



CITY AND BOROUGH OF SITKA

Minutes - Draft

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Randy Hughey
Taylor Colvin
Victor Weaver

Wednesday, December 19, 2018

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (Chair), Darrell Windsor (Vice Chair), Randy Hughey, Victor Weaver
Absent: Taylor Colvin, Kevin Knox (Assembly liaison), Aaron Bean (alternate Assembly liaison)
Staff: Maegan Bosak - Community Affairs Director, Lauren Moore - Interim Planning Director
Public: Michael Finn, Jessica Clark, Isaac Clark, Charlene Peterson, Rock Peterson, Trevor Harang, Richard Wein, Shannon Haugland, Mike Venneberg, Jim Michener

Chair Spivey called the meeting to order at 6:59 PM.

II. CONSIDERATION OF THE AGENDA

Chair Spivey stated that item F had been pulled from the agenda.

III. CONSIDERATION OF THE MINUTES

A PM-56 Approve the December 5, 2018 minutes

The motion to approve the December 5, 2018 minutes passed 4-0.

IV. PERSONS TO BE HEARD

No persons came forward to provide comment on items not on the agenda.

V. PLANNING DIRECTOR'S REPORT

B MISC 18-28 Planning Director's report - December 19, 2018

Moore welcomed new Commission member Victor Weaver to his first meeting and gave the following announcements: that it was her last meeting before the end of her contract with Sitka on 12/21; that Amy Ainslie would begin work as Planner I on January 7, 2019; that the next Planning Commission meeting would be held on January 16, 2019; and that the annual report on short-term rentals would be expected to be delivered to the Planning Commission at their meeting on February 6, 2019.

Chair Spivey and Bosak confirmed that Ainslie would serve as Planner I, not Planning Director.

No action taken.

VI. REPORTS

VII. THE EVENING BUSINESS

- C CUP 18-28** Public hearing and consideration of a conditional use permit for a short-term rental at 116 Knutson Drive in the R-2 multifamily residential district. The property is also known as Lot 17A Knutson Subdivision Phase III Lot Line Adjustment. The request is filed by Michael Finn. The owners of record are Michael and Elizabeth Finn.

Moore delivered the staff report recommending approval, which had been carried over from the April 26, 2018 Planning Commission meeting at which the proposal was first heard. Because the voting members never reconvened to make findings of fact, the 2-1 denial of the conditional use permit did not take effect. The proposal would be heard at this meeting on December 19 so that a final decision could be made. The staff report discussed potential impacts to traffic, public safety, noise, and odor, and how they would be mitigated by the recommended conditions.

Chair Spivey asked if Planning staff knew who lived at the adjacent property on 114 Knutson Drive, and Bosak responded that they had received public notice prior to the hearing. Chair Spivey stated a concern about the traffic issues associated with the proposal and called the applicant forward.

Finn stated that Ann Griswold lived at the property in question. Chair Spivey asked him to describe his plan for the property. Finn responded that he intended to capture the untapped market for short-term rentals with the capacity to host large groups in the summer season. The rental would be professionally managed by Sitka Travels. Additionally, Finn stated that he had met the requirements put forth by the City.

Chair Spivey and Weaver asked if the rental would hold multiple groups of up to 12 people or single large groups at a time. Finn responded that it would be the latter case and that a group smaller than 12 could rent the property if they desired. Vice Chair Windsor asked where Finn would be while the house was rented, and he replied that he would be nearby in one of his properties in town. Finn added that it would take about one year to prepare for booking guests. With no other questions for the applicant, he stepped down and the floor was opened to public comment.

Mike Venneberg of 125 Knutson Drive stated that he had testified at the April meeting and was mostly concerned about noise in a quiet neighborhood, preferring smaller short-term rentals although he appreciated that the Comprehensive Plan provides for homeowners to participate in the tourism economy. Venneberg stated that he assumed groups of charter fishermen would rent the property and voiced concerns about noise impacts, with a preference for quiet hours to restrict outdoor parties after, say, 9 PM.

Jim Michener of 105 Knutson Drive came forward and echoed Venneberg's statement. He stated that the size of the rental and increased traffic would not be compatible with

the neighborhood covenants, though he understood that such covenants cannot be enforced by the City. Michener stated that he had brought up garbage issues in the past and still had some concerns about it, hoping to see proactive measures to address that impact. Like Venneberg, Michener was more supportive of a 4 to 6-guest rental than a 12-guest rental.

Chair Spivey asked staff if covenants were discussed in the staff report. Moore responded that the Background section stated the Municipal Attorney's judgment that the City could not enforce private covenants. Expressing reservations about the rental's capacity, Hughey asked if there was a limit on the number of guests renting a short-term rental. Moore and Bosak confirmed that there was no limit, hence the conditional use permit process. Theoretically, even more guests could rent an STR, though Finn's proposal was the largest that Bosak had reviewed during her tenure.

Hughey stated that the garbage impacts could be mitigated and the applicant's enclosure plan appeared reasonable, but noise may be problematic. Chair Spivey noted that excessive noise would be grounds to revoke the permit, per the recommended conditions of approval. Vice Chair Windsor questioned whether there would be a significant difference in noise from a group of 6 versus 12, and stated that he did not want to make a blanket statement about charter fishermen as transient guests.

Weaver stated that the City may want to consider imposing a cap on the number of STR guests in the future. Bosak stated that, outside the conditional use permit process, the only limit on the number of guests is the fire code.

Next, the Commission discussed the timeline of approval and review. Given that the applicant anticipated a year-long delay in commencing operations, Chair Spivey asked if the permit would remain valid at that point. Bosak stated that the initiation and termination table in the Sitka General Code describes how the Planning Commission can set a timeline for a one-year period during which the rental must operate for at least one night, after which point review can begin. Vice Chair Windsor asked whether the 6-month review occurred every six months or just once, and Bosak responded that it was the latter. The default review period renews annually, although the Planning Commission may add further conditions to shorten the review period or reopen the case for review following a meritorious complaint.

Chair Spivey affirmed that the burden is on the applicant to ensure that impacts are mitigated so that the permit is not revoked, and that the STR would be the first of its kind in terms of capacity. Hughey stated that if the review period were to occur after the first summer of operations, that could potentially be as late as October 2020. Bosak stated that annual review is preferable for administrative purposes and for the benefit of the applicant and the neighborhood.

Vice Chair Windsor moved to approve the conditional use permit for a short-term rental at 116 Knutson Drive in the R-2 multifamily residential district. The property is also known as Lot 17A Knutson Subdivision Phase III Lot Line Adjustment. The request is filed by Michael Finn. The owners of record are Michael and Elizabeth Finn. Weaver seconded the motion. The motion passed 3-1.

Vice Chair Windsor moved to approve and adopt the required findings. Weaver seconded the motion. The motion passed 3-1.

D VAR 18-15

Public hearing and consideration of a zoning variance for a handrail on a permissible deck at 220C Lakeview Drive in the R-1 single-family and duplex residential district. The property is also known as Lot 2 Lakeview Glen Subdivision. The request is filed by Randy and Carol Hughey. The owners of record are Randy and Carol Hughey.

As the applicant, Hughey recused himself. Moore delivered the staff report, explaining that the required deck handrail would put the structure over the 30-inch height maximum and require a setback variance. Given that the Swan Lake Area Meriting Special Attention imposes constraints on the property's developable land and impacts to public safety and the general welfare are expected to be negligible, Moore recommended approval of the variance.

Chair Spivey asked staff if the administrative variance process applied. Bosak responded that it could be done for a subtraction of two feet from the minimum setback, and did not apply in this case for which the side setback would be reduced from 8 feet to 3 feet. Hughey was called forward and had nothing to add. No questions were asked of him, and there was no public comment.

Vice Chair Windsor moved to approve the zoning variance to reduce the side setback from 8 feet to 3 feet for the construction of a deck with a handrail extending from the cottage at 220 Lakeview Drive in the R-1 district. The property is also known as Lot 2 Lakeview Glen Subdivision. The request is filed by Randy and Carol Hughey. The owners of record are Randy and Carol Hughey. Weaver seconded the motion. The motion passed 3-0.

Vice Chair Windsor moved to approve and adopt the required findings. Weaver seconded the motion. The motion passed 3-0.

E CUP 18-32

Public hearing and consideration of a conditional use permit for a short-term rental at 454 Katlian Avenue in the R-1 single-family and duplex residential district. The property is also known as Lot 106, Baranof Island Housing Authority Subdivision No. 2. The request is filed by Isaac and Jessica Clark. The owners of record are Isaac and Jessica Clark.

Moore delivered the staff report, recommending approval on the basis that any negative impacts resulting from the proposed short-term rental could be adequately mitigated, monitored, and enforced. The Commission had no questions for staff and called the applicants forward. Chair Spivey asked them to elaborate on their plans for the proposal. Jessica Clark stated that they hoped to open the rental to up to eight guests and clarified that it was a 4-bedroom home, not 2-bedroom as Moore had inaccurately stated. The Clarks intend to participate in the tourism industry in accordance with the Comprehensive Plan and were considering hiring professional property management, currently in the interview stage.

Chair Spivey asked if they would remain nearby, and the applicants responded that they would be in town whenever guests were hosted. Vice Chair Windsor asked if the property was their primary residence, and they responded that it is. The applicants were excused.

Moore read for the record a letter that had been received by the Planning Department after the packet had been sent to the Commission. As Chairwoman of the Sitka Tribe of Alaska, KathyHope Erickson stated the STA's opposition to the proposal for two

reasons. First, the increase in vehicular and foot traffic in a dense neighborhood may adversely affect tribal members living and working nearby. Second, there is the risk that short-term rentals displace long-term renters. There was no other public comment.

In discussing traffic impacts, Vice Chair Windsor stated that the road is clearly marked and easy for visitors to access, minimizing harm to the neighborhood. Chair Spivey added that there is sufficient space to turn around, and the property owners will be in town to monitor the rental. Hughey stated that Erickson's letter expresses a common perspective on the adverse impact of short-term rentals in general, but that this proposal in particular would not cause significant harm, adding that the Commission would wait to receive the annual report on short-term rentals before using their global impact to deny individual cases. Weaver noted that the applicants' intent to one day turn the STR into a long-term rental should be considered.

Vice Chair Windsor moved to approve the conditional use permit for a short-term rental at 454 Katlian Avenue in the R-1 zoning district, subject to the attached conditions of approval. The property is also known as Lot 106, Baranof Island Housing Authority Subdivision No. 2. The request is filed by Isaac and Jessica Clark. The owners of record are Isaac and Jessica Clark. Hughey seconded the motion. The motion passed 4-0.

Vice Chair Windsor moved to approve and adopt the required findings. Hughey seconded the motion. The motion passed 4-0.

F VAR 18-16

Public hearing and consideration of three platting variances for a subdivision at 213 and 215 Shotgun Alley in the SFLD single-family low-density residential district. The requests are to consolidate parking on a single lot, to reduce the width of one lot, and to reduce the side setback of one lot from 15 feet to 7.5 feet for the placement of a cabin. The property is also known as Lots 1A and 2A, Johnstone Subdivision. The request is filed by Lisa Busch and David Lubin. The owners of record are Lisa Busch and David Lubin.

This item was pulled from the agenda.

G VAR 18-17

Public hearing and consideration of a zoning variance to reduce the front setback from 20' to 10' for a new deck cover at 105 Herb Didrickson Street in the R-2 MHP multifamily and mobile home district. The property is also known as Lot 19, Kaasda Heen Shaak Subdivision. The request is filed by Rock and Charlene Peterson. The owners of record are Rock and Charlene Peterson.

Moore delivered the staff report and recommended approval on the basis of neighborhood precedent for similar variances to accomplish similar ends (a reduction in the front setback for the construction of a covered entry). Adverse impacts were expected to be negligible.

The Commission had no questions for staff and called the applicants forward. The Petersons had no further information to add. With no questions for them and no public comment, the matter returned to the Commission for discussion.

Chair Spivey stated that he was usually reluctant to approve of reductions to the front setback, but that this proposal made sense within the neighborhood context.

Hughey moved to approve the variance request for 105 Herb Didrickson Street in the R-2 MHP multifamily and mobile home district. The request is for the reduction in the front setback from 20 feet to 10 feet for the construction of a covered deck. The property is also known as Lot 19 Kaasda Heen Shaak Subdivision. The request is filed by Rock and Charlene Peterson. The owners of record are Rock and Charlene Peterson. Vice Chair Windsor seconded the motion. The motion passed 4-0.

Hughey moved to approve and adopt the required findings. Vice Chair Windsor seconded the motion. The motion passed 4-0.

H LM 18-02

Public hearing and consideration of a request for a tidelands lease to expand barge mooring services of Alaska Marine Lines at Halibut Point Road. The property is also known as Lease Parcel D within Tract A of ATS No. 1559. The request is filed by Rod DeWalt. The owner of record is 4607 Halibut Point Road, Sitka, LLC.

Moore delivered the staff report, explaining that the Commission's role would be to advise the Assembly on land use compatibility issues and potential mitigation (i.e., the Planning Commission could not approve or deny the lease request, only recommend approval or denial to the Assembly). Given that land use is not anticipated to change, and the impacts to the commercial and industrial neighborhood would be negligible, Moore voiced staff support for Assembly approval.

The applicant's representative, Trevor Harang, was called forward. There were no questions from the Commission. For public comment, Richard Wein stated his approval of the tidelands lease request.

Hughey moved to recommend approval of the tidelands lease to the City Assembly. The request would lease Parcel D of Tract A at 4607 Halibut Point Road to expand barge mooring services. The property is also known as ATS 1559. The request is filed by Rod DeWalt. The owner of record is 4607 Halibut Point Road, Sitka, LLC. Vice Chair Windsor seconded the motion. The motion passed 4-0.

VIII. ADJOURNMENT

Chair Spivey moved to adjourn at 8:00 PM.