

Chair

Tom McGann

Commissioners

Scott Pegau

John Baenen

Allen Roemhildt

Nancy Bird

Chris Bolin

Lee Holter

City Planner

Samantha Greenwood

Assistant Planner

Leif Stavig

**PLANNING COMMISSION SPECIAL MEETING
NOVEMBER 20, 2017 AT 6:45 PM
CORDOVA CENTER COMMUNITY ROOMS A & B**

AGENDA

1. CALL TO ORDER

2. ROLL CALL

Chair Tom McGann, Commissioners Scott Pegau, John Baenen, Allen Roemhildt, Nancy Bird, Chris Bolin, and Lee Holter

3. APPROVAL OF AGENDA (voice vote)

4. DISCLOSURES OF CONFLICTS OF INTEREST

5. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Guest Speakers

b. Audience comments regarding agenda items (3 minutes per speaker)

6. NEW/MISCELLANEOUS BUSINESS

a. Final Plat Approval for Tract A-3 and Lot 2, West Eyak Lake Tracts Subdivision Phase IIPage 2

b. Resolution 17-03Page 7

A resolution of the Planning Commission of the City of Cordova, Alaska, recommending to the City Council of the City of Cordova, Alaska that ASLS 2001-5 be updated to 'Available' on the 2017 Land Disposal Maps

c. Disposal of ASLS 2001-5.....Page 15

d. Resolution 17-04Page 19

A resolution of the Planning Commission of the City of Cordova, Alaska, recommending to the City Council of the City of Cordova, Alaska to repeal and reenact Chapter 18.60 of the Cordova Municipal Code in order to update and clarify the conditional use process and create a conditional use process for marijuana establishments

7. AUDIENCE PARTICIPATION

8. COMMISSION COMMENTS

9. ADJOURNMENT



AGENDA ITEM # 6a
Planning Commission Meeting Date: 11/20/2017
PLANNING COMMISSION COMMUNICATION FORM

FROM: Planning Staff

DATE: 11/16/17

ITEM: Final Plat Approval for Tract A-3 and Lot 2, West Eyak Lake Tracts Subdivision Phase II

NEXT STEP: Motion

☐ INFORMATION
☒ MOTION
☐ RESOLUTION

I. REQUEST OR ISSUE:

Requested Actions: Final Plat Approval
Applicant: Sean O'Brien
Owner: Eyak Corporation
Address: Power Creek Road
Zoning: Unrestricted
Attachments: Location Map
Application
Final Plat

II. RECOMMENDED ACTION / NEXT STEP:

Staff recommend that the commission recommend to City Council the final plat for Tract A-3 and Lot 2,

West Eyak Lake Tracts Subdivision Phase II be approved.

“I move to recommend to City Council to approve the final plat request for Tract A-3 and Lot 2, West Eyak Lake Tracts Subdivision Phase II.”

III. FISCAL IMPACTS:

N/A

IV. BACKGROUND INFORMATION:

This plat is creating one SLUP lot.

V. LEGAL ISSUES:

No legal review required.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VII. SUMMARY AND ALTERNATIVES:

Staff findings:

1. The proposed plat conforms to the Comprehensive Plan Policies and serves the public use, health, and safety.
2. There are no known physical conditions present which may be hazardous to the future inhabitants of these tracts.



CITY OF CORDOVA



SUBDIVISION APPLICATION

City of Cordova, Alaska

INSTRUCTIONS	PERMIT TYPE	FEE
Print or type requested information. Incomplete applications will be returned to the applicant and will delay processing of the request. Complete applications must be received by the Planning Department 21 days prior to the next Planning Commission Regular Meeting.	<input type="checkbox"/> Preliminary Plat	\$150 + \$20 per lot
	<input checked="" type="checkbox"/> Final Plat	50% of Preliminary
	<input type="checkbox"/> Plat Amendment	\$75 + \$15 per lot
	<input type="checkbox"/> Administrative Plat	\$100

APPLICANT INFORMATION

Name:	Sean Derrick O'Brien
Mailing Address:	P.O. Box 1736
City/State/Zip:	Cordova, AK 99574
Phone Number:	
Email Address:	

OWNER INFORMATION*

Name:	The EYAK Corporation
Mailing Address:	P.O. Box 340
City/State/Zip:	Cordova, AK 99574
Phone Number:	907-424-7161
Email Address:	abutler@eyakcorp.com

*If different from applicant.

PROPERTY INFORMATION*

Address:	Power Creek road
Legal Description:	Tract A-2, Eyak Lake tracts subdivision
Tax Lot No.:	02-046-200
Zone District:	unrestricted

*Planning Department can assist if unknown.

ADDITIONAL INSTRUCTIONS

Please send an electronic copy of the proposed plat to planning2@cityofcordova.net. Plats must comply with the Cordova Municipal Code, particularly Title 17 - Subdivisions. The Planning Department will review all plats and may request changes. In the case of certain subdivisions, such as major subdivisions, additional information will be required.

APPLICANT CERTIFICATION

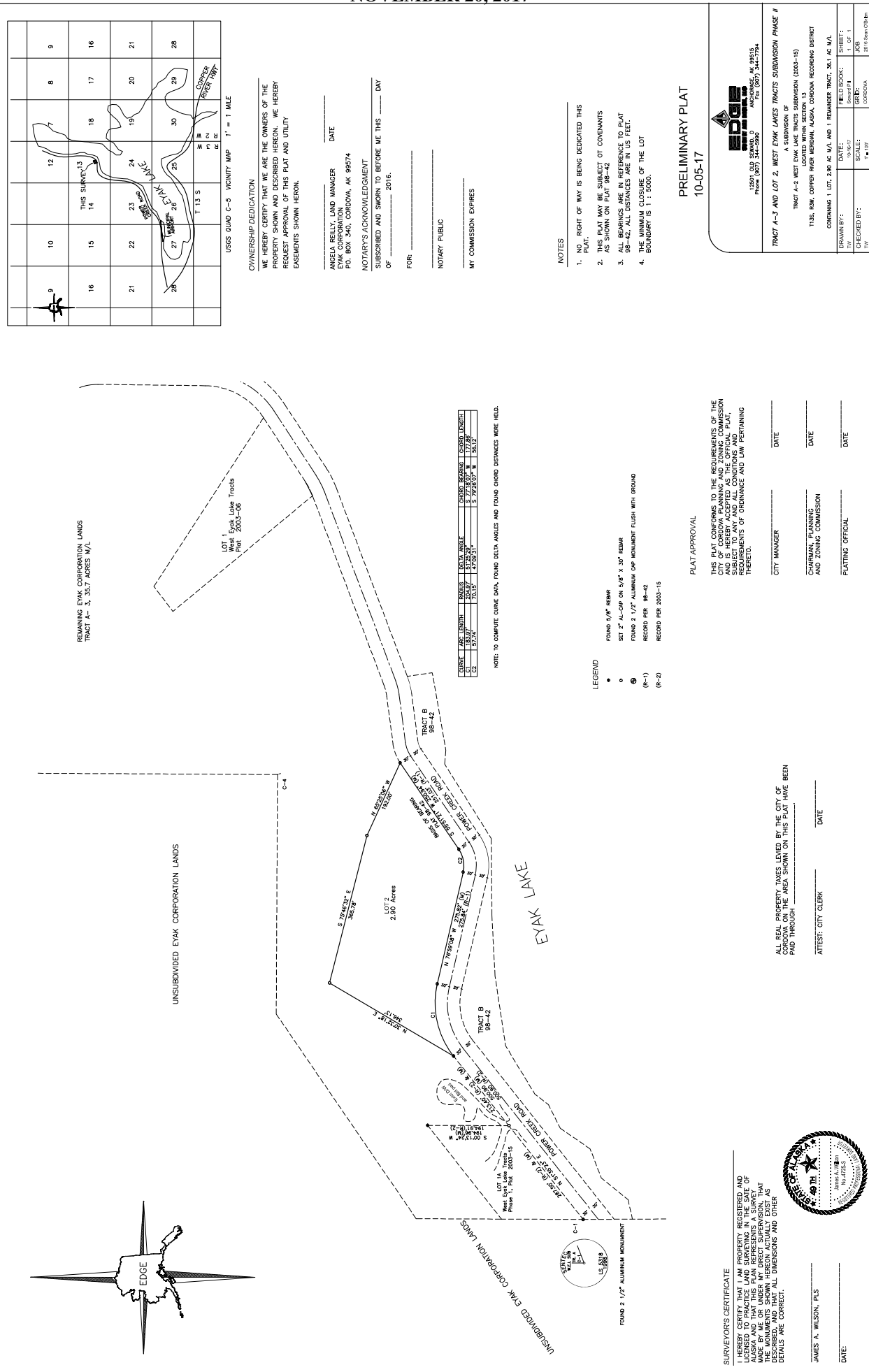
By the signature(s) attached hereto, I (we) certify that the information provided within this application and accompanying documentation is, to the best of my (our) knowledge, true and accurate. Furthermore, I (we) hereby authorize the City and its representatives to enter the property associated with this application for purposes of conducting site inspections.

Applicant Signature:

Date: 9.20.17

Print Name and Title:

Sean Derrick O'Brien





AGENDA ITEM # 6b
Planning Commission Meeting Date: 11/20/2017
PLANNING COMMISSION COMMUNICATION FORM

FROM: Planning Staff
DATE: 11/16/17
ITEM: Resolution 17-03
NEXT STEP: Pass Resolution

☐ INFORMATION
☐ MOTION
☒ RESOLUTION

I. REQUEST OR ISSUE:

In the 2017 Land Disposal Maps, ASLS 2001-5 (see Location Map) is currently shown as 'Not Available.' The Science Center has submitted a letter of interest on the property. Once the property is made 'Available' by City Council, the disposal process can begin.

II. RECOMMENDED ACTION / NEXT STEP:

Staff recommend that the Planning Commission make a recommendation to the City Council to make ASLS 2001-5 available by approving the resolution.

"I move to approve Resolution 17-03"

III. FISCAL IMPACTS:

N/A

IV. BACKGROUND INFORMATION:

11/6/17 – At the Parks and Recreation Commission Special Meeting, the commission approved a letter with a recommendation to the Planning Commission. See attached.

11/8/17 – The Science Center submitted a letter of interest for ASLS 2001-5. See attached.

Map designations on the 2017 Land Disposal Maps:

Available – Available to purchase, lease, or lease with an option to purchase.

Not Available – The identified property is NOT available for sale. A response will be sent to the interested party stating that the parcel is not available for purchase. These parcels include protected watersheds, substandard lots, snow dumps, and other lots used by the city.

Tidelands – All requests to purchase tidelands will be reviewed by the Planning Commission as they are received. The Planning Commission will make a recommendation on disposing of the tidelands to City Council.

Leased – These are lots currently leased to a business or government entity by the City and are not available during the lease term. There are leases that are short term and renew every two years and others are long term leases with substantial improvements on the property. At the end of the lease term the property becomes available for disposal.

V. LEGAL ISSUES:

No legal review required.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

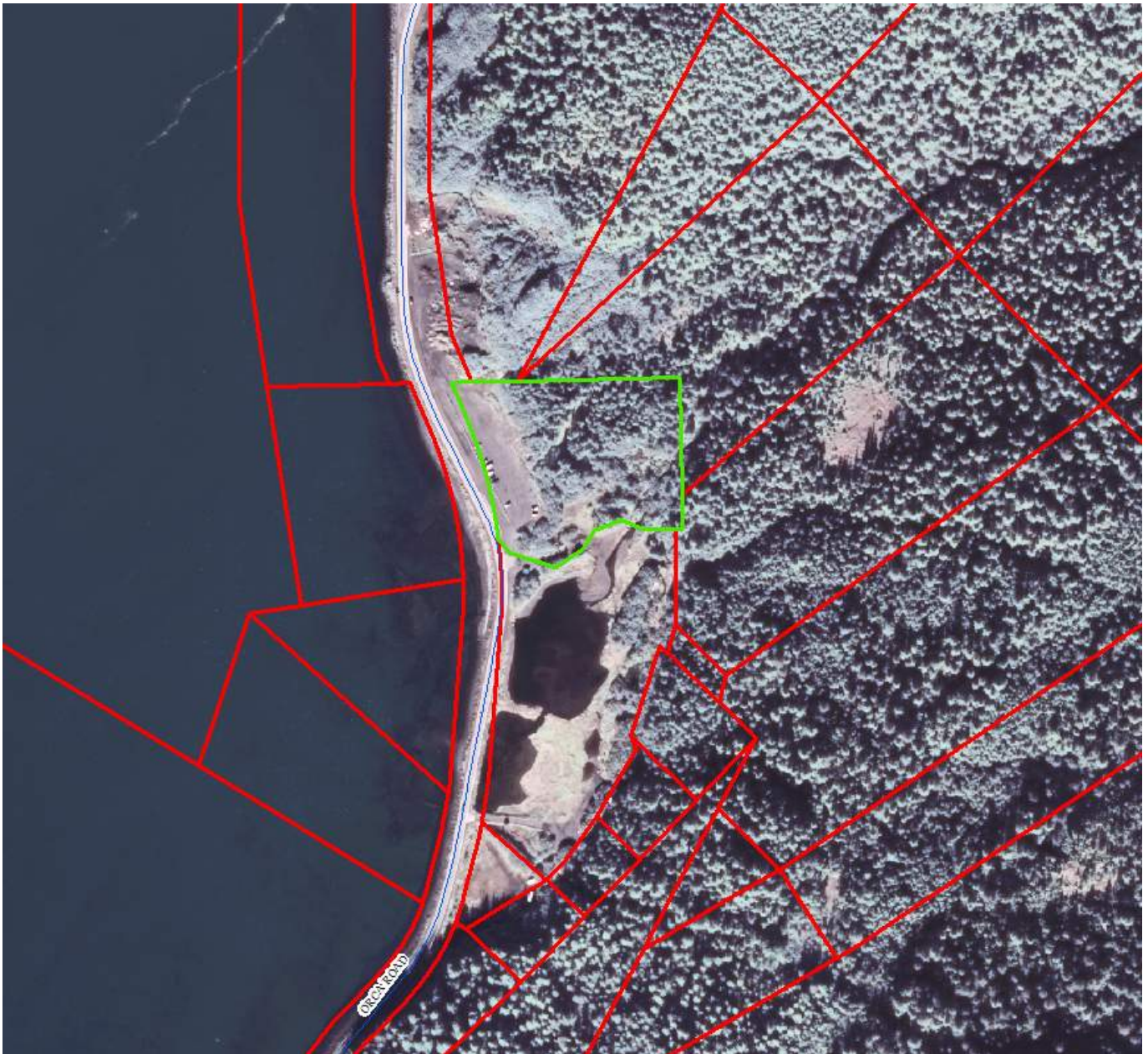
N/A

VII. SUMMARY AND ALTERNATIVES:

N/A

Location Map





**CITY OF CORDOVA, ALASKA
PLANNING COMMISSION
RESOLUTION 17-03**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORDOVA,
ALASKA, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF CORDOVA,
ALASKA THAT ASLS 2001-5 BE UPDATED TO ‘AVAILABLE’ ON THE 2017 LAND
DISPOSAL MAPS**

WHEREAS, the City of Cordova’s City Manager and City Planner are directed by Cordova Municipal Code Section 5.22.040(D): *The city manager shall refer an application from a qualified applicant to the city planner. If the city planner finds that the real property is available for lease or purchase, the city planner shall schedule the application for review by the planning commission not later than its next regular meeting;* and

WHEREAS, the City of Cordova’s Planning Commission has determined that updating the 2017 Land Disposal Maps at this time to make ASLS 2001-5 ‘Available’ is important to maintain consistency with land disposal process; and

WHEREAS, the City of Cordova’s Planning Commission has determined that ASLS 2001-5 should be designated as ‘Available’ on the 2017 Land Disposal Maps in order to consider disposal; and

WHEREAS, the City of Cordova’s Parks and Recreation Commission submitted a letter to the Planning Commission on November 11, 2017, recommending that the commission make ASLS 2001-5 ‘Available;’ and

WHEREAS, having updated maps will benefit the citizens of Cordova by providing maps for public review.

NOW, THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of Cordova, Alaska hereby recommend to the City Council of the City of Cordova, Alaska that ASLS 2001-5 be updated to ‘Available’ on the 2017 Land Disposal Maps.

PASSED AND APPROVED THIS 20TH DAY OF NOVEMBER, 2017

Tom McGann, Chair

ATTEST:

Samantha Greenwood, City Planner

**PLANNING COMMISSION SPECIAL MEETING
NOVEMBER 20, 2017**

Date: 11/6/17
To: City of Cordova Planning and Zoning Commission
From: City of Cordova Parks and Recreation Dept.
RE: Consideration of land disposal / ASLS 2001-5 / Shelter Cove RV Parking & Tent Platforms

Dear Planning and Zoning Commission;

At the October 2nd, 2017 Regular Parks and Recreation Commission meeting, the President and CEO of the Prince William Sound Science Center (PWSSC), Katrina Hoffman, presented to the Parks and Recreation (P&R) Commission.

She discussed the PWSSC's need to expand & develop new facilities. She described to the P&R Commission the challenges in having 15,000 square feet of space, between 2 facilities that are 13 miles apart. The Commission was shown a map of ASLS 2001-5; currently Shelter Cove RV Parking & Tent Platforms. The Commission was told ASLS 2001-5 is PWSSC's first choice to develop this new facility.

Ms. Hoffman provided the Commission with some impressive statistics regarding the economic benefits the PWSSC has had on Cordova. She then described how the consolidation and expansion of the PWSSC could further economic growth and sustainability. Some highlights were creating more space for education, a small dormitory for seasonal guests and seasonal employees along with more office space for their permanent employees.

Ms. Hoffman stated that she was seeking a letter of support from the P&R Commission to make ASLS 2001-5 / Shelter Cove RV Parking & Tent Platforms available for disposal through direct negotiation with the PWSSC.

The P&R Commission strongly recommends requiring public input during the design process of new development. The P&R Commission supports placing ASLS 2001-5 available for disposal through direct negotiation with the PWSSC, if the current recreational opportunities continue to be supported.

Sincerely,

Wendy Ranney – P&R Commission Chair
Dave Zastrow – P&R Commission Vice Chair
Miriam Dunbar – P&R Commission Secretary
Kara Johnson – P&R Commissioner
Stephen Phillips – P&R Commissioner
Marvin VanDenBroek – P&R Commissioner



PO Box 705
Cordova, AK 99574

907.424.5800
pwssc@pwssc.org

www.pwssc.org

November 8, 2017

Dear Planning and Zoning Commission Members,

As most of you know, the Prince William Sound Science Center (PWSSC) wishes to identify the site on which we will develop a multi-million dollar research and education facility. Over nearly 30 years, the PWSSC has contributed tens of millions of dollars to our local economy via research grants, education programming, and employment. It is our board's belief that a new facility will support the research, education, work opportunities, commercial industries, culture, and sustainability of our globally-important region for the next 50 years – and possibly more.

Prior to your January 2017 meeting, PWSSC requested that you make two lots available for disposal: ASLS-2001-5 and ASLS-79-258. Citing concerns about existing and adjacent uses, you declined to recommend making ASLS-2001-5 available for disposal. At that time, it was suggested that the City of Cordova's Parks & Recreation Department and Parks and Recreation Commission, which we will collectively refer to as "Parks and Rec" for the remainder of this letter, would need to be willing to consider alternative uses of site ASLS-2001-5, as they currently manage assets there.

Due to site structure, potential development costs, and certain aspects of adjacent uses, ASLS-2001-5 contains great potential for a new Science Center campus and remains our priority site of interest. For example, the Copper River Watershed Project (CRWP) is in the process of acquiring from a private family several adjacent parcels on which some recreational activities may take place in the future. Additionally, the CRWP is collaborating with the city to spend funds they secured to rehabilitate and improve shoreline access in the immediate area. The Science Center and CRWP already collaborate on and offer educational programming in the area, including using the creek and adjacent areas for salmon-related science education programs for kids of all ages.

PWSSC has been in close communication with Parks and Rec, and Parks and Rec took action this week to recommend that you make ASLS-2001-5 available for disposal through direct negotiation with PWSSC. The Science Center and Parks and Rec feel confident that through a collaborative process inclusive of key parties, including CRWP, we can collectively ensure that no net loss of recreational assets occurs in the area. Given the potential positive benefits to Cordova for development of this area, and the economic benefits that the Science Center brings to Cordova, we respectfully request that you consider making ASLS-2001-5 available for disposal at your November meeting.



PO Box 705
Cordova, AK 99574

907.424.5800
pwssc@pwssc.org

www.pwssc.org

We understand that you prefer to make land disposal decisions at the beginning of each calendar year. However, we ask you to make an exception to your disposal availability schedule. Until a site is secured, we have reached a barrier beyond which additional pre-development activities cannot proceed, and have been told that by the architects and program managers we have been working with to develop the facilities program. The Science Center was accepted into a highly competitive pre-development program led by the statewide entity the Foraker Group and funded by the Rasmuson Foundation. Our participation in the program began in late August. We have recently learned that forthcoming structural changes to the pre-development program may curtail the timeline for our participation. This could potentially result in thousands of dollars of pre-development support being unrealized—funds which could assist with master planning of the site and area, solicitation of partner and community input, or other critical facilities development needs that will ultimately generate positive economic benefits for Cordova.

Additionally, we will have to run a capital campaign to raise sufficient funds to complete this project. Each month that our future location remains undetermined is a month during which we cannot proceed with planning and subsequently conduct fundraising to construct such facilities to support economic development and our mission in Cordova. Remember: the lease we are operating under at our current location expires in December 2021. Raising millions of dollars takes time. For the Science Center to be successful, we need your support—around site acquisition, site plans, and the timeline around which our successful effort will occur. At this point, the one step inhibiting further advancement of this development project is acquisition of land. If we can move forward on land acquisition, other pieces will fall into place.

We are interested in the opportunity to pursue development of ASLS-2001-5 for our facilities. This week, Parks and Rec submitted a letter to you supporting the Prince William Sound Science Center's interest in ASLS-2001-5. Thank you for considering recommending to City Council that ASLS-2001-5 be made available for disposal through direct negotiation with the Science Center.

Best regards,

A handwritten signature in black ink, appearing to read "Katrina Hoffman".

Katrina Hoffman
President & CEO
khoffman@pwssc.org
907-424-5800 x225



AGENDA ITEM # 6c
Planning Commission Meeting Date: 11/20/2017
PLANNING COMMISSION COMMUNICATION FORM

FROM: Planning Staff
DATE: 11/16/17
ITEM: Disposal of ASLS 2001-5
NEXT STEP: Recommendation to City Council on Disposal and Disposal Method

☐ INFORMATION
☒ MOTION
☐ RESOLUTION

I. REQUEST OR ISSUE:

Requested Actions: Recommendation to City Council on Disposal and Disposal Method
Applicant: Prince William Sound Science Center
Area: 5.21 acres
Zoning: Conservation
Attachments: Location Map
Letter of Interest

II. RECOMMENDED ACTION / NEXT STEP:

Staff suggest the following motion:

"I move to recommend to City Council to dispose of ASLS 2001-5 as outlined in Cordova Municipal Code 5.22.060 B by *"

Choose one of the following to insert for the asterisk:

1. Negotiating an agreement with Prince William Sound Science Center to lease or purchase the property.
2. Requesting sealed proposals to lease or purchase the property.
3. Inviting sealed bids to lease or purchase the property.
4. Offering the property for lease or purchase at public auction.

III. FISCAL IMPACTS:

The fiscal impacts are unknown at this time.

IV. BACKGROUND INFORMATION:

11/6/17 – At the Parks and Recreation Commission Special Meeting, the commission approved a letter with a recommendation to the Planning Commission. See attached.

11/8/17 – The Science Center submitted a letter of interest for ASLS 2001-5. See attached.

Applicable Code:

5.22.040 - Letter of interest to lease or purchase.

C. The planning commission shall review the letter of interest and recommend to the city council whether to offer the real property interest for disposal by one of the methods as described in Section 5.22.060(B).

5.22.060 - Methods of disposal.

B. In approving a disposal of an interest in city real property, the city council shall select the method by which the city manager will conduct the disposal from among the following:

- 1. Negotiate an agreement with the party who submitted a letter of interest to lease or purchase the property;*
- 2. Invite sealed bids to lease or purchase the property;*
- 3. Offer the property for lease or purchase at public auction;*
- 4. Request sealed proposals to lease or purchase the property.*

V. LEGAL ISSUES:

Legal review of disposal documents would be required.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VII. SUMMARY AND ALTERNATIVES:

N/A

ATTACHMENT A



**PLANNING COMMISSION SPECIAL MEETING
NOVEMBER 20, 2017**

Date: 11/6/17
To: City of Cordova Planning and Zoning Commission
From: City of Cordova Parks and Recreation Dept.
RE: Consideration of land disposal / ASLS 2001-5 / Shelter Cove RV Parking & Tent Platforms

Dear Planning and Zoning Commission;

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She discussed the PWSSC's need to expand & develop new facilities. She described to the P&R Commission the challenges in having 15,000 square feet of space, between 2 facilities that are 13 miles apart. The Commission was shown a map of ASLS 2001-5; currently Shelter Cove RV Parking & Tent Platforms. The Commission was told ASLS 2001-5 is PWSSC's first choice to develop this new facility.

Ms. Hoffman provided the Commission with some impressive statistics regarding the economic benefits the PWSSC has had on Cordova. She then described how the consolidation and expansion of the PWSSC could further economic growth and sustainability. Some highlights were creating more space for education, a small dormitory for seasonal guests and seasonal employees along with more office space for their permanent employees.

Ms. Hoffman stated that she was seeking a letter of support from the P&R Commission to make ASLS 2001-5 / Shelter Cove RV Parking & Tent Platforms available for disposal through direct negotiation with the PWSSC.

The P&R Commission strongly recommends requiring public input during the design process of new development. The P&R Commission supports placing ASLS 2001-5 available for disposal through direct negotiation with the PWSSC, if the current recreational opportunities continue to be supported.

Sincerely,

Wendy Ranney – P&R Commission Chair
Dave Zastrow – P&R Commission Vice Chair
Miriam Dunbar – P&R Commission Secretary
Kara Johnson – P&R Commissioner
Stephen Phillips – P&R Commissioner
Marvin VanDenBroek – P&R Commissioner



AGENDA ITEM # 6d
Planning Commission Meeting Date: 11/20/2017
PLANNING COMMISSION COMMUNICATION FORM

FROM: Planning Staff
DATE: 11/16/2017
ITEM: Resolution 17-04
NEXT STEP: Pass Resolution

☐ INFORMATION
☐ MOTION
☒ RESOLUTION

I. REQUEST OR ISSUE:

Requested Actions: Pass Resolution
Applicant: N/A
Parcel Number: N/A
Zoning: All districts
Attachments: Proposed CUP code
Current CUP code

II. RECOMMENDED ACTION / NEXT STEP:

“I move to approve Resolution 17-04.”

III. FISCAL IMPACTS:

N/A

IV. BACKGROUND INFORMATION:

On November 4, 2014, the voters of the State of Alaska approved Ballot Measure 2, which provided for the general legalization of marijuana and adopted a new chapter in the Alaska Statutes. The State of Alaska marijuana establishment license application process required approval of all applications to review by the city in which the applicant's establishment is located.

To regulate marijuana establishments, new municipal code is required. Potential changes to code that will affect the planning commission include the requirement for marijuana establishments to obtain a Conditional Use Permit (CUP) in any zoning district. Staff have also clarified, reformatted, and updated the general CUP section, while incorporating the new marijuana into Section 18.60.080.

Requiring a CUP for all marijuana establishments allows the commission to listen to public comments and if needed, add conditions to enable the use to meet the zoning district or address concerns.

Attached is the current Chapter 18.60 and the proposed version. Some of the major highlights of the edits include:

18.60.010 Purpose – A purpose was added to the section to help explain the reasons for CUPs

18.60.020 – Applications. This section was added since the current code does not address the application process or clearly define the responsibilities of staff and the planning commission in the CUP process.

18.60.020 - Coastal Management section is being deleted. The state coastal zone management and the zone overlay district no longer exists. Chapter 18.50 deals with permitted uses for the coastal zone and areas meriting special attention.

18.60.030 Conditional uses - was reformatted and updated. The uses that had many conditions were pulled out and given their own section to provide clarity and readability

18.60.080 Conditional use for marijuana establishments. The applicant is required by the state to obtain the zoning approval from the city which the establishment will be located prior to having a complete application for the State. The city clerk is notified when the state declares an application complete. The city council has 60 days to protest the application.

This document has been reviewed by the lawyer. Any edits or additions will be reviewed by the city attorney. If the commission would like to add to the chapter, the intent and language of the addition will be concurred. There may be tweaks to the language upon review by the lawyer.

V. LEGAL ISSUES:

If the ordinance is passed at the council level, this would require all marijuana establishments to obtain a CUP for any zoning district within the city limits. All updates would be codified 30 days after the posting of the second reading of the ordinance.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VII. SUMMARY AND ALTERNATIVES:

The Planning Commission may provide additional input to the CUP section of code or accept as it is.

**CITY OF CORDOVA, ALASKA
PLANNING COMMISSION
RESOLUTION 17-04**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORDOVA, ALASKA, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA TO REPEAL AND REENACT CHAPTER 18.60 OF THE CORDOVA MUNICIPAL CODE IN ORDER TO UPDATE AND CLARIFY THE CONDITIONAL USE PROCESS AND CREATE A CONDITIONAL USE PROCESS FOR MARIJUANA ESTABLISHMENTS

WHEREAS, the Planning Commission has determined that Chapter 18.60 entitled Conditional Use Permits is difficult to interpret, some language is outdated, and an application process needs to be included; and

WHEREAS, Chapter 18.60 does not define the criteria that must be met to obtain a conditional use permit for marijuana establishments; and

WHEREAS, the Planning Commission has determined that the proposed changes to the Cordova Municipal Code are in accordance with the purpose of Title 18 and the Comprehensive Plan; and

WHEREAS, the Planning Commission recommend to City Council to accept the proposed amendments and approve the ordinance.

NOW, THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of Cordova, Alaska hereby recommend to the City Council of the City of Cordova, Alaska to repeal and reenact Chapter 18.60 of the Cordova Municipal Code in order to update and clarify the conditional use process and create a conditional use process for marijuana establishments.

PASSED AND APPROVED THIS 20TH DAY OF NOVEMBER, 2017

Tom McGann, Chair

ATTEST:

Samantha Greenwood, City Planner

Proposed Chapter 18.60

18.60 – Conditional Use Permits

18.60.010 – Purpose.

It is recognized that there are some uses and associated structures which may be compatible with designated principal uses in specific zoning districts provided certain conditions are met. The conditional use permit procedure is intended to allow flexibility in the consideration of the proposed use on surrounding property and the application of controls and safeguards to ensure that the proposed use will be compatible with the surroundings.

18.60.020 - Applications.

Applications for a conditional use permit shall be filed with the city planner.

- A. The application shall include but is not limited to the following:
 1. Name and address of the applicant;
 2. If the applicant is not the owner of the subject lot, the owner's signed authorization granting applicant the authority to (a) apply for the conditional use permit and (b) bind the owner to the terms of the conditional use permit, if granted;
 3. A legal description of the property involved;
 4. A narrative description of the proposed use;
 5. A proposed time frame for the new use and/or the period of construction;
 6. Dimensioned plot plans showing the location of all existing and proposed buildings or alterations, and their existing and proposed uses;
 7. The nonrefundable fee as established by city council resolution;
 8. Narrative evidence that the application meets all of the review criteria in Section 18.60.020B. Evidence shall be sufficient to enable meaningful review of the application;
 9. Any additional information required by the Municipal Code; and
 10. Any additional information the city planner may require to determine whether the application satisfies the criteria for issuance of a permit.
- B. Prior to granting a conditional use permit, the planning commission must determine that the proposed use meets all of the following review criteria:
 1. The use is consistent with the purpose of this chapter and is compatible with the zoning district and the comprehensive plan;
 2. The use will not permanently or substantially injure the lawful use of neighboring properties;
 3. Public services and facilities are adequate to serve the proposed use;
 4. The proposed use will not have a permanent negative impact on pedestrian and vehicular traffic circulation and safety substantially greater than that anticipated from permitted development; and
 5. The proposed use will not adversely affect to the public's safety, health, or general welfare.
- C. The planning commission shall hold a public hearing upon each properly submitted application. Such hearing shall be held not less than ten days nor later than thirty days following the date of filing of such application and the applicant shall be notified of the date of such hearing.
- D. The commission shall cause to be sent to each owner of property within a distance of three hundred feet of the exterior boundary of the lot or parcel of land described in such application notice of the time and place of hearing and a description of the property involved. For the purposes of this section, "property owner" means that owner shown upon the latest tax assessment roll.
- E. The commission shall cause to be made by its own members, or its authorized agent, an investigation of facts bearing on any application sufficient to assure that the action taken is consistent with the intent and purpose of this section.

Proposed Chapter 18.60

- F. The planning commission shall hear and consider evidence and facts from any person at any public hearing or written communication from any person relative to the matter. The right of any person to present evidence shall not be denied for the reason that any such person was not required to be informed of such public hearing.
- G. Within thirty days from the conclusion of the public hearing, the planning commission shall render its decision unless such time limit be extended by common consent and agreement signed by both applicant and the commission. If, in the opinion of the commission, the necessary facts and conditions set forth in this chapter apply in fact to the property or use referred to, it may grant the conditional use permit. If, however, such facts and conditions do not prevail nor apply the commission shall deny the application.
- H. The commission, in granting approval, may establish conditions under which a lot or parcel of land may be used or a building constructed or altered; make requirements as to architecture, height of building or structure open spaces or parking areas; require conditions of operation of any enterprise; or may make any other condition, requirements or safeguards that it may consider necessary to prevent damage or prejudice to adjacent properties or detriment to the city. When necessary, the commission may require guarantees in such form as deemed proper under the circumstances to ensure that the conditions designed will be complied with.
- I. The decision of the planning commission, either for the granting with or without conditions, or the denial of an application, shall become final and effective ten days following such decision.
- J. Any aggrieved person or party may appeal the planning commission decision following the protocol in 18.64.030.
- K. Any application approved by the planning commission shall be conditional upon the privilege granted being utilized within six months after the effective date of approval.
- L. Construction work must commence within the stated period and must be diligently prosecuted to completion, otherwise the approval is automatically voided.
- M. In the case of construction, the planning commission may extend the time of construction if satisfactory evidence of planning and/or construction progress is presented.
- N. A conditional use permit shall automatically expire if for any reason the conditioned use ceases for a period of 24 months or longer
- O. A permittee who disputes the administrative official's determination that the conditioned use has not been timely initiated or has ceased for a period of 24 months or longer may appeal the official's determination under 18.64.040.
- P. A conditional use permit is not transferable from one (1) parcel of land to another. Conditional use permits may be transferred from one (1) owner to another for the same use, but if there is a change in use on the property, a new permit must be obtained.

18.60.030 – Conditional uses.

The city planning commission may grant the following uses by conditional use permit in any district unless otherwise specified.

- A. Airports;
- B. Animal hospitals or boarding establishments and veterinary practices;
- C. Cemeteries;
- D. Concrete or cement products manufacture;
- E. Crematories if located within a cemetery containing at least five acres;
- F. Establishments or enterprises involving large assemblages of people or automobiles, including amusement parks, circuses, fairgrounds, open—air theaters, recreational centers and hospitals and sanitariums;

Proposed Chapter 18.60

- G. Gas manufacture and storage; provided, that all manufacturing operations shall be subject to the approval of the building official;
- H. Government enterprise (federal, state or local);
- I. Commercial greenhouses or tree nurseries;
- J. Natural resources, development and extraction of, together with necessary buildings, apparatus or appurtenances incident thereto, including petroleum exploration and development;
- K. Off-street parking areas;
- L. Marijuana establishments subject to the regulations and limitations in this code and state law;
- M. Private clubs;
- N. Public libraries, cultural centers, museums, art galleries, research and education not operated for profit;
- O. Public or private child care facilities, public or nonprofit elementary and high schools, and institutions for higher education;
- P. Public utility or public service facilities, subject, in the case of a telecommunication tower, to the standards in Section 18.60.070;
- Q. Radio or television transmitters and Satellite dishes;
- R. Hotel and motels

18.60.040 – Conditional use for group housing developments.

In the case of a dwelling group consisting of two or more buildings, the contemplated arrangements of which makes it impracticable to apply the requirements of this title to the individual building units in the group, a permit for the construction of such dwelling group may be issued only if the plans of such dwelling group comply with the following conditions:

- A. That the proposed dwelling group will constitute a residential environment of sustained desirability and stability; that it will be in harmony with the character of the surrounding neighborhood, and it will result in intensity of land utilization no higher, and standard of open space at least as high, as permitted or specified in this chapter in the district in which the proposed dwelling group is to be located,
- B. That the tract of land on which the dwelling group is to be erected comprises at least seventy-five thousand square feet,
- C. That the buildings are to be used only for residential purposes and the customary accessory uses, such as garages, storage spaces and recreational and community activities,
- D. That the average lot area per dwelling unit on the site, exclusive of the area occupied by street, will not be less than the lot area required for each dwelling unit in the district in which the dwelling group is to be located,
- E. That there are provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population,
- F. That off-street parking is provided on the basis of one parking space for each dwelling unit within the development,
- G. That the development will not produce a volume of traffic in excess of the capacity, for which the access streets are designed,
- H. That property adjacent to the proposed dwelling group will not be adversely affected,
- I. That such dwelling group not be located in an industrial district,
- J. That the proposed group housing development will be consistent with the intent and purpose of this title to promote public health, safety and general welfare;
- K. That snow storage areas will be provided.

18.60.050 – Conditional use for townhouse and zero lot line developments.

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In the case of townhouse and zero lot line developments where one structure will contain two or more dwelling units, and the contemplated arrangement of the overall project makes the strict interpretation of this title impractical, the planning commission may, after a public hearing, permit such development provided the following guidelines are followed:

- A. That the proposed dwelling group will constitute a residential environment of sustained desirability and stability, that it will be in harmony with the character of the surrounding neighborhood, and it will result in an intensity of land utilization no higher, and standard of open space at least as high, as permitted or specified in this chapter in the district in which the proposed dwelling is to be located,
- B. That the tract of land on which the dwelling group is to be erected comprises a minimum of sixteen hundred square feet per dwelling unit for each dwelling unit within the proposed development,
- C. That the buildings are to be used only for residential purposes and the customary accessory uses, such as garages, storage spaces and recreational and community activities,
- D. That these are provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population,
- E. That off-street parking be provided on the basis of two parking spaces for each dwelling unit within the development. This requirement may be fulfilled by either two parking spaces adjacent to the dwelling unit or a parking area adequate to accommodate the total development parking requirement at a location conveniently located to all the dwelling units within the development,
- F. That the developer furnish the planning commission with two copies of the homeowners agreement which will cover such areas as property maintenance, dwelling unit maintenance and upkeep, etc. Only copy will be forwarded to the city attorney for his review and comments,
- G. That the development will not produce a volume of traffic in excess of the capacity for which the access streets were designed,
- H. That the property adjacent to the proposed dwelling group will not be adversely affected,
- I. That such dwelling group shall only be located on a district which permits residential use,
- J. That the proposed town house development will be consistent with the intent and purpose of this title to promote public health, safety and general welfare

18.60.060 – Conditional use for mobile homes or travel trailers.

The planning commission may grant a conditional use permit to allow mobile homes or travel trailers to be placed outside of planned mobile home parks in any zone district for up to twelve months to allow the lot owner temporary living quarters while building a residence. The temporary living quarters must be removed from the lot or vacated upon expiration of the conditional use permit.

18.60.070 - Conditional use for telecommunication tower.

- A. The planning commission may grant a conditional use permit for a telecommunication tower in any zoning district subject to the conditions in this section.
- B. In addition to the requirements 18.60.020 the application for a conditional use permit for a telecommunication tower shall include the following information:
 - 1. A written narrative explaining why the proposed site has been chosen, why the telecommunication tower is necessary, why the requested height was chosen, and a full explanation regarding the telecommunication tower's ability to accommodate other providers; and

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2. Specifications for the telecommunication tower and all antennas to be located on it, including a description of design characteristics and material;
 3. A site plan drawn to scale showing property boundaries, telecommunication tower location, telecommunication tower height, guy wires and anchors and existing structures and land uses on the site and on adjacent property;
 4. A map showing the locations of the applicant's existing telecommunication towers that serve customers in the city and of all telecommunication towers that the applicant proposes to construct to serve customers in the city;
 5. A report prepared by a person registered as a structural engineer in Alaska showing the capacity by type and number of the telecommunication tower and antennas, and that the telecommunication tower and antennas are designed to withstand winds in accordance with the latest revision of ASI/EIA/TIA/222 standards ("Structural standards for steel communications antenna towers and communications antenna supporting structures");
 6. Identification of the person or persons who own the telecommunication tower and the equipment that is to be located on it;
 7. Written authorization for the application from the owner of the site;
 8. Evidence that the applicant has a valid FCC license for the use of the telecommunication tower;
 9. A line of sight analysis showing the potential visual and aesthetic impacts of the telecommunication tower on adjacent residential districts through the use of photo simulations of the telecommunication tower, including all antennas, structures, and equipment, using the vantage points and number of photo simulations requested by the planning department;
 10. A written agreement, on a form approved by the city attorney, to remove the telecommunication tower and restore the site to its original condition within one hundred eighty days after the telecommunication tower is substantially unused for a period of twelve consecutive months, and providing that if the telecommunication tower is not removed within this one hundred eighty-day period, the city may remove the telecommunication tower at the cost of the owner;
 11. A cell phone coverage map showing the applicant's proposed cell phone coverage within the city;
 12. A certificate from an engineer licensed in Alaska that the telecommunication tower, and all antennas and other equipment located on it, are built and installed to approved specifications and will contain only equipment meeting Federal Communications Commission requirements;
 13. Any additional information required by the planning department during the application process.
- C. In addition to the requirements 18.60.020 the planning commission may approve an application under this section, with or without conditions, if the application meets the following criteria:
1. Location and Visual Impact. The proposed location of the telecommunication tower will minimize the visual impact on the surrounding area while allowing the telecommunication tower to function in accordance with minimum standards imposed by the applicable telecommunications regulations and the applicant's technical design requirements. Telecommunication towers and attached antennas and equipment must be painted or coated in a color that blends with the surrounding environment. Muted colors, earth tones, and subdued hues, such as gray, shall be used. All associated structures such as equipment buildings, including the roofs, shall be painted with earth tone colors unless otherwise required under this code or other applicable law. Where necessary to make a telecommunication tower compatible with the historical, environmental or cultural character of its location, the planning commission may require that the telecommunication tower be disguised, hidden or screened, or integrated as an architectural feature of a structure, to reduce its visual impact.

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2. Inability to Collocate. It is not feasible to locate the applicant's telecommunication antenna and other equipment on any existing structure or tower under the control of the applicant.
 3. Location in a Residential Zoning District. An applicant seeking to locate a telecommunication tower in a residential zoning district must show that the area cannot be adequately served by a telecommunication tower located in a nonresidential zoning district for valid technical reasons.
 4. Location on Public Property or Other Private Property. If the applicant proposes to acquire a site on private property for the telecommunication tower, the applicant must show that no available publicly owned site or available privately owned site occupied by a compatible use is suitable under applicable communications regulations and the applicant's technical design requirements.
 5. Design for Future Use. A new telecommunication tower shall be designed to allow collocation of telecommunication antennas equal in number to the applicant's present and reasonably foreseeable future requirements.
 6. Safety Code Met. The telecommunication tower meets all applicable laws and code requirements, including without limitation health, nuisance, noise, fire, building and safety code requirements.
 7. Distance from Existing Telecommunication Towers. A telecommunications tower shall not be approved if it is located within one-half mile (two thousand six hundred forty feet) of an existing telecommunication tower, unless the applicant certifies that the existing telecommunication tower does not meet the applicant's structural specifications and technical design requirements, or that a collocation agreement could not be obtained.
 8. Zoning Requirements. With the exception of requirements for setback and height, which are established in this section, the telecommunication tower must comply with all applicable zoning laws and regulations, including, without limitation, all laws governing land development, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, and sign, storage.
 9. Setback. In all zoning districts, a telecommunication tower must be located no less than a distance equal to the tower height from all lot lines.
 10. Signs. No signs may be located on a telecommunication tower except for identification signage.
 11. Lighting. No lighting may be located on a telecommunication tower except as reasonably required for safety purposes or as required by the Federal Communications Commission, Federal Aviation Administration or other government agency with jurisdiction.
 12. Fencing. A fence with a minimum height of eight feet must be placed on the perimeter of the site of a telecommunications tower site to limit access by the public.
 13. Height. The height of a telecommunications tower may not exceed the maximum tower height specified in the conditional use permit or in this section.
- D. No decision regulating the placement, construction or modification of a telecommunication tower may be made on the basis of environmental or health effects of radio frequency emission if the antennas and other equipment on the telecommunication tower comply with Federal Communications Commission regulations.

18.60.080 – Conditional use for marijuana establishments.

- A. In addition to other applicable requirements, an applicant for a marijuana establishment conditional use permit shall submit an application to the planning commission that contains the following:
1. A copy of the lease for the property upon which the marijuana establishment will be located or a notarized written statement from the land owner stating that he, she or it has knowledge of and consent for the use of the property for a marijuana establishment;

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2. Any additional information the city planner may require to determine whether the application satisfies the criteria for issuance of a permit.
 3. A buffer zone of 1,000 feet shall be required between any marijuana establishment and any building primarily used as a public or private elementary or secondary education facility; and
 4. Verification from city clerk and utilities that no monies are owed the city by the applicant or the land owner if not the applicant.
- B. Notwithstanding any other requirement to the contrary, a conditional use application approved by the planning commission under this section is conditional upon the applicant using the property as a marijuana establishment within six months after the effective date of the applicant's State Marijuana Establishment License.

18.60.090 – Conditional use for junkyards.

In addition to other applicable requirements, a junkyard conditional use is subject to the following:

- A. An applicant for a junkyard conditional use shall submit a site development plan to the planning and zoning commission containing the information required by the city planner. The planning and zoning commission shall review the site development plan, taking into account the following:
 1. The nature and development of the surrounding property;
 2. The proximity of the proposed junkyard to churches, schools, hospitals, public buildings, recreation areas, or other places of public gathering;
 3. The sufficiency in number of other similar business establishments in the city;
 4. The adequacy of fences and other types of enclosures proposed to prevent the unsightly display of the salvage yard;
 5. The health, safety, and general welfare of the public; and
 6. The suitability of the applicant to establish, maintain or operate such a business.
- B. A conditional use permit for a junkyard shall require that the junkyard be screened from public view with a privacy fence not less than seven nor more than ten feet in height. Slats in the fence shall be spaced no greater than two inches apart.

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18.60 – Conditional Use Permits

18.60.010 - Uses permitted by planning commission approval.

The city planning commission may, after proper notice and public hearing, permit the following exceptions in any district unless otherwise specified, where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the comprehensive city plan and the zoning ordinance. In approving the uses referred to in this chapter, the city planning commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood and the comprehensive city plan and zoning ordinance:

- A. Airports;
- B. Animal hospitals or boarding establishments and veterinary practices;
- C. Cemeteries;
- D. Concrete or cement products manufacture;
- E. Crematories if located within a cemetery containing at least five acres;
- F. Establishments or enterprises involving large assemblages of people or automobiles, including amusement parks, circuses, fairgrounds, open—air theaters, recreational centers and hospitals and sanitariums;
- G. Gas manufacture and storage; provided, that all manufacturing operations shall be subject to the approval of the building official;
- H. Government enterprise (federal, state or local);
- I. Greenhouses or tree nurseries;
- J. Natural resources, development and extraction of, together with necessary buildings, apparatus or appurtenances incident thereto, including petroleum exploration and development;
- K. Off-street parking areas;
- L. Private clubs;
- M. Public libraries and museums and art galleries not operated for profit;
- N. Public or private nurseries, public or nonprofit elementary and high schools, and institutions for higher education;
- O. Public utility or public service facilities, subject, in the case of a telecommunication tower, to the standards in Section 18.60.015;
- P. Radio or television transmitters;
- Q. Tourist courts, auto courts, motor lodges or trailer courts;
- R. Group housing developments. In the case of a dwelling group consisting of two or more buildings, the contemplated arrangements of which makes it impracticable to apply the requirements of this title to the individual building units in the group, a permit for the construction of such dwelling group may be issued only if the plans of such dwelling group comply with the following conditions:
 - 1. That the proposed dwelling group will constitute a residential environment of sustained desirability and stability; that it will be in harmony with the character of the surrounding neighborhood, and it will result in intensity of land utilization no higher, and standard of open space at least as high, as permitted or specified in this chapter in the district in which the proposed dwelling group is to be located,
 - 2. That the tract of land on which the dwelling group is to be erected comprises at least seventy-five thousand square feet,
 - 3. That the buildings are to be used only for residential purposes and the customary accessory uses, such as garages, storage spaces and recreational and community activities,

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4. That the average lot area per dwelling unit on the site, exclusive of the area occupied by street, will not be less than the lot area required for each dwelling unit in the district in which the dwelling group is to be located,
 5. That there are provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population,
 6. That off-street parking is provided on the basis of one parking space for each dwelling unit within the development,
 7. That the development will not produce a volume of traffic in excess of the capacity, for which the access streets are designed,
 8. That property adjacent to the proposed dwelling group will not be adversely affected,
 9. That such dwelling group not be located in an industrial district,
 10. That the proposed group housing development will be consistent with the intent and purpose of this title to promote public health, safety and general welfare;
- S. Townhouse and Zero Lot Line Developments. In the case of townhouse and zero lot line developments where one structure will contain two or more dwelling units, and the contemplated arrangement of the overall project makes the strict interpretation of this title impractical, the planning commission may, after a public hearing, permit such development provided the following guidelines are followed:
1. That the proposed dwelling group will constitute a residential environment of sustained desirability and stability, that it will be in harmony with the character of the surrounding neighborhood, and it will result in an intensity of land utilization no higher, and standard of open space at least as high, as permitted or specified in this chapter in the district in which the proposed dwelling is to be located,
 2. That the tract of land on which the dwelling group is to be erected comprises a minimum of sixteen hundred square feet per dwelling unit for each dwelling unit within the proposed development,
 3. That the buildings are to be used only for residential purposes and the customary accessory uses, such as garages, storage spaces and recreational and community activities,
 4. That these are provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population,
 5. That off-street parking be provided on the basis of two parking spaces for each dwelling unit within the development. This requirement may be fulfilled by either two parking spaces adjacent to the dwelling unit or a parking area adequate to accommodate the total development parking requirement at a location conveniently located to all the dwelling units within the development,
 6. That the developer furnish the planning commission with two copies of the homeowners agreement which will cover such areas as property maintenance, dwelling unit maintenance and upkeep, etc. Only copy will be forwarded to the city attorney for his review and comments,
 7. That the development will not produce a volume of traffic in excess of the capacity for which the access streets were designed,
 8. That the property adjacent to the proposed dwelling group will not be adversely affected,
 9. That such dwelling group shall only be located on a district which permits residential use,
 10. That the developer agrees in writing to comply with any additional stipulations required by the planning commission prior to the issuance of a conditional use permit,
 11. That the developer submit detailed construction plans to the planning commission prior to issuance of a building permit,
 12. That the proposed group housing development will be consistent with the intent and purpose of this title to promote public health, safety and general welfare,

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13. Upon submission of a request for a conditional use permit for townhouse development, the developer will submit a fee of five hundred fifty dollars to the city to help defray the cost of review, postage, maps, advertisements, etc., connected with the proposal. This fee will not be refundable if the request is withdrawn or denied.
- T. The planning commission may grant a conditional use permit to allow mobile homes or travel trailers to be placed outside of planned mobile home parks in any zone district for up to twelve months to allow the lot owner temporary living quarters while building a residence provided that:
 1. A building permit has been issued.
 2. Water, sewer and electric utilities have been installed.
 3. Only the lot owner may be allowed to occupy the temporary residence, and that such temporary residence may not be inhabited by other than the lot owner's immediate family.
 4. The temporary living quarters must be removed from the lot or vacated prior to the issuance of a certificate of occupancy for the residence or at the end of the twelve-month period.

18.60.015 - Conditional use for telecommunication tower.

- A. The planning commission may grant a conditional use permit for a telecommunication tower in any zoning district subject to the conditions in this section.
- B. The application for a conditional use permit for a telecommunication tower shall include the following information:
 1. A written narrative explaining why the proposed site has been chosen, why the telecommunication tower is necessary, why the requested height was chosen, and a full explanation regarding the telecommunication tower's ability to accommodate other providers; and
 2. Specifications for the telecommunication tower and all antennas to be located on it, including a description of design characteristics and material;
 3. A site plan drawn to scale showing property boundaries, telecommunication tower location, telecommunication tower height, guy wires and anchors and existing structures and land uses on the site and on adjacent property;
 4. A map showing the locations of the applicant's existing telecommunication towers that serve customers in the city and of all telecommunication towers that the applicant proposes to construct to serve customers in the city;
 5. A report prepared by a person registered as a structural engineer in Alaska showing the capacity by type and number of the telecommunication tower and antennas, and that the telecommunication tower and antennas are designed to withstand winds in accordance with the latest revision of ASI/EIA/TIA/222 standards ("Structural standards for steel communications antenna towers and communications antenna supporting structures");
 6. Identification of the person or persons who own the telecommunication tower and the equipment that is to be located on it;
 7. Written authorization for the application from the owner of the site;
 8. Evidence that the applicant has a valid FCC license for the use of the telecommunication tower;
 9. A line of sight analysis showing the potential visual and aesthetic impacts of the telecommunication tower on adjacent residential districts through the use of photo simulations of the telecommunication tower, including all antennas, structures, and equipment, using the vantage points and number of photo simulations requested by the planning department;
 10. A written agreement, on a form approved by the city attorney, to remove the telecommunication tower and restore the site to its original condition within one hundred eighty days after the telecommunication tower is substantially unused for a period of twelve consecutive months, and

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providing that if the telecommunication tower is not removed within this one hundred eighty-day period, the city may remove the telecommunication tower at the cost of the owner;

11. A cell phone coverage map showing the applicant's proposed cell phone coverage within the city;
 12. A certificate from an engineer licensed in Alaska that the telecommunication tower, and all antennas and other equipment located on it, are built and installed to approved specifications and will contain only equipment meeting Federal Communications Commission requirements;
 13. Any additional information required by the planning department during the application process.
- C. The planning commission may approve an application under this section, with or without conditions, if the application meets the following criteria:
1. Location and Visual Impact. The proposed location of the telecommunication tower will minimize the visual impact on the surrounding area while allowing the telecommunication tower to function in accordance with minimum standards imposed by the applicable telecommunications regulations and the applicant's technical design requirements. Telecommunication towers and attached antennas and equipment must be painted or coated in a color that blends with the surrounding environment. Muted colors, earth tones, and subdued hues, such as gray, shall be used. All associated structures such as equipment buildings, including the roofs, shall be painted with earth tone colors unless otherwise required under this code or other applicable law. Where necessary to make a telecommunication tower compatible with the historical, environmental or cultural character of its location, the planning commission may require that the telecommunication tower be disguised, hidden or screened, or integrated as an architectural feature of a structure, to reduce its visual impact.
 2. Inability to Collocate. It is not feasible to locate the applicant's telecommunication antenna and other equipment on any existing structure or tower under the control of the applicant.
 3. Location in a Residential Zoning District. An applicant seeking to locate a telecommunication tower in a residential zoning district must show that the area cannot be adequately served by a telecommunication tower located in a nonresidential zoning district for valid technical reasons.
 4. Location on Public Property or Other Private Property. If the applicant proposes to acquire a site on private property for the telecommunication tower, the applicant must show that no available publicly owned site or available privately owned site occupied by a compatible use is suitable under applicable communications regulations and the applicant's technical design requirements.
 5. Design for Future Use. A new telecommunication tower shall be designed to allow collocation of telecommunication antennas equal in number to the applicant's present and reasonably foreseeable future requirements.
 6. Safety Code Met. The telecommunication tower meets all applicable laws and code requirements, including without limitation health, nuisance, noise, fire, building and safety code requirements.
 7. Distance From Existing Telecommunication Towers. A telecommunications tower shall not be approved if it is located within one-half mile (two thousand six hundred forty feet) of an existing telecommunication tower, unless the applicant certifies that the existing telecommunication tower does not meet the applicant's structural specifications and technical design requirements, or that a collocation agreement could not be obtained.
 8. Zoning Requirements. With the exception of requirements for setback and height, which are established in this section, the telecommunication tower must comply with all applicable zoning laws and regulations, including, without limitation, all laws governing land development, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, and sign, storage.
 9. Setback. In all zoning districts, a telecommunication tower must be located no less than a distance equal to the tower height from all lot lines.

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10. Signs. No signs may be located on a telecommunication tower except for identification signage.
 11. Lighting. No lighting may be located on a telecommunication tower except as reasonably required for safety purposes or as required by the Federal Communications Commission, Federal Aviation Administration or other government agency with jurisdiction.
 12. Fencing. A fence with a minimum height of eight feet must be placed on the perimeter of the site of a telecommunications tower site to limit access by the public.
 13. Height. The height of a telecommunications tower may not exceed the maximum tower height specified in the conditional use permit or in this section.
- D. No decision regulating the placement, construction or modification of a telecommunication tower may be made on the basis of environmental or health effects of radio frequency emission if the antennas and other equipment on the telecommunication tower comply with Federal Communications Commission regulations.

18.60.020 - Coastal management.

- A. An application for conditional use shall be filed in writing and certified by the owner of the property concerned.
 1. The application shall contain the following data with respect to the property and the applicant:
 - a. A legal description of the property involved;
 - b. Plot plans showing the location of all existing and proposed buildings or alterations, elevations or such other data as may be required;
 - c. A proposed time frame for the project start-up and the period of construction.
 2. The application shall contain a statement and adequate evidence showing that the project use or activity will be in compliance with all applicable policies and the conditions established for the type of conditional use proposed.
- B. The planning commission shall hold a public hearing upon each properly submitted application. Such hearing shall be held not less than ten days nor later than thirty days following the date of filing of such application and the applicant shall be notified of the date of such hearing. The commission shall cause to be sent to each owner of property within a distance of three hundred feet of the exterior boundary of the lot or parcel of land described in such application notice of the time and place of hearing, a description of the property involved and the provisions of Chapter 18.50. For the purposes of this section, "property owner" means that owner shown upon the latest tax assessment roll.
- C. From the time of filing such application until the time of such hearing, the application, together with all plans and data submitted shall be available for public inspection in the office of the city clerk.
- D. The commission shall cause to be made by its own members, or its authorized agent, an investigation of facts bearing on any application sufficient to assure that the action taken is consistent with the intent and purpose of this section.
- E. The planning commission shall hear and consider evidence and facts from any person at any public hearing or written communication from any person relative to the matter. The right of any person to present evidence shall not be denied for the reason that any such person was not required to be informed of such public hearing.
- F. Within thirty days from the conclusion of the public hearing, the planning commission shall render its decision unless such time limit be extended by common consent and agreement signed by both applicant and the commission. If, in the opinion of the commission, the necessary facts and conditions set forth in Chapter 18.50 apply in fact to the property referred to, and that the same comes within the purview of the planning commission, it may grant permission for the use or activity. If, however, such facts and conditions do not prevail nor apply, the commission shall deny the application.

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- G. The commission, in granting approval, may establish conditions under which a lot or parcel of land may be used or a building constructed or altered; make requirements as to architecture, height of building or structure open spaces or parking areas; require conditions of operation of any enterprise; or may make any other condition, requirements or safeguards that it may consider necessary to prevent damage or prejudice to adjacent properties or detriment to the city. When necessary, the commission may require guarantees in such form as deemed proper under the circumstances to ensure that the conditions designed will be complied with.
- H. The decision of the planning commission, either for the granting with or without conditions, or the denial of an application, shall become final and effective ten days following such decision.
- I. Any application approved by the planning commission shall be conditional upon the privilege granted being utilized within twelve months after the effective date of approval. In the event some construction work is involved, it must actually commence within the stated period and must be diligently prosecuted to completion, otherwise the approval is automatically voided. In such cases, the planning commission may extend the time of construction start if satisfactory evidence of planning progress is presented.
- J. In order to defray the expense of making maps, sending out notices, and incidental administration costs involved in any application for a conditional use permit, the person filing such application shall pay a fee to the city to cover the expenses incurred by the city in processing the application. Regardless of the action taken on the application, the fee will not be refunded.

18.60.030 - Junkyards.

In addition to other applicable requirements, a junkyard conditional use is subject to the following:

- A. An applicant for a junkyard conditional use shall submit a site development plan to the planning and zoning commission containing the information required by the city planner. The planning and zoning commission shall review the site development plan, taking into account the following:
 - 1. The nature and development of the surrounding property;
 - 2. The need to protect the local economy, adjacent land owners, and the motoring public from economically depressing and unsightly roadside locations;
 - 3. The proximity of the proposed junkyard to churches, schools, hospitals, public buildings, recreation areas, or other places of public gathering;
 - 4. The sufficiency in number of other similar business establishments in the city;
 - 5. The adequacy of fences and other types of enclosures proposed to prevent the unsightly display of the salvage yard;
 - 6. The health, safety, and general welfare of the public; and
 - 7. The suitability of the applicant to establish, maintain or operate such a business.
- B. A conditional use permit for a junkyard shall require that the junkyard be screened from public view with a privacy fence not less than seven nor more than ten feet in height. Slats in the fence shall be spaced no greater than two inches apart.