



# Municipality of Skagway

GATEWAY TO THE KLONDIKE  
P.O. BOX 415 SKAGWAY, ALASKA 99840  
p: 907.983.2297 f: 907.983.2151  
www.skagway.org

## MEMO

TO: Mayor, Assembly, Managers  
FROM: Borough Clerk  
DATE: December 22, 2023  
RE: Clarity regarding Planning Commission Decisions from December 14, 2023, meeting

As Clerk for the Planning Commission, it is my responsibility to provide clarity regarding the Conditional Use Permit (CUP) process in relation to comments that were made during the December 21, 2023, Assembly meeting.

### 1. Regarding Conditional Use Permit Hearing Process:

- The approval or denial of a CUP application requires two meetings of the Planning Commission.
  - The first meeting contains a Public Hearing on the application and provides the Planning Commission the opportunity to direct the drafting of a formal resolution.
    - To participate in the public hearing, citizens must sign up with the Clerk's Office in advance of the meeting.
    - When the public hearing is closed, it cannot be reopened.
      - This is because, if a decision is appealed to the Assembly (as the Board of Appeals), only those who testified during the Planning Commission public hearing can participate in the appeal hearing.
  - The second meeting provides consideration of a formal resolution, approving or denying a CUP application.

### 2. In regard the December 14, 2023, Planning & Zoning meeting, and the Conditional Use Permit, Public Hearings held at that meeting:

- **Permit Application No. 23-69: Paul Munson/Early Bird Café**, Request to use the Fellowship Hall to serve as a pop-up breakfast café, Block 9, Lot 2 in the Residential-General Zone
  1. The Planning Commission directed the drafting of a resolution approving the permit with conditions.
  2. The Planning Commission will meet on January 11, 2024, to consider the adoption of a resolution as outlined during their December 2023 meeting.
- **Permit Application No. 23-70: BoomTown Buds, LLC**, Request to Operate a Retail Marijuana Store, Block 25, Lot 11 in the Business-Skagway Historical Zone
  1. The Planning Commission directed the drafting of a resolution approving the permit.
  2. The Planning Commission will meet on January 11, 2024, to consider the adoption of a resolution as outlined during their December 2023 meeting.
- **Permit Application No. 23-72: Jonathan Hillis**, Request to convert garage to a studio apartment, Block 105, Lot 7 in the Residential-General Zone

1. The Planning Commission directed the drafting of a resolution approving the permit with conditions.
  2. The Planning Commission will meet on January 11, 2024, to consider the adoption of a resolution as outlined during their December 2023 meeting.
3. Board of Appeals / Ex Parte Contact:
- As any or all the decisions regarding applications to the Planning Commission could see a potential appeal, it is important that the Assembly (which is the Board of Appeals) not comment and not allow comment regarding these or any future applications to the Planning Commission.
  - Please be cautious of any ex parte contact you may have with applicants or interested parties because if the Assembly must remain eminently fair and unbiased when it sits as the Board of Appeals.
  - You can find more information on Ex Parte Contact and Quasi-Judicial Boards, in your Dropbox Educational Tools Folder.