

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
January 5, 2016**

Present: Chris Spivey (Chair), Darrell Windsor (Vice-Chair), Tamie Parker Song (Member), Debra Pohlman (Member), Randy Hughey (Member), Maegan Bosak (PCDD Director), Michael Scarcelli (Senior Planner), Samantha Pierson (Planner I)

Absent: None

Members of the Public: Barth Hamberg, Tom Crane, Jon Martin, Jay Sweeney (Finance Director), Mark Gorman (Municipal Administrator), Libby Stortz, Carolyn Servid, Scott Saline, Dorik Mechau

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

Roll Call:

PRESENT: 4 – Spivey, Parker Song, Pohlman, Hughey

Windsor arrived at 7:03 P.M.

Consideration of the Minutes from the December 15, 2015 meeting:

MOTION: M/S POHLMAN/PARKER SONG moved to approve the meeting minutes for December 15, 2015.

ACTION: Motion **PASSED unanimously 4-0** on a voice vote.

The evening business:

VARIANCE REQUEST

**203 JEFF DAVIS STREET, LOT B AND A PORTION OF LOT C, SUBDIVISION OF LOTS 14 AND 15, BLOCK 14, SITKA TOWNSITE, US SURVEY 1474 TRACT A
BARTH HAMBERG**

Public hearing and consideration of a variance request filed by Barth Hamberg for 203 Jeff Davis Street. The variance is for a reduction in the front setback from 20 feet to 13 feet, a reduction in the southerly side setback from 8 feet to 4 feet, a reduction in the northerly side setback from 8 feet to 4 feet, and a reduction in the rear setback from 10 feet to 4 feet, for the construction of a front entryway, a covered back porch, and a carport. The property is also known as Lot B and a portion of Lot C, subdivision of Lots 14 and 15, Block 14, Sitka Townsite, U.S. Survey 1474 Tract A. The request is filed by Barth Hamberg. The owner of record is Barth Hamberg.

STAFF REPORT: Scarcelli described the property and the variance request. He stated that the commissioners had conducted a site visit with public notice. He discussed the difficulty of allowing modern amenities on old lots of substandard size. Scarcelli stated that the proposed drainage plan would route rain water from the house roof toward Jeff Davis Street, with landscaping in the back yard. The proposed retaining wall will be on Hamberg's side of the property line. Bosak stated that boundary line disputes are civil matters.

APPLICANT: Barth Hamberg stated that the lot has always drained onto the neighboring lot. He stated that his proposal will slow down runoff by allowing water to percolate into the ground. Hamberg stated that he already has a grading permit. Hamberg explained the intent of the proposed 4-foot French drain near the proposed carport.

COMMISSIONER DELIBERATION: Spivey stated appreciation for Hamberg adjusting his plan. Spivey stated concerns for drainage, and that he hesitates to grant variances of less than 5 feet. Scarcelli stated that the drainage plan would be required to be approved by Public Works.

PUBLIC COMMENT: Scarcelli read a letter submitted by Angela Smisek, stating concerns for boundary trees.

MOTION: M/S WINDSOR/POHLMAN moved to approve the required findings for variances involving major structures or expansions:

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, lack of existing garage, protected entrance to home, smaller lot, and narrow driveway;*
- 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 protect the rear entrance of the home and vehicles from weather;*
- 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 there are no impacts to adjacent property owners regarding rear boundary trees or drainage and if there were they have been adequately mitigated or protected against by attached conditions of approval; and*
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan, *specifically, it is in line with Comprehensive Plan 2.4.1, which states, "To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners," specifically by enhancing the site, property, and on-site drainage.*

ACTION: Motion **PASSED unanimously 5-0** on a voice vote.

MOTION: M/S WINDSOR/POHLMAN moved to approve the variance request filed by Barth Hamberg for 203 Jeff Davis Street subject to the attached three conditions of approval that shall run with the land so long as the carport remains. The variance is for a reduction in the front setback from 20 feet to 13 feet, a reduction in the southerly side setback from 8 feet to 4 feet, a reduction in the northerly side setback from 8 feet to 4 feet, and a reduction in the rear setback from 10 feet to 4 feet, for the construction of a front entryway, a carport, and a covered porch. The property is also known as Lot B and a portion of Lot C, subdivision of Lots 14 and 15, Block 14, Sitka Townsite, U.S. Survey 1474 Tract A. The request is filed by Barth Hamberg. The owner of record is Barth Hamberg.

Conditions of Approval:

- 1) An approved drainage plan with maintenance of drainage for life of approved carport structure;
- 2) That the carport structure shall not hinder the life of any shared boundary trees; and
- 3) An approved landscape plan with continued maintenance of landscaping for life of approved carport structure.

ACTION: Motion **PASSED unanimously 5-0** on a voice vote.

VARIANCE REQUEST

101 TOIVO CIRCLE, LOT B OF FLEMING SUBDIVISION – LOT LINE ADJUSTMENT OF LOTS 2 AND 3 TOM CRANE FOR KJERSTI AND JASON KOSKINEN

Public hearing and consideration of a variance request filed by Tom Crane for 101 Toivo Circle. The variance is for a reduction in the easterly rear setback from 10 feet to 4 feet for a walkway and stairs. The property is also known as Lot B of Fleming Subdivision-Lot Line Adjustment of Lots 2 and 3. The request is filed by Tom Crane. The owners of record are Kjersti and Jason Koskinen.

STAFF REPORT: Scarcelli described the property and the proposed variance. This corner lot is constrained by two rear setbacks. This lot also has steep topography. The proposed stairs and walkway are intended to provide access to a second story apartment. Scarcelli stated that a recommended condition would require the second dwelling unit comply with Building Department occupancy standards. The lot has sufficient space for at least 5 parking spaces. The nearby parcel is at such a grade that impact would be minimal.

APPLICANT: Tom Crane stated that fuel tanks are located on the 9 foot slab at the rear of the house, so the stairs need to allow access to these tanks. Crane stated that the owners wanted

the second unit to have access to the main unit and the exterior, as the owner's mother is in her eighties. Crane stated that the exterior stairway is primarily for emergency use.

COMMISSIONER DELIBERATION: Windsor stated that he knows the property, and the proposed location is perfect for the stairs.

PUBLIC COMMENT: No comment.

MOTION: M/S POHLMAN/WINDSOR moved to approve the required findings for variances involving major structures or expansions:

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, the steep lot topography and existing structure;*
- 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 allowable use of the property of a duplex, but with adequate ingress and egress;*
- 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; and
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan, *specifically, it is in line with Comprehensive Plan 2.4.1, which states, "To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners," specifically by providing for a duplex within an existing structure, which opens up housing supply.*

ACTION: Motion **PASSED unanimously 5-0** on a voice vote.

MOTION: M/S POHLMAN/WINDSOR moved to approve the variance request filed by Tom Crane for 101 Toivo Circle, subject to the attached two conditions of approval. The variance is for a reduction in the easterly rear setback from 10 feet to 4 feet for a walkway and stairs. The property is also known as Lot B of Fleming Subdivision-Lot Line Adjustment of Lots 2 and 3. The request is filed by Tom Crane. The owners of record are Kjersti and Jason Koskinen.

Conditions of Approval:

- 1) That the applicant shall provide a parking plan that illustrates the location of four parking spaces that meet the City Standards (9x18 feet each) to the reasonable satisfaction of the Planning Department; and
- 2) That the secondary dwelling unit, for which the variance is sought, shall satisfy all Building Codes regarding a secondary residential occupancy use for the proposed location (e.g. kitchen, ingress, egress, etc.).

ACTION: Motion **PASSED unanimously 5-0** on a voice vote.

VARIANCE REQUEST

**101 TOIVO CIRCLE, LOT B OF FLEMING SUBDIVISION – LOT LINE ADJUSTMENT OF LOTS 2 AND 3
JON MARTIN**

Public hearing and consideration of a variance request filed by Jon Martin for 108 Nancy Court. The variance is for a reduction in the westerly side setback from 8 feet to 5 feet for the construction of a new home. The property is also known as Lot 3 of Briggs Subdivision. The request is filed by Jon Martin. The owners of record are Jon Martin and Amanda Grearson.

Spivey offered to recuse himself due to professional relationships with the applicants. Commissioners agreed that he could participate.

STAFF REPORT: Scarcelli described the lot and the proposed variance for the construction of a single-family house. The rear of the lot has steep topography with runoff. Scarcelli stated that a drainage easement agreement exists for the lot. Bosak stated that the pad is not straight in line with the lot.

APPLICANT: Jon Martin stated that he plans to update the drainage structures on the property. Martin stated that he seeks to avoid problems associated with moisture, such as mold and rot. Martin stated that setback request is only for one corner of the house, resulting in a minimal encroachment.

COMMISSIONER DELIBERATION: Spivey stated that the request was straight-forward.

PUBLIC COMMENT: No comment.

MOTION: M/S PARKER SONG/WINDSOR moved to approve the required findings for variances involving major structures or expansions:

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, the steep lot topography and oblong shape;*
- 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 build a typical sized single-family residence on a steep, narrow lot with adequate drainage in an area with high run-off potential;*
- 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, it will help provide adequate drainage; and*
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan, *specifically, it is in line with Comprehensive Plan 2.4.1, which states, "To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners" because it allows for the setback of the home from a steep slope and provides for space for drainage.*

ACTION: Motion **PASSED unanimously 5-0** on a voice vote.

MOTION: M/S PARKER SONG/WINDSOR moved to approve the variance request filed by Jon Martin for 108 Nancy Court subject to two attached conditions of approval. The variance is for a reduction in the westerly side setback from 8 feet to 5 feet for the construction of a new home. The property is also known as Lot 3 of Briggs Subdivision. The request is filed by Jon Martin. The owners of record are Jon Martin and Amanda Grearson.

Conditions of Approval:

- 1) An approved Driveway Access permit from Public Works; and
- 2) A drainage plan approved by Public Works.

ACTION: Motion **PASSED unanimously 5-0** on a voice vote.

**ZONING TEXT CHANGE
LICENSED MARIJUANA ACTIVITY AS PERMITTED USE IN CBD, WD, I, C-1, C-2, GP ZONES
CBS MARIJUANA ADVISORY COMMITTEE**

Public hearing and consideration of a zoning text change request filed by the City and Borough of Sitka Marijuana Advisory Committee. The request would allow licensed marijuana activity as a permitted use in the Central Business District, Waterfront District, Industrial Zone, Commercial C-1 and C-2 zones, and the Gary Paxton Special Zone.

STAFF REPORT: Scarcelli stated that the Marijuana Advisory Committee continues to discuss marijuana and zoning, and that staff is in the process of creating a conditional use framework. Scarcelli stated that the MAC is leaning toward a conditional use designation. Scarcelli stated that conditions would mirror state regulations. Bosak stated that all new uses must be added to the use tables. Bosak stated that state regulations are still changing. Scarcelli stated that the conditional use permit process gives enforcement authority to the city.

COMMISSIONER DELIBERATION: Hughey asked about the nature of potential conditions. Bosak gave an example condition which would require security cameras.

PUBLIC COMMENT: Finance Director Sweeney spoke in favor of the conditional use process for marijuana businesses, as it provides another avenue to ensure remittance of sales tax.

MOTION: M/S WINDSOR/HUGHEY moved to postpone discussion until the next scheduled meeting.

ACTION: Motion **PASSED unanimously 5-0** on a voice vote.

**ZONING TEXT CHANGE
LICENSED MARIJUANA ACTIVITY AS CONDITIONAL USE IN LI AND GI ZONES
CBS MARIJUANA ADVISORY COMMITTEE**

Public hearing and consideration of a zoning text change request filed by the City and Borough of Sitka Marijuana Advisory Committee. The request would allow licensed marijuana activity as a conditional use in the Large Island and General Island zones.

STAFF REPORT: Scarcelli stated that the conditional use process provides another vehicle for ensuring the remittance of sales tax. Bosak stated that sales tax enrollment, planning approval, and conditional use permits are also involved with other types of land uses.

COMMISSIONER DELIBERATION: Hughey stated concern that marijuana businesses should be treated like other legal businesses, and we should not expect them to be dishonest and neglect to fulfill their legal duties. Windsor stated that bed and breakfast operations have the same conditional use and sales tax enrollment requirements.

PUBLIC COMMENT: No comment.

MOTION: M/S POHLMAN/WINDSOR moved to postpone discussion until the next scheduled meeting.

ACTION: Motion **PASSED unanimously 5-0** on a voice vote.

Commissioners took a break from 8:10-8:17 P.M.

**COMPREHENSIVE PLAN PRESENTATION
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT STAFF**

Comprehensive Plan presentation by Planning and Community Development Department staff.

Staff presented information on the comprehensive plan process and explained three options for how to proceed: a revision of 2007 plan, an in-house limited new plan, and a more comprehensive document developed in collaboration with contractors.

COMMISSIONER DELIBERATION: Parker Song stated that the process is extremely critical to the outcome of the plan, and proposed a more community-based process. Pohlman stated that there will be a tension regardless of the process, and stated concerns for the timeline being too drawn out. Pohlman stated that the commission can access information from other community-based committees and processes. Spivey stated that voter turnout and public hearing attendance numbers are poor, and we shouldn't drag out the plan. Parker Song stated that efficiency is not necessarily the most important factor when running a community. Pohlman asked Parker Song if she had additional ideas for community engagement, beyond what staff had proposed. Bosak stated that she believes the commissioners and staff are working toward the same public participation goal, and that the role of staff is to set meeting times, gather comments, and other practical tasks. Administrator Gorman suggested that "staff facilitated" is a more appropriate term than "staff driven." Gorman stated that the community has a low tolerance for consultants, and the current financial situation should encourage the city to become more self-sufficient. Windsor stated that in addition to external expenditures, this plan will require a large amount of staff time. Hughey suggested that if setback requirements were reduced to 5 feet, much staff and commissioner time would become available. Bosak stated that the plan may result in code revisions. Bosak stated that the department's goal is to prepare and submit one chapter per month for Planning Commission approval. Bosak explained that a charrette is an interactive mapping process.

PUBLIC COMMENT:

Libby Stortz stated that the 1999 Comprehensive Plan was developed by a group of community stakeholders. She suggested the implementation of a time-limited taskforce to help with the planning process. She stated that consultants have different ideas than community members, and that the Comprehensive Plan should be reflective of the views of community members, not staff.

Carolyn Servid stated that a plan was developed in 1994-1995 by a community-driven process. She said the city did not adopt this plan, opting instead to bring in consultants Murray Walsh to develop a new plan. She stated that she believes citizen time and effort has not been valued. Servid stated that climate and fiscal concerns should be addressed by the plan.

Scott Saline stated that he was involved in a previous planning process. He stated that the city should not make the same mistakes made in previous plans. He stated that previous plans and municipal code have created barriers to economic development, competition, and affordability. He pointed to concerns about float houses and parking. Saline thanked Parker Song for her letter to the editor.

Dorik Mechau stated that the plan should encourage collaboration instead of competition.

MOTION: M/S POHLMAN/HUGHEY moved to recommend a staff facilitated, community oriented new comprehensive plan with some limitations due to funding.

ACTION: Motion **PASSED unanimously 5-0** on a voice vote.

DIRECTORS REPORT: Bosak reported that a Land Use Inventory will begin soon, and a Hazard Mitigation Plan should begin around July. Scarcelli reported that commissioner iPads have arrived, and are awaiting installation of software.

MOTION: M/S HUGHEY/POHLMAN moved to adjourn at 9:25 p.m.

ACTION: Motion **PASSED unanimously 5-0** on a voice vote.

Chris Spivey, Chair

Samantha Pierson, Secretary