



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: Zoning Map Amendment – Assigning Open Space (OS) zoning to ASLS 15-06, Nakwasina Sound Subdivision

Date: July 22, 2016

The request is for a Zoning Map Amendment to assign zoning to ASLS 15-06 on Lisianski Peninsula, otherwise known as Nakwasina Sound Subdivision. The Planning Commission recommended the Zoning Map Amendment assigning Open Space (OS) zoning during the July 19, 2016 meeting on a 3-0 vote.

Global Positioning Services is requesting approval of a final plat for a major subdivision of ASLS 15-06, consisting of 122.35 acres. The land is currently unzoned, and this proposal would assign Open Space (OS) zoning.

Open Space (OS) zoning would allow property owners to build recreational housing, while still preserving rural character. The Open Space (OS) zoning district: "is to serve as a holding zone for large islands or tracts for which specific plans have not been established."¹ Permitted OS uses include single-family detached housing, trails, campgrounds, docks, a marina, and commercial home horticulture. One small private recreational cabin per lot is permitted in addition to the principal structure.

Recommended Action: Approve the Zoning Map Amendment for Open Space (OS) zoning as recommended by the Planning Commission.

¹ § 22.16.160 OS Open Space Zone

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2016-29

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING THE
OFFICIAL SITKA ZONING MAP TO ASSIGN OS (OPEN SPACE) ZONING TO ASLS 2015-06,
A PREVIOUSLY UNZONED PARCEL**

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.

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

3. **PURPOSE.** The purpose of this ordinance is to assign OS (Open Space) zoning to ASLS 2015-06, a previously unzoned parcel. The zoning is consistent with the goals and policies of the 2007 Sitka Comprehensive Plan, specifically Sections 2.4.3 and 2.4.14, and Title 22, Section 22.16.160 (Open Space Zone).

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the official zoning map is amended to zone ASLS 2015-06 as OS (Open Space).

Appendix A is attached showcasing zoning map amendment.

5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 23rd day of August, 2016.

Mim McConnell, Mayor

ATTEST:

Sara Peterson, CMC
Municipal Clerk

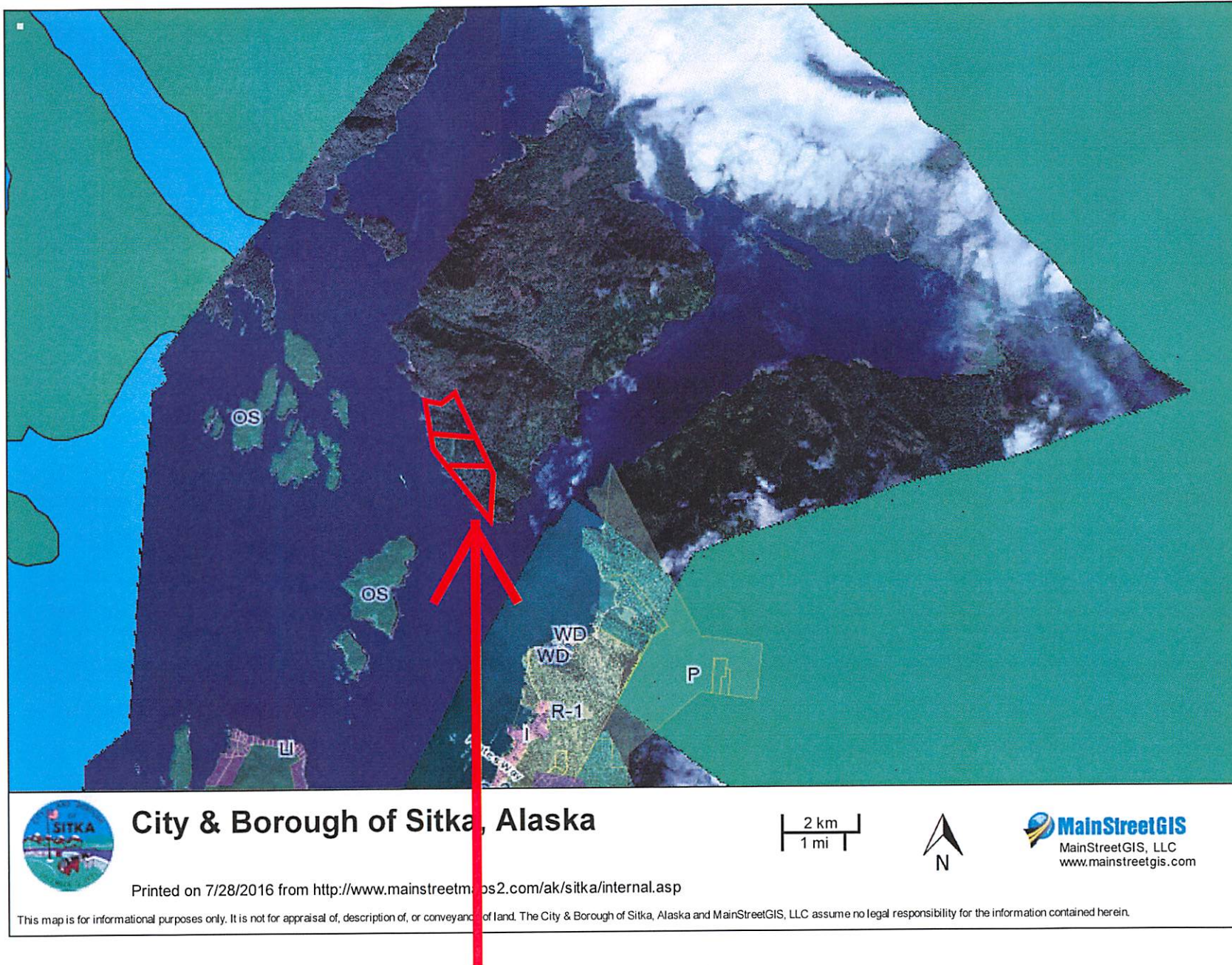
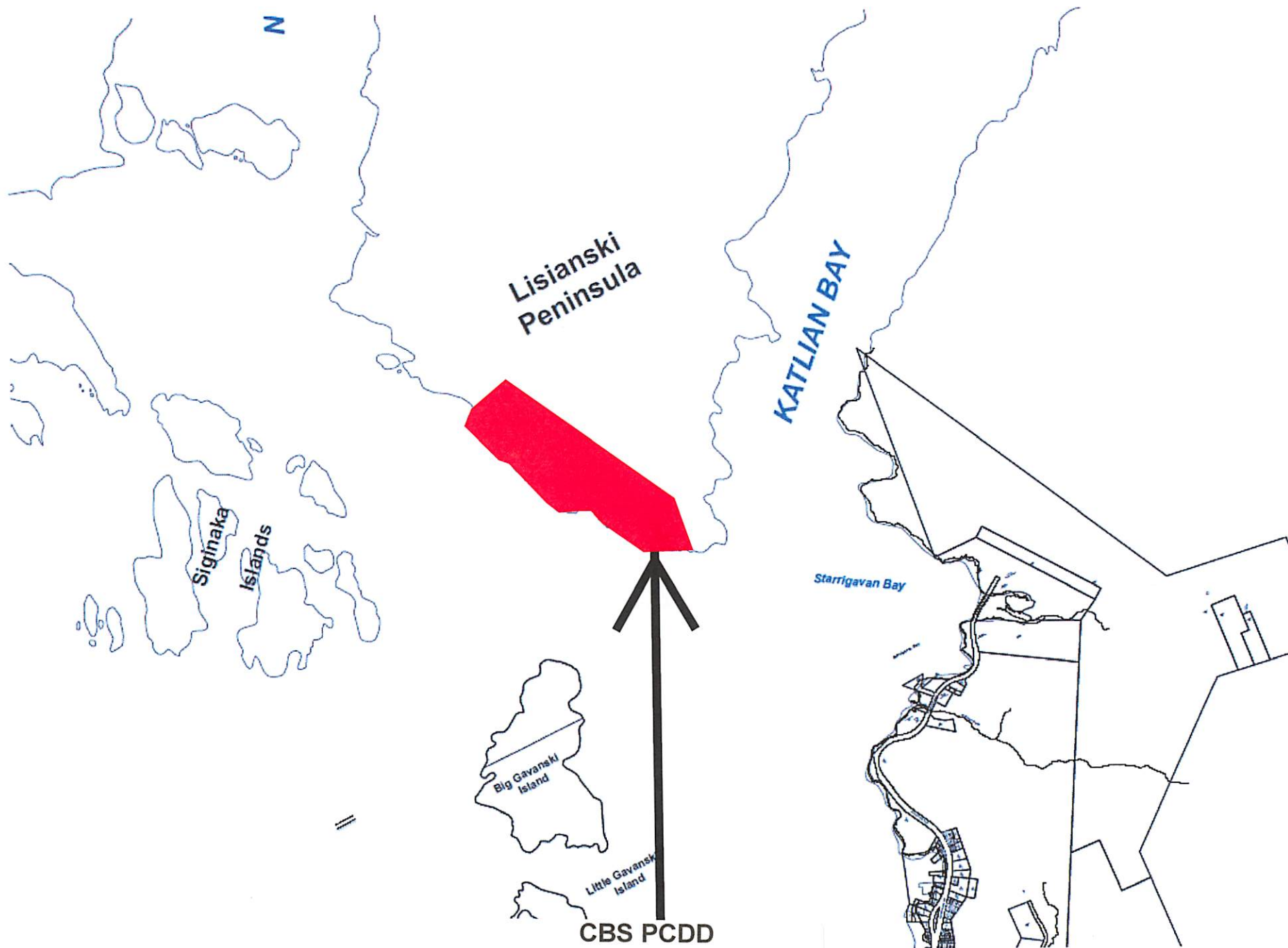


Exhibit A

Page 1 of 2



CBS PCDD
Zoning Map Amendment
ASLS 15-06



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

- Private Property
- B-08-02 Area
- Removed from Project Area
- Project Area, B-08-01
- Mental Health Trust Land

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.



CBS PCDD
Zoning Map Amendment
ASLS 15-06

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

Alaska Mapper

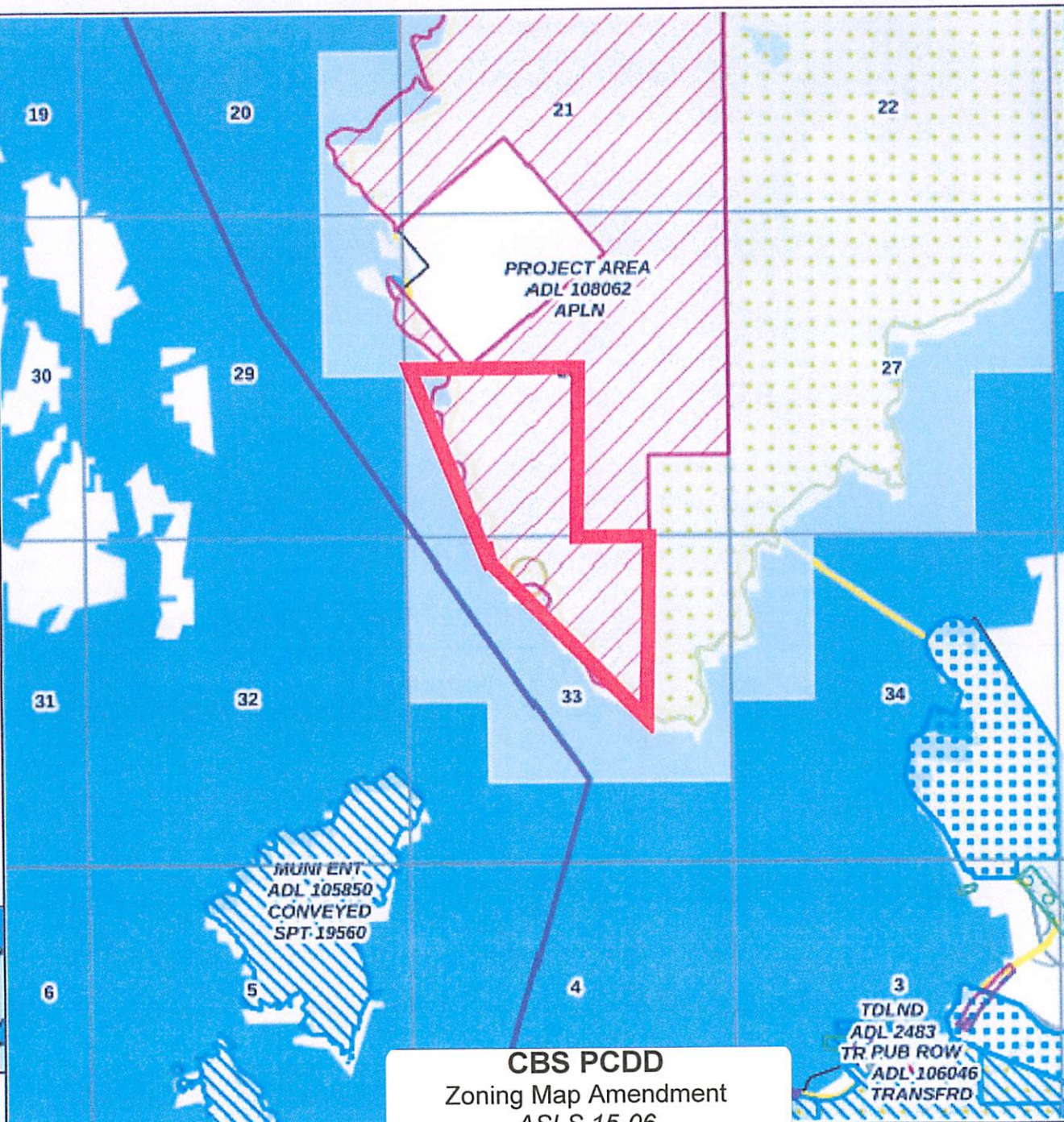
Spherical Mercator WGS 84 - EPSG:3857

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, Rcnync
- Agmt, Sttmt, Rcnync
- Agmt, Sttmt, Rcnync
- Permit or Lease
- ✓ Permit or Lease
- ☐ Permit or Lease
- Municipal Entitlement
- ✓ Federal Actions
- ☐ Federal Actions
- Land Disposal Available
- ✓ Land Disposal Available
- ☐ Land Disposal Available
- Land Disposal Conveyed
- ✓ Land Disposal Conveyed
- ☐ Land Disposal Conveyed
- Management Agreement
- Management Agreement
- Mental Health Trust Land
- Municipal Tideland
- Native Allotment
- Other Acquired Land
- Other Acquired Land
- OSL 490 School Trust Land-Other Acquired Lands
- Resource Sale
- ✓ Resource Sale
- RS2477
- Tentative Approval or Patent
- Tentative Approval or Patent
- School Trust Lands-St Tentative App or Patent
- 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



CBS PCDD
Zoning Map Amendment
ASLS 15-06

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

Alaska Mapper

Spherical Mercator WGS 84 - EPSG:3857

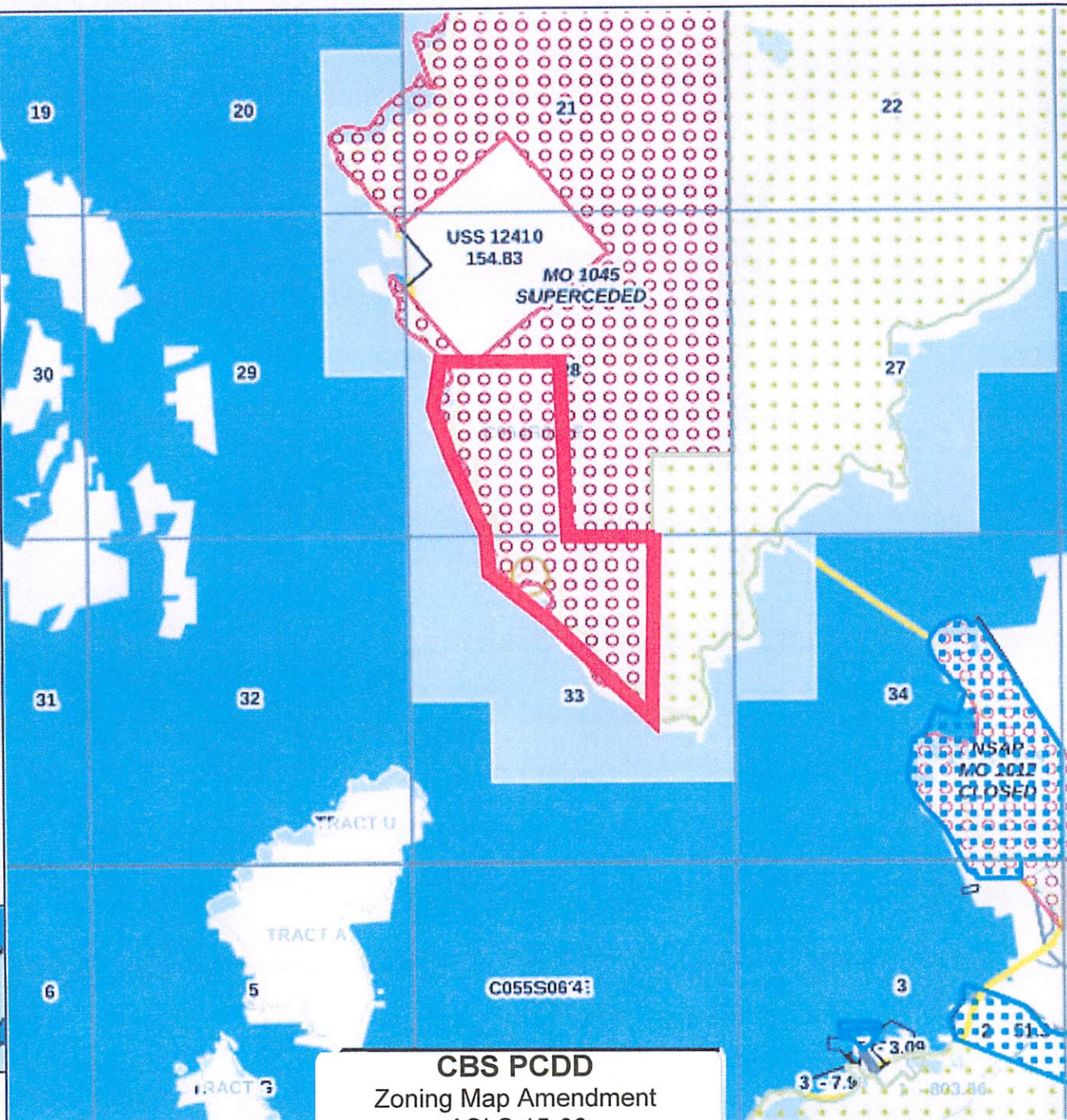
2,000 ft

PLSS Sections

- Agrmnt, Sttlmnt, Rcnvynce
- Agrmnt, Sttlmnt, Rcnvynce
- Agrmnt, Sttlmnt, Rcnvynce
- 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



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CBS PCDD
Zoning Map Amendment
ASLS 15-06

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

Alaska Mapper

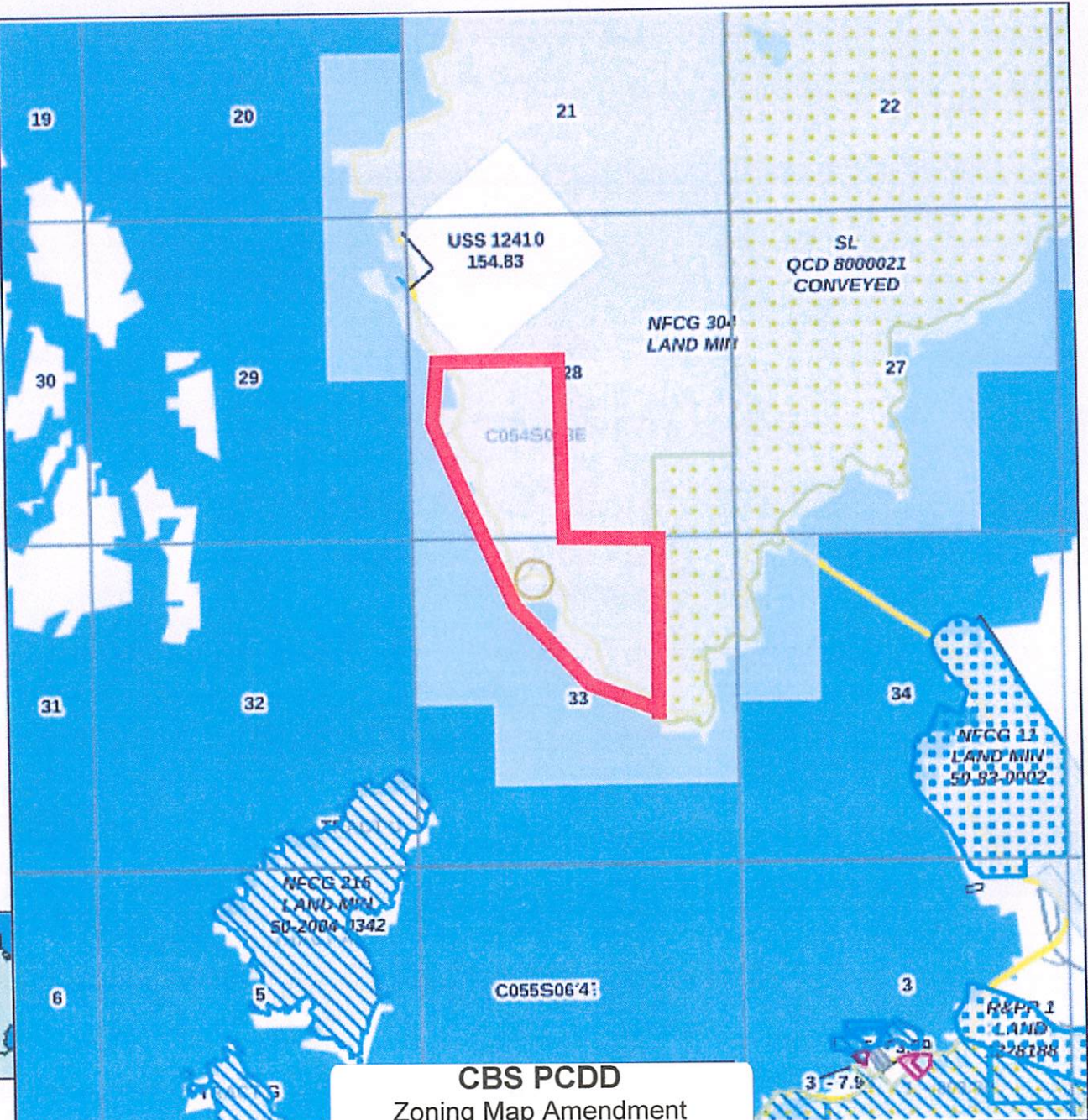
Spherical Mercator WGS 84 - EPSG:3857

2,000 ft

- PLSS Sections
- Agmt, Sttlmnt, Rcnvnc
- Agmt, Sttlmnt, Rcnvnc
- Agmt, Sttlmnt, Rcnvnc
- Federal Actions
- Federal Actions
- Land Disposal Conveyed
- Land Disposal Conveyed
- Land Disposal Conveyed
- Management Agreement
- Management Agreement
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- 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
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- Survey Boundary
- Survey Boundary
- Survey Boundary
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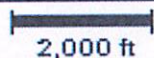


CBS PCDD
Zoning Map Amendment
ASLS 15-06

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

Alaska Mapper

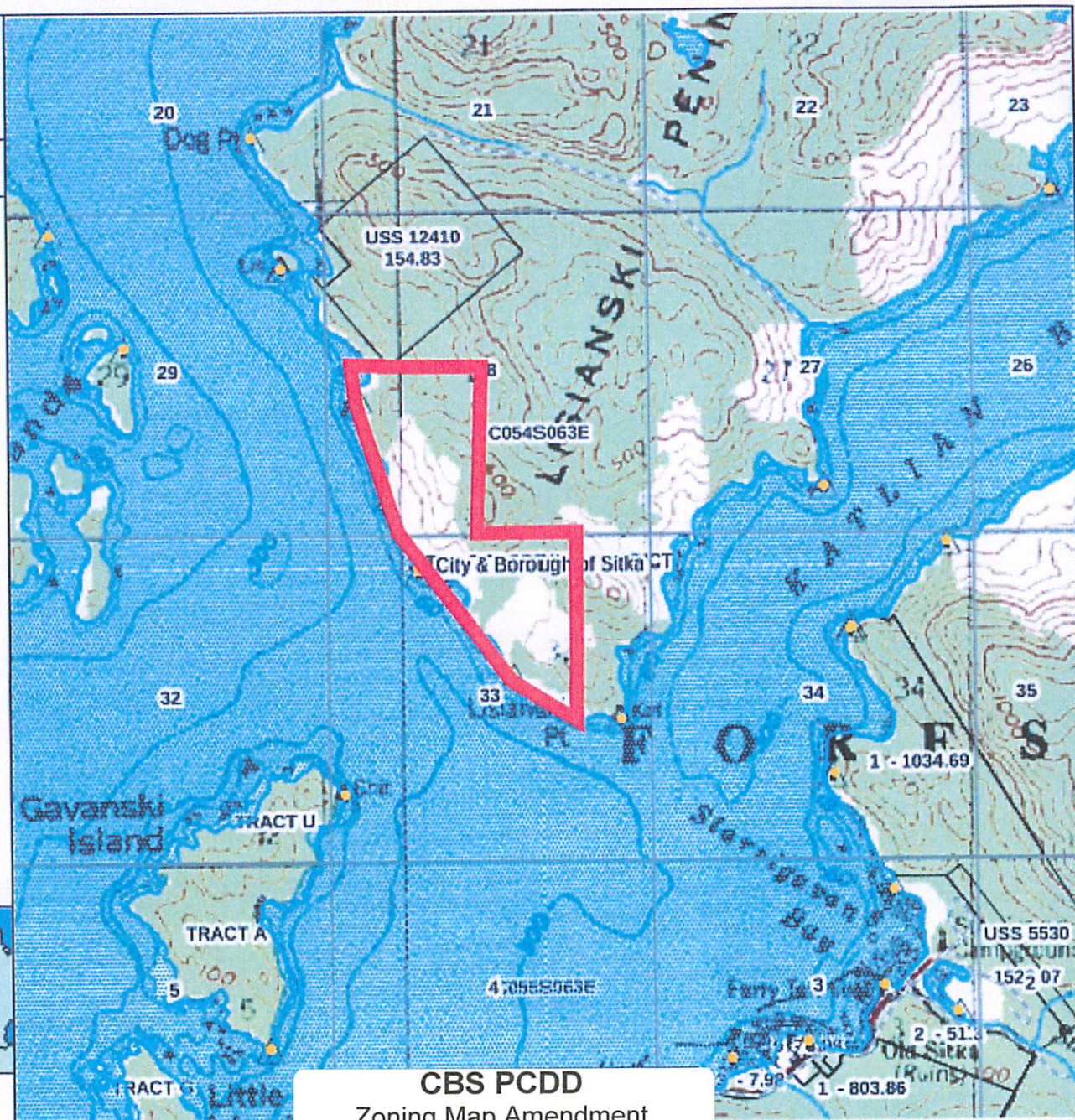
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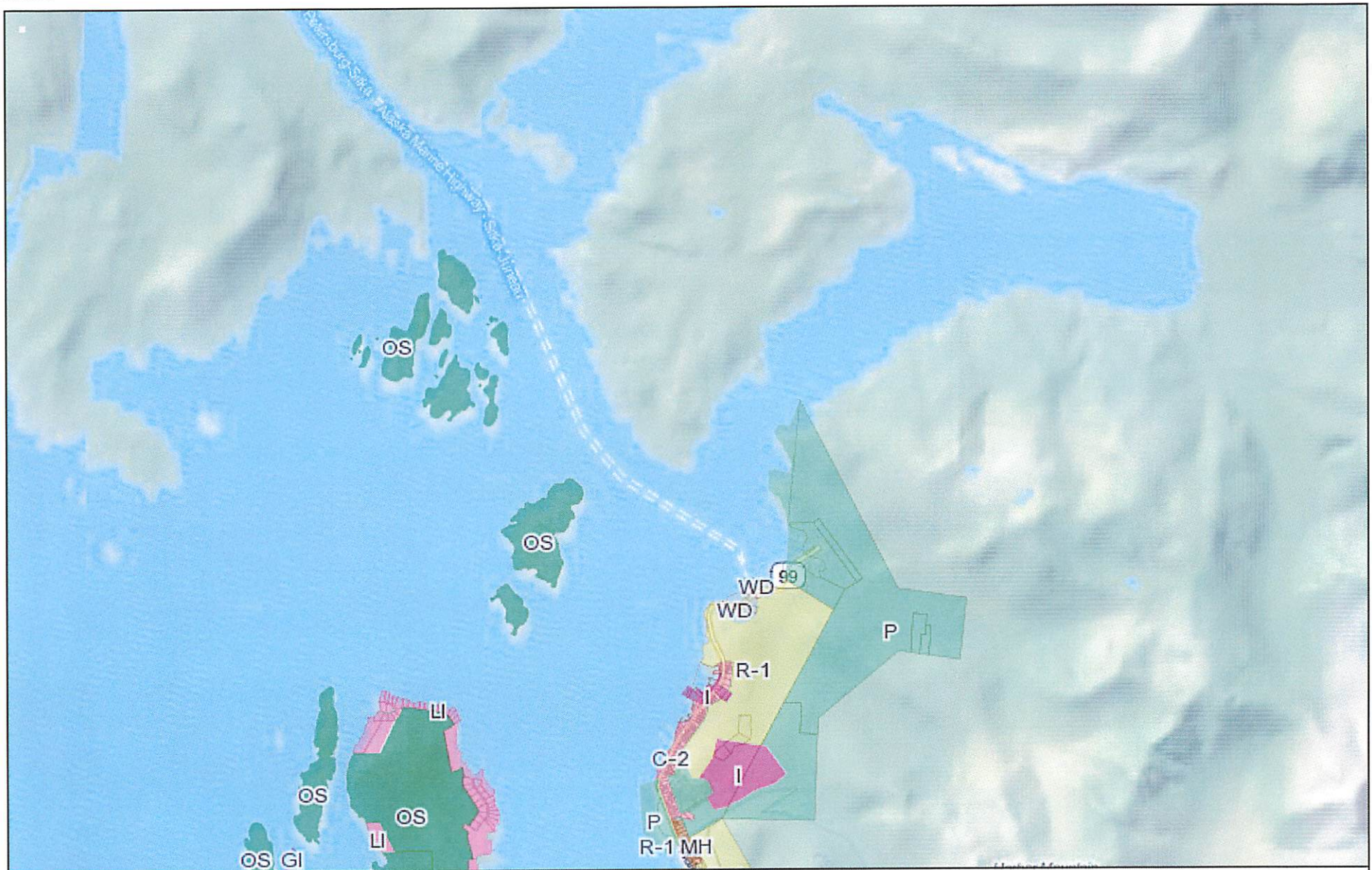
- PLSS Sections
- Alaska Seaward Boundary
- ASB - Disputed
- BLM Monument
- Boroughs
- Incorporated Cities
- Control Monuments
- Hydrology
- Hydrology
- Airstrips
- Airstrips
- Electrical
- Highways
- Pipeline
- Railroad
- Secondary Roads
- Telephone
- Trails
- National Geodetic Survey
- Township
- Recording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



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CBS PCDD
Zoning Map Amendment
ASLS 15-06



City & Borough of Sitka, Alaska

Printed on 4/1/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land.

Global Positioning Services

Major Subdivision Request
ASLS 2015-06 - Lisianski
Peninsula

We assume no legal responsibility for the information contained herein.

RECOVERED MONUMENTS

81

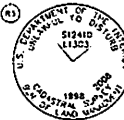
Recovered a Metal Peg, set flush with the rock in a dirt hole, with no flag, from which
 Evidence monument of record still was in good condition
 Monument is located on the top of a steep rock ledge a few feet above the top of mean high tide. There is a large natural rock within a few feet of the marker and sitting on top of the 420 RU

82



Recovered a Stainless Steel Peg, 2 1/2" in. diam., with a 1/4 in. Brass Cap, Marked as Shown, set flush with rock, from which
 Ground level of record was shown in good condition. BT's were not measured due to a steep ledge and extensive clearing to make measurement possible. However, bearings were in agreement with record
 SW 3" Spruce, with diameter inside marks for 20" diameter, mark 30"

83



Recovered a Stainless Steel Peg, 2 1/2" in. diam., with a 1/4 in. Brass Cap, Marked as Shown, projecting 1 in. out of the ground, from which the original bearing taken
 A cedar, 10 in. diam., bears to 27" E., 2 1/2" off, with an inside screw mark
 (Bearing: N. 32 1/4° E., 2:10 1/2)
 A spruce, 7 in. diam., bears to 71° E., 12 7 1/2" off, with no inside screw mark
 (Bearing: S. 42 1/4° E., 15:05 1/2)

84



Recovered a Bronze Disk, Marked as Shown, set in bedrock on a point just above mean high tide, from which
 Reference monument of record were located and are in good condition

85

Found NGS PAT - on N in white lead at top of steep rock, from which

86



Recovered a Bronze Disk, Marked as Shown, set in bedrock on a rocky point, from which
 Reference monument of record were located and are in good condition

One of two Reference monuments of record were missing. Other not found due to safety hazard

The monument location was not suitable for instrument setup.

TYPICAL SET PRIMARY MONUMENT



Set a 2 1/2" aluminum peg in a 2 1/2" aluminum peg, 20" long, 7/8" in. dia. granite with a witness in an Oregon Public Road on the base of the monument. Limestone witness peg is the top.

TYPICAL SET SECONDARY MONUMENT



Set a 2 1/2" aluminum peg in a 2 1/2" aluminum peg, 20" long, 7/8" in. dia. granite with a witness in an Oregon Public Road on the base of the monument. Limestone witness peg is the top.

DATE OF SURVEY	Lindey S. Vaughan, NLS
Beginning	2 April 4, 2015
Ending	2603 Dunberry Rd Anchorage, Alaska 99503
STATE OF ALASKA	
DEPARTMENT OF NATURAL RESOURCES	
DIVISION OF MINING, LAND & WATER	
ALASKA STATE LAND SURVEY NO. 2015-06	
NAKVASINA SOUND SUBDIVISION	
A SUBDIVISION OF PORTIONS OF SW 1/4 UN-SURVEYED SECTION 28, AND NW 1/4, W 1/2 NE 1/4, & NW 1/4 SE 1/4, UN-SURVEYED SECTION 33, FRACTIONAL TOWNSHIP 24 SOUTH, RANGE 63 EAST COPPER RIVER MERIDIAN, ALASKA CREATING 1035 1-10 AND TRACT A CONTAINING 122.31 ACRES MORE OR LESS LOCATED WITHIN STATE RECORDING DISTRICT	
DRAWN BY: KLS	APPROVAL RECOMMENDED
DATE: 12/2015	CHECKED: DMR FILE NO.
SCALE: 1" = 100'	ASLS 20150006



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, July 19, 2016

7:00 PM

Sealing Cove Business Center

I. CALL TO ORDER AND ROLL CALL

Chair Spivey called the meeting to order at 7:01 PM.

II. CONSIDERATION OF THE AGENDA

Chair Spivey stated that he would need to recuse himself from Item I requested by Ida Eliason, and that a quorum for the item would not be met.

III. CONSIDERATION OF THE MINUTES

A Approval of the June 21, 2016 meeting minutes.

Pohlman/Parker Song moved to APPROVE the June 21, 2016 meeting minutes.
Motion PASSED 3-0.

IV. REPORTS

V. THE EVENING BUSINESS

B Planning Regulations and Procedures.

C 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.

Item was not heard as applicants were not present.

D Public hearing and consideration of a conditional use permit for a short term rental located on a boat in Crescent Harbor 6-45, 500 Lincoln Street, in the Public zone. The property is also known as a portion of ATS 15. The application is filed by Tiffany Justice and Ben Timby. The owner of record is the City and Borough of Sitka.

Scarcelli explained the request for a short-term rental on a 24 foot sailboat.

Ultimately, conditional uses must not be detrimental to public health and safety. Scarcelli stated that the Fire Chief had some concerns for access in the event of an emergency. Spivey asked if the conditional use would run with the slip or the boat. Bosak stated that it would be similar to food truck approvals, and the permit is for this boat in this slip. Pohlman stated concern for parking near Crescent Harbor. Bosak stated that approvals are on a case-by-case basis. Bosak read a public comment from Marcia Strand against the proposal.

Tiffany Justice and Ben Timby stated that they want to offer a unique lodging experience through Airbnb. Justice stated that they have a fire extinguisher, carbon monoxide detector, and other safety items. Timby stated that they believe the majority of their renters will not rent cars, but that they will tell renters to park at Crescent Harbor. Timby stated that they will not leave candles or the stove on the boat. Timby stated that he has worked on boats since he was 18. Pohlman asked about emergency contacts for renters. Justice stated that they will make the rental unavailable when they are out of town. Timby stated that they will screen renters through Airbnb. Spivey asked about insurance. Timby stated that they do not currently have insurance, but he could add it to his policy.

Harbormaster Stan Eliason stated that there had previously been an agreement with Sheldon Jackson College to not allow liveaboards in Crescent Harbor, but liveaboards are now allowed. Eliason stated that this is a liveable boat. Pohlman asked about electrical usage. Eliason stated that electrical usage is under the jurisdiction of the Electric Department. Bosak stated that a condition of approval is that the boat is registered as a liveaboard and pay liveaboard fees.

Spivey stated that a condition should be that the owners get and maintain insurance. Parker Song asked if that is a condition for short-term rentals in homes. Bosak stated no, although owners typically have homeowners insurance. Municipal Attorney Brian Hansen stated that the city requires insurance when it contracts with outside entities. Hansen stated that he would need to conduct more research before determining if insurance can be a condition of approval. Parker Song stated that requirements for boat short-term rentals should be commensurate with short-term rentals on land. Pohlman stated that few short-term rentals are located on city property. Bosak recommended that the commission request that staff take another look at this request.

Peter Bradley stated that Airbnb requires that property owners have insurance. Timby stated that many boats are listed on Airbnb. Timby stated that he wants to do everything right.

Pohlman stated that she would like to see how other municipalities deal with boat short-term rentals before making a decision.

Parker Song/Pohlman moved to POSTPONE the item for staff and the applicants to provide additional information.

Motion PASSED 3-0.

E

Public hearing and consideration of a minor subdivision at 211 Shotgun Alley, zoned SFLD Single Family Low Density Residential. The subdivision would result in four lots. The property is also known as Lot 2

of Johnstone Subdivision Replat. The request is filed by Barth Hamberg. The owner of record is Barth Hamberg.

Scarcelli described the request for a four-lot subdivision. Covenants restrict subdivision of this lot to four lots, whereas zoning code would have allowed more lots. A drainage plan was provided, and CBS Public Works has approved the plan. US Army Corps of Engineers issued a de minimis waiver for wetlands. Spivey requested that CBS Municipal Engineer Dan Tadic explain the drainage findings in layman's terms. Tadic stated that the channel probably carried much more water in the past than it does today, and Sawmill Creek Road likely altered local drainage. Tadic stated that pre- and post-development drainage was calculated. Tadic stated that the drainage capacity on the applicant's property is more than sufficient. Tadic stated that the downhill property has created constraints with a manmade dam. Tadic stated that the report has met his requirements.

Barth Hamberg stated that he did not have anything to add. Spivey asked about housing sizes. Hamberg stated that he hasn't decided at this time. Bosak asked Hamberg to elaborate on the covenants. Hamberg stated that the previous owners wanted to ensure that the property was developed responsibly. Hamberg stated that the hydrologist who wrote the drainage report is very experienced and works for the US Forest Service. Pohlman stated concerns for responsible development. Hamberg stated that the deed restrictions would run with the land. Hamberg said that the property does not have an ocean or mountain view, but has a beautiful forest.

Lisa Busch stated that she lives directly below the proposed subdivision. Busch stated concern that a grading permit was granted before the subdivision process. Busch stated that the lots have already been developed and now it seems too late. Busch stated that code states that uphill developers needs to get an easement from the downhill owners. Busch asked the commission how they would protect property owners and preserve the character of the neighborhood.

Davey Lubin stated that he is a downhill property owner. Lubin believes the process is flawed, and that plans should be reviewed by licensed professionals before work can commence. Lubin stated that the drainage report was written by a non-engineer.

Pohlman asked if the drainage assessment was conducted before or after grading occurred. Tadic stated that the report considers the pre-development condition, but was conducted after grading. Pohlman asked if any similar data was conducted when preparing for the Benchlands. Tadic stated that assessments were conducted with different methodology, and this situation is much different than the Benchlands.

CBS Municipal Attorney Brian Hanson stated that the easement requirement only comes into play if the uphill owner develops an artificial drainage system. Hanson stated that the natural stream has not been altered. Hanson recommends that no drainage easement is required. Hanson stated that CBS staff required a drainage assessment and determined that no mitigation is required. Hanson stated that the proper procedure has been followed. Hanson stated that municipal code does not provide clear guidelines for what requires mitigation, but staff have used their professional opinions and past precedence. The uphill property owner has the right to use their property in a

way that does not unreasonably impact the downhill property.

Commission took a 5 minute break.

Scarcelli gave a recap of the proposed subdivision. Parker Song stated that she is inclined to grant the request. Pohlman stated a desire to reach a compromise between the property owners, although it seems that communications are constrained. Parker Song stated that she believes this proposal to be very different from the Benchlands area regarding topography and drainage. Spivey stated that some have said that the Benchlands development caused flooding issues on Sand Dollar Drive, although that has not been proven. Spivey stated that understood the drainage report to state that drainage concerns are caused by the downhill owners, not the applicant. Bosak stated that if an owner maintained the lot as a single-family property, development could impact drainage without a required drainage analysis.

Parker Song asked about requiring collaboration between the property owners. Spivey stated that the commission cannot require them to get along.

Pohlman/Parker Song moved to POSTPONE the item to a meeting when more commissioners are present.

Motion PASSED 3-0.

F

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.

Scarcelli described the request for a triplex and a one-unit short-term rental. Both uses are conditional uses in the R-1 zone. The third unit has a complete kitchen and a separate entrance. The property has more than the six required parking spaces. The owners live in one unit, have long-term renters in the second unit, and plan to rent the third unit short-term. The applicants plan to use Airbnb to rent the unit, and will accept a maximum of two renters at a time.

Jacklynn Barmoy and Michael Knauss represented their request. Barmoy stated that she has consulted with the Building Official about occupancy requirements. Pohlman asked if neighbors had stated any concerns. Barmoy stated that the property is separated from neighbors by topography and trees.

No public comment.

Spivey stated that he has reservations due to traffic and creating precedence for triplex approvals. Bosak stated that at the last meeting, the commission approved an accessory dwelling unit with a duplex. Scarcelli stated that he had to be mindful to his speed when driving by the property, and that the commission could condition the installation of a mirror to improve visibility. Spivey asked who owns the property across the street, and Scarcelli confirmed that the applicants did. Knauss stated that there is good visibility both ways. Knauss said many people turn around on his property. Pohlman asked if there was enough space for a three-point turn for the short-term renters, and Barmoy stated that there is enough space. Spivey stated that he does not like lending

to common sense, and stated that future owners must be considered. Scarcelli stated that the Planning Commission can hold a hearing upon receipt of meritorious complaint.

Pohlman/Parker Song 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.

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 3-0.

Pohlman/Parker Song moved to APPROVE the conditional use permit application for a three-unit multiple-family dwelling and a short term rental at 1715 Sawmill Creek Road, in the R-1 single family and duplex residential district subject to the nine conditions of approval. 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.

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 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.
9. Owners shall provide renters with a brief explanation of best traffic circulation patterns to mitigate any potential traffic impacts.

Motion PASSED 3-0.

G

Public hearing and consideration of a conditional use permit request for a daycare at 514 Halibut Point Road and 203 Lakeview Drive, in the R-1 zone. The property is also known as Lots 1, 2, 30, and 31 of Lakeview

Heights Subdivision. The request is filed by Emily Davis and Michelle Barker. The owner of record is First Baptist Church.

Parker Song/Pohlman moved to POSTPONE the item until the applicants commit to attending the hearing. Motion PASSED 3-0.

H

Public hearing and consideration of a conditional use permit major amendment request for a short-term rental at 304 Baranof Street, in the R-1 zone. The property is also known as Lot 1 Westover Subdivision. The request is filed by Island Institute. The owners of record are John and Karen Thielke.

Scarcelli stated that the application is for a major amendment to a nonconforming use permit. A long-term rental has been approved for the property. The applicant would now like to offer the unit as a short-term rental. Scarcelli stated that short-term rentals can increase long-term rental rates. Scarcelli stated that if this amendment is approved, one year must pass before another amendment can be considered, so that any concerns can be appropriately mitigated. Staff recommend approval with eight conditions.

Peter Bradley represented the Island Institute. Bradley stated that the unit is rented for a month or two at a time for artists in residence, which result in "awkward chunks of time."

No public comment.

Spivey stated that his only concern was for traffic, but the unit has already been operating as a long-term rental.

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.

Motion PASSED 3-0.

Parker Song/ Pohlman moved to APPROVE the conditional use permit amendment request for a short-term rental subject to the eight attached conditions of approval. The property is also known as Lot 1 Westover Subdivision. The request is filed by the Island Institute. The owners of record are John and Karen Thielke.

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 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 3-0.

I Public hearing and consideration of a variance request for 216 Lakeview Drive, in the R-1 zone. The request is for the reduction in the northwesterly side setback from 5 feet to 1 foot for the construction of a garage to replace an existing carport. The property is also known as Lot 51 Lakeview Heights Subdivision. The request is filed by Ida Eliason. The owner of record is Ida Eliason.

Item was not heard due to lack of quorum. To be scheduled on next meeting's agenda.

J Public hearing and consideration of a variance request for substandard lot size at 204 Jeff Davis Street, in the R-2 zone. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision. The request is filed by Randy Hitchcock. The owner of record is Randy Hitchcock.

Scarcelli stated that the applicant seeks to subdivide his property into two lot, and a code note states that development standard size is net of access easements. The total square footages of the lots meet development standards, but when the easements are subtracted, the lots do not meet minimum square footage requirements. Utilities currently exist on a portion of the access easement. If the properties were arranged side by side with no easements, the proposed lot sizes would not be problematic. The easement will act as a buffer and for parking. Scarcelli stated that the proposal is in line with the spirit of the code. Bosak read a comment of concern from Becky Martollo.

Randy Hitchcock stated that upon his purchase of the land, his intention was to build two structures on the property. He would like to subdivide into two lots. Hitchcock stated that he previously had concerns with the easement preventing parking, but he has decided to not request adjustments to the easements. Bosak asked if the new house would have a garage. Hitchcock said that it may have a small garage.

Pohlman/Parker Song moved to adopt as found in the staff report and APPROVE the findings of fact that state there are special circumstances that exist, the variance is necessary to preserve the enjoyment of property rights, the granting of the variance will not be materially detrimental to the public's welfare, health, or safety or nearby parcels or infrastructure; and comports with the Comprehensive Plan by providing substantial justice and equity in line with the spirit of the law.

Required Findings for Variances.

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

a. That there are special circumstances to the intended use that do not apply

generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner (here the existing large oversized easements and code section that reduces net area);

b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity (here alternatives would allow identical development, but for the access easements);

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 (again, alternatives would allow the same outcome, and the outcome is in harmony with surrounding land use); and

d. That the granting of such a variance will not adversely affect the comprehensive plan (A grant of a variance will consider relevant factors including spirit of the code section that applies and seeking substantial justice and equity).

Motion PASSED 3-0.

Pohlman/Parker Song moved to APPROVE the platting variance request for substandard lot sizes at 204 Jeff Davis Street, in the R 2 zone reducing the net size lot B to 5,097 s.f. and lot A to 5,596.87 s.f. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision. The request is filed by Randy Hitchcock. The owner of record is Randy Hitchcock.

Motion PASSED 3-0.

K

Public hearing and consideration of a minor subdivision and easement change request for 204 Jeff Davis Street, in the R-2 zone. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision. The request is filed by Randy Hitchcock. The owner of record is Randy Hitchcock.

Scarcelli stated that the proposal is to split an approximately 17,000 square foot lot into two lots. With the granted variance, the proposal meets development standards. The proposal would result in another lot that can be developed. The easement would not be changed. Staff recommend approval. Spivey stated concern for a potential front setback variance to be required to build on the new lot. Bosak clarified that the front lot would only have one front setback, and that the easement does not create another front setback.

Randy Hitchcock stated that the approval at the Historic Preservation Commission failed 3-1, but 3 were in favor. Scarcelli stated that staff and the applicant have reached out to a variety of interested parties, and feedback has been largely positive.

No public comment.

Spivey stated that it would be unrealistic to build two houses on each of the new two lots.

Pohlman/Parker Song moved to adopt the Senior Planner's analysis and APPROVE the findings of fact that the minor subdivision is not detrimental the public's health, safety, and welfare nor injurious to nearby parcels.

Motion PASSED 3-0.

Pohlman/Parker Song moved to APPROVE the minor subdivision request for 204 Jeff Davis Street, in the R 2 zone. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision. The request is filed by Randy Hitchcock. The owner of record is Randy Hitchcock

Motion PASSED 3-0.

L

Public hearing and consideration of a minor subdivision request filed for tidelands adjacent to 1 Lincoln Street, as required for the tideland lease process. The property is also known as a portion of ATS 15, and is in the Waterfront District. The request is filed by Petro Marine Services. The owner of record is the City and Borough of Sitka.

Bosak described the request. The subdivision is required for the 50 year tideland lease request. The proposed dock will streamline boat traffic and provide additional safety measures. An access easement should be a condition of approval. Staff is in support of the request.

Jerry Jacobs represented Petro Marine and stated that he didn't have anything additional to add.

No public comment.

Parker Song/Pohlman moved to APPROVE the findings as discussed in the staff report.

- 1) That the proposed minor subdivision complies with the Comprehensive Plan and Sitka General Code by delineating an area for a prospective tideland lease; and
- 2) That the subdivision would not be injurious to public health, safety, and welfare.

Motion PASSED 3-0.

Parker Song/Pohlman moved to APPROVE the preliminary plat of the minor subdivision for tidelands adjacent to 1 Lincoln Street with the condition that access is guaranteed. The property is also known a portion of ATS 15. The request is filed by Petro Marine Services. The owner of record is the City and Borough of Sitka.

Motion PASSED 3-0.

M

Public hearing and consideration of a zoning map amendment for ASLS 15-06. The proposal would change the property from unzoned to OS Open Space. The request is filed by the City and Borough of Sitka Planning Department. The owner of record is the State of Alaska.

Scarcelli stated that this is a follow-up item to the major subdivision on Nakwasina Sound. The property is not zoned. A zoning assignment would guide future development. Staff recommend that the Commission recommend OS Open Space zoning to the Assembly. Single family residential and recreational uses would be permitted. Lodges are not permitted. OS zoning is less intensive than other possibility zoning assignments, particularly since the

properties will not have municipal water and sewer service.

No public comment.

Spivey stated that the OS zoning makes sense for this parcel.

Pohlman/ Parker Song moved to APPROVE findings as discussed in the staff report.

1. That the granting of such zoning map amendment will not adversely affect the Comprehensive Plan, and it is consistent with Comprehensive Plan 2.4.1 which states, "To guide the orderly and efficient use of private and public land in a manner that encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations, specifically, by assigning OS zoning to preserve the property's rural character."

2. The zoning map change is consistent with the public purpose of developing commonsense zoning.

3. The zoning map change will not result in adverse effects on public health, safety, and welfare.

Motion PASSED 3-0.

Pohlman/Parker Song moved to RECOMMEND approval the zoning map amendment of ASLS 15-06 to assign OS Open Space zoning. The request is filed by the City and Borough of Sitka Planning and Community Development Department. The owner of record is the State of Alaska Department of Natural Resources Division of Mining, Land, and Water.

Motion PASSED 3-0.

N

Public hearing and consideration of a zoning text amendment to allow staff to approve administrative variances of up to two feet in C-1 General Commercial, C-2 General Commercial Mobile Home, Industrial, and Waterfront zones. The request is filed by the CBS Planning and Community Development Department.

Bosak explained the request, which would give an administrative authority to grant administrative variances of up to 2 feet in Commercial C-1, Commercial C-2, Waterfront WD and Industrial I zones. This can already be done in residential zones.

No public comment.

Pohlman asked how 2 feet was determined for this request. Bosak stated that administrative variances in residential zones are up to 2 feet.

Pohlman/Parker Song moved to RECOMMEND the zoning text amendment.

Motion PASSED 3-0.

VI. PLANNING DIRECTOR'S REPORT

Bosak reported that the next Comp Plan meeting is August 2 at ANB Hall. Bosak stated that Barb Sheinberg will be contacting commissioners and

participating in the meeting. The meeting will include a walkability assessment.

VII. PUBLIC BUSINESS FROM THE FLOOR

VIII. ADJOURNMENT

Pohlman/Parker Song moved to ADJOURN at 10:07 PM. Motion PASSED 3-0.

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 28, 2016

From: Samantha Pierson, Planner I

To: Planning Commission

Re: ZMA 16-03 Zoning Map Amendment of ASLS 15-06

GENERAL INFORMATION

Applicant:	CBS Planning and Community Development Department
Property Owner:	Alaska Department of Natural Resources
Property Address:	Lisianski Peninsula
Legal Description:	ASLS 15-06
Parcel ID Number:	None
Size of Existing Lot:	122.35 acres
Zoning:	None
Existing Land Use:	Undeveloped
Utilities:	None
Access:	Water
Surrounding Land Use:	Undeveloped, Recreational

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 of Approval for the replat

ATTACHMENTS

Attachment A: Vicinity Map
Attachment B: Aerial Vicinity Map
Attachment C: Additional Maps

Providing for today...preparing for tomorrow

Attachment D: Application
Attachment E: Plat
Attachment F: Use Tables
Attachment G: Ownership

PROJECT DESCRIPTION

Global Positioning Services, on behalf of Alaska DNR, applied for a major subdivision of ASLS 15-06 located on Lisianski Peninsula. The Planning Commission approved the final plat, and the plat will go to the Assembly for approval at a later date. The property is currently unzoned. The CBS Planning and Community Development Department requests that the Planning Commission recommend Open Space (OS) zoning for the property. The final decision will be made by the Assembly.

BACKGROUND

Lisianski Peninsula, like much of the undeveloped portions of Baranof Island, is unzoned. This action will only assign zoning to ASLS 15-06, otherwise known as the Nakwasina Sound Subdivision. The assignment of a zoning classification is essential, as it will guide the future development of the property.

Open Space (OS) zoning would allow property owners to build recreational housing, while still preserving rural character. The Open Space (OS) zoning district: "is to serve as a holding zone for large islands or tracts for which specific plans have not been established."¹ Permitted OS uses include single-family detached housing, trails, campgrounds, docks, a marina, and commercial home horticulture. One small private recreational cabin per lot is permitted in addition to the principal structure.

ANALYSIS

Project / Site: The proposed parcel is unzoned. The parcel is 122.35 square feet, and is currently undergoing the subdivision process to create 18 lots and 1 tract.

Traffic: The zoning map amendment will not result in more traffic beyond what is created by the subdivision.

Parking: Not applicable.

Noise: Lots are large to provide sound buffers. No concerns.

Public Health or Safety: Property owners will be responsible for installing DEC approved

¹ § 22.16.160 OS Open Space Zone

utilities. This is clearly stated in the plat notes.

Habitat: Any future docks must comply with US Army Corps of Engineers requirements.

Property Value or Neighborhood Harmony: Neighboring property is undeveloped and government-owned. No concerns.

Comprehensive Plan: 2.4.1 To guide the orderly and efficient use of private and public land in a manner that encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations, *specifically, by assigning OS zoning to preserve the property's rural character.*

FINDINGS

1. That the granting of such zoning map amendment will not adversely affect the Comprehensive Plan, and it is consistent with Comprehensive Plan 2.4.1 which states, "To guide the orderly and efficient use of private and public land in a manner that encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations, *specifically, by assigning OS zoning to preserve the property's rural character.*"
2. The zoning map change is consistent with the public purpose of developing commonsense zoning.
3. The zoning map change will not result in adverse effects on public health, safety, and welfare.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Planner's analysis and grant the zoning map amendment to assign Open Space to ASLS 15-06.

RECOMMENDED MOTIONS

1. Move to approve the findings as discussed in the staff report.
2. Move to approve the zoning map amendment of ASLS 15-06 to assign Open Space (OS) zoning. The request is filed by the City and Borough of Sitka Planning and Community Development Department. The owner of record is Alaska Department of Natural Resources Division of Mining, Land, and Water.



CITY AND BOROUGH OF SITKA
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

1. Request projects at least FOURTEEN (14) days in advance of next meeting date.
2. Review guidelines and procedural information.
3. Fill form out completely. No request will be considered without a completed form.
4. Submit all supporting documents and proof of payment.

APPLICATION FOR:

☐

VARIANCE

☐

CONDITIONAL USE

☒

ZONING AMENDMENT

☐

PLAT

BRIEF DESCRIPTION OF REQUEST: Assign OS zoning to
ASLS 15-06

PROPERTY INFORMATION:

CURRENT ZONING: not zoned PROPOSED ZONING (if applicable): OS Open Space
CURRENT LAND USE(S): underdeveloped PROPOSED LAND USES (if changing): recreational

APPLICANT INFORMATION:

PROPERTY OWNER: Alaska DNR
PROPERTY OWNER ADDRESS: _____
STREET ADDRESS OF PROPERTY: _____
APPLICANT'S NAME: CBS PCDD
MAILING ADDRESS: _____
EMAIL ADDRESS: _____ DAYTIME PHONE: _____

PROPERTY LEGAL DESCRIPTION:

TAX ID: _____ LOT: _____ BLOCK: _____ TRACT: _____
SUBDIVISION: _____ ~~US~~ SURVEY: ASLS 15-06

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEES		PARKING PLAN	

REQUIRED SUPPLEMENTAL INFORMATION:

- ☐ Completed application form
- ☐ Narrative
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Proof of filing fee payment
- ☐ Proof of ownership
- ☐ Copy of current plat
- ☐ Topographic information (If Pertinent to Application)
- ☐ Landscape Plan (If Pertinent to Application)
- ☐ Drainage and Utility Plan (If Pertinent to Application)
- ☐ Parking Plan (For Conditional Use Permit)
- ☐ Floor Plan (For Conditional Use Permit)
- ☐ Three (3) copies of concept plat (For Plat)
- ☐ Plat Certificate from a title company (For Plat)

CERTIFICATION:

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

Owner

Samantha Pinow

Applicant (If different than owner)

Date

6/23/16

Date

22.16.015 Permitted, conditional and prohibited uses. Revised 5/16 Revised 5/16

The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. Each lot or parcel in single-family and related zones shall contain only one principal use as defined by the use tables in this chapter. Multifamily and commercial zones may contain up to three principal uses. Other uses on the lot or parcel may be permitted accessory uses or conditional uses. All applicable requirements of this code, or other applicable state or federal requirements, shall govern a use located in the city and borough of Sitka.

The land use tables contained in this chapter determine whether specific uses are permitted as principal (P) or conditional (C) uses. Each table lists the zoning districts in the vertical columns and the land use activities in the horizontal rows. If no symbol appears in the box at the intersection of a row and column, the use is not allowed and is prohibited unless otherwise noted. In general, prohibited uses shall be as follows:

- A. Any use or structure not of a character indicated under permitted principal, accessory or conditional uses;
- B. Any use which causes, or may be reasonably expected to cause, an excessive disturbance not in keeping with the character and stated intent of this district. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation or to a degree injurious to the public safety, health, welfare or convenience.

If the letter "P" appears in the box, the use is permitted outright subject to the provisions of the code. If the letter "C" appears in the box, the use is a conditional use subject to review and approval including site plan approval. If the box contains a number, there will be a corresponding footnote further specifying the conditions applicable to the use in the zone.

With the exception of the Gary Paxton special district or as otherwise provided in this code, if the letter "P," "C," or another notation does not appear in the box, the use is prohibited.

The Gary Paxton special (GP/GPS) district was specifically developed to allow for a wide range of flexible uses on the site. When the site was acquired, it was recognized that a number of appropriate uses may surface that could not be anticipated. Appropriate and inappropriate uses could be regulated through lease agreements and sales agreements that must be approved by the municipality. As a result, the GP/GPS district use tables shall function differently from the manner outlined above.

Any uses, except retail and business uses, at Table 22.16.015-6, as well as natural resource extracting and mining support facilities uses within Table 22.16.015-5, may be approved in the GP/GPS district without a requirement of a zoning amendment in accordance with Section 2.38.080.

Retail and business uses in the GP/GPS district that are permitted uses, conditional uses, or prohibited uses on the site are governed by Table 22.16.015-6. Natural resource extractions and mining support facilities are conditional uses governed by Table 22.16.015-5 in the GP/GPS district. These use tables are binding on the owners and the operators in the Gary Paxton industrial park. No changes to these tables shall be made without a zoning ordinance text amendment that follows the full procedures in Chapter 22.30, Zoning Code Administration.

As outlined in Section 22.16.110, the I industrial zone is intended for industrial and heavier commercial uses. The zone also contains a number of heavy public uses as permitted and conditional uses. Additional conditional uses may be approved by the assembly, through the conditional use process, even though they may not be specifically listed as permitted or conditional uses in the following table.

**Table 22.16.015-1
Residential Land Uses**

Zones	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (11, 12)	C-1 (11)	C-2 (11)	WD (2, 11)	I	GI (3, 10)	LI(3)	R	OS	GP (13)
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CBS PCDD
Zoning Map Amendment
ASLS 15-06

Zones	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (11, 12)	C-1 (11)	C-2 (11)	WD (2, 11)	I	GI (3, 10)	LI(3)	R	OS	GP (13)
RESIDENTIAL																		
• Single-family detached		P	P	P(4)	P(4)	P(4)	P(4)	P(4)		P	P	P		P	P	P	P	
• Townhouse				C(5)	C(5)	C(5)	C(5)	C(5)	C	P	P	P		C	C			
• Duplex				P	P		P	P		P	P	P		P	P			
• Residential zero lot line				P	P	P	P	P		P	P	P						
• Multiple-family				C(5)	C(5)	C(5)	P(5)	P(5)	P(5,8)	P(5)	P(5)	P(5)		C	C			
• Single manufactured home on an individual lot					P	P		P			P			C	C			
• Mobile home park								P			P	P						
• Accessory dwelling unit				P(14) C	C	C	P(14) C	C										
GROUP RESIDENCES														C	C			
• Assisted living	C						C	C						C	C			
• Bunkhouse for transient workers							C	C				C		C				
• Dormitory	C(4)						C	C										
• Quasi-institutional	C			C	C	C	C	C						C	C			
TEMPORARY LODGING																		
• Hostel							C	C		P	P	P						
• Hotel/motel									P	P	P	P		PU/CS	C	C		
• Bed and breakfast				C(7)	C(7)	C(7)	C(8)	C(8)	P	P	P	P		P	C			
• Short-term rental	C(15)			C	C	C	C	C	P	P(9)	P(9)	P(9)		P	C	P(9)		
• Rooming house							C	C	C	P	P	P		C	C			
• Lodge										P	P	P		PU/CS	C			
• Limited storage				C(6)	C(6)	C(6)	C(6)	C(6)						P	C			

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

R-1 MH: Single-Family/Duplex/Manufactured Home District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

C-1/C-2: General Commercial and General Commercial/ Mobile Home Districts

WD: Waterfront District

I: Industrial District

GI: General Island District

LI: Large Island District

R: Recreational District

R-2: Multifamily District

OS: Open Space District

R-2 MHP: Multifamily/Mobile Home District

GP: Gary Paxton Special District

CBD: Central Business District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

C. Residential Uses Table 22.16.015-1 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest; all reasonable safeguards are to be employed to protect the surrounding area; and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. Including zero lot developments.
5. Townhouse, cluster housing developments and planned unit developments are conditional uses subject to this title and Title 21 of this code, Subdivisions.
6. On-site storage of commercial fishing vessels, fishing equipment and other small business equipment is a permitted conditional use so long as such storage does not occupy more than four hundred square feet.
7. Bed and breakfast establishments are limited to three guest rooms in the R-1, R-1 MH, and R-1 LD districts as conditional uses only when no other rental such as apartments is in operation on the same lot.
8. Bed and breakfast establishments are limited to five guest rooms in the R-2, R-2 MHP districts as conditional uses only when no other rental such as apartments is in operation on the same lot.
9. Short-term rentals including legal nonconforming uses shall provide two off-street parking spaces per unit, comply with the municipal fire code, and comply with the requirements of the building department based on a life safety inspection.
10. Hotels, motels, lodges, boarding houses and bed and breakfasts capable of accommodating a maximum of six guests plus one guest for each one-half acre or fraction thereof above one acre on unsubdivided islands are permitted principal uses. Hotels, motels, lodges, boarding houses and bed and breakfasts, on unsubdivided islands that exceed this maximum, are conditional uses.

Bed and breakfast establishments, boarding houses, hotels, motels and lodges are conditional uses on subdivided islands.
11. Many of the permitted and conditional uses in the CBD, C-1, C-2, and WD zones generate traffic, noise, odor, and general impacts to a higher level and greater degree than permitted and conditional uses in residential districts. Owners of residential uses in the CBD, C-1, C-2 and WD districts must be aware of and accepting of all the permitted uses in these districts.
12. Single or multiple apartments shall only be permitted on the first floor of structures in the CBD district if approved through the conditional use process. Single and multiple apartments are permitted uses on upper floors of structures in the CBD district.

13. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

14. Accessory dwelling units shall be constructed in conformance with the standards outlined in Chapter 22.20, Supplemental District Regulations and Development Standards.

15. Conditional use limited to allow boats to be used as short-term rentals in harbors and slips within the public lands zoning district.

**Table 22.16.015-2
Cultural/Recreational Uses**

ZONES	P(1)	SF (7)	SFLD(7)	R-1 (7)	R-1 MH (7)	R-1 LDMH (7)	R-2 (7)	R-2 MHP(7)	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP (9)
CULTURAL																		
• Library	P								P	P	P			P	P			
• Museum	P								P	P	P			P	P			
• Conference center							C	C	P	P	P			C	C			
• Church		C	C	C	C	C	C	C	P	P	P			PU/CS	C			
• Art gallery	P			C(4)	C(4)	C(4)	C(4)	C(4)	P	P	P	C		C	C			
• Radio station												P						
RECREATIONAL																		
• Park and recreation														P	P			
• Park	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	
• Trails	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	
• Campground	P													C	C		P	
• Resort										P	P			C	C	P		
• Marina	P									P	P	P		C	C	C	P	
• Travel trailer/recreational vehicle park	C									P	P	C		C	C			
• Ballpark/athletic field	P	C	C	C	C	C	C	C		P	P	P	P	P	C	P		
• Amusement and entertainment														PU/CS	C			
• Theater									P	P	P			C	C			
• Theater, drive-in										P	P			C	C			
• Outdoor amphitheater	P								P	P	P			PU/CS	C		P	
• Bowling center									P	P	P			C	C			

ZONES	P(1)	SF (7)	SFLD(7)	R-1 (7)	R-1 MH (7)	R-1 LDMH (7)	R-2 (7)	R-2 MHP(7)	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP (9)
• Sports club and yacht club	C									P	P	P		C	C		C (5)	
• Golf facility	P									P	P			C	C			
• Shooting range—indoor	C									C	C			PU/CS				
• Shooting range—outdoor										C	C			PU/CS				
• Arcades									P	P	P			C	C			
• Community center	C						C	C	P					C	C			
• Personal use docks—accommodating waterborne aircraft		C(6)	C(6)	C(6)	C(6)	C(6)	C(6)	C(6)				P		P(8)	P(8)	P(8)	P(8)	
• Personal use docks—perimeter of dock and float exceed 300 linear feet		C	C	C	C	C	C	C				P		P(8)	P(8)	P(8)	P(8)	
• Personal use docks—one lease slip, float houses permitted in accordance with the Sitka Coastal Management Program, no linear perimeter restriction, allowing liveaboards, and allowing float planes												P		P(8)	P(8)	P(8)	P(8)	
• Personal use docks—no perimeter restrictions, no restrictions on liveaboards and float planes. Float houses allowed if permitted in accordance with Sitka Coastal Management Program										P	P	P	P	P(8)	P(8)	P(8)	P(8)	
• Personal use docks—one nonfee liveaboard		P	P	P	P	P						P		P(8)	P(8)	P(8)	P(8)	
• Personal use docks—liveaboards, no more than 300-foot perimeter							P	P				P		P(8)	P(8)	P(8)	P(8)	
• Community personal use docks		C	C	C	C	C	C	C				P		P(8)	P(8)	P(8)	P(8)	
• Commercial use docks										P	P	P	P	C	C	C	C	

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

C-1/C-2: General Commercial and General Commercial/ Mobile Home Districts

WD: Waterfront District

R-1: Single-Family/Duplex District

I: Industrial District

R-1 MH: Single-Family/Duplex/Manufactured Home District

GI: General Island District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

LI: Large Island District

R: Recreational District

R-2: Multifamily District

OS: Open Space District

R-2 MHP: Multifamily/Mobile Home District

GP: Gary Paxton Special District

CBD: Central Business District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

D. Cultural/Recreational Uses Table 22.16.015-2 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. When operated as a home occupation.
5. Sport fishing lodges.
6. Any waterborne aircraft approved through the conditional use process shall be restricted to those owned by the upland property owner or long-term lessee that are not used for commercial purposes. Waterborne aircraft shall also only be allowed on docks in a secure environment.
7. The city requires liveaboards in R-1, R-2, SF, and related zones to meet the relevant liveaboard regulations that are required in the municipal harbor regulations under “liveaboards.”
8. Waterborne aircraft that moor on docks on an ongoing basis are allowed as a permitted use on personal use and community personal use docks if they are solely used by the owners of the property and are solely used for noncommercial purposes. All nonprivate use of waterborne aircraft would require conditional use approval.
9. Any uses except retail and business uses and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

**Table 22.16.015-3
General Services Uses**

ZONES	P(1)	SF	SFLD	R-1 (6)	R-1 MH (6)	R-1 LDMH (6)	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP (8)
PERSONAL SERVICES																		
• General services									P	P	P			C				

ZONES	P(1)	SF	SFLD	R-1 (6)	R-1 MH (6)	R-1 LDMH (6)	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP (8)
• Dry cleaning									P	P	P							
• Industrial laundry										C	C		P					
• Funeral home/crematorium									C	P	P			C				
• Cemeteries/mausoleum	P													C	C			
• Day care/kindergartens	P			P(6)	P(6)	P(6)	P(5)	P(5)	C	P(5)	P(5)			P	P			
• Veterinary clinic							(7)		C	C	C		P	C				
• Automotive repair									C	P	P	P	P	C				
• Automotive service									C	P	P	P	P	C				
• Miscellaneous repair									P	P	P	P	P	C	C			
• Social service agencies									P	P	P	C		CU/*S	C			
• Stable	C									C	C			PU/CS		C		
• Kennel										C	C		C	P				
• Bank							C	C	P	P	P			C	C			
• Credit union							C	C	P	P	P			C	C			
• Massage treatments																C		
HEALTH SERVICES																		
• Offices/outpatient clinic							C	C	P	P	P			C	C			
• Hospital	C(4)								C	P	P			C	C			
• Medical/dental laboratory							C	C	P	P	P		P	C	C			
• Marijuana testing facility									C	C	C	C	C	C	C			C
• Miscellaneous health facility							C	C	C	C	C			C	C			
EDUCATIONAL SERVICES																		
• Elementary school	P						C	C	C	C	C			C	C			
• Middle/junior high school	P						C	C	C	C	C			C	C			
• Secondary/high school	P						C	C	C	C	C			C	C			
• Vocational school	P						C	C	C	C	C			C	C			
• Specialized instruction school	P						C	C	C	C	C			C	C			
• College/university	P								C	C	C			C	C			
• School district support facility (excluding	P						C	C	C	P	P		P	C	C			

ZONES	P(1)	SF	SFLD	R-1 (6)	R-1 MH (6)	R-1 LDMH (6)	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP (8)
bus barns)																		
• Auditorium	P																	

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

R-1 MH: Single-Family/Duplex/Manufactured Home District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home District

CBD: Central Business District

C-1/C-2: General Commercial and General Commercial/ Mobile Home Districts

WD: Waterfront District

I: Industrial District

GI: General Island District

LI: Large Island District

R: Recreational District

OS: Open Space District

GP: Gary Paxton Special District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

CU/*S—Conditional Use on Unsubdivided Islands and Prohibited on Subdivided Islands

E. General Services Uses Table 22.16.015-3 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.

2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.

3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.

4. Hospital buildings shall be set back a minimum of ten feet from all property lines.

5. Establishments accommodating five or more children require state licenses and are conditional uses.

6. Day cares with four children or less not related to the provider are a permitted use in owner occupied detached single-family dwellings in the R-1 and related zones.

Day cares with four children or less not related to the provider are a conditional use in residential zero lot line dwellings in the R-1 and related zones. Day cares with four children or less not related to the provider are also a conditional use in two-family dwellings, that are constructed as duplex where each unit is of similar size, in the R-1 and related zones.

Day cares are not allowed in apartments or similar dwelling units in R-1 or related zones.

Day cares with five children or more not related to the provider are a conditional use, in owner occupied detached single-family dwellings only, in the R-1 and related zones.

7. A replacement vet clinic in the 1200 block of Halibut Point Road as a substitute for the long standing historical use in the area is expressly authorized and shall be the only vet clinic allowed in an R-2 zone.

8. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

Table 22.16.015-4
Public Facilities Uses

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD (2)	I	GI(3)	LI(3)	R	OS	GP (6)
GOVERNMENT SERVICES										C								
• Public agency or utility office	P								P	C				PU/CS	C			
• Public agency or utility service yard	P									C		P	P	C	C			
• Public agency warehouse	P									C		P	P	C	C			
PUBLIC SERVICES																		
Courts	P								P					C	C			
Police station	P								P	P	P			C	C			
Fire station	P			C	C	C	C	C	P	P	P	C	C	PU/CS	C	C		
Utility facilities (transformers, pump stations, etc.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Solid waste transfer facility	C(4)									C	C	C	C	C	C			
Landfill	P												C	C	C	C		
Land clearing landfills	C												C					
Wastewater treatment plant	C									C	C	P	P	C	C			
Public water supply facility	P									P	P	P	P	C	C	P		
Public transportation facility/airport	C								C	C	C	P(5)	P	C				
Animal shelter	P									C	C		C	C				
Recycling facility	C																	
Housing support facility (7)							C	C										

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

C-1/C-2: General Commercial and General Commercial/ Mobile Home Districts

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R: Recreational District

R-2: Multifamily District

OS: Open Space District

R-2 MHP: Multifamily/Mobile Home District

GP: Gary Paxton Special District

CBD: Central Business District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

F. Public Facilities Uses Table 22.16.015-4 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. Minimum site area is twenty acres.
5. Ferry terminals, barge freight terminals, docks, and harbor facilities including float plane facilities, fueling piers and tank farms, and other port facilities are permitted principal uses subject to planning commission review and public hearing and assembly approval of a binding site plan.
6. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.
7. In which the primary purpose of the support facility is to support and maintain housing-related programs in the immediate area.

Table 22.16.015-5
Manufacturing/Storage Uses

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP (7)
MANUFACTURING																		
• Food products include seafood processing										C	C	P	P	C	C	C		
• Mariculture												P		C	C			
• Winery/brewery, small scale									C	C	C	P	P	C	C			
• Textile mill products										C	C	P	P	C	C			

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP (7)
• Apparel and textile products										C	C	P	P	C	C			
• Wood products, except furniture										C	C	P	P	PU/CS	C			
• Furniture and fixtures										P	P	P	P	P	C			
• Paper and allied products										C	C	P	P	C	C			
• Petroleum refining and related products										C	C	P	P					
• Rubber and plastics products										C	C	P	P					
• Leather and leather goods										P	P	P	P	C	C			
• Tannery										C	C							
• Stone, clay, glass and concrete products										C	C	P	P	C	C			
• Primary metal products										C	C	P	P	C	C			
• Asphalt plant/concrete batch plant													C					
• Fabricated metal products										C	C	P	P	C				
• Industrial and commercial machinery										C	C	P	P					
• Heavy machinery and equipment										C	C	P	P					
• Computer and office equipment										P	P	P	P	C	C			
• Electronic and electric equipment										P	P	P	P	PU/CS	C			
• Miscellaneous vehicle manufacturing										C	C	P	P	C				
• Boat building										C	C	P(5)	P	C				
• Tire retreading										C	C	P	P					
• Other manufacturing										C	C	P	P(6)	C	C			
• Marijuana cultivation facility									C	C	C	C	C	C	C			C
• Marijuana cultivation facility, limited									C	C	C	C	C	C	C			C
• Marijuana product manufacturing facility									C	C	C	C	C	C	C			C
• Marijuana product manufacturing facility, extract only									C	C	C	C	C	C	C			C
STORAGE AND WAREHOUSING													P					

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP (7)
• Marine equipment/ commercial fishing gear/material storage										P	P	P	P	PU/CS	C			
• Boat storage										P	P	P	P					
• Construction materials storage									P	P	P	P	P	C	C	C		
• Trucking, courier and taxi service facilities									P	P	P	P(5)	P	C	C			
• Warehousing and wholesale trade									P	P	P	P(5)	P	C				
• Self-service storage									P	P	P	P	P	C				
• Log storage	C									C	C	P	P	C		P		
• Freight and cargo services									P	P	P	P(5)	P	C				
• Equipment rental services									P	C	C	P	P	C				
• Vehicle rental services									P	P	P	P	P	C				
• Natural resource extraction and mining support facilities												C	C	C	C			C
• Storage of explosives													C					
• Bulk fuel storage												C						

P: Public Lands District

C-1/C-2: General Commercial and General Commercial/ Mobile Home Districts

SF: Single-Family District

SFLD: Single-Family Low Density District

WD: Waterfront District

R-1: Single-Family/Duplex District

I: Industrial District

R-1 MH: Single-Family/Duplex/Manufactured Home District

GI: General Island District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

LI: Large Island District

R-2: Multifamily District

R: Recreational District

R-2 MHP: Multifamily/Mobile Home District

OS: Open Space District

CBD: Central Business District

GP: Gary Paxton Special District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

G. Manufacturing/Storage Uses Table 22.16.015-5 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. No industrial use shall be of a nature which is noxious or injurious to nearby properties by reason of smoke, emission of dust, refuse matter, odor, gases, fumes, noise, vibration or similar conditions.
4. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
5. Ferry terminals, barge freight terminals, docks and harbor facilities including float plane facilities, fueling piers and tank farms and other port facilities are permitted principal uses subject to planning commission review and public hearing and assembly approval of a binding site plan.
6. Automobile wrecking yards, salvage yards, and junkyards are conditional uses and shall be set back a minimum of twenty feet from property lines and be enclosed by fences a minimum of eight feet in height. The setback area may be used for customer parking but not for vehicle storage.
7. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

Table 22.16.015-6
Retail and Business Uses

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (8)	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP
RETAIL USES																		
• Building, hardware and garden materials										P	P		P	C	C			P
• Bulk forest products sales									P	P	P	P	P	P				P
• Retail forest products sales										P	P	P	P					C
• Art galleries and sales of art									P	P	P	P						
• Department and variety stores									P	P	P	P(5)		C	C			
• Food stores									P	P	P	P(5)		C	C	C(6)		C
• Agricultural product sales										P	P		P	C	C			P
• Motor vehicle and boat dealers									P(7)	P	P	P(5)		C				P
• Auto supply stores									P	P	P			C	C			P
• Gasoline service stations									C	P	P		P	C	C			C
• Apparel and accessory stores									P	P	P	P(5)		C	C			
• Furniture and home furnishing stores									P	P	P			C				C

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (8)	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP
• Eating and drinking places									P	P	P	P	C	PU/ CS	C			C
• Drug stores									P	P	P			C	C			
• Liquor stores									P	P	P	P(5)		C	C			
• Used goods, secondhand stores									P	P	P	P(5)		C	C			C
• Sporting goods									P	P	P	P(5)		C	C			
• Book, stationery, video and art supply									P	P	P	P(5)		C	C			
• Jewelry stores									P	P	P	P(5)		C	C			
• Monuments, tombstones and gravestones									P	P	P		P	C	C			P
• Hobby, toy, game stores									P	P	P			C	C			
• Photographic and electronic stores									P	P	P	P(5)		C	C			
• Fabric stores									P	P	P			C	C			
• Fuel dealers										P	P		P	C	C			C
• Florists									P	P	P			C	C			
• Medical supply stores									P	P	P			C	C			
• Pet shops									P	P	P			C	C			
• Sales of goods that are wholly manufactured at Gary Paxton industrial park GPIP																		P
• Sales of gifts, souvenirs and promotional materials that bear the logo or trade name of a GPIP permitted use business																		P
• Stand alone souvenir and gift shops									P	P	P	P						
• Bulk retail										P	P			C	C			
• Commercial home horticulture	P	C	C	C(9)	C(9)		C(9)	C(9)	P	P	P	P		PU/ CS(9)	C(9)	P	P	
• Horticulture and related structures	P								P	P	P	P						P
• Marijuana retail facility									C	C	C	C	C	C	C			C
BUSINESS SERVICES																		P
• General business services									P	P	P	P(5)	P	C	C			C
• Professional offices							C	C	P	P	P	P(5)		C	C			P

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

P: Public Lands District

C-1/C-2: General Commercial and General Commercial/ Mobile Home Districts

SF: Single-Family District

SFLD: Single-Family Low Density District

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R-1: Single-Family/Duplex District

I: Industrial District

R-1 MH: Single-Family/Duplex/Manufactured Home District

GI: General Island District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

LI: Large Island District

R: Recreational District

R-2: Multifamily District

OS: Open Space District

R-2 MHP: Multifamily/Mobile Home District

GP: Gary Paxton Special District

CBD: Central Business District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

H. Retail and Business Uses Table 22.16.015-6 Footnotes.

- Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
- All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
- No industrial use shall be of a nature which is noxious or injurious to nearby properties by reason of smoke, emission of dust, refuse matter, odor, gases, fumes, noise, vibration or similar conditions.
- Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
- When associated with a water-related principal use.
- Small scale convenience stores subordinate to principal permitted uses.
- Motor vehicles and boat dealers permitted on a short-term basis.
- Kiosks, outdoor restaurants, portable structures such as food stands and other temporary structures that are clearly incidental to the primary use on the lot are permitted uses. Mobile food carts on wheels are permitted uses on private property. Kiosks, outdoor restaurants, portable structures such as food stands and other temporary structures that are not clearly incidental to the primary use on the lot are conditional uses.
- Commercial home horticulture conditional use permits governed by Section 22.24.025.

(Ord. 16-14 § 4, 2016; Ord. 16-11 § 4 (part), 2016; Ord. 15-42 § 4 (part), 2015; Ord. 15-08 § 4 (part), 2015; Ord. 14-38A § 6, 2014; Ord. 14-21 § 4 (part), 2014; Ord. 13-14A § 4 (part), 2013; Ord. 12-31A §§ 4(E), (F), 2012; Ord. 11-34 § 4, 2011; Ord. 11-31 § 4, 2011; Ord. 11-04S § 4(A), 2011; Ord. 10-32 § 4, 2010; Ord. 10-12 § 4 (part), 2010; Ord. 09-78 § 4, 2010; Ord. 09-51 §§ 4(A), (B), (D), 2009; Ord. 08-44 § 4, 2008; Ord. 08-30 § 4, 2008; Ord. 07-08 § 4 (part), 2007; Ord. 06-24 § 4, 2006; Ord. 06-09 § 4, 2006; Ord. 06-06 § 4(A), (B), (G), (H), (I), 2006; Ord. 05-47 § 4(B), 2005; Ord. 05-16 § 4(A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), (N), 2005; Ord. 05-09 § 4(A), 2005; Ord. 05-03 § 4(A), 2005; Ord. 04-60 § 4(A), (B), (E), (I), (O), (P), (Q), (V), 2004; Ord. 03-1750 § 4 (part), 2003; Ord. 03-1746 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)

22.16.016 Accessory uses.

A. Intent. Certain uses are incidental and supportive of the principal use. These are indicated for each zoning district in the following table.

Table 22.16.016-1

Accessory Uses

PERMITTED ACCESSORY USES	ZONES
Accessory buildings such as garages and sheds	All zones
Required automobile parking in conjunction with permitted principal or conditional uses	All zones
Off-street parking for one commercial truck or van used for commuting	All residential zones
Required loading facilities	All zones
Utility installations except solid waste disposal facilities and water storage dams	All zones
Home occupations as defined by Section 22.20.060	All residential zones
Private outside storage of small noncommercial trucks, boats, recreational vehicles in required setbacks no closer than five feet to the property line	All residential zones
Parks, playgrounds and open space for informal recreation	All residential zones
Accessory uses incidental to any permitted use	All nonresidential zones
One small private recreational cabin per lot in addition to the single principal structure	GI, LI and OS zones
One single unit watchman or caretaker dwelling	P and I zones
Boardwalks	R zone

(Ord. 06-06 § 4(F), 2006; Ord. 03-1750 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)

Warning: Title reports are only current as of the date issued. Adjudicator must check for new information using the Recorder's Office database and LAS prior to making any decisions. A new title report needs to be requested if existing title report is more than one year old.

Title Researched by **Elizabeth D. Kleweno**
State of Alaska
Realty Services Section Title Unit
Phone: **375-7732**

Title Report RPT # 7651
ADL No. 108062
Nakwasina Sound

Current as of 4/15/2015

1. REQUESTOR:

Nikki Potter
Land Disposals - Subdivisions

2. PROVIDE COPY OF COMPLETED REPORT TO:

Nikki Potter
Tim Shilling
George Horton
Mark Hall

3. TITLE IS VESTED IN:

State of Alaska

The State owns the land and mineral estates of the project area. All known third party interests are listed within this report.

4. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

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

Section 28: SW1/4

Section 33: NW1/4, W1/2NE1/4, NW1/4SE1/4

5. TITLE CHAIN:

- Tentative Approval dated 8/1/1995. Issued for the land and mineral estates to the State of Alaska. Excepting and Reserving to the United States:
 - A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945 (1988); and
 - The following Aid to Navigation Site appropriated by the United States, over or upon the lands, together with the right of the United States, its officers, employees, agents, contractees, lessees, permissess, or assignees to the complete enjoyment of all rights privileges, and benefits previously granted, issued, reserved or appropriated under the Alaska National Interest Lands Conservation Act of December 2, 1980, 94 Stat. 2371 at 2442, 43 U.S.C. 1635(l) (1988);
 - A Navigation Site known as Lisianski Peninsula Light House located at the intersection of latitude 57°09'00" N by 135°24'30" W, in Sec. 33, T. 54 S., R. 63 E., Copper River Meridian, measuring approximately fifteen (15) feet square, maintained by the U.S. Coast Guard, including the right of access for ingress and egress by boat or helicopter and the right to maintain an arc of visibility for the aid.

Note: Title Report will only list active interests of record found in the following public records:

6. BLM RECORDS:

- Master Title Plat (MTP) T. 54 S., R. 63 E., C.R.M. current to 3/27/2013
 - AA71690 State Selection Tentative Approval
 - Linianski Peninsula Light House
 - Entire Township, Tongass National Forest
- Spatial Data Management System (SDMS) reviewed on 4/15/2015
 - AA 071690, Community Grant Forest, Tentative Approval 19950056

7. STATE CASE FILE IS: NFCG 304

8. DNR LAND ADMINISTRATION RECORDS:

- Classifications:
 - MO 1045, Mineral Order
 - MO 1118, Mineral Order
 - Area plans and the status of plan revisions affecting classifications are available on the following site: <http://dnr.alaska.gov/mlw/planning/>. Hard copies of published area plans are available in Suite 1050 of the Atwood Building. The most current land classifications may not appear on the State Status Plats or in LAS. Be sure and verify current land classifications with the pertinent area plan. Any questions concerning area plans or classifications should be directed to the Planning Unit at 269-8534.
- Surface Activity:
 - ADL 108062, Land Sale Project, Auction Brochure, Initial Status, DMLW Land Sales and Contract Administration, **Title Report Project Area**
- Sub-Surface Activity:
 - No records found
- Pending Actions:
 - Query returned no data
- Division of Oil and Gas Lease Records:
 - No records found.

9. NAVIGABILITY DETERMINATION:

State Navigability Determination:

- Was not addressed in State Selection File NFCG 304. Contact the PAAD Unit at 269-6008 for further information.

Federal Navigability Determination:

- In a Memorandum dated 11/6/2003, it was determined that there are no navigable inland waters in the township. Contact the PAAD Unit at 269-6008 for further information.

10. STATE RECORDER'S OFFICE:

A search of the records of the State Recorder's Office for the **Sitka** Recording District at 11:30 AM on 4/15/2015 indicated the following actions against the Title Report Project Area:

- Tentative Approval, recorded in Book 116 Page 802

The following liens were found when searching under the name: N/A

- N/A

11. RESEARCH RESOURCES/ATTACHMENTS:

The following resources were used in the preparation of this title report:

- Alaska Mapper for Land Estate, Mineral Estate and Ownership created 4/15/2015
- BLM Master Title Plat (MTP) T. 54 S., R. 63 E., C.R.M. current to 03/27/2013
- USRS T. 54 S., R. 63 E., C.R.M. officially filed 6/9/1986
- Recorder's Office documents listed in item 10

- State Selection File NFCG 304
- BLM Spatial Data Management System (SDMS)
- DNR Land Administration System (LAS)
- DNR Spatial Case Information Management System (SCIMS)
- State of Alaska Recorder's Office Database
- DNR Business Reporting System (DBRS)
- Navigability Determination

12. SUMMARY OF TITLE/SPECIAL CONCERNS/COMMENTS:

The State of Alaska, holds fee title to the *land and mineral estates* for the Title Report Project Area as described in this title report under **Tentative Approval dated 8/1/1995** subject to valid existing rights, including reservations, easements, and exceptions in the U.S. Patent or other state or federal conveyance, and in acts authorizing the issue thereof, easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any, including, but not limited to, those set out in items 5, 8 and 10.

A Title Report is not a substitute for analysis of an ADL case file. It will not tell you whether a contemplated land action is advisable, if a permit should be issued, or if land should be offered for sale. It will tell you if the State owns the land in question and what interest others may have in the land. It is up to the requestor to use this information to make their decisions.

NOTE: Be sure to check the Pending Actions (SCIMS) for any actions that do not appear in Alaska Mapper, issued subsequent to this report.

NOTE: This report is intended for internal State uses only. Not for distribution to or use by the general public.