



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

To: Mark Gorman, Municipal Administrator
Mayor McConnell and Members of the Assembly

From: Maegan Bosak, Planning and Community Development Director *MB*

Subject: Ordinance 2015-8 Amending ADUs to be a permitted or conditional use

Date: February 17, 2015

The Planning Commission is recommending approval of a zoning text amendment on accessory dwelling units (ADUs) SGC 22.20.160 to add that an ADU may be considered through a conditional use permit process if it does not meet code requirements. The proposal is designed to create leniency in the requirements so long as the conditional use permit findings can be met. The request is filed by the City and Borough of Sitka. Action on this item was taken at the February 3, 2015 Planning Commission meeting. The recommendation to approve the request passed unanimously 3-0.

Accessory dwelling units were adopted in 2013 as a way to create additional housing options in various zones throughout Sitka. To date, we have had no applications that fulfill the necessary requirements outlined in code. Many have applied that do not have room for the required two parking spaces or are accessed off of an easement rather than the required municipally maintained right of way.

The Planning Commission revisited the requirements and determined that requests could be assimilated into various neighborhoods even if they did not meet all code requirements. The Commission determined that ADUs could be a permitted use when meeting requirements or a conditional use if the request does not meet requirements. By approving through the conditional use permit process, the Commission will have to determine an approval of findings and place conditions if necessary. The attached ordinance makes changes to SGC Table 22.16.015-1 and adds a section under ADU SGC 22.20.160 to add approval by conditional use permit

The Planning Commission spent multiple meetings discussing a variety of ADU options. The Planning Department appreciates the Commission's lengthy discussion and public input.

The Planning Office has not received any comments on this request.

Recommendation: Approve the ordinance.

Providing for today ... preparing for tomorrow

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-08

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA GENERAL CODE TITLE 22 ZONING UNDER CHAPTER 22.20 SUPPLEMENTAL DISTRICT REGULATIONS AND DEVELOPMENT STANDARDS AND UPDATING CHAPTER 22.16 DISTRICT REGULATIONS, TABLE 22.16.015-1 TO ALLOW FOR AND REGULATE ACCESSORY DWELLING UNITS (ADUS) AS A PERMITTED OR CONDITIONAL USE

BE IT ENACTED by the Assembly of the City and Borough of Sitka, Alaska as follows:

- 1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.
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 and circumstances shall not be affected.
3. PURPOSE. The purpose of this ordinance is to 1) amend the municipal zoning regulations to facilitate flexible housing types by allowing for Accessory Dwelling Units (ADUs) in selected residential zones under specific circumstances or through a conditional use permit.
4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough to: Add Section D under SGC Section 22.20.160 Accessory Dwelling Units, and to amend Chapter 22.16 District Regulations, under Section 22.15.015 Permitted, conditional and prohibited uses at Table 22.16.015-1 to make ADUs a permitted/conditional use under the R-1 and R-2 zones and a conditional use in the R-1, MH, R-1 LDMH and R-2 MHP zones that reads as follows:

Chapter 22.20
SUPPLEMENTAL DISTRICT REGULATIONS AND DEVELOPMENT STANDARDS

22.20.160 Accessory dwelling units (ADUs).

D. Conditional Use Permits may be sought if the above requirements cannot be met. Conditional Use Permit must be in conformance with SGC 22.24.

Chapter 22.16
DISTRICT REGULATIONS

22.16.015 Permitted, conditional and prohibited uses.

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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	GP (13)
RESIDENTIAL																		

•Accessory dwelling unit				P(14) <u>C</u>	<u>C</u>	<u>C</u>		P(14) <u>C</u>	<u>C</u>									

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3. EFFECTIVE DATE. This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 10th day of March 2015.

Mim McConnell, Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk

**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	GP (13)
RESIDENTIAL																		
• Single-family detached		P	P	P(4)	P(4)	P(4)	P(4)	P(4)		P	P	P		P	P	P	P	
• Townhouse				C(5)	C(5)	C(5)	C(5)	C(5)	C	P	P	P		C	C			
• Duplex				P	P		P	P		P	P	P		P	P			
• Residential zero lot line				P	P	P	P	P		P	P	P						
• Multiple-family				C(5)	C(5)	C(5)	P(5)	P(5)	P(5,8)	P(5)	P(5)	P(5)		C	C			
• Single manufactured home on an individual lot					P	P		P			P			C	C			
• Mobile home park								P			P	P						
• Accessory dwelling unit				P(14)			P(14)											
GROUP RESIDENCES																		
• Assisted living	C						C	C						C	C			
• Bunkhouse for transient workers							C	C				C		C				
• Dormitory	C(4)						C	C										
• Quasi-institutional	C			C	C	C	C	C						C	C			
TEMPORARY LODGING																		
• Hostel							C	C		P	P	P						
• Hotel/motel									P	P	P	P		PU/ CS	C	C		
• Bed and breakfast				C(7)	C(7)	C(7)	C(8)	C(8)	P	P	P	P		P	C			
• Short-term rental				C	C	C	C	C	P	P(9)	P(9)	P(9)		P	C	P(9)		
• Rooming house							C	C	C	P	P	P		C	C			
• Lodge										P	P	P		PU/ CS	C			
• Limited storage				C(6)	C(6)	C(6)	C(6)	C(6)						P	C			

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

R-1 MH: Single-Family/Duplex/Manufactured Home District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home District

CBD: Central Business District

C-1/C-2: General Commercial and General Commercial/Mobile Home Districts

WD: Waterfront District

I: Industrial District

GI: General Island District

LI: Large Island District

R: Recreational District

OS: Open Space District

GP: Gary Paxton Special District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

C. Residential Uses Table 22.16.015-1 Footnotes.

- Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings

of fact that show the use is in the public interest; all reasonable safeguards are to be employed to protect the surrounding area; and that there are no reasonable alternative locations for the use.

2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. Including zero lot developments.
5. Townhouse, cluster housing developments and planned unit developments are conditional uses subject to this title and Title 21 of this code, Subdivisions.
6. On-site storage of commercial fishing vessels, fishing equipment and other small business equipment is a permitted conditional use so long as such storage does not occupy more than four hundred square feet.
7. Bed and breakfast establishments are limited to three guest rooms in the R-1, R-1 MH, and R-1 LD districts as conditional uses only when no other rental such as apartments is in operation on the same lot.
8. Bed and breakfast establishments are limited to five guest rooms in the R-2, R-2 MHP districts as conditional uses only when no other rental such as apartments is in operation on the same lot.
9. Short-term rentals including legal nonconforming uses shall provide two off-street parking spaces per unit, comply with the municipal fire code, and comply with the requirements of the building department based on a life safety inspection.
10. Hotels, motels, lodges, boarding houses and bed and breakfasts capable of accommodating a maximum of six guests plus one guest for each one-half acre or fraction thereof above one acre on unsubdivided islands are permitted principal uses. Hotels, motels, lodges, boarding houses and bed and breakfasts, on unsubdivided islands that exceed this maximum, are conditional uses. Bed and breakfast establishments, boarding houses, hotels, motels and lodges are conditional uses on subdivided islands.
11. Many of the permitted and conditional uses in the CBD, C-1, C-2, and WD zones generate traffic, noise, odor, and general impacts to a higher level and greater degree than permitted and conditional uses in residential districts. Owners of residential uses in the CBD, C-1, C-2 and WD districts must be aware of and accepting of all the permitted uses in these districts.
12. Single or multiple apartments shall only be permitted on the first floor of structures in the CBD district if approved through the conditional use process. Single and multiple apartments are permitted uses on upper floors of structures in the CBD district.
13. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.
14. Accessory dwelling units shall be constructed in conformance with the standards outlined in Chapter 22.20, Supplemental District Regulations and Development Standards.

industrial districts except on park, school or hospital grounds. Such permits shall be for up to five months or the length of the project whichever is longer and may be renewed only once in any given calendar year.

B. The plant shall be removed upon completion of the project or within thirty days of the expiration of the permit.

C. Applicants shall address in their application neighborhood composition, traffic to and from the site, noise, dust, and stipulated hours of operation. A site plan shall also be provided.

(Ord. 02-1683 § 4 (part), 2002.)

22.20.150 Short-term rentals.

Short-term rentals including bed and breakfasts as defined in Chapter 22.08 of this code shall be conditional uses in the R-1 single-family and duplex residential district, the R-1 MH single-family, duplex and manufactured home district, the R-1 LD or R-1 LDMH single-family or duplex low density or single-family/manufactured home low density district, the R-2 multifamily residential district and the R-2 MHP multifamily mobile home district. Short-term rental in those districts shall be subject to the general rules set out under the provisions of Section 22.24.010. (Ord. 10-12 § 4 (part), 2010; Ord. 02-1683 § 4 (part), 2002.)

22.20.160 Accessory dwelling units (ADUs).

A. The following code section provides for binding standards and regulates the accessory dwelling units (ADUs). ADUs are intended to:

1. Utilize existing housing stock while preserving the appearance and character of single-family neighborhoods.
2. Provide additional affordable options for long-term rental housing.
3. Provide a broader range of more affordable housing.
4. Provide a mix of housing that responds to changing family needs, smaller households and multi-generational families.
5. Provide a means for residents, particularly seniors, single parents, and families with

grown children, to remain in their homes and neighborhoods and obtain extra income, security, companionship and services.

6. Encourage a more economic and energy-efficient use of Sitka's housing supply.

7. To maintain consistency with city and borough of Sitka's policies as recommended in the Comprehensive Plan (2.2.15, 2.2.16, 2.4.8.A, 2.5.1.B, 2.5.11, 2.10.3.B).

B. Creation. An accessory dwelling unit (ADU) is a second dwelling unit that is located on the same parcel as the primary single-family dwelling unit. ADUs must provide a complete, independent residential living space and shall include provisions for living, sleeping, eating, cooking and sanitation. ADUs can be studio-sized units, and one- and two-bedroom units. An ADU may be created through the following methods:

1. Constructing a detached ADU on a parcel with an existing single-family home.
2. Constructing a new single-family home with a detached ADU.

C. Accessory Dwelling Unit Requirements.

1. An ADU is a permitted use, on lots served by a publicly maintained right-of-way in the following residential zoning districts: R-1 and R-2 and related districts exclusive of MH and MHP. An ADU shall not be constructed on lots accessed by access easements. They are also not allowed on lots served by rights-of-way that have not been accepted by the municipality or state of Alaska for maintenance.
2. ADUs are intended for long-term rental use only. Rental of an ADU for a period of less than ninety consecutive days is prohibited. ADUs shall not be used for short-term vacation rentals and/or bed and breakfast purposes.
3. ADUs shall meet all development, design, zoning and building requirements at the time of construction (e.g., setback requirements and lot coverage standards) applica-

- ble to the primary dwelling unit, except as otherwise noted.
4. The ADU must be located on the same parcel as the primary dwelling unit.
 5. Only one ADU is allowed per parcel.
 6. Mobile homes, travel trailers and recreational vehicles shall not be used as an ADU.
 7. ADUs shall only be located on a parcel in conjunction with a single-family dwelling unit. ADUs shall not be located on parcels that contain a duplex and shall not be located on parcels that contain two or more dwelling units.
 8. ADUs shall be designed so that the appearance of the structure maintains, to the greatest extent possible, the appearance of a single-family property.
 9. If a separate external entrance for the ADU is necessary, where possible, it shall be located on the side or rear of the structure. On a corner lot, where there are two entrances visible from either street, where possible, solid screening is required to screen at least one of the entrances from the street.
 10. Exterior stairs shall be located in the side or rear yard wherever possible and must comply with setback and building code requirements.
 11. The maximum size of an ADU shall be eight hundred square feet.
 12. The following parking requirements are applicable for ADUs:
 - a. As part of the application submittal process, the applicant shall submit a parking plan delineating parking space(s) for the ADU and the primary dwelling unit.
 - b. Where parking is located in any portion of the interior side and/or rear setbacks solid screening is required from adjoining properties.
 - c. On-street parking is prohibited.

- d. If additional parking is necessary, new parking space(s) shall utilize existing curb cuts.
13. All subdivisions of lots containing ADUs are prohibited unless all minimum lot sizes (exclusive of access easements), setbacks, lot coverage, and other requirements in the zoning and subdivision codes are met.
 14. Variances are prohibited on any lot containing an ADU including, but not limited to, variances for setbacks, lot coverage, building height, and off-street parking requirements.

(Ord. 13-14A § 4 (part), 2013.)

Chapter 22.24

SPECIAL USE PERMITS

Sections:

- 22.24.005 General.**
- 22.24.010 Conditional uses.**
- 22.24.020 Variances.**
- 22.24.030 Planned unit developments.**
- 22.24.040 Binding site plan approval.**
- 22.24.050 Nonconforming use permit.**

22.24.005 General.

Special permits are necessary for conditional uses, variances, planned unit developments, binding site plans and nonconforming uses. This chapter includes provisions for application, review and approval of these permits. Chapter 22.30, Article III, of this code provides procedural requirements associated with permit processing. (Ord. 02-1683 § 4 (part), 2002.)

22.24.010 Conditional uses.

A conditional use is a use that may not be appropriate in a particular zoning district according to the character, intensity, or size of the lot or the surrounding uses. This section establishes decision criteria and procedures for special uses, called conditional uses, which possess unique characteristics. The con-

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
February 3, 2015**

Present: Richard Parmelee (Chair), Debra Pohlman (Member), Chris Spivey (Member), Maegan Bosak (PCDD), Scott Brylinsky (Temporary Planner)

Absent: Darrell Windsor (Member)

Members of the Public: Sheila Finkenbinder

Chair Parmelee called the meeting to order at 6:59 p.m.

Roll Call:

PRESENT: 3 – Parmelee, Spivey, Pohlman

Consideration of the Minutes from the January 20, 2015 meeting:

MOTION: M/S SPIVEY/POHLMAN moved to approve the meeting minutes for January 20, 2015.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

The evening business:

**ZONING TEXT AMENDMENT
ACCESSORY DWELLING UNITS
PLANNING DEPARTMENT**

Public hearing and consideration of a proposed zoning text amendment on accessory dwelling units (ADU) SGC 22.20.160 to add that an ADU may be considered through a conditional use permit process if it does not meet code requirements. The proposal is designed to create leniency in the requirements so long as the conditional use permit findings can be met. The request is filed by the City and Borough of Sitka.

APPLICANT: Brylinsky described request and history leading up to proposed zoning text amendment. Discussion of ADUs in waterfront zone. Point is to help create housing options for the community. Strict regulations have prevented any ADU permits so far. ADUs will not be allowed in the SF or SFLD zones.

COMMISSIONER DELIBERATION: Commissioner Pohlman asks about tiny homes and how this plays into it. Brylinsky says that an ADU would have to meet building codes (IRC) and could not be on wheels. Tiny homes are a separate area of interest. Spivey wants to maintain standard that ADUs have to be on a permanent foundation. Commissioners feel confident in making a motion of recommendation to the Assembly.

MOTION: M/S SPIVEY/POHLMAN move to recommend approval to the Assembly of a proposed zoning text amendment on accessory dwelling units (ADU) SGC 22.20.160 to add that an ADU may be considered through a conditional use permit process if it does not meet code requirements. The proposal is designed to create leniency in the requirements so long as the conditional use permit findings can be met. The request is filed by the City and Borough of Sitka also amending SGC Table 22.16.015-1 to make ADUs a permitted/conditional use under the R-1 and R-2 zones and a conditional use in the R-1 MH, R-1LDMH and R-2 MHP zones.

ACTION: Motion PASSED unanimously 3-0 on a voice vote.

**DISCUSSION
COMPREHENSIVE PLAN
PLANNING DEPARTMENT**

Bosak gives report on new comprehensive plan proposed to begin this July. Shares history of comprehensive plans and what is legally required. Bosak and Brylinsky share that the proposed plan will be 10-20 pages and encompass all other plans.

Planning Commission is excited and looking forward to participating. They agree that they would like to take on the role of the Strategic Planning Commission and morph into a board that does more than look at variances and small code issues. Commissioner Spivey asks why the comp plan is over 100 pages? "Seems like they are written more by lawyers," he states. Commissioners agree that they would like to see a community driven shorter comp plan. Pohlman references state comprehensive plan and would like to see time limit on feedback.

The Planning Commission is interested in being a part of the process and is in support of the shorter plan model.

Commission will start thinking of public input questions.

PLANNING DIRECTOR'S REPORT: Discussion over air b&bs. Small operational B&B's are becoming more and more popular. Hide-a-bed rentals are gaining traction.

ADJOURNMENT:

MOTION: M/S SPIVEY/POHLMAN moved to adjourn at 7:45 pm.

ACTION: Motion PASSED unanimously 3-0 on a voice vote.

Richard Parmelee, Chair

Maegan Bosak, Secretary

CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
January 6, 2015

Present: Richard Parmelee (Chair), Chris Spivey (Vice Chair), Darrell Windsor (Member), Maegan Bosak (Planner I), Scott Brylinsky (Interim Planning Director)

Absent: Debra Pohlman (Member)

Members of the Public: Michael LaGuire, James Poulson, George Eliason, Lynne Brandon (CBS Parks and Rec), Corrie Bosman, Cliff Richter, Andrew Thoms, Janet Eddy

Chair Parmelee called the meeting to order at 7:08 p.m.

Roll Call:

PRESENT: 3 – Parmelee, Windsor, Spivey

Consideration of the Minutes from the December 16, 2014 meeting:

MOTION: M/S SPIVEY/WINDSOR moved to approve the meeting minutes for December 16, 2014.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

The evening business:

CONDITIONAL USE PERMIT- B&B
LOT 15, AMENDED PLAT OF PINEHURST ADDITION, US SURVEY 1804
CORRIE BOSMAN

Public hearing and consideration of a two bedroom bed and breakfast conditional use permit requested by Corrie Bosman at 629 Degroff Street. The property is also known as Lot 15, Amended Plat of Pinehurst Addition, US Survey 1804.

Planner I, Bosak, summarizes the case. The applicant is requesting a bed and breakfast permit in a single family 3 bedroom, 2 bathroom home. The two rooms upstairs will be rented. Applicant is providing four off street parking spaces, more than the required amount. No public comment has been received.

APPLICANT: Corrie Bosman explains that this will be an air b&b, all bookings will take place online and primarily servicing the independent traveler. Bosman expects that she will get a lot of people coming to town for local events at SJ or Fine Arts Camp. Asking for two bedrooms however the second room will only be for overflow guests, the rooms will not be booked independently. Bosman says she will only have 1-2 guests unless it is a family.

COMMISSIONER DELIBERATION: Commissioner Spivey has concerns over traffic and cars pulling in and out of the driveway. Commission agrees that this will mainly be walking guests and that the applicant is providing more than enough parking.

PUBLIC COMMENT: No public comment.

MOTION: M/S SPIVEY/WINDSOR move to approve the following findings:

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

The granting of the proposed conditional use permit will not:

- a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located;
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation, *specifically Section 2.5.2 Encourage the development of facilities to accommodate visitors without significant impacts on residential properties;*
 3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically, the required annual reporting condition;*
 4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard;
 5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services;
 6. Burden of proof: the applicant has met the burden of proof.

The request is supported by general approval criteria as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors, *specifically the structure is existing;*
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements, *specifically applicant has shown adequate off street parking;*
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

The following criteria determining impacts of conditional uses have been considered.

- a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses.
- b. Amount of noise to be generated and its impacts on surrounding land uses.
- c. Odors to be generated by the use and their impacts.
- d. Hours of operation.
- e. Location along a major or collector street.
- f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario.
- g. Effects on vehicular and pedestrian safety.
- h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site.
- i. Logic of the internal traffic layout.
- j. Effects of signage on nearby uses.
- k. Presence of existing or proposed buffers on the site or immediately adjacent the site.
- l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan.
- m. Other criteria that surface through public comments or planning commission assembly review.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

MOTION: M/S SPIVEY/WINDSOR move to recommend approval to the Assembly of a two bedroom bed and breakfast conditional use permit requested by Corrie Bosman at 629 Degroff Street. The property is also known as Lot 15, Amended Plat of Pinehurst Addition, US Survey 1804 with the following conditions:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

DISCUSSION

OLD CITY CEMETARY LOCATED AT THE END OF BARANOF STREET CBS PARKS AND RECREATION

Public hearing and consideration of a proposed Cross Trail temporary heavy equipment access using the old roadway through the old city cemetery located at the end of Baranof Street.

Interim Planning Director Brylinsky describes request and findings after staff site plan. He explains the historic travel route. Will be a change to sacred ground; research has shown that no gravesites will be disturbed. Photo shows memorial marker on rock, a seven foot buffer from marker will be established. Historic Preservation Commission recommended the temporary heavy equipment access.

APPLICANT: Lynne Brandon, CBS Parks and Rec, is available to answer any questions.

PUBLIC COMMENT: No public comment.

COMMISSIONER DELIBERATION: Commissioner Spivey asks why this is happening. Materials can't be taken in on Gavan trail as there is boardwalk so this temporary access will allow small equipment to be transported. Chair Parmelee ask the width of the path and Brandon responds that it will be 10 feet wide. Parmelee said when he walked it he thought he noticed other markers. Brandon explains legal process which has been subject to cultural resources study. They have had public meetings, contacted neighbors, worked with 9 different agencies, etc. Confident that everything is going to be done according to plan. This will be the first section of the cross trail that connects to downtown, very gradual grades.

DISCUSSION
ACCESSORY DWELLING UNITS (ADU)
CBS PLANNING DEPARTMENT

Discussion of possible modifications to the SGC requirements for Accessory Dwelling Units (ADUs).

PUBLIC COMMENT: Andrew Thoms, Sitka Conservation Society, interested in how this applies to micro homes. Lots of people interested in tiny homes, as it reduces environmental footprint and reverses the trend of large square footage. High School vocational program is building a micro home. Clear that restrictions on ADUs limited construction and SCS is submitting ideas on making it more lenient so the permit applies to more people. They propose that an ADU be a conditional use permit with conditions such as: hooked up permanently to utilities, uses locally sourced materials and blends in the neighborhood aesthetics. Commissioner Spivey asks how hard will it be to put on foundation rather the trailer? Thoms says it's not hard but about being able to easily transport. Easier to build in different location and then move onsite. It could be dropped on a foundation.

George Eliason, says ADUs are great idea but has concern over restrictions. Wonders why it can't be located off an access easement and why it must be a standalone dwelling. Commission addresses why access from easement was restricted as typically maintenance costs are shared and effects neighbors. Spivey states that standalone dwelling doesn't apply, that would simply be an apartment over the garage. The buildings wouldn't have to be connected if the garage/apartment could be considered an ADU. Brylinsky says that this could be a good example of an ADU as a conditional use.

COMMISSIONER DELIBERATION: Parmelee talks about zoning and ADUs and doesn't think we should apply all zoning, specifically SF and SFLD. Spivey is also against moving it into SF. Bosak explains that historically the reason limiting the zones to R-1 and R-2 was the idea against blending stick and manufactured structures for fire purposes. Also the aesthetics of the neighborhood and blending a mobile home. Parmelee asks about a new zone specifically for ADUs. Staff will come back with a proposal.

The Commission thinks that a no-car covenant might be a good idea however there is no way to enforce other than it being through a conditional use permit. ADUs currently must have two parking spaces and the Commission thinks that one space would be sufficient. Spivey reminds the group of the historical discussion and refers to enforcement and guests as the reason it wasn't reduced in the past. Commission says there should not be a no-car covenant.

Discussion over enforcement and Brylinsky talks to self regulation by the property owner. He thinks that owner compliance of a conditional use permit is the best form of enforcement. Commission is in support of a one car requirement. Commission again states that this would best be served through the conditional use permit process. Parmelee says this ADU permit isn't being used and he would like to see it revised and then come back again if there are issues. Spivey says it will lead to more non conformities. Commissioners ask Bosak about ADU inquires. She states there were approximately 10 and 3-4 could not meet parking requirements. Parmelee and Windsor are in favor of reducing parking requirements to one space. Spivey is against.

Commissioners might be for micro homes as ADUs if they are put on permanent foundations, skirted, hooked up to utilities and blends into the neighborhood aesthetics. Commission feels this deserves further discussion.

Commissioners feel that ADUs should be on a conditional use permit basis.

Brylinsky will draft a new ordinance for ADUs and submit for Commission discussion.

PLANNING DIRECTOR'S REPORT: Next meeting is only for Stormwater Ordinance. Planning Director position closes January 15th.

ADJOURNMENT:

MOTION: M/S SPIVEY/WINDSOR moved to adjourn at 8:12 pm.

ACTION: Motion PASSED unanimously 3-0 on a voice vote.

Richard Parmelee, Chair

Maegan Bosak, Secretary

- 22.08.739 Sign face.
- 22.08.740 Sign, freestanding.
- 22.08.741 Sign, off-site.
- 22.08.742 Sign, permanent.
- 22.08.743 Sign, temporary.
- 22.08.744 Site plan.
- 22.08.745 Site plan, binding.
- 22.08.750 State highway.
- 22.08.751 Sports club.
- 22.08.760 Story.
- 22.08.770 Street.
- 22.08.780 Structure.
- 22.08.785 Subdivision code.
- 22.08.786 Subdivision, major.
- 22.08.787 Subdivision, minor.
- 22.08.790 Tank farms.
- 22.08.795 Temporary building or structure.
- 22.08.797 Tidelands.
- 22.08.800 Townhouse.
- 22.08.805 Tract or parcel.
- 22.08.830 Use, accessory.
- 22.08.840 Use, principal.
- 22.08.850 Variance.
- 22.08.851 Vessel.
- 22.08.853 Walkway.
- 22.08.854 Watchman or caretaker dwelling.
- 22.08.855 Watercourse.
- 22.08.860 Wetland.
- 22.08.865 Wildlife rehabilitation centers.
- 22.08.870 Yard, front.
- 22.08.880 Yard, rear.
- 22.08.890 Yard, side.
- 22.08.895 Zone or zone district.
- 22.08.896 Zoning code.

22.08.010 General interpretation.

For the purpose of this title, certain terms or words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense.
- B. The singular number includes the plural;
- C. The word "person" includes a partnership and corporation as well as the individual;

- D. The word "lot" also includes the words, "plot," "parcel," or "tract";
 - E. The term "shall" is always mandatory;
 - F. The words "used" or "occupied" as applied to any land or building includes the words "intended," "arranged" or "designed" to be occupied.
- (Ord. 02-1683 § 4 (part), 2002.)

22.08.020 Interpretation of unlisted meanings.

When a word or term is not specifically stated, the city and borough administrator or his designee shall have the authority to interpret the meaning or description most comparable, subject to appeal to the planning commission, then to the assembly. (Ord. 02-1683 § 4 (part), 2002.)

22.08.025 Accessory dwelling unit.

An "accessory dwelling unit (ADU)" is a second dwelling unit that is located on the same parcel as the primary single-family dwelling unit. An ADU must provide a complete, independent residential living space and shall include provisions for living, sleeping, eating, cooking and sanitation. Accessory dwelling units are further regulated under Chapter 22.20 and other sections of this title. (Ord. 13-14A § 4 (part), 2013.)

22.08.030 Administrative officer.

"Administrative officer" means the city and borough administrator or his designee assigned to administer and enforce the zoning title. Said individual may include, but is not limited to, the planning director, or planning assistant. (Ord. 04-60 § 4(D) (part), 2004.)

22.08.040 Alteration.

"Alteration" means any change, addition or modification in a construction, location, occupancy or use classification. In buildings for businesses, commercial, industrial or similar uses, the installation or re-arrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration. (Ord. 02-1683 § 4 (part), 2002.)

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
ZONE CHANGE APPLICATION

ZONE MAP AMENDMENT FEE	\$100.00
ZONE TEXT AMENDMENT FEE	\$100.00
<i>Plus</i> current city sales tax	

Applicant's Name: City and Borough of Sitka - Planning Dept.

Phone Number: _____

Mailing Address: _____

Applicant's Signature: Mueggen BOBWE Date Submitted 1/20/15

Provide information or data, as necessary, to fully outline the reasons and justifications for the request. Attach additional sheets as necessary.

- For official map amendments, the application shall contain:
1. A legal description of **each** subject property along with the owner's name, address, and contact person for **each** subject property;
 2. An analysis showing the public benefit of the proposed amendment;
 3. An analysis showing the proposal's consistency with the Comprehensive Plan;
 4. A map of the area to be rezoned.

LIST SPECIFIC REQUEST: Make accessory dwelling units (ADUs) P/C (permitted/conditional uses) under R-1 and R-2, and as C (conditional use) in R-1 MH, R-1 LDMH, R-2 MHP on the SGC Table 22.16.015-1.

EXPLANATION OF REQUEST: Also adding SGC 22.20.160 Section D stating that conditional use permits may be sought if the above requirements cannot be met.

Goal is to create leniency in the ADU requirements allowing for more housing options.

After the application and supporting materials has been determined to be complete by the Planning Office, the request will be placed on the next available Planning Commission agenda.