

POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-51 on second and final reading.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

To: Mark Gorman, Municipal Administrator
Mayor McConnell and Members of the Assembly

From: Maegan Bosak, Planning and Community Development Director *WB*
Michael Scarcelli, Senior Planner *MS*

Subject: Ordinance 2015-51 Amending Conditional Use Permit Regulations to Allow Planning Commission Approval with Appeal to the Board of Adjustment.

Date: October 2, 2015

The Planning Commission is recommending approval¹ of a zoning text amendment to modify SGC Sections 22.30.050 (F), 22.30.060, 22.30.160(C), 22.30.370(3)(a), 22.24.010-2, and all supporting code sections to allow for the approval of Conditional Use Permits by the Planning Commission with rights of appeal to the Board of Adjustment. The request is filed by the City and Borough of Sitka and sponsored by the Administrator.

The purpose of this ordinance is to 1) allow conditional use permits to be approved by the Planning Commission with appeal rights to the Assembly acting as the Board of Adjustment and 2) clarify internally inconsistent provisions in the Chapter 22 Zoning- Special Use Permits 22.24 and Zoning Code Administration 22.30 regulations. The intent is to streamline the conditional use permit process, making it less arduous for citizens and policymakers, while allowing for due public process and appeal rights.

The intent of the code revision is to allow for a concise, yet thorough, public review of conditional use proposals at the Planning Commission level. This process requires a noticed public hearing to take testimony, hear evidence, consider the facts germane to the issues, and evaluate the proposal for consistency with the Comprehensive Plan, Code, and other applicable plans and regulations. Items requiring further review may be carried over by the Planning Commission to gather sufficient information to make a decision. Moreover, any aggrieved party may seek review of a denied or approved item to the Assembly acting as the Board of Adjustment.

The proposed zoning text amendment is consistent with the following Comprehensive Plan Sections: 2.2.12 Eliminate regulations that are adverse to the community's needs; 2.4.4 to resolve land use conflicts through a public process; and 2.4.22 to update zoning regulations to create internally consistent land use codes that reflect aspirations of the Comprehensive Plan.

¹ **MOTION: M/S WINDSOR/PARMELEE** moved to adopt findings that this amendment comported with the SGC and Comprehensive Plan, did not adversely impact the public, health, safety, and welfare, and to recommend approval to the City Assembly of a proposed zoning text amendment... **ACTION: Motion PASSED unanimously 5-0.**

Recommendation: Approve the ordinance.

CITY AND BOROUGH OF SITKA
ORDINANCE NO. 2015-51

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA
GENERAL CODE TITLE 22 ZONING TO ALLOW CONDITIONAL USE PERMITS TO BE
APPROVED BY THE PLANNING COMMISSION WITH APPEAL RIGHTS TO THE
ASSEMBLY ACTING AS THE BOARD OF ADJUSTMENT

BE IT ENACTED by the Assembly of the City and Borough of Sitka, Alaska as follows:

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

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

3. **PURPOSE.** The purpose of this ordinance is to 1) allow conditional use permits to be approved by the Planning Commission with appeal rights to the Assembly acting as the Board of Adjustment and 2) clarify internally inconsistent provisions in the Chapter 22 Zoning- Special Use Permits 22.24 and Zoning Code Administration 22.30 regulations. The intent is to streamline the conditional use permit process, making it less arduous for citizens and policymakers, while allowing for due public process and appeal rights.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough to revise the following sections of SGC Titles 22 as listed below (new language underlined; deleted language stricken):

Chapter 22.24
SPECIAL USE PERMITS

Sections:

- 22.24.005 General.
- 22.24.010 Conditional uses.
- 22.24.020 Variances.
- 22.24.025 Commercial home horticulture permits.
- 22.24.030 Planned unit developments.
- 22.24.040 Binding site plan approval.
- 22.24.050 Nonconforming use permit.

22.24.005 General

Special permits are necessary for conditional uses, variances, planned unit developments, binding site plans and nonconforming uses. This chapter includes provisions for application, review and approval of these permits. Chapter 22.30, Article III, of this code provides procedural requirements associated with permit processing. (Ord. 02-1683 § 4 (part), 2002.)

22.24.010 Conditional uses

A conditional use is a use that may not be appropriate in a particular zoning district according to the character, intensity, or size of the lot or the surrounding uses. This section establishes decision criteria and procedures for special uses, called conditional uses, which possess unique characteristics. The conditional use permit

51 procedure is intended to afford the municipality the flexibility necessary to make determinations appropriate to
 52 individual sites. The commission may attach conditions necessary to mitigate external adverse impacts. If the
 53 municipality determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

54 A. Submittal Requirements for Conditional Use Applications. Table 22.24.010-1 provides application
 55 requirements for all conditional use permits.

Table 22.24.010-1

Conditional Use Permit Application Requirements

Conditional Uses	Bed and Breakfast Conditional Uses	Short-Term Rental Conditional Uses	Island Conditional Uses
<p>The applicant may be required to consult with agencies that are responsible for certain portions of the project review. These agencies may include but not be limited to public works and engineering for sewer/water utilities; state DOT/PF; State Department of Environmental Conservation; Army Corps of Engineers; Sitka fire department; local telephone utility; cable television utility; electric department.</p> <p>Written Documentation</p> <ul style="list-style-type: none"> • Legal description of all properties involved in the project; • Statement of the objectives expected to be achieved by the project; • Detailed description of all aspects of the project, including land use, building types and sizes, population density, parking and traffic circulation, building coverage and other information which the applicant feels would assist in decision making; • All comments received from each of the agencies and utilities reviewing the project and a statement by the applicant on how the applicant will resolve or meet any problems or anticipated adverse conditions noted by the utility or agency, the statement to list any unresolved problems or adverse conditions. <p>Site Plan and Supporting Drawings</p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing land use layout, building locations, vehicular and pedestrian circulation, open space and recreation areas, parking layout, schematic water and sewer layout, and any other information necessary to adequately describe the project; • Preliminary subdivision plat layout 	<p>Written Documentation</p> <ul style="list-style-type: none"> • Legal description of all property involved in the project; • Statement of the objectives expected to be achieved by the project. <p>Site Plan and Supporting Drawings</p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing building locations, vehicular and pedestrian circulation, parking layout, and any other information necessary to adequately describe the project; conceptual drawings of proposed buildings or renovations, signs, and other features that may be required by the administrator. 	<p>Written Documentation</p> <ul style="list-style-type: none"> • Legal description of all property involved in the project; • Statement of the objectives expected to be achieved by the project. <p>Site Plan and Supporting Drawings</p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing building locations, vehicular and pedestrian circulation, parking layout, and any other information necessary to adequately describe the project; conceptual drawings of proposed buildings or renovations, signs, and other features that may be required by the administrator. 	<p>Written Documentation</p> <ul style="list-style-type: none"> • Legal description of all properties involved in the project; • Statement of the objectives expected to be achieved by the project; • Detailed description of all aspects of the project, including land use, building types and sizes, population density, building coverage, waterfront use, clearing, changes to existing visual appearance, and other information which the applicant feels would assist in decision making; • All comments received from each of the agencies and utilities reviewing the project and a statement by the applicant on how the applicant will resolve or meet any problems or anticipated adverse conditions noted by the utility or agency, the statement to list any unresolved problems or adverse conditions. <p>Site Plan and Supporting Drawings</p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing land use layout, building locations, open space and recreation areas, waterfront development, clearing, schematic water and sewer layout, and any other information necessary to adequately describe the project; • Preliminary subdivision plat layout if required; • Site grading and drainage plan including present and proposed topography; conceptual drawings of

if required; • Site grading and drainage plan including present and proposed topography; • Conceptual drawings of proposed buildings, signs, and other features that may be required by the administrator.			proposed buildings, and other features that may be required by the administrator.
--	--	--	---

56

57
58

1. Conditional use permit application initiation periods and termination periods are outlined in Table 22.24.010-2.

Table 22.24.010-2

Initiation and Termination Periods

	Short-Term Rental Conditional Use Permits	Bed and Breakfast Conditional Use Permits	Interim Mobile Homes Conditional Use	All Other Conditional Use Permits
Period in which the permit must be activated following <u>assembly Planning Commission</u> approval or permit becomes void	One year	One year	One year	Two years
If permit is not used during period, permit becomes void after activation	One year	One year	One year	Two years
Mandatory review period ¹	Set by <u>assembly Planning Commission</u> at time of approval	Set by <u>assembly Planning Commission</u> at time of approval	Set by <u>assembly Planning Commission</u> at time of approval	Set by <u>assembly Planning Commission</u> at time of approval
Number of years after approval that permit sunsets	Set by <u>assembly Planning Commission</u> at time of approval	Set by <u>assembly Planning Commission</u> at time of approval	Set by <u>assembly Planning Commission</u> at time of approval	Set by <u>assembly Planning Commission</u> at time of approval

Note (1): It shall be the responsibility of the applicant to submit materials one month prior to the end of any review period. Failure to submit materials within the time specified shall automatically void the approval.

Note (2): It is recognized in land use case law that conditional use permits are grants to a property and run with the parcel and not the owner.

Note (3): Substantial construction progress must be made on a project approved through the variance process within one year of the date of the variance approval or the approval becomes void. In the event it can be documented that other substantial progress has been made, a one-year extension may be granted by the planning commission if a request is filed within eleven months of the initial approval.

59

B. Conditional Use Permit Provisions for Bed and Breakfasts.

60
61

1. The information and assurances filed by the applicant for a bed and breakfast conditional use at the time of application shall be binding on all current and future owners of the facility.

- 62 2. There shall be no expansion in the number of guest rooms beyond the number approved.
- 63 3. The number of bed and breakfast sleeping rooms per residence shall be limited to three rooms in an
64 R-1 or related zone and five rooms in an R-2 or related zone.
- 65 4. In no case shall a bed and breakfast be operated in any residence other than an owner-
66 occupied dwelling.
- 67 5. The owner of the residence shall operate the bed and breakfast at all times and shall not contract
68 out the day-to-day management of the operation. In the event the operation or management of the bed
69 and breakfast is conducted by a tenant or party other than the owner who lives in the residence,
70 the conditional use permit shall automatically become void.
- 71 6. Bed and breakfast guestrooms are intended to be spare or surplus guestrooms in owner-
72 occupied single-family dwellings or an owner-occupied unit of a two-family dwelling that are not needed
73 by the owner of the structure for household activities.
- 74 7. Permits shall lapse and become void if the bed and breakfast ceases operation for twelve
75 consecutive months.
- 76 8. There shall be no more than one exterior sign. The sign shall not exceed four square feet.
- 77 9. There shall be a minimum of one off-street parking space for every three guestrooms in bed and
78 breakfast establishments located in single-family residential zones.
- 79 10. Existing bed and breakfasts which do not conform to these rules shall be considered
80 nonconforming uses and subject to the rules relating to nonconforming uses.
- 81 11. It is the intent of the assembly that the provisions of these requirements be strictly followed.
82 However, exceptions may be granted in cases of extreme need or extreme personal or financial
83 hardship. The limitation on the number of the rooms and the use of single-family occupied structures will
84 not be eligible for hardship relief.
- 85 12. For establishment of a bed and breakfast establishment in an existing structure in an R-1 zone,
86 only existing bedrooms may be used for guest rooms.
- 87 13. Limited cooking facilities shall only be allowed inside guestrooms, or inside other rooms that are
88 used solely by the bed and breakfast, such as small toaster ovens, microwaves, and refrigerators.
- 89 14. Timely payment of sales taxes shall be one of the primary indicators of compliance with this
90 section.
- 91 15. When the assembly- Planning Commission approves a permit with the condition referring to the
92 number of children in the facility, the term "children" shall refer to individuals who are fifteen years old or
93 younger.
- 94 C. Conditional Use Permit Provisions for Short-Term Rentals.
- 95 1. Short-term rental establishments as described in subsection F of this section shall be approved
96 as conditional uses in the R-1, R-1 MH, R-1 LD, R-1 LDMH, R-2, and R-2 MHP zoning districts with the
97 following conditions:
- 98 a. Existing short-term rentals operating in conformance with all other applicable regulations prior
99 to the effective date of the ordinance codified in this section may continue operating as
100 nonconforming uses so long as payments of bed taxes and any other fees are current.

- 101 b. The permit application and process will be the same as that required for bed and breakfasts,
102 including submission and review of both interior and exterior site plans.

- 103 c. Increase in density and other impacts on the immediate surrounding neighborhood which
104 would occur as a result of approval of short-term rentals may be a consideration in the granting of
105 the permit.

- 106 d. Cessation of an approved short-term rental operation for twelve consecutive months shall
107 result in revocation of the permit and require reapplication and approval of a new conditional
108 use permit. Timely payment of sales taxes shall be one of the primary indicators of compliance with
109 this section.

- 110 e. When the ~~assembly~~ **Planning Commission** approves a permit with the condition referring to
111 the number of children in the facility, the term "children" shall refer to individuals who are fifteen
112 years old or younger.

- 113 2. Short-term rentals shall be allowed in the other zoning districts subject to the following general rules:

- 114 a. There shall be two parking spaces per dwelling unit.

- 115 b. The number of persons per sleeping area shall comply with the municipal fire code.

- 116 c. Upon filing for sales tax and bed tax accounts, an owner shall obtain a life safety inspection by
117 the building department and shall comply with the requirements proposed by the department.

- 118 d. Legal nonconforming short-term rentals shall comply with these general rules within two years.

- 119 e. Short-term rentals may only be approved for mobile homes that are located
120 along streets maintained by the city and borough or the state of Alaska.

121 D. Conditional Use Permit Provisions for Mobile Homes on an Interim Basis in the R-1, R-2 and Related
122 Zones.

- 123 1. The city and borough of Sitka, through the conditional use permit process, may issue a permit for a
124 single-family mobile home or travel trailer on a residential lot in an area not otherwise allowing mobile
125 homes on an interim basis for the purposes of facilitating home construction.

- 126 2. The maximum term of the permit is twelve months with a possible six-month extension.

- 127 3. Full utilities must be installed for the mobile home or travel trailer.

- 128 4. Conditions attached to the approval shall include but are not limited to (a) a pledge of the travel
129 trailer, mobile home, or cash of equivalent value as collateral, and (b) in the event a travel
130 trailer or mobile home is pledged as collateral, fund sufficient to cover the cost of removal and disposal
131 of the unit, and (c) the trailer is for the sole occupancy of the lot owner and neither unit shall be occupied
132 by any other party. Other conditions may include requirements of fencing or landscaping.

133 E. In evaluating the inputs of a proposed conditional use permit, the municipality may consider
134 a commercial conditional use to be inappropriate for residential neighbors while the same conditional use may
135 be acceptable when it is located along an arterial or collector street. The additional vehicular traffic generated
136 by conditional uses, such as professional offices, may not be able to be adequately mitigated
137 in residential areas.

- 138 1. Criteria to Be Used in Determining Impacts of Conditional Uses.

- 139 a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses.
- 140 b. Amount of noise to be generated and its impacts on surrounding land uses.
- 141 c. Odors to be generated by the use and their impacts.
- 142 d. Hours of operation.
- 143 e. Location along a major or collector street.
- 144 f. Potential for users or clients to access the site through residential areas or
145 substandard street creating a cut through traffic scenario.
- 146 g. Effects on vehicular and pedestrian safety.
- 147 h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site.
- 148 i. Logic of the internal traffic layout.
- 149 j. Effects of signage on nearby uses.
- 150 k. Presence of existing or proposed buffers on the site or immediately adjacent the site.
- 151 l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and
152 objectives of the comprehensive plan.
- 153 m. Other criteria that surface through public comments or planning commission assembly review.

154 F. Evaluation and Approval or Denial of Conditional Use Applications for Island Properties. It is the intent of
155 this code to recognize the unique qualities of islands within Sitka Sound and the substantial differences that
156 exist between individual islands and island groups.

157 Specific conditional uses may be fully appropriate in certain circumstances and on specific parcels. Uses that
158 are well designed and/or have low impact may enhance surrounding properties and may not create any
159 impacts. Examples may include structures that are built on larger lots away from exterior property lines, uses
160 that are placed in the middle of parcels, uses that do not materially increase activity on easements or moorage,
161 uses where there is a significant vegetative or terrain buffer between properties, and islands that are separated
162 by substantial distances. In these cases, conditional use requests can and should be handled expeditiously.

163 Conditional uses on other properties may be totally inappropriate due to the concerns such as impacts on
164 adjacent properties, lack of vegetative or distance buffers, noise generation, unmitigated increased usage of
165 access easements, available moorage, location on parcels, and design.

- 166 1. Items to be considered in evaluating island conditional use permits include, but are not limited to,
167 the following:
 - 168 a. Location on the lot or island.
 - 169 b. Generation of noise.
 - 170 c. Numbers of guests and employees.
 - 171 d. Visibility from adjacent uses including waterborne traffic.
 - 172 e. Use of common access easements.

- 173 f. Availability of necessary moorage.
- 174 g. Use of natural or manmade screening or buffers.
- 175 h. Availability of municipal power.
- 176 i. Distance from adjacent parcels or islands.
- 177 j. Removal of excessive amounts of vegetation.

178 It is recognized that many applications may be strongly supported after using the criteria above.

179 If adequate mitigation cannot be accomplished or items such as necessary infrastructure are not available,
180 applications may be denied.

181 (Ord. 06-16 § 4, 2006; Ord. 05-16 § 4(O), (P), 2005; Ord. 04-60 § 4(F), (G), (U), 2004; Ord. 02-1683 § 4 (part), 2002.)
182

183 **Article II. Administration**

184 **22.30.020 Roles and responsibilities.**

185 A. The regulation of land development is a cooperative activity involving different elected and appointed
186 boards and city staff. The specific responsibilities of these bodies are set forth below.

187 B. Applicants are expected to read and understand the city development code and be prepared to fulfill the
188 obligations placed on applications for development approvals defined in Title 21 and this title of the Sitka
189 General Code.

190 (Ord. 02-1683 § 4 (part), 2002.)

191 **22.30.030 Administrator.**

192 The term "administrator" shall mean the city and borough administrator, or an individual operating with his/her
193 express knowledge on his/her behalf. Said individual may include, but is not limited to, the planning director or
194 planning assistant. The administrator is responsible for the administration of this title and shall review and act
195 on the following:

196 A. Administrative Interpretation. Upon request or as determined necessary, the administrator shall interpret
197 the meaning or application of the provisions of said titles and issue a written administrative interpretation. All
198 administrative determinations shall be reported to the planning commission within a reasonable period of time
199 following their issuance.

200 B. Nonconforming use permits.

201 C. Administrative approvals as set forth in Section 22.30.150.

202 D. Permit Procedures. The administrator shall determine the proper procedure for all development
203 applications.

204 (Ord. 04-60 § 4(D) (part), 2004; Ord. 02-1683 § 4 (part), 2002.)

205 **22.30.040 Assembly.**

206 In addition to its legislative responsibility, the assembly shall review and act on the following subjects:

207 A. Recommendations of the planning commission.

208 B. Appeal of planning commission recommendations and decisions.

209 (Ord. 02-1683 § 4 (part), 2002.)

210 **22.30.050 Planning commission.**

211 The planning commission shall be constituted in accordance with Chapter 2.18 of this code and the Sitka Home
212 Rule Charter and shall have the responsibility of reviewing and acting on the following:

213 A. Recommendations to the assembly on approvals of subdivisions, planned unit developments, and binding
214 site plans.

215 B. Recommendations to the assembly on amendments to the comprehensive plan.

216 C. Recommendations to the assembly on amendments to the subdivision code, Title 21 of this code.

217 D. Recommendations to the assembly on amendments to the zoning code, this Title 22, or the official map.

218 E. Approve variances with appeals possible to the assembly.

219 F. Recommendations Approve conditional use permit applications with appeals possible to the assembly.

220 G. Other actions requested or remanded by the assembly.

221 (Ord. 04-60 § 4(R), (S), 2004.)

222 **22.30.060 Board of Adjustment**

223 The assembly of the city and borough shall function as the board of adjustment with the authority to:

224 ~~A.—Approve or deny conditional use permits.~~

225 ~~B~~ A. Consider appeals of variances or conditional use permits.

226 ~~C~~ B. Hear appeals of administrative approvals or denials.

227 (Ord. 04-60 § 4(R), 2004.)

228

229 **22.30.160 Planning commission review and recommendation decision.**

230 Planning commission decision and action authority is defined in Section 22.30.050.

231 A. Staff Report. The administrator shall prepare a staff report on the proposed development or action
232 summarizing any comments, analysis, and recommendations of city departments, affected agencies and
233 special districts, evaluating the development's consistency with the comprehensive plan, code, and other
234 adopted plans and regulations. The staff report may include findings, conclusions or proposed
235 recommendations for disposition of the development application.

236 B. Hearing. The planning commission shall conduct a public hearing on development proposals for the
237 purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating
238 the proposal for consistency with the city's comprehensive plan, code, and other adopted plans and
239 regulations. Notice of the planning commission hearing shall be in accordance with Article IV of this chapter.

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

242 1. The city may use design standards and other elements in this code to modify the proposal.
243 A conditional use permit may be approved only if all of the following findings can be made regarding the
244 proposal and are supported by the record that the granting of the proposed conditional use permit will
245 not:

246 a. Be detrimental to the public health, safety, and general welfare;

247 b. Adversely affect the established character of the surrounding vicinity; nor

248 c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site
249 upon which the proposed use is to be located.

250 2. The granting of the proposed conditional use permit is consistent and compatible with the intent of
251 the goals, objectives and policies of the comprehensive plan and any implementing regulation.

252 3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be
253 monitored and enforced.

254 4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to
255 protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from
256 such hazard.

257 5. The conditional use will be supported by, and not adversely affect, adequate public facilities and
258 services; or that conditions can be imposed to lessen any adverse impacts on such facilities and
259 services.

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

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

270 1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and
271 subsurface drainage and water quality, and the possible or probable effects of the proposed conditional
272 use upon these factors;

273 2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire
274 protection, access and electrical power; the assembly and planning commission may enlist the aid of the
275 relevant public utility officials with specialized knowledge in evaluating the probable effects of the
276 proposed use and may consider the costs of enlarging, upgrading or extending public utilities in
277 establishing conditions under which the conditional use may be permitted;

278 3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height
279 of structures;

280 4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including
281 hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics,
282 trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation
283 and open space requirements;

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

286 D. Required Findings for Variances.

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

289 a. That there are special circumstances to the intended use that do not apply generally to the
290 other properties. Special circumstances may include the shape of the parcel, the topography of
291 the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or
292 other circumstances that are outside the control of the property owner;

293 b. The variance is necessary for the preservation and enjoyment of a substantial property right or
294 use possessed by other properties but are denied to this parcel; such uses may include the
295 placement of garages or the expansion of structures that are commonly constructed on other
296 parcels in the vicinity;

297 c. That the granting of such a variance will not be materially detrimental to the public welfare or
298 injurious to the property, nearby parcels or public infrastructure;

299 d. That the granting of such a variance will not adversely affect the comprehensive plan.

300 2. Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

301 a. The municipality finds that the necessary threshold for granting this variance should be lower
302 than thresholds for variances involving major structures or major expansions;

303 b. The granting of the variance is not injurious to nearby properties or improvements;

304 c. The granting of the variance furthers an appropriate use of the property.

305 E. Required Findings for Appeals. Appeals of any decisions regulated by this title shall only be granted when
306 the designated appeal body determines that the subject permit approval or denial was in error. The appeal
307 body shall base its decision on new evidence or proof of procedural error in the prior action. The appellant shall
308 bear the burden of proof of proving that the decision was in error.

309 F. Required Findings for Code Amendments. Article VIII of this chapter contains standards for amendments
310 to administrative permits, special use permits, the development standards, and the official map.

311 (Ord. 04-60 § 4(J), (K), (L), 2004; Ord. 02-1683 § 4 (part), 2002.)

312
313 5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of
314 its passage.

315
316 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka,
317 Alaska this 27th day of October 2015.

318

319

Mim McConnell, Mayor

320 ATTEST:

321

322

323 _____
Sara Peterson, CMC

324 Municipal Clerk

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
ZONE CHANGE APPLICATION

ZONE MAP AMENDMENT FEE	\$100.00
ZONE TEXT AMENDMENT FEE	\$100.00
<i>Plus current city sales tax</i>	

Applicant's Name: CBS Planning + Community Development Department

Phone Number: _____

Mailing Address: _____

Applicant's Signature: Muyn Bossink Date Submitted _____

Provide information or data, as necessary, to fully outline the reasons and justifications for the request. Attach additional sheets as necessary.

- For official map amendments, the application shall contain:
1. A legal description of *each* subject property along with the owner's name, address, and contact person for *each* subject property;
 2. An analysis showing the public benefit of the proposed amendment;
 3. An analysis showing the proposal's consistency with the Comprehensive Plan;
 4. A map of the area to be rezoned.

LIST SPECIFIC REQUEST: Allow conditional use permits to be approved or denied by the Planning Commission with appeal rights to the Board of Adjustment.

EXPLANATION OF REQUEST: Adequate public notice and hearing opportunities are granted by the Planning Commission to provide a well thought out motion of decision as opposed to a motion of recommendation to the Assembly.

Appeal rights will be extended to any aggrieved party through the Assembly continuing to act as the Board of Adjustment.

After the application and supporting materials has been determined to be complete by the Planning Office, the request will be placed on the next available Planning Commission agenda.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: 9/10/15

From: Maegan Bosak, PCDD

To: Planning Commission

Re: ZTC 15-06 To grant the Planning Commission the authority to approve or disapprove conditional use permits with appeal rights to the Assembly

GENERAL INFORMATION

Applicant: City and Borough of Sitka

Property Owner: N/A

Property Address: N/A

Legal Description: N/A

Parcel ID Number: N/A

Size of Existing Lot: N/A

Zoning: Varies

Existing Land Use: Varies

Utilities: N/A

Access: Varies

Surrounding Land Use: Various

MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion of recommendation

ATTACHMENTS

Attachment A: Application

Attachment B: Multiple Code Pages

PROJECT DESCRIPTION

Request is a zoning text change to allow conditional use permits to be approved or denied by the Planning Commission with appeal rights to the Assembly as the Board of Adjustment. This change would allow the Planning Commission to make a motion of determination as opposed to a recommendation to the Assembly. The intent is to streamline the public process allowing simpler requests to be approved/disapproved in one public hearing if applicable.

Adequate public notice and hearing opportunities are provided through the Planning Commission allowing a well thought out motion of decision as opposed to a motion of recommendation to the Assembly. The Planning Commission will still reserve the right to extend a case over multiple meetings if additional information or public input is required.

Appeal rights will continue to be extended to any aggrieved party through the Assembly continuing to act as needed as the Board of Adjustment.

The goal of this text change is to streamline the conditional use permit process and ease the burden of multiple public meetings on the applicant, notified parties and the Assembly.

BACKGROUND AND ANALYSIS

Multiple code references would be changed to accomplish this zoning text change specifically Chapter 22.24 Special Use Permits, 22.30.020 Zoning Code Administration Roles and Responsibilities, 22.30.040 Assembly, 22.30.050 Planning Commission, 22.30.060 Board of Adjustment, and 22.30.160 Planning Commission review and recommendation. Please see the attached code pages with language to be removed crossed out and language to be added in bold and italicized.

Project Site: varies

Project Design: varies

Traffic: varies

Parking: varies

Noise: varies

Public Health or Safety: varies

Habitat: varies

Property Value or Neighborhood Harmony: varies

Conformity with Comprehensive Plan: The proposed ZTC would be consistent with the Comprehensive Plan section 2.2.6, which declares, "Complement existing economic activities and strive to increase economic diversity."

FINDINGS

None.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and grant the requested zoning text change.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Sitka Planning Commission Agenda

Tuesday, September 15, 2015

Held at Sealing Cove Business Center

601 Alice Loop, Sitka, Alaska

7:00pm

- I. CALL TO ORDER AND ROLL CALL
- II. CONSIDERATION OF THE AGENDA
- III. CONSIDERATION OF THE MINUTES FROM September 1, 2015
- IV. THE EVENING BUSINESS
 - A. Public hearing and consideration of a final plat for a 5 lot hybrid subdivision at Lot 11, Alice and Charcoal Island Subdivision filed by Shee Atika, Inc. The subdivision will create five lots. The property is also known as Lot 11, Alice and Charcoal Island Subdivision. The request is filed by Shee Atika, Inc. The owner of record is Shee Atika, Inc.
 - B. Public hearing and consideration of a replat of Tract M and immediately adjacent westerly common area of Galankin Island filed by Robert Juranich. Replat will remove the center lot line and merge two lots into one. The property is also known as Tract M of US Survey 3555 and adjacent common area of Galankin Island Subdivision. The owners of record are Robert and Marilyn Juranich and Galankin Islanders, Inc.
 - C. **Public hearing and consideration of a proposed zoning text amendment to amend the SGC Sections 22.30.050 (F), 22.30.060, 22.30.160(C), 22.30.370(3)(a), 22.24.010-2, and all supporting code sections to allow for the approval of Conditional Use Permits by the Planning Commission with rights of appeal to the Board of Adjustment. The request is filed by the City and Borough of Sitka.**
 - D. Public hearing and consideration of a variance request filed by Baranof Island Housing Authority for 298 Kaagwaantaan Street. The variance request is for a reduction in the front setback from 20 to 5 feet and the rear setback from 10 to 5 feet for the construction of a single-family home. The property is also known as Lot 4, Allen/Carlson Subdivision. The request is filed by the Baranof Island Housing Authority. The owner of record is the Baranof Island Housing Authority.
 - E. Public hearing and consideration of a conditional use permit for a short-term rental at 722 Biorka Street. The property is also known as a fractional portion of Lot 13 in Block 14, Sitka Townsite, U.S. Survey 1474. The request is filed by Peter Thielke. The owner of record is Peter Thielke.
 - F. Public hearing and consideration of a conditional use permit for a bed and breakfast at 703 Biorka Street. The property is also known as Lot 11, Block 23, Sitka Townsite, and U.S. Survey 1474. The request is filed by Deanna Moore. The owner of record is Deanna Moore.

- V. PLANNING DIRECTOR'S REPORT
- VI. PUBLIC BUSINESS FROM THE FLOOR
- VII. ADJOURNMENT

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

Publish: September 8 and 9.

Chapter 22.24 SPECIAL USE PERMITS

Sections:

- 22.24.005 General.
- 22.24.010 Conditional uses.
- 22.24.020 Variances.
- 22.24.025 Commercial home horticulture permits.
- 22.24.030 Planned unit developments.
- 22.24.040 Binding site plan approval.
- 22.24.050 Nonconforming use permit.

22.24.005 General.

Special permits are necessary for conditional uses, variances, planned unit developments, binding site plans and nonconforming uses. This chapter includes provisions for application, review and approval of these permits. Chapter 22.30, Article III, of this code provides procedural requirements associated with permit processing. (Ord. 02-1683 § 4 (part), 2002.)

22.24.010 Conditional uses.

A conditional use is a use that may not be appropriate in a particular zoning district according to the character, intensity, or size of the lot or the surrounding uses. This section establishes decision criteria and procedures for special uses, called conditional uses, which possess unique characteristics. The conditional use permit procedure is intended to afford the municipality the flexibility necessary to make determinations appropriate to individual sites. The commission may attach conditions necessary to mitigate external adverse impacts. If the municipality determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

A. Submittal Requirements for Conditional Use Applications. Table 22.24.010-1 provides application requirements for all conditional use permits.

Table 22.24.010-1

Conditional Use Permit Application Requirements

Conditional Uses	Bed and Breakfast Conditional Uses	Short-Term Rental Conditional Uses	Island Conditional Uses
<p>The applicant may be required to consult with agencies that are responsible for certain portions of the project review. These agencies may include but not be limited to public works and engineering for sewer/water utilities; state DOT/PF; State Department of Environmental Conservation; Army Corps of Engineers; Sitka fire department; local telephone utility; cable television utility; electric department.</p> <p>Written Documentation</p>	<p>Written Documentation</p> <ul style="list-style-type: none"> • Legal description of all property involved in the project; • Statement of the objectives expected to be achieved by the project. <p>Site Plan and Supporting Drawings</p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing building locations, vehicular and pedestrian circulation, parking layout, and any other information necessary to adequately describe the project; conceptual drawings of proposed buildings or renovations, signs, and other features that may be required by the administrator. 	<p>Written Documentation</p> <ul style="list-style-type: none"> • Legal description of all property involved in the project; • Statement of the objectives expected to be achieved by the project. <p>Site Plan and Supporting Drawings</p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing building locations, vehicular and pedestrian circulation, parking layout, and any other information necessary to adequately describe the project; conceptual drawings of proposed buildings or renovations, signs, and other features that may be required by the administrator. 	<p>Written Documentation</p> <ul style="list-style-type: none"> • Legal description of all properties involved in the project; • Statement of the objectives expected to be achieved by the project; • Detailed description of all aspects of the project, including land use, building types and sizes, population density, building coverage, waterfront use, clearing, changes to existing visual appearance, and other information which the applicant feels would assist in decision making; • All comments received from each of the agencies and utilities reviewing

<ul style="list-style-type: none"> • Legal description of all properties involved in the project; • Statement of the objectives expected to be achieved by the project; • Detailed description of all aspects of the project, including land use, building types and sizes, population density, parking and traffic circulation, building coverage and other information which the applicant feels would assist in decision making; • All comments received from each of the agencies and utilities reviewing the project and a statement by the applicant on how the applicant will resolve or meet any problems or anticipated adverse conditions noted by the utility or agency, the statement to list any unresolved problems or adverse conditions. <p>Site Plan and Supporting Drawings</p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing land use layout, building locations, vehicular and pedestrian circulation, open space and recreation areas, parking layout, schematic water and sewer layout, and any other information necessary to adequately describe the project; • Preliminary subdivision plat layout if required; • Site grading and drainage plan including present and proposed topography; • Conceptual drawings of proposed buildings, signs, and other features that may be required by the administrator. 			<p>the project and a statement by the applicant on how the applicant will resolve or meet any problems or anticipated adverse conditions noted by the utility or agency, the statement to list any unresolved problems or adverse conditions.</p> <p>Site Plan and Supporting Drawings</p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing land use layout, building locations, open space and recreation areas, waterfront development, clearing, schematic water and sewer layout, and any other information necessary to adequately describe the project; • Preliminary subdivision plat layout if required; • Site grading and drainage plan including present and proposed topography; conceptual drawings of proposed buildings, and other features that may be required by the administrator.
--	--	--	---

1. Conditional use permit application initiation periods and termination periods are outlined in Table 22.24.010-2.

Table 22.24.010-2

Initiation and Termination Periods

	Short-Term RentalConditional UsePermits	Bed and BreakfastConditional Use Permits	Interim Mobile HomesConditional Use	All OtherConditional UsePermits
Period in which the permit must be activated following assembly approval or permit becomes void	One year	One year	One year	Two years
If permit is not used during period, permit becomes void after activation	One year	One year	One year	Two years
Mandatory review period ¹	Set by assembly Planning Commission at time of approval	Set by assembly Planning Commission at time of approval	Set by assembly Planning Commission at time of approval	Set by assembly Planning Commission at time of approval
Number of years after approval that permit sunsets	Set by assembly Planning Commission at time of approval	Set by assembly Planning Commission at time of approval	Set by assembly Planning Commission at time of approval	Set by assembly Planning Commission at time of approval
<p>Note (1): It shall be the responsibility of the applicant to submit materials one month prior to the end of any review period. Failure to submit materials within the time specified shall automatically void the approval.</p> <p>Note (2): It is recognized in land use case law that conditional use permits are grants to a property and run with the parcel and not the owner.</p> <p>Note (3): Substantial construction progress must be made on a project approved through the variance process within one year of the date of the variance approval or the approval becomes void. In the event it can be documented that other substantial progress has been made, a one-year extension may be granted by the planning commission if a request is filed within eleven months of the initial approval.</p>				

B. Conditional Use Permit Provisions for Bed and Breakfasts.

1. The information and assurances filed by the applicant for a bed and breakfast conditional use at the time of application shall be binding on all current and future owners of the facility.
2. There shall be no expansion in the number of guest rooms beyond the number approved.
3. The number of bed and breakfast sleeping rooms per residence shall be limited to three rooms in an R-1 or related zone and five rooms in an R-2 or related zone.

4. In no case shall a bed and breakfast be operated in any residence other than an owner-occupied dwelling.
5. The owner of the residence shall operate the bed and breakfast at all times and shall not contract out the day-to-day management of the operation. In the event the operation or management of the bed and breakfast is conducted by a tenant or party other than the owner who lives in the residence, the conditional use permit shall automatically become void.
6. Bed and breakfast guestrooms are intended to be spare or surplus guestrooms in owner-occupied single-family dwellings that are not needed by the owner of the structure for household activities.
7. Bed and breakfast conditional use requests shall not be considered, reviewed, or approved for single-family structures that have contained an apartment, or additional dwelling unit at any time during a three-year period prior to the submittal of the application for a bed and breakfast conditional use permit. The burden of proof that this requirement has been complied with lies with the applicant.
8. A bed and breakfast establishment shall not be approved if an apartment or other rental is also being operated in the structure or on the same lot. Any apartment rental in the structure or on a lot where a bed and breakfast is operating will automatically void the conditional use permit for bed and breakfast.
9. Permits shall lapse and become void if the bed and breakfast ceases operation for twelve consecutive months.
10. There shall be no more than one exterior sign. The sign shall not exceed four square feet.
11. There shall be a minimum of one off-street parking space for every three guestrooms in bed and breakfast establishments located in single-family residential zones.
12. Existing bed and breakfasts which do not conform to these rules shall be considered nonconforming uses and subject to the rules relating to nonconforming uses.
13. It is the intent of the assembly that the provisions of these requirements be strictly followed. However, exceptions may be granted in cases of extreme need or extreme personal or financial hardship. The limitation on the number of the rooms and the use of single-family occupied structures will not be eligible for hardship relief.
14. For establishment of a bed and breakfast establishment in an existing structure in an R-1 zone, only existing bedrooms may be used for guest rooms.
15. Limited cooking facilities shall only be allowed inside guestrooms, or inside other rooms that are used solely by the bed and breakfast, such as small toaster ovens, microwaves, and refrigerators.
16. Timely payment of sales taxes shall be one of the primary indicators of compliance with this section.
17. When the ~~assembly~~ **Planning Commission** approves a permit with the condition referring to the number of children in the facility, the term "children" shall refer to individuals who are fifteen years old or younger.

C. Conditional Use Permit Provisions for Short-Term Rentals.

1. Short-term rental establishments as described in subsection F of this section shall be approved as conditional uses in the R-1, R-1 MH, R-1 LD, R-1 LDMH, R-2, and R-2 MHP zoning districts with the following conditions:

- a. Existing short-term rentals operating in conformance with all other applicable regulations prior to the effective date of the ordinance codified in this section may continue operating as nonconforming uses so long as payments of bed taxes and any other fees are current.
 - b. The permit application and process will be the same as that required for bed and breakfasts, including submission and review of both interior and exterior site plans.
 - c. Increase in density and other impacts on the immediate surrounding neighborhood which would occur as a result of approval of short-term rentals may be a consideration in the granting of the permit.
 - d. Cessation of an approved short-term rental operation for twelve consecutive months shall result in revocation of the permit and require reapplication and approval of a new conditional use permit. Timely payment of sales taxes shall be one of the primary indicators of compliance with this section.
 - e. When the ~~assembly~~ **Planning Commission** approves a permit with the condition referring to the number of children in the facility, the term "children" shall refer to individuals who are fifteen years old or younger.
2. Short-term rentals shall be allowed in the other zoning districts subject to the following general rules:
- a. There shall be two parking spaces per dwelling unit.
 - b. The number of persons per sleeping area shall comply with the municipal fire code.
 - c. Upon filing for sales tax and bed tax accounts, an owner shall obtain a life safety inspection by the building department and shall comply with the requirements proposed by the department.
 - d. Legal nonconforming short-term rentals shall comply with these general rules within two years.
 - e. Short-term rentals may only be approved for mobile homes that are located along streets maintained by the city and borough or the state of Alaska.

D. Conditional Use Permit Provisions for Mobile Homes on an Interim Basis in the R-1, R-2 and Related Zones.

1. The city and borough of Sitka, through the conditional use permit process, may issue a permit for a single-family mobile home or travel trailer on a residential lot in an area not otherwise allowing mobile homes on an interim basis for the purposes of facilitating home construction.
2. The maximum term of the permit is twelve months with a possible six-month extension.
3. Full utilities must be installed for the mobile home or travel trailer.
4. Conditions attached to the approval shall include but are not limited to (a) a pledge of the travel trailer, mobile home, or cash of equivalent value as collateral, and (b) in the event a travel trailer or mobile home is pledged as collateral, fund sufficient to cover the cost of removal and disposal of the unit, and (c) the trailer is for the sole occupancy of the lot owner and neither unit shall be occupied by any other party. Other conditions may include requirements of fencing or landscaping.

E. In evaluating the inputs of a proposed conditional use permit, the municipality may consider a commercial conditional use to be inappropriate for residential neighbors while the same conditional use may be acceptable when it is located along an arterial or collector street. The additional vehicular traffic generated by conditional uses, such as professional offices, may not be able to be adequately mitigated in residential areas.

1. Criteria to Be Used in Determining Impacts of Conditional Uses.

- a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses.
- b. Amount of noise to be generated and its impacts on surrounding land uses.
- c. Odors to be generated by the use and their impacts.
- d. Hours of operation.
- e. Location along a major or collector street.
- f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario.
- g. Effects on vehicular and pedestrian safety.
- h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site.
- i. Logic of the internal traffic layout.
- j. Effects of signage on nearby uses.
- k. Presence of existing or proposed buffers on the site or immediately adjacent the site.
- l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan.
- m. Other criteria that surface through public comments or planning commission assembly review.

F. Evaluation and Approval or Denial of Conditional Use Applications for Island Properties. It is the intent of this code to recognize the unique qualities of islands within Sitka Sound and the substantial differences that exist between individual islands and island groups.

Specific conditional uses may be fully appropriate in certain circumstances and on specific parcels. Uses that are well designed and/or have low impact may enhance surrounding properties and may not create any impacts. Examples may include structures that are built on larger lots away from exterior property lines, uses that are placed in the middle of parcels, uses that do not materially increase activity on easements or moorage, uses where there is a significant vegetative or terrain buffer between properties, and islands that are separated by substantial distances. In these cases, conditional use requests can and should be handled expeditiously.

Conditional uses on other properties may be totally inappropriate due to the concerns such as impacts on adjacent properties, lack of vegetative or distance buffers, noise generation, unmitigated increased usage of access easements, available moorage, location on parcels, and design.

1. Items to be considered in evaluating island conditional use permits include, but are not limited to, the following:

- a. Location on the lot or island.
- b. Generation of noise.
- c. Numbers of guests and employees.
- d. Visibility from adjacent uses including waterborne traffic.
- e. Use of common access easements.

- f. Availability of necessary moorage.
- g. Use of natural or manmade screening or buffers.
- h. Availability of municipal power.
- i. Distance from adjacent parcels or islands.
- j. Removal of excessive amounts of vegetation.

It is recognized that many applications may be strongly supported after using the criteria above.

If adequate mitigation cannot be accomplished or items such as necessary infrastructure are not available, applications may be denied.

(Ord. 06-16 § 4, 2006; Ord. 05-16 § 4(O), (P), 2005; Ord. 04-60 § 4(F), (G), (U), 2004; Ord. 02-1683 § 4 (part), 2002.)

Article II. Administration

22.30.020 Roles and responsibilities.

A. The regulation of land development is a cooperative activity involving different elected and appointed boards and city staff. The specific responsibilities of these bodies are set forth below.

B. Applicants are expected to read and understand the city development code and be prepared to fulfill the obligations placed on applications for development approvals defined in Title 21 and this title of the Sitka General Code.

(Ord. 02-1683 § 4 (part), 2002.)

22.30.030 Administrator.

The term "administrator" shall mean the city and borough administrator, or an individual operating with his/her express knowledge on his/her behalf. Said individual may include, but is not limited to, the planning director or planning assistant. The administrator is responsible for the administration of this title and shall review and act on the following:

A. Administrative Interpretation. Upon request or as determined necessary, the administrator shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation. All administrative determinations shall be reported to the planning commission within a reasonable period of time following their issuance.

B. Nonconforming use permits.

C. Administrative approvals as set forth in Section 22.30.150.

D. Permit Procedures. The administrator shall determine the proper procedure for all development applications.

(Ord. 04-60 § 4(D) (part), 2004; Ord. 02-1683 § 4 (part), 2002.)

22.30.040 Assembly.

In addition to its legislative responsibility, the assembly shall review and act on the following subjects:

- A. Recommendations of the planning commission.
- B. Appeal of planning commission recommendations and decisions.

(Ord. 02-1683 § 4 (part), 2002.)

22.30.050 Planning commission.

The planning commission shall be constituted in accordance with Chapter 2.18 of this code and the Sitka Home Rule Charter and shall have the responsibility of reviewing and acting on the following:

- A. Recommendations to the assembly on approvals of subdivisions, planned unit developments, and binding site plans.
- B. Recommendations to the assembly on amendments to the comprehensive plan.
- C. Recommendations to the assembly on amendments to the subdivision code, Title 21 of this code.
- D. Recommendations to the assembly on amendments to the zoning code, this Title 22, or the official map.
- E. Approve variances with appeals possible to the assembly.
- F. ~~Recommendations~~ **Review and decide** on conditional use permit applications.
- G. Other actions requested or remanded by the assembly.

(Ord. 04-60 § 4(R), (S), 2004.)

22.30.060 Board of adjustment.

The assembly of the city and borough shall function as the board of adjustment with the authority to:

- ~~A. Approve or deny conditional use permits.~~
- B A.** Consider appeals of variances **or conditional use permits.**
- ~~C B.~~ Hear appeals of administrative approvals or denials.

(Ord. 04-60 § 4(R), 2004.)

22.30.160 Planning commission review and recommendation decision.

Planning commission decision and action authority is defined in Section 22.30.050.

- A. **Staff Report.** The administrator shall prepare a staff report on the proposed development or action summarizing any comments, analysis, and recommendations of city departments, affected agencies and special districts, evaluating the development's consistency with the comprehensive plan, code, and other adopted plans and regulations. The staff report may include findings, conclusions or proposed recommendations for disposition of the development application.
- B. **Hearing.** The planning commission shall conduct a public hearing on development proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the city's comprehensive plan, code, and other adopted plans and regulations. Notice of the planning commission hearing shall be in accordance with Article IV of this chapter.

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

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

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

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

trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

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

D. Required Findings for Variances.

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

a. That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner;

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

c. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure;

d. That the granting of such a variance will not adversely affect the comprehensive plan.

2. Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions;

b. The granting of the variance is not injurious to nearby properties or improvements;

c. The granting of the variance furthers an appropriate use of the property.

E. Required Findings for Appeals. Appeals of any decisions regulated by this title shall only be granted when the designated appeal body determines that the subject permit approval or denial was in error. The appeal body shall base its decision on new evidence or proof of procedural error in the prior action. The appellant shall bear the burden of proof of proving that the decision was in error.

F. Required Findings for Code Amendments. Article VIII of this chapter contains standards for amendments to administrative permits, special use permits, the development standards, and the official map.

(Ord. 04-60 § 4(J), (K), (L), 2004; Ord. 02-1683 § 4 (part), 2002.)

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
September 15, 2015**

Present: Richard Parmelee (Chair), Chris Spivey (Vice Chair), Randy Hughey (Member), Debra Pohlman (Member), Darrell Windsor (Member), Michael Scarcelli (Senior Planner), Samantha Pierson (Planner I)

Absent: None

Members of the Public: Ken Cameron, Ptarmica McConnell, Peter Thielke, Susan Litman, Cliff Richter, Kyle Young, Deanna Moore

Vice Chair Spivey called the meeting to order at 7:01 p.m.

Roll Call:

PRESENT: 5 – Parmelee, Spivey, Windsor, Pohlman, Hughey

Consideration of the Minutes from the September 1, 2015 meeting:

MOTION: M/S HUGHEY/PARMELEE moved to approve the meeting minutes for September 1, 2015.

ACTION: Motion **PASSED unanimously 5-0** on a voice vote.

The evening business:

**FIVE LOT HYBRID SUBDIVISION
LOT 11, ALICE AND CHARCOAL ISLAND SUBDIVISION
SHEE ATIKA, INC.**

Public hearing and consideration of a final plat for a 5 lot hybrid subdivision at Lot 11, Alice and Charcoal Island Subdivision filed by Shee Atika, Inc. The subdivision will create five lots. The property is also known as Lot 11, Alice and Charcoal Island Subdivision. The request is filed by Shee Atika, Inc. The owner of record is Shee Atika, Inc.

STAFF REPORT: Senior Planner Michael Scarcelli described the lot and the proposed division into five lots. Scarcelli passed around to the public and the Planning Commission a handout of the 5 lot hybrid subdivision. Staff reviewed how the proposal met the required criteria, specifically how lot 11E was noted as limited to access from Alice Loop and the other 4 lots had access via an access easement. Important items presented were the criteria required to meet the zoning, subdivision, and comprehensive plan.

APPLICANT: Ken Cameron stated that Scarcelli's description of the five proposed lots was accurate.

COMMISSIONER DELIBERATION:

PUBLIC COMMENT: No public comment.

MOTION: M/S PARMELEE/WINDSOR moved to adopt the required findings as presented by staff in his written and oral report that the proposal meets the required SGC criteria, comports with the comprehensive plan and Title 21 and 22, and the finding that it does not adversely impact the public, health, safety and welfare, and to approve final plat for a 5 lot hybrid subdivision at Lot 11, Alice and Charcoal Island Subdivision filed by Shee Atika, Inc. The subdivision will create five lots. The property is also known as Lot 11, Alice and Charcoal Island Subdivision. The request is filed by Shee Atika, Inc. The owner of record is Shee Atika, Inc.

ACTION: Motion **PASSED unanimously 5-0** on a voice vote.

REPLAT

TRACT M, U.S. SURVEY 3555, GALANKIN ISLAND SUBDIVISION ROBERT JURANICH

Public hearing and consideration of a replat of Tract M and immediately adjacent westerly common area of Galankin Island filed by Robert Juranich. Replat will remove the center lot line and merge two lots into one. The property is also known as Tract M of US Survey 3555 and adjacent common area of Galankin Island Subdivision. The owners of record are Robert and Marilyn Juranich and Galankin Islanders, Inc.

STAFF REPORT: Senior Planner Michael Scarcelli described the lot and the proposed replat addressing the intent of the GI and LI zoning districts, the minimum lot requirements of 1 acre, and nature of the past disconnected nature of Tract M, and the current connection to Galankin Island. It was staff's analysis to require a plat variance and Zoning map amendment as conditions of approval.

APPLICANT: Sue Litman and Patrick O'Neill represented Robert Juranich. She stated that she was unaware that an additional variance proceeding would be required, but stated that she was certain that Mr. Juranich would want to continue moving forward with the replat.

COMMISSIONER DELIBERATION: Commissioners discussed that this vote could move forward, and Mr. Juranich can decide whether or not to continue the process by pursuing a variance and ZMA.

PUBLIC COMMENT: No public comment.

MOTION: M/S POHLMAN/HUGHEY moved to adopt Staff's oral findings that it conformed with the SGC, Comprehensive Plan, did not adversely impact the public, health, safety and welfare and recommend approval of the replat of Tract M and immediately adjacent westerly common area of Galankin Island. Replat will remove the center lot line and merge two lots into one. The property is also known as Tract M of US Survey 3555 and adjacent common area of Galankin Island Subdivision. The owners of record are Robert and Marilyn Juranich and Galankin Islanders, Inc. conditioned upon approval of a plat variance and zoning map amendment.

ACTION: Motion PASSED unanimously 5-0 on a voice vote.

ZONING TEXT CHANGE

ALLOWING FOR THE APPROVAL OF CONDITIONAL USE PERMITS BY THE PLANNING COMMISSION WITH RIGHTS OF APPEAL TO THE BOARD OF ADJUSTMENT CITY AND BOROUGH OF SITKA

Public hearing and consideration of a proposed zoning text amendment to amend the SGC Sections 22.30.050 (F), 22.30.060, 22.30.160 (C), 22.30.370(3)(a), 22.24.010—2, and all supporting code sections to allow for the approval of Conditional Use Permits by the Planning Commission with rights of appeal to the Board of Adjustment. The request is filed by the City and Borough of Sitka.

STAFF REPORT: Scarcelli explained the proposed amendment. This amendment would allow the Planning Commission to approve instead of recommending approval to the City Assembly on Conditional Use Permits, with rights of aggrieved parties to appeal to the City Assembly acting as Board of Adjustment. This would result in making the process streamlined for applicants. Additionally, this amendment would reduce the amount of cases sent to the Assembly by the Planning Commission to allow them more time to focus on larger issues.

COMMISSIONER DELIBERATION: Commissioners discussed the potential benefits of the proposal. Passage of this amendment would lighten the workload and decrease meeting time for Assembly members.

PUBLIC COMMENT: No public comment.

MOTION: M/S WINDSOR/PARMELEE moved to adopt findings that this amendment comported with the SGC and Comprehensive Plan, did not adversely impact the public, health, safety, and welfare, and to recommend approval to the City Assembly of a proposed zoning text amendment to amend the SGC Sections 22.30.050 (F), 22.30.060, 22.30.160 (C), 22.30.370(3)(a), 22.24.010—2, and all supporting code sections to allow for the approval of Conditional Use Permits by the Planning Commission with rights of appeal to the Board of Adjustment. The request is filed by the City and Borough of Sitka.

ACTION: Motion PASSED unanimously 5-0 on a voice vote.

VARIANCE REQUEST

**298 KAAGWAANTAN STREET
BARANOF ISLAND HOUSING AUTHORITY**

Public hearing and consideration of a variance request filed by Baranof Island Housing Authority for 298 Kaagwaantaan Street. The variance request is for a reduction in the front setback from 20 to 5 feet and the rear setback from 10 to 5 feet for the construction of a single-family home. The property is also known as Lot 4, Allen/Carlson Subdivision. The request is filed by the Baranof Island Housing Authority. The owner of record is the Baranof Island Housing Authority.

STAFF REPORT: Scarcelli described the topography of the lot, small size, parking, and the variance request. The lot is small and oddly shaped, making development difficult. Staff presented the required findings for a variance.

APPLICANT: Cliff Richter and Kyle Young represented Baranof Island Housing Authority. Richter and Young stated agreement with Scarcelli's report. Richter and Young described in further detail the constraints of the property and the site plan.

COMMISSIONER DELIBERATION: Commissioners discussed that the small lot size and odd shape makes it difficult to develop the lot.

PUBLIC COMMENT: No public comment.

MOTION: M/S WINDSOR/HUGHEY: moved to adopt the following findings and approve a variance request filed by Baranof Island Housing Authority for 298 Kaagwaantaan Street. The variance request is for a rear setback reduction from 10 to 5 feet for the construction of a single-family home. The property is also known as Lot 4, Allen/Carlson Subdivision. The request is filed by the Baranof Island Housing Authority. The owner of record is the Baranof Island Housing Authority.

Findings:

- a. That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner, *specifically the substandard lot size and odd flag shape*;
- b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity;
- c. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure, *specifically a single family home will add to the surrounding property values and neighborhood harmony*;
- d. That the granting of such a variance will not adversely affect the comprehensive plan.

ACTION: Motion **PASSED** unanimously 5-0 on a voice vote.

**CONDITIONAL USE PERMIT
722 BIORKA STREET
PETER THIELKE**

Public hearing and consideration of a conditional use permit for a short-term rental at 722 Biorka Street. The property is also known as a fractional portion of Lot 13 in Block 14, Sitka Townsite, U.S. Survey 1474. The request is filed by Peter Thielke. The owner of record is Peter Thielke.

STAFF REPORT: Scarcelli described the short-term rental request, detailed business plan, and how the proposal helps create a better maintain property, meets the parking, comports with zoning code and comprehensive plan, creates positive economic benefits,

and no adverse impacts. He stated that the lot's landscaping provides a lot of privacy. Staff's conclusion was that it complied with the Sitka General Code, the Comprehensive Plan, and it did not impact the public, health, safety, and welfare, and benefitted the community.

APPLICANT: Peter Thielke affirmed Scarcelli's analysis. Thielke stated that he does not live in Sitka year-round. He stated that the short-term rental would make it feasible for him and his siblings to visit Sitka during the summer for short periods of time and stay in the house. Purely long-term rentals would not allow him the same flexibility. Thielke stated that he is committed to the community's need for long-term rentals, and reports that he has rented the house for longer blocks of time for the upcoming fall and winter months.

PUBLIC COMMENT: No public comment.

COMMISSIONER DELIBERATION: Commissioners discussed that this was a feasible option for maintaining the home, and this is his family's established property.

MOTION: M/S POHLMAN/WINDSOR moved to adopt staff's findings and conclusions, the following findings and conditions, and to recommend approval to the City Assembly of the conditional use permit for a short-term rental at 722 Biorka Street. The property is also known as a fractional portion of Lot 13 in Block 14, Sitka Townsite, U.S. Survey 1474. The request is filed by Peter Thielke. The owner of record is Peter Thielke:

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

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

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

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

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

CONDITIONS:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the request.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has

begun operation. The report is due within thirty days following the end of the reporting period.

5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

ACTION: Motion **PASSED 5-0** on a voice vote.

**CONDITIONAL USE PERMIT
703 BIORKA STREET
DEANNA MOORE**

Public hearing and consideration of a conditional use permit for a bed and breakfast at 703 Biorka Street. The property is also known as Lot 11, Block 23, Sitka Townsite, and U.S. Survey 1474. The request is filed by Deanna Moore. The owner of record is Deanna Moore.

STAFF REPORT: Scarcelli described the lot and the conditional use permit request, related past history of a CUP for a STR, and how this proposal would have positive impacts and have less negatives than other typical residential uses due to owner occupation with this proposed use and the large parking, setbacks, and characteristics of the home and property. The property has plenty of parking to accommodate guests. Ultimately staff's conclusion was that it complied with the Sitka General Code, the Comprehensive Plan, and it did not impact the public, health, safety, and welfare, and benefitted the community.

APPLICANT: Deanna Moore stated that Scarcelli's analysis was accurate.

PUBLIC COMMENT: No public comment.

COMMISSIONER DELIBERATION:

MOTION: **M/S PARMELEE/WINDSOR** moved to adopt staff's findings and conclusions, the following findings and conditions, and to recommend approval to the City Assembly of the *conditional use permit for a bed and breakfast at 703 Biorka Street. The property is also known as Lot 11, Block 23, Sitka Townsite, and U.S. Survey 1474. The request is filed by Deanna Moore. The owner of record is Deanna Moore:*

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

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

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

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

street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

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

CONDITIONS:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the request.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

ACTION: Motion **PASSED 5-0** on a voice vote.

DIRECTORS REPORT: Scarcelli shared that he is working with Maegan Bosak to address streamlining the findings and conclusions to help preserve time of the Planning Commission to allow adequate time for consideration of important issues. He stated that he and Bosak have plans to initiate the Comprehensive Plan soon, which will focus on grassroots input. Scarcelli is attending training in October for Historic Preservation and Planning. Scarcelli introduced Samantha Pierson, the new Planner I. Scarcelli thanked Parmelee for his 8 years of service to the Planning Commission, and we will begin the selection process for a new member.

PUBLIC COMMENT: No public comment.

COMMISSIONER DELIBERATION: Chair Parmelee announced that he would be stepping down as chair. Commissioners discussed his potential replacement.

MOTION: M/S WINDSOR/POHLMAN moved to approve Chris Spivey as Chair.

ACTION: Motion PASSED unanimously 5-0 on a voice vote.

MOTION: M/S PARMELEE/SPIVEY moved to approve Darrell Windsor as Vice Chair.

ACTION: Motion PASSED unanimously 5-0 on a voice vote.

MOTION: M/S PARMELEE/POHLMAN moved to adjourn at 8:10 pm.

ACTION: Motion PASSED unanimously 5-0 on a voice vote.

Chris Spivey, Vice Chair

Samantha Pierson, Secretary