



# CITY AND BOROUGH OF SITKA

## Minutes - Final

### Planning Commission

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

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Tuesday, December 20, 2016

7:00 PM

Harrigan Centennial Hall

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#### I. CALL TO ORDER AND ROLL CALL

Vice-Chair Windsor called the meeting to order at 7:05 PM.

Present: Windsor, Pohlman, Parmelee  
Absent (excused): Spivey, Hughey

#### II. CONSIDERATION OF THE AGENDA

Pohlman/Parmelee moved to POSTPONE item D until the applicant can be present.

Motion PASSED 3-0.

#### III. CONSIDERATION OF THE MINUTES

A Approval of the November 16, 2016 meeting minutes.

No action taken.

#### IV. REPORTS

B Planning Regulations and Procedures.

#### V. THE EVENING BUSINESS

C Public hearing and consideration of a variance request for 503 Shennet Street. The request is for the reduction of the front setback from 20 feet to 5 feet and substandard parking for the construction of a house. The property is also known as Lot 3 Block A Sirstad Addition No. 2. The request is filed by Justin Olbrych. The owner of record is Jonathan Kreiss-Tomkins.

Pierson explained the request. The owner seeks a reduction of the front setback to 5 feet for a new house and to provide no on-site parking. The property is wetlands. The owner proposes to park on an undeveloped portion of Shennet Street. Public Works is willing to grant an encroachment permit, but

it would be revokable. Bosak clarified that this request is for a single-family home, not an accessory dwelling unit. Staff recommend approval.

Justin Olbrych explained the request. Olbrych stated that the neighbors are in support, and one of the neighbors will allow him to tie into their utilities. Pohlman clarified that the neighbors who are currently parking on the street are in support, and Olbrych stated yes. Olbrych stated that the Army Corps of Engineers permit has been granted. Scarcelli asked if the owner is aware that parking would be required on-site if the encroachment permit is revoked, and Olbrych stated yes.

Parmelee states that it is straight-forward.

Pohlman/Parmelee moved to APPROVE the required findings for major structures or expansions as discussed in the staff report.

**Required Findings for Variances.**

**1. Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:**

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, specifically, that the lot is currently an undeveloped wetland environment;
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, specifically, the ability to economically develop a residential structure while protecting the wetland environment;
- c) That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels, or public infrastructure, specifically, that the structure as proposed would limit adverse impacts to the natural environment; and
- d) That the granting of such will not adversely affect the Comprehensive Plan: specifically, Section 2.2.4 which states, "Minimize impacts on diversity and integrity of the ecosystem," by allowing flexibility in development standards to reduce effects on wetlands.

**Motion PASSED 3-0.**

Pohlman/Parmelee moved to APPROVE the variance request at 503 Shennet Street. The request is for the reduction in the front setback from 20 feet to 5 feet and substandard parking for the construction of a house to the attached conditions of approval. The property is also known as Lot 3 Block A Sirstad Addition No. 2. The request is filed by Justin Olbrych. The owner of record is Jonathan Kreiss-Tomkins.

**a. Conditions of Approval:**

- i. All United States Army Corp of Engineer permits are secured and followed.
- ii. Use of the Right of Way for on-street parking is approved by a valid encroachment permit by the City and Borough of Sitka's Public Works Department or the property and use come into immediate compliance with off-street parking requirements.
- iii. Applicant will provide a floor plan for staff approval.

**Motion PASSED 3-0.**

**D**

Public hearing and consideration of a variance request for 220 Lakeview

Drive. The variance is for the reduction in the side setback from 8 feet to 3 feet for the construction of a shed. The property is also known as Lot 2 Lakeview Glen Subdivision. The request is filed by Randy Hughey. The owners of record are Randy and Carol Hughey.

Item **PULLED** by the applicant.

## **E**

Public hearing and consideration of a conditional use permit application for a short-term rental at 227 Lakeview Drive. The property is also known as Lot 12 Lakeview Heights Subdivision. The request is filed by Julie Beall. The owner of record is Julie Beall.

**Pierson explained the request. The applicant seeks to rent out 1 unit of a duplex. Sufficient parking is provided, and it accesses directly from Lakeview Drive. Conditional use permits are to be granted unless they can be found to be detrimental. Staff recommend approval.**

**Julie Beall stated that she read her neighbor's comments. Beall stated that her family is supported by a single income, and a rental would be helpful to supplement that. Beall stated that she plans to target traveling medical professionals and parents traveling for sporting events. Beall stated that she lives on-site so she can keep track of the rental. Beall stated that Welcome Home Rentals would manage the rental. Parmelee clarified that Beall has 3 driveways, and she stated that it is correct. Beall stated that she has a separate freezer for trash. Beall stated that she is only aware of one neighbor in opposition to the rental.**

**Parmelee stated that he doesn't believe it will make a difference with traffic if it's a short-term rental or a long-term rental. Windsor believes it's a step above a duplex since the owner lives in one of the units.**

**Pohlman/Parmelee moved to APPROVE the required findings for conditional use permits 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.**

Pohlman/Parmelee moved to **APPROVE** the conditional use permit application for a short term at 227 Lakeview Drive, in the R 1 single family and duplex residential district subject to the attached conditions of approval. The property is also known as Lot 12 Lakeview Heights Subdivision. The request is filed by Julie Beall. The owner of record is Julie Beall.

**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.**

**F**

Public hearing and consideration of a conditional use permit request for a short-term rental at 714 Pherson Street. The property is also known as Lot 12 Block 1 Amended Plat of Sirstad Addition No. 2. The request is filed by Ashley McNamee. The owners of record are Shawn Marie Buckroyd and Leana Jean Buckroyd Youle.

Pierson explained the request. The applicant seeks to operate a short-term rental out of the second story of a duplex. The first story would be long-term inhabited. The property was previously used as an illegal lodge, then the operator passed away. A short-term rental is less intensive of a use than a lodge. There is sufficient parking. Staff recommend approval.

Parmelee stated that he knows the applicant, but the commission allowed him to participate.

Ashley McNamee stated that she wants to get this squared away as the previous owner attempted to before he passed away.

Parmelee stated that he believes there are other short-term rentals in the area. Parmelee stated that it's better than a lodge. Parmelee stated that the area is spread out with lots of parking.

Pohlman/Parmelee moved to **APPROVE** the required findings for conditional use permits 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.**

Pohlman/Parmelee moved to **APPROVE** the conditional use permit application for a short term rental at 714 Pherson Street subject to the attached conditions of approval. The property is also known as Lot 12 Block 1 Amended Plat of Sirstad Addition No. 2. The request is filed by Ashley McNamee. The owners of record are Shawn Marie Buckroyd and Leana Jean Buckroyd Youle.

**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 414 Hemlock Street. The property is also known as Lot 1 Block 24 McGraw Subdivision. The request is filed by Ali Clayton. The owner of record is Ali Clayton.

Pierson explained the request. The single-family home has recently been renovating. Sufficient parking is on-site. A dental clinic is next door, and another short-term rental is down the street. Staff recommend approval.

Parmelee stated that it is down the street from him, and he received notice.

Ali Clayton stated that she has been operating a short-term rental on Davidoff Street for about a year and a half so she's familiar with short-term rentals.

Pohlman stated that the request is straight-forward.

Pohlman/Parmelee moved to APPROVE the required findings for conditional use permits 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.

Pohlman/Parmelee moved to APPROVE the conditional use permit application for a short term rental at 414 Hemlock Street subject to the attached conditions of approval. The property is also known as Lot 1 Block 24 McGraw Subdivision. The request is filed by Ali Clayton. The owner of record is Ali Clayton.

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 an accessory dwelling unit at 2003 Anna Court. The property is also known as Lot 6 Verstovia Park Subdivision No. 2. The request is filed by

William Patrick. The owner of record is William Patrick.

Pierson explained the request. A mobile home exists on-site, and the applicant seeks to build an accessory dwelling unit. A detailed floor plan was not submitted because the applicant wanted to receive approval before purchasing plans. Sufficient parking exists on the lot. Staff recommend approval.

William Patrick stated that his building would be approximately 16-18 feet high. Patrick stated that the location of the structure would not block light access to other structures. Patrick stated that the site is flat. Pohlman asked if Patrick was okay with a 16 foot maximum height, and Patrick stated that he guessed so. Pohlman stated that if he exceeds 16 feet, he will not meet the conditions of approval. Scarcelli clarified that accessory dwelling units may be a maximum of 25 feet or the height of the primary structure. Patrick stated that he can come back to the commission if he needs additional height.

Windsor stated this is what we want ADUs for.

Pohlman/Parmelee moved to **APPROVE** the required findings for conditional use permits for accessory dwelling units 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: That the proposed 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; and that the required findings have been met as the proposal complies with SGC and Comprehensive Plan sections regarding ADUs and variances, and affordable housing while protecting the character of the neighborhood and the public's health, safety, and welfare.

Motion PASSED 3-0.

Pohlman/Parmelee moved to APPROVE the conditional use permit request for an accessory dwelling unit at 2003 Anna Court, with the conditions that 1) the structure will be no taller than 16 feet and 2) the applicant submits a detailed floor plan for staff approval. The property is also known as Lot 6 Verstovia Park Subdivision No. 2. The request is filed by William Patrick. The owner of record is William Patrick.

Motion PASSED 3-0.

I

Public hearing and consideration of a preliminary 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 explained the request for a major subdivision to result in 11 lots. The lot is on the inside of Alice Loop. The project meets development standards. The lots on the outside perimeter of Alice Loop had strict covenants recorded, but this lot was not bound by those covenants. The access easement should be amended to be called a parking easement. This easement would not be large enough to provide the required parking for the townhome development as outlined in the plat note of a previous plat. 8 spaces with dimensions of 9 feet by 18 feet are required to serve the townhomes. Pohlman stated that the

Commission was required to consider variances for virtually every lot on the periphery of Alice Loop. Pohlman stated that she does not want to see every lot of this proposed subdivision to come before the board in the future for variances. Scarcelli stated that a planned unit development could address setbacks during the subdivision process. Bosak stated that variances in the peripheral lots were impacted by the flood line, which wouldn't apply for these lots. Pohlman asked if there were any lots that would clearly need a variance. Scarcelli stated that the lots on the ends of the oval may need variances because of the extensive front setback.

Ken Cameron represented Shee Atika. Cameron thanked staff, and stated that they tried to design the subdivision so that variances would not be necessary. Windsor asked if Cameron could work with staff on the parking issue, and Cameron stated yes. Parmelee asked about the purpose of the access parking, and Cameron replied that it is for the townhouses.

Caprice Pratt asked when they will find out if covenants are included in the plan. Scarcelli stated that covenants are determined privately. Pratt asked if commercial use could be allowed, and Scarcelli stated yes. Scarcelli stated that code and the coastal management plan places a lower priority on waterfront residential than water dependent uses. Pratt stated that the neighbors have made substantial investments on their properties.

Paul Haavig stated that his decision to buy was based on how it was advertised, as pristine view lots. Haavig stated concern if there are no limits on the development of these new lots. Haavig stated that he believes he previously saw a proposed layout with fewer lots.

Pohlman stated that she would like to see the parking better developed and work to ensure that variances aren't required. Pohlman stated that she understands the concerns of neighbors, and understands that this lot is zoned waterfront. Scarcelli stated that he will work with the applicant, and stated that developers of individual lots would have to go before the Historic Preservation Commission. Scarcelli clarified that variances can be heard as part of the major subdivision process.

Pohlman/Parmelee moved to APPROVE findings that:

- a. the proposed major subdivision concept plat complies with the comprehensive plan by providing for the development of additional waterfront zoned property;
- b. That the proposed major subdivision concept plat complies with the Subdivision Code as conditioned; and
- c. That the major subdivision concept plat would not be injurious to the public health, safety, and welfare.

**Motion PASSED 3-0.**

Pohlman/Parmelee moved to APPROVE the concept 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. The municipality shall be a party to all easements. All easements shall be

recorded and no changes shall occur without municipal approval.

2.BAll major subdivision regulations be followed and any deviations from code be corrected prior to review of the final plat (e.g. flagging, easements, easement area details, and monumentation).

**Motion PASSED 3-0.**

**J**

Public hearing and consideration of a boundary line adjustment request for 3614 Halibut Point Road and 109 Harbor Mountain Road. The properties are also known as Lot 4 Tract A US Survey 3317, and Lot 2 Lot Line Adjustment of Lot 3 US Survey 3317. The request is filed by Del Stengl and Ernestine Massey. The owners of record are Del Stengl and Ernestine Massey.

Scarcelli explained the request for a boundary line adjustment. 109 Harbor Mountain Road has a mobile home park and a single family home. 3614 Halibut Point Road is undeveloped. The boundary line adjustment would swap equal portions of land to correct for encroachments from 109 Harbor Mountain Road onto 3614 Halibut Point Road. Encroachments will still exist from 109 Harbor Mountain Road onto municipal property. Department policy states that planning applications will not be approved when encroachments exist. Substandard easements do not conform with code and should be increased to the mandatory minimum width of 20 feet. Substandard easements negatively adjacent properties and impact fire apparatus access. Neighboring properties are impacted by encroachments. Windsor asked if staff would have denied the request administratively, and Scarcelli stated yes because of the department policy regarding encroachments.

Ernestine Massey and Del Stengl came forward to represent the request. Massey stated that the 15 foot right of way was agreed upon in the 1970's for a water line. Massey stated that she is doing her estate planning and wants to separate the house from trailer court to make things easier to her heirs. Massey stated that the previous surveyor was in error. Massey doesn't understand why the easement needs to change to 20 feet when 15 feet has been sufficient in the past. Windsor asked if Massey would come into conformance with the easement, and she stated that she was not aware that the easement would have to be 20 feet. Massey stated that some of her tenants have bought their trailers with encroaching structures. Massey stated that she does not know how to force people to remove these structures from their trailers. Pohlman asked if the city can notify individuals to remove their encroaching structures. Scarcelli stated that the city can take action, but the property owner also can. Scarcelli stated that an approval could be used as a stick and carrot to motivate Massey to take action. Massey stated that she has tried to get encroachments removed, to no avail. Pohlman asked if the encroachment is a city enforcement issue. Scarcelli stated yes, at significant legal cost. Scarcelli stated that approval could be granted with conditions that encroachments and the easements come into conformance. Massey stated that she does not know how to get rid of the encroachments. Scarcelli stated that staff can facilitate discussion with the applicant and municipal attorney. Stengl stated that the lot-line adjustment is on the table, and he is being held hostage for what is happening on the other side of the property line. Pohlman stated that they're being held hostage by the people who are encroaching. Parmelee stated that it seems like 2 different issues, and Scarcelli stated that he disagrees. Scarcelli stated that other boundary line adjustments have been denied for similar encroachment issues. Windsor stated that essentially the

city is passing the buck on enforcement. Bosak stated that she sees encroachment correction as a joint effort between the city and the owner. Massey stated that it would be helpful for the city to send out letters when standards change. Stengl stated that he has a DOT permit in process for access to his property from Halibut Point Road. Wayne Dye introduced himself as the project surveyor. Dye stated that the proposed boundary line adjustment corrects some of the encroachments. Dye stated that Shuler Drive isn't fully developed. Dye stated that the city hasn't been diligent to ensure that people aren't encroaching.

Don Seese stated that these problems happened many years ago, and he believes a resolution is possible.

Parmelee/Pohlman moved to APPROVE findings that:

a. As proposed, the BLA:

i. Does not provide for orderly and consistent development consistent with the Sitka General Code and the principles, goals, and objectives of the Comprehensive Plan by not coming into compliance with existing design and development standards regarding easements as well as not correcting existing encroachments into adjacent property, both of which present detrimental impacts to the public's health, safety, and welfare. Further, the proposal does not present facts that support the necessary findings regarding variances, which the SGC and the Comprehensive Plan require.

ii. Access for firefighting apparatus would be dimensioned and below standard, which could be detrimental to the public's health, safety, and welfare.

iii. The encroachments into the adjacent municipal property and the right of way (North Shuler) would be injurious to those property rights.

iv. There are not facts presented, as required by the findings for platting variances, to support a lot of unusual size and shape or topographical features, and the facts support a lot of adequate size and shape with no unusual topographical features in the areas surrounding the easements' location.

v. There are no facts presented to support undue and substantial hardship to provide the appropriate easements and to correct the encroachment.

Motion PASSED 3-0.

Pohlman/Parmelee moved to APPROVE findings that:

a. If modified subject to the attached conditions of approval that the easements be platted in accordance with existing design standards for easement widths (i.e. 20 feet) and all encroachments connected to the properties in question into adjacent properties be removed prior to recording the Boundary Line Adjustment that the modifications and conditions of approval would eliminate the detrimental impacts to public, health, safety and welfare and the potential injuries to adjacent property.

Motion PASSED 3-0.

Pohlman/Parmelee moved to APPROVE the Boundary Line Adjustment of 109 Harbor Mountain Road and 3614 Halibut Point Road in the R-1 MH district, subject to the attached conditions of approval. The property is also known as Lot 4 of USS 3317 and Lot 2 LLA of Lot 3 of USS 3317. The request is filed by Del Stengl and Ernestine Massey. The owners of record of the respective lots are Del Stengl and Ernestine Massey.

a. Conditions of Approval:

- i. The easements be platted in accordance with existing design standards for easement widths (i.e. 20 feet); and
- ii. All encroachments connected to the properties in question into adjacent properties be removed prior to recording the Boundary Line Adjustment.

**Motion PASSED 3-0.**

**K**

Public hearing and consideration of a platting variance request for substandard easements at 109 Harbor Mountain Road. The property is also known as Lot 2 Lot Line Adjustment of Lot 3 US Survey 3317. The request is filed by Ernestine Massey. The owner of record is Ernestine Massey.

**Item PULLED by the applicant.**

**L**

Public hearing and consideration of a preliminary plat of a minor subdivision request for 109 Harbor Mountain Road, which would result in 2 lots. The property is also known as Lot 2 Lot Line Adjustment of Lot 3 US Survey 3317. The request is filed by Ernestine Massey. The owner of record is Ernestine Massey.

Scarcelli described the request for a minor subdivision to result in two lots. The lot has two substandard easements. These easements should be brought up to the 20 foot minimum to properly serve adjacent properties and allow for fire apparatus access. The Planning Department has a policy against granting approval for items with existing encroachments. With the conditions of approval that easements and encroachments will come into conformance, staff recommends approval.

Ernestine Massey stated that she does not know what to do about the encroaching structures. Bosak stated that she believes a resolution can be found. Massey stated that there is a trailer encroaching minimally across the property line into North Shuler Drive. Massey stated that the trailer is too old to move according to city code.

Pohlman/Parmelee moved to APPROVE findings that:

a. As proposed, the BLA:

- i. Does not provide for orderly and consistent development consistent with the Sitka General Code and the principles, goals, and objectives of the Comprehensive Plan by not coming into compliance with existing design and development standards regarding easements as well as not correcting existing encroachments into adjacent property, both of which present detrimental impacts to the public's health, safety, and welfare. Further, the proposal does not present facts that support the necessary findings regarding variances, which the SGC and the Comprehensive Plan require.
- ii. Access for firefighting apparatus would be dimensioned and below standard, which could be detrimental to the public's health, safety, and welfare.
- iii. The encroachments into the adjacent municipal property and the right of way (North Shuler) would be injurious to those property rights.
- iv. There are not facts presented, as required by the findings for platting variances, to support a lot of unusual size and shape or topographical features, and the facts support a lot of adequate size and shape with no unusual topographical features in the areas surrounding the easements' location.

v. There are no facts presented to support undue and substantial hardship to provide the appropriate easements and to correct the encroachment.

Motion PASSED 3-0.

Pohlman/Parmelee moved to APPROVE findings that:

a. If modified subject to the attached conditions of approval that the easements be platted in accordance with existing design standards for easement widths (i.e. 20 feet) and all encroachments connected to the properties in question into adjacent properties be removed prior to recording the Boundary Line Adjustment that the modifications and conditions of approval would eliminate the detrimental impacts to public, health, safety and welfare and the potential injuries to adjacent property.

Motion PASSED 3-0.

Pohlman/Parmelee moved to APPROVE the Boundary Line Adjustment of 109 Harbor Mountain Road and 3614 Halibut Point Road in the R-1 MH district, subject to the attached conditions of approval. The property is also known as Lot 4 of USS 3317 and Lot 2 LLA of Lot 3 of USS 3317. The request is filed by Del Stengl and Ernestine Massey. The owners of record of the respective lots are Del Stengl and Ernestine Massey.

a. Conditions of Approval:

- i. The easements be platted in accordance with existing design standards for easement widths (i.e. 20 feet); and
- ii. All encroachments connected to the properties in question into adjacent properties be removed prior to recording the Boundary Line Adjustment.

Motion PASSED 3-0.

## M

Discussion and direction regarding monumentation and flagging requirements in Title 21.

Scarcelli gave some background on monumentation and flagging in relation to municipal code. Primary monumentation can be very costly. Flagging is currently required for all subdivisions. Scarcelli stated that monumentation requirements have not been strictly followed in the past. The city's requirements go beyond state minimums. Staff recommends relaxing monumentation and flagging requirements. Flagging could be required only when warranted for certain reasons and by staff or commission discretion. One or two primary monuments could be required for minor subdivisions, and 2 or 4 primary monuments could be required for major subdivisions.

Pohlman asked if flagging would have had anything to do with the construction project on Swan Lake that was stopped, and Bosak stated no. Pohlman expressed concerns for ambiguous decision-making on flagging. Bosak stated that there could be an internal policy to provide guidance. Parmelee stated that simpler code is better.

Local surveyors Wayne Dye and Kelly O'Neill came forward. Dye stated that they often drive 4 to 8 feet. Scarcelli asked if they see any benefit to primary monuments. Dye stated that people destroy primary monuments just like they do secondary monuments. Dye stated that primary monuments take a lot of work and are expensive. Dye stated that code also requires 2 reference points for each primary monument. Dye recommended 2 primary monuments for minor subdivisions in excess of 32,000 square feet. O'Neill stated that they



don't want to replace historic secondary monuments with primary monuments, as historic monuments are important to the record. Bosak asked about islands. Dye stated that original island surveys had only one monument per island and used meanders. Dye stated that in 1998, Wells Williams put his interpretation of monumentation into a memo, and the surveyors have been working off of that interpretation. Dye stated that primary monuments are 6 to 10 times more expensive than secondary monuments.

Pohlman stated preference for flagging on an as-needed basis, as long as there is a guideline for the determination.

#### **VI. PLANNING DIRECTOR'S REPORT**

Bosak reported on a consistency review of the Swan Lake Area Meriting Special Attention (AMSA) for a project at 613 Lake Street. Bosak reported that a grant application for hazard mitigation planning was submitted. Scarcelli reported on the Smart Growth America application for Sitka that was recently approved. Pierson stated that a commissioner training would be held at 6 PM on February 7th, and staff are working on compiling a commissioner handbook.

#### **VII. PUBLIC BUSINESS FROM THE FLOOR**

#### **VIII. ADJOURNMENT**

Pohlman/Parmelee moved to ADJOURN at 10:23 PM.

Motion PASSED 3-0.

Attest: \_\_\_\_\_  
Samantha Pierson, Planner I