



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

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

Tuesday, April 18, 2017

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

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

Present: Spivey, Windsor, Pohlman, Hughey, Parmelee

Absent: Knox (Assembly Liaison) - excused

II. CONSIDERATION OF THE AGENDA

Spivey noted that item L was pulled from the agenda.

III. CONSIDERATION OF THE MINUTES

- A [PM-24](#) Approval of the April 4, 2017 meeting minutes.

Pohlman/Parmelee moved to APPROVE the April 4, 2017 meeting minutes.

Motion PASSED 5-0.

IV. PERSONS TO BE HEARD

No public comment.

V. PLANNING DIRECTOR'S REPORT

- B [MISC 17-13](#) Director's Report - April 18, 2017.

Scarcelli drew attention to the attachments, an economic trends newsletter and county health rankings. Scarcelli stated that Smart Growth America applauded the draft housing chapter of the comprehensive plan. Scarcelli stated that the clerk's office held a recent commissioner training, and future director's reports will include some training components.

VI. REPORTS

- C [16-00](#) Planning Regulations and Procedures.
- D [CUP 14-10](#) Annual report submitted by Corrie Bosman for a bed and breakfast at 629 Degroff Street. No action required.
- No discussion.**

VII. THE EVENING BUSINESS

- E [VAR 17-07](#) Approval of findings of fact for a variance request for 205 Crabapple Drive. The request is for the reduction of the front setback from 20 feet to 10 feet for the construction of a carport. The property is also known as Lot 23 Lakeview Heights Subdivision. The request is filed by Aaron and Emily Routon. The owners of record are Aaron and Emily Routon.
- Pierson gave a brief recap of the proposal and the motion of approval at the March meeting. Pierson stated that a motion to approve the findings is required for final approval.**
- Emily Routon came forward to represent the item.**
- No public comment.**
- No commissioner discussion.**
- Windsor/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's soil is of poor quality and restricts cost-effective development;**
- 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 ability to economically expand an existing home and construct covered parking;**
- 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 open carport would minimize view impacts to pedestrians and motorists; 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 cost-effective expansion of a single-family structure in the R-1 zone.**
- Motion PASSED 5-0.**
- F [MISC 17-03](#) Discussion and direction regarding a Critical Areas Ordinance.

Scarcelli gave an overview of the August 18, 2015 landslide and subsequent actions. Scarcelli stated that insurance and financing questions are speculative at this point. No insurance agency in Sitka will currently provide difference in conditions (DIC) insurance, although a property in the vicinity of the Kramer slide was able to obtain a DIC policy. Scarcelli stated that he has not heard back from any of the lenders he contacted. Scarcelli stated that the ordinance wouldn't be the source of insurance and finance complications, but those would be more related to the hazard mapping. Staff recommend moving the ordinance forward to the Assembly and listing any concerns. Scarcelli read a memo from Assembly Liaison Kevin Knox encouraging the commission to move the ordinance forward to the Assembly.

No public comment.

Windsor stated that he thinks the ordinance has been well thought out and he's 100% behind it. Hughey stated that the ordinance is about the best we can do. Pohlman stated that she's okay moving forward.

Hughey/Parmelee moved to advance the ordinance to the Assembly with the RECOMMENDATION of approval.

Motion PASSED 3-2 with Spivey and Pohlman voting against.

G [P 16- 04](#)

Public hearing and consideration of a preliminary plat for a planned unit development at 1306 Halibut Point Road, submitted by Sitka Community Land Trust. The property is also known as Lot 1A of Little Critter Subdivision. The request is filed by Sitka Community Land Trust. The owner of record is the Sitka Community Development Corporation.

Scarcelli stated that the proposal has gone through several approvals and now it is coming forward for final approval before being forwarded to the Assembly for approval. Scarcelli used photos to show the lot, flagging, and the retaining wall. Scarcelli stated that the easement running between the lots have been expanded since the preliminary approval resulting from discussions between the applicant, Planning, and Public Works staff. Density is appropriate for the zone. The property will exceed parking requirements. DOT will require consultation regarding driveway and drainage. Windsor asked about the handling of property tax. Scarcelli stated that taxation of the land will depend in part on the wording of the homeowner agreement. Further, property tax is out of the purview of the Planning Commission and is a business decision of the owner. Scarcelli stated that the lessee of 725 Siginaka Way will pay property tax.

Spivey asked Hughey to recuse himself and Hughey stepped down.

Hughey spoke as the applicant and stated that the homeowners will pay property tax on the land. Hughey stated that he has been working with the vet clinic owners on parking. Hughey stated that the plat outlines the maximum buildable area and the properties will not require variances. Hughey stated that the Sitka Community Land Trust (SCLT) is working on a name for the site and are open to suggestion. Ben Kraft came forward and stated that the front three lots will fit one-bedroom or two-bedroom homes.

Scarcelli read a letter from the owners of the vet clinic, Victoria Vosburg, and Burgess Bauder, who have objections to the parking layout. Scarcelli stated

that each property owner is responsible for providing the appropriate amount of parking on their own lot. Scarcelli noted that SCLT is making good faith efforts to work with their neighbors.

Spivey stated that he has heard from numerous community members that this is not the right approach, and stated his belief that it's not the best use of the property. Parmelee stated that he believed the general consensus was that this is a good use of the property, and stated his only concern is that the property will be aesthetically pleasing. Spivey stated that there's a difference between affordable housing and affordable homeownership. Windsor thinks this is a good test model. Parmelee stated that this model is working well down south. Pohlman stated that she is ready to move forward.

Windsor/Parmelee moved to APPROVE the final plat for a planned unit development at 1306 Halibut Point Road, submitted by Sitka Community Land Trust subject to the attached conditions of approval. The property is also known as Lot 1A of Little Critter Subdivision. The request is filed by Sitka Community Land Trust. The owner of record is Sitka Community Development Corporation.

Conditions of Approval:

1. A complete as-built survey will be required to capture all existing utilities on the parcel (including drainage, prospective French drain, etc.).
2. Plat notes and development shall ensure no encroachment on city assets or existing utility easements.
3. Parking shall be provided on-site, off-street, in the amount of 1.5 spaces per dwelling unit.
4. The boundary of the building footprints are the maximum size of buildings allowed within each lot and shall act as setbacks. No variances shall be granted for deviations from plat setbacks as shown and noted on the final plat. Note: Setbacks are measured from lot lines to drip lines/eaves.
5. Any grading or geotechnical work performed or required on the property shall obtain any applicable permit(s) and be completed by an appropriate professional. It should be noted that there could be additional development costs associated with slope stabilization.
6. Installation of water and sewer mains would require engineered plans and approvals via Alaska Department of Environmental Conservation. In addition, CBS would require a clear understanding of the ownership of new utility lines, easements, and perhaps shared user agreements.
7. Alaska Department of Transportation is the jurisdiction for approving driveway permits along Halibut Point Road. Applicant should consult with the DOT regarding traffic and driveway plans. All applicable DOT approvals shall be received prior to use of any driveways, parking lots, or access points.
8. All easement, access, and utility agreements shall be approved by Public Works and the Planning and Community Development Department prior to recording. Such agreements shall be referenced on the plat, via a note, and shall be recorded prior to Final Plat being recorded.

Motion PASSED 3-1 with Spivey voting against.

H [P 17-01](#)

Public hearing and consideration of a preliminary plat of a minor subdivision at 180 Price Street. The property is also known as Tract 1B Mountain View Phase II Subdivision. The request is filed by Jeremy Twaddle for Mountain View Estates. The owner of record is Mountain

View Estates, LLC.

Spivey stated that he has a business relationship with the applicant but that he can act fairly.

Scarcelli gave an overview of past plats and the proposed plat. Access to lots 1, 2, and 3 will be from an easement off of Molly Lane. Some concern has been raised for the net size of lot 1. Lot 1 exceeds the 6000 square foot minimum square footage requirement for the C-2 zone. Scarcelli stated that condition of approval #4 in the written staff report should be stricken. Staff recommend approval.

Jeremy Twaddle represented Mountain View Estates. Twaddle stated that a minor change was made to the height restriction on lot 3.

No public comment.

Parmelee/Windsor moved to APPROVE findings:

- a. That the proposed minor subdivision final plat complies with the comprehensive plan by providing for the development of additional developable property with suitable access and utilities;
- b. That the proposed minor subdivision final plat complies with the Subdivision Code as conditioned; and
- c. That the minor subdivision final plat would 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 5-0.

Hughey/Parmelee moved to APPROVE the minor subdivision final plat of Mountain View Phase III Subdivision. This approval is subject to the attached conditions of approval. The request is filed by Jeremy Twaddle, Managing Partner for Mountain View Estates, LLC. The owner of record is Mountain View Estates, LLC.

a. Conditions of Approval:

1. All applicable subdivision regulations, including but not limited to 21.12.010, 21.12.030, 21.32.160, and 21.40, be followed and any deviations from code be corrected prior to recording of the final plat (e.g. flagging, easements, easement area details, any note language requiring minor amendment, and monumentation).
2. That the agreements regarding easements, maintenance, and building restrictions be referenced by a plat notation, and also recorded.
3. That the owners of adjacent Lot 9 and 10, if they have a property interest in the existing access and utility easements, agree and be a party to all future agreements regarding those existing access and utility easements.

Motion PASSED 5-0.

I [CUP 17-09](#)

Public hearing and consideration of a conditional use permit for a marijuana consumption lounge at 1321 Sawmill Creek Road Suite K. The property is also known as US Survey 2729. The request is filed for

Michelle Cleaver for Weed Dudes. The owner of record is Eagle Bay Inn, LLC.

Scarcelli described the location and tenants of the structure. Marijuana retail was approved for the site and is currently operating. The request is for a marijuana consumption lounge. The state regulating board continues to postpone approval of guidelines for consumption lounges. Tourist season is near and tourists may not otherwise have a legal place to consume marijuana. Scarcelli stated that he has not heard back from the Municipal Attorney. Scarcelli stated that he does not recommend moving forward until he can discuss the matter with the Municipal Attorney. Scarcelli recommends to postpone the item to the next meeting.

Michelle Cleaver stated that she is trying to do the responsible thing and mitigate marijuana nuisances. Cleaver stated that Seattle is currently experiencing problems with people smoking in public, and she is concerned that tourists will smoke in our parks and on our sidewalks. Cleaver stated that the draft state regulations identify the maximum amount that people can consume on-site. Cleaver stated that a bud tender will monitor consumption levels, and she is considering a shuttle back to town. Scarcelli stated appreciation for Mrs. Cleaver's proactive approach to addressing on-site consumption issues. Scarcelli stated that in his correspondence with the state regulatory office, he has critiqued the slow process. Scarcelli stated he is willing to approve the applicant's building permit prior to conditional use permit approval if she is willing to accept the risk.

Scarcelli read a letter from Gary Smith, who was concerned for exhaust and impacts on the neighborhood.

Windsor/Pohlman moved to POSTPONE this request until the state promulgates rules.

Motion PASSED 5-0.

BREAK 8:08-8:15

J [CUP 17-12](#)

Public hearing and consideration of a major amendment to a conditional use permit for marijuana cultivation at 4614 Halibut Point Road. The property is also known as Lot 3 Carlson Resubdivision. The request is filed by Aaron Bean for Green Leaf, Inc. The owners of record are Connor and Valorie Nelson.

Spivey stated that he has a business relationship with the property owner but receives no financial gain.

Scarcelli stated that this is a major amendment to an approved marijuana cultivation facility in order to add additional floor space for cultivation. The property has access via easement. Scarcelli stated that staff are not aware of any sensitive uses in the buffer area. Scarcelli stated that staff have not observed odor to be an issue. Green Leaf has two separate conditional use permits, one for cultivation and one for retail. Any future amendment to the retail conditional use permit, such as for on-site consumption, would require Planning Commission approval. Further, any addition to the cultivation conditional use permit would require Planning Commission approval. Staff

recommend approval of the major amendment.

Aaron Bean, owner of Green Leaf, came forward. Bean stated that the additional square footage would be 1000 square feet.

No public comment.

Hughey/Windsor moved to **APPROVE** findings that the zoning code has been followed, that the comprehensive plan has consulted, and that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval for the proposed major amendment to the existing marijuana cultivation conditional use.

Motion PASSED 5-0.

Hughey/Windsor moved to **APPROVE** the major amendment to the existing marijuana cultivation conditional use permit request filed by Aaron Bean at 4614 Halibut Point Road, in the C-2 General Commercial and Mobile Home zone. The property is also known as Lot 3 of Carlson Resubdivision. The owners of record are Connor K. Nelson and Valorie 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 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. 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 feasible (i.e. concrete or asphalt areas).
9. Odor Control shall include reasonable best means (such as high quality Commercial HEPA filter or HVAC systems) 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 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.

11. The permittee shall report, annually, to the planning commission on gross sales, sales tax amounts, complaints, police or other law or regulation enforcement activity, and summary of operations.

12. The permit is subject to review should there be a meritorious complaint, 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.

Motion PASSED 5-0.

K [CUP 17-07](#)

Public hearing and consideration of a conditional use permit request for a short-term rental at 112 Toivo Circle. The property is also known as Lot 7 Fleming Subdivision. The request is filed by John and Alison Dunlap. The owners of record are John and Alison Dunlap.

Pierson described the request. The applicants' intent is to rent out their 3 bedroom 3 bathroom single-family house until it is sold, although conditional use permits run with the land. Neighbors have raised concerns for bears, parking, and neighborhood impacts. Pierson stated that these concerns can be mitigated with conditions of approval, and staff recommend approval. Scarcelli stated that conditional uses are to be approved if there are not impacts or if impacts can be mitigated. Scarcelli stated that concerns for parking and bears have been brought up before for other properties and staff have created more strict conditions of approval in response. Scarcelli stated that if the conditions of approval are violated, staff would revoke the permit or issue warning when appropriate. Pohlman and Windsor asked about placing a condition of approval that the permit will expire when the property is sold. Scarcelli stated that staff are looking into sunset clauses, but it appears that Alaska errs on the side of private property rights.

John and Alison Dunlap came forward to represent their request. They have lived in the home since 2001 and are selling it since they are empty nesters and now live on a boat. John stated that the house has been on the market for 9 months and they would like to get some income until the house is sold. Alison stated that they intend to use VRBO and will have an outside housecleaner. Alison stated that it will be much quieter with a renter versus their large family.

Bruce White and Suzanne Shea stated that they live across from the applicant and have concerns. White stated that when they bought the house that the neighborhood could include vacation rentals. White stated that the neighborhood is a small area, and someone recently blocked him in his driveway. White has concerns for the neighborhood, dust, and congestion. White stated concerns for enforcement of conditions and management of trash. White stated he is here for the long-term but the short-term rental could impact resale of his house. Shea is concerned for the precedent for converting a residential property to commercial. Shea stated that she bought her house with the understanding that it is in a residential neighborhood.

Pierson read a letter of support from John Hardwick.

Morrison stated that he lives next door at 114 Toivo and stated that he shares some of the same concerns as Bruce White. Three other houses are not

occupied year-round. If those houses were granted short-term rental permits, long-term residents would be outnumbered.

Hughey asked Scarcelli about sunset clauses, and Scarcelli stated that it is not an option. Scarcelli shared a case law example of adult oriented business in Anchorage. Scarcelli stated that there is potential for a temporary conditional use permit in the future but not in current code. Scarcelli recommended against asking the applicants to voluntarily give up their permit upon sale as it could be considered a government taking.

Alison Dunlap stated that she understands her neighbors' concerns and that there have been several years when her family was the only family living on the street during the winter. Dunlap stated that the short-term rental would decrease traffic. Dunlap stated that she has a potential buyer and would be happy to see the permit expire once the house is sold. Dunlap stated that she believes renters will create minimal trash.

Hughey noted that this request is not significantly different than other short-term rental requests. Spivey and Hughey stated support for limiting density of short-term rentals. Scarcelli stated that staff will come back with a variety of options for managing short-term rentals. Parmelee stated that his neighborhood has long-term and short-term rentals, and the long-term rentals generate more traffic and can be otherwise problematic. Parmelee stated that at least with a short-term rental there is regular monitoring. Pohlman stated that the public process is important but she's uncomfortable that the permit is in perpetuity. Scarcelli stated that future owners may not know that the permit is in place.

Hughey/Parmelee moved to APPROVE findings that:

1. ...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, specifically, the lot exceeds size requirements and foliage provides buffers.
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 facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically, through the provision of a rental overview.

Motion PASSED 5-0.

Hughey/Parmelee moved to APPROVE the conditional use permit application for a short term rental at 112 Toivo Circle subject to the attached conditions of approval. The property is also known as Lot 7 Fleming Subdivision. The request is filed by John and Alison Dunlap. The owners of record are John and Alison Dunlap.

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. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
8. 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 4am on trash collection day. Should this condition not be followed the CUP shall be revoked.
9. 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.
10. 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.
11. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motion PASSED 5-0.

L **CUP 17-10** PULLED - Public hearing and consideration of a conditional use permit request for a two-unit short-term rental at 3411 Halibut Point Road. The property is also known as Lot 9 US Survey 2752. The request is filed by Todd and Julie White. The owners of record are Todd and Julie White.

M [CUP 17-11](#) Public hearing and consideration of a conditional use permit request for a short-term rental at 103 Scarlett Way. The property is also known as Lot 3A Wingert Subdivision Lot 3 and 4 Lot Line Adjustment. The request is filed by Ty and Valerie Barkhoefer. The owners of record are Ty and Valerie Barkhoefer.

Pierson described the request. The owners occupy the property and seek to rent out extra bedrooms when available, particularly during the summer. Three bedrooms and 2 bathrooms are available for renters in addition to a kitchen and living room. The lot is large and provides plenty of parking. Conditions of approval will address concerns for bears. Staff recommend approval.

Ty and Val Barkhoefer came forward to explain the request. Val stated that they have a large home and wish to rent out the extra space in the summer. Ty and

Val stated agreement with conditions of approval.

Windsor/Parmelee moved to APPROVE findings that:

1. ...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, specifically, the large lot provides sufficient buffers between properties;.
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 facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically, through the provision of a rental overview.

Motion PASSED 5-0.

Windsor/Parmelee moved to APPROVE the conditional use permit application for a short term rental at 103 Scarlett Way subject to the attached conditions of approval. The property is also known as Lot 3A Wingert Subdivision Lot 3 and Lot 4 Lot Line Adjustment. The request is filed by Ty and Valerie Barkhoefer. The owners of record are Ty and Valerie Barkhoefer.

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. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
8. 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 4am on trash collection day. Should this condition not be followed the CUP shall be revoked.
9. 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.

10. 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.

11. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motion PASSED 5-0.

N [CUP 17-14](#)

Public hearing and consideration of a conditional use permit for a short-term rental at 1703 Edgecumbe Drive. The property is also known as Lot 9G Gibson Kitka Snowden Subdivision. The request is filed by Ryan and Greta Refshaw. The owners of record are Ryan and Greta Refshaw.

Spivey stated that he has a business relationship with the owner but has no financial gain at stake.

Pierson described the request. The structure is a duplex that accesses from Edgecumbe Drive. The owners live upstairs and they seek to rent the downstairs unit. The downstairs unit has two bedrooms and one bathroom. They wish to operate the short-term rental primarily during the summer and possibly have longer rentals during the off-season. Sufficient parking is available on-site. Staff recommend approval.

Ryan Refshaw stated that they would be managing the rental themselves. Refshaw stated agreement with the conditions of approval

Pierson read a letter from Christopher and Kamala Carroll with concerns for noise. The Carrolls stated that they would be okay if one unit was rented short-term and the owners lived on-site.

Parmelee/Hughey moved to APPROVE findings that:

1. ...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, specifically, the short-term rental will operate primarily during tourist season.
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 facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically, through the provision of a rental overview.

Motion PASSED 5-0.

Parmelee/Pohlman moved to APPROVE the conditional use permit application for a short term rental at 1703 Edgecumbe Drive subject to the attached conditions of approval. The property is also known as Lot 9G Gibson Kitka Snowden Subdivision. The request is filed by Ryan and Greta Refshaw. The owners of record are Ryan and Greta Refshaw.

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. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
8. 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 4am on trash collection day. Should this condition not be followed the CUP shall be revoked.
9. 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.
10. 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.
11. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motion PASSED 5-0.

VIII. ADJOURNMENT

Chair Spivey adjourned at 9:20 PM.

ATTEST: _____
Samantha Pierson, Planner I