CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

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

Wednesday, January 15, 2020 | **7:00 PM** | **Harrigan Centennial Hall**

I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (Chair) Darrell Windsor (Arrived at 7:13 PM), Stacy Mudry, Victor Weaver, Randy Hughey (Telephonic), Kevin Mosher (Assembly Liason)
Absent: None
Staff: Amy Ainslie, Scott Brylinsky, Andy Corak
Public: Richard Wein, Chuck Trierschield, Mim McConnell, Robert Woolsey, Pat Swedeen, Adam Chinalski, Dan Falvey, Gail Peterson, Richard Riggs, Chandler O'Connell, Cleo Brylinsky, Connor Nelson, Pete Jones, Ben Hilberk, Chris McGraw, Jeremy Twaddle, Matthew Jackson, Kevin Mosher, Clyde Bright, Andrew Jones, and Maureena O'Hanlon.

Chair Spivey called the meeting to order at 7:00 PM

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

M-Weaver/S-Mudry moved to approve the December, 18 2019 minutes. Motion passed 4-0 by voice vote.

A PM 20-0 Approve the December 18, 2019 minutes.

Attachments: 19-December 18 2019 DRAFT

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Amy Ainslie, Planning Director, began her report by introducing Andy Corak as the new Planner I. She discussed the annual Short Term Rental report, and noted that forms had been mailed out for 2019 reporting. Ainslie also reminded the commission of the No Name Mountain kick-off work session on 1/22/20, which would start at 6:00 PM. Ainslie also outlined items that would be on the agenda for the following meeting, including 4 short term rentals and a zoning text change. Ainslie stated that she would be out of the planning office on 1/24/20.

VI. REPORTS

B MISC 20-01 Annual Election of Officers

Chris Spivey was nominated to continue as chair. M-Weaver/S-Mudry, motion passed 4-0 by voice vote. Darrell Windsor was nominated to continue as vice-chair. M-Weaver/S-Mudry, motion passed 4-0 by voice vote.

VII. THE EVENING BUSINESS

C P 19-01 Public hearing and consideration of a final plat to result in two lots at 123 Anna Drive in the R-2 multifamily residential 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_Current Plat
P 19-01 Falvey 123 Anna Drive_Preliminary Plat
P 19-01 Falvey 123 Anna Drive_Photos
P 19-01 Falvey 123 Anna Drive_Drainage Report
P 19-01 Falvey 123 Anna Drive_Site Plan
P 19-01 Falvey 123 Anna Drive_Applicant Materials

Ainslie noted that this project had received concept approval on March 6, 2019, and the platting variance and preliminary plat was approved on October 16, 2019. Ainslie described the subdivision process, and noted the 2 lots created would be 24,233 and 13,877 square feet net of easement, placing them well in excess of the 6,000 square foot requirement. Ainslie stated that the applicant had acted on all requests made by the City for this project. The applicant created a use and maintenance agreement for a private utility system, completed a drainage report with plan, determined utility connections for the new lot, and provided site plans. Ainslie recommended approval of the minor subdivision, resulting in two lots within a hybrid minor subdivision, based on all condition/requests being met, the project meeting development standards and fitting the comprehensive plan for higher density, and making use of otherwise undeveloped residential space.

Richard Wein offered public comment, and stated concerns about the limit to the number of potential utility hook ups in the area. He also expressed concerns that this may preclude additional subdivisions in the neighborhood. The applicant, Dan Falvey, was present. Commissioners had no questions for the applicant.

M-Mudry/S-Windsor moved to approve the final plat for a minor subdivision in the hybrid minor subdivision at 123 Anna Drive. The property is also known as Lot 3, Miller Subdivision. The request was filed by Daniel Falvey. The owners of record were Daniel Falvey and Kathleen O'Gara. Motion passed 5-0 by voice vote.

M-Mudry/S-Weaver moved to adopt the findings as listed in the staff report. Motion passed 5-0 by voice vote.

D P 19- 03

Public hearing and consideration of a final 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 due to his Land Trust board position.

Ainslie explained that the conceptual plat for this project was approved 5/1/19, and the preliminary plat was approved 9/18/2019, and described the subject property as the large remaining portion of the old city shop lands, which were deeded to the Sitka Community Land Trust (SCLT) by the City. She stated that this portion of deeded lands had issues with slope and access, with only the southeast corner being buildable. She stated that the Land Trust would not be able to develop this site, however, it could be developed privately via an access/utility easement through the property of Robert Woolsey at 1301 Edgecumbe Drive, as the lot is 6,003 square feet, meeting code. Ainslie stated that there is an agreement made with Public Works for the license of private use of Kostrometinoff Street, and shared maintenance between 1301 Edgecumbe Drive and 1213 Halibut Point Road, which was to be finished before recording.

Ainslie stated that as the lot met development standards, size/access and utility requirements, added to housing inventory, and enabled land to be used to forward affordable housing goals, the Planning Department recommended approval. Jill Hirai, member of SCLT, came forward as representative.

Connor Nelson offered public commentary, and asked to clarify the access easement. Pete Jones requested clarification about the use of the funds resulting from the subdivision and sale. Jones was informed that funds would be returned to SCLT.

M-Mudry/S-Windsor moved to approve the final 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. Motion passed 4-0 by voice vote; Hughey recused due to Land Trust board position.

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

E VAR 20-01

Public hearing and consideration of a platting variance to connect more than 4 lots to a private utility system in a minor subdivision 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: VAR 20-01 Tisher 2370 HPR Platting Variance_Staff Report
VAR 20-01 Tisher 2370 HPR Platting Variance_Preliminary Plat
VAR 20-01 Tisher 2370 HPR Platting Variance_Applicant Materials

Ainslie explained that the variance was requested to allow more than 5 lots on a private utility system. She also noted that these lots are located off of a right of way, and that once development in the area halted in 2015, expansion of the public infrastructure ceased. Ainslie described the subdivision development by the applicant, and stated that water has been extended at the applicant's expense from Kramer Avenue infrastructure, and that sewer and electric have been run from Halibut Point Road, including an 8-inch sewer line which meets city standards and has capacity for additional development. Also noted was the applicant's DEC approval of this plan.

Ainslie noted that the variance was not injurious to nearby properties, and was in fact, a benefit. She also noted that this variance was not harmful to the lots themselves, but that it was an undue burden to wait for the expansion of public services, due to slowed city-led development in the area. Ainslie recommended approval.

Jill Hirai was present as a representative of the applicant. Commissioners had no questions for the applicant.

M-Windsor/S-Weaver moved to approve the platting variance to connect more than 4 lots to a private utility system in a minor subdivision at 2370 Halibut Point Road in the R-1 MH single-family, duplex, and manufactured home zoning 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 5-0 by voice vote.

M-Windsor/S-Weaver moved to adopt the findings as listed in the staff report. Motion passed 5-0 by voice vote.

F 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 noted the preliminary plat approval for this hybrid subdivision was approved for a 4 lot minor subdivision on 5/15/19, and the preliminary approval for the 5 lot hybrid-minor subdivision was reviewed and approved 12/18/19. Ainslie stated that given the interest in the Lot 4 West Woodbury subdivision, the applicant decided to integrate it into the rest of the subdivision. Ainslie stated that in some ways, this was an

on-paper change, and the applicant had worked diligently with staff on access and utilities, including incurring the expense of relocating gates on Kramer Avenue. Utilities were built to city standards, permits were obtained, and the applicant maintained communication with the planning department throughout the development. Lot sizes ranged from 13,867 sqft to 43,624 sqft, above the 6,000 sqft minimum.

Ainslie noted that this subdivision resulted in large, picturesque residential lots, which met the standards for size, access, and utilities, the applicant had completed conditions of approval as requested, and recommended approval.

Jill Hirai was present as a representative of the applicant. Commissioners had no questions for the applicant.

M-Windsor/S-Weaver moved to approve the 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 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 5-0 by voice vote.

M-Weaver/S-Weaver moved to adopt the findings as listed in the staff report. Motion passed 5-0 by voice vote.

G ZA 20-01 Public hearing and consideration of a zoning map amendment at 4513, 4521, and 4533 Halibut Point Road to be rezoned from the Industrial zoning district to the C-2 general commercial and mobile home district. The properties are also known as Lot A, HPM Subdivision, Lot 55, U.S. Survey 3475, and a portion of Lot Fifty-one (51), U.S. Survey 3475. The request is filed by Chris McGraw and Charles McGraw. The owners of record are Halibut Point Marine Services, LLC and Charles McGraw.

Attachments: ZA 20-01 McGraw Halibut Point Marine Services ZMA_Staff Report
ZA 20-01 McGraw Halibut Point Marine Services ZMA_Aerial
ZA 20-01 McGraw Halibut Point Marine Services ZMA_Zoning Map
ZA 20-01 McGraw Halibut Point Marine Services ZMA_Sitka Industrial Zones
ZA 20-01 McGraw Halibut Point Marine Services ZMA_Photos
ZA 20-01 McGraw Halibut Point Marine Services ZMA_Applicant Materials

Ainslie read the staff report, and explained that this zoning amendment applied to three lots on the water side of Halibut Point Road, varying in size between 1/2 and 2 acres. She described the existing use, and noted that the applicants provided detailed site and development plans. Ainslie then described the differences between C-2 and Industrial zoning, highlighting potential changes in use resulting from this amendment, with a focus on the potential residential and retail uses in C-2 not present in industrial zoning, as well as manufacturing/storage allowed in industrial zones, which were conditionally allowed or prohibited in C-2. Additionally, Ainslie discussed allowed retail uses, and noted that the Delta Western fuel distribution center is permitted in both I and C-2 zoning.

Ainslie then discussed the code requirements pertaining to zoning amendments, noting that spot zoning was not an issue here due to adjacent C-2 zones, and that existing uses were accommodated with the new zoning. Ainslie also addressed

community interest, stating that several factors were worth consideration, to include whether the proposed changes allow for harmonious coexistence in the neighborhood, the perception of the cruise ship dock and area being a sort of gateway to the community, and the scarce supply of industrial land.

Ainslie stated that from a code administration perspective, the zoning amendment was recommended, however from a policy/community standpoint, the staff recommendation was neutral, based on a desire to hear from the community to determine the most mutually beneficial agreement.

The co-applicant, Chris McGraw, came forward and stated his intentions for the development. He stated that he did not plan to expand retail operations, but was focused on the restaurant and visitor attractions. He stated that due to the costs of development, the highest and best use of the land is by far the cruise ship dock, and, due to these costs, the property will not be reverting to industrial use.

Members of the public gave their opinions, beginning with Ben Hilberk, who worked at the restaurant on site. He stated that they currently operated out of a tent, but had steadily increased business since starting in 2013. He stated he was hopeful for a more permanent operation/facility. Hugh Bevan stated that he saw benefits to the entire community with these changes, and that this was an opportunity to support local business. Richard Wein stated that he had concerns about this development drawing business away from downtown, and could result in additional businesses closing as visitors would remain at the dock site, or visit the Fortress of the Bear sites, instead of going downtown. Wein referenced the Icy Strait tour operation outside of Hoonah as an example. Chuck Trierschield stated that as a downtown business owner, he supported this development.

M-Weaver/S-Windsor moved to approve a zoning map amendment at 4513, 4521, and 4533 Halibut Point Road to be rezoned from the Industrial zoning district to the C-2 general commercial and mobile home district. The properties were also known as Lot A, HPM Subdivision, Lot 55, U.S. Survey 3475, and a portion of Lot Fifty-one (51), U.S. Survey 3475. The request was filed by Chris McGraw and Charles McGraw. The owners of record are Halibut Point Marine Services, LLC and Charles McGraw. Motion passed 5-0 by voice vote.

M-Weaver/S-Windsor moved to adopt the findings as listed in the staff report. Motion passed 5-0 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

Ainslie stated that this initiative for tiny houses was a special project for Scott Brylinsky, who then gave a presentation. Brylinksky explained that there exists a demand for tiny houses as an affordable housing option in Sitka, and that the high cost of housing has been consistently cited as a main challenge for doing business. Brylinksky noted that there is a population in Sitka who would benefit from housing of this type, and is in line with the Sitka 2030 Comprehensive Plan. Brylinksy explained that the tiny houses were required to meet life, health and safety standards, and would require approval from the building department, and that homes mounted on chassis would be subject to the same safety and stability standards as a modular or manufactured home when on site. He also explained that there were four aspects to this decision:
1) Adopt Appendix Q, which made allowances for sleeping lofts, ladder access to lofts, and egress/rescue requirements.
2) Create a legal status for tiny houses on chassis, and allow them in mobile/manufactured home parks
3) Allow tiny houses on permanent foundations in mobile/manufactured home parks
4) Allow single tiny homes on chassis to be placed in zones that allow a single manufactured home on lot.

Brylinksky noted that the recommendations are sourced from the IRC (International Residential Code), and are largely supported by the community, based on input received by the planning office. Following Brylinksy's presentation, the floor was opened to public comments.

Chandler O'Connell stated she supported the amendments, and noted that there was great community interest, tiny homes were a benefit for the housing market, and a good middle ground to home ownership. Pete Jones stated that, as a mobile home park owner, he supported this resolution. Matthew Jackson supported the amendment, and stated that it legitimized some activity that was already ongoing. Jeremy Twaddle stated concerns regarding the building standards, the size and quality of the homes, and court owner's control over the process. Mim McConnell thanked the commission for their work, stated she liked all four points offered by the planning department, and noted that tiny homes would be safer than boats, which serve as primary residences for many Sitkans. Rich Riggs stated that as a mobile home park owner, he supported this proposal, and would like conversation about the size limit of the tiny homes. Riggs stated that as an employer, he observes housing as a barrier to growth. Kevin Mosher stated that he's received support from the community, and stated that while tiny houses are not for everyone, they are a tool in the shed to address affordable housing, and a good start towards addressing this problem in Sitka. Richard Wein stated that he had been following this process for a while, and that it could have been done sooner, given the simplicity of it. Connor Nelson spoke, stating that the idea of having homes on wheels on residential zoned lots did not make sense, the roofing and design standards were too exclusive, the loft/ladder access design was discriminatory, and

that he did not want to see substandard housing. Nelson also stated that he did not believe the affordability issue came from housing, but from the price of utilities. Clyde Bright stated in his testimony that as a mobile home park owner, he had attended comprehensive plan meetings and assisted with wording. Bright thought that opening additional land was a better solution, particularly No Name Mountain, but that he also supported these code amendments. Adam Chinalski stated that he supported most of the amendments, but had concerns about the quality of the homes on chassis, and their effect on neighborhoods. Chinalski expressed concerns that people would bring in low quality homes on trailers, and these could be a hazard. Robert Woolsey stated that he supported this proposal, and had increased confidence due in part to the attention to detail. Woolsey stated that Sitka had a housing dilemma, and cited the example of young adults being unable to move back home due to the market, and that Sitka needs many options for housing. Andrew Jones spoke in support for the amendments, and stated his appreciation for work done to update the code. Jones stated that there is a history of local success with tiny homes. Maureena O'Hanlon spoke out in support of the amendments, and thanked the committee for its work.

Following public testimony, staff read comments submitted to the planning department by email.
Karen Hegyi wrote that she supported the amendments, but did have concerns about tiny homes on individual lots, and the accumulation of property that may accompany them. Kathy Kyle wrote that Sitka is in desperate need of affordable housing, and that tiny houses may be an upgrade to trailers currently in place. Cheryl Call wrote in support stating that tiny houses are attractive, innovative and affordable, and that she would love to see clusters of them on city lots. Justin Olbrych wrote that tiny houses make sense, and as a home builder he notes the lower cost to construct and smaller footprint. Olbrych wrote that the City promotes accessory dwelling units, and tiny houses are an extension of this concept. Olbrych suggested making lots subdividable for the addition of tiny homes to residential lots as a benefit to land owners and tiny house owners. Tory Curran wrote that she supports these amendments. Marian Allen wrote in support of these changes, noting the affordable housing issue in Sitka.

Commissioners discussed the amendments. Weaver stated his support for placement of tiny houses in mobile home parks. Spivey noted the risk to the builder and park owner caused by permanent foundations in mobile home parks. Mudry voiced concerns over the height of the structures with regard to transportation through town. Windsor stated his support for the amendments. Hughey stated his concerns on permanent foundations placed on rented land, and stated that without price controls, owners may be vulnerable. The comissioners expressed reservations regarding the placement of tiny houses on chassis in residential zones designated for single family manufactured homes, as well as concerns over the impact on neighboring property values resulting from this placement. Ainslie suggested this type of placement be conditional, in order to provide better oversight, and allow approval on a case by case basis.

M-Windsor/M-Weaver moved to recommend approval of the proposed ordinance changes with the exception that tiny houses on chassis to be placed in zones that allow a single manufactured home on a lot be a conditional rather than allowed use, recognizing that final housekeeping edits and formatting changes may be made during formal ordinance preparation. Motion passed 3-2 by voice vote.

VIII. ADJOURNMENT

Seeing no objection, Chair Spivey adjourned the meeting at 9:45 PM.