

**City and Borough of Sitka  
Planning and Zoning Commission  
Minutes of Meeting  
May 17, 2011**

**Present:** Don Alexander (Chairperson), Tom Rogers (Member), Richard Parmelee (Member), William Stortz (Member), Wells Williams (Planning Director), Melissa Henshaw (Planner).

**Members of the Public:** George Westphal, James Michener, Darcy Michener, Robert (Spike) Arnold, Lisa Blankenship-Ystad, Chris Ystad, Diana Twaddle, Dan Tadic (Municipal Senior Engineer), Craig Giammona (Daily Sitka Sentinel).

Chairman Alexander called the meeting to order at 7:00 p.m.

**Consideration of the Minutes from the May 3, 2011 meeting:**

**MOTION: M/S STORTZ/PARMELEE** moved to approve the meeting minutes for May 3, 2011.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

**This evening's business:**

**CONDITIONAL USE PERMIT  
207 SMITH STREET  
JIM/DARCY MICHENER**

*Public hearing and consideration of a conditional use permit request for manufacturing food products at 207 Smith Street. The request is filed by Jim and Darcy Michener. The property is also known as Lot 1 of Allen Projects-Lot Line Adjustment. Owner of record is Baranof Investments, LLC.*

Ms. Henshaw reviewed this request. The applicant would like to lease one of the three bays in the old Allen Marine retail shop which is now owned by Schmolck Mechanical. Mr. Michener would like to lease the smallest bay in the middle of the building to produce his sea salt. Manufacturing food products is a conditional use in the commercial zoning district. Ms. Henshaw suggested bringing the applicant forward to explain further. There were contradicting maps for the address and to clarify Ms. Henshaw stated that this address is technically 207 Smith Street.

The applicant came forward stating that this space would suit their needs in producing sea salt and that there is no available industrial space that would fit their needs at this time. Size is appropriate and it is properly sprinkled per DEC regulations and fire permits. This space works because of the lower ceiling height.

Commissioner Stortz brought up the offsite element that would take place on the adjacent property in which the applicant confirmed that the reducing of the sea water would take place next door, and then the brine would be transported back to this building to finish the process. Minimum amount of vapor would be coming from the building at

about 10 gallons an hour. The majority of the desolation taking place on the adjacent lot in an enclosed highly ventilated gazebo type structure.

The applicant confirmed that the water will be trucked in with a flatbed type of truck, stating it will not be a commercial grade truck or a tanker truck; then exporting the final product with a hand truck and then being driven off site in a 4 Runner type of vehicle once a day. The applicant communicated to the neighbors his project and he had several letters of approval that were given to the Planner to be placed in the file.

Commissioner Stortz asked where the applicant will get the water. To which the applicant stated that DEC's concern is mostly heavy metals and the water they have tested was just in front of town and is clean.

**Public Comment:**

There was no public comment. An email from the Municipal Electrical Department stating no opposition due to the fact that the electrical load is sufficient was received by Staff. And letters of support were given to Staff from neighboring properties that Mr. Michener collected.

**MOTION: M/S STORTZ/PARMELEE** moved to recommend approval to the Assembly for a conditional use permit request for manufacturing food products at 207 Smith Street. The request is filed by Jim and Darcy Michener. The property is also known as Lot 1 of Allen Projects-Lot Line Adjustment. Owner of record is Baranof Investments LLC with the following conditions outlined by Staff:

1. The project shall be completed in conformance with the plans submitted in the conditional use application to the Planning Commission;
2. Prior to the activation of the conditional use permit, the operator of the facility shall certify to the municipality, in writing, that all necessary permits have been received;
3. In addition, prior to the activation of the conditional use permit, the Planning Director shall indicate, in writing, that all permits have been received that the municipality considers necessary;
4. The applicant recognizes that other permits, not specifically mentioned by the municipality, may be required;
5. The applicant shall provide a narrative on the status of operations nine months after the activation of the conditional use permit;
6. The Planning Commission has an annual review of the first nine to twelve months of operation of the facility within one year of the activation of the conditional use permit. The purpose of the annual review is to determine what, if any impacts of the operation, need to be mitigated. The Planning Commission, by its own motion, may undertake a second annual review if the board considers it to be necessary and;
7. The Assembly, at its discretion, may complete an annual review if any issues are not satisfactorily resolved at the Planning Commission level.

**ACTION: Motion PASSED unanimously** on a voice vote.

**MOTION: M/S STORTZ/PARMELEE** moved to approve the following findings in support of the recommended approval of the conditional use permit:

1. There are not any site topography issues or geophysical hazards due to the level topography of the site;
2. That there are adequate utilities for the proposed use including storm drainage, storm sewer and electrical power to the site;
3. That there are no characteristics to the lot that negate approval of the request conditional use permit;
4. That the proposed use would not adversely affect adjacent properties or districts and if they do those issues can be resolved in the follow up proposed one-year review;
5. That community appearance and landscaping would not be detrimental to the site and are not considered issues to the request.

Furthermore that Planning Commission finds in 22.30.160:

1. a. That the proposed use would not be detrimental to the public health safety or general welfare;
- b. The request will not adversely affect the character of the surrounding vicinity;
- c. This request will not be injurious to the uses or improvements adjacent to the property;
2. The granting of the proposed conditional use permit is compatible with the intent of the goals and policies of the comprehensive plan 2.1.1 – the proposed project will contribute to a stable, long-term, local economic base; 2.3.1 that encourages guiding uses of private land in a manner that maintains a small-town atmosphere; and 2.5.2 – which encourages site sensitive master planning;
3. That all conditions necessary to lessen any impacts are imposed and if not can be addressed in the one year review;
4. That the proposed use will not adversely affect hazardous conditions on the site that cannot be mitigated and if those issues do surface they can be handled through the mandatory permitting that the applicant will be required to go through with regards to affects on the sanitary wastewater system and the Department of Environment Conservation;
5. That the proposed conditional use is supported by adequate public facilities specifically that is adjacent to a dedicated Municipal street and has adequate power, water and wastewater on the site;
6. That the applicant has met the burden of proof in proving that the proposed conditional use meets all the criteria above.

The Planning Commission also finds that the proposed conditional use permit request in 22.24.010:

1. a. Will not generate excessive vehicular traffic;
- b. That there will not be noise generated that will adversely affect surrounding land uses
- c. That there will not be odors generated by the proposed use and if so can be addressed with the one year review
- d. Due to the nature of the operation the hours of operation are not considered to adversely affect adjacent properties;
- e. That the proposed use is adjacent to a collector street;

- f. That there are not residential properties in the immediate area;
- g. That there will not be adverse effects on vehicular and pedestrian safety;
- h. That emergency services have the ability to adequately respond to emergency calls on site due to the presence of the existing road network;
- i. That the internal traffic layout is not adversely affected by the property since ample parking is available at the front of the building;
- j. That signage will not adversely affect the adjacent properties since they are commercial in nature;
- k. That there is not a need for buffers along the site;
- l. That the three comprehensive plan goals and policies mentioned previously have been considered;
- m. That there have not been adverse public comments, adverse comments by the Planning Commission or adverse comments by public agencies on this proposal.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

#### **PUBLIC BUSINESS FROM THE FLOOR**

There was no public business.

#### **ADJOURNMENT**

**MOTION: M/S STORTZ/ROGERS** moved to adjourn at 8:20 p.m.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

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Don Alexander, Chair

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Melissa Henshaw, Secretary