



# CITY AND BOROUGH OF SITKA

## Minutes - Final

### Planning Commission

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Wednesday, April 6, 2022

7:00 PM

Harrigan Centennial Hall

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

Present: Darrell Windsor (Acting Chair), Stacy Mudry, Wendy Alderson, Katie Riley, Thor Christianson (Assembly Liaison)  
Absent: Chris Spivey (Excused)  
Staff: Amy Ainslie, Ben Mejia  
Public: Sierra Larson, Sherrie Greenshields, Amy Karn, Colin Flanagan, Brian Hanson, John Hardwick, Ral West, Kerri O'Toole, Jacob Kirkness, Michael Tisher, David Levesque, Kim Nekeferoff, Ariadne Will (Sentinel)

**Chair Windsor called the meeting to order at 7:03pm.**

#### II. CONSIDERATION OF THE AGENDA

#### III. CONSIDERATION OF THE MINUTES

##### A [PM 22-07](#)

**M-Mudry/S-Alderson moved to approve the March 16, 2022 meeting minutes.  
Motion passed 4-0 by voice vote.**

#### IV. PERSONS TO BE HEARD

#### V. PLANNING DIRECTOR'S REPORT

Ainslie informed that Commission that the first Lincoln Street closure was approximately one month away and that the city was still hiring summer staff for streets crew, grounds, Harrigan building attendants, port security, and a tourism operations coordinator. Ainslie noted that the application period was open for the Bathroom Incentive Grant program and would close April 15th. Ainslie informed the Commission of a townhall meeting hosted by Assembly members Knox and Mosher to discuss short-term-rentals scheduled for April 18th at 7pm in Harrigan Centennial Hall. Ainslie announced that Mejia would vacate the Planner I position effective April 15th and noted that the position was listed.

#### VI. REPORTS

#### VII. THE EVENING BUSINESS

##### B [VAR 22-04](#)

Ainslie introduced the request for a height variance to increase the maximum allowable height from 40' to 110' for a communications tower at 1332 Seward Avenue. Ainslie explained that the item had been reviewed by the Commission on February 2nd, 2022 when it was postponed for consideration of potential aviation impacts. Ainslie explained that since the first meeting a determination of no hazard to air navigation from the Federal Aviation Administration (FAA) had been included to the application materials, Planning staff had broadened notification to include aviation operators in the vicinity, and the municipal attorney was available to address Commission questions on types of conditions that could be placed on the variance.

Ainslie explained that the project was part of Verizon's effort to increase coverage in Sitka and the tower would allow for collocation to increase coverage to other providers and that the request was commensurate with the heights of other towers in town. Ainslie referenced Comprehensive Plan action ED 5.3 in support of the proposal. Staff recommended approval.

Sierra Larson, Sherrie Greenshields, and Amy Karn were present as applicant representatives. Larson added that the proposal would replace the existing temporary cellular tower on wheels and would increase service to the area.

The Commission opened the floor for public comment. No public comment was made.

The Commission voiced their approval of the proposal.

**M-Alderson/S-Riley moved to approve the variance for an increase in the maximum height of principal structures at 1332 Seward Avenue in the Public Lands district. The property was also known as Tracts D & E, according to Plat 92-19. The request was filed by New Horizons Telecom, Inc. The owner of record was University of Alaska Southeast. Motion passed 4-0 by voice vote.**

**M-Alderson/S-Riley moved to adopt and approve the required findings for variances involving major structures or expansions as listed in the staff report. Motion passed 4-0 by voice vote.**

**C**     [VAR 22-06](#)

Ainslie introduced the request for the a height variance to increase the allowable height from 35' to 90' for a cell tower site located on Harbor Mountain Bypass Road. The site was associated with LM 20-04 for lease of the site, which had received unanimous Commission approval. Ainslie noted that the site was close to the water tower, quite below recreational assets at the top of the mountain, and greater than 1,000 ft from residential properties. Ainslie explained that the site would be fenced and gated for security. Staff recommended approval.

Windsor asked the length of a variance before it lapsed. Ainslie replied that the applicants had a year from approval.

Amy Ainslie represented the applicant, the City and Borough of Sitka. The Commission had no further questions for the applicant and opened the floor for public comment. None came forward. The Commission voiced their approval of the proposal.

**M-Riley/S-Alderson moved to approve the variance for an increase in the maximum height of principal structures for a lease parcel on Harbor Mountain**

**Bypass Road in the R-1 single-family and duplex residential district. The property was also known as a portion of Tract C, ASLS 79-4, according to Plat 79-13. The request was filed by the City and Borough of Sitka Planning Department. The owner of record was the City and Borough of Sitka. Motion passed 4-0 by voice vote.**

**M-Riley/S-Alderson moved to adopt and approve the required findings for variances involving major structures or expansions as listed in the staff report. Motion passed 4-0 by voice vote.**

**D**     [VAR 22-09](#)

Ainslie introduced the item as linked to platting variance V 22-10 and minor subdivision request P 22-01. Ainslie provided a history of the subdivision of the area since 2020. Ainslie explained that the site was within the JPJL subdivision and was adjacent to the Tisher subdivision. Ainslie explained that the Tisher subdivision was a 5 lot minor hybrid subdivision with access and water service from Kramer Avenue. JPJL subdivision was a 2 lot minor subdivision was able to connect electric and sewer services from Halibut Point Road. Ainslie explained that the applicant, Michael Tisher, installed utilities and coordinated access and utility easements for Tisher subdivision approval and has purchased the 64,588 s.f. Lot 1 of JPJL subdivision which he wished to subdivide into 2 lots. The request was to exceed the maximum of 4 lots served by an access easement to 5 lots. Ainslie described the access easement as wider than standard at 30' wide and currently served Lots 2, 3, and 4 of Tisher subdivision as well as Lot 1 of JPJL subdivision.

Staff recommended approval.

The applicant, Michael Tisher, was present. Having no questions for the applicant, the Commission dismissed the applicant and opened the floor for public comment. None came forward.

The Commission voiced their approval.

**M-Alderson/S-Mudry moved to approve the platting variance allowing five lots to utilize an access easement at 525 Kramer Avenue in the R-1 MH single-family, duplex, and manufactured home district. The property was also known as Lot 1, JPJL Subdivision. The request was filed by Michael Tisher. The owner of record was Michael Tisher. Motion passed 4-0 by voice vote.**

**M-Alderson/S-Mudry moved to adopt the required findings for platting variances as listed in the staff report. Motion passed 4-0 by voice vote.**

**E**     [VAR 22-10](#)

Ainslie introduced the item as linked to platting variance V 22-09 and minor subdivision request P 22-01. Ainslie provided a history of the subdivision of the area since 2020. Ainslie explained that the site was within the JPJL subdivision and was adjacent to the Tisher subdivision. Ainslie explained that the Tisher subdivision was a 5 lot minor hybrid subdivision with access and water service from Kramer Avenue. JPJL subdivision was a 2 lot minor subdivision was able to connect electric and sewer services from Halibut Point Road. Ainslie explained that the applicant, Michael Tisher, installed utilities and coordinated access and utility easements for Tisher subdivision

approval and has purchased the 64,588 s.f. Lot 1 of JPJL subdivision which he wished to subdivide into 2 lots. The request was to exceed the maximum of 4 lots served by a utility easement to 5 lots. Ainslie described the utility easement used for sewer, electric, and water and currently served Lots 2, 3, and 4 of Tisher subdivision as well as Lot 1 of JPJL subdivision. Ainslie explained that due to the lack of City infrastructure to connect to, the applicant had to create their own as waiting for City infrastructure to develop would be an undue burden. Staff recommended approval.

The applicant, Michael Tisher, was present. Windsor asked the size of the lines. Tisher replied that the water line was 8" and sewer and electric were 6". Having no further questions for the applicant, the Commission dismissed the applicant and opened the floor for public comment. None came forward.

The Commission voiced their approval.

**M-Alderson/S-Mudry moved to approve the platting variance to connect more than four properties to a private utility system at 525 Kramer Avenue in the R-1 MH single-family, duplex, and manufactured home district. The property was also known as Lot 1, JPJL Subdivision. The request was filed by Michael Tisher. The owner of record was Michael Tisher. Motion passed 4-0 by voice vote.**

**M-Alderson/S-Mudry moved to adopt the required findings for platting variances. Motion passed 4-0 by voice vote.**

**F**     [P 22-01](#)

Ainslie introduced the item as linked to platting variance V 22-09 and V 22-10. Ainslie provided a history of the subdivision of the area since 2020. Ainslie explained that the site was within the JPJL subdivision and was adjacent to the Tisher subdivision. Ainslie explained that the Tisher subdivision was a 5 lot minor hybrid subdivision with access and water service from Kramer Avenue. JPJL subdivision was a 2 lot minor subdivision was able to connect electric and sewer services from Halibut Point Road. Ainslie explained that the applicant, Michael Tisher, installed utilities and coordinated access and utility easements for Tisher subdivision approval and has purchased the 64,588 s.f. Lot 1 of JPJL subdivision which he wished to subdivide into 2 lots. Staff recommended approval.

The applicant, Michael Tisher, was present and explained that the area was in a low risk of landslides. Having no further questions for the applicant, the Commission dismissed the applicant and opened the floor for public comment. None came forward.

The Commission voiced their approval.

**M-Mudry/S-Alderson moved to approve the preliminary plat for a minor subdivision to result in two lots at 525 Kramer Avenue in the R-1 MH single-family, duplex, and manufactured home district subject to the conditions of approval as listed in the staff report. The property is also known as Lot 1, JPJL Subdivision. The request was filed by Michael Tisher. The owner of record was Michael Tisher. Motion passed 4-0 by voice vote.**

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

**G**     [CUP 22-09](#)

Ainslie introduced the proposal as a request for an eating and drinking place in front of Fortress of the Bear at 4639 Sawmill Creek Road. Ainslie described the proposal as a concession stand, which would serve hot dogs, popcorn, coffee, and packaged foods. The kiosk would be 63 s.f. and was proposed to operate from 9am to 3pm on cruise days. Ainslie noted that the site was a busy tourist attraction already and that food service would encourage dispersal of tourists which aligned with the Short-term Tourism Plan. Staff recommended approval.

Alderson asked how water, wastewater, and electric would be handled. Ainslie responded that the applicant intended to bring in its own water and carry out wastewater. Electricity would be provided by a cord from Fortress of the Bear.

The applicant, Colin Flanagan, was present. Flanagan explained that Fortress of the Bear did not have food service. Riley asked staff if granting one permit prevented another permit for the site. Ainslie responded that existing permits should be taken into account for future permits but did not restrict other applications. The Commission dismissed the applicant and opened the floor for public comment. None came forward.

The Commission voiced their approval of the proposal.

**M-Riley/S-Alderson moved to approve the conditional use permit for an eating and drinking place at 4639 Sawmill Creek Road in the GP – Gary Paxton Special Zone, subject to the conditions of approval as listed in the staff report. The property is also known as Sawmill Cove Industrial Park Resubdivision No. 1. The request was filed by Colin Flanagan. The owner of record was City and Borough of Sitka.**

**M-Riley/S-Alderson moved to adopt and approve the required findings for conditional use permits as listed in the staff report. Motion passed 4-0 by voice vote.**

## H [CUP 22-10](#)

Ainslie introduced the proposal for a personal use dock to exceed 300 ft in perimeter at 1401 and 1403 Halibut Point Road as a joint venture between neighbors which would otherwise be too costly to develop due to the length needed to get the dock to appropriate depths. Ainslie explained the tidelands permit for the site was considered and recommended for approval by the Ports and Harbors Commission on 9/11/19, Planning Commission on 9/18/19, and approved by the Assembly on 3/22/22.

Ainslie explained that as a personal use dock intended for the two lots it connected to, no traffic or safety concerns were anticipated. Staff recommended approval.

Alderson asked if the four vessel limit was for the dock or for each lot. Ainslie explained that it was for the dock. Windsor asked if charter fishing would be an allowable use for the dock. Ainslie explained that mooring may be allowed but likely not guest loading from the dock, though staff would need to evaluate the Code for compliance.

Applicants Ral West and John Hardwick were present. The applicants explained that the joint venture was necessary due to the high cost of development. Alderson asked if the applicant intended short-term rental of boats. West responded that this was not their plan.

The Commission dismissed the applicants and opened the floor for public comment.

None came forward. The Commission voiced their approval.

**M-Riley/S-Alderson moved to approve the conditional use permit for a personal use dock – perimeter of dock and float exceed 300 linear feet at 1401 and 1403 Halibut Point Road in the R-1 single-family and duplex residential district subject to the conditions of approval as listed in the staff report. 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 Pearson, John T. Hardwick Revocable Living Trust, and Ral West Revocable Living Trust. Motion passed 4-0 by voice vote.**

**M-Riley/S-Alderson moved to adopt and approve the required findings for conditional use permits as listed in the staff report. Motion passed 4-0 by voice vote.**

#### I [CUP 22-11](#)

Ainslie introduced the proposal for a short-term rental of a 2 bed, 1 bath unit in a duplex at 3416B Halibut Point Road. Ainslie explained that the site was accessed by an easement from Halibut Point Road with parking for at least four vehicles on-site. Ainslie noted that the owners would be on-site to manage the property and the site's grade change from surrounding properties provided a buffer to mitigate potential impacts. Staff recommended approval.

The applicant, Kim Nekeferoff, was present. Nekeferoff explained that they wanted to have flexibility in use of the apartment. The applicant was dismissed and the Commission opened the floor for public comment. None came forward.

The Commission voiced their approval.

**M-Alderson/S-Mudry moved to approve the conditional use permit for a short-term rental at 3416B Halibut Point Road in the R-1 MH - Single-Family/Duplex/Manufactured Home District subject to the conditions of approval as listed in the staff report. The property was also known as Lot 2, Mattin Subdivision. The request was filed by Nick & Kim Nekeferoff. The owners of record were Nick & Kim Nekeferoff. Motion passed 4-0 by voice vote.**

**M-Alderson/S-Mudry moved to adopt and approve the required findings for conditional use permits as listed in the staff report. Motion passed 4-0 by voice vote.**

#### J [CUP 22-12](#)

Ainslie introduced the proposal for a short-term rental of a 1 bed, 1 bath apartment at 210B Lakeview Drive in the home of the applicant. Ainslie explained that the applicants had previously held permit under CUP 19-19 which had lapsed. Ainslie stated that the site was on a City right-of-way with low density of short-term rentals in the area, and ample buffers of distance and the lake. Staff recommended approval.

The applicants, Jake Kirkness and Carrie O'Toole, were present. The applicant explained that they wanted flexibility to rent short-term in between long-term rentals. Applicants were dismissed and the Commission opened the floor for public comment. None came forward.

Riley explained her rationale for supporting the one-year moratorium on short-term

rentals. Riley stated that she supported the applicants' request but felt the wider conversation of short-term rentals in the community was still needed and asked for participation of the short-term rental town hall on April 18th.

The Commission voiced their approval of the request.

**M-Alderson/S-Riley moved to approve the conditional use permit for a short-term rental at 210B Lakeview Drive in the R-1 single family and duplex residential district subject to the conditions of approval as listed in the staff report. The property was also known as Lot 54, Amended Lakeview Heights Subdivision. The request was filed by Jacob Kirkness and Kerri O'Toole. The owners of record were Jacob Kirkness and Kerri O'Toole.**

**M-Alderson/S-Riley moved to adopt and approve the required findings for conditional use permits as listed in the staff report. Motion passed 4-0 by voice vote.**

## VIII. ADJOURNMENT

Seeing no objections, Chair Windsor adjourned the meeting at 8:16pm.