



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

Wednesday, March 6, 2019

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (Chair), Darrell Windsor, Randy Hughey, Taylor Colvin
Absent: Victor Weaver (excused), Aaron Bean (Assembly liaison)
Staff: Scott Brylinsky (Interim Planning Director), Amy Ainslie (Planner I)
Public: Parcae Soule, Jaycie Karsunky, Aurora Cooper, Roland Wirth, Michelle Friedman, Denton Pearson, Matt Callahan, Dan Falvey, Dave Hunt, Karen Lucas, Richard Wein

Chair Spivey called the meeting to order at 7:01 p.m.

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM 19-03](#) Approve the February 20, 2019 minutes

Attachments: [03-Feb 20 2019 DRAFT](#)

M-Windsor/S-Colvin moved to approve the February 20, 2019 minutes. Motion passed 4-0 by voice vote.

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Brylinsky reminded the Commissioners that their annual financial disclosures were due to the Municipal Clerk by March 15th.

Brylinsky provided an update on the status of the 2019 Planning priorities as determined in the Commission's visioning session. The Commission had reviewed a draft ordinance to modify development standards, primarily pertaining to lot size, setbacks, and building on residential districts, at the February 20th meeting. Staff reviewed the draft and consulted with former Planning Director, Michael Scarcelli, on a few areas that required clarification. Staff would bring the draft ordinance back for the Commission's consideration at the March 20th meeting.

On the proposed SJ overlay zoning district, Brylinsky informed the Commission that the applicant was postponing further action until STA's concerns regarding protections for cemeteries was addressed. Staff was working on a draft ordinance that would create a cemetery zoning district. The cemetery district draft ordinance would be reviewed by the Historic Preservation Commission on March 13th, and brought before

the Planning Commission at the March 20th meeting. The proposal for the SJ overlay would be brought back to the Commission for consideration after that time.

The request for a zoning map amendment, ZA 19-02, that had been presented to the Commission at the February 20th meeting had been postponed indefinitely while the applicant worked with their neighbor to resolve the spot zoning concerns the Commission had.

The March 20th meeting would also include a conditional use permit for fish smoking, and the above mentioned draft ordinances. A permanent planning director had not been hired yet; Brylinsky would be working intermittently in April, but would continue to attend the Commission's meetings.

B [MISC 19-07](#)

Public hearing, discussion, and recommended comment on a state aquatic farmsite lease. The request is filed by DNR for Coastal Alaska Seafoods, LLC. The 4.13 acre site is located near the Siginaka Islands.

Attachments: [MISC 19-07 Public Notice DNR Aquatic Farmsite Lease ADL 232900](#)

Brylinsky informed the Commission that this item did not require any action by the Commission, as the proposed lease was on State lands, but was being presented as an opportunity for the public to comment on it.

No public comment was received.

C [MISC 19-08](#)

Public hearing, discussion, and recommended comment on a proposed action to vacate a 25' portion of the 50' wide public pedestrian access easement lying within Lot 3, Block 1, ASLS 87-129 Middle Island Subdivision (Plat 89-22 Sitka Recording District). The stated reason for this request is to alleviate encroachment of structures. The request is filed by DNR for Michael Coady.

Attachments: [MISC 19-08 DNR & Coady Easement Vacation](#)

Brylinsky informed the Commission that this item did not require any action by the Commission, as the easement being vacated was on State lands, but was being presented as an opportunity for the public to comment on it. Windsor asked for clarification on how DNR would receive comments made during Commission meetings. Brylinsky said that staff would compile any public comments made and send it to DNR.

No public comment was received.

D [MISC 19-09](#)

Review of the 2018 Annual Short-Term Rental Report

Attachments: [2018 Short-Term Rental Report Memo](#)
[Short-Term Rental Distribution Maps](#)
[RentStats DOL Sept18](#)
[Minutes of 2017 Annual Report Discussion](#)

Brylinsky presented the memo provided to Commissioners that covered response rates, bed taxes raised, and concerns raised by those in the community regarding short-term rentals. Spivey expressed a desire for the Commission to take a hardline

approach on enforcing requirements of conditional use permits. All permit holders were required to submit a survey response as a condition of the permit approval, and all the response data was needed for staff and the Commission to fully understand what the effects of short-term rentals were. Spivey recommended having non-compliant permit holders come to Commission meetings, and potentially removing permits where necessary. Hughey agreed with Spivey, and also asked Staff to look into cases of individuals operating short-term rentals without permits. Hughey stated concern about the effects of increased short-term rentals on long-term rentals. Spivey added that he is also concerned with effects on long-term residents, and how their neighborhoods were changing with an increase of transient guests. Colvin asked if other cities had found a quantitative means of controlling the impacts of short-term rentals; was there a number or ratio of too many short-term rental vs long-term rentals that was detrimental. Brylinsky was not aware of a specific ratio, but knew that other cities were also grappling with this issue as well and were implementing measures to control the number of short-term rentals.

VI. REPORTS

VII. THE EVENING BUSINESS

- E** [CUP 19-02](#) Public hearing and consideration of a conditional use permit for a short-term rental at 602 Monastery Street in the R-1 zoning district. The property is also known as Lot 4, Fager Subdivision. The request is filed by Parcae Soule. The owner of record is Parcae Soule.

Attachments: [CUP 19-02 Soule 602 Monastery STR Staff Report](#)
 [CUP 19-02 Soule 602 Monastery STR Aerial](#)
 [CUP 19-02 Soule 602 Monastery STR Site Plan](#)
 [CUP 19-02 Soule 602 Monastery STR Photos](#)
 [CUP 19-02 Soule 602 Monastery STR Plat](#)
 [CUP 19-02 Soule 602 Monastery STR Administrative Back-Up](#)

Brylinsky delivered the staff report. Brylinsky specifically noted that the property had two dwelling units and ample parking. The applicant, Parcae Soule, came forward and stated that she wanted to follow all of the requirements and have the permit in place for the summer season. Spivey asked her why she preferred doing a short-term rental versus a long-term rental. Soule answered that she wanted to be able to have access to the unit when she needs it, such as when family came to town to visit. Soule also answered a question from Hughey about whether or not the unit was currently rented out, which it was not. Windsor asked staff for clarification on whether or not having a short-term rental permit precluded the permit holder from renting out their property long term. Brylinsky answered that it did not, but the property would need to be rented out as a short-term rental at least once per year to keep the permit active.

M-Hughey/S-Windsor moved to approve the conditional use permit for a short-term rental at 602 Monastery Street in the R-1 zoning district subject to the conditions as written in the staff report. The property was also known as Lot 4, Fager Subdivision. The request was filed by Parcae Soule. The owner of record was Parcae Soule. Motion passed 4-0 by voice vote.

M-Hughey/S-Colvin moved to approve and adopt the required findings as written in the staff report. Motion passed 4-0 by voice vote.

F [CUP 19-03](#)

Public hearing and consideration of a conditional use permit for a short-term rental at 612 Monastery Street in the R-1 zoning district. The property is also known as Lot 7, Block 5, Sirstad Subdivision No. 1. The request is filed by Michelle Friedman. The owners of record are Michelle Friedman and Roland Wirth.

Attachments: [CUP 19-03 Friedman 612 Monastery STR Staff Report](#)
[CUP 19-03 Friedman 612 Monastery STR Aerial](#)
[CUP 19-03 Friedman 612 Monastery STR Site Plan](#)
[CUP 19-03 Friedman 612 Monastery STR Photos](#)
[CUP 19-03 Friedman 612 Monastery STR Plat](#)
[CUP 19-03 Friedman 612 Monastery STR Administrative Back-Up](#)

Brylinsky delivered the staff report, and noted that the property had two dwelling units and adequate parking. The applicants, Michelle Friedman and Roland Wirth, came forward and told the Commission that they live in Sitka on an island property, but want to be able to stay at the Monastery Street property intermittently and rent it out when they were not there. Spivey noted that there may be a congestion concern as Monastery Street was narrow in some places. Spivey asked Staff to look for short-term rentals in the area advertised on Air BnB that were not going through the conditional use permit process.

M-Windsor/S-Hughey moved approve the conditional use permit for a short-term rental at 612 Monastery Street in the R-1 zoning district subject to the conditions as stated in the staff report. The property was also known as Lot 7, Block 5, Sirstad Subdivision No. 1. The request was filed by Michelle Friedman. The owners of record were Michelle Friedman and Roland Wirth. Motion passed 4-0 by voice vote.

M-Windsor/S-Hughey moved to approve and adopt the required findings as written in the staff report. Motion passed 4-0 by voice vote.

G [CUP 19-04](#)

Public hearing and consideration of a conditional use permit for a short-term rental at 400 Spruce Street in the R-2 zoning district. The property is also known as Lot 1, Tower Heights Subdivision, Block 24, Sitka Townsite. The request is filed by Reba Trani and Matthew Callahan. The owner of record is Ann Walter.

Attachments: [CUP 19-04 Trani & Callahan 400 Spruce STR Staff Report](#)
[CUP 19-04 Trani & Callahan 400 Spruce STR Aerial](#)
[CUP 19-04 Trani & Callahan 400 Spruce STR Site Plan](#)
[CUP 19-04 Trani & Callahan 400 Spruce STR Photos](#)
[CUP 19-04 Trani & Callahan 400 Spruce STR Plat](#)
[CUP 19-04 Trani & Callahan 400 Spruce STR Administrative Back-Up](#)
[CUP 19-04 Trani & Callahan 400 Spruce STR Public Comment](#)

Brylinsky delivered the staff report and noted that the structure had two dwelling units, one was accessed from Erler Street and one was accessed from Spruce Street. The property had ample parking available. The applicant, Matthew Callahan came forward. Callahan gave the Commission some history on the property and renovation work he

had undertaken. The house was formerly a duplex, but had been redone to split the first story in half, so that the upper unit had internal access to half of the lower unit, and the other half was a separate unit with its own electric meter and water heater. Callahan told the Commission that they would like to do a short-term rental to help with the mortgage payments, but allowing for more privacy and access to the second dwelling when needed. Callahan stated that they may someday do long-term rentals instead, but thought short-term rentals were a better fit for now. Spivey noted that the area was multi-family and transient in nature already, so this request was consistent with characteristics of the neighborhood.

M-Colvin/S-Windsor moved to approve the conditional use permit for a short-term rental at 400 Spruce Street in the R-2 zoning district subject to the conditions as stated in the staff report. The property was also known as Lot 1, Tower Heights Subdivision, Block 24, Sitka Townsite. The request was filed by Reba Trani and Matthew Callahan. The owner of record was Ann Walter. Motion passed 4-0 by voice vote.

M-Colvin/S-Windsor moved to approve and adopt the required findings as written in the staff report. Motion passed 4-0 by voice vote.

H [CUP 19-05](#)

Public hearing and consideration of a conditional use permit for a short-term rental at 298 Kaagwaantaan Street in the R-1 zoning district. The property is also known as Lot 4, Allen/Carlson Subdivision. The request is filed by Alexander and Jaycie Karsunky. The owners of record are Alexander and Jaycie Karsunky.

Attachments: [CUP 19-05 Karsunky 298 Kaagwaantaan STR Staff Report](#)
[CUP 19-05 Karsunky 298 Kaagwaantaan STR Aerial](#)
[CUP 19-05 Karsunky 298 Kaagwaantaan STR Site Plan](#)
[CUP 19-05 Karsunky 298 Kaagwaantaan STR Photos](#)
[CUP 19-05 Karsunky 298 Kaagwaantaan STR Plat](#)
[CUP 19-05 Karsunky 298 Kaagwaantaan STR Administrative Back-Up](#)

Brylinsky delivered the staff report, noting that the structure was a single dwelling unit with three bedrooms and one bathroom. The property had adequate parking with space for three vehicles. The applicant, Jaycie Karsunky, came forward and told the Commission that her husband worked out of town on occasion, so their family was here intermittently. Renting out their house on a short-term basis would make it more affordable to maintain ownership of the home, and ensured it would be available when they were in town. Spivey asked Karsunky if there would be a property manager when they were out of town, as he and Windsor expressed concern that Kaagwaantaan was a one-way street with a low speed limit. Karsunky answered that her mother would serve as the property manager and would be available to help address concerns at the property. Karen Lucas gave public comment. Lucas stated that she was not for or against the request, but noted that the home was a new construction in a quiet, residential area, the Indian Village. Lucas expressed that she did not want to see a change in the culture of the neighborhood. Colvin noted that this request was consistent with the purpose of short-term rentals; to rent out a property when the owners were not in it, and could not be otherwise utilized for long-term housing. Hughey stated that he felt having a property manager in town adequately mitigated concerns for traffic or other potential impacts.

M-Hughey/S-Windsor moved to approve the conditional use permit for a

short-term rental at 298 Kaagwaantaan Street in the R-1 zoning district subject to the conditions as stated in the staff report. The property is also known as Lot 4, Allen/Carlson Subdivision. The request is filed by Alexander and Jaycie Karsunky. The owners of record are Alexander and Jaycie Karsunky. Motion passed 4-0 by voice vote.

M-Hughey/S-Windsor moved to approve and adopt the required findings as written in the staff report. Motion passed 4-0 by voice vote.

I [P 19-01](#)

Public hearing and consideration of a conceptual plat to create a 5-lot hybrid subdivision at 123 Anna Drive in the R-2 zoning district. The property is also known as Lot 3, Miller Subdivision. The applicant is Daniel Falvey. The owners of record are Daniel Falvey and Kathleen O'Gara.

Attachments: [P 19-01 Falvey 123 Anna Drive Staff Report](#)
[P 19-01 Falvey 123 Anna Drive Aerial](#)
[P 19-01 Falvey 123 Anna Drive Site Plan](#)
[P 19-01 Falvey 123 Anna Drive Photos](#)
[P 19-01 Falvey 123 Anna Drive Plat](#)
[P 19-01 Falvey 123 Anna Drive Administrative Back-Up](#)

Brylinsky delivered the staff report, and noted that there was not a preliminary plat yet, as the applicant wanted to get feedback from the Commission before the expense of surveying services. Brylinsky described hybrid subdivisions and provided examples to illustrate the differences between minor subdivisions and hybrid minor subdivisions. Brylinsky made a correction to the staff report that 121 Anna Drive was in fact a party to the road maintenance agreement. Brylinsky suggested requiring updated easement and utility agreements as a part of this platting action. Windsor asked why the Commission should insist on a utility agreement, Brylinsky answered that utility and access agreements were requirements per the subdivision code when new subdivisions were created; this step had been neglected when the Miller Subdivision was originally created. Colvin asked if the utility system could handle an additional residence, Brylinsky answered that there was an eight inch line with a pressure booster, so the system could handle much more use than was currently utilized. Hughey asked for clarification if the new lot would connect below the pressure booster and why, Brylinsky answered that the lot would have adequate pressure at that connection point.

The applicant, Dan Falvey, came forward. Falvey stated that there were still a lot of "moving pieces" to figure out, but wanted to know if the action was worth pursuing before spending considerable money. Falvey recognized that his property is in an R-2 zone, so he could have built more housing on his property as it was, but felt subdividing the property allowed for more flexibility. Falvey stated that it was not fully decided whether the new lot would connect to utilities before or after the pressure booster. There were some advantages of connecting after the booster, as it would be one more user to share the cost of maintenance. Without a formal utilities maintenance agreement, the subdivision operated under essentially a "gentlemen's agreement" to share the costs; Falvey was taking on the work and upfront expense of maintenance which had totalled approximately \$16,000 in recent years and was reimbursed by his neighbors at later dates. Though the neighborhood equitably shared the expense eventually, Falvey had concerns about changes in ownership in the future that could change the practice; the creation of the new lot would be an opportunity to clean-up the agreements. The creation of the new lot would also be a chance to

improve the road and drainage. Windsor asked Falvey where he would build a structure on the newly created lot, Falvey answered that he would build where an existing shed and foundation were, on the west side of the creek that ran through the property. Falvey envisioned an approximately 1200 square foot home.

David Hunt, the owner of 121 Anna Drive, gave public comment. Hunt expressed concern about losing access to his driveway as had been designated in the easement agreement written in 1993, and about drainage. With increased landslide activity in recent years, and how fast the creek in the subdivision could run during heavy rains, Hunt had concerns about the effects of development on the new lot.

Spivey clarified that all new subdivisions required drainage reports and that Hunt's concerns would be better answered, and potentially mitigated, through the report process.

M-Hughey/S-Colvin moved to approve the conceptual plat to create a 5-lot hybrid subdivision at 123 Anna Drive in the R-2 zoning district subject to following the processes and standards as required by code, including an engineered drainage report and plan. The property is also known as Lot 3, Miller Subdivision. The applicant is Daniel Falvey. The owners of record are Daniel Falvey and Kathleen O'Gara. Motion passed 4-0 by voice vote.

VIII. ADJOURNMENT

Seeing no objection, Spivey adjourned the meeting at 8:23 p.m.