

## BOARD OF ADJUSTMENT

1)

I MOVE TO CONVENE AS THE BOARD OF ADJUSTMENT

2)

HEARING NOW TAKES PLACE

3)

The BOA has the ability to approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit.

One possible motion as recommended by Planning Commission -

I MOVE TO deny a conditional use permit request filed by Mark and Phyllis Hackett for an Accessory Dwelling Unit at 707 Lake Street as recommended by the Planning Commission because a majority of the following required conditions and findings could not be met in accordance with that Commission. Further, in accordance with Sitka General Code the Planning Commission shall not recommend approval of a proposed development unless it can first meet the following findings, conditions and conclusions and further considers that the Planning Commission recommended denial of the conditional use permit because they were unable to find that the proposed CUP would not adversely affect the established character of the surrounding vicinity and neighborhood concerns cannot be mitigated. The Board of Adjustment supports the Planning Commission's decision and denies the conditional use permit; and request that they be made a part of the final decision of record: **(No need to read the actual findings if this motion is approved they will be included as part of the official record.)**

1. a. be detrimental to the public health, safety, and general welfare; *Since it will not necessarily be owner occupied there were concerns expressed about general welfare and safety.*

b. not adversely affect the established character of the surrounding vicinity; the R-1 single-family and duplex residential district is intended primarily for single-family or duplex residential dwellings at moderate densities. *There was testimony from neighbors that felt they would be adversely impacted and parking issues.*

c. not 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. *Neighbors objected to allowing a third dwelling on the property.*

2. That 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 - Can be met.*

3. That all conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced. *It was felt that enforcement was an issue.*

4. That 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. *Ingress and egress concerns were expressed.*

5. That 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. *Can be met.*

6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria to include 1. b above. *Staff felt the applicant met the burden of proof in their application as defined by the code.*

**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; *Can be met.*
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; *Can be met.*
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures; *Can be met.*
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; *Traffic volume and flow, enforcement issues regarding the number of persons living on the property and noise all could be potential problems.*
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts. *Can be met.*

**Conditional uses.**

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

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

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

**Actions after BOA Decision**  
**REMAND – RECONSIDERATION – JUDICIAL APPEAL**

<sup>7</sup> *SGC 22.30.200 Remand.*

*In the event the assembly determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the assembly may remand the matter back to the hearing body. The assembly shall specify the items or issues to be considered and the time frame for completing the additional work. The assembly may hold a public hearing on a closed record appeal only for the limited purposes identified in the remand.*

<sup>8</sup> *SGC 22.30.190 Reconsideration.*

*A party to a public hearing or closed record appeal may seek reconsideration only of a final decision by filing a written request for reconsideration with the administrator within fourteen calendar days of the oral announcement of the final decision. The assembly shall consider the request at its next regularly scheduled meeting. If the request is denied, the previous action shall become final. If the request is granted, the assembly body may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals.*

<sup>9</sup> *SGC 22.30.240 Judicial appeal.*

*A. Appeals from the final decision of the assembly, or other city board or body involving Title 21 SGC, and for which all other appeals specifically authorized have been timely exhausted, shall be made to superior court within thirty days of the date the decision or action became final, unless another time period is established by state law or local ordinance.*

\* \* \*

4)

**I MOVE TO RECONVENE AS THE ASSEMBLY IN  
REGULAR SESSION**

## MEMORANDUM

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

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

**Subject:** Hackett Accessory Dwelling Unit Conditional Use Permit

**Date:** April 22, 2015

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The Planning Commission is recommending denial of a conditional use permit for an accessory dwelling unit (ADU) filed by Mark and Phyllis Hackett at 707 Lake Street. Action on this item was taken at the April 7, 2015 Planning Commission meeting with follow up findings on April 22, 2015. The recommendation of approval for the accessory dwelling unit conditional use permit request, based on the following findings, failed 2-3.

Mr. and Mrs. Hackett own a two-story house and garage at 707 Lake Street. The main house features two rental units; a three bedroom/1 bath and a two bedroom/1 bath. Above the main house and adjacent Lake Street is a two car garage/shop with studio area above. The studio area is the proposed ADU (293 sq. ft.). This ADU request does not meet code requirements as ADUs shall not be located on parcels that contain a duplex and shall not be located on parcels that contain two or more dwelling units. 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 has received multiple comments on this request and a number of citizens gave public testimony at the Planning Commission meeting. Included in your packets are comments both in support of and against the proposed ADU.

The Planning Commission was unable to find that the proposed CUP would not adversely affect the established character of the surrounding vicinity and neighborhood concerns cannot be mitigated.

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.

**MOTION: M/S HUGHEY/POHLMAN** moved to approve the ADU permit.

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

**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 2-3** 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 triplex 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 - 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 4-1** 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 5-0** 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 5-0** 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 5-0** 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.



**Hackett**  
Accessory Dwelling Unit  
707 Lake Street

A

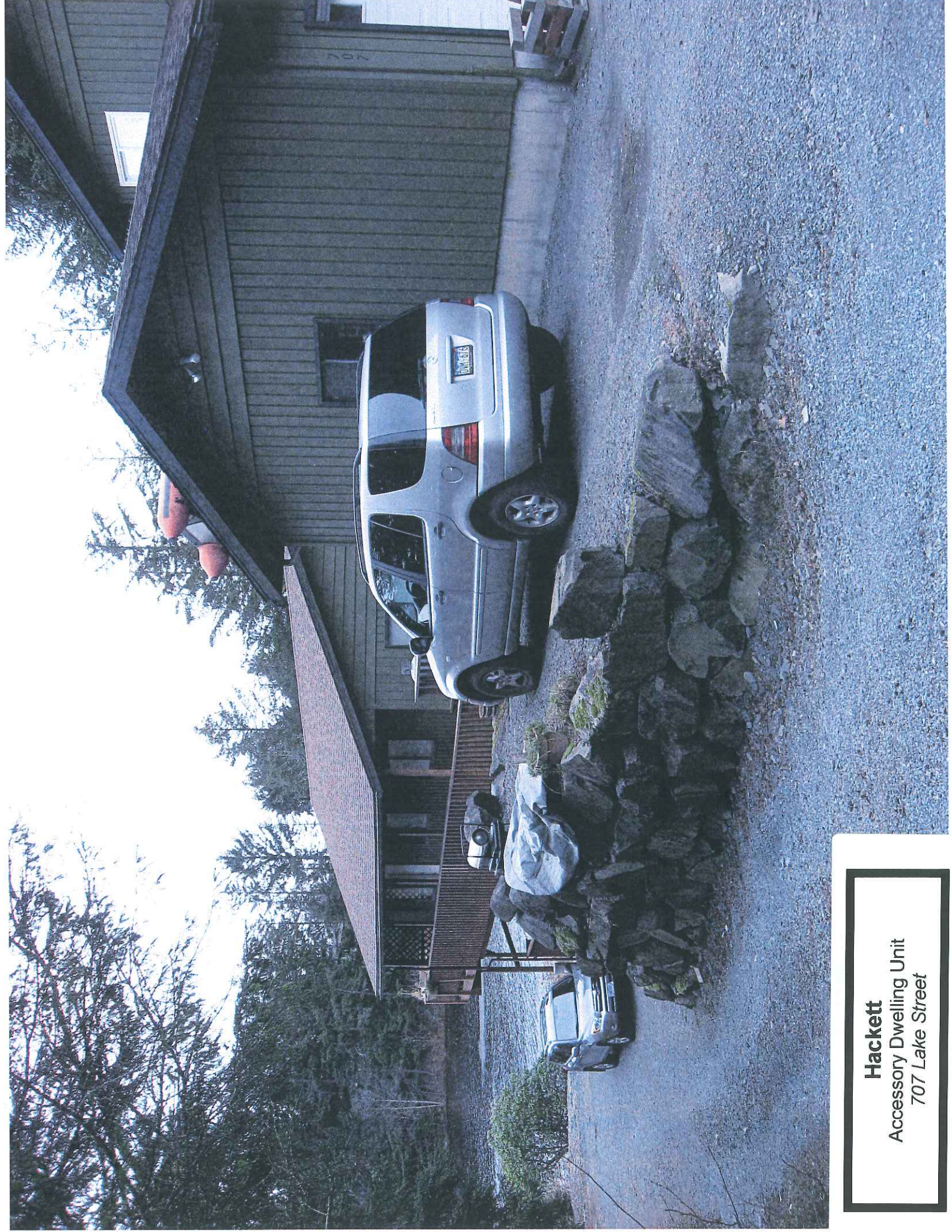


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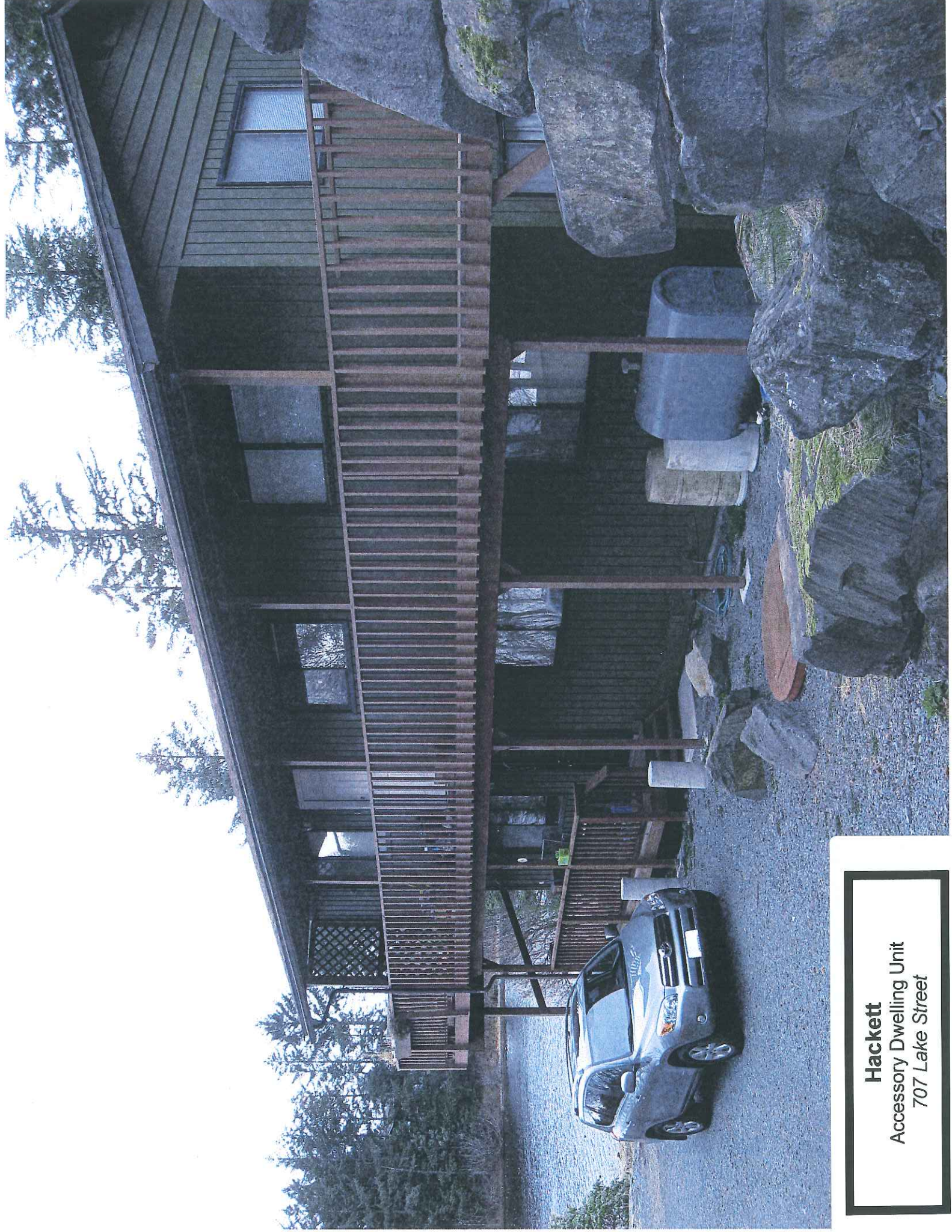
**Hackett**  
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**Hackett**  
Accessory Dwelling Unit  
707 Lake Street



**Hackett**  
Accessory Dwelling Unit  
707 Lake Street



Swan Lake

Main Bldg.

2 Story  
2 units

upper - 3 br 1 bath  
down - 2 br 1 bath

60'

Parking down

21'

Bridge to upper

(Reinforced Bank)

Priveway down to lower bank

42'

2 car  
Garage &  
Shop down

ADU  
up -  
273#

Stairs ADU

Parking up

12' 33'

21'

Lake St.

Hackett  
Accessory Dwelling Unit  
707 Lake Street

E

ADU  
to up and  
right  
of  
garage  
door.

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: Phyllis Hackett  
PHONE NUMBER: 907-738-1991  
MAILING ADDRESS: 500 Lincoln #B4  
Sitka, AK 99835  
PROJECT ADDRESS: 707 Lake St  
LEGAL DESCRIPTION: Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: S1R2

DIMENSIONS:

Total Area of Lot (in square feet): \_\_\_\_\_  
Gross Floor Area of Primary Unit: \_\_\_\_\_  
Gross Floor Area of the Accessory Dwelling Unit: 273 #

PARKING:

Number of Off-Street Parking Spaces: a)existing: Same b)proposed: upper-4+ down-3  
Dimensions of Off-Street Parking Spaces: a)existing: Same b)proposed: upper-33'x21', 12'x42'  
down-60'x21'

UNUSUAL CHARACTERISTICS OF THE PARCEL:

(e.g. Lot Shape, Topography, Streams) Lot slopes down from Lake St. to Swan Lake. Garage is ADU @ street level. main house on lower level w/ driveway down.

DESCRIBE ANY REQUESTS THAT MAY BE APPLIED FOR IN THE FUTURE:

(e.g. Bed and Breakfast) None known at this time

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: Phyllis Hackett  
Hackett Family Trust Date: 3/15  
Signature of OWNER: [Signature] Date: \_\_\_\_\_

**Hackett**  
Accessory Dwelling Unit  
707 Lake Street

ADU Conditional use permit request  
Mark and Phyllis Hackett  
707 Lake Street

We have lived on an island for 31 years, commuting by boat on a daily basis. In anticipation of transitioning off of the island, we bought the Lake Street house for a future home a year and one half ago. This is more than an investment property to us, it is a home.

Recent circumstances have created the need for us to have a place in town at this time.

We intend to occupy one of these units in the near future and would prefer to occupy the ADU and rent out the two other units which are currently occupied. At some point and time we would want to occupy the larger unit and rent out the ADU. We only want to have two rentable units and one owner occupied.

We want to accomplish three things with this ADU

1. Create affordable housing for ourselves
2. Create affordable housing for Sitka residence
3. Not displace or eliminate housing in Sitka(which would happen if we occupy one unit without the ADU)

This request meets the Cities intent of ADu as addressed in city code 22.20.160 in the following ways

- 1 Provide affordable long term housing
- 2 Provide a means for residents, particularly seniors, etc. to remain in their homes and obtain extra income, security, companionship and security.
- 3 utilize existing stock and maintain the existing character of the neighborhood
4. Provide a mix of housing that responds to changing family needs
- 5 create a more economic and energy efficient use of Sitka's housing supply.

This application meets 13 out of 14 requirements for ADUs

The property is a duplex and this requires a conditional use permit. In the past two months the assembly voted on the planning commission recommendation to allow conditional use permits in R1 zones. This property presents the ideal situation to implement the intent of the commission and the assembly by allowing an ADU with a conditional use permit.

Our property is nice and the house setting is unique. The house overlooks the lake with the street noise buffered by the garage. You cannot even see the house from the street. The two car garage

**Hackett**  
Accessory Dwelling Unit  
707 Lake Street

buffers the house from the street. Each unit has its own level of access and two of them are out of sight from the road and neighbors.

The lower unit access is its own drive way. You can't see parked cars at the bottom of the drive from the street. This is private and buffered from the neighbors. The upper unit is accessed through or alongside the garage to a walkway that takes you to the lake front entrance of the house. Once again very private and buffered from the neighbors Access to the studio apartment is by a staircase on the side of the garage. This unit is located above the garage.

There were four letters expressing concerns to the ADU. The concerns addressed were parking, traffic, and R1 zoning

1 mentioned traffic

3 mentioned parking and

4 mentioned the R1 zoning

I would like to address these concerns.

Traffic-

In the big picture the neighborhood of Lake Street is not a quiet neighborhood. Lake Street extends from the roundabout to the high school it is one of the busiest collector streets in the city. One step down from sawmill Creek and halibut point; it is comparable to Edgcombe Drive.. The additional traffic of occupying a 230 square-foot studio apartment is immeasurable to the amount of traffic that is on Lake Street. I am sure less than a fraction of 1% of the overall traffic. There is no adverse impact due to traffic.

Parking

As far as parking there are at least six if not nine parking spots on the property. Parking is not an issue. There are at least 2 down the driveway at lake level, 3 off street spots at street-level and 2 in the garage. This allows at least two parking spots per unit.

R1

Some people think this is a single family neighborhood. R1 zoning allows duplexes; standing in front of my house I can see two other duplexes.

Within a 15 second Drive of my house or less than two minute walk there is a radio station, multiple four-Plex buildings, a business office complex, insurance office, senior center and a Salvation Army store. This is not a quant quiet neighborhood. So considering the level of activity in the neighborhood allowing the occupancy of a 230 square-foot studio apartment occupied by one person will not in any way adversely affect or impact the neighbors or the neighborhood.

In the past two months the assembly voted on the planning commission recommendation to allow conditional use permits in R1 zones. This property presents the ideal situation to implement the intent of the commission and the assembly by allowing an ADU with a conditional use permit. Since we intend to occupy one of the units, without the ADU we would be eliminating a housing unit from the community. With the approval of the ADU we will be not only adding a housing unit but an affordable housing unit. As mentioned at the Sitka Economic Summit ADUs are one way to help the economy of Sitka. I know people support this concept in a big way, but of course oppose change when it comes to their neighborhood. I encourage those opposing this request to consider the true impact of allowing occupancy of a 230 square foot studio apartment with the oversight of an annually reviewed conditional use permit. There are no risks there are no adverse impacts.

With this being said I would ask you to consider a conditional use permit allowing an ADU at 707 Lake St. with the conditions that only two units be rented and one unit is owner occupied. And be reviewed in one year. We would like to occupy the ADU in the near future and then occupy the house in the long term therefore we are asking that the condition of owner occupancy not be restricted to the ADU but to the property.

This would make it affordable for us to make use of the property for a residence in town and become a principal place of residence in the future. The ADU would meet the intent of the commission and assembly's conditional use permit process by providing affordable housing.

Please give us the opportunity to prove that there are no adverse impacts to the neighbors or the neighborhood and it creates affordable housing. I am confident in the one year review process there will be no concerns to be addressed.

## Carole Gibb

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**From:** mark hackett <flyhackett@hotmail.com>  
**Sent:** Wednesday, April 22, 2015 11:55 AM  
**To:** Sara Peterson  
**Cc:** phyllis hackett; carole@cityofsitka.com  
**Subject:** Appeal of Planning commission decision

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City Clerk

City and Borough of Sitka

I am appealing the decision made April 21, 2015 by the Planning Commission in regards to application for a Conditional Use Permit for an ADU at 707 Lake Street.

I believe the commissions review and decision process of the findings was very inaccurate and bias. There was little to no discussion of the findings before voting, although some commissioners wanted discussion. Most comments made in regard to the findings were absolutely subjective and with complete disregard of the facts that the criteria was met and yet they voted the finding in the negative. The Planning department staff is in support of this application and recommends approval of the conditional use permit. I would like for this matter to be reviewed and considered for approval by the city assembly members.

Thank you,

Mark Hackett

500 Lincoln B4

Sitka, AK 99835

738-1990

Owner of property at 707 Lake Street



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

Date: March 20, 2015

From: Maegan Bosak, Planning and Community Development Director

To: Planning Commission

Re: Hackett ADU CU 15-04  
707 Lake Street

### GENERAL INFORMATION

Applicant: Phyllis Hackett  
500 Lincoln Street #B4  
Sitka, AK 99835

Property Owner: Hackett Family Trust

Property Address: 707 Lake Street

Legal Description: Lot 21, Block 11 Sirstad Addition No.2

Parcel ID Number: 17972000

Size of Existing Lot: 20,928 square feet

Zoning: R-1

Existing Land Use: Residential

Utilities: City water and sewer

Access: This parcel has access directly from Lake Street.

### MEETING FLOW

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

Surrounding Land Use: Single family residences and duplexes.

### ATTACHMENTS

Attachment A: Vicinity Map  
Attachment B: Aerial Vicinity Map  
Attachment C: Parcel Pictures  
Attachment D: Application

Providing for today...preparing for tomorrow



Attachment E: Site Plan  
Attachment F: Subdivision Plat  
Attachment G: Zoning Map  
Attachment H: Mailing List  
Attachment I: Proof of Payment  
Attachment J: Warranty Deed  
Attachment K: Neighbor Comments

## **PROJECT DESCRIPTION**

The applicant is requesting a conditional use permit for an accessory dwelling unit at 707 Lake Street. Adjacent Lake Street, there is the garage with a studio (proposed ADU) above. From the garage, the lot slopes downward toward the main structure and Swan Lake. The main structure features an upper and lower level consisting of two long term rental units, a 3 bedroom/1 bath unit and a 2 bedroom/1 bath unit. The applicant is requesting an owner occupied 319 square foot ADU in the studio above the garage.

## **BACKGROUND**

The Planning Commission and Assembly recently determined that there should be leniency in the ADU code and passed an ordinance allowing ADUs as a conditional use if they did not meet all requirements set in CBS 22.20.160. This is the first application for an ADU that does not meet code requirements.

## **ANALYSIS**

**Project Site:** 707 Lake Street is a rectangular lot that extends from Lake Street into Swan Lake. The lot is a total of 20,929 sq ft and the minimum in an R-1 zone is 8,000 sq ft. There are residences on both sides of the lot.

*The **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.*

*B. Signs may be allowed in conjunction with any permitted use subject to the provisions of Chapter 22.20 of this title.*

**Traffic:** Little to no additional traffic is expected on Lake Street as a result of this proposed ADU.

**Parking:** Over nine (9) large parking spaces are shown on the site plan. CBS code requires two spaces per dwelling unit so adequate parking is provided.

**Noise:** Additional noise is to be expected but less than a traditional dwelling unit due to the small size of the unit and one occupant.

**Public Health or Safety:** No concern for public health or safety.

**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.

**Conformity with 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.*

## **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.
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.

**The following criteria determining impacts of conditional uses have been considered.**

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

**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.

Update for 4/21/15 meeting:

Due to procedural error, this request is back before the Commission at Tuesday night's meeting. In our transition to include findings in the staff report and not read them aloud at the meeting, findings were not properly captured for the public record. Also staff's findings were in support of the request.

The City Clerk has provided the proper parliamentary procedure moving forward.

Option 1 – Pulling the motion and opening it for public hearing and new motion

I move to rescind the motion that failed at the (state last meeting date) to (state the motion) due to an administrative error.

Is there a second to the motion.

All those in favor of the motion to rescind? All those opposed?

The affirmative has it, the motion is adopted, and we have rescinded the action adopted at the (state last meeting date) to (state motion).

Proceed on with Agenda item A.

or

Option 2 – Keeping the motion and providing associated findings.

The negative has it, the motion is lost and we will not rescind the action adopted at (state last meeting date) however, we have a requirement to provide findings.

We will take that up now.

Staff will run through the process at the start of the meeting.





**Hackett**  
Accessory Dwelling Unit  
707 Lake Street

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**CITY AND BOROUGH OF SITKA**  
**Planning Commission**  
**Minutes of Meeting**  
**April 7, 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:** Phyllis Hackett, Sheila Finkenbinder via phone, Ron and Cynthia Phelps, Lois Rhodes, Cynthia Dennis

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

**Roll Call:**

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

**Consideration of the Agenda:**

Staff requested that the order of agenda items could be reversed, and the Commission approved that change.

**Minutes from the March 17, 2015 meeting:**

**MOTION: M/S SPIVEY/POHLMAN** moved to approve the meeting minutes for March 17, 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 gave background on Accessory Dwelling Units and how even though they were allowed, no applicant had been successful due to the conditions required for approval. After much deliberation and public input, the Planning Commission and Assembly approved leniency in the code so that an ADU that doesn't meet all

restrictions may be permitted as a conditional use. Hackett's was the first ADU conditional permit request before the Planning Commission.

The applicant was proposing a 293 square foot ADU on the upper level of a garage structure. The property's primary structure is two rental units, an upper three bedroom, one bath apartment, and a lower level two bedroom, one bath apartment. The required lot size in the R1, single family duplex residential zone is 8,000 sq. ft. and this lot is 20,000 square feet. Analysis of parking showed nine potential spaces, which was more than the six required. An analysis of impacts suggested minimal additional noise or traffic due to the small size of the ADU.

**APPLICANT:** Hackett explained that she is potentially transitioning from her island residence into town and may use this small studio apartment above the garage as her residence. She envisioned possibly moving into one of the larger units on the property when one opened up. She doesn't anticipate impacts to the neighborhood, due to the small size of the ADU. Also, privacy is promoted on the lot because of the way the current rentals are configured. The lower unit is out of sight from the street, the upper unit is behind the garage. Hackett pointed out that the garage building had been a manufacturing business downstairs previously, and in the past has been used for band practice, and both those uses would have had more impacts than she anticipates this ADU would have.

**COMMISSIONER DELIBERATION:** Spivey clarified that if the permit was granted, future owners of the property couldn't expand the small size of the ADU, and Bosak confirmed this permit would only allow for the 293 sq. ft. ADU described in the application currently before the commission.

Hackett commented that expanding isn't her intention, and also that Lake Street is used heavily and the impact on traffic will be minimal.

Hughey pointed out that increased density on certain lots will come with making more affordable housing options, and in his opinion this application is a good fit, and Windsor agreed that housing availability is a problem in Sitka, and it was good to see that the prospect for leniency has encouraged an applicant to come forward.

Parmelee confirmed with staff that the permit could be granted as an owner-occupied ADU, and Bosak confirmed that could be one of the conditions placed on the permit. Hackett asked for clarification why it would be a problem to have three rentals on the properties, even though that wasn't her intent.

Commissioners and staff explained that ADUs were conceived as a second dwelling on properties with a primary single-family residence. Since this property contained two dwelling units, to add a third dwelling unit, and to have the owner not reside on the property would be allowing an ADU that first, created more dwellings than the zoning district allowed, plus that housing would be entirely commercial in nature, which would be moving yet farther away from the intended character of an R1 zone.



Hackett said she may want to rent out the ADU if she moves into one of the other units. Spivey said one condition they set could be that the owner is a resident on the property, rather than stipulate that she reside specifically in the ADU.

**PUBLIC COMMENT:** Ron Phelps, of 706 Lake Street stated that ADUs were ideal for properties with a single family dwelling, but this proposal allowed too many dwellings on a residential property. He also felt off-street parking was an issue on the 707 Lake Street property, especially in the area in front of the garage, adjacent to the street. He also pointed out 707 Lake Street sits behind a curve and adding another dwelling unit to the property could increase the hazard potential. He was concerned about the height of the garage because it was higher than the house, but staff clarified the height of the garage was legal. Annie Phelps spoke against the permit, and her concern was also primarily parking.

Lois Rhodes expressed concern that the neighborhood would be busier as a result of this added dwelling. She also felt that parking would be a problem. She expressed her support of ADUs, but not in this case, because there was already a duplex on the property. She said the residential nature of the neighborhood was important to protect, and urged the commission to deny the permit.

Cynthia Dennis also spoke against the permit based on her concerns regarding the possibility of having three rentals on a property, and also her concerns about enough parking.

**COMMISSIONER DELIBERATION:** Most commissioners agreed that the neighbors' input should be weighed heavily. Hughey felt this particular ADU, because of its size, wouldn't impact the neighborhood in the way neighbors feared, and pointed out that the required parking on the property was only six spaces, not the nine counted by staff. He stressed that creating more housing in Sitka meant permitting higher density in some cases, and posed the question: If this small request wasn't a good fit, what was?

Parmelee said Hughey had a good point, but considering the neighbors' concerns, any permit it would have to include closely watched conditions.

Spivey said he was against any situation that invited a need for enforcement, and he didn't like the possibility that future owners of the property could abuse the permit.

**MOTION: M/S HUGHEY/POHLMAN** moved to approve the ADU permit.

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

**ZONING TEXT AMENDMENT TO SGC CH 22.24.010 B  
ALLOW A B&B AS A CONDITIONAL USE ON A PARCEL ALREADY HAVING A  
SECOND DWELLING UNIT  
SHEILA FINKENBINDER**

*Public hearing and consideration of a proposed zoning text amendment to modify SGC Ch 22.24.010 B allowing for a parcel with a principle unit and a second dwelling unit to also operate a B&B as a conditional use, currently prohibited by code. The zoning text amendment proposes to make this allowable so long as combined there are fewer than four guests/occupants. The applicant is Sheila Finkenbinder.*

**STAFF REPORT:** Bosak gave the background on this request, which was a zoning text change that would affect all R1 zones.

**APPLICANT:** The applicant stated her desire to have the code changed so she could have a small scale B&B in her residence, in addition to the long-term rental already on her property.

**COMMISSIONER DELIBERATION:** Bosak shared her research into the intent and language in the code. At the time the codes were passed, policy makers' concerns appeared to be centered on protecting long-term housing availability and controlling density.

Commissioners and staff continued discussion regarding the B&B provisions, and the pros and cons of making changes to code. There was concern about the extensive changes required to the code to accommodate this one request. Also, as a result of the code changes, enforcement and density were raised as potential issues. There was also discussion on whether and when short-term housing was actually in short supply in Sitka.

Bosak pointed out that the city does have commercial zones and waterfront areas which are clearly zoned to handle more density and more usage, and the planning office has been hearing more frequently from citizens concerned about increased commercialization of residential zones, and how to protect the integrity of residential areas.

**MOTION: M/S SPIVEY/POHLMAN** moved to defer the item.

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

**DIRECTORS REPORT:** Bosak reported that the Pearson CUP is on the next Assembly agenda, and there was a very full agenda for the April 21 Planning Commission meeting. Tiny homes, and their definition, is a point of discussion lately among city staff

and interested residents, and work continues with the city attorney regarding streamlining recordkeeping at the meetings.

**PUBLIC COMMENT:** Chris Spivey spoke as a citizen and expressed concern about the need to keep adapting the zoning code to fit Sitka's needs via an increasing number of conditional use permit requests.

Commissioners agreed that the zoning code was outdated in many places, and could be re-tooled to better serve Sitka's community development needs. They expressed interest in working with staff to begin addressing this, with the understanding that it is a complex and time-consuming undertaking.

**MOTION: M/S SPIVEY/HUGHEY** moved to adjourn at 8:53 p.m.

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

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**Richard Parmelee, Chair**

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**Carole Gibb, Secretary**

**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 7<sup>th</sup> 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 2-3** 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 triplex 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 - 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 4-1** 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 5-0** 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 5-0** 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 5-0** 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.
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.
  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.
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.

**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.

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 are included here, and below are addressed by the applicants.

- 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.

Public Works has also conducted an extensive plan review of the proposed engineering plans, as CBS will assume ownership of the utilities and roadway under this proposal. We are conscious about ensuring that both the City's and downhill property owners' interests are protected in both the short and long term. We have met with Sound Development regarding our plan review comments and I believe we all agree that there are workable solutions to each of them. However, we have yet to approve the engineering plans until all our concerns are addressed in a final submittal.

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

**COMMISSIONER DELIBERATION:**

**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.

Plat note 8

**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.

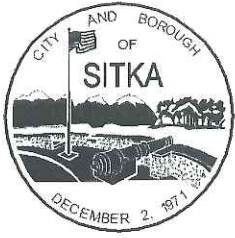
**ACTION: PASSED unanimously 5-0** on a voice vote.

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**Richard Parmelee, Chair**

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**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, April 28, 2015 on the following items:

**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.**

The Assembly may take action on April 28, 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 707 Lake Street**

The applicants are requesting a conditional use permit for an accessory dwelling unit at 707 Lake Street. Adjacent Lake Street, there is a garage with a studio (proposed ADU) above. The main house below is comprised of two longterm rental units; a 3 bedroom/1bath unit and a two bedroom/1 bath. ADU code CBS 22.20.160 states that ADUs shall only be located on a parcel in conjunction with a single-family dwelling unit. ADUs shall not be located on parcels that contain a duplex and shall not be located on parcels that contain two or more dwelling units. However section D. states Conditional use permits may be sought if the above requirements cannot be met. Conditional use permit must be in conformance with Chapter 22.24. Parking requirements are met.

RANDY/CAROL HUGHEY

HUGHEY, RANDY, W./CAROL, A.  
220 LAKEVIEW DR.  
SITKA AK 99835

KEVIN

RICHARD REEDER

REEDER, RICHARD, T.  
712 LAKE ST  
SITKA AK 99835

RONALD/ANNIE PHELPS

PHELPS, RONALD/ANNIE  
706 LAKE ST  
SITKA AK 99835

MICHAEL/CYNTHIA HARPER/DENNIS  
COMMUNITY PROP TRUST

HARPER, MICHAEL/DENNIS, CYNTHIA PROP  
TRUST  
700 LAKE ST  
SITKA AK 99835

IRENE PAUL

PAUL, IRENE, N.  
705 SIRSTAD ST.  
SITKA AK 99835

SHANNON CALLAHAN

CALLAHAN, SHANNON, C.  
608 DEGROFF ST  
SITKA AK 99835

DAVID/LESLIE GORDON

GORDON, DAVID, A./LESLIE, L.  
717 LAKE ST  
SITKA AK 99835

JOHN VALENTE

VALENTE, JOHN, D.  
297 SUNSHINE ACRES DR  
EUGENE OR 97401

MARCEL/CONNIE LAPERRIERE

LAPERRIERE, MARCEL/CONNIE  
705 LAKE ST  
SITKA AK 99835

MARK/CYNTHIA BRADLEY

BRADLEY, MARK, D./CYNTHIA, I.  
218 LAKEVIEW DR.  
SITKA AK 99835

NICOLE/TIMOTHY DUCLOS/SHOBE

DUCLOS, NICOLE & SHOBE, TIMOTHY  
413 ARROWHEAD ST  
SITKA AK 99835

LOIS RHODES

RHODES, LOIS, A.  
710 LAKE ST.  
SITKA AK 99835

SHARON IRWIN

IRWIN, SHARON, G.  
P.O. BOX 1286  
SITKA AK 99835

RICHARD/MARITES HOLDEN

HOLDEN, RICHARD/MARITES  
701 SIRSTAD ST  
SITKA AK 99835

MICHAEL/MARCIA HIRAI

HIRAI, MICHAEL, G./MARCIA, L.  
707 SIRSTAD ST.  
SITKA AK 99835

DONALD/KATHLEEN WILLIAMS

WILLIAMS, JR. DONALD/KATHLEEN  
713 SIRSTAD ST.  
SITKA AK 99835

CAROLYN WOHLERS

WOHLERS, CAROLYN  
13511 VERN DR  
ANCHORAGE AK 99516

THOMAS/CAROL PENDELL  
C/O STAGG ELDER CARE SERV  
PENDELL, CAROL, E.  
111 E.BROADWAY, STE 250  
SALT LAKE CITY UT 84111

M./CHRISTINE PATE

PATE, M., JUDE/CHRISTINE  
703 LAKE STREET  
SITKA AK 99835

IDA ELIASON

ELIASON, IDA, M.  
216 LAKEVIEW DR.  
SITKA AK 99835

LARRY/KARLA ZERVOS

ZERVOS, LARRY, C./KARLA, M.  
654 9TH AVE  
FAIRBANKS AK 99701

PHILIP SPIEGLE

SPIEGLE, PHILLIP, A.  
P.O. BOX 2604  
SITKA AK 99835

ROBERT HARTMAN

HARTMAN, ROBERT, J.  
708 LAKE ST  
SITKA AK 99835

KAREN KANE

KANE, KAREN  
P.O. BOX 2243  
SITKA AK 99835

RICHARD/EVA ELIASON

ELIASON, RICHARD, I./EVA, M.  
709 SIRSTAD ST.  
SITKA AK 99835

MICHAEL MATZ

MATZ, MICHAEL, R.  
715 SIRSTAD ST.  
SITKA AK 99835

CHRISTOPHER/S.M BALOVICH/

BALOVICH, CHRISTOPHER/VAI  
SHELLY, M  
P.O. BOX 6133  
SITKA AK 99835

HACKETT FAMILY TRUST

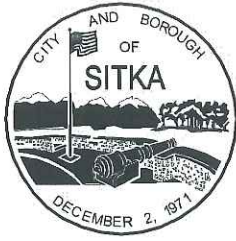
HACKETT FAMILY TRUST  
500 LINCOLN ST, #B4  
SITKA AK 99835

KATHERINE MILLER

MILLER, KATHERINE, A.  
P.O. BOX 856  
SITKA AK 99835

Assembly Mailing  
Sent 4/23/15

Hackett  
Accessory Dwelling Unit  
707 Lake Street



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## **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](mailto:carole@cityofsitka.com), or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish: April 13 and April 15

RANDY/CAROL HUGHEY

HUGHEY, RANDY, W./CAROL, A.  
220 LAKEVIEW DR.  
SITKA AK 99835

KEVIN

RICHARD REEDER

REEDER, RICHARD, T.  
712 LAKE ST  
SITKA AK 99835

RONALD/ANNIE PHELPS

PHELPS, RONALD/ANNIE  
706 LAKE ST  
SITKA AK 99835

MICHAEL/CYNTHIA HARPER/DENNIS  
COMMUNITY PROP TRUST

HARPER, MICHAEL/DENNIS, CYNTHIA PROP  
TRUST  
700 LAKE ST  
SITKA AK 99835

IRENE PAUL

PAUL, IRENE, N.  
705 SIRSTAD ST.  
SITKA AK 99835

SHANNON CALLAHAN

CALLAHAN, SHANNON, C.  
608 DEGROFF ST  
SITKA AK 99835

DAVID/LESLIE GORDON

GORDON, DAVID, A./LESLIE, L.  
717 LAKE ST  
SITKA AK 99835

JOHN VALENTE

VALENTE, JOHN, D.  
297 SUNSHINE ACRES DR  
EUGENE OR 97401

MARCEL/CONNIE LAPERRIERE

LAPERRIERE, MARCEL/CONNIE  
705 LAKE ST  
SITKA AK 99835

MARK/CYNTHIA BRADLEY

BRADLEY, MARK, D./CYNTHIA, I.  
218 LAKEVIEW DR.  
SITKA AK 99835

NICOLE/TIMOTHY DUCLOS/SHOBE

DUCLOS, NICOLE & SHOBE, TIMOTHY  
413 ARROWHEAD ST  
SITKA AK 99835

LOIS RHODES

RHODES, LOIS, A.  
710 LAKE ST.  
SITKA AK 99835

SHARON IRWIN

IRWIN, SHARON, G.  
P.O. BOX 1286  
SITKA AK 99835

RICHARD/MARITES HOLDEN

HOLDEN, RICHARD/MARITES  
701 SIRSTAD ST  
SITKA AK 99835

MICHAEL/MARCIA HIRAI

HIRAI, MICHAEL, G./MARCIA, L.  
707 SIRSTAD ST.  
SITKA AK 99835

DONALD/KATHLEEN WILLIAMS

WILLIAMS, JR. DONALD/KATHLEEN  
713 SIRSTAD ST.  
SITKA AK 99835

CAROLYN WOHLERS

WOHLERS, CAROLYN  
13511 VERN DR  
ANCHORAGE AK 99516

THOMAS/CAROL PENDELL  
C/O STAGG ELDER CARE SERV  
PENDELL, CAROL, E.  
111 E.BROADWAY, STE 250  
SALT LAKE CITY UT 84111

M./CHRISTINE PATE

PATE, M., JUDE/CHRISTINE  
703 LAKE STREET  
SITKA AK 99835

IDA ELIASON

ELIASON, IDA, M.  
216 LAKEVIEW DR.  
SITKA AK 99835

LARRY/KARLA ZERVOS

ZERVOS, LARRY, C./KARLA, M  
654 9TH AVE  
FAIRBANKS AK 99701

PHILIP SPIEGLE

SPIEGLE, PHILLIP, A.  
P.O. BOX 2604  
SITKA AK 99835

ROBERT HARTMAN

HARTMAN, ROBERT, J.  
708 LAKE ST  
SITKA AK 99835

KAREN KANE

KANE, KAREN  
P.O. BOX 2243  
SITKA AK 99835

RICHARD/EVA ELIASON

ELIASON, RICHARD, I./EVA, I  
709 SIRSTAD ST.  
SITKA AK 99835

MICHAEL MATZ

MATZ, MICHAEL, R.  
715 SIRSTAD ST.  
SITKA AK 99835

CHRISTOPHER/S.M BALOVICH/VAUGHN

BALOVICH, CHRISTOPHER/VAUGHN,  
SHELLY, M  
P.O. BOX 6133  
SITKA AK 99835

HACKETT FAMILY TRUST

HACKETT FAMILY TRUST  
500 LINCOLN ST, #B4  
SITKA AK 99835

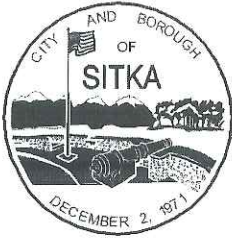
KATHERINE MILLER

MILLER, KATHERINE, A.  
P.O. BOX 856  
SITKA AK 99835

Hackett  
Accessory Dwelling Unit  
707 Lake Street

P & Z Mailing  
Sent 4/13/15

H



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## **Sitka Planning Commission Agenda**

**Tuesday, April 7, 2015**

Held at Harrigan Centennial Hall

330 Harbor Drive, Sitka, Alaska

**7:00pm**

- I. CALL TO ORDER AND ROLL CALL
- II. CONSIDERATION OF THE AGENDA
- III. CONSIDERATION OF THE MINUTES FROM March 17, 2015
- IV. THE EVENING BUSINESS

A. Public hearing and consideration of a proposed zoning text amendment to modify SGC Ch 22.24.010 B allowing for a parcel with a principle unit and a second dwelling unit to also operate a B&B as a conditional use, currently prohibited by code. The zoning text amendment proposes to make this allowable so long as combined there are fewer than four guests/occupants. The applicant is Sheila Finkenbinder.

**B. 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.**

- 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](mailto:carole@cityofsitka.com), or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish: March 30 and April 1

RANDY/CAROL HUGHEY

HUGHEY, RANDY, W./CAROL, A.  
220 LAKEVIEW DR.  
SITKA AK 99835

KEVIN

RICHARD REEDER

REEDER, RICHARD, T.  
712 LAKE ST  
SITKA AK 99835

RONALD/ANNIE PHELPS

PHELPS, RONALD/ANNIE  
706 LAKE ST  
SITKA AK 99835

MICHAEL/CYNTHIA HARPER/DENNIS  
COMMUNITY PROP TRUST

HARPER, MICHAEL/DENNIS, CYNTHIA PROP  
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700 LAKE ST  
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PAUL, IRENE, N.  
705 SIRSTAD ST.  
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SHANNON CALLAHAN

CALLAHAN, SHANNON, C.  
608 DEGROFF ST  
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GORDON, DAVID, A./LESLIE, L.  
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VALENTE, JOHN, D.  
297 SUNSHINE ACRES DR  
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LAPERRIERE, MARCEL/CONNIE  
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DucLOS, NICOLE & SHOBE, TIMOTHY  
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IRWIN, SHARON, G.  
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RICHARD/MARITES HOLDEN

HOLDEN, RICHARD/MARITES  
701 SIRSTAD ST  
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HIRAI, MICHAEL, G./MARCIA, L.  
707 SIRSTAD ST.  
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CAROLYN WOHLERS

WOHLERS, CAROLYN  
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THOMAS/CAROL PENDELL  
C/O STAGG ELDER CARE SERV  
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111 E.BROADWAY, STE 250  
SALT LAKE CITY UT 84111

M./CHRISTINE PATE

PATE, M., JUDE/CHRISTINE  
703 LAKE STREET  
SITKA AK 99835

IDA ELIASON

ELIASON, IDA, M.  
216 LAKEVIEW DR.  
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ZERVOS, LARRY, C./KARLA, R  
654 9TH AVE  
FAIRBANKS AK 99701

PHILIP SPIEGLE

SPIEGLE, PHILLIP, A.  
P.O. BOX 2604  
SITKA AK 99835

ROBERT HARTMAN

HARTMAN, ROBERT, J.  
708 LAKE ST  
SITKA AK 99835

KAREN KANE

KANE, KAREN  
P.O. BOX 2243  
SITKA AK 99835

RICHARD/EVA ELIASON

ELIASON, RICHARD, I./EVA, R  
709 SIRSTAD ST.  
SITKA AK 99835

MICHAEL MATZ

MATZ, MICHAEL, R.  
715 SIRSTAD ST.  
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CHRISTOPHER/S.M BALOVICH/VAUGHN

BALOVICH, CHRISTOPHER/VAUGHN,  
SHELLY, M  
P.O. BOX 6133  
SITKA AK 99835

HACKETT FAMILY TRUST

HACKETT FAMILY TRUST  
500 LINCOLN ST, #B4  
SITKA AK 99835

KATHERINE MILLER

MILLER, KATHERINE, A.  
P.O. BOX 856  
SITKA AK 99835

Hackett  
Accessory Dwelling Unit  
707 Lake Street

P&Z Mailing  
March 27, 2015

H

PAID ON 4/7/15

City and Borough of Sitka, AK  
100 Lincoln St  
Sitka, AK 99835

Date: 04/07/2015  
Receipt: 2015-00014704  
Cashier: Front Counter  
Received From: Phyllis  
Hackett

|                 |        |
|-----------------|--------|
| PLAN - Planning |        |
| Permits/Zoning  | 100.00 |
| ST1 - Sales Tax |        |
| 2nd quarter CY  | 6.00   |
|                 | -----  |
| Receipt Total   | 106.00 |
|                 |        |
| Total Check     | 106.00 |
|                 | -----  |
| Total Remitted  | 106.00 |
|                 | -----  |
| Total Received  | 106.00 |

**Hackett**  
Accessory Dwelling Unit  
707 Lake Street



March 30, 2015

To whom it may concern:

I live at 713 Lake Street and I oppose the adding of a third residence at 707 Lake Street. This is an R-1 Zoned neighborhood and the zoning rules do not allow for this many units. I feel that two dwelling units on one piece of property are enough in an R-1 zoned area.

Sincerely,

A handwritten signature in black ink, appearing to be 'Chris Balovich', with a long horizontal stroke extending to the right.

Chris Balovich

**Hackett**  
Accessory Dwelling Unit  
707 Lake Street

Dear Sitka Planning Commission:

I first purchased property on Lake Street in 1972. At that time Lake Street was just being developed and was zoned R-1, which at the time I thought meant single family residential dwellings. Later I learned that R1 meant single family and rental income from a second dwelling.

Now there is a proposed conditional use permit requested for a parcel of property in this area of Lake Street (707 Lake St.) that would allow for a primary residential dwelling, a second dwelling, and an ADU (Accessory Dwelling Unit). This effectively makes this parcel contain three dwellings! This is all being done in an area that is zoned R1.

Single family dwellings also mean less parking is needed for the fewer residents that live there. A duplex or a second dwelling potentially doubles the parking needed for a parcel, and adding an ADU could triple it. This also increases traffic in the neighborhood, which can cause more potential hazards.

If this conditional use permit is granted, what good is our zoning anyway? What is the next conditional use permit going to be- to open an apartment building or hotel complex in our residential neighborhood?

I purchased property to build my home in an R1 residential area, and all of the others here did as well. I would like to think that when Sitka plans and zones an area that they would honor that.

I urge the Sitka Planning Commission to deny the proposed ADU conditional use permit for 707 Lake Street. I also urge the Planning Commission to adhere to the current zoning regulation, which only allows a principle unit and a secondary dwelling on each parcel.

Sincerely,

Lois A. Rhodes  
710 Lake Street

**Hackett**  
Accessory Dwelling Unit  
707 Lake Street

4/16/15 3:55

## Carole Gibb

---

**From:** Cynthia Dennis <sanskara13@hotmail.com>  
**Sent:** Monday, April 06, 2015 5:58 PM  
**To:** carole@cityofsitka.com  
**Cc:** Cynthia Dennis; Ron Phelps  
**Subject:** Conditional use permit for Lake street

I am writing to express concern over the application filed for a conditional use permit for an ADU at 707 Lake street requested by Phyllis Hackett. I have lived at 700 Lake Street for 13 years. I am concerned on several levels.. First, the dwelling at 707 is not a single family home at this time. It is a dwelling with an apartment on the lower level already and adding another ADU would in effect make one lot a triplex. Second, there are already problems with parking., as there is no on street parking on that side of the street. I have people all the time parking over my driveway from across the street. There is not adequate parking for an additional ADU on the lot. Third, I think that having a triplex on one lot would deteriorate the residential character of the existing neighborhood.

I would urge you not to approve the conditional use for this property. Thank you for your consideration.

Cynthia Dennis  
700 Lake Street  
Sitka, AK 99835

Sent from Windows Mail

**Hackett**  
Accessory Dwelling Unit  
707 Lake Street

## Carole Gibb

---

**From:** Ron phelps <rpm4god@ak.net>  
**Sent:** Monday, April 06, 2015 8:23 PM  
**To:** carole@cityofsitka.com; Ron & Annie  
**Subject:** Notice of Opposition to a proposed ADU conditional use permit  
**Attachments:** Notice of Opposition to ADU-CUP.docx

Attention Carole,

Regarding: Attachment

Notice of Opposition to a proposed ADU conditional use permit for:

707 Lake Street  
Sitka, AK 99835  
aka  
Lot 21, Block 11, Sirstad Addition No. 2

Sincerely,  
Ron and Annie Phelps  
706 Lake Street  
Sitka, AK 99835

April 6, 2015

City & Borough of Sitka  
100 Lincoln St, Sitka AK. 99835

To: Sitka Planning Commission

Dear Planning Commissioners,

We would like to address the proposed ADU (Accessory Dwelling Unit) conditional use permit requested for the property located at 707 Lake Street (also known as Lot 21, Block 11, Sirstad Addition No.2) . By your own records, there already exist two dwelling units on said property, a 3 bedroom-1 bath upstairs & a 2 bedroom-1 bath downstairs (a duplex).

22.20.160 Accessory Dwelling Units (ADUs)

7. ADUs shall only be located on a parcel in conjunction with a single-family dwelling unit. ADUs shall not be located on parcels that contain a duplex and shall not be located on parcels that contain two or more dwelling units.

Additionally, the downstairs unit has parking on the lower lot, and the upstairs unit has a two car garage, with a parking space to the left of the garage (facing garage) and an area just in front of the garage. The upstairs tenants currently park in those 2 areas and there is very little, to no room left to accommodate parking for an ADU. In fact, the larger of their (upstairs tenants) vehicles parks crossways in front of the garage door due to the current space. We believe that allowing a third dwelling would complicate parking for everyone. It is hoped that the existing street parking be left open for neighborhood guests and visitors, etc.

22.20.160 Accessory Dwelling Units (ADUs)

12. The following parking requirements are applicable for ADUs:
  - a. As part of the application submittal process, the applicant shall submit a parking plan delineating parking space(s) for the ADU and the primary dwelling unit.
  - b. Where parking is located in any portion of the interior side and/or rear setbacks solid screening is required from adjoining properties.
  - c. On-street parking is prohibited.

This however is not our main concern. When we purchased our property 10 plus years ago; one of the things we looked for was a residential area of nicer homes, without apartments or other issues, such as parking or frequent tenant turnover. We would like to hold on to that. Many of us in the neighborhood have owned, and lived here, for 10 years or more. We desire for the integrity of this residential area to remain intact, and not be degraded.

**Hackett**  
Accessory Dwelling Unit  
707 Lake Street

If the owner(s) wish to move onto their property, there are options other than adding an accessory dwelling unit, such as moving into one of the existing units. Or is it just about making as much rental income as you can and still have a place to stay. If that's the case, by all means, let's let all other residents on Lake Street request conditional use permits for their own ADUs.

\*\*Above references are from 22.20.160 Accessory Dwelling Units (ADUs), of the Supplemental District Regulations and Development Standards.

Respectfully Submitted,

Ron and Annie Phelps  
706 Lake Street  
Sitka, AK 99835

## Carole Gibb

---

**From:** Maegan Bosak <maegan@cityofsitka.com>  
**Sent:** Tuesday, April 07, 2015 2:14 PM  
**To:** carole@cityofsitka.com  
**Subject:** FW: ADU's

Please print and add to Hackett ADU file and make copies for tonights meeting.

Thanks-M

---

**From:** Garry White [mailto:garrywhite@gci.net]  
**Sent:** Tuesday, April 07, 2015 2:07 PM  
**To:** rjparmelee@gmail.com; spi3050@yahoo.com; dwindsor@gci.net; dpohlarbear@gmail.com; Randy Hughey  
**Cc:** Meagan Bosak  
**Subject:** ADU's

Hello Planning and Zoning Commission Members,

SEDA introduced the concepts of Accessory Dwelling Units to the City and Borough in 2012. I am happy to see that the commission has the opportunity to execute the first conditional use permit to facilitate this tool to help the communities affordable housing problem.

Garry White  
Executive Director  
Sitka Economic Development Association (SEDA)  
329 Harbor Dr., Suite 212  
Sitka, AK 99835  
907-747-2660

[www.sitka.net](http://www.sitka.net)  
[www.sawmillcove.com](http://www.sawmillcove.com)  
[www.sitkamarine.com](http://www.sitkamarine.com)

**Hackett**  
Accessory Dwelling Unit  
707 Lake Street

**Carole Gibb**

---

**From:** Marcel LaPerriere <southeastcedarhomes@gmail.com>  
**Sent:** Tuesday, April 14, 2015 12:38 PM  
**To:** Carole@cityofsitka.com; mark hackett  
**Subject:** 707 Lake Street

Greetings,

I'm writing to say that my wife Connie and I who live at 705 Lake Street have no objection to Mark and Phyllis Hackett's proposal to add a very small apartment over the garage at 707 Lake Street. We would have commented sooner, but we were out of town for an extended period of time and did not read the notification in time to for the first meeting.

I would like to also say that the notification that was sent out was confusing and both my wife and I thought that the Hackett's were asking to add a B&B. We now know that is not the case. I wonder how many other neighbors in this neighborhood were also confused?

Many thanks,

Marcel LaPerriere  
705 Lake St.  
907-738-0329

--  
Marcel LaPerriere  
Southeast Cedar Homes  
705 Lake Street  
Sitka AK 99835  
Promoting wood from the Tongass  
(907) 738-0329

**Hackett**  
Accessory Dwelling Unit  
707 Lake Street



**Carole Gibb**

---

**From:** Deborah Miller <sitkadjm@gmail.com>  
**Sent:** Saturday, April 18, 2015 2:17 PM  
**To:** carole@cityofsitka.com  
**Subject:** 707 Lake St/

Dear City of Sitka

I live across the street at 708 Lake St. and for the record I am not opposed to granting Phyllis Hackett a conditional use permit for her accessory dwelling.

Sincerely,  
Deb Miller

## Carole Gibb

---

**From:** shannon callahan <shan-cal@hotmail.com>  
**Sent:** Tuesday, April 21, 2015 9:39 AM  
**To:** carole@cityofsitka.com  
**Subject:** Phyllis Hackett

My name is Shannon Callahan, I have a home at 608 Degroff Street and at 711 Sirstad Street. this email is to inform the City of Sitka I have no issues with what Phyllis Hackett wants to do to her home. Thank you Shannon Callahan

**Hackett**  
Accessory Dwelling Unit  
707 Lake Street

## Carole Gibb

---

**From:** R. Tysor <customchevy70@hotmail.com>  
**Sent:** Tuesday, April 21, 2015 12:55 PM  
**To:** carole@cityofsitka.com

To the Planning Commission and or whom it may concern, I am the upstairs tenant at 707 Lake street. I'd like to take this opportunity to comment on the proposed addition to the garage.

I've been a tenant in the upper unit of 707 for 19 months. Currently I also rent the lower garage unit which is detached from the living quarters. I also use the parking spaces allotted within that area of the garage. I am in favor of adding the additional apartment space above the garage. This being because there is enough room to share the area. Plenty of parking outside with the addition of the space within the garage. 2 cars can easily and seamlessly be parked on the outer parking area on the property without hinderance. A one person studio hardly yields impact on this street. Please reconsider your revocation on this proposal and address the positives. There are plenty of other homes on this street and within this island that are duplex/apartment dwellings as additions to single family homes. Housing is a necessity in Sitka and a studio again will not hold the impact that a transient type of rental would. Especially since the owner is anticipating living in the space as needed.

**Carole Gibb**

---

**From:** Robert Hartman <badsport1900@gmail.com>  
**Sent:** Friday, April 17, 2015 1:38 PM  
**To:** carole@cityofsitka.com

Hi Carol my name is Robert Hartman I live at 7:08 Lake St., Sitka I would like to object to the bed-and-breakfast or short-term at 707 Lake St. thank you contact me if there's any problem with this.

Sent from my iPhone=

## Carole Gibb

---

**From:** Cynthia Dennis <sanskara13@hotmail.com>  
**Sent:** Tuesday, April 21, 2015 12:07 PM  
**To:** carole@cityofsitka.com  
**Cc:** maegan@cityofsitka.com  
**Subject:** conditional use ADL

I would like to AGAIN voice my opposition to a conditional use permit for an ADL at 707 Lake street. There are many problems with this precedent being set in a residential neighborhood. There are problems with parking as well. I don't know what the "technicality" was that allowed for a re-hearing and an additional vote. I would like to know this however. I am currently out of town and can not unfortunately attend the meeting. Thank you very much for your consideration. Although, Phyllis Hackett says it is for her occupancy but there is NO way to enforce or monitor this once the exception is granted.

Cynthia Dennis,  
700 Lake Street.

Sent from Windows Mail

## Carole Gibb

---

**From:** Ron helps <rpm4god@ak.net>  
**Sent:** Monday, April 20, 2015 7:45 PM  
**To:** carole@cityofsitka.com  
**Cc:** maegan@cityofsitka.com  
**Subject:** Letter of Opposition to the Proposed accessory dwelling unit at 707 Lake Street  
**Attachments:** Letter of Opposition to 707 Lake St. ADU-CUP-3.docx; IMG\_3204.PNG; IMG\_3200.PNG

Hi Carole,

Ron Phelps here,

This is the correct version of the letter that we would like presented.

Again, I would like to call into the Sitka Planning meeting on 4/21 at the fire hall.

I can be reached at the Spring Hill Suites in Fairbanks,  
1-907-451-6552 Rm. 225.

Thank you

Ron Phelps

April 20, 2015

City & Borough of Sitka  
100 Lincoln St, Sitka AK. 99835  
Attn: Sitka Planning Commission

Dear Planning Commissioners,

We would like to address "again" the proposed ADU (Accessory Dwelling Unit) conditional use permit requested for the property located at 707 Lake Street (also known as Lot 21, Block 11, Sirstad Addition No.2) . By your own records, there already exist two dwelling units on said property, a 3 bedroom-1 bath upstairs & a 2 bedroom-1 bath downstairs (a duplex). It is clearly a duplex, and adding another dwelling in the tower over the garage, is not keeping with the spirit of #8 "the appearance of a single-family property", it will be by definition a triplex.

#### 22.20.160 Accessory Dwelling Units (ADUs)

7. ADUs shall only be located on a parcel in conjunction with a single-family dwelling unit. ADUs shall not be located on parcels that contain a duplex and shall not be located on parcels that contain two or more dwelling units.

8. ADUs shall be designed so that the appearance of the structure maintains, to the greatest extent possible, the appearance of a single-family property.

Additionally, the downstairs unit has parking on the lower lot, and the upstairs unit has a two car garage ( which they use mostly for storage/recreation), with a parking space to the left of the garage (facing garage) and an area just in front of the garage/structure. The upstairs tenants currently park in those 2 areas and there is very little, to no room left to accommodate parking for an ADU. In fact, the larger of their (upstairs tenants) vehicles parks crossways in front of the garage door due to the current space. (see attached photos) We believe that allowing a third dwelling would complicate parking for everyone. It has already been observed that the tenants (and guest) also park uphill or downhill in the bike lane directly in front of the property. It was our understanding that this was not 'on street' parking. It is hoped that the existing street parking be left open for neighborhood guests and visitors, etc.

#### 22.20.160 Accessory Dwelling Units (ADUs)

12. The following parking requirements are applicable for ADUs:

- a. As part of the application submittal process, the applicant shall submit a parking plan delineating parking space(s) for the ADU and the primary dwelling unit.
- b. Where parking is located in any portion of the interior side and/or rear setbacks solid screening is required from adjoining properties.
- c. On-street parking is prohibited.

**Hackett**  
Accessory Dwelling Unit  
707 Lake Street

*These, however, are not our only concerns. When we purchased our property 10 plus years ago; one of the things we looked for was a residential area of nicer homes. We paid the extra amount we did to live in just such a residential area, without triplexes/apartments or other issues, such as parking or frequent tenant turnover. We would like to hold on to that. Many of us in the neighborhood have owned, and lived here, for 10 years or more. We desire for the integrity of this residential area to remain intact, and not be degraded.*

*We were also concern to see 'work' being done on the proposed ADU (specifically, the area above and to the right of the garage), in preparation for, we can only assume, occupation. For example, new windows have been installed and painting has been done as evidenced by the paper and painters tape in said windows. This was done prior to receiving notice about the proposed ADU.*

*Additionally, exactly what is or will be in place (if anything) to prevent such a conditional use permit request from being abused in the future and this property being used as a triplex on a permanent basis. It was mentioned by one of your members, in the April 7 meeting, that it would be difficult, at best, to enforce in the future and that there were enough situations in Sitka already that can't be enforced. Do we really want to add to that?*

*To be clear we oppose the ADU, conditional use permit requested for the property located at 707 Lake Street, in an area zoned R1.*

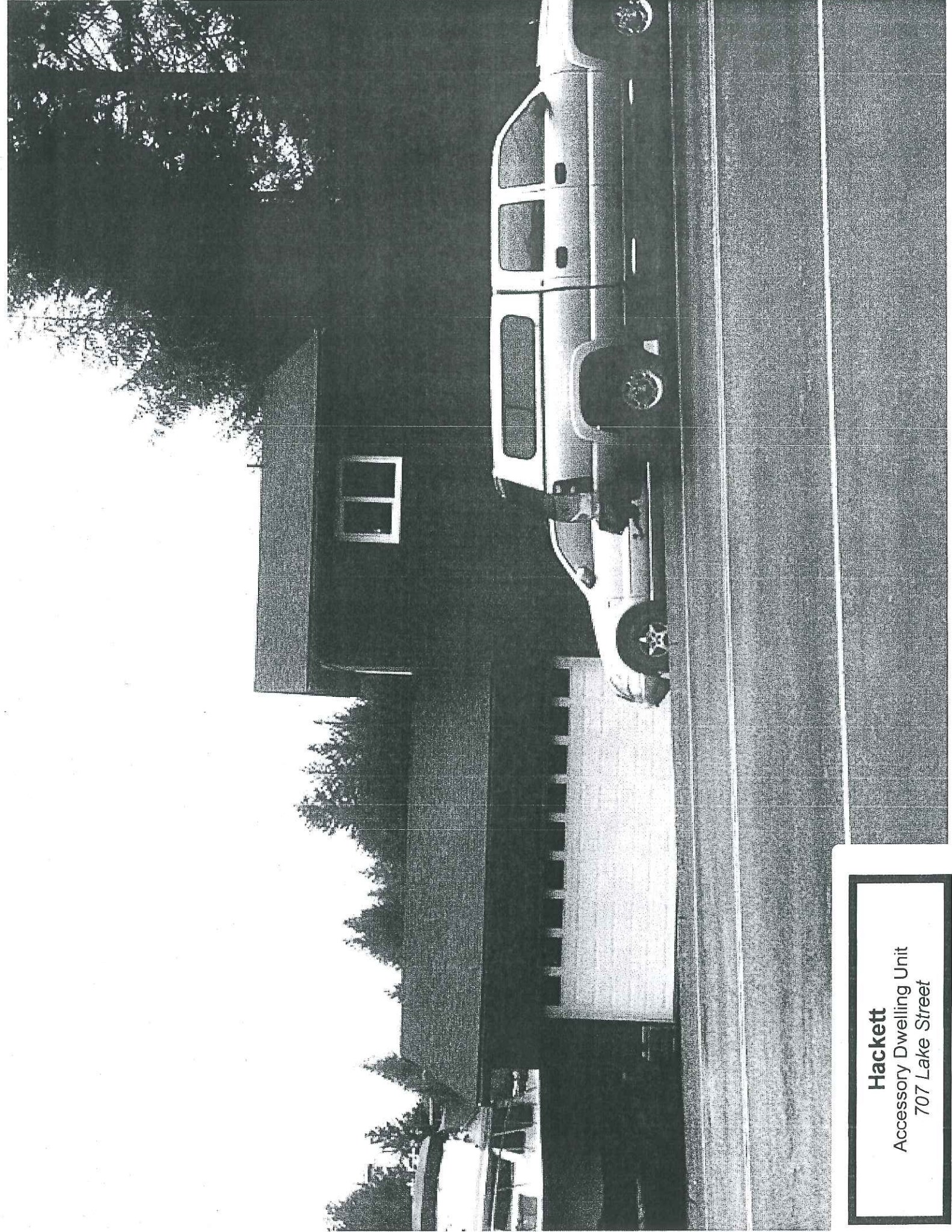
*If the owner wishes to move onto her property, there is another option other than adding an accessory dwelling unit requiring a 'conditional use permit' (CUP), such as moving into one of the existing units.*

*\*\*Above references are from 22.20.160 Accessory Dwelling Units (ADUs), of the Supplemental District Regulations and Development Standards.*

*Respectfully Submitted,*

*Ron and Annie Phelps  
706 Lake Street  
Sitka, AK 99835*





**Hackett**  
Accessory Dwelling Unit  
707 Lake Street

## Carole Gibb

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**From:** mark hackett <flyhackett@hotmail.com>  
**Sent:** Tuesday, April 21, 2015 5:39 PM  
**To:** Carole Gibb; Phyllis  
**Subject:** Fwd: conditional use permit  
  
**Categories:** FMI

Begin forwarded message:

**From:** "pendell" <[pendell@ak.net](mailto:pendell@ak.net)>  
**Date:** April 21, 2015 at 5:27:30 PM AKDT  
**To:** <[flyhackett@hotmail.com](mailto:flyhackett@hotmail.com)>  
**Subject:** conditional use permit

Planning Commission:

My mother Carol Pendell owns the house immediately north (709 Lake st.) of the Hacketts. My wife and I currently manage it as a rental. Neither we nor my mother have any objections to the Hacketts application for a conditional use permit to allow for an ADU.

4-21-15  
Howard Pendell

## Carole Gibb

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**From:** Kehoe-Pendell, Patricia (HSS) <patricia.kehoe@alaska.gov>  
**Sent:** Tuesday, April 21, 2015 5:07 PM  
**To:** 'carole@cityofsitka.com'  
**Subject:** Phyllis Hackett's request

**Categories:** FMI

To the Planning Commission, The Pendell family owns the house immediately adjacent to the home owned by Phyllis and have since 2003. We were unaware of the current situation under discussion as to whether Phyllis can have a small space where she would be able to stay. I assume the planning department probably mailed information out to the SLC, UT address where a conservator handles Carol Pendell's mail. Normally they forward any relevant items to us, but I had not seen this.

During much of the time we've owned the adjacent property the building currently under discussion was a practice room for a local band. And Gary had his machine shop in the downstairs area. Both of those are certainly louder and more disturbing than Phyllis' proposed use of the space, and we were never disturbed by noise from that building at any time. We also own the adjoining parking spaces and even when multiple band members were there practicing, there was never any encroachment on parking spaces.

If you have concerns about this becoming a problem, why not make it a conditional use or state that the owner must be the person living in the small space on the premises. But we have never been disturbed by noise from this house and see no likelihood of this being deleterious to the neighborhood. Thanks for your consideration, Howard Pendell and Pat Kehoe Pendell 04/21/2015

BOA – HEARING OUTLINE  
Conditional Use Permit

- I. Board of Adjustment (BOA) - Assembly (*SGC 22.30.060A*)
- A. Quasi-judicial – avoid *ex parte* contacts
  - B. Authority to approve or deny conditional use permits -*SGC 22.30.060A*<sup>1</sup>
  - C. Assembly's Other Options - *SGC 22.30.170B.1*<sup>2</sup>
    - 1. Approve Planning Comm'n recommendation
    - 2. Approve with additional conditions
    - 3. Modify with or without applicant's consent (some limitations)
    - 4. Deny application
    - 5. Remand –
      - a. Issues not covered
      - b. Procedural due process problems (new pertinent evidence)
- II. Review Criteria
- A. Assembly reviews Planning Comm'n recommended decision regarding conditional use permit applications – *SGC 22.30.050F*<sup>3</sup>

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<sup>1</sup> *SGC 22.30.060 Board of adjustment.*

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

A. *Approve or deny conditional use permits.*

\* \* \*

<sup>2</sup> *SGC 22.30.170 Assembly actions.* (emphasis added)

\* \* \*

B. *Decisions.* *The assembly shall make its decision by motion or ordinance as appropriate.*

*1. An assembly decision on a planning commission recommendation or following a public hearing shall include one of the following actions:*

*a. Approve as recommended.*

*b. Approve with additional conditions.*

*c. Modify, with or without the applicant's concurrence; provided, that the modifications do not:*

*i. Enlarge the area or scope of the project.*

*ii. Increase the density or proposed building size.*

*iii. Significantly increase adverse environmental impacts as determined by the responsible official.*

*d. Deny (reapplication or resubmittal is permitted).*

*e. Deny with prejudice (reapplication or resubmittal is not allowed for one year).*

*f. Remand for further proceedings.*

<sup>3</sup> *SGC 22.30.050 Planning commission.*

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

\* \* \*

B. Planning Comm'n decision and recommendation in this case regarding conditional use permit applications subject to Assembly review

C. Nature of the review by Assembly – review recommended Findings of Fact and General Approval Criteria Considerations and proposed conditions made by Planning Commission regarding each conditional use permit application

1. **FF criteria– All criteria must be met (SGC 22.30.160C)**
  - a. Not detrimental to public health, safety, general welfare;
  - b. Not adversely affect established character of surrounding vicinity;
  - c. Not injurious to uses, property or improvements adjacent to or in vicinity;
  - d. Not inconsistent with Comprehensive Plan;
  - e. Conditions to lessen impacts are monitorable & enforceable
  - f. No hazardous conditions that cannot be mitigated regarding adjacent & vicinity properties ; and
  - g. Not adversely affect public facilities & services, or imposed conditions mitigate impact.
  
2. **General Approval Criteria Considerations (SGC 22.20.160C)**
  - a. Effects of the conditional use on site (topography, slope and soil stability) and geophysical hazards (flooding, surface and subsurface drainage, water quality);
  - b. Utilities and service requirements (sewers, storm drainage, water, fire protection, access and electrical power);
  - c. Lot or tract characteristics (lot size, yard requirements, lot coverage and height of structures);
  - d. Use characteristics that affect adjacent uses and districts (operating hours; number of persons, traffic, parking and loading, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements); and
  - e. Community appearance (landscaping, fencing, screening).
  
3. **Proposed Conditions**

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*F. Recommendations on conditional use permit applications.*

\* \* \*

4. SGC 22.30.160C – Planning Comm’n decision requirements<sup>4</sup>

<sup>4</sup> SGC 22.30.160 Planning commission review and recommendation. (emphasis added)  
*Planning commission decision and action authority is defined in Section 22.30.050.*

\* \* \*

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*

### III. BOA Procedure

#### A. Packet Review

1. Planning Comm'n FF and motions
2. Planning Comm'n minutes
3. Planning Comm'n record (written submissions)

#### B. Hearing (SGC 22.30.180)<sup>5</sup>

1. Follow Assembly procedures
2. Order
  - a. Staff
  - b. Applicant
  - c. Public
  - d. Rebuttal
    - i. Staff
    - ii. Applicant
  - e. Close evidentiary hearing – Deliberate
  - f. Make Findings of Fact & Decision
    - i. Planning Comm'n recommended Findings of Fact and conditions
    - ii. Modify FF and conditions (use *SGC 22.30.160C* criteria)

#### C. Burden of proof on Applicant (SGC 22.30.160C.6)<sup>6</sup>

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*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.*

<sup>5</sup> *SGC 22.30.180 Procedures for public hearings.* (emphasis added)

*Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The chair shall open the public hearing and, in general, observe the following sequence of events:*

A. *Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.*

B. *Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.*

C. *Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair at its discretion.*

D. *Rebuttal, response or clarifying statements by the staff and the applicant.*

E. *The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it.*

<sup>6</sup> *SGC 22.30.160 Planning commission review and recommendation.* (emphasis added)

\* \* \*