

**SELDOVIA  
PLANNING COMMISSION**

*Wednesday*  
**November 2, 2016**



REGULAR MEETING  
**7:00pm**  
MULTI-PURPOSE ROOM



**AGENDA FOR THE SELDOVIA PLANNING COMMISSION  
REGULAR MEETING  
MULTI-PURPOSE ROOM**

*Wednesday*  
**October 5, 2016  
7:00PM**

BATES CARLUCCIO STONE CAMPBELL SENENIG
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- A. Call to order;
- B. Roll Call;
- C. Approval of the Agenda;
- D. Approval of Minutes from September 7, 2016;
- E. Public Comments Regarding Items Not on the Agenda;
- F. Public Hearings, Prior Notice;
- G. Consideration of Site Plans;
  - 1. Subdivision Request from Integrity Surveys Inc. for Tract B US Survey 371 owned by the Orthodox Church and Lot 19 Block 10 US Survey 1771 owned by Daewon Rojas-Mickelson  
Held until brought back by Council
    - A. Presentation by Staff or Commission
    - B. Public Presentation or Hearing
    - C. Commission Discussion
    - D. Action/Disposition
  - 2. Consideration of Zoning Issue for Seldovia Native Association Parcel #19202601 With the Proposed Value Added Industry
    - A. Presentation by Staff or Commission
    - B. Public Presentation or Hearing
    - C. Commission Discussion
    - D. Action/Disposition
- H. Commission Business:
  - 1. Decks and Docks Discussion
- I. Staff Reports;
- J. Informational Items Not Requiring Action;
- K. Comments of the Public;
- L. Comments of the Commission;
- M. Next Meeting: Regular scheduled meeting, December 7, 2016
- N. Adjournment:

**\*If you require special assistance to attend the meeting,  
Please, notify the City Office 24 hours in advance of the meeting and arrangements will be made.\***



**Seldovia  
Planning Commission  
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November 2, 2016**



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**NOTES:**

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**MINUTES FROM THE SELDOVIA PLANNING COMMISSION  
REGULAR MEETING  
MULTI-PURPOSE ROOM**

*Wednesday*  
**October 5, 2016  
7:00PM**

CARLUCCIO STONE CAMPBELL SENENIG BATES
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- A. Call to order; MEETING CALLED TO ORDER BY CHAIR CARLUCCIO AT 7:02 PM
- B. Roll Call; CARLUCCIO, STONE, CAMPBELL, SENSENIG, BATES
- C. Approval of the Agenda;  
CAMPBELL/SENENIG MOVED TO APPROVE THE AGENDA OF OCTOBER 5, 2016  
NO OBJECTION/ MOTION PASSED
- D. Approval of Minutes from September 7, 2016;  
STONE/CAMPBELL MOVED TO APPROVE THE MINUTES OF SEPTEMBER 7, 2016  
NO OBJECTION/ MOTION PASSED
- E. Public Comments Regarding Items Not on the Agenda; Hearing None
- F. Public Hearings, Prior Notice; Hearing None
- G. Consideration of Site Plans;

1. Subdivision Request from Integrity Surveys Inc. for Tract B US Survey 371 owned by the Orthodox Church and Lot 19 Block 10 US Survey 1771 owned by Daewon Rojas-Mickelson

- A. Presentation by Staff or Commission  
CLERK/STANISH- Discussed the preliminary plat submitted by Intergity Surveys Inc.
- B. Public Presentation or Hearing  
Hearing none
- C. Commission Discussion

Commission discussion focused on the opportunity of this proposal to fix some road way issues surrounding this property. There was no objection to the concept of the plan, however, the commission would like to push this to Council for further discussions with the Orthodox Church.

CAMPBELL/ SENSENIG MOVED TO POSTPONE THE SURVEY REQUEST DISCUSSION UNTIL NEXT MEETING TO HAVE THE CITY ENGAGE IN A DISCUSSION WITH THE CHURCH ON OPTIONS FOR RIGHT OF WAYS, ON THE TRIANGLE PORTION OF THE PROPERTY, AND FURTHER DISCUSSION ON THE UTILITIES MAINLY WATER AND SEWER COST RESPONSIBILITIES

D. Action/Disposition

NO OBJECTION/ MOTION PASSED

H. Commission Business:

- 1. Resignation from Rod Hilts  
CARLUCCIO- Thanked Rod for his years of service.
- 2. Welcome New Commissioner Rick Bates

### 3. Decks and Docks Discussion

CARLUCCIO- Reported on her discussions with the Corps of Engineers to clarify the responsibility of zoning laws within the harbor or waters surrounding the City. There are two Corps of Engineers. The first is the permitting Corps, and there is also a Construction Corps. Both Corps are entities one would have to have permitting through to build within the harbor as the Construction Corps built the addition to the Seldovia Small Boat Harbor. Also clarified by the Corps was the powers of the Planning and Zoning Commission. P&Z has the power to regulate within the City including the Slough and harbor. CHAIR CARLUCCIO OPENED THE DISCUSSION TO THE PUBLIC;

AL SCHLOTT- Asked the Commission why it is set up to get all the other approvals before coming to the local P&Z if you'll not grant it?

CARLUCCIO- The City can't give a building permit if the Corps wouldn't grant it.

CM/LARSON- The City officials and staff are not the marine experts. Water flows and sediment dispersal are things that need to be looked at from the Corps first.

CAMPBELL- Discussed a possible preliminary proposal first and opened discussion on waterfront setbacks. He spoke on any building beyond mean high tide as a conditional use.

STONE- We need a stop gap somewhere.

CONSENSUS OF THE COMMISSION TO DIRECT THE STAFF TO PRESENT THE DECKS AND DOCKS DRAFT ORDINANCE WITH ADDED VERBAGE OF MEAN HIGH TIDE AS THE SETBACK AND ANY DECK OR DOCK BEYOND MEAN HIGH TIDE BY CONDITIONAL USE AT THE NEXT MEETING.

### 4. Zoning for Commercial Marijuana Sales, Cultivation and Manufacturing

CLERK/STANISH- Spoke on the proposed zoning ordinance presented.

CARLUCCIO OPENED THE DISCUSSION TO THE PUBLIC; Hearing none Commission discussed buffers and recommended striking the buffer from parks.

CAMPBELL/STONE MOVED TO RECOMMEND TO COUNCIL THE APPROVAL OF ORDINANCE 17-07 AS AMENDED  
NO OBJECTION/ MOTION PASSED

### 5. Coding Possibilities for Livestock Businesses Within City Limits

CLERK/STANISH- Spoke on the proposed ordinance presented.

CARLUCCIO OPENED THE DISCUSSION TO THE PUBLIC;

OPHIEM- Spoke to the commission on his existing chickens and is concerned he may be denied in the future due to new regulations.

AL SCHOLTT- Inquired on noise issue- is there a code to deal with that?

CM/LARSON- It could be a disturbing the peace issue.

CAMPBELL- Going forward, anyone else will need to follow the process. They tried not to be too restrictive and still meet the intent of the zones. He is in favor of the ordinance.

SENENIG- Spoke on her concern for the cost of a permit to have some chickens. It's \$5 for a dog license, and \$150 for some chickens? Are chickens that much more of a nuisance?

CARLUCCIO- Yes, but once you have the license, it's a one time deal.

CAMPBELL/BATES- MOVED TO RECOMMEND TO THE COUNCIL THE APPROVAL OF ORDINANCE 17-05 AS PRESENTED  
NO OBJECTION/ MOTION PASSED

## I. Staff Reports:



CLERK/STANISH- Reported on the Municipal Elections held on Oct. 4. They will be confirmed at the next Council meeting on the 10<sup>th</sup> after opening the absentee and question ballots.

J. Informational Items Not Requiring Action: None

L. Comments of the Commission:

CAMPBELL- Thanks for all the input and good to see movement on the long outstanding issues.

CARLUCCIO- Thanked everyone for coming, especially the students.

M. Next Meeting: Regular scheduled meeting, November 2, 2016

N. Adjournment:

CAMPBELL/STONE MOVED TO ADJOURN AT 9:25PM

NO OBJECTION/ MOTION PASSED

I certify the above represents accurate minutes of City of Seldovia Planning and Zoning Commission meeting of October 5, 2016.

\_\_\_\_\_  
Lisa Stanish, City Clerk

Approved by Commission \_\_\_\_\_





### **Clerk's Note**

At the meeting of the City Council on October 26, 2016, Mr. Bieri spoke on behalf of the Seldovia Native Association requesting a solution to his zoning issue. It was brought to his attention by City Staff he intends to launch an industrial business in a commercial marine district. Per the SMC, commercial marine does not allow an industrial business within the district as a permitted use or as a conditional use. The Council requested the staff add this issue to the next Planning meeting to help facilitate a solution for Mr. Bieri as his business plan is in line with the economic development aspect of the Compressive Plan.



**SELDOVIA NATIVE ASSOCIATION, INC.**

*"Our People, Responsibly Managing Our Resources, For Now and the Future."*

DELIVERED VIA EMAIL

**Date Received**  
OCT 25 2016

10/26/16

Tod Larson, City Manager  
City of Seldovia  
PO Drawer B  
Seldovia, AK 99663

RE: 281 Main Street Seldovia AK

Dear Mr. Larson,

This letter is to authorize Michel Bieri to speak in regard to a potential lease at 281 Main Street in Seldovia Alaska. Mr. Bieri is seeking to lease space in the building formerly known as the Main Street Market.

Seldovia Native Association Inc. is the owner of the property and is in support of a conditional use permit or rezoning the property to suit Mr. Bieri's needs to run his business out of our building.

Please accept this letter as our authorization to begin this process and as a letter of support. We would like an ongoing discussion with the city and will be available to answer any questions we can.

Thanks,

Tony Cange, CEO  
Seldovia Native Association

cc. Michel Bieri  
Barbara Carlough

**CITY OF SELDOVIA  
ORDINANCE 17-06**

Introduced:  
Posted:  
Public Hearing:  
Adopted:

**AN ORDINANCE OF THE CITY OF SELDOVIA AMENDING TITLE 18 TO PROVIDE REGULATIONS FOR THE BUILDING OF DECKS OR DOCKS WITHIN THE SELDOVIA SMALL BOAT HARBOR AND SELDOVIA SLOUGH.**

**WHEREAS**, to date, there are no local Planning and Zoning regulations on the building of decks or docks in the waters surrounding the City of Seldovia; and

**WHEREAS**, the City desires to implement guidelines for the building of decks and docks within the waters surrounding Seldovia to maintain the aesthetics of the Seldovia waterfront.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SELDOVIA:**

**SECTION 1. CLASSIFICATION.** This ordinance is permanent in nature and shall become a part of the Municipal Code of the City of Seldovia.

**SECTION 2.- AMENDING TITLE 18 REMOVING LANGUAGE IN STRIKEOUT AND ADDING LANGUAGE IN HIGHLIGHT TO READ AS FOLLOWS:**

Adding:

**17.04.020 Building Permits.**

A. Required. No person shall make any exterior structural change in or addition to any building, or construct any new building or structure, exempting unattached structures of one hundred square feet or less, within the city without first securing a building permit. **Decks and docks to be constructed into a body of water or intertidal zone shall require a Seldovia building permit and all applicable permits.**

**18.20.250 Intertidal Zone.** The intertidal zone, also known as the foreshore and seashore and sometimes referred to as the littoral zone, is the area that is above water at low tide and under water at high tide (in other words, the area between tide marks).

**WCR 18.40.060 Parking and Off-Street Loading Space.**

C. **Decks or Docks in this section shall be constructed to allow for the docking of water craft within the lot boundaries and in compliance with the provisions set forth in Chapter 18.40.**

**I 18.48.050 Parking and Off-Street Loading Space.**

C. Decks or Docks in this section shall be constructed to allow for the docking of water craft within the lot boundaries and in compliance with the provisions set forth in Chapter 18.48.

**CM 18.52.060 Parking and Off-Street Loading Space.**

I. Decks or Docks in this section shall be constructed to allow for the docking of water craft within the lot boundaries and in compliance with the provisions set forth in Chapter 18.52.

**18.52.070 Building Setback.**

D. The setback for a deck or dock proposed along the shore of the Seldovia Small Boat Harbor (defined as any waterfront lot on Main St. between lots 19307917 and 19203059) shall be the mean high tide line. Any deck or dock proposed beyond the mean high tide shall be heard by the Planning and Zoning Commission under the conditional use permitting process.

**18.52.070 Conditional Uses.**

B. Building of decks or docks within the Seldovia Small Boat Harbor (as defined by SMC 18.52.070 D) beyond the mean high tide may be permitted if the provisions set forth in Chapter 18.52, and 18.68 are met.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall become effective upon adoption by the Council.

**ADOPTED** by a duly constituted quorum of the City Council of the City of Seldovia this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

ATTEST:

APPROVED:

\_\_\_\_\_  
Lisa Stanish, City Clerk

\_\_\_\_\_  
Dean Lent, Mayor