

**CITY AND BOROUGH OF SITKA  
Planning Commission  
Minutes of Meeting  
February 2, 2016**

**Present:** Chris Spivey (Chair), Debra Pohlman (Member), Randy Hughey (Member), Tamie Parker Song (Member), Michael Scarcelli (Senior Planner), Samantha Pierson (Planner I)

**Absent:** Darrell Windsor (Vice-Chair) - excused

**Members of the Public:** Karen Lucas, Michael Reif, William Hutton, Jennifer Alley, Tammy Wheeler, Jeff Wheeler, Joe D'Arienzo, Mark White, Scott Saline, Gary May, Jim O'Brien, Gail Young, Dan Stockel, Blossom Twitchell

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

**Roll Call:**

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

**Consideration of the Minutes from the January 19, 2016 meeting:**

**MOTION: M/S POHLMAN/HUGHEY** moved to approve the meeting minutes for January 19, 2016.

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

**The evening business:**

**VARIANCE REQUEST**

**LOTS 2 AND 3, BLOCK 2, US SURVEY 2542 A & B, SITKA INDIAN VILLAGE; LOT 56, BLOCK 2, AS SHOWN ON THE SUPPLEMENTAL PLAT OF SITKA INDIAN VILLAGE  
JENNIFER ALLEY**

*Public hearing and consideration of a variance request filed by Jennifer Alley for 208 Kogwanton Street. The variance is for the reduction of the westerly side setback of Lot 2 from 5 feet to 0 feet, the reduction of the easterly side setback of Lot 3 from 5 feet to 0 feet, the reduction in the rear setback of Lot 3 from 10 feet to 0 feet, and the reduction of the southwesterly and southeasterly side setbacks of lot 56 from 5 feet to 0 feet for the construction of a new house. The new house will cross internal lot lines of Lots 2, 3, and 56. The variance is also for a reduction in the westerly external side setback of Lot 3 from 5 feet to 2 feet for the construction of a covered stairway. The property is also known as Lots 2 and 3, Block 2, U.S. Survey 2542 A & B, Sitka Indian Village, and Lot 56, Block 2, as shown on the supplemental plat of Sitka Indian Village. The request is filed by Jennifer Alley. The owner of record is Jennifer Alley.*

**STAFF REPORT:** Scarcelli described the property and the request. The three legal lots have historically been held in common ownership. A recently demolished house crossed the adjoining lot lines of Lots 2 and 3. The proposed house would cross the adjoining lot lines of Lots 2, 3, and 56. Scarcelli stated that a replat would be preferable to a variance.

**APPLICANT:** Jennifer Alley shared photos of the property, and stated that the recently demolished home was constructed in the 1980's by BIHA. Alley stated that the city taxes the three lots as one unit. Alley stated that two survey pins were covered up by the city, and surveying would be costly as a result. Hughey clarified that Alley is choosing not to combine the lots in order to save money. Alley stated that she was hoping to save time and money. Pohlman inquired about the Assessor viewing the property as one unit. Scarcelli stated that each department looks through a different lens, and that a replat would move toward conformity. Alley stated that she likes the historic nature of the three lots. Alley stated that she had been told of a Lot Merger process that does not require a survey. Scarcelli stated that lot mergers are no longer done, and the replat would be the appropriate process. Commissioners discussed responsibility for potential covered pins.

**PUBLIC COMMENT:** Mark White of 220 Kogwanton spoke in support of the overall project, but expressed concerns for the positioning of the proposed house.

**COMMISSIONER DELIBERATION:** Pohlman stated the need for consistent terminology, and stated concern for placing burden on property owners for replacing covered markers. Hughey stated the desire to see the property lines cleaned up, but doesn't want to cause undue burden. Spivey stated his desire to clean up nonconformities, and stated that this property is a nonconformity. Parker Song stated that the applicant should not have to spend extra money to get her lot into conformity. Spivey asked staff to consult with O'Neill Surveying about possible lot merger options. Scarcelli stated that lot mergers are no longer part of code, and code points to a replat as the appropriate process. Scarcelli stated that cost is a private issue between the applicant and the surveyor. Scarcelli stated that the issue of the markers was raised for the first time at this meeting, so staff did not have the opportunity to research the concern. Scarcelli stated that staff can conduct research if the item is continued to another meeting.

**MOTION: M/S HUGHEY/POHLMAN** moved to postpone the item until the February 16<sup>th</sup> meeting.

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

**VARIANCE REQUEST  
TRACT A OF ALASKA STATE LAND SURVEY 88-62  
SITKA MARITIME HERITAGE SOCIETY**

*Public hearing and consideration of a variance request filed by Sitka Maritime Heritage Society for 1490 Seward Avenue. The variance is for the reduction in the side setback from 10 feet to 0 feet for the temporary relocation of an outbuilding. The property is also known as Tract A of Alaska State Land Survey 88-62. The request is filed by the Sitka Maritime Heritage Society.*

*The owner of record is the City and Borough of Sitka.*

**STAFF REPORT:** Scarcelli described the property and the variance request. The applicant seeks to relocate an outbuilding for construction. Construction tends to be exempt from these development standards, but the indefinite project timeline triggers the need for a variance. The comprehensive plan specifically supports the preservation of the Japonski Boathouse. The Historic Preservation Commission is in support of the project.

**APPLICANT:** Joe D'Arienzo represented the Sitka Maritime Heritage Society. D'Arienzo stated that the structure is was an addition to the primary structure, and drainage is becoming a problem.

**PUBLIC COMMENT:** Bill Hutton asked that the structure be sealed for the safety of Mt. Edgecumbe High School students. D'Arienzo stated that he didn't see a problem with sealing the structure.

**COMMISSIONER DELIBERATION:** Spivey stated that it was straight-forward, as long as they don't block easements.

**MOTION: M/S POHLMAN/HUGHEY** moved to approve the required findings for major structures or expansions:

**D. Required Findings for Variances.**

1. 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; *Here, the relocation of a portion of the outbuilding would allow preservation of the main structure, repair, and construction as funds allow.*

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; *Here, due to existing nature of structure, and the need to relocate a portion of it to allow for repair and mitigation of damage, the setbacks if strictly applied would operate to constrain mitigation and preservation options.*

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; *Here, due to the temporary nature of the project, impacts are de minimis, and*

d) That the granting of such a variance will not adversely affect the Comprehensive Plan: *specifically, it is in line with Comprehensive Plan Section 2.13.37 which states, "To preserve and appreciate Sitka's heritage. Sites or structures having significant historic or cultural value should be preserved. Support the reuse of the Japonski Island Boathouse as a WWII and Maritime History Interpretive Center." Here, the approval would specifically give the*

*greatest opportunity at preservation and mitigation of historic heritage of Sitka Maritime Heritage Society's building.*

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

**MOTION: M/S POHLMAN/HUGHEY** moved to approve a variance request filed by Sitka Maritime Heritage Society for 1490 Seward Avenue subject to the following conditions. The variance is for the reduction in the side setback from 10 feet to 0 feet for the temporary relocation of an outbuilding. The property is also known as Tract A of Alaska State Land Survey 88-62. The request is filed by the Sitka Maritime Heritage Society. The owner of record is the City and Borough of Sitka.

Conditions of Approval

1. The Building Official approves all building and relocation of structures; and
2. Annual update of the Planning Department of timeline for repair and reattachment.

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

**VARIANCE REQUEST  
LOTS 8 AND 9, BLOCK 2, DAN MOLLER SUBDIVISION  
TAMMY WHEELER**

*Public hearing and consideration of a variance request filed by Tammy Wheeler for 717 Katlian Avenue. The variance is for the reduction in the front setback from 20 to 10 for the construction of a portable office structure. The property is also known as Lots 8 and 9, Block 2, Dan Moller Subdivision. The request is filed by Tammy Wheeler. The owner of record is Katlian Commercial Properties, LLC.*

Chair Spivey recused himself, as the applicant is his accountant.

**STAFF REPORT:** Scarcelli described the property and the variance request. The structure is located toward the narrow end of the triangular lot. Scarcelli noted concerns with a steep rear drop-off, particularly as the structure is temporary in nature. Scarcelli also noted concern with the actual distance from the structure to the property line. Hughey clarified that Scarcelli believes the distance to be less than 10 feet, and Scarcelli stated that he believes the distance to be 8 feet at the most. Parker Song asked if there is a sidewalk in front of the structure, and Scarcelli clarified that a rolled curb is in front of the structure.

**APPLICANT:** Tammy Wheeler stated that the structure is securely in place. Commissioners asked about tactics to keep the structure secured. Scarcelli stated that the Building Department may have some suggestions, such as tie-down straps. Pohlman asked if by requiring additional tie-downs to this structure, the same requirements be applicable to other temporary structures. Hughey stated that perhaps this is a Building issue rather than a Planning issue, and that this could be a "can of worms."

**PUBLIC COMMENT:** Jeff Wheeler identified himself as the applicant's husband, and stated that he placed the building. Jeff Wheeler stated that the structure is expensive. Jeff Wheeler stated

that the crumbling asphalt at the rear of the lot was due to foot traffic to the park. Jeff Wheeler stated that he perceives that roadblocks have been put up for businesses. Jeff Wheeler stated that he asked Scarcelli if there were any issues, and that he did not get a response from Scarcelli. Scarcelli noted that he was out of the office for surgery when this application was submitted. Jennifer Alley raised questions about permanence and the rear drop-off. Scarcelli stated that the structure was about two feet from the drop-off. Tammy Wheeler stated that she is unsure if she will be removing the structure at the end of tax season. Scott Saline stated that the curb is on private property.

**COMMISSIONER DELIBERATION:** Hughey stated that he has no concerns for parking and traffic. Pohlman stated that she has concerns for erratic parking related to the Chelyan produce stand, and potential dangers that such parking could pose to the tax business. Wheeler stated that she didn't see a problem.

**MOTION: M/S HUGHEY/PARKER SONG** moved to approve the required findings for major structures or expansions:

**D. Required Findings for Variances.**

1. 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 narrow triangular lot shape effects all other subparts of these findings;*
- 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 rent unused land to interested parties;*
- 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, the facility will only operate on a short-term basis;* and
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan: *specifically, it is in line with Comprehensive Plan 2.4.6 which states, "To provide adequate land for commercial, industrial and residential growth and public use that promotes the efficient use, value, and enjoyment of the environment."*

**ACTION:** Motion **PASSED 3-0** on a voice vote.

**MOTION: M/S HUGHEY/PARKER SONG** moved to approve the variance request filed by Tammy Wheeler for 717 Katlian Avenue subject to the attached conditions. The variance is for the reduction in the front setback from 20 feet to 6 feet for the construction of a portable office structure. The property is also known as Lots 8 and 9, Block 2, Dan Moller Subdivision. The request is filed by Tammy Wheeler. The owner of record is Katlian Commercial Properties, LLC.

Conditions of Approval:

1. Approval from Building Official and/or Fire Marshal in regard to occupancy, use, structure, and life and safety regulations.
2. Submission of accurate and precise site plan showing exact distances between structure and all property lines.
3. Submission of parking plan that delineates the required spaces, all onsite parking, and how it will manage orderly ingress and egress of the parking and onsite traffic flow.
4. The location and use of the structure on the property will be limited to five months in any twelve month period; and
5. An annual review to occur if any concerns arise, and that use shall cease should the use and location create negative safety impacts.

**ACTION:** Motion **PASSED 3-0** on a voice vote.

**CONDITIONAL USE PERMIT REQUEST  
LOT 3 JEFF DAVIS SUBDIVISION  
MICHAEL AND MELANIE REIF**

*Public hearing and consideration of a conditional use permit request for a one-room bed and breakfast at 103 Jeff Davis Street. The property is also known as Lot 1 of Jeff Davis Subdivision. The request is filed by Michael and Melanie Reif. The owners of record are Michael and Melanie Reif.*

**STAFF REPORT:** Scarcelli described the property and the conditional use permit request. The proposed bed and breakfast unit is in the owner-occupied dwelling unit. The owner plans to use the garage apartment unit as a long-term rental. Access is from a private driveway. Neighbors have expressed concerns for parking. Sufficient parking is shown on the submitted parking plan.

**APPLICANT:** Michael Reif stated that the parking area is approximately 2500 square feet, not including the two-car garage. Reif stated that another neighbor uses the driveway without having a right, although Reif stated that he doesn't mind. Reif stated that his lot is large. Reif stated that he only plans to rent out the room when the family's schedule permits.

**COMMISSIONER DELIBERATION:** Commissioners discussed that neighbor comments seemed to be agreeable to the proposal as long as parking concerns are mitigated.

**PUBLIC COMMENT:** No comment.

**MOTION: M/S POHLMAN/HUGHEY** 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 POHLMAN/HUGHEY** moved to approve the conditional use permit request for a one-room bed and breakfast at 103 Jeff Davis Street, contingent on eight conditions of approval. The property is also known as Lot 1 of Jeff Davis Subdivision. The request is filed by Michael and Melanie Reif. The owners of record are Michael and Melanie Reif.

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. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. 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.

**CONDITIONAL USE PERMIT REQUEST  
LOT 63 GAVAN SUBDIVISION, US SURVEY 3303  
WILLIAM HUTTON**

*Public hearing and consideration of a conditional use permit request for short-term rental at 1232 Georgeson Loop. The permit would allow the short-term rental of two dwelling units. The property is also known as Lot 63 of Gavan Subdivision, U.S. Survey 3303. The request is filed*

*by William Hutton. The owners of record are William and Mary Louise Hutton.*

**STAFF REPORT:** Scarcelli described the property and the conditional use permit request. The applicants seek to rent one unit while they travel, and rent the other unit while awaiting a long-term renter. The property has sufficient parking. The proposal allows the owners to gain extra income while units are not occupied.

**APPLICANT:** William Hutton stated that staff were “comprehensive.”

**PUBLIC COMMENT:** No comment.

**COMMISSIONER DELIBERATION:** Spivey stated that the request is straightforward.

**MOTION: M/S PARKER SONG/HUGHEY** 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 PARKER SONG/HUGHEY** moved to approve the conditional use permit request for short-term rental at 1232 Georgeson Loop, contingent upon the eight conditions of approval. The permit would allow the short-term rental of two dwelling units. The property is also known as Lot 63 of Gavan Subdivision, U.S. Survey 3303. The request is filed by William Hutton. The owners of record are William and Mary Louise Hutton.

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. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. 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.

**CONDITIONAL USE PERMIT REQUEST  
LOT 21, BLOCK 1, SITKA INDIAN VILLAGE, US SURVEY 2542  
KAREN LUCAS**

*Public hearing and consideration of a conditional use permit request for a mobile non-motorized food cart at 242 Katlian Avenue. The property is also known as Lot 21, Block 1, Sitka Indian Village, US Survey 2542. The request is filed by Karen Lucas. The owner of record is Karen J. Lucas.*

**STAFF REPORT:** Scarcelli described the property and the conditional use permit request. The proposal will use a mobile building in a permanent manner. The lot has split zoning, which occurred in 2011. The proposed cart would be situated on the Central Business District portion of the lot. The mobile nature of the structure triggers the conditional use permit process. Parking and traffic concerns should be discussed. The proposal requires Historic Preservation Commission review due to location.

**APPLICANT:** Karen Lucas stated that she was approached by Gary May about renting the lot, and Jim O'Brien will be doing the grading. Gary May stated that he has been a chef his whole life, and that he hopes to begin a culinary school across Katlian Avenue from this property. May stated that they plan to stabilize the trailer and build a covered deck. May stated that he plans to do breakfast and lunch, and will offer delivery. Lucas stated that they would connect to city utilities and do landscaping. Spivey asked Jim O'Brien about plans for drainage and runoff. O'Brien stated that they would address issues as they arise. Spivey asked about potential impacts to Kogwanton Street, and O'Brien stated that this project wouldn't impact the street. May stated that he plans to close daily by 4 PM, although that may change.

**PUBLIC COMMENT:** Gail Young of 250 Kogwanton supports the project, and stated that there is a spring in the rear of the lot. Dan Stockel of 246 Katlian stated concerns with parking, bathrooms, and the need for a connection between Katlian and Kogwanton when the existing trail becomes covered by the food cart. May stated that the staff will use the public restroom, and use the trailer's handwashing sink. May stated that he is building a storage facility at his home. Lucas stated that the city buried a spring in the vicinity, causing some drainage issues in the area. Lucas stated that tribal officials will be present when grading occurs. Scott Saline stated that the city created drainage issues in this vicinity. Jennifer Alley stated support for the project.

**COMMISSIONER DELIBERATION:** Hughey stated that requiring on-site parking would reduce safety. Parker Song spoke against placing a condition on hours of operation. Pohlman noted that the commission has not received concerns from neighbors concerning hours of operation.

**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 the conditional use permit request for a mobile non-motorized food cart at 242 Katlian Avenue subject to the attached conditions of approval. The property is also known as Lot 21, Block 1, Sitka Indian Village, US Survey 2542. The request is filed by Karen Lucas. The owner of record is Karen J. Lucas.

Conditions of Approval:

- 1) All applicable state and municipal food safety regulations, permits, and licenses are acquired and followed;
- 2) The conditional use shall be operated consistent with the plans submitted (and as amended and discussed);
- 3) All applicable building codes and fire safety regulations are complied with including, but not limited to, life and safety inspection and fire safety;
- 4) Food waste and garbage are disposed of in an orderly manner to control any odors;
- 5) A one-time annual review with report from owner and operator, upon which time the conditional permit may be amended, continued, or denied based upon conditions of operation and effects upon the public, health, safety, and welfare; and
- 6) Failure to comply with any conditions of approval or any pertinent Sitka General Code sections (including remittance of taxes) may result in revocation of the conditional use permit.

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

9:15-9:20--Break

## **FEE SCHEDULE UPDATE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT STAFF**

*Public hearing and consideration of a proposed fee schedule change for the Planning and Community Development Department.*

Scarcelli presented about the proposed fee schedule change.

**COMMISSIONER DELIBERATION:** Pohlman stated that a fee increase may make applicants more diligent with submissions. Pohlman expressed concern for subdivisions increasing substandard lots, necessitating variances. Scarcelli recommended the planned unit development process to create subdivisions with substandard lot sizes. Pohlman stated that the fee increase for conditional use permits may make potential applicants think twice about applying. Scarcelli stated that fee increases may help free up staff time for long-term planning pursuits. Hughey stated that these fees are essentially user taxes, which he views as fair.

**PUBLIC COMMENT:** Scott Saline spoke against fee increases.

**MOTION: M/S PARKER SONG/POHLMAN** moved to recommend approval of the proposed fee schedule change as presented in the staff report.

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

#### **COMPREHENSIVE PLAN PRESENTATION – MARKETING PLAN PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT STAFF**

*Comprehensive Plan discussion and direction on marketing plan presented by Planning and Community Development Department staff.*

Scarcelli presented about the marketing plan, discussing logos, fonts, and vision statements.

**COMMISSIONER DELIBERATION:** Spivey stated his preference for a logo created by the community, not staff. Pohlman discussed having a logo contest in the schools or open to the public. Spivey discussed that the choosing of a logo is a first step in inviting community involvement. Parker Song stated that there is a need to succinctly educate the public about the comprehensive plan. Hughey stated that he personally did not attach much meaning to the logo, but acknowledged that it is important to other people. Pohlman suggested choosing a temporary logo, then hold a contest for the permanent logo. Pohlman offered to reach out to the high schools. Parker Song recommended advertising in the newspaper to invite other members of the public to participate. Scarcelli stated that the Request for Proposal process would be required if the city sought to pay a professional artist. Parker Song suggested that the commissioners should not decide at this meeting, and should discuss at the next meeting.

**PUBLIC COMMENT:** Blossom Twitchell stated that the proposed logo contest sounds like a long process. Twitchell suggested that local professional artists should be involved to give the logo a professional appearance.

**MOTION: M/S PARKER SONG/POHLMAN** moved to postpone this item until the February 16<sup>th</sup> meeting, and to place this item first on the agenda.

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

**DIRECTORS REPORT:** Scarcelli stated that the February 9<sup>th</sup> Assembly meeting would include a geotechnical report. Scarcelli reminded commissioners to submit financial disclosure forms to the Municipal Clerk. Scarcelli reminded commissioners that beginning in March, the first meeting of each month would be dedicated to the comprehensive plan, with the second meeting dedicated to public hearings. Planning staff participated in a flood mapping meeting with FEMA.

**MOTION: M/S HUGHEY/POHLMAN** moved to adjourn at 10:20 p.m.

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

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**Chris Spivey, Chair**

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**Samantha Pierson, Secretary**