



# CITY AND BOROUGH OF SITKA

## Minutes - Draft

### Planning Commission

*Chris Spivey, Chair  
Darrell Windsor, Vice Chair  
Debra Pohlman  
Randy Hughey  
Richard Parmelee*

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Wednesday, November 16, 2016

7:00 PM

Harrigan Centennial Hall

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

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

Present - Spivey, Windsor, Hughey, Parmelee  
Absent - Pohlman (excused), Knox (Assembly Liaison)

#### II. CONSIDERATION OF THE AGENDA

Julie Beall requested to pull her item from the agenda.

#### III. CONSIDERATION OF THE MINUTES

**A** Approval of the October 19, 2016 meeting minutes.

Windsor/Hughey moved to APPROVE the October 19, 2016 meeting minutes.

Motion PASSED 4-0.

#### IV. REPORTS

**B** Planning Regulations and Procedures.

**C** Annual report for a bed and breakfast conditional use permit granted to Deanna Moore for 703 Biorka Street. No action required.

**D** Annual report for a short-term rental conditional use permit granted to Deanna Moore for 703 Biorka Street. No action required.

#### V. THE EVENING BUSINESS

**E** Public hearing and consideration of a final plat of a minor subdivision on Whale Island, zoned GI General Island. The request would result in 3 lots. The property is also known as Lot 2 Tract A US Survey 3556. The request is filed by David Russell. The owner of record is John W. Williams.

Scarcelli described the request. DNR had raised concern for easement details

in the preliminary plat, so the applicant submitted an amended plat for final consideration. Staff and DNR are satisfied with the trail depiction in the updated plat. Staff recommend approval with administrative adjustment to the plat notes to indicate that the city shall be a party to all easements.

David Russell stated that he is agreeable to the administrative plat note adjustments recommended by staff.

Spivey stated that the application has been discussed thoroughly.

Hughey/Windsor moved to APPROVE the findings 1) that the proposed minor subdivision complies with the comprehensive plan by providing for the development of additional housing options; and 2) that the minor subdivision would not be injurious to the public health, safety, and welfare.

**Motion PASSED 4-0.**

Hughey/Windsor moved to APPROVE the final plat of a minor subdivision of a portion of Whale Island, also known as Lot 2 Tract A US Survey 3556 subject to the attached conditions of approval. The request is filed by David Russell. The owner of record is John W. Williams.

- a. The City is a part to all easements and noted on the plat.
- b. All easements comply with the Sitka General Code.
- c. Appropriate maintenance, use, and access agreements for all platted easements be noted on the plat before final recording.
- d. Applicant shall work with municipal staff to determine appropriate plat notes.

**Motion PASSED 4-0.**

F

Public hearing and consideration of a final plat of a minor subdivision on Whale Island, zoned GI General Island. The request would result in 2 lots. The property is also known as Lot 5 Tract A US Survey 3556. The request is filed by Donald and Patricia Lehmann and Eric Speck. The owners of record are Donald and Patricia Lehmann and Eric Speck.

Scarcelli described the request. DNR had raised concerns regarding easement details in the preliminary plat. The trail on the plat has been adequately amended, and staff recommend approval with administrative adjustments to plat note language.

Spivey stated that he has a business relationship with the applicants, and the board permitted him to participate.

Don and Patricia Lehmann represented the request. Don Lehmann stated that he has paid 100% of utility access to the island, and he is willing to extend that to other lot owners proportional to what he paid.

Windsor/Hughey moved to APPROVE the findings 1) that the proposed minor subdivision complies with the comprehensive plan by providing for the development of additional housing options; and 2) that the minor subdivision would not be injurious to the public health, safety, and welfare.

**Motion PASSED 4-0.**

Windsor/Hughey the final plat of a minor subdivision of a portion of Whale Island, also known as Lot 5 Tract A US Survey 3556 subject to the attached conditions of approval. The request is filed by Donald and Patricia Lehmann and Eric Speck. The owners of record are Donald and Patricia Lehmann and Eric Speck.

- a. The City is a part to all easements and noted on the plat.
- b. All easements comply with the Sitka General Code.
- c. Appropriate maintenance, use, and access agreements for all platted easements be noted on the plat before final recording.
- d. Applicant shall work with municipal staff to determine appropriate plat notes.

**Motion PASSED 4-0.**

**G** Public hearing and consideration of a final plat of a minor subdivision at 1402 Sawmill Creek Road. The subdivision would reconfigure three existing lots into three proposed lots. The property is also known as a portion of US Survey 1947, a portion of US Survey 2365, and ATS 511 Tract A. The request is filed by Thomas and Danine Williamson. The owners of record are Thomas and Danine Williamson.

Pierson described the request. The applicants seek to reconfigure three existing lots into three new lots. All three new lots will have ocean access. Access and utilities have been designated on the plat. Staff recommend approval.

Tom Williamson stated that the item had been adequately explained.

Hughey/Windsor the findings 1) that the proposed minor subdivision complies with the comprehensive plan by providing for the reconfiguring existing waterfront land to create water access for one additional parcel; and 2) that the minor subdivision would not be injurious to the public health, safety, and welfare.

**Motion PASSED 4-0.**

Hughey/Windsor moved to APPROVE the final plat of a minor subdivision of 1402 Sawmill Creek Road, also known as a portion of US Survey 2365, a portion of US Survey 1947, and ATS 511 Tract A. The request is filed by Thomas and Danine Williamson. The owners of record are Thomas and Danine Williamson.

**Motion PASSED 4-0.**

**H** Public hearing and consideration of a variance request for 1415 Davidoff Street in the R-1 Single Family and Duplex Residential District. The request is for the reduction of the front setback from 20 feet to 2 feet, the reduction of the easterly side setback from 8 feet to 2 feet, and substandard lot width. The property is also known as Lot 3 of Clyde Franks Subdivision. The request is filed by Sam Smith. The owner of record is Venneberg Family Trust.

Scarcelli described the request and the history of soil wasting in the vicinity. Engineering studies have been included in the packet to address the soil wasting. Residential and undeveloped properties are adjacent. Windsor asked

if there are plans for further development of Davidoff Street. Bosak stated that there are no such plans at this time. Staff recommend postponement until a geotechnical analysis can be conducted. Hughey stated that a vacation of the street could result in a safer placement for the proposed house. Spivey asked if the vacation is feasible. Scarcelli stated that he does not want to speculate, but the applicant could pursue the process if he wishes.

Sam Smith stated that this is one of the last few undeveloped view lots in town. Smith stated that test holes have been dug. Smith stated that he is pursuing quotes for geotechnical analysis. Smith stated that he believes the geotechnical analysis is in the purview of the Building Department, and if he built within the setbacks he would not be going through the Planning Commission process. Parmelee asked about the engineer, and Smith stated that he is working with Ryan Wilson. Parmelee stated confidence in Wilson's work. Smith stated that he plans to buy the lot and build on it for himself. Hughey asked if Smith is interested in vacating the right of way, and Smith stated that he didn't believe the adjacent owner would be interested. Hughey asked about the time frame. Smith stated that he would like to develop in the spring. Smith stated that he would work on attaining the geotechnical analysis. Scarcelli stated that the Building Department will require a geotechnical analysis regardless of the variance process.

Conner Nelson stated that the landslide was not a natural slide, so he does not believe a geotechnical analysis will help.

Spivey stated that geotechnical is under Building's purview, but would help in making the variance decision. Parmelee stated his preference to approve with the condition of approval that the geotechnical analysis meets Building's requirements. Spivey asked if the commissioners believe that they have enough information to make a decision. Parmelee stated that no neighbors have submitted comments. Windsor asked if Hughey has a conflict of interest with the Sitka Community Land Trust because of the organization's property. Hughey stated that he does not believe he has a direct conflict of interest. Bosak stated that it is the board's job to consider public health, safety, and welfare.

Hughey/Parmelee moved to POSTPONE until geotechnical analysis is completed and submitted.

**Motion PASSED 4-0.**

| Public hearing and consideration of a conditional use permit request for marijuana retail at 4612 Halibut Point Road, in the C-2 general commercial and mobile home zone. The property is also known as Lot 1 of Wyatt-Cox Resubdivision #2. The request is filed by Aaron Bean for Green Leaf, Inc. The owners of record are Connor K. Nelson and Valerie L. Nelson.

Scarcelli clarified the applicant and address for the record. The commission granted a permit for marijuana cultivation at 4614 Halibut Point Road. The proposed retail would be in an under-construction structure at 4612 Halibut Point Road. The property is not within 500 feet of sensitive uses. This new industry can be expected to bring revenue to the community. Staff recommend approval. Spivey clarified if staff support approval without a parking plan. Scarcelli stated that he believes the property will have enough parking, and a plan is a condition of approval. Parmelee stated that he has not known there to

be parking issues in the vicinity.

Eric Van Cise and Conner Nelson represented the application. Nelson stated that there is a lot of parking on site. Nelson stated interest in buying some of the state right-of-way for parking in the future. Spivey stated that the packet is thorough. Parmelee asked about parking. Nelson and Scarcelli stated that parking seems to be available. Windsor asked about on-site consumption. Van Cise stated that there is a consumption area indicated on the second story with retail on the first story.

Spivey asked to clarify if parking can be a condition of approval. Scarcelli stated yes. Windsor stated that he believes it's a good idea.

Windsor/Hughey moved to APPROVE findings that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval.

**Motion PASSED 4-0.**

Windsor/Hughey moved to APPROVE the conditional use permit request filed by Green Leaf, Inc. for marijuana retail at 4612 Halibut Point Road, in the C 2 General Commercial and Mobile Home zone subject to the attached conditions of approval. The property is also known as Lot 1 of Wyatt-Cox Resubdivision #2. The owners of record are Connor K. Nelson and Valerie L. Nelson.

**Conditions of Approval:**

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal building official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfy the fire marshal or their designee and the building official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the municipality and shall comply with all standard and required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.
7. All approved conditional use permits shall comply with all of the Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.
8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where practical.
9. Odor Control shall include charcoal filters and other best means to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.
10. The proposed retail site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use

permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.

11. The applicant shall provide the Planning Commission with a report after one year of operation.

12. The Planning Commission or Planning Department shall be able to schedule a hearing to resolve any issues, impacts, or review conditions of approval related to meritorious issues connected to the Public's health, safety, and welfare.

13. Hours of Operation shall comply with the submitted application.

**Motion PASSED 4-0.**

**J**

Public hearing and consideration of a variance request for 503 Shennet Street. The request is for the reduction of the front setback from 20 feet to 5 feet and substandard parking for the construction of an accessory dwelling unit. The property is also known as Lot 3 Block A Sirstad Addition No. 2. The request is filed by Justin Olbrych. The owner of record is Jonathan Kreiss-Tomkins.

Pierson explained the request. The applicant seeks to construct a home on this undeveloped parcel. The parcel is wetlands. Shennet Street is not fully developed, and only 503 and 504 Shennet Street use this street for access. The applicant seeks a 5 foot front setback and to provide no parking on the lot. The applicant proposes to park on an undeveloped portion of the street, and intends to seek an encroachment permit from the municipal Public Works Department. The variances would help to preserve the wetlands environment by reducing required fill on the lot. Staff recommend approval.

Jonathan Kreiss-Tomkins stated that Shennet Street is 40 feet wide. The road is built toward the 504 Shennet Street side. The driveway shown in packet photos is all on the city's property. The intent is to park on the undeveloped city property rather than filling in the wetlands. Kreiss-Tomkins clarified that the structure would be approximately 30 feet from the actual street. Hughey asked if there are other access points to the BIHA property at the end of Shennet Street. Kreiss-Tomkins states that he believes there are several access points to the large parcel. Hughey asked if parking could be developed if Shennet is fully developed. Kreiss-Tomkins stated that it is possible to dump gravel in, and he is willing to take appropriate steps if any encroachment permits are revoked.

Spivey stated that he would not necessarily classify Shennet Street as a street. Spivey stated that he is typically uncomfortable with 5 foot setbacks. Scarcelli clarified that BIHA owns the large parcel. Bosak and Hughey stated that the lot has multiple access points. Hughey stated that he wishes he could see the whole plan for the property. Bosak stated that the variance could be approved apart from the conditional use permit for the accessory dwelling unit. Spivey stated that he is not convinced that a setback variance is needed.

Kreiss-Tomkins apologized for the quality of the drawings. He stated that he can kayak the property after a rain event, and the entire parcel is considered wetlands. The house will be built on piers. Kreiss-Tomkins stated that the placement with the requested variance would provide space between an existing structure to the rear. Windsor stated that it seems the structure could be rotated to be within setbacks. Kreiss-Tomkins stated that his schedule is flexible. Hughey stated that he would like to see full detailed drawings.

Windsor suggested a site visit. Parmelee stated that he wanted to see building dimensions.

Hughey/Parmelee moved to POSTPONE until more detailed plans are submitted.

**Motion PASSED 4-0.**

**K** Public hearing and consideration of a conditional use permit request for 503 Shennet Street. The request is for the construction of an accessory dwelling unit. The property is also known as Lot 3 Block A Sirstad Addition No. 2. The request is filed by Justin Olbrych. The owner of record is Jonathan Kreiss-Tomkins.

Scarcelli explained the request. Staff recommend postponement for more detailed drawings. Windsor asked how this is an accessory dwelling unit. Scarcelli stated the recommendation for the applicant to include both proposed structures in the plan.

Jonathan Kreiss-Tomkins stated that the intent is to reserve the ability to build a primary structure in the future, but he only plans to build an ADU at this time.

Windsor asked if the applicant could build a small structure now then make it an accessory dwelling unit in the future when he builds a larger house. Scarcelli stated that he could apply for an ADU conditional use permit either now or later, but he is vesting his property rights by applying now.

Windsor/Hughey moved to POSTPONE until more detailed plans are submitted.

**Motion PASSED 4-0.**

**L** Public hearing and consideration of a conditional use permit application for a short-term rental at 1307 Halibut Point Road. The property is also known as Lot 3 Block 13 US Survey 3303B. The request is filed for Joan and Chris Gianotti. The owners of record are Joan and Chris Gianotti.

Pierson described the request. The owner lives in Juneau, and seeks to rent this house as a short-term rental to allow flexibility for her to use the house when she is in Sitka. She has family in Sitka who will maintain the property. The property has direct access from Halibut Point Road. The property has a two-car carport. Staff recommend approval.

Pat Hughes represented the short-term rental request, and stated that the request has been covered.

No public comment.

Windsor stated that short-term rentals have been on nearly every agenda, and wondered if the board would discuss them. Spivey stated that a larger-scale discussion is later on this agenda. Parmelee stated that is straight-forward and the property is well set up for this.

Hughey/Windsor moved to APPROVE and adopt the required findings for conditional use permits as discussed in the staff report.

**Required Findings for Conditional Use Permits.** The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare;
  - b. Adversely affect the established character of the surrounding vicinity; nor
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. 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 and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. **Burden of Proof.** The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

**Conclusion on Findings:** The required findings of fact have been met as the conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties through the conditions of approval, by meeting all applicable SGC regulations, and by being in support of the Comprehensive Plan regarding transient housing supply.

**Motion PASSED 4-0.**

Hughey/Windsor moved to APPROVE the conditional use permit application for a short term at 1307 Halibut Point Road, in the R 1 single family and duplex residential district subject to the attached conditions of approval. The property is also known as Lot 3 Block 13 US Survey 3303B. The request is filed by Joan and Chris Gianotti. The owners of record are Joan and Chris Gianotti.

**Conditions of Approval:**

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
9. Owners shall provide renters with a brief rental overview including respecting the residential neighborhood and regarding directions and traffic circulation patterns to mitigate any potential traffic impacts.

**Motion PASSED 4-0.**

**M**

Public hearing and consideration of a conditional use permit application for a short-term rental at 227 Lakeview Drive. The property is also known as Lot 12 Lakeview Heights Subdivision. The request is filed by Julie Beall. The owner of record is Julie Beall.

**PULLED by applicant.**

**N**

Public hearing and consideration of a conditional use permit application for an accessory dwelling unit at 3201 Halibut Point Road. The property is also

known as Lot 1 Kinberg/Sturm Subdivision. The application is filed by James Sturm. The owner of record is James Sturm.

Pierson described the request for accessory dwelling unit. The existing mobile home has an approved variance for a 0 foot side setback. The proposed structure would fit within required setbacks. The required 4 parking spaces are available on-site. If approved, the structure would have to meet building requirements for permanent structures, as well as additional utility fees. Hughey clarified that dwelling units do not have to have separate rooms. Staff recommend approval.

James Sturm stated that he wants to add another dwelling unit on the lot and either rent it out or move into it himself.

Spivey stated that this is what we're trying to achieve with accessory dwelling units.

Windsor/Hughey moved to APPROVE the required findings for conditional use permits for accessory dwelling units as discussed in the staff report.

**Required Findings for Conditional Use Permits.** The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare;
  - b. Adversely affect the established character of the surrounding vicinity; nor
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. 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 and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. **Burden of Proof.** The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever

reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

**Conclusion on Findings:** That the proposed conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties; and that the required findings have been met as the proposal complies with SGC and Comprehensive Plan sections regarding ADUs and variances, and affordable housing while protecting the character of the neighborhood and the public's health, safety, and welfare.

**Motion PASSED 4-0.**

Hughey/Windsor moved to APPROVE the conditional use permit request for an accessory dwelling unit at 3201 Halibut Point Road, with the condition that all requirements from the Building Department are met. The property is also known as Lot 1 Kinberg Sturm Subdivision. The request is filed by James Sturm. The owner of record is James Sturm.

**Motion PASSED 4-0.**

**O** Public hearing and discussion of the Historic Preservation Plan draft. The request is filed by the City and Borough of Sitka Historic Preservation Commission.

Scarcelli presented a staff memo on the Historic Preservation Plan draft. Staff commend the Historic Preservation Commission on its work. Scarcelli stated that staff would like to see the Historic Preservation Plan to fall within the Comprehensive Plan process. Scarcelli stated that the cover image should not only depict the Russian Era but also cultures prior. Scarcelli stated that staff would like to see additional public outreach and outreach to Sitka Tribe of Alaska. Staff recommend that action steps are clarified.

Anne Pollnow introduced herself as Historic Preservation Plan chair. Pollnow stated that she was unaware of the staff's comments before seeing this memo.

Pollnow stated that it's inappropriate to name specific ordinances or code amendments, but just that they need to take place. Pollnow stated that they do not currently have the expertise on the board or involved public to draft ordinances or code amendments. Pollnow stated the dates listed in the plan are listed in the Alaska Heritage Resources Inventory. Pollnow stated that much of the detail is in the appendix. Pollnow stated that there are an array of photos that represent the community. Pollnow stated that the commission has attempted to engage the Tribe, and the plan has been in development in 2012. Pollnow stated that the last public survey was conducted in 2010, but that the commission hoped that the draft would receive public comment during the Comprehensive Plan process.

Spivey asked about public input. Pollnow stated that surveys were available around town, and public meetings were held. Spivey asked if outreach was done to develop a multicultural plan. Pollnow stated that the Tribe has a seat on the commission. Pollnow stated that a consultant was involved with the plan in 2010. Pollnow stated that she worked on the plan as a private consultant when she wasn't on the board. Hughey asked about proposed zoning changes as cited in the Plan. Pollnow stated interest in an overlay district, but that would involve an additional process and work with professionals. Spivey stated that he's uncomfortable with the unknowns. Pollnow stated that the current review process is very confusing and inconsistent. Pollnow stated that the municipality's status as a Certified Local Government requires a historic preservation plan. Windsor asked for an example of zoning changes. Pollnow stated that there could be a GIS overlay over areas such as Sheldon Jackson Campus so that everyone can understand that extra review may be required. Bosak clarified that this meeting is to provide comment on the plan. Spivey recommended that the Historic Preservation Commission continue to work toward public outreach and collaboration with STA. Hughey expressed appreciation for the Historic Preservation Commission's work on the plan. Scarcelli stated that historic preservation can benefit the community economically.

P

Discussion and direction on short-term rental and bed and breakfast conditional use permits.

Scarcelli explained that there are many pros and many cons to short-term rentals. Research comes down on both sides of the issue. We need to understand what short-term rentals mean for Sitka. Sitka has approximately 53 short-term rentals. Bosak suggested a quarterly report, and suggested that the commission not make decisions on the future of short-term rentals until after Aspen Hotel opens. Commissioners agreed to quarterly reports and delaying action.

Ray Stonebreaker asked how many short-term rentals we really need, as there are several hotels in town. Stonebreaker urged caution. Stonebreaker stated that he spoke to a realtor who stated that a short-term rental could negatively impact his property value. Stonebreaker stated that he could have a new neighbor every day. Stonebreaker stated that there are no sidewalks on Lakeview Drive, and kids play in the street. Stonebreaker does not want to see residential neighborhoods commercialized. Someone shouldn't make a buck at the rest of the neighborhood's expense. Stonebreaker said you can develop relationships with long-term renters but not short-term renters. Parmelee stated that short-term rentals are often short-lived. Parmelee said that his neighbors have a short-term rental and he doesn't notice people coming and going.

Parmelee said that some people are doing short-term rentals to supplement their income during this economy. Parmelee stated that perhaps the commission should consider if certain neighborhoods are less fit for short-term rentals. Spivey stated that the commission should keep an eye on how many are in individual neighborhoods. Stonebreaker thanked the commission for hearing his concerns, and stated that these decisions impact our neighborhoods. Spivey stated that the commission takes neighbor concerns very seriously. Hughey stated that neighborhood quality and long-term rental availability may be impacted. Parmelee stated that the new hotel rooms developing may discourage some future short-term rental applicants. Bosak recommended additional monitoring until the new hotel opens. Bosak recommended quarterly reporting to the Planning Commission.

**VI. PLANNING DIRECTOR'S REPORT**

Bosak reported that over 80 attended the November 8th open house. Bosak suggested the December 6th Comprehensive Plan meeting be cancelled and compiled information would be provided online. Commissioners agreed to the cancellation.

**VII. PUBLIC BUSINESS FROM THE FLOOR****VIII. ADJOURNMENT**

Windsor/Parmelee moved to ADJOURN at 10:05 PM.

Motion PASSED 4-0.

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