



CITY AND BOROUGH OF SITKA

Minutes

Planning Commission

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

Tuesday, June 21, 2016

7:00 PM

Sealing Cove Business Center

I. CALL TO ORDER AND ROLL CALL

Chair Spivey called the meeting to order at 7:00 PM. All commissioners were present.

II. CONSIDERATION OF THE AGENDA

Chair Spivey stated that items K, N, and O were pulled from the agenda.

III. CONSIDERATION OF THE MINUTES

A Approval of the minutes from the June 7, 2016 meeting.

Pohlman/Windsor moved to **APPROVE** the June 7, 2016 minutes. Motion **PASSED 5-0.**

IV. REPORTS

B Planning Regulations and Procedures.

C Annual report for a short-term rental at 1601 Davidoff Street granted to Ali Clayton. No action required.

D Annual report for a conditional use permit for a short term rental at 713 Lake Street filed by Chris Balovich and Shelly Vaughn. No action required.

V. THE EVENING BUSINESS

E Public hearing and consideration of a variance request filed by Peter Thielke for 722 Biorka Street, in the R-1 residential zone. The request is for the reduction of the easterly front setback from 20 feet to 6 feet, and the reduction of the southerly rear setback from 10 feet to 0 feet for the relocation of a shed. The property is also known as a fractional portion of Lot 13, Block 14, U.S. Survey 1474, Tract A, identified on the deed as Parcel 2. The application is filed by Peter Thielke. The owner of record is Peter L. Thielke.

Scarcelli explained the request. The proposal would move the existing shed structure toward conformity by moving it further inside the property lines. Hughey asked about requiring the applicant to consolidate the lots, and Scarcelli replied that it is not necessary at this time because the applicant is not building new structures but moving an existing structure toward conformance.

Peter Thielke represented his application via phone. Thielke said that the building is an eyesore. Thielke reported that city officials told his parents that the city would move the building during a Jeff Davis improvement project, but a worker cut off an encroaching portion instead of moving it. Thielke said he has no plans for footings or a slab. Thielke stated that he wants to finish the building to match the house.

Spivey stated that this is fixing a nonconformity. Pohlman stated comfort with at least a 1 inch setback.

Windsor/Hughey moved to APPROVE the required findings for major structures and expansions as discussed in the staff report.

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 small lot size, and two front and 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 fully utilize a pre-existing structure;
- 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 relocating a structure further away from city infrastructure; and
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan: specifically, the modified 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" by moving an existing structure further within property lines and off of public sidewalks.

Motion PASSED 5-0.

Hughey/Windsor moved to APPROVE a modification of the variance request filed by Peter Thielke for 722 Jeff Davis Street. The variance is for the reduction in the easterly front setback from 20 feet to 6 feet, and the southerly rear from 10 feet to 1 inch for the relocation of a shed. The property is also known as a fractional portion of Lot 13, Block 14, USS 1474, Tract A. The request is filed by Peter Thielke. The owner of record is Peter L. Thielke.

Motion PASSED 5-0.

F

Public hearing and consideration of a final plat for a major subdivision of ASLS 2015-06. The request is filed by Global Positioning Services, Inc. The owner of record is State of Alaska Department of Natural Resources

Division of Mining, Land, and Water.

Scarcelli explained the location of the request, and described the proposed lots. The applicant provided electronic flagging, which Scarcelli distributed. Bosak noted that the plat includes a public access easement along the oceanfront perimeter so that the public can still utilize those beaches. Scarcelli stated that a condition of approval should be that the land be zoned, as it is unzoned.

Jon Guffey represented Global Positioning Services via phone, and stated that he had nothing to add.

Windsor/Hughey moved to **APPROVE** findings 1) that the proposed subdivision complies with the comprehensive plan by providing for the development of additional open space, housing, development, and recreational options; and 2) that the major subdivision would not be injurious to the public health, safety, and welfare.

Motion PASSED 5-0.

Windsor/Parker Song moved to **APPROVE** the final plat of a major subdivision for ASLS 15-06. This approval is subject to the attached conditions of approval. The request is filed by Global Positioning Services. The owner of record is Alaska Department of Natural Resources Division of Mining, Land, and Water.

Conditions of Approval:

Plat shall note the following:

1. The municipality shall be a party to all easements. All easements shall be recorded and no changes shall occur without municipal approval.
2. **Water Supply and Sewage Disposal.** No individual water supply system or sewage disposal system shall be permitted on any lot unless such system, is located, constructed, and equipped in accordance with the requirements of the Alaska Department of Environmental Conservation and in accordance with any applicable regulations. Approval of such systems shall be obtained from applicable authorities.
3. All applicable regulations and permits shall be required for any development.

Motion PASSED 5-0.

G

Public hearing and consideration of a variance request at 263 Katlian Avenue, in the Waterfront District. The variance is for the reduction of the southerly side setback from 10 feet to 3 feet, and for the reduction of the northerly side setback from 10 feet to 0 feet for the relocation of an existing house. The property is also known as Lot 14 Block 5 Sitka Indian Village, US Survey 2542. The request is filed by Forrest Dodson and Janine Holzman. The owners of record are Forrest Dodson and Janine Holzman.

Pierson described the request. The applicant seeks to relocate an existing house further back onto the property and construct three porches and one addition. Staff recommend that new structures should not protrude beyond the sides of the existing house.

Mary Holzman explained the history of the property. Spivey asked about accessing the porch from the exterior of the house, and Holzman explained

that they would like to be able to walk directly up the steps and into the kitchen for unloading groceries and bringing in fish. Holzman stated that she was told by the Building Department that a covered porch must be on the same level as the house. Scarcelli asked the applicant to clarify the location of the stairs, and she pointed at the map and explained the plans. Holzman stated that there would be stairs on the rear side of the porch as well.

Spivey stated that he believes the applicant does not need a zero setback for the project. Pohlman stated that she would like to see the property in line with its historic nature, which did not include protruding structures.

Hughey/Windsor moved to **APPROVE** the required findings for variances involving major structures or expansions.

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 small lot size and existing structure;
- 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 move a pre-existing structure toward code conformance;
- 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 relocating a structure further away from the right of way; and
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan: specifically, the modified 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" by moving an existing structure further within property lines.

Motion PASSED 5-0.

Hughey/Pohlman moved to **APPROVE** a modified variance request at 263 Katlian Avenue, in the Waterfront District. The variance is for the reduction of the southerly side setback from 10 feet to 3 feet, and for the reduction of the northerly side setback from 10 feet to 2.8 feet for the relocation of an existing house, and the construction of a new addition and two new covered porches. The property is also known as Lot 14 Block 5 Sitka Indian Village, US Survey 2542. The request is filed by Forrest Dodson and Janine Holzman. The owners of record are Forrest Dodson and Janine Holzman.

Motion PASSED 5-0.

H

Public hearing and consideration of a platting variance for development standards at 216 Observatory Street, in the Single Family District. The property is also known as a fractional portion of Lot 2 Block 8 US Survey 1474 Tract A. The request is filed by Karen Lucas. The owner of record is Karen Lucas.

Scarcelli explained the platting variance request. The applicant owns 216 and 218 Observatory Street and seeks to move the boundaries between the lots. The proposal includes an access and utility easement to provide access to 216 Observatory. Staff views this as a minor variance. The applicant has agreed to a plat note stating that 216 Observatory shall maintain 2 parking spaces.

Karen Lucas stated that technically, 216 Observatory currently only has foot access. Spivey stated that this application is cleaning up some problems.

Windsor/Pohlman moved to APPROVE the required findings for minor expansions, small structures, fences, and signs.

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.

Motion PASSED 5-0.

Windsor/Pohlman moved to APPROVE the platting variance from development standards at 216 Observatory Street subject to the condition that a plat note that 2 parking spaces shall be provided on site of 216 Observatory. The property is also known as a fractional portion of Lot 2 Block 8 US Survey 1474 Tract A. The request is filed by Karen Lucas. The owner of record is Karen Lucas.

Motion PASSED 5-0.

I

Public hearing and consideration of a replat of 216 and 218 Observatory Street, in the Single Family District. The property is also known as a fractional portion of Lot 2 Block 8 US Survey 1474 Tract A. The request is filed by Karen Lucas. The owner of record is Karen Lucas.

Scarcelli handed out an updated plat with a note to provide 2 parking spaces, and explained the plat.

Karen Lucas stated that she wants to stay flexible to allow the future owner to determine parking as they wish.

Windsor/Pohlman moved to APPROVE the required finding as discussed in the staff report, specifically that the replat would not be injurious, but supportive of nearby properties and the property in question, and would further the historical and existing use of both properties.

Motion PASSED 5-0.

Windsor/Parker Song moved to APPROVE the replat of 216 and 218 Observatory Street, subject to the condition of approval that the plat note shall state that 2 parking spaces shall be provided on 216 Observatory. The property is also known as a fractional portion of Lot 2 Block 8 US Survey 1474 Tract A. The request is filed by Karen Lucas. The owner of record is Karen Lucas.

Motion PASSED 5-0.

J

Public hearing and consideration of a conditional use permit request for marijuana cultivation at 3872 Halibut Point Road. The property is also known as Lot 4 Salmon Subdivision. The request is filed by Jeremy Erickson. The owners of record are Marcus and Faith Lee.

Scarcelli described the request. The proposed building currently houses metal fabrication and storage. The property is adjacent to residential, recreational, and commercial uses. The golf course and Halibut Point Recreation Area are within the 500 foot buffer. Staff recommends denial due to the uses within the buffer and disharmony with recreational and residential uses. Hughey asked if it is up to the Commission to determine what entails recreational uses, and Scarcelli stated that the state is giving great deference to local government bodies. Hughey stated that welding and auto shops cause greater health impacts than marijuana cultivation. Pohlman stated that she does not view the HPR Rec as a "recreational center." Scarcelli read the state's definition of recreational center. Hughey stated that customers will not come and go, but is merely an indoor farm for marijuana. Commissioners agreed by consensus that the Rec and golf course are not sensitive uses.

Jeremy Erickson handed out packets regarding sensitive uses. Erickson stated that alcohol is consumed at the HPR Rec and the golf course. Erickson clarified that the photos in the commissioner packet do not adequately show the entrance to the facility, and shared photos. Hughey asked if marijuana would be distributed to local retailers, and Erickson stated that it would be sold wholesale. Windsor asked about ventilation. Erickson stated that there would be sound dampeners and double charcoal filters to be replaced annually. Erickson stated that nutrients would be stored in sealed containers. Erickson stated that he hopes to produce 100 pounds annually, and hopes to hone in on a niche market for organic product. Erickson stated that an additional parking plan would not be a problem, but the lot is not paved.

Morgan Doubleday asked how many employees would be expected. Erickson stated that it would be himself and possibly a person to fill in when he's out of town. Faith Lee, property owner, stated that there are residential renters on the lot, and they are okay with the proposal. Lee stated that each residence has 2-4 parking spaces. Lee stated that the applicant is an upstanding person. Zak Wass stated that alcohol use on at the Rec and golf course have greater impact than marijuana cultivation.

Windsor stated that it is a good location. Hughey stated that Sitka is so small and there are many places with mixed uses. Spivey stated that he may have been concerned if residential neighbors voiced concern, but no comment has been received. Hughey clarified that the commission views the Rec as a broad area rather than a recreation center. Pohlman stated that people of all ages use the Rec and golf course, not just children. Windsor stated that the commission approved permits at the same plaza as a movie theater.

Windsor/Hughey moved to **APPROVE** findings that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval.

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.

Specific Guidance from 22.24 on Findings for Marijuana Uses

Findings of Fact: Upon review and considerations of the required criteria, the Planning Commission shall determine whether the proposed use(s) at the proposed project location are found to not present a negative impact to the public's health, safety, and welfare.

1. If such a finding can be made, then the proposed use shall be approved with standard regulations, dimensions, and setbacks.
2. In the alternative, where the Planning Commission finds negative impacts are present, the Planning Commission shall only approve conditional use permits where the negative impacts can be adequately mitigated by conditions of approval that preserve the public's health, safety, and welfare. These conditions of approval shall be case by case specific and in addition to the standard regulations.
3. If negative impacts to the public's health, safety, and welfare cannot be mitigated through conditions of approval than the Planning Commission shall so find and deny the proposed conditional use permit.

Motion PASSED 5-0.

Windsor/Parker Song moved to **APPROVE** the conditional use permit, subject to the attached conditions of approval, filed for marijuana cultivation at 3872 Halibut Point Road. The property is also known as Lot 4 Salmon Subdivision. The request is filed by Jeremy Erickson. The owners of record are Marcus and Faith Lee.

Conditions of Approval:

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the Fire Marshal or their designee and the Building Official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the Municipality and shall comply with all standard & required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish and associated municipal license or conditional use permit.
7. All approved Conditional use permits shall comply with all Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.
8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where practical.
9. Odor Control shall include charcoal filters and other best means to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.
10. The proposed cultivation site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this

conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.

11. The conditional use permit may be reviewed by the Planning Commission at anytime upon receipt of a meritorious complaint.

12. The applicant shall provide an annual report every year.

Motion PASSED 5-0.

K

PULLED - Public hearing and consideration of a conditional use permit request filed by Justin Brown for marijuana cultivation at 113 Molly Lane, in the C-2 general commercial mobile home district. The property is also known as Lot 4 Mountain View Subdivision. The request is filed by Justin Brown. The owner of record is Martin Enterprises, Inc.

L

Public hearing and consideration of a conditional use permit request filed for 4622 Halibut Point Road, in the C-2 General Commercial and Mobile Home Zone. The request is for fabricated metal products in conjunction with permitted retail sales and miscellaneous repair. The property is also known as Lot 58B Carlson Subdivision. The request is filed by Paul and Lamoyne Smith. The owners of record are Paul and Lamoyne Smith.

Scarcelli reviewed the request. The property is to be developed in line with planning and building requirements. Surrounding uses are primarily commercial. The business plan includes gun sales and service, survival goods retail, and welding services. No test firing of guns will occur onsite. Spivey asked about security, and Scarcelli stated that he would defer to the applicant.

Paul and Lamoyne Smith came forward. Paul stated that they own an adjacent lot that could be used for parking. Spivey asked about security. Paul stated that the retail area would have security cameras. Paul stated that firearm retail is regulated by ATF, and they have safes. Bosak stated that she first spoke with Lamoyne about two years ago, and they have done their homework.

Windsor/Hughey moved to **APPROVE** the required findings for conditional use permits as discussed in the staff report.

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.

Conclusion on Findings: That the proposed conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties; and that the required findings have been met.

Motion PASSED 5-0.

Parker Song/Windsor moved to APPROVE the conditional use permit request filed for 4622 Halibut Point Road, in the C 2 General Commercial and Mobile Home Zone. The request is for fabricated metal products and wood products in conjunction with permitted retail sales and miscellaneous repair. The property is also known as Lot 58B Carlson Subdivision. The request is filed by Paul and Lamoyne Smith. The owners of record are Paul and Lamoyne Smith.

Conditions of Approval:

1. Contingent upon a completed occupancy inspection by the Building Department.
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 and hour of operations for any noise producing uses that exceed 60dB emanating from the exterior of the building or property shall not occur outside of the time range of 8 am to 8 pm. Note: retail and light commercial uses that do not create noise above 60dB need not be limited in hours of operation; and firing of guns shall not occur on site.
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 for the purpose of resolving issues 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. Some form of noise attenuation shall be provided to reduce fabrication noises to acceptable levels (below 60 dB to adjoining uses within building and to exterior of property) such as a choice of sound attenuation batting, baffling, blankets, boards, building design and orientation, and/or natural buffers and mitigation.
8. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
9. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
10. All operations shall comply with ATF regulations and industry safety standards.

Motion PASSED 5-0.

M

Public hearing and consideration of a conditional use permit for an accessory dwelling unit at 1705 Sawmill Creek Road, in the R-1 single family and duplex residential district. The property is also known as a portion of US Survey 1878. The request is filed by Zak Dylan Wass. The owner of record is Morgan Doubleday.

Pierson described the request. The applicant seeks to convert an existing shed to an accessory dwelling unit. The lot already contains a duplex. The proposed unit would be 866 square feet, which is in excess of the permitted ADU size of 800 square feet. Staff recommend approval.

Wass described that he will have to do some excavating to create two of the six parking spaces, but that he has spoken to a contractor and that it is doable. Bosak stated that the ADU must be for long term residents. Windsor pointed out that there is parking at the bottom of the hill.

Pohlman stated that she does not see being the applicant's physician as a conflict of interest. Commissioners agreed that she could continue.

Bosak stated that the commission could stipulate that one unit always remain

owner occupied.

Hughey/Parker Song moved to **APPROVE** 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.

Conclusion on Findings: That the proposed conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties; and that the required findings have been met.

Motion PASSED 5-0.

Hughey/Windsor moved to **APPROVE** the accessory dwelling unit at 1705 Sawmill Creek Road, in the R 1 single family and duplex residential district, subject to conditions of approval. The property is also known as a portion of US Survey 1878. The request is filed by Zak Dylan Wass. The owner of record is Morgan Doubleday.

Conditions of Approval:

1. The facility shall be operated consistent with the application, plans, and narrative that were submitted with the request.
2. One unit must always be owner occupied.
3. Upon receipt of meritorious complaint regarding potential harm to public health, safety, and welfare, the Planning Commission may schedule a public hearing for the purpose of resolving issues and mitigating adverse impacts.

Motion PASSED 5-0.

N Public hearing and consideration of a conditional use permit for a short term rental located on a boat in Crescent Harbor 1-24, 500 Lincoln Street, in the Public zone. The property is also known as a portion of ATS 15. The application is filed by Bruce and Ann-Marie Parker. The owner of record is the City and Borough of Sitka.

O Public hearing and consideration of a conditional use permit application for a three-unit multiple-family structure and a short-term rental at 1715 Sawmill Creek Road, in the R-1 single family and duplex residential district. The property is also known as Lot 1A Corrective Plat of Knauss Lot Line Adjustment. The request is filed by Michael Knauss and Jacklynn Barmoy. The owners of record are Michael Knauss and Jacklynn Barmoy.

P Public hearing and consideration of a conditional use permit request for a short term rental at 504 Shennet Street, in the R-1 residential zone. The property is also known as Lot 2 Block B Sirstad Addition 2. The request is filed by Georgianna and Matthew Foruria. The owners of record are Georgianna and Matthew Foruria.

Windsor/Hughey moved to POSTPONE the item until the applicant can attend.

Motion PASSED 5-0.

VI. PLANNING DIRECTOR'S REPORT

Bosak stated that there is no comprehensive plan meeting in July. Bosak reviewed the July 19 agenda. Bosak stated that the department has received additional funds for FY 17 for the comprehensive plan, some of which will be used to pay for the services of consultant Barb Sheinberg. Bosak reminded commissioners of open meetings act requirements for email. Bosak discussed the Aspen Hotel and stated that it has met zoning code requirements.

VII. PUBLIC BUSINESS FROM THE FLOOR

Spivey stated that he has been approached about increasing downtown parking, and mentioned the concept of building a parking garage behind the courthouse. Hughey proposed parking exclusions for rental units for people who can verify that they don't have cars. Pohlman stated that enforcement is an issue with parking.

VIII. ADJOURNMENT

Windsor/Pohlman moved to ADJOURN at 9:45 PM. Motion PASSED 5-0.

Attest: _____
Samantha Pierson, Planner I