

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
January 19, 2016**

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

Absent: Tamie Parker Song (Member)

Members of the Public: Clyde Bright, Roberta Littlefield, Scott Saline, Dork Mechau, Carolyn Servid

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

Roll Call:

PRESENT: 4 – Spivey, Windsor, Pohlman, Hughey

Consideration of the Minutes from the January 5, 2016 meeting:

MOTION: M/S WINDSOR/POHLMAN moved to approve the meeting minutes for January 5, 2016.

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

Consideration of the Agenda: Items C and D were pulled from the agenda. Item B was moved to the end of the agenda.

The evening business:

CONDITIONAL USE PERMIT REQUEST

LOT 4, BLOCK 10 OF THE NORTHWEST ADDITION TO THE SITKA TOWNSITE, US SURVEY 3303B

CLYDE AND VALERIE BRIGHT

Public hearing and consideration of a conditional use permit request for a short-term rental at 1507 Davidoff Street, in an R-1 zone. The permit would allow a three-bedroom short-term rental unit in addition to a previously approved one-bedroom short-term rental. The property is also known as Lot 4, Block 10 of the Northwest Addition to the Sitka Townsite, US Survey 3303B. The request is filed by Clyde and Valerie Bright. The owners of record are Clyde and Valerie Bright.

STAFF REPORT: Bosak described the property and the conditional use permit request. A one-bedroom short-term rental was approved in 2012, and no complaints have been received for that

unit. The proposal is for an additional short-term rental for the attached three-bedroom dwelling unit. The unit will be managed by Welcome Home Rentals. The property has more than adequate parking, and there are no development standards concerns.

APPLICANT: Clyde Bright stated that this unit is his permanent residence. He stated that he may move out of town, and the short-term rental would generate extra income while providing the flexibility to occupy the residence when the family is in Sitka. Bright stated that the property managers do a great job of attracting good tenants and maintaining the interior and exterior of the property. Bright stated that short-term rentals are not a gold mine, require a lot of work, and not a good fit for all property owners. Bright stated that some individuals have been granted short-term rental conditional use permits and have allowed the permit to expire due to the nature of short-term rentals. Bright stated that sales tax and bed tax benefits the city, and vacation rentals are needed to accommodate tourists. Bright thanked the commission for its approval of accessory dwelling units.

COMMISSIONER DELIBERATION: Hughey raised concerns for short-term rentals reducing the long-term housing stock. Windsor stated that he didn't see a problem, and that he has had a trailer for rent since December with little expressed interest from potential tenants. Spivey asked about the number of short-term rentals currently operating in Sitka. Bosak stated that the commission could direct staff to develop a report on the amount of short-term rentals. Spivey stated that he understands the intentions of the applicant, and that this unit has not been used as a long-term rental previously. Pohlman stated that she has heard comments that the city needs more short-term rental availability.

PUBLIC COMMENT: No comment.

MOTION: M/S HUGHEY/POHLMAN moved to approve the required findings for conditional use permits:

C. 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.

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

MOTION: M/S HUGHEY/POHLMAN moved to approve conditional use permit request for a short-term rental at 1507 Davidoff Street, subject to the attached nine conditions of approval. The permit would allow a three-bedroom short-term rental unit in addition to a previously approved one-bedroom short-term rental. The property is also known as Lot 4, Block 10 of the Northwest Addition to the Sitka Townsite, US Survey 3303B. The request is filed by Clyde and Valerie Bright. The owners of record are Clyde and Valerie Bright.

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 following the first nine months of operations 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. Applicant shall submit a parking plan that details four parking spaces on the property in compliance with current code standards.
8. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
9. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

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

COMPREHENSIVE PLAN PRESENTATION – PUBLIC PARTICIPATION PLAN PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT STAFF

Comprehensive Plan discussion and direction on scope, schedule, and public participation plans presented by Planning and Community Development Department staff.

Bosak led an interactive presentation about the scope, schedule, and public participation plans.

PUBLIC COMMENT: Participants stated interest in having a flexible and accessible public participation plan that involves all of the Sitka community. Participants stated that we must have a clear rationale for doing the comprehensive plan in order to engage the public. Participants stated that they wish to ensure a livable environment for their children and for the working class. Participants stated interest in nurturing community resilience, tackling challenges face-to-face, collaborating with people of diverse opinions, and ensuring that zoning provides for space for new business. Some participants stated preference for face-to-face meetings, while others stated preference for electronic communication. Participants identified that special attention should be made to involving young people, the tribe, and people who are jaded with government. Participants expressed concern that a common thread should connect feedback from all of the

events into one location. Participants stated that monitoring should occur at every meeting to ensure that public participation is effective.

Break—8:40-8:45

**CONDITIONAL USE PERMIT REQUEST
4102 HALIBUT POINT ROAD, LOT 1 OF LITTLEFIELD II SUBDIVISION
ROBERTA LITTLEFIELD**

Public hearing and consideration of a conditional use permit request for a kennel for dog breeding at 4102 Halibut Point Road, in a C-2 zone. The property is also known as Lot 1 of Littlefield II Subdivision. The request is filed by Roberta Littlefield. The owners of record are John and Roberta Littlefield.

STAFF REPORT: Bosak described the property and the proposed conditional use permit. Although the property is zoned C-2, surrounding properties are residential. The applicant has 5 Karelian Bear Dogs, and would like the opportunity to breed once per year. Code states that up to 5 domestic animals are permitted outside per property. Barking and odors are items to consider. Bosak read letters of concern submitted by two neighbors. Pierson confirmed that two other neighbors called with concerns, and that a call to Animal Control confirmed that noise complaints have occurred in the neighborhood. Bosak clarified that zoning code does not limit the number of animals permitted inside the home. Bosak reminded commissioners that conditional use permits are based on plans submitted, so the applicant would not be able to board other people's dogs under the requested permit.

APPLICANT: Roberta Littlefield said that she spends a lot of time and money on her dogs and would like to be eligible for tax benefits associated with a licensed business. She stated that she is willing to be flexible and address concerns. Littlefield stated that her dogs will bark to alert to bears, and she trains her dogs with bark collars and muzzles. She stated that she believes all of her neighbors have dogs. She stated that a neighbor's dog recently had a litter of puppies and didn't have a permit. The dogs are currently tethered outside, and the proposed chain-link fencing will provide space for the dogs to be off of the tether. Littlefield stated that her dogs are typically indoors, and that each litter usually consists of 6-8 puppies. Littlefield stated that her dogs are registered. Littlefield stated that not all of the noise complaints are due to her dogs. Littlefield states that she takes the dogs to the dog park, and the dogs pull her on her bike. Littlefield stated willingness to work to mitigate noise. Spivey asked Littlefield to clarify the details of her proposed fencing, and Littlefield explained utilizing the PowerPoint display. Hughey suggested that the maximum number of dogs allowed on the property could be limited by the CUP. Pohlman confirmed that Littlefield would primarily keep puppies inside, and the fencing will provide a more humane option for adult dogs. Spivey recommended that the applicant consider installing a fence.

COMMISSIONER DELIBERATION: Pohlman stated that she has seen Littlefield interact with her dogs, and she finds Littlefield's dogs to be well-trained in regard to barking. Pohlman stated that she would not be having the same discussion if the property was R-1. Windsor stated that this property is about as rural as possible in Sitka. Bosak stated that other individuals do breed puppies in town, and Littlefield is trying to acquire the permits to operate a legitimate business.

Hughey stated that the property is commercial zoned, and the conditional use permit allows the commission to revisit the matter if issues arise. Spivey stated concern that the public be aware that the commission carefully considered this request. Bosak stated the difficulty of Animal Control pinpointing the location of noise complaints. Hughey suggested setting a maximum number of dogs for the property. Pohlman stated that the applicant has done her research.

PUBLIC COMMENT: Bosak read two letters submitted by neighbors.

MOTION: M/S POHLMAN/WINDSOR moved to approve the required findings for conditional use permits:

C. 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.

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

MOTION: M/S WINDSOR/POHLMAN moved to approve the conditional use permit request for a kennel for dog breeding at 4102 Halibut Point Road, subject to the attached eleven conditions of approval. The property is also known as Lot 1 of Littlefield II Subdivision. The request is filed by Roberta Littlefield. The owners of record are John and Roberta Littlefield.

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 – and applicant shall provide a detailed site plan showing scaled location of all existing structures, proposed structures and fencing, and required parking.
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.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations 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. Permit shall be contingent upon compliance with Title 8 - Animals of the Sitka General Code.

8. Permit shall be contingent upon maintaining clean, healthy, and nuisance free operational conditions of the kennel related to noise, odor, safety, and health of animals and property that are in line with reasonable best practices for a kennel (such items shall include, but are not limited to, refuse and waste removal, clean water, adequate food and shelter, drainage, fencing, ventilation, suitable enclosure, etc.).

9. Litters are limited to one litter at a time, and no more than 1 litter every 6 months.

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

11. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

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

DIRECTORS REPORT: Bosak stated that the marketing plan and a proposed fee increase would be on the agenda for the next meeting. Pierson reminded commissioners of the financial disclosure statement mailed by the Municipal Clerk's office. Windsor stated that he would be out of town for the February 2nd meeting, but could call in if needed for a quorum.

MOTION: M/S HUGHEY/POHLMAN moved to adjourn at 9:40 p.m.

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

Chris Spivey, Chair

Samantha Pierson, Secretary