

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
December 15, 2015**

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

Absent: Randy Hughey (Member)—Unexcused

Members of the Public: Travis Peterson, Barth Hamberg

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

Roll Call:

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

Consideration of the Minutes from the December 1, 2015 meeting:

MOTION: M/S WINDSOR/POHLMAN moved to approve the meeting minutes for December 1, 2015.

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

The evening business:

**VARIANCE REQUEST
741 ALICE LOOP, LOT 11 OF ETHEL STATON SUBDIVISION
TRAVIS PETERSON**

Public hearing and consideration of a variance request filed by Travis Peterson for 741 Alice Loop. The variance is for a reduction in the southerly side setback from 10 feet to 7 feet for the construction of a new house. The property is also known as Lot 11 of Ethel Staton Subdivision. The request is filed by Travis Peterson. The owners of record are Travis and Jennifer Peterson.

Chair Spivey stated that he had a business relationship with the applicants, but that he believed he could deliberate fairly. Commissioners agreed that he could participate on this item.

STAFF REPORT: Scarcelli described the lot and the proposed variance. The owners plan to build a house on the currently undeveloped lot. The variance would allow for the construction of an eave and gutter to protect a side porch from rain. The lot is narrow, and the Planning Commission has previously approved variances for side setbacks for four other properties in the neighborhood.

APPLICANT: Travis Peterson stated that he had made an oversight when planning the layout of the house, and forgot to account for the eaves. A lack of an eave would result in accelerated weathering of the side of the house.

COMMISSIONER DELIBERATION: Spivey stated that the request was straight-forward. Windsor noted the previously variances in the neighborhood.

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 oblong lot shape and narrow lot width;*
- 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 with eave protection on a narrow lot;*
- 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 variance is minimal and typical of area;*
- 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."*

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

MOTION: M/S WINDSOR/POHLMAN moved to approve the variance request filed by Travis Peterson for 741 Alice Loop. The variance is for a reduction in the southerly side setback from 10 feet to 7 feet for the construction of a new house. The property is also known as Lot 11 of Ethel Staton Subdivision. The request is filed by Travis Peterson. The owners of record are Travis and Jennifer Peterson.

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

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 northerly side setback from 8 feet to 1 foot, a reduction in the rear setback from 10 feet to 1 foot, and a reduction in the southerly side setback from 8 feet to 4 feet, for the construction of 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.

STAFF REPORT: Scarcelli described the property and the variance request. The applicant seeks to build a porch on the rear of the house and build a carport in the northwesterly corner of the lot. Scarcelli stated that a grading permit has been issued. Scarcelli read a letter submitted by the adjacent property owner who expressed concerns for drainage and boundary trees. Scarcelli noted that Building Official Brylinsky had identified the trees in question as boundary trees. Scarcelli stated that the retaining wall in the applicant's plan would not be considered a fence.

APPLICANT: Barth Hamberg stated that the proposed carport would provide cover for two vehicles, while allowing vehicles to turn around before entering Jeff Davis Street. He stated that significant changes in size or placement would not allow for the desired vehicle circulation. Hamberg stated that he is a registered landscape architect and arborist. He stated that the trees are to the south of the proposed carport. Hamberg stated that the trees are Mountain Ash trees, and that the trees are near the end of their lifespan.

Scarcelli noted that the carport doesn't inherently provide for vehicle turn-around, and that vehicles could circulate without the carport. Scarcelli stated that boundary trees are shared between adjacent property owners.

Hamberg stated that he is making substantial investments in the property. He stated that he plans an addition to the rear of the house, and placing the garage directly behind the house would hamper the view. Spivey asked if the applicant would be willing to consider a one-car garage, and Hamberg stated that his family is a two-car family. Hamberg stated that he has plans for a garden and French drains. Hamberg stated that water already naturally drains onto the adjacent property. Hamberg stated that he offered to install a swail for the neighbor, but she was not interested.

COMMISSIONER DELIBERATION: Spivey stated concern about 1 foot setbacks and drainage. Spivey stated appreciation for Hamberg making improvements to the property, and stated that he would like to find a happy medium for all involved. Pohlman stated that 1 foot setbacks in that neighborhood would have significant impacts. Windsor stated the desire to walk the property. Commissioners planned a site visit for 1 PM on Wednesday, December 23, and Scarcelli noted that public notice would be made in the Sitka Sentinel.

PUBLIC COMMENT: No comment.

MOTION: M/S WINDSOR/POHLMAN moved to continue discussion and consideration of the variance request filed by Barth Hamberg for 203 Jeff Davis Street at the next scheduled meeting.

ACTION: Motion **PASSED unanimously 4-0** 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 reported on the December 14, 2015 Marijuana Advisory Committee meeting. Scarcelli stated that he reviewed the conditional use permit process with the committee members. He stated that there was some contention with his suggestion for a sunset clause, but comments were overall positive toward the conditional use process. Scarcelli stated that the committee members requested that Scarcelli provide a hypothetical conditional use scenario, and he plans to provide that at the December 21, 2015 meeting. Scarcelli reported that the committee voted to request that the Assembly contact the state regulatory authority regarding the 500 foot buffer surrounding sensitive uses. Scarcelli stated that a wealth of empirical data concerning legalized marijuana and planning currently does not exist.

COMMISSIONER DELIBERATION: Windsor stated that some of the opposition to sunset clauses involves the financial investment of business owners. Scarcelli stated that licenses are inherently revocable, so business owners already undertake some degree of risk. Scarcelli stated that sunset clauses can protect cities from unforeseen impacts. Parker Song asked for clarification on sunset clauses, and Scarcelli gave an overview. Spivey suggested that sunset clauses be longer for manufacturing than retail, as grow operations can be big investments. Windsor stated that the Marijuana Advisory Committee sunsets February 24, and a lot of work remains to be completed.

PUBLIC COMMENT: No comment.

MOTION: M/S POHLMAN/WINDSOR moved to continue public hearing and discussion at the next scheduled Planning Commission meeting to allow for further study of negative impacts and the development of a zoning text change that would comply with newly modified state regulations. The zoning text change request is filed by the City and Borough of Sitka Marijuana Advisory Committee. The request would allow licensed marijuana activities 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.

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

**ZONING TEXT CHANGE
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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.

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

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

Comprehensive Plan presentation by Planning and Community Development Department staff.

Scarcelli presented a PowerPoint, explaining the purpose of and plans for the Comprehensive Plan. The comprehensive plan should be a guiding document for decision-making. Scarcelli stated that the Planning and Community Development Department (PCDD) hopes to include a wide variety of community stakeholders in the plan process. The PCDD is currently deliberating whether to re-write the 2007 plan or develop a new plan.

COMMISSIONER DELIBERATION: Spivey asked who will decide the size and scope of the plan, since financial constraints are involved. Scarcelli responded that the Commission could make a recommendation to the Assembly. Scarcelli stated that the Assembly has allocated \$30,000 for the plan. Windsor asked about the Commission's role. Scarcelli responded that the Commission would take a lead role, regularly weighing in and giving guidance throughout the plan's development. Parker Song asked if the plan would take the entire year, and Scarcelli responded that the current timeline spans the entirety of 2016. Scarcelli stated that Anchorage's Historic Preservation Plan was 300 pages, cost \$250,000, and took 2 years for a team to develop. Spivey noted that the Comprehensive Plan should be treated as a living document. Scarcelli stated that if money permitted, he would prefer to bring in an in-house team, as insiders understand the community better than outsiders.

PUBLIC COMMENT: No comment.

DIRECTORS REPORT: Scarcelli stated that a variance request was scheduled for the following meeting. He stated that enforcement is moving forward at 101 Lance Drive. Scarcelli reported that PCDD Director Bosak has submitted an application for funds to update the Hazard Mitigation Plan.

MOTION: M/S POHLMAN/WINDSOR moved to adjourn at 8:35 p.m.

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

Chris Spivey, Chair

Samantha Pierson, Secretary