



CITY AND BOROUGH OF SITKA

Minutes - Draft

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Debra Pohlman
Randy Hughey
Richard Parmelee

Monday, February 27, 2017

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Chair Spivey called the meeting to order at 7:00 PM.

Present: Spivey, Windsor, Hughey

Absent: Pohlman (excused), Parmelee (excused), Knox (Assembly Liaison)

II. CONSIDERATION OF THE AGENDA

Senior Planner Scarcelli reported that item I has been pulled from the agenda and item C lacks a quorum for a hearing.

III. CONSIDERATION OF THE MINUTES

IV. PUBLIC BUSINESS FROM THE FLOOR

Chair Spivey stepped down to speak as a member of the public. He said he would be attending the Assembly's February 28th meeting to discuss his proposal for a parking garage behind the judicial building.

V. PLANNING DIRECTOR'S REPORT

Scarcelli asked commissioners for feedback on potential rescheduling for item C, possibly March 7th or an extra meeting. Spivey stated that the comprehensive plan meetings always run long, so he is in favor of an alternative date. Spivey stated that he doesn't want to appear to show favoritism. Commissioner Hughey stepped down to address the rescheduling conversation as the applicant. Hughey recommended that since the proposed concept plan is not significantly different from the previously approved concept plan, the item could proceed directly to a preliminary plat. Scarcelli discussed several options, such as going to the Assembly to address the parking concerns with the vet clinic. Scarcelli stated that this is an informal discussion to get commissioner input on rescheduling. Commissioner Windsor stated no concern with this item being rescheduled for March 7. Scarcelli stated that staff would be in touch with commissioners individually.

VI. REPORTS

A Planning Regulations and Procedures.

VII. THE EVENING BUSINESS

B Public hearing and consideration of a final plat of a major subdivision of 800 Alice Loop to result in 11 lots. The property is also known as Lot 16 Ethel Staton Subdivision. The request is filed by Shee Atika, Inc. The owner of record is Shee Atika Holdings Alice Island, LLC.

Scarcelli introduced the proposed final plat. The subdivision of the outside of Alice Loop included strict covenants on residential properties. The Sealing Cove Business Center, storage facilities, and municipal wastewater plant are also in the vicinity. Scarcelli stated that Shee Atika has submitted covenants for this subdivision that would provide for harmony of use. Residential and light home-based commercial uses will be permitted on the new lots. Home occupations will be allowed as approved by the Planning Department. Scarcelli reviewed conditions of approval as written in the staff report.

Ptarmica McConnell represented Shee Atika and thanked the Planning Department for working with them through the process.

No public comment.

Spivey stated that the applicant has touched on the concerns raised by the neighbors, and appreciated staff for including provision for possible home occupations. Scarcelli outlined the land uses that the covenants will not permit. Windsor, Hughey, and Spivey stated satisfaction with the plat proposal.

Hughey/Windsor moved to APPROVE findings:

- 1) That the proposed major subdivision final plat complies with the comprehensive plan by providing for the development of additional waterfront zoned property;
- 2) That the proposed major subdivision final plat complies with the Subdivision Code as conditioned; and
- 3) That the major subdivision final plat would not be injurious to the public health, safety, and welfare and further that the proposed CCRs protect the harmony of use and the public's health, safety and welfare through the proposed CCR use restrictions pursuant to Sitka General Code section 21.04.030(E)

Motion PASSED 3-0.

Hughey/Windsor moved to APPROVE the final plat of the major subdivision of Alice Loop Subdivision. This approval is subject to the attached conditions of approval. The request is filed by Ptarmica McConnell. The owner of record is Shee Atika Holdings Alice Island, LLC.

Conditions of Approval:

1. All major subdivision regulations be followed and any deviations from code be corrected prior to recording of the final plat (e.g. flagging, easements, easement area details, any note language requiring minor amendment, and monumentation).
2. That the draft CCRs (attached) be recorded and referenced by a plat notation and amended to include the addition of the following prohibited uses:
 1. Natural resource extraction or processing of any type
 2. Any type of commercial storage except for own business
 3. Any type of manufacturing or fabrication except those that could occur

through permissible home occupation permits.

4. Commercial winery or brewery of any scale.

5. **Note:** None of the prohibited uses are intended to restrict any type of small business/commercial operation as approved by the Planning Department that would occur under existing home occupation regulations.

Motion PASSED 3-0.

C

Public hearing and consideration of a preliminary plat for a planned unit development at 1306 Halibut Point Road, submitted by Sitka Community Land Trust. The property is also known as Lot 1A of Little Critter Subdivision. The request is filed by Sitka Community Land Trust. The owner of record is the Sitka Community Development Corporation.

This item was POSTPONED due to lack of quorum.

D

Public hearing and consideration of a variance request for 415 Alice Loop. The variance is for the reduction in the side setback from 10 feet to 4 feet for the construction of access stairs and a deck. The property is also known as Lot 4 Sealing Cove Subdivision. The request is filed by Jamal Floate. The owner of record is Sealing Cove Heated Storage.

Planner I Pierson described the request for a side setback variance for the construction of access stairs and deck. The property is zoned waterfront, and the building was constructed for commercial and storage use. The building is being converted into 2 storage units and 7 apartments. Historic Preservation Commission has approved these plans. The site has sufficient parking and a fence serves as a side buffer. The request is for the reduction in the side setback from 10 feet to 4 feet. The department has historically treated access decks and stairs as a minor variance. Staff recommend approval.

Jamal Floate represented the request. Commissioners had no questions.

No public comment.

No commissioner discussion.

Hughey/Windsor moved to APPROVE findings as discussed in the staff report. Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

- a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions, specifically, that the proposed stairs and deck are small in relation to the lot;**
- b. The granting of the variance is not injurious to nearby properties or improvements, specifically, that the proposed stairs and deck will be separated from the adjacent property by a fence;**
- c. The granting of the variance furthers an appropriate use of the property, specifically, that the proposed deck and stairs would provide access to the allowable residential apartments in an existing structure.**

Motion PASSED 3-0.

Hughey/Windsor moved to APPROVE the variance request for 415 Alice Loop. The variance is for the reduction of the side setback from 10 feet to 4 for the construction of a deck and stairs. The property is also known as Lot 4 Sealing

Cove Subdivision. The request is filed by Jamal Floate. The owner of record is Sealing Cove Heated Storage, LLC.

Motion PASSED 3-0.

E

Public hearing and consideration of a conditional use permit request for a two unit short-term rental at 3003 Halibut Point Road. The property is also known as Lot 1 Wood Subdivision. The request is filed by Jack and Katy Wood. The owners of record are Jackson and Kathryn Wood.

Pierson described the request for a two-unit short-term rental. The property is zoned R-1 single family, duplex, and manufactured home zoning district. The structure is an existing duplex with access directly from Halibut Point Road. The property is bounded by the owners' residence, HPR, the ocean, and another property owner. One unit is 2 bed/2 bath and the other is 1 bed/1 bath. No comments have been received. A condition of approval would require a traffic circulation overview and for the owners to move the boat to facilitate parking while both units are rented. Foliage provides buffers. The owners intend to offer the units as short-term rentals year-round through Sitka Travel. Staff recommend approval.

Windsor disclosed that he had worked on the applicant's home.

Jack Wood represented the request. Scarcelli asked how the applicant might deal with a traffic overview or possible trash issues. Wood stated that they have other short-term rentals and they provide a laminated informational handout to renters.

Spivey stated concern with the numbers of short-term rentals, and the commission might need to discuss how many are too many. Scarcelli stated that this has been addressed in a previous meeting, and staff are trying to compile relevant data. Scarcelli stated that we lack some important data, such as the numbers of long-term rentals. Scarcelli stated that staff will bring more information forward for the March 21 meeting or the next meeting. Scarcelli stated that part of affordable housing is making housing affordable for homeowners. Spivey stated that he does not have specific concerns with this request.

Windsor/Hughey moved to APPROVE findings as discussed in the staff report.

Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are

conditions that can be monitored and enforced.

4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.

5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

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

Conclusion on Findings: The required findings of fact have been met as the conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties through the conditions of approval, by meeting all applicable SGC regulations, and by being in support of the Comprehensive Plan regarding transient housing supply.

Motion PASSED 3-0.

Windsor/Hughey moved to APPROVE the conditional use permit application for two short term rental units at 3003 Halibut Point Road subject to the attached conditions of approval. The property is also known as Lot 1 Wood Subdivision.

The request is filed by Jack and Katy Wood. The owners of Jackson and Kathryn Wood.

Conditions of Approval:

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 for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
9. Owners shall provide renters with a brief rental overview including respecting the residential neighborhood and regarding directions and traffic circulation patterns to mitigate any potential traffic impacts.
10. Boat shall be moved or removed to ensure four parking spaces for the two units.

Motion PASSED 3-0.

F

Public hearing and consideration of a conditional use permit request for a short-term rental at 2703 Halibut Point Road. The property is also known as Lot 2 Byrd Subdivision. The request is filed by Owen and Beth Kindig. The owners of record are Don and Sharon Byrd.

Pierson described the request for a short-term rental. The property is zoned R-2 multifamily and mobile home park district. Two mobile homes are on the lot and are owned individually. The lot owner lives adjacent to the property. The other sides are bounded by Halibut Point Road, the ocean, and another private property. Access is directly from Halibut Point Road. The unit is 2 bed/1 bath and would be rented through Sitka Travel while the owners travel. No comments have been received. A condition of a approval would require that the owner provide traffic circulation information to renters. Staff recommend approval.

Owen Kindig represented the request. Spivey asked how the renters would be informed of proper traffic and trash procedures. Kindig stated that he will provide brochures and signs.

No public comment.

Spivey noted that the commission should keep an eye on frequency of

short-term rentals.

Hughey/Windsor moved to **APPROVE** findings as discussed in the staff report.

Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. **Burden of Proof.** The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent

uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

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

Conclusion on Findings: The required findings of fact have been met as the conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties through the conditions of approval, by meeting all applicable SGC regulations, and by being in support of the Comprehensive Plan regarding transient housing supply.

Motion PASSED 3-0.

Hughey/Windsor moved to **APPROVE** the conditional use permit application for a short term rental at 2703 Halibut Point Road subject to the attached conditions of approval. The property is also known as Lot 2 Byrd Subdivision. The request is filed by Owen and Beth Kindig. The owners of record are Don and Sharon Byrd.

Conditions of Approval:

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 for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
9. Owners shall provide renters with a brief rental overview including respecting the residential neighborhood and regarding directions and traffic circulation patterns to mitigate any potential traffic impacts.

Motion PASSED 3-0.

G

Public hearing and consideration of a conditional use permit request for a short-term rental at 2840 Sawmill Creek Road. The property is also known as Lot 1 R&C Hammack Subdivision Lot Line Adjustment. The request is filed by Michael Coleman. The owners of record are Michael and Tessie

Coleman.

Pierson described the request for a short-term rental. The property is zoned R-1 LDMH and includes a single-family home. The owner lives next door. Other sides are bounded by Sawmill Creek Road and commercially zoned property. The year-round rental would be managed by Sitka Travel. Access is from Sawmill Creek Road and the lot has sufficient parking. Foliage acts as a buffer. No comments have been received. Staff recommend approval.

Michael Coleman represented his request. Coleman stated that parking will not be an issue and guidelines will be set regarding garbage. Coleman stated that Sitka Travel will manage the rental.

Spivey clarified that Sitka Travel is managed by Christine McGraw who has experience with rental management.

Windsor/Hughey moved to **APPROVE** findings as discussed in the staff report.

Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. **Burden of Proof.** The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

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

Conclusion on Findings: The required findings of fact have been met as the conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties through the conditions of approval, by meeting all applicable SGC regulations, and by being in support of the Comprehensive Plan regarding transient housing supply.

Motion PASSED 3-0.

Windsor/Hughey moved to APPROVE the conditional use permit application for a short term rental at 2840 Sawmill Creek Road subject to the attached conditions of approval. The property is also known as Lot 1 R&C Hammack Subdivision Lot Line Adjustment. The request is filed by Michael Coleman. The owners of record are Michael and Tessie Coleman.

Conditions of Approval:

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 for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation

of the conditional use permit.

8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

9. Owners shall provide renters with a brief rental overview including respecting the residential neighborhood and regarding directions and traffic circulation patterns to mitigate any potential traffic impacts.

Motion PASSED 3-0.

H

Public hearing and consideration of a conditional use permit request for 1209 Sawmill Creek Road. The request is for a small-scale brewery in conjunction with the permitted uses of multifamily residential, restaurant, and storage. The property is also known as Lot 1 Baranof Subdivision #2. The request is filed by Baranof Island Brewing Company. The owner of record is Triton Properties LLC.

Spivey stated that he has a business relationship with Baranof Island Brewing Company but that he believes he can participate fairly. Commissioners allowed him to participate.

Scarcelli outlined the past and present uses on the lot. Potential concerns are for smell and fire. Conditions of approval would require fire safety features to be improved. The conditional use permit could aid in mitigating smell concerns should they arise. State regulations limit hours of operation for breweries to 8 PM at the latest. Scarcelli stated that findings are met, and staff recommend approval.

Rick Armstrong thanked staff for their assistance and the commission for their time. Spivey asked for an overview of the proposed improvements. Armstrong stated that the Fire Marshal has told them what they will need to upgrade, and they have been cleaning up the yard. Windsor asked if the proposed restaurant could operate on later hours than the brewery. Scarcelli stated that the brewery hours are only binding for the brewery, and a stand alone restaurant would not be tied to those limitations. Armstrong asked about the definition of a small-scale brewery, and Scarcelli stated that this is the term listed in the zoning code. Scarcelli thinks of large scale as an Anheuser Busch type operation.

Hughey stated that this is a good location for the proposal. Spivey stated that it is fantastic what they've done with the property.

Hughey/Windsor moved to APPROVE findings as discussed in the staff report.

Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and

compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

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

Conclusion on Findings: The required findings of fact have been met as the conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties through the conditions of approval, by meeting all applicable SGC regulations, and by being in support of the Comprehensive Plan regarding providing local goods, developing local economic base, while mitigating harm to adjacent land uses and public health, safety, and welfare.

Motion PASSED 3-0.

Hughey/Windsor moved to **APPROVE** the conditional use permit application for 1209 Sawmill Creek Road. The request is for a small-scale brewery in conjunction with the permitted uses of multifamily residential, restaurant, and storage. The property is also known as Lot 1 Baranof Subdivision #2. The request is filed by Baranof Island Brewing Company. The owner of record is Triton Properties LLC.

Conditions of Approval:

1. Contingent upon and compliance with an approved certificate of occupancy from the Building Official/ Fire Marshal.
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 after the first year indicating the amount of sales, growth, police calls, complaints from residents and neighboring businesses. After that, only when required to do so by the Planning Commission or Planning Director.
5. The Planning Commission, at its discretion, may schedule a public hearing upon receipt of a meritorious complaint in regards to a violation of a condition of approval or a Sitka General Code regulation to address the alleged violation.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales tax, shall be grounds for revocation of the conditional use permit.
7. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
8. The operation of the taproom shall be in conjunction with the operation with the brewery and shall not become a stand-alone bar (ok for tap room to be open to restaurant, but once onsite brewing ceases operation then tap room must also cease).
9. The brewery shall have sprinklers installed or upgraded as deemed necessary by the fire marshal and/or building official in regards to fire safety regulations, and all residential units shall have operational smoke and carbon monoxide detectors as required by the same officials.
10. All uses shall provide necessary parking as required by code. Applicant will need to provide a revised parking plan that includes calculations of all existing uses and proposed brewery use in terms of residential units, square footage of storage, and other uses in compliance with code, as well as showing detailed parking stalls (9' x 18').
11. The brewery shall provide a fire alarm sufficient enough to alert adjacent residents of a fire or smoke.
12. The brewery shall have a key box or knox box or other Fire Department approved device to allow Fire Department access.
13. The brewery shall comply with all state regulations.
14. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motion PASSED 3-0.

I

PULLED - Discussion and direction regarding municipal land disposal.

VIII. ADJOURNMENT

Windsor/Spivey moved to **ADJOURN** at 7:55 PM.

Motion PASSED 3-0.

ATTEST: _____
Samantha Pierson, Planner I