



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Randy Hughey
Victor Weaver

Wednesday, September 18, 2019

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (chair), Darrell Windsor, Randy Hughey, Stacy Mudry
Absent: Victor Weaver (excused), Aaron Bean (assembly liaison)
Staff: Amy Ainslie
Public: Tyler Green, Kris Pearson, John Hardwick, Ral West, Robert Woolsey, Jennifer Alley, Shannon Haughland

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

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

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

A [PM 19-13](#) Approve the September 4, 2019 minutes.

Attachments: [13-Sept 4 2019 DRAFT](#)

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie reported that a Planning Director candidate had been brought down to Sitka the previous week for a final interview, see the town, and meet with city staff and others. The candidate had since communicated with the Interim Administrator that while they were still interested in the position, they wanted to see where the Assembly was going to go with the permanent Administrator position before making a decision on whether or not to accept the position. Commissioners asked if there were any other applicants being considered, Ainslie answered that she was not aware of any scheduled interviews at the time.

Ainslie said she was able to attend the first day of the Southeast Conference, in which there were some good presentations on housing, the health of the local economy, tourism, and health care. Ainslie also said she would be out of town from 9/19-9/23.

The next meeting's agenda would have four conditional use permits and two minor

subdivisions.

VI. REPORTS

VII. THE EVENING BUSINESS

B [VAR 19-04](#)

Public hearing and consideration of a zoning variance for fence height at the Marine Street Electric Substation located at 401 Spruce Street, 207 Erler Street, and 400 Marine Street in the R-2 multifamily residential district. The lots are also known as Lots 10, 11, and 12, Hanlon Heights Subdivision. The request is filed by the City and Borough of Sitka Electric Department. The owner of record is the City and Borough of Sitka.

Attachments: [VAR 19-04 Marine St. Electric Substation Staff Report](#)
[VAR 19-04 Marine St. Electric Substation Aerial](#)
[VAR 19-04 Marine St. Electric Substation Site Plan](#)
[VAR 19-04 Marine St. Electric Substation Plat](#)
[VAR 19-04 Marine St. Electric Substation Applicant Materials](#)

Ainslie stated that though the subject property was a public utility, it was in an R-2 residential zone. The zoning code stated that in all zones, with the exception of the Public and Industrial zones, the maximum fence height was 8 feet, unless a variance was granted. The Electric Department planned to build a 10 foot fence with an additional 1 foot of barbed wire, bringing the total fence height to 11 feet. Ainslie thought there were two pertinent facts in addition to the fact that this was a utility area that should be considered. First, the National Electric Code (NEC) which governed safety standards for electric utility facilities, had specific regulations for fence height that had to be met. Second, the terrain of the lot(s) required the use of retaining blocks, so the grade of the ground under the fence was significantly lower than that of the ground on the outside of the fence where a pedestrian would stand. Ainslie showed the commissioners diagrams and a photo to demonstrate this difference in grade and how it affected the fence height as it would be viewed from outside the facility. Ainslie stated that the two main findings for variances involving minor structures were considerations for public safety and neighborhood harmony. Ainslie said that the increased fence height increased public safety as it help restrict access from the public to a potentially hazardous area, and the fence would provide additional screening of the utility facilities for surrounding neighbors. Ainslie recommended approval. Windsor asked Ainslie to clarify whether the fence was 11 feet in total height, or 11 feet plus barbed wire - Ainslie answered that it was 11 feet in total height including the barbed wire.

A representative of the Electric Department, Tyler Green, was present as the applicant. Commissioners had no further questions for the applicant.

M-Windsor/S-Hughey moved to approve the zoning variance for a fence to exceed 8' in height at 401 Spruce Street, 207 Erler Street, and 400 Marine Street in the R-2 multifamily zoning district subject to attached conditions of approval. The properties were also known as Lots 10, 11 and 12, Hanlon Heights Subdivision. The request was filed by the City and Borough of Sitka Electric Department. The owner of record was the City and Borough of Sitka. Motion passed 4-0 by voice vote.

**M-Windsor/S-Hughey moved to adopt the findings as listed in the staff report.
Motion passed 4-0 by voice vote.**

C [CUP 19-14](#)

Public hearing and consideration of a conditional use permit for a short-term rental at 208 Kaagwaantaan Street in the R-1 single-family and duplex residential district. The lot is also known as Lot 1, Back Street Subdivision. The request is filed by Jennifer Alley. The owner of record is Jennifer Alley.

Attachments: [CUP 19-14 208 Kaagwaantaan STR Staff Report](#)
[CUP 19-14 208 Kaagwaantaan STR Aerial](#)
[CUP 19-14 208 Kaagwaantaan STR Floor Plan](#)
[CUP 19-14 208 Kaagwaantaan STR Photos](#)
[CUP 19-14 208 Kaagwaantaan STR Plat](#)
[CUP 19-14 208 Kaagwaantaan STR Renter Handout](#)
[CUP 19-14 208 Kaagwaantaan STR Application](#)
[CUP 19-14 208 Kaagwaantaan STR Public Comment](#)

Ainslie described the property as a single-family home which was owner-occupied. There was a guest suite on the first floor of the house with a bedroom and bathroom; there was not a separate kitchen or cooking facilities and therefore the guest suite would not be considered a separate dwelling unit, diminishing the impact of using the space as a short-term rental on housing stock. The property was at the entrance of Kaagwaantaan Street which was a slow speed, one-way street. Detailed instructions would be needed in the handout to provide directions to ensure compliance with the traffic rules. Ainslie noted that parking could be a potential issue, as the renter handout instructed guests to utilize a City owned lot used for parking adjacent to mailboxes on Kaagwaantaan. Ainslie also noted that one public comment from a neighbor across the street had been received in support of the proposal. Ainslie recommended approval.

The applicant, Jennifer Alley, came forward. Commissioners discussed potential parking issues with the applicant. Alley stated that her property had more than enough room for parking. Windsor noted that when working in the area, he did not find lack of parking to be an issue.

M-Windsor/S-Hughey moved to table consideration of this item until the end of the meeting. Motion passed 4-0 by voice vote.

M-Windsor/S-Hughey moved to approve the conditional use permit for a short-term rental at 208 Kaagwaantaan in the R-1 single-family and duplex residential zoning district subject to the attached conditions of approval. The property was also known as Lot 1, Back Street Subdivision. The request was filed by Jennifer Alley. The owner of record was Jennifer Alley. Motion passed 4-0 by voice vote.

**M-Windsor/S-Hughey move to adopt the findings as listed in the staff report.
Motion passed 4-0 by voice vote.**

D [LM 19-01](#)

Public hearing and consideration of a tidelands lease request for submerged municipal tidelands immediately adjacent to 1401 and 1403 Halibut Point Road in the R-1 single-family and duplex residential district. The lots are also

known as Lots 1 and 2, Borhauer Subdivision. The request is filed by Kris Pearson, John Hardwick, and Ral West. The owners of record are Kris and Erica Pearson, John T. Hardwick Revocable Living Trust, and Ral West Revocable Living Trust.

Attachments: [LM 19-01 1401 & 1403 HPR Tidelands Lease Staff Report](#)
[LM 19-01 1401 & 1403 HPR Tidelands Lease Aerial](#)
[LM 19-01 1401 & 1403 HPR Tidelands Lease Lease Area](#)
[LM 19-01 1401 & 1403 HPR Tidelands Lease Dock Plans](#)
[LM 19-001 1401 & 1403 HPR Tidelands Lease RES 94-580](#)
[LM 19-01 1401 & 1403 HPR Tidelands Lease Applicant Materials](#)

Ainslie laid-out the process by which Municipal tidelands leases are considered and potentially granted. The proposal was classified as a Class IIB permit which is a personal use dock in which the perimeter exceeds 300 linear feet. The role of the Planning Commission in this case was to provide comments on the proposal to staff and the applicant, provide a venue for public hearing and testimony, and to recommend, or not recommend, the proposal to the Assembly. Ainslie noted that per the zoning code, personal use docks are a conditional use in R-1 zones; if the item was recommended for approval, a conditional use permit would come before the Commission at the next meeting. Ainslie clarified that a competitive bid was not needed in this case, because the applicants were the upland property owners. Ainslie stated how the proposal was consistent with the limited use of the area as described in RES 94-580. The proposal had been considered by the Ports and Harbors Commission on 9/11/19 to ensure that there would be no interference with harbor operations; Ports and Harbors voted unanimously to recommend approval of the proposal.

Ainslie described the details of the proposal. Due to the shallow shoreline in the area, it was difficult to access submerged tidelands with adequate depth required for a dock facility which is why a 200 foot pier and 70 foot gangway between shore and the two floats sized 12 feet by 40 feet and 12 feet by 100 feet were needed. Given the expense of such infrastructure, the applicants had decided a joint project would be most efficient. Though there were no land issues present in this case, there was the potential for marine infrastructure, marine traffic, and noise disturbances to occur. The mitigations to these potential issues included the distance between the docks and shore where residences are located, the curvature of the shore line around the subject properties, the fact that the properties were within the breakwater where moderate to heavy marine traffic already occurred, and that the Army Corps of Engineers would be providing oversight of environmental impact through their permitting process. Ainslie stated that she had received one verbal comment from a neighbor in support of the proposal. Ainslie recommended approval. Windsor inquired about the length of the lease, Ainslie answered that due to the classification of the permit, the lease would be for 10 years. Hughey asked if any easements were in place or would be created to ensure access to the shared dock. Ainslie answered that there were no existing or proposed easements, but that the applicants intended to create a legal document/covenant to ensure continued access and maintenance of the dock even in the event that the properties were to transfer ownership.

The applicants, Kris Pearson, John Hardwick, and Ral West came forward. West clarified that they were creating a dock association as the legal instrument for the shared facilities. Pearson and Hughey discussed some of the construction logistics.

M-Hughey/S-Windsor moved to recommend approval of the lease request for Municipal tidelands located seaward of 1401 and 1403 Halibut Point Road. The properties were also known as Lots 1 and 2 Borhauer Subdivision. The request was filed by Kris Pearson, John Hardwick, and Ral West. The owners of record were Kris and Erica Pearson, John T. Hardwick Revocable Living Trust, and Ral West Revocable Living Trust. Motion passed 4-0 by voice vote.

E [P 19-03](#)

Public hearing and consideration of a preliminary 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 Current Plat](#)
 [P 19-03 SCLT 1306 HPR Preliminary Plat](#)
 [P 19-03 SCLT 1306 HPR Applicant Materials](#)

Hughey recused himself to become the applicant.

Ainslie recalled that the Commission had reviewed the conceptual plat of this proposal at the May 1st meeting. The property in question had been deeded to the Sitka Community Land Trust (SCLT) for the affordable housing project, much of which had been previously subdivided for the project. The remaining unsubdivided land was largely non-developable due to the slope, stability, and access issues that would be present. However, on the southeast side of this area, there was a plateau SCLT believed to be buildable, however, not buildable for the SCLT. The access from SCLT property to the plateau would be too steep, and easements from neighbors would be needed. Given these challenges, development of the area would no longer fit within the organization's purview for affordable housing. SCLT reached a preliminary agreement with the neighbor at 1301 Edgecumbe Drive, Robert Woolsey, to purchase this area if the proposed subdivision was successful. The applicant had done significant work to ensure that adequate access and utilities were available to the newly created lot, and to plat necessary easements. The Public Works department was waiting for preliminary plat approval to be achieved before issuing a license for the private use of Kostrometinoff Street which would be used to access the newly created lot. This license would ensure equitable sharing of maintenance costs for all neighbors using the right-of-way. Obtaining the license was a conditional of approval. Ainslie also described a future boundary line adjustment Woolsey planned to request if the subdivision was successful. Ainslie concluded that approving the subdivision would allow SCLT to use the land that would otherwise be surplus to further finance the affordable housing project, would make use of otherwise vacant land, the newly created lot provided adequate space, air, utility needs, meeting the development standards, and that the proposal was an opportunity to clean-up maintenance of the privately used Kostrometinoff Street. Ainslie recommended approval. Spivey asked if the access had been reviewed by emergency services. Ainslie answered that the Police and Fire Departments had been included on a review of the project during the conceptual stage and neither had stated concern regarding the access. Ainslie stated this could be revisited and clarified before final plat approval.

Randy Hughey came forward as the applicant. Spivey asked that access be reviewed with emergency services, Hughey agreed.

Robert Woolsey came forward during public comment, restating that he was owner at 1301 Edgecumbe Drive and planning to purchase the newly created lot. Woolsey reiterated his plans for a boundary line adjustment to move his rear property line back to its original placement prior to 2003. The newly created lot would become 10,800 square feet, and his existing lot at 1301 Edgecumbe would become 12,800 square feet, both of which would exceed the density standards for the zone and the neighborhood.

M-Mudry/S-Windsor moved to approve the preliminary 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 was also known as Lot 1A, Little Critter Subdivision. The applicant was the Sitka Community Land Trust. The owner of record was the Sitka Community Land Trust. Motion passed 3-0 by voice vote.

M-Windsor/S-Mudry moved to adopt the findings as listed in the staff report. Motion passed 3-0 by voice vote.

VIII. ADJOURNMENT

Seeing no objection, Chair Spivey adjourned the meeting at 7:45 pm.