



# CITY AND BOROUGH OF SITKA

## Meeting Agenda - Final

### Planning Commission

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Wednesday, June 17, 2020

7:00 PM

Harrigan Centennial Hall

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I. CALL TO ORDER AND ROLL CALL

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM 20-10](#) Approve the June 3, 2020 minutes.

Attachments: [09-June 3 2020 DRAFT](#)

IV. 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 Chair imposes other time constraints at the beginning of the agenda item.)*

V. PLANNING DIRECTOR'S REPORT

VI. REPORTS

B [MISC 20-11](#) Memo to Commission on No Name Mountain/Granite Creek Master Plan project.

Attachments: [Status report -final-No Name Mtn MP to administrator-assembly-planning 12Jun](#)

VII. THE EVENING BUSINESS

- C**      [VAR 20-05](#)      Public hearing and consideration of a variance to reduce a front setback from 14 feet to 7 feet at 1904 Cascade Creek Road in the R-1 single family and duplex residential district. The property is also known as Lot 8B, Shoemaker Subdivision. The request is filed by Travis Vaughn. The owner of record is Mandie Smith.
- Attachments:**   [V 20-05 Vaughn 1904 Cascade Creek Variance Staff Report](#)  
   [V 20-05 Vaughn 1904 Cascade Creek Variance Aerial](#)  
   [V 20-05 Vaughn 1904 Cascade Creek Variance As-Built](#)  
   [V 20-05 Vaughn 1904 Cascade Creek Variance Site Plan](#)  
   [V 20-05 Vaughn 1904 Cascade Creek Variance Plat](#)  
   [V 20-05 Vaughn 1904 Cascade Creek Variance Pictures](#)  
   [V 20-05 Vaughn 1904 Cascade Creek Variance Applicant Materials](#)
- D**      [MISC 20-09](#)      Discussion/direction on permitted and conditional uses in the commercial and industrial zoning districts.
- Attachments:**   [MISC 20-09 Permitted and Conditional Uses in Commercial and Industrial Zone Use Tables](#)
- E**      [MISC 20-10](#)      Discussion/direction on changing setbacks from property lines adjacent to filled, intertidal, or submerged tidelands in all zoning districts.
- Attachments:**   [MISC 20-10 Setbacks to Tidelands Staff Memo](#)  
   [Development Standards Table](#)

## **VIII.      ADJOURNMENT**

*NOTE: More information on these agenda items can be found at <https://sitka.legistar.com/Calendar.aspx> or by contacting the Planning Office at 100 Lincoln Street. Individuals having concerns or comments on any item are encouraged to provide written comments to the Planning Office or make comments at the Planning Commission meeting. Written comments may be dropped off at the Planning Office in City Hall or emailed to [planning@cityofsitka.org](mailto:planning@cityofsitka.org). Teleconference options can be found at <https://www.cityofsitka.com/government/departments/planning/index.html>. Those with questions may call (907) 747-1814.*

*Publish:*



# CITY AND BOROUGH OF SITKA

## Minutes - Draft

### Planning Commission

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Wednesday, June 3, 2020

7:00 PM

Harrigan Centennial Hall

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

Present: Chris Spivey (Chair), Darrell Windsor, Stacy Mudry, Victor Weaver, Kevin Mosher (assembly liaison)  
Absent: Randy Hughey (Excused)  
Staff: Amy Ainslie, Scott Brylinsky  
Public: Adrienne Wilber, Clyde Bright, Chris McGraw, Harvey Kitka, Tom Gamble, Monique Anderson, Rob Woolsey, Shannon Haugland

Chair Spivey called the meeting to order at 7:08 PM.

#### II. CONSIDERATION OF THE AGENDA

#### III. CONSIDERATION OF THE MINUTES

M-Windsor/S-Weaver moved to approve the May 20, 2020 minutes. Motion passed 4-0 by voice vote.

#### A [PM 20-09](#)

Approve the May 20, 2020 minutes.

Attachments: [08-May 20 2020 DRAFT](#)

#### IV. PERSONS TO BE HEARD

#### V. PLANNING DIRECTOR'S REPORT

Ainslie began her report with an update about the agenda. She stated item ZA 20-03 had been pulled from the agenda. She noted that buffer mailings had been sent to abutting properties before that item had been removed from the agenda. Ainslie noted that a No Name Mountain joint work session with the assembly had occurred before the planning commission meeting. She clarified that follow up discussion and direction concerning the project would occur as an item later on the agenda. Ainslie also updated the commission on the Planner I recruitment. She mentioned the job posting had closed earlier in the week and they hoped to conduct interviews the following week to fill the position as quickly as possible.

#### VI. REPORTS

**VII. THE EVENING BUSINESS**

- B**     [CUP 20-10](#)     Public hearing and consideration of a conditional use permit for an accessory dwelling unit at 707 Etolin Street in the R-1 single-family and duplex residential district. The property is also known as Lot 22, Block 14, Townsite of Sitka, USS 1474 Tract A. The request is filed by Adrienne Wilber. The owner of record is the Charles E. Wilber and Melanie C. Kabler Revocable Trust.

**Attachments:**     [CUP 20-10 Wilber 707 Etolin ADU Staff Report](#)  
                              [CUP 20-10 Wilber 707 Etolin ADU Aerial](#)  
                              [CUP 20-10 Wilber 707 Etolin ADU Site and Parking Plan](#)  
                              [CUP 20-10 Wilber 707 Etolin ADU Elevation Views](#)  
                              [CUP 20-10 Wilber 707 Etolin ADU Floor Plan](#)  
                              [CUP 20-10 Wilber 707 Etolin ADU Plat](#)  
                              [CUP 20-10 Wilber 707 Etolin ADU Photos](#)  
                              [CUP 20-10 Wilber 707 Etolin ADU Applicant Materials](#)

Ainslie began the staff report by explaining that Accessory Dwelling Units are a conditional use in the R-1 zone if any of the development and design standards of the General code were not met, including variances. Otherwise an ADU could be built by right in this zone. Ainslie noted a variance to allow the overhang to protrude 2' into the setback was requested so the structure could be built on the existing shed site to maintain alignment with the driveway and preserve the yard space. Ainslie clarified that if the commission approved a conditional use permit for the ADU that she could issue an administrative variance for the setback. Ainslie mentioned that in the R-1 district duplexes were allowed, thus an ADU would not increase traffic any more than this other allowed use. She also noted that ADUs are encouraged in the Comprehensive Plan. Ainslie described the proposed structure as a single story open layout, ADA accessible studio living space with one bathroom. She noted there was plenty of parking for four vehicles and plenty of natural buffers between the properties. Staff recommended approval.

Applicant Adrienne Wilber was present. She noted that she would like that add another small dwelling to the lot and would like to use the location of a recently torn down shed.

Neighbors Jacquie Foss and Justin Olbrych wrote in support of the proposal stating that the thoughtfully designed plans would enhance the neighborhood.

**M-Windsor/S-Weaver moved to approve an accessory dwelling unit at 707 Etolin Street in the R-1 single-family and duplex residential district. The property was also known as Lot 22, Block 14, Townsite of Sitka, USS 1474 Tract A. The request was filed by Adrienne Wilber. The owner of record was the Charles E. Wilber and Melanie C. Kabler Revocable Trust. Motion passed 4-0 by voice vote.**

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

**C**      [MISC 20-07](#)

## Discussion/Direction on the No Name Mountain/Granite Creek Master Plan.

Ainslie introduced the next item on the agenda. She explained the time would be used to debrief after the work session on the No Name Mountain project to have further discussions, take questions, make motions if wanted, recommend additions, and allow public comment. Brylinsky noted the contract termination date was June 15th so the plan was essentially complete though modest amendments could still be added.

Members of the public were present to comment on the plan. Clyde Bright commented on the need for the city to generate revenue with the cost of living increasing. He referenced a successful land sale in Juneau. He said leaving the land as is would not generate economic growth and suggested a land trade at Goddard or Middle Island for mitigation. Chris McGraw spoke in favor of putting out an RFP for Harbor Point for projects related to tourism. He believed it would be a successful venture given the proximity to the cruise ship dock. Harvey Kitka expressed concerns about the expense of developing the area for housing and increasing the tax burden on residents. Tom Gamble also expressed concerns about the expense of developing housing, especially high-end housing. He cautioned against catering to tourism especially with the future of the industry remaining uncertain. Gamble also spoke about the cultural and historical significance and sacredness of the land. He believed that more meetings between the City and the Tribe were necessary before any conclusions about the usability of the land could be reached.

Commissioners discussed. Weaver expressed support for RFPs to see what ideas people had especially for recreational tourism on Harbor point and quarries to bring in people and business to town. He opined that they needed to be proactive in using the information from this plan. Windsor asked for clarification on recreational tourism. Brylinsky and Ainslie explained that low impact options included trails and campgrounds while medium to high impact options included mountain biking trails, ropes courses, ziplining, and trams. Ainslie noted that if recreational tourism was pursued the different options would depend on the direction the city wants to go, the level of development the public finds to be appropriate, and level of interest from the private industry. Spivey expressed concerns about the timing citing the unclear economic future of Sitka. He hesitated to make any motions to approve or follow through on the plan but preferred to get more ideas for the area, see what the future holds economically and what is actually needed. Weaver discussed the current lease of the quarry and questioned if the lease could be changed or make future leases different to allow multiple users. Ainslie clarified that some of the contradictions about rock availability are due to the difference between absolute value of rock in the quarries and what's available on the open market. She agreed that more quarry opportunities could be made available in the future and had ideas from the consultants about alternative lease management methodologies the city could use.

Ainslie reminded the commission that this agenda item did not require a motion to be made but could remain as an open-ended conversation. Brylinsky noted that whether or not a motion was made the consultants would still finalize the plans and the city would receive the final document in the next 10 days and could use it as a resource or recommend parts of it to be adopted as policy. He mentioned that the plan can come back in its entirety or in pieces for approval and/or recommendation from the commission. Weaver noted that members of the public hoped to speak again. Chair Spivey entertained hearing final comments from the public.

Clyde Bright offered a million dollars for the property if staff, the public, and the commission did not find the land worth developing. He believed that he could develop in

the area without any issues. Tom Gamble encouraged no action to be made until all the stake holders were at the table. He reiterated the desire for more meetings between the city and the Tribe and emphasized that if recreational tourism were to occur it should be told by the first peoples who do have a name for the mountain. He also acknowledged Scott Brylinsky's efforts to learn from and discuss with the tribe. Kevin Mosher spoke briefly to clarify that he did think that some of the options in the plan have merit to them. Harvey Kitka also recommended the Tribe and city sit down to discuss more to get more tribal leadership involved. He noted that towns that rely solely on tourism shut down when the tourism isn't occurring. He said he didn't want Sitka to become that and wanted things available for the residents as well.

No motions were made.

#### **VIII. ADJOURNMENT**

**Seeing no objection, Chair Spivey adjourned the meeting at 7:56.**



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Memorandum

**To:** Mayor Paxton and Assembly Members  
Chair Spivey and Planning Commission Members

**Through:** John Leach, Municipal Administrator

**From:** Amy Ainslie, Director, Planning and Community Development ~~AEA~~  
Scott Brylinsky, Special Projects Manager /s

**Subject:** No Name Mountain/Granite Creek Master Plan Project, Status Report #6 – Final

**Date:** June 12, 2020

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The final No Name Mountain / Granite Creek Land Use Master Plan prepared by consultants Jones and Jones Landscape Architects has now been finalized and submitted to CBS.

### Key findings and recommendations

Going into this study two particular areas garnered special interest. One is the 17-acre Harbor Point waterfront area, believed to have potential for marine related uses or as a visitor activities site. And another was the east side of No Name Mountain, recognized as having potential as a quarry for high quality hard rock.

#### *Harbor Point area*

The consultants concluded that market demand does not justify considering an additional cruise ship dock at this location. They identify the highest economic return for the site as either high end residential, or using it for Recreational Tourism<sup>1</sup>.

#### *No Name Mountain<sup>2</sup>*

The consultants concluded that market demand for hard rock does not justify the considerable expense to develop a quarry at this location at this time. They recommend additional quarry development for local needs take place in the Granite Creek Industrial area on the east side of Saddle Mountain.

#### *Housing and other development*

Housing development in the study area is subject to two factors that increase development costs:

a) distance from utility infrastructure, and b) extensive wetlands, notoriously difficult and expensive to

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<sup>1</sup> "Recreational Tourism" is defined as vendor guided or structured outdoor activities provided to visitors for a fee. A portion of fees are remitted to the city.

<sup>2</sup> Although not central to the study, we would like to note that staff made multiple contacts with Sitka Tribe of Alaska over several months to request input including identifying a traditional name for No Name Mountain. No definitive traditional name was identified.

develop. This leads to the unfortunate conclusion that under current conditions the site is not suited to target for affordable housing in Sitka.

## **Status**

Based on comments received during and after the June 3 joint work session, the Department of Planning and Community Development does not intend to bring the plan forward at this time for consideration for adoption as official city policy. However, the plan remains a resource going into the future as various projects are considered for the study area.

Specific projects under consideration in the near-term are:

1. Opening up an additional quarry on the east side of Saddle Mountain.
2. Issuing an RFI (Request for Information) or RFP (Request for Proposals) for Recreational Tourism activities on the 17-acre Harbor Point parcel, and/or the No Name Mountain area.
3. Opening up certain areas for housing development if funding for utility infrastructure can be identified.

The final master plan document can be accessed on the Planning Department's page of the city website: [https://www.cityofsitka.com/government/departments/planning/documents/NoNameMountainMasterPlanReport\\_June2020.pdf](https://www.cityofsitka.com/government/departments/planning/documents/NoNameMountainMasterPlanReport_June2020.pdf)



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## **Planning and Community Development Department**

### **AGENDA ITEM**

Case No: VAR 20-05  
Proposal: Reduce front setback from 14' to 7'  
Applicant: Travis Vaughn  
Owner: Mandie Smith  
Location: 1904 Cascade Creek Road  
Legal: Lot 8B Shoemaker Subdivision  
Zone: R-1 single-family and duplex residential district  
Size: 17,306  
Parcel ID: 2-4535-000  
Existing Use: Duplex  
Adjacent Use: Residential  
Utilities: Existing  
Access: Cascade Creek Road

### **KEY POINTS AND CONCERNS**

- The existing placement for the house foundation and deck encroaches into the front setback. This variance would increase that encroachment.
- Platted size of Cascade Creek Road is significantly wider than actual developed roadway.
- Potential negative impacts to public health and safety, neighborhood harmony, and property values are minimal: parking spaces are unimpacted and the existing encroachment has not been problematic.

### **RECOMMENDATION**

Staff recommends that the Planning Commission approve the zoning variance.

## **BACKGROUND/PROJECT DESCRIPTION**

The property is located on a city right-of-way at 1904 Cascade Creek Road on the east (uphill) side of the street. The lot is developed with a duplex that was built in 1977. The as-built for the property shows that the original foundation was placed 13' from the front property line. This means that the foundation itself encroaches 1' into the setback.

Due to the foundation type and door placement, a front deck is necessary for entry into the structure. Building code requires the deck to be at least 3' wide for safe ingress and egress from the building. With the placement of the foundation and this deck size requirement, a building code compliant deck on this structure would result in the need for a front setback reduction from 14' to 10'. Therefore, in practice, the applicant is asking for 3 additional feet of setback reduction than would be needed to be building code compliant. The applicant recalls that the original deck they've since replaced was 4' wide. The applicant wishes to finish a 6' wide deck and match this deck width on the upper story. The applicant feels this would allow tenants to more easily move furniture in and out of the unit.

Cascade Creek Road was platted to be approximately 60' wide. The developed surface of this road is significantly smaller (approximately 20' – 30'). The impacts of encroaching in the front setback are minimal in terms of functional use of parking and vehicular ingress/egress from the lot. However, parking area utilized is partially in the right-of-way and not entirely on the property, and therefore does not provide for off-street parking technically speaking.

## **ANALYSIS**

### *Setback requirements*

The Sitka General Code requires 14 foot front setbacks in the R-1 zone<sup>1</sup>.

### **22.20.040 Yards and setbacks.**

**A. Projections into Required Yards. Where yards are required as setbacks, they shall be open and unobstructed by any structure or portion of a structure from thirty inches above the general ground level of the graded lot upward.**

Per the code, no structures over 30" may be located within the side setback. However, the foundation of the house which was built in 1977 placed the foundation closer to the front property line than would otherwise be allowed under the current zoning code. With foundation 13' from the front property and the need for a 3' deck per the building code, a reduction in the front setback from 14' to 10' is not optional, and therefore should be considered a hardship and/or special circumstance. The additional 3' of deck proposed (that would result in the total front setback reduction from 14' to 7') does make ingress/egress from the house more convenient and arguably safer, but is not required to meet the building code.

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<sup>1</sup> SGC Table 22.20-1

Alaska Statute 29.40.040(b)(3) states that a variance may not be granted solely to relieve financial hardship or inconvenience. A required finding for variances involving major structures or expansions in the Sitka General Code echoes this statement by stating that there must be "...special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner". In this case, the placement of existing structures is the justification for granting a variance.

#### *Potential Impacts*

The construction of the decks on the structure would be an improvement to the property and the neighborhood, as it is currently in a rehab/construction state. The granting of the variance does not increase traffic, density, or other impacts beyond the residential use that was intended for the lot. Further, there is an adequate distance between the property line and the drivable surface of Cascade Creek Road such that cars can both park and ingress/egress safely from the lot. Therefore, staff believes potential adverse impacts to neighborhood harmony and public health and safety are minimal, and the proposal is consistent with the character of the neighborhood.

#### *Comprehensive Plan Guidance*

This proposal is consistent with one of the housing actions in the Sitka Comprehensive Plan 2030; H2.4 "encourage housing stock rehabilitation". The decks on the structure needed to be rebuilt and the first story deck is necessary to access the unit.

#### *Conclusion*

Overall, the neighborhood would be minimally affected, if not improved, by this proposal as long as the decks are constructed in accordance with the application materials provided for the variance request.

### **RECOMMENDATION**

**It is recommended that the Planning Commission move to approve the zoning variance subject to the attached conditions of approval.**

### **ATTACHMENTS**

Attachment A: Aerial  
Attachment B: As-Built  
Attachment C: Site Plan  
Attachment D: Plat  
Attachment E: Photos  
Attachment F: Applicant Materials

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### **Motions to Approve the Zoning Variance**

- 1) **I move to approve the zoning variance for a front setback reduction from 14' to 7' at 1904 Cascade Creek Road in the R-1 single family and duplex residential district subject to the conditions of approval. The lot is also known as Lot 8B Shoemaker Subdivision. The request is filed by Travis Vaughn. The owner of record is Mandie Smith.**

#### **Conditions of Approval:**

- a. The front (west) setback will be decreased from 14 feet to no less than 7 feet.
  - b. Building plans shall remain consistent with the narrative and plans provided by the applicant for this request. Any major changes (as determined by staff) to the plan will require additional Planning Commission review.
  - c. Substantial construction progress must be made on the project within one year of the date of the variance approval or the approval becomes void. In the event it can be documented that other substantial progress has been made, a one-year extension may be granted by the Planning Director if a request is filed within eleven months of the initial approval.
- 
- 2) **I move to adopt and approve the required findings for variances involving minor expansions, small structures, fences, and signs.**

#### **Before any variance is granted, it shall be shown<sup>2</sup>:**

- a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions;
- b. The granting of the variance is not injurious to nearby properties or improvements;
- c. The granting of the variance furthers an appropriate use of the property.

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<sup>2</sup> Section 22.30.160(D)(2)—Required Findings for Minor Variances



7

N 82° 58' E BEARING BA  
196.21'

8

201.15'  
N 82° 58' E

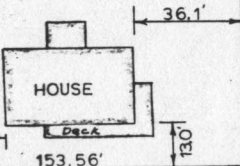
9

10

11

8261  
1978

①



75.0'

S 7° 02' E

30'

30'

CASCADE

ROAD

E DGE CUM BE DRIVE

⑤

6

8

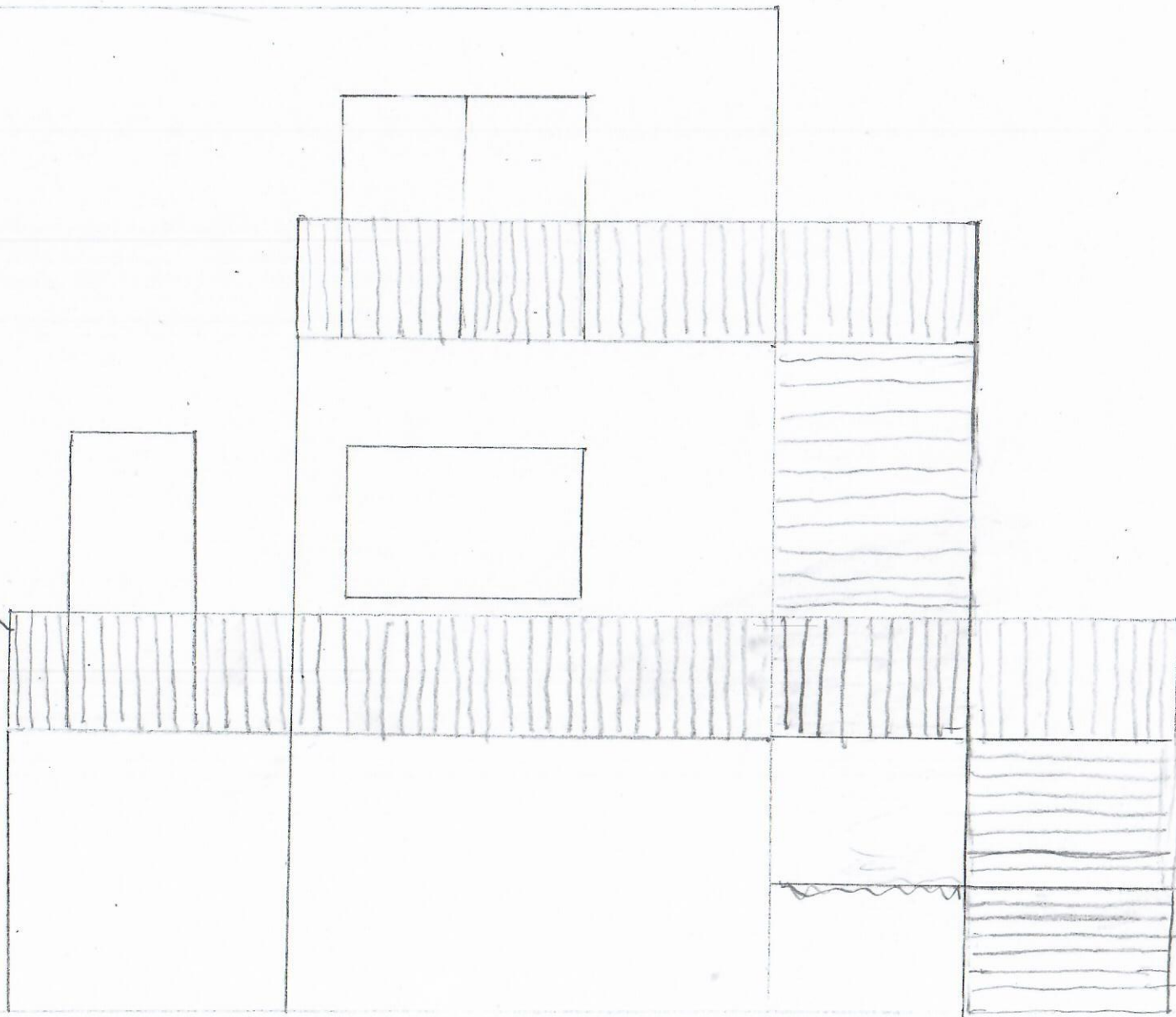
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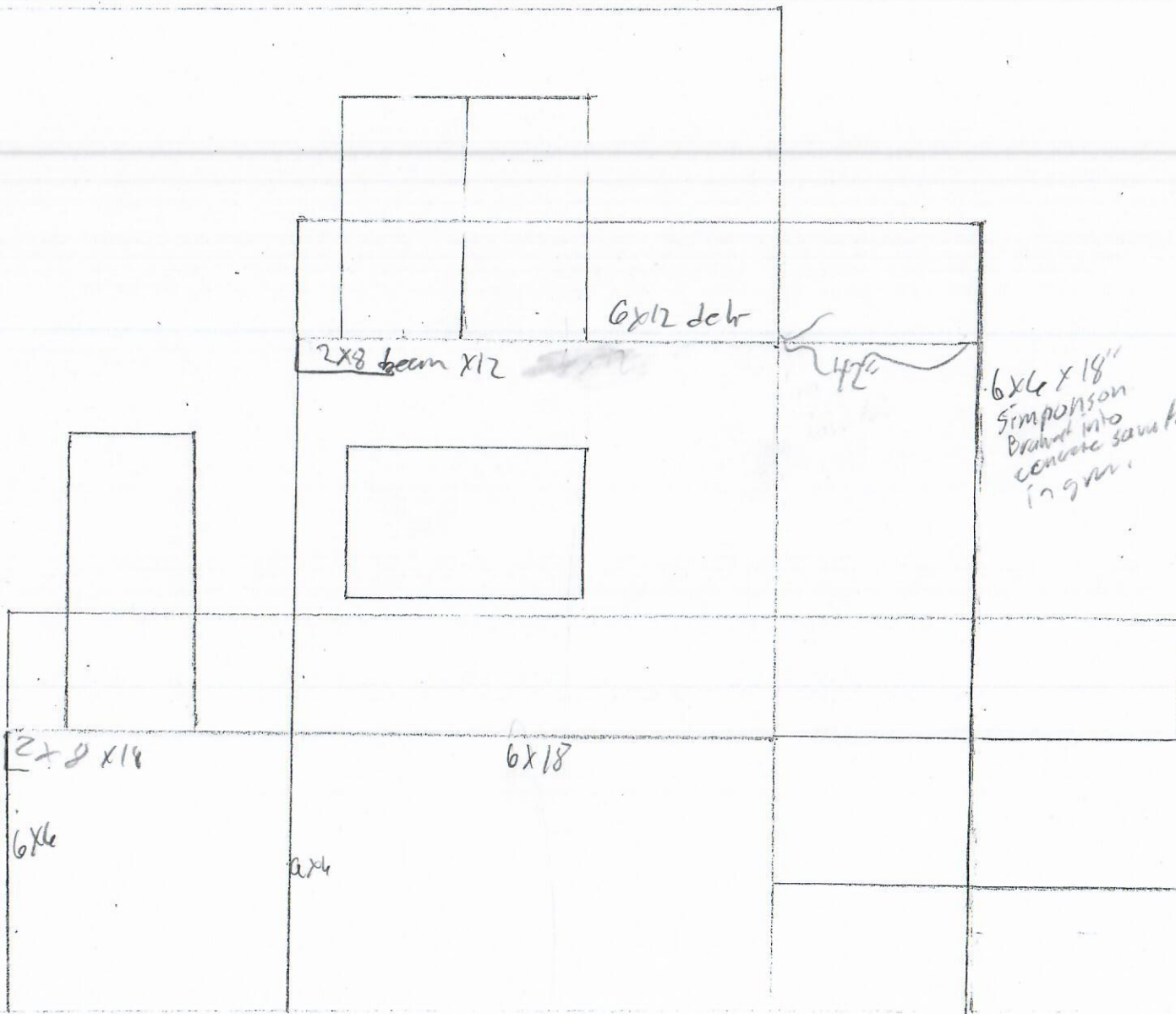
CASCADE

CREEK

SUBDIVISION

2x2  
4" on center





# CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE 4/17/79 OWNER Clyde S. Shoemaker  
DATE 4/17/79 OWNER Katherine A. Shoemaker

## NOTARY'S ACKNOWLEDGEMENT

STATE OF ALASKA)  
FIRST JUDICIAL DISTRICT) SS

THIS IS TO CERTIFY THAT ON THIS 17 DAY OF APRIL, 1979, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, PERSONALLY APPEARED

KATHERINE AND CLYDE SHOEMAKER, KNOWN AND KNOWN TO ME TO BE THE PERSONS NAMED IN THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION AND THAT THEY INDIVIDUALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND SEAL THE DAY AND YEAR IN THIS

CERTIFICATE NAMED FIRST ABOVE.  
Bonnie Davis  
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES

July 20, 1982

## CERTIFICATE STATE OF ALASKA FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND AN ACTING ASSESSOR FOR THE CITY AND BOROUGH OF SITKA HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY AND BOROUGH OF SITKA IN THE NAME OF C. F. KATHERINE SHOEMAKER

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 1979 WILL BE DUE ON OR BEFORE JULY 31, 1979

DATED THIS 18 DAY OF MAY, 1979  
John C. Stein  
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 AND BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO.

DATED 19, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER SITKA, ALASKA.

5-17-79 Robert T. Couch  
DATE CHAIRMAN, PLATTING BOARD

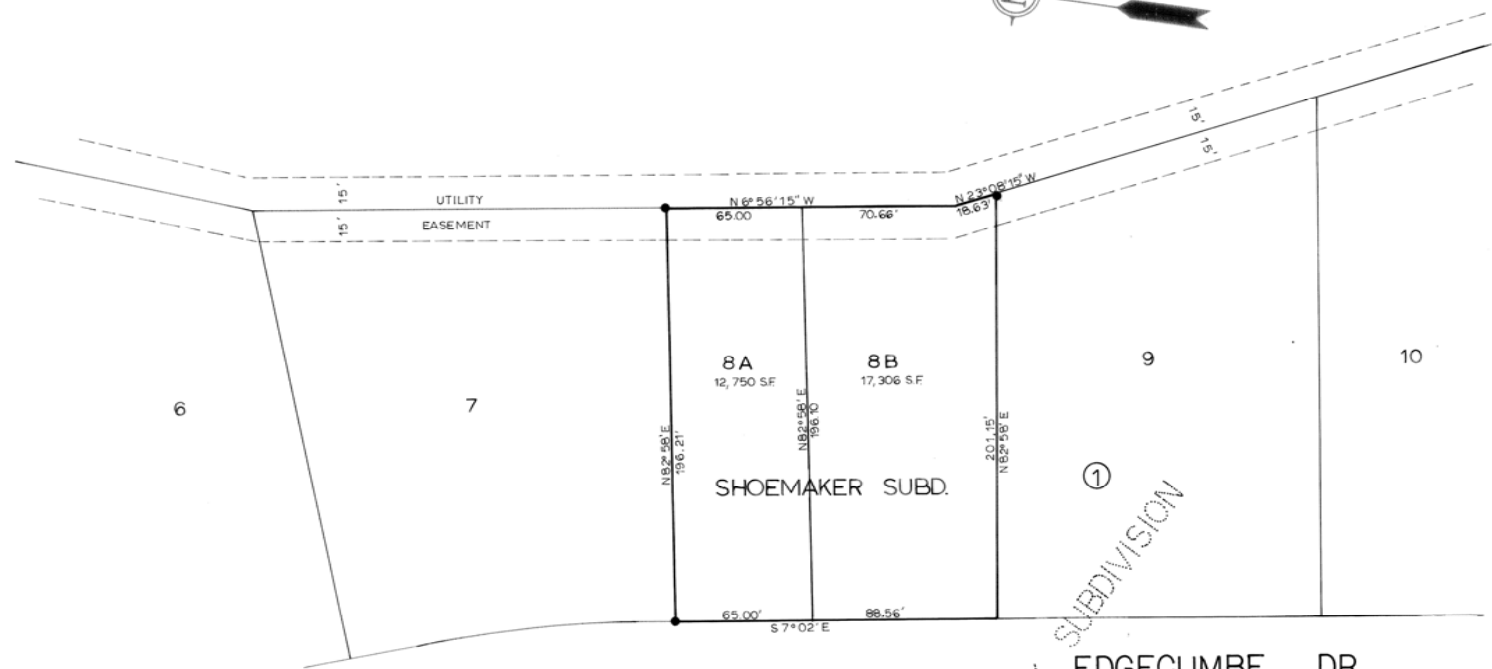
## CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK PAGE DATED 19 AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER SITKA, ALASKA.

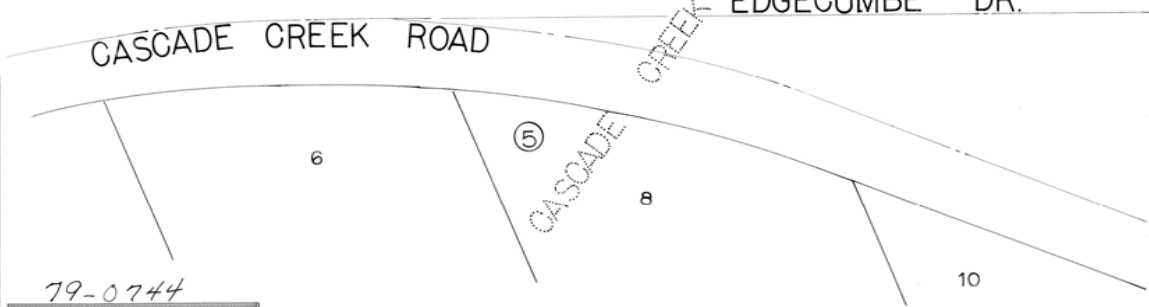
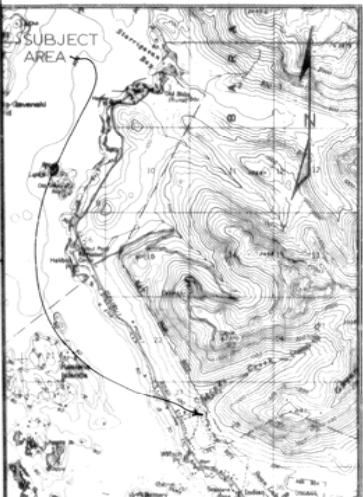
5-18, 1979 Phil Davis  
DATE

## LEGEND

● REBAR & CAP (EXISTING)



VICINITY MAP  
SCALE: 1" = 1 MILE



79-0744

RECORDED FILED  
SITKA, ALASKA REC. DIST.  
DATE: MAY 21, 1979  
TIME: 11:20 A.M.  
Serial No. 79-0744 Rat 79-17  
REQUESTED BY: CITY AND  
BOROUGH OF SITKA  
ADDRESS: BOX 79  
SITKA ALASKA

SURVEYOR'S CERTIFICATE  
I hereby certify that I am a registered Surveyor, licensed in the State of Alaska, and that in APRIL 1979 a survey of the herein described lands 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 dimensions and other details are correct according to said field notes.



SHOEMAKER SUBD.  
LOT 8 BLOCK 1  
CASCAD CREEK SUBDIVISION  
FOR: C. F. SHOEMAKER  
BOX 2016  
SITKA, ALASKA  
DAVIS & ASSOCIATES  
LAND SURVEYORS  
BOX 1849  
SITKA, ALASKA 99835  
DATE: APRIL 1979 NAME OF SURVEYOR: PHIL DAVIS PROJ. NO.: 20234-01-00  
SCALE: 1" = 100' DRAWN BY: P.D.





# 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:** Entry deck encroachment

### PROPERTY INFORMATION:

CURRENT ZONING: R-1 PROPOSED ZONING (if applicable): \_\_\_\_\_

CURRENT LAND USE(S): Residential Housing PROPOSED LAND USES (if changing): \_\_\_\_\_

### APPLICANT INFORMATION:

PROPERTY OWNER: Mandie Smith

PROPERTY OWNER ADDRESS: 315 Eliason Loop, Sitka, AK 99835

STREET ADDRESS OF PROPERTY: 1904 Cascade Creek Road, Sitka, AK 99835

APPLICANT'S NAME: Travis Vaughan (Husband of Applicant)

MAILING ADDRESS: 315 Seward Street, Baranof Realty, Sitka, AK 99835

EMAIL ADDRESS: travis@livingsitka.com DAYTIME PHONE: 738-8091

### PROPERTY LEGAL DESCRIPTION:

TAX ID: 24535000 LOT: 8-B BLOCK: \_\_\_\_\_ TRACT: \_\_\_\_\_

SUBDIVISION: Shoemaker Subdivision US SURVEY: \_\_\_\_\_

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

Signed: 04/21/2020 06:01 PM EDT  
*Mandie L Smith, DDS*  
IP: 24.237.118.47 Electronic Signature  
Owner DocID: 20200421150114743

\_\_\_\_\_  
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.

Signed: 04/21/2020 04:01 PM EDT  
*Travis Vaughan*  
IP: 24.237.113.167 Electronic Signature  
Applicant (If different than owner) DocID: 20200421150114743

\_\_\_\_\_  
Date

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Project Address



# CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
SUPPLEMENTAL APPLICATION FORM  
VARIANCE

## APPLICATION FOR

- ☒ ZONING VARIANCE – MINOR EXPANSIONS, SMALL STRUCTURES, FENCES, SIGNS  
☐ ZONING VARIANCE – MAJOR STRUCTURES OR EXPANSIONS  
☐ PLATTING VARIANCE – WHEN SUBDIVIDING

**RATIONALE** - Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience. Explain why a variance is required for your project.

The house and deck were originally built within the setback in 1978. We are replacing the rotten deck and widening it from 4' to 6' thus increasing our encroachment another 2'. As before, this encroachment will have no impact.

## POTENTIAL IMPACTS (Please address each item in regard to your proposal)

- TRAFFIC None
- PARKING none
- NOISE none
- PUBLIC HEALTH AND SAFETY none
- HABITAT none
- PROPERTY VALUE/NEIGHBORHOOD HARMONY neighboring properties have similar encroachments for entryways.
- COMPREHENSIVE PLAN NA

Vaughan

Last Name

Date Submitted

Project Address

**REQUIRED FINDINGS (Choose ONE applicable type and explain how your project meets these criterion):**

**Major Zoning Variance** (Sitka General Code 22.30.160(D)1)

Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:

- a. That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner, specifically, \_\_\_\_\_  
\_\_\_\_\_;
- b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity, specifically, \_\_\_\_\_  
\_\_\_\_\_;
- c. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure, specifically, \_\_\_\_\_  
\_\_\_\_\_;
- d. That the granting of such a variance will not adversely affect the comprehensive plan, specifically, (cite section and explain) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**Minor Zoning Variance** (Sitka General Code 22.30.160(D)2)

Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

- a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions, specifically, \_\_\_\_\_  
\_\_\_\_\_;
- b. The granting of the variance is not injurious to nearby properties or improvements \_\_\_\_\_  
\_\_\_\_\_;
- c. The granting of the variance furthers an appropriate use of the property, specifically, \_\_\_\_\_  
\_\_\_\_\_.

**Platting Variance** (Sitka General Code 21.48.010)

A variance from the requirements of this title may be granted only if the planning commission finds that:

- A. The granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property, specifically, \_\_\_\_\_  
\_\_\_\_\_.
- B. The tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property, specifically, \_\_\_\_\_  
\_\_\_\_\_.

**ANY ADDITIONAL COMMENTS** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E-Signed : 04/21/2020 06:02 PM EDT

*Mandie L Smith, DDS*

IP: 24.237.118.47

Electronic Signature

Applicant

DocID: 20200421150120202

\_\_\_\_\_  
Date

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Project Address

E-Signed : 04/21/2020 04:04 PM EDT

*Travis Vaughan*

IP: 24.237.113.167

Electronic Signature

DocID: 20200421150120202



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Memorandum

**To:** Chair Spivey and Planning Commission  
**From:** Amy Ainslie, Director, Planning and Community Development  
**Subject:** **Permitted and Conditional Uses in the Commercial and Industrial Zones**  
**Date:** June 12, 2020

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The Commission has expressed an interest in reviewing permitted and conditional uses in the commercial and industrial zones. This will be chance to refresh our understanding of the intent of these districts and the uses within them, and also an opportunity to look for areas of improvement.

A few areas of interest/chances for optimization from Staff:

1. Protect commercial and industrial zones for heavy/intensive uses: The Comprehensive Plan identified a need to preserve commercial and industrial areas. Economic Development action ED 2.7 states "Limit amount of residential development in the commercial, industrial, and waterfront zones to preserve economic lands for economic uses." Look for uses in the C-1, C-2, WD, and I zones that erode commercial/economic potential.
2. Consider collapsing C-1 and C-2 zones into one column and add footnotes for the few differences (primarily mobile homes and mobile home parks)
3. Consider creation of new zoning districts to separate light commercial that is more conducive to co-locate with or be proximate to residential uses, to protect areas that are truly commercial-only in nature.

No particular motions are suggested by Staff at this time. This discussion item is meant to provide an opportunity for consideration, questions, and conversation. However, if need for a motion arises, it can be made at this time as well.

**22.16.015 Permitted, conditional and prohibited uses. Revised 4/20**

The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. Each lot or parcel in single-family and related zones shall contain only one principal use as defined by the use tables in this chapter. Multifamily and commercial zones may contain up to three principal uses. Other uses on the lot or parcel may be permitted accessory uses or conditional uses. All applicable requirements of this code, or other applicable state or federal requirements, shall govern a use located in the city and borough of Sitka.

The land use tables contained in this chapter determine whether specific uses are permitted as principal (P) or conditional (C) uses. Each table lists the zoning districts in the vertical columns and the land use activities in the horizontal rows. If no symbol appears in the box at the intersection of a row and column, the use is not allowed and is prohibited unless otherwise noted. In general, prohibited uses shall be as follows:

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

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

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

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

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

Retail and business uses in the GP/GPS district that are permitted uses, conditional uses, or prohibited uses on the site are governed by Table 22.16.015-6. Natural resource extractions and mining support facilities are conditional uses governed by Table 22.16.015-5 in the GP/GPS district. These use tables are binding on the owners and the operators in the Gary Paxton industrial park. No changes to these tables shall be made without a

zoning ordinance text amendment that follows the full procedures in Chapter 22.30, Zoning Code Administration.

As outlined in Section 22.16.110, the I industrial zone is intended for industrial and heavier commercial uses. The zone also contains a number of heavy public uses as permitted and conditional uses. Additional conditional uses may be approved by the assembly, through the conditional use process, even though they may not be specifically listed as permitted or conditional uses in the following table.

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

Zones	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (11, 12)	C-1 (11)	C-2 (11)	WD (2, 11)	GI (3, 10)	LI(3)	R	OS	GP (13)	C (16)
<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				
• Tiny house on chassis on an individual lot					C	C		C			C	C	C	C				
• 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				



### C—Conditional Use Permit Required

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

##### C. Residential Uses Table 22.16.015-1 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest; all reasonable safeguards are to be employed to protect the surrounding area; and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. Including zero lot developments.
5. Townhouse, cluster housing developments and planned unit developments are conditional uses subject to this title and Title 21 of this code, Subdivisions.
6. On-site storage of commercial fishing vessels, fishing equipment and other small business equipment is a permitted conditional use so long as such storage does not occupy more than four hundred square feet.
7. Bed and breakfast establishments are limited to three guest rooms in the R-1, R-1 MH, and R-1 LD districts as conditional uses only when no other rental such as apartments is in operation on the same lot.
8. Bed and breakfast establishments are limited to five guest rooms in the R-2, R-2 MHP districts as conditional uses only when no other rental such as apartments is in operation on the same lot.
9. Short-term rentals including legal nonconforming uses shall provide two off-street parking spaces per unit, comply with the municipal fire code, and comply with the requirements of the building department based on a life safety inspection.
10. Hotels, motels, lodges, boarding houses and bed and breakfasts capable of accommodating a maximum of six guests plus one guest for each one-half acre or fraction thereof above one acre on unsubdivided islands are permitted principal uses. Hotels, motels, lodges, boarding houses and bed and breakfasts, on unsubdivided islands that exceed this maximum, are conditional uses.  
  
Bed and breakfast establishments, boarding houses, hotels, motels and lodges are conditional uses on subdivided islands.
11. Many of the permitted and conditional uses in the CBD, C-1, C-2, and WD zones generate traffic,

noise, odor, and general impacts to a higher level and greater degree than permitted and conditional uses in residential districts. Owners of residential uses in the CBD, C-1, C-2 and WD districts must be aware of and accepting of all the permitted uses in these districts.

12. Single or multiple apartments shall only be permitted on the first floor of structures in the CBD district if approved through the conditional use process. Single and multiple apartments are permitted uses on upper floors of structures in the CBD district.

13. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

14. Accessory dwelling units shall be constructed in conformance with the standards outlined in Chapter 22.20, Supplemental District Regulations and Development Standards.

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.

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

ZONES	P (1)	SF (7)	SFLD(7)	R-1 (7)	R-1 MH (7)	R-1 LDMH (7)	R-2 (7)	R-2 MHP(7)	CBD	C-1	C-2	WD(2)	I	GI(3)	LI (3)	R	OS	GP (9)	C (10)
<b>CULTURAL</b>																			
• Library	P								P	P	P			P	P				
• Museum	P								P	P	P			P	P				C
• Conference center							C	C	P	P	P			C	C				
• Church		C	C	C	C	C	C	C	P	P	P			PU/CS	C				C
• Art gallery	P			C(4)	C(4)	C(4)	C(4)	C(4)	P	P	P	C		C	C				
• Radio station												P							
<b>RECREATIONAL</b>																			
• Park and recreation														P	P				
• Park	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P		C
• Trails	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P		

G1 G2 WDI

C-1/C-2: General Commercial and

SF: Single-Family District	General Commercial/ Mobile Home Districts
SFLD: Single-Family Low Density District	WD: Waterfront District
R-1: Single-Family/Duplex District	I: Industrial District
R-1 MH: Single-Family/Duplex/Manufactured Home District	GI: General Island District
R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts	LI: Large Island District
R-2: Multifamily District	R: Recreational District
R-2 MHP: Multifamily/Mobile Home District	OS: Open Space District
CBD: Central Business District	GP: Gary Paxton Special District
	C: Cemetery District

P—Permitted

C—Conditional Use Permit Required

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

D. Cultural/Recreational Uses Table 22.16.015-2 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. When operated as a home occupation.
5. Sport fishing lodges.
6. Any waterborne aircraft approved through the conditional use process shall be restricted to those owned by the upland property owner or long-term lessee that are not used for commercial purposes. Waterborne aircraft shall also only be allowed on docks in a secure environment.
7. The city requires liveaboards in R-1, R-2, SF, and related zones to meet the relevant liveaboard regulations that are required in the municipal harbor regulations under "liveaboards."

8. Waterborne aircraft that moor on docks on an ongoing basis are allowed as a permitted use on personal use and community personal use docks if they are solely used by the owners of the property and are solely used for noncommercial purposes. All nonprivate use of waterborne aircraft would require conditional use approval.

9. 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.

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

**Table 22.16.015-3**  
**General Services Uses**

ZONES	P(1)	SF	SFLD	R-1 (6)	R-1 MH (6)	R-1 LDMH (6)	R-2 (6)	R-2 MHP	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP (8)	C (9)
<b>PERSONAL SERVICES</b>																			
• General services									P	P	P			C					
• Dry cleaning									P	P	P								
• Industrial laundry										C	C			P					
• Funeral home/crematorium									C	P	P			C					
• Cemeteries/mausoleum	P													C	C				P
• Day care/kindergartens	P			P(6)	P(6)	P(6)	P(5)	P(5)	C	P(5)	P(5)			P	P				
• Veterinary clinic							(7)		C	C	C			P	C				
• Automotive repair									C	P	P	P		P	C				
• Automotive service									C	P	P	P		P	C				
• Miscellaneous repair									P	P	P	P		P	C	C			
• Social service agencies									P	P	P	C		CU/*S	C				
• Stable	C									C	C			PU/CS		C			
• Kennel										C	C			C	P				
• Bank							C	C	P	P	P			C	C				
• Credit union							C	C	P	P	P			C	C				
• Massage treatments																C			
<b>HEALTH SERVICES</b>																			
• Offices/outpatient clinic							C	C	P	P	P			C	C				

• Hospital	C(4)								C	P	P			C	C				
• Medical/dental laboratory							C	C	P	P	P			P	C	C			
• Marijuana testing facility									C	C	C	C		C	C	C			C
• Miscellaneous health facility							C	C	C	C	C			C	C				
EDUCATIONAL SERVICES																			
• Elementary school	P						C	C	C	C	C			C	C				
• Middle/junior high school	P						C	C	C	C	C			C	C				
• Secondary/high school	P						C	C	C	C	C			C	C				
• Vocational school	P						C	C	C	C	C			C	C				
• Specialized instruction school	P						C	C	C	C	C			C	C				
• College/university	P								C	C	C			C	C				
• School district support facility (excluding bus barns)	P						C	C	C	P	P			P	C	C			
• Auditorium	P																		

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

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

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

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home District

CBD: Central Business District

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

WD: Waterfront District

I: Industrial District

GI: General Island District

LI: Large Island District

R: Recreational District

OS: Open Space District

GP: Gary Paxton Special District

C: Cemetery District

P—Permitted

C—Conditional Use Permit Required

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

CU/\*S—Conditional Use on Unsubdivided Islands and Prohibited on Subdivided Islands

E. General Services Uses Table 22.16.015-3 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. Hospital buildings shall be set back a minimum of ten feet from all property lines.
5. Establishments accommodating five or more children require state licenses and are conditional uses.
6. Day cares with four children or less not related to the provider are a permitted use in owner occupied detached single-family dwellings in the R-1 and related zones.

Day cares with four children or less not related to the provider are a conditional use in residential zero lot line dwellings in the R-1 and related zones. Day cares with four children or less not related to the provider are also a conditional use in two-family dwellings, that are constructed as duplex where each unit is of similar size, in the R-1 and related zones.

Day cares are not allowed in apartments or similar dwelling units in R-1 or related zones.

Day cares with five children or more not related to the provider are a conditional use, in owner occupied detached single-family dwellings only, in the R-1 and related zones.

7. A replacement vet clinic in the 1200 block of Halibut Point Road as a substitute for the long standing historical use in the area is expressly authorized and shall be the only vet clinic allowed in an R-2 zone.
8. 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.
9. All uses in the cemetery district are intended to be cemetery-related and conducted with reverence and respect for those interred.

**Table 22.16.015-4**  
**Public Facilities Uses**

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ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD (2)	I	GI(3)	LI(3)	R	OS	GP (6)	C (8)
GOVERNMENT SERVICES										C									
• Public agency or utility office	P								P	C				PU/CSC					
• Public agency or utility service yard	P									C		P	P	C	C				
• Public agency warehouse	P									C		P	P	C	C				
PUBLIC SERVICES																			
Courts	P								P					C	C				
Police station	P								P	P	P			C	C				
Fire station	P			C	C	C	C	C	P	P	P	C	C	PU/CS	C	C			
Utility facilities (transformers, pump stations, etc.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Solid waste transfer facility	C(4)									C	C	C	C	C	C				
Landfill	P													C	C	C	C		
Land clearing landfills	C													C					
Wastewater treatment plant	C									C	C	P	P	C	C				
Public water supply facility	P									P	P	P	P	C	C	P			
Public transportation facility/airport	C								C	C	C	P(5)	P	C					
Animal shelter	P									C	C			C	C				
Recycling facility	C																		



commission review and public hearing and assembly approval of a binding site plan.

6. 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.

7. In which the primary purpose of the support facility is to support and maintain housing-related programs in the immediate area.

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

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

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP (7)	C (8)
<b>MANUFACTURING</b>																			
• Food products include seafood processing										C	C	P	P	C	C	C			
• Mariculture												P	P	C	C				
• Winery/brewery, small scale									C	C	C	P	P	C	C				
• Textile mill products										C	C	P	P	C	C				
• Apparel and textile products										C	C	P	P	C	C				
• Wood products, except furniture										C	C	P	P	PU/CS	C				
• Furniture and fixtures										P	P	P	P	P	C				
• Paper and allied products										C	C	P	P	C	C				
• Petroleum refining and related products										C	C	P	P						
• Rubber and plastics products										C	C	P	P						

C1	C2	WD	I
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product manufacturing facility										C	C	C	C	C	C			C
• Marijuana product manufacturing facility, extract only										C	C	C	C	C	C			C
STORAGE AND WAREHOUSING														P				
• Marine equipment/ commercial fishing gear/material storage											P	P	P	P	PU/CS	C		
• Boat storage											P	P	P	P				
• Construction materials storage										P	P	P	P	P	C	C	C	
• Trucking, courier and taxi service facilities										P	P	P	P(5)	P	C	C		
• Warehousing and wholesale trade										P	P	P	P(5)	P	C			
• Self-service storage										P	P	P	P	P	C			
• Log storage	C										C	C	P	P	C		P	
• Freight and cargo services										P	P	P	P(5)	P	C			
• Equipment rental services										P	C	C	P	P	C			
• Vehicle rental services										P	P	P	P	P	C			
• Natural resource extraction and mining support facilities													C	C	C	C		C
• Storage of explosives														C				

• Bulk fuel  
storage

GI G2WD I

C

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

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

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

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home District

CBD: Central Business District

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

WD: Waterfront District

I: Industrial District

GI: General Island District

LI: Large Island District

R: Recreational District

OS: Open Space District

GP: Gary Paxton Special District

C: Cemetery District

P—Permitted

C—Conditional Use Permit Required

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

G. Manufacturing/Storage Uses Table 22.16.015-5 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. No industrial use shall be of a nature which is noxious or injurious to nearby properties by reason of smoke, emission of dust, refuse matter, odor, gases, fumes, noise, vibration or similar conditions.
4. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
5. Ferry terminals, barge freight terminals, docks and harbor facilities including float plane facilities, fueling piers and tank farms and other port facilities are permitted principal uses subject to planning commission review and public hearing and assembly approval of a binding site plan.

6. Automobile wrecking yards, salvage yards, and junkyards are conditional uses and shall be set back a minimum of twenty feet from property lines and be enclosed by fences a minimum of eight feet in height. The setback area may be used for customer parking but not for vehicle storage.

7. 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.

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

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

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (8)	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP	C (10)
<b>RETAIL USES</b>																			
• Building, hardware and garden materials										P	P		P	C	C			P	
• Bulk forest products sales									P	P	P	P	P	P				P	
• Retail forest products sales										P	P	P	P					C	
• Art galleries and sales of art									P	P	P	P							
• Department and variety stores									P	P	P	P(5)		C	C				
• Food stores									P	P	P	P(5)		C	C	C(6)		C	
• Agricultural product sales										P	P		P	C	C			P	
• Motor vehicle and boat dealers									P(7)	P	P	P(5)		C				P	
• Auto supply stores									P	P	P			C	C			P	
• Gasoline service stations									C	P	P		P	C	C			C	
• Apparel and accessory stores									P	P	P	P(5)		C	C				
• Furniture and																			

C-1 C-2 WD I

home furnishing stores								P	P	P								C	
• Eating and drinking places								P	P	P	P							PU/CS	C
• Drug stores								P	P	P								C	C
• Liquor stores								P	P	P	P(5)							C	C
• Used goods, secondhand stores								P	P	P	P(5)							C	C
• Sporting goods								P	P	P	P(5)							C	C
• Book, stationery, video and art supply								P	P	P	P(5)							C	C
• Jewelry stores								P	P	P	P(5)							C	C
• Monuments, tombstones and gravestones								P	P	P								P	C
• Hobby, toy, game stores								P	P	P								C	C
• Photographic and electronic stores								P	P	P	P(5)							C	C
• Fabric stores								P	P	P								C	C
• Fuel dealers									P	P								P	C
• Florists								P	P	P								C	C
• Medical supply stores								P	P	P								C	C
• Pet shops								P	P	P								C	C
• Sales of goods that are wholly manufactured at Gary Paxton industrial park GPIP																			P
• Sales of gifts, souvenirs and promotional materials that bear the logo or trade																			P

name of a GPIP permitted use business										G-1	G-2	WD	I						
• Stand alone souvenir and gift shops								P	P	P	P								
• Bulk retail									P	P			C	C	C				
• Commercial home horticulture	P	C	C	C(9)	C(9)		C(9)	C(9)	P	P	P	P		PU/ CS(9)	C(9)	P	P		
• Horticulture and related structures	P								P	P	P	P						P	
• Marijuana retail facility									C	C	C	C		C	C			C	
BUSINESS SERVICES																		P	
• General business services									P	P	P	P(5)	P	C	C			C	
• Professional offices							C	C	P	P	P	P(5)		C	C			P	
• Communications services									P	P	P	P(5)		C	C			P	
• Research and development services									C	P	P	C(5)	P	C	C			P	

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C—Conditional Use Permit Required

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

H. Retail and Business Uses Table 22.16.015-6 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. No industrial use shall be of a nature which is noxious or injurious to nearby properties by reason of smoke, emission of dust, refuse matter, odor, gases, fumes, noise, vibration or similar conditions.
4. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
5. When associated with a water-related principal use.
6. Small scale convenience stores subordinate to principal permitted uses.
7. Motor vehicles and boat dealers permitted on a short-term basis.
8. Kiosks, outdoor restaurants, portable structures such as food stands and other temporary structures that are clearly incidental to the primary use on the lot are permitted uses. Mobile food carts on wheels are permitted uses on private property. Kiosks, outdoor restaurants, portable structures such as food stands and other temporary structures that are not clearly incidental to the primary use on the lot are conditional uses.
9. Commercial home horticulture conditional use permits governed by Section 22.24.025.
10. All uses in the cemetery district are intended to be cemetery-related and conducted with reverence and respect for those interred.

(Ord. 20-09 § 4 (part), 2020; Ord. 20-02S(A) § 4 (part), 2020; Ord. 19-15 § 4 (part), 2019; Ord. 16-14 § 4, 2016; Ord. 16-11 § 4 (part), 2016; Ord. 15-42 § 4 (part), 2015; Ord. 15-08 § 4 (part), 2015; Ord. 14-38A § 6, 2014; Ord. 14-21 § 4 (part), 2014; Ord. 13-14A § 4 (part), 2013; Ord. 12-31A §§ 4(E), (F), 2012; Ord. 11-34 § 4, 2011; Ord. 11-31 § 4, 2011; Ord. 11-04S § 4(A), 2011; Ord. 10-32 § 4, 2010; Ord. 10-12 § 4 (part), 2010; Ord. 09-78 § 4, 2010; Ord. 09-51 §§ 4(A), (B), (D), 2009; Ord. 08-44 § 4, 2008; Ord. 08-30 § 4, 2008; Ord. 07-08 § 4

(part), 2007; Ord. 06-24 § 4, 2006; Ord. 06-09 § 4, 2006; Ord. 06-06 § 4(A), (B), (G), (H), (I), 2006; Ord. 05-47 § 4(B), 2005; Ord. 05-16 § 4(A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), (N), 2005; Ord. 05-09 § 4(A), 2005; Ord. 05-03 § 4(A), 2005; Ord. 04-60 § 4(A), (B), (E), (I), (O), (P), (Q), (V), 2004; Ord. 03-1750 § 4 (part), 2003; Ord. 03-1746 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Memorandum

**To:** Chair Spivey and Planning Commission  
**From:** Amy Ainslie, Director, Planning and Community Development  
**Subject:** **Setbacks to Tidelands**  
**Date:** June 12, 2020

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The Commission has expressed an interest in amending the zoning code to decrease (or eliminate) setbacks to filled, intertidal, and submerged tidelands in all zoning districts. Currently, the zoning code does not make an allowance for eliminating or modifying setback requirements if a property line is adjacent to tidelands except in the Waterfront zoning district and in the Gary Paxton Industrial Park zoning district.

The usual justifications for setback requirements are:

- Safe ingress and egress from a property
- Preserving open space
- Provide buffering between properties
- Reinforcing fire separation requirements

These same justifications may not apply to setbacks for property lines adjacent to tidelands. However, filled tidelands may be buildable, so fire separation may still need to be maintained. Discussion question: Should the zoning code make reference to checking fire separation distances with the Building Department/Official, or leave that up to the permitting process to catch?

Potential motion: **“I move to direct staff to prepare a zoning text change that would (eliminate/reduce) setbacks from property lines adjacent to filled, intertidal, or submerged tidelands.”**

**22.20.030 Classification of new and unlisted uses.**

Addition of uses which are not defined or regulated by this title shall be made by the following process:

- A. The administrator shall provide the planning commission with a staff report describing the proposed use addition in the form of an amendment to this title.
- B. The planning commission shall hold a public hearing and, subject to its review, shall recommend an appropriate code amendment to the assembly.
- C. Unless the assembly takes action otherwise within thirty days of the planning commission recommendation, the recommended amendment shall take effect.

(Ord. 11-04S § 4(B) (part), 2011; Ord. 02-1683 § 4 (part), 2002.)

**Table 22.20-1**  
**Development Standards<sup>(2)</sup>**

	MINIMUM LOT REQUIREMENTS		MINIMUM SETBACKS			MAXIMUM HEIGHTS <sup>(18)</sup>		MAXIMUM BUILDING COVERAGE	MAXIMUM DENSITY
ZONES	Width	Area <sup>(1, 17)</sup>	Front <sup>(3)</sup>	Rear	Side	Principal Structures	Accessory Structures		
P	(4)	(4)	20 ft.	15 ft.	10 ft.	40 ft.	16 ft.	35%	
SF	80 ft.	6,000 s.f.	14 ft. <sup>(8)</sup>	8 ft. <sup>(9)</sup>	5/9 ft. <sup>(19)</sup>	35 ft. <sup>(10)</sup>	16 ft.	50%	
SFLD	80 ft.	15,000 s.f.	20 ft. <sup>(8)</sup>	20 ft. <sup>(9)</sup>	15 ft.	35 ft. <sup>(10)</sup>	16 ft.	35%	
R-1 <sup>(6)</sup>	80 ft.	6,000 s.f.	14 ft. <sup>(8)</sup>	8 ft. <sup>(9)</sup>	5/9 ft. <sup>(19)</sup>	35 ft. <sup>(10)</sup>	16 ft.	50%	
R-1 MH <sup>(6)</sup>	80 ft.	6,000 s.f.	14 ft. <sup>(8)</sup>	8 ft. <sup>(9)</sup>	5/9 ft. <sup>(19)</sup>	35 ft. <sup>(10)</sup>	16 ft.	50%	
R-1 LD/LDMH	80 ft.	15,000 s.f. <sup>(5)</sup>	20 ft. <sup>(8)</sup>	20 ft. <sup>(9)</sup>	15 ft.	35 ft. <sup>(10)</sup>	16 ft.	35%	
R-2 <sup>(6)</sup>	80 ft.	6,000 s.f. for the first two units and 1,000 s.f. for each additional unit	14 ft. <sup>(8)</sup>	8 ft. <sup>(9)</sup>	5/9 ft. <sup>(19)</sup>	40 ft.	16 ft.	50%	Maximum density = 24 DU/A
R-2 MHP <sup>(6)</sup>	80 ft.	Same as R-2	14 ft. <sup>(8)</sup>	8 ft. <sup>(9)</sup>	5/9 ft. <sup>(19)</sup>	40 ft.	16 ft.	50%	Same as R-2
CBD <sup>(16)</sup>	None	None <sup>(7)</sup>	(11)	(11)	(11)	50 ft.	16 ft.	None	
C-1 <sup>(6)</sup>	60 ft.	6,000 s.f. <sup>(7)</sup>	14 ft. <sup>(8)</sup>	8 ft.	5 ft.	40 ft.	16 ft.	None, except for setback areas	

	MINIMUM LOT REQUIREMENTS		MINIMUM SETBACKS			MAXIMUM HEIGHTS <sup>(18)</sup>		MAXIMUM BUILDING COVERAGE	MAXIMUM DENSITY
ZONES	Width	Area <sup>(1, 17)</sup>	Front <sup>(3)</sup>	Rear	Side	Principal Structures	Accessory Structures		
C-2 <sup>(6)</sup>	60 ft.	6,000 s.f. (7)	14 ft. <sup>(8)</sup>	8 ft.	5 ft.	40 ft.	16 ft.	Same as C-1	
WD <sup>(6)</sup>	60 ft.	6,000 s.f. (7)	14 ft. <sup>(8, 12)</sup>	5 ft. <sup>(12)</sup>	10 5/9 ft. <sup>(12, 19)</sup>	40 ft.	16 ft.	Same as C-1	
GP	50 ft.	5,000 s.f.	10 ft.	5 ft. <sup>(12)</sup>	10 ft. <sup>(12)</sup>	50 ft.	50 ft.	Same as C-1	
I	100 ft.	15,000 s.f.	20 ft. <sup>(8)</sup>	10 ft.	5 ft.	40 ft.	16 ft.	50% <sup>(13)</sup>	
LI	None	1 acre <sup>(14)</sup>	None <sup>(15)</sup>	None <sup>(15)</sup>	None <sup>(15)</sup>	35 ft.	35 ft.	25%	
GI	None	1 acre	None <sup>(15)</sup>	None <sup>(15)</sup>	None <sup>(15)</sup>	35 ft.	35 ft.	None	
R			20 ft.	10 ft.	5 ft.	35 ft.	20 ft.	50%	
OS	None	1 acre	None <sup>(15)</sup>	None <sup>(15)</sup>	None <sup>(15)</sup>	35 ft.	35 ft.	None <sup>(15)</sup>	
C	None	None	15 ft.	10 ft.	10 ft.	35 ft.	35 ft.	None, except for setback areas	

(Ord. 19-16A § 4 (part), 2019; Ord. 19-15 § 4 (part), 2019; Ord. 13-14A § 4 (part), 2013; Ord. 11-04S § 4(B) (part), 2011; Ord. 06-06 § 4(C), 2006; Ord. 03-1746 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)

#### 22.20.035 Notes to Table 22.20-1.

- Minimum lot area net of access easements.
- All developed lots and parcels shall have access to a public street and circulation within the development to ensure adequate vehicular circulation for parking, freight, and emergency vehicles. Where lots or parcels do not front on and have direct access to streets, a minimum twenty-foot improved driveway with a minimum of a twelve-foot wide developed driveable surface on a legal easement shall provide access between the subject development and the street.
- Front setbacks apply to all lot lines adjacent a public street. Corner lots have two front setbacks.
- As determined by the specific use and its parking and loading requirements.
- Duplex shall have a minimum of twelve thousand square feet of lot area per unit.
- Zero lot line lots shall be a minimum of seven thousand five hundred feet in area.

Additional Note: The minimum square footages for each unit of a zero lot line shall be as follows:

R-1 and R-1 MH 3,000 sq. ft.

R-1 LD and R-1 LDMH 7,500 sq. ft.

R-2 and R-2 MHP 3,000 sq. ft.

C-1, C-2 and WD 3,000 sq. ft.

Zero lot lines may be allowed on existing lots of record in the R-1 and R-1 MH zones with square footages less than above if the planning commission finds that there is adequate density and parking.

7. Minimum lot area per dwelling unit shall be six thousand square feet for one- and two-family dwellings with an additional one thousand square feet for each additional dwelling unit.
8. Front yard setback shall be ten feet when lots abutting street rights-of-way are equal to or greater than eighty feet.
9. Residential docks are exempt from rear yard setback.
10. Building height as defined by Section 22.20.050.
11. Subject to site plan approval.
12. No setbacks are required from property lines of adjacent filled, intertidal, or submerged tidelands.
13. Additional building coverage may be permitted subject to site plan approval.
14. Unless the subject use occupies the entire island.
15. Where island lots share common property lines, the minimum setback shall be fifteen feet.
16. A five-foot setback shall be along any property line abutting a public street, alley, or deed access easement. The purpose of this setback shall be to assure that sidewalks, curb and gutter, power pole locations, or other public necessities can be accommodated.
17. Lot size variances may be allowed for subdivisions that include sidewalks or pathways.
18. Accessory dwelling units in residential zones shall be limited to a maximum height of twenty-five feet or the height of the existing principal dwelling unit on the property whichever is less.
19. The split side setback is to allow a property developer to select a larger side setback on one side of the property in order to provide for parking on that side.

(Ord. 19-16A § 4 (part), 2019; Ord. 13-14A § 4 (part), 2013; Ord. 06-06 § 4(C), 2006; Ord. 03-1746 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)