

**City and Borough of Sitka  
PLANNING AND ZONING COMMISSION  
Minutes of Meeting  
December 4, 2007**

**Present:** Don Alexander, Larry Crews, Richard Parmelee, Jeremy Twaddle, Brian McNitt (teleconference), Planning Director Wells Williams, Planner Sara Russell, and Secretary Maria Finkenbinder

**Members of the Public:** Tom Mattingly, Dan Coffey, Duane Lambeth, Sharyn Ferrick, Craig Giammona (Sitka Sentinel)

The Chair called the meeting to order at 7:00 pm.

**Consideration of Minutes from the November 20<sup>th</sup>, 2007 meeting:**

**MOTION:** M/S Crews/Twaddle moved to approve the minutes from the November 20<sup>th</sup>, 2007 meeting.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

**The evening's business:**

**CONDITIONAL USE PERMIT  
FOR OPERATION OF A COFFEE/DELI SHOP  
IN INDUSTRIAL ZONING DISTRICT  
215 SMITH STREET #A  
ELAINA MATTINGLY**

*Public hearing and consideration of a conditional use permit request filed by Elaina Mattingly for operation of a coffee/deli shop in the Industrial zoning district at 215 Smith St. #A. The property is also known as Lot 1A of the Amended Sitka Commercial Condos. The owner of record is Tom Mattingly.*

Ms. Russell briefly explained that the applicant plans to open a coffee/deli shop in an industrially zoned property that is adjacent to the commercially zoned portion of Smith Street. The Zoning Code considers "eating and drinking" places a conditional use in the industrial zoning district and hence, this request.

Mr. Crews brought up the issue of parking configuration discrepancies between the originally approved plat and what the applicant recently submitted. He also pointed out that he visited the subject property and had problems getting in and out of the parking area near the fire hydrant.

Mr. Williams expressed concern on the width of the parking spaces seaward side which he estimated to be less than 9 feet. However, he thought that it can be addressed by restriping.

Mr. Mattingly, owner of record, told the Board that by February 2008, he'll have the common access areas defined and have it paved in summer.

**MOTION:** M/S Crews/McNitt moved to recommend approval of the conditional use permit request filed by Elaina Mattingly for operation of a coffee/deli shop in the Industrial zoning district at 215 Smith St. #A, provided that the parking dimensions be verified.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

**MOTION:** M/S **Twaddle/Crews** moved to approve the following findings in support of the approval of the conditional use request:

1. The granting of the proposed conditional use permit will not be detrimental to the public health, safety, and general welfare. There are no such concerns on the property.
2. The granting of the proposed conditional use permit will not adversely affect the established character of the surrounding vicinity but will, in fact, enhance it since it provides needed service in the area;
3. The granting of the proposed conditional use permit will not be injurious to the uses, property, or improvements, adjacent to, and in the vicinity of the site; and
4. 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.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

Mr. Williams stated that the request would be on the Assembly's agenda at their first meeting in January 2008.

**CONDITIONAL USE (CU) PERMIT  
OPERATION OF AN EXISTING LODGE  
TO ACCOMMODATE UP TO 24 GUESTS  
DOVE ISLAND LODGE  
DUANE AND TRACIE LAMBETH**

*Public hearing and consideration of a conditional use permit for operation of an existing lodge on Dove Island to accommodate up to 24 guests. The request is filed by Duane and Tracie Lambeth. The property is also known as Lot 1 of the Dove Island Subdivision.*

**CONDITIONAL USE PERMIT  
COMMERCIAL DOCK WITH A SEAFOOD PROCESSING FACILITY  
DOVE ISLAND LODGE  
DUANE AND TRACIE LAMBETH**

*Public hearing and consideration of a conditional use permit for a commercial dock with a seafood processing facility on Dove Island. The request is filed by Duane and Tracie Lambeth. The request is for an existing dock. The dock is seaward of Lot 2 of the Dove Island Subdivision.*

Mr. Williams briefly walked the members through the schedule of meetings during which time the Board would discuss the Dove Island requests. He pointed out that the applicant has submitted a detailed outline of their revised conditional use permit applications as requested by the Board at the October meeting. He suggested that the focus of the meeting be spent on reaching an understanding of the details of the requests so people can understand the issues.

*Applicant's Comments*

Mr. Coffey, Dove Island Lodge legal counsel, presented to the Board how Dove Island Lodge is addressing the issues raised by the neighbors. To wit:

- Airplane Noise created by docking, taking off and landing:
  1. No take offs inside of Jamestown Bay. The plane's route will consist of traveling around the north end of Dove Island and then toward the east side of the mouth of Jamestown Bay, with the airplane facing slightly southeast toward Camp Coogan (as described in Mr. Short's email)
  2. No use of aircraft engine power to dock the aircraft. A winch system will be installed for docking. (Response to Mr. Hoyt and others)
  3. No helicopter operations. (Response to Mr. Hoyt's complaint)
  4. No aircraft operations prior to 8:00 am. (Response to Ms. Galen Payne's complaint)

- Speeding through the waterway between Dove and Ring Islands: All contract captains of Dove Island Lodge are instructed to proceed slowly through this area to protect not only the Bellows' dock but the Dove Island dock as well. (Response to Mr. Bellows)

The Dove Island Lodge's attorney urged the Board to consider their application as a conditional use permit request for lodge operations; assume that it is a lodge, and deal with the impact of its lodge operations. He stressed that Dove Island Lodge does not need a conditional use permit for its bed and breakfast (B&B) operations since it is a permitted use in a general island district. He pointed out that the biggest issue is the number of guests. They proposed the following conditions on the number of guests to both B&B and lodge operations:

- Bed and Breakfast:
  1. Usage should be limited to 2 guests per room for a total of 8 guests.
  2. Usage of the 3-room suite should be limited to 2 adults and 2 children
- Lodge:
  1. Usage of freestanding cabins be limited to 4 adults in each cabin for a total of 8 adults, with an allowance for up to 4 children.
- Total number of guests: 18 adults plus 6 children for a total of 24 guests.

Mr. Coffey also suggested that the lodge be required to file an annual report with the city prior to December 31<sup>st</sup> of each year stating the total number of guests during the season, maximum number of guests on any one-day and the average number of guests per day during the season. He explained that this way, the City shall have the information relative to the potential impact of the number of guests on the subdivided island.

#### *Commission Comments*

Responding to Mr. Twaddle's question about the required power to get off and on the ramp, Mr. Lambeth explained that getting off the ramp requires a lot less power than getting on the ramp. The winch system, costing \$6,900, would keep the power down when he gets the airplane up on the ramp.

Both Mr. Coffey and Mr. Lambeth explained to the members how they computed the maximum number of guests per day and the average number of guests per day.

In answer to Mr. Crews' question about how they dispose seafood waste generated by their seafood processing operations, Mr. Lambeth said that they haul out the carcasses to an area between Jamestown Bay and Crescent Harbor.

Mr. Parmelee raised the possibility of imposing a "no wake zone" between islands to control speeding of boats. Mr. Williams said that he'll talk to the Harbormaster about it.

At the request of Mr. McNitt to repeat and clarify the applicant's proposal on how the Commission should look at the existence of the lodge, Mr. Coffey pointed out that the current circumstances have been created over time and there is a lot of history involved. He said that rather than sort that out, they are requesting the Board to treat Dove Island Lodge as a lodge regardless of what happened in the past, to treat it as an amendment to an existing use. He stressed that there are legal arguments that can be advanced but he didn't want to argue about it before the Board.

Further, in response to Mr. McNitt's question about the current permits they hold, Mr. Coffey said that Dove Island Lodge has a conditional use permit for 1 cabin and no permit for B&B since it is a permitted use on a general island district.

Mr. Williams told the Board that he considers Dove Island Lodge as a lodge. There is no B&B. They are advertising their business as a lodge. He presented to the Board a juxtaposition of Dove Island Lodge's list of permits issues and pending, and his own interpretation to the facts submitted by Dove Island Lodge:

## Dove Island Lodge Version

## Planning Department Version

### LIST OF ALL PERMITS ISSUED AND PENDING

1. BUILDING PERMIT FOR TWO CABINS
  - a. Permit # 99003, issued 1-20-99 to John Yerkes
2. BUILDING PERMIT FOR THE BED AND BREAKFAST
  - a. Permit # 02342, issued 12-4-02, issued to John Yerkes
3. BUILDING PERMIT FOR EXPANSION BED AND BREAKFAST & EXPANDED KITCHEN
  - a. Permit # 05306 issued 12-7-05 to Duane & Traci Lambeth.
4. CONDITIONAL USE PERMIT-1995 AND 1998 FOR LODGE
  - a. Issued to John Yerkes initially for one cabin, modified for two cabins.
  - b. Conditional use - Either 4 adults and 2 children or 8 adults and 4 children
5. DEC PERMITS
  - a. Waste water permit # copy enroute from DEC
  - b. Food Service permit #121120569
6. DEPARTMENT OF NATURAL RESOURCES TIDELANDS LEASE
  - a. Applied for 3/17/2006
  - b. Pending City and Borough of Sitka conditional use permit for dock.

### LIST OF ALL PERMITS ISSUED AND PENDING

1. BUILDING PERMIT FOR TWO CABINS
  - a. Permit # 99003, issued 1-20-99 to John Yerkes
2. BUILDING PERMIT FOR TWO STORY ADDITION
  - a. Permit # 02342, issued 12-4-02, issued to John Yerkes
3. BUILDING PERMIT TO CONSTRUCT ADDITION TO EXPAND BEDROOMS AND & PROVIDE ROOM FOR EXPANDED KITCHEN
  - a. Permit # 05306 issued 12-7-05 to Duane & Traci Lambeth.
4. CONDITIONAL USE PERMIT-1995 FOR COMMERCIAL RENTAL OPERATION
  - a. Issued to John Yerkes initially for one cabin, modified for two cabins.
  - b. Conditional use - Either 4 adults and 2 children
  - c. Planning Office determination on December 21st 1998 use, per plans, was a lodge
5. DEC PERMITS
  - a. Waste water permit # copy enroute from DEC
  - b. Food Service permit #121120569
6. DEPARTMENT OF NATURAL RESOURCES TIDELANDS LEASE
  - a. Applied for 3/17/2006
  - b. Pending City and Borough of Sitka conditional use permit for dock.

Notes –

Municipal permits for seafood processing facility not applied for and Corps of Engineers permit not received for dock structure.

Underlined text from base documents

Mr. Williams pointed out that there wasn't anything in the permits that say "bed and breakfast". He also said that the City building officials did not do any building inspection for the seafood dock. He urged the Board that they not only look at the guest count but also the impact of the seafood processing operations on the upland property. He stressed that there are two decision points before the Board: (1) Conditional Use Permit for the lodge operations, and (2) Conditional Use Permit for a Commercial Dock with a seafood processing facility.

Asked by Mr. McNitt on how many guests are allowed if Dove Island Lodge is a B&B, Mr. Williams said that it is virtually unlimited.

### *Public Comment*

Ms. Ferrick, a member of the public, testified that Dove Island lodge is something that the community can be proud of. She said that the applicant helps the community, employs local people, and brings in visitors who buy from local businesses. She added that there had been more activity in the past than the present.

*Additional Commission Comments*

When Mr. Williams suggested that Mr. Crews be given an opportunity to give his thoughts and perspectives about the Dove Island Lodge since he will not be present on the January 15<sup>th</sup> meeting, Mr. Coffey informed the Board the applicants would like to have a full board when they make their decision. After a brief exchange of notes on their respective schedules, Mr. Coffey and the Board agreed to schedule the Dove Island Lodge requests on February 5<sup>th</sup>.

Mr. McNitt requested the members to be aware of the fact that the Dove Island Lodge request is an after-the-fact application. They have been out of compliance for many years. He wanted every one to be clear where they are headed. He expressed concern about the Board's position for anyone else who comes in for an after-the-fact permit application. He said the Board's decision would set precedence.

**PLANNING DIRECTOR'S REPORT**

Mr. Williams informed the Board that the December 18<sup>th</sup> meeting would be a work session to discuss Code Enforcement. There will be no public participation. He explained that the information that the Planning Department is very detailed and there will be more discussions in the future where members of the public can participate.

**ADJOURNMENT**

The meeting adjourned at 8:30 pm.

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Chair, Don Alexander

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Secretary, Maria Finkenbinder