



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

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

Wednesday, December 18, 2019

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Darrell Windsor (acting chair), Victor Weaver, Stacy Mudry
Absent: Chris Spivey (excused), Randy Hughey (excused), Kevin Mosher (assembly liaison, excused)
Staff: Amy Ainslie, Scott Brylinsky
Public: Garry White, Lee Hanson, Shannon Tisher, Michael Tisher (telepresence), Hope Merritt, Howard Merkel, Richard Wein, Pat Swedeen, Shannon Haughland
Acting Chair Windsor called the meeting to order at 7:00 pm.

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

M-Mudry/S-Weaver moved to approve the November 20, 2019 minutes. Motion passed 3-0 by voice vote.

A [PM 19-18](#) Approve the November 20, 2019 minutes.

Attachments: [18-November 20 2019 DRAFT](#)

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie said that the next scheduled meeting was slated to take place on January 1st. Given the holiday overlap, historically the first meeting in January had been cancelled. This would leave one meeting on January 15, 2020 for regular business, and a special meeting on January 22, 2020 for the kick-off of the No Name Mountain/Granite Creek Master Plan with the consultants, Jones & Jones. The Commissioners were agreeable to this schedule and cancelling the January 1 meeting.

Ainslie also provided an update on hiring a Planner I. Ainslie stated that the search was going very well, she and the hiring committee had conducted four interviews earlier in the week. Ainslie said the committee would be able to make an offer within a week.

VI. REPORTS

VII. THE EVENING BUSINESS

B [P 19-07](#)

Public hearing and consideration of a final plat for a minor subdivision to result in two lots at 4550 Sawmill Creek Road in the GP Gary Paxton special zone district subject to the attached conditions of approval. The property is also known as Lot 9A Sawmill Cove Industrial Park Resubdivision #2. The owner of record is the City and Borough of Sitka. The request is filed by Garry White on behalf of the Gary Paxton Industrial Park Board of Directors.

- Attachments:** [P 19-07 GPIIP Lot 9A Minor Sub Staff Report](#)
 [P 19-07 GPIIP Lot 9A Minor Sub Aerial](#)
 [P 19-07 GPIIP Lot 9A Minor Sub Current Plat](#)
 [P 19-07 GPIIP Lot 9A Minor Sub Final Plat](#)
 [P 19-07 GPIIP Lot 9A Minor Sub Photos](#)
 [P 19-07 GPIIP Lot 9A Minor Sub Applicant Materials](#)

Ainslie reminded the Commission that the preliminary plat had been reviewed and approved by the Commission on November 20. The only change between the previously reviewed preliminary plat and the final plat presented tonight was that the access and utility easement had be shifted approximately 10 feet north to align with the edge of the dock. This change had been discussed at the November 20 meeting. For context, Ainslie explained that the sale of the dock had been approved by the Assembly on November 12. The dock was sold to Hanson Maritime Company which specialized in marine salvage, towing, diving, construction, etc. The dock itself was 200 feet long and 85 feet wide. The sale agreement was contingent on a successful subdivision of the dock and associated lands/tidelands. The lot to be subdivided was Lot 9A within the Gary Paxton Industrial Park (GPIIP); Lot 9A was approximately 3.5 acres in size. The newly created lot would be 17,630 square feet, which exceeded the district minimum of 5,000 square feet. The newly created lot would be accessed via a 20 foot easement. Ainslie also referenced Economic Development Action 6.3 in the Comprehensive Plan which contained the stated goal to develop a marine center at GPIIP to support fishing and marine fleets; the sale and proposed subdivision fit into the stated objective. As the lot met the development standards, enabled use of otherwise unutilized infrastructure, and was consistent with the Comprehensive Plan, Ainslie recommended approval.

Garry White came forward as the applicant. White did not have any details to add to the staff report, and reiterated GPIIP Board and Assembly support for the sale and subdivision.

M-Mudry/S-Weaver moved to approve the final plat for a minor subdivision to result in two lots at 4550 Sawmill Creek Road in the GP Gary Paxton special zone district subject to the attached conditions of approval. The property was also known as Lot 9A Sawmill Cove Industrial Park Resubdivision #2. The owner of record was the City and Borough of Sitka. The request was filed by Garry White on behalf of the Gary Paxton Industrial Board of Directors. Motion passed 3-0 by voice vote.

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

C [P 19-08](#)

Public hearing and consideration of a final plat for a hybrid minor subdivision to result in 5 lots at 2370 Halibut Point Road in the R-1 MH single family, duplex, and manufactured home zoning district. The properties are also known as Lot 1 Oceanview Ridge Subdivision and Lot 4 West Woodbury Subdivision. The request is filed by Michael Tisher. The owners of record are Michael and Glenda Tisher.

- Attachments:** [P 19-08 Tisher 2370 HPR Staff Report](#)
 [P 19-08 Tisher 2370 HPR Aerial](#)
 [P 19-08 Tisher 2370 HPR Current Plat](#)
 [P 19-08 Tisher 2370 HPR Preliminary Plat](#)
 [P 19-08 Tisher 2370 HPR Applicant Materials](#)
 [P 19-08 Tisher 2370 HPR Ocean Ridge Subdivision updated easement](#)

Ainslie shared history on the area and previous proposal for platting. The Commission had previously given preliminary plat approval for a 4 lot minor subdivision on May 15, 2019. The owner, Michael Tisher, had received interest in Lot 4 of the Woodbury Subdivision which was between the previously discussed Lot 1, Oceanview Ridge Subdivision (ORS) and the right-of-way, Tisher felt the best development plan for Lot 4 Woodbury Subdivision was to adjust the lot lines, resulting in a 5 lot hybrid subdivision overall. Ainslie felt this was a change on paper, and less of a change in practice. In the previous approval for the preliminary plat, the proposed subdivision was reliant on Lot 4 Woodbury Subdivision for access to Kramer Avenue. This action made the inclusion of Lot 4 Woodbury Subdivision formal. The proposal also met the burden of a hybrid subdivision which requires at least 1 lot to be fully accessed from a right-of-way; 2 lots in the subdivision were directly accessed from Kramer Avenue. Ainslie noted that the applicant had worked diligently with city staff particularly on utilities to build infrastructure to city standards, attain appropriate permits, and work through the conditions set by the Planning Commission. On the lots themselves, Ainslie described the size of the proposed lots as ranging from 13,867 square feet net to 43,624 square feet net - therefore all met the minimum standard of 6,000 square feet net. Lots would use Kramer Avenue for access and water service, and would be served from Halibut Point Road for sewer and electric services. Ainslie recommended approval of the subdivision because the proposed lots met the development standards, met the burdens for access, utilities, space, and air, and made use of land to add to residential housing stock.

Windsor had a question regarding limits on minor subdivisions - how many times a minor subdivision could be further subdivided into more minor subdivisions. Ainslie provided information on code requirements for access and utilities that could limit this type of platting.

The applicant, Michael Tisher, was available telephonically to answer any questions. Windsor thanked Tisher for the work he had completed on the lots and thought the proposal looked good.

M-Mudry/S-Weaver moved to approve the preliminary plat for a hybrid minor subdivision to result in 5 lots at 2370 Halibut Point Road in the R-1 MH district. The properties were also known as Lot 1 Oceanview Ridge Subdivision and Lot 4 West Woodbury Subdivision. The request was filed by Michael Tisher. The owners of record were Michael and Glenda Tisher. Motion passed 3-0 by voice vote.

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

D CUP 19-20

~~PULLED Public hearing and consideration of a conditional use permit for a short term rental at 103 Kramer Avenue in the R-1 MH single family, duplex, and manufactured home zoning district. The property is also known as Lot A, Horvath Subdivision. The request is filed by Matthew and Sidney Kinney. The owners of record are Matthew and Sidney Kinney.~~

- Attachments:**
- CUP 19-20 103 Kramer STR_Staff Report
 - CUP 19-20 103 Kramer STR_Aerial
 - CUP 19-20 103 Kramer STR_STR Density
 - CUP 19-20 103 Kramer STR_Floor Plan
 - CUP 19-20 103 Kramer STR_Photos
 - CUP 19-20 103 Kramer STR_Platt
 - CUP 19-20 103 Kramer STR_Renter Handout
 - CUP 19-20 103 Kramer STR_Application

This item was pulled prior to the meeting. No action was taken.

E CUP 19-21

~~PULLED Public hearing and consideration of a conditional use permit for a short term rental at 3009 Halibut Point road in the R-1 MH single family, duplex, and manufactured home zoning district. The property is also known as the Northwesterly portion of Lot U, US Survey 2751, Sitka Small Tracts Group. The request is filed by Charles and Theresa Olson. The owners of record are Charles and Theresa Olson.~~

- Attachments:**
- CUP 19-21 3009 HPR STR_Staff Report
 - CUP 19-21 3009 HPR STR_Aerial
 - CUP 19-21 3009 HPR STR_STR Density
 - CUP 19-21 3009 HPR STR_Floor Plan
 - CUP 19-21 3009 HPR STR_Photos
 - CUP 19-21 3009 HPR STR_Platt
 - CUP 19-21 3009 HPR STR_Renter Handout
 - CUP 19-21 3009 HPR STR_Application

This item was pulled prior to the meeting. No action was taken.

F CUP 19-22

~~PULLED Public hearing and consideration of a conditional use permit for a short term rental at 2160 Halibut Point Road in the R-1 MH single family, duplex, and manufactured home zoning district. The property is also known as Lot 1, Vonrekowski Subdivision. The request is filed by Charles and Theresa Olson. The owners of record are Charles and Theresa Olson.~~

- Attachments:**
- CUP 19-22 2160 HPR STR_Staff Report
 - CUP 19-22 2160 HPR STR_Aerial
 - CUP 19-22 2160 HPR STR_STR Density
 - CUP 19-22 2160 HPR STR_Floor Plan
 - CUP 19-22 2160 HPR STR_Photos
 - CUP 19-22 2160 HPR STR_Plat
 - CUP 19-22 2160 HPR STR_Renter Handout
 - CUP 19-22 2160 HPR STR_Application
 - CUP 19-22 2160 HPR STR_Public Comment

This item was pulled prior to the meeting. No action was taken.

G [CUP 19-23](#)

Public hearing and consideration of a conditional use permit for a short-term rental at 114 Erler Street Apt. A in the R-1 single family and duplex residential district. The property is also known as Lot 7, Block 27 Spruce Glen Subdivision. The request is filed by Howard Merkel. The owner of record is Howard Merkel.

- Attachments:**
- [CUP 19-23 114 Erler STR_Staff Report](#)
 - [CUP 19-23 114 Erler STR_Aerial](#)
 - [CUP 19-23 114 Erler STR_STR Density](#)
 - [CUP 19-23 114 Erler STR_Floor Plan](#)
 - [CUP 19-23 114 Erler STR_Photos](#)
 - [CUP 19-23 114 Erler STR_Plat](#)
 - [CUP 19-23 114 Erler STR_Renter Handout](#)
 - [CUP 19-23 114 Erler STR_Application](#)

The proposed rental was located within a moderate density, residential neighborhood. While the property in question was in an R-1 zone, it was adjacent to an R-2 zone, which meant there were many multi-family homes nearby. The unit to be rented was located within a structure with two dwelling units. The owner/applicant lived on site, and the house was his primary residence. The unit to be rented had 1 bedroom and 1 bathroom along with kitchen, living/dining, and laundry facilities. Ainslie described the ample buffers at the rear of the lot as well as the west side of the lot, as the property abutted an undeveloped right-of-way and a vacant lot. The structure was also set approximately 66 feet back from the front property line, providing for parking and buffering. The property was accessed from a city right-of-way. The owner was on-site to mitigate any disturbances to himself or neighbors, and would also be professionally managed. Ainslie recommended approval.

The applicant, Howard Merkel came forward. Merkel added that the unit had been a long term rental for 3 years and he now wanted expanded options for use of the unit. Commissioners had no questions for Merkel; Windsor stated that it looked like a good location for a short-term rental.

M-Mudry/S-Weaver moved to approve the conditional use permit for a short-term rental at 114 Erler St. Apt. A in the R-1 single-family and duplex residential district subject to the attached conditions of approval. The property was also known as Lot 7, Block 27 Spruce Glen Subdivision. The request was

filed by Howard Merkel. The owner of record was Howard Merkel. Motion passed 3-0 by voice vote.

M-Mudry/S-Weaver moved to adopt the required findings for conditional use permits. Motion passed 3-0 by voice vote.

H [ZA 19-06](#)

Public hearing and consideration of a zoning text change to amend Titles 6, 19, and 22 of the Sitka General Code to define Tiny Houses and Tiny Houses on Chassis and allow them in Mobile/Manufactured Home Parks. The request is filed by the Planning and Community Development Department.

Attachments: [memo- update to commission 8Jan20](#)
 [StaffReport ZA 19-06- 11Dec19](#)
 [Action Plan -Tiny Homes, sm dwellings - Draft](#)
 [IRC Appendix Q-Tiny Houses](#)
 [amending Title 6 ver2 11Dec19](#)
 [amending title 19 adopting appendix Q 11Dec19](#)
 [amending title 22 - ver2 11Dec19](#)
 [Application](#)

Windsor stated he did not want to take any action on the following item given that two Commissioners were absent. Brylinsky was agreeable and felt there was enough substance in the next three items that it warranted discussion and direction.

Brylinsky reviewed the Assembly's action plan on tiny houses and noted that the following proposal directly addressed actions 2b and 2c of the plan. Brylinsky described the overall needed changes for tiny houses to become feasible housing options was to first create a designation in our codes for tiny houses to be built and used, and secondly to find more placement options for such structures. Brylinsky covered details in Appendix Q of the International Residential Code that made new provisions for tiny houses, which were classified as dwelling units less than 400 square feet in size. Brylinsky highlighted the code changes in stair requirements, and provisions for egress for lofts. Overall, the zoning text change accomplished the following: defined tiny houses and established building code requirements for tiny houses, allowed tiny houses on chassis to be placed in mobile/manufactured home parks, allowed tiny houses on permanent foundations to be built in mobile/manufactured home parks, changed the maximum structure height in mobile/manufactured home parks to be increased from 14 feet to 16 feet, and established installation and construction material requirements for tiny houses.

Mudry stated some concern about the total height of a tiny house on chassis exceeding 14 feet due to possible electric line interference. Windsor asked about anchoring and wind resistance for tiny houses on chassis. Brylinsky answered that tiny houses on chassis would require similar anchoring to manufactured homes.

Commissioners and Staff had a broad discussion about tiny houses - particularly on chassis. Windsor recalled that the Commission had considered similar proposal a few years prior, and wondered if it was productive to rehash that conversation. Ainslie stated that she felt a few critical factors had changed since the last consideration of tiny houses. First, at the time of previous discussions, it was not known whether tiny houses would continue to be a growing trend and therefore whether or not there was truly a community need for code revisions. Ainslie affirmed that the tiny house trend

had continued to grow locally and nationally as well. Secondly, when last considered, there was no building code framework for which tiny houses could be evaluated for their safety and soundness of construction. Now that the IRC had created Appendix Q, there was now a framework for the building department to use in evaluating tiny houses. Windsor asked why the chassis was a necessary/attractive option. Ainslie and Brylinsky described the versatility of a movable structure and the temporary/transient need tiny houses on chassis could fill.

Building Official, Pat Swedeen spoke on some of the building code aspects. Swedeen stated that tiny houses have long been allowable under the building code; the major change in this proposal was the chassis. Swedeen felt comfortable administering Appendix Q; a bigger challenge would be inspecting tiny houses built out of town. Some tiny houses built out of state were not built to any code requirement. Swedeen also wanted to make clear the need for egress out of loft areas which would be required for Sitka tiny houses. His main concern and focus for tiny houses was ensuring life/safety.

Richard Wein discussed a few ideas and concerns. First, Wein stated that a major difference between a tiny house on a permanent foundation versus being on a chassis would be the property tax value. Wein wondered how different a tiny house truly is from a recreational vehicle. Placement in landslide zones could be dangerous, as Wein thought a non-anchored structure such as a tiny house on chassis could act as a projectile in a landslide event. Wein noted these structures could be good for seasonal and transient populations, both of which were growing demographics in Sitka. There would be a need to educate the public on what they could or could not buy to then place in Sitka. Wein also stated that some tiny houses had a challenged ability to dissipate odor.

M-Mudry/S-Weaver moved to recommend that staff continue to research and work through the issues and concerns raised in the evening's deliberations and return with a revised proposal. Motion passed 3-0 by voice vote.

I [MISC 19-20](#)

Discussion/Direction on allowing Tiny Houses on Chassis as Accessory Dwelling Units.

Attachments: [discuss-direct tinyhome on chassis as ADU's-memo to PC 11Dec19](#)

Brylinsky noted that the objective of the next two items was to expand options for placement of tiny houses. At the previous meeting, there was some support for the idea of allowing tiny houses, particularly on chassis, as ADUs. The code currently does not allow RV's or tiny houses on chassis to be used. While staff did not feel there should be changes to the prohibition on RV's as ADUs, perhaps given the proposed building and aesthetic code changes, as well as requirements for freeze-protected utility connections, tiny houses on chassis could be reconsidered for ADU use.

Windsor asked for clarification on whether or not ADUs were a conditional use, Ainslie and Brylinsky discussed some of the requirements for ADUs, and when it was a permitted or conditional use. Weaver stated that his preference to not have tiny houses on chassis as they were not as durable. Windsor echoed the preference for ADUs to be on a permanent foundation.

Richard Wein thought that between the reduction in lot sizes, the adoption of ADUs, and the use of tiny houses, some headway on affordable housing could be made. Wein wished to see this idea more fleshed out before ruling it out. Wein pointed to other stabilization methods used for manufactured homes that could be employed for tiny homes as well to increase their stability and durability.

Ainslie discussed the idea of multi-generational housing and how tiny houses on chassis as ADUs could enable more residential land to be used for transitional housing. Brylinsky added information about the cost difference between a permanent foundation and a tiny house on chassis placement.

No motion was made.

J [MISC 19-21](#) Discussion/Direction on allowing three Tiny Houses on Chassis per lot.

Attachments: [discuss-direct 3 tiny houses on chassis per lot 11Dec19](#)

Brylinsky described the proposed idea to create a designation in the zoning code which would allow for up to 3 tiny houses to be placed on a standard sized residential lot. This would be differentiated from mobile/manufactured home parks. Windsor pondered if communal shower/plumbing facilities could be created, particularly for those using the space seasonally. Weaver noted that nationally, multiple tiny houses per lot were being used to provide housing for the homeless - which would need to be a consideration when deciding where this would be allowed. Ainslie said her preference would be for this to be a conditional use, so that public and neighborhood concerns could be heard, and the permit could be revoked if the permit holder did not comply with conditions of approval. Brylinsky thought that dense, well established neighborhoods would not have space for such a use, but some low-density neighborhoods where homes are more spread out could have land available for this purpose. Mudry inquired about separation distances between the structures, setback requirements, and parking provisions. There was discussion about what zones and lot sizes would be best suited for this type of use. Weaver also raised concerns for the quality of the fill/pad for placement. Pat Swedeen answered that placement of tiny house on chassis would be considered/managed similarly to a manufactured home.

No motion was made.

VIII. ADJOURNMENT

Seeing no objection, Acting Chair Windsor adjourned the meeting at 8:30 pm.