



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

Wednesday, May 1, 2019

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey, Darrell Windsor, Randy Hughey, Taylor Colvin

Absent: Victor Weaver (excused), Aaron Bean (Assembly liaison)

Staff: Amy Ainslie

Public: Michelle Cleaver, John Cleaver, Richard Wein, Pauline Fredrickson, Tori Hay, Mike Hay

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

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

M-Windsor/S-Colvin moved to approve the April 3, 2019 minutes. Motion passed 4-0 by voice vote.

A [PM 19-06](#) Approve the April 3, 2019 minutes.

Attachments: [06-April 3 2019 DRAFT](#)

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie informed the Commission that there was no progress or news to report on hiring a permanent Planning Director. CBS was in the final stages of selecting a bid for the No Name Mountain/Granite Creek Master Plan. The next meeting's agenda would have two platting actions, a zoning text change, and three conditional use permits.

Hughey noted that he had contacted a UAS Tlingit linguist regarding the proper name of No Name Mountain, as No Name Mountain was inaccurate. Hughey stated that he wished to see the mountain's true name restored as a part of the Master Planning process.

On the absence of a Planning Director, Spivey stated his frustration with the Assembly in not hiring the candidate selected by the hiring committee. Spivey also stated that he felt uncomfortable making some of the major decisions the Commission is tasked with, such as the No Name Mountain Master Plan and FEMA mapping without the guidance of a Planning Director. Hughey had drafted a resolution urging the Assembly to hire a Planning Director as expediently as possible. Spivey asked to have the resolution and associated discussion on the next agenda.

VI. REPORTS**VII. THE EVENING BUSINESS****B** [CUP 19-07](#)

Public hearing and consideration of a conditional use permit for a short-term rental at 505 Park Street in the R-1 zoning district. The property is also known as Lot 31 of the Amended Plat of Pinehurst Addition. The applicant is Timothy Riley. The owners of record are Timothy Riley and Sandra Gebler.

Attachments: [CUP 19-07 Riley 505 Park STR_ Staff Report](#)
[CUP 19-07 Riley 505 Park STR_ Aerial](#)
[CUP 19-07 Riley 505 Park STR_ Site Plan](#)
[CUP 19-07 Riley 505 Park STR_ Photos](#)
[CUP 19-07 Riley 505 Park STR_ Plat](#)
[CUP 19-07 Riley 505 Park STR_ Admin Back-Up](#)
[CUP 19-07 Riley 505 Park STR_ Public Comment](#)

Ainslie delivered the staff report. The proposed short-term rental had one bedroom and one bathroom, with a maximum occupancy of four guests. There were two parking spaces available, though Ainslie noted that the likely traffic generation would be minimal, as many renters would opt to walk or bike given its proximity to downtown, or would have a single vehicle. Ainslie also stated that the renter handout and renter policies offered by the proposed property manager seemed robust.

The applicant, Timothy Riley, answered questions from the Commission. Spivey and Riley discussed potential road construction in the area, and plans to keep renters apprised of construction situations.

M-Windsor/S-Colvin moved to approve the the conditional use permit for a short-term rental at 505 Park Street in the R-1 zoning district subject to the attached conditions of approval. The property is also known as Lot 31 of Amended Plat Pinehurst Addition. The request is filed by Timothy Riley. The owners of record are Timothy Riley and Sandra Gebler. Motion passed 4-0 by voice vote.

M-Windsor/S-Colvin moved to adopt the required findings for conditional use permits. The Planning Commission shall not approve a proposed development unless it first makes the listed findings and conclusions as stated in the staff report. Motion passed 4-0 by voice vote.

C [ZA 19-04](#)

Discussion and direction on a zoning text amendment to reflect recently enacted State of Alaska regulations allowing for onsite marijuana consumption facilities. The applicant is Michelle Cleaver.

Attachments: [ZA 19-04 Cleaver Onsite Consumption_ Staff Report](#)
[2019-xx Marijuana Onsite Consumption v.2](#)
[ZA 19-04 Cleaver Onsite Consumption_ Application](#)
[3 AAC 306.370 Onsite consumption endorsement for retail marijuana stores](#)

Ainslie explained to the Commission the newly passed State of Alaska regulations regarding on-site marijuana consumption including the licensing process, regulation on construction and operation of such facilities, and sections of Sitka's General Code that would need to be amended to accommodate the new regulations.

Spivey and Windsor stated their concern in hearing the matter prior to a hearing/decision by the local marijuana control board, which is the Assembly. Windsor and Hughey had questions in relation to the smoke-free work place legislation CBS adopted. Ainslie answered that while the legislation exempted on-site marijuana consumption, there was an issue of free standing building requirements.

The applicant, Michelle Cleaver, came forward. Cleaver provided background history around the passage of the new regulations. Cleaver addressed the free-standing building requirements, and requested that the Commission along with the Assembly work together to make the regulations work for the business needs in Sitka. Spivey again stated that the "free standing" issue is outside the purview of the Commission and had to be done by the control board; the Commission was only involved from the zoning regulations.

Richard Wein came forward. Wein offered to work with the applicant and the municipal attorney to create draft language interpreting and applying the free standing requirements in the smoke-free work place legislation to take to the control board.

No action taken.

D [P 19- 03](#)

Public hearing and consideration of a conceptual plat for a minor subdivision at 1306 Halibut Point Road in the R-2 zoning district. The property is also known as Lot 1A, Little Critter Subdivision. The applicant is the Sitka Community Land Trust. The owner of record is the Sitka Community Land Trust.

Attachments: [P 19-03 SCLT 1306 HPR Staff Report](#)
[P 19-03 SCLT 1306 HPR Aerial](#)
[P 19-03 SCLT 1306 HPR Applicant Materials](#)
[P 19-03 SCLT 1306 HPR Plat](#)
[P 19-03 SCLT 1306 HPR Public Comment](#)

Hughey stepped away from the board as the applicant on the item. Ainslie reminded the Commission that as the applicant, Hughey would not be voting on the item.

Ainslie delivered the staff report, informing the Commission that the SCLT's land had remaining buildable area in the eastern portion of the lot. Ainslie explained the topography challenges from the SCLT's land, making the land not possible for SCLT to develop. Easements could be provided by adjacent properties to enable development and access; Ainslie described the proposed easements as described by the applicant.

Randy Hughey came forward as the applicant. Hughey explained that if the SCLT could build an affordable home for the project on the lot, they would, but due to the location and topography it was not possible. There was a reasonable offer made by the property owner at 1301 Edgecumbe Drive, Robert Woolsey. The funds from the sale would help to fund the affordable housing project. Colvin asked if the land was buildable, and Hughey answered that it was. Windsor asked if future subdivisions and sales of more property along the eastern side of SCLT's lot were planned. Hughey answered that the

idea had been considered, but SCLT had not received interest from adjacent property owners. The proposed subdivision contained the only buildable area in the upland portion of the lot.

Pauline Fredrickson, who resides at 1213 Edgecumbe Drive, came forward. Fredrickson expressed concerns about the maintenance of Kostrometinoff Street, which is functioning as Fredrickson's driveway. Fredrickson has solely paid the expenses to try to maintain and improve the street. Fredrickson asked for documentation on the city's plans and/or schedule for maintenance for Kostrometinoff. Fredrickson's daughter, Tori Hay, asked for clarification on whether the development and occupancy of the newly created lot would require use of Kostrometinoff, and how the maintenance of the street for passability and safety would be paid for.

Ainslie read a letter from Robert Woolsey into the record describing his plans for the property, and his offer to help with maintenance costs of Kostrometinoff should he need to use it.

The Commission discussed the usage of the road and if there was a mechanism in place to ensure the costs were shared equitably. Ainslie stated that she had spoken to CBS Public Works, and that the users of the street could obtain a license from the city to regulate the use and maintenance. Ainslie noted that she had added the license as a condition of approval in the staff report. The Commission also discussed whether or not the subdivision and subsequent sale was consistent with the intention of SCLT ownership of the land. Spivey said that the conceptual platting requirements had been met, and that SCLT was doing its best to move the affordable housing project forward. Windsor stated that the action also adds to available housing. Spivey finished the conversation by also stating that there was a positive path forward to foster neighborhood cooperation.

M-Colvin/S-Windsor moved to approve the conceptual plat for a minor subdivision at 1306 Halibut Point Road in the R-2 zoning district subject to the listed conditions of approval. The property is also known as Lot 1A, Little Critter Subdivision. The applicant is the Sitka Community Land Trust. The owner of record is the Sitka Community Land Trust. Motion passed 3-0 by voice vote.

VIII. ADJOURNMENT

Seeing no objection, Chair Spivey adjourned the meeting at 8:22 p.m.