



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

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

Thursday, April 12, 2018

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Vice-Chair Windsor called the meeting to order at 7:01 PM.

Present: Windsor, Hughey, Parmelee

Absent: Spivey excused, Colvin - excused, Knox (Assembly liaison) - excused

Staff: Michael Scarcelli (Planning and Community Development Department Director), Samantha Pierson (Planner I)

II. CONSIDERATION OF THE AGENDA

Scarcelli recommended that items I and J be pulled due to lack of applicant signature and supporting documents. Commissioners agreed to pull the items. Scarcelli stated that public comment has been received on these items, and passed out copies to commissioners. Hughey clarified that interested parties can speak under Persons to be Heard.

III. CONSIDERATION OF THE MINUTES

A [PM-42](#) Approval of the March 22, 2018 meeting minutes.

Scarcelli presented a list of recommended changes to the minutes on the projector screen.

Parmelee/Hughey moved to approve the March 22 minutes with the changes recommended by Scarcelli. Motion passed 3-0.

IV. PERSONS TO BE HEARD

No public comment.

V. PLANNING DIRECTOR'S REPORT

[MISC 18-13](#) Director's Report - April 12

Scarcelli presented a chart showing the increase of short-term planning projects over recent years.

VI. REPORTS**VII. THE EVENING BUSINESS****B** [MISC 18-12](#)

Public hearing and consideration of the Sitka Hazard Mitigation Plan, specifically regarding the mitigation strategy action steps.

Consultant Jill Missal gave an overview of the purpose of the hazard mitigation and the process thus far. Action projects have been identified and need to be prioritized. A public comment period will be open when the draft is complete. Missal reviewed the identified projects: stormwater system repair and upgrade, Gavan Hill landslide mitigation, public education campaign, data collection plans and systems, CERT team development, and improving food security for vulnerable populations.

Joel Hanson stated support for prioritizing the food security item, as we're only a few barges away from disaster. Hansen stated that the community has a lack of good topsoil and chips, and the city should consider providing these in piles for interested individuals. Hanson stated that the 2010 plan lacks attention to wildfire risk.

Kent Barkhau stated support for food security prioritization, and likes the idea of a city-sponsored compost site. A secondary benefit of local production is a reduction in fossil fuels expended on transit.

Cindy Thomas asked about plans for medication stockpiling. Missal stated that is addressed through Strategic National Stockpile. Thomas asked about the timeline for getting supplies to Sitka, and stated that she didn't know off-hand but there are regular drills as well as regional plans in place.

Hughey asked about the adequacy of the tsunami warning system, and Missal stated that the system has been upgraded, and the planning team did not believe the need to include any upgrades in the plan.

Adam Chinalski stated interest in early warning systems for landslides and preventing disaster. Chinalski commented that trees are weighing down the hillside. Missal stated that the data collection is the early stage of working toward possible early prediction systems. Missal estimated that data collection and devising a system would likely be roughly a 10 year project. Missal stated that some avalanche-prone jurisdictions have decided not to install diversion infrastructure due to infrastructure. Data collection and study is necessary before determining next steps. Chinalski suggested selective logging as a preventative measure.

Kent Barkhau stated that the whole community is a vulnerable population, as everyone eats.

Cindy Thomas asked what is in place for the sick and elderly who need assistance in the case of community emergency, and stated that she has been informed that this is currently a low priority. Scarcelli stated that we might not have all the answers tonight but we will look at these concerns.

Parmelee stated that long-range planning is looking at buildable areas.

Windsor asked about the next public comment period, and Missal outlined future opportunities for input.

C [P 18-05](#)

Public hearing and consideration of a minor subdivision request to result in two lots for 738 Alice Loop in the WD Waterfront District. The property is also known as Lot 4 Charlie Joseph Subdivision. The request is filed by Chris McGraw for CJS Property LLC. The owner of record is CJS Property LLC.

Pierson gave an overview of the request. Both proposed lots exceed the 6000 square foot minimum lot size and 60 foot minimum lot width requirements. Utilities are provided via two existing easements and one proposed easement. Conditions of approval require that an easement agreement be recorded for the new easement, and that all easements be cited in plat notes. Comprehensive plan discussion has included reducing lot sizes, but these proposed lots sizes are allowable under current Sitka General Code. Staff recommend approval subject to conditions of approval.

McGraw stated that he and his ex-wife own the LLC. She lost a home in the landslide. He proposes to own and build on one lot and she will own and build on the other.

Bob Hunter lives at 721 Alice Loop and has concerns for parking. Scarcelli clarified that on-site parking has to be provided on-site but that concern is out of the purview of subdivision.

Caprice Pratt from 753 Alice Loop thought that the lot was restricted by covenant or rezoned. Scarcelli stated that a rezone was proposed but denied. Scarcelli stated that covenants were recorded, and private covenants are different than public zoning. The Waterfront District allows lot sizes at a minimum of 6000 square feet.

Richard Doland stated that he owns land on Alice Loop and thinks there's a difference in what's legally right and what's morally right. Current owners have invested a lot in their properties but we shouldn't make all of our land into substandard lots. Doland believes this is one of the best subdivisions in town and the proposal would drive down the quality of the neighborhood.

Andy Nye owns adjacent lot 9 and is concerned that the reduced lot size would push structures toward his property, and he purchased the lot as it was.

Travis Vaughan owns Remax Baranof Realty, the listing agency for the vacant lots. Vaughan does not believe this proposal would reduce the value of other lots in the neighborhood, although he understands the concerns of neighbors.

C. Pratt stated that the primary concern isn't for the monetary value but for the lifestyle value.

Steven Morrison stated that he owns a vacant lot on the waterfront and is concerned for increased congestion.

Scarcelli stated that this is not a substandard proposal, and the property owner could build a duplex. Scarcelli stated that morality isn't under the purview of the commission, but the law is being followed. Scarcelli stated that owners have the reasonable expectation to use their lots in line with the law.

A. Nye had questions about eaves over the easement. Scarcelli stated that it depends if the utilities are underground or aboveground. McGraw clarified that the easement is for water and sewer. McGraw stated that he does not intend to ask for any variances. Hughey clarified that the commission would not look favorably upon a variance request.

Hughey stated that he does not see a legal basis for denying the request. Scarcelli clarified that code amendments may result in reduced setback standards.

Charles Morgan stated that their covenants gave the illusion that they were buying into a residential neighborhood. Scarcelli stated that there is a very restrictive covenant on the outside lots, and separate less restrictive covenants on the inside lots.

Hughey stated that he doesn't see anything immoral about a 6000 square foot lot. Parmelee stated that any concerns for illusions should be raised with the developer.

Hughey/Parmelee moved to approve the preliminary plat for a minor subdivision request to result in two lots for 738 Alice Loop in the WD Waterfront District. The property is also known as Lot 4 Charlie Joseph Subdivision. The request is filed by Chris McGraw for CJS Property LLC. The owner of record is CJS Property LLC.

Conditions of Approval.

- 1. 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.**
- 2. This subdivision development and the plat, prior to recording, complies with all applicable Sitka General Code.**
- 3. 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.**
- 4. All applicable state, federal, and tribal permits, licenses, regulations, and statutes shall be followed in subdividing this land.**
- 5. Charlie Joseph Subdivision covenants should be cited in a plat note.**
- 6. An easement maintenance agreement for the proposed utility easement along the westerly side of proposed Lot 4B shall be recorded.**
- 7. All easement agreements will be cited via plat notes.**

Motion passed 3-0.

Hughey/Parmelee moved to find that:

- a. The preliminary plat meets its burden of proof as to access, utilities, and dimensions as proposed;**
- b. That the proposed minor subdivision preliminary plat complies with the Comprehensive Plan Section 2.4.19 by going through the required subdivision process;**
- c. That the proposed minor subdivision preliminary plat does complies with subdivision code; and**
- d. That the minor subdivision preliminary plat is not injurious to the public health, safety, and welfare.**

Motion passed 3-0.

D [CUP 18-08](#)

Public hearing and consideration of a conditional use permit for a short-term rental at 110 Sand Dollar Drive in the R-1 single-family and duplex residential district. The property is also known as Lot 2 Sandy Beach Subdivision. The request is filed by Jeremy and Savannah Plank. The owners of record are Jeremy and Savannah Plank.

Pierson described the request for short-term rental of one unit in an owner-occupied duplex. Applicants have addressed garbage, noise, and parking concerns. Primary staff concerns are for the property's classification as being in a moderate risk landslide zone according to the February 2016 Shannon and Wilson report. Staff discussed the possibility of requiring that the owner provide disclosure of this risk to all short-term

tenants, but staff acknowledged that disclosure does not remove the risk to human lives. This is the first conditional use permit request received for the area mapped by the Shannon and Wilson report. Staff recommend that the Planning Commission carefully consider the risk to public health and safety when considering approval of the permit.

Jeremy Plank does not believe this will be a problem for the neighborhood. Plank stated that it is his opinion is that there is not high risk, although he is not qualified to say for sure. Windsor asked about bear management, and Plank stated that garbage will be kept indoors. Parmelee stated that no one really knows when and if landslides will occur. Scarcelli discussed disclosure being written in the rental agreement. Jeremy Plank asked if flood and tsunami risks face the same disclosure requirement, and he believes disclosure could harm marketability of the unit. Parmelee stated that he does not have significant concerns for this particular location. Scarcelli stated that tourists aren't likely to do their due diligence. Plank stated that there are risks everywhere and disclosure requirements are a slippery slope.

Scott McArthur stated that there is no clear definition of what low, medium, and high risk actually means. The applicant's next door neighbor could apply for the same permit in the low risk zone without such scrutiny.

Hughey stated that there is a rational basis for risk under certain conditions. Hughey stated that most days of the year, the property is not at risk. Hughey stated that tsunami risk is greater risk to other properties than the landslide risk to this home. Windsor stated that this neighborhood has been singled out when other properties may be at higher risk but aren't mapped.

Parmelee/Hughey moved to approve the conditional use permit for a short term rental at 110 Sand Dollar Drive in the R 1 single family and duplex residential district. The property is also known as Lot 2 Sandy Beach Subdivision. The request is filed by Jeremy and Savannah Plank. The owners of record are Jeremy and Savannah Plank.

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.

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

Motion passed 3-0.

Parmelee/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, policies and procedures will be communicated and enforced to protect the neighborhood;

b. Adversely affect the established character of the surrounding vicinity, specifically, the unit will continue to operate as a duplex, now with on-site management to monitor for behavior that may impact the neighborhood; 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 accesses directly from a public street and provides on-site 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 infractions and take necessary action.

Motion passed 3-0.

E [P 18-07](#)

Public hearing and consideration of an easement vacation request filed for Middle Island in the LI Large Island zone. The request would reduce the pedestrian access easement from 50 feet to 25 feet. The property is known as Lots 3, 4, 5 Block 1 Middle Island Subdivision. The request is filed by Michael Coady. The owner of record is Michael Coady.

Parmelee disclosed that he is a nearby property owner but believed he could act fairly.

Pierson described the request for a vacation of 25 feet of a 50 foot public pedestrian access easement along the seaward boundary of lots 3, 4, and 5. This request is related to a lodge conditional use permit granted in late 2017. The house and helicopter pad encroach into portions of the easement on lot 3. The easement is maintained by

Alaska DNR, and the Planning Commission consultation is part of DNR's decision-making process. Scarcelli discussed topography of the easement. Scarcelli stated that all Alaskans own the tidelands and should have access. Staff recommends approval of a vacation of 25 feet of the easement only along the boundary of lot 3, as that is the only lot with encroaching structures.

Denton Pearson represented Mike Coady. Pearson encouraged the commission to approve the application as submitted, with the understanding that the state will have their own input. Pearson stated that they don't want the request nicked and dined. Pearson pointed to the aerial map and stated that public accessing would find the inconsistency of the easement size to be confusing. Pearson stated that 25 feet is sufficient for public access. Pearson argued that the commission's CUP requirement that lots stay in common ownership essentially makes the 3 lots into 1 lot. Mike Coady thanked the commission for their consideration.

Travis Vaughan stated that Coady has done everything that he has been asked to do.

Parmelee stated familiarity with the property and previous owners, and that no one goes there anyway. Scarcelli cited the public trust doctrine, and stated that compromise tends to get to the finish line faster. Scarcelli discussed the idea of offering the existing trail as best alternative means of access. Pearson clarified the area of proposed reduction.

Windsor stated that he didn't see a problem and Parmelee agreed. Hughey stated that 25 feet is wider than a road.

**Hughey/Parmelee to approve the easement vacation request filed for Middle Island. The request would reduce the pedestrian access easement from 50 feet to 25 feet. The property is known as Lots 3, 4, 5 Block 1 Middle Island Subdivision. The request is filed by Michael Coady. The owner of record is Michael Coady.
Motion passed 3-0.**

Hughey/Parmelee moved to find that:

- a. The vacation meets its burden of proof as to access, utilities, and dimensions;**
- b. That the vacation complies with the Comprehensive Plan Section 2.4.19 by going through the required public hearing process;**
- c. That the vacation complies with the subdivision code; and**
- d. That the vacation is not injurious to the public health, safety, and welfare.**

Motion passed 3-0.

BREAK 9:00-9:10

F [ZA 18-05](#)

Discussion, direction, and decision regarding proposed amendments to Sitka General Code Title 18 Property Acquisition and Disposal, specifically 18.16.050, 18.16.060, and 18.16.110. These code amendments relate to Planning Department application fees. Discussion will also include recommendation of adoption of an updated fee schedule as outlined in Sitka General Code Title 21 Subdivision Code 21.52 and Title 22 Zoning 22.30. The applicant is the City and Borough of Sitka Planning and Community Development Department.

Pierson gave an overview of the request for fee updates. The current fee schedule used is dated 2000 but some fees are the same as in 1980. Staff reviewed current fees, a conservative estimate of what applications actually cost in staff and public notice costs, and proposed fee updates. Staff presented a comparison of fees across various municipalities in Alaska, noting that Sitka is at the bottom. Zoning and platting fees are approved by the Assembly by simple motion, while leasing fees require an ordinance for a Sitka General Code amendment.

Windsor has concerns for people who don't have money for copies. Parmelee suggested a two-step increase starting with D and progressing to C after a certain amount of time. Scarcelli pointed out that suggested plat fees seem high, but surveyors charge for their services and plats are costly to process.

Adam Chinalski stated that permit fees add to the cost of development, possibly causing deterrents for people to apply for permits. Chinalski stated that he would like the city to get paid for its time but the proposal is a big jump. Chinalski recommended gradual increases.

Larry Edwards stated support for increasing rates and reducing nuisance filings.

Claus Stope asked about the reason that fees haven't been raised in decades. Scarcelli stated that a proposal in recent years was set aside because of an anti-fee increase climate. Phase 1 half of D, phase 2 D, phase 3 average of C and D. Parmelee recommended a fourth step to get to full C.

Hughey stated that in the past we had money from oil, and raised the question of timing. Scarcelli recommended increases on the fiscal year, starting with half of D at the beginning of FY 2019. Hughey recommended rounding to nice numbers.

Larry Edwards recommended accounting for inflation in the four phase plan.

Hughey/Parmelee moved to recommend approval of a four-phase fee increase, one phase each fiscal year, starting with FY19. Phase 1 half of - option D, phase 2 - option D, phase 3 average of options C and D, and phase 4 - option C. Motion passed 3-0.

G ZA 18-08

Discussion, direction, and decision regarding proposed amendments to Sitka General Code Title 21 Subdivision Code and Title 22 Zoning, specifically 21.40.030, 21.40.110, 21.40.120, 21.40.130, 21.40.140, 22.20.030, 22.20.035, 22.20.038, and 22.20.040. The proposal concerns amendments to zoning and subdivision development standards. The request is filed by the City and Borough of Sitka Planning and Community Development Department.

Scarcelli handed out an updated packet including memo and proposed development standards. Scarcelli reviewed maps of nonconforming properties. 83% of Cascade Street properties and 90% of Biorka Street properties are nonconforming. Smart Growth America consultants recommended reducing lot sizes to 6000 square feet. Scarcelli recommended a 2-phase approach to make development standard reductions then conduct further study about possible additional amendments. Scarcelli displayed and discussed site plans of current and proposed development standards. Setback reductions will reduce development costs and allow space for features such as accessory dwelling units. Scarcelli discussed proposed case-by-case exceptions for legal nonconforming lots that don't meet the proposed standards. Hughey stated appreciation for the flexibility proposed for existing properties. Parmelee stated that he liked the idea but would like more time to read the proposal and give some good

thought.

Larry Edwards stated that island rezoning historically was contentious, and he does not recommend reducing island square footage any further. Edwards had concern for increasing height in the Central Business District to 65 feet for viewshed impacts. Parmelee stated that island property typically isn't flat, so more area is needed to provide buildable space.

Scarcelli clarified that Smart Growth America advised a height of 75-100 feet in CBD, and 65 feet was a compromise offering. Scarcelli stated that SGA also recommended certain zoning with 1500-2000 square foot lots. Scarcelli stated that there was comprehensive plan discussion regarding opening up an island property.

Adam Chinalski stated that his daughter bought a home in Washington on a 3500 square foot lot. The property has a house, garage, and yard space. Chinalski stated that there is a market for small homes on small lots. Chinalski stated that he has dreamed about owning an island property but properties are pricey. Chinalski stated interest in smaller island lots that are more affordable.

Hughey stated that staff is on the right track but there's a lot to consider. Scarcelli encouraged commissioners to give any direction and feedback.

Hughey/Parmelee moved to postpone the item until the next meeting. Motion passed 3-0.

H [ZA 18-09](#)

Discussion, direction, and decision regarding proposed amendments to Sitka General Code Title 22 Zoning, specifically 22.08.025, 22.16.015, 22.20.035, and 22.20.160. The proposal concerns amendments to accessory dwelling unit standards. The request is filed by the City and Borough of Sitka Planning and Community Development Department.

Scarcelli handed out an updated packet, with one change to require adequate moorage for island properties. Modeled after Vancouver who is doing ADUs best. Increase units for tourist and supply of affordable housing.

Acknowledging the late hour, commissioners discussed postponing the item until the next meeting.

I [ZA 18-10](#)

Discussion, direction, and decision regarding a proposed amendment to the zoning map to rezone 501, 509, and 517 Granite Creek Road, 4702 Halibut Point Road, and an unaddressed parcel uplands of Halibut Point Road from C-2 General Commercial Mobile Home District and R-1 Single Family and Duplex Residential District to I Industrial. The properties are also known as Lot 63 US Survey 3475, Lots 1, 2, and 3 of Granite Creek Quarry Subdivision, and a portion of Lot 1 US Survey 3670. The request is filed by the City and Borough of Sitka Planning and Community Development Department. The owners of record are the City and Borough of Sitka and Roger and Judith Sudnikovich.

Item was pulled.

J [CUP 18-10](#)

Public hearing and consideration of a conditional use permit for a quarry at 4660, 4670, and 4702 Halibut Point Road in the Industrial District. The

property is also known as Lot 63 US Survey 3475, Lot 1A USS 3670 Subdivision, and Lots 61A and 62A S&S Subdivision. The request is filed by Roger Sudnikovich. The owners of record are Roger, John, and Judith Sudnikovich.

Item was pulled.

VIII. ADJOURNMENT

Vice-Chair Windsor adjourned the meeting at 10:14 PM.

ATTEST: _____

Samantha Pierson, Planner I