



# CITY AND BOROUGH OF SITKA

## Minutes - Final

### Planning Commission

*Chris Spivey, Chair  
Darrell Windsor, Vice Chair  
Tamie (Harkins) Parker Song  
Debra Pohlman  
Randy Hughey*

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Tuesday, April 19, 2016

7:00 PM

Sealing Cove Business Center

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I. CALL TO ORDER AND ROLL CALL

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A Approval of the minutes from the April 5, 2016 meeting.

**Windsor/Pohlman moved to APPROVE the April 5, 2016 minutes. Motion PASSED 5-0.**

III. REPORTS

B Planning Regulations and Procedures.

C Annual report submitted by Roger and Colleen Ingman for a bed and breakfast at 1725 Edgecumbe Drive. No action is required.

D Annual report submitted for Chris and Tiffany Bryner for a short term rental at 413 Baranof Street. No action is required.

E Annual review documents submitted by Emily Davis for a specialized instruction school at 205 Harbor Drive. The Planning Department does not recommend a formal review at this time, as the applicant states that she is actively searching for a new facility. A new facility will require a new conditional use permit, and this conditional use permit will lapse. No action required.

**Pohlman stated that the use is school-related, so perhaps a deadline should be set near the beginning of the school year. Spivey stated that some concern has been raised for kids playing outside. Windsor clarified that the permit has not yet been reviewed.**

**Pohlman/Windsor moved to require an annual review at the second September 2016 Planning Commission meeting if the applicant has not moved to a new location. Motion PASSED 5-0.**

**IV. THE EVENING BUSINESS**

**F** Public hearing and consideration of a conditional use permit request filed by Michelle Barker for a specialized instruction school at 213 Harbor Drive. The property is also known as Lot 2 of Wilmac Resubdivision. The request is filed by Michelle Barker. The owner of record is Island Fever Diving & Adventures, LLC.

Scarcelli described the request. Scarcelli stated that staff observed a pick-up time this morning, and operations appeared to go smoothly. This property offers 6 private parking spaces, which are not required in CBD. The rear of the building has a stairway that descends into the alley. Scarcelli shared information from AMCO, which did not provide a clear answer on if a tutoring center is a sensitive use in regard to marijuana. Scarcelli stated that marijuana is still speculative, as the Assembly hasn't granted final approval. Scarcelli stated that a tutoring center is not a sensitive use in regard to alcohol businesses. Scarcelli summarized a memo from the Building Official which stated that the change of occupancy would require building review. Staff recommend approval of the request. Scarcelli read a letter from Robert Purvis in support of the conditional use permit request. Windsor clarified that the conditional use permit runs with the land. Hughey asked if churches are sensitive uses in regard to marijuana. Scarcelli stated that it is, but the AMCO board makes the final decision.

Michelle Barker stated that all educational uses are conditional uses except in the Public zone. Barker stated that the intent was not to stop educational facilities. Barker stated the responsibility of the board to enforce the comprehensive plan. Barker stated that her business Sitka Bike & Hike promotes the artist community through its programs. Artist promotion is named in the comprehensive plan. Education is also addressed in the comprehensive plan. Barker stated that her business and Terry's business contribute to other local businesses. Barker stated that her business has sustained \$10,000 in loss during this conditional use process. Barker stated that the city will gain \$82,000 this year through the building sale and normal operations of her business. Barker stated that she employs 25-40 people per season. Scarcelli asked to clarify the work hours. Terry Bartolaba stated her hours as Monday through Friday, 7:30-3:30. Spivey stated that the applicant would have to come back to the commission if they choose to expand downstairs, and Bartolaba stated that she understood. Spivey stated that building may require expensive updates, and Barker stated that she was aware.

Mary Magnuson stated that Barker's business narrative is irrelevant to the discussion. Magnuson stated that she did her due diligence when she bought her location and opened her business. Magnuson stated that she has submitted a conditional use permit application for a marijuana retail facility, and the business plan is in motion. Pohlman stated that she does not understand Magnuson's concern for the Commission's process. Magnuson stated that approval would immediately make her business plan not possible. Bosak asked for clarification that Magnuson just wanted approval to be postponed until after the marijuana permit is considered. Magnuson stated that she wanted approval of the specialized instruction school to be postponed until a marijuana retail conditional use permit can be considered for her own building, and that potential building concerns of 213 Harbor Drive be

addressed.

Robert Purvis stated that he would prefer to see children at the location than a marijuana shop.

Caleb Harris identified himself as Barker's son, stated that he does books for his mother, and stated that the \$82,000 is not in arrears. Harris stated that Magnuson is speaking of speculative income from a speculative permit. Harris stated that daycares in town are full.

Linda Barker Olson stated that cannabis business is not currently legal in Sitka. Olson stated that the same business owners who wrote letters in support of Barker's permit would be asked to give comment on a marijuana permit. Olson stated that Bartolaba has a business, just as Magnuson does.

Bartolaba asked about Magnuson's marijuana timeline. Bartolaba stated that she is ready to buy the building and Barker is ready to sell.

Spivey stated that the commission cannot speculate, and should focus on what the code says. Spivey stated that concerns were raised at the last meeting about alcohol and marijuana uses, and staff have done their jobs in researching the answers. Pohlman stated that she believes that the commission has received good answers to their questions from the previous meeting. Hughey stated that it is not certain that a tutoring center would prevent marijuana retail. Hughey stated that he does not see the big deal with required buffers. Parker Song asked at what point we will know how buffers will be addressed. Scarcelli stated that the state will address buffers on a case by case basis. Hughey asked Bartolaba about the timeline for the purchase. Gene Bartolaba stated that he would like to hear the building official's requirements before finalizing the purchase. Bosak stated that the conditional use permit is not officially activated until the conditions of approval are met.

Hughey/Pohlman moved to APPROVE the required findings for conditional use permits.

**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.

**Motion PASSED 5-0.**

Hughey/Pohlman moved to APPROVE the conditional use permit request filed by Michelle Barker for a specialized instruction school at 213 Harbor Drive, subject to eight conditions of approval. The property is also known as Lot 2 of Wilmac Resubdivision. The request is filed by Michelle Barker. The owner of record is Island Fever Diving & Adventures, LLC. Motion PASSED 5-0.

**Conditions of Approval:**

1. Contingent upon an approval by the Building Official and Fire Marshall for the proposed occupancy of all levels of the structure at 213 Harbor Drive (upstairs and downstairs). A review will occur after 6 months to assess progress toward occupancy requirements.
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 application.

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 meritorious issues and to mitigate any identified adverse impacts on public's health, safety, and welfare.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

**G**

Public hearing and consideration of a variance request filed by Richard Parmelee for 405 Hemlock Street. The variance is for the reduction in the side setback from 8 feet to 2 feet for the construction of a carport. The property is also known as Lot 11 of Tower Heights Subdivision. The request is filed by Richard Parmelee. The owners of record are Richard J. Parmelee and Marjorie A. Parmelee.

Scarcelli described the request. Scarcelli stated that the item was previously postponed to allow for neighbor discussion. Scarcelli stated that only a portion of the proposal would be within 2 feet of the property line. Scarcelli read a letter from Michael Sullivan, the renter and prospective owner of 407 Hemlock, who stated support for the carport. Staff recommend approval of a variance to 3 feet.

Richard Parmelee stated that he requests a variance to 2 feet to allow for a tail on the carport. Parmelee stated that the post will be 3 feet from the property line. Spivey stated that he had spoken to the neighbor, Mike Sullivan, and he was supportive of the carport.

Parker Song/Hughey moved to APPROVE the required findings for major structures or expansions as discussed in the staff report.

**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, specifically, the narrowing of the lot near the rear;
  - b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, specifically, the ability to adequately protect a vehicle from rain;
  - 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; and
  - d) That the granting of such a variance will not adversely affect the Comprehensive Plan: specifically, the variance is in line with Comprehensive Plan 2.4.1, which states, "To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners."

**Motion PASSED 5-0.**

Parker Song/Windsor moved to APPROVE the variance request filed by Richard Parmelee for 405 Hemlock Street. The variance is for the reduction in the side setback from 8 feet to 2 feet for the construction of a carport. The property is also known as Lot 11 of Tower Heights Subdivision. The request is filed by Richard Parmelee. The owners of record are Richard J. Parmelee and Marjorie A. Parmelee. Motion PASSED 5-0.

**H**

Public hearing and consideration of a variance request filed by Clyde Bright for 402 Degroff Street. The variance is for the reduction in the front setback along Degroff Street from 20 feet to 8 feet for the conversion of a single-family home to a duplex. The property is also known as Lot 2 of the Amended Portion of Block 19, Sitka Townsite. The request is filed by Clyde Bright. The owners of record are Clyde and Valerie L. Bright.

**I**

Public hearing and consideration of a variance request filed by Jennifer Alley for 208 Kogwanton Street. The platting variance is for the creation of an undersized lot, at 6467 square feet. The property is also known as Lots 2 and 3, Block 2, US Survey 2542 A&B, Sitka Indian Village, and Lot 56, Block 2, as shown on the supplemental plat of Sitka Indian Village. The request is filed by Jennifer Alley. The owner of record is Jennifer Alley.

**Pierson described the request. The applicant is moving forward with the recommendation of commissioners and staff to replat the property. The variance is required due to substandard lot size.**

Parker Song/Hughey moved to APPROVE the required findings for major structures or expansions as discussed in the staff report.

**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, specifically, the preexistence of three small lots;
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, specifically, the ability to build a single family home on a residential lot would be compromised and numerous and extensive variances would otherwise be required;
- 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, by providing an avenue for a lower density use of the property; and
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan: Here, it conforms to Section 2.4.19 which states, "To consistently follow and enforce land use policies, codes, regulations, and decisions..." by moving a lot toward conformance with development standards.

Motion PASSED 5-0.

Parker Song/Pohlman moved to APPROVE the variance request filed by Jennifer Alley for 208 Kogwanton Street. The platting variance is for the

creation of an undersized lot, at 6467 square feet. The property is also known as Lots 2 and 3, Block 2, US Survey 2542 S&B, Sitka Indian Village, and Lot 56, Block 2, as shown on the supplemental plat of Sitka Indian Village. The request is filed by Jennifer Alley. The owner of record is Jennifer Alley. Motion PASSED 5-0.

**J** Public hearing and consideration of a replat request filed by Jennifer Alley for 208 Kogwanton Street. The replat would merge three lots into one lot. The property is also known as Lots 2 and 3, Block 2, US Survey 2542 A&B, Sitka Indian Village, and Lot 56, Block 2, as shown on the supplemental plat of Sitka Indian Village. The request is filed by Jennifer Alley. The owner of record is Jennifer Alley.

**Pierson described the request. The applicant seeks to combine three small legal lots into a single lot.**

**Parker Song/ Hughey moved to APPROVE and adopt the findings as discussed in the staff report.**

- 1) That the proposed replat complies with the Comprehensive Plan and Sitka General Code Titles 21 and 22 by moving the property toward code conformance; and
- 2) That the replat would not be injurious to public health, safety, and welfare.

**Motion PASSED 5-0.**

**Parker Song/Windsor moved to APPROVE the replat request filed by Jennifer Alley for 208 Kogwanton Street. The replat would merge three lots into one lot. The property is also known as Lots 2 and 3, Block 2, US Survey 2542 S&B, Sitka Indian Village, and Lot 56, Block 2, as shown on the supplemental plat of Sitka Indian Village. The request is filed by Jennifer Alley. The owner of record is Jennifer Alley. Motion PASSED 5-0.**

**K** Public hearing and consideration of a variance request filed by Jay Clifton for 3802 Halibut Point Road. The variance is for the reduction in the easterly rear setback from 10 feet to 9.25 feet and the reduction of the northerly rear setback from 10 feet to 8 feet for the construction of a storage and workshop building. The property is also known as Lot 5 Bahrt Subdivision. The request is filed by Jay Clifton. The owner of record is Sherry Clifton.

**Pierson described the request. The variance is minimal and could be addressed by an administrative variance if the property was zoned residential.**

**Jay Clifton explained that he didn't want to encroach on his neighbor's property if he parks a boat on the external side of the building. Clifton stated that he wants to be a good neighbor. Clifton stated that he would use the building to store his fishing gear.**

**John Bahrt identified himself as the owner of 3804 HPR. Bahrt stated that there have been drainage problems in the vicinity for years. Bahrt stated that his property is lowest in the neighborhood, and that he is concerned for drainage. Bahrt stated that Clifton stated that he has a drainage plan. Bahrt has concerns for the property line adjacent to his property, as there is no retaining wall. Bahrt stated that metal buildings can be noisy.**

**Clifton stated that he shares Bahrt's concerns for drainage, and he has**

consulted with engineering. Clifton stated that he plans to build a retaining wall.

Spivey stated that the applicant is meeting neighbor concerns.

Parker Song/Hughey moved to APPROVE and adopt the required findings for major structures or expansions as discussed in the staff report.

**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, specifically, the two rear setbacks;
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, specifically, the ability to adequately protect tools from rain;
- 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, the variance is minimal; and
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan: specifically, it is in line with Comprehensive Plan 2.4.1, which states, "To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners," specifically by allowing an outside storage structure on a lot that is constrained by dual front setbacks, while not infringing upon the light and air space of neighboring property owners.

**Motion PASSED 5-0.**

Parker Song/Pohlman moved to APPROVE the variance request filed by Jay Clifton for 3802 Halibut Point Road. The variance is for the reduction in the easterly rear setback from 10 feet to 9.25 feet and the reduction of the northerly rear setback from 10 feet to 8 feet for the construction of a storage and workshop building. The property is also known as Lot 5 Bahrt Subdivision. The request is filed by Jay Clifton. The owner of record is Sherry Clifton. Motion PASSED 5-0.

L

Public hearing and consideration of a conditional use permit request filed by Christopher Wilbur and Lisa Herwald for a short-term rental at 119 Anna Drive. The property is also known as Lot 1 Sunnyside Estates. The request is filed by Christopher Wilbur and Lisa Herwald. The owners of record are Christopher J. Wilbur and Lisa A. Herwald.

Scarcelli described the request. The applicants are in excess of the parking requirements. Staff recommend approval.

Lily Herwald stated that she seeks to have flexibility to house family throughout the year. Herwald stated that she checked with neighbors and didn't receive negative comment. Herwald stated that the unit is attached to her home, so she doesn't see it changing the feel of the neighborhood.

Pohlman/Parker Song moved to APPROVE and adopt the required findings for conditional use permit as discussed in the staff report.

**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;

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

**Motion PASSED 5-0.**

Parker Song/Hughey moved to APPROVE the conditional use permit request filed by Christopher Wilbur and Lisa Herwald for a short-term rental at 119 Anna Drive, subject to the conditions of approval. The property is also known as Lot 1 Sunnyside Estates. The request is filed by Christopher Wilbur and Lisa Herwald. The owners of record are Christopher J. Wilbur and Lisa A. Herwald. **Motion PASSED 5-0.**

**Conditions of Approval:**

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 application.
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 all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

**N**

Public hearing and consideration of a conditional use permit request filed by Chuck McNamee for a short-term rental at 101 Austin Street. The property is also known as Lot 1 Trinity Estates. The request is filed by Chuck McNamee. The owners of record are Brenda and Chance Allen.

Scarcelli explained the request. This proposal seeks to operate primarily during the summer. Staff recommends approval.

James Baumann identified himself as the applicant's representative, and stated that the applicant plans to only rent the unit during the summer.

Windsor/Pohlman moved to APPROVE and adopt the required findings for conditional use permits as discussed in the staff report.

**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.

**Motion PASSED 5-0.**

Windsor/Hughey moved to APPROVE the conditional use permit request filed by Chuck McNamee for a short-term rental at 101 Austin Street, subject to conditions of approval. The property is also known as Lot 1 Trinity Estates.

The request is filed by Chuck McNamee. The owners of record are Brenda and Chance Allen. Motion PASSED 5-0.

**Conditions of Approval:**

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 application.
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 all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

**O**

Public hearing and consideration of a variance request filed by Jamie Steinson for 224 Marine Street, in the R-1 residential zone. The variance is for an increase in lot coverage to 40% for the construction of a patio. The property is also known as Lot 1 Golden Subdivision. The request is filed by Jamie Steinson. The owners of record are Gary and Phyllis Mulligan.

Spivey/Hughey moved to POSTPONE consideration of Steinson's request to the next meeting or until the applicant can be present. Motion PASSED 5-0.

**P**

Public hearing and consideration of a zoning map amendment filed by Lynne Brandon for 601-800 Alice Loop. The properties are also known as Lots 1-5, and 10 of Alice and Charcoal Island and Alice Island Planned Unit Development Phase 1, and Lots 1-16 of Ethel Staton Subdivision.

**Q**

Annual review of a conditional use permit granted to Baranof Island Housing Authority for a support facility at 491 Indian River Road. The property is also known as Lot 5 of Sheldon Jackson College Subdivision, US Survey 407-B. The owner of record is Baranof Island Housing Authority.

Pierson described the history of the conditional use permit.

Cliff Richter spoke on behalf of BIHA, and said that they have used the permit as granted.

Windsor/Parker Song moved to APPROVE the annual review conditional use permit granted to Baranof Island Housing Authority for a support facility at 491 Indian River Road. The property is also known as Lot 5 of Sheldon Jackson College Subdivision, US Survey 407 B. The owner of record is Baranof Island

**Housing Authority. Motion PASSED 5-0.**

**R** Annual review of a conditional use permit granted to 115 Harvest Way, LLC for a metal welding and fabricating business at 115 Harvest Way Unit 3. The property is also known as Lot 1, Harvest Way Subdivision. The owner of record is 115 Harvest Way, LLC.

**Pierson described the history of the conditional use permit.**

**Brian Schauwecker** came forward to represent the conditional use permit. Windsor asked about fume exhaust. Schauwecker stated that exhaust went out the front. Schauwecker asked to begin summer hours in March. Bosak directed Schauwecker to submit a minor amendment to the planning office.

**Parker Song/Hughey** moved to APPROVE the annual review for the conditional use permit granted to 115 Harvest Way, LLC for a metal welding and fabricating business at 115 Harvest Way Unit 3. The property is also known as Lot 1, Harvest Way Subdivision. The owner of record is 115 Harvest Way, LLC. Motion PASSED 5-0.

**S** Annual review of a conditional use permit granted to Delta Western for a bulk fuel facility at 5309 Halibut Point Road. The property is also known as a 1.92 acre portion of Lot 5, US Survey 3670, as shown on the property lease plat recorded as Plat 84-7. The owner of record is Samson Tug & Barge.

**Pierson described the history of the conditional use permit, and clarified that the permit is for a bulk fuel facility.**

**Kirk Payne** came forward to represent Delta Western. Bosak stated that the conditional use permit process involved rigorous comment.

**Windsor/Hughey** moved to APPROVE the annual review of the conditional use permit granted to Delta Western for a bulk fuel facility at 5309 Halibut Point Road. The property is also known as a 1.92 acre portion of Lot 5, US Survey 3670, as shown on the property lease plat recorded as Plat 84-7. The owner of record is Samson Tug & Barge. Motion PASSED 5-0.

**M** Public hearing and consideration of a concept plan for a planned unit development at 1306 Halibut Point Road, submitted by Sitka Community Land Trust. The property is also known as Lot 1A of Little Critter Subdivision. The request is filed by Sitka Community Land Trust. The owner of record is the Sitka Community Development Corporation.

**Hughey recused himself to speak as the applicant.**

**Scarcelli** described the history of the property and the details of the request. The proposal not only includes homes, but trails and a terrace garden. Scarcelli suggested that the applicant consult with Alaska DOT in regard to driveway permits. The proposal offers an excess of parking. Staff recommends approval of the concept plan.

**Randy Hughey** represented Sitka Community Land Trust. Hughey stated that the vet clinic uses some of this lot for parking, and the SCLT will work with the clinic. Bosak stated that parking is contained to the lot. Hughey stated that he sent a packet to DOT and had 3 conversations with DOT workers. Hughey stated that he and DOT had discussed the possibility of decreasing the speed

limit. Hughey stated that SCLT is aware of the DEC report, and they will dig as little as possible. Hughey stated that SCLT is intentionally creating community, and will select applicants accordingly. Spivey asked about the design. Hughey stated that people like single family houses, and SCLT wants to maintain green space. Spivey asked why not do higher density, as with condo units. Hughey stated that the board believes this is what Sitkans want. Parker Song stated that she believes Sitka needs both small homes and condos. Windsor stated that the SCLT conducted a survey of renters who wish to buy, and this data informed the makeup of the planned units. This property will operate as a land trust, wherein the purchaser only buys the building.

Windsor/Parker Song moved to APPROVE the concept plan for a planned unit development at 1306 Halibut Point Road, submitted by Sitka Community Land Trust. The property is also known as Lot 1A of Little Critter Subdivision. The request is filed by Sitka Community Land Trust. The owner of record is the Sitka Community Development Corporation. Motion PASSED 3-1. Spivey voted against.

**V. PLANNING DIRECTOR'S REPORT**

Bosak stated that the May 3 meeting will be at the Senior Center. Parker Song stated that she will be out of town for the May 3 meeting. Bosak stated that the first chapters of the land use plan will be included in the May 3 packet.

**VI. PUBLIC BUSINESS FROM THE FLOOR**

**VII. ADJOURNMENT**

Windsor/Parker Song moved to ADJOURN at 10 PM. Motion PASSED 5-0.

ATTEST: \_\_\_\_\_  
Samantha Pierson, Planner I