



# CITY AND BOROUGH OF SITKA

## Minutes - Draft

### Planning Commission

*Chris Spivey, Chair*  
*Darrell Windsor, Vice Chair*  
*Randy Hughey*  
*Richard Parmelee*  
*Taylor Colvin*

---

Tuesday, January 16, 2018

7:00 PM

Harrigan Centennial Hall

---

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

Vice-Chair Windsor called the meeting to order at 7:00 PM.

Present: Windsor, Hughey, Parmelee, Colvin, Knox (Assembly Liaison)

Absent: Spivey - excused

#### II. CONSIDERATION OF THE AGENDA

Planning and Community Development Department Director Michael Scarcelli stated that items A, F, and G have been pulled from the agenda.

#### III. CONSIDERATION OF THE MINUTES

- A [PM-36](#) Approval of the December 19, 2017 meeting minutes.

#### IV. PERSONS TO BE HEARD

#### V. PLANNING DIRECTOR'S REPORT

- B [MISC 18-03](#) Director's Report - January 16

Financial disclosures are due. Staff are working to update applications with the intention of helping applicants to submit the information necessary to move their projects forward. Scarcelli gave an update on proposed schedule change. Current code is inflexible regarding meeting dates. Beginning in February, meetings will shift to the second and fourth Thursdays. A zoning code amendment to give greater flexibility to Planning Commission meeting scheduling is being considered by the Assembly on January 23.

#### VI. REPORTS

#### VII. THE EVENING BUSINESS

- C [MISC 18-04](#) Annual election of officers.

Commission unanimously elected Spivey as Chair and Windsor as Vice-Chair.

**D**     [VAR 17-16](#)

Public hearing and consideration of a variance request for 610 Biorka Street. The request is for the reduction of the rear setback from 10 feet to 5 feet for the construction of an accessory dwelling unit. The property is also known as Portion of Lot 2 Block 15 US Survey 1474. The request is filed by Adam Chinalski. The owners of record are Adam and Kris Chinalski.

Planner I Pierson described the variance request for reduction in the rear setback from 10 feet to 5 feet for the construction of an accessory dwelling unit. A single family house and carport are currently under construction on the lot. The original proposal was for a rear setback reduction from 10 feet to 8 feet and a side setback reduction from 8 feet to 5 feet, but the Electric Department determined that this proposal would interfere with existing infrastructure. The lot is substandard at 80% of the code requirement. The proposal would result in 35% building lot coverage, matching the maximum prescribed by code. Many lots and structures in this neighborhood do not meet dimensional requirements outlined in code. The comprehensive plan process has identified the need for additional affordable housing. The required parking is shown on-site. This neighborhood has drainage concerns, and conditions of approval are proposed to require that gutters are routed to the street or storm drain and that 100 square feet of landscaping is maintained. Setbacks are intended to provide privacy and access to light and air, and this must be considered. Staff recommend approval of the project.

Applicant Adam Chinalski stated that he had nothing additional to add.

No public comment.

**Hughey/Parmelee moved to adopt and approve the required findings for major structures or expansions as discussed in the staff report.**

**1. Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:**

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, here, that the lot square footage is only 80% of the minimum size requirement prescribed by code;**
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, here, the development of an accessory dwelling unit;**
- c) That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels, or public infrastructure, specifically, that the structure will be located away from the visibility of pedestrians and motorists, and the site plan avoids interference with existing municipal infrastructure; and**
- d) That the granting of such will not adversely affect the Comprehensive Plan: specifically, the variance is in line with Comprehensive Plan Section 2.4.1 which states, "To guide the orderly and efficient use of private and public land in a manner which maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations," by allowing for the construction of an accessory dwelling unit on a substandard sized residential lot.**

**Motion passed 4-0.**

**Hughey/Parmelee moved to approve the variance request for 610 Biorka Street subject to the condition of approval. The request is for the reduction in the rear setback from 10 feet to 5 feet for the construction of an accessory dwelling unit.**

The property is also known as Portion of Lot 2 Block 15 US Survey 1474. The request is filed by Adam Chinalski. The owners of record are Adam and Kris Chinalski.

**Condition of Approval:** All structures shall be guttered and routed toward the street and/or storm drains. The property shall also establish and maintain at least 100 square feet of landscaping to help capture rain water.

**Motion passed 4-0.**

**E**      [CUP 17-24](#)

Public hearing and consideration of a conditional use permit for an accessory dwelling unit at 610 Biorka Street. The property is also known as Portion of Lot 2 Block 15 US Survey 1474. The request is filed by Adam Chinalski. The owners of record are Adam and Kris Chinalski.

Pierson described the request for accessory dwelling unit, related to the previous agenda item. A conditional use permit is required because the proposal includes a variance and the unit exceeds the standard size of 800 square feet, at 960 square feet. Staff recommend approval.

Applicant Adam Chinalski stated that he had nothing to add.

No public comment.

Scarcelli stated that consideration needs to be made for factors that distinguish this case, such as the utility easement and small lot size. Staff are considering development standard amendments to result in 8 foot rear setbacks and 5 feet side setbacks. Scarcelli stated that this property is constrained by an existing prescriptive easement for utilities and the lot is 80% of the minimum lot size, so a 5 foot rear setback isn't going to become the general rule.

**Parmelee/Hughey moved to adopt and approve the required findings for conditional use permits for accessory dwelling units as discussed in the staff report: 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.**

Parmelee/Hughey moved to approve a conditional use permit request for an accessory dwelling unit at 610 Biorka Street, subject to condition of approval. The property is also known as Portion of Lot 2 Block 15 US Survey 1474. The request is filed by Adam Chinalski. The owners of record are Adam and Kris Chinalski.

**Condition of Approval:** All structures shall be guttered and routed toward the street and/or storm drains. The property shall also establish and maintain at least 100 square feet of landscaping to help capture rain water.

**Motion passed 4-0.**

**F**      **CUP 17-25**

**PULLED** - Public hearing and consideration of a conditional use permit for a marijuana cultivation facility at 202 Smith Street for RTW, LLC. The property is also known as Lot 8 Sitka Projects Subdivision. The request is filed by Ronald T. Waldron. The owner of record is RTW, LLC.

**G**     [P 17-09](#)     PULLED - Public hearing and consideration of a subdivision replat request for properties at Baranof Warm Springs. The properties are known as Lot 2 and the Southerly Portion of Lot 1, Block 7, US Survey 3291 A&B and adjacent accreted tidelands. The request is filed by James Brennan. The owners of record are James Brennen and Mark and Dawn Young.

**H**     **P 17-08**     Public hearing and consideration of a minor subdivision request to result in two lots for 218 Shotgun Alley in the SFLD Single Family Low Density Residential District. The property is also known as Lot 3 WR Resubdivision. The request is filed by Steve Reifenstuh. The owners of record are Steven Reifenstuh and Andrea Thomas.

Colvin stated that he works with the applicant but believed he could participate impartially. The commission decided by consensus to allow Colvin to participate fully.

Scarcelli described the request and areas of potential concern: lot width, utilities, access, and additional structures and uses. Neighbors have raised concerns for narrow lot width and public and/or private utilities. A single-family home currently exists on the lot. The tip of proposed Lot 2 does not meet the required 80 foot lot width, and Scarcelli discussed the unique subdivision challenges faced in Sitka related to topography. Scarcelli explained the utility plan provided by Public Works. Scarcelli showed site photos and discussed the layout of the property. Staff recommend preliminary approval subject to conditions of approval.

Steve Reifenstuh stated that he didn't realize that the width would be an issue, and stated that he didn't have anything else to add. Scarcelli asked Reifenstuh to provide detail about the use of the various structures, including the log cabin. Reifenstuh stated that the shed houses bicycles and tools. The log cabin was disassembled from Hollywood Way and reassembled onsite. Reifenstuh stated that he uses the footpath to access Lot 1, and Lot 2 will not be sold until he is dead. Reifenstuh stated that he wishes to subdivide to facilitate his construction of a log cabin on Lot 2 as a hobby activity.

**Parmelee/Colvin moved to find that:**

- a. As presented by the applicant, the preliminary plat does not meet its burden of proof as to access, lot width, utilities, and parking, but as conditioned it may meet that burden in the future.**
- b. That the proposed minor subdivision preliminary plat, as conditioned, may comply with the Comprehensive Plan Sections 2.4.19 and 2.5.7 to use the subdivision process as the primary tool to manage land and have orderly development and layout as well as adequate lot width ratios;**
- c. That the proposed minor subdivision preliminary plat, as conditioned, may comply with the subdivision code; and**
- d. That the minor subdivision preliminary plat, as conditioned, may not be injurious to the public health, safety, and welfare and further that the proposed plat notes and conditions of approval protect the harmony of use and the public's health, safety and welfare.**

**Motion passed 4-0.**

**Parmelee/Colvin moved to approve the preliminary plat (Reifenstuh Subdivision), for a minor subdivision at 218 Shotgun Alley subject to the attached conditions of approval. The property is also known as Lot 3 WR Resubdivision. The request is filed by Steve Reifenstuh. The owners of record are Steven Reifenstuh and Andrea Thomas.**

**Conditions of Approval.**

1. The final plat shall be uniquely named, flagged 10 days prior to review, shall submit in line with the requirements of 21.32, and follow the design and improvement guidelines of 21.40. Flagging would be suggested along the property line where parking would occur for Lot 1 to better ascertain if access and parking is adequate for lot 1.
  2. Topography shall be shown adjacent to Shotgun Alley frontage;
  3. The applicant shall provide information regarding all applicable structures currently occupying the land.
  4. The applicant shall provide information regarding all private and public utility connections, design proposal, and associated permits and/or agreements.
  5. Note: there may be difficulty developing utilities through Yakobi Way.
  6. All utilities, including water, sewer, and electricity shall be required to have an approved permit from the municipality; and all utility permits and design shall comply with all applicable code and design polices including, but not limited to 15.04.100, 15.04.110, 15.04.240, and 15.04.250.
  7. A utility plan shall be provided showing existing and future utility connections, service, access, and maintenance for proposed Lots 1 and 2.
  8. This subdivision development and the final plat, prior to recording, complies with all applicable Sitka General Code.
  9. Please note: Minor errors, corrections, and language of plat notes, may be approved by the Planning Director that do not substantially and materially impact the nature of the subdivision.
  10. All applicable state, federal, and tribal permits, licenses, regulations, and statutes shall be followed in subdividing this land.
- Motion passed 4-0.**

**I**      [CUP 17-27](#)

Public hearing and consideration of a conditional use permit major amendment for the expansion of a marijuana cultivation facility at 1321 Sawmill Creek Road. The current facility utilizes Units O and P, and the request would add Units L, M, and N. The property is also known as US Survey 2729. The request is filed by Northern Lights Indoor Gardens, LLC. The owner of record is Eagle Bay Inn, LLC.

Scarcelli outlined the history of the applicant's conditional use permits at this site. The proposal is to expand cultivation operations. Last year, a power outage resulted in an instance of odor concerns. The application has addressed this incident and outlines plans to prevent future issues. A waste management plan will be required. Parking is adequate in this area. The neighborhood has many uses, including a wide variety of residential and commercial uses. Proposed electric load would exceed \$100,000 per year. Scarcelli described the proposed floor plans, site plans, and HVAC system.

Mike Daly represented Northern Lights Indoor Gardens. Daly stated that they need to grow more of their own product to stay in business. Daly stated that they have paid in excess of \$51,000 in a year. Daly stated that he would like to see more industry money staying in town. Daly stated that they will at least double their staff. Currently NLIG employs 5 full-time employees and 7-9 part-time trimmers. Daly explained that trimmers will service other growers too, as growers are not always harvesting. Daly reported that another local business has drawn media and Department of Homeland Security attention, resulting in difficulty with shipping between communities. Daly stated that the local demand has exceeded expectations. Scarcelli stated that there are only two local growers currently operating.

Richard Wein stated that this operation will not be eligible for the commercial electric

incentive recently passed by the Assembly.

Windsor mentioned the letter from Kevin Barry. Scarcelli stated that he did not intend it to be part of the packet, as it was in response to a prior concern.

**Parmelee/Hughey moved to adopt the findings and analysis within the written staff report and find that the zoning code has been followed, that the comprehensive plan has been consulted, and that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval for the proposed marijuana cultivation conditional use.**

**Staff's Suggested Findings:** Staff did find the potential for adverse impacts from odor, security, and waste. However, the standard conditions of approval coupled with the additional suggested conditions of approval adequately mitigate any potential negative impacts. Specifically, with an approved odor control plan, waste management plan, fire safety plan, and a security plan it can be found that the zoning code has been followed, that the comprehensive plan has been consulted, and that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval for the proposed marijuana cultivation conditional use permit.

**Motion passed 4-0.**

**Parmelee/Hughey move to approve the expansion and amendment of an existing conditional use permit request for a marijuana cultivation facility at 1321 Sawmill Creek Road, Units L, M, N, O, and P, subject to the attached conditions of approval. The property is also known as Lot 18, Block 1321, of USS Survey 2729. The request is filed by Northern Lights Indoor Garden, LLC. The owner of record is Eagle Bay Inn, LLC.**

**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 satisfies 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 & 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 and associated municipal license or conditional use permit.**
- 7. All approved conditional use permits shall comply with all Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.**
- 8. Odor Control shall include reasonable best means that include, but are not limited to inline carbon filters within HVAC system and inline carbon filters any heat and odor exhaust systems, to limit and mitigate odor impacts to surrounding uses and industrial park employees. Should a meritorious odor complaint be received, the Planning Commission may require additional odor control measures to mitigate any actual negative impacts, such as additional advanced odor filtration systems.**
- 9. The proposed cultivation 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.

10. The permittee shall report, annually, to the planning commission on gross sales, sales tax amounts, electrical consumption, number of employees, hours of operation, complaints, police or other law or regulation enforcement activity, and summary of operations.

11. The permit is subject to review should there be a meritorious complaint, a related impact to public health safety or welfare, or violation of a condition of approval. The review may occur at the discretion of the Planning Director or by motion of the Planning Commission to address meritorious issues or complaints that may arise. During this review, based on the evidence provided, existing code and conditions of approval, the permit may be amended or revoked to address impacts to public health, safety, and welfare.

12. Prior to operation, the applicant shall provide a Security Plan that is deemed adequate by the Planning Director. Such plan should detail how the applicant's will respond to inebriated customers and other safety issues.

13. The applicant shall provide a Waste Management Plan for the disposal of waste and wastewater, excess solution, and chemical fertilizers, and other chemicals used that is deemed adequate by the Planning Director. Such plan should detail how the applicant will dispose of their waste water, waste fertilizers, and waste soil and grow mediums.

14. The applicant shall provide an Odor Control Plan that is deemed adequate by the director. Such plan should detail the odor control system, monitoring and enforcement of the control plan, and what steps will be taken to avoid an impact and to address an impact.

15. Note: all conditions above replace all prior conditions. Only these conditions will be valid from this point forward.

Motion passed 4-0.

## **J**      [CUP 17-26](#)

Public hearing and consideration of nonconforming use permit request for the relocation of a religious facility structure on property that has historically been utilized as a religious facility at 517 and 519 Monastery Street. The property is also known as Lots 12 and 13 Block 3 Sirstad Addition No. 1. The request is filed by Sitka, Alaska, Congregation of Jehovah's Witnesses. The owner of record is Sitka, Alaska, Congregation of Jehovah's Witnesses.

Scarcelli described the request to replace the existing structure with a new structure. The use is a non-conforming use. A church is currently conditional uses in the R-2 zone. Churches are allowed reasonable expansion, and in this instance, the footprint is actually shrinking. Concern has been raised for parking between the church and the dental clinic, but the church owns the property and is able to use the property as it wishes. Scarcelli showed current and proposed site plan. The existing structure currently straddles the lot line between the two lots. The proposed structure will be on one lot with parking primarily located on the other lot.

Zach Porter stated that he is in agreement with the conditions of approval.

Windsor spoke in favor of the project.

**Hughey/Parmelee moved to adopt the attached Factual Findings of 22.30.150.A.6 that all applicable code and evidence has been reviewed and the proposal as conditioned and presented complies with code, the Comprehensive Plan, and does not materially impact adjacent neighbors, the neighborhood or the Public's health safety or welfare.**

**Required Findings for Nonconforming Use Permits.** The city shall grant a nonconforming use permit if documentary evidence is provided by the applicant to support the planning commission's findings that:

- a. Granting a nonconforming use permit is necessary to adapt the nonconforming use and associated structures to changes in technology, merchandising, or other generally recognized trends which affect the utility of structures or the applicant's ability to compete (In this case, the congregation is downsizing and the existing facility no longer meets their needs. Whereas, the proposed facility will not only meet the congregation's needs better, it will also reduce the intensity of use of the site, which will also benefit the neighborhood).
- b. Granting a nonconforming use permit will not introduce any (additional) hazards or interfere with the potential development of nearby properties in accordance with present zoning regulations (No new hazards will be introduced, and any existing impacts will be reduced and/or mitigated through conditions of approval including decreased size, use, and increased parking and buffers);
- c. The nonconforming use and associated structures will comply with the requirements of Section 22.24.050(B) (In this case the proposal is in line with these sections and these will also be conditions of approval – note; staff belief the reference to 22.24.050(B) reflected the intent to comply with the broader section 22.24.050, which this does).
- d. The applicant's proposal will result in improvements in functionality or safety, or in exterior appearance, screening, access and other features which will make the use or structure more compatible with allowed uses (In this case, the proposed structure will be a new modular structure built to existing safety standards and building code, it will have increased efficiencies, increased parking per area of structure, increased buffers on one side of the building, a larger improved and more efficient parking arrangement, and less impervious surface that will reduce drainage impacts); and
- e. Granting a nonconforming use permit will not detract from the intent of the comprehensive plan and any implementing regulation (In this case, the proposal is an allowable nonconforming replacement of a structure and use on a less intensive scale, and it has followed a public process to address impacts of the adjacent surrounding neighborhood, and this has recognized the diverse religious uses of the community and also respected the resolution of conflicts between uses, and considered the impacts to adjacent residential uses and mitigated them through conditions of approval and existing code restrictions, while encouraging rehabilitation and harmony of use through conditions of approval – See current Comprehensive Plan sections 2.12.1, 2.4.4, 2.4.21, and 2.5.3 for detailed guidance.)

Motion passed 4-0.

Hughey/Parmelee moved to approve, subject to the attached conditions of approval, a nonconforming use permit for the replacement and relocation of a religious facility on two properties that have historically been used as a religious facility at 517 and 519 Monastery Street. The property is also known as Lots 12 and 13 of Block 3 of the Subdivision Sirstad Addition No. 1. The request is filed by the owner: "Sitka, Alaska, Congregation of Jehovah's Witnesses."

**Conditions of Approval:**

- i. Neither lot shall be sold independent of the other unless the nonconforming use permit is abandoned and the religious use discontinued under this permit approval. In other words, ownership of the lot supporting the structure and the lot supporting the parking area shall remain in common ownership to keep the



nonconforming use permit valid and effective.

ii. Both the use of the structure and the use of the parking lot shall comply with the intended use of this request and shall be an integrated single use. The change of use to one lot would change the use of the other lot. In other words, shall the use of one lot cease or change in a material way, it may alter, void, or extinguish the nonconforming use permit.

iii. The parking lot that is shown to be located on 519 Monastery Street and partially on the lot of 517 Monastery Street and the religious facility structure that is shown to be located entirely on 519 Monastery Street shall remain as presented to act as a single use and lot that is indivisible, unless the nonconforming permit use is abandoned or altered according to code.

iv. The building structure shall be served by no less than 19 parking spaces, one of which shall be ADA accessible. Reasonable maintenance of the parking area shall occur as needed.

v. Should meritorious complaints regarding parking impacts or other material impacts to the public health safety or welfare arise such as noise or odor or trash, the Planning Director or the Planning Commission, may schedule a hearing to address those concerns and if found meritorious may make changes to the nonconforming use permit, including extinguishing it.

vi. The building shall follow all building and safety conditions and applicable codes and regulations. A certificate of approval of occupancy shall be granted by the local Building Official prior to occupancy of the new structure.

vii. A utility permit application and associated service connection fees (for water and sewer) are required for the new structure per Sitka General Code subsections 15.04.100, 15.04.110, 15.04.240, and 15.04.250.

viii. The applicant must secure any additional utility permits for electrical service including upgrading any required connections and services, which may require additional easement agreements between the local utility and the lot owner.

ix. The facility shall have a trash disposal plan that includes a location of receptacles that is bear resistant (or bear resistant receptacles) and scheduled trash pick-up.

x. The sign shall be approved by a subsequent building permit process for the footing and a planning review of the sign area and location. Currently, the code limits such signs to no more than 20 square feet and must be 5 feet back from the property line and any aisle for vehicular or pedestrian access.

xi. All structures shall have roof drainage guttered and piped away from adjacent properties towards Monastery Street and/or the front of the parking lot.

b. The following are current code restrictions or prohibitions upon non-conforming uses:

i. No such nonconforming uses of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the date of the adoption of the ordinance codified in this title.

ii. No such nonconforming uses of land shall be moved, in whole or part, to any portion of land or lot or parcel other than that occupied on the date of the adoption of the ordinance codified in this title.

iii. If, for any reason whatsoever, the nonconforming use of land ceases for a period of twelve consecutive months or one year, any subsequent use of the land shall conform to the regulations specified in this title for the district in which the land is located.

iv. No additional structures not conforming to the requirements of this title shall be erected in connection with such a nonconforming use of land.

Motion passed 4-0.

**K**     [CUP 18-01](#)

Public hearing and consideration of a conditional use permit request for a short-term rental at 1960 Halibut Point Road. The property is also known as Lot 3 Chapman Subdivision. The request is filed by Richard Wichman. The owners of record are Richard and Marie Wichman.

Pierson described the request for short-term rental of one unit in a duplex. The proposed 3 bedroom 1 bathroom rental unit is on the first floor, along with a one-car garage. The owners live in a unit on the second story. Pierson noted that access is via a narrow unmarked private drive, and that the applicant has proposed small signage and submitted a detailed direction sheet to help renters find the unit. Pierson noted that there is a boatport encroaching across the side property line, but the neighbor has provided signed authorization for the temporary structure. Parking is partially in the private drive, and the applicant provided photos to clarify the parking situation. The property has side and front setback variances due to steep rear topography. Short-term rentals provide economic opportunity for property owners. Staff recommend that the commission weigh the pros and cons of this request.

Richard Wichman represented the request. Wichman outlined the agreement with his neighbor regarding the boatport. Wichman stated that guest parking spaces will be labeled. Wichman showed a photo of three cars parked out front and stated that all three are located on the property.

Windsor stated that the boatport is a temporary tarp structure. Knox stated that he didn't see public notice addresses in the packet. Scarcelli stated that these addresses are kept in the hard file for viewing if desired, but staff are attempting to reduce non-germane items in the packet.

**Colvin/Hughey moved to find that:**

- 1. ...The granting of the proposed conditional use permit will not:**
  - a. Be detrimental to the public health, safety, and general welfare specifically, that access, traffic, and bear concerns shall be mitigated through provision of a detailed rental overview;**
  - b. Adversely affect the established character of the surrounding vicinity specifically, that the unit is already operational as a long-term rental unit, and on-site owners can monitor for noise concerns; 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, specifically, that the property is required to comply with requirements for utilities and parking.**
- 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, specifically, conforms to Comprehensive Plan Section 2.6.2(K) which supports the development of short-term housing that does not negatively impact residential neighborhoods by permitting a new short-term rental with on-site owners who can monitor for concerns;**
- 3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically, that a rental overview will outline proper procedures for renters at the outset of the trip, and the Planning Commission shall review the permit upon receipt of meritorious complaint.**

**Motion passed 4-0.**

Colvin/Hughey moved to approve the conditional use permit application for a short term rental at 1960 Halibut Point Road subject to the attached conditions of approval. The property is also known as Lot 3 Chapman Subdivision. The

request is filed by Richard Wichman. The owners of record are Marie and Richard Wichman.

**Conditions of Approval:**

1. Contingent upon a completed satisfactory life safety inspection.
  2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
  3. 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, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.
  4. 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 upon receipt of meritorious complaint or evidence of violation of conditions of approval.
  5. 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.
  6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
  7. To mitigate against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.
  8. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site, and further that should on-street parking occur at any time, the conditional use permit shall be revoked.
  9. Any signs must comply with Sitka General Code 22.20.090.
  10. A detailed rental overview shall be provided to renters detailing directions to the unit, appropriate access, parking, trash management, noise control, and a general admonition to respect the surrounding residential neighborhood.
  11. Because of the reduced setback and since the rental unit is located on the northwesterly side of the property, foliage or fence buffering along the property line with 1972 Halibut Point Road shall remain in place for the duration of the conditional use permit.
  12. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.
  13. The carport encroaching on 1952 Halibut Point Road shall be removed upon the request of the owner of 1952 HPR or upon sale of either property. Costs will be borne by the owner of 1960 HPR.
  13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
- Motion passed 4-0.**

**L**      [CUP 18-03](#)

Public hearing and consideration of a conditional use permit for the short-term rental of two units in a three unit residential structure at 106 Finn Alley. The property also known as a tract of land in Lot 20, Block 13, US Survey 1474. The request is filed by Brendan Jones and Rachel DiNardo. The owners of record are Brendan Jones and Rachel DiNardo.

Staff passed out public comment. Scarcelli stated that staff are exploring requiring

written comment by a certain deadline in order to be included on the record.

BREAK 8:20-8:27 PM

Pierson described the request. The applicants live in one unit and wish to rent out the other two. All three units are connected internally by hallways and the basement. Both proposed rental units are two bedrooms and one bath apiece. Possible impacts include noise, trash, and traffic. Finn Alley and Barlow Street are narrow one-way streets, but are clearly marked at their intersections with Lincoln Street. Because of this location, many renters may forego car rentals. Sufficient parking exists onsite. The triplex is non-conforming in the R-1 zone. The proposal removes two long-term rentals from the market, possibly impacting long-term rental rates for the community. The owners live on-site, and a renter information guide has been submitted. Scarcelli outlined the applicants' history of short-term rentals with the boat, Adak. Scarcelli urged commissioners to determine which neighbor concerns are germane to the request and which are not. Windsor asked when nonconforming uses can be brought into conformity. Scarcelli stated that the conditional use permit process is an opportunity for addressing non-conformities. Scarcelli stated that there are many non-conformities in Sitka.

Rachel DiNardo Jones and Brendan Jones represented their request. R. Jones stated that this is their long-term home, and rental income makes it affordable. R. Jones stated that internal doors can be opened when family visit, but the internal doors aren't conducive to long-term rentals. R. Jones discussed their rental on the Adak, and stated that short-term rentals are funding renovations. R. Jones stated that money coming in is going to local businesses providing renovation services. R. Jones stated that their experience has been that 1 in 5 of their renters rent cars, which would result in less traffic than long-term renters. R. Jones is considering limiting cars for short-term renters to 1 car per unit. Scarcelli asked if the Joneses have seen rental groups renting more than one car, and they stated no. B. Jones stated that they are also concerned for neighborhood fabric and traffic, as they are raising their kids at the property. Windsor asked if they would consider reducing the proposal to one short-term rental. B. Jones stated that two short-term rentals are important to making their plan work, and they eventually would like to have the entire unit to themselves.

Mike Trainor lives at 105 Barlow Street, and welcomed the Joneses to the neighborhood. Trainor stated that the property has historically been quiet, and he's concerned for noise generated by festive vacationers. Trainor stated that the streets are one-way, but his primary concern is for noise.

Phillip Wyman welcomed the Joneses to the neighborhood. Wyman stated that nearby Kingfisher Charters generates traffic and noise, and he does not want to see a precedent set by approving more vacation rentals. Wyman stated that the city hasn't granted a permit to correct the triplex. Wyman does not support the commercial use of the property. Wyman wants a condition of approval included to require that the owners live on-site.

B. Jones stated that he understands the concerns with Kingfisher and is committed to maintaining neighborhood harmony.

Pierson cited five emails submitted by Jaye Forst, Amy Johnson, Rebecca Poulson, Ron Lessard, and Stan Johnson as having concerns for noise, traffic, and neighborhood character.

Scarcelli recommended postponing the decision to clearly grant a non-conforming use permit for the triplex. Hughey stated agreement with a condition of approval requiring owner occupation.

R. Jones clarified that duplexes are permitted in the zone, and Scarcelli stated that they are. R. Jones discussed internal connection. Scarcelli stated that he now views the property as a duplex as long as there is internal connection.

Parmelee stated concern for the cost of housing, and this proposal makes the home affordable for the owners. Parmelee stated his experience that short-term rentals in his neighborhood result in less traffic and noise than long-term rentals. Parmelee stated that he does not anticipate much impact on traffic. Parmelee discussed the idea of a review period. Hughey stated agreement with Parmelee's sentiments, and stated that a short-term rental in his neighborhood has had negligible impacts. Windsor asked about the difference between bed and breakfast operations and short-term rentals. Scarcelli explained the difference. Colvin stated that this is a great proposal and it's what Sitka needs. Colvin doesn't see how many of the neighbors' concerns are tied to the proposal, as the neighborhood is already busy due to its nature. Knox stated interest in seeing short-term rental density maps. Knox stated that the commission should consider the loss of long-term rental units. Scarcelli stated that it would be helpful to have permits for all short-term rental long-term rentals in order to better track units, and this should be a future project. Pierson stated that there are no short-term rentals on Finn Alley or nearby on Lincoln Street.

Richard Wein stated interest in making a public comment between the motion for findings and motion for approval. Wein stated confusion that internal egress makes the property a duplex, and stated concern that other entities will use this tactic as a workaround. Windsor stated that we're setting precedence and Wein agreed. Wein stated that Scarcelli is a trained attorney and he surely knows about splitting hairs. Parmelee stated that the door has historically been there and hasn't been used as a workaround. Scarcelli stated that in this case, staff needs to address these issues in the public notice and staff report, and clarified that he is not a licensed attorney. Scarcelli stated that we need to have some flexibility with the unique properties we find in Sitka.

**Hughey/Parmelee moved to adopt and approve the required findings for conditional use permits as discussed in the staff report.**

- 1. ...The granting of the proposed conditional use permit will not:**
  - a. Be detrimental to the public health, safety, and general welfare specifically, the property provides the required parking spaces and garbage will be managed so as not to create bear concerns;**
  - b. Adversely affect the established character of the surrounding vicinity specifically, onsite owners can monitor for concerns; 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, specifically, the property is required to meet municipal requirements for utilities, garbage collection, and provision of appropriate parking;**
- 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, specifically, conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting "economic activities which contribute to a stable, long-term, local economic base" by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports "development of facilities to accommodate visitors" that do not negatively impact surrounding residential**

neighborhoods, by operating a short-term rental with requirements to mitigate concerns for traffic, odors, and noise;

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically, that on-site owners can monitor for concerns and the provision of a detailed rental overview can address potential areas of concern as soon as the tenant arrives to the property.

Motion passed 4-0.

Hughey/Parmelee moved to approve the conditional use permit application for a two-unit short term rental in a duplex at 106 Finn Alley subject to the attached conditions of approval. The property is also known as a Tract of Land in Lot 20 Block 13 US Survey 1474. The request is filed by Brendan and Rachel Jones. The owners of record are Brendan Jones and Rachel DiNardo.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
3. 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, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.
4. 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 upon receipt of meritorious complaint or evidence of violation of conditions of approval.
5. 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.
6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
7. To mitigate against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.
8. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site, and further that should on-street parking occur at any time, the conditional use permit shall be revoked.
9. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.
10. Any signs must comply with Sitka General Code 22.20.090.
11. A detailed rental overview shall be provided to renters detailing appropriate access, parking, trash management, noise control, and a general admonition to respect the surrounding residential neighborhood.
12. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
13. The property shall be owner-occupied while the conditional use permit is active.
14. A review shall be held at the end of summer 2018 to address any meritorious concerns.

**Motion passed 4-0.****M      ZA 18-01**

Discussion and direction regarding a zoning text amendment to alter parking requirements.

Scarcelli gave an update on internal parking taskforce discussions. The purpose of this discussion is to gather input. Scarcelli shared about the 1996 parking plan developed by National Park Service. Scarcelli outlined options to move forward, including conducting parking surveys, altering parking requirements for residential and commercial uses, and improving parking enforcement. Hughey proposed allowing zero residential parking spaces when owners and/or renters prove that no cars are owned and no parking is needed. Scarcelli stated that enforcement is currently hampered by a backlogged impound lot. Scarcelli stated disinterest in adding a parking structure and lots of signs and/or meters. Windsor stated that bus zones take up a lot of parking, and perhaps this could be reduced. Hughey doesn't believe there's a parking problem, and has only had issues parking at the Performing Arts Center for large events. Windsor stated that he experiences parking issues when responding to service calls downtown. Parmelee stated that Crescent Harbor parking lot can be difficult during the summer. Scarcelli suggested that The Ride be moved from the Crescent Harbor parking lot to the street. Scarcelli discussed establishing parking permits for business and island parking at Crescent Harbor. Parmelee stated that buses are at Crescent Harbor because businesses across the street complained of exhaust going into their businesses. Windsor stated concerns for impacts of Crescent Harbor parking lots on nearby residential properties.

Richard Wein stated that Aspen Hotel wasn't required to construct parking, so renters may use the Crescent Harbor lot. Wein stated that non-striping allows for easier parking, as many people have big trucks. Wein stated that there used to be parking enforcement and it was difficult. Wein stated that the plan cited by Scarcelli recommended cobblestoning Lincoln Street. Wein stated that parking is going to be an issue because of Sitka's constraints. Windsor stated that he has been shocked at the lack of cars at Aspen Hotel.

**VIII.    ADJOURNMENT**

**Windsor adjourned at 9:37 PM.**

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