

To City Planning staff & Assembly,

Please take this up at the March 11th
assembly meeting as the longline season starts on
march 20th and for me it will be very difficult
to make any meetings once fishing starts.

Thank you,

Ryan Nichols

3/3/25

907-623-8568

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MAR - 3 2025
City & Borough of Sitka-
Clerk's Office

TO: City & Borough of Sitka Alaska – City Assembly
FROM: Ryan Nichols
DATE: February 28, 2025

REQUEST: Appealing the Sitka Planning Commission's denial of a minor subdivision that would result in two lots at 305 Islander Drive, also known as Lot Five (5), Harris Island Subdivision.

REASON FOR REQUEST:

My father passed away in September 2023, and my sister and I are working to settle his estate. We were raised on Harris Island and both have long-term plans to reside in Sitka. We currently own the property I have proposed to subdivide together and have no plans to sell, however we prefer each separately own half.

My request was first brought before the Planning Commission on December 4, 2024. During that meeting there was public comment expressing concerns for changes to the character of the neighborhood that could occur with additional development, along with concerns for increased traffic on this privately maintained road that has no road maintenance agreement in place. The Commission acknowledged that the proposed lots from this subdivision would both be just under 18,000 square feet, easily meeting the single-family low density (SFLD) requirement for a minimum of 15,000 square feet. Despite meeting all requirements laid out in city code, the Planning Commission opted to postpone their decision until February 2025 to allow for further discussion about the lack of a road maintenance agreement, and stated that their decision in February would not be contingent on or require a maintenance agreement. This action was agreed to unanimously by the members present.

My request was again brought before the Planning Commission on February 19, 2025. Public comment was varied including: opposition to any future development on the island, concern about the character of the island and cutting trees, concern for increased traffic and wear on the privately maintained road, statements of neutrality, and support for the subdivision as SFLD requirements were never intended to stop development that met these criteria. After much discussion, my subdivision proposal was denied in a 2-1 vote with the one opposing vote citing the lack of a road maintenance agreement as rationale. This was a bit of a surprise to me, given that both lots would have legal access if approved, statements were made during the December meeting indicating that the Planning Commission did not intend to deny this proposal in the absence of a road maintenance agreement, and the planning department staff recommendation to approve the proposal.

There are a number of points to consider regarding this proposal and its denial:

- Only three members of the Commission were present, it was not explained that all three members would have to vote yes for this proposal to pass, nor was I given the option to defer to another time when more members would be present. I find this problematic, as my proposal failed by one vote – this proposal would have more appropriately been considered by all five members of the Commission.
- The Planning Commission's denial of this proposal has now incentivized individuals who are opposed to future development on Harris Island to ensure there is NOT a road

maintenance agreement. A road maintenance agreement will now be viewed as a mechanism to stop future development.

- My subdivision proposal meets the requirements laid out in Sitka's current zoning restrictions and I believe that denying this amounts to spot zoning. Developing a road maintenance agreement is a worthy goal, however there is no general code requirement for a road maintenance agreement and the passage of this proposal should not be dependent on having such an agreement in place. Denial based on no road maintenance agreement being in place is arbitrary and I believe that this opposition is wrongfully targeting this proposal as it does meet the requirements laid out in Sitka's general code.
- I have not requested any variance or special-use considerations in my proposal because it meets the restrictions in place now. Considerations about zoning and city requirements should be equal and uniform. If members of the public desire these requirements to be different, they could take a top down approach and consider efforts to change the zoning requirements laid out for SFLD. Until then, attempts to subvert reasonable subdivision proposals are not appropriate and should not be entertained.
- Sitka has long faced chronic land and housing shortages paired with a very high cost of living. This subdivision proposal is my family and my attempt to creatively solve for this amongst ourselves. We did not anticipate the Planning Commission to deny this since it meets the requirements of SFLD and city zoning laws, and goes against many of the housing and land issues Sitka is currently struggling to address.

In closing, thank you for considering my appeal, I encourage you to approve my proposal.