



CITY AND BOROUGH OF SITKA

Minutes - Draft

Planning Commission

Wednesday, August 2, 2023

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Darrell Windsor (Acting Chair), Stacy Mudry, Wendy Alderson, Katie Riley, Thor Christianson (Assembly liaison)
Excused: Chris Spivey
Staff: Amy Ainslie, Coral Crenna
Public: Ariadne Will, Crystal Denkinger (Telephonic) and Colleen Moore (Telephonic)

Acting Chair Windsor called the meeting to order at 7:02 PM.

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM 23-11](#) Approve the July 19, 2023 meeting minutes.

**M/Murdry-S/Alderson moved to approve the July 19, 2023, meeting minutes.
Motion passed 4-0 by voice vote.**

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie provided updates to the Commissioners on two items that had been previously reviewed by the commission. The community garden applicants decided to only request the land lease at the Assembly level for the community garden site at the 101 Jarvis Street location after taking into consideration the Commissioners and community members comments regarding the 601 Halibut Point Road/Osprey Street location. Ainslie identified that this item would either be on the August 22, 2023, or September 12, 2023 assembly agenda. The second update was an appeal had been filed with the Sitka Superior Court regarding the conditional use request for Youth Advocates of Sitka for a Quasi-institutional home at 3411 Halibut Point Road. No action was required for the Commission as it would be months long process. Additional City and Borough of Sitka (CBS) announcements included that spring clean up had been canceled due to work on the transfer station and was rescheduled for August 19, 2023-August 22, 2023 and that the filing period for the upcoming election was open for both the Assembly and School Board seats, deadline was Friday August 4, 2023. There was a reminder that there had been a lot of feedback about ongoing tourism issues and to encourage citizens to use the tourism feedback line so responses could be tracked and compiled, email sitkatourism@gmail.com or call 907-747-4088. Commissioner Windsor inquired if hazardous waste disposal was included for CBS clean up, Ainslie clarified that it did not include hazardous waste disposal.

VI. REPORTS**VII. THE EVENING BUSINESS****B** [CUP 23-13](#)

Public hearing and consideration of a conditional use permit for a bed and breakfast at 1101 Edgecumbe Drive in the R-1 single-family and duplex residential district. The property is also known as Lot one (1), Edgecumbe-Kruzof Subdivision. The request is filed by Crystal Denkinger. The owners of record are Family Trust of Wilhelm K. Denkinger and Carole A. Denkinger.

Ainslie introduced an application for a conditional use permit (CUP) for a Bed and Breakfast (B&B) at 1101 Edgecumbe Drive, a 5 bedroom, 3 bathroom, 4,000 square foot home. This residence was previously granted a CUP in 1992 and ran a B&B for 25 years. Applicant Crystal Denkinger, was the daughter of Carole who ran the B&B, and intended to buy the residence from the trust for her primary residence and B&B operations. Sitka General Code (SGC) limited B&B's in a R-1 district to 3 bedrooms, 3 bedrooms were identified for use in the application. With B&B's, the owner/operator remains onsite and would typically be the first person to be aware of any issues concerning noise and odors. There were no short-term rentals or B&B's in the immediate area with the closest being on Peterson Avenue and Georgeson Loop. The property had 2 parking spaces in the front of the property adjacent to Edgecumbe Drive and 1 in the rear of the property with access through an access easement. The rear parking space would be used by the applicant/operator which would eliminate a cut through scenario, with the 2 front parking spaces available for guests, this met the required 3 parking spaces. The property had 2 signs which identified the property as a B&B, SGC only allowed one, one sign would be required to be removed. There was some concern of quite hours not clearly being listed in the renter handout.

Windsor asked for clarification on a short-term rental versus a B&B. Ainslie clarified that a B&B rents out room(s) within a home occupied by the owner where a short-term rental rents out the whole home and B&B's do not allow full kitchens in guest rooms. Additional Commissioners concerns were regarding quite hours, identifying quite hours on the renter handout, expiration of prior CUP, waste management, and identifying waste management on the renter handout.

The applicant, Crystal Denkinger, identified that she intended quite hours to be similar to business hours, after 8pm quite hours, and that there was not going to be a hot tub which would limit noise outside the home. The applicant added she would be onsite to limit noise and would add quite hours to the handout. She clarified she would use the back parking space and guests are required to check in at the front of the home making it difficult to use the rear parking space. The applicant would be putting out the garbage and guests would not be responsible for garbage pick up and there would not be any fish processing at the home. She clarified that the prior permit expired when her father passed away.

Public comment from neighbor Cathy Poulson of 1103 Edgecumbe drive was read into the record which identified concerns regarding garbage, snow removal, quite hours (hot tub) since houses were in close proximity, parking and signs. Riley questioned if 8-9 guests were allowed, the possibility of needing more than 2 parking spaces for the guests. Ainslie identified that SGC was met with the provided 3 off-street parking spaces and if needed there was sufficient on street parking fronting the property on Edgecumbe Drive. Staff recommended approval.

M/Riley-S/Alderson moved to approve the conditional use permit for a bed and breakfast at 1101 Edgecumbe Drive in the R-1 single-family and duplex residential district subject to the attached conditions of approval. The property was also known as Lot one (1), Edgecumbe-Kruzof Subdivision. The request was filed by Crystal Denkinger. The owners of record were the Family Trust of Wilhelm K. Denkinger and Carole A. Denkinger. Motion passed 4-0 by voice vote.

M/Riley-S/Alderson moved to adopt and approve the required findings for conditional use permit as listed in the staff report. Motion passed 4-0 by voice vote.

C [LM 23-02](#)

Public hearing and consideration of a tidelands lease request for municipal tidelands immediately adjacent to 2309 Halibut Point Road in the R-2 MHP multifamily and mobile home district. The lot is also known as ATS 580. The request if filed by Reeves Amodio LLC on behalf of Evergreen Properties, LLC. The uplands property owner of record is Evergreen Properties, LLC.

Crenna introduced a request for a long term class III tidelands lease for CBS tidelands seaward of 2309 Halibut Point Road (HPR). The tidelands area was identified as Alaska Tidelands Survey 580 according to plat 2007-19 for approximately 1.463 acres which were about 75% filled and 25% submerged tidelands. The past, current and future use of the area was intended for a mobile/manufactured home park. The tidelands property had a sewer utility easement that was recorded in 1983 that CBS would require continued access to. The uplands owner and applicant was Evergreen Properties, LLC. The tidelands had three access points/driveways from HPR through 2309 HPR. The tidelands were originally owned by the State of Alaska and leased to Albert Schafer (Lessee) for 55 years from 1965-2020. The State transferred the tidelands and the lease to CBS in 1997. In 2021, Mr. Schafer passed away and Mrs. Schafer created Evergreen Properties, LLC. There were not anticipated changes to the usage or impacts of the tidelands. The Lessee had continued to pay lease rate, the lease was considered to be in holdover status, and the Lessee was in good standing with CBS. The applicant was the upland owner which provided an upland preference for leasing tidelands according to SGC. If the tidelands lease request was recommended by the Planning Commission, the request would be brought before the Assembly as a discussion/direction/decision item where the terms and competitive bidding would be determined. If approved by the Assembly, the tidelands lease would go back to staff to finalize the lease, including a bid if needed, an updated value, and any final negotiations with the applicant. Once finalized the tidelands lease would go back to the Assembly for final approval. Staff recommended approval.

Commissioners inquired if the Lessee could use the land for anything other than a mobile/manufactured home park or allow others to use the land, what would trigger a review by the Assembly, how CBS obtained the tidelands, and what the common lease terms were. Staff clarified that the Lessee would not be able to assign the leased area or allow others to use it without approval from the Assembly and it was not standard practice to strictly identify the usage of a leased area but it had been done in specific circumstances. The standard term of a lease was 30 years and that CBS obtained the tidelands by patent from the State in the 1990's when multiple tidelands areas were identified for transfer.

Attorney with Reeves Amodio LLC, Colleen Moore, representing Evergreen Properties, LLC, was present on behalf of the applicant and stated that for the time

being the tidelands leased property would be used for a mobile/manufactured home park and that her firm had been hired to assist Mrs. Schafer with her financial matters after Mr. Schafer had passed.

Commissioners Alderson and Riley identified the commissions preference of continued use of the tidelands lease area for a mobile/maufactured home park. Riley requested that the tidelands lease specifically identify the use as a mobile/manufactured home park and that any change to the use would trigger a review of the tidelands lease by the Assembly. She also inquired about changing the motion to add in the specified use.

M/Riley-S/Alderson moved to recommend approval of the tidelands lease request for usage as a manufactured home park for municipal tidelands seaward of 2309 Halibut Point Road. The property was also known as ATS 580. The request was filed by Reeves Amodio LLC on behalf of Evergreen Properties, LLC. The owner of record were the City and Borough of Sitka and Evergreen Properties, LLC. Motion passed 4-0 by voice vote.

VIII. ADJOURNMENT

Hearing no objections, Acting Chair Windsor adjourned the meeting at 7:44 PM.