



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

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

From: Maegan Bosak, Planning and Community Development Director *MB*

Subject: Eliason Accessory Dwelling Unit Conditional Use Permit

Date: May 4, 2015

The Planning Commission is recommending approval of a conditional use permit for an accessory dwelling unit (ADU) filed by George and Tamara Eliason at 2314 Halibut Point Road. Action on this item was taken at the April 21, 2015 Planning Commission. The recommendation of approval for the accessory dwelling unit conditional use permit request, based on the following findings, passed 5-0.

Mr. and Mrs. Eliason own a large lot with a garage and attached dwelling unit at 2314 Halibut Point Road. The proposed ADU (450 sq. ft.) is around the back of the garage. This ADU request does not meet code requirements as ADUs shall not be located on parcels that are located in the R-1 MH zone and/or are accessed off of an access easement. However recent code updates add that conditional use permits may be sought if the above requirements cannot be met. Conditional use permits must be in conformance with Chapter 22.24.

The Planning Office received no comments on this request. However one citizen asked questions at the meeting and after being answered had no further concerns.

The R-1 single-family and duplex residential district is intended primarily for single-family or duplex residential dwellings at moderate densities, but structures and uses required to serve recreational and other public needs of residential areas are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 district.

The proposed activity is in conformance with Comprehensive Plan 2.3 *General Land Use Goals and Policies* specifically 2.3.8 *To seek out ways to make housing more affordable for all Sitkans through various measures including; A. Developing more affordable housing opportunities, including single family homes and multi-family dwellings.*

Recommendation:

Approve the recommended request with the following conditions and findings.

MOTION: M/S SPIVEY/WINDSOR moved to approve findings.

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;

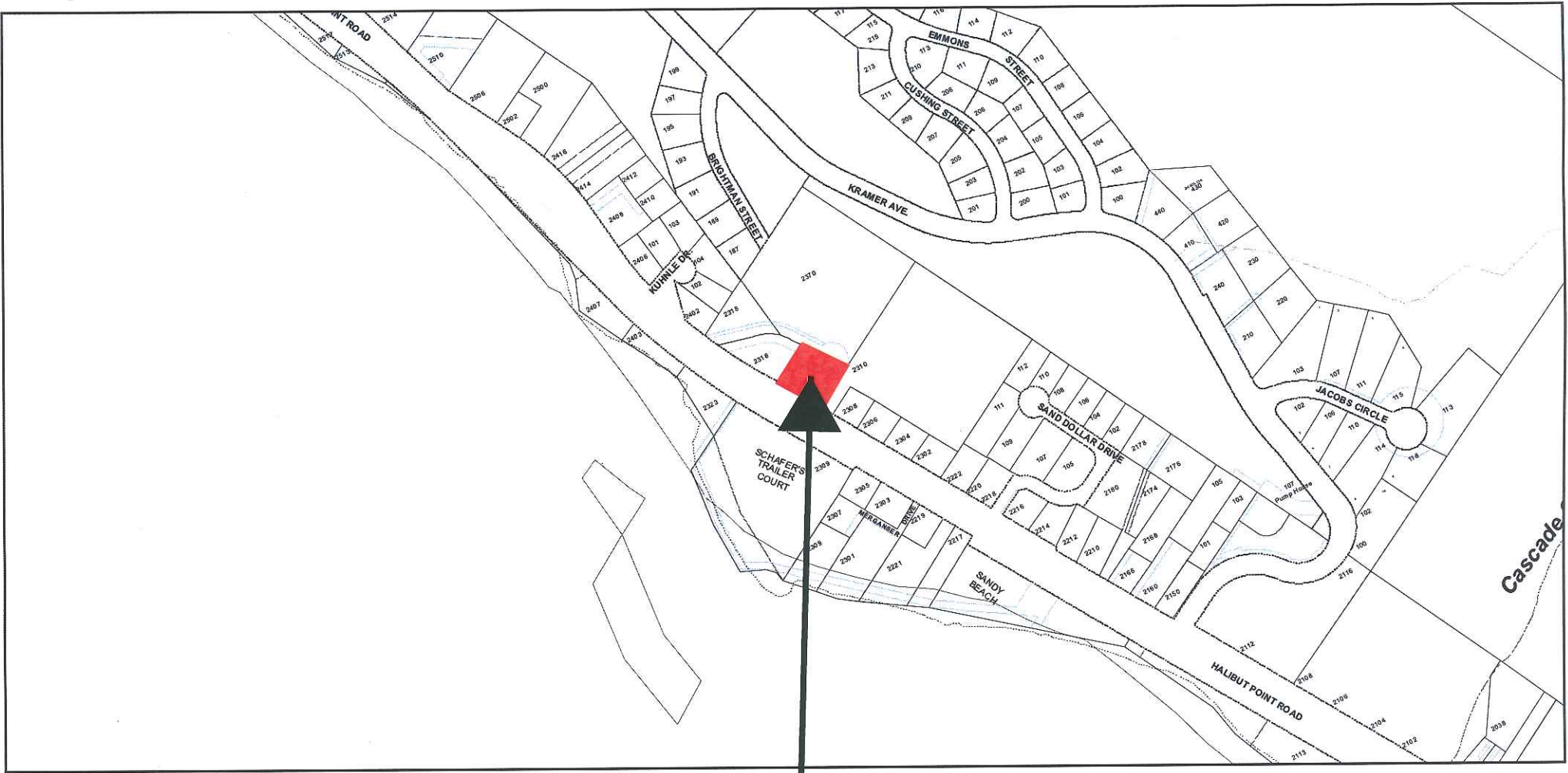
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

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

MOTION: M/S SPIVEY/HUGHEY moved to approve the ADU permit with the following conditions:

1. The facility shall be operated consistent with the application and plans that were submitted with the request.
2. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first year of operation for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
3. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

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



Eliason
Accessory Dwelling Unit
2314 Halibut Point Road



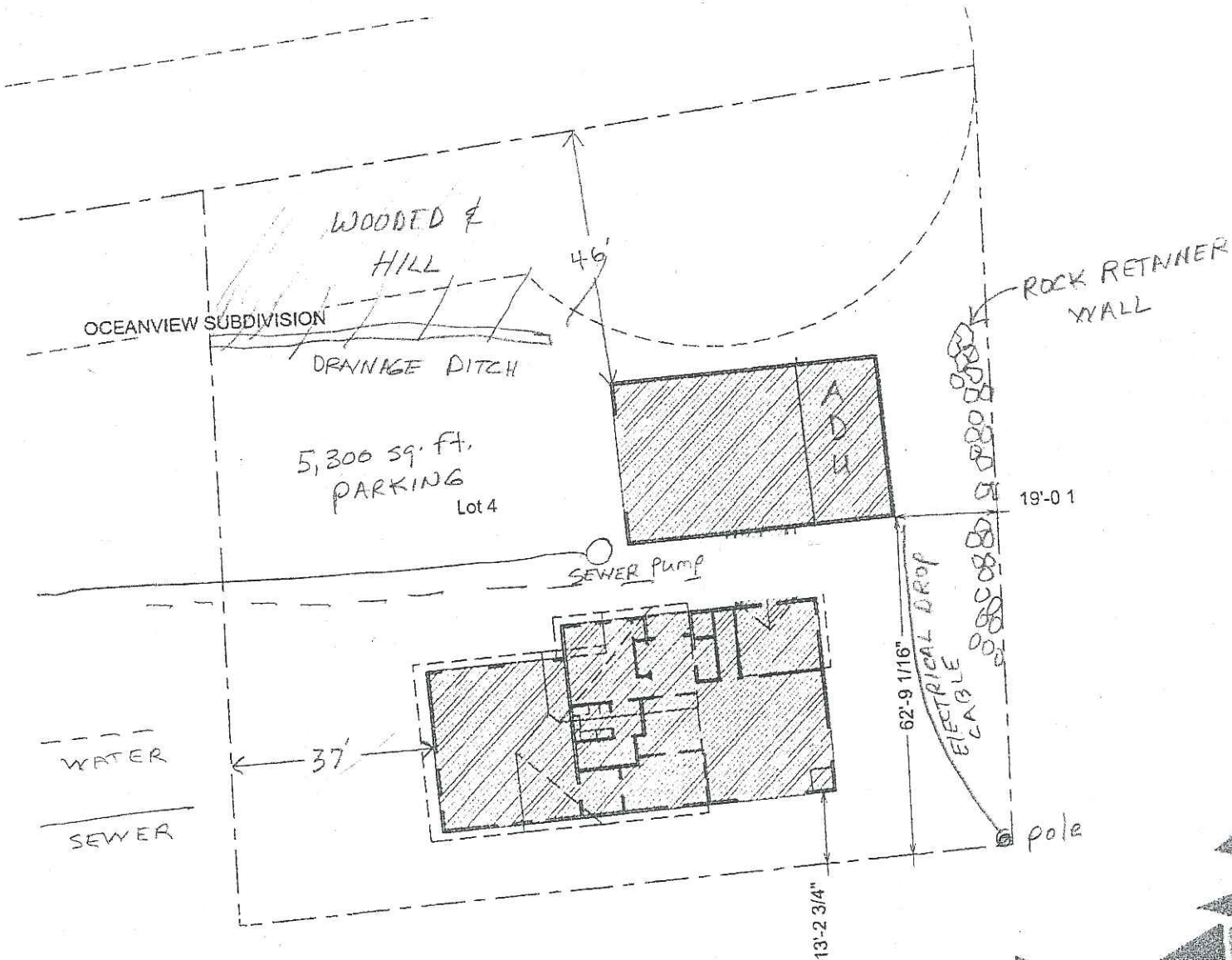
Eliason
Accessory Dwelling Unit
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Accessory Dwelling Unit
2314 Halibut Point Road

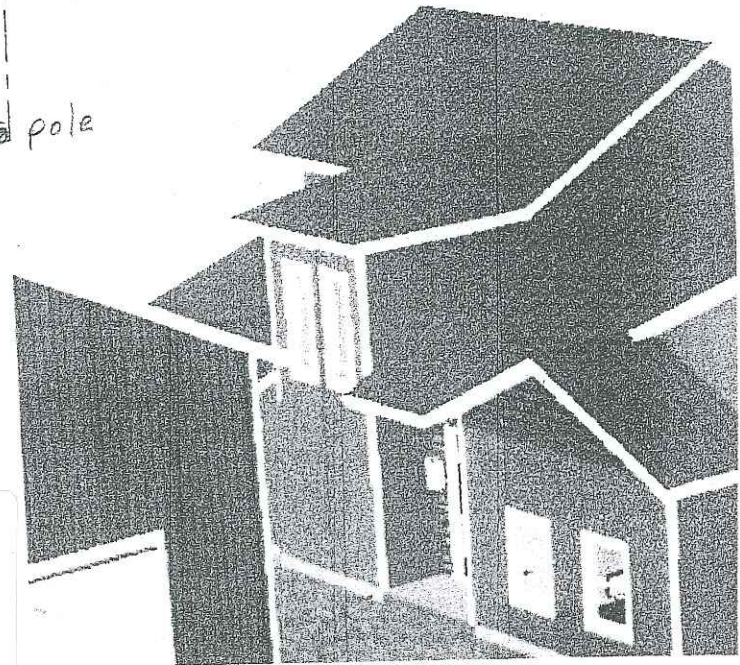


Eliason
Accessory Dwelling Unit
2314 Halibut Point Road



Plot Plan 1 in = ~~20~~ 30 ft HPR

Eliason
 Accessory Dwelling Unit
 2314 Halibut Point Road



OTHER DETAILS PRIOR TO CONSTI

EACH BEDROOM TO HAVE A MINIM
 WIDTH OF 20 IN. AND A SILL LESS T

ALL GLAZING WITHIN 18 IN. OF THE
 (REGARDLESS OF WALL PLANE) AI
 OF TUB OR SHOWER FLOOR, 60 IN
 ARE TO HAVE SAFETY GLAZING

ALL TUB AND SHOWER ENCLOSUF

PROVIDE ONE SMOKE DETECTOR
 BEDROOMS. CONNECT SMOKE DI
 SMOKE DETECTORS TO HOUSE P
 TRIPPED, THEY ALL WILL SOUND.

PROVIDE COMBUSTION AIR VENT
 AND ANY OTHER APPLIANCES WI

BATHROOMS AND UTILITY ROOM:
 OF PRODUCING A MINIMUM OF 5,

RANGE HOODS ARE ALSO TO BE

ELECTRICAL RECEPTACLES IN B/
 G.F.I.C. PER NATIONAL ELECTRIC

INSULATE ALL ACCESS DOORS/ F
 EQUIVALENT RATING OF THE WA
 UNO ON PLANS.

ATTIC	R-38
WALLS	R-21
FLOORS	R-30

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
ACCESSORY DWELLING UNIT APPLICATION

In the event all requested information is not provided, the application may not be processed.

APPLICANT'S NAME: George & Tamara Eliason
PHONE NUMBER: 907-747-6817 H 907-738-6817 C
MAILING ADDRESS: 102 Kahala Dr
Sitka, AK 99835
PROJECT ADDRESS: 2314 H.P.R.
LEGAL DESCRIPTION: Lot: 4 Block: Subdivision: OCEANVIEW RIDGE

DIMENSIONS:
Total Area of Lot (in square feet): 20,413
Gross Floor Area of Primary Unit: 2,500
Gross Floor Area of the Accessory Dwelling Unit: 434

PARKING:
Number of Off-Street Parking Spaces: a) existing: 32 b) proposed: 32 There will be over 5000 sq. ft. to park after home is built.
Dimensions of Off-Street Parking Spaces: a) existing: 9x18 b) proposed: 9x18

UNUSUAL CHARACTERISTICS OF THE PARCEL:
(e.g. Lot Shape, Topography, Streams) This piece of property is particularly flat.

DESCRIBE ANY REQUESTS THAT MAY BE APPLIED FOR IN THE FUTURE:
(e.g. Bed and Breakfast)

- An easy to read plot plan drawn to scale, MUST be attached to this application and contain the following:
1. Existing and proposed structures with their drives, dimensions and property offsets.
 2. Roadway pavements, sidewalks and existing grading on the property and immediately adjacent to it.
 3. Roadway frontage and parcel area.
 4. Location of all physical features on the parcel such as drainage, hills or rock out croppings, and tidelands.
 5. Location and specifications of all water, sewer, electrical, cable, and telephone infrastructure on the property and immediately adjacent to the property. The applicant must verify, to the satisfaction of the Public Works Department, that utility lines and services are not under proposed structures.

In applying for and signing this application, the property owner hereby certifies that they have read the Accessory Dwelling Unit ordinance and Fact Sheet.

Printed name of OWNER: George Eliason Date: 12/30/14
Signature of OWNER: [Signature] Date: 12/30/14

Eliason
Accessory Dwelling Unit
2314 Halibut Point Road



City and Borough of Sitka

PUBLIC SERVICES

100 LINCOLN STREET • SITKA, ALASKA 99835

PHONE (907) 747-1804 FAX (907) 747-3158

January 6, 2011

George Eliason
102 Kuhnle Drive
Sitka, Alaska 99835

Subject: Certificate of Occupancy-2314 "A" Halibut Point Road

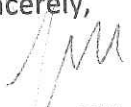
Dear Mr. Eliason:

This letter is to certify that the above-referenced dwelling unit, an efficiency apartment in a garage/shop structure, has had a final inspection in which no deficiencies were noted and is approved for occupancy.

Be aware that upon receipt of this letter the municipal Utilities Department will begin charging for City services as for an occupied unit. If this is not appropriate, please contact the Utilities Department directly

If you or others have questions in this matter, or if there is any other way in which this office may be of assistance to you, please don't hesitate to contact us.

Sincerely,


Preston O'Connell
Building Official

Applicable code: 2006 International Residential Code

Cc: Assessor
Utilities Counter
Utilities Billing Clerk
Sales Tax Clerk
Senior Accountant
Fire Hall

Eliason
Accessory Dwelling Unit
2314 Halibut Point Road

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA PLATING ORDINANCE AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 7-1-84 DATED July 1, 1984 AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE 7-1-84 BY John D. Anderson
CLERK

ATTEST:
Cynthia A. Johnson
SECRETARY

SEAL:

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA, ASSEMBLY AS RECORDED IN MINUTE BOOK _____ PAGE _____ AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE 7-26-84 BY John E. Dugan
MAYOR

ATTEST:
John E. Dugan
CLERK

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ACCEPT THIS PLAN OF SUBDIVISION WITH MY FULL CONSENT AND DEDICATE ALL PUBLIC STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE, AS NOTED.

DATE July 25, 1984
BY Richard O. Meier
AS Attorney in fact for Michael D. Fisher as recorded in Book 66, P.30, Sitka Recording District 7185104

THE NOTARY'S ACKNOWLEDGEMENT

UNITED STATES OF AMERICA) SS
STATE OF ALASKA)
CITY AND BOROUGH OF SITKA)
THIS IS TO CERTIFY THAT ON THIS 25th DAY OF JULY 1984 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Richard O. Meier, JR. Attorney in fact for Michael D. Fisher TO BE IDENTICAL INDIVIDUALS OF MENTIONED AND WHO EXECUTED THE WITNESSED PLAT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR IN THIS FOREGOING FIRST WRITTEN.
Earl E. Roderick
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA.
MY COMMISSION EXPIRES 7-1-87

CERTIFICATE

STATE OF ALASKA) SS
1ST JUDICIAL DISTRICT)
I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED AND ACTING ASSESSOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN THE NAME OF:

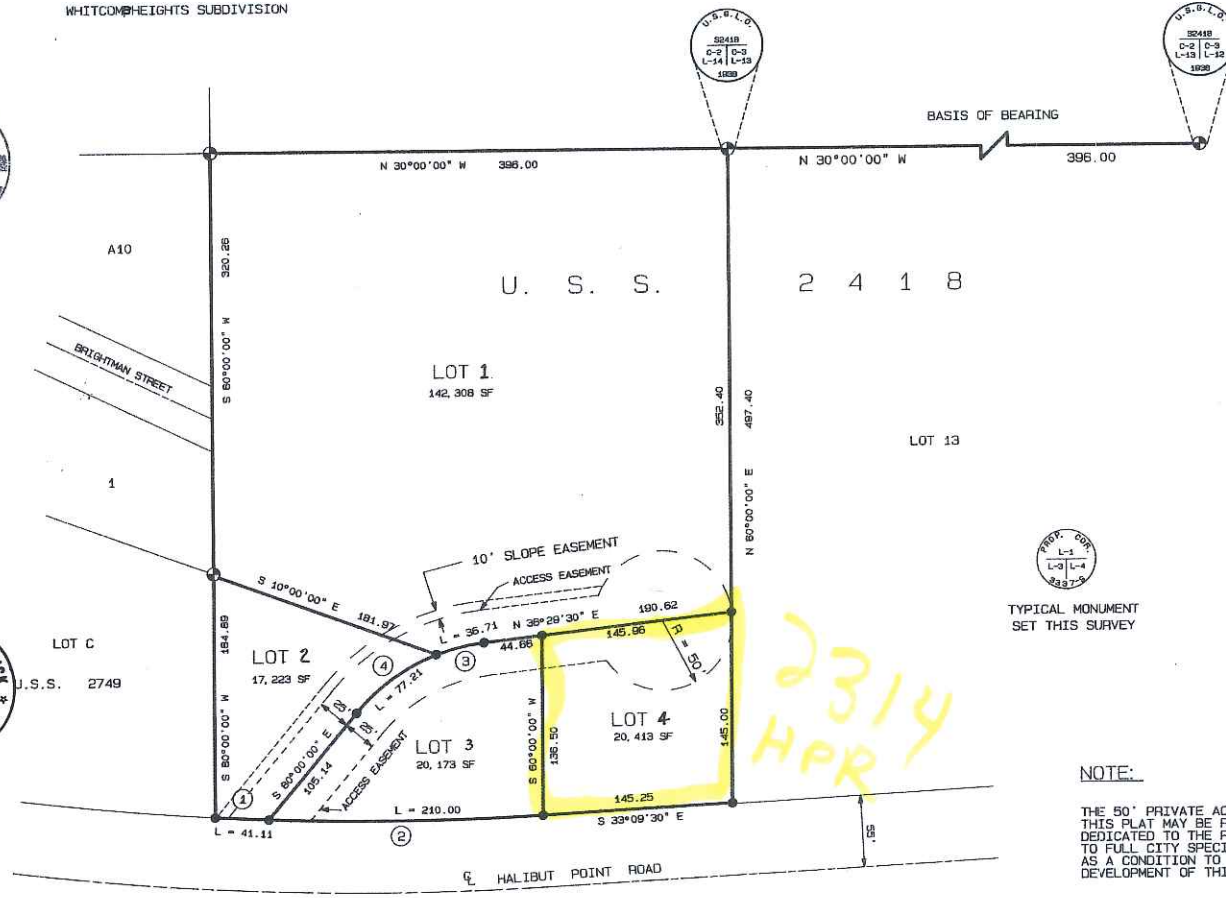
Michael D. Fisher
AND THE SAME ACCORDING TO THE RECORDS IN MY POSSESSION, BELONGS TO THE PROPERTY SAID LANDS IN FAVOR OF THE CITY AND BOROUGH OF SITKA, AS SAID IN PAR. THAT CURRENT TAXES FOR SAID PROPERTY WILL BE DUE ON OR BEFORE July 31, 1984.
DATED THIS 25th DAY OF July, 1984
AT SITKA.
John R. Cook
ASSESSOR, CITY AND BOROUGH OF SITKA

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED AND ACTING FINANCE DIRECTOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED

Elision
Accessory Dwelling Unit
2314 Halibut Point Road

WHITCOMB HEIGHTS SUBDIVISION



CURVE INFORMATION

- ① R = 2236.83'
D = 02°33'41\"
- ② R = 2236.83'
D = 02°33'41\"
- ③ R = 150.00'
D = 39°11'50\"
- ④ R = 150.00'
D = 39°11'50\"



TYPICAL MONUMENT SET THIS SURVEY

NOTE:

THE 50' PRIVATE ACCESS EASEMENT AS SHOWN ON THIS PLAT MAY BE REQUIRED TO BE FORMALLY DEDICATED TO THE PUBLIC AND CONSTRUCTED TO FULL CITY SPECIFICATIONS IN THE FUTURE, AS A CONDITION TO ADDITIONAL SUBDIVISION AND DEVELOPMENT OF THIS PROPERTY.

LEGEND

- ⊕ U.S.G.L.O. MONUMENT RECOVERED THIS SURVEY
- 5/8\"

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THE MEASUREMENTS SHOWN THEREON ACCURATELY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.
DATE 6-22-84 REGISTRATION NO. 3927-S
Richard O. Meier, Jr.
REGISTERED LAND SURVEYOR

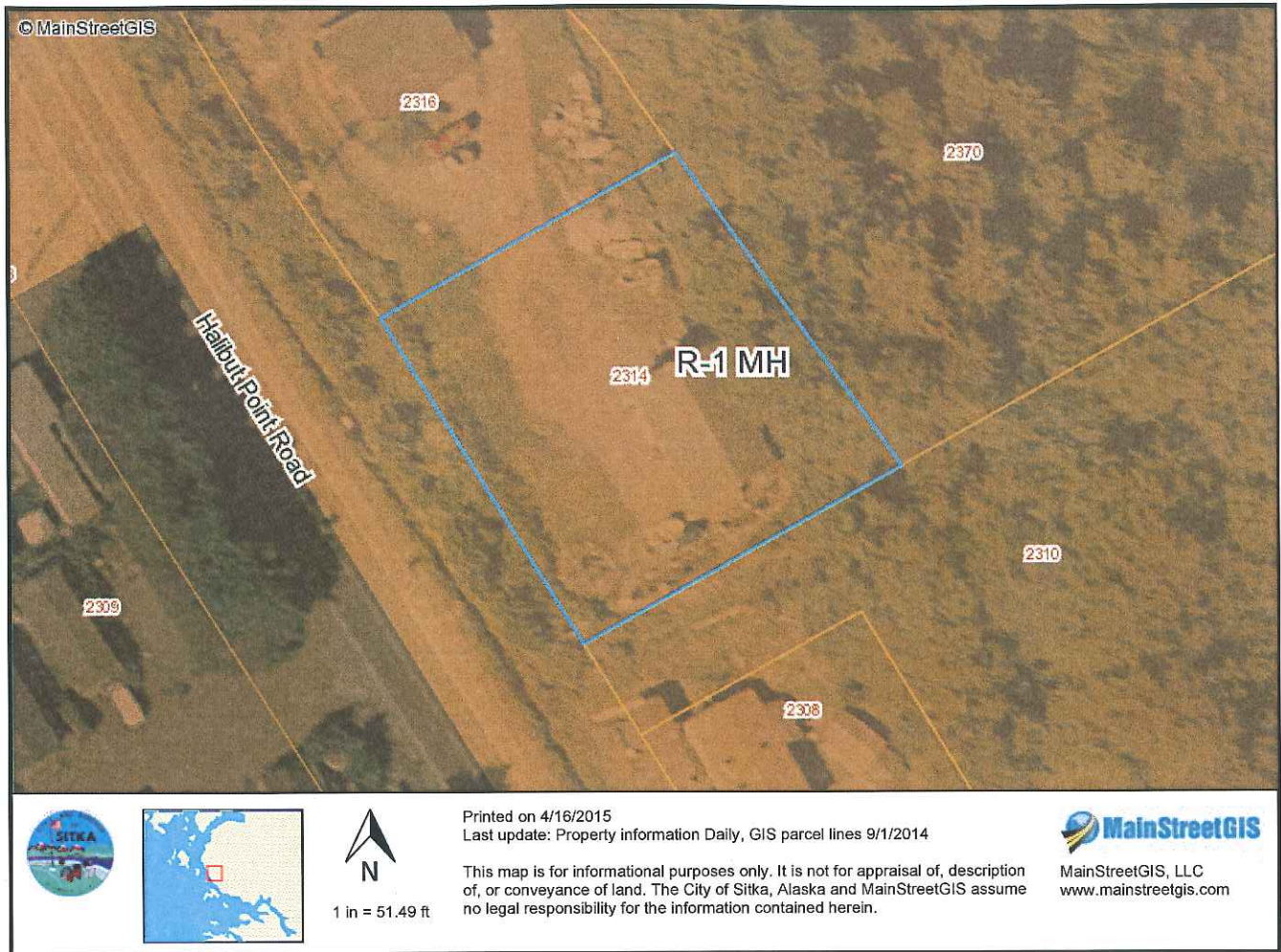


PREPARED BY:

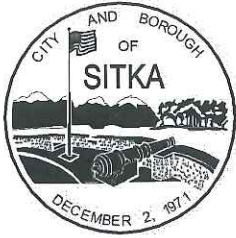


STRAGIER ENGINEERING SERVICES, INC.
CIVIL ENGINEERING LAND SURVEYING
747-5833
P.O. BOX 4556
SITKA, ALASKA 99835

OCEANVIEW R. SUBDIVISION
A SUBDIVISION OF LOT 14, L
SCALE: 1\"/>



Eliason
 Accessory Dwelling Unit
 2314 Halibut Point Road



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: April 16, 2015

From: Carole Gibb, Planner

To: Planning Commission

Re: Eliason ADU CUP at 2314 Halibut Point Road

GENERAL INFORMATION

Applicant: George & Tamara Eliason
2314 Halibut Point Road

Property Owner: Same

Property Address: 2314 HPR

Legal Description: Lot 4, US 2418
Ocean View Subdivision

Parcel ID Number: 25210003

Size of Existing Lot: 20,413 sq. ft.

Zoning: R1-MH

Existing Land Use: Shop

Utilities: City services are installed and in use.

Access: Parcel is accessed using an easement along a private drive that goes up from Halibut Point Road and passes alongside the neighboring house at 2316 Halibut Point Road.

Surrounding Land Use: Primarily Residential

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

MEETING FLOW

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

Providing for today...preparing for tomorrow

Attachment C: Parcel Pictures
Attachment D: Application
Attachment E: Site Plan
Attachment F: Certificate of Occupancy
Attachment G: Subdivision Plat
Attachment H: Zoning Map
Attachment I: Mailing List
Attachment J: Proof of Payment
Attachment K: Warranty Deed

PROJECT DESCRIPTION

The lot at 2314 Halibut Point Road is a 20,000+ sq. ft. property with an existing 1600 sq. ft. shop building on site that contains an upper-level 450 sq. ft. studio apartment. The owners plan to build a house on the lot, and want to continue to rent out the studio apartment. Two dwelling units are allowed in this zone, but they must be contained in a duplex. If not connected to the main residence, the second dwelling unit must qualify as an Accessory Dwelling Unit.

The applicants are applying for the ADU because they wish to avoid connecting the two buildings due to the additional costs and limitations regarding the placement of their house on the site that connecting the buildings would entail.

ADUs in an R1-MH zone are allowable under a conditional use permit; in this case, the ADU code provision that is not met is with regard to access. The lot is accessed by an easement, and along a drive that is not publically maintained.

There is a residential dwelling on the adjacent lot to the north, 2316, which is the property crossed via the access drive. On the south side of the lot (the side with the ADU access) there is a small undeveloped portion of a neighboring parcel running adjacent to this lot, and beyond that, a residence on the next lot to the south which is at a lower elevation, and fairly distant from this lot.

22.16.040 R-1 single-family and duplex residential district.

A. Intent. The R-1 district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public utilities including sewer, water, electricity and storm drains or are intended to be provided with such utilities in the near future.

1. This district is intended primarily for single-family or duplex residential dwellings at moderate densities, but structures and uses required to serve recreational and other public needs of residential areas are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 district.

2. The R-1 district, as it is a very restrictive district, may also be utilized as a holding district for lands which are located within the urban area but are not presently served by access or utilities until such time as a full-scale development plan can be adopted to allow a more permanent zoning district designation.

22.16.045 R-1 MH single-family, duplex and manufactured home zoning district.

A. Intent. See the intent statement for the R-1 district. The R-1 MH district is intended primarily for single-family, single-family manufactured homes or duplex dwellings, at moderate densities, but structures and uses required to serve recreational and other public needs of residential areas are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 MH district.

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: The owners have stated if the ADU isn't permitted, they will still have a rental in the existing studio apartment, but it will be connected to the house. The traffic to the site will increase once there are two dwellings on the property, but it will be the same whether the apartment is an ADU, or is an apartment in a garage sharing a common roofline with the future main residence.

b. Amount of noise to be generated and its impacts on surrounding land use: There will be a proportional increase in noise to the area once there are two dwelling units on the lot, whether the second dwelling unit is attached to the house or in a separate garage structure.

c. Odors to be generated by the use and their impacts: No additional odors.

d. Hours of operation: No hours of operation in this case.

e. Location along a major or collector street: This lot is located up a private drive off Halibut Point Road.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: Vehicular or foot traffic would need to stay on the easement but that gives direct access so a cut-through scenario isn't likely to be created in this case.

g. Effects on vehicular and pedestrian safety: There will be a proportional increase in use of the access route, but that will be the case whether the rental unit is an ADU or part of the main structure.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Same ability as if home was only single family.

i. Logic of the internal traffic layout: Four parking spots are required, and the site plan illustrates ample parking space to the north end of the garage structure.

j. Effects of signage on nearby uses: No effect. No signage proposed.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site:

The access to the apartment is on the west side of the garage, and there are no neighbors to that side.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Conforms with Comprehensive Plan Section 2.3.8 *To seek out ways to make housing more affordable for all Sitkans through various measures including: A. Developing more affordable housing opportunities, including single family homes and multi-family homes and multi-family dwellings.*

m. Other criteria that surface through public comments or planning commission review:

- **Parking:** CBS code 22.20.100 requires two spaces. *1. Residential Uses. For each dwelling unit up to and including four-family buildings: two parking spaces per unit.*
- **Habitat:** Existing building- no habitat will be affected by the Applicant's proposal.
- **Property value or Neighborhood harmony:** There is no evidence to suggest that this use will have an impact on surrounding property values. It will increase the value of the proposed structure.

FINDINGS

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.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested conditional use permit with the following conditions:

1. The facility shall be operated consistent with the application and plans that were submitted with the request.
2. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first year of operation for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
3. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
April 21, 2015

Present: Richard Parmelee, (Chair) Chris Spivey (Vice Chair), Debra Pohlman (Member), Darrell Windsor (Member), Randy Hughey (Member), Carole Gibb (Planner I), Maegan Bosak (Planning & Community Development Director)

Absent: None

Members of the Public: Lois Rhodes, Chris Bryner, Mark Hackett, Ron Phelps via phone, Annie Phelps, Steve Clayton, Ashley Moore, Chris Bryner, Chris Balovich, Scott Bowen, George Eliason, Scott Brylinski, Robert Riggs, Cliff Richter, Jeremy Twaddle, Todd Fleming

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

Roll Call:

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

Minutes from the April 7, 2015 meeting:

MOTION: M/S SPIVEY/HUGHEY moved to approve the meeting minutes for April 7, 2015.

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

The evening business:

ACCESSORY DWELLING UNIT CUP
707 LAKE STREET
PHYLLIS HACKETT

Public hearing and consideration of a proposed ADU (Accessory Dwelling Unit) conditional use permit requested by Phyllis Hackett at 707 Lake Street. The property is also known as Lot 21, Block 11, Sirstad Addition No. 2. The owners of record are Mark and Phyllis Hackett.

STAFF REPORT: Bosak explained the role of Findings in supporting any Commission decision, and the two options the Commission had regarding this case, one being that the Commission could make findings regarding their motion from the April 7 meeting to not

recommend approval of the ADU permit at 707 Lake Street or they could vote to rescind that motion and open the item up for further discussion and public comment. Additional neighborhood comments had been received by the Planning Office since the April 7th meeting, and those would be heard as well as further comments from the applicant and the public present at this April 21 meeting, if the vote was rescinded and further discussion was allowed.

MOTION: M/S HUGHEY/WINDSOR moved to rescind the motion on April 7, 2015 that recommended denying the accessory dwelling unit conditional use permit.

DISCUSSION: HUGHEY said he asked to rescind the motion to allow for additional discussion. Windsor asked if this motion to rescind failed, they can proceed to findings for denying the permit.

ACTION: Motion FAILED 3-2 on a voice vote.

FINDINGS: 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;

MOTION: M/S SPIVEY/HUGHEY moved to approve that these findings can be met.

DISCUSSION: Spivey had a concern about enforcement issues and felt that a tri-plex created a general welfare and safety issue.

Hughey disagreed, pointing out that although the ADU allowed three units on the property, having the owner live on the property would help mitigate any issues neighbors might have with the property compared to an unsupervised duplex.

Spivey observed that the homeowner stated she will not necessarily live there.

There was a procedural clarification with staff that additional conditions such as making it owner-occupied could not be placed on the permit at this point.

ACTION: Motion PASSED 4-1 on a voice vote.

b. Adversely affect the established character of the surrounding vicinity, specifically that this ADU continues residential use of the site and that the small size of the structure is limiting; nor

MOTION: M/S SPIVEY/POHLMAN moved to approve that these findings can be met.

DISCUSSION: Windsor felt that public comment presented at the last meeting showed that the neighbors objected to this third dwelling unit being allowed on an R1 property.

Pohlman said it did appear there were issues with the third unit, the impact on parking, and the location of the driveway on Lake St.

ACTION: Motion **FAILED 1-4** on a voice vote.

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; specifically that there will be no building or structural changes. The unit is already present on the property.

MOTION: M/S SPIVEY/POHLMAN moved to approve that these findings can be met.

DISCUSSION: Spivey said again the problem was that adjacent property owners are objecting to allowing an additional dwelling.

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

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; specifically *2.3.8 To seek out ways to make housing more affordable for all Sitkans through various measures including; A. Developing more affordable housing opportunities, including single family homes and multi-family dwellings.*

MOTION: M/S POHLMAN/WINDSOR moved to approve that these findings can be met.

DISCUSSION: None

ACTION: Motion **PASSED 4-1** on a voice vote.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; specifically condition placed that states a public

hearing may be scheduled at any time following the first year of operation for the purpose of resolving issues and mitigating adverse impacts on nearby properties.

MOTION: M/S SPIVEY/POHLMAN moved to approve that these findings can be met.

DISCUSSION: Spivey said he believes enforcement to be an issue. Parmelee agreed that enforcement could be a problem.

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

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.

MOTION: M/S WINDSOR/POHLMAN moved to approve that these findings can be met.

DISCUSSION: Pohlman expressed concerns about questions raised by neighbors about parking and how during certain times of the day, Lake Street can be very busy. Bosak clarified that staff had measured parking spaces and had determined there were nine full sized spaces, and after revisiting the site to measure again, found at least ten spaces. Windsor asked if that was even with the boat on the property and the spaces it took up. Staff confirmed there was sufficient parking. Pohlman clarified that she now understands that the parking is adequate, but she is concerned about access and egress.

ACTION: Motion **PASSED 3-2** on a voice vote.

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.

MOTION: M/S POHLMAN/SPIVEY moved to approve that these findings can be met.

DISCUSSION: None

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

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. Staff felt that applicant met the burden of proof in their application as defined by code.

MOTION: M/S SPIVEY/ POHLMAN moved to approve that these findings can be met.

DISCUSSION: None

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

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;

MOTION: M/S SPIVEY/WINDSOR moved to approve that these findings can be met.

DISCUSSION: None

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

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;

MOTION: M/S POHLMAN/SPIVEY moved to approve that these findings can be met.

DISCUSSION: None

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

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

MOTION: M/S SPIVEY/POHLMAN moved to approve that these findings can be met.

DISCUSSION: None

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

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;

MOTION: M/S SPIVEY/POHLMAN moved to approve that these findings can be met.

DISCUSSION: Spivey stated traffic volume and flow is a problem, as well as enforcement regarding the number of persons living on the property, and amount of noise could be a potential problem.

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

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

MOTION: M/S SPIVEY/WINDSOR moved to approve that these findings can be met.

DISCUSSION: None

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

**SHORT TERM RENTAL
413 BARANOF STREET
TIFFANY AND CHRIS BRYNER**

Public hearing and consideration of a proposed short-term rental conditional use permit requested by Tiffany and Christopher Bryner at 413 Baranof Street. The property is also known as Lot 15, Block 20, U.S. Survey 1474, Tract A. The owners of record are Tiffany and Christopher Bryner.

STAFF REPORT: After describing the request, Bosak noted that there were some neighbor inquiries to ask whether the separate outbuilding in the back of the house would be used for rental space and the Bryner's have clarified that it will not be used.

APPLICANT: Chris Bryner explained that he and his wife travel in the summer, and they would like the option of renting their house out as a short-term rental while they are gone. He will have a neighbor acting as a manager in their absence, and they will seek renters who will utilize the house for a week or two at a time, to minimize the number of turnovers.

COMMISSIONER DELIBERATION: Commissioners had no concerns.

PUBLIC COMMENT: None

MOTION: M/S SPIVEY/POHLMAN moved to approve the findings.

FINDINGS

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, *specifically, 2.5.2. To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas; and 2.1.1. Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.*
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.

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

MOTION: M/S SPIVEY/WINDSOR moved to recommend approval for a short-term rental conditional use permit requested by Tiffany and Christopher Bryner at 413 Baranof Street. The property is also known as Lot 15, Block 20, U.S. Survey 1474, Tract A. The owners of record are Tiffany and Christopher Bryner. Based on findings and the following conditions:

CONDITIONS:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the 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 any of the conditions may result in revocation of the conditional use permit.

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

**ACCESSORY DWELLING UNIT CUP
2314 HALIBUT POINT ROAD
GEORGE AND TAMARA ELIASON**

Public hearing and consideration of a proposed accessory dwelling unit conditional use permit requested by George and Tamara Eliason at 2314 Halibut Point Road. The property is also known as Lot 4, Ocean View Ridge Subdivision. The owners of record are George and Tamara Eliason.

STAFF REPORT: Bosak gave the background on this request.

APPLICANT: George Eliason asked for a clarification regarding the access/easement provision in the ADU permitting process.

COMMISSIONER DELIBERATION: Commissioners asked for clarifications and expressed no concerns.

PUBLIC COMMENT: Robert Riggs, who owns the property adjacent to the applicants, clarified that a full build-out on the road accessing their properties isn't expected in the future. He asked for clarification of the definition of an accessory dwelling unit. He also asked for confirmation that this permit is only for this particular case, and no wider changes or allowances were being made to what was allowable in the neighborhood.

MOTION: M/S SPIVEY/WINDSOR moved to approve findings.

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, *specifically 2.3.8. To seek out ways to make housing more affordable for all Sitkans through various measures including, including a: Developing more affordable housing opportunities, including single family homes and multi-family homes and multi-family dwellings.*
 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.

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

MOTION: **M/S SPIVEY/HUGHEY** moved to approve the ADU permit with the following conditions:

1. The facility shall be operated consistent with the application and plans that were submitted with the request.
2. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first year of operation for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
3. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

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

**SHORT TERM RENTAL CUP
1601 DAVIDOFF STREET
ALI CLAYTON**

Public hearing and consideration of a proposed short-term rental conditional use permit requested by Ali Clayton at 1601 Davidoff Street. The property is also known as Lots 1 and 7, Block 9, Northwest Addition, U.S. Survey 3303B, Tract A. The owners of record are Steve and Paula Clayton.

STAFF REPORT: Staff presented the request.

APPLICANT: Ali Clayton and Steve Clayton described the request, clarifying that only the top floor is usable as a short-term rental because the lower level needs repairs and remodeling.

COMMISSIONER DELIBERATION: Parmelee read a public comment received by the Planning Office in which a neighbor believes there is increased activity on the property, especially the shop, compared to the past use, and discussion ensued with Windsor stating he was periodically at the property over the years and he didn't believe there was a difference in the amount or the type of use. Steve Clayton confirmed that the amount or type of use hadn't changed in any significant way. Spivey asked about management. Clayton explained she would manage the property, and Spivey expressed concern that

the owner would not live on the rental property. Bosak clarified that the conditions typically placed on long term rentals which were designed specifically to mitigate potential management problems. Hughey expressed concern that this represented the loss of a long-term rental and asked why it was being changed to a short-term rental. Clayton said she is interested in buying the house, which is owned by her parents, and this was a way to make more income toward that goal.

PUBLIC COMMENT: None

MOTION: M/S POHLMAN/WINDSOR moved to approve findings and conditions.

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, *specifically, 2.5.2. To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas; and 2.1.1. Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria

set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

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

Conditions

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the 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 any of the conditions may result in revocation of the conditional use permit.

ACTION: Motion **PASSED 4-1** on a voice vote.

**PUD SUBDIVISION PERMIT
100 INDIAN RIVER ROAD
BIHA**

Public hearing and consideration of a proposed planned unit development subdivision permit requested by the Baranof Island Housing Authority (BIHA) at 100 Indian River Rd. The property is also known as Lot 3AA, Indian River Subdivision No. 2. The owner of record is the Baranof Island Housing Authority.

STAFF REPORT: Baranof Island Housing Authority was proposing a preliminary plat for a planned unit development at 100 Indian River Road. The property has acted as a PUD historically with two 4 plexes built in 2007 and two additional built in 2010. This request is to facilitate grant funding and proceed with phase 3. The large lot will be broken into 4 smaller lots.

Lot A will consist of 93,978 sq. ft. and feature Phase 1 and 2 as well as parking, access and greenspace.

Lot B will consist of 6,685 sq. ft. and will feature one new four plex as part of phase 3.

Lot C will consist of 6,149 sq. ft. and will feature one new four plex as part of phase 3.

Lot D will consist of 28,417 sq. ft. and will be reserved for future development in phase 4. Access and greenspace requirements listed in the subdivision code, are included in Lot A.

Staff explained the city staff Development Review Committee has met with BIHA to discuss the project. The preliminary plat will be revised before final approval to include easements, and to include a plat note that no lot may be sold separately. A parking plan will also need to be submitted.

APPLICANT: Cliff Richter described the project and that they are subdividing the lots to satisfy grant requirements.

COMMISSIONER DELIBERATION: Commissioners asked for clarification regarding drainage and Richter responded that the parking lot has curb gutters, and that drainage from the lot is directed down and to the right, or southeast, into a catch basin, which taps into an oil-water separator and then down into a drainage swale.

PUBLIC COMMENT: None

MOTION: M/S HUGHEY/WINDSOR moved to approve the preliminary plat for the planned unit development subdivision permit requested by the Baranof Island Housing Authority (BIHA) at 100 Indian River Rd. The property is also known as

Lot 3AA, Indian River Subdivision No. 2. The owner of record is the Baranof Island Housing Authority with the following conditions:

1. Parking plan be submitted prior to final plat approval.
2. There be a plat note that no lot may be sold independently; if sold, it must be sold as a whole.

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

**OUTDOOR RESTAURANT PORTABLE STRUCTURE CUP
331 LINCOLN STREET
ASHLEY MOORE**

Public hearing and consideration of a proposed conditional use permit for an outdoor restaurant portable structure requested by Ashley Moore at 331 Lincoln St. The property is also known as a portion of Tract J of U.S. Survey 404. The owner of record is Christopher Bowen.

STAFF REPORT: The applicant was asking for a conditional use permit for an outdoor restaurant portable structure aka food truck in the central business district. The food truck will be serving locally caught Alaskan fish. The applicant plans to be in business May-September for 6-7 days per week. Ms. Moore has presented hours of operation to be 11 am to 4 pm and 5 pm to 8 pm. She also states that she will be open late nights possibly until 1 am. The food truck will be parked in front of the Coliseum Theater adjacent Lincoln Street. Applicant will be providing trash receptacles for customers.

The applicant has stated that all food prep will take place in a DEC approved commissary kitchen and that she has worked with DEC to be in compliance.

The Planning Office received complaints in the past concerning noise, primarily, from a food truck parked underneath some upper floor residences, but this location doesn't have that potential problem as there are no residences above the theater.

Staff noted that this particular use is permitted in commercial and waterfront zones, but in the central business district it is conditional use.

APPLICANT: Ashley Moore described the request and explained that regarding noise, the Food Truck engine wouldn't be running and she has invested in an inverter generator which is much quieter than the generator system already in the truck. She would like to put up a tent and have some seating, if that is permissible.

COMMISSIONER DELIBERATION: Spivey asked for more description of the tent and where it would be. Staff noted that a revised site plan could be provided as a condition, showing these aspects of the request. Hughey asked if the applicant had heard anything

negative from downtown merchants, and she said no. Bosak confirmed the truck wouldn't block the west end exit of the theatre, and applicant confirmed that exit would not be blocked. Pohlman asked for clarifications regarding the hours. Bosak mentioned that one of the conditions could be to limit the hours, however, this permit is located in the Central Business District, and that district is zoned specifically to accommodate bars, restaurants, and downtown events, and a nighttime eatery could fit in.

PUBLIC COMMENT: None

MOTION: M/S SPIVEY/POHLMAN moved to approve the following findings.

22.30.160 Planning commission review and recommendation.

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, *specifically, 2.5.2. To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas; and 2.1. 1. Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.*

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.

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

MOTION: M/S SPIVEY/WINDSOR moved to recommend approval of a conditional use permit for an outdoor restaurant portable structure requested by Ashley Moore at 331 Lincoln St. The property is also known as a portion of Tract J of U.S. Survey 404. The owner of record is Christopher Bowen with the following conditions:

1. The facility shall be operated consistent with the application and plans that were submitted with the request including the location.
2. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first year of operation for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
3. Failure to comply with any of the conditions may result in revocation of the conditional use permit.
4. Must gain all necessary agency permits.
5. Must submit an updated site plan showing the proposed tent and tables.

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

**MAJOR SUBDIVISION PRELIMINARY PLAT
300 KRAMER AVENUE – PARCEL C SOUTH BENCHLANDS
SOUND DEVELOPMENT**

Public hearing and consideration of a preliminary plat for a major subdivision at 300 Kramer Avenue or Parcel C South Benchlands filed by Sound Development, LLC. The proposed subdivision will create 19 lots. The property is also known as Tract A12-III, Whitcomb Heights III Subdivision.

STAFF REPORT: This item was the preliminary plat for a major subdivision request at 300 Kramer Avenue. The proposed subdivision would turn the majority of Parcel C of the South Benchlands into a 19 lot subdivision. The lots ranged in size from 4,062 square feet to 105,500 square feet. The PUD designation allows for mixed use as this subdivision ranges in lot sizes and will accommodate a variety of home sizes. From “tiny homes” to multi-family, this subdivision will incorporate a number of different housing options. Plat notes limit future variances and building square footage.

A 20 foot wide greenbelt wetland preserve is designated on the plat directly above Sand Dollar Drive or the west side of the subdivision. Tree height would be addressed allowing property owners to trim trees if they are above 20 feet. Sand Dollar Drive residents requested this during the minor subdivision process.

Working together with Sound Development, city staff personnel in Planning and Public Works have reviewed the proposal and after a series of edits, are comfortable with it progressing through the public process.

There are issues outlined in a staff engineers report which are still being discussed and it is understood they will be resolved before the final plat is approved.

APPLICANT: Jeremy Twaddle and Todd Fleming described the project.

COMMISSIONER DELIBERATION: Parmelee read a letter submitted as public comment outlining concerns about drainage. The municipal engineer’s comments on drainage and additional points were presented by staff. They include:

- Public Works recommended and fully supports the plat note requiring that drainage from rooftops and driveways be directed to the ditches to help prevent the downhill properties from being adversely affected.
- We would also like to see a plat note which restricts direct access to the lots from Kramer Avenue to the extent possible. Woodbury Circle should be used for lot access as opposed to having 7 successive driveways across a relatively short distance with, in most cases, less than standard lot frontage widths.

- We also need sufficient easement width(s) to access and maintain all drainage conveyances on private property. The presence of an easement is not sufficient. As an example, there are numerous easements across Hillside Subdivision which are present on paper, but are physically inaccessible with heavy equipment. We would like to avoid this situation. Easements should be wide enough to allow for an excavator to access the ditch from the side.

In response, Jeremy Twaddle explained that with regard to drainage, a condition set on their initial plan stipulated that they were to reduce runoff by 10 percent. They had a runoff study conducted by an engineer, and the resulting plan is to direct drainage down along Kramer Avenue to the existing storm drain system there. Runoff is expected to be reduced by greater than 10 percent, and possibly as much as 50 percent. Other drainage measures include making sure ash and other inorganic fill material are stacked on the downhill side of the road, so that it isn't just a rock surface, and as a result water is expected to drain down into the fill material and be better directed. Also there are plat notes requiring runoff from residents' roofs must be directed back to Kramer Ave.

On the second point described by city engineering staff, Bosak and the applicant described the city's Public Works department concern about having too many driveways onto Kramer Avenue, and the solution that is being discussed, which involves shared driveways.

On the third point raised by the city engineer, discussion will continue between the applicant and city engineering staff as to the access easement, which the city feels needs to be wide enough allow for equipment access. The applicant stated they are not clear about this need, but are willing to comply.

PUBLIC COMMENT: None

MOTION: M/S WINDSOR/HUGHEY moved to approve the preliminary subdivision plat with the additional plat notes as requested by staff.

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

DIRECTORS REPORT: Bosak reported that the Planning Office is hearing from many residents concerned about protecting the integrity of the R1 zones, and maintaining their residential nature. Scott Brylinski wanted to know what the commissioners felt about being the local marijuana regulatory body and the commission discussed the question briefly and determined it was a possibility to discuss further.

PUBLIC COMMENT: None

MOTION: M/S WINDSOR/SPIVEY moved to adjourn at 9:46 p.m.

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

Richard Parmelee, Chair

Carole Gibb, Secretary



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Notice of Public Hearings

The Assembly of the City and Borough of Sitka will hold a public hearing during a regular meeting scheduled Tuesday, May 12, 2015 on the following items:

Public hearing and consideration of a proposed short-term rental conditional use permit requested by Tiffany and Christopher Bryner at 413 Baranof Street. The property is also known as Lot 15, Block 20, U.S. Survey 1474, Tract A. The owners of record are Tiffany and Christopher Bryner.

Public hearing and consideration of a proposed accessory dwelling unit conditional use permit requested by George and Tamara Eliason at 2314 Halibut Point Road. The property is also known as Lot 4, Ocean View Ridge Subdivision. The owners of record are George and Tamara Eliason.

Public hearing and consideration of a proposed short-term rental conditional use permit requested by Ali Clayton at 1601 Davidoff Street. The property is also known as Lots 1 and 7, Block 9, Northwest Addition, U.S. Survey 3303B, Tract A. The owners of record are Steve and Paula Clayton.

Public hearing and consideration of a proposed conditional use permit for an outdoor restaurant portable structure requested by Ashley Moore at 331 Lincoln St. The property is also known as a portion of Tract J of U.S. Survey 404. The owner of record is Christopher Bowen.

The Assembly may take action on May 12, 2015. The Assembly meeting will begin at 6:00 pm in Harrigan Centennial Hall at 330 Harbor Drive in Sitka.

Interested residents are encouraged to make comments during the meeting and written comments can be submitted to the Municipal Clerk at 100 Lincoln Street.

Accessory dwelling unit conditional use permit at 2314 Halibut Point Road:

The applicant is requesting a conditional use permit for an accessory dwelling unit at 2314 Halibut Point Road. This would allow the applicant to have an additional detached dwelling unit on the property. Off-street parking spaces are available. The property is zoned R-1 MH Residential mobile home.

The R-1 MH district is intended primarily for single-family, single-family manufactured homes or duplex dwellings, at moderate densities, but structures and uses required to serve recreational and other public needs of residential areas are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 MH district.

Eliason

MICHAEL/EILEEN CHAMBERS

CHAMBERS, MICHAEL & EILEEN
20165 N 67TH AVE, #122A
GLENDALE AZ 85308

JEFFREY DAVIS

DAVIS, JEFFREY
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SITKA AK 99835

EVAN LOVE

LOVE, EVAN, R.
1503 DAVIDOFF ST
SITKA AK 99835

LESLIE YOUNG

YOUNG, LESLIE, A.
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SITKA AK 99835

ALBERT/WILLIAN SCHAFER
SCHAFER'S TRAILER COURT
SCHAFER, ALBERT, E./WILLIAN, M.
P.O. BOX 610
SEWARD AK 99664-0610

JAMIE/JOHN LICARI

LICARI, JAMIE & JOHN
112 SAND DOLLAR DR
SITKA AK 99835

ROLLANDA JESKE

JESKE, ROLLANDA, L.
2308 HALIBUT POINT RD
SITKA AK 99835

ROBERT/LUCY RIGGS

RIGGS, ROBERT, E./LUCY, A.
2316 HALIBUT POINT RD
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MELLEMA

MELLEMA, JAMES & CATHERINE
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MICHAEL TISHER

TISHER, MICHAEL, J.
304 WORTMAN LOOP
SITKA AK 99835

GEORGE/TAMARA ELIASON

ELIASON, GEORGE, R. II/TAMARA, L.
102 KUHNLE DR
SITKA AK 99835

BONNIE BELL

BELL, BONNIE, C.
2305 HALIBUT POINT RD
SITKA AK 99835

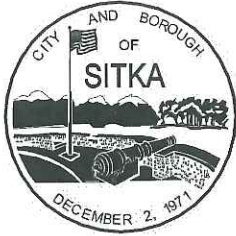
JAMES/ANNA/KATH ANDERSON

ANDERSON,
JAMES, ANNA/THOMAS/KATHERINE
604 LAKE STREET
SITKA AK 99835

Assembly Mailing
Sent 5/4/15



Eliason
Accessory Dwelling Unit
2314 Halibut Point Road



City and Borough of Sitka

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**Sitka Planning Commission Agenda
Tuesday, April 21, 2015
Held at Sitka Fire Hall
209 Lake Street, Sitka, Alaska
7:00pm**

- I. CALL TO ORDER AND ROLL CALL
- II. CONSIDERATION OF THE AGENDA
- III. CONSIDERATION OF THE MINUTES FROM April 7, 2015
- IV. THE EVENING BUSINESS

A. Public hearing and consideration of a proposed accessory dwelling unit conditional use permit requested by Phyllis Hackett at 707 Lake Street. The property is also known as Lot 21, Block 11, Sirstad Addition No. 2. The owners of record are Mark and Phyllis Hackett.

B. Public hearing and consideration of a proposed short-term rental conditional use permit requested by Tiffany and Christopher Bryner at 413 Baranof Street. The property is also known as Lot 15, Block 20, U.S. Survey 1474, Tract A. The owners of record are Tiffany and Christopher Bryner.

C. Public hearing and consideration of a proposed accessory dwelling unit conditional use permit requested by George and Tamara Eliason at 2314 Halibut Point Road. The property is also known as Lot 4, Ocean View Ridge Subdivision. The owners of record are George and Tamara Eliason.

D. Public hearing and consideration of a proposed short-term rental conditional use permit requested by Ali Clayton at 1601 Davidoff Street. The property is also known as Lots 1 and 7, Block 9, Northwest Addition, U.S. Survey 3303B, Tract A. The owners of record are Steve and Paula Clayton.

E. Public hearing and consideration of a proposed planned unit development subdivision permit requested by the Baranof Island Housing Authority (BIHA) at 100 Indian River Rd. The property is also known as Lot 3AA, Indian River Subdivision No. 2. The owner of record is the Baranof Island Housing Authority.

F. Public hearing and consideration of a proposed conditional use permit for an outdoor restaurant portable structure requested by Ashley Moore at 331 Lincoln St. The property is also known as a portion of Tract J of U.S. Survey 404. The owner of record is Christopher Bowen.

G. Public hearing and consideration of a preliminary plat for a major subdivision at 300 Kramer Avenue or Parcel C South Benchlands filed by Sound Development, LLC. The proposed

subdivision will create 19 lots. The property is also known as Tract A12-III, Whitcomb Heights III Subdivision.

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

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

Publish: April 13 and April 15

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P & Z Mailing
Sent 4/13/15

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