



# CITY AND BOROUGH OF SITKA

## Minutes - Final

### Planning Commission

*Chris Spivey, Chair*  
*Darrell Windsor, Vice Chair*  
*Tamie (Harkins) Parker Song*  
*Debra Pohlman*  
*Randy Hughey*

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Tuesday, March 15, 2016

7:00 PM

Sealing Cove Business Center

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#### I. CALL TO ORDER AND ROLL CALL

Chair Spivey called the meeting to order at 7:02 PM.

#### II. CONSIDERATION OF THE AGENDA

Planner I Pierson stated that items E and K were pulled from the agenda.

#### III. CONSIDERATION OF THE MINUTES

Approval of the minutes for the March 1, 2016 meeting.

Windsor/Pohlman moved to approve the March 1, 2016 minutes with the amendment to correct Jerry Neel's name. Motion PASSED 5-0.

#### IV. REPORTS

**A** Letter to the Commission from Planning and Community Development Department staff.

This item was **NO ACTION TAKEN**.

**B** Annual report submitted by Corrie Bosman for a bed and breakfast at 629 Degroff Street. No action required.

This item was **APPROVED**.

#### V. THE EVENING BUSINESS

**C** Discussion and direction of municipal hazard mapping, presented by Planning and Community Development Department staff.

Bosak shared the pros and cons of road system-wide hazard mapping. The commission will make a recommendation to the Assembly.

Spivey asked if an RFP should have gone out to the expenditure. Bosak stated that the \$150,000 cost is an approximation. Gorman stated that the completed hazard mapping was \$45,000. Windsor and Spivey stated concern that the

\$150,000 estimate is accurate. Dave Bruce stated that there may be efficiencies of scale when doing a larger project. Bruce said that the FEMA submission was made without CBS approval, and the DGGs could move forward regardless of city approval. Pohlman reiterated that we could be collaboratively involved, or it could happen anyway. Windsor asked if the city is open to liability, and Bruce said that he doesn't think so. Spivey asked why proceed if FEMA will do the mapping anyway. Bosak stated that the FEMA grant is not guaranteed. Bruce stated that collaboration would likely result in FEMA and CBS both contributing financially. Hughey stated that the commission should guide the where the community wants to go.

Clyde Bright recommended that the commission recommend road system-wide mapping to the Assembly for peace of mind. Nancy Davis said that something needs to be done, and people are scared. Susan Jensen asked why we wouldn't do it. Kyle Schull said that the city should not decide for individuals, and that individuals can elect to pay for their own surveys. Scarcelli reminded commissioners of the economy of scale, and that it is cheaper per parcel to do a larger scale study. Clyde Bright stated that the study recommended that no future development be made in the study area, and many parts of the city have the potential to be affected. Nancy Davis stated that we should not put emphasis on property values, but on lives. Richard Parmelee reminded the commissioners that other landslides have caused damage, and he believes that landslides will continue. Parmelee stated that people need to know their risk.

Parker Song wondered how efficacious a study would be, since the data cannot predict when a landslide will occur. Spivey stated that there are no zero-risk zones. Windsor stated that it would be negligent to not undertake the study. Pohlman stated support for community hazard mapping. Parker Song said that she didn't feel like she knew enough to proceed in either direction. Hughey stated that we should try to keep people safe. Commissioners discussed deferring the item to the next meeting to allow for more public comment. Spivey asked if the commission could place this item on the next agenda. Parker Song stated that the meeting will be set up specifically for the comprehensive plan. Parker Song stated that she would be open to having another meeting on this item. Hughey asked if the FEMA study would assess tsunamis. Bosak stated that the FEMA study would be multi-hazard. Hughey recommended that the commission move forward with the recommendation to the Assembly.

Hughey/Windsor moved to **RECOMMEND** that the Assembly undertake a community-wide hazard mapping, with or without FEMA involvement. Motion **PASSED 5-0**.

**D**

Discussion and direction of state land requests, presented by Planning and Community Development Department staff.

Bosak reported that the municipality has the opportunity to ask the state for land. She described three desired properties: Indian River, Millersville, and Starrigavan/Katlion Bay. Windsor asked if there are any downsides, and Bosak stated that there are no downsides. Bosak stated that it is good to have options for future development. Hughey stated that these parcels are good land. Bosak stated that there are no guarantees.

Steven Eisenbeisz stated that this would be a massive haul for the city. Eisenbeisz recommended looking to SEDA and other groups for letters of support. Matthew Jackson stated that the proposal is a no-brainer, and encouraged the commission to pursue this aggressively.

Hughey/Parker Song moved to **RECOMMEND** the request for state land. Motion **PASSED 5-0**.

**E** Public hearing and consideration of a variance request filed by Jennifer Alley for 208 Kogwanton Street. The platting variance is for the creation of an undersized lot, at 6467 square feet. The property is also known as Lots 2 and 3, Block 2, US Survey 2542 S&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.

**F** Public hearing and consideration of a variance request filed by Richard Parmelee for 405 Hemlock Street. The variance is for the reduction in the side setback from 8 feet to 2 feet for the construction of a carport. The property is also known as Lot 11 of Tower Heights Subdivision. The request is filed by Richard Parmelee. The owners of record are Richard J. Parmelee and Marjorie A. Parmelee.

**Pierson explained the request. The applicant seeks to build a carport with one corner within two feet of the side property line. Staff recommended that the request be modified to a three foot setback. Pierson read a letter of concern from William Adickes, the adjacent property owner.**

**Richard Parmelee stated that he spoke to Mr. Adickes several times about this proposal and didn't expect the comment. Parmelee stated that the carport will only come 4 inches past the current canopy. Parmelee stated that he can he can park a vehicle beside the carport, and space is still available for the neighbor to drive past. Parmelee stated that the driveway is primarily on his property, and the neighbors have used the driveway through an informal agreement. Parmelee stated that he wants to clean the area up. Bosak stated that a condition of approval could be that Parmelee and the neighbor reach an agreement on the project.**

**Spivey stated that Mr. Adickes had spoken to him of his concerns with the carport. Windsor asked if he could wait another month to allow for discussion with the neighbor.**

**Pohlman/Hughey moved to POSTPONE the variance request filed by Richard Parmelee for 405 Hemlock Street to the next meeting. The variance is for the reduction in the side setback from 8 feet to 2 feet for the construction of a carport. The property is also known as Lot 11 of Tower Heights Subdivision. The request is filed by Richard Parmelee. The owners of record are Richard J. Parmelee and Marjorie A. Parmelee. Motion PASSED 5-0.**

**G** Public hearing and consideration of a variance request filed by Clyde Bright for 402 Degroff Street. The variance is for the reduction in the front setback along Degroff Street from 20 feet to 8 feet for the conversion of a single-family home to a duplex. The property is also known as Lot 2 of the

Amended Portion of Block 19, Sitka Townsite. The request is filed by Clyde Bright. The owners of record are Clyde and Valerie L. Bright.

Pierson explained the request, and stated that staff recommend a modification to the site plan which would allow the creation of a duplex while eliminating the need for a variance along Degroff Street. Scarcelli stated that he has seen helical piers installed. Windsor asked why staff did not catch this before the helical piers were installed. Scarcelli stated that the building permit has not been approved.

Clyde Bright stated that the building permit had been filed, but the contractor was already in town so he had the contractor install the helical piers. Bright stated that the helical piers can be removed. Bright stated that the building will actually be 22 feet from Hollywood Way. Bright said that the lot is undersized, and he wants to preserve parking in the rear. Bright said that the alley has traditionally been the access to the property. Hughey asked for clarification regarding the applicant's proposal versus staff's modified proposal. Scarcelli explained the diagrams. Bright stated that you don't always want shared walls and shared parking spaces in a duplex. Bright stated plans to install fencing for aesthetic purposes. Bright stated that the staff proposal would not give the required ground clearance per building code. Spivey suggested digging to provide for the foundation. Windsor stated that the water table is high in that area. Bright stated that the garage will be removed. Bright stated that he plans new windows, doors, and roofing. Pohlman asked if he is gutting the entire interior, and Bright said that he was. Bright said that with the staff's proposal, entrances and parking would be next to each other. Scarcelli state that building has stated concerns with the structure as a mobile home. Bright stated that the building is modular, and an engineer has approved the plans.

Kyle Schull stated that he lives at 403 Degroff, and stated that Bright was considerate in his design. Judson Thomas stated that he lives at 420 Lake Street, and stated concerns for respecting the property lines in regard to fencing.

Hughey stated that there are many solutions, and that he would rather not grant a deep variance when it is not necessary. Spivey stated that Bright stated that he was not previously aware of the staff proposal. Spivey asked Bright if deferring the item for a modification would cause difficulty. Bright stated that the modification would cause difficulty, and building in the rear would impact alley access. Windsor stated that the parking in the rear is more important than the front setback. Spivey stated concern that a variance is approved and the applicant will need to come back to the planning commission because of building concerns. Spivey stated that a variance is to be granted when alternative options do not exist. Pohlman stated a preference to defer the item. Windsor asked if the deferral would require a deferral on the conditional use permit. Bosak stated that it would, as approvals are based on plans submitted.

Hughey/Pohlman moved to POSTPONE the variance request filed by Clyde Bright for 402 Degroff Street to the next month. The variance is for the reduction in the front setback along Degroff Street from 20 feet to 8 feet for the conversion of a single family home to a duplex. The property is also known as Lot 2 of the Amended Portion of Block 19, Sitka Townsite. The request is filed by Clyde Bright. The owners of record are Clyde and Valerie L. Bright. Motion PASSED 5-0.

**H** Public hearing and consideration of a conditional use permit request filed by Clyde Bright for 402 Degroff Street. The conditional use permit would allow two short-term rental units. The property is also known as Lot 2 of the Amended Portion of Block 19, Sitka Townsite. The request is filed by Clyde Bright. The owners of record are Clyde and Valerie L. Bright.

**Pierson explained the request. The applicant seeks to rent both sides of a duplex as short term rental units. Scarcelli stated research findings that short term rentals can increase long-term rent rates. Staff recommended that the applicant only rent one unit as a short term rental.**

**Clyde Bright stated that the property has been owner-occupied in the past. Bright stated that he is not opposed to one unit being a short term rental and one unit being a long term rental.**

**Pohlman/Parker Song moved to POSTPONE the conditional use permit request filed by Clyde Bright for 402 Degroff Street. The conditional use permit would allow two short term rental units. The property is also known as Lot 2 of the Amended Portion of Block 19, Sitka Townsite. The request is filed by Clyde Bright. The owners of record are Clyde and Valerie L. Bright. Motion PASSED 5-0.**

**I** 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 activities as a conditional use in the Central Business District, Waterfront District, Industrial Zone, Commercial C-1 and C-2 zones, Gary Paxton Special Zone, Large Island Zone and General Island Zones.

**Scarcelli stated that this proposal has come back to the Planning Commission three times. After discussion, the Marijuana Advisory Committee has decided to move forward with conditional use for marijuana businesses. Staff supports the recommendation of this amendment to the Assembly. Spivey asked about time limits for public comment. Bosak stated that each commenter is allowed 3 minutes.**

**Steven Eisenbeisz stated that he is a member of the MAC, but is not speaking on behalf of the board. Eisenbeisz stated concern that the commission has not asked input of the Gary Paxton board. Eisenbeisz stated that horticulture is a permitted use in several zones, and stated that he can't see the difference between growing one plant and several plants. Eisenbeisz stated that the facts stated in the staff report appeared to be cons, and would like to have seen more to address the pros. Bright recommended that any marijuana businesses should have to go through the planning commission, as growing marijuana is not the same as growing carrots. Mike Dailey stated that he plans to open a retail and cultivation facility at Sawmill Plaza. Hughey asked Dailey if the conditional use process causes undue difficulty, and Dailey stated no, that the conditional use permit is redundant in regard to the state process. Dailey stated that he is in support of the conditional use process. Dailey stated that he knows of three other proposed marijuana businesses.**

**Windsor stated that the conditional use permit provides a means of control. Parker Song spoke in favor of the conditional use.**

**Hughey/Pohlman moved to APPROVE the factual findings that the proposed**

zoning text change to adequately protect the public's health, safety, and welfare because the conditional use process allows us to move slowly; and that each proposed use is compatible with the potential surrounding land uses; and that the proposal is consistent with the Comprehensive Plan. Motion PASSED 5-0.

Pohlman/Hughey moved to RECOMMEND to the City Assembly to allow all licensed marijuana activities as conditional uses in the Central Business District (CBD), Gary Paxton Special District (GP, aka Gary Paxton Industrial Park), Industrial zoning districts (I), General Commercial (C-1), General Commercial Mobile Home (C-2), Waterfront (WD), Large Island (LI), and General Island (GI) zoning districts. Motion PASSED 5-0.

**J**

Public hearing and consideration of a conditional use permit request filed by Michelle Barker for a specialized instruction school at 213 Harbor Drive. The property is also known as Lot 2 of Wilmac Resubdivision. The request is filed by Michelle Barker. The owner of record is Island Fever Diving & Adventures, LLC.

Scarcelli explained the request. All educational services in the CBD require a conditional use permit. Drop-off and pick-up would occur during three time ranges. This proposal is on the lower end of other businesses in regard to parking. The proposal does not include outdoor activities. Approximately 18 letters of support were received. Staff supports the proposed conditional use permit.

Michelle Barker stated that she is the current owner, and Terry Bartolaba plans to buy the building. Barker stated that Bartolaba's business is a benefit to the community, as parents spend time in the downtown area. Barker stated that Bartolaba has operated her education business in the building before, and they were days away from closing when they were notified of the conditional use permit requirement. Barker stated that she renovated approximately three years ago as a glass studio. Barker stated that Bartolaba has been a business owner for 15 years.

Terry Bartolaba clarified that some tutoring services are offered on Fridays, and she sticks to the school schedule. Nancy Davis stated that she represents Bartolaba, and the planning commission previously advised Bartolaba to look for a commercially zoned property. Mary Magnuson said that approval would be an erosion of the downtown business district. Magnuson stated that this proposal impacts her prospects for opening a liquor retail store and expanding her bar area. Steven Eisenbeisz stated that is the renter of 208 Lincoln Street, and said that 208 Lincoln Street owns the alleyway between Mean Queen and 205 Harbor Drive. Eisenbeisz asked that if an approval is made, that the alleyway not be blocked. Eisenbeisz stated that the issue is larger than a single permit. Eisenbeisz stated that marijuana businesses are measured from the front door of the establishment, and there are potential marijuana locations on Harbor Drive. Gene Bartolaba stated that the alleyway is also blocked by patrons of other businesses, and stated that Terry has spoken to parents about not blocking the alleyway. Robin Bahna stated that her daughter has attended Terry's school, stated that it is a great school, and said that the location makes it easier to go shopping. Ryan Harris identified himself as Barker's son, and stated that Terry's school makes it easier to distribute parking and other information to patrons in comparison with a bar. Celeste Tydingco stated that the community wants Terry's school, and Sitka has various uses in close

proximity. LacyAnne Ward stated that her 3 children attend Terry's school, and that Terry has told parents to not block the alley. Lori Johnson stated that two of her children attend Terry's school, and stated that Terry has been looking for a location for years. Jeanette Foss stated that Terry is an asset to the town, and that the town has enough bars. Foss stated that we want to present a good face for tourists. Linda Barker-Olson stated that she is Barker's aunt, and stated that the letters of support were from business owners, not parents. Barker-Olson stated that parking in the alley has always been an issue. Barker-Olson stated that the location is convenient for working parents, and brings people into the business district. Barker-Olson stated that Bartolaba runs a business. Susan Jensen encouraged approval, as this is an established ongoing business, as opposed to a potential idea.

Parker Song asked if it would be impossible for Magnuson to get a liquor license. Spivey stated that Magnuson could still apply for a license. Bosak stated that staff are not clear on state liquor regulations, but could research if the commission requested. Hughey stated that Magnuson raises a valid concern for her business prospects. Windsor stated that he wanted to know more about state liquor regulations.

Parker Song/Hughey moved to POSTPONE the conditional use permit request and instruct staff to provide additional information on state liquor regulations. The conditional use permit request filed by Michelle Barker for a specialized instruction school at 213 Harbor Drive. The property is also known as Lot 2 of Wilmac Resubdivision. The request is filed by Michelle Barker. The owner of record is Island Fever Diving & Adventures, LLC. Motion PASSED 5-0.

**K** Public hearing and consideration of a minor subdivision at 211 Shotgun Alley filed by Barth Hamberg. The subdivision would result in four lots. The property is also known as Lot 2 of Johnstone Subdivision Replat. The request is filed by Barth Hamberg. The owner of record is Barth Hamberg.

**L** Discussion and direction of the Comprehensive Plan logo, presented by Planning and Community Development Department staff.

Pierson presented the two logos that were submitted for the Comprehensive Plan logo contest.

Commissioners discussed utilizing both images in the Comprehensive Plan. Commissioners discussed seeking tribal input on Henshaw's logo in regard to the use of formline design.

Henshaw's logo received 3 votes and Richter's logo received 2 votes.

## **VI. PLANNING DIRECTOR'S REPORT**

Staff has a third of the land use inventory completed. Scarcelli explained the next agenda.

## **VII. PUBLIC BUSINESS FROM THE FLOOR**

Steven Eisenbeisz clarified that a school can move in next door to a bar, but not vice versa. Eisenbeisz stated that the same is true for marijuana.

**VIII. ADJOURNMENT**

Pohlman/Hughey moved to adjourn at 10:35 PM. Motion PASSED 5-0.

ATTEST: \_\_\_\_\_  
Samantha Pierson  
Planner I