



# CITY AND BOROUGH OF SITKA

## Minutes - Final

### Planning Commission

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Wednesday, October 21, 2020

7:00 PM

Harrigan Centennial Hall

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

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

Absent: Thor Christianson (assembly liaison)

Staff: Amy Ainslie (Planning Director), Ben Mejia (Planner I)

Public: Darren Phillips, Jere Christner, Zak Wass, Don McCarthy, Richard Wein

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

#### II. CONSIDERATION OF THE AGENDA

#### III. CONSIDERATION OF THE MINUTES

A [PM 20-17](#) Approve the October 7, 2020 minutes.

**Attachments:** [16-October 7 2020 DRAFT](#)

**M-Mudry/S-Windsor moved to approve the October 7, 2020 minutes. Motion passed 5-0 by voice vote.**

#### IV. PERSONS TO BE HEARD

#### V. PLANNING DIRECTOR'S REPORT

Ainslie welcomed Katie Riley, the newest member of the Planning Commission, as a life-long Sitkan involved in the community with experience in land-use policy, natural resources management, and fishing. Ainslie noted that with Riley on the Commission, all Planning Commission seats were filled.

Ainslie informed the Commission that case P 20-08, Item C on the agenda, had been postponed because the applicant could not attend the meeting.

Ainslie announced that the Planning Department had recently taken on a temporary worker through the CARES workforce development program to assist in record digitization.

Ainslie shared the standard meeting flow for the benefit of new Commission members.

#### VI. REPORTS

**VII. THE EVENING BUSINESS**

**B**     [CUP 20-15](#)     Public hearing and consideration of a conditional use permit for a marijuana product manufacturing facility, extract only at 120 Jarvis Street Unit E in the I - Industrial district. The property is also known as Lot 2A Sitka Projects Subdivision Lot 1 and Lot 2 Lot Line Adjustment. The request is filed by Darren Phillips. The owner of record is Baranof Investments LLC.

- Attachments:**     [CUP 20-15\\_Fiber Flite\\_MJ Concentrate\\_120 E Jarvis\\_Staff Report](#)  
                               [Aerial](#)  
                               [Zoning, Buffer, and Density Maps](#)  
                               [Site Plan](#)  
                               [Floor Plan](#)  
                               [Photos](#)  
                               [Plat and As-Built](#)  
                               [CBS Applications](#)  
                               [AMCO](#)

Ainslie described the proposal as a conditional use permit for a marijuana product manufacturing facility, extract only located on 120 Jarvis Street Unit E, in the Industrial zone. Ainslie explained that this type of establishment allowed wholesale purchase of marijuana and the manufacture, preparation, and packaging of concentrate products which could be sold to other manufacturers or retail stores but did not allow direct sales to consumers. Ainslie reminded the Commission that the applicant had a permit for cultivation through CUP 17-20 in unit C of the same building and that staff did not know of any violations or public complaints filed against the existing use. Ainslie described the property as a space approximately 1,900 square feet, of which approximately 1,400 square feet were on the first floor with an additional 500 square feet on a mezzanine for storage. Ainslie noted there was enough parking for two cars and access to the site was granted via Jarvis and Smith Streets which could allow emergency services to access the site. Ainslie noted that there was minimal anticipated noise from the proposal. Ainslie stated that while odor was always a concern with marijuana uses, the applicant intended to mitigate odor using carbon filters, Ainslie also noted that odor was less of a concern from marijuana concentrate operations. Ainslie addressed sensitive uses within a 500 ft buffer and observed that Sitka Cirque may be considered a sensitive use within the 500 foot distance. However, Ainslie pointed out that it was not a requirement of the Sitka General Code but rather of the state and the burden of proof to the state was on the applicant. Ainslie noted that the proposal was an economic opportunity to increase local manufacturing within the Industrial zone. Staff recommended approval.

The applicant, Darren Phillips, was present. Phillips clarified that concentrate operations pressed a flower for extraction. Phillips also mentioned that access between the sensitive use and the site had been effectively blocked off by boat storage.

The Commission agreed that the existing operation did not produce any odor. Having no further questions, the applicant was dismissed.

**M-Mudry/S-Windsor moved to approve the conditional use permit request for a marijuana product manufacturing facility, extract only, at 120 Jarvis Street Unit E in the Industrial zone subject to the attached conditions of approval. The property was also known as Lot 2A Sitka Projects Subdivision Lot 1 and Lot 2 Lot Line Adjustment. The request was filed by Darren Phillips. The owner of record was Baranof Investments. Motion passed 5-0 by voice vote.**

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

- C**     [P 20-08](#)     Public hearing and consideration of a boundary line adjustment of the properties at 1301 Edgecumbe Drive and Lot 1 Little Critter Highlands Subdivision in the R-1 single-family and duplex residential district and the R-2 multifamily residential district. The properties are also known as Lot 1 Old City Shops Subdivision and Lot 1 Little Critter Highlands Subdivision. The request is filed by Robert Woolsey Jr. The owner of record is Robert Woolsey Jr.

**Attachments:**     [P20-08\\_Woolsey\\_BLA\\_Staff\\_Report](#)  
                                  [Aerial](#)  
                                  [Current Plat](#)  
                                  [Proposed Plat](#)  
                                  [Photos](#)  
                                  [CBS Applications](#)

**Item was pulled by the applicant prior to the meeting, to be rescheduled at a later date.**

- D**     [ZA 20-06](#)     Public hearing and consideration of a request for a zoning map amendment to rezone 303 Charteris Street from R-1 LDMH single-family, duplex or manufactured home low density district to R-1 single-family and duplex residential district. The property is also known as Lot 11B, Potter Estates. The request is filed by Jere Christner. The owner of record is the Christner Alaska Community Property Trust.

**Attachments:**     [ZA 20-06 Christner Rezone\\_Staff\\_Report](#)  
                                  [ZA 20-06 Christner Rezone Aerial](#)  
                                  [Zoning Map](#)  
                                  [Plat 85-27](#)  
                                  [As-built](#)  
                                  [Photos](#)  
                                  [Applicant Materials](#)

Ainslie described the proposal as a zoning map amendment. The lot, located on 303 Charteris Street, was currently zoned as R-1 LDMH single-family, duplex, or manufactured home low density district. The proposal would change the zoning of the lot to R-1 single family and duplex residential district. Ainslie reminded the Commission that low density in Sitka General Code referred to lot size as opposed to structure types. Ainslie stated that the minimum lot size in low density districts was

15,000 square feet. Ainslie explained that the applicant intended to subdivide the property but the minimum lot size of the current zoning prevented it. Ainslie clarified that the request did not ensure a subdivision decision but the applicant's intent should be taken into consideration. Ainslie reminded the Commission of concerns when rezoning; creating non-conformities, the character of the area, and spot zoning. Ainslie noted that the streets in the area were rights-of-way maintained by the municipality. Ainslie explained that a possible subdivision would add around four cars. Ainslie referenced the Comprehensive Plan Housing Action H1.1e "Encourage higher density development" and the role of in-fill development to achieve higher density. Staff recommended approval.

Spivey asked staff if an access easement that created a horse-shoe pattern had been vacated. Ainslie said that it was staff's understanding that it had been vacated. The applicant, Jere Christner, was present. Christner explained that the proposal was to subdivide and provide more housing in Sitka. Alderson asked if the applicant had received public comment. Christner said that he had been sent public comment by staff. Riley asked the applicant to explain how he might subdivide the lot and place an additional structure. Christner responded that he did not have an exact idea of how he would subdivide at that time.

Spivey opened the floor to public comment. Don McCarthy, a neighbor of the applicant, spoke out against the proposal because he felt it endangered the intended use of the area as low density and detracted from the surrounding low-density character of the area. Ainslie read public comment from Emma Edson against the proposal because it detracted from the character of the neighborhood and concern for the potential impact to water drainage.

Spivey commented that low density housing must be protected. Alderson pointed out that although increased housing supply would support the aim of affordable housing, she did not see this project as a direct means to accomplish it. Riley asked how much low density zoning was available in the city. Spivey responded that he thought there were only two or three low density districts. Ainslie referenced the zoning map and indicated the zoning districts with low density provisions. Riley acknowledged that the decision would be difficult.

**M-Mudry/S-Windsor moved to recommend approval of the zoning map amendment to rezone 303 Charteris Street from the R-1 LDMH single-family, duplex, or manufactured home low density district to the R-1 single-family and duplex residential district. The property was also known as Lot 11B Potter Estates. The request was filed by Jere Christner. The owner of record was the Christner Alaska Community Property Trust. Motion failed 1-4 by voice vote.**

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

#### [MISC 20-16](#)

Public hearing and consideration of an amendment to a conditional use permit for an accessory dwelling unit at 1705 Sawmill Creek Road in the R-1 single-family and duplex residential district. The property is also known as a portion of U.S. Survey 1878. The request is filed by Zak Wass. The owner of record is Morgan Doubleday.

**Attachments:** [CUP 16-20 Amendment Wass 1705 SMC ADU Staff Report](#)  
[Aerial](#)  
[Original CUP Approval Minutes](#)  
[Site Plan](#)  
[Floor Plan](#)  
[Photos](#)

Ainslie described the proposal to amend the June 2016 permit, CUP 16-20, granted to the applicant Zak Wass. Ainslie explained that the applicant planned to convert an existing garage/workspace into a new a dwelling unit, 866 sq. ft. in size. A permit for an accessory dwelling unit (ADU) was necessary because of an existing duplex on the property. Ainslie stated that the applicant had been working on the structure since the permit was granted. Ainslie explained that the amendment was to allow the applicant to add an additional 322 sq. ft. to accommodate a mudroom, laundry, and studio space. The total square footage of the accessory dwelling unit would be 1,186 sq. ft. Ainslie indicated the site placement was ideal and that the dwelling unit was still modest at under 1,200 sq. ft. Staff recommended approval.

Windsor asked staff what the maximum size for an ADU was. Ainslie explained that the Code identified 800 sq. ft. as a maximum size for an ADU, but clarified that deviations from the ADU requirements were allowed through the conditional use permit process. Spivey asked if the applicant could have subdivided. Ainslie explained that the lot was quite steep and a subdivision did not seem feasible but that subdivision options had not been explored or analyzed by the applicant or staff. The applicant, Zak Wass, was present. Wass explained that his proposal was to allow for additional living space. Wass stated that he lived on the lot with his father and that his current use for the ADU was as a music studio while they continued to make it a liveable space. Windsor asked if there was adequate parking. Wass said that there was space for six cars on the property. Having no further questions, the Commission dismissed the applicant.

**M-Mudry/S-Windsor moved to approve the proposed amendment to CUP 16-20 to allow the construction of a 320 square foot addition to the proposed ADU subject to the conditions of approval as listed in the staff report. Motion passed 4-1 by voice vote.**

## VIII. ADJOURNMENT

Seeing no objection, Chair Spivey adjourned the meeting at 8:07 PM.