



# CITY AND BOROUGH OF SITKA

## Minutes - Final

### Planning Commission

*Chris Spivey, Chair*  
*Darrell Windsor, Vice Chair*  
*Randy Hughey*  
*Richard Parmelee*  
*Taylor Colvin*

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Tuesday, October 17, 2017

7:00 PM

Harrigan Centennial Hall

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

Chair Spivey called the meeting to order at 7:00 PM.  
Present: Spivey, Windsor, Hughey, Colvin  
Absent: Parmelee (excused), Knox (Assembly liaison), Bean (Assembly liaison alternate)

#### II. CONSIDERATION OF THE AGENDA

#### III. CONSIDERATION OF THE MINUTES

##### A [PM-32](#) Approval of the September 19, 2017 meeting minutes.

Hughey/Windsor moved to **APPROVE** the September 19 meeting minutes.  
Motion **PASSED** 4-0.

#### IV. PERSONS TO BE HEARD

#### V. PLANNING DIRECTOR'S REPORT

##### B [MISC 17-29](#) Director's Report - October 17

Scarcelli noted the attached State Historic Preservation Plan document. Scarcelli updated the Commission on the Fiberlite marijuana cultivation conditional use permit conditions of approval. Scarcelli stated that the Alaska Planning Commission Handbook is a good resource, and staff are working on a Sitka-specific handbook. Scarcelli gave a brief overview of Smart Growth America recommendations.

#### VI. THE EVENING BUSINESS

##### C [P 17-05](#) Public hearing and consideration of a final plat of a minor subdivision for 403 Alice Loop. The minor subdivision would join 403 Alice Loop with a portion of vacated right-of-way, resulting in 1 lot. The property is also known as Lot 1 Sealing Cove Subdivision. The property is zoned Waterfront District. The

request is filed by Mica Trani. The owners of record are Mica Trani and the City and Borough of Sitka.

Scarcelli gave an overview of the written staff report, and stated that the vacation process has taken approximately one year to this point. Scarcelli discussed the various platting processes outlined in Sitka General Code, as well as those common in other communities. Issues requiring conditions of approval include the discrepancy in square footages between initial ordinance and proposed plat requiring an ordinance amendment, and the vacation of existing utility easements requiring consultation with a surveyor and utility officials. In the future, ordinance language will be crafted to avoid required amendments. Staff recommend approval of the preliminary as conditioned in the written staff report.

Spivey asked how we don't know if there are utilities in the easement. Scarcelli stated that staff have been working with the surveyor, utility officials, and legal staff to determine location of utilities, and collaboration will continue between the preliminary and final plat hearings. Scarcelli stated that state law requires the platting authority to make a decision or give corrections within 60 days or the plat is deemed to be approved.

Mica Trani stated that there are no utilities in the easement crossing the middle of the property, as they've all been relocated to the outside perimeter of the lot. Trani stated that utilities were relocated before the building was constructed. Scarcelli stated that he will confirm with the surveyor but the utility concerns are likely alleviated. Scarcelli recommended a shaded former easement designation to aid future property owners in understanding the property history.

Richard Wein asked why the city did not have exact locations of the utilities. Scarcelli recommended that all city and other utility projects go through the building permit process, enabling review by the Planning Department. Scarcelli stated that there is an opportunity to host such information on a more robust GIS website. Spivey spoke in favor of department collaboration so everyone is aware of projects.

**Hughey/Windsor moved to APPROVE findings: 1) That the proposed minor subdivision preliminary plat, as conditioned, complies with the Comprehensive Plan Section 2.4.19 which states, "To consistently follow and enforce land use policies, codes, regulations, and decisions..." by going through the prescribed minor subdivision process; 2) That the proposed minor subdivision preliminary plat, as conditioned, complies with the subdivision code; and 3) That the minor subdivision preliminary plat, as conditioned, would not be injurious to the public health, safety, and welfare and further that the proposed plat notes and conditions of approval protect the harmony of use and the public's health, safety and welfare. Motion PASSED 4-0.**

**Hughey/Windsor the preliminary plat of the minor subdivision at 403 Alice Loop subject to attached conditions of approval. The property is also known as Lot 1 Sealing Cove Subdivision and a portion of adjacent municipal right of way. The request is filed by Mica Trani. The owners of record are Mica Trani and the City and Borough of Sitka.  
Conditions of Approval:**

1. All applicable subdivision regulations, including but not limited to 21.12.010, 21.12.030, 21.32.160, and 21.40, 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 access, utility, and maintenance agreements be recorded and referenced by a plat notation.
  3. The any modifications to Plat 2011-1, especially any easement modifications be clearly shown on this proposed plat (e.g. that the westerly and interior utility easements be shown as being relocated or removed).
  4. That all issues related to utility easement rights, relocation, and whether relocation conflicts with existing utility improvements be resolved prior to the final plat.
  5. That any proposed modification to utility easement rights found in Plat 2011-1 and further identified in the parcel's warranty deed (Recorded at Document No. 2015-000425-0) include identification of the Utility Easement Holders and approval by the same owners of those utility easements that indicates those changes are not in conflict with their existing rights and improvements.
  6. That all municipal interests in past, present, and future municipal infrastructure be preserved through dedication of appropriate easements and recording of appropriate agreement documents both of which shall be approved by the City and Borough of Sitka prior to recording.
  7. That amendment to the prior Ordinance 2017-18 regarding the square footage of the land being vacated by the City be approved by the City Assembly prior to recording the Deed or Final Plat.
- Motion PASSED 4-0.**

**D CUP 17-21**

Public hearing and consideration of a conditional use permit for an 8-guest lodge and commercial dock on Middle Island. The property is known as Lots 3, 4, and 5, Block 1, Middle Island Subdivision. The property is zoned LI Large Island. The request is filed by Michael Coady. The owner of record is William Robinson Trust.

BREAK 7:30-7:40 to call the applicant.

Scarcelli reviewed the written staff report, and explained the history of conditional use permits on Middle Island. Concerns include deficient utilities, lack of legal commercial moorage, and the existing encroachment into state public pedestrian access easement. Historic precedence has been to deny commercial dock and lodge conditional use permits for this location. Scarcelli reported that the owner of Lot 10 Block 1 has submitted a letter of opposition. Scarcelli stated that conditions of approval can be tough to track down and enforce once a conditional use permit is granted. The Planning Department has a policy to not approve projects involving known encroachments. Staff recommend denial or postponement to give the applicant opportunity to meet their burden of proof.

Hughey asked about the process for vacating state easements, the difference between commercial and residential docks, and what is known about the existing septic system. Scarcelli stated that the vacation process begins with the state, goes to the local platting authority, then back to the state for final decision.

Scarcelli stated that staff and the applicant have been in contact with DNR regarding the vacation process. Scarcelli reported that the existing septic is inadequate, and stated that different jurisdictions use different criteria to distinguish between commercial and residential use docks. Hughey stated this is a rugged shoreline across which people will be walking. Scarcelli stated that docks fall under numerous jurisdictions that need to be consulted. Hughey clarified that there is no known deficiency with the dock. Scarcelli showed copies of the DEC permits from 1994-1995 and a neighbor-submitted photo of the sewer outfall located above the water level. Spivey asked about locations of nearby property owners, and Scarcelli displayed and described a map of nearby owners. Hughey stated that this is a great spot for a charter company, and these operations exist across town.

Travis Vaughan identified himself as representing Mike Coady, who joined via phone. Denton Pearson has been retained to resolve the encroachment issues. Vaughan acknowledged that the property and application are deficient, and overviewed the history of the property. Vaughan stated that the raised issues have not been resolved over the past decade through denied permits, and asserted that the granting of the permit is a way to get these issues resolved. Vaughan stated that the Army Corps of Engineers does not have information on the dock, and other documentation was lost due to untimely death of a prior owner. Vaughan stated that he would prefer to hear an honest no rather than a half-hearted maybe. Pearson stated that all commercial docks have to be built on state tideland leases, and the decision would take at least 6 months. Pearson stated that Lee Cole of DNR stated that easement vacation starts with the platting authority. Pearson suggested reducing the easement from 50 feet to 30 feet. Vaughan stated that he has not seen the sewer outfall pipe in question, and is intending to have a professional look at the septic system. Vaughan stated the nearest neighbor stated interest in selling his lot to the prospective lodge. Windsor asked about the ramifications of a postponement, and Vaughan stated that the buyer has been patient with the process. Scarcelli asked about coordinating a site visit, and Vaughan highly recommended it.

Richard Wein asked about the helicopter pad. Wein stated that a helicopter would create much more noise than a lodge. Wein asked why public easements are created where geography is not suitable. Scarcelli stated that the easement is a state requirement for state subdivisions.

John Flory identified himself as the owner and original homesteader of Lot 1 Block 1. Flory stated that he was a licensed civil engineer, and he had many conversations with prior owners regarding the sewer outfall. Flory has no concerns for the lodge but wants the sewer corrected. Flory stated that prior requests experienced pushback because the owners of Lots 4 and 5 put a lot of money into their properties and one neighbor lived there full-time. Windsor asked about DEC sewer outfall requirements, and Flory stated that the pipe should be 4 feet below mean lower low water.

Windsor attested to the distance between neighbors, and stated that the

property is definitely a lodge. Windsor and Spivey stated interest in postponing to work out issues. Colvin asked about process if the permit is approved and DEC, DNR, or Army Corps denies a permit. Scarcelli stated that the conditional use permit would be conditional upon those approvals. Hughey asked about licensure for lodges, and Scarcelli stated that the conditional use permit is the license.

**Hughey/Windsor postpone with intent to approve the consideration of a conditional use permit for an 8 guest lodge and commercial dock on Middle Island. The property is known as Lots 3, 4, and 5, Block 1, Middle Island Subdivision. The property is zoned LI Large Island. The request is filed by Michael Coady. The owner of record is William Robinson Trust.**

## **VII. ADJOURNMENT**

**Chair Spivey ADJOURNED at 8:40 PM.**

**ATTEST: \_\_\_\_\_**  
**Samantha Pierson, Planner I**