



# CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS  
330 Harbor Drive  
Sitka, AK  
(907)747-1811

## Minutes - Final-revised

### City Assembly

**MAYOR Scott McAdams**  
*Jack Ozment, Deputy Mayor - Reber Stein, Vice Deputy Mayor*  
**Cheryl Westover - Mim McConnell**  
**Phyllis Hackett - Larry Crews**

**MUNICIPAL ADMINISTRATOR: Jim Dinley**  
**MUNICIPAL ATTORNEY: Theresa Hillhouse**  
**MUNICIPAL CLERK: Colleen Ingman, MMC**

Tuesday, March 30, 2010

6:00 PM

Assembly Chambers

#### SPECIAL MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 6 - McAdams, Ozment, Stein, Westover, Crews, and McConnell

Telephonic: 1 - Hackett

IV. PERSONS TO BE HEARD

*Thad Poulson commented he had reviewed the contract drawings for the Crescent Harbor walkway. He found some of the walkway features bothersome and urged the Assembly to hold a public meeting/public hearing to allow for public comment.*

V. NEW BUSINESS:

**Motion by Stein to convene as the Board of Adjustment.**

**PASSED by a unanimous voice vote.**

10-053

Board of Adjustment: Approval of a conditional use permit request filed by Duane and Tracie Lambeth for operation of a lodging establishment on Dove Island.

*Municipal Attorney Theresa Hillhouse provided the Assembly with legal background regarding the matters at hand. A handout was provided to the Assembly outlining the Board of Adjustment, review criteria, Board of Adjustment procedure, and actions needed after the Assembly's decision.*

*Motion by Stein to accept the recommended motions and findings of fact made by the Planning Commission regarding the conditional use permit application filed by Duane and Tracie Lambeth for Dove Island Lodge for the number of guests and on-site employees at Dove Island Lodge and move to accept the recommended motions and*

findings of fact made by the Planning Commission regarding the conditional use permit application filed by Duane and Tracie Lambeth for Dove Island Lodge for operation of a commercial dock on Dove Island.

Mayor McAdams read into the record the following conditions approved by the Planning Commission on February 16, 2010 that recommended approval of a lodge and dock on Dove Island. The Mayor also read into the record the three additional motions made by the Planning Commission.

The Planning Commission has approved a previous motion on February 16, 2010 that recommended approval of a lodge of up to 16 guests on Dove Island with conditions. The Planning Commission in this motion herewith details the conditions in support that are directly tied and associated with the recommended conditional use permit.

- Dove Island shall obtain and provide to the Municipality copies of the issuance of DEC water and wastewater permit, Corps of Engineers dock permit, and written statement from the Alaska DNR that permitting is proceeding prior to May 1, 2010. The permit that shall be received prior to May 1, 2010, shall be an approval from DEC for water and wastewater operations on the site.
- Dove Island shall open the appropriate municipal water and utility account for water obtained from municipal harbors or any other municipal source prior to May 1, 2010.
- Dove Island Lodge shall be current on all water and other utility permits for the life of the conditional use permit. The requirement for a water and utility account shall meet the criterion established by the Finance department.
- Transport of non overnight guests by aircraft to and from Dove Island is prohibited.
- Structures on Dove Island shall not be used as a resort, conference center, or for business or corporate meetings without obtaining a conditional use permit.
- Dove Island Lodge shall provide written certification that all sales, property, and all other Municipal taxes are current on January 1 of each calendar year.
- Dove Island Lodge shall provide a summary of lodge operations to the Planning Office no later than December 1 of each calendar year.
- Planning Commission shall review the summary of lodge operation, provided by Dove Island, no later than the first Planning Commission meeting in January of every calendar year. A public hearing shall be held as part of the review.
- Failure to comply with any of the conditions shall result in automatic cancellation of conditional use permits approvals.
- The Planning Commission further requires that the annual review at the discretion of the Assembly be completed by the Planning Commission and the Assembly in subsequent years with a minimal review by the Planning Commission and the Assembly determining at its own discretion whether to further undertake that annual review.
- That an annual review be conducted consistent with the conditions above on an annual basis for at least at the Planning Commission level each year for the first 5 years of the conditional use permit.
- The conditional use permit shall not be granted prior to the issuance of all DEC water and wastewater permits and the issuance of the Corps of Engineer permits. These permits must be in place prior to the approval of the conditional use permit.

Recommend approval to the Assembly of a modification to the commercial dock conditional use permit for Dove Island for seafood processing and float plane operations with the following criteria:

- The amount of fish processed shall not fill more than an average of 2 standard 50 pound fish boxes per day calculated from May 1 – September 15 season.
- All seafood byproducts or waste shall be disposed of at least ½ mile true south of

findings of fact made by the Planning Commission regarding the conditional use permit application filed by Duane and Tracie Lambeth for Dove Island Lodge for operation of a commercial dock on Dove Island.

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McConnell asked about the public testimony in the Planning Commission minutes referencing Sitka General Code 22.24.010 item F. McConnell wondered how much of that code was referred to in deliberations by the Planning Commission. Williams noted the Planning Department compiled 4 pages and asked the Planning Commission to study them prior to deliberation. The information was reviewed at two meetings.

Westover questioned Chairman Don Alexander on whether or not the Planning Commission had made an actual vote on the "kicker" option – 1900 guests on average. Alexander said the Commission talked about it only.

Stein asked Williams to clarify again how there came to be so many conditions. Williams explained some of the conditions were articulated in the conditional use applications submitted by Dove Island Lodge. Others were crafted by the Planning Department with clarifying language added by the Planning Commission. The idea behind the conditions was to add clarity.

McConnell asked Williams if a no landing zone was in effect for Jamestown Bay. Williams was unaware of any prohibition to landing aircraft in Jamestown Bay.

Mayor McAdams wondered if the City and Borough of Sitka had the capacity to enforce the recommended conditions. Williams replied yes and further noted the conditions are enforceable. Stein wondered if employees living on a boat at the Dove Island dock would be considered on-site employees. Williams reminded the Assembly that requests are based on plans that are submitted. There was no mention of making a residential use out of the dock in the plans submitted so therefore employees living on a boat at the Dove Island dock would be considered a violation of the conditional use permit.

Hackett wondered if the Planning Commission had talked about the float plane noise heard from the National Park and the safety factor of small boats in the area. She noted the difficulty of seeing small boats and kayaks from a Beaver. Williams did not recall specific discussions on either of the items. She also wondered if any fish processing had been talked about. Williams said it was a very limited discussion.

McConnell read excerpts from an email submitted to the Clerk's Office by Susan Litman on March 22, 2010. The email asked the Assembly to consider additional conditions to the lodge and dock conditional use permits. Williams noted the Assembly had the ability to shorten or lengthen any of the Planning Commission's recommended conditions.

Stein wondered how the Sitka General Code distinguished between day and overnight guests. Williams replied there was no differentiation in the Code and if desired the Assembly had the ability to add further clarification in the conditions. Stein also wondered if 'date of operation' had ever been attached to other lodge conditional use permits. Williams responded most of the lodges along the road system are in a commercial zone and already a permitted use. He did not remember specific criteria being attached to a lodge conditional use, possibly Mome Island. Such a condition has been included with bed and breakfast and short-term rental permits in the past.

Williams added the proposed conditions were proposed by staff February 16 when in deliberation at the Planning Commission. These conditions were not negotiated out with the applicant.

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not leave until 8am and he's already offering to operate between the hours of 7am and 7pm.

A recess was taken from 8:40pm to 8:48pm

The following people spoke during public testimony:

Mike Litman would have preferred the Planning Commission recommended 13 or 14 guests, however, 16 is tolerable if it can be enforced. The Planning Commission has now unfortunately moved the airplane noise to a different neighborhood by establishing a boundary by which the plane has to take off. He is concerned with City's ability to enforce the conditional use permits.

Gary Short voiced concern about the plane noise. He would like to see an exact direction defined for airplane take off.

Debbie Reeder offered plane noise is a part of living in Southeast Alaska. She herself hears much more air noise around her home than those around Dove Island.

Spike Arnold spoke in concern of water quality. He mentioned Dove Island Lodge is a great concept but would like to keep water quality clear.

Bonnie Brenner stated the Assembly needs to encourage business not discourage.

Frank Rogers commented he had nothing against the Lambeths or their lodge. He does however have a problem with the airplane noise.

Doug Borland resident of Harris Island finds the airplane noise a part of Alaska life. He urged the Assembly to encourage business to stay in Sitka.

Thor Christianson, resident of Guertin Island, noted if anyone was to be affected by Lambeth's business it would be him and he hasn't been affected. From his house he is unable to tell how many people are at the Lodge. He reported the neighbors in nearby float houses have not been affected and the float plane was not an issue.

Sheila Finkenbinder asked the Assembly to help and encourage the Lambeths to stay in business. She would like to see a capacity of 24 guests. It is important to pay attention to the economic factors.

Kim Elliott, heavily impacted by the airplane noise on Berry Island, would like everyone to abide by the same rules.

Michael Laguire read a letter from the realtors in the MLS listing group.

Erik Morisky has worked on Dove Island for 11 years. He contracts skipper services to Dove Island Lodge. He would like to see the Lodge have 24 people. This isn't about zoning, it's about the suffering economy.

Joel Chandler, produce buyer in Sitka, stated Dove Island Lodge is a significant purchaser at the Hames Corporation.

Helen Cunningham offered, while she does not oppose 24 guests, she does not like the airplane noise.

Jessica Christianson, resident of Guertin Island, said there is no noise impact on her island from Dove Island Lodge. More noise exists from the Coast Guard helicopter

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Crews, McConnell in favor and Ozment, McAdams, Hackett and Stein opposed.

Motion by Stein to amend planning commission recommendation striking 6 contractors living off site during the season

Motion to amend PASSED on a 6-1 roll call vote with Crews opposed.

Main motion as amended PASSED on a 5-2 roll call vote with Westover and Crews opposed.

Motion by McConnell to accept the recommended motion and findings of fact made by the Planning Commission regarding the conditional use permit application filed by Duane and Tracie Lambeth for Dove Island Lodge and operation of a commercial dock on Dove Island.

Motion PASSED on a 5-2 roll call vote with Crews and Westover opposed.

Motion by McConnell to reconvene as the Assembly in regular session

Motion PASSED by a unanimous voice vote.

10-054

Board of Adjustment: Approval of a conditional use permit request filed by Duane and Tracie Lambeth for operation of a commercial dock on Dove Island.

Reconvene

*Combined with above item.*

**VI. PERSONS TO BE HEARD:**

*None.*

**VII. ADJOURNMENT**

MOTION by Westover to adjourn the meeting. The meeting ADJOURNED at 11 PM by unanimous consent.

ATTEST:



Sara Peterson, Acting Municipal Clerk