Planning and Community Development Department**

Case No: P 19-03  
Proposal: Conceptual plat – minor subdivision to result in 2 lots  
Applicant: Sitka Community Land Trust  
Owner: Sitka Community Land Trust  
Location: 1306 Halibut Point Road  
Legal Desc.: Lot 1A Little Critter Subdivision  
Zone: R-2 Multifamily district  
Size: Existing: 58,727 square feet  
Proposed: Lot 1A – 52,727 square feet, Lot 1C – 6,000 square feet  
Parcel ID: 1-4707-001  
Existing Use: Undeveloped  
Adjacent Use: Residential, Commercial, Undeveloped  
Utilities: Edgumbe Drive and Kostrometinoff Street, utility easement  
Access: Kostrometinoff Street, access easement

### **KEY POINTS AND CONCERNS:**

- Lot will meet new dimensional development standards
- Can only be accessed via an easement granted from surrounding property owner(s)
- Utilities provided by proposed easements
- Creation of new lot could facilitate additional opportunity for development

**RECOMMENDATION:** Approve the conceptual plat of the minor subdivision of 1306 Halibut Point Road subject to the attached conditions of approval.

### **ATTACHMENTS:**

Attachment A: Aerial Photo  
Attachment B: Applicant Materials  
Attachment C: Plat  
Attachment D: Public Comment

## **BACKGROUND:**

On October 3, 2006, the community voted to sell 1306, 1410, and 1414 Halibut Point Road for the purpose of affordable housing development, not subject to competitive bid. On November 24, 2015, the Assembly voted to transfer 1306 Halibut Point Road to Sitka Community Development Corporation for the purpose of promoting permanently affordable home ownership by placing affordable homes on the market. The SCLT operates as a land trust, where private owners purchase homes but the land trust retains ownership of the land. Land is leased to homeowners on long term agreements. The applicant can describe their model in more detail.

The subdivision divided a 61,958 square foot lot into 7 residential lots and an unsubdivided remainder to be used for parking and community space. Of the unsubdivided portion, there is buildable land in the Eastern portion of the lot. However, the land is inaccessible from SCLT land due to topography. An access easement would have to be provided by 1213 Edgecumbe Drive, 1301 Edgecumbe Drive, or 1300 Halibut Point Road. Due to the location and topography, the land is impractical for SCLT to develop. Allowing the subdivision would allow SCLT to dispose of the land that they cannot develop and use the funds to further the affordable housing project. The subdivision also enables the development of buildable land, which would otherwise remain vacant, for residential use, adding to the housing stock.

## **PROJECT DESCRIPTION:**

The proposed minor subdivision is intended to divide Lot 1A of the Little Critter Subdivision into two parcels. The newly created parcel would meet the revised development standards, sized 6,000 square feet. The lot would provide buildable space for a residential dwelling unit after clearing and grading.

The proposal assumes a successful transaction agreement between SCLT and the property owner at 1301 Edgecumbe Drive, as the latter will provide access and utility easements. The proposed easements are depicted on the aerial view. Easement agreements shall be recorded for the new easement and all easement agreements shall be cited by plat note.

The West side of Kostrometinoff, though it is a right-of-way, has not been adopted by the city for maintenance as it was not developed to right-of-way standards. Staff recommends that as a condition of approval, the Commission require property owners, existing and potential, to establish a license with CBS to define terms and conditions for private use of the road along with a maintenance agreement between the property owners.

## **Title 21**

The purposes of the subdivision regulations are: to promote and protect the public, health, safety and welfare; provide for appropriate roads, streets, and access; provide for useful, adequate and convenient open space; provide for means for efficient transportation, mobility, and access; assure adequate utilities; provide for emergency response accessibility; provide adequate recreation, light, and air; avoid population congestion; facilitate orderly development and



growth; and accurate surveying.<sup>1</sup> These factors are analyzed in the below Analysis section.

### **Development Standards**

The minimum lot area for the R-2 District is currently 8,000 square feet, though the Assembly is considering an ordinance to reduce that to 6,000 square feet. Both resulting lots will meet these minimums.

### **ANALYSIS:**

**Site:** Proposed lots to be Lot 1A – 52,727 square feet, Lot 1C – 6,000 square feet. Newly created lot will require easement(s) from neighboring lots to provide for adequate access.

**Utilities:** Utilities are available from Edgecumbe Drive via proposed easements. Easements and easement agreements will be designated on the plat. A plat note will state that the municipality shall be a party to all easements and no changes shall be made without municipal approval.

**Access, Roads, Transportation, and Mobility:** Applicant will work with neighboring lot(s) to provide adequate access to the lot and will work with CBS staff to discuss any required driveway permits.

**Public, Health, Safety and Welfare:** Locations for utilities are planned via proposed platted easements. A condition of approval requires all utility installations to undertake the required permitting processes. Conceptual plat will be reviewed by CBS development review committee to discuss any health/safety/welfare concerns, applicant will work with CBS staff to address any concerns that may arise out of the review.

**Orderly and Efficient Layout and Development:** Due to the topography of the surrounding area, the proposed lot is inaccessible from SCLT land and therefore impractical for SCLT development. Allowing the subdivision affords the opportunity to transfer ownership of the lot to a party with the ability and access to develop it.

### **COMPREHENSIVE PLAN**

The proposed minor subdivision is consistent with Comprehensive Plan Housing goal H1.1e “Encourage higher density development.”

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<sup>1</sup> SGC Section 21.04.020

## **NEXT STEPS**

If the concept is approved, the next steps would be:

1. Input from the CBS development review committee on any utility, access, and/or public safety concerns
2. Develop access and utility easements between the created lot and 1301 Edgecumbe Drive and accompanying easement/maintenance agreements
3. Establish a license with CBS to define terms and conditions for private use of the right-of-way (the West end of Kostrometinoff) with a maintenance agreement between the property owners.
4. Preliminary plat by a licensed surveyor, preliminary plat approval by Commission
5. Final Plat preparation, final plat approval by Commission

## **RECOMMENDED MOTION**

**I move to approve** the conceptual plat for a minor subdivision at 1306 Halibut Point Road in the R-2 zoning district subject to the listed conditions of approval. The property is also known as Lot 1A, Little Critter Subdivision. The applicant is the Sitka Community Land Trust. The owner of record is the Sitka Community Land Trust.

Conditions of Approval.

- 1) All utilities, including water, sewer, and electricity shall be required to have an approved permit from the municipality; and all utility permits and design shall comply with all applicable code and design polices including, but not limited to 15.04.100, 15.04.110, 15.04.240, and 15.04.250.
- 2) This subdivision development and the plat, prior to recording, complies with all applicable Sitka General Code.
- 3) All applicable state, federal, and tribal permits, licenses, regulations, and statutes shall be followed in subdividing this land.
- 4) Easements and easement maintenance agreements for the proposed access and utility easements on 1301 Edgecumbe Drive shall be developed and recorded before final plat approval.
- 5) All easement agreements will be cited via plat notes.
- 6) The applicant will work with the property owners of 1213 and 1301 Edgecumbe Drive to establish a license with CBS to define terms and conditions for private use of the right-of-way (the West end of Kostrometinoff) with a maintenance agreement between the property owners.
- 7) The proposed subdivision will be reviewed by the CBS development review committee. The applicant will work with CBS to address concerns or issues that may result from the review.









# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

### GENERAL APPLICATION FORM

- 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:** This application seeks to create a 6,000 sq ft lot from a larger parcel to enable a small house to be built on a site which the current owner, the Sitka Community Land Trust, has no feasible access.

#### PROPERTY INFORMATION:

CURRENT ZONING: R2

PROPOSED ZONING (if applicable): \_\_\_\_\_

CURRENT LAND USE(S): residential

PROPOSED LAND USES (if changing): \_\_\_\_\_

#### APPLICANT INFORMATION:

PROPERTY OWNER: Sitka Community Land TrustPROPERTY OWNER ADDRESS: 1306 HPR

STREET ADDRESS OF PROPERTY: \_\_\_\_\_

APPLICANT'S NAME: Randy Hughey for the Sitka Community Land TrustMAILING ADDRESS: POB 6461EMAIL ADDRESS: randywhughey@gmail.com DAYTIME PHONE: 738-2999

#### PROPERTY LEGAL DESCRIPTION:

TAX ID: 1-4707-001LOT: 1A

BLOCK: \_\_\_\_\_

TRACT: \_\_\_\_\_

SUBDIVISION: Little Critter

US SURVEY: \_\_\_\_\_

Last Name

Date Submitted

Project Address

## REQUIRED 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
- ☐ Copy of Deed (find in purchase documents or at Alaska Recorder's Office website)
- ☐ Copy of current plat (find in purchase documents or at Alaska Recorder's Office website)
- ☐ Site photos showing all angles of structures, property lines, street access, and parking – emailed to [planning@cityofsitka.org](mailto:planning@cityofsitka.org) or printed in color on 8.5" x 11" paper
- ☐ Proof of filing fee payment

### For Marijuana Enterprise Conditional Use Permits Only:

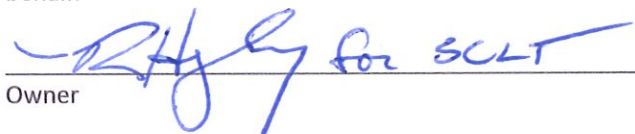
- ☐ AMCO Application

### 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

Apr 22, 2019  
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

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Project Address





# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

### SUPPLEMENTAL APPLICATION FORM

### PLAT APPLICATION

#### APPLICATION FOR

- ☐ MAJOR SUBDIVISION/PLANNED UNIT DEVELOPMENT
- ☒ MINOR SUBDIVISION/HYBRID SUBDIVISION
- ☒ SUBDIVISION REPLAT/LOT MERGER/EASEMENT AMENDMENT
- ☐ BOUNDARY LINE ADJUSTMENT

#### ANALYSIS: (Please address each item in regard to your proposal)

- SITE/DIMENSIONS/TOPOGRAPHY:** This application seeks to create a 6,000 sq ft lot from a larger parcel, sell that lot, and enable a small house to be built on a site which the current owner, the Sitka Community Land Trust, has no feasible access.
- EXISTING UTILITIES AND UTILITY ROUTES:** utilities can be delivered to the site via the Kostrometinoff St extension then through an easement to be established through 1301 Edgecumbe Drive
- PROPOSED UTILITIES AND UTILITY ROUTES:** Utilities can be delivered to the site via the Kostrometinoff St extension then through an easement to be established through 1301 Edgecumbe Drive
- ACCESS, ROADS, TRANSPORTATION, AND MOBILITY:** same as above
- IMPACT OF PROPOSAL ON ANY EXISTING EASEMENTS:** None that we are aware of
- PUBLIC HEALTH, SAFETY, AND WELFARE:** Its all good.
- ACCESS TO LIGHT AND AIR:** The new lot will have excellent light and air and will not infringe on the qualities of the adjacent properties.

- **ORDERLY AND EFFICIENT LAYOUT AND DEVELOPMENT:** The use of this parcel for a small house is orderly and efficient. It is a good and beneficial use of the land.
- **DESCRIBE ALL EXISTING STRUCTURES, THEIR USE, AND PROXIMITY TO PROPOSED PROPERTY LINES:**  
As the site map shows, there are houses surrounding the site on large lots at more than  
adequate distances from the future location of a small house.
- **EXISTENCE OF ANY ENCROACHMENTS:** \_\_\_\_\_
- **AVAILABILITY OF REQUIRED PARKING:** Parking will meet city standards.
- **SUMMARY OF PROPOSED EASEMENT AGREEMENTS OR COVENANTS:** Robert Woolsey will develop and record  
driveway, utility, and parking easements on his property at 1301 Edgecumbe Drive which will allow for  
building a small home on this parcel on 1306 HPR

**ANY ADDITIONAL COMMENTS** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Randy Hughey for the Sitka Community Land Trust  
 \_\_\_\_\_  
 Applicant

April 22, 2019  
 \_\_\_\_\_  
 Date



# CERTIFICATE OF OWNERSHIP AND DEDICATION

THE CITY AND BOROUGH OF SITKA HEREBY CERTIFIES THAT THEY ARE THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT THEY HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH THEIR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE 5-24-05  
 REPRESENTATIVE AUTHORIZED TO SIGN [Signature]

## NOTARY'S ACKNOWLEDGMENT

US OF AMERICA  
 STATE OF ALASKA  
 CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 24 DAY OF MAY, 2005, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Scott Brylinsky

TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND he ACKNOWLEDGED TO ME THAT he SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

MY COMMISSION EXPIRES 4-15-07

Sara K Russell  
 NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

## CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)

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

AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 2005 WILL BE DUE ON OR BEFORE AUGUST 31, 2005, DATED THIS DAY OF MAY 23, 2005

James A Corbett  
 ASSESSOR, CITY AND BOROUGH OF SITKA

## CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREIN HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 204-10 DATED 20, AND THAT THE PLAT SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE 5/23/05  
 SECRETARY Sara K Russell  
 CHAIRMAN, PLATTING BOARD

## CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREIN HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK PAGE 20 DATED 20, AND THAT THE PLAT SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE 5-23-05  
Salome X Nelson  
 MAYOR (Deputy)  
Naomi Jones  
 CITY AND BOROUGH CLERK - Acting Deputy Clerk

## CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

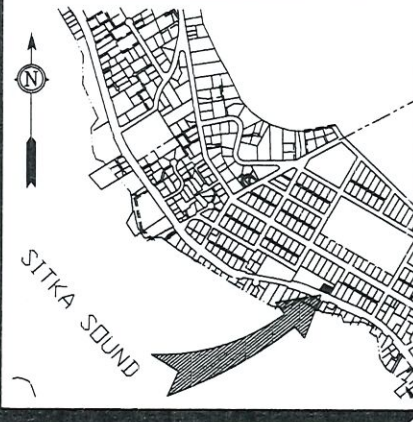
I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF: City of Sitka

(ALL OWNERS OF RECORD), AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.I.D.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 23rd DAY OF May, 2005, AT SITKA, ALASKA.

[Signature]  
 FINANCE DIRECTOR  
 CITY & BOROUGH OF SITKA

EDGE CUMBE DRIVE



## VICINITY MAP

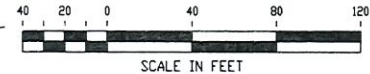
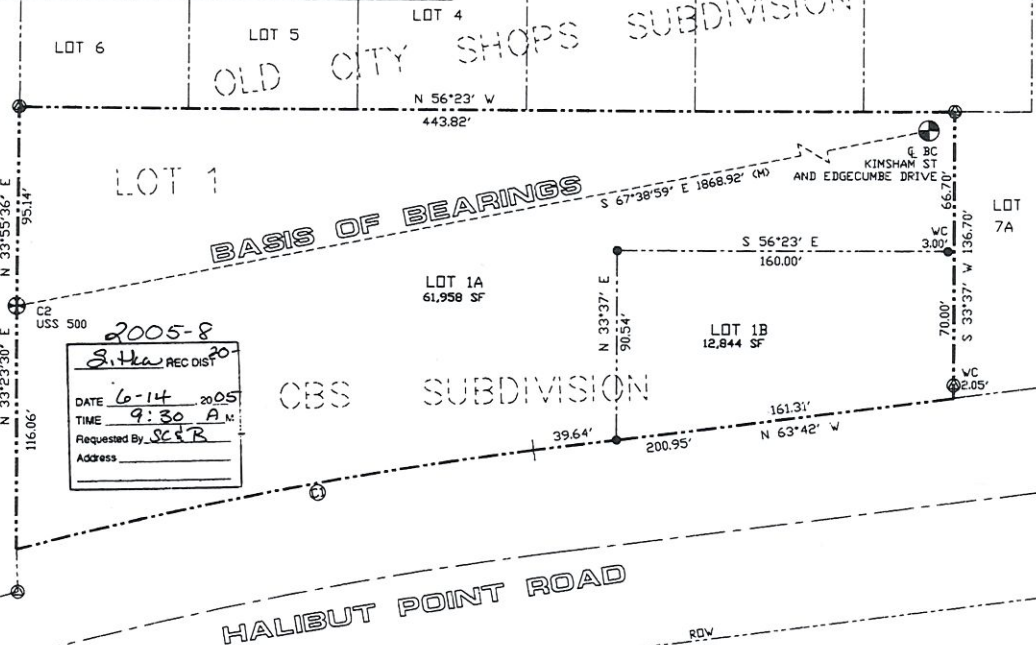
SCALE 1"=1,000'

## LEGEND

- PRIMARY CONTROL MONUMENT RECOVERED (BRASS CAP)
- BLM/GLO PRIMARY BRASS CAP (RECOVERED)
- SECONDARY MONUMENT (SET)
- REBAR AND YPC (RECOVERED)
- REBAR (RECOVERED)
- REBAR AND ALUM. CAP (RECOVERED)
- RECORDED DATA
- COMPUTED DATA
- MEASURED DATA

## CURVE DATA:

Δ = 7°52'29"  
 R = 1816.11'  
 L = 249.60'  
 CHD L = 249.41'  
 CHD BRG = N 67°41'25" W



## O'NEILL SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835  
 PHONE: (907) 747-6700  
 FAX: (907) 747-7590  
 EMAIL: alaskasurvey@worldnet.att.net

BY	DATE	REV.	DESCRIPTION OF CHANGE

RECORD OF REVISIONS



DESIGNED: P. O'NEILL  
 DRAWN: KIZAKIAN  
 CHECKED: BMD  
 DATE OF PLAT: MAY 18, 2005  
 SCALE: 1" = 40'  
 DRAWING NAME: 30014-109  
 PROJECT NO. 30014-109-00

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT ON April 2005, A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE 5/24/05  
Patrick K O'Neill  
 PATRICK K O'NEILL, L.S. 6304

## LITTLE CRITTER SUBDIVISION

LOT 1  
 CBS SUBDIVISION

CLIENT: CITY AND BOROUGH OF SITKA

1 of 1  
 SHEET



P 19-03

## Amy Ainslie

---

**From:** Trish White <TrishW@whitesalaska.com>  
**Sent:** Thursday, April 25, 2019 3:36 PM  
**To:** Planning Department  
**Subject:** Lot 1A Little Critter Subdivision

Hello! Thank you Amy! Our concerns with the Sitka Land Trust Subdivision are mostly about the traffic on the private driveway and that city owned portion of Kostromentinoff. With additional dwellings there will be more traffic on that driveway; in the past it has been a considerable expense to maintain that drive. The grade of that drive changed considerably when the upgrade of Edgecumbe Drive occurred so Mom -Pauline Fredrickson paid to have that filled in and leveled. Pauline, Dirk and I had been approached by the Sitka Land Trust folks to buy that portion of their property since there was no way to access that land. We made them an offer that was turned down. They then requested an easement on Pauline's property which again would have been a traffic concern; and would have hindered her ability to use her parking area (she does have a current renter with a vehicle at this location as well). I am sorry Dirk and I will be out of town for this meeting. Thank you for your time,

Trish White

White's and Harry Race Pharmacies  
117 Granite Creek Road  
Sitka, Alaska 99835  
907 966-2102