

POSSIBLE MOTION

I MOVE TO approve Ordinance 2014-21 on first reading

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2014-21

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING THE SITKA GENERAL CODE TO REFLECT THE RECENT NAME CHANGE OF SAWMILL COVE INDUSTRIAL PARK TO GARY PAXTON INDUSTRIAL PARK AS APPROVED BY RESOLUTION NO. 2014-08

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code (“SGC”).

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. **PURPOSE.** The purpose of this ordinance is to change references within the SGC from Sawmill Cove Industrial Park (“SCIP”) to Gary Paxton Industrial Park (“GPIP”) as approved and passed by Resolution No. 2014-08 on May 27, 2014. Provisions of the SGC affected by Resolution 2014-08 under this ordinance are as follows:

- SGC Title 2 “Administration;”
- SGC Chapter 2.38, specifically sections 2.38.010 “Designation,” 2.38.020 “Sawmill Cove industrial park board of directors,” 2.38.080 “General powers,” 2.38.090 “Leasing powers,” 2.38.110 “Sawmill Cove industrial park director designated appointment,” 2.38.120 “Director duties and responsibilities,” 2.38.130 “Schedule of fees and charges,” and 2.38.180 “Definitions;”
- SGC 4.04.010 “Funds, divisions and departments;”
- SGC 4.06 “Allocation of Revenue From Sale of Water;”
- SGC 15.06.020 “Solid waste disposal policy and rates” in paragraphs A., D., G. and J.;
- SGC 22.12.010 “Districts established;”
- SGC Chapter 22.16 “District Regulations,” specifically sections 22.16.015B. “Permitted, conditional and prohibited uses” including Tables 22.16.015-1, 22.16.015-2, 22.16.015-3, 22.16.015-4, 22.16.015-5, and 22.16.015-6; and
- SGC 22.16.170 “SC Sawmill Cove special zone.

In addition, SGC 15.05.625 entitled “Water and wastewater rates – Sawmill Cove industrial park” will be deleted in its entirety in accordance with ordinance 2014-19.

4. **ENACTMENT. NOW, THEREFORE, BE IT ENACTED** by the Assembly of the City and Borough of Sitka that SGC Title 2 entitled “Administration,” SGC Chapter 2.38 entitled “Sawmill Cove Industrial Site,” SGC Chapter 4.04 entitled “Budgetary Organization,” SGC Chapter 4.06 entitled “Allocation of Revenues From Sale of Water,” SGC Chapter 15.05 entitled “Water System,” SGC Chapter 15.06 entitled “Solid Waste Treatment and Refuse Collection,” SGC

49 Chapter 22.12 “Zoning Maps and Boundaries,” and SGC 22.16 entitled “District Regulations” is
50 modified as follows (new language underlined; deleted language stricken):
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52 **Title 2**
53 **ADMINISTRATION**

54 **Chapters:**

55 * * *

56 **2.38 Gary Paxton Sawmill Cove Industrial Site**
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59 **Chapter 2.38**

60 **GARY PAXTON SAWMILL COVE INDUSTRIAL PARK SITE**

61 **Sections:**

62 **2.38.010 Designation.**

63 **2.38.020 Gary Paxton Sawmill Cove industrial park board of directors.**

64 **2.38.030 Board of directors organization.**

65 **2.38.040 Vacancies.**

66 **2.38.050 Meetings.**

67 **2.38.060 Coordination.**

68 **2.38.070 Membership in associations.**

69 **2.38.080 General powers.**

70 **2.38.090 Leasing powers.**

71 **2.38.100 Adoption of regulations.**

72 **2.38.110 Gary Paxton Sawmill Cove industrial park director designated appointment.**
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75 **2.38.010 Designation.**

76 The former Alaska Pulp Corporation mill site is designated as the Gary Paxton Sawmill Cove
77 industrial park (GPIP Sawmill Cove). As described in Exhibit A, attached to the ordinance
78 codified in this chapter and incorporated herein by reference. The Gary Paxton Sawmill Cove
79 industrial park is a municipal department subject to assembly general oversight.
80

81 **2.38.020 Gary Paxton Sawmill Cove industrial park board of directors.**

82 A. There is established the board of directors of the city and borough of Sitka, which shall be
83 known as the city and borough of Sitka Gary Paxton Sawmill Cove industrial park board of
84 directors. The Gary Paxton Sawmill Cove industrial park board shall consist of five members
85 appointed by the assembly to serve without compensation for staggered two-year terms. Terms
86 shall commence on June 1st.
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88 B. No employee or the spouse of an employee or a member of the immediate family or
89 household of a member of the board of the Gary Paxton Sawmill Cove industrial park may be a
90 member of the board. To the extent possible, appointments to the board shall include persons
91 having marine, engineering, financial or other skills relevant to industrial park matters. One
92 member of the board shall hold a seat at large. The conflict of interest provisions set out in this
93 code and the Charter shall apply to actions of the board of directors. A written disclosure by

94 each board member of his or her ownership interests in lessees and lessee applicants shall be
95 filed with the municipal clerk by March 15th annually.

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98 **2.38.080 General powers.**

99 A. Subject to state laws and municipal ordinances, the board of directors shall generally
100 exercise all powers necessary and incidental to operation of all Gary Paxton Sawmill Cove
101 industrial park facilities in the public interest and in a sound business manner. In particular, and
102 without limitation on the foregoing, the board:

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104 1. Shall be responsible for the operation, maintenance, development, and marketing of
105 the municipally owned and operated Gary Paxton Sawmill Cove industrial park, including
106 such facilities as site development, docks, and facilities appurtenant thereto;

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109 7. Shall administer and dispose of tideland, submerged land, and other land identified by
110 the assembly by ordinance as subject to Gary Paxton Sawmill Cove industrial park
111 administration, subject to the following limitations:

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114 b. All land transactions by the board in accordance with this section shall be governed
115 by this chapter rather than Title 18 of this code, as follows:

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117 i. The long term leasing of all of the property at the Gary Paxton Sawmill Cove
118 industrial park is authorized regardless of value.

119 ii. Leases shall be granted to the highest responsible bidder unless the assembly
120 determines that because of the nature of the trust to be leased, the nature of the
121 business being sought for the lease or seeking a lease, or the number of jobs to
122 be produced, that competitive bidding is inappropriate and the terms of the
123 proposed lease, including price, should be negotiated. Applications for non-bid
124 dispositions shall be referred to the board for recommendations;

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127 9. Shall, on behalf of the municipality, enter into memoranda of understanding, permit
128 negotiations and similar agreements with public agencies for industrial park purposes. The
129 board may negotiate and enter into contracts for goods and services pursuant to regulations
130 set out in this chapter; provided, that all legal services shall be provided by or under the
131 supervision of the municipal attorney. All services provided by a municipal agency other
132 than the municipal attorney shall be pursuant to a memorandum of understanding or other
133 instrument providing for payment or such other settlement as the municipal administrator
134 and board may approve. Contracts for public improvements and, whenever practicable,
135 other purchase of supplies, materials, equipment, and services, except professional
136 services and services of officers and municipal employees, shall be by competitive bid and
137 awarded to the lowest qualified bidder according to the procedures established in Title 18.
138 All contracts, and purchased items specifically identified within the Gary Paxton Sawmill

139 ~~Cove~~ industrial park budget shall not require prior assembly approval. All contracts and
140 purchases shall require municipal administrator approval.
141

142 **2.38.090 Leasing powers.**

143 All leases of land, whether uplands or tidelands, within the Gary Paxton Sawmill-Cove
144 industrial park are subject to the leasing provisions set forth in this chapter.
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147 **2.38.110 Gary Paxton Sawmill-Cove industrial park director designated appointment.**

148 A. The director of the Gary Paxton Sawmill-Cove industrial park shall be the director
149 appointed by the assembly upon the affirmative recommendation of a majority of the entire
150 board. The board shall interview and recommend candidates to assembly for final approval. The
151 director serves at the pleasure of the board. For purposes of Title 2, the director shall have the
152 status of a department head as defined in Chapter 2.08. The assembly shall establish the
153 compensation and benefits to be provided to the director.
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155 B. The assembly may alternatively elect to enter into a services contract with another entity to
156 perform all duties and functions of the director of the Gary Paxton Sawmill-Cove industrial park
157 as described in Section 2.38.120.
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159 **2.38.120 Director duties and responsibilities.**

160 A. The director is responsible for the overall supervision and direction of the affairs of the
161 Gary Paxton Sawmill-Cove industrial park. The authority and duties of the director shall include
162 the following:
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164 3. To prepare and submit to the board of directors for approval, a plan of organization
165 and a job classification plan for the personnel employed in the Gary Paxton Sawmill-Cove
166 industrial park;
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168 5. To select, employ, control, and discharge all Gary Paxton Sawmill-Cove industrial
169 park employees and such other employees as the assembly by ordinance hereafter places
170 under the supervision of the director subject to the provisions of the municipal personnel
171 policies, except that the director may recommend changes to the personnel plan to allow
172 for the peculiarities of the operation of Gary Paxton Sawmill-Cove industrial park;
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175 **2.38.130 Schedule of fees and charges.**

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177 B. The assembly, prior to imposing any fee on activities related principally to or property
178 located in the Gary Paxton Sawmill-Cove industrial park, shall consider the extent to which such
179 fee is necessary to support municipal services delivered by or facilities provided by the
180 municipality.
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182 **2.38.180 Definitions.**

183 Whenever the following words and terms are used in this title, they shall have the meaning
184 ascribed to them in this chapter, unless the context clearly indicates otherwise.

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“Board” or “board of directors” means the Gary Paxton Sawmill Cove industrial park board.

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**Chapter 4.04
BUDGETARY ORGANIZATION**

Sections:

4.04.010 Funds, divisions and departments.

4.04.010 Funds, divisions and departments.

The following funds, divisions and departments of the city and borough are established:

FUND	DIVISION	DEPARTMENT
* * *		
I. <u>Gary Paxton Sawmill Cove</u> Industrial Park	Operations	

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**Chapter 4.06
ALLOCATION OF REVENUES FROM SALE OF WATER**

Sections:

4.06.010 Allocation of revenues from bulk sales of water.

4.06.020 Allocation of revenues from sales of raw water at Gary Paxton industrial park, Sawmill Cove Industrial Park.

4.06.025 Allocation of revenues from sales of water at Gary Paxton industrial park Sawmill Cove Industrial Park subject to the agreement to convey with Alaska Pulp Corporation.

4.06.030 Allocation of revenues from sales of treated water at Gary Paxton industrial park, Sawmill Cove Industrial Park.

4.06.010 Allocation of revenues from bulk sales of water.

Twenty-five percent of the revenues received by Sitka from bulk sales of water shall be deposited into the general fund. Half of the remainder of the revenues received by Sitka from bulk sales of water shall be deposited into the electric fund, and the other half of the remainder of the revenues received by Sitka from bulk sales of water shall be deposited into the water fund. This section does not apply to sales of water at Gary Paxton industrial park, Sawmill Cove Industrial Park.

4.06.020 Allocation of revenues from sales of raw water at Gary Paxton industrial park, Sawmill Cove Industrial Park.

For five years starting on the effective date of the ordinance codified in this chapter, fifty percent of the revenues received by Sitka from the sales of raw water at Gary Paxton industrial park, Sawmill Cove Industrial Park shall be deposited into the Gary Paxton industrial park

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225 ~~Sawmill Cove Industrial Park~~ enterprise fund and the remaining fifty percent of such revenues
226 shall be deposited into the water fund. Upon the passage of five years the revenues received by
227 Sitka from the sales of raw water at Gary Paxton industrial park ~~Sawmill Cove Industrial Park~~
228 shall be deposited equally into the general fund, the electric fund, the water fund, and the Gary
229 Paxton ~~Sawmill Cove~~ Industrial Park enterprise fund.

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231 **4.06.025 Allocation of revenues from sales of water at Gary Paxton industrial park.**
232 **~~Sawmill Cove Industrial Park~~ subject to the agreement to convey with Alaska Pulp**
233 **Corporation.**

234 Notwithstanding any other provision of law, fifty percent of the revenues received before April
235 6, 2009 from sales of raw water subject to Section 9 of the Agreement to Convey between Sitka
236 and Alaska Pulp Corporation shall be paid to Alaska Pulp Corporation. Seventy-five percent of
237 the remainder of the revenues described in the previous sentence shall be deposited in the Gary
238 Paxton industrial park ~~Sawmill Cove Industrial Park~~ enterprise fund, and twenty-five percent
239 shall be deposited in the general fund. This section shall sunset and be of no further force and
240 effect on April 6, 2009.

241
242 **4.06.030 Allocation of revenues from sales of treated water at Gary Paxton industrial**
243 **park. ~~Sawmill Cove Industrial Park~~**

244 All of the revenues received from the sales of treated water at Gary Paxton industrial park.
245 ~~Sawmill Cove Industrial Park~~ shall be deposited into the water fund.

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248 **Chapter 15.06**

249 **SOLID WASTE TREATMENT AND REFUSE COLLECTION**

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251 **15.06.020 Solid waste disposal policy and rates.**

252 A. Junk automobiles and small trucks (three-quarter ton or smaller) may be delivered to Gary
253 Paxton ~~Sawmill Cove~~ industrial park (GPIP SMCIP) scrap yard at a rate of three cents per
254 pound.

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256 D. Fuel tanks must be cleaned and cut into pieces less than five feet by twelve feet prior to
257 delivery to the GPIP SMCIP scrap yard.

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259 G. Recyclables including mixed paper, cardboard, and newsprint that are delivered to the GPIP
260 SMCIP-scrap yard shall be billed at a rate of four cents per pound.

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262 H. Tires off of large trucks and heavy equipment may be delivered to the transfer station or
263 GPIP SMCIP-scrap yard and shall be billed at a rate of twenty-five dollars each.

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266 J. Household hazardous waste may be disposed of during normal business hours at the GPIP
267 SMCIP-scrap yard. Commercially generated household hazardous waste will not be accepted at
268 any time.

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Chapter 22.12
ZONING MAPS AND BOUNDARIES

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22.12.010 Districts established.

The city and borough is divided into districts as shown on the zoning maps of the city and borough which, together with all explanatory matter, are adopted by reference to be a part of this title. The districts shall be as follows:

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<u>GPSC Gary Paxton Sawmill-Cove</u> special district

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Chapter 22.16
DISTRICT REGULATIONS

Sections:

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22.16.170 GP Gary Paxton SC Sawmill-Cove special zone.

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22.16.015 Permitted, conditional and prohibited uses.

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B. Any use which causes, or may be reasonably expected to cause, an excessive disturbance not in keeping with the character and stated intent of this district. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation or to a degree injurious to the public safety, health, welfare or convenience.

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If the letter "P" appears in the box, the use is permitted outright subject to the provisions of the code. If the letter "C" appears in the box, the use is a conditional use subject to review and approval including site plan approval. If the box contains a number, there will be a corresponding footnote further specifying the conditions applicable to the use in the zone.

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With the exception of the Gary Paxton Sawmill-Cove special district or as otherwise provided in this code, if the letter "P," "C," or another notation does not appear in the box, the use is prohibited.

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The Gary Paxton Sawmill-Cove special (GP/GPS SC/SCS) district was specifically developed to allow for a wide range of flexible uses on the site. When the site was acquired, it was recognized that a number of appropriate uses may surface that could not be anticipated. Appropriate and inappropriate uses could be regulated through lease agreements and sales agreements that must be approved by the municipality. As a result, the GP/GPS SC/SCS district use tables shall function differently from the manner outlined above.

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Any uses, except retail and business uses, at Table 22.16.015-6, as well as natural resource extracting and mining support facilities uses within Table 22.16.015-5, may be approved in the GP/GPS SC/SCS district without a requirement of a zoning amendment in accordance with Section 2.38.080.

314 Retail and business uses in the GP/GPS SC/SCS district that are permitted uses, conditional
 315 uses, or prohibited uses on the site are governed by Table 22.16.015-6. Natural resource
 316 extractions and mining support facilities are conditional uses governed by Table 22.16.015-5 in
 317 the GP/GPS SC/SCS district. These use tables are binding on the owners and the operators in
 318 the Gary Paxton industrial park, Sawmill Cove Industrial Park. No changes to these tables shall
 319 be made without a zoning ordinance text amendment that follows the full procedures in Chapter
 320 22.30, Zoning Code Administration, of this code.
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**Table 22.16.015-1
Residential Land Uses**

Zones	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (11, 12)	C-1 (11)	C-2 (11)	WD (2, 11)	I	GI (3, 10)	LI(3)	R	OS	<u>GP SC</u> (13)

R-2 MHP: Multifamily/Mobile Home District GP: Gary Paxton SC: Sawmill Cove Special District

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**Table 22.16.015-2
Cultural/Recreational Uses**

ZONES	P(1)	SF (7)	SFLD(7)	R-1 (7)	R-1 MH (7)	R-1 LDMH (7)	R-2 (7)	R-2 MHP(7)	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	<u>GPSC</u> (9)

R-2 MHP: Multifamily/Mobile Home District GP: Gary Paxton SC: Sawmill Cove Special District

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**Table 22.16.015-3
General Services Uses**

ZONES	P(1)	SF	SFLD	R-1 (6)	R-1 MH (6)	R-1 LDMH (6)	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	<u>GPSC</u> (8)

R-2 MHP: Multifamily/Mobile Home District GP: Gary Paxton SC: Sawmill Cove Special District

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**Table 22.16.015-4
Public Facilities Uses**

ZONES	P(1)	SF	SFLD	R-1	R-1	R-1	R-2	R-2	CBD	C-1	C-2	WD	I	GI(3)	LI(3)	R	OS	GPSC (6)
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R-2 MHP: Multifamily/Mobile Home District GP: Gary Paxton SC: Sawmill Cove Special District

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**Table 22.16.015-5
Manufacturing/Storage Uses**

ZONES	P(1)	SF	SFLD	R-1	R-1	R-1	R-2	R-2	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GPSC (7)
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R-2 MHP: Multifamily/Mobile Home District GP: Gary Paxton SC: ~~Sawmill Cove~~ Special District

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**Table 22.16.015-6
Retail and Business Uses**

ZONES	P(1)	SF	SFLD	R-1	R-1	R-1	R-2	R-2	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GPSC
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• Sales of goods that are wholly manufactured at Gary Paxton industrial park GPIP Sawmill Cove Industrial Park SCIP																		P
• Sales of gifts, souvenirs and promotional materials that bear the logo or trade name of a GPIP an SCIP permitted use business																		P
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R-2 MHP: Multifamily/Mobile Home District GP: Gary Paxton SC: ~~Sawmill Cove~~ Special District

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22.16.170 GP Gary Paxton SC ~~Sawmill Cove~~ special zone.

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A. Intent. The Gary Paxton ~~Sawmill Cove~~ special zone is intended to apply to the Gary Paxton ~~Sawmill Cove~~ industrial park site and the associated tidelands portions and adjacent municipal tracts as defined by the zoning maps. It provides development flexibility for this unique site by allowing many uses that are permitted in both the waterfront and industrial zoning districts.

352 5. **EFFECTIVE DATE.** This ordinance shall become effective the day after its passage.

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354 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of
355 Sitka, Alaska this 24th day of June, 2014.

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ATTEST:

Colleen Ingman, MMC
Municipal Clerk

Mim McConnell, Mayor