



**CITY OF THORNE BAY**  
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Southeast Island School District  
Sherri Becker  
PO Box 19569  
Thorne Bay, AK 99919

November 6, 2020

**RE: Notice of Decision for Conditional Use Permit (CUP)**

*Conditional Use Permit Application, for authorizing the operation of a preschool and other educational service on the property located at 1011 Sandy Beach Road; Owned by Southeast Island School District (SISD)*

A public hearing was held on November 2, 2020, at **6:00PM** at a **Regular** meeting of the Thorne Bay Planning Commission, to approve or deny the Conditional Use Permit No. 20-08-27-01, permitting the operation of a pre-school, magnet school, and/or as a site for additional education programs on the property located at 1011 Sandy Beach Road. No public comments were provided at the public hearing and no written objections were submitted in response to the CUP application.

The Planning Commission found that the Conditional Use Permit Use fully satisfies the requirements for approval as set forth in the Thorne Bay Municipal Code 17.04.043 (b) Criteria for Consideration in Establishing Approval or Denial, and has approved Resolution No. 20-11-02-01-PZ, which approved the Conditional Use Permit Application No. 20-08-27-01, permitting the use/operation of the property located at 1011 Sandy Beach Road as a pre-school, magnet school, and/or as a site for additional education programs.

**Thorne Bay Municipal Code Appeals:**

**17.04.060 Appeals.** A. Due Process. *This section guarantees the public due process in all land use actions. An administrative decision regarding a development permit may be appealed to the planning commission, decisions of the planning commission/platting board may be appealed to the city council sitting as the board of adjustment, and decisions of the city council may be appealed to the Superior Court of the state of Alaska. A written notice of appeal must be filed with the city clerk within thirty days after the decision being appealed is announced in writing.*

If you have any questions please contact Les Carter, City Administrator & Planning Official at (907) 828-3380 or [administrator@thornebay-ak.gov](mailto:administrator@thornebay-ak.gov).

*Sincerely,*

Les Carter  
City Administrator  
& City Planning Official

## Thorne Bay Municipal Code Chapter:

### 17.04.025 Mixed Residential/Commercial II.

The purpose of this zone is to provide for an aesthetically pleasing neighborhood and to maintain property values by permitting single-family houses, duplexes and mobile homes plus accommodating present mixed commercial uses.

“Development Plans” are required for all building within the mixed Residential / commercial II zone conforming to the applicable standards of section 17.04.035.

- A. Uses Allowed in The Mixed Residential / Commercial II Zone Without Special Permitting.
  - 1. All uses allowed in section 17.04.024 mixed Residential / commercial I. Part “a”.
  - 2. Up to two living units, not to exceed 1500 square feet each, attached to a permitted or conditionally approved commercial uses, and one living unit not to exceed 1500 square feet, detached but used in association with permitted or conditionally approved commercial uses.
- B. Uses considered in mixed Residential/commercial II zone with conditional use permitting.
  - 1. All uses allowed in section 17.04.024 mixed Residential / commercial I, part “b” not allowed outright in part a of this section.
  - 2. Electrical utility substations, pump/lift station;
  - 3. The keeping of roosters and other noisy livestock;
  - 4. Day care center or facility for 6 or more children;
  - 5. Multifamily structure (more than 2 units);
  - 6. Structure or fence built above the maximum height limit.
  - 7. Government and education complexes, including libraries, museums;
  - 8. Light equipment sales and rentals;
  - 9. Clinics and other medical offices and facilities;
  - 10. Storage units;
  - 11. Auto, marine and light equipment repair;
  - 12. Veterinary office;
  - 13. Post office;
  - 14. Fire and emergency service buildings;
  - 15. Nursing and convalescent homes, group Residential facilities, children’s homes;
  - 16. R.V. park;
  - 17. Bed and breakfast with 5 or more guest rooms;
  - 18. Telecommunications facilities, towers, and/or antennas.

## THORNE BAY MUNICIPAL CODE:

### 17.04.043 Conditional use Permits.

A. Purpose. The purpose of a conditional use permit is to allow for flexibility in the zoning title by providing for uses that may be suitable in certain locations and not others. These uses will be expressly permitted conditional uses in the zone, clarified by a section labeled conditional use permits for each zone. It basically permits inclusion of uses that should not be permitted in every part of the zone but are reasonable in some areas of the zone with restrictions and conditions designed to fit the particular problem that the use may present. The applicant must meet with the planning official and address the Criteria for "Consideration in Establishing Approval" prior to being scheduled for a public hearing.

B. Criteria for Consideration in Establishing Approval or Denial the following criterial must be considered.

After a public hearing, the planning commission must develop a resolution which addresses each of the criterial and base their decision on whether the criterial are in the affirmative or not:

1. That the proposal is consistent with the Thorne Bay comprehensive plan, the City Municipal Code and all other applicable city ordinances;
2. That the proposed use is an expressly permitted conditional use in the zone, except in mixed Residential/ commercial III where there are no expressly permitted conditional uses;
3. That the requested use is generally compatible with other existing or proposed uses in the surrounding area;
4. That the proposed use would not adversely affect the health, safety or welfare of persons or property in the area neighboring the proposal and the surrounding area;
5. That the proposed use would not have an unfavorable or detrimental effect on property or property values in the area;
6. That building height, poor or decrepit construction and incompatibility would not significantly affect the surrounding area, or the view shed in the neighborhood;
7. That all utilities to the proposal will be adequate or made adequate by the applicant and not interfere or adversely affect utility capacity in the area;
8. That traffic volume, type and patterns are taken into consideration and that access is adequate to serve any additional traffic flow;
9. That adequate off-street parking is provided. (See Section 17.04.041);
10. That the proposed use would not degrade land, water, air or habitat quality;
11. That all other reasonable objections were taken into consideration by the planning commission at the public hearing.
12. That the conditional use request is for work yet to be performed. (Ord. 15-12-15-02)

C. Procedure.

1. Application.

- a. An application must be filed on forms provided by the city by the property owner or an authorized representative. The application must be filed no later than twenty-one days prior to the next regularly scheduled planning commission meeting.
- b. All applications must include a site plan indicating:
  - i. North arrow, scale and legend;
  - ii. Property lines and approximate dimensions;

- iii. Location of all existing and proposed structures on the lot and their approximate distance from the lot lines;
- iv. Access bordering streets and easements on the property;
- v. Power pole; sewer and water lines serving the property;
- vi. Approximate dimensions of parking spaces if applicable.

2. Notification.

- a. Notice of the public hearing shall be made by first class mail to all property owners within three hundred feet of the exterior property boundary (one thousand feet in mixed Residential/commercial III) and shall be posted in five public places no less than ten days prior to the public hearing date.
- b. The notice shall contain:
  - i. The name of the applicant;
  - ii. The date, time and place of the hearing;
  - iii. A descriptive location of the property and the legal description of the property if available;
  - iv. A description of the nature and purpose of the use;
  - v. The location where information about the proposal may be examined;
  - vi. Reference numbers of the sections of the title that pertain to the application;
  - vii. Explanation of the appeal procedure;
  - viii. Vicinity map.
- c. Notices shall be sent to the most recent address that city records show. Failure of a property owner to receive a notification shall not invalidate a decision of the planning commission as long as a good faith effort has been shown to contact the property owner.
- d. The property notification list shall be kept on file at City Hall.
- e. A copy of the resolution approving or denying the application shall be sent to the applicant (and any affected party who requests notification).

D. Reviewing Body.

- 1. The reviewing body shall be the planning commission.
- 2. All formal decisions made by the reviewing body shall be made by resolution and shall address all required criteria for approval.

E. Appeals.

- 1. Appeals of the planning commission's decision must be made to the city council within thirty days of the postmark of the notification of the decision. Appeals must be made in writing. (Ord. 93-23 § 6(part), 1993)



# City of Thorne Bay

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E-MAIL: [cityclerk@thornebay-ak.gov](mailto:cityclerk@thornebay-ak.gov)

## OBJECTION TO PLANNING COMMISSION DECISION ON THE ISSUANCE OR DENIAL OF A CONDITIONAL USE PERMIT

I, \_\_\_\_\_, hereby object to the \_\_\_\_\_  
(issuance / denial of a Conditional Use Permit at the following location: \_\_\_\_\_  
\_\_\_\_\_

Permit No: \_\_\_\_\_ Applicant Name: \_\_\_\_\_

I object for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional Pages Attached  Yes  No

I further certify that I am the owner of the following described lands (Legal description):

Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision \_\_\_\_\_, Plat No. \_\_\_\_\_,  
ASLS \_\_\_\_\_, Tract \_\_\_\_\_.

\_\_\_\_\_  
Signature of Objector (in presence of City Clerk or Notary)

Date: \_\_\_\_\_

### OFFICE USE ONLY:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the above named, known  
to me by \_\_\_\_\_, to be the person who executed the foregoing  
instrument and acknowledged the same.

\_\_\_\_\_  
Clerk or Authorized City Representative Dated: \_\_\_\_\_