

Brylinsky asked CRA if there would be an opportunity to discuss some of the impacts to the Mudrys, such as the wheel chair accessibility.

McDonald and Carrier responded in the affirmative.

COMMISSIONER DELIBERATION: Commissioners discussed the action item.

MOTION: M/S POHLMAN/WINDSOR moved to postpone indefinitely items C and D.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

**CONDITIONAL USE PERMIT
HORSE STABLE
DAVID ALLEN**

Public hearing and consideration of a conditional use permit for a stable at 5304 Halibut Point Road. The applicant is requesting approval to construct a stable with three horse stalls. The property is also known as Lot 6, US Survey 3670. The owner of record is Allen Marina, LLC.

STAFF REPORT: Brylinsky stated that one public comment was received and copies were provided to the commissioners. The project is as reviewed at the last meeting and a straight forward request seemingly without controversy. Staff recommends moving forward with approval.

APPLICANT: David Bryant came forward to interact and answer questions on behalf of the applicant (David Allen). Chair Spivey asked Bryant if he has anything to add that was not discussed at the last meeting. Bryant discussed the public comment that was received. He said that, to his knowledge, the horse manure is to be offered to the public for gardening uses and anything beyond that would go to the overburden site on Granite Creek.

PUBLIC COMMENT: No public comment.

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:

Brylinsky read the following findings.

The granting of the proposed conditional use permit will not:

- a. Be detrimental to the public health, safety, and general welfare;
- b. Adversely affect the established character of the surrounding vicinity; nor
- c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation, *specifically*:

Section 2.3.1 To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations.

Section 2.7.9 To assure that animal regulations in outlying areas and islands shall be as liberal as possible.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced. *Specifically, the four conditions that have been added to the conditional use permit.*
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 met the burden of proof.

The request is supported by general approval criteria 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; *specifically, that the proposed use is in a large lot with no downstream residential uses.*
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.

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

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

MOTION: M/S POHLMAN/WINDSOR moved to recommend affirmation for the conditional use permit for a stable at 5304 Halibut Point Road. The property is also known as Lot 6, US Survey 3670. Owner of record is Allen Marina, LLC.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

Brylinsky suggested that the following conditions be added to the motion recommending approval:

1. The facility shall be operated consistent with the application and plans that were submitted with the request.

2. The facility shall be operated in accordance with the narrative that was submitted with the application.
3. 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.
4. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

MOTION: M/S POHLMAN/WINDSOR moved to add the conditions to the motion of approval.

ACTION: Motion PASSED unanimously 3-0 on a voice vote.

**VARIANCE REQUEST
616 SAWMILL CREEK ROAD
ZACH PORTER**

Public hearing and consideration of a variance requested by Zach Porter at 616 Sawmill Creek Road. The variance requested is for a reduction in the rear property setback from 10ft to 1ft and for an increase in the maximum allowable building coverage from 35% to 42%. The purpose of the variance is to allow for construction of a two car garage. The property is also known as Lot 7, Block 22, US Survey 1474.

STAFF REPORT: Brylinsky first verified that the commissioners received the additional materials submitted by the applicant and had a chance to review them. He described the variance request. He noted that in reviewing variances previously granted, this variance is on the edge of what has been previously approved as far as the magnitude of the setback reduction and lot coverage increase. He noted that the lot in question is a small lot of less than 5,000 ft² where the minimum lot size for this zoning district is 8,000ft². He also noted that the applicant may be open to discussion about the overall nature of the project.

APPLICANT: Zach Porter came forward. Porter said that his goal is to work within the city requirements. Porter referred the commission to the original plot plan and to the extension of the DOT right of way which reduced the site by 7ft at the front. He said the size of the lot makes it difficult to provide adequate space and meet city standards. Porter stated that the side of the proposed garage would be 5'6" from the property line, while the stairs and landing will be 1' from the property line.

Porter discussed drainage concerns from the neighbors. He presented a drainage plan to direct all roof runoff to the front of the yard.

Commissioner Pohlman stated that the drainage plan submitted by Porter would divert stormwater from the roofs but not from the remainder of the raised yard. Porter stated that the whole yard has already been raised prior to the construction of the house and that the existing condition will lead to a natural runoff and that this plan will at least mitigate the runoff from a 20ft by 20ft section.

Commissioner Spivey stated that when the previous buildings were demolished a big hole was left and the water drained into the area of the former residence.

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
November 18, 2014**

Present: Richard Parmelee (Chair), Debra Pohlman (Member), Darrell Windsor (Member), Scott Brylinsky (Interim Planning Director), Erin Clay (Temporary Planner I)

Absent: Chris Spivey (Vice-Chair)

Members of the Public: David Bryant

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

Roll Call:

PRESENT: 3 –Parmelee, Pohlman, Windsor

Consideration of the Minutes from the October 21, 2014 meeting:

MOTION: M/S WINDSOR/POHLMAN moved to approve the meeting minutes for October 21, 2014.

Brylinsky noted for the record that the Agenda contained a typo and that the minutes to be considered were from the October 21, 2014 meeting and not the October 7, 2014 meeting.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

The evening business:

**CONDITIONAL USE PERMIT
HORSE STABLE
DAVID ALLEN**

Public hearing and consideration of a conditional use permit for a stable at 5304 Halibut Point Road. The applicant is requesting approval to construct a stable with three horse stalls. The property is also known as Lot 6, US Survey 3670. The owner of record is Allen Marina, LLC.

STAFF REPORT: Brylinsky discussed the request and proposed structure. The Planning office has received no public comment on this project to date.

APPLICANT: David Bryant came forward to interact and answer questions on behalf of the applicant (David Allen).

COMMISSIONER DELIBERATION: Chair Parmelee asked Bryant to describe the project. Commissioner Pohlman asked if there are any concerns or additional regulations, such as horse waste disposal, bear impacts, etc., that should be considered. Brylinsky reported that Planning Staff consulted Sitka Animal Control Officer Nancy Buckmaster about the project and she had no concerns about the proposed stable location.

Brylinsky noted that conditional use permit applications are typically reviewed at two planning commission meetings to provide for sufficient public comment prior to consideration.

PUBLIC COMMENT: No public comment.

PLANNING DIRECTOR'S REPORT: Brylinsky summarized the upcoming Planning Agenda items. He also discussed projects that the Planning Department will be working on in the coming months including a potential homestead program on CBS land, a review of the Accessory Dwelling Unit permitting process and float homes in CBS harbors.

PUBLIC COMMENT: No public comment.

ADJOURNMENT:

MOTION: M/S POHLMAN/WINDSOR moved to adjourn at 7:27 pm.

ACTION: Motion PASSED unanimously 3-0 on a voice vote.

Richard Parmelee, Chair

Erin Clay, Temporary Secretary

Request:

Conditional use permit request for a stable with three horse stalls.

Zoning District: C-2

- Front: 10ft (Due to width of HPR ROW)
- Rear: 10ft
- Side: 5ft
- Maximum Heights
Principal Structures – 40 feet
Accessory Structures – 16 feet
- Maximum building coverage = None, except for setback areas

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
- Motions

Tonight's Motions

- Motion to approve findings – required for approval or denial
- Motion of recommendation to the Assembly

**Allen
Conditional Use Permit
Horse Corral
5304 Halibut Point Road
December 2, 2014**

This is the second hearing of a conditional use permit request to construct a horse stable at 5304 Halibut Point Road. The Planning Department has not received any public comments or inquiries regarding this project and no public comments were received at the last meeting.

Staff recommends that this be the final meeting for Planning Commission deliberations. Following discussion, the board will vote on a motion to approve findings and then a motion recommending approval to the Assembly. After a motion recommending approval, whether approved or denied, the application will be elevated to the Assembly for review.

The following conditions are suggested if a motion recommending approval is made:

1. The facility shall be operated consistent with the application and plans that were submitted with the request.
2. The facility shall be operated in accordance with the narrative that was submitted with the application.
3. 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.
4. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

Staff proposes the following findings:

The granting of the proposed conditional use permit will not:

- a. Be detrimental to the public health, safety, and general welfare;
- b. Adversely affect the established character of the surrounding vicinity; nor
- c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation, *specifically*:
Section 2.3.1 To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations.
Section 2.7.9 To assure that animal regulations in outlying areas and islands shall be as liberal as possible.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced. *Specifically, the four conditions that have been added to the conditional use permit.*
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 met the burden of proof.

The request is supported by general approval criteria 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;
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- 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.

Allen
Conditional Use Permit
Horse Corral
5304 Halibut Point Road
November 18, 2014

The project location is 5304 Halibut Point Road, across from the State Ferry Terminal. The applicant is David Allen and the owner of record is Allen Marina, LLC. David Bryant has been representing the applicant throughout the conditional use permitting process.

Two homes are located at the rear of the property. Two additional buildings are located onsite. One of the buildings is used solely for storage. The other building is used for storage and also contains a thrift store. A corral/riding area has recently been constructed on the property.

The applicant is requesting approval to construct a 50' by 50' stable with three horse stalls. Drawings of the proposed structure were submitted by Bryant and are attached.

Bryant has stated that the proposed stable would house horses kept primarily for personal use. The applicant may also want to offer riding lessons onsite in the future, as described in the attached letter that was submitted by Bryant on behalf of the applicant.

Staff recommends that this request be considered at the next Planning Commission meeting in order to provide sufficient time for public comment prior to being placed on an Assembly Agenda.