

POSSIBLE MOTION

I MOVE TO approve a final plat for a major subdivision filed by Global Positioning Services, Inc. for Alaska State Land Survey No. 2015-06 as approved by the Planning Commission. Owner of record is the State of Alaska Department of Natural Resources.

Note: Assembly review and approval is required for major subdivisions per Sitka General Code 21.32.180



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

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

From: Samantha Pierson, Planner I
Maegan Bosak, Planning and Community Development Director *MB*

Subject: Final Subdivision Plat – Nakwasina Sound Subdivision

Date: July 22, 2016

The final subdivision plat for the Nakwasina Sound Subdivision is on the Assembly agenda for approval. The Planning Commission approved the final plat during the June 21, 2016 meeting on a 5-0 vote.

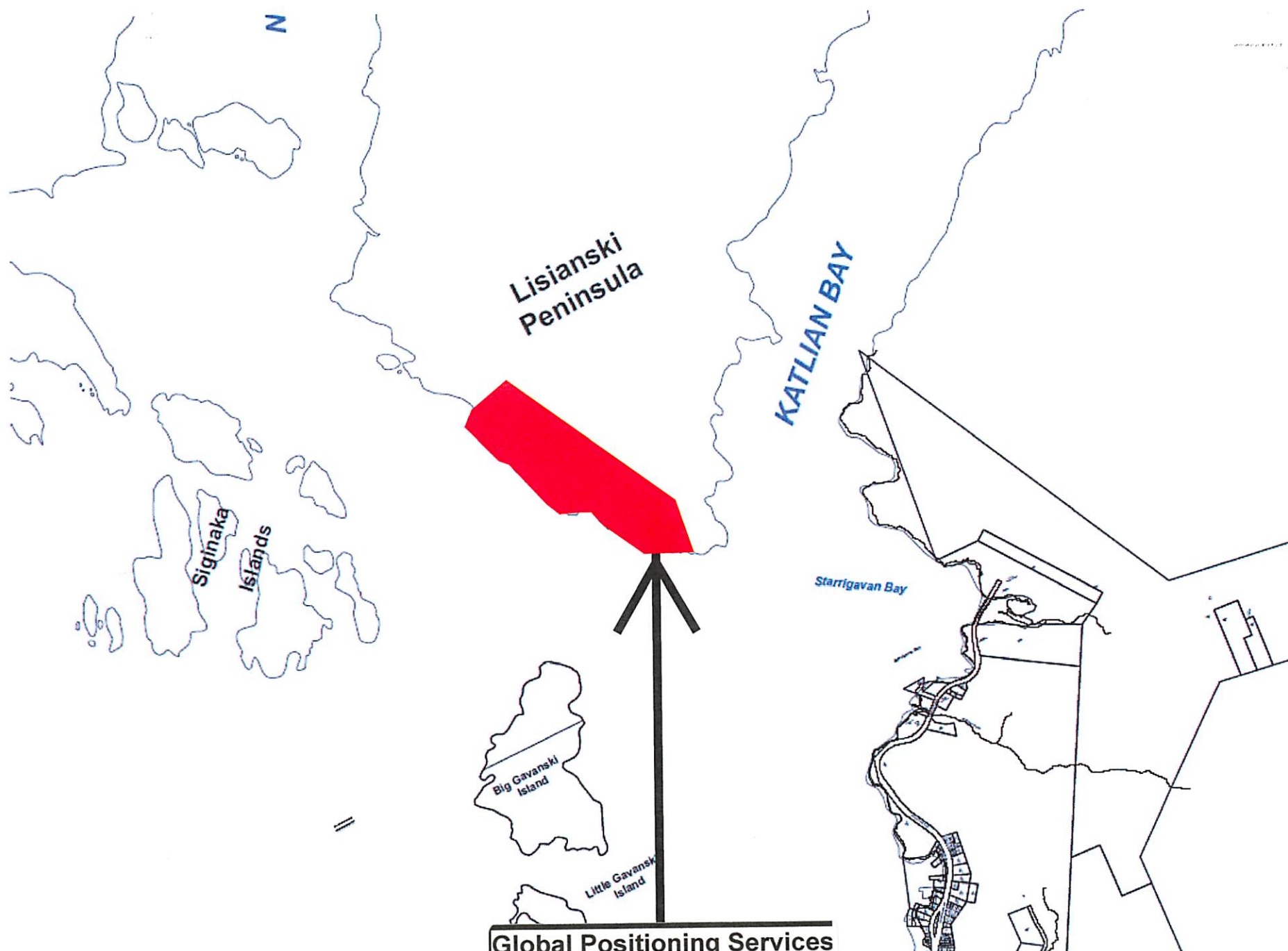
Global Positioning Services is requesting approval of a final plat for a major subdivision of ASLS 15-06 on behalf of the State of Alaska Division of Natural Resources. ASLS 15-06 consists of 122.35 acres. The subdivision would result in 18 lots and 1 tract. The 18 lots, ranging in size from 4.29 to 9.94 acres, would be made available for sale to the public for recreational use. The lots would be accessed via water, and would not have municipal utility services.

Property owners and the public will access Lisianski Peninsula via the waterfront. The subdivision includes a platted 50 foot public access easement along the waterfront border, which will preserve public access.

Public Works has stated no concern for drainage issues, and is unaware of landslide activity in the vicinity. There will be no dedicated public right-of-way, drainage, or public utilities. Private sewer systems will be required to be permitted by CBS Building Department and Alaska Department of Environmental Conservation.

The land is currently not zoned. The Planning Commission has recommended OS Open Space zoning for the subdivision. Consideration of the zoning assignment will be on a separate agenda item.

Recommended Action: Approve the final plat as approved by the Planning Commission.



Global Positioning Services
Major Subdivision Request
ASLS 2015-06 - Lisianski
Peninsula

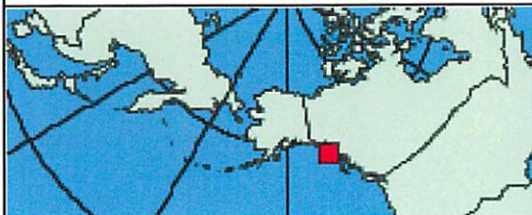
Mineral Map C.R.M., T. 54 S., R. 63 E.

Alaska Mapper

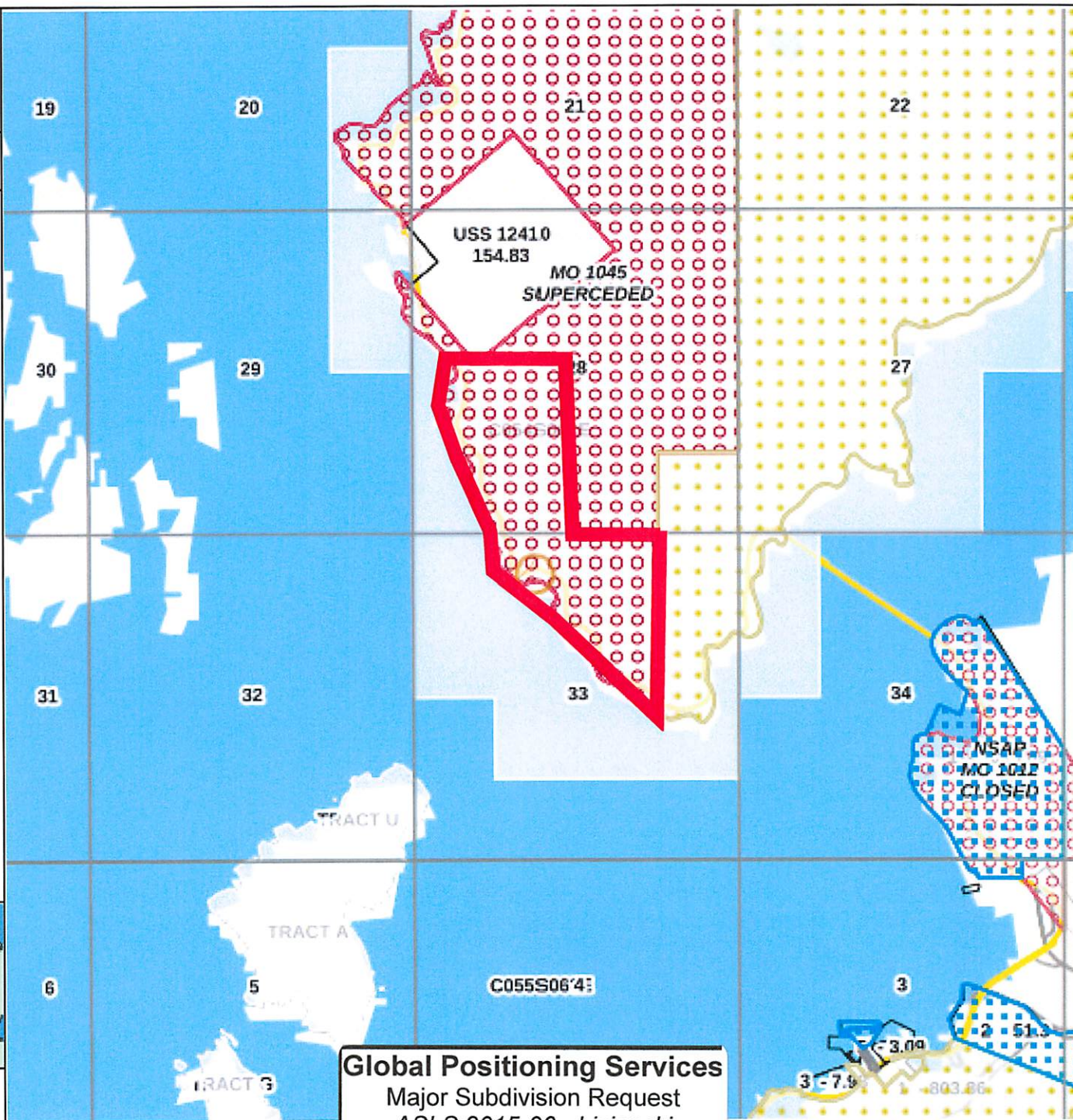
Spherical Mercator WGS 84 - EPSG:3857

2,000 ft

- PLSS Sections
- Agmmt, Sttlmnt, Rcnvyne
- Agmmt, Sttlmnt, Rcnvyne
- Agmmt, Sttlmnt, Rcnvyne
- APMA
- Federal Mining Claims
- Federal Actions
- Federal Actions
- Lease Hold
- Lease Hold
- Management Agreement
- Management Agreement
- Mental Health Trust Land
- Mineral Order
- Native Allotment
- Other Acquired Land
- Other Acquired Land
- Permit or Lease
- Permit or Lease
- State Claims
- Prospecting Site
- State Selected
- Tentatively Approved or Patented
- Tentatively Approved or Patented
- Well Site
- Boroughs
- Recording Districts
- Survey Boundary
- Survey Boundary
- Survey Boundary
- Township



GRAPHIC ILLUSTRATION ONLY.
SOURCE DOCUMENT REMAINS THE OFFICIAL RECORD.
Date Created: Wednesday, April 15, 2015
Created By: edkleweno



Global Positioning Services
Major Subdivision Request
ASLS 2015-06 - Lisianski
Peninsula

Ownership Map C.R.M., T. 54 S., R. 63 E.

Alaska Mapper

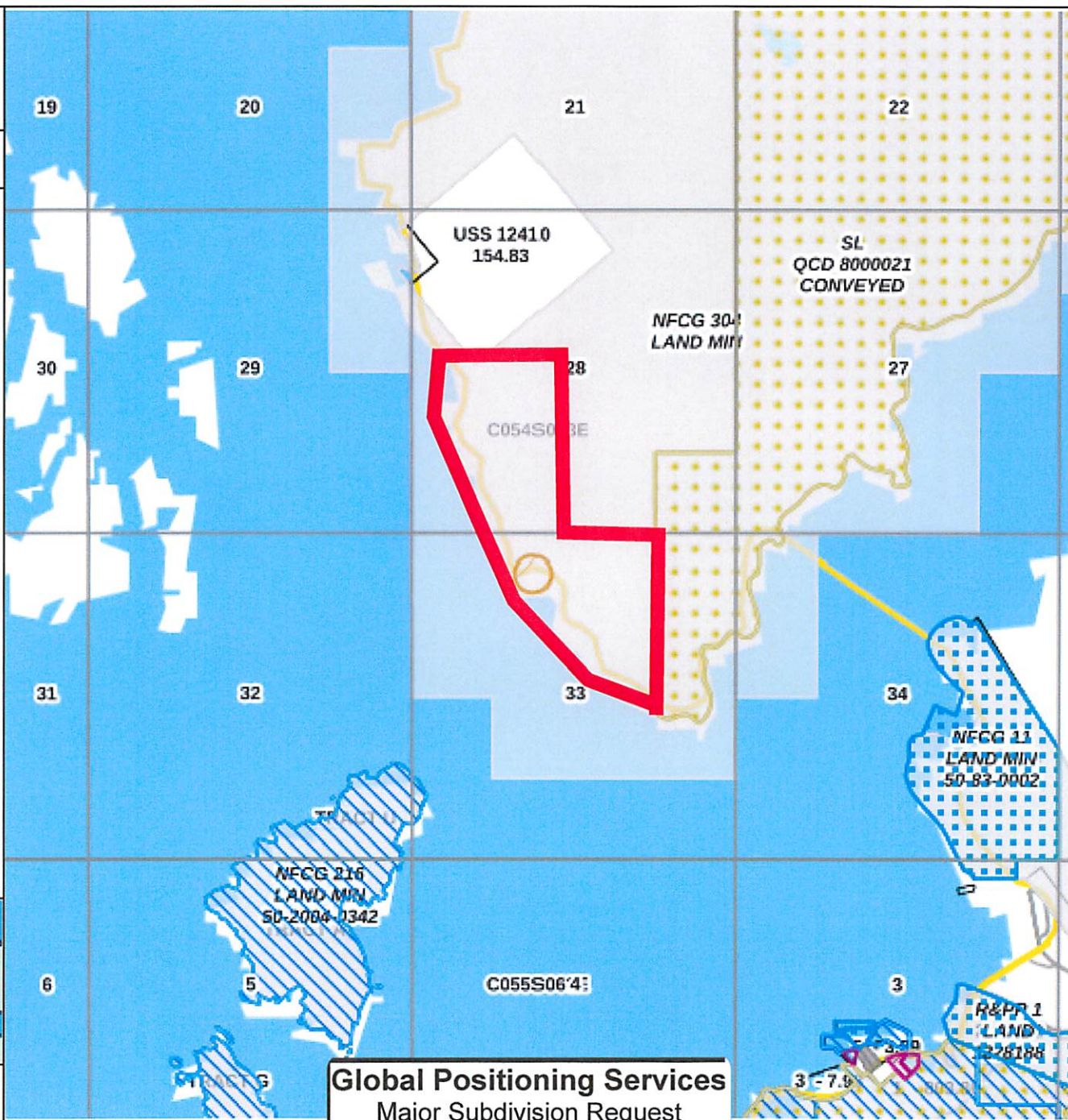
Spherical Mercator WGS 84 - EPSG:3857

2,000 ft

- ☐ PLSS Sections
- Agrmnt, Sttlmnt, Rcnvnce
- / Agrmnt, Sttlmnt, Rcnvnce
- Agrmnt, Sttlmnt, Rcnvnce
- / Federal Actions
- Federal Actions
- Land Disposal Conveyed
- / Land Disposal Conveyed
- Land Disposal Conveyed
- Management Agreement
- / Management Agreement
- Mental Health Trust Land
- Municipal Entitlement
- Municipal Tideland
- Native Allotment
- Other Acquired Land
- / Other Acquired Land
- OSL 490 School Trust Land-Other Acquired Lands
- / RS2477
- State Selected
- / State Selected
- State Tentative Approval or Patent
- / State Tentative Approval or Patent
- School Trust Lands-St Tentative App or Patent
- Boroughs
- Recording Districts
- Survey Boundary
- / Survey Boundary
- Survey Boundary
- Township



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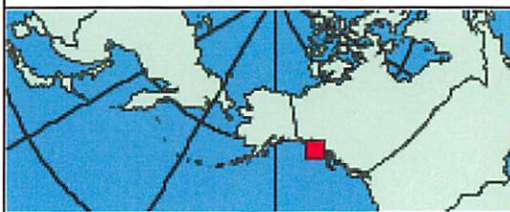
TOPO C.R.M., T. 54 S., R. 63 E.

Alaska Mapper

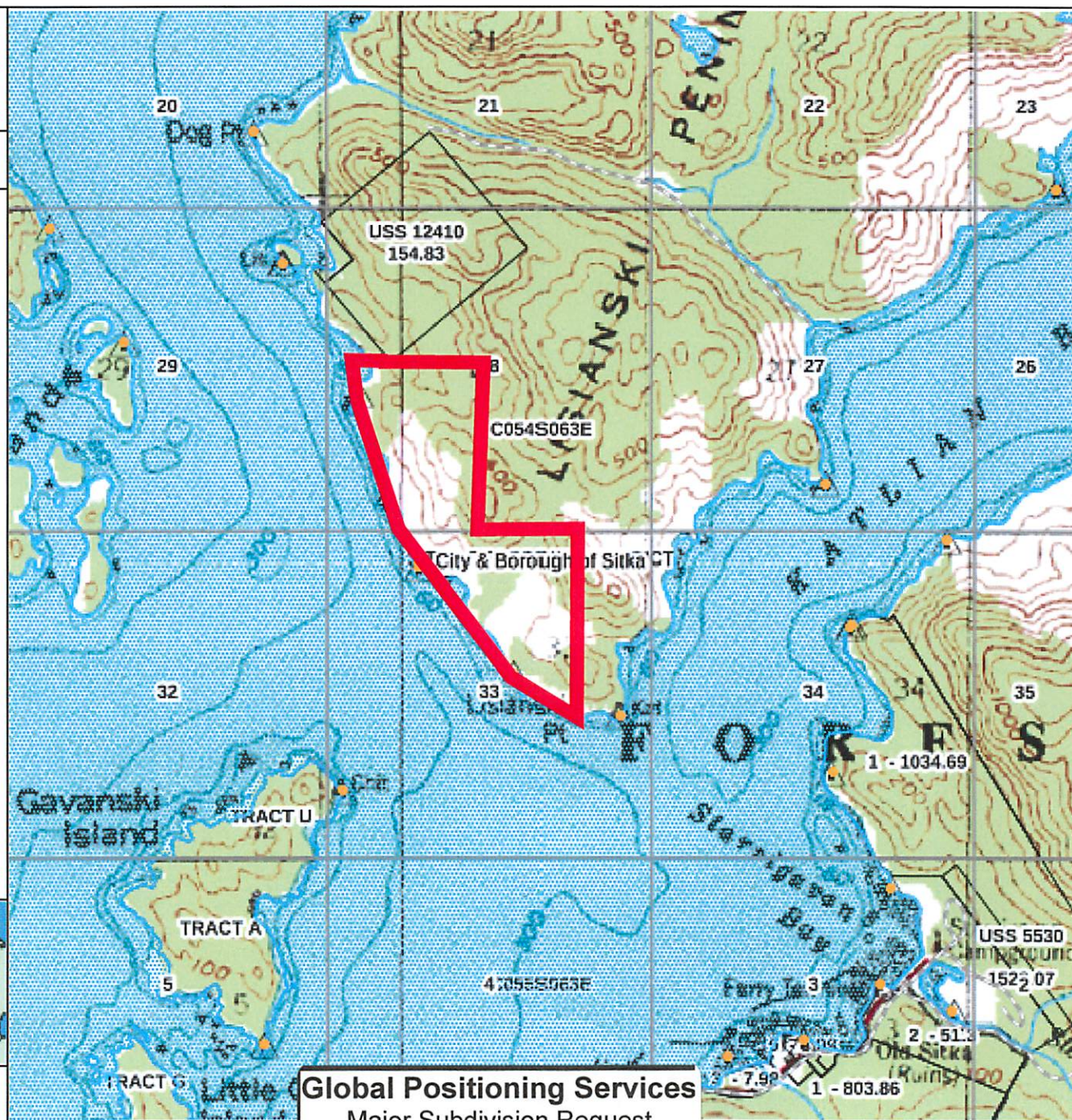
Spherical Mercator WGS 84 - EPSG:3857

2,000 ft

- PLSS Sections
- Alaska Seaward Boundary
- ASB - Disputed
- BLM Monument
- Boroughs
- Incorporated Cities
- Control Monuments
- Hydrology
- Hydrology
- Airstrips
- Airstrips
- Electrical
- Highways
- Pipeline
- Railroad
- Secondary Roads
- Telephone
- Trails
- National Geodetic Survey
- Township
- Recording Districts
- Survey Boundary
- Survey Boundary
- Survey Boundary



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Created By: edkleweno

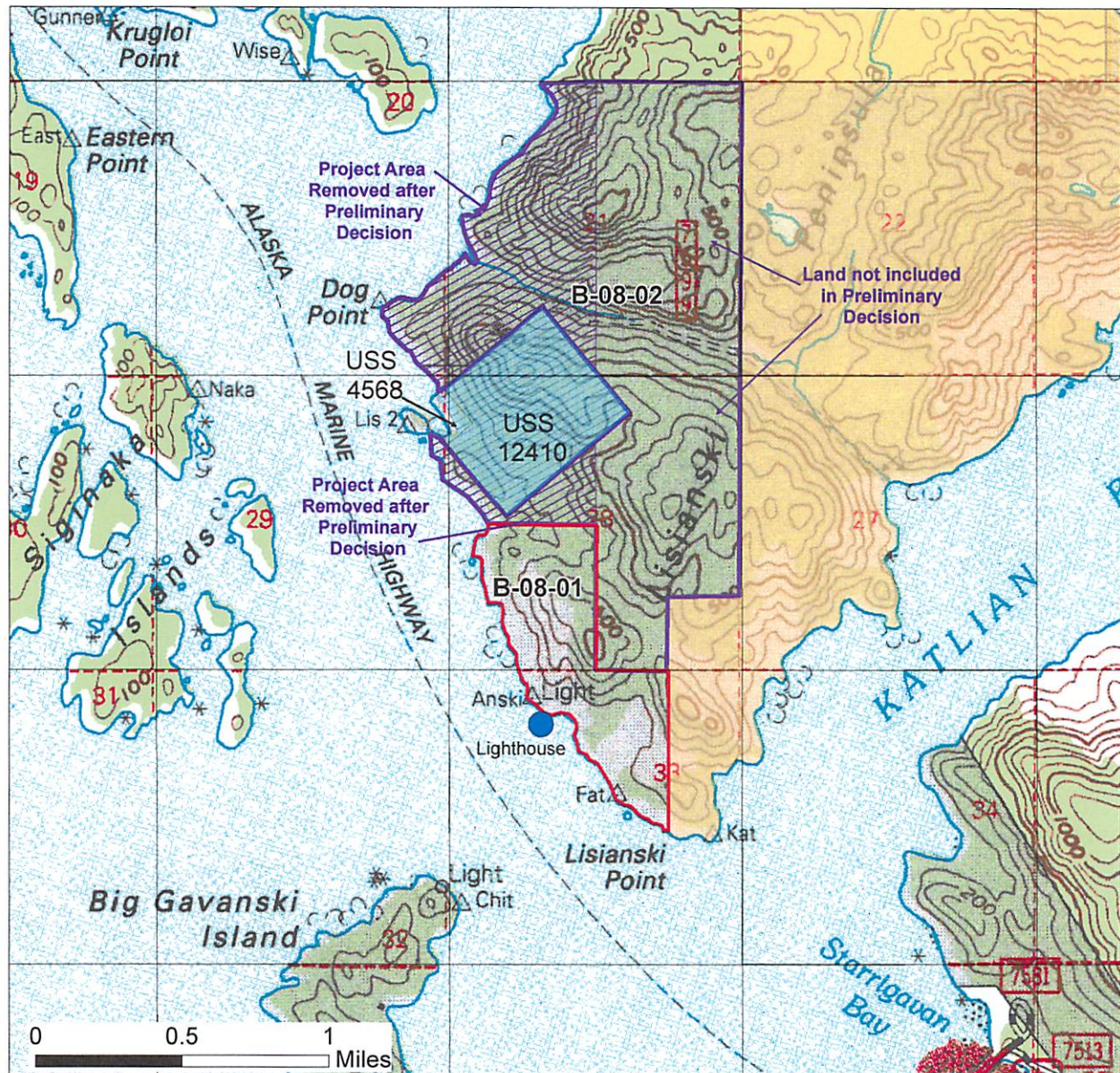


Global Positioning Services
Major Subdivision Request
ASLS 2015-06 - Lisianski
Peninsula

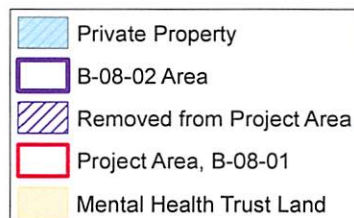


Attachment 1- Amended Vicinity Map

to the Final Finding and Decision for a
Proposed Land Offering in the City and Borough of Sitka
Nakwasina Sound Subdivision - ADL - 108062

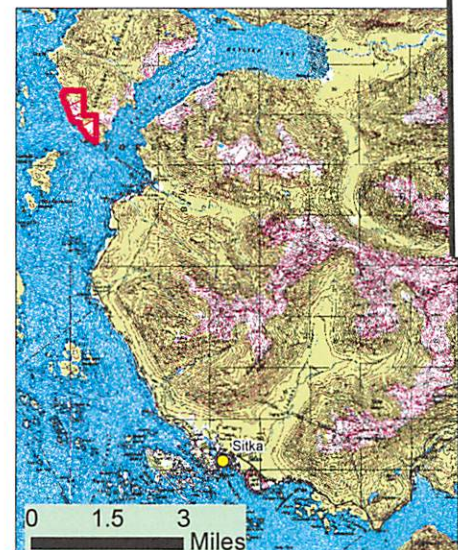
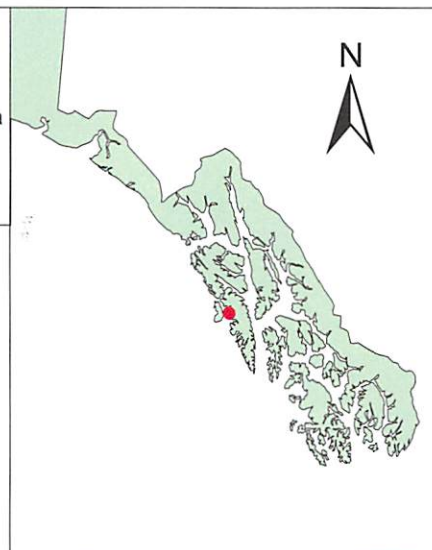


hbf 1/20/2015



USGS Quad 1:63,360
Sitka A-5
For more information, contact:
Blair French
State of Alaska - DNR
Division of Mining, Land, and Water
3700 Airport Way
Fairbanks, AK 99709
Phone: (907)451-3011
FAX: (907)451-2751
Email: subdivisionsales@alaska.gov

This map is for graphic representation only. It is intended to be used as a guide only, and may not show the exact location of all existing easements, reservations, and third party interests.



Global Positioning Services
Major Subdivision Request
ASLS 2015-06 - Lisianski Peninsula

Land Estate C.R.M., T. 54 S., R. 63 E.

Alaska Mapper

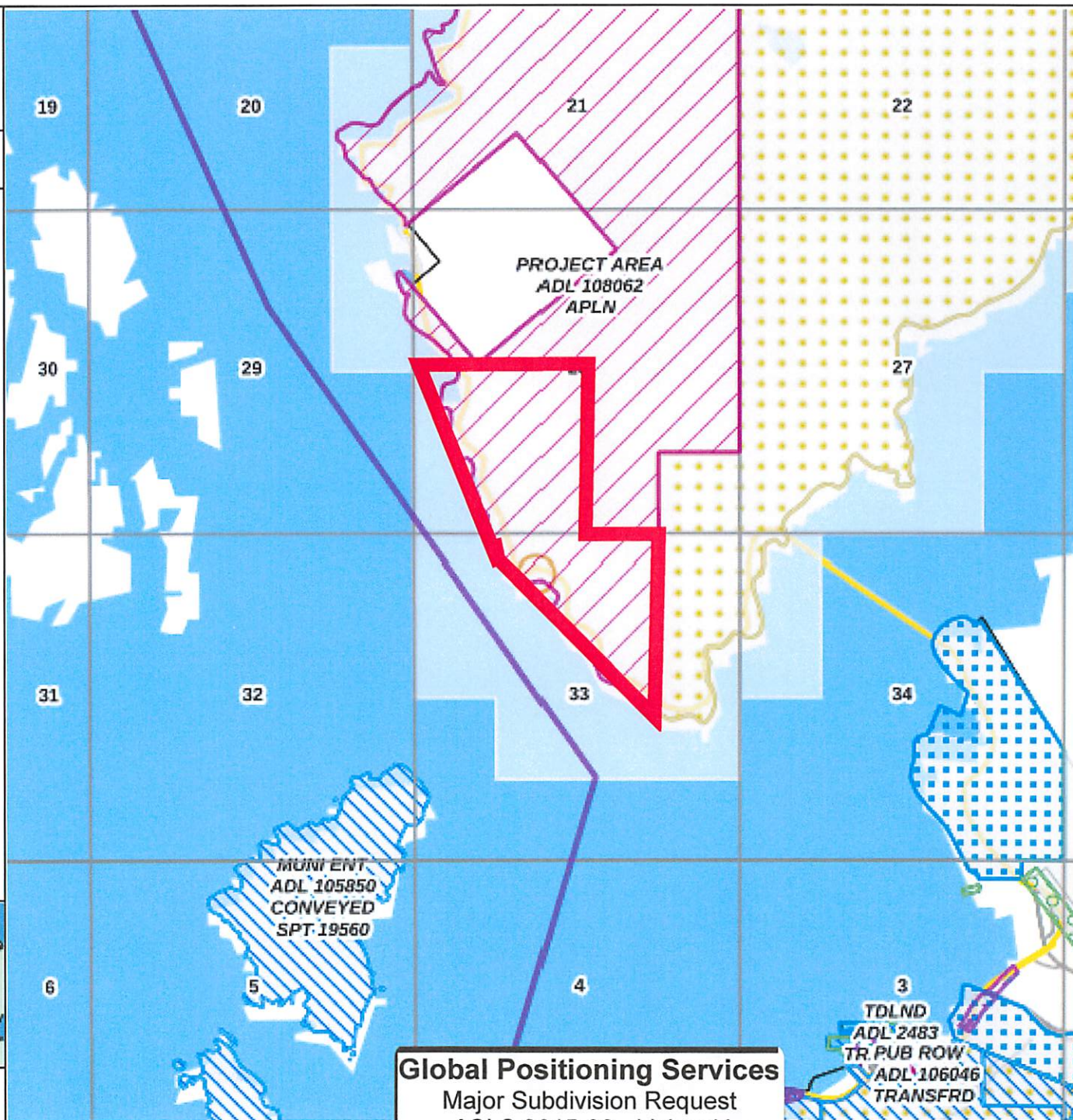
Spherical Mercator WGS 84 - EPSG:3857

2,000 ft

- Land Disposal Other
- Land Disposal Other
- Land Disposal Other
- Easements
- Easement
- Easement
- PLSS Sections
- Other Activities
- Other Activities
- Other Activities
- Agmt. Sttmt. Rcvynce
- Agmt. Sttmt. Rcvynce
- Agmt. Sttmt. Rcvynce
- Permit or Lease
- Permit or Lease
- Permit or Lease
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- Resource Sale
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Global Positioning Services
Major Subdivision Request
ASLS 2015-06 - Lisianski
Peninsula

PARTIALLY SURVEYED TOWNSHIP 54 SOUTH RANGE 63 EAST OF THE COPPER RIVER MERIDIAN, ALASKA

PROJECTION DIAGRAM NO. C14-6 OFFICIALLY FILED 3/24/1960

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

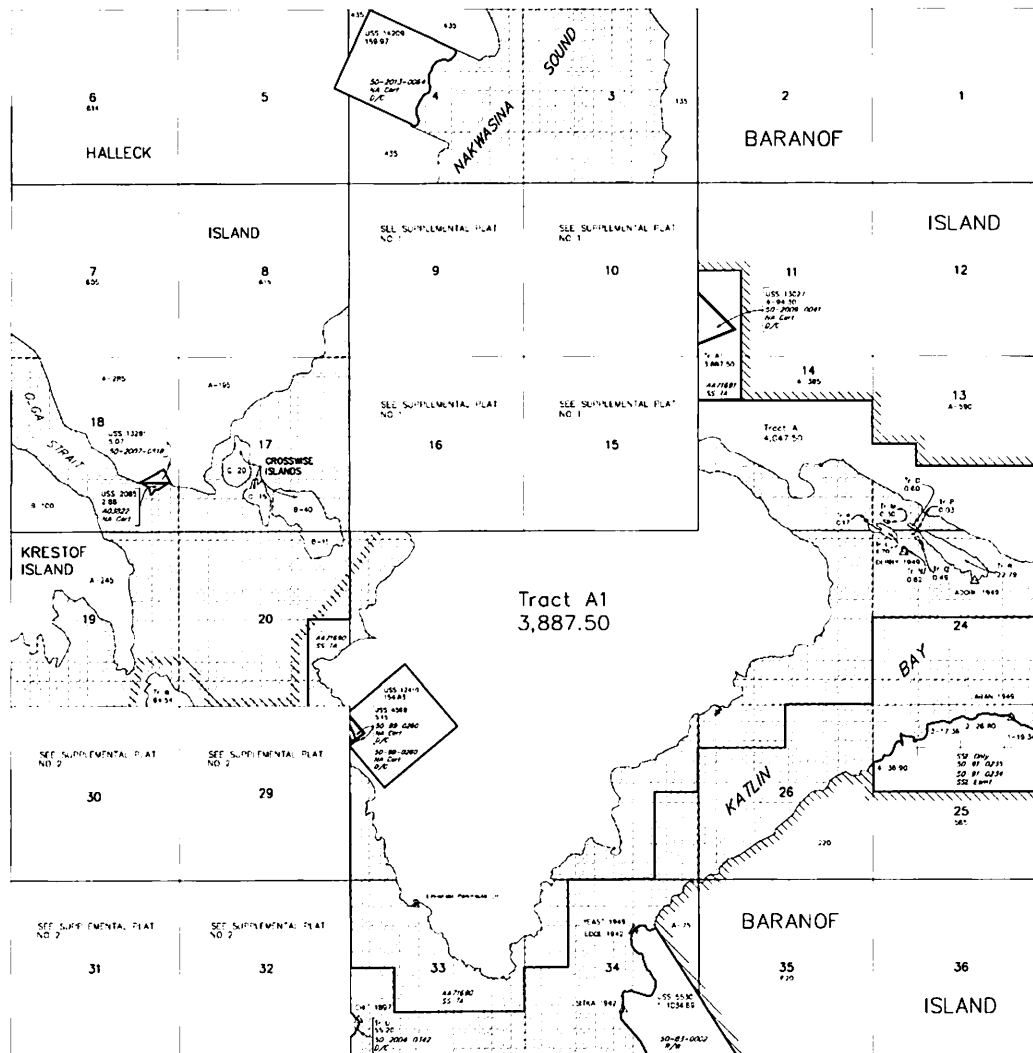
MTP

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
SURRENDERED LANDS WITHDRAWN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

Forfeited NF entire to:

Islands W/A Sect 29.30 identified by USGS SIBS A-3

US Survey 12410, approved 5/4/2009, affects
patented lots W/A section(s) 21,28,29



Lot 1 51°59'52.56"N
Long 157°58'36.48"W

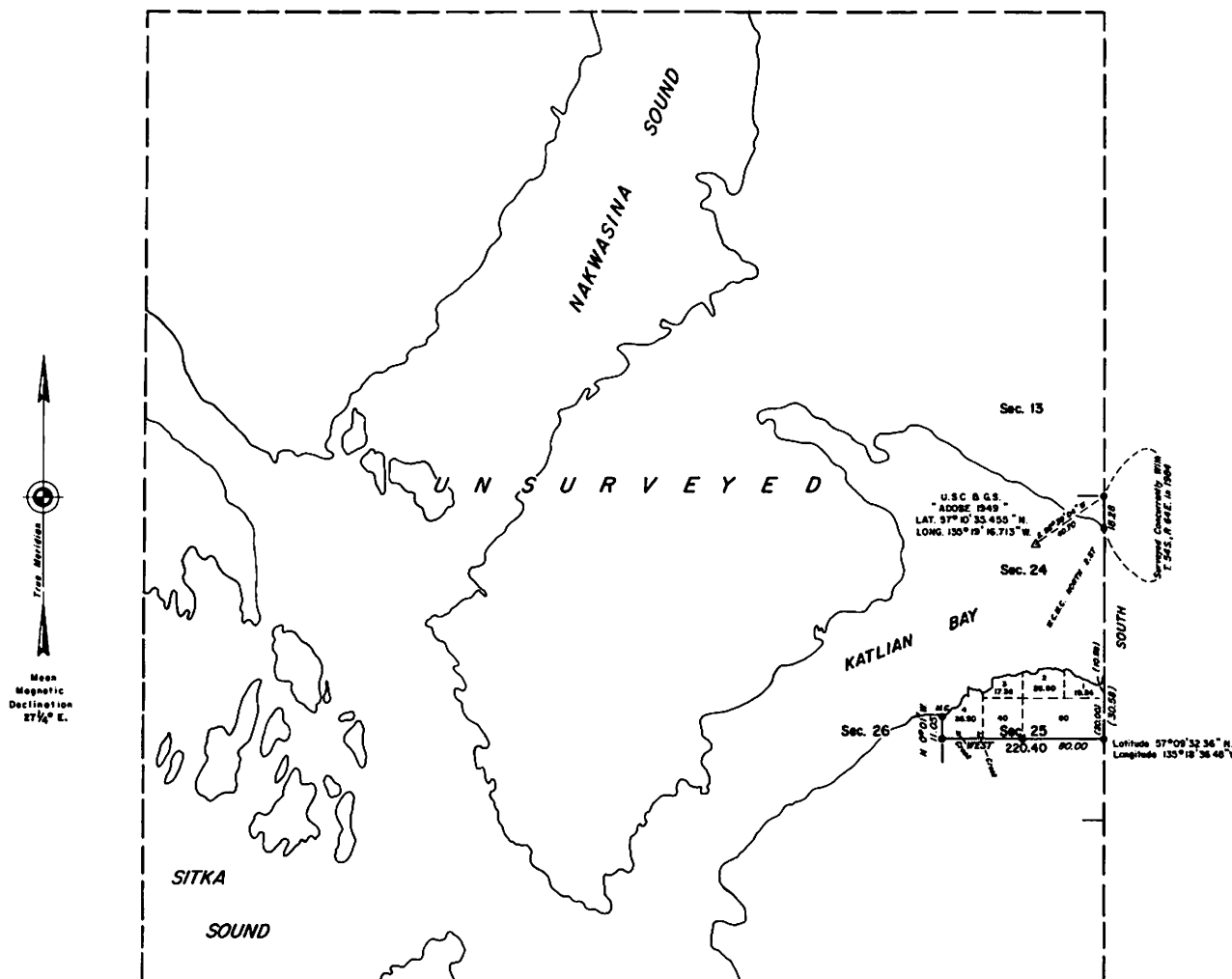
SCALE = 1" = 1 MILE

NOTES:
This map is the Bureau's Record of Title and should be used
only as a graphic representation of the Township Survey data. It
does not constitute a legal document and should not be used
for any purpose other than for reference only. It is not
intended to be a legal document and should not be used
for any purpose other than for reference only.

CURRENT TO: CR Mer
T 54 S
R 63 E
ACAD

Global Positioning Services
Major Subdivision Request
ASLS 2015-06 - Lisianski
Peninsula

TOWNSHIP 54 SOUTH, RANGE 63 EAST, OF THE COPPER RIVER MERIDIAN, ALASKA



This plat and field notes represent the survey of a portion of the subdivisional lines and partial subdivision of section 25, and the meanders of Katlian Bay through section 25, Township 54 South, Range 63 East, Copper River Meridian, Alaska. A portion of the subdivisional lines were surveyed by protraction as shown on this plat.

This survey was executed by Robert T. Kean, Registered Land Surveyor for Kean and Associates, July 23, 1984 through August 27, 1984, in accordance with the Manual of Surveying Instructions, 1973, Special Instructions for Group No. 413, Alaska, dated November 30, 1982, approved December 7, 1983, and Contract No. TA-551-CTA-340050, dated May 17, 1984.

The hydrography on this plat identifies the meanders along the ordinary high tide line of water bodies segregated from the land areas. The meanders are photogrammetrically interpreted and digitized from rectified aerial photography flown in August 1984, and July 1985, by North Pacific Aerial Surveys, Anchorage, Alaska.

This survey encompasses all land, including islands, islets, and rocks, above the line of mean high tide which were in existence at the time of survey whether or not they are shown on this plat.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage, Alaska

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

James D. E. Smith May 1, 1986
Date

Deputy State Director for Cadastral Survey, Alaska

Global Positioning Services
Major Subdivision Request
ASLS 2015-06 - Lisianski
Peninsula

NOTES

- THIS SURVEY WAS ACCOMPLISHED IN ACCORDANCE WITH AS 38.04.045, GSC 807, AND SS 2015-06.
- ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND DISTANCES ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
- THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000, AND/OR CORNER POSITIONS HAVE A RELATIVE POSITIONAL ACCURACY AT THE 95 PERCENT CONFIDENCE LEVEL OF 0.13 FEET PER 100 FEET.
- ALL PARCELS OF LAND OWNED BY THE STATE OF ALASKA, LOCATED WITHIN 50.00 FEET OF, OR BISECTED BY A SURVEYED OR PROTRACTED SECTION LINE, ARE SUBJECT TO A 50'-100' (50') EASEMENT, ON EACH SIDE OF THE SECTION LINE, WHICH IS RESERVED TO THE STATE OF ALASKA FOR PUBLIC HIGHWAYS UNDER A.S. 19.10.010.

- THE BASIS OF BEARING FOR THIS PLAT WAS DETERMINED BY HIGH PRECISION GLOBAL NAVIGATION SATELLITE SYSTEM TECHNOLOGY IN NAD 83 (2011) (EPOCH 2010.000) DATUM, USING TRIMBLE R8 AND R8 CARRIER PHASE RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED USING TRIMBLE BUSINESS CENTER SOFTWARE, VERSION 2.11. LOCAL PLANE BEARINGS ARE ORIENTED TO TRUE GEODETIC NORTH AT NATIONAL GEODETIC SURVEY CONTROL MONUMENT "CHIT" (MONUMENT R1) OF THIS SURVEY.

- THE SHOWN RECORD COORDINATES ARE FROM NATIONAL GEODETIC SURVEY, NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION CONTROL MONUMENT "CHIT". THIS MONUMENT IS DESIGNATED R1 OF THIS SURVEY. THESE COORDINATES WERE HELD AND USED TO COMPUTE THE PROTRACTED POSITIONS OF THE RECTANGULAR (SECTION, QUARTER & SIXTEENTH) CORNERS OF THE FOUND NAD 83 (2011) COORDINATES (LAT/LONG) ARE BASED ON AN ORIGIN SOLUTION (EPOCH 2010.000) FOR NGS "CHIT" AND USED FOR VERIFICATION ONLY OF THE LOCATION. THE COORDINATES WERE CONstrained TO THE NATIONAL SPATIAL REFERENCE SYSTEM USING THE CORNERS REFERENCE STATIONS: PORTALEKANKAN2005 CORNERS (PD 06.6485), JUNEAU WAAS 1 CORNERS (PD 06.4367), AND CARPINCHELAND2007 CORNERS (PD 06.7452).

- THE NATURAL MEANDERS OF THE LINE OF MEAN HIGH WATER (MHW) FORM THE TRUE BOUNDS OF LOTS 1-19 AND TRACT A. THE APPROXIMATE LINE OF MHW, AS SHOWN, IS FOR AREA COMPUTATIONS ONLY, WITH THE TRUE CORNERS BEING ON THE EXTENSION OF THE SECTION LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.

- THERE IS A 100'-FOOT WIDE BUILDING SETBACK FROM THE MEAN HIGH WATER LINE OF SITKA SOUND.

- ALASKA REGISTERED LAND SURVEYORS AND THEIR EMPLOYEES HAVE ACCESS RIGHTS FOR SURVEY PURPOSES TO NGS MONUMENTS "ANSKY", "TAT" AND THEIR RELIANCE OBJECTS. THE OWNER OR SUCCESSOR IN TITLE SHALL PROVIDE ACCESS TO AND PRESERVE THE LOCATION OF THE MONUMENTS AND REFERENCES.

- THE MUNICIPALITY IS PARTY TO ALL EASEMENTS AND PLAT NOTES. THEY SHALL NOT BE MOVED WITHOUT APPROVAL OF THE PLATING BOARD.

CERTIFICATION OF APPROVAL BY THE PLANNING COMMISSION

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH PLANNING COMMISSION, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. _____, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE _____ CHAIRMAN, PLANNING COMMISSION

SECRETARY

CERTIFICATION OF PAYMENT OF TAXES

STATE OF ALASKA
(FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ACTING ASSESSOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS OWNED ON THE TAX RECORDS IN THE NAME OF _____, AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL. THAT CURRENT TAXES FOR THE YEAR _____ WILL BE DUE ON OR BEFORE _____.

DATED THIS _____ DAY OF _____, 20____, AT SITKA, ALASKA.

ASSESSOR _____

CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA, AND THAT SAID PLAT HAS BEEN APPROVED BY THE ASSEMBLY AS RECORDED IN JUDGE BOOK _____ PAGE _____, DATED _____, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE _____ MAYOR

MUNICIPAL CLERK

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ACTING FINANCIAL DIRECTOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS OWNED ON THE RECORDS IN THE NAME OF _____, AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.I.D.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS _____ DAY OF _____, 20____, AT SITKA, ALASKA.

FINANCIAL DIRECTOR

CITY AND BOROUGH OF SITKA

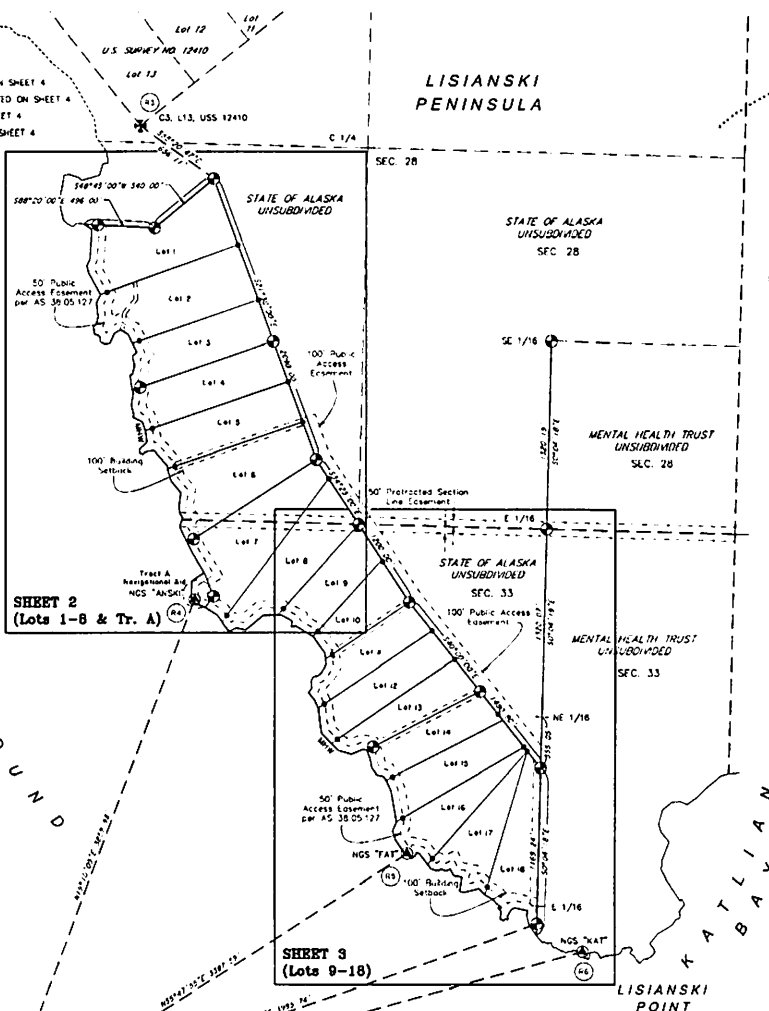
LEGEND:



MAIN PRIMARY MONUMENT RECOVERED THIS SURVEY AS NOTED ON SHEET 4
GEODETIC CONTROL MONUMENT RECOVERED THIS SURVEY AS NOTED ON SHEET 4
PRIMARY MONUMENT TO BE SET THIS SURVEY AS NOTED ON SHEET 4
SECONDARY MONUMENT TO BE SET THIS SURVEY AS NOTED ON SHEET 4

SURVEYED LINES
UNSURVEYED
MONUMENT IDENTIFIER
MEAN HIGH WATER

| ACREAGE | |
|----------|--------|
| LOT 1: | 9.30 |
| LOT 2: | 9.94 |
| LOT 3: | 6.92 |
| LOT 4: | 7.38 |
| LOT 5: | 7.26 |
| LOT 6: | 9.47 |
| LOT 7: | 8.53 |
| LOT 8: | 8.02 |
| LOT 9: | 5.16 |
| LOT 10: | 4.39 |
| LOT 11: | 5.20 |
| LOT 12: | 6.00 |
| LOT 13: | 5.20 |
| LOT 14: | 5.34 |
| LOT 15: | 5.86 |
| LOT 16: | 5.22 |
| LOT 17: | 5.37 |
| LOT 18: | 6.22 |
| LOT 19: | 0.58 |
| TRACT A: | 0.58 |
| TOTAL: | 122.35 |



LISIANSKI
PENINSULA

STATE OF ALASKA
UNSUBDIVIDED
SEC. 28

STATE OF ALASKA
UNSUBDIVIDED
SEC. 33

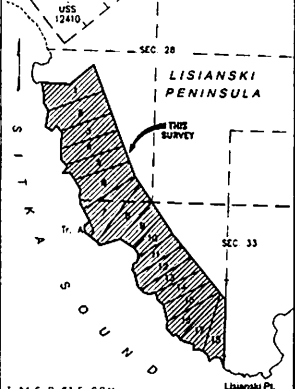
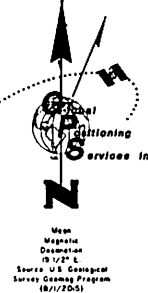
SHEET 3
(Lots 9-18)



SURVEYOR'S CERTIFICATE

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

DATE: LARRY S. VAUGHAN
REGISTERED LAND SURVEYOR NO. LS-12318



VICINITY MAP
USGS QUAD SITKA (2-8) REV 1999 SCALE 1"=1000'

CERTIFICATE OF OWNERSHIP AND DEDICATION

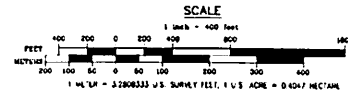
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE DIRECTOR, DIVISION OF MINING, LAND AND WATER AND THAT THE STATE OF ALASKA IS THE OWNER OF ASLS 2015-06, AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT FOR THE STATE OF ALASKA, AND DEDICATE FOR PUBLIC OR PRIVATE USE AS NOTED. ALL EASEMENTS, PUBLIC UTILITY AREAS, AND RIGHTS-OF-WAY AS SHOWN AND DESCRIBED HEREON.

DATE: BRENT W. COODRUM, DIRECTOR
DIVISION OF MINING, LAND AND WATER
350 W 7TH AVE., SUITE 1070
ANCHORAGE, AK 99501-3578

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC FOR ALASKA
BY COMMISSION EXPIRES _____



DATE OF SURVEY: Beginning: August 4, 2015
Ending: August 11, 2015

LARRY S. VAUGHAN, RLS
Global Positioning Services, Inc.
2803 Blueberry Rd
Anchorage, Alaska 99503

ALASKA STATE LAND SURVEY NO. 2015-06

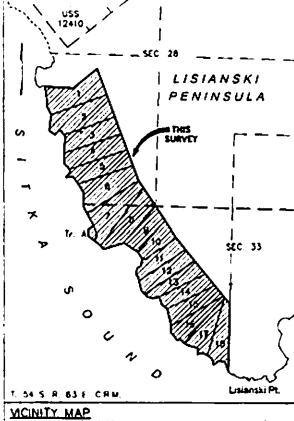
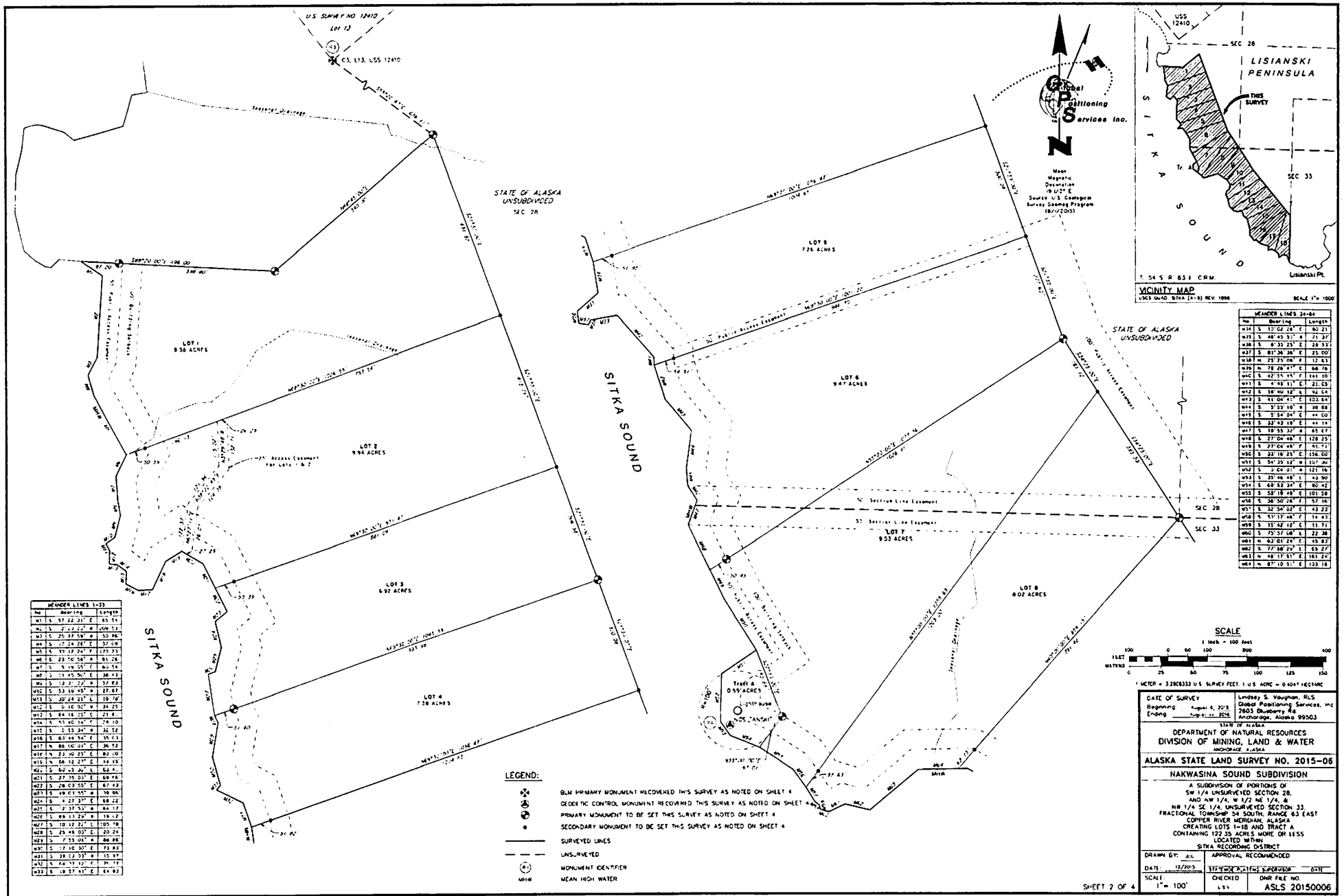
NAKVASINA SOUND SUBDIVISION

A SUBDIVISION OF PORTIONS OF
SW 1/4 UNsurveyed SECTION 28,
AND NW 1/4, W 1/2 NE 1/4, &
NW 1/4 SE 1/4, UNsurveyed SECTION 33,
FRACTIONAL TOWNSHIP 34 SOUTH, RANGE 63 EAST
COPPER RIVER MERIDIAN, ALASKA
CREATING LOTS 1-18 AND TRACT A
CONTAINING 122.35 ACRES MORE OR LESS
LOCATED WITHIN
SITKA RECORDING DISTRICT

DRAWN BY: JCC
DATE: 12/20/15
SCALE: 1"=400'

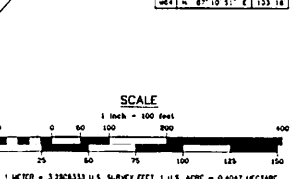
APPROVAL RECOMMENDED
DATE: 12/20/15
CHECKED: DNR FILE NO. ASLS 20150006

SHEET 1 OF 4



MEASURED LINES 34-61

| No. | Bearing | Length |
|-----|-----------------|---------|
| M34 | S 12° 02' 18" E | 30.21 |
| M35 | S 48° 43' 51" E | 21.87 |
| M36 | S 4° 35' 25" E | 28.53 |
| M37 | S 87° 30' 30" E | 23.00 |
| M38 | N 23° 25' 08" E | 12.63 |
| M39 | N 78° 26' 47" E | 68.76 |
| M40 | S 27° 15' 14" E | 144.16 |
| M41 | S 4° 49' 11" E | 21.05 |
| M42 | S 18° 40' 12" E | 92.64 |
| M43 | S 41° 04' 41" E | 103.64 |
| M44 | S 5° 15' 10" E | 108.68 |
| M45 | S 5° 54' 04" E | 44.00 |
| M46 | S 32° 43' 18" E | 44.11 |
| M47 | S 18° 55' 30" E | 65.17 |
| M48 | S 27° 04' 46" E | 128.25 |
| M49 | S 27° 04' 46" E | 41.71 |
| M50 | S 23° 18' 25" E | 156.00 |
| M51 | S 54° 20' 12" E | 1107.88 |
| M52 | S 2° 04' 21" E | 121.16 |
| M53 | S 25° 46' 48" E | 43.90 |
| M54 | S 62° 03' 24" E | 80.42 |
| M55 | S 58° 18' 41" E | 101.58 |
| M56 | S 36° 50' 24" E | 57.16 |
| M57 | S 32° 54' 02" E | 43.23 |
| M58 | S 33° 19' 40" E | 14.03 |
| M59 | S 32° 42' 12" E | 11.71 |
| M60 | S 75° 57' 08" E | 22.86 |
| M61 | N 63° 01' 24" E | 45.67 |
| M62 | S 77° 58' 07" E | 43.77 |
| M63 | N 48° 17' 51" E | 181.24 |
| M64 | N 87° 10' 51" E | 133.18 |



DATE OF SURVEY
 Beginning August 5, 2015
 Ending August 11, 2015

**DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF MINING, LAND & WATER**

**ALASKA STATE LAND SURVEY NO. 2015-06
 NAKWASINA SOUND SUBDIVISION**

A SUBDIVISION OF PORTIONS OF
 SW 1/4 UNSURVEYED SECTION 28,
 AND NW 1/4, NE 1/2 NE 1/4, &
 NW 1/4 SE 1/4, UNSURVEYED SECTION 33,
 FRACTIONAL TOWNSHIP 54 SOUTH, RANGE 63 EAST,
 COPPER RIVER MERIDIAN, ALASKA
 CREATING LOTS 1-18 AND TRACT A
 CONTAINING 122.35 ACRES MORE OR LESS
 LOCATED WITHIN
 SITKA RECORDING DISTRICT

DRAWN BY: JAC
DATE: 12/20/15
SCALE: 1" = 100'

APPROVAL RECOMMENDED
 312/20/15
 CHECKED: [Signature]
 DNR FILE NO.: ASLS 20150006

RECOVERED MONUMENTS

62

Recovered a white red set flash with the rock in a drilled hole with the iron which.

Reference monuments of record exist and are in good condition. Monument is located on the top of a steep rock ledge a few feet above the top of mean high tide. There is a flagpole and within a few feet of the marker is a flag on top of the hill.

63



Recovered a Stainless Steel Post 7/2" x 1/2" diam with a 3/4" x 1/2" brass cap. Marked as shown. Set flash with rock.

Existing trees at record are plus in good condition. BT's were not measured due to a steep slope and extensive clearing. No measurement possible. However, bearings were in agreement with records.

SW 2nd Section with a single stone marker. No 1st marker. Mac 20"

64



Recovered a Stainless Steel Post 7/2" x 1/2" diam with a 3/4" x 1/2" brass cap. Marked as shown. Bearing 7' in soil at the ground from which the original bearing taken.

A cedar 18" dia. 10' long. Set to 27" C. 2' 12" ft. dist. with no legible stone marker.

A spruce 7" dia. 8' long. Set to 5' 11" E. 13' 11" ft. dist. with no legible stone marker.

Ground 1' 1/2" x 1/2" E. 1985 10"

65



Recovered a Plastic Disk. Marked as shown. Set in ground in a hole just below ground level from which.

Reference monuments of record were located and are in good condition.

66

Found NGS FRT on hill which is top of steep rise from which.

One of two reference monuments of record were located. Other not found due to safety hazard.

The monument location was not suitable for instrument setup.

67



Recovered a Plastic Disk. Marked as shown. Set in ground in a hole just below ground level from which.

Reference monuments of record were located and are in good condition.

TYPICAL SET PRIMARY MONUMENT

Set a 3 1/2" Aluminum Cap on a 2 1/2" Aluminum Post, 30' long, set in the ground with a flagpole or on a large rock. Use at the base of the monument. Locate within 10' of the rock.

TYPICAL SET SECONDARY MONUMENT

Set a 3 1/2" Aluminum Cap on a 2 1/2" Aluminum Post, 30' long, set in the ground with a flagpole or on a large rock. Use at the base of the monument. Locate within 10' of the rock.

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| DATE OF SURVEY Beginning August 6, 2015 Ending August 22, 2015 | Lindsey S. Vaughan, M.S. Global Positioning Services, Inc. 2603 Blueberry Rd Anchorage, Alaska 99503 |
| STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND & WATER ANCHORAGE, ALASKA | |
| ALASKA STATE LAND SURVEY NO. 2015-06 | |
| NAKWASINA SOUND SUBDIVISION | |
| A SUBDIVISION OF PORTIONS OF SW 1/4 UNSURVEYED SECTION 28, AND NW 1/4, W 1/2 NE 1/4, & NW 1/4 SE 1/4 UNSURVEYED SECTION 33, FRACTIONAL TOWNSHIP 54 SOUTH, RANGE 63 EAST COPPER RIVER MERIDIAN, ALASKA CREATING LOTS 1-18 AND TRACT A CONTAINING 122.35 ACRES MORE OR LESS LOCATED WITHIN SITKA RECORDING DISTRICT | |
| DRAWN BY: JC | APPROVAL RECOMMENDED |
| DATE: 12/20/15 | DATE: 12/20/15 |
| CHECKED: 12/20/15 | CHECKED: 12/20/15 |
| SCALE: 1" = 100' | DNR FILE NO. ASLS 20150006 |



CITY AND BOROUGH OF SITKA

Minutes

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Tamie (Harkins) Parker Song
Debra Pohlman
Randy Hughey

Tuesday, June 21, 2016

7:00 PM

Sealing Cove Business Center

I. CALL TO ORDER AND ROLL CALL

Chair Spivey called the meeting to order at 7:00 PM. All commissioners were present.

II. CONSIDERATION OF THE AGENDA

Chair Spivey stated that items K, N, and O were pulled from the agenda.

III. CONSIDERATION OF THE MINUTES

A Approval of the minutes from the June 7, 2016 meeting.

Pohlman/Windsor moved to APPROVE the June 7, 2016 minutes. Motion PASSED 5-0.

IV. REPORTS

B Planning Regulations and Procedures.

C Annual report for a short-term rental at 1601 Davidoff Street granted to Ali Clayton. No action required.

D Annual report for a conditional use permit for a short term rental at 713 Lake Street filed by Chris Balovich and Shelly Vaughn. No action required.

V. THE EVENING BUSINESS

E Public hearing and consideration of a variance request filed by Peter Thielke for 722 Biorka Street, in the R-1 residential zone. The request is for the reduction of the easterly front setback from 20 feet to 6 feet, and the reduction of the southerly rear setback from 10 feet to 0 feet for the relocation of a shed. The property is also known as a fractional portion of Lot 13, Block 14, U.S. Survey 1474, Tract A, identified on the deed as Parcel 2. The application is filed by Peter Thielke. The owner of record is Peter L. Thielke.

Scarcelli explained the request. The proposal would move the existing shed structure toward conformity by moving it ~~further~~ inside the property lines. Hughey asked about requiring the applicant to consolidate the lots, and Scarcelli replied that it is not necessary at this time because the applicant is not building new structures but moving an existing structure toward conformance.

Peter Thielke represented his application via phone. Thielke said that the building is an eyesore. Thielke reported that city officials told his parents that the city would move the building during a Jeff Davis improvement project, but a worker cut off an encroaching portion instead of moving it. Thielke said he has no plans for footings or a slab. Thielke stated that he wants to finish the building to match the house.

Spivey stated that this is fixing a nonconformity. Pohlman stated comfort with at least a 1 inch setback.

Windsor/Hughey moved to APPROVE the required findings for major structures and expansions as discussed in the staff report.

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

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, specifically, the small lot size, and two front and two rear setbacks;
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, specifically, the ability to fully utilize a pre-existing structure;
- c) That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels, or public infrastructure, specifically, by relocating a structure further away from city infrastructure; and
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan: specifically, the modified variance is in line with Comprehensive Plan 2.4.1, which states, "To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners" by moving an existing structure further within property lines and off of public sidewalks.

Motion PASSED 5-0.

Hughey/Windsor moved to APPROVE a modification of the variance request filed by Peter Thielke for 722 Jeff Davis Street. The variance is for the reduction in the easterly front setback from 20 feet to 6 feet, and the southerly rear from 10 feet to 1 inch for the relocation of a shed. The property is also known as a fractional portion of Lot 13, Block 14, USS 1474, Tract A. The request is filed by Peter Thielke. The owner of record is Peter L. Thielke.

Motion PASSED 5-0.

F

Public hearing and consideration of a final plat for a major subdivision of ASLS 2015-06. The request is filed by Global Positioning Services, Inc. The owner of record is State of Alaska Department of Natural Resources

Division of Mining, Land, and Water.

Scarcelli explained the location of the request, and described the proposed lots. The applicant provided electronic flagging, which Scarcelli distributed. Bosak noted that the plat includes a public access easement along the oceanfront perimeter so that the public can still utilize those beaches. Scarcelli stated that a condition of approval should be that the land be zoned, as it is unzoned.

Jon Guffey represented Global Positioning Services via phone, and stated that he had nothing to add.

Windsor/Hughey moved to APPROVE findings 1) that the proposed subdivision complies with the comprehensive plan by providing for the development of additional open space, housing, development, and recreational options; and 2) that the major subdivision would not be injurious to the public health, safety, and welfare.

Motion PASSED 5-0.

Windsor/Parker Song moved to APPROVE the final plat of a major subdivision for ASLS 15-06. This approval is subject to the attached conditions of approval. The request is filed by Global Positioning Services. The owner of record is Alaska Department of Natural Resources Division of Mining, Land, and Water.

Conditions of Approval:

Plat shall note the following:

1. The municipality shall be a party to all easements. All easements shall be recorded and no changes shall occur without municipal approval.
2. Water Supply and Sewage Disposal. No individual water supply system or sewage disposal system shall be permitted on any lot unless such system, is located, constructed, and equipped in accordance with the requirements of the Alaska Department of Environmental Conservation and in accordance with any applicable regulations. Approval of such systems shall be obtained from applicable authorities.
3. All applicable regulations and permits shall be required for any development.

Motion PASSED 5-0.

G

Public hearing and consideration of a variance request at 263 Katlian Avenue, in the Waterfront District. The variance is for the reduction of the southerly side setback from 10 feet to 3 feet, and for the reduction of the northerly side setback from 10 feet to 0 feet for the relocation of an existing house. The property is also known as Lot 14 Block 5 Sitka Indian Village, US Survey 2542. The request is filed by Forrest Dodson and Janine Holzman. The owners of record are Forrest Dodson and Janine Holzman.

Pierson described the request. The applicant seeks to relocate an existing house further back onto the property and construct three porches and one addition. Staff recommend that new structures should not protrude beyond the sides of the existing house.

Mary Holzman explained the history of the property. Spivey asked about accessing the porch from the exterior of the house, and Holzman explained

that they would like to be able to walk directly up the steps and into the kitchen for unloading groceries and bringing in fish. Holzman stated that she was told by the Building Department that a covered porch must be on the same level as the house. Scarcelli asked the applicant to clarify the location of the stairs, and she pointed at the map and explained the plans. Holzman stated that there would be stairs on the rear side of the porch as well.

Spivey stated that he believes the applicant does not need a zero setback for the project. Pohlman stated that she would like to see the property in line with its historic nature, which did not include protruding structures.

Hughey/Windsor moved to APPROVE the required findings for variances involving major structures or expansions.

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

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, specifically, the small lot size and existing structure;
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, specifically, the ability to move a pre-existing structure toward code conformance;
- c) That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels, or public infrastructure, specifically, by relocating a structure further away from the right of way; and
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan: specifically, the modified variance is in line with Comprehensive Plan 2.4.1, which states, "To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners" by moving an existing structure further within property lines.

Motion PASSED 5-0.

Hughey/Pohlman moved to APPROVE a modified variance request at 263 Katlian Avenue, in the Waterfront District. The variance is for the reduction of the southerly side setback from 10 feet to 3 feet, and for the reduction of the northerly side setback from 10 feet to 2.8 feet for the relocation of an existing house, and the construction of a new addition and two new covered porches. The property is also known as Lot 14 Block 5 Sitka Indian Village, US Survey 2542. The request is filed by Forrest Dodson and Janine Holzman. The owners of record are Forrest Dodson and Janine Holzman.

Motion PASSED 5-0.

H

Public hearing and consideration of a platting variance for development standards at 216 Observatory Street, in the Single Family District. The property is also known as a fractional portion of Lot 2 Block 8 US Survey 1474 Tract A. The request is filed by Karen Lucas. The owner of record is Karen Lucas.

Scarcelli explained the platting variance request. The applicant owns 216 and 218 Observatory Street and seeks to move the boundaries between the lots. The proposal includes an access and utility easement to provide access to 216 Observatory. Staff views this as a minor variance. The applicant has agreed to a plat note stating that 216 Observatory shall maintain 2 parking spaces.

Karen Lucas stated that technically, 216 Observatory currently only has foot access. Spivey stated that this application is cleaning up some problems.

Windsor/Pohlman moved to APPROVE the required findings for minor expansions, small structures, fences, and signs.

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

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

Motion PASSED 5-0.

Windsor/Pohlman moved to APPROVE the platting variance from development standards at 216 Observatory Street subject to the condition that a plat note that 2 parking spaces shall be provided on site of 216 Observatory. The property is also known as a fractional portion of Lot 2 Block 8 US Survey 1474 Tract A. The request is filed by Karen Lucas. The owner of record is Karen Lucas.

Motion PASSED 5-0.

Public hearing and consideration of a replat of 216 and 218 Observatory Street, in the Single Family District. The property is also known as a fractional portion of Lot 2 Block 8 US Survey 1474 Tract A. The request is filed by Karen Lucas. The owner of record is Karen Lucas.

Scarcelli handed out an updated plat with a note to provide 2 parking spaces, and explained the plat.

Karen Lucas stated that she wants to stay flexible to allow the future owner to determine parking as they wish.

Windsor/Pohlman moved to APPROVE the required finding as discussed in the staff report, specifically that the replat would not be injurious, but supportive of nearby properties and the property in question, and would further the historical and existing use of both properties.

Motion PASSED 5-0.

Windsor/Parker Song moved to APPROVE the replat of 216 and 218 Observatory Street, subject to the condition of approval that the plat note shall state that 2 parking spaces shall be provided on 216 Observatory. The property is also known as a fractional portion of Lot 2 Block 8 US Survey 1474 Tract A. The request is filed by Karen Lucas. The owner of record is Karen Lucas.

Motion PASSED 5-0.

J

Public hearing and consideration of a conditional use permit request for marijuana cultivation at 3872 Halibut Point Road. The property is also known as Lot 4 Salmon Subdivision. The request is filed by Jeremy Erickson. The owners of record are Marcus and Faith Lee.

Scarcelli described the request. The proposed building currently houses metal fabrication and storage. The property is adjacent to residential, recreational, and commercial uses. The golf course and Halibut Point Recreation Area are within the 500 foot buffer. Staff recommends denial due to the uses within the buffer and disharmony with recreational and residential uses. Hughey asked if it is up to the Commission to determine what entails recreational uses, and Scarcelli stated that the state is giving great deference to local government bodies. Hughey stated that welding and auto shops cause greater health impacts than marijuana cultivation. Pohlman stated that she does not view the HPR Rec as a "recreational center." Scarcelli read the state's definition of recreational center. Hughey stated that customers will not come and go, but is merely an indoor farm for marijuana. Commissioners agreed by consensus that the Rec and golf course are not sensitive uses.

Jeremy Erickson handed out packets regarding sensitive uses. Erickson stated that alcohol is consumed at the HPR Rec and the golf course. Erickson clarified that the photos in the commissioner packet do not adequately show the entrance to the facility, and shared photos. Hughey asked if marijuana would be distributed to local retailers, and Erickson stated that it would be sold wholesale. Windsor asked about ventilation. Erickson stated that there would be sound dampeners and double charcoal filters to be replaced annually. Erickson stated that nutrients would be stored in sealed containers. Erickson stated that he hopes to produce 100 pounds annually, and hopes to hone in on a niche market for organic product. Erickson stated that an additional parking plan would not be a problem, but the lot is not paved.

Morgan Doubleday asked how many employees would be expected. Erickson stated that it would be himself and possibly a person to fill in when he's out of town. Faith Lee, property owner, stated that there are residential renters on the lot, and they are okay with the proposal. Lee stated that each residence has 2-4 parking spaces. Lee stated that the applicant is an upstanding person. Zak Wass stated that alcohol use on at the Rec and golf course have greater impact than marijuana cultivation.

Windsor stated that it is a good location. Hughey stated that Sitka is so small and there are many places with mixed uses. Spivey stated that he may have been concerned if residential neighbors voiced concern, but no comment has been received. Hughey clarified that the commission views the Rec as a broad area rather than a recreation center. Pohlman stated that people of all ages use the Rec and golf course, not just children. Windsor stated that the commission approved permits at the same plaza as a movie theater.

Windsor/Hughey moved to APPROVE findings that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval.

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Specific Guidance from 22.24 on Findings for Marijuana Uses

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

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

Motion PASSED 5-0.

Windsor/Parker Song moved to APPROVE the conditional use permit, subject to the attached conditions of approval, filed for marijuana cultivation at 3872 Halibut Point Road. The property is also known as Lot 4 Salmon Subdivision. The request is filed by Jeremy Erickson. The owners of record are Marcus and Faith Lee.

Conditions of Approval:

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the Fire Marshal or their designee and the Building Official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the Municipality and shall comply with all standard & required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish and associated municipal license or conditional use permit.
7. All approved Conditional use permits shall comply with all Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.
8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where practical.
9. Odor Control shall include charcoal filters and other best means to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.
10. The proposed cultivation site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this

conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.

11. The conditional use permit may be reviewed by the Planning Commission at anytime upon receipt of a meritorious complaint.

12. The applicant shall provide an annual report every year.

Motion PASSED 5-0.

K PULLED - Public hearing and consideration of a conditional use permit request filed by Justin Brown for marijuana cultivation at 113 Molly Lane, in the C-2 general commercial mobile home district. The property is also known as Lot 4 Mountain View Subdivision. The request is filed by Justin Brown. The owner of record is Martin Enterprises, Inc.

L Public hearing and consideration of a conditional use permit request filed for 4622 Halibut Point Road, in the C-2 General Commercial and Mobile Home Zone. The request is for fabricated metal products in conjunction with permitted retail sales and miscellaneous repair. The property is also known as Lot 58B Carlson Subdivision. The request is filed by Paul and Lamoyne Smith. The owners of record are Paul and Lamoyne Smith.

Scarcelli reviewed the request. The property is to be developed in line with planning and building requirements. Surrounding uses are primarily commercial. The business plan includes gun sales and service, survival goods retail, and welding services. No test firing of guns will occur onsite. Spivey asked about security, and Scarcelli stated that he would defer to the applicant.

Paul and Lamoyne Smith came forward. Paul stated that they own an adjacent lot that could be used for parking. Spivey asked about security. Paul stated that the retail area would have security cameras. Paul stated that firearm retail is regulated by ATF, and they have safes. Bosak stated that she first spoke with Lamoyne about two years ago, and they have done their homework.

Windsor/Hughey moved to APPROVE the required findings for conditional use permits as discussed in the staff report.

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public

health, safety, and welfare of the community from such hazard.

5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

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

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Conclusion on Findings: That the proposed conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties; and that the required findings have been met.

Motion PASSED 5-0.

Parker Song/Windsor moved to APPROVE the conditional use permit request filed for 4622 Halibut Point Road, in the C 2 General Commercial and Mobile Home Zone. The request is for fabricated metal products and wood products in conjunction with permitted retail sales and miscellaneous repair. The property is also known as Lot 58B Carlson Subdivision. The request is filed by Paul and Lamoyne Smith. The owners of record are Paul and Lamoyne Smith.

Conditions of Approval:

1. Contingent upon a completed occupancy inspection by the Building Department.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application and hour of operations for any noise producing uses that exceed 60dB emanating from the exterior of the building or property shall not occur outside of the time range of 8 am to 8 pm. Note: retail and light commercial uses that do not create noise above 60dB need not be limited in hours of operation; and firing of guns shall not occur on site.
4. The applicant shall submit an annual report every year, 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 has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues and mitigating adverse impacts on nearby properties.
6. 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.
7. Some form of noise attenuation shall be provided to reduce fabrication noises to acceptable levels (below 60 dB to adjoining uses within building and to exterior of property) such as a choice of sound attenuation batting, baffling, blankets, boards, building design and orientation, and/or natural buffers and mitigation.
8. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
9. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
10. All operations shall comply with ATF regulations and industry safety standards.

Motion PASSED 5-0.

M

Public hearing and consideration of a conditional use permit for an accessory dwelling unit at 1705 Sawmill Creek Road, in the R-1 single family and duplex residential district. The property is also known as a portion of US Survey 1878. The request is filed by Zak Dylan Wass. The owner of record is Morgan Doubleday.

Pierson described the request. The applicant seeks to convert an existing shed to an accessory dwelling unit. The lot already contains a duplex. The proposed unit would be 866 square feet, which is in excess of the permitted ADU size of 800 square feet. Staff recommend approval.

Wass described that he will have to do some excavating to create two of the six parking spaces, but that he has spoken to a contractor and that it is doable. Bosak stated that the ADU must be for long term residents. Windsor pointed out that there is parking at the bottom of the hill.

Pohlman stated that she does not see being the applicant's physician as a conflict of interest. Commissioners agreed that she could continue.

Bosak stated that the commission could stipulate that one unit always remain

owner occupied.

Hughey/Parker Song moved to APPROVE the required findings for conditional use permits as discussed in the staff report.

Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses

and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Conclusion on Findings: That the proposed conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties; and that the required findings have been met.

Motion PASSED 5-0.

Hughey/Windsor moved to **APPROVE** the accessory dwelling unit at 1705 Sawmill Creek Road, in the R 1 single family and duplex residential district, subject to conditions of approval. The property is also known as a portion of US Survey 1878. The request is filed by Zak Dylan Wass. The owner of record is Morgan Doubleday.

Conditions of Approval:

1. The facility shall be operated consistent with the application, plans, and narrative that were submitted with the request.
2. One unit must always be owner occupied.
3. Upon receipt of meritorious complaint regarding potential harm to public health, safety, and welfare, the Planning Commission may schedule a public hearing for the purpose of resolving issues and mitigating adverse impacts.

Motion PASSED 5-0.

N Public hearing and consideration of a conditional use permit for a short term rental located on a boat in Crescent Harbor 1-24, 500 Lincoln Street, in the Public zone. The property is also known as a portion of ATS 15. The application is filed by Bruce and Ann-Marie Parker. The owner of record is the City and Borough of Sitka.

O Public hearing and consideration of a conditional use permit application for a three-unit multiple-family structure and a short-term rental at 1715 Sawmill Creek Road, in the R-1 single family and duplex residential district. The property is also known as Lot 1A Corrective Plat of Knauss Lot Line Adjustment. The request is filed by Michael Knauss and Jacklynn Barmoy. The owners of record are Michael Knauss and Jacklynn Barmoy.

P Public hearing and consideration of a conditional use permit request for a short term rental at 504 Shennet Street, in the R-1 residential zone. The property is also known as Lot 2 Block B Sirstad Addition 2. The request is filed by Georgianna and Matthew Foruria. The owners of record are Georgianna and Matthew Foruria.

Windsor/Hughey moved to POSTPONE the item until the applicant can attend.
Motion PASSED 5-0.

VI. PLANNING DIRECTOR'S REPORT

Bosak stated that there is no comprehensive plan meeting in July. Bosak reviewed the July 19 agenda. Bosak stated that the department has received additional funds for FY 17 for the comprehensive plan, some of which will be used to pay for the services of consultant Barb Sheinberg. Bosak reminded commissioners of open meetings act requirements for email. Bosak discussed the Aspen Hotel and stated that it has met zoning code requirements.

VII. PUBLIC BUSINESS FROM THE FLOOR

Spivey stated that he has been approached about increasing downtown parking, and mentioned the concept of building a parking garage behind the courthouse. Hughey proposed parking exclusions for rental units for people who can verify that they don't have cars. Pohlman stated that enforcement is an issue with parking.

VIII. ADJOURNMENT

Windsor/Pohlman moved to ADJOURN at 9:45 PM. Motion PASSED 5-0.

Attest: _____
Samantha Pierson, Planner I



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Tamie (Harkins) Parker Song
Debra Pohlman
Randy Hughey

Tuesday, May 17, 2016

7:00 PM

Sealing Cove Business Center

I. CALL TO ORDER AND ROLL CALL

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A Approval of the minutes from the May 3, 2016 meeting.

Pohlman/Windsor moved to APPROVE the May 3, 2016 minutes. Motion PASSED 5-0.

IV. REPORTS

B Planning Regulations and Procedures.

V. THE EVENING BUSINESS

C Annual review of a conditional use permit granted to Phyllis Hackett for an accessory dwelling unit at 707 Lake Street. The property is also known as Lot 21 Block 11, according to the amended plat of Sirstad Addition No. 2. The owner of record is Phyllis A. Hackett.

Pierson described the history of the conditional use permit. The Planning Commission originally denied the permit, but the Assembly approved the request. No comments have been received since the permit was approved.

Hughey/Parker Song moved to APPROVE the annual review. Motion PASSED 3-2. Spivey and Windsor voted against approval.

D Public hearing and consideration of a variance request filed by Jamie Steinson for 224 Marine Street, in the R-1 residential zone. The variance is for an increase in lot coverage to 40% for the construction of a patio. The property is also known as Lot 1 Golden Subdivision. The request is filed by Jamie Steinson. The owners of record are Gary and Phyllis Mulligan.

Neither the applicant nor the owners were present.

Windsor/Pohlman moved to POSTPONE until a representative can attend a meeting. Motion PASSED 5-0.

- E Public hearing and consideration of a variance request filed by Peter Thielke for 722 Biorka Street, in the R-1 residential zone. The request is for the reduction of the easterly front setback from 20 feet to 6 feet, and the reduction of the southerly rear setback from 10 feet to 0 feet for the relocation of a shed. The property is also known as a fractional portion of Lot 13, Block 14, U.S. Survey 1474, Tract A, identified on the deed as Parcel 2. The application is filed by Peter Thielke. The owner of record is Peter L. Thielke.

POSTPONED by consent, as the applicant could not be reached by phone.

- F Public hearing and consideration of a final plat for a major subdivision of ASLS 2015-06. The request is filed by Global Positioning Services, Inc. The owner of record is State of Alaska Department of Natural Resources Division of Mining, Land, and Water.

Scarcelli described the request for subdivision of state property. The lots will be primarily accessed via water, and will be intended for recreational use. Staff does not anticipate that roads will be developed in the near future. The applicant has agreed to include a plat note stating that the city is a party to all easements.

Stan Sears with Global Positioning Service represented the applicant. Access to some lots requires the use of easements. There are 4 or 5 coves for water access. Sears stated that the plat note making the city a party to all easements is acceptable to GPS.

Spivey stated that request is straight forward.

Parker Song/Pohlman moved to APPROVE the preliminary plat of a major subdivision for ASLS 15-06, and request that the final plat include a plat note that states that the municipality is a party to all easements. The request is filed by Global Positioning Services. The owner of record is Alaska Department of Natural Resources Division of Mining, Land, and Water. Motion PASSED 5-0.

- G Public hearing and consideration of a tideland sale application filed by Forrest Dodson for tidelands adjacent to 263 Katlian Avenue.
- Bosak explained the request. The applicant previously purchased the tidelands seaward of 263 Katlian, and now request to purchase tidelands adjacent to the house. Bosak stated the need to maintain public access to tidelands, and that tidelands may increase in value over time. Staff recommend denial of the sale, and recommend a Class I, month-to-month lease.
- Forrest Dodson stated that he would prefer to purchase the property. Construction will cost \$10,000 more if he cannot acquire this parcel, and he would like to have more elbow room. Dodson stated that he believes there would be sufficient water access even if he was allowed to purchase the parcel. Hughey asked about current fill in the parcel. Dodson stated that the fill was temporary, and would have to be removed. Dodson stated that the parcel isn't being used. Hughey clarified that the previous proposal was to move the

house onto the seaward parcel with parking in front.

Margie Esquiro stated that Dodson's wife does a great job of restoring old properties.

Hughey stated that work on the house will happen regardless of the approval of this purchase, and stated that it would serve the public good to preserve access to the tidelands. Pohlman stated that the Land Use Plan meetings have raised concerns for lands on Katlian that were taken for the WWII effort. Bosak stated that the applicant can move forward to the Assembly even if the Planning Commission does deny the request. At Pohlman's request, Bosak explained the difference between the 3 tideland lease classifications.

Parker Song/Hughey moved to DENY the proposed land sale of 1,017 square feet of tidelands adjacent 263 Katlian Avenue and instead encourage the applicants to apply for a Class I tideland lease. Motion PASSED 4-1.

H Public hearing and consideration of a tideland lease request filed by Petro Marine Services for tidelands adjacent to 1 Lincoln Street.

Bosak explained the request for a 50-year Class 3 tideland lease. The request was originally a purchase request, but staff directed the applicant to pursue a lease. No public comment has been received. Staff recommend approval of the lease proposal.

Jerry Jacobs represented Petro Marine. Jacobs stated that Petro does not anticipate any change of hours. Windsor asked about access to the Forest Service dock. Jacobs stated that he believes the new dock will improve access. Hughey stated that it looks like a good idea. Bosak stated that staff anticipates that upland owners will respond to mailed notices if they anticipate problems. Jacobs stated the new dock will improve control of spills.

Hughey/Pohlman moved to RECOMMEND preliminary approval of the proposed tideland lease adjacent to 1 Lincoln Street filed by Petro Marine Services. Motion PASSED 5-0.

I Public hearing and consideration of a conditional use permit request filed by Kristy Crews and Levi Hunt for a short-term rental at 3001 Mikele Street, in the R-1 residential zone. The property is also known as Lot 7 West Subdivision. The request is filed by Kristy Crews and Levi Hunt. The owners of record are Kristy M. Crews and Levi G. Hunt.

Pierson described the request, and read a letter of support from Peter and Michelle Kennedy at 3002 Mikele.

Kristy Crews stated that they are new to home ownership, and would like to experiment with various lengths of rentals.

Windsor clarified that a short-term rental must be used within 12 months or it becomes void.

Pohlman/Windsor moved to APPROVE the required findings for conditional use permit.

Required Findings for Conditional Use Permits. The planning commission shall

not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening,

dependent upon the specific use and its visual impacts.

Motion PASSED 5-0.

Pohlman/Windsor moved to APPROVE the conditional use permit request for a short-term rental at 3001 Mikele Street, subject to conditions of approval. The property is also known as Lot 7 West Subdivision. The request is filed by Levi Hunt and Kristy Crews. The owners of record are Levi Hunt and Kristy Crews.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, 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 has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. 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.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

Motion PASSED 5-0.

J

Public hearing and consideration of a conditional use permit request for marijuana retail at 1321 Sawmill Creek Road Suites O and P, in the C-2 commercial and mobile home zone. The property is also known as US Survey 2729. The request is filed by Mike Daly. The owner of record is Eagle Bay Inn LLC.

Scarcelli explained the request. Bays O and P will be reconfigured to house two facilities – one for retail and one for cultivation. Staff believes that parking is adequate. Staff recommends a condition of approval that the plaza's parking is striped to delineate 107 spaces. Scarcelli read a letter of concern submitted by Clyde Bright. Staff recommends approval. Windsor asked about electrical load. Scarcelli stated that the applicant has submitted the load calculation to staff.

Mike Daly stated that he is building airtight rooms and use filters to control odors. Daly stated that they will test for mold as they go. Daly stated that windows will be blacked out. Daly stated that eventually wants a smoke room for tourists. Spivey thanked Daly for thorough plans.

Joe D'Arienzo stated that this proposal will be a positive first step for the industry in town, and supports the application "whole heartedly."

Jennifer Davis urged caution. Children and families frequent the theater and Pizza Express.

Jay Stelzenmeller stated that he is encouraged by the thorough work of the applicant and staff.

Parker Song stated that the plans are thorough, and it seems like a good location. Spivey stated that kids do play in the neighborhood, and families do frequent the plaza. Spivey stated that the applicant's plans are sufficient to mitigate any concerns. Hughey stated that the applicant has set a high bar for future applicants. Hughey stated concern that the applicant will invest heavily, and the conditional use permit could theoretically be revoked in the future. Windsor stated that there aren't many areas for marijuana retail in town. Bosak stated that the reception room is a nice feature.

Windsor/Hughey moved to APPROVE the required findings.

Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. **Burden of Proof.** The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval

criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Specific Guidance from 22.24 on Findings for Marijuana Uses

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

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

Motion PASSED 5-0.

Windsor/Parker Song moved to APPROVE the conditional use permit request filed by Mike Daly and Northern Lights, LLC for marijuana retail at 1321 Sawmill Creek Road, Units O & P, in the C 2 General Commercial and mobile home zone subject to the attached 12 conditions of approval. The property is also known as U.S. Survey 2729. The owner of record is Eagle Bay Inn, LLC.

Conditions of Approval:

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.

3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the Fire Marshal or their designee and the Building Official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the Municipality and shall comply with all standard & required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish and associated municipal license or conditional use permit.
7. All approved conditional use permits shall comply with all Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit
8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where feasible (i.e. concrete or asphalt areas).
9. Odor Control shall include charcoal filters and other best means to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.
10. The proposed retail site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.
11. This permit only conditionally approved the use of retail; however, at the same time, all legally vested uses operating within Units O and P must comply with all pertinent state and local regulations, licenses, and permits to remain valid.
12. The Planning Commission may, at its discretion and upon receiving meritorious evidence of negative impacts to public health, safety, and welfare, schedule a review to address issues of concern and pursue mitigation through additional conditions if necessary.

Motion PASSED 5-0.

K

Public hearing and consideration of a conditional use permit request for marijuana cultivation at 1321 Sawmill Creek Road Suites O and P, in the C-2 general commercial and mobile home zone. The property is also known as US Survey 2729. The request is filed by Mike Daly. The owner of record is Eagle Bay Inn LLC.

Scarcelli described the request for a cultivation facility. The applicants submitted their entire AMCO application. One public comment was received, with concerns for odors. Staff believe that parking is sufficient, but the lot should be striped. There is no known sensitive use within the 500 foot buffer zone. Staff recommend approval.

Mike Daly stated that he had nothing additional to contribute. Windsor asked if Daly anticipated difficulty with striping the parking lot. Daly replied that the owner has given consent to striping.

Michelle Cleaver stated that the owner has stated that the entire lot will be

striped by the end of the month.

Parker Song/Pohlman moved to APPROVE the required findings.

Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent

uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Specific Guidance from 22.24 on Findings for Marijuana Uses

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

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

Motion PASSED 5-0.

Parker Song/Pohlman moved to APPROVE the request the conditional use permit request filed by Mike Daly and Northern Lights, LLC for marijuana cultivation at 1321 Sawmill Creek Road, Units O & P, in the C-2 General Commercial and mobile home zone subject to the attached 12 conditions of approval. The property is also known as U.S. Survey 2729. The owner of record is Eagle Bay Inn, LLC.

Conditions of Approval:

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

Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit

8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where feasible (i.e. concrete or asphalt areas).

9. Odor Control shall include charcoal filters and other best means to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.

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

11. This permit only conditionally approved the use of cultivation; however, at the same time, all legally vested uses operating within Units O and P must comply with all pertinent state and local regulations, licenses, and permits to remain valid.

12. The Planning Commission may, at its discretion and upon receiving meritorious evidence of negative impacts to public health, safety, and welfare, schedule a review to address issues of concern and pursue mitigation through additional conditions if necessary.

Motion PASSED 5-0.

L

Public hearing and consideration of a conditional use permit request for marijuana cultivation at 4614 Halibut Point Road, in the C-2 general commercial and mobile home zone. The property is also known as Lot 3 of Carlson Resubdivision. The request is filed by Green Leaf, Inc. The owners of record are Connor K. Nelson and Valerie L. Nelson.

Scarcelli explained the request for a cultivation facility. The applicant has worked with staff to mitigate staff concerns. Cultivation tends to have lower traffic than other manufacturing uses. Staff have received public comment about noise from the fans; however, the property is commercially zoned. The applicant has proposed extensive ventilation. Staff recommends approval.

Aaron Bean asked that the application be amended to list Green Leaf, Inc. as the applicant. Spivey asked if the applicant plans to do retail in the future. Bean stated that he hopes to eventually do retail on a different lot at the same site. Spivey thanked the applicant for the thorough application.

Hughey/Pohlman moved to APPROVE the required findings.

Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Specific Guidance from 22.24 on Findings for Marijuana Uses

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

1. If such a finding can be made, then the proposed use shall be approved with standard regulations, dimensions, and setbacks.

2. In the alternative, where the Planning Commission finds negative impacts are present, the Planning Commission shall only approve conditional use permits where the negative impacts can be adequately mitigated by conditions of approval that preserve the public's health, safety, and welfare. These conditions of approval shall be case by case specific and in addition to the standard regulations.

3. If negative impacts to the public's health, safety, and welfare cannot be mitigated through conditions of approval then the Planning Commission shall so find and deny the proposed conditional use permit.

Motion PASSED 5-0.

Hughey/Parker Song moved to APPROVE approve the conditional use permit request filed by Green Leaf, Inc. for marijuana cultivation at 4614 Halibut Point Road, in the C 2 General Commercial and Mobile Home zone, subject to conditions of approval. The property is also known as Lot 3 of Carlson Resubdivision. The owners of record are Connor K. Nelson and Valorie L. Nelson.

Conditions of Approval:

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the Fire Marshal or their designee and the Building Official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the Municipality and shall comply with all standard & required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish and associated municipal license or conditional use permit.
7. All approved Conditional use permits shall comply with all Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit
8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where practical.
9. Odor Control shall include charcoal filters and other best means to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.
10. The proposed cultivation site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.
11. The Planning Commission may, at its discretion and upon receiving

meritorious evidence of negative impacts to public health, safety, and welfare, schedule a review to address issues of concern and pursue mitigation through additional conditions if necessary.

Motion PASSED 5-0.

M

Public hearing and consideration of a conditional use permit request for marijuana retail at 205 Harbor Drive, in the central business district. The property is also known as Lot 1 Van Winkle Subdivision. The request is filed by Mary Magnuson. The owners of record are Frank and Mary Magnuson.

Scarcelli reviewed the request. The ultimate decision about possible buffer zone issues would be determined by the state AMCO office. Staff recommends that the commission postpone the request to a later meeting so more information can be provided. Windsor asked if a postponement would “foul up” the process for the applicant. Scarcelli stated that he understands that the state is postponing some of their previously advertised dates. Spivey asked if staff have reached out to request additional information, and Scarcelli stated that he and Pierson had both been in touch with the applicant, requested additional information, and the applicant indicated that she would provide more information. Pohlman stated concern for proximity to the Lutheran Church.

Mary Magnuson stated that operations will be according to state regulations. Magnuson stated that she has difficulty luring her potential tenant before a permit is granted. The property has been retail in the past, and will be some sort of retail in the future. Magnuson stated that she believes her application is adequate. The building is already sprinkled and fire alarmed, has “tremendous” ventilation, and will have approximately 16 security cameras. Magnuson stated that she does not see the need to delay the request. Windsor asked if the applicant had plans for a smoking room, and Magnuson said no.

Margie Esquiro stated concern for the proximity to sensitive uses, and the city can be more stringent than the state.

Joe D'Arienzo stated that this is one of the only available sites in the central business district due to sensitive uses.

Scarcelli read a letter from Susan Jensen, in opposition to the proposal.

Windsor asked what would happen if the conditional use permit was granted but the state license was denied. Scarcelli stated that until a state license is granted, the conditional use permit is not activated. Hughey asked what would be required for staff to view the application as complete. Scarcelli stated that the ordinance pulls state regulations into municipal requirements, so the city can enforce issues as they arise; therefore, the planning department would like to receive the same information that is submitted to the state, including security, diversion, floor plan, and overall detailed plans. Parker Song asked if another retail would be analyzed to this extent. Bosak stated that uses that are conditional are analyzed by the framework in code.

Pohlman stated that community concerns have been raised, so she would like to see the lessee and his/her plans in full detail. Spivey stated that a conditional use requires detailed plans.

Windsor/Hughey moved to POSTPONE the item to June 21 and request that the applicant provide more information. Motion PASSED 5-0.

N

Public hearing and consideration of a conditional use permit request for a marijuana retail facility at 1321 Sawmill Creek Road J, in the C-2 commercial and mobile home zone. The property is also known as US Survey 2729. The request is filed by Anna Michelle Cleaver. The owner of record is Eagle Bay Inn, LLC.

Scarcelli described the request for marijuana retail. The applicant has provided the AMCO application. Parking is sufficient, but parking space striping should be a condition of approval. No sensitive uses are known within the state buffer zone. Staff recommends approval. Spivey stated that he notarized the state application, but has no financial gain at stake.

Michelle Cleaver stated that the owner intends to stripe 120 parking spaces by the end of the month. Hughey clarified that Cleaver would sell locally cultivated marijuana, and she stated yes.

Jeremy Twaddle asked about how odor is determined. Bosak stated that odor would be addressed if complaints were raised.

Jennifer Davis stated that she lives nearby, and is concerned that children and families use the plaza.

Windsor asked about the time requirements for review by the board. Bosak stated that review could occur at any time when a meritorious complaint is received which indicates that the operation is not in compliance with the conditions of approval.

Parker Song/Pohlman moved to APPROVE the required findings.

Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

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

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Specific Guidance from 22.24 on Findings for Marijuana Uses

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

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

Motion PASSED 5-0.

Parker Song/Pohlman moved to APPROVE the conditional use permit request filed by Anna Michelle Cleaver for marijuana retail at 1321 Sawmill Creek Road, Unit J, in the C 2 General Commercial and mobile home zone subject to the attached 11 conditions of approval. The property is also known as U.S. Survey 2729. The owner of record is Eagle Bay, LLC.

Conditions of Approval:

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the Fire Marshal or their designee and the Building Official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the Municipality and shall comply with all standard & required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish and associated municipal license or conditional use permit.
7. All approved conditional use permits shall comply with all Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit
8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where feasible (i.e. concrete or asphalt areas).
9. Odor Control shall include reasonable best means (such as high quality Commercial HEPA filter) to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received, the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.
10. The proposed retail site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.
11. The Planning Commission may, at its discretion and upon receiving meritorious evidence of negative impacts to public health, safety, and welfare, schedule a review to address issues of concern and pursue mitigation through additional conditions if necessary.

Motion PASSED 5-0.**VI. PLANNING DIRECTOR'S REPORT**

Bosak reported on the Assembly Lands Work Session from the previous week. The June 7 meeting will focus on acquisition, retention, and disposal of municipal lands, and will be held at the Fire Hall. The July 5 meeting is

cancelled.

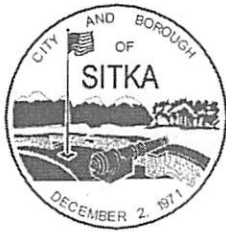
VII. PUBLIC BUSINESS FROM THE FLOOR

Mary Magnuson stated that she was told that she would not have to disclose the identity of her lessee. Scarcelli stated that the tenant isn't relevant, but the details are relevant.

VIII. ADJOURNMENT

Hughey/Windsor moved to ADJOURN at 9:44 PM. Motion PASSED 5-0.

ATTEST: _____
Samantha Pierson, Planner I



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: June 14, 2016

From: Samantha Pierson, Planner I, and Michael Scarcelli, Senior Planner

To: Planning Commission

Re: P 16-05 Final Plat of a Major Subdivision, Nakwasina Sound Subdivision, of ASLS 2015-06 on Lisianski Peninsula

GENERAL INFORMATION

Applicant: Global Positioning Services

Property Owner: Alaska DNR
Division of Mining, Land, & Water

Property Address: Lisianski Peninsula

Legal Description: ASLS 2015-06

Parcel ID Number: none

Size of Existing Lot: 122.35 acres

Zoning: None, but pending OS zone app.

Existing Land Use: undeveloped

Utilities: none

Access: via water

Surrounding Land Use: undeveloped

MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion to approve the final plat

ATTACHMENTS

Attachment A: Vicinity Map
Attachment B: Application
Attachment C: Proposed Plat
Attachment D: Current Survey

Providing for today...preparing for tomorrow

BACKGROUND

The State of Alaska holds title to the land and mineral estates of the current parcel, a portion of Lisianski Peninsula on Baranof Island. The State wishes to subdivide this parcel and sell 18 residential lots that result from the subdivision (Nakwasina Sound Subdivision).

PROJECT DESCRIPTION

The proposed subdivision consists of 18 lots and 1 tract. The tract houses Lisianski Peninsula Lighthouse. Lots range in size from 4.29 to 9.94 acres. The lots will be sold as residential properties. The subdivision includes a 100 foot building setback along ocean frontage. A 100 foot public access easement abuts the island side of 13 lots, and a 50 foot public access easement abuts the water side of all 18 lots.

ANALYSIS

Project/Site: The property is remote, and is only accessible by water. The city does not have current plans now or in our lifetimes to extend road access to the proposed subdivision. The lots are large, providing another housing, recreation, open space, and development option for Sitkans who do not wish to live in a town setting.

According to Sitka General Code 21.40.030.A, the municipality shall be a party to all easements. A plat note regarding the easements should be added to the final plat.

Procedure: Major subdivisions require Planning Commission approval of the preliminary and final plats. The Assembly must approve the final plat.¹

Traffic: As the subdivision will not offer road access, road traffic will not be impacted. Boat traffic may increase in Nakwasina Sound.

Parking: Though lots have adequate space for parking, parking is a non-issue due to remote location off the road system.

Noise: Lots are large, which should provide sufficient sound buffers.

Public Health or Safety: No known impacts. All future development shall comply with all applicable regulations such as Building and Construction Code.

Habitat: No known impacts.

Property Value or Neighborhood Harmony: Large lots of comparable size will result in similarly valued properties, and will contribute to the city's property tax base. To secure harmony for anticipated uses, the subdivision will be proposed to be zoned Open Space, which is intended to serve as a holding zone for large tracts where specific plans are not in place. Such a zoning would allow a single-family

¹ Section 21.32.010—General Outline of Procedure for Major Plat Approval.

home, park, trails, campground, marina, personal docks, utility facilities, commercial home horticulture, and a single private cabin per lot as permitted uses; and a sportsclub as a conditional use.

Comprehensive Plan:

The proposal is consistent with the Comprehensive Plan section 2.4.1, which states, “To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations” by creating large, secluded rural residential lots and making them available for purchase.

Conformity with Subdivision Code:

Pursuant to Section 21.40.020, Compliance with Standard Specifications and Subdivision Agreements, and Section 21.52.020 Administrative Responsibilities, and due to the remote location of the proposed subdivision, Planning Staff and the Municipal Engineer conclude that certain standard specifications, such as streets to nowhere that would have to be maintained by the City, are not in the best interests of the community at large. Therefore, the proposal as presented with the amended plat notes is sufficient to comply with the intent of the zoning and subdivision code. City maintained right of ways shall not be required by developer nor maintained by City. Water and Sewer shall be provided by lot owners and in compliance will all applicable regulations and require all applicable permits. Easements as provided are sufficient for current and future development.

FINDINGS:

Staff recommends the following findings:

- 1) That the proposed subdivision complies with the comprehensive plan by providing for the development of additional open space, housing, development, and recreational options.
- 2) That the major subdivision would not be injurious to the public health, safety, and welfare.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Planner's analysis and move to approve the Final Plat of the major subdivision of ASLS 15-06.

RECOMMENDED MOTION

Move to approve the final plat of a major subdivision for ASLS 15-06. This approval is subject to the attached conditions of approval. The request is filed by Global Positioning Services. The owner of record is Alaska Department of Natural Resources Division of Mining, Land, and Water.

Conditions of Approval:

Plat shall note the following:

1. The municipality shall be a party to all easements. All easements shall be recorded and no changes shall occur without municipal approval.
2. Water Supply and Sewage Disposal. No individual water supply system or sewage disposal system shall be permitted on any lot unless such system, is located, constructed, and equipped in accordance with the requirements of the Alaska Department of Environmental Conservation and in accordance with any applicable regulations. Approval of such systems shall be obtained from applicable authorities.
3. All applicable regulations and permits shall be required for any development.

Samantha Pierson

From: Chris Duguay
Sent: Friday, June 10, 2016 10:09 AM
To: Michael Scarcelli
Cc: Maegan Bosak; Samantha Pierson
Subject: FW: Nakwasina subdivision

Good afternoon,

Public Works Engineering and Building Department offer the following comments on the proposed Nakwasina Subdivision. As you are aware, major subdivisions typically include the construction of roadways, drainages and utilities to municipal standards by a developer which then become the responsibility of the municipality to own and maintain upon acceptance. Given the remote location of this subdivision, it is our understanding that the Planning Dept has exercised their authority to administratively waive some code requirements for Major Subdivisions. PW supports that decision as we have no interest in accepting a public ROW in this instance. Given the site grades and remote location, construction and maintenance of a roadway to municipal standards is not practical or in the City's best interest. As each lot has waterfront access and naturally drains toward the ocean, site drainage is not a concern.

Since there will be no dedicated public ROW, drainages or public utilities associated with this subdivision, our comments below are limited to references to relevant Sitka General Code citations for the benefit of the Planning Commission and public who may be interested in eventually purchasing these lots.

1. SGC Chapter 15.04 Sewer Systems requires private sewer systems to be permitted by CBS Building Dept and the Alaska Department of Environmental Conservation. See 15.04.010, 15.04.040, 15.04.070, 15.04.080 for more specific details and requirements. ADEC guidance can be found at the following website:
<http://dec.alaska.gov/water/wwdp/onsite/index.htm>
2. Generally, SGC Title 19 Building and Construction is applicable along the Sitka road system (see 19.08.010). However, per 19.08.030, SGC Chapters 19.09, 19.10, 19.11, 19.12 and 19.14 apply for this subdivision. These chapters establish the relevant portions of the applicable codes which apply to structures on islands in the general island, large island and open space districts. Without going into a detailed analysis of the differences between code requirements as we're accustomed to applying to structures on the road system, the general synopsis is that the building codes would be very similar for this subdivision. We can be much more specific in the plan review process when we look at each proposed structure. Standard grading, foundation and building permit applications are required for development in this location.
3. Public Works has no knowledge of landslides on these specific lots and this area is likely outside of any future city wide hazard mapping. It's conceivable that some of these lots may be exposed to landslide activity, but we don't have (and probably will not receive) data to define or manage that level of risk.

We appreciate the opportunity to comment. Please feel free to contact us with any questions or comments.

Regards,

Dan Tadic, PE, Municipal Engineer and Chris Duguay Building Official

From: Samantha Pierson
Sent: Tuesday, June 07, 2016 8:12 AM
To: Dan Tadic <dan.tadic@cityofsitka.org>; David Longtin <david.longtin@cityofsitka.org>
Subject: Nakwasina subdivision

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
SUBDIVISION PLAT APPLICATION

| | |
|--------------------------------------|---------|
| Boundary Line Adjustment | \$25.00 |
| Major Subdivision | \$50.00 |
| Minor Subdivision | \$50.00 |
| Planned Unit Development Subdivision | \$50.00 |
| Subdivision Replat | \$50.00 |
| * Plus current sales tax * | |

GLOBAL POSITIONING SERVICES, INC

Applicant's Name: JON GUFFEY Phone: 907-569-2000 x101
Address: 2603 BLUEBERRY ROAD, ANCHORAGE, AK. 99503-2623
Owner's Name: State of Alaska Department of Natural Resources Phone: 907-269-8610
(If different from applicant) Division of Mining, Land and Water
Address: 550 W. 7th Avenue, Suite 650, Anchorage, AK 99501

Legal Description: Lot _____ Block _____ U.S. Survey No. _____
Existing Subdivision _____
Project Address ASLS 2015-06
Number of Lots Created 18 LOTS Smallest 186872 sq. ft. Largest 439084 sq. ft.
1 TRACT AT 0.59 acres
IMPORTANT - PLEASE READ AND REVIEW

- ☒ Check if there are any easements on the property and show them on all concept and preliminary plats.
- ☐ Check if there are any drainage or storm water facilities on the property and show them on all concept and preliminary plats.
- ☐ Check if there are any encroachments on current or proposed easements and show them on all concept and preliminary plats.
- ☐ Check if there are any public or private utilities on the property and show them on all concept and preliminary plats.

ITEMS TO REMEMBER:

1. Application and two copies of the plat are to be submitted at least 13 days prior to the next Planning Commission meeting.
2. Taxes must be current before an application is processed. All L.I.D.'s (if any) must be paid in full prior to the recording of any final plat.
3. Minor subdivisions and boundary line adjustments require submittal of owner's Deed of Trust.
4. Review your subdivision with both the Electrical and Engineering Departments to avoid unnecessary delays.
5. A filing fee of \$50.00 plus current sales tax is required for replats, planned unit developments, and minor and major subdivisions. A fee of \$25.00 plus current sales tax is required for boundary line adjustments. Plus reimbursement for any fees associated with the recording of the plat and documents associated with.
6. Plats shall contain the information above and all other information required in the Sitka General Code, Title 21 Subdivisions.
7. Lot areas are net of access easements.
8. Existing and proposed utility lines must be protected by easements. The applicant is required to have a surveyor locate existing lines and show the proposed easements.

Applicants are encouraged to obtain a Plat Certificate from a title company prior to having the subdivision plat prepared. The certificate verifies ownership, easements, and other recorded documents that affect the property. Obtaining a plat certificate and providing it to the surveyor and the municipality may prevent future title problems.

In applying for and signing this application, the prition, the property owner hereby grants permission to Municipal staff to access the property before nerty before and after the Planning Commission's review for the purposes of inspecting the pricting the proposed and/or approved parcels.

Applicant's Signature: [Signature] Date: 3/30/2016
Owner's Signature: Kathryn Young Date: 3/31/2016
(If different from applicant)