

# 2023\_12\_14 P&Z

**Chair Brena:** Planning and zoning will come to order. Roll call.

**Deputy Clerk Carr:** Kern?

**Kern:** Here.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Here.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Here.

**Deputy Clerk Carr:** Hisman. Absent. Outcall. Absent. Hanson?

**Assemblymember Hanson:** Present.

**Deputy Clerk Carr:** 3 members present. Quorum is established.

**Chair Brena:** I'll entertain a motion to approve the November 9, 2023 minutes.

**Kern:** I'll make a motion to approve the minutes from the November 9th, 2023 meeting.

**Mabee:** Second.

**Chair Brena:** Roll call.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** 3 yeases. Motion passes.

**Chair Brena:** And I'll entertain a motion to approve the agenda.

**Kern:** I'll make a motion to approve this evening's agenda.

**Mabee:** Second.

**Chair Brena:** Roll call.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** 3 yeases, motion passes.

**Chair Brena:** And on to communications, uh, do we have any correspondence that were not a part of the packet?

**Deputy Clerk Carr:** There was just the 1 piece of correspondence that was in your packet.

**Chair Brena:** Okay. So, we'll move on to the permitting officials report.

**Permitting Official Fairbanks:** I apologize that I didn't have a report included, but I just want to let, you know, that I conducted since our last meeting, I conducted 2 inspections, one on November 20th, 2023, roughing inspection of a garage. On block 122, lot 5, and December 11th, 2023 final inspection for the Alaska coach bus facility on lot D, Dave and Pam Hunz subdivision.

Also, before you vote on any of these conditional use permit applications, if you'll give me a chance to speak about them. Yeah, thank you.

**Chair Brena:** Yeah, we'd like that. Thank you. Citizens present, if anyone would like to come forward, state their name to address the commission.

Okay. No unfinished business. We have two items of new business. I'll entertain a motion to approve the 2024 Planning and Zoning Meeting Schedule.

**Kern:** I'll make a motion to approve the 2024 Planning and Zoning Commission Schedule.

**Mabee:** Second.

**Chair Brena:** Roll call.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** 3 yeases. Motion passes.

**Chair Brena:** And, uh, the next item of new business is a schedule for, um, a housing work session. And, um, I placed this on the agenda, uh, and I, I was hoping to just find what people's schedule might be like and, um, I guess the, the idea behind this is to, uh, possibly come up with 3 items, each commissioner, that could be, uh, possibly turned into a resolution, but, um, that would do something to improve Title 19 or, um, Even recommendations to the assembly directly to do certain things with lots to get them into the public's hands.

So, I guess I'm kind of looking now for, uh, you know, what, what your schedules might be like.

**Mabee:** Um, chair Brenna, I am available for foreseeable future most nights and evenings work for me. Um, I do have some input for that and definitely can work on items to bring to a housing work session.

**Kern:** I will be available, um, probably in early January. The rest of this month is pretty chaotic for me. So, if we wanted to schedule this the 1st or 2nd week in January, that would be much more doable for me personally.

**Chair Brenna:** So, I guess I'll leave it up to the deputy clerk to contact everybody. I'm available anytime and, uh. Maybe we can get everybody together. It doesn't have, it shouldn't be longer than 2 hours. I would think.

**Kern:** I will also be out of town from the 23rd through the 30<sup>th</sup>.

**Chair Brenna:** of January? Okay. Yeah, I, I mean, ideally, I was hoping to get it before the next meeting, but... Maybe we'll shoot for the following meeting.

Okay. So, uh. Are there any questions about the work session? So, we're on to the public hearing and we'll now open the public hearing and invite the applicant of the 1st application to testify if they, if they prefer. And so that's the, uh, the early bird restaurant.

**Paul Munson:** Thank you for your time. Paul Munson

**Chair Brenna:** maybe just give us a rundown of what it is you're proposing.

**Paul Munson:** Sure. Um, so I was approached by the Presbyterian church. To, um, if I would be interested in opening a restaurant open and well, like a pop up restaurant open to the public and early mornings. Um, there's been, um, several people who have approached them saying, you know, um, that there's no place in the town where they can just sit down and enjoy, uh, more of a full scale breakfast as opposed to just a sandwich or, or whatever.

Um, so And the idea was more as a community service, um, and also as a way to have an income from my family for the winter as well, um, from what I understand.

**Chair Brenna:** Uh, I don't know if we're running through these in order or we're going to go on to the next.

**Deputy Clerk Carr:** You're going to fully complete this public hearing and all the motions and everything before you move on to the next. Is that, am I understanding the question correctly?

**Chair Brena:** I think so, yeah. Okay. So, Let's see, I guess, uh, Did we receive any, uh, public testimony about this application?

**Deputy Clerk Carr:** None for this application.

**Chair Brena:** And, uh, would the permitting official have anything to say about this application?

**Permitting Official Fairbanks:** Yeah, for this application, I just want to say that I approached the, uh, business owner and informed them that they will need to apply for a conditional use permit, uh, and they basically applied the next day. They are willing to comply with code. That's the only thing I want to say.

**Chair Brena:** Okay, so I guess we'll, uh, close the public hearing on this application. We'll, uh, we may want to, uh, recall you when appropriate time.

So, now I'd like to receive a motion.

**Kern:** I do have a question, Paul. I just wanted to clarify 1 thing on your application. Um, on page 3, there's a question that says, does this conditional use fall within the coastal management plan or coastal management program area? And you answered no, and I don't think that's.

Yeah, so I just wanted to clarify that this application does fall into the coastal management program area. And the application just says no, but I just wanted to make sure.

**Chair Brena:** So, I'll entertain a motion on the application for a conditional use permit.

**Mabee:** I'll make a motion to approve application permit 2369.

**Kern:** I'll second.

**Chair Brena:** Uh, roll call.

**Deputy Clerk Carr:** You'll now want to go through your standards.

**Chair Brena:** Oh, okay. I'm sorry. So, now we're going to open the, uh, 4 standards of, uh, of a conditional use permit and, uh, the 1st being that, uh, the requested conditional use permit will protect, uh, public health, safety, and welfare. And, uh, I wonder, is there anyone who would like to Amend the motion in any way relative to this standard.

**Kern:** Uh, I'd like to make a motion that we amend the main motion to include the finding the facts that the requested conditional use will protect public health, safety and welfare.

**Mabee:** Second.

**Chair Brena:** Roll call.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** 3 yeases. Motion passes.

**Chair Brena:** And are there any further amendments to. Requested conditional use permit item A?

**Kern:** Pardon?

**Chair Brena:** Are there any further amendments?

**Kern:** Not for to the motion A

**Mabee:** not for A, no.

**Chair Brena:** So I know normally I, I wouldn't enter, um. amendments, but in this case where we're shorthanded, I'm going to move that we amend

Conditional Use Permit 23-69 to include the hours of operation during the off season and define the off season as the day after the last cruise ship departs until the day before the first cruise ship arrives in the spring.

**Kern:** We do have to finish the other amendments though.

**Chair Brena:** I know.

**Kern:** Okay.

**Chair Brena:** And, um, and in addition, uh, I think these are under the, the, um, Public Health, Safety and Welfare, which is where I think Title 19 mostly falls. But, uh, and then to go on with the, uh, my amendment that, uh, There are 4, um, parking Spaces shown on the application.

I think by my calculation, although I couldn't see the Numbers very well, but there should be 5. Um, and, uh, so I would recommend that 5, uh, off street parking spaces be provided by the applicant.

**Deputy Clerk Carr:** Would you just restate the beginning of the, of the amendment? I just missed... I, could you restate the beginning of the amendment regarding, regarding the hours?

**Chair Brena:** Yeah, the beginning of it is including the hours of operation, which are stated in the permit to be 9, uh, 6 a. m. to 9 a. m. During the off season, and then that's defining the off season.

Uh, and then in addition to that, uh. The amendment would condition that there are 5 parking spaces provided according to the. Uh, legal required parking for the size that the building is instead of 4.

**Deputy Clerk Carr:** Thank you.

**Chair Brena:** Do I have a second?

**Kern:** Second.

**Chair Brena:** Uh, roll call?

**Deputy Clerk Carr:** Mabee?

**Mabee:** Oh, sorry. I was trying to. Sorry, I was trying to pull up the code and it's blocking me right now.

**Chair Brena:** The code, I believe is 1, uh, parking space for every 500 square feet.

**Mabee:** Right, yeah, I was just going to look at what the requirement was for the current lot and establishment there. Does it have 5?

**Chair Brena:** It can have 5, yeah.

**Mabee:** Um, yes.

**Deputy Clerk Carr:** Kern?

**Kern:** Uh, yes.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** 3 yeses. Motion passes.

**Chair Brena:** Okay, now on to item, uh, Standard B, the requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses. So I'll entertain a motion on that standard.

**Kern:** I'll make a motion that we amend the main motion to include the finding that Binding of fact, the requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses.

**Mabee:** Second.

**Chair Brena:** Roll call.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** Kern?



**Kern:** Yes.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** 3 yeses. Motion passes.

**Chair Brena:** And on to standard C, which reads the requested conditional use will generally be in harmony with comprehensive plan, coastal management plan. And other officially adopted plans. I'll entertain a motion for that.

**Kern:** I make a motion we amend the main motion to include the finding of the fact that the requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan and other officially adopted plans.

**Mabee:** Second.

**Chair Brena:** Roll call.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** 3 yeses. Motion passes.

**Chair Brena:** And on to the final standard, uh, The requested conditional use will not substantially decrease the value or be out of harmony with properties in the neighboring area. I'll entertain a motion for that standard.

**Kern:** I'll make a motion we amend the main motion to include the finding of the fact that requested conditional use will not substantially decrease the value or be out of harmony with property in the neighboring area.

**Mabee:** Second.

**Chair Brena:** Roll call.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** Three yeses. Motion passes.

**Chair Brena:** Now, I believe we're back to the main motion, uh, as amended and, uh, can you state it?

**Deputy Clerk Carr:** Um, that, uh, conditional use permit application number 2369 will be approved by resolution. Sorry, I didn't have it pulled up.

**Chair Brena:** Okay.

I think that's good enough. Do we have a motion?

**Deputy Clerk Carr:** We already have the motion. If you guys are done with discussion, we can do roll call.

**Chair Brena:** Um, yeah, so I'll open it for discussion.

**Assemblymember Hanson:** Mr. Chairman, if I may, your motion amendment, I'm sorry, to allow this after the 1st cruise ship and before the 1st cruise ship, the cruise ship calendar changes every year, and it might be a little more consistent

if you said, say, October 15th to April 15th. It's approximately when it happens, but we know the cruise ship calendar changes all the time.

And it's kind of uncertain with those early ships or late ships have actually come. It's just a suggestion.

**Chair Brena:** Yeah, thanks for that. Uh, Commissioner Hanson, I did consider that. I, um. And the reason that I made it, um, variable is exactly for that reason, um, because it does change every year. Uh, so I don't, I don't think it's, uh. Should be too big of an issue either way.

Where are we? We're voting on the main motion.

**Deputy Clerk Carr:** you ready?

**Chair Brena:** We're ready.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** 3 yeses. Motion passes.

**Chair Brena:** Okay.

Now we're on to the 2nd Conditional Use Permit 23-70.

Um, that's the, uh, Boomtown Buds, and, uh, that's at the old Starfire location with the owner, uh, I believe, Healy. And, um, if you could come forward and, uh, give us some of the information.

**Dylan Healy:** Dylan Healy, uh, co owner of Boomtown Buds with Mike Healy.

**Chair Brena:** Can you just, uh, run down what it is and tell us a little bit about it?

**Dylan Healy:** Good to go? We're opening a marijuana dispensary in the old Starfire location. Um, yeah, to be open year-round. Um, yeah, selling to persons of 21 years of age or older and yeah.

**Chair Brena:** Did we have any requests, uh, public testimony other than the one that's in the packet?

**Deputy Clerk Carr:** We did have one request by Timothy Shelby. Who I believe is present.

Yes, it seems he did send a letter, so he will just rely on that letter instead of testifying here tonight.

**Chair Brena:** That's fine. I read the letter. I do have a couple of comments about the letter. I'm not sure when the appropriate time to say that is. I did call, I did do some research online about the junior Ranger program, that was referenced in, in the letter. And, uh, as being a type of a youth program or school and too close to the, the, the park stated that in 2022 and 2023 that, uh, Junior ranger program was, uh, not open, uh, so, uh, in terms of the distance, the distance is very close to what, if it were a school or something of that nature, the distance is very close to, uh, it would have to be measured by the building official or, or someone at the assembly to determine if it's too close, um, or not.

So, yeah, I guess that's it. We'll close that testimony, Dylan, and if we need you, we'll call you back up.

**Dylan Healy:** Sounds good.

**Chair Brena:** So I'll entertain a motion on the, uh, application 23-70 for Boomtown Buds.

**Mabee:** I'll make a motion to approve the application 2370 for Boomtown Buds LLC, conditional use permit.

**Kern:** Second.

**Chair Brena:** Uh, roll call?

**Deputy Clerk Carr:** You'll want to go through your standards before we come back to the main motion.

**Chair Brena:** Oh, all right. That's only the 2nd time I've done it. So, uh, okay. So, uh. The standard, standard, uh, standard A, uh, the condition, the requested conditional use will protect public health, safety and welfare.

Uh, so I'll entertain a motion to, uh, amend that language.

**Kern:** Uh, I would like to make a motion. We amend the main motion to include the finding of the fact that the requested conditional use will protect the public health, safety, and welfare.

**Mabee:** Second.

**Chair Brena:** Roll call.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** 3 yeses. Motion passes.

**Chair Brena:** Onto standard B, the requested conditional use will not permanently or substantially injure The lawful use of neighboring properties or uses. I'll entertain a motion to amend that language.

**Kern:** Uh, I'd like to make a motion. We amend the main motion to include the finding of the fact that requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses.

**Mabee:** Second.

**Chair Brena:** Roll call.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** 3 yeases, motion passes.

**Chair Brena:** And standard C, the requested conditional use will generally be in harmony with comprehensive plan, coastal management plan, and other officially adopted plans. I'll entertain a motion to amend the main motion.

**Kern:** I'll make a motion we amend the main motion to include the finding of the facts that request conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans.

**Mabee:** Second.

**Chair Brena:** Roll call.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** 3 yeses, motion passes.

**Chair Brena:** And standard Item D, the final one, the requested conditional use Will not substantially decrease the value or be out of harmony with property in the neighboring area, and I'll entertain a motion to, uh, address that item.

**Kern:** I'll make a motion we amend the main motion to include the finding of the fact that requested conditional use will not substantially decrease the value or be out of harmony with the property in the neighboring area.

**Mabee:** Second.

**Chair Brena:** Roll call.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** Three yeses, motion passes.

**Chair Brena:** And before we're out of the discussion area on this, the 2nd item of, uh, It was in the letter that was that there may be A conflict between alcohol being served on site and The sale of marijuana on the site. And I Know that, uh, that's not the case.

So, just For your information. So we're back to the main motion.

**Kern:** Just to clarify, though, while we're still in discussion, Stacey, did you have?

**Permitting Official Fairbanks:** Well, I had prepared myself if this was going to be more of a discussion, really, because I read the state's code. But, yeah, it seems like, you know, it's not turning to be a big discussion.

And I think the commission is doing the right thing because after all, you're actually looking after title Title 19, and it's going to be up to the assembly to decide if this, um, uh, application is going to pass or not. Once the marijuana application goes to the assembly. But yeah, and I also checked on the liquor license as well, And yeah, the chair is correct. Thank you.

**Chair Brena:** No, thank you for that for me official. I'm sorry. I passed you. So, we're to the main motion again.

**Deputy Clerk Carr:** Uh, Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** 3 yeses. Motion passes.

**Chair Brena:** Okay.

Now we're on to Conditional Use Permit 23-72 in the residential general area. It's being represented by Jonathan Hillis. And if you could come forward and give us a rundown of what you're doing.

**Jonathan Hillis:** Jonathan Hillis, thank you all for listening to this. So, I have a garage that sat on my property, mostly unused since I bought it. Um, so I am segregating off a roughly 500 square foot section, um, to make it into a small studio apartment. Um, the, I have an occupant coming, um, who will be living here year-round.

Um, the only changes to the exterior of the building will be the garage door will be replaced, um, with a wall that matches the rest of the building and 2 windows there. And then a door will be put on the backside, mostly hidden by the existing fence that's there.

**Chair Brena:** Do we come back to him if we have questions for him? After?



**Deputy Clerk Carr:** You can, yes.

**Chair Brena:** Okay, we'll close this for now and come back.

**Kern:** do we close the public hearing and then they'll stay up there, or..[inaudible]

**Deputy Clerk Carr:** The reason we had the applicant going back to sit down was to allow for the other public testimony that might be happening. We didn't have anybody that signed up for public testimony on this application. So, if you are ready to ask questions now, you could have him stay there.

[Inaudible request from the audience]

**Chair Brena:** Uh, I think I think so we closed it, but we didn't know that you were.... So, please come up and speak.

**Charles Doland:** My name is Charles Doland. Um, I'm actually Jonathan's father-in-law, but I'm not involved in this project other than, uh, advice, I guess, but I did want to make a couple of statements. Um, We know housing is very tight in Skagway, desperate need of housing. This property is a corner lot. Across the street to the south is the RV park, across the street to the west is the school ball field, um, to the west, uh, behind a six foot fence is existing employee housing, and to the north is White Pass President housing, White Pass President, historically in the 30 years I've been here, Uh, that housing has been occupied very little.

I, I doubt it's occupied 30 percent of the year. Um, and the building that he's wanting to, to put this housing in is, is already existing. Uh, there will be no exterior changes other than, as he mentioned, removing a garage door, walling it off, putting two windows in, and adding a man door. Um, so to me, it seems like a really good answer to a really bad problem in Skagway.

And, uh, that's just what I wanted to state to this. Thank you.

**Chair Brena:** And now I think that I'll go to the remaining official for comments on this.

**Permitting Official Fairbanks:** Yeah, just a comment about the setbacks of let me just pull up the plans. Usually, the setback should be 5 feet, 5 feet on each side and 5 feet in the back, and then 10 feet in the front, um, so there is a 1 foot

setback from the 17th Avenue and 3 feet, um, towards, so it's east towards Jan Wrentmore's property.

Um, I was in my research, uh, I was able to find that there was a variance for, uh, Building the garage from, uh, 2010 and, um, I requested, uh, the clerk and, uh, deputy borough clerk, um, um, attached the, the minutes from the meeting and, uh, a resolution for the variance. When the variance was given, it was given for, uh, for setbacks for a garage.

Um, what, through reading of the minutes, and then I listen, I found the recording as well, listen to the recording, um, they, so per code they can put, uh, the commission can put, uh, conditions on a variance, um, but no conditions were given for this variance, so, um, I'm just providing it as information of like, does it... Does it change anything if it's becoming a residence now from a, from a garage, um, since variance is existing, but no conditions were given? Like, for example, condition of just the variance is only for a garage. That garage can't become anything else. There's no conditions like that. So I just want to provide you with this information that, um, of my research.

Thanks.

**Chair Brena:** Okay, do the commissioners have any questions for the permitting official? Jacy?

um, so the issue on this is the setback requirements on the property and, uh, I believe the side yard setback is 1 foot. And it should be 5 feet, and the backyard setback is 3 feet, and the code says it should be 5 feet. Um, the variance that was, uh, pulled out of the file today, uh, from 2010 is, uh, was for a garage.

And variances don't run with a different property type. So if you have a variance for a garage and you're proposing an accessory structure, Uh, which is the case here, that variance doesn't apply to it. You would have to apply for a new variance. And, you know, I understand everyone's need and desire for housing, additional housing.

And, you know, that's partly what this work session that's coming up is all about. But the way the code is written now, uh, it, it does not satisfy the setback requirements for Uh, an accessory structure and, um, there are reasons for setbacks. I mean, it's not just a thing. I mean, it's mostly it's within the health, uh, welfare, it's fire related.

It's, uh, you know, it's blocking, uh, views. It's allowing the city to put in, uh, to do their work. Um, so one of the things I really, uh, do not like is the one-off nature of some of the decisions that come out of planning and zoning, where it's instead of sticking to the rule, it's... it depends on who you are and what you are.

But I really think that uses like this should be permitted, but it's not. And, uh, Hopefully, planning and zoning can initiate a change along those lines. So I'll go with that. I'll go to, uh, uh, We did have a motion on this, right? No. Okay. I'll go to a motion on this.

**Mabee:** I will make a motion to approve application 23-72.

**Kern:** Second.

**Chair Brena:** roll call.

**Deputy Clerk Carr:** You'll do your standards first and, um. When you're doing your standard amendments, you can put in, um your additional conditions, such as meeting setback requirements.

**Chair Brena:** Okay, so we're on to standard A again, and this is a requested conditional use. We'll project the public health, safety and welfare and, uh, in my view, this would be the, uh, area that, um, setbacks would fall within, uh, of the 4.

So, uh, I'll, uh, I'll accept a, uh, motion on it. Standard A.

**Mabee:** I make a motion we amend the main motion to include the finding of the fact the requested conditional use will protect the public health, safety and welfare. Um, and we'd like to add that this. By meeting the setback standards as laid out in code.

**Kern:** Second.

**Chair Brena:** I'm a little confused on that motion. Uh, it doesn't meet the setback requirements.

**Deputy Clerk Carr:** Commissioner Mabee can correct me if I'm wrong, but I was interpreting that the motion would be then that the conditional use will protect the public health and safety and welfare with the additional condition that setback requirements are met.

**Mabee:** Yes.

**Deputy Clerk Carr:** So, that would be required in order for the permit to be in effect.

**Chair Brena:** Okay, that's your motion. Uh, roll call or did we get a 2nd?

**Kern:** Yes.

**Chair Brena:** Okay, roll call.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** Brena.

**Chair Brena:** Yes.

**Deputy Clerk Carr:** 3 yeases. Motion passes.

**Chair Brena:** And item B, the requested conditional use will not permanently or substantially injure the lawful use of neighboring properties.

**Mabee:** I make a motion we amend the main motion to include the finding of the fact that the requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses.

**Kern:** Second.

**Chair Brena:** Roll call.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** 3 yeses, motion passes.

**Chair Brena:** And, uh, standard C, the requested conditional use will generally be in harmony with comprehensive plan, the coastal management plan and other officially adopted plans.

**Mabee:** I make a motion we amend the main motion to include the finding of fact that the requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans.

**Kern:** Second.

**Chair Brena:** Roll call.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** 3 yeses. Motion passes.

**Chair Brena:** And standard D, the requested conditional use will not substantially decrease the value or be out of harmony with property in the neighboring area.

I'll entertain a motion on. That standard.

**Mabee:** I make a motion. We amend the main motion to include the finding of fact that the requested conditional use will not substantially decrease the value or be out of harmony with property in the neighboring areas.

**Kern:** Second.

**Chair Brena:** roll call.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes, 3 yeses, motion passes.

**Chair Brena:** Okay, I guess we're back to the main motion. Do you want?

**Deputy Clerk Carr:** Ready?

**Chair Brena:** Yeah.

**Deputy Clerk Carr:** Mabee?

**Mabee:** Yes.

**Deputy Clerk Carr:** Kern?

**Kern:** Yes.

**Deputy Clerk Carr:** Brena?

**Chair Brena:** Yes.

**Deputy Clerk Carr:** 3 yeses, motion passes.

**Chair Brena:** Okay, so we're on to discussion items. Uh, Laura?

Commissioner Kern?

uh, I've got, uh, 1 thing, um, And that is that I've noticed in the, um, Conditional use permit code area. That there are three carve outs for land that's, um, accepted from the standards of the conditional use permit, uh, along Alaska Street, along State Street, some areas. And, uh, so, you know, there's a bit of a precedent for being able to do something more for applications like this, um, and, uh, hopefully we can Address that in, uh, in our work session.

And in the work session, I would like to get things into a resolution format and not just, uh, you know, when we're done, we're ready to give a resolution that's a recommendation that Orion or whoever can take to the assembly. And so it's more than just talking about it. It's, you know, it's a detailed thing that says, okay, this language should be.

Stricken, this should be added and these are our recommendations for the assembly. Okay, that's it. And I guess with our agenda concluded, I will Entertain a motion to adjourn.

**Kern:** I'd like to make a motion that we adjourn.

**Mabee:** Second.

**Chair Brena:** Meeting is adjourned.