



# CITY AND BOROUGH OF SITKA

## Minutes - Final

### Planning Commission

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

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Thursday, April 26, 2018

7:00 PM

Harrigan Centennial Hall

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

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

**Present:** Hughey, Parmelee, Colvin

**Absent:** Spivey (excused), Windsor (excused), Knox - Assembly liaison, Bean - alternate Assembly liaison

#### II. CONSIDERATION OF THE AGENDA

Planning Director Michael Scarcelli reported that the applicant requested to pull Item F from the agenda.

#### III. CONSIDERATION OF THE MINUTES

**A**     [PM-43](#)             Approval of the April 3, 2018 meeting minutes.

Hughey/Colvin moved to approve the April 3 and April 12 meeting minutes.  
Motion passed 3-0.

**B**     [PM-44](#)             Approval of the April 12, 2018 meeting minutes.

Hughey/Colvin moved to approve the April 3 and April 12 meeting minutes.  
Motion passed 3-0.

#### IV. PERSONS TO BE HEARD

No public comment.

#### V. PLANNING DIRECTOR'S REPORT

**C**     [MISC 18-14](#)             Director's Report - April 26

Scarcelli reported upcoming Planning Commission agenda items to include ADUs and development standards and a conditional use permit for rock mining. Scarcelli reported that he would be out of town for the next week at Certified Floodplain Manager training. Building and Assessing Departments are currently understaffed due to resignations and work will slow down as a result. An update to Smart Growth America will go out

soon. Scarcelli reported that there will be a new Coast Guard Cutter coming to Sitka in approximately 2023. Staff have been working on several projects: 3 phase parking amendments, heat pump conversion, impacts from landslide risk mapping, Samson lease, homeless shelter, Longliner lease, considering lands and tidelands that can be leased or sold, cemetery rezone, presenting the Comprehensive Plan to Assembly, and the Hazard Mitigation Plan.

Hughey reported that Mike Vieira will have an ADU open house soon on Eliason Loop.

## VI. REPORTS

## VII. THE EVENING BUSINESS

### D [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.

Planner I Samantha Pierson presented the request for minor subdivision to result in two lots. Preliminary approval was granted at the prior meeting and this hearing is to consider approval of the final plat. The lots meet development standards outlined in Sitka General Code. At the prior hearing, neighbors raised concerns that the proposal would be substandard and negatively impact neighborhood character. Scarcelli presented a map showing that approximately half of the lots in the neighborhood either are in deficit of development standards or have been granted variances. This proposal would meet development standards. Staff recommend approval.

Chris McGraw stated his intent to build a home on each of the two new lots.

No public comment.

**Hughey/Colvin moved to approve the final 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/Colvin moved to find that:

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

Motion passed 3-0.

**E**      [P 17-07](#)

Public hearing and consideration of a subdivision replat to result in one lot at 1319 and 1321 Sawmill Creek Road. The properties are also known as US Survey 2729 and Lot 3 Burkhart Subdivision Lot Line Adjustment. The request is filed by Vicki Brown. The owner of record is Eagle Bay Inn, LLC.

Pierson described the request to join two lots into one lot via subdivision replat. The proposed lot would exceed development standards. Access and utilities are provided. While the replat would create an oddly shaped lot, the existing triangular lot is currently limited for development and the replat could make it more useable. Staff recommend approval.

Vicky Brown stated that the owner wants to add onto the building in the future.

No public comment.

**Hughey/Colvin moved to approve the subdivision replat to result in one lot at 1319 and 1321 Sawmill Creek Road. The properties are also known as US Survey 2729 and Lot 3 Burkhart Subdivision Lot Line Adjustment. The request is filed by Vicki Brown. The owner of record is Eagle Bay Inn, LLC. Motion passed 3-0.**

Hughey/Colvin moved to find that:

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

Motion passed 3-0.

**F**      [ZA 18-07](#)

Public hearing and consideration of a proposed amendment to Sitka General Code Title 22 Zoning regarding permitted, conditional, and prohibited uses in the R Recreational District. The request is filed by Ted Laufenberg and Dawn Young.

Item pulled by the applicant.

**G**      [CUP 18-07](#)

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.

Scarcelli handed out emailed comments received after the packet deadline. Scarcelli gave an overview of the request, the property, and zoning. Scarcelli discussed concerns raised at the previous hearing. Scarcelli reported on his site visit to the applicant's other properties (108 and 110 Knutson) and stated that the applicant is acting in good faith to address garbage concerns at his long-term rentals via a temporary trash container. Scarcelli stated that it's the Municipal Attorney's opinion that it's not the Planning Commission's purview to enforce private agreements. Hughey asked why the trash concerns at the long-term rentals are part of this discussion, and Scarcelli gave an overview of concerns raised at the previous hearing.

Mike Finn stated that the comments handed out were new to him. Finn stated that he is actively working to construct garbage enclosures for 108 and 110 Knutson, but this has no bearing on 116 Knutson. Finn pointed out letters from current renters outlining their garbage management habits. Finn stated that he provided statements from current renters and police reports going back to 1995 for the packet. Hughey asked if garbage issues are being raised in order to question the applicant's rental management, and Finn stated yes.

Mike Venneberg stated that he has enjoyed the Finns as neighbors. Venneberg stated that historically, visitors to 116 Knutson have parked along Knutson Drive, which may or may not happen with a short-term rental. Venneberg stated that the location of the drive in a curve could be hazardous, and renters will be unfamiliar with the area. Venneberg stated that because the house is located on the top of the hill, noise goes down to the other properties. While weekend activity by the Finns has not been problematic, renters will be more likely to create noise throughout the week. Venneberg stated appreciation that Finn is addressing garbage but it has been problematic in the past. Venneberg stated that the proposal would be inconsistent with the intent of the neighborhood. Hughey asked if the proposal offends the covenants in Venneberg's opinion, and Venneberg stated that there's no specific reference to short-term rentals but there is language restricting business use. Venneberg stated that short-term rentals were not around when the subdivision occurred.

Larry Crews stated that there 21 homes on Knutson, and 9 of these have rentals. Half of the neighborhood's rentals belong to Finn. Crews stated that two of his fireworks complaints in 2007 and 2009 on the Finn property were not included in the police report packet. Crews reported finding spent fireworks that landed on his lot and roof. Crews reported complaining to police about on-street parking but no official report was filed, and stated that he was on the Assembly at the time. Crews reported being on the Assembly when the garbage management ordinance was passed. A bear was killed in the neighborhood a few years ago because of garbage issues. Crews reported hearing conversations when Finn talks outside. Crews stated that people going fishing will get up early and cause noise. Crews stated that he does not have issues with short-term rentals and may request one in the future. Crews stated concerns with proposed rental capacity of up to 12 people, but would accept a rental for 4-6 people. Crews stated that a good neighbor should not have to be told that you're causing problems, but that you should see it for yourself.

Jim Michener asked if his emailed photos were distributed and Scarcelli stated that they weren't included in the packet since they were received after the packet deadline but they were passed out at the meeting. Michener stated that spilled trash is labeled with information from the 108 and 110 Knutson renters. Michener stated that he's militant about keeping garbage picked up. Michener stated that his neighbor's cans stay on the street but they stay empty. Michener stated that owners have historically done better with garbage than renters. Michener stated that he is presenting facts and

not speculation. Michener stated that his family moved in before 116 Knutson was built. Michener stated that the neighborhood was developed as a single-family neighborhood and a 12-person short-term rental doesn't fit. Michener stated that the covenants restrict use to residential only and not business.

Norm Campbell stated that if the covenants aren't enforced, the neighborhood would change drastically. Campbell asked if the members of the neighborhood don't have a say in what happens in a portion of their neighborhood.

Carolyn Nichols stated that she gets tired of picking up garbage. Nichols stated that if individuals have signed a covenant, the Planning Commission should honor that. Nichols requested if the permit is approved that the permit be reviewed and revocable if violations occur. Hughey stated that if there are violations, the permit can be revoked. Hughey questioned whether private agreements are the business of the government. Nichols asked if she could just put in four double wide trailers, and Hughey stated that it depends on what the zoning code says. Nichols asked if a consensus of the neighborhood matters. Scarcelli showed recommended conditions of approval to address concerns. Scarcelli stated that neighbor opinions should not weigh heavily but the weight should be on the presence of qualitative or quantitative impacts that can't be mitigated. Scarcelli stated that the city does not have legal standing to enforce private covenants. Nichols suggested a noise curfew of 10 PM.

Tonya Venneberg stated that the concerns aren't personal and they like the Finns. If the property becomes a short-term rental, it opens up the rest of the neighborhood to possible short-term rentals. T. Venneberg stated that she has had several numerous almost-accidents on the curvy blind-cornered road.

Crews stated that there haven't been any conditional use permits revoked. Crews stated that Scarcelli said neighbor feedback doesn't matter and the Planning Commission can do whatever they want to do. Crews stated that when he was previously on the Planning Commission, neighbor opinion mattered. Parmelee responded that the covenants are private and Finn just needs to stay within the boundaries of the R-2 zone. Parmelee stated that an approval would not mean that the commission is not listening to the neighbors. Crews believes that garbage cans should be kept at the house and that garbage cans on the street are an eye sore.

Alaina Brown stated that she found out about the meeting because she found the Finns' trash in her yard. Brown stated concern with noise in the morning and throughout the day.

Finn stated that he had not been approached about the trash issue until the last meeting. In response, he planned to construct a trash enclosure but now the neighbors believe it will be an eyesore. Finn stated that he has a business license for the long-term rentals. Finn stated that he has no clue who the red truck on the street belongs to. Finn's sons' friends occasionally park on the street but he doesn't envision short-term renters doing so. Sitka Travel will manage the property and has procedures in place to address concerns. Finn gave his phone number and email address and stated that his neighbors can contact him with concerns. Finn stated that he didn't sign the covenants and doesn't believe they apply to his property. Short-term rentals weren't around when the subdivision was created. Finn stated that city regulations address noise and will be managed by Sitka Travel. Finn stated that he is hiring professional management out of respect for the neighborhood. Finn said that trash cans get blown over on trash day and stated that he has cleaned up trash as anyone else in the neighborhood. Finn stated that he believes he has been a good neighbor

and he wants his neighbors to bring their concerns to him so he can address them. Finn stated that he will still live in town when he moves out of the house.

Scarcelli stated that the commission should hear qualitative and quantitative concerns but not unsupported opinion. Just because there is a possible impact does not result in an automatic "no," but the commission should determine if impacts can be mitigated by conditions of approval. Scarcelli discussed legal requirements for conditions of approval. Colvin asked if police reports can be used as evidence of impacts. Scarcelli stated that it's a legal question, but that just because someone calls the police doesn't mean one person is guilty and someone is innocent. Colvin asked about proper enforcement of covenants. Scarcelli stated that there are many options that neighbors can explore with a qualified legal professional.

Parmelee stated that he's not sure if he could support a capacity of 12 but was more favorable to 6. Parmelee stated that in his experience, long-term rentals often cause more impact than short-term rentals, particularly regarding to traffic. Hughey stated that the commission has discussed exploring density restrictions for rentals, and 9 rentals out of 22 properties in the neighborhood seems like a lot. Colvin stated that unfortunately trash and traffic issues seem inherent with this neighborhood and shouldn't be blamed on one property. Colvin asked if Finn would be agreeable to decreasing the requested 12 person capacity.

Finn stated that a 6-person rental at this property would not work out financially. Finn stated that due to current short-term rental supply limitations, larger groups are renting out two units.

Scarcelli shared additional proposed conditions of approval to address concerns raised by the public. Hughey stated that he won't be voting in favor of a 12 person rental. Parmelee spoke in favor of a 6-person cap. Colvin stated that 6 seems fine but the applicant has stated that 6 won't work for him. Hughey stated that the neighbors have shared qualitative and quantitative concerns.

**Hughey/Colvin moved to approve the conditional use permit application for a short term rental at 116 Knutson Drive subject to the attached conditions of approval. 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.**

**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. 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.
  12. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
  13. Capacity of the short-term rental shall be limited to no more than 12 people at any given time.
  14. A 6-month review shall occur to review the operation of the conditional use permit.
  15. Should a meritorious complaint be received by the Planning Commission, the Commission shall be able to revisit the permit and may either impose additional conditions of approval as appropriate or suspend or revoke the conditional use permit.
- Motion failed 1-2 with Colvin voting in favor and Hughey and Parmelee voting against.

## H [CUP 18-09](#)

Public hearing and consideration of a conditional use permit for a short-term rental on a boat at Eliason Harbor T4-36, 730 Siginaka Way, in the P Public Zone. The property is also known as Alaska Tideland Survey 1496. The request is filed by Cameo Padilla and Brooks Areson. The owners of record are the City and Borough of Sitka, Cameo Padilla, and Brooks Areson.

Scarcelli gave an overview of the location and vessel. The applicants currently have a permitted rental on a different boat. Approval of this permit would require the applicants to give up the prior approval for the other boat. There is a limit of 2 rentals per harbor. Port and Harbors Commission recommended approval of the proposal. The CUP would stay with the boat and slip. Per harbor policy, once sold, the boat would have to move, resulting in the permit being extinguished. Scarcelli shared 17 conditions of approval, including the cap of 4 guests proposed by the applicants.

Cameo Padilla and Brooks Areson represented the request. Padilla stated the request was rent out the Morning Glass until the Danasea sells. The boat would stay in the slip and there would be a 2 day rental minimum. Padilla states that there will be a limit of 4 guests.

No public comment.

Colvin/Hughey moved to approve the conditional use permit for a short term rental located on the F/V Morning Glass in Eliason Harbor T4-36, ATS 1496, in the P Public zone. The property is also known as a portion of ATS 1496. The

application is filed by Brooks Areson and Cameo Padilla. The owner of record of the tidelands is the City and Borough of Sitka. The owner of record of the F/V Morning Glass is Brooks T. Areson.

**Conditions of Approval:**

1. Notification of renter on board vessel to Port and Harbor Department
2. Must pay live aboard harbor fees
3. \$100 Port and Harbors Annual short term rental fee
4. The facility shall be operated in compliance with harbor regulations concerning sewage disposal and all other matters.
5. The facility shall be operated consistent with the application and plans that were submitted with the request.
6. The facility shall be operated in accordance with the narrative that was submitted with the application.
7. The applicant shall submit an annual report every year to the Planning Commission and the Port and Harbors Commission, 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. Revised reporting procedures have been initiated. Annual reports will be due February 15 of each year.
8. The Planning Commission and/or the Port and Harbors Commission, at their discretion and upon receipt of a meritorious complaint, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
9. 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.
10. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
11. The property owner shall provide orientation information to all renters, which shall cover boat and water safety, ingress and egress, and proper waste disposal.
12. The boat must be approved by the CBS Harbor Department as a live aboard, and appropriate live aboard fees must be paid.
13. Shall comply with all applicable United States Coast Guard regulations regarding pleasure craft.
14. Permit to be reviewed by the Planning Commission after 6 months to address any impacts, concerns, and to allow Port and Harbors Commission the opportunity to review and comment on the permit.
15. Occupancy shall be limited to a maximum of 4 guests.
16. The Morning Glass CUP shall be valid only as long as the Danasea is not operated as a STR. Further, if the Morning Glass is sold, harbor policy dictates the vessel must be moved. The CUP runs with the vessel and the stall. If either change, the CUP is not valid for another vessel or location.
17. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motion passed 3-0.

Colvin/Hughey moved to adopt the following findings that the proposal, as conditioned:

- a. Will not be detrimental to the public health, safety, and general welfare due to protecting against safety and environmental impacts.
- b. Will not adversely affect the surrounding area as it is a working harbor.



- c. Will not be any more injurious to surrounding uses as the current commercial and residential use that the vessel was prior to this proposal.
  - d. That the proposal is line with the existing and draft comprehensive plans by providing lodging for transient populations. This increased supply of Boat STRs will help tourism and will also add STR supply to the overall market lessening the impacts of STR on stick built rentals.
  - e. All the conditions are conditions that could be enforced and monitored with adequate staff and support to seek enforcement.
  - f. As conditioned, the proposal will not introduce hazards or affect public infrastructure.
- Motion passed 3-0.

I [CUP 18-11](#)

Public hearing and consideration of a conditional use permit request for a bed and breakfast at 424 Andrews Street in the R-1 single family and duplex residential district. The property is also known as Lot 12 and Portion of Lot 11 Block 26 Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder.

Pierson described the request for bed and breakfast operations for a hide-a-bed in an owner-occupied accessory dwelling unit. A duplex is also on the property. The owner previously lived in one unit of the duplex and had a conditional use permit for bed and breakfast rental of a hide-a-bed in that unit. If this permit is approved, the existing conditional use permit will be extinguished. Sufficient parking is on-site for all proposed and existing uses. The ADU and duplex access from separate streets. Fencing provides buffering. The on-site owner can monitor for any activity that may negatively impact the neighborhood. Staff recommend approval. Scarcelli stated that the proposed rental could positively impact long-term rental rates because it is taking away the need from stand-alone rentals.

Sheila Finkenbinder stated that she built the ADU to rent and then decided to move into it. Finkenbinder estimated that maybe two short-term renters in the last three years have had cars.

No public comment.

**Hughey/Colvin moved to approve the conditional use permit request for a bed and breakfast at 424 Andrews Street in the R 1 single family and duplex residential district subject to conditions of approval. The property is also known as Lot 12 and Portion of Lot 11 Block 26 Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder.**

**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, 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 renters.
13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
14. The applicant shall comply with all local, state, and federal laws regarding nondiscrimination.

Motion passed 3-0.

Hughey/Colvin 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, on-site parking is provided;
  - b. Adversely affect the established character of the surrounding vicinity specifically, the neighborhood is already established with higher density and temporary housing; 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 accessed directly from a public street and has public utilities.
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 an owner-occupied bed and breakfast 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 the owner lives on-site and can monitor for infractions and take action as warranted.

Motion passed 3-0.

**J**      [CUP 18-12](#)

Public hearing and consideration of a conditional use permit for a short-term rental at 105 Wolff Drive in the R-1 single family and duplex residential district. The property is also known as Lot 2 Block 3 Amended Resubdivision of Lots

1, 2, 3, 4 of Block 3 and Pt of Wolff Drive, Ted Wolff Subdivision. The request is filed by Florence Benton. The owners of record are Bobby and Florence Benton.

Pierson described the request for short-term rental in one unit of a duplex. The property is directly off of a public street, Wolff Drive. Sufficient parking is provided on-site. The entryways are currently under construction but will be completed prior to renting of the unit. The unit is an efficiency. The owner lives on-site and can monitor for possible infractions and take appropriate action. Staff recommend approval.

Florence Benton stated that the addition was built to house visiting pastors, and it is an efficiency apartment. Benton stated that she will put gravel in the parking area and possibly foliage by the adjacent property.

No comment.

**Colvin/Hughey moved to approve the conditional use permit for a short term rental at 105 Wolff Drive in the R 1 single family and duplex residential district subject to conditions of approval. The property is also known as Lot 2 Block 3 Amended Resubdivision of Lots 1, 2, 3, 4 of Block 3 and Pt of Wolff Drive, Ted Wolff Subdivision. The request is filed by Florence Benton. The owners of record are Bobby and Florence Benton.**

**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.

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, conditions of approval require responsible garbage management and noise monitoring;

b. Adversely affect the established character of the surrounding vicinity specifically, signage will help the renters find the property; 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, access is from a public street and on-site parking is provided.

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 the owner lives on-site and can monitor for infractions and take action as warranted.

Motion passed 3-0.

**K**      [VAR 18-05](#)

Public hearing and consideration of a variance request for 311 Cascade Street in the R-1 single family and duplex residential district. The request is for the reduction in the front setback from 20 feet to 16 feet and the side setback from 5 feet to 4 feet for the construction of an attached garage with second dwelling unit. The property is also known as Lot 38 Block B Moore Memorial Addition. The request is filed by Alexander Weissberg and Jennifer Klejka. The owners of record are Alexander Weissberg and Jennifer Klejka.

Scarcelli read a letter of support from Robert and Tamara Thom. Pierson described the request for construction of an attached garage and second dwelling unit. The rear of the lot slopes and is not ideal for development. The front setback request to 16 feet is consistent with development standard amendments discussed by the Planning Commission. The side setback request to 4 feet could be approved administratively. Pierson noted that the portion of the structure that is less than five feet of the property line would trigger additional building code requirements for the applicant but it would not impact the neighbor's building code requirements. The four required parking spaces are not shown on the site plan. Staff recommend approval subject to the applicant designating the required parking on the site plan.

Jennifer Klejka pointed out on the photo that the retaining wall is falling toward the Thom property. Klejka would like to develop parking in the back. They currently have 1.5-2 spots. Klejka stated that most of the people in the neighborhood park on the

street. Alexander Weissberg stated that he didn't have anything else to add.

Scarcelli stated that there could be flexibility if the applicants provide a parking plan.

No public comment.

**Hughey/Colvin moved to approve the variance request for 311 Cascade Street in the R 1 single family and duplex residential district with the condition that the code-required parking spaces be provided prior to construction. The request is for the reduction in the front setback from 20 feet to 16 feet and the side setback from 5 feet to 4 feet for the construction of an attached garage with second dwelling unit. The property is also known as Lot 38 Block B Moore Memorial Addition. The request is filed by Alexander Weissberg and Jennifer Klejka. The owners of record are Alexander Weissberg and Jennifer Klejka. Motion passed 3-0.**

**Hughey/Colvin moved to adopt and approve the required findings for 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 the steep rear topography;**
- 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 economical development of a garage with second dwelling unit on an R-1 lot;**
- 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 request is consistent with development of other parcels in the neighborhood;**
- 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 development of a garage with second dwelling unit in the R-1 zone while avoiding development in potential wetlands.**

**Motion passed 3-0.**

## **VIII. ADJOURNMENT**

Acting Chair Parmelee adjourned the meeting at 8:57PM.

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