



CITY AND BOROUGH OF SITKA

Meeting Agenda

Planning Commission

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

Tuesday, June 7, 2016

7:00 PM

Sitka Fire Department

I. CALL TO ORDER AND ROLL CALL

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM-5](#) Approval of the minutes from the May 17, 2016 meeting.

Attachments: [May 17 2016 draft](#)

IV. REPORTS

V. THE EVENING BUSINESS

B [MISC](#) Public hearing and consideration of the historic land use chapter of the
[16-01.6](#) Land Use Plan.

Attachments: [Outline Past Land Use MJS draft june 2](#)

C [MISC](#) Public hearing and consideration of the current land use chapter of the
[16-01.7](#) Land Use Plan.

Attachments: [CURRENT LAND USE 6.2.16](#)

D [MISC](#) Public hearing and discussion of the Land Use Plan and
[16-01.8](#) Comprehensive Plan. The discussion will focus on acquisition, retention,
and disposal of municipal lands. This item will include a planning
process overview, a facilitation exercise, an opportunity for public
remarks, and photovoice participation.

Attachments: [June 7 meeting poster](#)

VI. PLANNING DIRECTOR'S REPORT

VII. PUBLIC BUSINESS FROM THE FLOOR

VIII. ADJOURNMENT

NOTE: Individuals having concerns or comments on any item are encouraged to provide written comments to the Planning Office or make comments at the Planning Commission meeting. Written comments may be dropped off at the Planning Office in City Hall, emailed to planning@cityofsitka.org, or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish: May 30 and June 1



CITY AND BOROUGH OF SITKA

Legislation Details

File #: PM-5 **Version:** 1 **Name:**
Type: Planning Minutes **Status:** AGENDA READY
File created: 5/16/2016 **In control:** Planning Commission
On agenda: 6/7/2016 **Final action:**
Title: Approval of the minutes from the May 17, 2016 meeting.
Sponsors:
Indexes:
Code sections:
Attachments: [May 17 2016 draft](#)

Date	Ver.	Action By	Action	Result
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CITY AND BOROUGH OF SITKA

Minutes - Draft

Planning Commission

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

Tuesday, May 17, 2016

7:00 PM

Sealing Cove Business Center

I. CALL TO ORDER AND ROLL CALL

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

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

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

IV. REPORTS

B Planning Regulations and Procedures.

V. THE EVENING BUSINESS

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

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

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

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

Neither the applicant nor the owners were present.

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

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

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

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

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

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

Spivey stated that request is straight forward.

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

- G** Public hearing and consideration of a tideland sale application filed by Forrest Dodson for tidelands adjacent to 263 Katlian Avenue.

Bosak explained the request. The applicant previously purchased the tidelands seaward of 263 Katlian, and now request to purchase tidelands adjacent to the house. Bosak stated the need to maintain public access to tidelands, and that tidelands may increase in value over time. Staff recommend denial of the sale, and recommend a Class I, month-to-month lease.

Forrest Dodson stated that he would prefer to purchase the property. Construction will cost \$10,000 more if he cannot acquire this parcel, and he would like to have more elbow room. Dodson stated that he believes there would be sufficient water access even if he was allowed to purchase the parcel. Hughey asked about current fill in the parcel. Dodson stated that the fill was temporary, and would have to be removed. Dodson stated that the parcel isn't being used. Hughey clarified that the previous proposal was to move the

house onto the seaward parcel with parking in front.

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

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

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

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

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

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

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

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

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

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

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

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

Required Findings for Conditional Use Permits. The planning commission shall

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

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

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

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

dependent upon the specific use and its visual impacts.

Motion PASSED 5-0.

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

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

Motion PASSED 5-0.

J

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

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

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

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

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

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

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

Windsor/Hughey moved to APPROVE the required findings.

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

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

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

criteria are as follows:

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

Specific Guidance from 22.24 on Findings for Marijuana Uses

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

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

Motion PASSED 5-0.

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

Conditions of Approval:

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

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

Motion PASSED 5-0.

K

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

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

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

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

striped by the end of the month.

Parker Song/Pohlman moved to APPROVE the required findings.

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

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

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

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

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

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

Specific Guidance from 22.24 on Findings for Marijuana Uses

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

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

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

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

Motion PASSED 5-0.

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

Conditions of Approval:

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

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

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

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

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

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

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

Motion PASSED 5-0.

L

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

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

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

Hughey/Pohlman moved to APPROVE the required findings.

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

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

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

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

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

Specific Guidance from 22.24 on Findings for Marijuana Uses

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

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

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

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

Motion PASSED 5-0.

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

Conditions of Approval:

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

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

Motion PASSED 5-0.

M

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

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

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

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

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

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

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

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

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

N

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

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

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

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

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

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

Parker Song/Pohlman moved to **APPROVE** the required findings.

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

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

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

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

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

Specific Guidance from 22.24 on Findings for Marijuana Uses

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

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

Motion PASSED 5-0.

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

Conditions of Approval:

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

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

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

cancelled.

VII. PUBLIC BUSINESS FROM THE FLOOR

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

VIII. ADJOURNMENT

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

ATTEST: _____
Samantha Pierson, Planner I



CITY AND BOROUGH OF SITKA

Legislation Details

File #: MISC 16-01.6 Version: 1 Name:
Type: P&Z Miscellaneous Status: AGENDA READY
File created: 5/16/2016 In control: Planning Commission
On agenda: 6/7/2016 Final action:
Title: Public hearing and consideration of the historic land use chapter of the Land Use Plan.
Sponsors:
Indexes:
Code sections:
Attachments: [Outline Past Land Use MJS draft june 2](#)

Date	Ver.	Action By	Action	Result
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Historical Land Use and Development of Sitka

Shee Atika was first settled by the Tlingit people approximately 10,000 years ago. Shee Atika can be translated to mean “people of the village on the outside of Shee” or “people of the forest trees outside of Shee.” Sitka is derived from this original name.

The Tlingits are an indigenous people of the Pacific Northwest Coast of North America. Their language, Lingit, means “people of the tides.” The Tlingits are a matrilineal society that incorporates moieties of the Raven and Eagle. Clans were based upon a dynamic hunter-gatherer culture. Food not only was harvested or hunted from the natural environment, but methods of mariculture with clams and gardens for produce were also utilized before any settlers arrived and expanded with new crops from explorers. Tlingit society places a strong emphasis on family, kinship, art, spirituality, stewardship of the land and each other, and a rich oral tradition. The original settlements and cultural impacts are major influences in development and land use of Sitka today and for the future.

The Vitus Bering expedition led the Russians to occupy Shee Atika in 1741. Shee Atika was renamed Redoubt Saint Michael in 1799. Alexander Baranof (Baranov), manager of the Russian-American Company, built trading posts and forts. The Russian Czar required that all land patent holders plant vegetable gardens. In 1802, in a stand against Russian control, the Tlingits defended their people and village by burning down the Russian fort and attacking the warehouse. The Russians returned with a large force to retaliate for these actions in 1804 during the Battle of Sitka. During this battle, the Tlingits made another large stand against Russian Occupation.

The Russians emerged in control and reestablished New Archangel as the permanent settlement named after Arkhangelsk, a large city where Alexander Baranof was born.

The Tlingit reestablished their village at the Chatham Strait side of Peril Strait.

The first American Pacific Coast boatyard, sawmill, flour mill, and brass and bronze foundries were pioneered in Sitka.

With Baranov as its governor, Sitka was declared the capital of Russian America in 1808. Sitka became a major trading port on the North Pacific Coast. Some called it the Paris of the Pacific. Furs were exported to European and Asian markets. Salmon, ice, and timber were exported to western lands such as Hawaii, California, and Mexico.

The Russian Bishop Innocent came to Sitka in 1840, His home, **the Bishop's House**, is still an important historical landmark that has been restored and protected by the Sitka National Historical Park and the National Park Service. Also during 1840, the first Pacific Coast Lutheran Church was built in Sitka. In 1848, the Cathedral of Saint Michael became the seat of the Bishop of Kamchatka, the Kurile and Aleutian Islands, and Alaska for the Russian Orthodox Church. The Original Church burned down in 1966, but was restored to nearly its original appearance. Saint **Peter's** by the Sea Episcopal Church was consecrated in 1900 as the Cathedral of Alaska. The development of other protestant churches would occur after the United States purchased Alaska from Russia in 1867. Sheldon Jackson, a Presbyterian missionary, started a school in 1878. Jackson also began one of the original canneries.

The Alaska Purchase and ceremonial transfer of power occurred on October 18, 1867 after Russia lost the Crimean War and was concerned about Britain taking control. U.S. Secretary of State, William Seward, pursued the purchase as part of the Manifest

Destiny to have the United States reach the Pacific Ocean. The purchase price was \$7.2 million. In 1949, Alaska Day was inaugurated to celebrate this event.

In 1891, Dr. Sheldon Jackson lobbied Congress to begin a farm in Sitka. After Congress's **action in 1897, the U.S. Department** of Agriculture began operating experimental farms in 1898. Led by horticulturalist Charles Georgeson, some notable experiments included the creation of the hybrid Sitka Strawberry and crops of potatoes grown with seaweed as fertilizer.

The early 1900s were an important and active time for Sitka. Sitka would remain the capital of the territory until 1906 when it was moved to Juneau. During the early 1900s, gold and mines led to growth. In 1912, the Alaska Native Brotherhood was founded in Sitka. Sitka was incorporated as a city in 1913. The ANB Hall was built on Katlian Avenue in 1914.

In 1920, Sitka was incorporated as a first-class city. In the early 1920s, a strong Filipino community was established.

World War II led to additional growth and development as the U.S. Navy built an air base and bunker systems on and around Japonski Island. This brought in 30,000 military personnel and 7,000 civilians. The federal government via its War Department exercised eminent domain and seized land from native and other peoples for the war effort. Some of this land was returned to tribal, state, municipal, and private owners, while other lands remained in federal ownership. Mt. Edgecumbe High School later utilized these war buildings and converted them to use for their Alaska Native boarding school. The U.S. Coast Guard also utilized portions of the air station and other buildings for its facilities.

In 1956, the Alaska Pulp Company, a Japanese corporation, executed a contract with the U.S. Forest Service to harvest 5.3 million board feet of lumber. This facility was one of the most modern pulp mills of its time and led to a major local employment boost that affected the economy, housing, and environment of Sitka.

The Greater Sitka Borough was incorporated on September 24, 1963. Unification of the City and Borough occurred through the Home Rule Charter of City and Borough of Sitka that was adopted on December 2, 1971. The **John O'Connell Bridge**, the first cable-stayed vehicular bridge in the United States was also completed in 1971 to connect Baranof and Japonski Islands.

The historic impact on Sitka's land use is exemplified by the great degree of historic registered sites and designated landmarks. Currently, Sitka has twenty-one listings on the National Register of Historic Places that include: Alaska Native Brotherhood Hall; American Flag Raising Site (Castle Hill); Cable House and Station; Emmons House; Hanlon-Osbakken House; Mills House; W.P. Mills House; Murray Apartments and Cottages; Old Sitka Site; **Russian Bishop's House**; **Russian-American Building No. 29**; **St. Michael's Cathedral**; **St. Peter's Church**; **See House**; Sheldon Jackson School; Sitka National Cemetery; Sitka National Historical Park; Sitka Naval Operating Base and U.S. Army Defenses; **Sitka Pioneers' Home**; **Sitka U.S. Post Office and Court House**; U.S. Coast Guard and Geodetic Survey Seismological and Geomagnetic House. Of these sites, eight are designated as National Historic Landmarks (in bold & underlined).

Other Important Factors and Influences

- Major Influential Factors, Land Use Maps, and Planning Documents
 - Pre-1970s
 - City townsite held most of the residential and commercial development with exception of ALP mill at Sawmill Cove

- Sawmill Creek Road and Halibut Point Road were not fully developed and residential use was limited in those areas
- 1970s
 - Sitka Indian Village Redevelopment Plan (1970)
 - O'Connell Bridge completed in 1971
 - Primary 1970 Map Allowed for Mix of Residential, Commercial, and Industrial Growth within most zones
 - Secondary influence was strong community resistance to rezoning and desire for predictability
 - 1976 Comprehensive Plan Land Use Map
 - Consistent residential expansion from City Center
 - Mixture of Growth on Japonski Island and decrease of activity on military properties on Alice & Charcoal Island
 - Residential Complexes on Biorka and Goddard Hot Springs were gone
- 1980s
 - Residential growth along Sawmill Creek Road and Halibut Point Road continued
 - Stick built mixed with trailers along waterfront
 - Increase in permanent homes on Islands
 - Post-bridge construction led to further utilization and development of Japonski Island
- 1990s
 - Closure of Alaska Pulp Company Mill (1993)
 - Various Community Comprehensive Plan Processes
 - CBS Land Management Program
 - 1999 Comprehensive Plan with Goals, Policies, and Land Map Recommendations



○ 2000s

- Sawmill Cove Master Plan Document (2000)
- Long-term Waste Management Strategies (2001)
- Swan Lake Watershed and Storm Water Plans (2000 & 2002)
- Sawmill Cove Industrial Park Waterfront Development Plan (2002)
- Sitka Non-Motorized Transportation Plan (2002)
- GIS Strategic Plan for CBS (2002)
- Indian River Corridor and Watershed Final Master Plan (2003)
- Japonski Island Infrastructure Master Plan (2003)
- Sitka Trail Plan (2003)
- Granite Creek Master Plan (2004)
- Sitka Airport Terminal Master Plan (2005)
- Sitka District Coastal Management Plan (2006-2007)
- 2007 Revision to Comprehensive Plan with Recommended Land Use Map
- Sheldon Jackson College ceased operation as college (2007)
- Sitka Visitor Industry Plan (2007)
- Sitka Housing Report (2007)

○ 2010s

- The National Trust for Historic Preservation names Sitka as one of the **“Dozen Distinctive Designations” (2010)**
- Zoning Map of Current Road System (2013)
- Zero-lot Line Ordinance (2012)
- Accessory Dwelling Unit Ordinance (2013)
- Float Homes Ordinance (2014)
- Blue Lake Hydroelectric Expansion Project (2012-2015)
- Financial impacts related to decline of price of oil (2014-2015)
- August 18, 2015 landslides

- Old City Shops transferred to Sitka Community Development Corporation for Affordable Housing Project (2015)
- New Sitka Public Library Built and Opened (2014-2016)
- Licensed Marijuana Business Conditional Use Ordinance (2016)
- Short-term Rentals for Boats in Harbors Ordinance (2016)
- Centennial Hall Remodel (2015-2016)



CITY AND BOROUGH OF SITKA

Legislation Details

File #: MISC 16-01.7 Version: 1 Name:
Type: P&Z Miscellaneous Status: AGENDA READY
File created: 5/16/2016 In control: Planning Commission
On agenda: 6/7/2016 Final action:
Title: Public hearing and consideration of the current land use chapter of the Land Use Plan.
Sponsors:
Indexes:
Code sections:
Attachments: [CURRENT LAND USE 6.2.16](#)

Date	Ver.	Action By	Action	Result
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Current Land Use

This chapter provides an overview and analysis of the current existing land use patterns in the City and Borough of Sitka. An analysis of existing land use patterns within the municipality is a crucial part of the Land Use Plan, since understanding the present conditions provides us with information needed to formulate land use policies and recommendations on future growth.

Through mapping and analyzing existing land use, it is possible to identify land use conflicts, infill opportunities, and housing issues. This information is critical to identifying future land use, and also important in planning for community facilities, circulation, and historic resource preservation.

Planning for future land use requires a solid foundation of knowledge about the present land use. This inventory can be used as a basis for future planning, a gauge of progress of established goals, and a baseline for future analysis.

Land Use Inventory data was obtained using a survey of the community in March and April of 2016. City Planning staff visually evaluated every parcel of property along the developed road system. Undeveloped parcels were identified as open space.

There are five distinct prevalent land use categories, as follows:

- Residential
- Commercial
- Industrial
- Recreation/open space
- Public



It's clear that the distinction between developed and undeveloped land is important.

96.6% of Sitka is undeveloped land, while only 3.4% is developed. This highlights that the community's growth has only encompassed a small portion of the actual city and borough, meaning a land use analysis is most accurate by excluding the undeveloped areas from consideration.

Data was collected by categories and the land area was aggregated for each category. Land uses are only applied to tidelands and developed land areas along the road system.

The existing land use inventories demonstrate that the Borough has a stable and well established land use pattern.

This Plan recognizes that, although the Borough land use pattern is well established and there is little remaining developable land along the road system, redevelopment and land use change will continue. As the Borough continues to evolve and grow to meet future demands, land use changes will continue to occur on smaller vacant sites and through changes in use on currently developed lands, for example through other redevelopment activities.

EXISTING LAND USE CATEGORIES

Residential

Residential is the most prevalent land use throughout the developed road system at 75% of all parcels. These residential uses comprise three categories of housing types. The predominant dwelling type is single-family residential making up 52% of the residential use lands. Multi-family housing, characterized as housing of two or more dwelling units including duplexes, townhouses, condos and apartments, accounts for 36% of the residential use lands. Lastly, mobile or manufactured homes account for 12% of the residential use lands. Such divide reminds us of the importance of creating many different types of housing opportunities.

Compared to current zoning maps, many commercially zoned parcels are being used for residential purposes. Staff also noticed an increase in density as compared to the zoning designation. Lodges and vacation rentals were also intermixed throughout residential use.

From 1971 to 2016, housing growth in Sitka fit into the suburban sprawl movement. People desired larger lot sizes from the downtown core and ventured out Sawmill Creek Road and Halibut Point Road. The City and Borough of Sitka has completed a number of different residential subdivisions, including Gavan Hill Subdivision, Indian River Subdivision, and Jacobs Circle Subdivision.

While there are a variety of housing types, there are distinct areas where certain patterns of housing types are concentrated.

- Neighborhoods often considered to be single family turned out to be predominately duplex or multifamily, i.e. Edgecumbe Drive and Lake Street. The majority of homes in these areas had additional dwelling units attached to the main structures.
- Largest sized parcels were located out Sawmill Creek Road.
- Single family detached is found in the old Sitka Townsite area from Sawmill Creek Road to Lincoln Street and from Jeff Davis Street to Baranof Street. These properties have smaller lot sizes, typically ranging from 4,000 to 6,500 square feet.

Commercial

At 11%, commercial use is Sitka's second largest use based on parcel count.

Commercial uses and mixed uses are primarily located along Lincoln Street and in the downtown portion of the city. Inventory processes showed that commercial use continues to focus around the downtown area. The Central Business District acts as district or destination focusing primarily on retail.

Commercial use is also noted along both Halibut Point Road and Sawmill Creek Road. Commercial uses are mainly small scale, individual retail, service, and office uses with some limited mixing of second floor residential use. This type of development pattern represents the traditional main street area. There are some larger scale commercial uses out Sawmill Creek Road including Sawmill Creek Plaza strip mall. There are a variety of business uses available which help service the needs of residents and tourists.



Staff included churches in the commercial classification based on the high visitor/traffic count.

Staff analysis included a further breakdown of commercial use into light and heavy categories. Parcel count concluded that light commercial makes up 68% of total commercial use, and heavy commercial is 32%.

Light commercial use was noted at most intersections. Planners concluded that light commercial and residential uses seem to be compatible throughout the developed road system. Light retail commercial seemed to be welcomed in neighborhoods and could be expanded.

Heavy commercial use was noted to be centralized around the industrial areas and was used somewhat as a buffer, typically around Smith Street and out Halibut Point Road. As with industrial use, the incompatibility between residential and heavy commercial was noted. If infill continues, staff suggests looking toward setbacks for additional buffering opportunities.

Through review it was discovered that most residential use has a commercial component. Whether it is fishing material, home businesses, large trucks/heavy equipment, it appears that a large portion of Sitkans carry over their commercial activities to their home residences.



Industrial

Industrial uses make up about 2% of parcels along the road system; however, industrial parcels are substantially larger than parcels associated with other uses.

Most Industrial uses are concentrated "out the road" either in the Smith Street area, along Halibut Point Road, or at the Gary Paxton Industrial Park. Fish processing also creates a centralized industrial section along Katlian Avenue. This use designation is spread out throughout the developed road system. These widespread locations may be adding to industry costs.

Industrial use is typically buffered by surrounding commercial areas. Most industrial areas appear to be a consequence of spot zoning, possibly market dependent as opposed to planned.

Industrial areas are typically incompatible with residential uses due to noise, odors, and traffic. Smith Street, Halibut Point Road and Katlian Avenue all have bordering residential neighborhoods. Expect increasing neighborhood use issues as industrial areas expand.

Future growth of the industrial category should focus on creating an industrial area that is adjacent to necessary infrastructure or similar uses and buffered by commercial uses. There will be an ongoing need for industrial use along the waterfront due to industry.



Recreation/Open Space Use

Recreation/Open Space is the most prevalent use throughout the borough by area, but comprises only 9% of the parcel count along the developed road system.

The low percentage could be due to recreation as a secondary use. Much of the recreational use is an accessory use to a school, i.e. playgrounds or ballfields.

Recreation/Open Space use seems to be primarily focused on the undeveloped portion of the borough through natural recreational opportunities. This space could be inaccessible to a large portion of Sitkans who do not have water access.

Unlike the vacant sites identified in or adjacent to the developed land area, which are more readily developed in the short term, most of the borough is recreational and will never be developed. Recreational use was most noted as parks including Turnaround Park, Whale Park, Starrigavan Estuary, and Sitka Sea Walk.



The public facilities category is primarily found in parcels around the Central Business District and downtown Sitka. Schools, courthouse, public safety, and governmental services center in the core of the city.

Staff noted heavy development, both commercial and residential, surrounding public uses. This suggests that the public category encourages surrounding development.

While comprising only 2% of the parcel breakdown, public parcels provide services that attract other development.





CITY AND BOROUGH OF SITKA

Legislation Details

File #: MISC 16-01.8 Version: 1 Name:

Type: P&Z Miscellaneous Status: AGENDA READY

File created: 5/16/2016 In control: Planning Commission

On agenda: 6/7/2016 Final action:

Title: Public hearing and discussion of the Land Use Plan and Comprehensive Plan. The discussion will focus on acquisition, retention, and disposal of municipal lands. This item will include a planning process overview, a facilitation exercise, an opportunity for public remarks, and photovoice participation.

Sponsors:

Indexes:

Code sections:

Attachments: [June 7 meeting poster](#)

Date	Ver.	Action By	Action	Result
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SITKA COMPREHENSIVE PLAN

LET YOUR VOICE BE HEARD

LAND USE PLAN

Topic | Municipal Lands

JOIN US

Review inventory of municipally-owned land and discuss policy for sales of surplus lands.



Input and discussion heard at this meeting will be incorporated in the acquisition, retention and disposal chapter of the Land Use Plan.

7

JUNE

Time | 7.00pm

SITKA FIRE HALL
209 LAKE STREET