



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

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

Tuesday, December 5, 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, Parmelee, Colvin, Knox (Assembly liaison) - 8:14 PM

Absent - Bean (Assembly liaison alternate)

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

- A [PM-33](#) Approval of the October 17, 2017 meeting minutes.

Parmelee/Windsor moved to APPROVE the October 17, 2017 meeting minutes.
Motion PASSED 5-0.

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

- B [MISC 17-38](#) Director's Report - December 5

Director Scarcelli informed commissioners of the DOT meeting being held at the same time as this meeting. Scarcelli announced the hazard mitigation plan meeting scheduled for December 14 at 6 PM. Scarcelli noted that commissioners have received the draft comprehensive plan in paper form for their review and comment at the next comprehensive plan meeting. Scarcelli gave a summary of the Smart Growth America memo and shared the recommended focus areas for code amendments, including accessory dwelling units, short-term rental regulation, development standards, downtown development, and economic development.

VI. REPORTS

- C [CUP 16-31](#) Annual report for Green Leaf, Inc. marijuana retail at 4612 Halibut Point Road. No action required.

Scarcelli read the annual report submitted December 4, 2017.

VII. THE EVENING BUSINESS

D [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 reviewed the staff report. Scarcelli suggested that the final plat should note the easement established on the prior recorded plat. Scarcelli and commissioners discussed the recorded utility easements. Staff recommend approval as conditioned in the staff report.

Mica Trani stated that he was agreeable to the easement notation recommendation proposed by Scarcelli. Scarcelli thanked Trani for his patience.

Hughey/Windsor moved to APPROVE findings that:

- a. That the proposed minor subdivision final 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;**
- b. That the proposed minor subdivision final plat, as conditioned, complies with the subdivision code; and**
- c. That the minor subdivision final 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 5-0.

Hughey/Windsor moved to APPROVE the final 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. That a plat note shall be added to state that the municipality is a party to all easements and easements shall not be amended without municipal approval.**
- 4. The plat shall depict relocated easements and incorporate easement language from Notes 2 and 3 of Plat 2011-1.**
- 5. 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.**
- 6. The deed conveying the vacated portion of right-of-way shall be recorded prior to recording of the plat.**

Motion PASSED 5-0.**E** [CUP 17-22](#)

Public hearing and consideration of a major amendment to a conditional use permit for a lodge at Dove Island. The request would add an accessory structure and use for massage therapy. The property is also known as Lot 1 Dove Island Resubdivision. The property is zoned General Island. The request is filed by Duane Lambeth. The owners of record are Harold D. Lambeth and Tracie Lambeth.

Scarcelli reviewed the staff report, vicinity, and site plan. Scarcelli stated that lodges often offer massage services. Scarcelli stated that there were concerns during the prior conditional use permit process for year-round operation, but he does not share this concern. Scarcelli shared the intent of the zone. Scarcelli reported that the comprehensive plan is supportive of enabling year-round business. Scarcelli does not see noise concerns related to a salt massage room. Scarcelli reported that he received a call of concern for noise from Bradley Shaffer, but Mr. Shaffer is not a neighbor. Possible noise concerns could arise from float plane operations, but this has already been addressed by the existing conditional use permit. Scarcelli recommended keeping as much vegetation as is safe. Scarcelli requested that the applicants speak to their emergency response plan after the staff report. Scarcelli reported that Condition of Approval E as written in the staff report would allow for year-round expansion of lodge services. Staff recommend approval.

Harold Duane Lambeth and Tracie Lambeth introduced themselves as the property owners. T. Lambeth shared some photos of a salt room. D. Lambeth explained the construction and therapeutic uses of salt rooms. D. Lambeth stated that the lodge currently offers in-room massage, and he would like to have a dedicated space. D. Lambeth stated that float plane operations will not change, as it is put in the hangar in September. D. Lambeth stated that he would like to open up massage, retreat, and lodging services to locals in the off-season. D. Lambeth stated that this plan would add 5 new year-round jobs. Chris Jacoby introduced himself as project foreman. Scarcelli asked the applicants to clarify their intended operations expansion. D. Lambeth stated that he would like to offer year-round lodging and therapeutic services. D. Lambeth stated that he has found that he gets better employees when he can offer full-time jobs with benefits. Scarcelli asked the applicants to explain their emergency plans. D. Lambeth stated that Dr. Lehmann is the on-call doctor, Thor Christianson (EMT) is 3 minutes away, and there are AEDs in all main buildings and on boats. Scarcelli asked about no-wake zones. D. Lambeth stated there are no no-wake signs, but those living nearby know to slow down. D. Lambeth stated they have the most to lose with wakes, as they have commercial dock infrastructure. D. Lambeth stated that the salt room will not have an impact on wake.

Hughey asked about limitations on the existing conditional use permits. Scarcelli reviewed the conditions of approval, and stated that operations are currently limited to May through September. Scarcelli outlined the fish box limitations. Parmelee stated that a person really can't create much of a wake going to this property. D. Lambeth reported that his current business model is not restricted by the fish box limitation. D. Lambeth stated that all lodge customers are charged a fish box tax. Windsor suggested making additional amendments at a later meeting to allow for additional public comment, as the original permit was contentious. Parmelee suggested that the commission doesn't need to make amendments not requested by the applicant. Scarcelli stated that the department and commission should look for community development opportunities. D. Lambeth stated that he has had local healthcare providers state intent to refer patients for salt therapy services.

Parmelee stated support for allowing lodge services year-round. Spivey stated that the commission can either focus on the specific request or expand discussion to amend existing restrictions. Hughey stated support for the drafted conditions of approval. Colvin stated support for approving the salt room and year-round operations.

Windsor/Parmelee moved to APPROVE findings that:

- a) All applicable criteria and evidence as discussed in the written staff report have been considered. Material negative impacts have been considered and appropriate conditions of approval to mitigate those impacts have been identified.**
- b) The Comprehensive Plan has been consulted and it is found that this proposal is in line with the protection of residential uses, the promotion of commercial and tourism uses, and the protection of the public's health, safety, and welfare through conditions of approval.**
- c) The zoning code has been followed in this process and through analysis of the lodge proposal on an unsubdivided island zoned General Island.**
- d) That all substantial impacts related to this proposed expansion have been adequately mitigated through the attached conditions of approval, which can be adequately enforced.**

Motion PASSED 5-0.

Windsor/Hughey moved to APPROVE the major amendment to a conditional use permit for a lodge at Dove Island. The request would add an accessory structure and use for massage therapy. The property is also known as Lot 1 Dove Island Resubdivision. The property is zoned General Island. The request is filed by Duane Lambeth. The owners of record are Harold D. Lambeth and Tracie Lambeth

Conditions of Approval:

- a) The following conditions are amendments to the main and primary conditional use permits and agreements. All prior conditions remain except as modified in the amended conditions of approval here.**
- b) The facility shall be operated consistent with the application and plans that were submitted with the request.**
- c) The facility shall be operated in accordance with the narrative that was submitted with the application.**
- d) The facility including the lodge and commercial dock shall follow all applicable conditions of prior conditional use permits and applicable agreements except as modified in this permit amendment.**
- e) The operation of limited lodge services which shall include services and accommodations such as lodging, fishing, hunting, recreation, dining, massage, and other accessory lodge uses shall be allowed year-round.**
- f) The use of any float plane shall be governed by prior conditions of approval that limits its use. The expansion of limited lodge services shall not include the expansions of commercial float plane services off-season.**
- g) All necessary permits such as DEC permits for water and sewage shall be maintained and followed.**
- h) All federal, state, and local permits related to building safety and occupancy shall be maintained and followed.**
- i) The Planning Commission, at its discretion, may schedule a public hearing to address meritorious issues with the conditional use such as violation of a conditions of approval or material impact to the public's health, safety, or welfare.**
- j) A one-year review will be scheduled to assess any impacts to neighboring properties.**
- k) 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.

I) Failure to comply with any of the above conditions may result in revocation and/or failure to activate the conditional use permit.

Motion PASSED 5-0.

F [MISC 17-34](#)

Discussion and comment on upcoming meeting scheduling, to include possible special meetings.

Scarcelli reviewed a proposed timeline for implementation of Smart Growth America's recommended code amendments. Commissioners stated support for the proposal.

Spivey asked if special meetings will be scheduled. Scarcelli stated that the commission will determine if and when special meetings occur, but special meetings may be beneficial. Spivey stated that he will be out of town January 16.

Commissioners discussed possibly rescheduling the first January meeting for January 11, and Pierson will confirm. Colvin stated that he needs to check his calendar.

VIII. ADJOURNMENT

Chair Spivey ADJOURNED at 8:32 PM.

ATTEST: _____
Samantha Pierson, Planner I