



# CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS  
330 Harbor Drive  
Sitka, AK  
(907)747-1811

## Meeting Agenda

### City and Borough Assembly

*Mayor Gary Paxton  
Deputy Mayor Steven Eisenbeisz,  
Vice Deputy Mayor Kevin Mosher,  
Kevin Knox, Dr. Richard Wein, Valorie Nelson, Thor Christianson*

*Interim Municipal Administrator: Hugh Bevan  
Municipal Attorney: Brian Hanson  
Municipal Clerk: Sara Peterson*

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Tuesday, February 11, 2020

6:00 PM

Assembly Chambers

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#### **WORK SESSION 5:00 P.M.**

*Alaska Remote Sellers Sales Tax Commission*

[20-036](#)

Alaska Remote Sellers Sales Tax Commission

**Attachments:** [Work Session Alaska Remote Sellers Sales Tax Commission](#)

[FAQ For Alaska](#)

[FAQ for Businesses](#)

[FAQ for Local Governments](#)

[Policy on Parity](#)

[CBS Approved Res 2019-27 and Attachment A](#)

#### **REGULAR MEETING**

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

IV. CORRESPONDENCE/AGENDA CHANGES

[20-043](#)

Reminders, Calendars, and General Correspondence

**Attachments:** [Reminders and Calendars](#)

[Status Report #2 No Name Mountain Granite Creek - Master Land Use Plan](#)

[PW Assembly Update 1 1.27.2020](#)

[population determination](#)

[STA 2020 Legislative Priorities](#)

**V. CEREMONIAL MATTERS**

*None.*

**VI. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Municipal Departments, School District, Students and Guests (five minute time limit)**

[20-038](#)

Special Report: Police Chief Robert Baty

**Attachments:** [Quarterly Report - Sitka Police Department](#)

**VII. PERSONS TO BE HEARD**

*Public participation on any item off the agenda. All public testimony is not to exceed 3 minutes for any individual, unless the mayor imposes other time constraints at the beginning of the agenda item.*

**VIII. REPORTS**

**a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other**

**IX. CONSENT AGENDA**

*All matters under Item IX Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

**A** [20-037](#)

Approve the minutes of the January 23 and January 28 Assembly meetings

**Attachments:** [Consent and Minutes](#)

**X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS**

*None.*

**XI. UNFINISHED BUSINESS:**

**B** [ORD 20-03](#)

Amending the official Sitka Zoning Map to rezone 4513, 4521, and 4533 Halibut Point Road from Industrial District (I) to General Commercial and Mobile Home District (C-2)

**Attachments:** [Motion Ord 2020-03](#)

[Memo Ord 20-03](#)

[Ord 20-03](#)

[Appendix A - Zoning Map](#)

[ZA 20-01 Planning Commission Materials](#)

[Written Public Comment](#)

- C**      [ORD 20-02S](#)    Amending Title 6 “Business Licenses And Regulations”, Title 19 “Building and Construction”, and Title 22 “Zoning” of the Sitka General Code by modifying Chapter 6.12 “Mobile and Manufactured Homes and Mobile and Manufactured Home Parks”, Chapter 19.09 “Residential Code”, Chapter 22.08 “Definitions”, Chapter 22.16 “District Regulations”, Chapter 22.24 “Special Use Permits” and adding Sections 6.12.205 “Construction Requirements For Tiny Houses and Tiny Houses On Chassis”, Section 22.08.798 “Tiny House”, and Section 22.08.799 “Tiny Houses On Chassis” (1st reading substitute ordinance)

**Attachments:** [Motion Ord 2010-02S](#)

[Ord 2020-02S TINY HOUSES all chapters\\_Final w-edits 4Feb20 \(002\)](#)

[00 supplemental memo - transmittal amended ordinance- 4Feb20](#)

[excerpt from Planning Commission draft minutes 15Jan20](#)

[FAQs](#)

[01 21Jan20 transmittal memo tiny houses -brylinsky to assembly](#)

[02 2030 Comp Plan excerpt](#)

[03 2030 Technical Plan excerpt](#)

[04 Assembly Action Plan -Tiny Homes](#)

[05 SEDA 2016 Strategic Plan excerpt](#)

[06 Excerpt from minutes of 18Dec19 PandZ meeting](#)

[07 11Dec19 StaffReport to commission ZA 19-06](#)

[08 8Jan20 update memo to commission](#)

[09 2018 IRC Appendix Q-Tiny Houses](#)

[10 Written Public Comment](#)

**XII.      NEW BUSINESS:**

- D**      [20-044](#)      Approve hire offer for Jessica Ieremia as Library Director

**Attachments:** [Motion and Memo Library Director](#)

- E**      [20-039](#)      Approve a Memorandum of Understanding between the City and Borough of Sitka and the Sitka Cycling Club

**Attachments:** [Motion MOU](#)

[Memo](#)

[SCC MOU 2.4.20 v.2](#)

[SCC Permit\\_Final](#)

[bike-trail-proposal-figure \(002\)](#)

- |   |                                  |   |
|---|----------------------------------|---|
| F | <a href="#"><u>20-041</u></a>    | Discussion / Direction / Decision on the Crescent Harbor High Load Dock repair project (Net Shed)<br><b><u>Attachments:</u></b> <a href="#"><u>Memo Net Shed Dock</u></a>   |
| G | <a href="#"><u>ORD 20-06</u></a> | Making supplemental appropriations for Fiscal Year 2020 (Crescent Harbor High Load Dock Project) 1st reading<br><b><u>Attachments:</u></b> <a href="#"><u>Motion Ord 2020-06</u></a><br><a href="#"><u>Ord 2020-06</u></a>                                |
| H | <a href="#"><u>20-040</u></a>    | Discussion / Direction / Decision to keep or sell the Marine Services Center and next steps<br><b><u>Attachments:</u></b> <a href="#"><u>Memo Marine Services Center</u></a><br><a href="#"><u>As-Built Survey Marine Services Center</u></a>             |
| I | <a href="#"><u>ORD 20-04</u></a> | Making supplemental appropriations for Fiscal Year 2020 (Pet Adoption Fund / GPIIP Dock Expense / Permanent Fund Fees) 1st reading<br><b><u>Attachments:</u></b> <a href="#"><u>Motion Ord 2020-04</u></a><br><a href="#"><u>Memo and Ord 2020-04</u></a> |
| J | <a href="#"><u>ORD 20-05</u></a> | Amending appropriations for Fiscal Year 2020 (Removing Subsidies for Harbor / School Bond Debt) 1st reading<br><b><u>Attachments:</u></b> <a href="#"><u>Motion Ord 2020-05</u></a><br><a href="#"><u>Memo and Ord 2020-05</u></a>                        |

**XIII. PERSONS TO BE HEARD:**

*Public participation on any item on or off the agenda. Not to exceed 3 minutes for any individual.*

#### **XIV. EXECUTIVE SESSION**

- K**      [20-042](#)      Legal Matters / Personnel Matters: Sitka Police Department  
    **Attachments:** [Motion Executive Session](#)

## XV. ADJOURNMENT

*Note: Detailed information on these agenda items can be found on the City website at <https://sitka.legistar.com/Calendar.aspx> or by contacting the Municipal Clerk's Office at City Hall, 100 Lincoln Street or 747-1811. A hard copy of the Assembly packet is available at the Sitka Public Library. Assembly meetings are aired live on KCAW FM 104.7 and via video streaming from the City's website. To receive Assembly agenda notifications, sign up with GovDelivery on the City website.*

*Sara Peterson, MMC, Municipal Clerk*  
*Publish: February 7*





# CITY AND BOROUGH OF SITKA

## Legislation Details

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**File #:** 20-036      **Version:** 1      **Name:**  
**Type:** Item      **Status:** AGENDA READY  
**File created:** 2/5/2020      **In control:** City and Borough Assembly  
**On agenda:** 2/11/2020      **Final action:**  
**Title:** Alaska Remote Sellers Sales Tax Commission  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [Work Session Alaska Remote Sellers Sales Tax Commission](#)

[FAQ For Alaska](#)

[FAQ for Businesses](#)

[FAQ for Local Governments](#)

[Policy on Parity](#)

[CBS Approved Res 2019-27 and Attachment A](#)

Date	Ver.	Action By	Action	Result
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## **Work Session**



<https://arsstc.org/>

### Guest Speakers:

Nils Andreassen, Alaska Municipal League Executive Director

Jeff Rogers, Commission President – City and Borough of Juneau

## Remote Sales Tax Collection in Alaska Benefits Alaska

- Maintain taxing authority
- Maintain rate and exemptions
- Delegated administration to AML avoids additional or duplicative costs
- Entirely up to local government
  - Opt-in = you take advantage of Wayfair
  - Opt-out = residents don't pay sales tax
- Levels the playing field for local business – increases local economic activity
- Increased revenue for education, public safety, roads and public works
- Increases ability to respond to State cost-shifting or cuts
- Replaces revenue eroded with decrease to Community Assistance over the

### years Benefits to Business

- Levels the playing field – increases local purchase potential by ensuring that local retailers aren't penalized for collecting a tax they are required to, while remote retailers have an unfair advantage in not
- These aren't new taxes – these are taxes that local residents are already paying, collected by local businesses, but not collected by remote retailers
- Keeps tax rates stable – instead of increasing taxes, applying the existing tax to remote sellers ensures that local tax rates stay stable
- Maintains current local exemptions – necessary for local control
- Local revenues improve communities – enables greater investment in local infrastructure, which supports economic activity
- On par with other states – businesses across the U.S. are complying, so Alaska is expecting similar compliance by those businesses that make sales into or within Alaska
  - This is very quickly become common practice
- Strengthens local governments – greater capacity within local governments leads to greater efficiencies
- Local taxpayers, local budgets – residents help shape annual budgets, informed by economic development

### Benefits to Alaskans

- Protects residents outside boundaries – right now Alaska hasn't set up any rules of the road when it comes to remote commerce, and without a tax look up map Alaska residents may be getting taxed where they aren't supposed to
- Consistent with activities in majority of U.S. – this puts Alaska on track with the activities of other states that are benefiting from this opportunity.
- Simplifies validation of exemptions, and access for remote sellers – single point of entry and delivery for exemption certificates

## Remote Sales Tax Collection: FAQ for Businesses and Local Governments

### When does this take effect?

- The Commission has developed software that will be ready as of January 31, 2020. Upon adoption of the Remote Sales Tax Code by a local government, retailers will be notified that they should begin collection, and have 30 days to comply. As additional local governments adopt the Code, compliance will occur on a rolling basis. Assuming that the first local government adopts the Code in late January, early February, the Commission expects reporting and remittance as soon as March/April.

### What about:

- Seasonal tax rate – the software will include reference applicable rate changes throughout the year, as long as there is 30 days' notice. You will need to notify the Commission of seasonal tax rates, and the Commission will need the exact dates on an annual basis. Any tax holiday that occurs throughout the year should be noticed appropriately.
- All of our product exemptions – the Commission has established a tax variability matrix that tracks all product exemptions from all taxing jurisdictions. The exemption happens automatically within the API adopted by remote retailers or accessed via the website provided by the Commission. The Commission has adopted a common set of definitions that will assist in compliance.
- Entity-based exemptions
  - Apply to:
    - Senior exemptions – based on each local government's definition of "senior", when they apply. If applicable only to certain sales, the software will accommodate that variation.
    - Goods for wholesale - – these entities should be using their State of Alaska wholesale license in their purchase, which vendors they purchase from should recognize and apply tax-free status. Wholesale purchases will count toward establishing the criteria threshold for vendors selling into the state, even though taxes will not be collected. Sales and value of exemption will be reportable.
    - Churches, nonprofits, and governments – where a jurisdiction exempts these entities, the exemption should apply. Sales and value of exemption will be reportable.
  - Process:
    - Development of an Exemption Certificate Registry (ECR)
    - ECR is an online system that buyers can access from any internet browser. ECR provides buyers with tools to find, create, and store exemption certificates for future use. An exemption certificate created through ECR can be reused from vendor to vendor.
    - Once a buyer's exemption certificates are set up in ECR, these certificates can be provided to vendors in various ways. From ECR, certificates can be emailed, downloaded, uploaded, printed, or even sent directly to vendors' exemption certificate management systems.
    - Vendors are still responsible for storing exemption certificates received through ECR.
  - Buyer's responsibility - It will be up to the buyer to upload their information, including locally produced certificate, if any, into their account on the ECR. Within the ECR, the buyer will direct that information to vendors. The buyer will go through the retailer's established process to set up an individual tax exemption within their account, including to download from the ECR the correct documentation for that retailer.

## Remote Sales Tax Collection: FAQ for Businesses and Local Governments

- Any inaccurate sales tax collection should be taken up first with the vendor, then brought to the Commission's attention in case of a refund being necessary.
- Monthly filing – the default filing is monthly, consistent with national trends and best practice. Vendors will have the option to file quarterly but this must be approved by the Commission.
- Quarterly filing – notify the Commission if you would like reporting and remittance to occur on a quarterly basis. The Commission will hold any remittance occurring more frequently in trust for that distribution.
- Deliveries to post office boxes within our jurisdiction – these will be treated as taxable, based on the point of delivery
- Deliveries to addresses right outside our jurisdiction – the Commission has GIS-located all addresses in Alaska, such that these types of deliveries should not be taxable, and that all taxed sales are accurate. The software contractor has verified that boundary maps with the State DCRA, and each local government should notify the Commission upon adopting the Code of any discrepancies.

### Changes to current code:

- Necessary - Exemption for remote sales will need to be removed, if applicable
- Optional – update your reporting requirements, definitions, etc. based on the remote sales tax code

### What happens when the local government adopts the Code?

- Local government notifies the Commission by contacting Nils Andreassen at [nils@akml.org](mailto:nils@akml.org)
- The Program Manager will follow up, requesting that you complete a simple form that confirms rates, exemptions, sales tax boundaries, any changes to existing code, remittance preference, etc.
- The Program Manager will ask the local government to confirm all the settings in the software as accurate
- Upon receipt of the registration form, and confirmation that settings are correct, the Commission will notify remote sellers that they will need to comply within 30 days
- The Commission will send the local government representative log-in information for the Alaska Sales Tax Portal, where they can see all returns, and the calculations that go into remittance
- On a monthly or quarterly basis, and within 10 days of the last day of the month, the Commission will remit collected taxes to the local government
- The local government will confirm receipt and accuracy of the filing and remittance
- The local government should review filings, flag any they have questions about, and send the Program Manager questioned filings
- The Program Manager will review questioned filings and upon receipt of more than three of the same vendor, request an audit of their transactions for the applicable jurisdictions
- Amended filings, or refunds necessary, will be accounted for on a rolling basis

## Remote Sales Tax Collection: FAQ for Local Governments

### Intergovernmental Agreement

- Commits the local government to participate in the Commission
- Agrees to delegate to the Commission collection of remote sales tax
- Agrees to AML administration
- Action – pass a resolution authorizing signature to the

### Agreement Alaska Remote Seller Sales Tax Commission

- Local government appoints a representative
- Annual meeting and notice of all meetings
- Governed by Bylaws
- Board of seven
  - Oversees administration
  - Approves annual budget
  - Development of the Remote Sales Tax

### Code Alaska Remote Seller Sales Tax Code

- Applies the local jurisdiction's tax rate, cap and exemptions to remote sales
  - Out of state sales – if the retailer does not have a physical presence in Alaska, they are expected to comply. The Commission anticipates that this applies to between 2,500 and 3,500 retailers.
  - In-state sales – if the retailer sells into your community, collection of sales tax is expected
- Standardizes compliance – reporting, penalties, audits, late filing rules, etc.
- Criteria Threshold (otherwise known as economic nexus)
  - \$100,000 in statewide, annual gross sales; and/or
  - 200 transactions annually, in Alaska
- Hold Harmless provision
  - All retailers who use the Commission's software aren't liable for inaccurate information contained therein
- Remote vs. Physical
  - If the retailer has only a physical presence, remit to the local government
  - If the retailer has a physical presence but also remote sales, continue remitting local taxes to the local government and remote taxes to the Commission
  - If the retailer is a marketplace facilitator, remit to the Commission
  - If the retailer is a marketplace facilitator that provides lodging, remit to the local government
- Late filings
  - Late filing fee is paid to the Commission for administrative action
  - Interest owed on taxes collected accrues to the local government
  - Penalty of 5% a month accrues to the local government
- Common definitions
  - The Code provides uniform definitions, including supplemental definitions that apply when a jurisdiction does not have their own.

## Policy on Parity

The Alaska Remote Sellers Sales Tax Commission approved the following policy as it relates to parity.

The Intergovernmental Agreement allows parity to be demonstrated by a member in the adoption of the Uniform Code. Essentially, this means that the member indicates an interest in:

- Changing the Code in some way in order to deconflict with their current Code
- Leaving their current Code in conflict with the Uniform Code

The Commission may allow a change to the Uniform Code or inconsistency in a current Code, as long as:

- The intent of the change or difference remains the same
- It does not materially discriminate against remote sellers
- It does not produce a liability for the Commission

It remains true that if discrimination occurs at the local level, that municipality will be liable for any litigation that comes as a result.

In practice, the Commission provides the following guidelines of members:

- Request that Commission members submit differences, or suggested edits, to the Commission board to establish parity
- Staff can review and send to the Commission's attorney for review
- The attorney will make a recommendation with some proposed justification one way or the other
- Staff will bring it to the board
- Board will approve
- Or, board will not approve and staff/attorney will negotiate change with member

## CITY AND BOROUGH OF SITKA

### RESOLUTION 2019-27

#### **A RESOLUTION AUTHORIZING THE CITY AND BOROUGH OF SITKA TO JOIN THE ALASKA REMOTE SELLER SALES TAX COMMISSION FOR THE PURPOSE OF DEVELOPING, IMPLEMENTING, AND ENFORCING A REMOTE SELLERS SALE TAX CODE AND DESIGNATING A CITY REPRESENTATIVE TO THE COMMISSION**

WHEREAS, the inability to effectively collect sales tax on sales of property, products or services transferred or delivered into Alaska in response to orders placed electronically by consumers with remote sellers, is seriously eroding the sales tax base of communities, causing revenue losses and imminent harm to residents through the loss of critical funding for local public services and infrastructure; and

WHEREAS, the harm from the loss of revenue is especially serious in Alaska because the state has no broad-based tax, and sales tax revenues are essential in funding the provision of services by local governments; and

WHEREAS, the failure to collect tax on remote sales creates market distortions by creating tax shelters for businesses that limit their physical presence in the state or cities and boroughs but still sell their goods and services to their consumers, something that becomes easier and more prevalent as technology continues to advance; and

WHEREAS, the structural advantages for remote sellers, including the absence of point-of-sale tax collection, along with the general growth of online retail, make clear that erosion of the sales tax base is and has been occurring and is a growing problem that is likely to only worsen in the near future; and

WHEREAS, remote sellers who make a substantial number of deliveries into or have large gross revenues from Alaska benefit extensively from the Alaska market, affecting the economy generally, as well as local infrastructure; and

WHEREAS, given modern computing and software options, it is neither unusually difficult nor burdensome for remote sellers to collect and remit sales taxes associated with sales into Alaska taxing jurisdictions; and

WHEREAS, the recent decision by the United States Supreme Court in *South Dakota v. Wayfair* allows for the amendment of the sales tax code to account for remote sellers who do not have a physical presence in either the state of Alaska or within the City and Borough of Sitka, but do have a taxable connection with the State of Alaska and the City and Borough of Sitka; and



WHEREAS, the decision in *South Dakota v. Wayfair* provided guidance that included the defensibility of a single-level statewide administration of remote sales tax collection and remittance; and

WHEREAS, in order to implement a single-level statewide sales tax administration, it is the intent of local taxing jurisdictions within Alaska to establish an intergovernmental entity known as the Alaska Remote Seller Sales Tax Commission (the "Commission"); and

WHEREAS, the function and powers of the Commission will be set forth under the Alaska Intergovernmental Remote Seller Sales Tax Agreement (the "Agreement"), a cooperative agreement between Commission members; and

WHEREAS, under the terms of the Agreement, in order to maintain membership in the Commission, the City and Borough of Sitka will be required to adopt certain uniform code provisions for the collection and remittance of municipal sales tax applicable to sales made by remote seller; and

WHEREAS, the uniform remote sales tax code will be presented to the City and Borough of Sitka Assembly for consideration once adopted by the Commission; and

WHEREAS, once adopted, the administration of remote sales tax collection and remittance will be delegated to the Commission; and

WHEREAS, the intent of the Agreement is to enable Alaska's taxing jurisdictions to levy their municipal sales tax to the maximum limit of federal and state constitutional doctrines; and

WHEREAS, the City and Borough of Sitka Home Rule Charter Section 1.03 provides that the municipality may exercise all powers of home rule cities or boroughs not prohibited by law or by Charter and entering into the intergovernmental agreement contemplated by this resolution is not prohibited by law or by Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF SITKA, ALASKA:

**Section 1. Authorization.** The Assembly authorizes the Municipal Administrator to negotiate, execute, and submit all necessary documents to obtain and maintain membership in the Alaska Remote Seller Sales Tax Commission.

**Section 2. Representation.** The Assembly designates the Finance Director as the City and Borough of Sitka's representative on the Commission.

**Section 3. Scope of Agreement.** The Alaska Intergovernmental Remote Seller Sales Tax Agreement is included as Attachment A.

**Section 4. Effective Date.** This resolution shall be effective immediately after its adoption.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 10<sup>th</sup> day of December, 2019.



Gary L. Paxton, Mayor

Attest:



Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> and final reading 12/10/19

Sponsors: Christianson / Knox

## Attachment A

# Alaska Intergovernmental Remote Seller Sales Tax Agreement

FINAL

October 11, 2019

## **Alaska Intergovernmental Remote Seller Sales Tax Agreement**

This Agreement is made and entered into by the signatories representing Alaska's cities and boroughs to enable them to implement single-level, statewide administration of remote sales tax collection and remittance. The provisions of the Agreement do not apply to administration and collection of sales taxes for the sales of goods and services originating from within the boundaries of a member municipality nor does this Agreement restrict how a member municipality administers and collects sales tax on such sales, nor on sales made by those retailers with a physical presence in the municipality. The authority to set rates and exemptions is maintained by the member municipality.

### **Article I. Background Principles.**

1. The signatories wish to enable local governments to benefit from opportunities for collection of existing sales tax on sales made by remote sellers. Remote sellers are sellers who sell, often through the internet, products or services in a taxing jurisdiction without having a physical presence in the taxing jurisdiction.
2. The collection of remote sales tax provides a level playing field for local businesses and strengthens the ability of local governments to provide public services and infrastructure.
3. The signatories are particularly mindful of the specific holding in, and implications of, the Supreme Court's *South Dakota v. Wayfair* decision, which provides guidance relative to nexus and the legal defensibility of a single-level statewide administration that reduces or removes potential burdens to interstate commerce.
4. Alaska's local governments have the authority to enter into intergovernmental agreements and applicable taxing authority has been delegated to organized boroughs and cities.
5. The signatories desire to establish an intergovernmental entity to enable cooperative centralized administration of sales tax collection, remittance, and enforcement on sales made by remote sellers.

### **Article II. Purpose.**

The purpose of this Agreement is to:

1. Enable cooperative centralized administration of sales tax collection, remittance, and enforcement on sales made by remote sellers using a single statewide intergovernmental entity;
2. Provide for and promote reasonable uniformity and compatibility in significant components of local sales tax levy and collection on sales made by remote sellers and marketplace facilitators in order to facilitate streamlined joint administration; and
3. Facilitate taxpayer and tax collector convenience and compliance in the filing of tax returns, the payment of tax, and in other phases of tax administration of sales made and services provided by remote sellers and marketplace facilitators.

### **Article III. Definitions.**

As used in this Agreement:

1. “Commission” means the Alaska Remote Seller Sales Tax Commission established pursuant to this Agreement.
2. “Local Government” means any home rule, first class, or second class borough, or any home rule, first class, or second class city, or unified municipality in Alaska.
3. “Member” means a Local Government signatory to this Agreement.
4. “Remote seller” means any corporation, partnership, firm, association, governmental unit or agency, or person acting as a business entity that sells property or products or performs services in the State of Alaska or a taxing municipality in the state, using the internet, mail order, or telephone, without having a physical presence in the state or taxing municipality.
5. “Sales tax” means a tax imposed with respect to the transfer for a consideration of ownership, possession, or custody of property or the rendering of services measured by the price of the property transferred or services provided.
6. “Marketplace facilitator” means a person that provides for sellers a platform to facilitate for consideration, regardless of whether deducted as fees from the transaction, the sale of the seller’s products or services (excluding lodging and rentals) through a physical or electronic marketplace operated by the person, and engages:
  - a. Directly or indirectly, through one or more affiliated persons in any of the following:
    - i. Transmitting or otherwise communicating the offer or acceptance between the buyer and seller;
    - ii. Owning or operating the infrastructure, electronic or physical, or technology that brings buyers and sellers together;
    - iii. Providing a virtual currency that buyers are allowed or required to use to purchase products from the seller; or
    - iv. Software development or research and development activities related to any of the activities described in (b) of this subsection (6), if such activities are directly related to a physical or electronic marketplace operated by the person or an affiliated person;
  - b. In any of the following activities with respect to the seller's products:
    - i. Payment processing services;

- ii. Fulfillment or storage services;
- iii. Listing products for sale;
- iv. Setting prices;
- v. Branding sales as those of the marketplace facilitator;
- vi. Order taking;
- vii. Advertising or promotion; or
- viii. Providing customer service or accepting or assisting with returns or exchanges.

#### **Article IV. The Commission.**

##### **1. Organization and Management.**

- a. The Alaska Remote Seller Sales Tax Commission (the “Commission”) is hereby established as an intergovernmental entity in the state of Alaska. It will be comprised of one designated representative from each Member, who shall have the authority to act on the Member’s behalf.
- b. Each Member will be entitled to one vote.
- c. To assist conducting business when the full Commission is not meeting, the Commission will annually elect a Board of Directors of seven members, including officers. The Board of Directors will act subject to the provisions of this Agreement and as provided in the bylaws of the Commission, as ratified by the members.
- d. No action will be binding unless approved by a majority of the Directors present at a meeting.
- e. The Commission will adopt an official logo.
- f. The Commission will hold an annual meeting rotating the location of the meeting each year, with telephonic participation provided for, in addition to scheduled regular meetings and special meetings as provided by its bylaws. Notices of special meetings must include the reasons for the meeting and the items to be considered.
- g. The Commission will elect annually, from among its members, a Chairman, a Vice Chairman, and a Secretary/Treasurer. The bylaws of the Commission shall provide for nomination and election of officers.
- h. The Commission will contract at formation for support and administrative

functions with the Alaska Municipal League (AML). The Executive Director of the AML will serve as a liaison between the Commission and AML and may appoint necessary staff support. This provision will be revisited within three years of legal formation of the Commission.

- i. The Commission may contract for supplies and professional services, and delegates to AML the same ability on its behalf.
- j. To carry out any purpose or function, the Commission may accept and utilize donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any Member or governmental entity.
- k. The Commission may establish one or more offices for the transacting of its business. Upon formation, its registered office and place of business will be the Alaska Municipal League at One Sealaska Plaza, Suite 200, Juneau, AK 99801.
- l. The Members will adopt the initial bylaws of the Commission. The Commission will make its bylaws easily accessible for Members and prospective members. The power to adopt, alter, amend or repeal bylaws is vested in the Board of Directors unless it is reserved to the Members per the bylaws. The bylaws shall contain provisions for the regulation and management of the affairs of the Commission not inconsistent with this Agreement.
- m. The Commission will provide annual reports to its members covering its activities for the preceding fiscal year. The Commission may make additional reports.

## 2. Committees.

- a. In furtherance of its activities, the Commission may establish advisory and technical committees by a majority vote of the membership body. Membership on a technical committee, may include private persons and public officials. Committees may consider any matter of concern to the Commission, including issues of special interest to any member and issues pertaining to collection of sales tax on behalf of members.
- b. The Commission may establish additional committees by a majority vote of the membership or Board of Directors as its bylaws may provide.
- c. Committees may not take any action but may recommend action to the Board of Directors for consideration.

## 3. Powers.

In addition to powers conferred elsewhere in this Agreement and in the bylaws, the Commission may:

- a. Study federal, state and local sales tax systems, and particular types of state and local taxes.

- b. Develop and recommend proposals to promote uniformity and compatibility of local sales tax laws with a view toward encouraging the simplification and improvement of local tax law and administration.
- c. Compile and publish information to support and assist members in implementing the Agreement or assist taxpayers in complying with local government sales tax laws.
- d. Do all things necessary and incidental to the administration of its functions pursuant to this Agreement, including:
  - i. Sue and be sued.
  - ii. Administer provisions of uniform sales tax ordinances pursuant to authority delegated by Members
- f. The Commission may create and adopt policies and procedures for any phase of the administration of sales tax collection and remittance in accordance with this Agreement and the Commission's bylaws, including delegated authority to administer taxation or prescribing uniform tax forms. Prior to the adoption of any policy, the Commission will:
  - 1. As provided in its bylaws, hold at least one meeting after due notice to all members and to all taxpayers and other persons who have made timely requests to the Commission for advance notice of its policy-making proceedings.
  - 2. Afford all affected members and interested persons an opportunity to submit relevant written comments, which will be considered fully by the Commission.
- g. The Commission will submit any policy adopted by it to the designated representative of all Members to which they might apply. Each such Member will in turn consider any such policy for adoption in accordance with its own laws and procedures.
- h. Amend this Agreement by majority vote of the Members.

#### 4. Finance.

- a. At least 90 days prior to the start of a new fiscal year, the Board of Directors will adopt a budget of its estimated expenditures for the upcoming fiscal year and submit to Members.
- b. The Commission will follow a July 1 to June 30 fiscal year.
- c. The Commission's budgets must contain specific recommendations for service fees built into statewide administration. Service fees will account for direct staff and software costs, and indirect costs, as justifiable to the Board of Directors.



- d. The Commission will not pledge the credit of any member. The Commission may meet any of its obligations in whole or in part with funds available to it, provided that it takes specific action to set aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it, the Commission may not incur any obligation prior to the allocation and commitment of funds adequate to meet the same.
- e. The Commission must keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission will be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission will be audited annually by a certified public accountant and the report of the audit will be included in and become part of the annual report of the Commission to Members.
- f. The accounts of the Commission will be open at any reasonable time for inspection by duly constituted officers of the Members, the State of Alaska, and by any persons authorized by the Commission.
- g. Nothing contained in this Article may be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

#### **Article V. Membership Requirements; Remote Seller Sales Tax Code.**

- 1. To obtain and retain full membership, the Local Government must submit either an Ordinance or Resolution authorizing entry into the Agreement, including to:
  - a. Designate the individual at the municipality that may execute initial binding documents on behalf of the municipality and who will be the Member's representative on the Commission.
- 2. Once the Commission adopts its bylaws and adopts a uniform Remote Sellers Sales Tax Code, members must submit an Ordinance or Resolution that:
  - a. Delegates remote seller sales tax registration, exemption certification, collection, remittance, and audit authority to the Commission.
  - b. Within one hundred twenty (120) days, adopts, by reference or otherwise, the Remote Seller Sales Tax Code in its entirety as it pertains to collection of sales tax from remote sellers and marketplace facilitators. The Remote Seller Sales Tax Code is provided as "Addendum A".
- 3. To retain full membership status, changes made to the Agreement or Code should be ratified by the Member within one hundred twenty (120) days of the date the Commission adopts the change.
- 4. The Member must provide notice of tax or boundary changes to the Commission and must

assure the Commission of the accuracy of rates and exemptions. Rate and exemption changes will take effect within thirty (30) days of the date the Commission receives notice of the tax or boundary change.

## **Article VI. Sales Tax Collection and Administration.**

### **1. Collection; Registration; Remittance.**

- a. Every remote seller and marketplace facilitator meeting the Threshold Criteria of one hundred thousand (\$100,000) in annual sales or 100 annual transactions occurring in Alaska during the current or previous calendar year, shall collect sales taxes from the buyer at the time of sale or service and shall transmit the sales taxes collected to the Commission on a monthly or quarterly basis.
- b. The Commission will remit and report to Members by the last business day of the month.
- c. A remote seller or marketplace facilitator meeting the Threshold Criteria shall apply for a certificate of sales tax registration within thirty (30) calendar days of the adoption of this Remote Seller Sales Tax Code and/or within thirty (30) calendar days of meeting the threshold, whichever occurs later. Registration shall be to the Commission on forms prescribed by the Commission as set out in the remote seller sales tax code.
- d. Upon receipt of a properly executed application, the Commission shall issue the applicant a certificate of registration, stating the legal name of the seller, the primary address, and the primary sales tax contact name and corresponding title. A list of registered sellers in good standing shall be distributed to Members, made public and available on the Commission's webpage.

### **2. Returns; Confidentiality.**

- a. The Commission will provide all sales tax return information to the taxing jurisdiction, consistent with local tax codes.
- b. All returns, reports and information required to be filed with the Commission under this Code, and all information contained therein, shall be kept confidential and shall be subject to inspection only by:
  - i. Employees and agents of the Commission and taxing jurisdiction whose job responsibilities are directly related to such returns, reports and information;
  - ii. The person supplying such returns, reports and information; or
  - iii. Persons authorized in writing by the person supplying such returns, reports and information.

### **3. Title; Penalty and Interest; Overpayment.**

- a. Upon collection by the seller, title to the sales tax vests in the Commission and the member on whose behalf the original tax arose. The Commission shall act as a third-party trustee and remit taxes collected on behalf of the member no later than thirty (30) days after each filing deadline.
- b. The Remote Sellers Sales Tax Code shall establish the per annum interest rate and any applicable penalties for late or non-compliant remote sellers.
- c. Upon request from a buyer or remote seller the Commission shall provide a determination of correct tax rate and amount applicable to the transaction. In the case of an overpayment of taxes, the remote seller shall process the refund and amend any returns accordingly.

### **4. Audit; Compliance and Enforcement.**

- a. The Commission shall have sole audit authority and will make final determinations regarding: (1) whether a remote seller or marketplace facilitator meets Threshold criteria; (2) the accuracy of returns filed by a remote seller or marketplace facilitator with the Commission; and (3) whether a remote seller or marketplace facilitator filing returns with the Commission is in compliance with collection and remittance obligations.
- b. The Commission shall have authority to enforce issues relating to the Remote Sellers Sales Tax Code including, but not limited to, the collection of late fees and penalties, and filing of civil suits and injunctions.

## **Article VII. Entry into Force and Withdrawal.**

1. This Agreement will be in force and effective when formally approved by any seven signatories and will terminate if membership falls below seven.
2. Any Member may withdraw from this Agreement through ordinance or resolution rescinding signatory action and giving notice to the Commission of the effective date of the ordinance, with a minimum of 30 days' notice. Withdrawal will not affect any liability already incurred by or chargeable to a Member prior to the effective date of such withdrawal. The obligations of the Commission to remit and report remain until no longer necessary.

## **Article VIII. Effect on Other Laws and Jurisdiction.**

Nothing in this Agreement may be construed to:

1. Affect the power of any local government to fix rates or tax exemptions, except that all members must adopt and implement the Commission's common definitions and tax code

changes or demonstrate parity or non-applicability.

2. Withdraw or limit the authority of local government with respect to any person, corporation, or other entity or subject matter, except to the extent that such authority is expressly conferred by or pursuant to this Agreement upon another agency or body.
3. Supersede or limit the jurisdiction of any court of the State of Alaska.

#### **Article IX. Construction and Severability.**

This Agreement shall be liberally construed so as to effectuate its purposes. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision is declared or held invalid by a court of competent jurisdiction, the validity of the remainder of this Agreement and its applicability to any government, agency, person or circumstance will not be affected. If any provision of this Agreement is held contrary to the charter of any member, the Agreement will remain in full force and effect as to the remaining members and in full force and effect as to the Member affected in all other provisions not contrary to charter.



# CITY AND BOROUGH OF SITKA

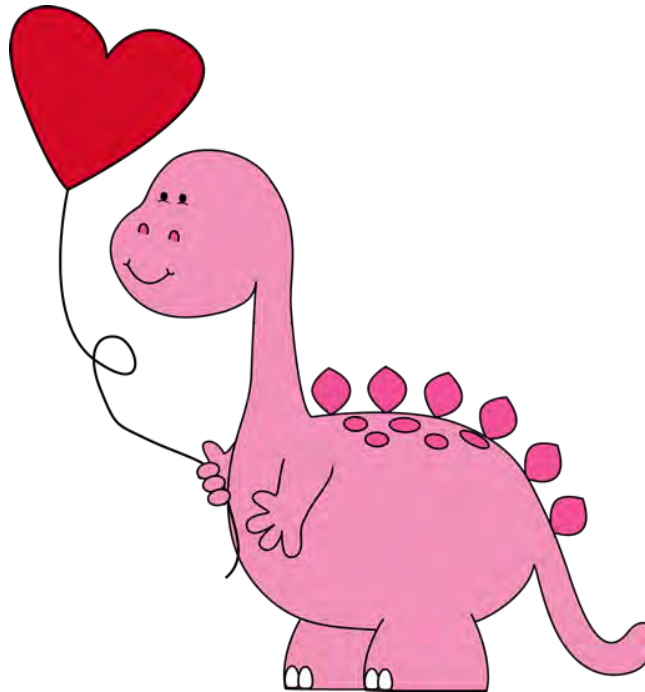
## Legislation Details

File #: 20-043 Version: 1 Name:  
Type: Item Status: AGENDA READY  
File created: 2/5/2020 In control: City and Borough Assembly  
On agenda: 2/11/2020 Final action:  
Title: Reminders, Calendars, and General Correspondence  
Sponsors:  
Indexes:  
Code sections:  
Attachments: [Reminders and Calendars](#)  
[Status Report #2 No Name Mountain Granite Creek - Master Land Use Plan](#)  
[PW Assembly Update 1 1.27.2020](#)  
[population determination](#)  
[STA 2020 Legislative Priorities](#)

Date	Ver.	Action By	Action	Result
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# **REMINDERS**

<b><u>DATE</u></b>	<b><u>EVENT</u></b>	<b><u>TIME</u></b>
<b>Tuesday, February 11</b>	<b>Work Session</b> <i>Alaska Remote Sellers Sales Tax Commission</i>	<b>5:00 PM</b>
<b>Tuesday, February 11</b>	<b>Regular Meeting</b>	<b>6:00 PM</b>
<b>Thursday, February 20</b>	<b>Special Meeting</b> <i>FY2021 Budget</i>	<b>6:00 PM</b>
<b>Tuesday, February 25</b>	<b>Work Session</b> <i>Chamber / Visit Sitka</i>	<b>6:00 PM</b>
<b>Tuesday, February 25</b>	<b>Regular Meeting</b>	<b>6:00 PM</b>
<b>Saturday, February 29</b>	<b>Training</b> <i>Parliamentary Procedure</i>	<b>9:00 AM</b>



# Assembly Calendar

2019 Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec 2021

February 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26 Jan	27	28	29	30	31	1 Feb
Knox Eisenbeisz	Knox Eisenbeisz	Eisenbeisz 5:00pm Work Session: CAFR / Audit 6:00pm Regular Assembly Mtg	Eisenbeisz	Eisenbeisz 6:00pm Joint Work Session with GPIB Board: Marine Haulout	Eisenbeisz	
2	3	4	5	6	7	8
			6:00pm Library Commission - Liaison Christianson 6:00pm School Board - Liaison Mosher 7:00pm Planning Commission - Liaison Mosher (Knox attending)	6:00pm Special Budget Meeting		
9	10	11	12	13	14	15
		12:00pm Parks & Rec - Liaison Knox 5:00pm Work Session: Alaska Remote Sellers Sales Tax Commission 6:00pm Regular Assembly Mtg	5:30pm Tree & Landscape - Liaison Wein 6:00pm Historic Preservation - Liaison Mosher 6:00pm Port & Harbors Commission - Liaison Knox	Knox Nelson 12:00pm LEPC - Liaison Nelson 12:00pm SEDA Board - Liaison Paxton 1:30pm Health Needs & Human Services - Liaison Wein	Knox Nelson	Knox Nelson
16	17	18	19	20	21	22
Knox Nelson	Knox Paxton	Paxton	Paxton 6:00pm School Board budget - Liaison Mosher 7:00pm Planning Commission - Liaison Mosher	Paxton 6:00pm Special Budget Meeting	Paxton	Paxton
23	24	25	26	27	28	29 Mar
Paxton		5:00pm Work Session: Chamber / Visit Sitka 6:00pm Regular Assembly Mtg	6:00pm Police and Fire - Liaison Nelson			9:00am - 11:00am Training: Parliamentary Procedure (Harrigan Centennial Hall)



# Assembly Calendar

2019 Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec 2021

March 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 Mar	2	3	4	5	6	7
			Knox 6:00pm Library Commission - Liaison Christianson 6:00pm School Board - Liaison Mosher 7:00pm Planning Commission - Liaison Mosher (Wein attending)	Knox 6:00pm Special Budget Meeting	Knox	Knox
8	9	10	11	12	13	14
Knox	Knox	12:00pm Parks & Rec - Liaison Knox 6:00pm Regular Assembly Mtg	Nelson 5:30pm Tree & Landscape - Liaison Wein 6:00pm Historic Preservation - Liaison Mosher 6:00pm Port & Harbors Commission - Liaison Knox	Nelson 12:00pm LEPC - Liaison Nelson 1:30pm Health Needs & Human Services - Liaison Wein	Nelson	Nelson
15	16	17	18	19	20	21
Nelson	Nelson	Nelson	Nelson 7:00pm Planning Commission - Liaison Mosher	Nelson 6:00pm Special Budget Meeting	Nelson	Nelson
22	23	24	25	26	27	28
Nelson	Nelson	Nelson 6:00pm Regular Assembly Mtg	Nelson 6:00pm Police and Fire - Liaison Nelson	Nelson	Nelson	Nelson
29	30	31	1 Apr	2	3	4
Nelson	Nelson 6:00pm School Board budget work session - Liaison Mosher	Nelson	6:00pm Library Commission - Liaison Christianson 6:00pm School Board - Liaison Mosher 7:00pm Planning Commission - Liaison Mosher	6:00pm Special Budget Meeting		





# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Memorandum

**To:** Mayor Paxton and Assembly Members

**Through:** Hugh Bevan, Interim Administrator  
Amy Ainslie, Director, Planning and Community Development *JA*

**From:** Scott Brylinsky, Special Projects Manager *B*

**Subject:** No Name Mountain/Granite Creek Master Plan Project

**Date:** February 5, 2020

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### No Name Mountain / Granite Creek - Master Land Use Plan Status Report #2

#### Background

Last year the Assembly approved an action plan that included the creation of a Master Plan for No Name Mountain/Granite Creek development. On July 9 a capital appropriation was approved to hire a consultant to develop that plan. The parcel is approximately 830 acres, bounded on the north by No Name Mountain and on the south by the Granite Creek area. This is one of the last large, contiguous parcels of relatively undisturbed city land along the road system. Among other attributes of the parcel is that it appears to contain good rock sources for quarrying.

After a competitive RFQ process, a consulting firm was selected to create the Master Plan. The Planning Commission's first meeting to discuss the project was November 20, 2019.

#### Status

The Planning Commission hosted the kickoff meeting on January 22, 2020. Consultants Jones and Jones, Landscape Architects, subconsultants PND Engineers, and the McDowell Group were in Sitka for two days to make the kick-off presentation and gather information.

Approximately a dozen members of the public attended the meeting, some of whom shared their views. Not unexpectedly, those views included primarily a desire to see land opened up for quarrying and to see more land made available for housing.

The area has been extensively studied in the past, mostly, if not entirely, for usage related to rock extraction and overburden disposal (list of earlier and related studies attached).

A clear takeaway going forward is that the plan should take advantage of historic studies and give specific direction on which areas should be opened first for quarrying. Future overburden site(s) should be identified as well, although the need may not be as imminent because it appears that Public Works is about to grant a lease for overburden disposal in an existing quarry in the Granite Creek area.

Another clear takeaway from the kickoff visit is recognition of the high value of the 17-acre waterfront portion of the study area seaward of Halibut Point Road. That parcel has both high enterprise potential as well as suitability for premium residential use.

A limited number of stakeholder interviews were held for scoping purposes, recognizing that an expanded pool of community members will need to be reached out to. Those limited stakeholder interviews, in no particular order, were held with:

- Gary Paxton, Mayor and Hugh Bevan, Interim Administrator – general background
- David Goade, Director Baranof Island Housing Authority – housing
- Michael Harmon, Public Works Director – existing use of area and site conditions
- Keith Perkins, Director, USDA Rural Development – housing
- Perry Edwards, and Anne Marie LaPalme, USFS – general land use
- Kerry O'Toole, Davis Realty – property market
- James Poulson, Chair, Parks and Recreation Committee and Lynne Brandon, Director, Sitka Trailworks – recreation opportunities, cross trail
- Charles Horan, Horan Appraisals – property market
- Chris McGraw, Halibut Point Marine – cruise industry development, and enterprise potential in general area
- Richard Doland, General Contractor and Building Department Appeals Board member – residential housing
- Karl Potts, CEO, Shee Atika Corporation – general background and land use
- Maegan Bosak, SEARHC – future needs
- Ralph Vigilante – SECON – current lessee in Granite Creek

Additional interviews to be scheduled include, but are not limited to, representatives of:

- Sitka Tribe of Alaska
- Sitka Golf Association
- Samson Tug and Barge
- Alaska Marine Lines
- Sitka Community Land Trust
- Earthwork and construction companies
- Alaska State Parks
- Alaska Department of Fish and Game
- Army Corps of Engineers

As we continue to develop the list of stakeholders; please encourage persons who may be interested to express views or share information to contact the Planning and Community Development or



respond to the online form on the project website. (Which, if it isn't up as you read this, will be up shortly.)

Data gaps which have been identified include:

- Drill cores for all areas identified as having quarrying potential
- Wetlands permitting and mitigation requirements
- Resolve contradictory information obtained in interviews regarding the ready availability (or not) of quarry rock
- Background data for market assessment

### **Next steps**

The major public meeting to display potential land use concepts and gather input will be scheduled in March, the exact date to be determined. At that visit the consultant team will be here for three days. It will include two days of public meetings with illustrative site analysis maps showing various development opportunities and options.

The two days are broken into a Visioning Workshop the first night, followed by the Alternatives Workshop the following evening.

Through February into March, the consultant team will carry out the following tasks to help inform the land use plan:

- Continue to collect and assess information about the site and site area
- Continue reviewing previous studies and reports for the site
- Affirm environmental permitting requirements related to site's critical areas and potential development
- Conduct preliminary market analysis
- Obtain best available information regarding landslide risk assessment pertaining to study area
- Contact and discuss various issues with project stakeholders
- Represent findings with illustrative maps, diagrams, and other means
- Prepare for public meeting(s) to discuss land use options

### **Attachments:**

Action plan

List of earlier studies

Map of study area

# Action Plan

**Strategy No. B**

**Plan No. 2**

**Date: 7/9/19**

**Strategy: We will identify and pursue Economic Development Opportunities.**

**Specific Result: To create a Master Plan for No Name/Granite Creek Development.**

#	ACTION STEP (Number each one)	Assigned To:	Start Date:	Due Date:	Completed Date:
1	Hire a Planning Director	Chief Miller	6/25	7/26	
2	With consultant selected, develop a Scope of Work with the assistance of the Planning Commission.	New Planning Director	7/26	9/13	
3	Negotiate the fee, project schedule, and develop the budget with consultant.	Harmon	9/13	10/14	
4	Budget Ordinance Assembly approval and contract award.	Chief Miller	10/22	10/22	
5	Consultant works with CBS Staff and Planning Commission to develop a draft Master Plan that also incorporates previous consultant work.	Harmon & Planning Director	10/22	4/24/20	
6	Planning Commission reviews and suggests edits to the Master Plan.	Planning Director	4/24/20	5/15/20	
7	Assembly review and edit of the Master Plan.	Chief Miller	5/15/20	7/28/20	
8	Adoption of the Master Plan by the Assembly.	Chief Miller	8/25/20	8/25/20	
9	Implementation of the Master Plan by the Planning Commission.  Master Plan to include, but not limited to: 1. Zoning for Development; 2. Delineation and mitigation of wetlands; 3. Plan for access roads; 4. Rock quarry delineation; 5. Zoning Code changes; 6. Utilities Required and Timeline on Infrastructure Development (Water, Waste water, Electrical and Substation); 7. High Value Land Development (Water-side past Cove Marina; 8. SS Pit Area Recommendations	Planning Director	8/25/20	Ongoing	
		Responsible:	Chief Miller		

## No Name Mountain / Granite Creek Master Plan

### Historical studies and documents

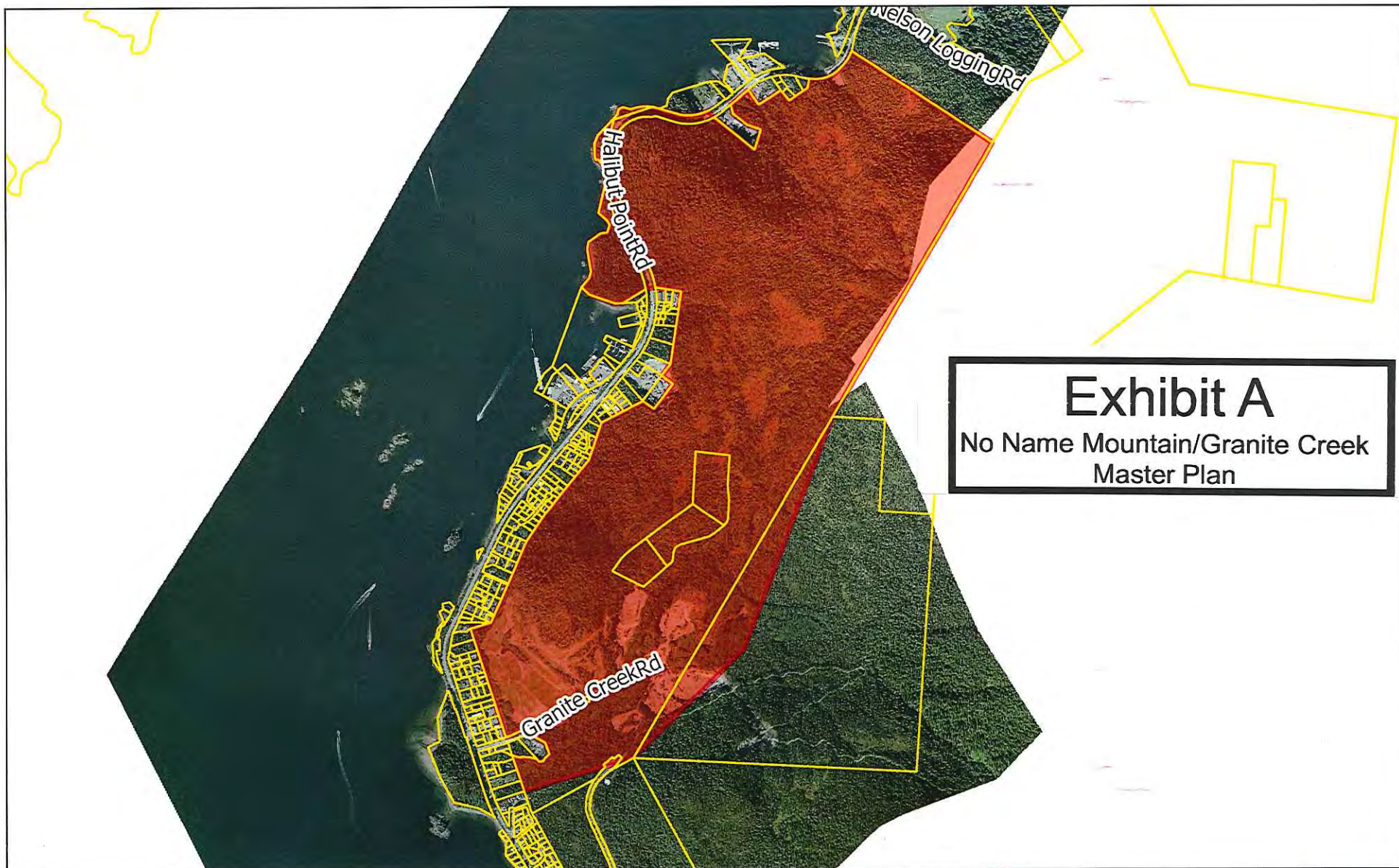
#### **Quarry/Rock Extraction Studies**

1. Sitka Gravel Resource & Management Study (1982)
2. Granite Creek Soils Probe & Wetlands Investigations Report (November 2000)
3. Granite Creek Master Plan (2002)
4. Sitka Quarry Site Investigations Draft Geotechnical Data Report, aka FAA Geotech Report (October 2006)
5. Request for Assembly Discussion & Direction: Preparation of City and Borough Property for Sale/Lease of Rock Quarry Sites (April 2008)
6. GCIS Overburden Sites Discussion (October 2008)
7. Rock Quarry Status (June 2009)
8. Foundation Geology Reports for Granite Creek Bridge and No Name Creek Bridge (2011)
9. No Name Mountain Quarry Access Preliminary Recon Report (April 2016)

#### **Other Studies**

10. Geotechnical Study for Evaluation of Solid Waste Landfill Alternatives (1999)
11. Cross Trail Phase 6 Background Studies (2018)
12. Sitka Economic Profile (2019)
13. 2030 Comprehensive Plan and associated Technical Plan





No Name Mountain Area

830 Acres



**PUBLIC WORKS ASSEMBLY UPDATE**  
**WORK COMPLETED THROUGH JANUARY 2020**

**Wastewater Treatment Plant (WWTP) Rehabilitation (CONSTRUCTION PHASE)**

**Milestones This Period**

- Executed Contract to MCG Constructors/Dawson Construction Joint Venture on January 7, 2020.
- Pre-Construction Conference was held January 22, 2020.
- Set up the teams and project logs on the Submittal Exchange project web-site.
- Execution of short term land lease adjacent to the WWTP for construction materials staging, tool storage containers, and field offices.
- Received cost proposal for SCADA Work (process controls), which is a separate contract.
- Recent value engineering by Contractor and Staff resulted in a \$253,000 savings to the project budget.

**Future Milestones**

- January and February 2020 relocate water lab to UAS campus and WWTP office spaces to Sealing Cove Business Center. Relocations are required to be completed prior to March 6, 2020.
- Project product submittals and contractor mobilization, January - March 2020.
- Exterior siding demolition and abatement (construction) start up late February 2020.
- Exterior wall framing installation, May and June, 2020.
- Mechanical and electrical work to begin July 2020.
- Anticipated project Substantial Completion May 20, 2021.

**Background**

The Wastewater Treatment Plant was built in the early 1980's and many of the building systems, including the building envelope (exterior siding, windows and doors), electrical, plumbing and mechanical, including the HVAC (ventilation air) system, have failed or are past their useful life and require replacement. The air quality within the building is inadequate and corrosive, and as a result the exposed piping and metal within the building have corroded.

Total project cost is estimated at \$10 million. Funding for this project is provided by the following sources:

\$263,000 – WW Fund Working Capital  
\$9,737,000 – DEC Loans  
\$10,000,000 – Total Available Project Funding

Current Contracts: McCool Carlson Green (design)	\$898,284
MCG Constructors, Inc./DCI Joint Venture	\$7,686,000

## **Crescent Harbor Float Replacement – Phase I (CONSTRUCTION PHASE)**

### **Milestones This Period**

- Float and piling demo mostly complete.
- New floats and pilings mobilized to job site.
- Piling installation began January 19, 2020.

### **Future Milestones**

- Cathodic protection (anodes) scheduled for installation, February 19, 2020.
- Substantial Completion of piles and floats, March 15, 2020.
- Total Substantial Completion required, per contract, by May 1, 2020 with vessels likely permitted to enter back into the harbor in late April.

### **Background**

The physical condition of Crescent Harbor has deteriorated to point where in-house repairs are no longer sufficient to adequately maintain the facility. Harbor Department staff and Public Works Department engineers have determined the harbor now presents an operational and safety risk due to floats sinking, decay of wooden beams, corrosion of metal fixtures and failure of walk-down ramps to meet ADA accessibility requirements.

The project has an estimated total cost of \$13 million for design and construction. Funding for this project is provided by the following sources:

\$1,000,000 – Harbor Fund Working Capital  
\$5,000,000 – AK DOT Harbor Matching Grant  
\$8,025,000 – Harbor Revenue Bonds  
\$14,025,000 – Total Available Project Funding

Current Contracts:	Jacobs (project admin & Plan review)	\$315,905
	PND, Inc (construction inspection)	\$189,455
	Moffatt and Nichol (third party estimating)	\$79,948
	Turnagain Marine Design-Build Contract	\$12,999,045

## **Thomsen Harbor (DESIGN PHASE)**

### **Milestones This Period**

- Design Contract signed with PND Engineers, Inc.

### **Future Milestones**

- Design draft to be submitted late February 2020
- Construction advertisement February 2020.
- Construction planned – Spring 2020.

### **Background**

The Old Thomsen Harbor was originally built in 1976. In 2006, the CBS replaced the Old Thomsen Harbor floats with new timber floats as part of a comprehensive capital improvement program. At the time of construction, a cathodic protection system was considered, but not installed due to financial considerations. This project will install cathodic protection on all of the steel pipe piles in Thomsen Harbor in the form of



sacrificial anodes welded to the piles. These anodes are designed to protect the piles for 20 years, thereby extending the life of this important and expensive harbor facility.

The project has an estimated total cost of \$406,000. Funding for this project is provided by the following sources:

\$203,000	– Harbor Fund Working Capital
<u>\$203,000</u>	– AK DOT Harbor Matching Grant
\$406,000	– Total Available Project Funding

Current Contracts: PND Engineers, Inc. (pending)

\$17,870

### **Sitka Seaplane Base (SPB) (PLANNING PHASE)**

For more information and history on this project, visit the City website at:

[www.cityofsitka.com](http://www.cityofsitka.com) > Public Works Department > Public Works Projects > New Sitka Seaplane Base – or go directly to:

<https://www.cityofsitka.com/government/departments/publicworks/SitkaSeaplaneBaseSitingStudy.htm>

### **Milestones This Period**

- All future milestones are in progress.

### **Future Milestones**

- Permitting: DRAFT NEPA Environmental Assessment (EA) prepared and ready for Public Review: Fall 2020.
- DRAFT planning for the facility layout, land acquisition, and business plan: Fall 2020. Facility layout stakeholder meeting late March.
- Public Meeting and/or input on drafts EA, facility layout, and business plan: Fall 2020
- Prepare and submit AIP grant applications to FAA for next phase Design/Land Acquisition: Fall 2021 (depends on federal funding cycle).

### **Background**

The existing Seaplane Base has been operating for 65 years and is at the end of its useful life. The Assembly passed an action plan to construct a new facility just inside the breakwater on Japonski Island (end of Seward Street) making this a top priority to secure Federal Funding, land, and ultimately construction. Federal funding is anticipated to cover 93.75% of the cost of construction and another \$150k per year in operational maintenance. For this reason it is essential for the project development to follow the required Federal funding process anticipated to span four years.

The environmental and planning phase kicked off with meetings on December 11 & 12, 2019 for stakeholders and the public to engage in the details of the process and concept plan. We understand there are concerns over the length of the process especially as it relates to these initial grant phases of work for the Environmental Assessment:

- The kickoff meeting was important to help clarify and brainstorm options in navigating the required federal process as well as to provide an opportunity to

give comments and ask questions, before the project proceeds into the permitting phase.

- Some key takeaways from the meeting and/or comments we received:
  - Most who attended the meeting were generally supportive of the project and moving forward as quick as possible.
  - Essential project for access to Sitka especially with reduced ferries and growth in health care needs.
  - How will the CBS pay for the 6.25% match?
  - At least 24 people attended the public meeting on December 11.
  - Concerns were raised about harbor users subsidizing the facility and operations.
  - Concerns about the length of the process and wanting to move forward with the land acquisition ahead of the Federal funding.
  - Sound impacts were raised as a concern wanting it to be included in the study.
- Additionally, we received comments/concerns from the following entities:
  - Corp of Engineers (permitting advice)
  - NOAA (permitting advice)
  - ADEED (land siting and operational impacts for MEHS and noise)
  - DNR (highlighted key tideland acquisition considerations)
  - SEARHC (expressed concerns over increased traffic and noise)
- For detailed meeting notes and presentation materials, visit the project web page at the link above.

There are 5 main phases required to complete to be eligible to proceed to the next stage and receive Federal funding:

1. Planning and Environmental Review (current funded stage):  
Complete early 2021
2. Layout plan (current funded stage): Complete early 2021
3. Land acquisition (not funded until EA is completed and approved):  
Complete Summer 2022
4. Design/Final Permitting (must build or give back FAA funds):  
Complete Summer 2022
5. Construction: 2023-2024

The preliminary total project cost is estimated at \$16 million. Funding for this project is provided by the following sources:

\$842,629 – FAA AIP Grant (E/A & Planning Grant)  
\$56,176 – General Fund Working Capital (Req'd CBS Match @ 6.25%)  
\$898,805 – Total Available Project Funding

Current Contracts: DOWL (E/A & Aviation Planning) \$707,079

## **Sitka Sea Walk Phase 2 (PLANNING & DESIGN PHASE)**

### **Milestones This Period**

- Received final preliminary scoping report from Western Federal Lands on January 29, 2020.

### **Future Milestones**

- Design phase to kick off in early 2020 with plans for multiple meetings throughout the process.
- Construction is estimated to begin in Summer 2021.

### **Background**

The project includes extending the Sitka Sea Walk from the Sitka Public Library toward (and under) O'Connell Bridge and terminating at the west end of Lincoln Street at its intersection with Harbor Way. Phase 2 of the Sea Walk, an 8-foot wide handicap accessible multi-use path, will continue the same theme as the first phase of the Sea Walk that extends from Harrigan Centennial Hall East through Crescent Harbor Park toward Sitka National Historical Park. The project is being delivered (managed) by Western Federal Lands (WFL), will be designed in 2020 and construction is expected to begin Summer 2021. Multiple rounds of public involvement are anticipated throughout the design process. The current funding plan is as follows:

\$ 1,674,713 – Grant from Western Federal Lands  
    \$158,060 – CBS GF and/or CPET Funds  
\$1,832,773 – Total Available Project Funding

Current Contracts: No CBS contracts at this time.

## **Critical Secondary Water Supply (DESIGN PHASE)**

For more information and history on this project, visit the City website at:

[www.cityofsitka.com](http://www.cityofsitka.com) > Public Works Department > Public Works Projects > Critical Secondary Water Supply – or go directly to:

<https://www.cityofsitka.com/government/departments/publicworks/projects.html>

### **Milestones This Period**

- Issued Notice of Award to Pall Water for supply of filtration equipment and support services.
- Received 35 percent design package from design consultant.
- Participated in a meeting with the EPA and BlankRome, our lobbying firm, to discuss use of WIFIA as a potential project funding source. It was determined that existing ADEC loan was the better option for CBS.

### **Future Milestones**

- Issue filtration equipment Notice to Proceed to Pall Water upon receipt of bonds, insurance and complete execution of contract, February 2020.
- Review 35 percent design package and provide comments to consultant, February 2020.

- Meet with NSRAA to discuss their water needs during penstock shutdown and pursue grant funding to support construction of a combined water intake in Sawmill Creek, February 2020.
- Solicit construction bids: November 2020.
- Substantial Completion for secondary water source project anticipated in December 2021.
- Uproar Consulting is assisting with applying for a \$3 million Department of Commerce Economic Development Administration grant, March 2020

### **Background**

The project is for design and construction of a secondary water source, for when the primary water source – Blue Lake water treated with ultraviolet (UV) radiation – is unavailable. Blue Lake water will not be available when the Electric Department inspects and maintains the penstock providing water from the dam to the power plant. Blue Lake water may also require filtration – not just UV treatment – if turbidity levels continue to exceed regulatory thresholds.

Total project cost is estimated at \$18 million. Funding for the project is provided by:

\$150,000 – Working Capital  
 \$380,000 – transferred from UV Disinfection project Working Capital  
\$17,620,000 – Alaska Clean Water Fund loan  
 \$18,150,000 – Total Available Project Funding

Current Contracts:	CRW Engineering Group (design)	\$362,780
	Uproar Consulting (grant-writing)	\$1,000

### **Peterson Storm Sewer Rehabilitation (DESIGN PHASE)**

#### **Milestones This Period**

- None. Project schedule being re-evaluated after retirement of CBS engineer managing this project.

#### **Future Milestones**

- Bid construction project, TBD.
- Complete construction work, TBD.

### **Background**

The project includes replacement of deteriorated 60" corrugated metal culvert crossing under Peterson Street, allowing for fish passage. Peterson Street is a collector street that provides critical access to side streets and local residences as well as to Sitka High School.

Total project cost is estimated at \$1,215,000. Funding for the project is provided by:

\$150,000 – General Fund FY2019 Working Capital  
 \$220,000 – General Fund FY20 Working Capital  
 (\$50,000) – transferred to Davidoff Street Sewer Rehab project  
 \$55,000 – National Fish & Wildlife Foundation design grant

\$60,000 – U.S. Fish and Wildlife Service Fish Passage construction grant  
\$80,000 – U.S. Fish & Wildlife Service Fish Passage construction grant  
 \$515,000 – Total Available Project Funding

Note: Additional project funding required. Up to \$700,000 may be requested with upcoming FY21 General Fund Capital Projects Budget.

Current Contracts: DOWL (design) \$78,072

### **Brady, Channel and Eagle Way Lift Station Rehabilitation (BIDDING PHASE)**

#### **Milestones This Period**

- Hosted pre-bid meeting for interested contractors, January 14, 2020.
- Open bids, January 30, 2020.

#### **Future Milestones**

- Construction notice-to-proceed: February 2020.
- Rehabilitate lift stations: February through June 2020.

#### **Background**

Eagle Way Lift Station is responsible for pumping all sewage east of Eagle Way toward the Wastewater Treatment Plant (WWTP). Brady Lift Station is responsible for all sewage north of Brady Street. Channel Lift Station is responsible for an apartment complex and one private residence on Halibut Point Road. All three lift stations require excess maintenance due to corrosion and/or outdated pumping equipment. Project will rehabilitate lift stations, re-using existing infrastructure to the extent feasible.

The estimated construction cost for the project is approximately \$1.6 million. Funding for the project is provided by:

\$250,000 – DCCED grant (Eagle Way Life Station)  
 \$220,000 – Wastewater Fund Working Capital (Eagle Way Lift Station)  
 \$217,400 – ACWF loan (Brady Lift Station)  
 \$165,000 – Wastewater Fund Working Capital (Brady Lift Station)  
 \$100,000 – Wastewater Fund Working Capital (Channel Lift Station)  
 \$350,000 – ADEC loan for Brady and Channel remaining from larger loan  
\$550,000 – Wastewater Fund Working Capital remaining from completed projects  
 \$1,827,400 – Total Available Project Funding

Current Contracts:	DOWL (design)	\$190,905
	DXPE (supply pumps)	\$110,444
	Boreal Control (supply electric/control equipment)	\$194,900

### **Airport Terminal Improvements (DESIGN PHASE)**

#### **Milestones This Period**

- None. Waiting for approval and funding of the Amendment Request from TSA.  
 (Applied to TSA in December 2019 for an amendment to the grant for additional

time and additional costs due to delays caused by the Federal Government Shutdown last year and changes required by TSA to the 30% design for TSA related work only.)

### **Future Milestones**

- Complete the 35% revisions for the rest of the terminal improvements design and move into the Design Development Phase (65%) where the improvements will be developed and defined in separate phases for construction and funding, March 2020.
- Resolve the remaining 30% TSA design submittal issues for the TSA Baggage Screening Area.
- AK DOT involvement 65%, especially regarding potential FAA AIP funding & Improvement staging.
- Other funding sources for terminal improvements beyond the PFC/Bonding and AIP grant requests are being developed for consideration, including airport terminal user fees and TSA grants for screening/security improvements.
- Phased construction has been delayed to at least 2021 through 2023, due to the Federal Government shutdown at the end of 2018 and the lack of project funding.
- Still awaiting and anticipating the State of Alaska DOT sending the CBS information about the upcoming parking lot management changes and options.

### **Background**

The Airport Terminal Improvement Project is intended to remedy some of the existing critical problems identified in the Airport Terminal Master Plan 2008-2011, including working conditions in the baggage make-up area and TSA baggage screening area, as well as problems with congested passenger queuing, screening, baggage, fish boxes, waiting areas and passenger flow. CBS accepted a TSA design grant in the amount of \$158,569.25 to design specific improvements to the TSA Baggage Screening Area. Other areas impacted by these design changes are ineligible for the TSA design funding. The Assembly approved moving forward to the 65% Schematic Design Milestone for the preferred concept plan that was presented in the Assembly work-session August 8, 2017. Passenger Facility Charges (PFC) were applied for and approved by ADOT and FAA. Collection of the PFCs began May 1, 2018. The total anticipated revenue collection over the 20-year period of collection is \$6,840,000.00, which will finance the \$4,025,000 revenue bond along with its fees and debt service.

The estimated cost for the project as identified is approximately \$15-million. The current funding plan outlines the following components:

- |                                     |              |              |
|-------------------------------------|--------------|--------------|
| • Passenger Facility Charge Revenue | \$4,025,000  | Bond secured |
| • TSA Funding                       | \$3,397,500  | Unsecured    |
| • Eligible AIP Grant Request        | \$10,283,954 | Unsecured    |

Current contracts: MCG Architects (design) \$449,069

## **Lincoln Street Paving – Harbor Way to Harbor Drive (DESIGN PHASE)**

### **Milestones This Period**

- None. Project currently on hold, pending direction from Administrator and Assembly.

### **Future Milestones**

- Project on hold.

### **Background**

The project includes replacing non-ADA-compliant curb ramps, failing storm drain, limited curb, gutter and sidewalk and all asphalt pavement on Lincoln Street from approximately Harbor Way to Harbor Drive. Water and sewer utilities will be installed on Cathedral Way, which will also be re-paved.

Funding for the project is provided by:

\$1,760,000 – General Fund  
\$105,000 – CPET Funding  
\$20,000 – Water Fund  
\$20,000 – Sewer Fund  
\$1,905,000 – Total Available Project Funding

Current Contracts: Professional and Technical Services, Inc. \$383,290  
(Lincoln portion of Lincoln & Katlian contract)

## **Nelson Logging Road Upgrades (CONSTRUCTION PHASE)**

### **Milestones This Period**

- None. Project management is in transition after retirement of CBS engineer managing this project.

### **Future Milestones**

- DNR Survey by North 57 Surveying to prepare easement plan completed by February 2020.
- Utilize remaining State grant funds, approximately \$60,000 to complete additional improvements (emergency phone line to shooting range, guardrail at HPR intersection, turnaround area at new bridge), March 2020.
- Final Project Closeout, Summer 2020.

### **Background**

The project includes replacing both inadequate bridges, realignment at HPR intersection to raise the road elevation out of the stream floodplain, upgrading Nelson Logging Road to include drainage improvements, resurfacing, widening, and pedestrian amenities.

Funding for the project is provided entirely by a \$2,343,000 State of Alaska Department of Commerce Community and Economic Development Grant.

Current Contracts: LEI Engineers & Surveying (design) \$471,120  
K & E Alaska, Inc (construction) \$1,544,280

## **MAINTENANCE ACTIVITIES**

### **Streets**

- Streets crew and other PW Divisions spent over 700 hours performing snow removal operations.
- We assisted in the repair of two waterline repairs one on Price Street the other on Kirkman Way.
- Only 2.9% of Streets time was actually on streets maintenance.

### **Central Garage**

- 49 repairs of vehicles and equipment. A lot of the repairs were to snow removal equipment requiring staff to come in at odd hours and weekends to keep snow removal operations going.
- Assistant Mechanic assisted with approximately 72 hours in snow removal operations.
- Received new ambulance and fitted for service.

### **Scrapyard**

- Received 7 vehicles from the public.
- Removed 4 vehicles from the impound yard.
- Received over 50 white goods.
- Over 20 hours of snow removal at the GPIF Complex.
- Over 40 hours assisting Streets with hauling snow.

### **Construction Debris Landfill**

- Started receiving dock materials from Crescent Harbor Project.

### **Bio Solids**

- Received approximately 60 yards of bio solid material from wastewater treatment plant.

### **Grounds Maintenance**

#### **COMPLETED:**

- Winter seasonal rotation/maintenance on grounds and athletic fields. 6 PMs, 13 Reactive/Requested (Still working on entering PMs into the work order system).
  - Holiday Décor Removed. Waiting for break in weather and other priorities to take down tree lights.
- New Grounds Maintenance Specialist Training on operations and duties. Employee Started 12/2/2019.
- Thimbleberry Trail 1' diameter tree down due to snow/wind – trail cleared
- Snow, Ice, and Proper Drainage Control around Building, Parks, and Grounds due to weather.
- Snow events, team works with streets division to help clear road systems, down town, and parking lots. Also conducted round during normal operation at grounds parking lots and athletic fields. Work consisted of exposing catch basin, clearing some roof and roof drains on our building facilities to help Building Maintenance.
- Tree down on Communication Tower by Fire Hall due to snow load. Worked with Electric Department and assisted with removal.



### ONGOING:

- Lower Moller East Playground – ongoing work to re-open playground – Slides being cleaned and sanded down due to graffiti, replacement parts being fabricated with support of public works mechanic shop personnel.
- Goddard Hot Springs needs repair to hot water supply line – met with Rotary Club on possible improvements.
- Working on security cameras for the Moller Complex. – holding off currently due to playground project and winter weather work.
- Crescent Harbor – Sea walk will be closed on Section due to Harbor Project.
- Mountain Ash and Pine damaged during Harbor project. Contractor removing Ash. Pine will be pruned back once work is completed in that section.
- Sandy Beach Restrooms Closed due to frozen pipes- was discovered during routine check of our facilities during cold temperatures.

### **Building Maintenance**

#### COMPLETED:

- Preventive maintenance schedule – Normal Operations 16 PMs.
- Reactive/Requested Work Orders – 3 (note: not all work orders were manually entered this month).
- Snow and Ice Control around buildings, including roofs and drains.
- City/State 2 State offices complained about odor. Investigated and found UPS batteries to their IT Room was overheating. State to work with their IT division to remedy. Due to concerns about odor affecting personnel we had the Fire Department run their air quality tester which gave a clear reading of affected areas. Followed up on odor and State disconnected the UPS and odor had dissipated.
- Senior Center, provided assistance with installation of new steam table.
- Senior Center – Hood Suppression System Contract work complete.
- Assessing and Planning Offices Reconfiguration for new hire. Assessing office walls patched and painted.
- Long Term Care Facility, New Outpatient Space on lower level inspection.
- Library Heat Pump refrigeration leak affecting zones 1,2,3,4,5,6,7 was found and repaired.
- Icicles removed and snow raked off bottom edge of multiple buildings and facilities - Jarvis Service Center Complex, Animal Shelter, Senior Center, Keet Clubhouse.
- Harrigan Hall Clogged or Frozen Drains off Downspouts. Cleaned and treated drains.

### ONGOING:

- City/State Cold Complaints.
- City Hall Cold Complaints.
- City/State office complaints on damaged window with cold weather. Provided estimated cost for replacement per window based off past window replacements – getting quote from Contractor. DA's office will need to pay for work performed.

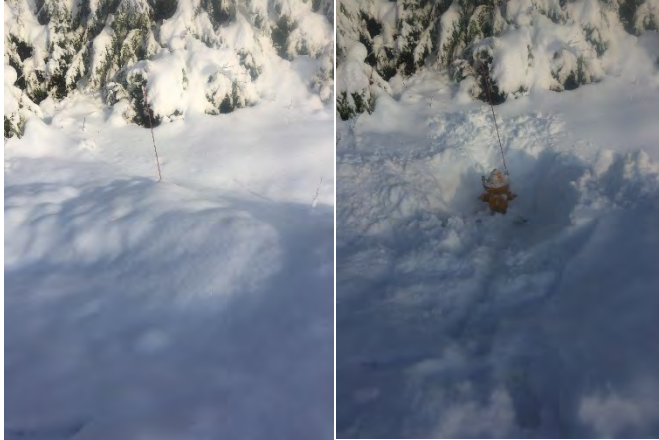
- City/State – State DA office would like to have custodial services. Provided proposal to add into work, waiting for DA's office approval.
- Senior Center ice damming on fireplace chimney caused damage on ceiling inside the building. Dam was removed and areas treated for ice buildup. Chimney will need to be repainted.
- Harrigan Centennial Hall Meeting Room 7, not maintaining temp.
- Tom Young Cabin – Reported problems with the oil stove and outhouse door.
- Goddard Hot Springs – Reported problem with bottom tub not getting hot water persons felt there is a clogged line.
- City/State Main pneumatic controller failed. Bypass put in place to allow system to operate. Waiting on Contractor for replacement of the pneumatic control box.
- Fire Hall, overhead door spring broke – special order replacement, wrong spring was shipped.
- Jarvis Service Center, Electrical Shop Overhead door problems. Temporary fix was made, looking at options for a permanent repair.
- Library – Water infiltration during NE wind driven rain. Team investigated and will make repairs when weather permits.
- Harrigan Hall – Grill power problems, possibly due to grills grease trap overflowing. Team investigating.
- Fire Hall range –replacement required. Sent out motherboard to be rebuilt – repairs to motherboard did not solve problem. Replacement Range Estimate 7-8K. Fire Hall also looking into alternative ranges that will cover their needs.
- Police Department –Original Contractor has not followed through therefore moving onto next in line to replace two broken windows. Contractor waiting on weather.
- Police Department – HVAC Plan for short term solution and long term planning. Discussion Meeting accrued, moving forward on budget plan.
- Airport – luggage cart maintenance.
- Centennial Hall – Gutter membrane installation – Contractor scheduled spring 2020.
- Library – interior LED lighting issues: restroom corridor, bathrooms, and other fixtures.
- Marine Service Center – Condenser Replacement, Work Scheduled Mid-February.

#### MONITORING:

- WWTP boiler circulation pump 1 has leaking flanges (we are going to monitor due to renovations). Pump can be isolated, if needed. We have back up circulation using pump 2.
- WWTP fan unit 2 failed and temporary fan was installed (we will continue to monitor until renovation). Fan unit is for storage area exhaust.
- Harrigan Centennial Hall – tile floor cracking common areas. 1.6.2020 additional cracks discovered under meeting room 5 carpet tiles.
- Harrigan Centennial Hall Cracks discovered in meeting rooms 5 under floor carpet tiles. Waiting to see what happens with weather changes and activate on plan for repairs if required.

## **WATER/WASTEWATER HIGHLIGHTS**

January started off cold and snowy and that type of weather always makes our work a bit more challenging. After the snow hit, water crews spent a good chunk of the following days digging out fire hydrants. Photos (courtesy of Jud Kirkness) of a typical “before and after”.



Water and wastewater operators have responded to a number of frozen water service calls. Most of these calls are due to services being frozen under the structure. In the event of a frozen service we advise homeowners to close their foundation vents and heat the area up to slowly unthaw the service. During cold weather snaps we also advise property owners to allow an inside cold water faucet to dribble in order to avoid freezing up.

Corroded bolts (photo courtesy of Jud Kirkness) were the cause of a water leak that occurred on Price St. Due to the frozen ground it took the excavation crew most of the day before they were finally able to expose the valve. Once the valve was exposed the water crew made quick work getting the repair made. Thank you to the community for their patience and understanding while the work was being done and of course a big thank you to the PW crew for working so diligently in frigid temperatures.



The wastewater crew has been actively working on moving into the temporary office and lab spaces. The crew will be displaced for a little over a year while the renovations occur on the wastewater treatment plant. For safety reasons, public tours will be suspended during the renovation project.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

Division of Community and Regional Affairs  
Anchorage

550 W 7th AVE, STE 1650  
Anchorage, AK 99501-3510  
Main: 907.269.4501  
Toll free: 877.769.4539  
Fax: 907.269.4563

January 14, 2020

Mr. Hugh Bevan, Interim Municipal Administrator  
City and Borough of Sitka  
100 Lincoln Street  
Sitka, AK 99835

RECEIVED

JAN 22 2020

City & Borough of Sitka  
Clerk's Office

SUBJECT: Population Determination for FY2021 DCCED Financial Assistance Programs

Dear Mr. Bevan:

The Department of Commerce, Community, and Economic Development annually certifies the population of each municipality, community, and reserve in the State of Alaska for use in various financial assistance programs based upon population estimates prepared by the State Demographer at the Department of Labor and Workforce Development. For the [COMM] the following population will be used for all FY21 programs the department administers.

**The population of the Sitka has been determined to be 8532**

If you do not agree with the population determination, you may request a population adjustment by submitting a written request and substantiate the request by completing either of the two approved methods: Head Count Census Method or Housing Unit Method. The request must include a resolution from the governing body proposing a corrected population total.

If you choose to request a population adjustment, please review the Head Count Census and Housing Unit Method manuals the department has published to assist you with this process. These manuals are available at <http://commerce.alaska.gov/web/dcra/> or you may also contact the department for a copy of the manuals.

The request for adjustment and completed census documentation must be postmarked no later than April 1, 2020, and submitted to:

Department of Commerce, Community, and Economic Development  
Division of Community and Regional Affairs  
Attn: Grace Beaujean  
550 West 7<sup>th</sup> Avenue, Suite 1640  
Anchorage, AK 99501

# Sitka Tribe of Alaska

Tribal Government for Sitka, Alaska

## 2020 Legislative Priorities



### **Federal:**

#### **1. Honor trust responsibilities**

- a. Support and protect the ability of Alaska tribes to place land into trust
- b. Dept. of Interior reorganization should not negatively affect tribes or diminish their sovereignty

#### **2. Essential fixes to the process of compacting under the Tribal Self-Governance Act with non-BIA agencies in the Department of the Interior**

- a. Full support for indirect costs
- b. Elimination of 90-day waiting period for agreements to go into effect and release of funds
- c. Establish a definition for “inherently federal” in the context of tribal compacting through congressional hearings or legislation. STA has experienced NPS resistance to engaging in co-management pursuant to an Annual Funding Agreement through the Indian Self-Determination and Education Assistance Act. They have designated all top positions within the various divisions of the national park as performing inherently federal functions.

#### **3. Legislative fixes for Alaska exclusions**

- a. Permanent funding mechanism for Tribal Courts
- b. Reforms for lands in trust or restricted status
  - i. Land buyback/consolidation program for allotments or townsites that are getting fractionated as in the American Indian Probate Reform Act (AIPRA)
  - ii. Allow tribes to adjudicate estates according to tribal probate codes (as in AIPRA)
  - iii. Landowners able to make decisions about use of property by a majority (as in regulations in lower 48)
  - iv. Re-open allotment applications for eligible applicants who missed the deadline or were incorrectly denied, including native veterans
- c. Remove moratorium language in Appropriations Act that requires Alaska tribes to provide their NAHASDA funds to the same entity as received them in 2005

#### **4. Tribal Transportation: Support an authentic Negotiated Rulemaking process**

**State:**

- 1. Safeguard the vitality of natural resources and the Tribe's and tribal citizens' inherent rights to subsistence and customary and traditional practices**
  - a. Herring research and management
  - b. Shift to comanagement model that includes the Tribe in meaningful role
- 2. Protect vulnerable populations**
  - a. Renew funding for utility and housing assistance
  - b. Provide funding for social services for children under jurisdiction of tribal courts
  - c. Elder services
  - d. Headstart
  - e. Inflation-proof base student allocation
- 3. Increased Ferry Service**
- 4. Provide meaningful consultation opportunities with state agencies, departments, and boards, including the Department of Fish and Game and the Board of Fish**
- 5. Increased cooperation**
  - a. Cooperative agreements with state courts to divert cases involving tribal citizens from state to tribal court
  - b. Cooperative agreements/compacts for child welfare and associated funding

**Local:**

- 1. Consultation**
  - a. Protect cemeteries and sacred places
    - i. Appropriate zoning of cemeteries – finish designation of cemeteries
    - ii. Consult the Tribe when sites for development or projects are considered, especially any that will move earth or establish new structures
  - b. Include dedicated native community seats on boards and commissions
    - i. Consult the Tribe on appropriate appointments for native community seats
- 2. Cooperation**
  - a. Address rising cost of living – utilities and taxes
  - b. Reduce Crime – expand cooperative agreements between the Tribe, the City, and local agencies to combat substance abuse and to divert offenders to tribal court
  - c. Focus/address expanding population of Homeless in Sitka
  - d. Expand coordinated community response to sexual assault and domestic violence
  - e. Cultural sensitivity
    - i. Encourage native hire, increase numbers of AI/AN employed at City
  - f. Update Payment for Services Agreement and Memorandum of Understanding as appropriate



# CITY AND BOROUGH OF SITKA

## Legislation Details

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File #: 20-038      Version: 1      Name:

Type: Item      Status: AGENDA READY

File created: 2/5/2020      In control: City and Borough Assembly

On agenda: 2/11/2020      Final action:

Title: Special Report: Police Chief Robert Baty

Sponsors:

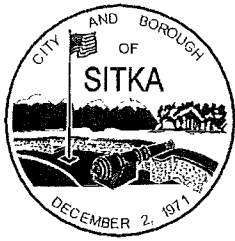
Indexes:

Code sections:

Attachments: [Quarterly Report - Sitka Police Department](#)

Date	Ver.	Action By	Action	Result
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# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

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## MEMORANDUM

To: Mayor Paxton and Assembly Members

From: Hugh Bevan, Interim Municipal Administrator *HB 2-5-20*

Date: February 5, 2020

Subject: Quarterly Management Report – Sitka Police Department

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Attached is the first quarterly management report from the Sitka Police Department.

As you can see from Chief Baty's comments the Department is stretched very thin.

## SPD QUARTERLY ADMINISTRATIVE REPORT

January 2020

To CBS Administrator: *AB 2-5-20*

### DEPARTMENT OVERVIEW:

The overall assessment of the Police Department is that it is healthy and moving along the path to recovery from prior lack of leadership, direction and accountability. Moral and attitudes are well on the way to recovery, the operations are what is currently suffering due to lack of personnel. Upon arrival at the Sitka Police Department it was not only expressed to me but it was also readily apparent that the department was lacking in basic fundamentals of law enforcement, as well as, a total lack of morale. When I arrived the Department was basically in the middle of a mass exodus because of the environment. Half of the personnel were actively in the process of searching for new jobs and can certainly be classified as disgruntled for various reasons. The remaining half of the personnel were thinking of leaving on a daily basis. It is my observation that all personnel that were dissatisfied with the department are now gone.

**JAIL:** Jail is currently fully staffed. There is potential for one of the staff moving out of state this year.

**DISPATCH:** We are currently two positions down. We have one new hire who is currently in training and is expected to be finished in the next several weeks. A job offer has been extended to another person with a report date of 2-12-20. Training on average for a new dispatcher is approximately two- three months. We only have enough staffing to train one person at a time. Provided that the upcoming trainee finishes the training it is expected that they will be finished by mid-May. Currently, with no other applicants, that would leave us at one position down. We currently have one part time temp dispatcher filling in. She has prior experience but does not want to work full time.

Our Dispatch Supervisor is expected to retire on June 1<sup>st</sup>. With her retirement, we will be down two positions again. Additional considerations are that one of our experience dispatchers may also be leaving to have better access to medical facilities. No one would be in a position to take over the Dispatch Supervisor role. Potential by June is that we will need three positions to be filled, including the Supervisor position. We potentially will have very limited experience left in dispatch.

**PATROL:** The Department is funded for 16 sworn positions. Currently the Department is staffed with four Sergeants, three Officers, one Officer in training, one lieutenant, one Chief. Staffing has been short since my arrival with two officers on administrative leave and several leaving within the first few weeks and months. One officer was in training when I arrived here and after completion of training decided it was not a field of work that he chose to be in. We have been able to recruit one experience officer and one person with no experience. Our recruitment efforts have not been able to keep up with the excessive turnover. The current state of affairs is at a critical mass. With personnel taking leave, military leave, sick leave and training we are finding ourselves unable to man a minimum shift staffing. Currently the Lieutenant is covering two to three patrol shifts a week to supplement patrol. We do not anticipate losing any more officers, but one Sergeant has made it clear for the last year, that he will be moving to pursue other career and family goals. His expected departure will be between March and May this year. His departure will place extra burden on our existing officers and we anticipate not only will Officers be working more overtime, but they will be working double time shifts as well.

To complicate matters, we have one officer that has an injury that will take him out of active service between four to twelve weeks. At that point I anticipate that the Lt. will be covering an exorbitant amount of patrol time.

#### **SPECIAL PROJECTS:**

Retired Sgt. Ray Majeski was hired as a Temp records reviewer last year. His assignment was to review all cases (approximately 70) that were left open by the absence of two officers on administrative leave. It was estimated that he would be able to complete the assignment in the span of three months. He initially was able to clear a very large open case which is being referred to the State Troopers. Health became an issue and he was only able to continue work on a sporadic basis. He was only able to work approximately 80 hours since hire. He has taken care of his health and is back to work. It is still expected that he will be able to complete the assignment in the same amount of time allotted.

#### **RECRUITMENT AND TRAINING:**

Currently we have no applicants for Police Officer. We have posted recruitment on Police One training sites, Discover Policing, Sportsman magazine, Alaska Peace Officer Association, Alaska Chiefs of Police, and State of Alaska job search. I am currently working with the Coast Guard to provide information and training to retirees and or enlisted personnel departing service to get potential applicants. We are also currently reworking our recruitment bulletin to focus on quality of life in Sitka, in the hopes of attracting applicants.

We currently have a weekly Supervisors meeting every Wednesday. During those meetings I spend time mentoring the Sergeants on leadership principles, expectations, and roles of a supervisor. We cover patrol issues, policy and procedure, principles of policing, and general issues within the community. The Sergeants pass the information on to the Officers and personnel. Additionally, Sergeants and officers conduct shift briefing trainings in which they review and train on topics such as arrest procedures, case law, search and seizure to name a few. Both the Lieutenant and I also conduct case reviews with personnel to discuss investigative procedures and opportunities to build a better case.

Personnel are being sent out to specialized training, such as sexual assault investigation, and domestic violence training.

#### **PROJECTS:**

We are currently in the process of implementing our RMS system. The Lt. and Richard Linn are spending time building up our system with training scheduled for the week of February 24<sup>th</sup> and a go live date around the 29<sup>th</sup> of February. The complete evidence audit has been on hold waiting on the new RMS. The evidence audit stands at about ¾ completion. Once the RMS is on line we can finish the rest of the audit. The new Dispatch consoles are expected to be installed by mid- March. E911 update was completed in December 2019. We are currently applying for a homeland security grant to add radio repeaters to help us with known dead zones, as well as, the new road extension. If we are successful in that grant application we are looking to have the project completed by next fall.

#### **STATISTICS:**

Statistics will be available after the new eForce RMS is online and the data from the beginning of the year is entered and data is accumulated.



# CITY AND BOROUGH OF SITKA

## Legislation Details

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File #: 20-037      Version: 1      Name:

Type: Item      Status: AGENDA READY

File created: 2/5/2020      In control: City and Borough Assembly

On agenda: 2/11/2020      Final action:

Title: Approve the minutes of the January 23 and January 28 Assembly meetings

Sponsors:

Indexes:

Code sections:

Attachments: [Consent and Minutes](#)

Date	Ver.	Action By	Action	Result
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## **CONSENT AGENDA**

### **POSSIBLE MOTION**

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**I MOVE TO APPROVE THE CONSENT AGENDA  
CONSISTING OF ITEM A**

**I wish to remove Item(s) \_\_\_\_\_**

**REMINDER – Read aloud a portion of each item being  
voted on that is included in the consent vote.**

Should this item be pulled from the Consent Agenda the following motion is suggested:

## **POSSIBLE MOTION**

**I MOVE TO** approve the minutes of the  
January 23 and January 28 Assembly  
meetings.



# CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS  
330 Harbor Drive  
Sitka, AK  
(907)747-1811

## Minutes - Draft

### City and Borough Assembly

*Mayor Gary Paxton  
Deputy Mayor Steven Eisenbeisz,  
Vice Deputy Mayor Kevin Mosher,  
Kevin Knox, Dr. Richard Wein, Valorie Nelson, Thor Christianson*

*Interim Municipal Administrator: Hugh Bevan  
Municipal Attorney: Brian Hanson  
Municipal Clerk: Sara Peterson*

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Thursday, January 23, 2020

6:00 PM

Assembly Chambers

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#### SPECIAL MEETING

#### I. CALL TO ORDER

#### II. FLAG SALUTE

#### III. ROLL CALL

**Present:** 6 - Christianson, Eisenbeisz, Knox, Wein, Paxton, and Mosher

**Telephonic:** 1 - Nelson

#### IV. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Municipal Departments, School District, Students and Guests (five minute time limit)

##### **20-014** Special Report: Blank Rome Government Relations, LLC

CJ Zane, Managing Principal of Blank Rome Government Relations LLC, spoke to Blank Rome's work on behalf of the City and Borough of Sitka. Areas of focus were grants, appropriations, loans, and options for refinancing current debt.

#### V. PERSONS TO BE HEARD

None.

#### VI. NEW BUSINESS:

- A 20-015** Review the planned budget process and dates for development of the FY21 operating and capital budgets
- Interim Administrator Hugh Bevan reviewed the budget meeting schedule and discussion items for each. In addition, he spoke to the overall goals of the FY2021



process, reviewed progress to date, and told of next steps.

**B      20-016                      Review Assembly decisions from the December 23, 2019 budget meeting**

Controller Melissa Haley reviewed direction that was given at the December 23 budget meeting: assume flat funding from the State per current budget, PILT funding budgeted on lower end of historical range, Secure Rural Schools funding at \$500K (split between CBS and the School District), property tax at a 1.5% increase and senior property tax exemption at a 9.9% net increase, school bond debt service reimbursement expected at 50% of original State commitment - no subsidy budgeted, assume raw fish tax at \$1,000,000 with no subsidy from the General Fund to Harbor Fund needed, total school funding including half of Secure Rural Schools budgeted at \$7,618,993 (instructional \$7,053,234, non-instructional \$358,759, maintenance \$150,000, \$57,000 Performing Arts Center), nonprofit donations budgeted at FY2020 levels (General Fund nonprofit grants \$50K, the Ride \$25K, SAFV \$50K, SEDA \$63K, Sitka Historical Society \$97.2K), for discussion include Community Affairs position in FY2021 budget with a shift in the job description to be focused on grants, \$520K from the General Fund to Public Infrastructure Sinking Fund, Electric Fund budget developed assuming a 2% minimal inflationary increase and elimination of vacant system engineer position, Water Fund budget developed with a 2% minimal inflationary increase, Wastewater Fund budget developed with a 2% minimal inflationary increase, Solid Waste budget developed with a 5.5% increase, and Harbor Fund budget developed with a 3% increase to moorage rates. Haley noted the impact of rate increases to the average utility bill would be approximately \$8.88 per month. She added that the permanent moorage cost for a 40ft vessel would raise \$13.93 per quarter for a total of \$472.22.

**C      20-017                      Review working capital balances in all funds**

Controller Melissa Haley reviewed undesignated and committed working capital amounts by fund. She noted at the end of each fiscal year a review was conducted by each department to determine those capital projects that no longer needed to be committed and thus closed out.

**D      20-018                      Review debt structure in all funds including Electric Fund bonds**

Controller Melissa Haley reviewed the debt totals of the General Fund and major Enterprise Funds: General Fund storm sewers/internal loans (IT projects) \$402,100; Solid Waste \$1,157,975; Water \$6,807,164; Wastewater \$8,114,373; Harbors \$11,414,666; General Fund - Schools \$15,085,000; and Electric \$119,860,182. She explained the overall debt levels in the last five years had decreased. An increase from FY2018 to FY2019 occurred with the bonding for harbors and the airport. An increase was also likely with the use of loans for the critical secondary water and wastewater treatment plant rehabilitation projects. She noted while debt levels wouldn't be growing they wouldn't be decreasing at the same rates. Wein expressed concern over the amount of total debt and the ramifications for Sitkans.

Haley reviewed the Electric Fund bonded debt through Alaska Municipal Bond Bank, outlined series of bonding, interest rates, and when bonds were callable. She noted the City received subsidies from the IRS for some of the 2010 series with higher interest rates thereby reducing the effective interest rate being paid. Assembly members wondered if USDA loans could be used for refinancing. Jay Sweeney, Chief Finance and Administrative Officer, explained that agency funds could not be used for defeasance per government regulations.



**E      20-019                      Review estimated revenue projections for FY21 - all funds**

Controller Haley reviewed preliminary budgeted revenue numbers for the General Fund, Electric Fund, Water Fund, Wastewater Fund, Solid Waste Fund, and Harbors. Interim Administrator Hugh Bevan explained the revenues were estimated on proposed rate increases and known revenue - e.g. fish tax.

**F      20-020                      Discussion / Direction on new proposals to be included in FY21 budget**

Controller Melissa Haley and Interim Administrator Hugh Bevan discussed new proposals for the FY2021 budget.

No formal action was taken, however, consensus of the Assembly was to include funding for: additional training for the Planning Director, homeless coalition, long-range infrastructure/financial plans, remove the requirement for an Assistant Fire Chief from Sitka General Code, Assistant Controller-succession planning and GASB 87 implementation (for FY2021 only), debt service for USDA rural development loan for phase one of Green Lake power plant renovation, and hauling of derelict boats due to closure of Halibut Point Marine. Consensus of the Assembly was not to fill the vacant System Engineer position in the Electric Department and not provide medivac insurance for employees after one year of employment.

Unresolved decision points to be addressed at a future meeting: the Community Affairs Director position, signing bonuses for police officers, not filling a vacant Engineer position in Public works, and implementation of a new Building Maintenance Fund allocation model to stop the fund balance from shrinking.

**VII.    PERSONS TO BE HEARD:**

None.

**VIII.   EXECUTIVE SESSION**

None.

**IX.     ADJOURNMENT**

A motion was made by Christianson to ADJOURN. Hearing no objections, the meeting ADJOURNED at 9:06 p.m.

ATTEST: \_\_\_\_\_  
Sara Peterson, MMC  
Municipal Clerk



# CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS  
330 Harbor Drive  
Sitka, AK  
(907)747-1811

## Minutes - Draft

### City and Borough Assembly

*Mayor Gary Paxton  
Deputy Mayor Steven Eisenbeisz,  
Vice Deputy Mayor Kevin Mosher,  
Kevin Knox, Dr. Richard Wein, Valorie Nelson, Thor Christianson*

*Interim Municipal Administrator: Hugh Bevan  
Municipal Attorney: Brian Hanson  
Municipal Clerk: Sara Peterson*

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Tuesday, January 28, 2020

6:00 PM

Assembly Chambers

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#### WORK SESSION 5:00 P.M.

**20-021** Work Session: FY19 Comprehensive Annual Financial Report / Audit

Auditor Joy Merriner reviewed the financial reporting process overview, audit results, and financial statement trends.

#### REGULAR MEETING

#### I. CALL TO ORDER

#### II. FLAG SALUTE

#### III. ROLL CALL

**Present:** 6 - Christianson, Knox, Wein, Paxton, Mosher, and Nelson

**Absent:** 1 - Eisenbeisz

#### IV. CORRESPONDENCE/AGENDA CHANGES

Mayor Paxton announced item M had been pulled from the agenda.

**20-031** Reminders, Calendars, and General Correspondence

#### V. CEREMONIAL MATTERS

None.

**VI. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Municipal Departments, School District, Students and Guests (five minute time limit)**

School Board Vice President Amy Morrison informed the Assembly of the strategic planning process, thanked the City street crews for plowing, and stated the two make up days for recent snow days were April 24 and May 22.

**VII. PERSONS TO BE HEARD**

Maegan Bosak, SEARHC Director of Marketing and Communication, provided an update on Sitka's Integrated Health Care team. She spoke to recent staffing changes, announced Sitka Long Term Care was recently honored by the American Health Care Association and National Center for Assisted Living, and invited folks to attend ROAR the annual Reclaim Own and Renew Women's Conference in Juneau.

Interim Administrator Hugh Bevan introduced the new City Assessor, Larry Reeder.

**VIII. REPORTS**

**a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other**

Interim Administrator - Bevan stated a candidate for Utility Director had been interviewed and a candidate for Library Director was to be interviewed January 31. He said a change order for the Crescent Harbor project may be warranted due to recently discovered net shed repairs.

Liaison Representatives - Nelson reported on the recent Police and Fire Commission meeting, Wein on the Tree and Landscape Committee meeting, Christianson on his attendance at the Tribal Council meeting, and Mosher reported on the Planning Commission meeting.

Clerk - Peterson reviewed upcoming meeting dates.

Other - Nelson requested the Interim Administrator contact SEARHC and request they provide an update in the near future on the hospital transition and new facility plans.

**IX. CONSENT AGENDA**

**A motion was made by Nelson that the Consent Agenda consisting of items A, B, & C be APPROVED. The motion PASSED by the following vote.**

**Yes:** 6 - Christianson, Knox, Wein, Paxton, Mosher, and Nelson

**Absent:** 1 - Eisenbeisz

**A 20-022 Approve the minutes of the January 14 Assembly meeting**

**This item was APPROVED ON THE CONSENT AGENDA.**

**B 20-023 Approve a liquor license renewal application for Talon Charters, Inc. dba Talon Lodge at Apple Island**

This item was APPROVED ON THE CONSENT AGENDA.

- C 20-024** Approve a liquor license renewal application for JL Sitka, Inc. dba Westmark Sitka Hotel at 330 Seward Street

This item was APPROVED ON THE CONSENT AGENDA.

**X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS**

- D 20-025** Reappoint Jere Christner to a three-year term on the Investment Committee

Wein thanked Christner for reapplying.

**A motion was made by Mosher that this Item be APPROVED. The motion PASSED by the following vote.**

**Yes:** 6 - Christianson, Knox, Wein, Paxton, Mosher, and Nelson

**Absent:** 1 - Eisenbeisz

- E 20-026** Appoint Sandra Fontaine to a three-year term on the Library Commission

Wein and Christianson thanked Fontaine for her willingness to serve.

**A motion was made by Mosher that this Item be APPROVED. The motion PASSED by the following vote.**

**Yes:** 6 - Christianson, Knox, Wein, Paxton, Mosher, and Nelson

**Absent:** 1 - Eisenbeisz

**XI. UNFINISHED BUSINESS:**

- F ORD 20-01** Making supplemental appropriations for Fiscal Year 2020 (Airport Entry Doors Replacement Project)

Knox spoke in support of the project, stated the airport was Sitka's gateway for many visitors coming to town, and stressed the need for properly functioning doors. Christianson agreed. Nelson, while adverse to spending the money, reiterated the need for doors that functioned. Wein spoke in opposition and reminded the doors were not currently included in the airport plan. Before supporting, he wished to see a better thought process in the door replacement and a plan for repurposing the doors.

**A motion was made by Mosher that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.**

**Yes:** 5 - Christianson, Knox, Paxton, Mosher, and Nelson

**No:** 1 - Wein

**Absent:** 1 - Eisenbeisz

- G 20-027** Approve the process to update the City and Borough of Sitka seal



Doug Osborne spoke in support of the public process to create a new City and Borough of Sitka seal. He noted the process would bring forth a pathway for learning, understanding, healing, and empathy.

Wein, while supportive, reminded this was an opportunity for Sitkans to reacquaint themselves with Sitka's history. Christianson expressed enthusiasm for the project, stated it would be neat to have the seal designed by a local, and reminded with a phased-in approach costs would be negligible. Nelson spoke to concerns of cost and rewriting history. Knox stated it was recognition of a history that was aggressive to a lot of people in Sitka and this project would help with reconciliation and healing.

**A motion was made by Knox that this Item be APPROVED. The motion PASSED by the following vote.**

**Yes:** 6 - Christianson, Knox, Wein, Paxton, Mosher, and Nelson

**Absent:** 1 - Eisenbeisz

## **XII. NEW BUSINESS:**

### **New Business First Reading**

- H ORD 20-02** Amending Title 6 "Business Licenses And Regulations", Title 19 "Building and Construction", and Title 22 "Zoning" of the Sitka General Code by modifying Chapter 6.12 "Mobile and Manufactured Homes and Mobile and Manufactured Home Parks", Chapter 19.09 "Residential Code", Chapter 22.08 "Definitions", Chapter 22.16 "District Regulations", Chapter 22.24 "Special Use Permits" and adding Sections 6.12.205 "Construction Requirements For Tiny Houses and Tiny Houses On Chassis", Section 22.08.798 "Tiny House", and Section 22.08.799 "Tiny Houses On Chassis"

Interim Administrator Hugh Bevan reminded in July 2019 the Assembly had adopted action plans one of which was to address tiny homes. Bevan recognized Project Manager Scott Brylinsky and Planning Director Amy Ainslie for their work.

Project Manager Scott Brylinsky noted that in addition to the tiny homes action plan, affordable housing was mentioned in the 2030 Comprehensive Plan and 2016 SEDA Strategic Plan. Brylinsky provided a brief overview of the ordinance and noted it accomplished three things: created a definition for tiny houses on permanent foundations and chassis, established safety requirements for tiny houses on permanent foundations and for tiny houses on chassis, and provided options for their placement in existing mobile/manufactured home parks and on individual lots. He stated there were four decision points for consideration: 1) adoption of Appendix Q (Tiny Houses - 2018 International Residential Code), 2) creation of legal status for tiny houses on chassis to be allowed in mobile/manufactured home parks, 3) allow tiny houses on permanent foundation in mobile/manufactured home parks, and, 4) conditionally allow a single tiny house on chassis to be placed in zones that allow single manufactured home on lot (R-1 MH, R-1 LDMH, R-2 MHP, C-2, WD).

Assembly members discussed various aspects of the ordinance, in particular, the definition of a chassis. Wein referenced an email sent to the Assembly from a citizen concerned that tiny houses on wheels shouldn't be allowed due to liability issues. Wein suggested the subject of tiny houses go back to the Planning Commission for

further work. Brylinsky said tiny homes on chassis were not addressed in Appendix Q of the 2018 International Residential Code (IRC), and further explained, the changes in the proposed ordinance were innovative in that they created a status for tiny homes on chassis. He added if the idea was to provide affordable housing options, but not to allow tiny homes on chassis, it was defeating the purpose of being able to use tiny homes the way people wanted to. Nelson wondered how one would decide if the tiny home was built to IRC standards if tiny homes weren't referenced in the IRC and wished to hear more from the citizen who had written the email. She believed much had been done to negate zoning laws in an attempt to have affordable housing. Building Official Pat Swedeen shared information regarding RV standards and stability of chassis. Consensus of the Assembly was for the item to come back at the next meeting.

**A motion was made by Christianson that this Ordinance be POSTPONED to the February 11 meeting. The motion PASSED by the following vote.**

**Yes:** 6 - Christianson, Knox, Wein, Paxton, Mosher, and Nelson

**Absent:** 1 - Eisenbeisz

- I      ORD 20-03**      Amending the official Sitka Zoning Map to rezone 4513, 4521, and 4533 Halibut Point Road from Industrial District (I) to General Commercial and Mobile Home District (C-2)

Chris McGraw stated the Old Sitka Dock facility area was planning to expand, in particular additional structures and shelters for various types of sales.

Speaking in support of the ordinance were Chuck Trierschield and Ben Hilberg.

Christianson stated his place of employment was across the road, it wasn't a case of spot zoning, and he was supportive. Nelson, a nearby property owner, spoke in support and reminded all of the property from Granite Creek Road out was zoned Commercial. Wein, while in support, stressed the need for visitors to visit downtown Sitka. Knox understanding concerns about drawing visitors away from the downtown area, offered a different perspective. He stated it could in fact bring more passengers to the downtown area, disperse people, and make their travel experience more enjoyable not having everyone packed in one centralized area.

**A motion was made by Knox that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.**

**Yes:** 6 - Christianson, Knox, Wein, Paxton, Mosher, and Nelson

**Absent:** 1 - Eisenbeisz

#### **Additional New Business Items**

- J      RES 20-01**      Authorizing a \$535,210 grant application to the Department of Homeland Security and Emergency Management (DHS & EM)

Interim Administrator Hugh Bevan commented this was a non matching grant and it would allow the City to project communications into the back of Katlian Bay which would be a more heavily traveled area when road construction to the bay area was completed. Christianson spoke to the need for the upgrade and voiced support. Wein wondered if the improved communications was guaranteed. Chief of Police Robert Baty stated there would be improved communications and this was a great opportunity to



upgrade.

**A motion was made by Mosher that this Resolution be APPROVED on FIRST AND FINAL READING. The motion PASSED by the following vote.**

**Yes:** 6 - Christianson, Knox, Wein, Paxton, Mosher, and Nelson

**Absent:** 1 - Eisenbeisz

**K 20-028**

**Approve a Water Delivery Agreement between the City and Borough of Sitka and Northern Southeast Regional Aquaculture Association**

Interim Administrator Hugh Bevan explained the City and the Northern Southeast Regional Aquaculture Association (NSRAA) had been trying to reach an agreement for several years to increase their water opportunities to expand the hatchery and develop a Chinook program. With the work of many, an agreement had been reached. Scott Wagner, NSRAA Operations/General Manager, noted there would be benefits to the City, fisherman, and the Gary Paxton Industrial Park; reminded the agreement did not affect rate payers as surplus water would be used; pumping costs would be paid by NSRAA; the agreement was for a 10 year term; some of the maintenance operations (e.g. afterbay pumps) would be shifted to NSRAA; the additional infrastructure needed would be funded by NSRAA.

Eric Jordan spoke in support of the agreement and thanked those involved for reaching an agreement.

Wein thanked Bevan for his leadership in helping both parties reach resolution. Noting a fiduciary responsibility, Wein wondered if NSRAA should receive a water charge. Knox reminded of the capital investment NSRAA would be making which would not be insignificant.

**A motion was made by Knox that this Item be APPROVED. The motion PASSED by the following vote.**

**Yes:** 6 - Christianson, Knox, Wein, Paxton, Mosher, and Nelson

**Absent:** 1 - Eisenbeisz

**L 20-029**

**Approve a salary increase for the Library Director position from range 30F to range 35A**

Joanna Persenovich, Acting Library Director, stated in the last five years there had been four Library Directors, spoke to the role of the Director and support for the increase. In addition, Library Commission members Darryl Rehkopf and Stephen Morse spoke in support of a salary increase.

Assembly members Wein, Christianson, and Mosher expressed support and the need for appropriate compensation. Nelson spoke in opposition citing there were no community salary comparisons (e.g. Ketchikan, Petersburg), said she'd rather address the issue during the budget process, and reminded that the high cost of living was driving people to leave.

**A motion was made by Christianson that this Item be APPROVED. The motion PASSED by the following vote.**

**Yes:** 5 - Christianson, Knox, Wein, Paxton, and Mosher

**No:** 1 - Nelson

Absent: 1 - Eisenbeisz

**XIII. PERSONS TO BE HEARD:**

None.

**XIV. EXECUTIVE SESSION**

**M 20-030**      ~~Legal/Confidential—Sitka Police Department personnel matters—~~ PULLED

Item M was pulled. No action was taken.

**XV. ADJOURNMENT**

A motion was made Christianson to ADJOURN. Hearing no objections, the meeting ADJOURNED at 7:50 p.m.

ATTEST:

\_\_\_\_\_  
Sara Peterson, MMC  
Municipal Clerk





# CITY AND BOROUGH OF SITKA

## Legislation Details

File #: ORD 20-03    Version: 1    Name:

Type: Ordinance    Status: AGENDA READY

File created: 1/22/2020    In control: City and Borough Assembly

On agenda: 2/11/2020    Final action:

Title: Amending the official Sitka Zoning Map to rezone 4513, 4521, and 4533 Halibut Point Road from Industrial District (I) to General Commercial and Mobile Home District (C-2)

Sponsors:

Indexes:

Code sections:

Attachments: [Motion Ord 2020-03](#)  
[Memo Ord 20-03](#)  
[Ord 20-03](#)  
[Appendix A - Zoning Map](#)  
[ZA 20-01 Planning Commission Materials](#)  
[Written Public Comment](#)

Date	Ver.	Action By	Action	Result
1/28/2020	1	City and Borough Assembly		

## **POSSIBLE MOTION**

**I MOVE TO** approve Ordinance 2020-03 on second and final reading amending the official Sitka Zoning Map to rezone 4513, 4521, and 4533 Halibut Point Road from Industrial District (I) to General Commercial and Mobile Home District (C2).



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

## Memorandum

**To:** Mayor Paxton and Members of the Assembly  
**From:** Amy Ainslie, Director, Planning and Community Development  
**Thru:** Hugh Bevan, Interim Municipal Administrator *HB*  
**Subject:** Zoning Map Amendment at 4513, 4521, and 4533 Halibut Point Road  
**Date:** January 17, 2020

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The request is for a Zoning Map Amendment to rezone 4513, 4521, and 4533 Halibut Point Road from Industrial Zoning to C-2 general commercial and mobile home district zoning. The owners of record for this property are Halibut Point Marine Services, LLC and Charles McGraw. This rezoning request was filed by Chris McGraw and Charles McGraw. The legal descriptions for the properties are as follows: Lot A, HPM Subdivision, Lot 55, U.S. Survey 3475, and a portion of Lot Fifty-one (51), U.S. Survey 3475.

The intent of the C-2 general commercial and mobile home zoning district as stated in SGC 22.16.080 is *"the general commercial district is intended to be served by major essential utilities and to include those areas which are heavily dependent upon vehicular access. The district is intended for those areas surrounding major intersections where personal services, convenience goods, and auto-related service facilities are desirable and appropriate land uses. The extension of the general commercial district along the roads in a strip fashion is to be discouraged. All provisions of the C-1 district apply in the C-2 district, except that permitted uses also include manufactured homes on single lots and manufactured home parks."* If rezoning is successful, the applicant intends to expand services and facilities needed for the increase in forecasted cruise ship visitors. These amenities include a restaurant, a brewery/taproom, tour sales space, and staging areas.

The properties in question border C-2 zoning on the south side of the lots, therefore the rezoning action will not result in spot zoning. Further, the existing uses on the lot under its current Industrial zoning that include a commercial use dock, passenger staging areas, and marine/fuel services, are all uses that would also be allowed under C-2 zoning.

The Planning Commission held a public hearing and consideration on this item on January 15, 2020. The Commission voted 5-0 to recommend approval of the rezoning. A copy of the staff report and the applicant documents are provided for the Assembly's review.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2020-03

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING THE OFFICIAL  
SITKA ZONING MAP TO REZONE 4513, 4521, AND 4533 HALIBUT POINT ROAD FROM  
INDUSTRIAL DISTRICT (I) TO GENERAL COMMERCIAL AND MOBILE HOME DISTRICT  
(C-2)**

**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 rezone 4513, 4521, and 4533 Halibut Point Road from Industrial District to General Commercial and Mobile Home District. The properties are also known as Lot A, HPM Subdivision, Lot 55, U.S. Survey 3475, and a portion of Lot Fifty-one (51), U.S. Survey 3475. The boundaries of the zoning change shall be to the property lines where abutting other defined properties, the centerline of adjacent rights-of-way, and extending seaward to abutting tidelands. The zoning is consistent with the goals and policies of the 2030 Sitka Comprehensive Plan, specifically Economic Development Action ED 6.5.

**4. ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the official zoning map is amended to rezone 4513, 4521, and 4533 Halibut Point Road from Industrial District to General Commercial and Mobile Home District.

Appendix A is attached showcasing zoning map amendment.

**5. 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 11<sup>th</sup> day of February, 2020.

\_\_\_\_\_  
Gary L. Paxton, Mayor

ATTEST:

\_\_\_\_\_  
Sara Peterson, MMC  
Municipal Clerk

1st reading 1/28/2020

2nd reading 2/11/2020

Sponsor: Interim Administrator





# Appendix A



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## **Planning and Community Development Department**

Case No: ZA 20-01  
Proposal: Zoning Map Amendment: Industrial to C-2  
Applicant: Chris McGraw and Charles McGraw  
Owner: Halibut Point Marine Services, LLC and Charles McGraw  
Location: 4513, 4521, and 4533 Halibut Point Road  
Legal Desc.: Lot A, HPM Subdivision, Lot 55, U.S. Survey 3475, and a portion of Lot Fifty-one (51), U.S. Survey 3475  
Zone: Industrial zoning district  
Size: 4513 HPR: 100,789 sf  
4521 HPR: 49,149  
4533 HPR: 27,294  
Parcel ID: 4513 HPR: 2-5860-000  
4521 HPR: 2-5870-000  
4533 HPR: 2-5852-000  
Existing Use: Commercial deep-water dock, visitor staging, fuel & marine services  
Adjacent Use: Commercial, residential, quarrying, private marina  
Utilities: Halibut Point Road  
Access: Halibut Point Road

## **KEY POINTS AND CONCERNS:**

- Lots have been historically zoned as Industrial
- Property borders C-2 zoning district to the south on the waterfront side of Halibut Point Road and properties across Halibut Point Road
- Current use of property including commercial dock, boat storage, and fuel dealers are also permitted uses in C-2 zoning.
- New proposed uses for property include brewery, food service, and expanded retail. General retail and eating/drinking places are allowed by right in the C-2 zone. Breweries and wineries are conditional uses in the C-2 zone.
- Given the use of the dock and shore facilities for cruise ship passengers, as well as the scarcity of Industrial land, there may be community interest in changing allowable uses of the property.

## **ATTACHMENTS**

Attachment A: Aerial  
Attachment B: Zoning Map  
Attachment C: Sitka Industrial Zones  
Attachment D: Photos  
Attachment E: Applicant Materials



## **PROJECT DESCRIPTION**

The applicants are requesting a zoning map amendment from Industrial zoning to C-2 commercial zoning for their lots at 4513, 4521, and 4533 Halibut Point Road.

No public comments have been received at the time of writing this staff report.

In deliberations, commissioners need to keep in mind all C-2 permitted uses as the owner(s) could sell, and the current (or proposed) uses could change. Further, this location houses cruise ship infrastructure; there may be community-wide impacts for changes in use at this location. Relevant consideration also includes the limited Industrial zones in town; a map of all Industrial zones is attached.

## **BACKGROUND**

The lots have been zoned Industrial historically. This is a cluster of 3 lots within an Industrial zone which borders a C-2 zone. Adjacent industrial uses include shipping and storage for Alaska Marine Lines, as well as a rock quarry across the street. Given the broad allowable uses of the C-2 zone, surrounding uses in the neighboring C-2 zone include single-family residential, multifamily residential, commercial storage/warehousing, food manufacturing, and a tannery.

The applicant is motivated to pursue this zone change because they would like expand infrastructure and services to cruise ship passengers (whose numbers are forecasted to grow substantially in the coming years). Proposed development of the area includes more covered space, restrooms, tour departure staging, a restaurant, a brewery and taproom, and retail services. The applicant has included a narrative in their application to more fully outline their proposed use of the property if the zoning map amendment is successful.

Descriptions of each zoning district:

SGC 22.16.110 – I industrial district.

- A. *Intent. The industrial district is intended for industrial or heavier commercial uses including warehousing, wholesale, and distribution operations, manufacturing, natural resource extraction, contractors' yards and other such uses that require larger property or larger water and sewer services.*

SGC 22.16.080 – C-1 general commercial district or C-2 general commercial mobile home district.

- A. *Intent. The general commercial district is intended to be served by major essential utilities and to include those areas which are heavily dependent on vehicular access. The district is intended for those areas surrounding major intersections where personal services, convenience goods, and auto-related service facilities are desirable and appropriate land uses. The extension of the general commercial district long the roads in a strip fashion is to be discouraged.*
- B. *All provisions of the C-1 district apply in the C-2 district, except that permitted uses also include manufactured homes on single lots and manufactured home parks.*



## **ANALYSIS**

**Project / Site:** Main lots to be rezoned are 100,789 square feet (4513 HPR) and 49,149 square feet (4521 HPR). Lots currently have open space for parking and storage, and the haul out space/equipment/infrastructure. Towards the road on 4513 HPR, there is an approximately 5,000 square foot passenger terminal currently used for passenger staging.

Proposed usages if the ZMA is successful include new buildings for a restaurant, restrooms, a brewery and taproom, tour sales, staging, and retail. The property owners have made public their plans to no longer operate a boat haul out at this location.

**Traffic:** Staff anticipates that this ZMA would ultimately create additional traffic to the parcels as compared to what is currently happening; more traffic should be expected in commercial zones. Halibut Point Road is a major arterial highway that can be expected to carry high traffic loads. Further, if cruise ship passenger numbers are to increase, much of the increased traffic over the next five years will occur regardless of this ZMA.

**Parking:** The lots all have adequate space to accommodate off street parking as may be required for future uses.

**Noise:** Industrial use generally generates more noise than general commercial. Increased noise disturbance may occur with increased cruise passengers regardless of zoning change. Would be generally limited to day/business hours on a seasonal basis.

**Public Health or Safety:** No impacts to public health or safety anticipated.

**Habitat:** No concerns for habitat.

**Property Value or Neighborhood Harmony:** Industrial property is generally valued higher as there are fewer usage restrictions. However, the value of added allowable uses involving the sales of goods and services may be higher. The expansion of cruise passengers and facilities is an economic gain for Sitka. Concentration of visitors in the area may detract from neighborhood harmony, particularly for residential neighbors. However, this should be measured as an incremental impact, as the existing infrastructure and allowable uses under current Industrial zoning will already bring visitor traffic to the area.

**Comprehensive Plan:** The proposal directly correlates to ED 6.5: *Support growth of Sitka's independent cruise related and heritage tourism work and enterprises* by expanding cruise ship related facilities and services. However, the proposal could contribute to issues identified in LU 6.2: *Prevent future incompatible land use between residential, light commercial, heavy commercial, and industrial uses* as the C-2 zoning has already contributed to (what some may consider) non-complementary uses in the area; the mix of residential, commercial, and industrial uses within a condensed area. Whether or not this zoning change would alleviate, or exacerbate, incompatible land use is likely dependent on the overall view of the neighborhood and the community.

## **STAFF RECOMMENDATION/CONCLUSION**

From a zoning code perspective, the request avoids two major zoning conflicts. First, the request does not result in spot zoning. There is adjacent C-2 zoning; this ZMA would extend the C-2 zone. Secondly, the current infrastructure and uses of the lot are compatible and consistent with C-2 district regulations. Therefore, from a code administration standpoint, staff recommends approval.

There are two community-driven, policy considerations to be made; the presence of a cruise ship dock on the property, and the scarcity of Industrial land in Sitka. The cruise ship dock operation is an important driver of the tourism industry and serves as a gateway of visitors into the community. The surrounding uses, facilities, and services of the area will influence the visitor dispersion throughout town.

Industrial zoned land in Sitka is scarce; maps of the Industrial land are provided in the packet. The Commission should consider the ramifications of removing these properties from the “inventory” of Industrial land. There may be opportunities to open more industrial land; however, Industrial land can be difficult to establish as it is generally the highest impact use.

The goal of the Planning Department is to “facilitate citizen directed, community growth.” The community-driven, policy questions this ZMA raises must be heard by, commented on, and ultimately decided by the community. Staff maintains a neutral position on these issues.

## **RECOMMENDED MOTIONS**

- 1) **“I move to recommend approval of the zoning map amendment to rezone 4513, 4521, and 4533 Halibut Point Road from the Industrial district to the C-2 general commercial and mobile home district. The properties are also known as Lot A, HPM Subdivision, Lot 55, U.S. Survey 3475, and a portion of Lot Fifty-one (51), U.S. Survey 3475. The request is filed by Chris McGraw and Charles McGraw. The owners of record are Halibut Marine Services, LLC and Charles McGraw.”**
- 2) **“I move to adopt the findings as listed in the staff report.”**

The commission finds that:

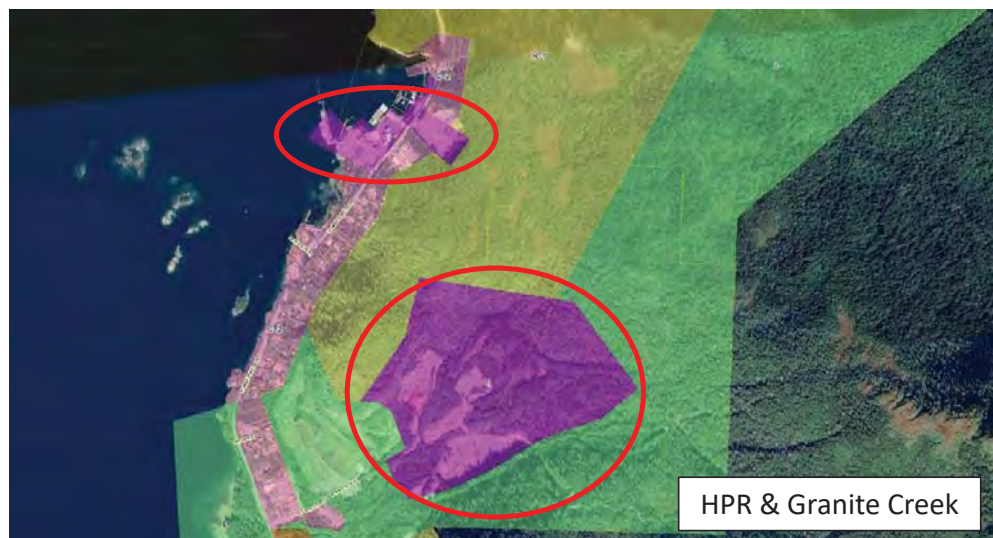
- a. The zoning map amendment does not negatively impact the public health, safety, and welfare,
- b. The zoning map amendment has followed all code regarding amending the official zoning map with regards to public process;
- c. The zoning map amendment will not result in adverse effects on surrounding neighbors.
- d. The zoning map change is consistent with the public purpose of increasing commercial opportunities.
- e. The zoning map amendment comports with the Comprehensive Plan by aligning with goal ED 6.5: *Support growth of Sitka’s independent cruise related and heritage tourism work and enterprises.*







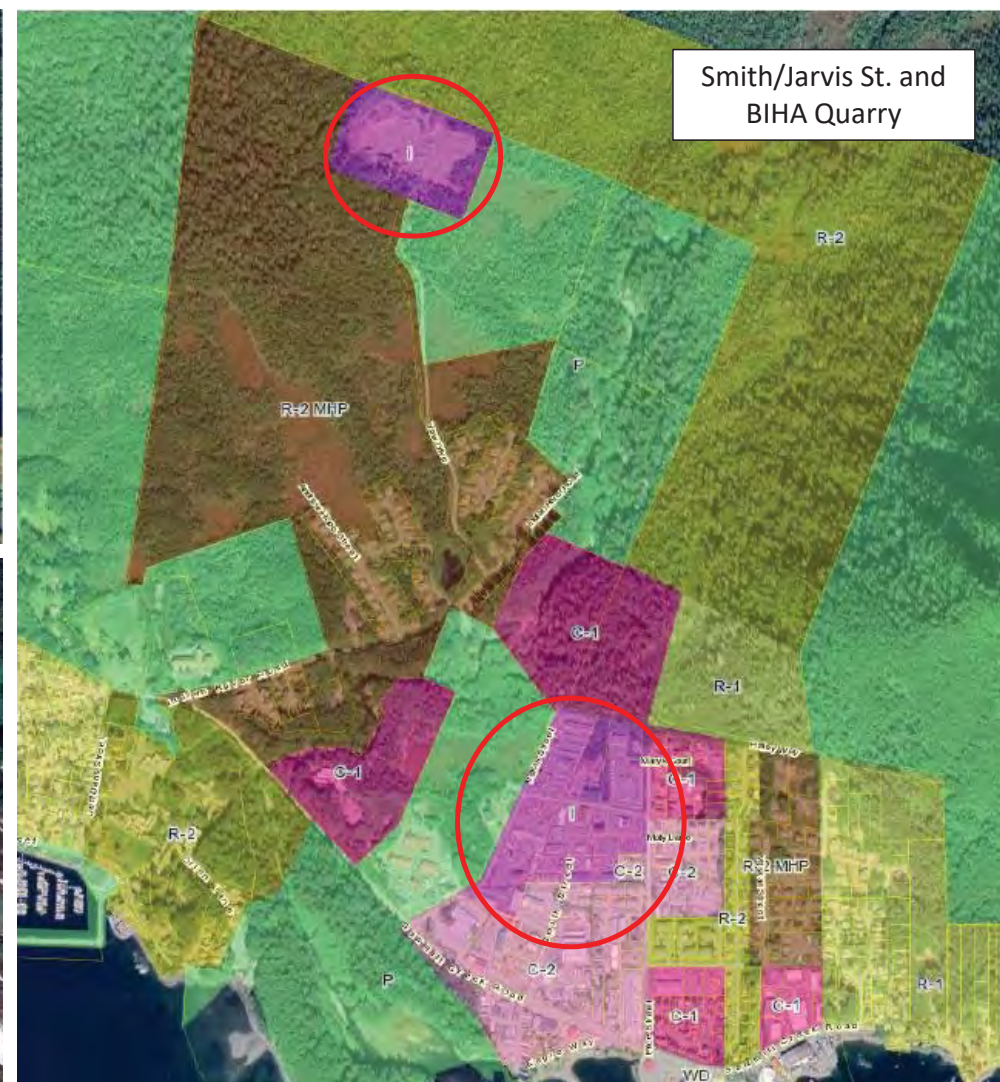




HPR & Granite Creek



GPIP & Blue Lake



Smith/Jarvis St. and  
BIHA Quarry











**Need/Hardship/Justification:**

Cruise passenger traffic at the Halibut Point Cruise terminal has increased from approximately 15,000 passengers in 2013 to an estimated 300,000+ in the coming years. This growth has resulted in a change in focus for the facility from a multi-use site that included both industrial and commercial activities to a site that host primarily commercial related activities. In addition, this increase will result in the need for additional structures to be constructed to allow for more covered space including restrooms, tour departure staging, and expansion of the existing temporary restaurant into a fixed building to accommodate the additional passenger demand. A fixed structure for food and beverage is not a permitted use in the Industrial Zone. The change to C-2 will allow for the construction and operation of the expanded restaurant. In addition, Baranof Investments which is the company that is taking over Baranof Island Brewing is wanting to have a tap room at the cruise terminal to allow for increased sales and support the year-round operation of a local brewery.

**Public Benefit of Proposal**

Cruise ships worldwide and in Alaska are getting larger. Ports are needing to upgrade their infrastructure in order to be able to accommodate these ships. Juneau, Icy Strait Point, Ketchikan, and Skagway have all either upgraded their facilities or are in the process of doing so. In order for Sitka to remaining competitive and be a viable port for new ship deployments, Halibut Point is expanding its dock facilities next winter. This upgraded dock facility will allow for larger number of passengers to visit Sitka. With the increased dock infrastructure, Halibut Point needs to improve its uplands infrastructure to accommodate the additional number of passengers to ensure that the passengers have a pleasurable experience and that they can efficiency be dispatched on to tours, and on the shuttle to downtown Sitka.

The increase in cruise visitors will have a direct impact on local sales. Cruise passengers purchase retails goods, tours, eat at local restaurants, and visit local historical sites and attractions. These purchases add money to the local economy and directly increase sales tax revenues to the City and Borough of Sitka which effect every Sitkan by providing additional funding for local services, schools, road maintenance, and facilities.

**Consistency with Comprehensive Plan**

ED 6.5 of the comprehensive plan is an Economic Development Action to “Support growth of Sitka’s independent, cruise-related, and heritage tourism work and enterprises.

Changing the zoning of these lots from I to C-2 allows for the expansion of the Halibut Point Cruise Terminal to allow the facility to accommodate additional cruise traffic. The only way Sitka is going to grow its cruise related traffic is through increasing the ships that visit Sitka. In order to attract additional ships to Sitka, we need to have adequate facilities that can accommodate the new ships and compete with new facilities that are being constructed in other ports in Alaska.

By growing cruise traffic, it will also help to grow both the independent and heritage tourism enterprises. Increased number of cruise visitors will directly increase the number of visitors that heritage-based tourism business host. In addition, studies have shown that a percentage of cruise passengers that visit a port come back to that port in later years as independent travelers. Therefore, by increasing the number of cruise visits to Sitka, it helps to grow the independent traveler market for the future.



# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

- Applications must be deemed complete at least **TWENTY-ONE (21)** days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

### APPLICATION FOR:

☐

VARIANCE

☐

CONDITIONAL USE

☒

ZONING AMENDMENT

☐

PLAT/SUBDIVISION

**BRIEF DESCRIPTION OF REQUEST:** Rezone Lot A HPM Subdivision and Lot 55 US Survey 3475 and Prn Lot 51 US Survey 3475 to C-2 Zoning District from I Zoning District

### PROPERTY INFORMATION:

CURRENT ZONING: Industrial PROPOSED ZONING (if applicable): C-2  
Boat Yard, Freight Yard, Cruise Ship Port  
CURRENT LAND USE(S): PROPOSED LAND USES (if changing): Cruise Ship Port

### APPLICANT INFORMATION:

PROPERTY OWNER: Halibut Point Marine Services LLC  
PROPERTY OWNER ADDRESS: P.O. Box 718 Sitka, AK 99835  
STREET ADDRESS OF PROPERTY: 4513 Halibut Point Road  
APPLICANT'S NAME: Halibut Point Marine Services LLC  
MAILING ADDRESS: P.O. Box 718 Sitka, AK 99835  
EMAIL ADDRESS: chris@halibutpointmarine.com DAYTIME PHONE: 907-738-9011

### PROPERTY LEGAL DESCRIPTION:

TAX ID: 2586000, 2587000, 25852000 LOT: A, 55, Prn 51 BLOCK: TRACT:  
SUBDIVISION: HPM US SURVEY: 3475

McGraw

12-24-19

4513 Halibut Point

Last Name

Date Submitted

Project Address

## REQUIRED INFORMATION:

### For All Applications:

- ☒ Completed General Application form
- ☒ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☒ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☒ Floor Plan for all structures and showing use of those structures
- ☒ Copy of Deed (find in purchase documents or at Alaska Recorder's Office website)
- ☒ Copy of current plat (find in purchase documents or at Alaska Recorder's Office website)
- ☒ Site photos showing all angles of structures, property lines, street access, and parking – emailed to [planning@cityofsitka.org](mailto:planning@cityofsitka.org) or printed in color on 8.5" x 11" paper
- ☒ Proof of filing fee payment

### For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

### For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)

## CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

  
\_\_\_\_\_  
Owner

~~12-24-19~~ 12-27-19  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

\_\_\_\_\_  
Applicant (If different than owner)

\_\_\_\_\_  
Date

McGraw	12-24-19	4513 Halibut Point
_____ Last Name	_____ Date Submitted	_____ Project Address





## CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
SUPPLEMENTAL APPLICATION FORM  
ZONING AMENDMENT APPLICATION

APPLICATION FOR



ZONING MAP AMENDMENT



ZONING TEXT AMENDMENT

**ANALYSIS:** (Please address each item in regard to your proposal)

- NEED/HARDSHIP/JUSTIFICATION FOR PROPOSAL: See Attached
- PUBLIC BENEFIT OF PROPOSAL: See Attached
- CONSISTENCY WITH COMPREHENSIVE PLAN (Cite Section and Explain): ED 6.5  
See Attached Explanation
- CONSISTENCY WITH PHYSICAL BOUNDARIES (Streets, Major Creeks, etc.):  
NA- Change will be consistent adjacent zoning.
- DOES NOT RESULT IN SPOT ZONING BECAUSE: All adjacent property other than the parcel to the north is zoned C-2 .
- PUBLIC HEALTH, SAFETY, AND WELFARE: A zoning change from I to C-2 does not result in increased noise or traffic to the site and does not effect public health, safety or welfare.

Applicant

12-27-19

Date

McGraw

Last Name

12-27-19

Date Submitted

4513 Halibut Point Road

Project Address

# CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND RECORDED HEREON AND THAT WE HEREBY ADMIT DOGS PLUM OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, VALLIES, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

1/9/2015 C.M. Shaw  
DATE: 1/9/2015 OWNER: C.M. Shaw

DATE: 1/9/2015 OWNER: C.M. Shaw

## NOTARY'S ACKNOWLEDGMENT

US OF AMERICA  
STATE OF ALASKA  
CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 9th DAY OF JANUARY 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SOLEMNLY PERSONALLY APPEARED  
for Halibut Point Marine Services LLC.

TO ME KNOWN TO BE THE IDENTICAL DISGUISED PERSONS WHO EXECUTED THE VISION PLAT AND, I ACKNOWLEDGED TO ME THAT I, I, SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARY SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

MY COMMISSION EXPIRES 9/1/2016  
Melissa Henshaw  
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

## CERTIFICATE OF PAYMENT OF TAXES (STATE OF ALASKA) (FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CHARGED ON THE TAX RECORDS IN THE NAME OF Halibut Point Marine Services LLC.

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LAND AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL THAT CURRENT TAXES FOR THE YEAR 2014, WILL BE DUE ON OR BEFORE 2/15/2015.

DATED THIS 10th DAY OF JANUARY, AT SITKA, ALASKA  
Cathy Miller  
ASSESSOR, CITY AND BOROUGH OF SITKA

## CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 213-2015.

HEREBY HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDED, SITKA, ALASKA.  
1/8/2015  
Melissa Henshaw  
SECRETARY

## CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CHARGED ON THE RECORDS, IN THE NAME OF Halibut Point Marine Services LLC.

ALL OWNERS OF RECORD, AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.L.B.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 8th DAY OF JANUARY 2015, AT SITKA, ALASKA  
D. R. Sweeney  
FINANCE DIRECTOR  
CITY & BOROUGH OF SITKA

# CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY AS RECORDED ON MONITE WEEK PAGE 30.

AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDED, SITKA, ALASKA.  
1/15/2015  
Megan McConaughy  
DATE: 1/15/2015 NOTARY: Megan McConaughy

DATE: 1/15/2015 NOTARY: Megan McConaughy

## NOTARY'S ACKNOWLEDGMENT

US OF AMERICA  
STATE OF ALASKA  
CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 15th DAY OF JANUARY 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SOLEMNLY PERSONALLY APPEARED  
Sara Peterson, Acting  
for Halibut Point Marine Services LLC.

TO ME KNOWN TO BE THE IDENTICAL DISGUISED PERSONS WHO EXECUTED THE VISION PLAT AND, I ACKNOWLEDGED TO ME THAT I, I, SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARY SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

MY COMMISSION EXPIRES 9/1/2016  
Melissa Henshaw  
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

## CERTIFICATE OF PAYMENT OF TAXES (STATE OF ALASKA) (FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CHARGED ON THE TAX RECORDS IN THE NAME OF Halibut Point Marine Services LLC.

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LAND AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL THAT CURRENT TAXES FOR THE YEAR 2014, WILL BE DUE ON OR BEFORE 2/15/2015.

DATED THIS 10th DAY OF JANUARY, AT SITKA, ALASKA  
Cathy Miller  
ASSESSOR, CITY AND BOROUGH OF SITKA

## CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 213-2015.

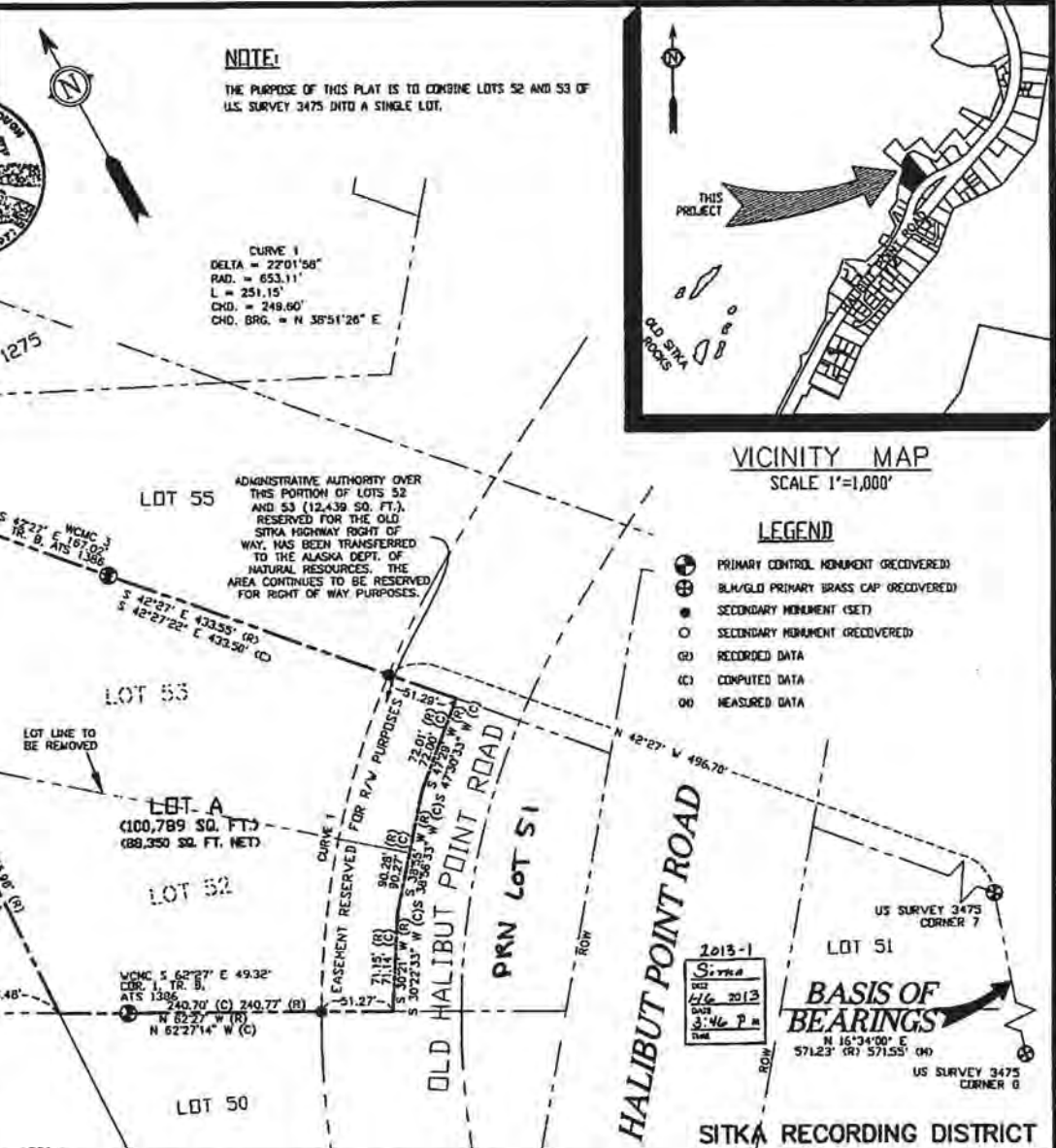
HEREBY HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDED, SITKA, ALASKA.  
1/8/2015  
Melissa Henshaw  
SECRETARY

## CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CHARGED ON THE RECORDS, IN THE NAME OF Halibut Point Marine Services LLC.

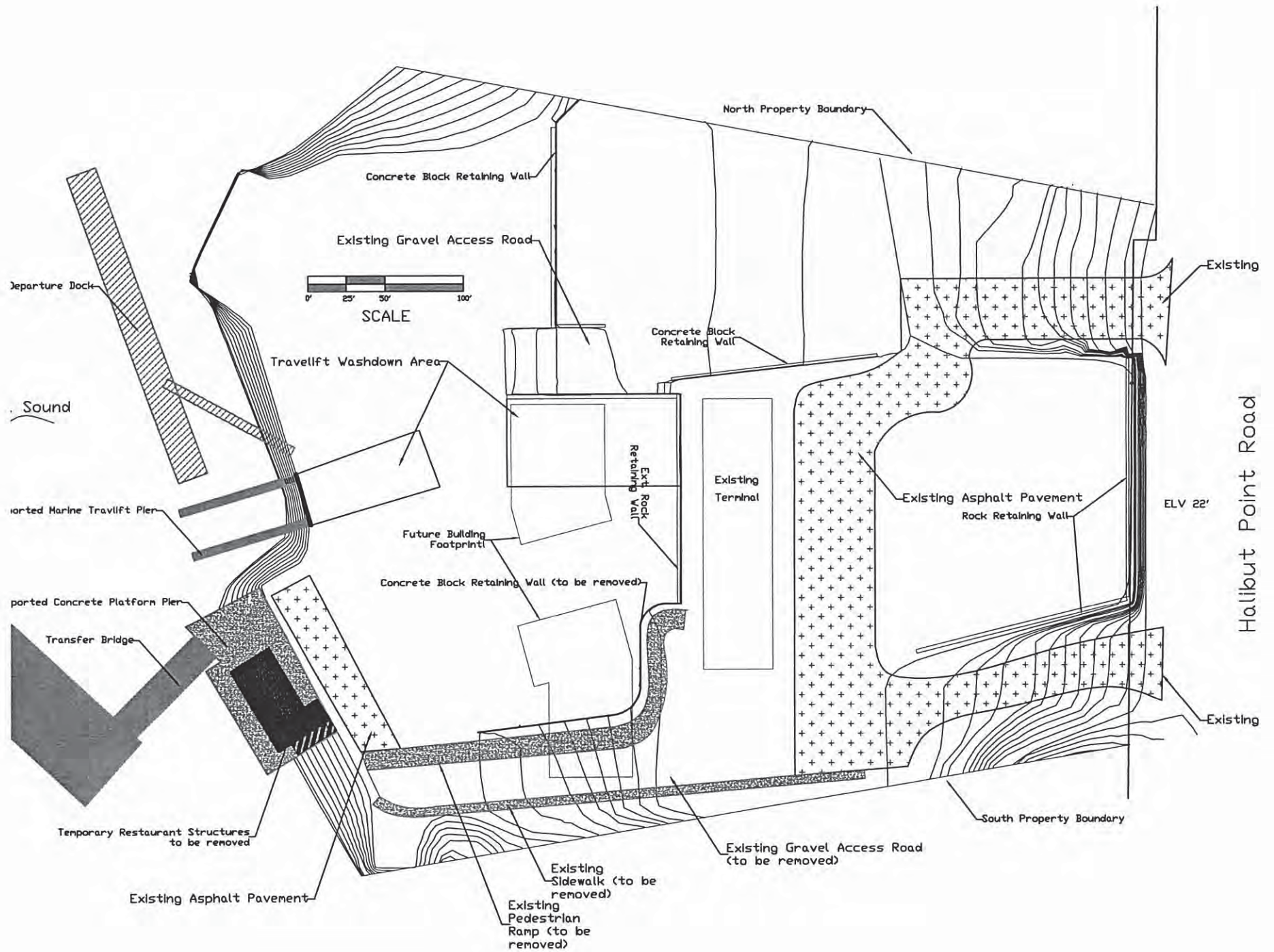
ALL OWNERS OF RECORD, AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.L.B.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

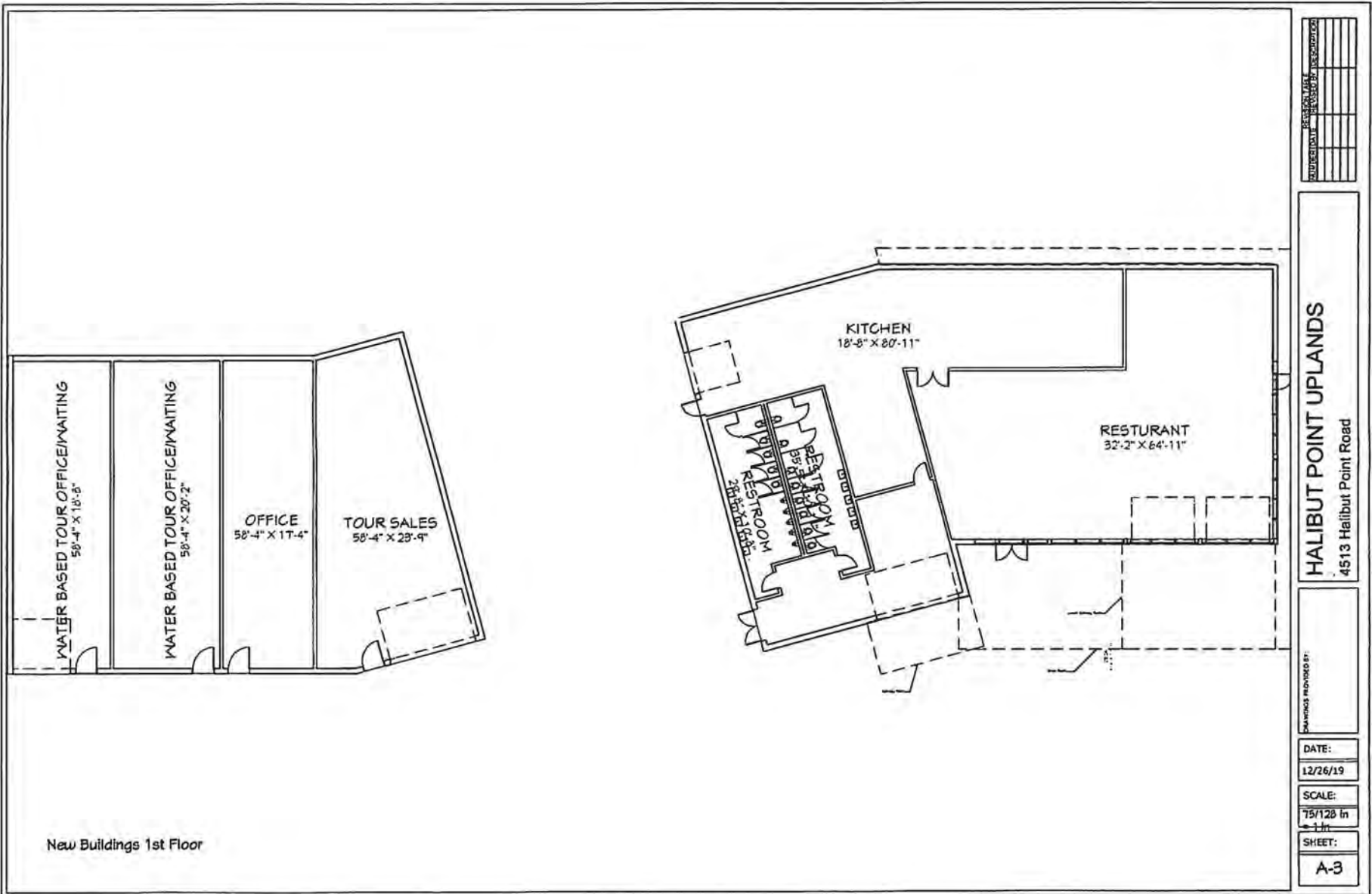
DATED THIS 8th DAY OF JANUARY 2015, AT SITKA, ALASKA  
D. R. Sweeney  
FINANCE DIRECTOR  
CITY & BOROUGH OF SITKA

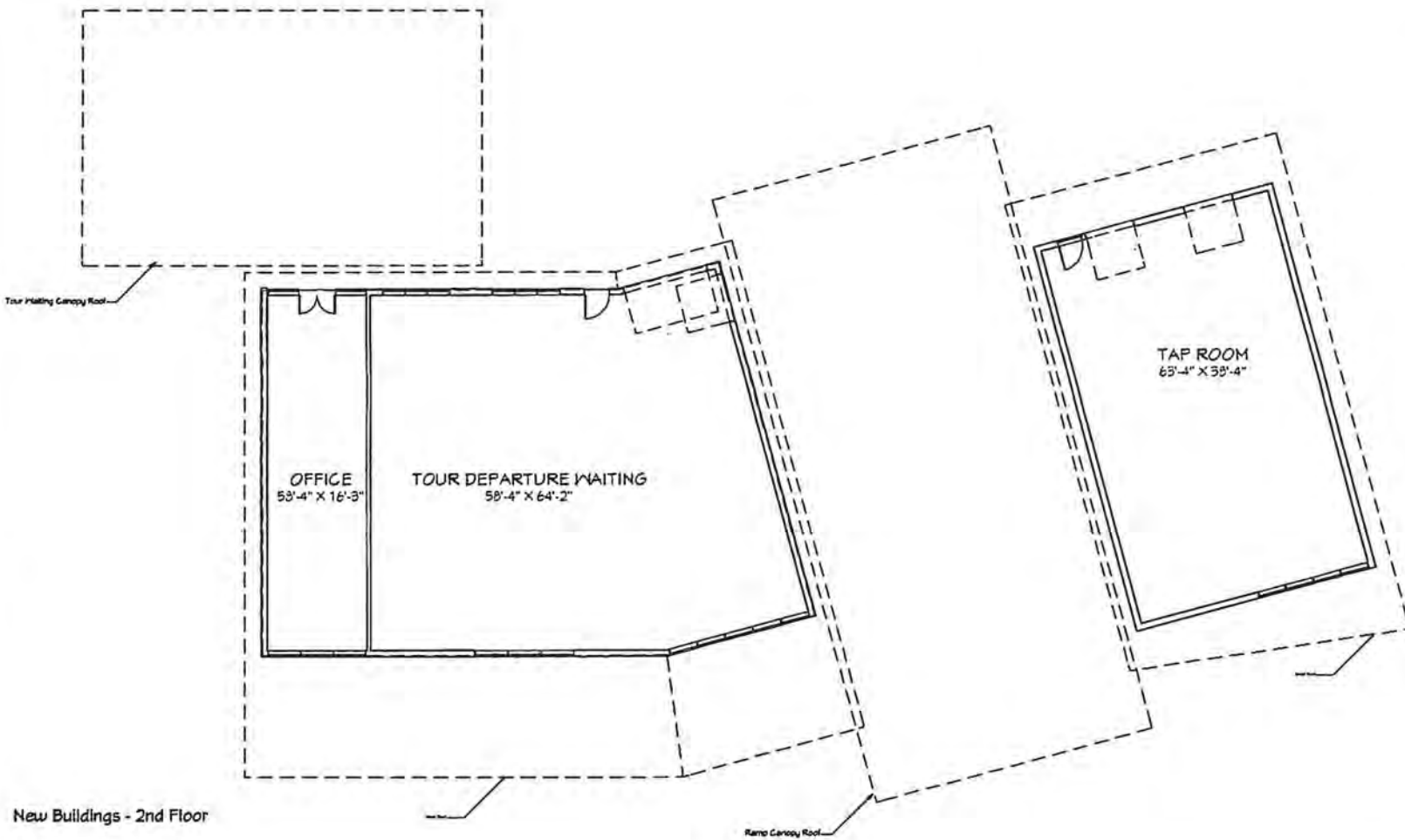


<b>O'NEILL</b> SURVEYING AND ENGINEERING BOX 1849 SITKA, ALASKA 99835 PHONE: (907) 747-8700 FAX: (907) 747-7500 EMAIL: onellengr@alaska.net		RECORD OF REVISIONS <table border="1"> <tr> <th>BY</th> <th>DATE</th> <th>REV.</th> <th>DESCRIPTION OF CHANGE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>		BY	DATE	REV.	DESCRIPTION OF CHANGE													DESIGNER: J. O'NEILL DRAWN: J. O'NEILL CHECKED: J. O'NEILL DATE OF PLATTING: 1/15/2015 SCALE: 1" = 60' DRAWING NUMBER: 30046-48-00 PROJECT NO: 30046-48-00		SURVEYOR'S CERTIFICATE I HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN DECEMBER, 2013, A SURVEY OF THE HEREIN DESCRIBED LAND WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL RECORDS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES. 1/18/15 DATE: 1/18/15 SIGNATURE: J. O'NEILL PRINTED: J. O'NEILL, L.S. 6334		HPM SUBDIVISION LOT 52 AND 53 U.S. SURVEY 3475 CLIENT: CHUCK MCGRAW	
BY	DATE	REV.	DESCRIPTION OF CHANGE																						









REVISION	DATE	DESCRIPTION

# HALIBUT POINT UPLANDS

4513 Halibut Point Road

DRAWINGS PROVIDED BY:

DATE:

12/26/19

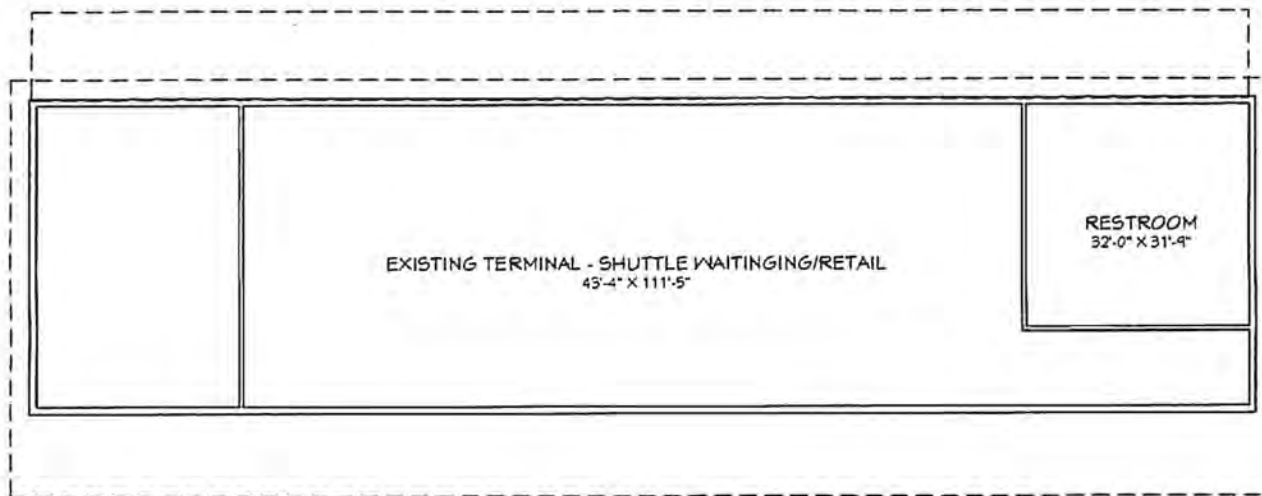
SCALE:

75/128 In

1 in

SHEET:

A-1



Existing Terminal

DATE	12/26/19
BY	12/26/19
CHECKED BY	12/26/19
DESIGNED BY	12/26/19
DRAWN BY	12/26/19
IN CHARGE	12/26/19
PROJECT NO.	12/26/19
SHEET NO.	12/26/19

# HALIBUT POINT UPLANDS

4513 Halibut Point Road

DATE: 12/26/19

DATE: 12/26/19

SCALE: 1/8" = 1'-0"

SHEET: A-2

## Amy Ainslie

---

**From:** Chris McGraw <chris@halibutpointmarine.com>  
**Sent:** Wednesday, January 15, 2020 10:23 AM  
**To:** spi3050@yahoo.com; dwindsor@gci.net; randywhughey@gmail.com; alaskanengineer@gmail.com; stacym@sitkareadymix.com  
**Cc:** Chuck McGraw; Amy Ainslie; Hugh Bevan  
**Subject:** Halibut Point Marine Services Zoning Change Request  
**Attachments:** Halibut Point Master Plan.pdf

Hello Planning Commission Members,

On tonight's meeting agenda, Halibut Point Marine Services is requesting a zoning map change for its property located uplands from its Cruise Ship dock on Halibut Point Road. The property is currently zoned Industrial and the request is to change the zoning to C-2. Halibut Point Marine constructed its dock facility in 2011 along with a terminal building in 2013. In 2011 when the facility was opened Sitka had a total of around 80,000 cruise ship passenger visits with the majority of these ships anchoring and utilizing the tender facilities. Since 2011 HPM has done extensive marketing to the various cruise lines and has been able to attract additional ships to visit Sitka. In 2019 Sitka had around 210,000 passengers with 190,000 of these calling at the dock facility.

Currently HPM has some retail sales that take place in its existing terminal building. These sales are targeted at the cruise ship passengers and have been allowed in the Industrial zone under accessory use portion of the code that allows uses that are "incidental and supportive of the printable use". In addition a season restaurant utilizing a temporary tent and kitchens located in shipping containers has been offering local seafood to passengers since 2016.

Passenger traffic is expected to increase considerably over the next two years and HPM plans to expand its facility to meet the needs of this expansion. By 2021 it is anticipated that HPM will see individual days that exceed 6,000 passenger. To meet this demand, our plan is to construct additional buildings that provide restrooms, areas for tour sales, areas for tour staging, a fixed restaurant structure along with a space for a tap room for the local brewery that will be taking over for BIBCO. In addition, we have plans in the future for an outdoor amphitheater and other onsite tour attractions. A copy of our proposed master plan is attached.

The change to C-2 is required for the fixed restaurant along with the tap room. In addition, the outdoor amphitheater and other planned onsite attractions require a C-2 zoning.

We do not have plans to expand any of the gift shop related retail. Three executives from a cruise company were in town last week from Miami. We have presented them with our development plan and they are seriously considering additional deployment to Sitka in 2021 with ships that carry over 4000 passengers. It was very important to them that the dock facilities be able to handle the passenger load and provide a pleasurable welcoming experience. They felt that the restaurant serving local seafood, local beer, and a few onsite attractions would be a major plus for their passenger to experience before or after they explore Sitka.

If this company decides to increase deployment to Sitka, the total passenger count would increase by 80,000 passenger to a total of over 300,000 passengers. Recent economic studies in Juneau and Ketchikan show that cruise passengers spend on average \$160 while they are in an Alaskan port. This single deployment decision could result in at least \$12.8 million to Sitka's local economy and \$768,000 in Sales Tax Revenue to the City and Borough of Sitka which benefits everything from Schools, Roads, Non Profits, and City Services.

I hope you consider approving this zoning map change. This zoning designation coincides with adjacent properties, and will could allow for a significant economic impact to Sitka's economy.

***Chris McGraw***

Halibut Point Marine Services

*Cell:* 907-738-9011

chris@halibutpointmarine.com



SITE PLAN  
MASTER PLAN





## Sara Peterson

---

**From:** Hugh Bevan  
**Sent:** Friday, January 17, 2020 12:32 PM  
**To:** Amy Ainslie; Sara Peterson  
**Subject:** FW: FW: Zoning map amendment for 1/28 Assembly

Sara,

Please include Chris' comments with the Ordinance backup materials.

HB

**From:** Chris McGraw <[chris@halibutpointmarine.com](mailto:chris@halibutpointmarine.com)>  
**Sent:** Friday, January 17, 2020 12:27 PM  
**To:** Hugh Bevan <[hugh.bevan@cityofsitka.org](mailto:hugh.bevan@cityofsitka.org)>  
**Subject:** Re: FW: Zoning map amendment for 1/28 Assembly

Hugh,

I think it would be helpful to note that the planned restaurant is an existing operation that will be moving from a temporary tent to a fixed building to better accommodate cruise guest and locals that dine at the restaurant. Also, we are not planning any expansion of the existing gift related retail. Retail expansion would include tour/ attraction sales, and a tap room for the new owners of BIBCO to help supplement and support their other locations in Sitka.

**Chris McGraw**

Halibut Point Marine Services

Cell: 907-738-9011

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On Jan 17, 2020, 11:20 AM -0900, Hugh Bevan <[hugh.bevan@cityofsitka.org](mailto:hugh.bevan@cityofsitka.org)>, wrote:



# CITY AND BOROUGH OF SITKA

## Legislation Details

File #: ORD 20-02S Version: 1 Name:  
Type: Ordinance Status: AGENDA READY  
File created: 1/22/2020 In control: City and Borough Assembly  
On agenda: 2/11/2020 Final action:  
Title: Amending Title 6 "Business Licenses And Regulations", Title 19 "Building and Construction", and Title 22 "Zoning" of the Sitka General Code by modifying Chapter 6.12 "Mobile and Manufactured Homes and Mobile and Manufactured Home Parks", Chapter 19.09 "Residential Code", Chapter 22.08 "Definitions", Chapter 22.16 "District Regulations", Chapter 22.24 "Special Use Permits" and adding Sections 6.12.205 "Construction Requirements For Tiny Houses and Tiny Houses On Chassis", Section 22.08.798 "Tiny House", and Section 22.08.799 "Tiny Houses On Chassis" (1st reading substitute ordinance)

Sponsors:

Indexes:

Code sections:

Attachments: [Motion Ord 2010-02S](#)  
[Ord 2020-02S TINY HOUSES all chapters Final w-edits 4Feb20 \(002\)](#)  
[00 supplemental memo - transmittal amended ordinance- 4Feb20](#)  
[excerpt from Planning Commission draft minutes 15Jan20](#)  
[FAQs](#)  
[01 21Jan20 transmittal memo tiny houses -brylinsky to assembly](#)  
[02 2030 Comp Plan excerpt](#)  
[03 2030 Technical Plan excerpt](#)  
[04 Assembly Action Plan -Tiny Homes](#)  
[05 SEDA 2016 Strategic Plan excerpt](#)  
[06 Excerpt from minutes of 18Dec19 PandZ meeting](#)  
[07 11Dec19 StaffReport to commission ZA 19-06](#)  
[08 8Jan20 update memo to commission](#)  
[09 2018 IRC Appendix Q-Tiny Houses](#)  
[10 Written Public Comment](#)

Date	Ver.	Action By	Action	Result
1/28/2020	1	City and Borough Assembly		

## **POSSIBLE MOTION**

**I MOVE TO** approve Ordinance 2020-02S\* on first reading amending Title 6 “Business Licenses And Regulations”, Title 19 “Building and Construction”, and Title 22 “Zoning” of the Sitka General Code by modifying Chapter 6.12 “Mobile and Manufactured Homes and Mobile and Manufactured Home Parks”, Chapter 19.09 “Residential Code”, Chapter 22.08 “Definitions”, Chapter 22.16 “District Regulations”, Chapter 22.24 “Special Use Permits” and adding Sections 6.12.205 “Construction Requirements For Tiny Houses and Tiny Houses On Chassis”, Section 22.08.798 “Tiny House”, and Section 22.08.799 “Tiny Houses On Chassis”.

**\*Notes:**

- At the January 28 Assembly meeting, the Assembly voted to postpone action on the proposed ordinance. Direction was given to incorporate comments generated by discussion at that meeting. Changes have been made as follows and are highlighted in the substitute ordinance:
  - Line 97 – added definition of “chassis.”
  - Lines 160 and 518 – added exception clarifying that “tiny house on chassis” does not include recreational vehicles, self-propelled vehicles, and fifth-wheel trailers.
  - Line 337 – added clarification that International Residential Code requirements for a “tiny house on chassis” apply from the floor joists up.
  - Line 432 – added provision addressing structural requirements for chassis.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2020-02S

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 6  
“BUSINESS LICENSES AND REGULATIONS”, TITLE 19 “BUILDING AND  
CONSTRUCTION”, AND TITLE 22 “ZONING” OF THE SITKA GENERAL CODE BY  
MODIFYING CHAPTER 6.12 “MOBILE AND MANUFACTURED HOMES AND MOBILE  
AND MANUFACTURED HOME PARKS”, CHAPTER 19.09 “RESIDENTIAL CODE”,  
CHAPTER 22.08 “DEFINITIONS”, CHAPTER 22.16 “DISTRICT REGULATIONS”,  
CHAPTER 22.24 “SPECIAL USE PERMITS” AND ADDING SECTIONS 6.12.205  
“CONSTRUCTION REQUIREMENTS FOR TINY HOUSES AND TINY HOUSES ON  
CHASSIS”, SECTION 22.08.798 “TINY HOUSE”, AND SECTION 22.08.799 “TINY  
HOUSES ON CHASSIS”**

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

**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 create a definition of, and safety requirements for, tiny houses both on permanent foundations and on chassis; and to provide options for their placement in existing mobile/manufactured home parks and on individual lots.

**4. ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 6, entitled “Business Licenses and Regulations”, be amended by modifying Chapter 6, entitled “Mobile and Manufactured Homes and Mobile and Manufactured Home Parks” and adding Section 6.12.205, entitled “Construction Requirements For Tiny Houses And Tiny Houses On Chassis”, Title 19, entitled “Building and Construction”, be amended by modifying Chapter 19.09, entitled “Residential Code”, and Title 22, entitled “Zoning”, be amended by modifying Chapter 22.08, entitled “Definitions”, and adding Sections 22.08.798, entitled “Tiny House” and Section 22.08.799, entitled “Tiny House on Chassis”, and Chapter 22.16, entitled “District Regulations” and Chapter 22.24, entitled “Special Use Permits”, to read as follows (deleted language stricken, new language underlined):

**Title 6  
BUSINESS LICENSES AND REGULATIONS**

**Chapters:**

**\* \* \***

**6.12 Mobile and Manufactured Homes and Manufactured Home Parks**

**\* \* \***

**Chapter 6.12  
MOBILE AND MANUFACTURED HOMES AND MANUFACTURED HOME PARKS**



Sections:

- 6.12.010 Definitions.
- 6.12.020 Enforcement.
- 6.12.030 Permits required.
- 6.12.040 Mobile and manufactured home park permit—Application material required.
- 6.12.050 Existing mobile and manufactured home parks permitted before August 1, 2010—Design requirements.
- 6.12.055 New mobile and manufactured home parks permitted on or after August 1, 2010—Design requirements.
- 6.12.058 New and existing mobile and manufactured home parks—Design requirements.
- 6.12.060 Recreational vehicle parks— Design requirements.
- 6.12.070 Granting or rejection of permits.
- 6.12.080 Appeals.
- 6.12.100 Permit—Revocation.
- 6.12.110 Sanitary and health regulations.
- 6.12.130 Mobile and manufactured home park—Register of occupants.
- 6.12.135 Mobile and manufactured home park—Registered owner’s agent required.
- 6.12.140 Mobile home/manufactured home—Uses—Permit.
- 6.12.160 Mobile and manufactured home park—Numbering spaces required.
- 6.12.180 Reserved.
- 6.12.190 Use as residence or sleeping quarters.
- 6.12.200 Construction requirements.
- 6.12.205 Construction requirements for tiny houses and tiny houses on chassis.
- 6.12.210 Existing structures.

\* \* \*

**6.12.010 Definitions.**

For the purpose of this chapter, the following terms have the meanings respectively ascribed to them in this section, unless from the particular context it clearly appears that some other meaning is intended:

A. “Access road” means a private road which does not extend beyond the boundaries of a mobile and manufactured home park and which provides the principal means of access to abutting individual spaces and auxiliary buildings;

B. “Certificate of approval” means a document issued by the building official certifying a tiny house on chassis’ compliance with applicable building codes and other laws and indicating it to be in a condition suitable for occupancy;

C. “Certificate of occupancy” means a document issued by the building official certifying a building’s compliance with applicable building codes and other laws and indicating it to be in a condition suitable for occupancy;

D. “Chassis” means the base frame structural component(s) on which is mounted the body of a tiny house. The base frame shall be structurally integrated with the tiny house.

101 EB. “Manufactured home” means a structure constructed on or after June 15, 1976, according  
102 to United States Department of Housing and Urban Development (“HUD”) standards,  
103 transportable in one or more sections which, in the traveling mode, is eight feet (two thousand  
104 four hundred thirty-eight millimeters) or more in width or forty feet (twelve thousand one hundred  
105 ninety-two millimeters) or more in length or, when erected on site, is three hundred twenty  
106 square feet (thirty square meters) or more, and which is built on a permanent chassis and  
107 designed to be used as a dwelling with or without a permanent foundation when connected to  
108 the required utilities, and includes plumbing, heating and electrical systems. “Manufactured  
109 home” shall also include any structure which meets all the requirements of this definition listed  
110 above, except the size requirements, and has a manufacturer certificate required by HUD that  
111 complies with HUD standards for a manufactured home;  
112

113 EG. “Mobile home” means a structure that was constructed before June 15, 1976,  
114 transportable in one or more sections, which, in the traveling mode, is eight feet (two thousand  
115 four hundred thirty-eight millimeters) or more in width or forty feet (twelve thousand one hundred  
116 ninety-two millimeters) or more in length or, when erected on site, is three hundred twenty  
117 square feet (thirty square meters) or more, and which is built on a permanent chassis and  
118 designed to be used as a dwelling with or without a permanent foundation when connected to  
119 the required utilities and includes plumbing, heating, and electrical systems;  
120

121 GD. “Mobile and manufactured home park” means any park, court, parcel or tract of land  
122 designed, maintained, intended or used for the purpose of supplying a location or  
123 accommodations for ~~more than three~~ two or more units that includes mobile homes and/or  
124 manufactured homes, tiny houses, and/or tiny houses on chassis and includes all buildings  
125 used or intended for use as a part of the equipment thereof, whether or not a charge is made for  
126 the use of the park and its facilities. A mobile and manufactured home park does not include lots  
127 on which unoccupied mobile or manufactured homes are parked for the purpose of inspection  
128 and sale;  
129

130 HE. “Person” includes an individual, partnership, firm, company, corporation; whether tenant,  
131 owner, lessee, or licensee, or their heir or assign;  
132

133 IF. “Play yard” means an area specifically set aside for the use of children, which area shall  
134 not be included within any mobile or manufactured home spaces;  
135

136 JG. “Public street” means any street, road or highway of which the general public has the right  
137 of common enjoyment or which is publicly maintained;  
138

139 KH. “Recreational vehicle” means a vehicle built on a single chassis that is four hundred  
140 square feet or less when measured at the largest horizontal projection, is designed to be self-  
141 propelled or permanently towable by a light-duty truck, and is designed not for use as a  
142 permanent dwelling but as temporary living quarters for recreational, camping, travel, or  
143 seasonal use;  
144

145 LI. “Recreational vehicle park” means any park, court, parcel or tract of land designed,  
146 maintained, intended or used for the purpose of supplying a location or accommodation for  
147 recreational vehicles-;  
148

MJ. "Space" means a plot of ground in a mobile and manufactured home park permitted on or after August 1, 2010, of not less than three thousand square feet of space designed for the location of at least two automobiles and only one unit. "Space" means a plot of ground of a mobile and manufactured home park permitted prior to August 1, 2010, of not less than one thousand eight hundred square feet designed for the location of at least one automobile and only one unit;

N. "Tiny house" means a dwelling that is 400 square feet or less in floor area excluding lofts and placed on a permanent foundation;

O. "Tiny house on chassis" means a dwelling that is 400 square feet or less in floor area excluding lofts and is on a chassis with or without wheels; Exception: Recreational vehicles, self-propelled vehicles, and fifth-wheel trailers, are not considered tiny houses on chassis.

PK. "Unit" means a mobile home or a manufactured home, or a tiny house or tiny house on chassis.

#### **6.12.020 Enforcement.**

The provisions of this chapter shall be enforced by the municipal building official, who shall be appointed by the municipal administrator for such term and subject to such conditions and such rates of compensation as the municipal administrator directs. No permit or certificate of occupancy or certificate of approval shall be issued for a mobile and manufactured home park or mobile or manufactured home or tiny house or tiny house on chassis unless the plans and facilities comply with the provisions of this chapter.

#### **6.12.030 Permits required.**

No land shall be used for a mobile or manufactured home park or recreational vehicle park unless a permit is issued by the municipal building official under the terms of this chapter.

It is unlawful for any person, firm or corporation to operate, manage or maintain any mobile or manufactured home park or recreational vehicle park within the city and borough without a permit authorizing the operation of such park.

It is unlawful for any person, firm, or corporation to place or add onto a mobile or manufactured home, tiny house, or tiny house on a chassis without a permit authorizing the placement of, or addition to, such unit.

#### **6.12.040 Mobile and manufactured home part permit —Application material required.**

A complete plot plan and the following supplementary material shall be submitted to the municipal building official and the planning department, as well as the planning commission, when appropriate, for review and approval prior to the issuance of a mobile and manufactured home park permit:

- A. Applicant's name, address and legal interest in the property;
- B. Area and dimensions of the tract of land and land uses within one hundred feet;
- C. Legal description of perimeter;

D. Engineering plans and specifications for the proposed mobile and manufactured home park. These shall include:

1. Number, location and size of all spaces;
2. Location, width and surfacing of roadways, off-street parking and walkways;
3. Location and size of any existing or proposed buildings and structures within the mobile and manufactured home park;
4. Methods and plans of domestic and fire protection water supply, surface drainage and erosion control, sewage disposal, electrical supply and garbage disposal;
5. Location of the permanent monuments required in Section 6.12.050; and
6. Location and mapping of any portion of the property located within a federal flood hazard area according to the Flood Insurance Rate Map.

**6.12.050 Existing mobile and manufactured home parks permitted before August 1, 2010—Design requirements.**

A. There shall be at least one permanent monument located within the boundaries of each mobile and manufactured home park, preferably at one of the property corners. Such monument shall be of the same nature as the monuments required by other sections of this code related to platting, as defined in the presently existing sections or as defined in any future sections. Such monument shall be shown on the plot plan required by Section 6.12.040.

B. ~~Mobile and manufactured homes~~ Units shall be parked or constructed in spaces so that a fifteen-foot front yard and ten-foot rear yard setback are observed. The side yard setback shall be no less than five feet. No mobile or manufactured home, tiny house, or tiny house on chassis shall be placed nearer than twenty-five feet to any highway or arterial street.

C. Play yards shall be at least one hundred square feet per unit. The play yards shall be located so that no mobile or manufactured home is more than five hundred feet from a play yard.

**6.12.055 New mobile and manufactured home parks permitted on or after August 1, 2010—Design requirements.**

A. There shall be one permanent monument located at each of the property corners. Such monument shall be of the same nature as the monuments required by other sections of this code related to platting, as defined in the presently existing sections or as defined in any future sections. Such monument shall be shown on the plot plan required by Section 6.12.040.

B. Units shall be parked in spaces so that an eighteen-foot front yard and ten-foot rear yard setback are observed. The side yard setback shall be no less than five feet. No unit shall be placed nearer than twenty feet to any highway or arterial street, unless the adjacent highway or arterial street is greater than eighty feet in width, in which case no unit shall be placed nearer than ten feet. The park owner or agent shall be responsible for the proper location of each unit and shall be signatory to the required permit application.

C. A mobile and manufactured home park shall have at least one play yard that shall contain a minimum of two thousand square feet, or two hundred square feet per unit, whichever is greater. The play yards shall be located so that no unit is more than five hundred feet from a play yard.

**6.12.058 New and existing mobile and manufactured home parks—Design requirements.**

A. Access roads for each unit shall have a minimum width of twenty feet to which every unit shall have direct access. Such roads shall be well maintained all-weather roads. Direct access from any public street or right-of-way to any unit within a mobile and manufactured home park shall not be permitted. Not more than two driveway entrances spaced not less than one hundred feet apart shall be permitted.

B. No major changes or alterations shall be made to any part of the mobile and manufactured home park as outlined in an approved plan without approval by the municipal building official.

C. Mobile and manufactured homes spaces, tiny house spaces, or tiny house on chassis spaces to be located within any portion of a flood hazard area shall comply with National Flood Insurance Program requirements. The fact that the space is located within a flood hazard area shall be disclosed to the occupant along with any information such as alternate access.

**6.12.060 Recreational vehicle parks— Design requirements.**

A permit shall be issued for a recreational vehicle park upon a showing by the applicant that the design requirements established by the city administrator have been fully complied with.

**6.12.070 Granting or rejection of permits.**

Whenever the application shows that the proposed mobile and manufactured home park or installation is in conformity with the provisions of this chapter and any applicable zoning and health regulations, the municipal building official shall issue a permit; otherwise the application shall be rejected, and the municipal building official shall state in writing the reason for such rejection.

**6.12.080 Appeals.**

Any person feeling aggrieved by a rejection of an application for a permit or certificate of occupancy may file an appeal in the manner provided in Section 6.12.100.

**6.12.100 Permit—Revocation.**

Any violation of the conditions of the permit or certificate of occupancy will be grounds for revocation of the permit and/or certificate of occupancy, by administrative action of the city and borough building official. Any such revocation may be appealed to the planning commission of the city and borough, who shall hold a hearing on such appeal and make recommendations as to the disposition thereof to the city and borough assembly. The city and borough assembly shall make final disposition of any such appeal.

**6.12.110 Sanitary and health regulations.**

All sanitary, health, and fire regulations, state and local, shall be met, and violations thereof shall be grounds for revocation of the permit and certificate of occupancy, or certificate of approval subject to the same appeal procedure as provided in Section 6.12.080.



**6.12.130 Mobile and manufactured home park—Register of occupants.**

Mobile and manufactured home park operators shall keep a register of the occupants of mobile and manufactured home park spaces. This register shall be given to the planning department.

**6.12.135 Mobile and manufactured home park—Registered owner's agent required.**

Each mobile and manufactured home park owner shall designate a Sitka resident as the owner's agent. The agent shall be empowered to act on the owner's behalf on matters pertaining to park management and maintenance. Contact information for the designated agent shall be given to the planning department.

**6.12.140 Mobile and manufactured home—Uses—Permit.**

Except where a unit is located on a residential lot and lawfully used as a single-family dwelling, no unit shall be used as a place of business or as a place of habitation or stand in the open on any land more than thirty days without first obtaining the permit required in Section 6.12.070.

**6.12.160 Mobile and manufactured home park—Numbering spaces required.**

Owners of mobile and manufactured home parks shall clearly number each space serially. The space numbers shall be a minimum of six inches high and clearly visible from the access road.

**6.12.180 Reserved.**

Reserved.

**6.12.190 Use as residence or sleeping quarters.**

A. No mobile home, manufactured home, recreational vehicle, ~~or~~ other motor vehicle, tiny house, or tiny house on chassis shall be used as a residence or sleeping quarters unless:

1. Such unit or vehicle has a designated spot within a mobile and manufactured home park, recreational vehicle park or other area specifically designated by the chief of police; or

2. Such unit or vehicle has a permanent spot on other private property, its placement on such property as a residence meets all zoning requirements, and such unit or vehicle meets the standard size requirements and sanitation requirements of a residence under the Sitka General Code.

3. In the case of a tiny house, the unit has been constructed in accordance with the International Residential Code as locally adopted and amended, has been inspected as required by the International Residential Code, and has been issued a certificate of occupancy by the building official.

4. In the case of a tiny house on chassis, the unit has been constructed **from the floor joists up** in accordance with the International Residential Code as locally adopted and amended, has been inspected as required by the International Residential Code, and has been issued a certificate of approval by the building official. A certificate of approval is valid only for the specific location at which the unit has been installed and inspected.

B. Except as provided in Section 6.12.210, a recreational vehicle may be used as a temporary but not as a permanent residence, and shall not be occupied for a period of more than one hundred eighty days within a twelve-month period on a single property.

**6.12.200 Construction requirements.**

The following provisions shall apply as of August 1, 2010, to all mobile or manufactured homes, regardless of whether they are located in a mobile and manufactured home park, unless otherwise provided:

~~A. Prior to August 1, 2010, a~~ Additions to units in mobile and manufactured home parks shall be limited to sixteen feet in height. ~~On or after August 1, 2010, additions to any units, regardless if in a mobile and manufactured home park, shall be limited to fourteen feet and one story in height.~~ Height shall be measured as defined in Title 22.

B. Foundation systems shall be approved by the municipal building official. When available, the installation instructions provided by the manufacturer shall be used to determine permissible points of support for vertical loads and points of attachment for anchorage systems used to resist horizontal and uplift forces.

C. All units shall be anchored to resist horizontal and uplift forces in an approved manner. The anchoring system shall be inspected and approved prior to connection of water and sewer utilities.

D. Skirting shall be required around the complete perimeter of all installations. Skirting shall be of pressure-treated plywood with a minimum of three-eighths-inch thickness, rated siding, metal panels or other approved, weather-resistant material. Skirting shall be provided with an access door and foundation ventilation in accordance with the requirements of the International Residential Code. A minimum six-mil vapor retarder shall be installed on the ground within the skirted area.

E. All additions and interior renovations shall be subject to the provisions of the International Residential Code. Additions to units within a mobile and manufactured home park shall only be permitted with the written approval of the mobile and manufactured home park owner or agent.

F. Accessory buildings in excess of one hundred twenty square feet shall require a building permit and must be located in compliance with the setback requirements of Section 6.12.050(B).

G. The number of required automobile parking spots shall be in compliance with Section 6.12.010(J).

**6.12.205 Construction requirements for tiny houses and tiny houses on chassis.**

The following provisions shall apply as construction requirements for tiny houses and tiny houses on chassis regardless of whether they are located in a mobile and manufactured home park, unless otherwise provided:

A. Tiny houses and tiny houses on chassis in a mobile and manufactured home park shall be limited to 16 feet in height. Height shall be measured as defined in Title 22.

B. All units shall be anchored to resist horizontal and uplift forces in an approved manner. The anchoring system shall be inspected and approved prior to connection of water and sewer utilities.

C. Skirting shall be required around the complete perimeter of all installations of tiny houses on chassis. Skirting shall be of pressure-treated plywood with a minimum of three-eighths-inch thickness, rated siding, metal panels or other approved, weather-resistant material. Skirting shall be provided with an access door and foundation ventilation in accordance with the requirements of the International Residential Code. A minimum six-mil vapor retarder shall be installed on the ground within the skirted area.

D. All additions and interior renovations shall be subject to the provisions of the International Residential Code. Installation of, or additions to, units within a mobile and manufactured home park shall only be permitted with the written approval of the mobile and manufactured home park owner or agent.

E. Tiny houses and tiny houses on chassis shall be constructed in Sitka under a building permit and be subject to inspection during construction.

Exception: a tiny house on chassis constructed outside of Sitka may be used as a residence or sleeping quarters if the applicant can demonstrate to the satisfaction of the building official that it has been constructed in accordance with the International Residential Code.

F. In the interest of providing durable affordable housing, tiny houses on chassis shall:

1. Not employ oriented strand board or similar resin/woodshard or wood particle sheathing materials in any structural building component; and

2. Have roofs a minimum 2 in 12 pitch and employ as roofing materials shingles or metal roofing (no rolled roofing); and,

3. Employ wood, cement board, or metal siding (no vinyl or plastic siding).

G. A tiny house or a tiny house on chassis is limited to a maximum size of 400 square feet floor area including all additions and appurtenances, and not including lofts.

H. Any loft in a tiny house or tiny house on chassis will be considered to be a sleeping loft, and shall have emergency escape openings as required by 2018 International Residential Code Appendix Q.

I. The chassis on which a tiny house is placed or constructed, including all components attached to the chassis, shall be of adequate structural strength to resist all dead and live loads imposed upon it and/or required by applicable safety standards. The Building Official may require third party certification to ascertain compliance with this section.

#### **6.12.210 Existing structures.**

A. Any mobile and manufactured homes located in Sitka prior to August 1, 2010, shall be allowed to remain in Sitka, and any legal use or occupancy of that structure as of August 1,

2010, shall be allowed to continue, unless such continued use or occupancy is dangerous to life, health and safety.

B. No mobile home located in Sitka prior to August 1, 2010, shall be allowed to be relocated to a mobile and manufactured home park permitted on or after August 1, 2010.

C. The following structures shall not be allowed in Sitka on or after August 1, 2010:

1. Any mobile home manufactured before June 15, 1976, and not located in Sitka prior to August 1, 2010; and

2. Any structure similar to a mobile home that is not a HUD-compliant structure, and not located in Sitka prior to August 1, 2010, except as otherwise allowed in this chapter.

\* \* \*

## **Title 19 BUILDING AND CONSTRUCTION**

### **Chapters:**

\* \* \*

#### **19.09 Residential Code**

\* \* \*

### **Chapter 19.09 RESIDENTIAL CODE**

#### **Sections:**

19.09.010 International Residential Code (IRC) adoption by reference.

\* \* \*

#### **19.09.010 International Residential Code (IRC) adoption by reference.**

The 2012 International Residential Code for One- and Two-Family Dwellings by the International Code Council, Chapters 1 through 10, 12 through 19, and 34 through 43, and the 2018 International Residential Code Appendix Q- tiny houses is adopted and included by reference.

\* \* \*

## **Title 22 ZONING**

### **Chapters:**

\* \* \*

#### **22.08 Definitions**

\* \* \*

#### **22.16 District Regulations**

\* \* \*

#### **22.24 Special Use Permits**

\* \* \*

### **Chapter 22.08 DEFINITIONS**

#### **Sections:**

\* \* \*

22.08.600 Mobile/manufactured home parks.

22.08.610 Mobile/manufactured home subdivision.

\* \* \*

22.08.798 Tiny house.

22.08.799 Tiny house on chassis.

\* \* \*

**22.08.600 Mobile/manufactured home parks.**

“Mobile/manufactured home parks” means any area, lot or portion of a lot where space for two or more mobile homes or tiny houses, and/or tiny houses on chassis is leased, rented or held out for rent for occupancy and having separate attachments for normal public utilities.

**22.08.610 Mobile/manufactured home subdivision.**

“Mobile/manufactured home subdivision” means two or more mobile or manufactured homes or tiny houses or tiny houses on chassis on separate lots developed under the subdivision regulations and the conditional use procedures of this title, where mobile homes, manufactured homes, or tiny houses, or tiny houses on chassis are permanently installed for residential use on individually owned parcels of property.

\* \* \*

**22.08.798 Tiny house.**

“Tiny house” means a dwelling that is 400 square feet or less in floor area excluding lofts and placed on a permanent foundation.

**22.08.799 Tiny house on chassis.**

“Tiny house on chassis” means a dwelling that is 400 square feet or less in floor area excluding lofts and is on a chassis with or without wheels. **Exception: Recreational vehicles, self-propelled vehicles, and fifth-wheel trailers, are not considered tiny houses on chassis.**

\* \* \*

**Chapter 22.16  
DISTRICT REGULATIONS**

Sections:

\* \* \*

22.16.015 Permitted, conditional and prohibited uses.

\* \* \*

22.16.045 R-1 MH single-family, duplex and manufactured home zoning district.

\* \* \*

22.16.180 C cemetery district.

\* \* \*

**22.16.015 Permitted, conditional and prohibited uses.**

\* \* \*



**Table 22.16.015-1**  
**Residential Land Uses**

<b>Zones</b>	<b>P(1)</b>	<b>SF</b>	<b>SFLD</b>	<b>R-1</b>	<b>R-1 MH</b>	<b>R-1 LDMH</b>	<b>R-2</b>	<b>R-2 MHP</b>	<b>CBD (11, 12)</b>	<b>C-1 (11)</b>	<b>C-2 (11)</b>	<b>WD (2, 11)</b>	<b>I</b>	<b>GI (3, 10)</b>	<b>LI (3)</b>	<b>R</b>	<b>OS</b>	<b>GP (13)</b>	<b>C (16)</b>
<b>RESIDENTIAL</b>																			
• 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	P		C	C				
<u>Tiny house on chassis on an individual lot</u>					<u>C</u>	<u>C</u>		<u>C</u>			<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>				
• Mobile home park								P			P	P							
• Accessory dwelling unit				P(14) C	C	C	P(14) C	C											
<b>GROUP RESIDENCES</b>														C	C				
• Assisted	C						C	C						C	C				

**Table 22.16.015-1**  
**Residential Land Uses**

<b>Zones</b>	<b>P(1)</b>	<b>SF</b>	<b>SFLD</b>	<b>R-1</b>	<b>R-1 MH</b>	<b>R-1 LDMH</b>	<b>R-2</b>	<b>R-2 MHP</b>	<b>CBD (11, 12)</b>	<b>C-1 (11)</b>	<b>C-2 (11)</b>	<b>WD (2, 11)</b>	<b>I</b>	<b>GI (3, 10)</b>	<b>LI (3)</b>	<b>R</b>	<b>OS</b>	<b>GP (13)</b>	<b>C (16)</b>
living																			
• Bunkhouse for transient workers							C	C				C		C					
• Dormitory	C(4)						C	C											
• Quasi- institutional	C			C	C	C	C	C						C	C				
<b>TEMPORARY LODGING</b>																			
• 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(15)			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

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

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

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

C: Cemetery District

535

536 P—Permitted

537

538 C—Conditional Use Permit Required

539

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

541 C. Residential Uses Table 22.16.015-1 Footnotes.

542

543 1. Public facilities not otherwise identified may be permitted in the public zone subject to  
544 planning commission recommendation and assembly approval subject to findings of fact  
545 that show the use is in the public interest; all reasonable safeguards are to be employed to  
546 protect the surrounding area; and that there are no reasonable alternative locations for the  
547 use.

548

549 2. All uses in the waterfront district are intended to be water-related or water-dependent  
550 except that upland uses may be non-water-related.

551

552 3. Uses listed as conditional uses in the GI and LI zones may be considered, but not  
553 necessarily approved, on a case-by-case basis.

554

555 4. Including zero lot developments.

556

557 5. Townhouse, cluster housing developments and planned unit developments are  
558 conditional uses subject to this title and Title 21 of this code, Subdivisions.

559

560 6. On-site storage of commercial fishing vessels, fishing equipment and other small  
561 business equipment is a permitted conditional use so long as such storage does not  
562 occupy more than four hundred square feet.

563

564 7. Bed and breakfast establishments are limited to three guest rooms in the R-1, R-1  
565 MH, and R-1 LD districts as conditional uses only when no other rental such as  
566 apartments is in operation on the same lot.

567

568 8. Bed and breakfast establishments are limited to five guest rooms in the R-2, R-2 MHP  
569 districts as conditional uses only when no other rental such as apartments is in operation  
570 on the same lot.

571

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.

15. Conditional use limited to allow boats to be used as short-term rentals in harbors and slips within the public lands zoning district.

16. All uses in the cemetery district are intended to be cemetery-related and conducted with reverence and respect for those interred.

\* \* \*

**22.16.045 R-1 MH single-family, duplex and manufactured home zoning district.**

A. Intent. See the intent statement for the R-1 district. The R-1 MH district is intended primarily for single-family, single-family manufactured homes or duplex dwellings, tiny houses or tiny houses on chassis at moderate densities, but structures and uses required to serve recreational and other public needs of residential areas are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 MH district.

\* \* \*

**22.16.080 C-1 general commercial district or C-2 general commercial mobile home district.**

A. Intent. The general commercial district is intended to be served by major essential utilities and to include those areas which are heavily dependent upon vehicular access. The district is intended for those areas surrounding major intersections where personal services, convenience

goods and auto-related service facilities are desirable and appropriate land uses. The extension of the general commercial district along the roads in a strip fashion is to be discouraged.

B. All provisions of the C-1 district apply in the C-2 district, except that permitted uses also include manufactured homes and tiny houses and tiny houses on chassis on single lots and manufactured home parks.

\* \* \*

## **Chapter 22.24 SPECIAL USE PERMITS**

Sections:

\* \* \*

22.24.010 Conditional uses.

\* \* \*

### **22.24.010 Conditional uses.**

\* \* \*

D. Conditional Use Permit Provisions for Mobile Homes on an Interim Basis in the R-1, R-2 and Related Zones.

1. The city and borough of Sitka, through the conditional use permit process, may issue a permit for a single-family mobile home or travel trailer or tiny house on chassis on a residential lot in an area not otherwise allowing mobile homes on an interim basis for the purposes of facilitating home construction.

2. The maximum term of the permit is twelve months with a possible six-month extension.

3. Full utilities must be installed for the mobile home or travel trailer or tiny house on chassis.

4. Conditions attached to the approval shall include but are not limited to (a) a pledge of the travel trailer, mobile home, tiny house on chassis, or cash of equivalent value as collateral, and (b) in the event a travel trailer or mobile home or tiny house on chassis is pledged as collateral, funds sufficient to cover the cost of removal and disposal of the unit, and (c) the trailer is for the sole occupancy of the lot owner and neither unit shall be occupied by any other party. Other conditions may include requirements of fencing or landscaping.

\* \* \*

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



**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of  
Sitka, Alaska, this 25<sup>th</sup> day of February, 2020.

\_\_\_\_\_  
Gary L. Paxton, Mayor

ATTEST:

\_\_\_\_\_  
Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading 1/28/2020 postponed  
1<sup>st</sup> reading substitute ordinance 2/11/2020  
2<sup>nd</sup> and final reading 2/25/2020

Sponsor: Interim Administrator



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## MEMORANDUM

**To:** Mayor Paxton and Members of the Assembly  
Hugh Bevan, Interim Municipal Administrator

**Through:** Amy Ainslie, Director, Department of Planning and Community Development *AA*

**From:** Scott Brylinsky, Special Projects Manager *SB*

**Subject:** **Code amendments to create a legal status for tiny houses and tiny houses on chassis, provide safety standards, and options for placement**

**Date:** February 4, 2020

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### Background

At the last Assembly meeting the Assembly voted to postpone action on the attached proposed ordinance. Direction was given to incorporate comments generated by discussion at that meeting. Changes have been made as follows:

1. Line 97 - Added definition of "chassis."
2. Lines 160 and 518 – Added exception clarifying that "tiny house on chassis" does not include recreational vehicles, self-propelled vehicles, and fifth-wheel trailers.
3. Line 337 – added clarification that International Residential Code requirements for a "tiny house on chassis" apply from the floor joists up.
4. Line 432 – added provision addressing structural requirements for chassis.

### Recommendation

Motion to approve the ordinance on first reading.

### Attachments

FAQ's

Excerpt from draft minutes of January 15, 2020 Planning Commission meeting

community interest, stating that several factors were worth consideration, to include whether the proposed changes allow for harmonious coexistence in the neighborhood, the perception of the cruise ship dock and area being a sort of gateway to the community, and the scarce supply of industrial land.

Ainslie stated that from a code administration perspective, the zoning amendment was recommended, however from a policy/community standpoint, the staff recommendation was neutral, based on a desire to hear from the community to determine the most mutually beneficial agreement.

The co-applicant, Chris McGraw, came forward and stated his intentions for the development. He stated that he did not plan to expand retail operations, but was focused on the restaurant and visitor attractions. He stated that due to the costs of development, the highest and best use of the land is by far the cruise ship dock, and, due to these costs, the property will not be reverting to industrial use.

Members of the public gave their opinions, beginning with Ben Hilberk, who worked at the restaurant on site. He stated that they currently operated out of a tent, but had steadily increased business since starting in 2013. He stated he was hopeful for a more permanent operation/facility. Hugh Bevan stated that he saw benefits to the entire community with these changes, and that this was an opportunity to support local business. Richard Wein stated that he had concerns about this development drawing business away from downtown, and could result in additional businesses closing as visitors would remain at the dock site, or visit the Fortress of the Bear sites, instead of going downtown. Wein referenced the Icy Strait tour operation outside of Hoonah as an example. Chuck Trierschield stated that as a downtown business owner, he supported this development.

**M-Weaver/S-Windsor moved to approve a zoning map amendment at 4513, 4521, and 4533 Halibut Point Road to be rezoned from the Industrial zoning district to the C-2 general commercial and mobile home district. The properties were also known as Lot A, HPM Subdivision, Lot 55, U.S. Survey 3475, and a portion of Lot Fifty-one (51), U.S. Survey 3475. The request was filed by Chris McGraw and Charles McGraw. The owners of record are Halibut Point Marine Services, LLC and Charles McGraw. Motion passed 5-0 by voice vote.**

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

**H      [ZA 19-06](#)**

Public hearing and consideration of a zoning text change to amend Titles 6, 19, and 22 of the Sitka General Code to define Tiny Houses and Tiny Houses on Chassis and allow them in Mobile/Manufactured Home Parks. The request is filed by the Planning and Community Development Department.



Attachments:     [memo- update to commission 8Jan20](#)  
                          [StaffReport ZA 19-06- 11Dec19](#)  
                          [Action Plan -Tiny Homes, sm dwellings - Draft](#)  
                          [IRC Appendix Q-Tiny Houses](#)  
                          [amending Title 6 ver2 11Dec19](#)  
                          [amending title 19 adopting appendix Q 11Dec19](#)  
                          [amending title 22 - ver2 11Dec19](#)  
                          [Application](#)

Ainslie stated that this initiative for tiny houses was a special project for Scott Brylinsky, who then gave a presentation. Brylinsky explained that there exists a demand for tiny houses as an affordable housing option in Sitka, and that the high cost of housing has been consistently cited as a main challenge for doing business. Brylinsky noted that there is a population in Sitka who would benefit from housing of this type, and is in line with the Sitka 2030 Comprehensive Plan. Brylinsky explained that the tiny houses were required to meet life, health and safety standards, and would require approval from the building department, and that homes mounted on chassis would be subject to the same safety and stability standards as a modular or manufactured home when on site. He also explained that there were four aspects to this decision:

- 1) Adopt Appendix Q, which made allowances for sleeping lofts, ladder access to lofts, and egress/rescue requirements.
- 2) Create a legal status for tiny houses on chassis, and allow them in mobile/manufactured home parks
- 3) Allow tiny houses on permanent foundations in mobile/manufactured home parks
- 4) Allow single tiny homes on chassis to be placed in zones that allow a single manufactured home on lot.

Brylinsky noted that the recommendations are sourced from the IRC (International Residential Code), and are largely supported by the community, based on input received by the planning office. Following Brylinsky's presentation, the floor was opened to public comments.

Chandler O'Connell stated she supported the amendments, and noted that there was great community interest, tiny homes were a benefit for the housing market, and a good middle ground to home ownership. Pete Jones stated that, as a mobile home park owner, he supported this resolution. Matthew Jackson supported the amendment, and stated that it legitimized some activity that was already ongoing. Jeremy Twaddle stated concerns regarding the building standards, the size and quality of the homes, and court owner's control over the process. Mim McConnell thanked the commission for their work, stated she liked all four points offered by the planning department, and noted that tiny homes would be safer than boats, which serve as primary residences for many Sitkans. Rich Riggs stated that as a mobile home park owner, he supported this proposal, and would like conversation about the size limit of the tiny homes. Riggs stated that as an employer, he observes housing as a barrier to growth. Kevin Mosher stated that he's received support from the community, and stated that while tiny houses are not for everyone, they are a tool in the shed to address affordable housing, and a good start towards addressing this problem in Sitka. Richard Wein stated that he had been following this process for a while, and that it could have been done sooner, given the simplicity of it. Connor Nelson spoke, stating that the idea of having homes on wheels on residential zoned lots did not make sense, the roofing and design standards were too exclusive, the loft/ladder access design was discriminatory, and



that he did not want to see substandard housing. Nelson also stated that he did not believe the affordability issue came from housing, but from the price of utilities. Clyde Bright stated in his testimony that as a mobile home park owner, he had attended comprehensive plan meetings and assisted with wording. Bright thought that opening additional land was a better solution, particularly No Name Mountain, but that he also supported these code amendments. Adam Chinalski stated that he supported most of the amendments, but had concerns about the quality of the homes on chassis, and their effect on neighborhoods. Chinalski expressed concerns that people would bring in low quality homes on trailers, and these could be a hazard. Robert Woolsey stated that he supported this proposal, and had increased confidence due in part to the attention to detail. Woolsey stated that Sitka had a housing dilemma, and cited the example of young adults being unable to move back home due to the market, and that Sitka needs many options for housing. Andrew Jones spoke in support for the amendments, and stated his appreciation for work done to update the code. Jones stated that there is a history of local success with tiny homes. Maureena O'Hanlon spoke out in support of the amendments, and thanked the committee for its work.

Following public testimony, staff read comments submitted to the planning department by email.

Karen Hegyi wrote that she supported the amendments, but did have concerns about tiny homes on individual lots, and the accumulation of property that may accompany them. Kathy Kyle wrote that Sitka is in desperate need of affordable housing, and that tiny houses may be an upgrade to trailers currently in place. Cheryl Call wrote in support stating that tiny houses are attractive, innovative and affordable, and that she would love to see clusters of them on city lots. Justin Olbrych wrote that tiny houses make sense, and as a home builder he notes the lower cost to construct and smaller footprint. Olbrych wrote that the City promotes accessory dwelling units, and tiny houses are an extension of this concept. Olbrych suggested making lots subdividable for the addition of tiny homes to residential lots as a benefit to land owners and tiny house owners. Tory Curran wrote that she supports these amendments. Marian Allen wrote in support of these changes, noting the affordable housing issue in Sitka.

Commissioners discussed the amendments. Weaver stated his support for placement of tiny houses in mobile home parks. Spivey noted the risk to the builder and park owner caused by permanent foundations in mobile home parks. Mudry voiced concerns over the height of the structures with regard to transportation through town. Windsor stated his support for the amendments. Hughey stated his concerns on permanent foundations placed on rented land, and stated that without price controls, owners may be vulnerable. The commissioners expressed reservations regarding the placement of tiny houses on chassis in residential zones designated for single family manufactured homes, as well as concerns over the impact on neighboring property values resulting from this placement. Ainslie suggested this type of placement be conditional, in order to provide better oversight, and allow approval on a case by case basis.

**M-Windsor/M-Weaver moved to recommend approval of the proposed ordinance changes with the exception that tiny houses on chassis to be placed in zones that allow a single manufactured home on a lot be a conditional rather than allowed use, recognizing that final housekeeping edits and formatting changes may be made during formal ordinance preparation. Motion passed 3-2 by voice vote.**

## **VIII. ADJOURNMENT**

Seeing no objection, Chair Spivey adjourned the meeting at 9:45 PM.



# FAQ's for Tiny Houses

## **Can RV's or travel trailers be used as a tiny home?**

No, tiny houses or tiny houses on chassis must be built to the International Residential Code (IRC). RV's and travel trailers are built under different standards. This ordinance specifically excludes RV's, self-propelled vehicles, and fifth-wheel trailers from being used as tiny homes.

## **If passed, would this ordinance allow people to park a tiny house on chassis in their driveway or as an ADU?**

No, this ordinance would only allow tiny houses in mobile/manufactured home parks and on lots as a primary structure in some zoning districts through the conditional use permit process.

## **Tiny houses on chassis are not a defined structure type in the IRC. How will tiny houses on chassis be inspected, and what safety precautions will be in place to ensure they are safe for residential use?**

The ordinance as proposed requires that tiny houses on chassis be built in accordance with the IRC from the floor joists up. The chassis will need to provide adequate structural strength to support the structure as determined by a manufacturer or third-party certification. Tiny houses on chassis will be constructed in Sitka under a building permit subject to inspection. Tiny houses built outside of Sitka can be placed here for residential use if an applicant can demonstrate to the satisfaction of the Building Official that the structure was built to the IRC standards.

## **This ordinance would allow tiny houses on permanent foundations to be built in mobile/manufactured home parks. What are the risks for owners of the structure given that they don't own the land?**

Structures on foundations can be detached and removed from the foundation – this is not an uncommon occurrence. As the maximum size for tiny house is 400 square feet, removal from a foundation is possible. And the remaining foundation could still be demolished or reused. Further, many mobile/manufactured homes currently in parks are effectively permanently placed/non-transportable.

## **Outside of mobile/manufactured homes, where could tiny houses be placed/built?**

Currently, without any code amendments, tiny houses on permanent foundations can be built on any property in any zone that allows a single-family home. The zoning code does not have any square footage minimums for single-family homes. This ordinance would conditionally allow a single tiny house on chassis to be placed in zones that currently allow a single manufactured home on lot. Those zones include R-1 MH, R-1 LDMH, R-2 MHP, C-2, and WD.



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## MEMORANDUM

**To:** Mayor Paxton and Members of the Assembly  
Hugh Bevan, Interim Municipal Administrator

**Through:** Amy Ainslie, Director, Department of Planning and Community Development *AA*

**From:** Scott Brylinsky, Special Projects Manager *AB*

**Subject:** **Code amendments to create a legal status for tiny houses and tiny houses on chassis, provide safety standards, and options for placement**

**Date:** January 21, 2020

---

### Background

The request is to amend the building and zoning codes, and the code for mobile/manufactured home parks to:

- create a definition for tiny houses on permanent foundations;
- create a definition for tiny houses on chassis;
- establish safety requirements for tiny houses on permanent foundations and for tiny houses on chassis; and
- provide options for their placement in existing mobile/manufactured home parks and on individual lots.

Affordable housing is among the most challenging policy issues the community has faced in the last twenty years. Providing more options for affordable housing is a long-standing policy goal of the Assembly and various interested community groups.

This goal has been formally stated in the 2030 Comprehensive Plan and its supporting document, the Technical Plan (relevant excerpts attached). It was formally put forward as a component of the Assembly's economic development strategy (attached), to "pursue options regarding tiny homes and/or smaller dwellings."

And notably, the 2016 strategic plan of the Sitka Economic Development Association lists housing costs as the single greatest barrier to doing business in Sitka. (attached)

**The policy intent is to promote economic development by providing a greater range of affordable housing options.**



The topic appeared before the Planning Commission as a discussion/direction item at its November 20, 2019 meeting. There was no specific direction given or formal action taken. The draft ordinance was put before the Planning Commission at its next meeting on December 18, 2019. Action was postponed due to having only three commissioners present. It went before the Planning Commission at their next meeting on January 15, 2020. The Commission voted 3-2 in favor of recommending approval to the Assembly.<sup>1</sup> One of those ‘nay’ votes was from a Commissioner who was in strong support of the overall proposal, but did not support the particular motion to approve because it included an amendment to make it a conditional use, rather than allowed use, to install a tiny-home-on-chassis on a private lot in some zones.

Over a dozen members of the public testified on the measure. All but one were in support of the proposal. We would note that supporters included owners or managers of at least three mobile/manufactured home parks. The Planning Department also received numerous written comments, all in support, except for two which were generally supportive but did express concern about the installation of tiny houses on chassis on private lots. (attached)

### **Staff analysis**

Tiny houses have generated considerable interest in recent years, not just in Sitka but nationally. They are embraced by many who see them as part of the solution to addressing ever higher housing costs. However, national norms have been slow to evolve as to how tiny houses fit into building and zoning codes. But some change is occurring. The 2018 International Residential Code<sup>2</sup> includes a new Appendix Q, which for the first time provides a definition for tiny houses, and sets certain code requirements specific to tiny houses. The two most significant provisions are 1) defining a tiny home as less than 400 square feet exclusive of sleeping lofts, and 2) allowing for ladders and modified stairs as means of accessing sleeping lofts.

Tiny-houses-on-chassis (with or without wheels) have yet to be addressed in a nationally accepted platform. They are neither manufactured home nor recreational vehicle. The proposed ordinance amendments before the Assembly take the innovative step of creating a legal status for tiny homes on chassis, provided they meet basic fire/life safety, and health/sanitation standards. They must:

- Be constructed under a building permit and be constructed in accordance with the International Residential Code.
- Be inspected by the Building Department during construction.

---

<sup>1</sup> M-Windsor/S-Weaver moved to recommend approval of the proposed ordinance changes with the exception that tiny houses on chassis to be placed in zones that allow a single manufactured home on a lot be a conditional rather than allowed use, recognizing that final housekeeping edits and formatting changes may be made during formal ordinance preparation. (minutes not yet final)

<sup>2</sup> The 2012 International Residential Code is the current code in effect. The 2018 IRC Appendix Q would be adopted as an “add-on” to existing code.

- Be anchored to resist wind and seismic loads, much like a manufactured home.
- Be skirted.
- Have frost-free connections to utilities.

In the interest of promoting durable affordable housing, the amendments also specify certain prohibited building materials in the construction of tiny-houses-on-chassis. These requirements are based on local experience that certain materials and methods normally allowed by code, such as oriented strand board and flat roofs, although cheaper in the short run, simply don't perform well over the long term in our region's climate.

## **Summary**

Overall, the proposed amendments do two things:

1. Create a code framework for the construction of tiny houses and tiny houses on chassis.
2. Provide new options for their placement, as follows:
  - a. Tiny houses can be constructed on a permanent foundation in mobile/manufactured home parks.
  - b. Tiny houses on chassis can be placed in mobile/manufactured home parks much like manufactured homes.
  - c. Tiny houses on chassis can be placed on an individual lot in zones which allow a single manufactured home, under the conditional use permit process.

Note that tiny houses on permanent foundations are allowed under current code to be placed in any zone that allows a single family dwelling.

Although outside the scope of this proposed action, future work in this area will focus on exploring additional options for placement of tiny houses and tiny houses on chassis.

## **Recommendation**

Motion to approve the ordinance.

## **Attachments**

- Comprehensive plan excerpt
- Technical plan excerpt
- Assembly action plan
- SEDA Strategic Plan excerpt
- Excerpt from minutes of December 18, 2019 P&Z meeting
- 11Dec19 Staff report to Planning Commission, and 8Jan20 update memo
- 2018 International Residential Code Appendix Q
- Written public comments



# HOUSING

## CHAPTER OBJECTIVES



Increase Range of  
Housing and  
Affordability















Promote  
Housing Quality




Share Ho  
Informa


2030 Comprehensive Plan



HOUSING ACTION		Responsible Agency	Time Frame	Funds Needed	Completed
H 1.1a	Allow, encourage, and promote Accessory Dwelling Units (ADUs) by right in more zones.		ST	L	
H 1.1b	Minimize prevalence of variances by amending development standards, such as setbacks.		ST	L	
H 1.1c	Reduce minimum lot sizes. <i>Cross reference with LU B.2</i>		ST	L	
H 1.1e	Encourage higher density development.		ST	L	
H 1.1f	Reduce aesthetic and design standards in float home regulations.		ST	L	
H 1.1i	Create clear development standards for Planned Unit Developments (PUD) and Cluster Home Subdivisions.		MT	L	
H 1.2e	Create an affordable housing fund to offer development incentives.		ST	L	
H 1.2g	Increase tax on short-term rentals.		ST	L	
H 1.2h	Seek grant funding to support affordable housing development.		ST	L	
H 1.2i	Create housing for the homeless through public-private partnerships.		OG	L	
H 2.1	Collaborate with mobile home owners and park owners to encourage/require park upkeep in a manner that does not cause undue hardship to homeowners.		MT	L	
H 2.4	Encourage housing stock rehabilitation.		OG	L	

Responsible Agency

 City and Borough of Sitka

 Collaboration

T

ST Short-term

MT Mid-term

LT Long-term

OG Ongoing

PRIORITIES

2030 Comprehensive Plan



## 5.3 Housing Goals, Objectives, and Actions

Goals set overall direction.

Objectives are the policies the City and Borough of Sitka intends to achieve over time.

Actions chart a path to achieve the goals and objectives.

Number	Action	Responsible Agency	Time Frame	Capital Funds Needed
<b>H 1</b>	<b>Objective 1 - Increase Range of Housing and Affordability.</b>			
H 1.1	Revise zoning codes to:			
H 1.1.a	Allow Accessory Dwelling Units (ADUs) by right in more zones. Promote through advertising campaigns. <i>Cross reference LU 8.2</i>	CBS	ST-MT	L
H 1.1.b	Minimize prevalence of variances by amending development standards, such as setbacks. <i>Cross reference LU 8.2</i>	CBS	ST-MT	L
H 1.1.c	Reduce minimum lot sizes. <i>Cross reference LU 8.2</i>	CBS	ST-MT	L
H 1.1.d	Reduce residential parking requirements. <i>Cross reference LU 8.2</i>	CBS	ST-MT	L
H 1.1.e	Encourage higher density development. <i>Cross reference LU 8.2</i>	CBS	ST-MT	L
H 1.1.f	Reduce aesthetic and design standards in float home regulations.	CBS	ST-MT	L
H 1.1.g	Develop task force to consider pilot project.	CBS	ST-MT	L
H 1.1.h	Allow hostels, boardinghouses, bunkhouses, and co-housing developments as a permitted use with standard conditions in residential zones.	CBS	ST-MT	L
H 1.1.i	Create clear development standards for Planned Unit Developments and Cluster Home Subdivisions, to include density bonuses in exchange for such features as open space and inclusionary zoning.	CBS	ST-MT	L
H.1.2	Encourage and incentivize the development of permanently affordable housing.	CBS, AC	OG	U, Range
H.1.2.a	Define terms to qualify for incentives.	CBS	MT	L
H.1.2.b	Support mechanisms to increase permanently affordable homes, such as deed restrictions, targeted financing programs, and community land trusts.	AC	OG	U
H.1.2.c	Seek or initiate sweat equity housing development programs, such as homesteading and Habitat for Humanity.	AC	MT	U
H.1.2.d	Create an affordable housing advisory group through the Planning Commission.	CBS	ST	L
H.1.2.e	Create an affordable housing fund to offer development incentives.	CBS	ST	L
H.1.2.f	Consider requiring a range of housing options to be provided when disposing of municipal land for development.	CBS	OG	L
H.1.2.g	Increase sales tax on short-term rentals.	CBS	ST	L

TECHNICAL PLAN



Number	Action	Responsible Agency	Time Frame	Capital Funds Needed
H.1.2.h	Seek grant funding to support affordable housing development.	CBS	ST	L
H.1.2.i	Create housing for the homeless through public-private partnerships.	AC	OG	L
H.1.3	Participate in public-private collaborations to design and build developments that include a mix of housing types and target markets.	ALL	OG	H
H.1.4	Increase the number of long-term rentals.	CBS, PR, AC	OG	L
H.1.4.a	Establish an annual baseline count of the number of short-term and long-term rentals in Sitka so change can be measured.	CBS, PR, AC	OG	L
H.1.4.b	Identify a desired target number of additional long term rentals.	CBS, PR, AC	OG	L
H.1.4.c	Support housing development to meet the needs of Sitka's growing senior population.	CBS, PR, AC	OG	L
H.1.4.d	Support change to state regulations and funding that is preventing full occupancy at the Pioneer Home, a public assisted-living facility.	CBS, PR, AC	OG	L
H.1.4.e	Identify possible locations for new apartment buildings.	CBS, PR, AC	OG	L
H.1.4.f	Identify barriers to apartment building development and determine if city action can reduce or eliminate any obstacles.	CBS, PR, AC	OG	L
H.2	<b>Objective 2 – Promote Housing Quality.</b>			
H.2.1	Collaborate with mobile home owners and park owners to find options and incentives to encourage park upkeep in a manner that does not cause undue hardship to homeowners.	CBS, PR	MT	L
H.2.2	Encourage use of LEED or similar design standards by the public and private sectors. <i>Cross reference LU 5.2</i>	CBS	OG	L
H.2.3	Create programs and partnerships to rehabilitate or replace substandard or unsafe housing units (e.g., small or tiny homes on wheels for certain residential areas, manufactured home parks, etc.).	CBS	MT	M-H
H.2.4	Encourage housing stock rehabilitation.	CBS	OG	U
H.3	<b>Objective 3 – Share Housing Information.</b>			
H.3.1	Use website and Facebook pages to host rental and home sales information. Delete or qualify	ALL	OG	L
H.3.2	Sponsor or co-sponsor annual housing fairs.	ALL	OG	L

Legend		
Responsible Agency: CBS – City and Borough of Sitka AK – State of Alaska US – Federal Government AC – Agency Collaboration PR – Private	Time Frame: ST – Short Term MT – Mid Term LT – Long Term OG – Ongoing	Capital Funds Needed: U – Unknown L – Low – \$0 - \$100,000 M – Mid - \$100,000 - \$1,000,000 H – High - \$1,000,000+ GF – Grant Funded

## TECHNICAL PLAN

# DRAFT

## Action Plan

Strategy No. B

Plan No.

Date:

**Strategy: We will identify and pursue Economic Development Opportunities.**

**Specific Result: To pursue options regarding “tiny homes” and/or smaller dwellings (TH/SD’s).**

#	ACTION STEP (Number each one)	Assigned To:	Start Date:	Due Date:	Completed Date:
1	Assembly will hold a work session to sort through the many housing options and provide direction for the Planning Commission and additional steps to be added to this Action Plan. This is the kickoff of this Action Plan.	Assembly Kevin Knox	2/12	2/12	
2	Planning Commission will review the following current zoning codes with consideration for which codes could/would to be changed to enable TH/SD’s to be a potential affordable housing option.  a. Zoning code residential lot sizes (in works per Sitka Comprehensive Plan 2030; b. Adoption of IRC 2018 Building Codes, specifically TH/SD specifications appendix; c. Chapter 6 Mobile and Manufactured homes to allow TH/SD placement on semi/permanent foundation within mobile/manufactured home parks.	Scott Brylinsky	2/19	3/6	
3	Commission will develop definitions to be used within the zoning codes and regulations that designate what is a Tiny Home and what is a Small Dwelling (transitional size between Tiny Homes and full-size residential homes.	Scott Brylinsky	3/6	4/3	
4	Commission will forward their work in report form to the Assembly, including any recommendations they may have.	Scott Brylinsky	4/3	4/17	
5	Assembly will hold a public hearing(s) regarding code changes to accommodate TH/SD’s, and act upon changes they deem appropriate.	Mayor Paxton & Assembly	4/23	5/14	

# DRAFT

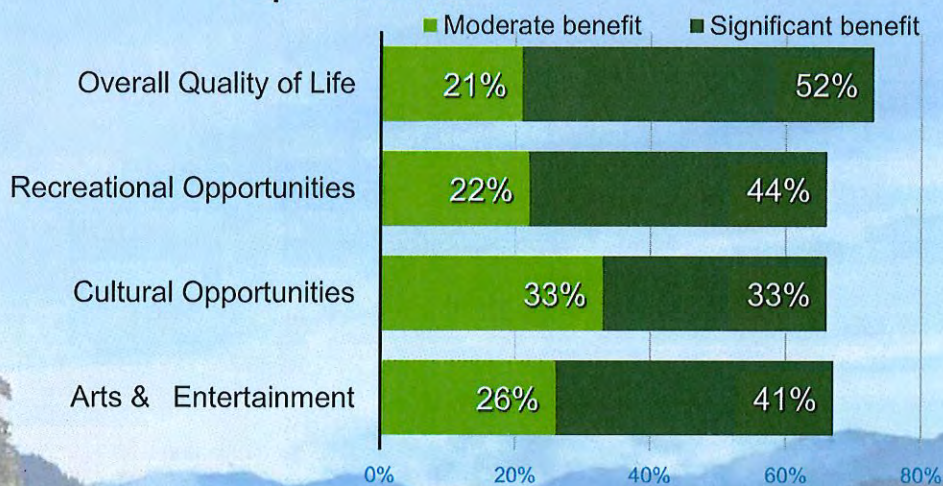
6	Building Inspection Department will work with local builders of TH/SD's to set guidelines for the construction of TH/SD's that will allow for a Certificate of Occupancy to be issued upon completion. The builders will include Building Trade classes at Sitka High School and UAS-Sitka Campus, and private businesses that contemplate construction of TH/SD's for sale in Sitka as well as other locations in Southeast Alaska.	Pat Sweeden	2/19	4/23 & Ongoing	
7	CBS will make known to residents and potential developers that TH/SD's are allowed by the current building codes, and that additional code modifications regarding TH/SD's may be considered in the near future.	Maegan Bosak	2/19	3/1 & Ongoing	
8	CBS will invite developers and/or owners of land parcels to a public meeting to discuss the potential opportunities regarding land development focusing on TH/SD's as well as building codes governing them.	Bosak & Brylinsky	3/1	4/1	
9	CBS shall work with individuals, non-profits, and/or public-private partnerships that could expand the options available, including but not limited to assisting with land designation and/or acquisition of privately owned or CBS owned land.	Brylinsky & Bosak	3/1	Ongoing	
10	This work by the CBS would include zoning designations that would allow and encourage development of both privately owned lots and lots available as rentals to site TH/SD's.	Brylinsky, Sweeden & Bosak	2/19	5/1	
		Responsible: Scott Brylinsky			



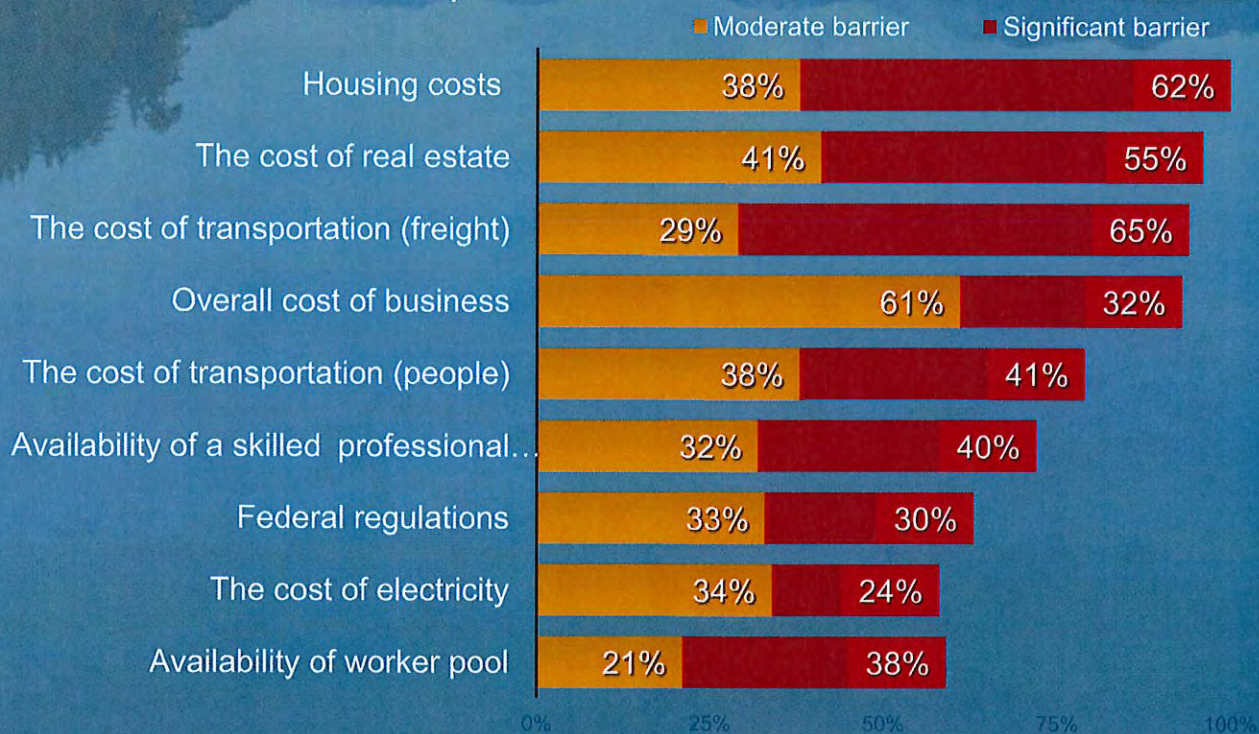
# How Significant are These Elements to Operating Your Business in Sitka?

We also asked business owners and operators about the top barriers and benefits to having their businesses in Southeast Alaska. The overall quality of life and recreational opportunities stood out as elements that provided overall advantages. The top categories of barriers centered around housing & real estate costs, transportation costs, the lack of qualified candidates available for hire.

## Top Benefits



## Top Barriers





filed by Howard Merkel. The owner of record was Howard Merkel. Motion passed 3-0 by voice vote.

M-Mudry/S-Weaver moved to adopt the required findings for conditional use permits. Motion passed 3-0 by voice vote.

H [ZA 19-06](#)

Public hearing and consideration of a zoning text change to amend Titles 6, 19, and 22 of the Sitka General Code to define Tiny Houses and Tiny Houses on Chassis and allow them in Mobile/Manufactured Home Parks. The request is filed by the Planning and Community Development Department.

Attachments: [memo- update to commission 8Jan20](#)  
[StaffReport ZA 19-06- 11Dec19](#)  
[Action Plan -Tiny Homes, sm dwellings - Draft](#)  
[IRC Appendix Q-Tiny Houses](#)  
[amending Title 6 ver2 11Dec19](#)  
[amending title 19 adopting appendix Q 11Dec19](#)  
[amending title 22 - ver2 11Dec19](#)  
[Application](#)

Windsor stated he did not want to take any action on the following item given that two Commissioners were absent. Brylinsky was agreeable and felt there was enough substance in the next three items that it warranted discussion and direction.

Brylinsky reviewed the Assembly's action plan on tiny houses and noted that the following proposal directly addressed actions 2b and 2c of the plan. Brylinsky described the overall needed changes for tiny houses to become feasible housing options was to first create a designation in our codes for tiny houses to be built and used, and secondly to find more placement options for such structures. Brylinsky covered details in Appendix Q of the International Residential Code that made new provisions for tiny houses, which were classified as dwelling units less than 400 square feet in size. Brylinsky highlighted the code changes in stair requirements, and provisions for egress for lofts. Overall, the zoning text change accomplished the following: defined tiny houses and established building code requirements for tiny houses, allowed tiny houses on chassis to be placed in mobile/manufactured home parks, allowed tiny houses on permanent foundations to be built in mobile/manufactured home parks, changed the maximum structure height in mobile/manufactured home parks to be increased from 14 feet to 16 feet, and established installation and construction material requirements for tiny houses.

Mudry stated some concern about the total height of a tiny house on chassis exceeding 14 feet due to possible electric line interference. Windsor asked about anchoring and wind resistance for tiny houses on chassis. Brylinsky answered that tiny houses on chassis would require similar anchoring to manufactured homes.

Commissioners and Staff had a broad discussion about tiny houses - particularly on chassis. Windsor recalled that the Commission had considered similar proposal a few years prior, and wondered if it was productive to rehash that conversation. Ainslie stated that she felt a few critical factors had changed since the last consideration of tiny houses. First, at the time of previous discussions, it was not known whether tiny houses would continue to be a growing trend and therefore whether or not there was truly a community need for code revisions. Ainslie affirmed that the tiny house trend

had continued to grow locally and nationally as well. Secondly, when last considered, there was no building code framework for which tiny houses could be evaluated for their safety and soundness of construction. Now that the IRC had created Appendix Q, there was now a framework for the building department to use in evaluating tiny houses. Windsor asked why the chassis was a necessary/attractive option. Ainslie and Brylinsky described the versatility of a movable structure and the temporary/transient need tiny houses on chassis could fill.

Building Official, Pat Swedeen spoke on some of the building code aspects. Swedeen stated that tiny houses have long been allowable under the building code; the major change in this proposal was the chassis. Swedeen felt comfortable administering Appendix Q; a bigger challenge would be inspecting tiny houses built out of town. Some tiny houses built out of state were not built to any code requirement. Swedeen also wanted to make clear the need for egress out of loft areas which would be required for Sitka tiny houses. His main concern and focus for tiny houses was ensuring life/safety.

Richard Wein discussed a few ideas and concerns. First, Wein stated that a major difference between a tiny house on a permanent foundation versus being on a chassis would be the property tax value. Wein wondered how different a tiny house truly is from a recreational vehicle. Placement in landslide zones could be dangerous, as Wein thought a non-anchored structure such as a tiny house on chassis could act as a projectile in a landslide event. Wein noted these structures could be good for seasonal and transient populations, both of which were growing demographics in Sitka. There would be a need to educate the public on what they could or could not buy to then place in Sitka. Wein also stated that some tiny houses had a challenged ability to dissipate odor.

**M-Mudry/S-Weaver moved to recommend that staff continue to research and work through the issues and concerns raised in the evening's deliberations and return with a revised proposal. Motion passed 3-0 by voice vote.**

## I MISC 19-20

Discussion/Direction on allowing Tiny Houses on Chassis as Accessory Dwelling Units.

**Attachments:** [discuss-direct tinyhome on chassis as ADU's-memo to PC 11Dec19](#)

Brylinsky noted that the objective of the next two items was to expand options for placement of tiny houses. At the previous meeting, there was some support for the idea of allowing tiny houses, particularly on chassis, as ADUs. The code currently does not allow RV's or tiny houses on chassis to be used. While staff did not feel there should be changes to the prohibition on RV's as ADUs, perhaps given the proposed building and aesthetic code changes, as well as requirements for freeze-protected utility connections, tiny houses on chassis could be reconsidered for ADU use.

Windsor asked for clarification on whether or not ADUs were a conditional use, Ainslie and Brylinsky discussed some of the requirements for ADUs, and when it was a permitted or conditional use. Weaver stated that his preference to not have tiny houses on chassis as they were not as durable. Windsor echoed the preference for ADUs to be on a permanent foundation.

Richard Wein thought that between the reduction in lot sizes, the adoption of ADUs, and the use of tiny houses, some headway on affordable housing could be made. Wein wished to see this idea more fleshed out before ruling it out. Wein pointed to other stabilization methods used for manufactured homes that could be employed for tiny homes as well to increase their stability and durability.





# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## **Planning and Community Development Department**

### **AGENDA ITEM**

Case No: ZA 19-06  
Proposal: Amend Titles 6, 19, and 22 to define Tiny Houses and Tiny Houses on Chassis and allow them in Mobile/Manufactured Home Parks  
Applicant: Staff  
Owner: various  
Location: various  
Legal: NA  
Zone: Primarily, but not limited to, R-2MHP, C-2, and WD

### **PROJECT DESCRIPTION**

Amendments to three sections of the Sitka General Code are proposed. The policy intent of the combined changes is to promote the use of tiny houses as an affordable housing option.

### **KEY POINTS AND CONCERNS**

- Defines tiny houses and relaxes certain building code requirements for tiny houses.
- Allows tiny houses on chassis<sup>1</sup> to be placed in mobile/manufactured home parks
- Allows tiny houses on permanent foundations to be constructed in mobile/manufactured home parks
- Changes height maximum in mobile/manufactured home parks from 14' to 16'
- The biggest impact of these proposed changes will be in the R-2MHP, C-2, and WD zoning districts. But tiny houses can be built in any zoning district allowing single family dwellings. Tiny houses on chassis may be placed in any zoning district allowing manufactured homes.

### **BACKGROUND**

Tiny houses have generated interest locally and nationally as an affordable housing option. However, real and perceived zoning and building code barriers have limited widespread use.

The proposed ordinance changes bullet-pointed in the previous section work together to alleviate some of these barriers.

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<sup>1</sup> A tiny house on chassis includes tiny houses on wheels, or on a supporting structure with wheels removed, and the chassis remains.

The Building Official administers both the Building Code, adopted in Title 19, and the requirements for mobile/manufactured home parks in Title 6 Chapter 6.12. Planning staff has worked closely with Pat Swedeen, Building Official, in preparing these recommended code changes.

## **ANALYSIS**

Tiny houses are obviously not a good housing fit for everyone, no one housing option is. But there is a need for a housing option for young adults who are starting their careers, who may be new in Sitka with few household goods, who may have come here for a summer job or an internship, and would like to stay. Often they are hindered in finding a toehold in the community by the cost of year-round housing. It is this group, or demographic, that we expect is the primary market for tiny houses.

### **Title 19**

The starting point is to define a “tiny house.” The 2018 International Building Code Appendix Q provides a definition: *a dwelling that is 400 square feet or less in floor area excluding lofts*. Appendix Q also recognizes lofts, but most importantly, relaxes code requirements for loft access, allowing steep stairs or ladders as a means of loft access. But importantly, those relaxed code requirements will no longer apply if the structure exceeds 400 square feet, such as if an addition is constructed.

Possible safety issues: the Building Codes are generally strict and unyielding when it comes to stairways. Stairway and ladder falls can be serious. By allowing steeper stairways and ladders, the code is anticipating that tiny house occupants who choose to use a loft have the physical capacity to use the stairs or ladders safely. This is consistent with staff’s opinion that the primary market for tiny homes will be younger adults. Although it is beyond the scope of this report, if this proposal is enacted we would suggest as a practical safety matter that staff actively discourage those with limited physical capacity from using a ladder as a means of access to a sleeping loft.

### **Title 6**

The most significant changes to community housing policy are here. The proposed changes:

- Create for tiny houses on chassis, with or without wheels, a legal status provided they are built to the International Residential Code and inspected by the Building Official prior to use. This requirement has been drafted to hopefully encourage local construction of these units, by requiring building permits and inspections during construction. (The draft ordinance does provide a path for units constructed outside Sitka to be used here.)
- Allow tiny houses on chassis to be placed in mobile/manufactured home parks.



- Allow tiny houses to be built on permanent foundations in mobile/manufactured home parks. This opens the door, hypothetically, to the creation of tiny house park(s). Staff believes this proposed code section also provides a path for rehabilitation of dilapidated housing stock in mobile/manufactured home parks.

In the interest of promoting durable affordable housing, the amendments also specify certain prohibited building materials in the construction of tiny houses. These requirements are based on local experience that certain materials and methods normally allowed by code, such as oriented strand board and flat roofs, although cheaper in the short run, simply don't perform well over the long term in our region's climate.

During informal conversations with a few park owners, there was strong support for the proposed code amendments.

## Title 22

The proposed changes to the Zoning Code Title 22 parallel and complement those in Title 6 Chapter 6.12. The proposed amendments add parallel definitions of tiny houses and tiny houses on chassis and amend zoning districts as needed to accommodate the changes described under Title 6.

## **RECOMMENDATION**

The Planning Department recommends that the Planning Commission approve the proposed ordinance changes.

.....

## **ATTACHMENTS**

Attachment A: Assembly Action Plan<sup>2</sup>

Attachment B: 2018 International Building Code Appendix Q

Attachment C: Proposed ordinance changes to Sitka General Code 6.12

Attachment D: Proposed ordinance changes to SGC Title 19

Attachment E: Proposed ordinance changes to SGC Title 22

## **RECOMMENDED MOTION**

I move to approve the proposed ordinance changes in principal, recognizing that final housekeeping edits and formatting changes may be made during formal ordinance preparation.

## **OR**

I move to request staff to further develop the proposed ordinances, incorporating suggestions and addressing concerns raised during tonight's deliberations.

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<sup>2</sup> The Action Plan was developed, but not formally approved, by the Assembly



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

## Memorandum

**To:** Chair Spivey and Planning Commission  
**Through:** Amy Ainslie, Director, Department of Planning and Community Development *AA*  
**From:** Scott Brylinsky, Special Projects Manager *SB*  
**Subject:** ZA 19-06 – Tiny Houses: Addendum to Staff Report  
**Date:** January 8, 2020

ZA 19-06 was first presented and discussed at the December 18, 2019 Planning Commission meeting. This meeting is the second time it is before the Planning Commission.

The item consists of proposed amendments to the Sitka General Code that create a legal status for tiny houses provided they are built to the International Residential Code and inspected by the Building Official prior to use. This includes tiny houses on permanent foundations as well as tiny houses on chassis, with or without wheels.

During discussion at the December 18, 2019 Planning Commission meeting, some questions and considerations were brought forward. This memo addresses those items.

1. How will a tiny house be safely moved over the streets if it is built to the maximum proposed height of 16-feet, considering possible interference with electric lines?

*Before moving a tall unit the Electric Department can be contacted and they will advise on the most advantageous route to minimize interference. Where interference with lines may occur, Electric Department personnel will use push sticks to elevate the lines to provide clearance.*

2. What is the legal status of a tiny house built on a chassis? Is it a vehicle or a building?

*The chassis with wheels may be licensed with DMV as a trailer. Then the tiny house, constructed under a building permit, can be transported on that trailer.*

OR

*The tiny house on chassis with wheels could be licensed with DMV as a recreational vehicle. For the tiny house to fit under the parameters outlined in the proposed code amendments, it would still need to be constructed under a building permit and issued a certificate of approval by the Building Official prior to occupancy as a long-term dwelling unit.*

3. For a tiny house on chassis to be placed long-term, how would structural adequacy of the ground to support the tiny house's chassis be assured?

*The Building Department routinely oversees adequacy of soils and fill for supporting loads to be placed. Placement of a tiny house on chassis would be no different.*



## APPENDIX Q

### TINY HOUSES

*This provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

#### User note:

*About this appendix: Appendix Q relaxes various requirements in the body of the code as they apply to houses that are 400 square feet in area or less. Attention is specifically paid to features such as compact stairs, including stair handrails and headroom, ladders, reduced ceiling heights in lofts and guard and emergency escape and rescue opening requirements at lofts.*

#### SECTION AQ101 GENERAL

**AQ101.1 Scope.** This appendix shall be applicable to *tiny houses* used as single dwelling units. *Tiny houses* shall comply with this code except as otherwise stated in this appendix.

#### SECTION AQ102 DEFINITIONS

**AQ102.1 General.** The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

**EGRESS ROOF ACCESS WINDOW.** A *skylight* or roof window designed and installed to satisfy the emergency escape and rescue opening requirements of Section R310.2.

**LANDING PLATFORM.** A landing provided as the top step of a stairway accessing a *loft*.

**LOFT.** A floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.

**TINY HOUSE.** A *dwelling* that is 400 square feet (37 m<sup>2</sup>) or less in floor area excluding *lofts*.

#### SECTION AQ103 CEILING HEIGHT

**AQ103.1 Minimum ceiling height.** *Habitable space* and hallways in *tiny houses* shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

**Exception:** Ceiling heights in *lofts* are permitted to be less than 6 feet 8 inches (2032 mm).

#### SECTION AQ104 LOFTS

**AQ104.1 Minimum loft area and dimensions.** *Lofts* used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ104.1.1 through AQ104.1.3.

**AQ104.1.1 Minimum area.** *Lofts* shall have a floor area of not less than 35 square feet (3.25 m<sup>2</sup>).

**AQ104.1.2 Minimum dimensions.** *Lofts* shall be not less than 5 feet (1524 mm) in any horizontal dimension.

**AQ104.1.3 Height effect on loft area.** Portions of a *loft* with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.

**Exception:** Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50-percent slope), portions of a *loft* with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.

**AQ104.2 Loft access.** The access to and primary egress from *lofts* shall be of any type described in Sections AQ104.2.1 through AQ104.2.4.

**AQ104.2.1 Stairways.** Stairways accessing *lofts* shall comply with this code or with Sections AQ104.2.1.1 through AQ104.2.1.5.

**AQ104.2.1.1 Width.** Stairways accessing a *loft* shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The width below the handrail shall be not less than 20 inches (508 mm).

**AQ104.2.1.2 Headroom.** The headroom in stairways accessing a *loft* shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

**AQ104.2.1.3 Treads and risers.** Risers for stairs accessing a *loft* shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height.
2. The riser height shall be 15 inches (381 mm) minus three-fourths of the tread depth.

**AQ104.2.1.4 Landing platforms.** The top tread and riser of stairways accessing *lofts* shall be constructed as a *landing platform* where the *loft* ceiling height is less



than 6 feet 2 inches (1880 mm) where the stairway meets the *loft*. The *landing platform* shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the *loft*, and 16 to 18 inches (406 to 457 mm) in height measured from the *landing platform* to the *loft* floor.

**AQ104.2.1.5 Handrails.** Handrails shall comply with Section R311.7.8.

**AQ104.2.1.6 Stairway guards.** Guards at open sides of stairways shall comply with Section R312.1.

**AQ104.2.2 Ladders.** Ladders accessing *lofts* shall comply with Sections AQ104.2.1 and AQ104.2.2.

**AQ104.2.2.1 Size and capacity.** Ladders accessing *lofts* shall have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200-pound (75 kg) load on any rung. Rung spacing shall be uniform within  $\frac{3}{8}$  inch (9.5 mm).

**AQ104.2.2.2 Incline.** Ladders shall be installed at 70 to 80 degrees from horizontal.

**AQ104.2.3 Alternating tread devices.** Alternating tread devices accessing *lofts* shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

**AQ104.2.4 Ships ladders.** Ships ladders accessing *lofts* shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).

**AQ104.2.5 Loft Guards.** *Loft* guards shall be located along the open side of *lofts*. *Loft* guards shall be not less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

## SECTION AQ105

### EMERGENCY ESCAPE AND RESCUE OPENINGS

**AQ105.1 General.** *Tiny houses* shall meet the requirements of Section R310 for emergency escape and rescue openings.

**Exception:** *Egress roof access windows* in *lofts* used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the *loft* floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.



**Amy Ainslie**

---

**From:** sitkacheryl@gmail.com  
**Sent:** Wednesday, January 15, 2020 3:18 PM  
**To:** Planning Department  
**Subject:** Tiny Home code changes

I, for one, would love to see clusters of tiny homes on city lots. They're attractive, innovative and affordable, so why not? Cheryl Call

Sent from my iPad

## Andy Corak

---

**From:** Scott Brylinsky  
**Sent:** Thursday, January 16, 2020 9:52 AM  
**To:** Andy Corak  
**Subject:** FW: tiny houses

Andy,  
This is to keep with the other email comments for the file on tiny houses.  
Thanks,  
Scott

**From:** Jason Condon <jasoncondon60@gmail.com>  
**Sent:** Wednesday, January 15, 2020 3:50 PM  
**To:** Scott Brylinsky <scott.brylinsky@cityofsitka.org>; Jonathan Kreiss-Tomkins <jonathan.s.kt@gmail.com>  
**Subject:** Re: tiny houses

Scott,  
Sorry this is 45min late, but I hope you still get an opportunity to read at the meeting.

Here is my statement, please let me know if you have any questions.

Good evening, my name is Jason Condon. My wife and I moved to Sitka in July of 2014 and lived there until July of 2019. Before moving to Sitka, we decided to build and live in a tiny, 144sq ft house. Our decision to live in a small house arose from an attempt to align some of our life priorities with our actions. We did not want to spend our time and energy maintaining a larger house that was above our needs or had unusable space. We wanted a house that met all of our domestic needs and enabled us to focus our energy on other things. These things included being involved with the community, maximizing time outdoors, and spending time with friends. To us, a house is a place to comfortably cook, relax, and sleep. Our tiny house was an experiment to see if a 144sq ft house was sufficient. After 4 years of living in it, we can confidently say it was. There were challenges that forced us to be creative, but our quality of life was not compromised. In fact, after recently moving into a 2000 sq ft rental house in North Carolina, we miss our tiny house lifestyle in Sitka. It was simple, well-designed, and comfortable.

I understand that tiny houses are not normal, but they could be viable options for a younger generation with priorities that don't include a 2000' sq ft house with 3 bedrooms and 2 baths. Motivated young people want to spend their time outside of the house. Houses serve different purposes for different stages in our lives.

There is a plethora of reasons for choosing to live in a 'tiny', but adequate space. Some that come to mind are environmental positives, financial benefits, and community sustainability. I have difficulty understanding the consequences of changing zoning and building codes to make smaller living structures available for people. Sitka only stands to benefit from updating zoning requirements that will attract young motivated people to start growing roots in the community.

Respectfully,  
Jason Condon

On Tue, Jan 14, 2020 at 3:47 PM Scott Brylinsky <[scott.brylinsky@cityofsitka.org](mailto:scott.brylinsky@cityofsitka.org)> wrote:

Hi Jason,

Good talking to you yesterday. And thanks for your support on local tiny house efforts.

Turns out I was mistaken in suggesting that you could call in to our conference line to offer testimony. That system is, evidently, cumbersome and expensive, and the Commission generally reserves it for applicants only.

You can, however, provide email comments which we will be read into the record at the meeting. Not the same as a spoken statement, but can be quite effective nonetheless.

If you send something by about 3:00pm tomorrow I can see that the commission sees it and hears it.

Thanks again,

Scott

**From:** Jason Condon <[jasoncondon60@gmail.com](mailto:jasoncondon60@gmail.com)>

**Sent:** Monday, January 13, 2020 7:08 AM

**To:** Jonathan Kreiss-Tomkins <[jonathan.s.kt@gmail.com](mailto:jonathan.s.kt@gmail.com)>; Scott Brylinsky <[scott.brylinsky@cityofsitka.org](mailto:scott.brylinsky@cityofsitka.org)>

**Cc:** meredith.r.condon <[meredis@gmail.com](mailto:meredis@gmail.com)>

**Subject:** Re: tiny houses

Scott and Jonathan,

I would be happy to call in and present testimony if that would be helpful.

Scott,

I would prefer to discuss with you prior to the meeting.

What time is the meeting Wednesday?

My cell is+14258706480.

Call when you can,

Jason Condon

On Sat, Jan 11, 2020 at 4:23 PM Jonathan Kreiss-Tomkins <[jonathan.s.kt@gmail.com](mailto:jonathan.s.kt@gmail.com)> wrote

Don't want to overask, but if one of you were able to call in as a former tiny home owner I think that could be really helpful/powerful!

I can liaise the call-in info if helpful.

----- Forwarded message -----

From: **Scott Brylinsky** <[scott.brylinsky@cityofsitka.org](mailto:scott.brylinsky@cityofsitka.org)>

Date: Thu, Jan 2, 2020 at 4:48 PM

Subject: tiny houses

To: Jonathan Kreiss-Tomkins <[jonathan.s.kt@gmail.com](mailto:jonathan.s.kt@gmail.com)>

Hi Jonathan,

Am writing to let you know that when we went before the Planning Commission and presented the draft ordinances to incorporate tiny houses into the code, and create more options for their placement, the Planning Commission did not view those proposals favorably. Only three Commissioners were present. No members of the public were present or gave written comments. The Commission voted to postpone formal action.

We will be presenting again at the January 15 meeting. If you, and/or fellow tiny house advocates, could be present, call in, or present testimony, I believe it could make a difference.

Naturally, feel free to call to discuss ahead of time if any questions.

Thanks,

Scott



Scott Brylinsky

Special Projects Manager

Department of Planning and Community Development

City and Borough of Sitka

907-738-8181

--

[jaykaytee.com](http://jaykaytee.com)

## Amy Ainslie

---

**From:** Justin Olbrych <justin.olbrych@yahoo.com>  
**Sent:** Wednesday, January 15, 2020 4:32 PM  
**To:** Planning Department  
**Subject:** Tiny homes

Hello. Out of town presently and can not make the meeting but I wanted to show my support for tiny homes. As a land owner and home builder, it just makes sense. Building smaller homes is less expensive, uses less resources and they take up less space. They obviously won't replace a typical family house, but they do provide a much needed alternative for those that seek a small, more efficient living space. The city of sitka clearly promotes accessory dwelling units, tiny homes is just an extension of this concept. And if the city was able to wave parking conditions, this might even provide more homes in town, not everyone owns or drives a car. And one last thing, why not have tiny lots or the opportunity to subdivide a residential lot into two lots. A home owner could figure out a spot for a tiny home. Have one built, tied to the city services and then divide the property say 70/30. Someone gets land and a tiny home for \$100,000. The home owner gets \$100,000. The city gets another home online. Thanks. Justin olbrych

**Amy Ainslie**

---

**From:** Kathy Kyle <kathypkyle@yahoo.com>  
**Sent:** Tuesday, January 14, 2020 9:25 AM  
**To:** Planning Department  
**Subject:** Tiny houses

Sitka is in desperate need of affordable housing. I know people who may move away if they cannot find alternative housing to what is currently available. Tiny houses are an attractive and affordable alternative to the ramshackle trailers that many people are forced to live in simply because they are already in place. Please modify Sitka's Code to expedite the use of tiny houses.

Sincerely,  
Kathy Kyle

**Amy Ainslie**

---

**From:** Marian Allen <marianallen@gmail.com>  
**Sent:** Wednesday, January 15, 2020 5:27 PM  
**To:** Planning Department  
**Subject:** Tiny Homes

I want to support making changes to allow tiny homes in Sitka. We have a major problem with a lack of affordable housing in this town and allowing tiny homes is one way we can start to address this problem.

--

Marian Allen  
829 Pherson St  
Sitka, AK 99835



## Andy Corak

---

**From:** Scott Brylinsky  
**Sent:** Thursday, January 16, 2020 10:24 AM  
**To:** Andy Corak  
**Subject:** FW: tiny houses

Please add to case file under public comment.

---

**From:** Planning Department <[planning@cityofsitka.org](mailto:planning@cityofsitka.org)>  
**Sent:** Thursday, January 16, 2020 10:14 AM  
**To:** Scott Brylinsky <[scott.brylinsky@cityofsitka.org](mailto:scott.brylinsky@cityofsitka.org)>  
**Subject:** FW: tiny houses

*Amy Ainslie*  
**Planning Director**  
City and Borough of Sitka  
100 Lincoln Street  
Sitka, AK 99835  
(907) 747-1815  
[amy.ainslie@cityofsitka.org](mailto:amy.ainslie@cityofsitka.org)

**From:** Nan Metashvili <[ferenjinan@gmail.com](mailto:ferenjinan@gmail.com)>  
**Sent:** Wednesday, January 15, 2020 8:03 PM  
**To:** Planning Department <[planning@cityofsitka.org](mailto:planning@cityofsitka.org)>  
**Subject:** tiny houses

Here is a little piece I wrote for the Sitka Soup- not sure when there will be room to run it, but it's my 2 cents. I'm passionate about housing, because I am unable to afford to live in Sitka anymore, and would love a tiny house. I'm a retired librarian (remember Kettleon Library?) and the State of Alaska pension is ludicrous.

It was a typical day in Sitka. Rain drizzled down, fog drifted around the forests like old spirits, and cold waves sloshed resolutely against the shore.

The Soupster was heading towards one of his favourite haunts, the library.

Though not as cozy as the old library, the new one still filled his needs. It was warm and dry, and its services were freely available to all. He would spend time reading the papers, and check out a few books to feed his insatiable appetite for reading. With some amusement and no little sadness, he noted that 9.5 out of 10 people scattered around were reading, writing or playing on some sort of electronic device. Not many books to be seen, the old fashioned kind made of paper.

The smell of a brand new volume to him was indescribable. He positively enjoyed the tactile sensation of turning pages, and the ease of flipping back to reread some passage. Many a time did he find it necessary to refresh his memory about some point mentioned 6 chapters ago. The Soupster was not shy about admitting he was getting on a bit and his little grey cells weren't what they used to be. And he loved the elegance of choosing just the right bookmark to insert to keep his place. He had a whole collection of them.

And as much as he loved reading books, there was also the social side of the library. No cold city institution, Sitka's library was a lively place where friendships were formed and nurtured, a place where lonely after-school kids could safely hang out, and even a few romances had happened. He could always count on finding a pal there to have a chat with.

As the Soupster picked up a latest nonfiction bestseller to sit and browse through, he noticed the person next to him in another chair. The two men both could sit there and gaze out at the unparalleled view of the ocean and the small islands, the skiffs and trollers and sailboats going past. They could stay until closing time. They could use the bathroom.

But at closing time, the Soupster could go home to a comfortable and welcoming home, and the other chap obviously could not. Homeless was written all over him, from the shabby clothes, unwashed odor, and the look of sadness and fear in his eyes. Where will he go when the library closes? Out into the rain, and then?

The Soupster started to wonder why the town had to be so difficult for low income folks. Why could they not follow the example of some other communities around the country and take care of all its citizens?

Tiny houses, for example. He had lately been reading in magazines about places building tiny houses. Why do people crave McMansions anyway, when a smaller and adequate abode would do? Wouldn't it be grand if Sitka could commit in a significant way to small and available homes?

The Soupster smiled sadly at the homeless man as the closing time lights flickered.

Then they both left the library.

## Andy Corak

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**From:** Planning Department  
**Sent:** Thursday, January 16, 2020 2:12 PM  
**To:** Scott Brylinsky; Andy Corak  
**Subject:** FW: Tiny homes

Amy Ainslie  
Planning Director  
City and Borough of Sitka  
100 Lincoln Street  
Sitka, AK 99835  
(907) 747-1815  
amy.ainslie@cityofsitka.org

-----Original Message-----

From: Phyllis Hackett <hackett.phyllis@gmail.com>  
Sent: Thursday, January 16, 2020 12:54 PM  
To: Planning Department <planning@cityofsitka.org>  
Subject: Tiny homes

Hello Commissioners

Sitka has been discussing affordable housing for decades. The most reasonable way I see to help our housing and affordable living challenges is through higher density in residential areas.

Tiny homes is a wonderful option for many people and we would be smart to approve code changes allowing for that. It is time to step out of our box and stretch, for the good of our entire community today and into the future.

Please vote in favor of the necessary code changes to make Tiny homes not only allowable but also reasonable.

Thank you for your service. It is greatly appreciated

Phyllis Hackett

Sent from my iPhone

## Amy Ainslie

---

**From:** Victoria OConnell <victoria.oconnell@gmail.com>  
**Sent:** Wednesday, January 15, 2020 4:45 PM  
**To:** Planning Department  
**Subject:** I support Tiny Houses

Hello,  
I support code changes to allow tiny houses, like the one Sitka Conservation Society had the high school build, Please support these changes  
thank you  
Tory Curran  
608 Etolin St  
Sitka



## Amy Ainslie

---

**From:** Karen Hegyi <alaskaperegrina@gmail.com>  
**Sent:** Tuesday, January 14, 2020 9:02 AM  
**To:** Planning Department  
**Subject:** comments for planning commission January 15, 2020 consideration of Tiny Houses changes to zoning code

I apologize if this is not the correct email for commenting on the proposed zoning code changes up for consideration this Wednesday, January 15, 2020.

Please forward this message to the Planning Commission.

Dear Planning Commission Members:

I apologize for not appearing in person. Unfortunately your meeting conflicts with travel plans I had already made.

I have had an opportunity to review ZA 19-06 Staff Report for December 18, 2019.

I believe this is a good step for Sitka.

I have been a fan of Tiny Houses ever since I found a book about them at Old Harbor in 2011. I recognize that they are too small for me and my knees are too old for climbing in and out of a Tiny House loft. As the Analysis paragraph points out Tiny Houses "are not a good housing fit for everyone." But they will fill a niche.

Amending the Zoning Code to allow for their existence and for their placement in mobile/manufactured home parks makes sense.

I do have separate concerns for any future expansion of their placement in other zoning areas. Not because I oppose their use. Rather my concern is that something intended for use by "young adults with few possessions" can easily morph into expansions and sheds and the need for parking for vehicles and boats as more possessions and vehicles are acquired.

It is important therefore that any future expansion of allowable placement of Tiny Houses understand that a user is going to want to expand the footprint. And, while the first occupants might only have bicycles at some point in the near future they are going to want a car/SUV/truck and a boat. And even if the first occupant only has a bicycle they will have guests who arrive in cars/SUVs/trucks.

For any expansion of permitted use the lot size and setbacks need to take parking, footprint expansion and out buildings into consideration. Otherwise the public street and sidewalk will become their permanent parking places.

Thank-you for your consideration.

Karen R. Hegyi

PO Box 671

Sitka, AK 99835

## Andy Corak

---

**From:** Scott Brylinsky  
**Sent:** Thursday, January 16, 2020 10:25 AM  
**To:** Andy Corak  
**Subject:** FW: Tiny Homes

Please add to case file.

-----Original Message-----

From: Planning Department <planning@cityofsitka.org>  
Sent: Thursday, January 16, 2020 10:14 AM  
To: Scott Brylinsky <scott.brylinsky@cityofsitka.org>  
Subject: FW: Tiny Homes

Amy Ainslie  
Planning Director  
City and Borough of Sitka  
100 Lincoln Street  
Sitka, AK 99835  
(907) 747-1815  
amy.ainslie@cityofsitka.org

-----Original Message-----

From: K L <stormysea@rocketmail.com>  
Sent: Wednesday, January 15, 2020 7:06 PM  
To: Planning Department <planning@cityofsitka.org>  
Subject: Tiny Homes

Dear Planning Commission Members,

We're writing about the idea of Tiny Homes to provide more affordable living for Sitkans. While we agree that the concept is a great one, we are also very concerned about the impact on current properties and homeowners. If you can create zones in new areas for tiny homes that would be amazing. What would be a huge challenge is if you dilute the meaning of R1, R2, and other established zones by adding in Tiny Homes. Sitka already is often breaking our own zoning rules by granting so many variances. Please don't choose the variance method of allowing Tiny Homes into our community. That will pit neighbors against each other and remove a part of what makes Sitka a wonderful place to live. Most of us buy property with the expectation that the zone means something. When the zoning gets mixed up so much, and there's very little notice for variances, it means that people have to attend meetings and argue on their own behalf to keep the property density which they originally bought. We're trusting that your wish to add more affordable housing will not disregard this very important issue for current homeowners. Thanks for all your time and effort as you traverse this potentially controversial issue.

Sincerely,  
Klaudia and Michael Leccese

Sent from my iPhone



**Sitka Conservation Society**  
(907) 747-7509  
[info@sitkawild.org](mailto:info@sitkawild.org)  
PO Box 6533, Sitka, AK, 99835  
[www.sitkawild.org](http://www.sitkawild.org)

January 15, 2020

Dear Planning Commission,

The Sitka Conservation Society (SCS) supports the proposed changes to the Sitka General Code to give tiny homes a clear legal status, and to update the zoning code and mobile home park code to provide more options for placement of tiny homes in our community.

For the past five years, SCS has partnered with the Sitka School District, community members and local businesses on a workforce development project, through which high school students have gained construction and professional skills by building a tiny home. In addition to being a learning tool for youth, the Tongass Tiny Home has allowed us to engage in community dialogue about the potential role of tiny homes in Sitka.

Tiny homes are a specialized solution for people concerned about minimizing their monthly expenses, downsizing and avoiding consumption, minimizing their carbon footprint, and/or maintaining flexibility, such as having the ability to move with home in tow or limit debt. By updating Sitka's codes, you will remove real and perceived barriers allowing people to invest in this solution, thereby adding another option for Sitka's housing market (reducing competition for apartments, seasonal residences), and creating opportunities for community members interested in thoughtfully increasing housing density.

Access to safe and affordable housing is critical to the social, economic and ecological well being of our community. Allowing a broader range of housing options will help meet the diverse needs and desires of Sitka residents and visitors. Please note that we do not advocate for tiny homes as a replacement for existing mobile or manufactured homes, except for as desired by current residents of Sitka's parks. Tiny homes should be additive to our housing landscape, providing weather-appropriate, small options, without displacing in-demand larger housing units.

Since the Commission last considered this issue, two notable things have happened that make the proposed code changes appropriate and timely:

- The International Residential Code adopted Appendix Q to provide regulations and standards for tiny homes. Sitka code has historically closely followed the International Residential Code.
- The 2030 Sitka Comprehensive Plan was adopted with the goal of "Expand(ing) the range, affordability, and quality of housing in Sitka while maintaining attractive, livable neighborhoods," including by encouraging higher density development, promoting Accessory Dwelling Units, and considering tiny homes on wheels for certain residential areas &

manufactured home parks. This plan was based on community feedback gathered from December 2015 through May 2018

Thank you for your service to the community of Sitka. We hope that you will take action tonight to thoughtfully welcome tiny homes to Sitka.

Sincerely,

Chandler O'Connell  
Sitka Sustainable Community Catalyst  
Sitka Conservation Society





# CITY AND BOROUGH OF SITKA

## Legislation Details

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File #: 20-044      Version: 1      Name:

Type: Item      Status: AGENDA READY

File created: 2/6/2020      In control: City and Borough Assembly

On agenda: 2/11/2020      Final action:

Title: Approve hire offer for Jessica Ieremia as Library Director

Sponsors:

Indexes:

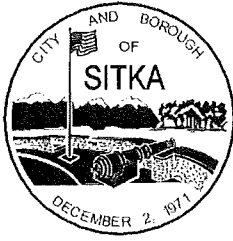
Code sections:

Attachments: [Motion and Memo Library Director](#)

Date	Ver.	Action By	Action	Result
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## **POSSIBLE MOTION**

**I MOVE** to approve the hire offer for Library Director Jessica Ieremia as recommended by the Interim Municipal Administrator.



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

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## MEMORANDUM

To: Mayor Gary Paxton and Assembly Members

From: Hugh Bevan, Interim Municipal Administrator

*HB 2-6-20*

Date: February 6, 2020

Subject: Sitka Public Library Director

---

### Background

Sitka's previous Library Director resigned last September, and the City has been seeking another Director since then. Joanna Perensovich has done a great job as Acting Director during the interim.

### Analysis

Jessica Ieremia has been with the Petersburg library for the past 9 years. She holds a master's degree in library information management. She has considerable experience with creating library programs that involve native people in the Petersburg community.

Our interview committee consisted of myself, Chief Baty, Michael Harmon and Library Commission Chair Nicole Filipek. The committee unanimously supports the hiring of Jessica as our new Library Director.

### Fiscal Note

The Library Director position is funded at Range 35A in the FY21 budget.  
I made the following offer to Ms. Ieremia which she has accepted:

Starting wage Range 35A

After six months increase to Range 35B with a satisfactory job evaluation

Increase to Range 35C when she completes a Library Strategic Plan that is acceptable to the Library Commission.

Beginning annual leave balance of 40 hours

Annual leave accrual rate of 152 hours per year per the personnel policy

Sick leave accrual rate of 12 hours per month per the personnel policy

Moving allowance up to \$10,000 based upon approved receipts.

### Recommendation

Hire Jessica Ieremia as Sitka's Library Director under the terms stated above.



# CITY AND BOROUGH OF SITKA

## Legislation Details

File #: 20-039 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 2/5/2020 In control: City and Borough Assembly

On agenda: 2/11/2020 Final action:

Title: Approve a Memorandum of Understanding between the City and Borough of Sitka and the Sitka Cycling Club

Sponsors:

Indexes:

Code sections:

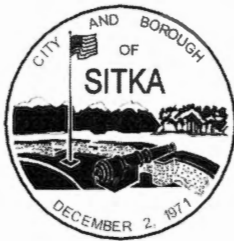
Attachments: [Motion MOU](#)  
[Memo](#)  
[SCC MOU 2.4.20 v.2](#)  
[SCC Permit\\_Final](#)  
[bike-trail-proposal-figure \(002\)](#)

Date	Ver.	Action By	Action	Result
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## **POSSIBLE MOTION**

**I MOVE** to approve a Memorandum of Understanding between the City and Borough of Sitka and the Sitka Cycling Club and authorize the Interim Administrator to execute the document.



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

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## MEMORANDUM

To: Mayor Paxton and Assembly Members

From: Hugh Bevan, Interim Municipal Administrator *HB 7-6-20*

Date: February 5, 2020

Subject: Memorandum of Understanding with the Sitka Cycling Club

---

### Background

Sitka Cycling Club (SCC), an association of Sitka volunteers, has approached the City about constructing and maintaining a series of mountain bike trails on City land behind the High School.

The single-track bike trails are intended to be winding paths approximately one-foot wide. There will not be any jumps or elevated boardwalks. The intent is to provide low-difficulty trails that can be enjoyed by cyclists of all skill levels.

### Analysis

The Public Works Department has reviewed the proposed bike trails in the field with SCC. Our engineers have concluded the routes will have minimal impacts due to erosion or adverse effects to streams.

Furthermore, only the first trail loop will be constructed initially so the Department can assess the construction techniques of SCC before the trail system is expanded.

### Fiscal Note

All costs of construction and maintenance will be borne by Sitka Cycling Club.

There will be a few hours of coordination in the field with Public Works, but I do not see this as a significant budget impact to City funds.

### Recommendation

Approve the Memorandum of Understanding between the City and Borough of Sitka and the Sitka Cycling Club

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
CITY AND BOROUGH OF SITKA  
AND  
SITKA CYCLING CLUB**

**Re: The construction and maintenance of single track bike trails by the Sitka Cycling Club on land owned by the City and Borough of Sitka at locations along the Sitka Cross Trail.**

This Memorandum of Understanding ("MOU") is entered into by and between the City and Borough of Sitka ("CBS") and the Sitka Cycling Club ("SCC"), hereinafter collectively referred to as the "Parties." The single track bike trails referenced above are hereinafter collectively referred to as the "Project."

**Article I – Purpose and Intent**

The purpose of this MOU is to establish and define the rights, responsibilities, and obligations between the Parties with respect to the Project.

The single track bike trails, constructed as part of the Project, are intended to be narrow, winding paths through the forest, at locations along the Sitka Cross Trail. The paths will be approximately one foot wide through a corridor of approximately three to four feet. The paths will be designated as biking trails only, and appropriate measures will be taken to prohibit motorized use. The paths will be designed to avoid steep slopes, minimize the speed of the bikers, and be most appropriate for beginner single track bikers. There will be no jumps or elevated structures on the paths. The trails constructed as part of the Project are intended to be safe, accessible, low difficulty, low maintenance and designed to excite and engage all levels of bike riders in single track bike riding.

**Article II – Roles and Responsibilities**

The Parties understand and agree as follows:

**A. CBS shall:**

1. Identify staff (by name, address, email, phone numbers, and responsibility) to SCC for direct communication regarding the Project;
2. Communicate directly with the Project Manager, and other SCC volunteers identified by SCC, regarding all Project activities and operations and review the same for approval, change, or disapproval as appropriate, as determined in CBS' sole discretion, after consultation and cooperation with SCC;
3. Make site visits as deemed necessary;
4. Provide a release instrument to SCC, and its volunteers, which acts as a release of liability and an assumption of risk by SCC, and its volunteers; and
5. Maintain comprehensive general liability insurance for the land upon which the Project is being constructed, with coverage as determined in CBS' sole discretion.

**B. SCC shall:**

1. Provide the funds, resources and deliverables necessary to complete the Project;

2. Comply with all federal, state and municipal laws and regulations, including environmental, applicable to the Project, and obtain permits required by those laws and regulations as necessary;
3. Develop and implement design and construction policies consistent with risk management best practices and industry standards established by the International Mountain Bicycling Association ("IMBA"), which shall include, but not be limited to, establishing a trail difficulty rating that indicates the relative difficulty of each trail, developing and instituting trail rules, eliminating unreasonable hazards, and developing and installing an effective signage system to indicate the difficulty rating, trail rules, unexpected hazards, and encourage responsible riding;
4. Design and construct the Project such that it does not impede or conflict with the use of the Sitka Cross Trail;
5. Manage the Project activities and operations, including the personnel (including volunteers) and the work performed by those personnel, and seek review by CBS of the same for approval, change, or disapproval as appropriate, as determined in CBS's sole discretion, after consultation and cooperation with SCC;
6. Identify a Project Manager (by name, address, email, and phone numbers) responsible for managing the activities and operations of the Project, including, but not limited to, communicating and meeting with CBS, scheduling and coordinating critical activities and operations, seeking prior CBS approval for those activities and operations, and cooperating and coordinating with CBS on all aspects of the Project;
7. Identify volunteers (by name, address, email, phone numbers, and responsibility) responsible for direct communication to CBS regarding the Project;
8. Communicate directly with CBS, to staff identified by CBS, regarding the Project;
9. Permit site visits, as deemed necessary by CBS;
10. Participate in meetings, as scheduled by CBS;
11. Indemnify, defend, save, and hold CBS harmless from any claims, lawsuits, or liability, including attorney's fees and costs, arising from any intentional misconduct or negligent act, error, or omission, occurring during the course of or as a result of SCC's, or its volunteers', performance under this MOU, except those arising from the intentional misconduct or negligent acts, errors or omissions of CBS;
12. Sign and deliver to CBS the release instrument provided by CBS which acts as a release of liability and assumption of risk by SCC, and obtain the same from its volunteers;
13. Take all necessary and reasonable precautions to ensure the safety and security of the Project personnel (including volunteers) and other persons during Project activities and operations, and secure the Project site during all times to ensure the safety of the Project and the public;
14. Initially design and construct a section of the Project, which is one of the easier sections south of the Sitka Cross Trail, as a "pilot" trail, and seek review by CBS of this section for approval, change, or disapproval, before proceeding with other sections of the Project;
15. After the initial section is approved, proceed with the design and construction of other sections of the Project, and seek review by CBS of each section for approval, change, or disapproval;
16. Upon completion of the Project, be responsible for maintaining all single track trails pursuant to the attached maintenance agreement hereby incorporated by reference;
17. Upon completion of the Project, identify a contact person or persons (by name, address, email, phone numbers, and responsibility) responsible for direct communication to and from CBS regarding maintenance and management of the Project; and

18. Only if desired, obtain and maintain insurance for the Project, SCC, and its personnel (including volunteers), with the understanding that CBS has no obligation to provide such insurance coverage.
- C. CBS is the owner of the land on which the Project sits. Any structures, improvements, materials, equipment or personal property constructed on or placed upon CBS land as a result of this Project becomes the property of CBS, with SCC neither retaining nor receiving any interest in the same, unless otherwise mutually agreed in writing by the Parties.
- D. This MOU may only be modified or amended by written mutual agreement of the Parties.
- E. This MOU shall be effective for five (5) years, starting April 1, 2020, and ending March 31, 2025, unless terminated earlier as provided herein. The Parties may mutually agree in writing to extend this MOU, with the approval of the CBS Assembly. This MOU may be terminated by CBS, without cause, by giving ten (10) days written notice, at which time SCC shall cease all construction activities, if any. This MOU may be terminated by either party for material breach by the other party or by written mutual agreement of the Parties. The obligation of SCC to maintain the Project shall survive any termination of this MOU.
- F. This MOU was approved by the CBS Assembly on February 11, 2020.

### **Article III – Authorizing Signatures**

#### **CITY AND BOROUGH OF SITKA, ALASKA**

\_\_\_\_\_  
Date

\_\_\_\_\_  
By: Hugh Bevan

Its: Interim Municipal Administrator

STATE OF ALASKA                    )  
  ) ss.  
FIRST JUDICIAL DISTRICT         )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Hugh Bevan, Interim Municipal Administrator of the CITY AND BOROUGH OF SITKA, ALASKA, an Alaska home rule municipality, on behalf of the municipality.

\_\_\_\_\_  
Notary Public in and for the State of Alaska  
My commission expires: \_\_\_\_\_

**[ADDITIONAL SIGNATURE AND ACKNOWLEDGEMENT ON NEXT PAGE]**



**SITKA CYCLING CLUB**

\_\_\_\_\_  
Date

\_\_\_\_\_  
By: Doug Osborne  
Its: President

STATE OF ALASKA                    )  
  ) ss.  
FIRST JUDICIAL DISTRICT        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Doug Osborne, \_\_\_\_\_ of Sitka Cycling Club, an association of volunteers, on behalf of the association.

\_\_\_\_\_  
Notary Public in and for the State of Alaska  
My commission expires: \_\_\_\_\_

**USE AND MAINTENANCE AGREEMENT (PERMIT)  
BETWEEN  
CITY AND BOROUGH OF SITKA, ALASKA  
AND  
SITKA CYCLING CLUB  
FOR  
SINGLE TRACK BIKE TRAILS ALONG THE SITKA CROSS TRAIL**

This Permit is made and entered into effective April 1, 2020, by and between the City and Borough of Sitka, Alaska (hereinafter "Permittor"), and Sitka Cycling Club, an association of volunteers (hereinafter "Permittee").

**Section 1. Definitions.**

The following definitions shall apply herein:

- A. "Permittee" means Sitka Cycling Club (hereinafter "SCC");
- B. "Permittor" means the City and Borough of Sitka, Alaska (hereinafter "CBS");
- C. "User" or "Users" refers to the Permittee or SCC or single track bikers;
- D. "Administrator" means the Municipal Administrator of the City and Borough of Sitka, Alaska, or designee;
- E. "Permit" means this instrument;
- F. "Maintain" means to keep in an existing state, preserve from failure as described in Section 3 below; and
- G. "Premises" as identified in Section 2 below.

**Section 2. Premises.**

A. Permittor hereby grants to the Permittee a permit to use and maintain the Premises for single track bikers. The Premises is located in Sitka, Alaska, along the Sitka Cross Trail, on locations as drawn on the attached drawing(s). Permittee may not exclude the general public from accessing and utilizing the Premises unless a permitted race or competition is taking place.

B. This document is intended to be a use and maintenance agreement for Permittee for the Premises in accordance with the terms set forth herein. Permittee shall acquire no interest in the Premises or any other real or personal property of Permittor by virtue of this Permit, nor shall Permittor acquire any interest in the personal property, equipment or materials of Permittee that have not been permanently affixed to the Premises.

Section 3. Term.

A. The term of this Permit shall not exceed five (5) years. Said term shall commence April 1, 2020, and end on March 31, 2025, unless earlier terminated pursuant to the terms of this Permit.

B. Prior to initial occupancy and/or commencement of use, Permittee shall participate in an inspection of the Premises with the Permitter for the purpose of identifying the condition of the Premises and permitted areas of use.

Section 4. Maintenance.

A. SCC will maintain the Premises, such as is reasonable and necessary for use of the Premises by Users. SCC will establish and follow a very general maintenance program, focusing primarily on the seasonal cleanup, and in line with the established priorities.

B. Priority will always be given to obvious hazards, or conditions that could potentially pose risk to the safety of Users. Such conditions cannot be simply enumerated or defined but must be evaluated in the field on a case-by-case basis.

C. Regular maintenance will consist of clearing (deadfall and encroaching vegetation), basic tread smoothing and repairs, bridge and other structure inspection and repair, drainage feature installation and maintenance/repair, and trail reroutes.

D. Deferred maintenance will consist of all work that is not necessary for immediate trail function, but that should be completed in order to assure long-term trail or structure viability.

Section 4. Nonexclusivity.

Permittee agrees and understands that this Permit is nonexclusive. Permitter may grant rights to one or more other user groups, or others generally, to utilize the Premises and facilities on Permitter's property. In addition, Permittee agrees to cooperate with Permitter and other permittees in the avoidance or mitigation of interference of maintenance among permittees of the Premises.

Section 5. Revocation/Termination/Expiration.

This Permit may be revoked:

A. By mutual consent of the parties.

B. For the convenience of either party, provided that the revoking party notifies the other in writing of its intent to revoke under this paragraph at least ten (10) days prior to the effective date of the revocation.

C. For cause, by either party where the other party fails in any material way to perform its obligations under this Permit, provided however, that as a condition of the exercise of its right of revocation under this paragraph, the revoking party shall notify the other party of its

intent to revoke this Permit and with reasonable specificity the grounds therefore, and the defaulting party shall have within ten (10) days of receiving notice either to cure the default complained of, or to commence and proceed with diligence to cure the default.

Section 6. Duties Upon Revocation/Expiration/Termination.

A. Upon the effective date of revocation, termination or expiration of this Agreement, Permittee shall immediately cease use and maintenance of the Premises and remove all equipment and personal property from the Premises, and if applicable, turn over all project, design, and construction documents to Permittor. If after a separately agreed upon and reasonable period, provisions for the removal of such equipment and personal assets are not made, such shall become the property of Permittor which may have such property removed at Permittee's expense.

B. Structures, improvements, and personal property of Permittor which are altered or damaged by Permittee, its members, employees, and guests, normal wear and tear excepted, shall be replaced, restored, or repaired by Permittee to the satisfaction of Permittor, with such work as may be required to be commenced within thirty (30) days with written notice to the Permittee by Permittor.

C. Upon expiration or termination of this Permit, Permittee shall participate in an inspection of the Premises with the Permittor for the purpose of a walkthrough of the Premises. Permittee's personal assets and inventory shall have been removed from the Premises, unless arrangements are made with the Permittor to allow some storage on the Premises. The Permittee shall leave the Premises in a neat, clean, and undamaged condition.

Section 7. Reporting of Accidents.

Permittee shall notify the Administrator of any injury or damage incurred by persons or property on the Premises as soon as possible, but in no case shall it be later than the first working day following Permittee learning of such injury or damage.

Section 8. Risk of Loss.

During the term of this Permit, Permittee shall bear the risk of loss for any improvements and fixtures installed or constructed on the Premises, and for any personal property the Permittee brings to the Premises in the event that such improvements, fixtures, or personal property are damaged or destroyed in whole or in part, by whatever cause.

Section 9. Right of Entry.

Permittor reserves the right to enter the Premises at all reasonable times and to exercise all the rights and privileges of a landowner, including the right to permit other parties to maintain the Premises, and Permittee shall allow Permittor to do so.

Section 10. No Property Interest.

This Permit is intended to be a permit for Permittee to use and maintain the Premises in accordance with the terms set forth herein. Permittee shall acquire no interest in the Premises or any other real or personal property of Permittor by virtue of this Permit.

Section 11. Capital Improvements / Ownership of Improvements to the Premises.

A. Any capital improvements to the Premises constructed or installed by Permittee during the term of this Permit, shall become the property of Permittor upon the completion of construction.

B. Permittee may alter or improve the Premises by the addition of temporary alterations. However, before any alterations or improvements are made, they must be approved and designated as temporary alterations in writing by Administrator. Upon revocation or expiration of this Permit, Permittor may retain for its own benefit any such decorations, alterations, or improvements upon mutual consent of the parties.

C. Permittee shall remove those temporary improvements to the Premises to which Permittee may be entitled under subparagraph A of this section within ten (10) days after termination or expiration of this Permit. In the event that Permittee fails to comply with the terms of this section, Permittor shall be entitled to retain the improvements or remove them at Permittee's expense.

Section 12. Permit Requirements.

Permittee shall acquire and maintain in good standing all permits, licenses, and other entitlements necessary to its performance under this Permit. Permittee agrees to comply with all applicable laws, ordinances, rules and regulations, together with any policies, procedures and conditions of permit issuance, and any violation by Permittee shall be sufficient grounds for immediate revocation of this Permit. Permittee shall pay all taxes, if any, pertaining to its performance under this Permit.

Section 13. Notices.

Any notice required pertaining to the subject matter of this Permit shall be personally delivered, sent via facsimile, e-mail, or mailed by prepaid first class, registered or certified mail, return receipt requested to the following addresses:

PERMITTOR:  
Municipal Administrator  
100 Lincoln Street  
Sitka, Alaska 99835  
Telephone: (907) 747-1808  
Facsimile: (907) 747-7403



PERMITTEE:

Doug Osborne  
Sitka Cycling Club  
404 Hollywood Way  
Sitka, Alaska 99835  
Telephone: (907) 738-8734

\*Notices are effective upon the earlier of proof of receipt, proof of good transmission (facsimiles and emails) or three days after mailing.

Section 14. Liens.

Permittee shall not suffer any liens or encumbrances to be levied upon the Premises, or any other land owned or controlled by Permittor. Permittee shall hold Permittor harmless from any such actions and be responsible for payment of any related costs that Permittor may incur.

Section 15. Environmental.

A. Permittee agrees and covenants not to use, store or abandon any toxic wastes, hazardous chemicals, or any other regulated substances, which in any way may create liability for contaminated soils or waters, without the prior written consent of Permittor. Permittee shall not apply chemicals/pesticides on or around the Premises. Should Permittee breach this clause, the hold harmless provisions hereof shall apply and Permittor may independently demand and require Permittee to promptly cure any soil or water contamination or other damage at Permittee's expense. Permittor may also take remedial steps or seek administrative or judicial relief and seek from Permittee recovery of costs, including attorney fees and court costs, associated with any remedial, administrative or judicial action.

B. Permittee may not store or apply any other chemicals or pesticides on the Premises. Unauthorized application of chemicals or pesticides in any form, other than approved by Permittor, may immediately void this Permit. Unauthorized application shall be referred to the State of Alaska Department of Environmental Conservation office.

C. It is the Permittee's responsibility to comply with OSHA requirements, as applicable, within the snack shacks/buildings and connexes.

Section 16. Security of Premises/Safety.

Permittee shall have sole responsibility for safety, including safe conduct and safe maintenance of Premises, during times of scheduled maintenance, including those times Permittee schedules the Premises for maintenance by others. Permittee agrees to correct any safety concerns in a prompt manner. Permittee shall secure all materials and/or equipment that might create an attractive nuisance when not in maintenance.

Section 17. Signs.

Permittee shall not place or erect signs, poles, lights or advertising devices on the Premises, without prior written approval by Permittor.

Section 18. Quiet Possession.

Permittee, upon observing the conditions and terms of this Permit, shall and may have at all times during the term hereby granted peaceful and quiet enjoyment and possession of the Premises, except as otherwise set forth in this Permit.

Section 19. Personnel.

A. Permittee shall notify Permittor in writing, within 10 days of appointment to or resignation from, the key positions and officers of the organization.

B. The staff and personnel involved in this agreement will at all times represent all parties to this agreement in a professional manner and reflect the commitment of all parties to quality services and customer satisfaction.

E. When Permittee is considering holding a special event at the Premises, the Permittee will need to apply for a special event permit through the Parks and Recreation Department. Special event fees may apply to the Permittee. Other permits required by the City and Borough of Sitka may also be required. Separate fees for permits related to special events may be applicable. Permittee is aware that application should be made at least 30 days prior to the date they would like to have a special event, and that Permittor does not guarantee that a special event permit will be issued to Permittee.

Section 20. Political Activity.

There shall be no partisan political activity or any activity to further the election or defeat of any candidate for public, political, or party office as part of or in connection with this Permit, nor shall any of the user fees be used for such purposes.

Section 21. Conflict of Interest

Permittee represents and warrants that neither it nor any of its officers, trustees, employees, or volunteers has any interest, nor shall they acquire any interest directly or indirectly, which would or may conflict in any manner or degree with the performance or rendering of the services herein provided. Permittee further represents and warrants that in the performance of this agreement, no person having such interest or possible interest shall be employed by it. No elected official or other officer or employee of the City and Borough of Sitka, nor any person whose salary is payable, in whole or in part shall take place in any decision relating to this agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is, directly or indirectly, interested;

nor shall any such person have any interest, direct or indirect, in this agreement or in the proceeds thereof.

## **PART II**

### **GENERAL PROVISIONS**

#### Section 1.     Nonwaiver.

The failure of either party at any time to enforce a provision of this Permit shall in no way constitute a waiver of the provision, nor in any way affect the validity of this Permit or any part hereof, or the right of such party thereafter to enforce each and every provision hereof.

#### Section 2.     Amendment.

A.     This Permit shall only be amended, modified or changed in writing, and executed by the authorized representatives of the parties.

For the purposes of amendment of this Permit, the only authorized representatives of the parties are:

Permittee:     President of SCC or authorized designee.

Permitter:     Municipal Administrator, or authorized designee.

B.     Any attempt to amend, modify, or change this Permit by either an unauthorized representative or unauthorized means shall be void.

#### Section 3.     Jurisdiction; Choice of Law.

Any civil action rising from this Permit shall be brought in the Superior Court for the First Judicial District of the State of Alaska at Sitka. The laws of the State of Alaska shall govern the rights and obligations of the parties under this Maintenance Agreement.

#### Section 4.     Severability.

Any provision of this Permit decreed invalid by a court of competent jurisdiction shall not invalidate the remaining provisions of this Permit.

#### Section 5.     Integration.

This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Permit shall supersede all previous communications, representations or agreements, either oral or written between the parties hereto.

#### Section 6.     Liability.

Permitter and Permittee shall each indemnify, defend, save and hold the other harmless from any and all claims, lawsuits, or liability, including attorney's fees and costs, allegedly arising out of, in connection with, or incident to any loss, damage or injury to persons or property

due solely to a wrongful or negligent act, error, or omission of the Permitter, its agents, employees, or invitees or Permittee, its agents, employees or invitees, respectively, occurring during the course of Permittee's maintenance of the Premises pursuant to this Permit.

Responsibility for all claims, lawsuits, or liability, including attorney's fees and costs, resulting from loss, damage or injury to persons or property allegedly arising from the wrongful or negligent acts, errors or omissions of both Permitter, its agents, employees or invitees and Permittee, its agents, employees or invitees, shall be apportioned on the basis of fault in accordance with AS 09.17.080.

Section 7. Relationship of Parties.

Permittee shall perform its obligations hereunder as an independent contractor. Permitter may administer this Permit and monitor Permittee's compliance with its obligations hereunder. Permitter shall not supervise or direct Permittee other than as provided in this section.

Section 8. Nondiscrimination.

A. Permittee shall not discriminate against any person wishing to join Permittee's organization because of race, color, religion, national origin, ancestry, age, sex, marital status or mental or physical handicap.

B. Permittee shall not discriminate against any person wishing to maintain the Premises because of race, color, religion, national origin, ancestry, age, sex, marital status or mental or physical handicap.

C. Permittee shall comply with all applicable Federal, State and Municipal laws concerning the prohibition of discrimination.

Section 9. Permits, Laws, Taxes.

Permittee shall acquire and maintain in good standing, all permits, licenses, and other entitlements necessary to its performance under this Permit. All actions taken by Permittee under this Permit shall comply with all applicable constitutions, ordinances, rules, and regulations. Permittee shall pay all taxes pertaining to its performance under this Permit.

Section 10. Condition and Status of Premises.

Permittee acknowledges that Permittee has examined the Premises and accepts same in its present condition without any representation or warranty expressed or implied in fact or by law, by Permitter as the title, nature, condition or usability of the Premises for the purposes set forth in this Permit, all of said warranties being hereby expressly disclaimed by Permitter.

Section 11. Surrender of Premises.

At the expiration of the Permit term, upon revocation of the Permit, upon re-entry by Permittor or otherwise, Permittee shall peacefully and quietly surrender the Premises within ten (10) days, in as good a condition as it was at the beginning of the initial term, reasonable maintenance and wear and damages by the elements excepted.

Section 12. Assignments.

Any assignment by Permittee of its interest in any part of this Permit or any delegation of duties under this Permit shall be void, and any attempt by Permittee to assign any part of its interest or delegate duties under this Permit shall give Permittor the right to immediately revoke this Permit without any liability for work performed, or without any other action required on Permittor's part.

IN WITNESS WHEREOF the parties have executed this Permit on the date and at the place listed below.

**CITY AND BOROUGH OF SITKA, ALASKA**

**SITKA CYCLING CLUB**

\_\_\_\_\_  
By: Hugh Bevan  
Its: Interim Municipal Administrator

\_\_\_\_\_  
By: Doug Osborne  
Its: President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**[ACKNOWLEDGEMENTS ON NEXT PAGE]**



STATE OF ALASKA )  
 ) ss.  
FIRST JUDICIAL DISTRICT )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2020, by Hugh Bevan, Interim Municipal Administrator of the CITY AND BOROUGH OF SITKA, ALASKA, an Alaska home rule municipality, on behalf of the municipality.

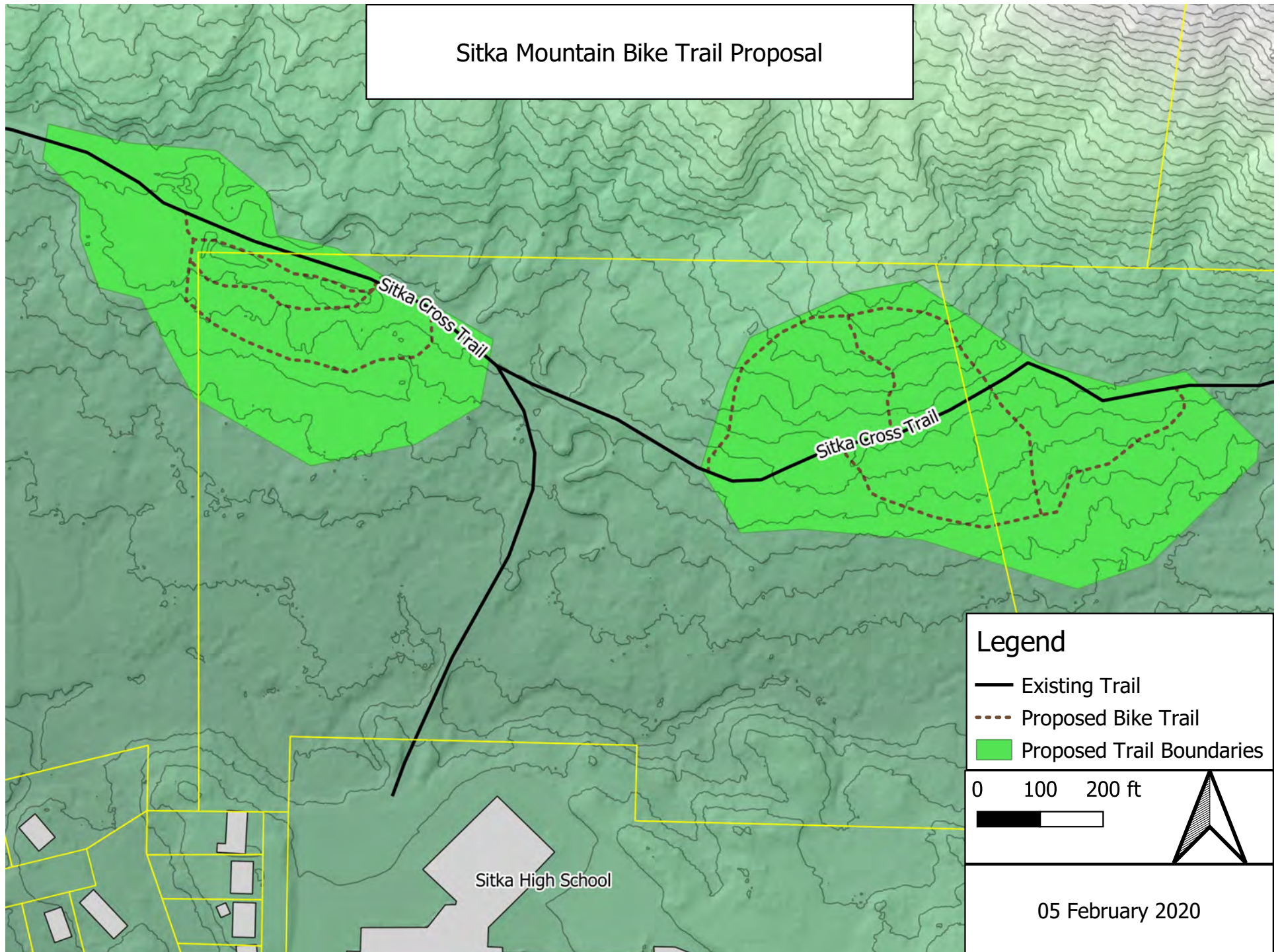
Notary Public in and for the State of Alaska  
My commission expires: \_\_\_\_\_

STATE OF ALASKA )  
 ) ss.  
FIRST JUDICIAL DISTRICT )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2020, by Doug Osborne, President of Sitka Cycling Club, an association of volunteers, on behalf of the association.

Notary Public in and for the State of Alaska  
My commission expires: \_\_\_\_\_

# Sitka Mountain Bike Trail Proposal





# CITY AND BOROUGH OF SITKA

## Legislation Details

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File #: 20-041      Version: 1      Name:

Type: Item      Status: AGENDA READY

File created: 2/5/2020      In control: City and Borough Assembly

On agenda: 2/11/2020      Final action:

Title: Discussion / Direction / Decision on the Crescent Harbor High Load Dock repair project (Net Shed)

Sponsors:

Indexes:

Code sections:

Attachments: [Memo Net Shed Dock](#)

Date	Ver.	Action By	Action	Result
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**Discussion / Direction / Decision** on the Crescent Harbor High Load Dock repair project (Net Shed).





# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

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## MEMORANDUM

To: Mayor Gary Paxton and Assembly Members

From: Hugh Bevan, Interim Municipal Administrator *AB 2-5-20*

Date: February 4, 2020

Subject: Budget Appropriation for repairs to the High Load Dock (Net Shed)

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### Background

In September 2019, the City and Borough of Sitka Public Works Department commissioned a structural assessment of the High Load Dock and Net Shed adjacent to Crescent Harbor, to be performed by Jacobs Engineering Group (Jacobs). In October, Jacobs mobilized a team of divers and engineers to investigate the pilings, cross-bracing, deck boards and other components of the facility. In January 2020, CBS received Jacobs's assessment report.

The report recommended replacement of four failing pilings, replacement of cross-bracing supporting the structure, and recommended that CBS prohibit use of the area of High Load dock supported by the failing pilings.

Public Works did a great job of rapidly putting a repair project together that takes advantage of the fact that we presently have a marine contractor in Crescent Harbor working on a re-build of a major portion of the boat harbor.

The contractor provided a price quote to replace the affected Net Shed dock piling and cross bracing. The CBS budget estimate is \$500,000 and it also includes money for some safety related improvements such as new ladders on the face of the dock and replacement of corroded electrical fixtures.

### Analysis

A significant part of the decision-pressure on the project is the requirement that pile driving be completed by a Federal permit deadline of March 15, 2020. The permit is part of the Crescent Harbor project and CBS will have to obtain permission from the Feds to add the Net Shed piling work to the permit.

Two readings of an Ordinance will be required to appropriate \$500,000 from the Harbor Fund. This can be achieved if we act expeditiously.



### Options for the Assembly

We can proceed with the project as described above or we can wait until the fall of 2020 when the marine contractor returns to Sitka to do a private sector pile driving project.

The upside of waiting until fall is we can probably save a substantial sum by dividing the project into two parts. The first part will be a locally bid project for a company to open the wooden deck of the dock so the marine contractor has access to the bad piling.

Once the piling are replaced the marine contractor can leave while the wood guy closes the deck of the dock and then replaces the wooden bracing underneath the dock.

The downside of waiting until fall is the City should immediately close the facility to vehicular access and to large public gatherings. Foot traffic across the dock will still be allowed. This will impact traditional public functions that have utilized the Net Shed during the summer months.

### Summary

If we delay the Ned Shed Dock repair project until fall, I believe we can save significant money, in excess of \$100,000. However, we will lose public access to the facility for this coming summer.

If the Assembly decides to proceed immediately with the work, we will have an appropriation Ordinance on the agenda for your regular meeting on Feb 25, followed by a second reading at your special budget meeting on March 5, 2020.

### Recommendation

My personal recommendation is to wait until fall, refine the project, and hopefully save money in the process.



# CITY AND BOROUGH OF SITKA

## Legislation Details

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File #: ORD 20-06    Version: 1    Name:

Type: Ordinance    Status: AGENDA READY

File created: 2/6/2020    In control: City and Borough Assembly

On agenda: 2/11/2020    Final action:

Title: Making supplemental appropriations for Fiscal Year 2020 (Crescent Harbor High Load Dock Project)  
1st reading

Sponsors:

Indexes:

Code sections:

Attachments: [Motion Ord 2020-06](#)  
[Ord 2020-06](#)

Date	Ver.	Action By	Action	Result
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## **POSSIBLE MOTION**

**I MOVE TO** approve Ordinance 2020-06 on first reading making supplemental appropriations for Fiscal Year 2020 (Crescent Harbor High Load Dock Project).

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2020-06  
AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA MAKING SUPPLEMENTAL  
APPROPRIATIONS FOR FISCAL YEAR 2020  
(Crescent Harbor High Load Dock Project)

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

1. **CLASSIFICATION.** This ordinance is not of a permanent nature and is not 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 thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.

3. **PURPOSE.** The purpose of this ordinance is to make a supplemental capital appropriation for FY2020.

4. **ENACTMENT.** In accordance with Section 11.10(a) of the Charter of the City and Borough of Sitka, Alaska, the Assembly hereby makes the following supplemental appropriation for the budget period beginning July 1, 2019 and ending June 30, 2020.

:

<b><u>FISCAL YEAR 2020 EXPENDITURE BUDGETS</u></b>
<b>CAPITAL PROJECTS</b>
<b>Fund 750 - Crescent Harbor High Load Dock Project: Increase appropriations in the amount of \$500,000 to make necessary repairs to the Crescent Harbor high load dock. These funds will come from the Harbor Fund working capital.</b>

**EXPLANATION**

This supplemental appropriation is to make critical repairs to the high load dock at Crescent Harbor, taking advantage of the permit that is already open for the replacement of the wooden floats at Crescent Harbor.

Total supplemental appropriations to date for the Harbor Fund in FY2020 totals 20,000. Increases of operating budgets in the amount of \$21,570.23, to comply with Charter provisions pertaining to non-lapsing of encumbered funds at the end of a fiscal year ("Year-end soft close"), are not included in this amount.

5. **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 25<sup>th</sup> Day of February 2020.

ATTEST:

\_\_\_\_\_  
Gary L. Paxton, Mayor

\_\_\_\_\_  
Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading 2/11/2020  
2<sup>nd</sup> and final reading 2/25/2020



# CITY AND BOROUGH OF SITKA

## Legislation Details

File #: 20-040 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 2/5/2020 In control: City and Borough Assembly

On agenda: 2/11/2020 Final action:

Title: Discussion / Direction / Decision to keep or sell the Marine Services Center and next steps

Sponsors:

Indexes:

Code sections:

Attachments: [Memo Marine Services Center](#)  
[As-Built Survey Marine Services Center](#)

Date	Ver.	Action By	Action	Result
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**Discussion / Direction / Decision** to keep or sell  
the Marine Services Center and next steps.



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

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## MEMORANDUM

To: Mayor Gary Paxton and Assembly Members

From: Hugh Bevan, Interim Municipal Administrator *HB 1-31-20*

Date: January 26, 2020

Subject: Marine Services Center

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### Background

On January 14, 2020 the Assembly held a Work Session to discuss issues surrounding the Marine Services Center. The meeting resulted from an Assembly Action Plan that was adopted in July 2019.

Public testimony at the Work Session generally ran in favor of the City retaining ownership of the cold storage and the sea wall. Independent fishing businesses rely upon the sea wall and the crane to transfer fish products from their boats to the Sitka road system or into the cold storage.

There are also public users of the cold storage who are concerned about losing access if the facility is sold to a private entity.

### Facility Information

The Marine Services cold storage was constructed in 1991. Funding included a Federal EDA grant in the amount of \$1M and a State grant in the amount of \$1.5M. Neither funding agency has a lien against the property, both mandatory lien periods have expired.

The gross area of the building is 21,000 square feet. About 16,500 square feet are leased to two fish processors. The remaining area consists of mechanical and refrigeration equipment rooms, a small office and a restroom.

Approximate 10% of the cold storage area is reserved for public use. The public area presently has about 22 active accounts that are managed by Seafood Producers Cooperative, one of the MSC two prime tenants.

The property is named Tract A Port Development, a portion of ATS 15. The land area is about 72,774 square feet. Of this area about 33,200 square feet is a level, gravel lot located on the NW side of the cold storage. The property is zoned Waterfront District.

The seaward side of the property is supported by a steel sheet pile retaining wall that was built in 1976. It is approximately 356 feet long. The wall has significant deferred maintenance needs. Costs to reconstruct the wall range from \$7M to \$8M.

In December 2016 the Assessor valued the property at \$3,975,000 which was broken down as follows:

- \$3,225,000 for the building and
- \$750,000 for the land (includes a 30% devaluation for the condition of the seawall)

Revenue from the SPC lease is about \$110,880 per year. Their lease expires June 20, 2023.

The North Pacific Seafoods lease is month to month at a rate of \$10,627 per month.

Each tenant pays its share of the utilities.

The seawall generates about \$30,000 per year in moorage revenue that includes freighters, various work boats and small cruise vessels.

The seawall has a small electric/hydraulic hoist that generates about \$4,000 in revenue per year.

The average annual operating cost of the facility is \$106,000. This amount varies significantly from year to year depending upon the amount of maintenance work that is required. The facility is maintenance intensive.

Public Works has identified about \$400,000 in needed repairs over the next four fiscal years with \$141,000 of that total coming in the FY21 budget.

The Marine Services Center is owned and operated by the City of Sitka under an Enterprise Fund financial model. At the present time the Fund has about \$1.9 million in Working Capital.

## Options

1. Keep or sell the facility?
2. If the decision is to sell:  
Is the gravel parking lot included in the sale?  
Is the sea wall included in the sale?

A fresh survey of the property is advised to confirm property corners.  
A fresh appraisal is advised to establish a sale price baseline

3. Should an amount of City owned tidelands be included in the sale or should the tidelands be leased instead? (Tidelands in front of the seawall)
4. If the decision is to sell the facility, an RFP will be brought to the Assembly agenda in the future for formal action.

A proposed budget for survey and appraisal work will also be presented to the Assembly for approval at that time.

## Options Discussion

### A. Keep the facility

When the cold storage is fully rented the facility generates a profit over the course of the year. To date that profit has been sufficient to cover regular maintenance and upgrades and to slowly build the \$1.9 million fund balance.

However, the primary issue with the MSC is the capital cost of replacing the sea wall. Construction of another sea wall (placed seaward of the existing wall) is estimated to cost about \$7 million.

There is a less expensive alternative that involves building a shot rock fill in front of the existing wall to provide a buttress. I estimate that project would cost about \$1 million. However, the rock buttress will block vessels from tying directly to the seawall, effectively eliminating it as a passenger/cargo transfer facility.

The revenues from leasing the cold storage are not adequate to capitalize a revenue bond large enough to replace the sea wall. We looked at reducing the size of the bond by using \$1 million from the MSC working capital, but it will take additional subsidies from the Harbor Fund and the General Fund to obtain enough CBS contribution to bring the bond amount down to a level that can be paid from MSC operating revenues. We would also have to raise rates substantially to users of the sea wall to generate more cash for debt repayment.

One possible funding plan for a \$7 million project is:

\$1 million grant from the MSC Fund  
\$3/4 million grant from the Harbor Fund  
\$1 million grant from the General Fund

This leaves \$4.25 million that could be funded from the General Fund as an internal loan and repaid over 30 years. This results in payments of \$177,000 per year from the Marine Services Center revenues. This payment is possible if the cold storage remains fully leased at current rates.

#### B. Sell the Facility

As stated above our previous Assessor valued the entire property, including the gravel parking lot, at \$3,975,000. It is unknown if a sale would generate this much revenue considering the condition of the sea wall and the specialized use of the property.

One of the issues surrounding a sale of the property is the concerns expressed at the work session by fishermen who use the sea wall to transfer fish to the Sitka road system. There are also public users of the cold storage, but most of those users are not fisherman.

Selling the entire property has the advantage of allowing the private sector to evolve the property for its best business value. Selling also places a valuable property onto the City property tax role.

#### Recommendation

Prepare an RFP that offers the facility for sale and evaluate any responses. In the RFP evaluation criteria award more points for proposals that continue to provide public access to the seawall and the cold storage.

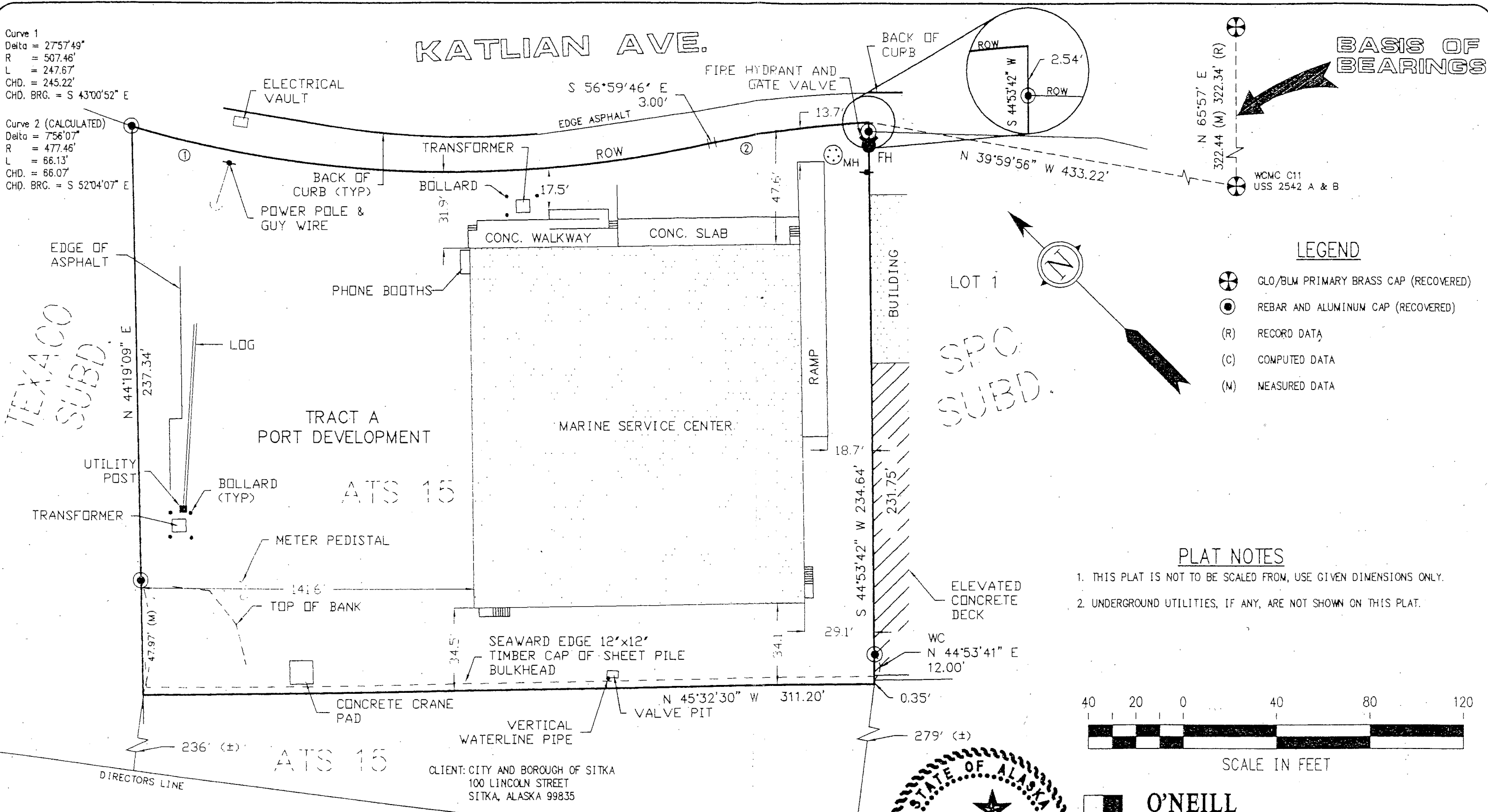
The Assembly can always decline all of the proposals and the RFP should clearly reserve that right, so proposers know it is a possibility.



Curve 1  
Delta = 27°57'49"  
R = 507.46'  
L = 247.67'  
CHD. = 245.22'  
CHD. BRG. = S 43°00'52" E

Curve 2 (CALCULATED)  
Delta = 7°56'07"  
R = 477.46'  
L = 66.13'  
CHD. = 66.07'  
CHD. BRG. = S 52°04'07" E

# KATLIAN AVE.



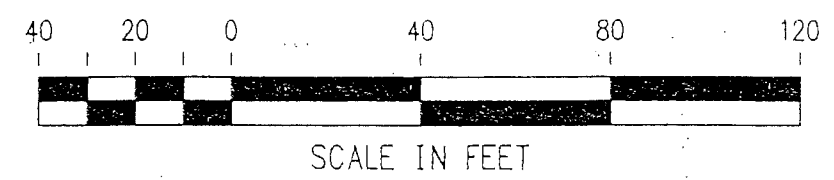
BASIS OF BEARINGS

## LEGEND

- ⊗ GLO/BLM PRIMARY BRASS CAP (RECOVERED)
- ⊙ REBAR AND ALUMINUM CAP (RECOVERED)
- (R) RECORD DATA
- (C) COMPUTED DATA
- (M) MEASURED DATA

## PLAT NOTES

1. THIS PLAT IS NOT TO BE SCALED FROM, USE GIVEN DIMENSIONS ONLY.
2. UNDERGROUND UTILITIES, IF ANY, ARE NOT SHOWN ON THIS PLAT.



DRAWN BY: GDS/ACAD  
CHECKED BY: PKO  
DATE PLATTED: 6-17-99  
DATE SURVEYED: 6-15-99  
SCALE: 1"=40'  
SURVEYOR: PATRICK K. O'NEILL  
PROJ NO.: 30014-24

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED ON THIS PLAT. I DECLARE THAT IMPROVEMENTS AND VISIBLE ENCROACHMENTS HAVE BEEN ESTABLISHED TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF. THIS SURVEY IS FOR THE USE OF LENDING INSTITUTIONS SPECIFICALLY TO SHOW ANY CONFLICTS BETWEEN EXISTING STRUCTURES AND PLATTED LOT LINES OR EASEMENTS. UNDER NO CIRCUMSTANCES SHOULD THE DATA HEREON BE USED FOR POSITIONING ADDITIONAL STRUCTURES, BUILDING FENCES OR, LOCATING BOUNDARY LINES. IT IS THE RESPONSIBILITY OF THE OWNER TO VERIFY THAT IMPROVEMENTS SITUATED ON THIS PARCEL MEET ALL SUBDIVISION COVENANTS AND ZONING ORDINANCES. 0 CORRS. SET.

DATE 6/21/99  
PATRICK K O'NEILL LS 6304

**O'NEILL**  
**SURVEYING AND ENGINEERING**  
P.O. BOX 1849 SITKA, ALASKA 99835  
**AS-BUILT SURVEY**  
**TRACT A**  
**PORT DEVELOPMENT**  
**PORTION OF ATS 15**



# CITY AND BOROUGH OF SITKA

## Legislation Details

File #: ORD 20-04    Version: 1    Name:

Type: Ordinance    Status: AGENDA READY

File created: 2/5/2020    In control: City and Borough Assembly

On agenda: 2/11/2020    Final action:

Title: Making supplemental appropriations for Fiscal Year 2020 (Pet Adoption Fund / GPIIP Dock Expense / Permanent Fund Fees) 1st reading

Sponsors:

Indexes:

Code sections:

Attachments: [Motion Ord 2020-04](#)  
[Memo and Ord 2020-04](#)

Date	Ver.	Action By	Action	Result
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## **POSSIBLE MOTION**

**I MOVE TO** approve Ordinance 2020-04 on first reading making supplemental appropriations for Fiscal Year 2020 (Pet Adoption Fund / GPIIP Dock Expense / Permanent Fund Fees).



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

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## MEMORANDUM

**To:** Mayor Paxton and Assembly Members  
Hugh Bevan, Interim Municipal Administrator

**From:** Melissa Haley, Controller

**Date:** February 4, 2020

**Subject:** Supplemental appropriations Ord 2020-04 and Ord 2020-05

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### Background

While we seek to budget as accurately as possible, there are often corrections identified as the year progresses.

### Analysis

The challenges presented by late changes to the State budget resulted in the supplemental appropriations in 2020-05. These changes are to eliminate transfers out of the General Fund to the Harbor Fund and to the School Bond Debt Service Fund.

In the Harbor Fund, raw fish tax disbursements to the municipality were restored prior to the budget passing, however, while the Harbor Fund budget was corrected, the subsidy remained in the General Fund. This ordinance reduces the budget for transfers out of the General Fund by \$520,000

School bond debt service reimbursement was partially reinstated in the State budget after the FY2020 budget was presented, thus we now need to remove the \$200,000 transfer out of the General Fund as well as corresponding transfer in to the School Bond Debt Service Fund. In addition, we will increase the revenue to correspond with expected state reimbursement (\$900,000).

Supplemental appropriations in 2020-04 are related to areas that during a mid-year review were identified to be under budget. In the GPIP Fund, now that the GPIP dock is in use, we see that the operating expense was under budgeted (it is offset with revenue) and are seeking to increase the operating appropriation by \$34,000. In the case of the Pet Adoption Fund, only \$900 had been budgeted and we are seeking to increase that appropriation by \$10,000. In the Permanent Fund, we did not budget for the investment management fees in the initial budget and seek an appropriation of \$55,000 to cover those fees.

**Fiscal Note**

2020-05

The supplemental appropriations in this ordinance reduce overall budgeted outlays from the General Fund by \$720,000 and increase revenue in the School Bond Debt Service fund by a net total of \$700,000.

2020-04

These supplemental appropriations increase budgeted expense by \$34,000 in the GPIP Fund, \$10,000 in the Pet Adoption Fund, and \$55,000 in the Permanent Fund.

**Recommendation**

Pass ordinances 2020-04 and 2020-05 to address outside changes and corrections identified.



CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2020-04

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA MAKING SUPPLEMENTAL  
APPROPRIATIONS FOR FISCAL YEAR 2020

(Pet Adoption Fund/GPIP Dock Expense/Permanent Fund Fees)

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

1. **CLASSIFICATION.** This ordinance is not of a permanent nature and is not 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 thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.

3. **PURPOSE.** The purpose of this ordinance is to make supplemental operating appropriations for FY2020.

4. **ENACTMENT.** In accordance with Section 11.10(a) of the Charter of the City and Borough of Sitka, Alaska, the Assembly hereby makes the following supplemental appropriation for the budget period beginning July 1, 2019 and ending June 30, 2020.

<b><u>FISCAL YEAR 2020 EXPENDITURE BUDGETS</u></b>
<b><u>ENTERPRISE AND INTERNAL SERVICE FUND</u></b>
<b>Fund 270—Gary Paxton Industrial Park – Operations: Increase appropriations in the amount of \$34,000 for the Dock Transient moorage and utility cost regarding the Dock.</b>
<b><u>SPECIAL REVENUE FUNDS</u></b>
<b>Fund 113 – Pet Adoption Fund – Operations: Increase appropriations in the amount of \$10,000 in the Pet Adoption Fund for Animal Services.</b>
<b>Fund 400 – Permanent Fund – Operations: Increase appropriations in the amount of \$55,000 in the Permanent Fund for the investment management fees.</b>

**EXPLANATION**

This supplemental appropriation is to address areas in which it has become apparent that there were errors in the original budget. In both the Gary Paxton Industrial Park Fund and the Pet Adoption Fund, analysis of the budget performance indicates that an insufficient amount was budgeted for operations of the new dock at the industrial park and for animal adoptions. In the Permanent Fund, nothing was budgeted for investment management fees due to an oversight.

5. **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 25<sup>th</sup> Day of February, 2020.

ATTEST:

Gary L. Paxton, Mayor

Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading: 2/11/2020  
2<sup>nd</sup> and final reading 2/25/2020

Sponsor: Interim Administrator



# CITY AND BOROUGH OF SITKA

## Legislation Details

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File #: ORD 20-05    Version: 1    Name:

Type: Ordinance    Status: AGENDA READY

File created: 2/5/2020    In control: City and Borough Assembly

On agenda: 2/11/2020    Final action:

Title: Amending appropriations for Fiscal Year 2020 (Removing Subsidies for Harbor / School Bond Debt)  
1st reading

Sponsors:

Indexes:

Code sections:

Attachments: [Motion Ord 2020-05](#)  
[Memo and Ord 2020-05](#)

Date	Ver.	Action By	Action	Result
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## **POSSIBLE MOTION**

**I MOVE TO** approve Ordinance 2020-05 on first reading  
amending appropriations for Fiscal Year 2020  
(Removing Subsidies for Harbor / School Bond Debt).



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

## MEMORANDUM

**To:** Mayor Paxton and Assembly Members  
Hugh Bevan, Interim Municipal Administrator

**From:** Melissa Haley, Controller

**Date:** February 4, 2020

**Subject:** Supplemental appropriations Ord 2020-04 and Ord 2020-05

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### Background

While we seek to budget as accurately as possible, there are often corrections identified as the year progresses.

### Analysis

The challenges presented by late changes to the State budget resulted in the supplemental appropriations in 2020-05. These changes are to eliminate transfers out of the General Fund to the Harbor Fund and to the School Bond Debt Service Fund.

In the Harbor Fund, raw fish tax disbursements to the municipality were restored prior to the budget passing, however, while the Harbor Fund budget was corrected, the subsidy remained in the General Fund. This ordinance reduces the budget for transfers out of the General Fund by \$520,000

School bond debt service reimbursement was partially reinstated in the State budget after the FY2020 budget was presented, thus we now need to remove the \$200,000 transfer out of the General Fund as well as corresponding transfer in to the School Bond Debt Service Fund. In addition, we will increase the revenue to correspond with expected state reimbursement (\$900,000).

Supplemental appropriations in 2020-04 are related to areas that during a mid-year review were identified to be under budget. In the GPIP Fund, now that the GPIP dock is in use, we see that the operating expense was under budgeted (it is offset with revenue) and are seeking to increase the operating appropriation by \$34,000. In the case of the Pet Adoption Fund, only \$900 had been budgeted and we are seeking to increase that appropriation by \$10,000. In the Permanent Fund, we did not budget for the investment management fees in the initial budget and seek an appropriation of \$55,000 to cover those fees.

**Fiscal Note**

2020-05

The supplemental appropriations in this ordinance reduce overall budgeted outlays from the General Fund by \$720,000 and increase revenue in the School Bond Debt Service fund by a net total of \$700,000.

2020-04

These supplemental appropriations increase budgeted expense by \$34,000 in the GPIF Fund, \$10,000 in the Pet Adoption Fund, and \$55,000 in the Permanent Fund.

**Recommendation**

Pass ordinances 2020-04 and 2020-05 to address outside changes and corrections identified.



## CITY AND BOROUGH OF SITKA

## ORDINANCE NO. 2020-05

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING APPROPRIATIONS  
FOR FISCAL YEAR 2020

(Removing Subsidies for Harbor/School Bond Debt)

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

1. **CLASSIFICATION.** This ordinance is not of a permanent nature and is not 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 thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.

3. **PURPOSE.** The purpose of this ordinance is to make supplemental operating appropriations for FY2020.

4. **ENACTMENT.** In accordance with Section 11.10(a) of the Charter of the City and Borough of Sitka, Alaska, the Assembly hereby makes the following supplemental appropriation for the budget period beginning July 1, 2019 and ending June 30, 2020.

<b><u>FISCAL YEAR 2020 EXPENDITURE BUDGETS</u></b>	
<b>GENERAL FUND</b>	
<b>Transfers to Other Funds: Decrease appropriations in the amount of \$200,000 for the additional subsidy to the Debt Service School Bonds Fund and \$520,000 for the subsidy to the Harbor Fund.</b>	
<b>SPECIAL REVENUE FUND</b>	
<b>Fund 651 – Debt Service School Bonds – Revenue: Decrease revenue from the General Fund in the amount of \$200,000 for the additional subsidy from the General Fund. Increase Revenue from the state by \$900,000.</b>	

**EXPLANATION**

This supplemental appropriation is to make correction the FY2020 budget based on new information that was received after the budget was passed. In light of the original State budget, the CBS budget included subsidies to other funds that were deemed unnecessary after some revenue sources were restored in the State budget. In the Harbor Fund, the revenue for the raw fish tax was included in the Harbor Fund Budget and the subsidy revenue eliminated, however the subsidy that was originally budgeted out of the general fund was not removed. As reimbursement for school bond debt service was eliminated until late in the State budget process (where it was restored at 50%) the subsidy from the General Fund to the School Bond Debt Service Fund remained in the budget and both the transfer out of the General Fund and the transfer in to the School Bond Debt Service fund need to be eliminated and the revenue from the State in the School Bond Debt Service Fund should be increased

**5. 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 25<sup>th</sup> Day of February, 2020.

**ATTEST:**

\_\_\_\_\_  
**Gary L. Paxton, Mayor**

\_\_\_\_\_  
**Sara Peterson, MMC**  
**Municipal Clerk**

**1<sup>st</sup> reading 2/11/2020**  
**2<sup>nd</sup> and final reading 2/25/2020**

**Sponsor: Interim Administrator**



# CITY AND BOROUGH OF SITKA

## Legislation Details

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File #: 20-042      Version: 1      Name:

Type: Item      Status: AGENDA READY

File created: 2/5/2020      In control: City and Borough Assembly

On agenda: 2/11/2020      Final action:

Title: Legal Matters / Personnel Matters: Sitka Police Department

Sponsors:

Indexes:

Code sections:

Attachments: [Motion Executive Session](#)

Date	Ver.	Action By	Action	Result
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## **POSSIBLE MOTIONS**

### **Step 1:**

**I MOVE** to go into executive session to receive and discuss an update from the Municipal Attorney and outside legal counsel, Michael Gatti and/or Megan Sandone, concerning legal matters affecting the municipality as a result of the lawsuit filed by Ryan Silva on August 23, 2018, the lawsuit filed by Mary Ferguson on October 11, 2018, and the lawsuit filed by Noah Shepard on February 25, 2019, and to discuss Sitka Police Department personnel matters with the Municipal Attorney affecting the municipality or legal consequences of past, present, or future municipal actions, and which by law are required to be confidential, and invite in, if desired and when ready, Chief of Police Robert Baty.

### **Step 2:**

**I MOVE** to reconvene as the Assembly in regular session.

\*Sitka General Code 2.04.020 Meetings

D. All meetings shall be open to the public except that the following may be discussed in closed executive session:

1. Matters, the immediate knowledge of which would adversely affect the finances of the municipality;
2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
3. Matters which by law, municipal Charter or ordinances are required to be confidential;
4. Communications with the municipal attorney or other legal advisors concerning legal matters affecting the municipality or legal consequences of past, present or future municipal actions.