



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

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

Thursday, May 24, 2018

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, Parmelee, Colvin, Knox (Assembly liaison)
Absent: Hughey (excused)

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM-46](#) Approval of the May 10, 2018 meeting minutes.

Windsor/Parmelee moved to approve the May 10, 2018 meeting minutes.
Motion passed 4-0.

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

B [MISC 18-17](#) Director's Report - May 24

Planning and Community Development Department Director Michael Scarcelli announced that Planner I Samantha Pierson will be leaving, updated the commission on initial enforcement steps being taken with Green Leaf, Inc., and announced that he would be traveling Saturday, May 26 through Monday, June 4. He will hold a site visit with Green Leaf on the afternoon of June 4. Scarcelli recommended that if Jill Missal is not on the line to speak to item C, that the item be moved to later in the meeting.

VI. REPORTS

VII. THE EVENING BUSINESS

D [CUP 18-15](#) Public hearing and consideration of a conditional use permit request for a short-term rental at 208 Jeff Davis Street in the R-2 multifamily residential district. The property is also known as Lot B Campus View Subdivision. The request is filed by Randy Hitchcock. The owners of record are Randy and

Bridget Hitchcock.

Pierson gave an overview of the proposed rental of a single-family structure, and described the property. Access is from Jeff Davis Street via an easement. The owners are constructing a house next door that they will live in, so owners will be able to monitor for any concerns. Staff suggested updating the existing monument signage to add "208." Staff recommend approval.

Randy Hitchcock stated that the request is pretty straight forward. Hitchcock stated that they will update the rock monument signage to include the 208 Jeff Davis Street address. Spivey asked about any planned limitation of vehicles for the rental. Hitchcock stated that the unit is small, with capacity for 3-4 people so they do not anticipate traffic issues. Hitchcock stated that they will live next door and be able to monitor for issues. Hitchcock stated that he did not specify a limit. Parmelee stated interest in outlining a residential capacity. Hitchcock stated agreement with a limit of 6 guests. Parmelee stated a comfort with six people.

No public comment.

Parmelee/Colvin moved to approve the conditional use permit request for a short term rental at 208 Jeff Davis Street in the R 2 multifamily residential district. The property is also known as Lot B Campus View Subdivision. The request is filed by Randy Hitchcock. The owners of record are Randy and Bridget Hitchcock.

Conditions of Approval:

- 1. Contingent upon a completed satisfactory life safety inspection.**
- 2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.**
- 3. 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, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.**
- 4. 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 upon receipt of meritorious complaint or evidence of violation of conditions of approval.**
- 5. 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.**
- 6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.**
- 7. To mitigate against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.**
- 8. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site, and further that should on-street parking occur at any time, the conditional use permit shall be revoked.**
- 9. Any signs must comply with Sitka General Code 22.20.090.**
- 10. A detailed rental overview shall be provided to renters detailing directions**

to the unit, appropriate access, parking, trash management, noise control, and a general admonition to respect the surrounding residential neighborhood.

12. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.

13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

14. Occupancy shall be limited to 6 guests.

Motion passed 4-0.

Parmelee/Windsor moved to find that:

1. ...The granting of the proposed conditional use permit will not:

a. Be detrimental to the public health, safety, and general welfare specifically, conditions of approval require responsible garbage management and noise monitoring;

b. Adversely affect the established character of the surrounding vicinity specifically, neighborhood has historically hosted a college campus and other related commercial uses; 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, specifically, on-site parking is provided.

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, specifically, conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting "economic activities which contribute to a stable, long-term, local economic base" by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports "development of facilities to accommodate visitors" that do not negatively impact surrounding residential neighborhoods, by operating a short-term rental with requirements to mitigate concerns for traffic, odors, and noise.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically that the owner will live on the adjacent property and can monitor for infractions and take action as warranted.

Motion passed 4-0.

E [CUP 18-17](#)

Public hearing and consideration of a conditional use permit for 308 Monastery Street in the CBD Central Business District. The request is for a residential dwelling unit on the first floor of a building in the Central Business District. The property is also known as a portion of Lot 2 Block 16 US Survey 1474. The request is filed by Colin Herforth. The owners of record are Colin Herforth and Christie Jones.

Scarcelli gave an overview of the neighborhood with a variety of zones and land uses. A conditional use permit is required for dwelling units on the first story in the Central Business District. The applicant states the intent to use the proposed dwelling unit as a short-term rental. The zone does not require parking but the property provides it. Staff recommend approval.

Colin Herforth offered to clarify anything for commissioners. Commissioners and staff had no questions for the applicant.

No public comment.

Windsor/Colvin moved to approve the conditional use permit request at 308 Monastery Street in the CBD Central Business District. The request is for a residential dwelling unit on the first floor of a building in the Central Business District. The property is also known as a portion of Lot 2 Block 16 US Survey 1474. The request is filed by Colin Herforth. The owners of record are Colin Herforth and Christie Jones.

Conditions of Approval: (limited conditions as compared with others due to nature of CBD)

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
4. 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 upon receipt of meritorious complaint or evidence of violation of conditions of approval.
5. 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.
6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
7. To mitigate against the risk and impact of bears, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.
8. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for STR uses (short-term rental) shall occur off-street and on-site.
9. Any signs must comply with Sitka General Code 22.20.090.
10. A detailed rental overview shall be provided to STR/renters detailing directions to the unit, appropriate access, parking, trash management, noise control, and a general admonition to respect the surrounding residential neighborhood.
12. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the renters.
13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motion passed 4-0.

Windsor/Parmelee moved to find that:

1. ...The granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare specifically, on-site parking is provided though not required and that the use is consistent with the CBD zone.
 - b. Adversely affect the established character of the surrounding vicinity specifically, the neighborhood is already established with higher density and a mix of commercial, public facilities, community facilities, and nearby to downtown; 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, specifically, the property is accessed directly from a public street and has public utilities and that is provides parking though not required and is close to downtown.
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, specifically, conforms

to Comprehensive Plan Section 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods, by operating a business and residential land uses in the CBD zone.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically the proposal coupled with the zone and surrounding area is compatible.

Motion passed 4-0.

F [CUP 18-19](#)

Public hearing and consideration of a conditional use permit request for a food truck/outdoor restaurant at 104 Cathedral Way in the Central Business District. The property is also known as Lot 2 Block 6 US Survey 1474 Tract A. The request is filed by Matthew and Julieanne Stroemer. The owners of record are Adam and Kris Chinalski.

Pierson described the request for a food truck at 104 Cathedral Way. The truck would be removed from the site when not in use. Applicant proposes to hook up to municipal power. Water and wastewater will be managed off site via storage tanks in accordance with municipal regulations. Hours of operation would primarily be normal business hours. Primarily pedestrian traffic is anticipated, but a condition of approval requires that owners and operators not allow customers to park and stall illegally. Pierson talked through the site plan provided by the applicant. Staff recommend approval.

Matthew Stroemer stated that the DEC permit is now in place. Spivey stated concern that Cathedral Way is a narrow one-way street, and asked if Stroemer had plans for dealing with overflow pedestrian lines and illegal parking. Stroemer stated that they would inform people illegally parking or stalling that those behaviors are not allowed. Stroemer stated that they would send staff out to move lines if sidewalks became impeded. Windsor asked for clarification on the eave dimension, and Stroemer stated that it was 2 feet to the sidewalk. Scarcelli asked about local product usage, and Stroemer stated that they have 3500 pounds of coho in cold storage, and eventually he plans to sell 100% his own caught fish.

No public comment.

Windsor asked about requiring "no parking" signs, and Scarcelli stated that installation of signage involves various jurisdictions. Scarcelli stated that he will talk with Public Works and Police about signage. Parmelee stated that most of the traffic will likely be pedestrians.

Colvin/Parmelee moved to approve the conditional use permit application for a food truck/outdoor restaurant at 104 Cathedral Way in the Central Business District. The property is also known as Lot 2 Block 6 US Survey 1474 Tract A. The request is filed by Matthew and Julieanne Stroemer. The owners of record are Adam and Kris Chinalski.

Conditions of Approval:

- 1. All required permits, including but not limited to DEC Food Safety and Sanitation, shall**
- 2. Operations shall not obstruct safe sidewalk passage.**
- 3. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.**
- 4. The applicant and any operators shall enforce no illegal parking or stalling**

on-site or on Cathedral Way.

5. The Planning Commission, at its discretion and upon receipt of meritorious complaint, 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. Permit and use shall comply with all local regulations, including building code, fire and life safety, business registration, and remittance of all applicable taxes.

Motion passed 4-0.

Colvin/Parmelee moved to find that:

1. ...The granting of the proposed conditional use permit will not:

a. Be detrimental to the public health, safety, and general welfare specifically, all public health and safety codes will be strictly applied according to state and city laws;

b. Adversely affect the established character of the surrounding vicinity specifically, it will beautify the vacant lot and highlight local fishing industry; 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, specifically, waste products will be handled in accordance with municipal utility programs;

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, specifically, conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting "economic activities which contribute to a stable, long-term, local economic base" by allowing for an economic enterprise that makes use of a parcel that is otherwise difficult to develop.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically that the Planning Commission may review the permit at any time upon receipt of meritorious complaint.

Motion passed 4-0.

G [CUP 18-16](#)

Public hearing and consideration of a conditional use permit request for a short-term rental at 837 Lincoln Street in the R-2 multifamily residential district. The property is also known as Lot R-3 SJC-Lincoln Subdivision Replat. The request is filed by Matt and Naomi Christner. The owners of record are Matthew and Naomi Christner.

Pierson described the request for short-term rental of a single-family home. Sufficient parking is on-site, although the neighbors have raised concerns for high volumes of vehicular traffic and illegal parking on the seawalk and in the street. In response, staff recommend a condition of approval limiting short-term renters to one vehicle at a time. Spivey asked how the one vehicle limit would be enforced if the owners keep their own vehicles on the lot. Scarcelli stated that condition 2 could be amended to not restrict storage of owner's vehicles. Colvin asked about the necessity of the limitation of vehicles, and Scarcelli stated that the concern is not space for on-site parking but traffic on Lincoln Street.

Matt Christner stated that the three bedroom is intended to house up to 6 persons. Christner stated that it is unrealistic to expect 6 renters to always stick to 1 car. Christner would like to be able to allow 2 cars. Christner stated that the impacts occur

on the seawalk side, not his side of Lincoln Street. Christner stated that the unapproved non-conforming uses across the street should be dealt with. Windsor asked if there's room to turn around on-site and Christner stated that there is.

No public comment.

Spivey stated that while he understands staff's concern for limiting vehicular traffic, he disagrees. Spivey stated that there's plenty of bus traffic on the street. Windsor stated that there's plenty of parking on-site. Spivey stated that he would like to remove condition of approval 2, and Parmelee stated agreement.

Windsor/Parmelee moved to approve the conditional use permit request for a short term rental at 837 Lincoln Street in the R 2 multifamily residential district. The property is also known as Lot R 3 SJC Lincoln Subdivision Replat. The request is filed by Matt and Naomi Christner. The owners of record are Matthew and Naomi Christner.

Conditions of Approval:

- 1. Contingent upon a completed satisfactory life safety inspection.**
- 2. Recommended condition stricken.**
- 3. 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, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.**
- 4. 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 upon receipt of meritorious complaint or evidence of violation of conditions of approval.**
- 5. 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.**
- 6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.**
- 7. To mitigate against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.**
- 8. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site, and further that should on-street parking occur at any time, the conditional use permit shall be revoked.**
- 9. Any signs must comply with Sitka General Code 22.20.090.**
- 10. A detailed rental overview shall be provided to renters detailing directions to the unit, appropriate access, parking, trash management, noise control, and a general admonition to respect the surrounding residential neighborhood.**
- 11. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.**
- 12. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.**

Motion passed 4-0.

Windsor/Parmelee moved to find that:

- 1. ...The granting of the proposed conditional use permit will not:**

- a. Be detrimental to the public health, safety, and general welfare specifically, conditions of approval require responsible garbage management and noise monitoring;
 - b. Adversely affect the established character of the surrounding vicinity specifically, neighborhood has historically hosted a college campus and other related commercial uses; 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, specifically, on-site parking is provided.
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, specifically, conforms to Comprehensive Plan Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods, because the proposal allows for a single-family vacation rental with parameters that limit use to be equal with long-term family use.
 3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically that conditions of approval require provision of a thorough rental overview, and the permit may be revoked if conditions warrant.
- Motion passed 4-0.

C [MISC 18-12](#)

Public hearing and consideration of the Sitka Hazard Mitigation Plan, specifically regarding the mitigation strategy action steps.

Pierson introduced the item.

Missal gave an overview of each of the 6 proposed mitigation projects as included in the packet. Regarding the stormwater upgrade project, Windsor requested the dollar figures for the cited 30% of maintenance time spent on clearing culverts, and Missal stated that could be put in the plan. Spivey stated that it would be helpful to have cost-benefit information. Knox clarified that funding for a Gavan Hill landslide study was just approved by the Assembly. Missal outlined the public education project as likely the most cost-effective project. Missal explained that the data collection project is intended to be an ongoing effort. Missal discussed the potential establishment of a CERT team. Missal stated that the food security project has been a popular item for survey participants. Scarcelli asked about the availability of surveys, and Missal stated that the survey is still open. Pierson stated that the survey link is on the Planning webpage. Scarcelli stated that he would do another push to advertise the survey link. Scarcelli discussed food security as an item that could be coupled with public education. Knox discussed water availability and the current plan to co-locate the secondary water source with the primary source. Missal stated that she will leave the survey open for the next two weeks. Missal stated that there should be a review draft available by the June 28 meeting, and the plan will hopefully be on the July 10 Assembly agenda for adoption.

No public comment.

Spivey asked that the full plan be on the June 28 Planning Commission agenda for consideration. Spivey requested that the cost-benefit analysis for the stormwater project be included in the final document. Scarcelli summarized that the commission would like to see the stormwater cost benefit analysis, additional discussion on the secondary water source, and food security. Windsor stated that he would like to see the full plan as soon as possible. Missal stated that she could get the draft for the June

22 packet deadline.

H [CUP 18-18](#)

Public hearing and consideration of a conditional use permit request for a short-term rental at 453 Charteris Street in the R-1 LD single-family or duplex low density residential district. The property is also known as Lot 23B Charteris Subdivision. The request is filed by Melissa Pardy. The owner of record is Adam Pardy.

Pierson described the request for short-term rental of the first floor unit of a duplex. The owners live in the other unit of the duplex and can monitor for any potential issues. The lot is large and a variety of buffers are in place. The property is the second of three on an easement. Staff have concern that renters may not know how to appropriately turn around, possibly resulting in people backing down the easement onto Charteris Street. A condition of approval requires the applicants to inform renters of safe vehicular access and parking. Staff recommend approval.

Melissa Pardy stated that she sent letters to the buffer list provided by staff, and she received letters of support from 3 of 4 nearby neighbors. Spivey asked for clarification for safe vehicle turning. Pardy stated that the instructions would include pulling up the easement and backing into the parking spaces.

Scarcelli stated that neighbor Kelli Cropper submitted a note of support.

Pardy provided a letter of support from owners of 455 Charteris Street, and Scarcelli read it for the record.

Colvin/Windsor moved to approve the conditional use permit request for a short term rental at 453 Charteris Street in the R 1 LD single family or duplex low density residential district. The property is also known as Lot 23B Charteris Subdivision. The request is filed by Melissa Pardy. The owner of record is Adam Pardy.

Conditions of Approval:

- 1. Contingent upon a completed satisfactory life safety inspection.**
- 2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.**
- 3. 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, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.**
- 4. 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 upon receipt of meritorious complaint or evidence of violation of conditions of approval.**
- 5. 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.**
- 6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.**
- 7. To mitigate against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.**

8. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site, and further that should on-street parking occur at any time, the conditional use permit shall be revoked.

9. Any signs must comply with Sitka General Code 22.20.090.

10. A detailed rental overview shall be provided to renters detailing directions to the unit, appropriate access, parking, trash management, noise control, and a general admonition to respect the surrounding residential neighborhood.

12. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.

13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motion passed 4-0.

Colvin/Parmelee moved to find that:

1. ...The granting of the proposed conditional use permit will not:

a. Be detrimental to the public health, safety, and general welfare specifically, conditions of approval require responsible garbage management and noise monitoring;

b. Adversely affect the established character of the surrounding vicinity specifically, the rental would make use of an already developed unit of a duplex with on-site owner-managers to monitor for concerns; 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, specifically, on-site parking is provided.

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, specifically, conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting "economic activities which contribute to a stable, long-term, local economic base" by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports "development of facilities to accommodate visitors" that do not negatively impact surrounding residential neighborhoods, by operating a short-term rental with requirements to mitigate concerns for traffic, odors, and noise.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically that the on-site owner can monitor for infractions and take action as warranted.

Motion passed 4-0.

I [P 18- 10](#)

Public hearing and consideration of a minor subdivision to result in one lot at 114 Harbor Mountain Road in the R-1 MH single-family, duplex, and manufactured home residential zoning district. The property is also known as Lot 13 Shuler Subdivision and a 20 foot portion of E. Shuler Drive. The request is filed by Don Seesz. The owners of record are Donovan and Jane Seesz.

Scarcelli described the request as a technical clean-up. The Assembly approved vacation and sale of the portion of the right-of-way, and the replat is intended to join this portion to the adjacent residential lot. Scarcelli shared the ordinance authorizing the sale. Scarcelli discussed the proposed plat and pointed out existing encroachments. Conditions of approval would require that licenses or similar documents be executed to authorize the slight encroachments. Staff recommend approval. Colvin asked if sheds are subject to setbacks, and Scarcelli stated that they are. Scarcelli stated that lack of recordkeeping makes it difficult to determine if the

shed is legal non-conforming.

Don Seesz stated that the shed has been in place for "quite some time." Seesz thanked the commissioners for their time.

No public comment.

Windsor/Colvin moved to approve the preliminary plat of a minor subdivision to result in one lot at 114 Harbor Mountain Road in the R 1 MH single family, duplex, and manufactured home residential zoning district for the purpose of completing a prior approved vacation of East Shuler Drive. The property is also known as Lot 13 Shuler Subdivision and a 20 foot portion of E. Shuler Drive. The request is filed by Don Seesz. The owners of record are Donovan and Jane Seesz.

Conditions of Approval:

- 1. Surveyor shall provide square foot totals for right of way and unified lot.**
- 2. Plat shall comply with all applicable state and local subdivision codes.**
- 3. All known encroachments shall be removed or receive permission from the applicable owner prior to recording of final plat.**
- 4. Plat shall be recorded within 1 year of final approval of plat or approval shall be void.**

Motion passed 4-0.

Windsor/Colvin moved to find that:

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

J [VAR 18-08](#)

Public hearing and consideration of a variance request for 409 Halibut Point Road in the R-2 multifamily residential district. The request is for the reduction in the required on-site parking for an existing duplex from four spaces to zero spaces. The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley.

Scarcelli described the location and outlined the key points as written in the staff report. Code requires four on-site parking spaces for a residential duplex. Only one space is present on the lot. Turning occurs on a portion of the nearby property, which could be impacted if that property is sold in the future. Scarcelli discussed the topographic constraints. Staff recommend denial or postponement to allow the owner to work out potential solutions, such as an easement. Scarcelli discussed images of the site plan, showing the stairs and rock wall in the right-of-way. The applicant has a DNR encroachment permit for stairs and two parking spaces in the right-of-way. Windsor asked if staff consider the proposed parking to be on-site, and Scarcelli stated that on-site parking means on his property.

Timothy Riley stated that there is a curb cut in front of his property, and he believes there is room for two stacked spaces. Riley stated that he bought the property in 1994, and there's never been a problem with vehicle access. Riley stated that he could work

with ALPS on a parking agreement. Riley stated that his original DNR request was for four parking spaces, but that was denied. Riley stated that visibility is good and he doesn't see a problem with egress/ingress. Windsor clarified that the state denied parking on the other side of the stairs, and Riley stated that DNR wouldn't allow another curb cut and didn't want people backing into the roadway.

Scarcelli read a letter from Kristy Totten in opposition to the request, with concerns for motorist, pedestrian, and bicyclist safety. Scarcelli read a letter from Karen Zamzow in opposition to the request, with concerns for safety, future uncertainty of space on the adjacent lot currently utilized for turning, and potential to set a precedent for others to request parking variances.

Spivey stated that he was torn. Windsor stated that he would like to give the applicant the opportunity to work with the adjacent credit union on an agreement. Spivey stated that he doesn't recall seeing more than one vehicle parked there. Colvin stated that as proposed, he leans toward denial, but would be willing to reconsider if an access agreement could be worked out.

Windsor asked if Riley could have an agreement in place by June 28. Riley stated that he has already been in contact with ALPS and believes he could get something worked out. Riley clarified that he can access his property from Halibut Point Road via the curb cut. Riley stated that he could have something by June 28, that he would be out of the country then, but that he could have someone represent his request.

**Windsor/Parmelee moved to postpone consideration to the June 28 meeting.
Motion passed 4-0.**

K [CUP 18-14](#)

Public hearing and consideration of a conditional use permit request for a short-term rental at 409 Halibut Point Road in the R-2 multifamily residential district. The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley.

As this request is related to the previous item that was postponed, staff recommended postponement.

Riley stated agreement with the postponement.

**Windsor/Colvin moved to postpone consideration to the June 28 meeting.
Motion passed 4-0.**

VIII. ADJOURNMENT

Chair Spivey adjourned at 8:49 PM.

**ATTEST: _____
Samantha Pierson, Planner I**