



# CITY AND BOROUGH OF SITKA

## Minutes - Final

### Planning Commission

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Wednesday, April 21, 2021

7:00 PM

Harrigan Centennial Hall

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#### I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (Chair), Darrell Windsor, Stacy Mudry, Wendy Alderson, Katie Riley, Thor Christianson (assembly liaison)

Absent: None

Staff: Amy Ainslie, Ben Mejia

Public: Eric VanVeen, Patricia Droz, Harry Geil, Adam Chinalski, Verna Peterson, Loren Peterson, Joel Hanson, Ariadne Will (Sitka Sentinel)

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

#### II. CONSIDERATION OF THE AGENDA

**Chair Spivey requested that item E be heard after item F. Commissioners agree to this change in the agenda.**

#### III. CONSIDERATION OF THE MINUTES

**A**     [PM 21-06](#)     Approve the April 7th, 2021 meeting minutes.

**Attachments:**     [6-April 7 2021 DRAFT](#)

M-Windsor/S-Mudry moved to approve the April 7th, 2021 minutes.

#### IV. PERSONS TO BE HEARD

#### V. PLANNING DIRECTOR'S REPORT

Ainslie requested that the Commission start to think about potential absences from Commission meetings due to summer travel and that Commissioners let staff know in case rescheduling meetings became necessary. Spivey let staff know that with the increased barge schedules, he expected scheduling conflicts.

#### VI. REPORTS

#### VII. THE EVENING BUSINESS

**B**     [MISC 21-07](#)     Public hearing and consideration of an amendment to CUP 18-05 for a marijuana cultivation facility at 224 Smith Street in the Industrial district. The property is also known as Lot 6, Smith Street Industrial Subdivision.

The request is filed by Eric VanVeen. The owner of record is Steve Skannes.

**Attachments:**     [MISC 21-07 Amendment to CUP 18-05 Staff Memo](#)  
                              [MISC 21-07 Amendment to CUP 18-05 Aerial](#)  
                              [MISC 21-07 Amendment to CUP 18-05 Floor Plans](#)  
                              [MISC 21-07 Amendment to CUP 18-05 Parking Plan](#)  
                              [MISC 21-07 Amendment to CUP 18-05 Photos](#)  
                              [MISC 21-07 Amendment to CUP 18-05 Original CUP Information](#)  
                              [MISC 21-07 Amendment to CUP 18-05 Applicant Materials](#)

Ainslie introduced the item as an amendment to a previously issued conditional use permit for marijuana cultivation, approved in February 2018. Ainslie explained that the original permit was for operations in bays D and E of 224 Smith Street but the applicant wanted to expand operations into bays B and C as well, adding approximately 2,900 square feet of operational space. Ainslie explained that the proposal made no change to location, access, traffic, noise, or odor from the original permit. Ainslie noted that the proposal did necessitate additional parking spaces for the business but explained that there was adequate space on-site to meet the increased requirement. Ainslie explained that the proposal was in line with Comprehensive Plan action ED 6.7 to "support the growth of manufacturing businesses that add value to sustainably developed local resources." Staff recommended approval.

Spivey asked staff if any public complaints had been made against the applicant. Ainslie replied that while the Planning Department had received odor complaints in the Smith Street and Price Street areas, no complaints specifically identified the applicant as the cause. Ainslie noted that with multiple marijuana facilities in operation in the area, identifying the cause of marijuana odors was a challenge.

The applicant, Eric VanVeen, was present. VanVeen explained that the proposal was to continue with the same operation but at a larger scale to increase cultivation. Having no further questions, the Commission excused the applicant.

**M-Windsor/S-Mudry moved to approve the amendment to CUP 18-05 to include marijuana cultivation operations in bays B and C of 224 Smith Street in the Industrial zoning district. The property was also known as Lot 6, Smith Street Industrial Subdivision. The request was filed by Eric van Veen. The owners of record were George and Steven Skannes. Motion passed 5-0 by voice vote.**

**M-Windsor/S-Mudry moved to find that there were no negative impacts present that have not been adequately mitigated by the attached conditions of approval, and moved to adopt the required findings for conditional use permits as listed in the staff report. Motion passed 5-0 by voice vote.**

**C     [CUP 21-05](#)**

Public hearing and consideration of a conditional use permit for a short-term rental at 1109 Edgecumbe Drive in the R-1 single-family and duplex district. The property is also known as Lot 1, Baranof Estates Subdivision. The request is filed by Patricia Droz. The owner of record is Patricia Droz.

**Attachments:**    [CUP 21-05 Droz 1109 Edgecumbe Drive STR Staff Report](#)  
[CUP 21-05 Droz 1109 Edgecumbe Drive STR Aerial](#)  
[CUP 21-05 Droz 1109 Edgecumbe Drive STR STR Density](#)  
[CUP 21-05 Droz 1109 Edgecumbe Drive STR Building Sketch](#)  
[CUP 21-05 Droz 1109 Edgecumbe Drive STR Plat and parking layout](#)  
[CUP 21-05 Droz 1109 Edgecumbe Drive STR Photos](#)  
[CUP 21-05 Droz 1109 Edgecumbe Drive STR Renter Handout](#)  
[CUP 21-05 Droz 1109 Edgecumbe Drive STR Applicant Materials](#)

Ainslie introduced the proposal for a short-term rental (STR) in a zero lot line at 1109 Edgecumbe Drive. Ainslie described the property as a single-family home with 2 bedrooms and 1.5 bathrooms. Ainslie explained that the other side of the zero lot-line at 1111 Edgecumbe Drive, was the primary residence of the applicant, and therefore the applicant would be on-site during rentals. Ainslie described the site as located on a municipally maintained right-of-way, which provided accessibility for renters and emergency services without creating cut-thru possibilities, with adequate parking space. Ainslie explained that fencing, landscaping, and elevation at the rear of the property provided some buffer between the site and neighboring properties.

Ainslie provided a potential condition of approval for the Commission to consider in addition to the standard conditions of approval for STRs, that would void the permit in the event that either side of the zero lot-line was sold to a new owner. Staff recommended approval.

The applicants, Patricia Droz and Harry Geil, were present. Geil explained that the proposal was to list the property for STRs. Riley asked if the property had previously been used for long-term rentals, the applicants explained that it had been used for long-term rentals prior to purchase and that due to negative experiences with pet-owning long-term renters as neighbors, the proposal intended to mitigate the applicant's concerns and provide additional control and flexibility in how the property was rented. Riley asked the applicants if they had considered renting long-term to non-pet owners or addressing concerns with LTRs through lease agreements. Droz said that she would consider renting long-term to non-pet owners but wanted the flexibility a STR permit provided. Alderson requested that the renter handout include text that specified that garbage was not to be taken outside until the day of garbage collection.

The Commission discussed adding the additional condition of approval that would void the permit in the event of a sale of either side of the zero lot-line. Windsor explained that while he was in support of adding the condition, any larger action such as a moratorium on STRs should come at the direction of the Assembly.

The Commission discussed procedures necessary to place restrictions on STRs. Ainslie explained that if a motion were passed, the item would go before the Planning Commission twice to draft and vote on a draft ordinance, which would then go before the Assembly for two readings.

The Commission recognized that the application met current requirements for approval.

**M-Riley/S-Alderson moved to amend the conditions of approval, adding a condition that the permit be void in the event of a sale of either 1109 or 1111 Edgecumbe Drive. Motion passed 5-0 by voice vote.**

**M-Mudry/S-Windsor moved to approve the conditional use permit for a short-term rental at 1109 Edgecumbe Drive in the R-1 Single-Family/Duplex District, subject to the conditions of approval as listed in the staff report and amended by the Commission. The property was also known as Lot 1 of Baranof Estates Subdivision. The request was filed by Patricia Droz. The owner of record was Patricia Droz. Motion passed 5-0 by voice vote.**

**M-Mudry/S-Windsor moved to adopt and approve the required findings for conditional use permits as listed in the staff report. Motion passed 5-0 by voice vote.**

**M-Riley/S-Alderson moved to add a discussion/direction item on short-term rentals in the next Planning Commission meeting. Motion passed 5-0 by voice vote.**

**D**      [VAR 21-03](#)

Public hearing and consideration of a variance to reduce the front setbacks from 14 feet to 10 foot at 424 Katlian Avenue in the WD Waterfront District. The property is also known as Lot 50, Block 1 of U.S. Survey 2542 A&B. The request is filed by Adam Chinalski. The owners of record are Adam and Kris Chinalski.

**Attachments:**      [V 21-03 Chinalski 424 Katlian Ave Setback Variance Staff Report](#)  
[V 21-03 Chinalski 424 Katlian Ave Setback Variance Aerial](#)  
[V 21-03 Chinalski 424 Katlian Ave Setback Variance Site Plan](#)  
[V 21-03 Chinalski 424 Katlian Ave Setback Variance Current Plat](#)  
[V 21-03 Chinalski 424 Katlian Ave Setback Variance Photos](#)  
[V 21-03 Chinalski 424 Katlian Ave Setback Variance Applicant Materials](#)

Ainslie introduced the item as a request for reductions to the front setbacks at 424 Katlian Avenue from 14' to 10'. Ainslie described the property as a substandard lot with approximately 1,500 square feet placed on two fronts on both Katlian Avenue and Kaagwaantaan Street. Ainslie noted that access from Kaagwaantaan was impractical due to the steep grade change between the lot and the right-of-way. Ainslie explained that the proposal would facilitate placement of a pre-existing structure and therefore the dimensions of the structure could not be altered to fit the lot.

Ainslie explained that the granting of the variance would not have a significant impact on traffic or the character of the neighborhood as the lot would still provide adequate off-street parking and many buildings along Katlian were built along their front property lines. Ainslie noted the fencing, rock wall, and grade change served as buffers. Staff recommended approval.

The applicant, Adam Chinalski, was present and explained that he had been developing the lot for a few years and found the opportunity to place an existing 1 bedroom 1 bathroom dwelling on the lot and provide a long-term rental opportunity. Having no further questions, the Commission excused the applicant. The Commission agreed that the granting of a variance was appropriate in this case.

**M-Alderson/S-Windsor moved to approve the zoning variance for reductions in the front setbacks at 424 Katlian Avenue in the WD - waterfront district subject to the conditions of approval as listed in the staff report. The property was also**

known as Lot 50, Block 1, U.S. Survey 2542 A&B. The request was filed by Adam Chinalski. The owners of record were Adam and Kris Chinalski. Motion passed 5-0 by voice vote.

M-Alderson/S-Windsor moved to adopt and approve the required findings for variances involving major structures or expansions as listed in the staff report. Motion passed 5-0 by voice vote.

**E**      [MISC 21-08](#)

Discussion/Direction from the Commission regarding agricultural and/or horticultural activities as currently defined in the Sitka General Code.

**Attachments:**      [MISC 21-08 Agriculture & Horticulture Discussion Staff Memo](#)  
[MISC 21-08 Agriculture & Horticulture Discussion Public Comments](#)

Ainslie introduced the item to review the zoning code as it pertained to Comprehensive Plan action item LU 7.8 and more specifically the number of allowable outdoor animals. Ainslie informed the Commission of appropriate zoning for horticultural and agricultural uses as described in table 22.16.015 of the Sitka General Code. Ainslie shared the limits on outdoor animal ownership placed in Juneau and Haines which included minimum lot sizes and Conditional Use Permits for more than 6 animals.

Spivey opened the floor to public comment. Joel Hanson expressed his interest in increasing the allowable number of animals. Spivey asked for staff's personal and professional opinions. Mejia explained that the primary concern he was aware of regarding outdoor animals was the potential attractants to rats or bears and felt a conditional use permit might be an appropriate means of ensuring mitigation and allowing public comment. Ainslie explained that she was aware of concerns that the existing limitations was too strenuous to allow for meaningful impacts to food security while others voiced concerns about pest attraction. Ainslie identified enforcement as a current issue.

The Commission discussed appropriate distances from property lines to limit impacts on neighbors and hearing comment from interested parties such as Animal Control, Fish and Game, Health Needs and Human Services, Sitka Tribal Enterprises, and Sitka Local Foods Network. The Commission discussed food security concerns and how providing a path to increasing allowable number of animals through a conditional use permit. The Commission directed staff to contact identified parties to gather additional input.

**No action taken.**

**F**      [MISC 21-09](#)

Discussion/Direction on work plan and process for tourism planning effort.

**Attachments:**      [MISC 21-09 Tourism Work Plan Staff Memo](#)  
[Preliminary Tourism Work Plan & Schedule](#)

Ainslie outlined the direction provided by the Assembly as described during the joint work session with the Assembly on April 13th. Ainslie noted logistics, dispersion, transportation, traffic, congestion, access to medical care, and emergency services as the primary focus of the plan. Ainslie explained that the plan should have recommendations that for different visitor capacities with a 1-5 year horizon focused on preparations for the 2022 cruise season. Ainslie noted that public outreach was essential. The plan should be largely complete by December 2021.

The Commission discussed scheduling availability for holding special meetings. The Commission agreed to coordinate with staff to identify appropriate meeting times. The Commission discussed outreach to interested parties and stakeholders prior to meetings to allow for and encourage participation.

Christianson excused himself at 8:02pm. The Commission recessed from 8:02pm-8:10pm.

**No action taken.**

#### **VIII. ADJOURNMENT**

**Seeing no objections, Chair Spivey adjourned the meeting at 9:19pm.**