



CITY AND BOROUGH OF SITKA

Meeting Agenda - Final

Planning Commission

Wednesday, July 15, 2020

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM 20-12](#) Approve the July 1, 2020 minutes.

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

VII. THE EVENING BUSINESS

B [ZA 20-04](#) Public hearing and consideration of a request for a zoning map amendment to rezone NHN Sawmill Creek Road from R-2 multifamily residential to C cemetery district. The property is also known as Lot 2-2, Sheldon Jackson Campus Subdivision Number 2. The request is filed by the Sitka Tribe of Alaska. The owner of record is the Sitka Tribe of Alaska.

C [VAR 20-07](#) Public hearing and consideration of a variance to reduce a rear setback from 5 feet to 1.5 feet at 4658 Sawmill Creek Road in the Gary Paxton Special District. The property is also known as Lot 17, Sawmill Cove Industrial Park Resubdivision No. 1. The request is filed by the City and Borough of Sitka Department of Public Works. The owner of record is the City and Borough of Sitka.

D [MISC 20-13](#) Discussion/direction on reviewing SGC Table 22.16.015-1 Residential Land Uses

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. 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

Wednesday, July 1, 2020

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Darrell Windsor (acting chair), Randy Hughey, Victor Weaver, Stacy Mudry
Absent: Chris Spivey (excused), Kevin Mosher (assembly liaison)
Staff: Amy Ainslie
Public: Jim Way, Eugene Solovyov, Ariadne Will, Ptarmica McConnell, Sherrie Greenshields

Acting Chair Windsor called the meeting to order at 7:00 pm.

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

M-Weaver/S-Mudry moved to approve the June 17, 2020 minutes. Motion passed 4-0 by voice vote.

A [PM 20-11](#) Approve the June 17, 2020 minutes.

Attachments: [10-June 17 2020 DRAFT](#)

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie reminded the Commission and the public that City Hall would be closed on Friday, July 3rd in observance of Independence Day. Ainslie updated the Commission on a land sale request for a portion of Tract A11 of Whitcomb Heights Subdivision (on Kramer Avenue) the Commission had reviewed several weeks earlier had been considered by the Assembly on June 23rd. The Assembly had greater interest in selling the whole tract rather than subdividing it, and had directed staff to develop an RFP for its sale and development. On the No Name Mountain/Granite Creek Master Plan, staff would be bringing a discussion/direction item to the Assembly on July 14th to consider moving forward with plan recommendations for the 17 acre waterfront parcel referred to as Harbor Point in the plan. Staff's recommendation to the Assembly would be to issue an RFI to gauge market and community interest in the land. A Planner I had been hired, and would be starting at the end of July.

Hughey reported that he would be leaving the Commission in the near future to enjoy retirement; Hughey expressed that he had enjoyed being on the Commission and working with his fellow Commissioners. Hughey would stay on for a few more months in the hopes of finding a replacement for his seat. Weaver stated that July 15th would

be his last meeting as he had accepted a position out of state and would be leaving Sitka. Weaver stated he was sad to be leaving Sitka and the Commission but had also enjoyed his time. Ainslie thanked both Hughey and Weaver for their service, and noted that other Commissioners should reach out to friends, neighbors, and others in the community about serving on the Commission; the work done by the Commission was critically important to the functioning of the city and being on the Planning Commission was a great way to be involved.

VI. REPORTS

VII. THE EVENING BUSINESS

B [CUP 20-11](#)

Public hearing and consideration of a conditional use permit for a dwelling unit on the first floor within the Central Business District located at 419 Lincoln Street. The property is also known as a Portion of Tract F, USS 404/Portion of Lot 6, Block 11, USS 1474 Tract A. The request is filed by Eugene Solovyov. The owner of record is Sitka Art Realty Association, LLC.

Attachments: [CUP 20-11 Solovyov 419 Lincoln St. 1st Floor Dwelling Staff Report](#)
[CUP 20-11 Solovyov 419 Lincoln St. 1st Floor Dwelling Aerial](#)
[CUP 20-11 Solovyov 419 Lincoln St. 1st Floor Dwelling Floor Plan](#)
[CUP 20-11 Solovyov 419 Lincoln St. 1st Floor Dwelling Photos](#)
[CUP 20-11 Solovyov 419 Lincoln St. 1st Floor Dwelling Applicant Materials](#)

Ainslie described the physical location of the property at the corner of Lincoln and Monastery streets. There was an Art Gallery accessible from Lincoln Street and an addition/wing of the building that was under consideration as becoming a dwelling unit on the side of the building that had vehicular access only from Monastery. The dwelling unit would be approximately 350 - 400 square feet with a one bedroom apartment. It had previously been utilized as retail space. Ainslie cited Footnote 12 of Table 22.16.015-1 Residential Land Uses in the zoning code stated that apartments shall only be permitted on the first floor of a structure in the Central Business District through the conditional use process. Ainslie believed this space was a good candidate for conversion to residential space for a few reasons. First, it would have low visual impact on the "shopping drag" of downtown because the space was set far back from Lincoln Street, did not have large shop windows, had a garden and hedges as buffering from the street, and only had vehicular access from Monastery Street. Further, it was a small space, likely only to be able to accommodate 1 or 2 adults. It was not a large space taken out of the commercial market and its small size gave it more flexibility to return to commercial use if there was change in market conditions. The impacts on noise, odor, and traffic was anticipated to be far less than most other allowable uses in the Central Business District. Staff recommended approval.

Eugene Solovyov, one of the owners of the building, came forward. Solovyov explained that he and his ex-spouse co-owned the building. When the last commercial tenant moved out, they tried to market the space for commercial use but were not able to find an interested tenant. Solovyov's ex-spouse was in need of an apartment, and therefore they decided this would be the best use of the space. Commissioners had no further questions for the applicant.

M-Mudry/S-Weaver moved to approve the conditional use permit application for a dwelling unit on the first floor of a structure in the Central Business

District located at 419 Lincoln Street. The property was also known as a Portion of Tract F, USS 404/Portion of Lot 6, Block 11, USS 1474, Tract A. The request was filed by Eugene Solovyov. The owner of record was Sitka Art Realty Association, LLC. Motion passed 4-0 by voice vote.

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

C [P 20- 03](#)

Public hearing and consideration of a preliminary plat for minor subdivision to result in four lots at 601 Alice Loop in the Waterfront District. The property is also known as Lots 1 and 2, Dr. Walter Soboleff Subdivision. The request is filed by Shee Atika Holdings Alice Island, LLC. The owner of record is Shee Atika Holdings Alice Island, LLC.

Attachments: [P 20-03 Shee Atika 601 Alice Loop Minor Subdivision Staff Report](#)
[P 20-03 Shee Atika 601 Alice Loop Minor Subdivision Aerial](#)
[P 20-03 Shee Atika 601 Alice Loop Minor Subdivision Current Plat](#)
[P 20-03 Shee Atika 601 Alice Loop Minor Subdivision Preliminary Plat](#)
[P 20-03 Shee Atika 601 Alice Loop Minor Subdivision Photos](#)
[P 20-03 Shee Atika 601 Alice Loop Minor Subdivision Applicant Materials](#)

Ainslie reminded the Commission that this property had undergone subdivision in 2019, turning the single large lot into two lots. The new minor subdivision before them was to create 4 lots. The property was in the Waterfront district in which the minimum lot size was 6,000 square feet. All the of the resulting lots in the proposed plat exceeded this minimum. Lot 1 of previous subdivision remained relatively unchanged in the new proposal. The use of the lot centered around the Sealing Cove Business Center (formerly known as the Mt. Edgecumbe School Building). Some adjustments had been made to the lot lines to accommodate changes to Lot two, but the overall size of Lot 1 would be decreasing by less than 1,000 square feet, resulting in a total size of 59,778 square feet. Lot 2 was the focus of change in the new proposal, being subdivided into three lots. Lot 2A would be 32,230 square feet, Lot 2B would be 20,303 square feet, and Lot 2C would be 26,367 square feet. Plans were still being worked on, but the applicants were seeking this subdivision to enable future multifamily development. Ainslie felt this area was well suited for subdivision and development as the lots were large, flat, waterfront, accessed by a developed city right-of-way, and had close proximity to city utilities. Staff recommended approval.

Ptarmica McConnell was present, representing Shee Atika Holdings Alice Island, LLC. Commissioners had no further questions of the applicant.

Windsor asked staff how each lot would be served for utilities, and Ainslie pointed out some of the easements on the plat that would be able to accommodate utility infrastructure. Ainslie noted one easement needed to be relabeled as "Access and Utility" on the plat. Weaver asked if there was adequate utility capacity to meet the demand of a multifamily development. Ainslie stated that though the plans were still preliminary at this point, city engineering and utilities had been consulted and it was indicated that there was sufficient capacity.

M- Mudry/S-Weaver moved to approve the preliminary plat for a minor subdivision to result in four two lots at 601 Alice Loop in the Waterfront zoning district. The property was also known as Lots 1 and 2, Dr. Walter Soboleff

Subdivision. The request was filed by Shee Atika Holdings Alice Island, LLC. The owner of record was Shee Atika Holdings Alice Island, LLC. Motion passed 4-0 by voice vote.

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

D [LM 20-04](#)

Public hearing and consideration of a request to lease municipal property; an approximately 2,500 square foot sized portion of Tract C, ASLS 79-4 located on Harbor Mountain Bypass. The request is filed by New Horizons Telecom, Inc. on behalf of Verizon Wireless. The owner of record is the City and Borough of Sitka.

Attachments: [LM 20-04 New Horizon - Verizon Staff Report](#)
[LM 20-04 New Horizon - Verizon Aerial](#)
[LM 20-04 New Horizon - Verizon Applicant Materials](#)

Ainslie explained that New Horizons, LLC (on behalf of Verizon Wireless) had requested a lease of municipal property on Harbor Mountain Bypass Road for cell tower development. The minimum space needed would be 50 feet by 50 feet (2500 square feet) and up to 100 feet by 100 feet (10,000 square feet). The area in question was zoned as R-1, which did allow for cellular/communication antennas or towers but restricted the height to the maximum building height of the zone which was 35 feet. If the proposal moved forward, staff would initiate a variance request for the height needed which was anticipated to be 95 feet. Ainslie would defer to the applicants to speak to the desirability of the location in terms of its desirability for providing cellular service from a technical standpoint, but thought that there were some advantages of this location from the municipality's standpoint. The location was away from homes and other residential development, minimizing visual or other disturbances. It was out of mapped wetlands in the area, it was next to other utility/public infrastructure (the water tower), and was on a maintained road which enabled safe access. The process moving forward would be to obtain a recommendation from the Commission, seek Assembly approval to move forward, simultaneously complete a valuation of the lease area, commission a survey, and obtain a height variance. An RFP would then be developed and published, a proposal selected, and a lease executed. Staff recommended approval.

Sherrie Greenshields of New Horizons was present on the call. Greenshields elaborated that Verizon was looking for a location for a cell tower in the Granite Creek area, and this was one of the few locations that was not in a mapped wetlands area. Further, it was next to the water tower, so there was electrical service in the area which was all that was needed for the tower. Greenshields also confirmed that the total height needed would be 95 feet. Greenshields stated that this was one of several projects Verizon was working on in Sitka and they were ready to bring a new service provider to Sitka.

Hughey asked if the tower would be able to, or have to, accommodate the co-location of other providers. Ainslie stated that she was not familiar with any regulations that would obligate the cell tower owner to allow co-location, but that it was the stated intention of New Horizons/Verizon to allow co-location on this particular tower. Greenshields stated that the tower intended for this location was designed to allow for co-location of three service providers. Windsor stated general concern about the unknowns of 5G development. Greenshields stated that the development was primarily focused on 4G/LTE development at this time. Commissioners concluded that enabling

competition of service providers in Sitka would be a good thing.

M-Weaver/S-Mudry moved to recommend approval for a lease of municipal property of no less than 2,500 square feet and no greater than 10,000 square feet within Tract C, ASLS 79-4 located on Harbor Mountain Bypass road for the purpose of a cell tower site. Motion passed 4-0 by voice vote.

E [MISC 20-12](#)

Commission survey on the City Seal Redesign Project.

Attachments: [Board & Commission Survey Sheet](#)
 [Contest Entries](#)

Ainslie explained that the City Seal Redesign project had been initiated by 2 Assembly sponsors and approved the Assembly in January. There was contest for artists to submit designs to become the new official seal of the city open from mid-February to the end of March. With the Covid pandemic, the project was put on hold for a few months but re-started in early June. The next step in the project was to have city boards and commissions review the entries, pick 1st through 3rd place preferences, and provide any other general feedback. Commissioners looked through the entries and felt strongly about entries #5 and #10, feeling both were well done and representative of Sitka. Commissioners also liked entry #12, but thought that it was perhaps too detailed for a seal. Ultimately, the Commission decided that their first choice was #5, their second choice was #10, and their third choice was #12. Commissioners expressed appreciation for all the artists who had clearly put a lot of work into the designs and all had good ideas and elements.

VIII. ADJOURNMENT

Seeing no objections, Acting Chair Windsor adjourned the meeting at 7:48 pm.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Case No: ZA 20-04
Proposal: Zoning Map Amendment: R2 to C
Applicant: Sitka Tribe of Alaska
Owner: Sitka Tribe of Alaska
Location: NHN Sawmill Creek Road
Legal Desc.: Lot 2-2, Sheldon Jackson Campus Subdivision Number 2
Zone: R-2 multifamily residential
Size: 54,110
Parcel ID: 1-8562-055
Existing Use: Cemetery
Adjacent Use: Former SJ Campus, recycling center, cemeteries, State Troopers
Utilities: N/A
Access: Sawmill Creek Road

KEY POINTS AND CONCERNS:

- Lots have been historically used for burial/cemetery, but zoned with the former SJ campus as R-2
- CBS created a new Cemetery zoning district in the spring of 2019. This will be the first property to be rezoned under the Cemetery district.
- Spot zoning is to be expected with Cemetery zoning.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Zoning Map
Attachment C: Plat
Attachment D: Applicant Materials

PROJECT DESCRIPTION

The applicants are requesting a zoning map amendment from R-2 multifamily residential to C cemetery for their lot on Sawmill Creek Road, formerly part of the Sheldon Jackson College Campus.

In deliberations, commissioners need to keep in mind that in the intention of the Cemetery zone is to create small pockets of protection for properties used for burial/cemetery purposes. As historic burial sites are proximate to other development, it is expected that in many cases, rezoning a property to Cemetery will result in acceptable spot zoning.

BACKGROUND

Prior to 2019, the city zoning code lacked a designation for cemeteries, historically residing in residential zones such as R-1 or R-2, or Public zones. This change was the result of concerns raised during the Comprehensive Plan process, identifying the need for better tracking of burial sites, protection of these historic areas, and to help ease the process of obtaining burial permits. This rezoning is the first property that will now be under the newly created Cemetery district.

The applicant is motivated to pursue this zone change because they would like to better preserve and protect the cemetery, apply for grants for the maintenance of the cemetery, and more easily track burial sites.

Descriptions of each zoning district:

SGC 22.16.050 R-2 multifamily residential district

- A. *Intent. The R-2 residential district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with the full range of public utilities, including sewers, water, electricity, and storm drains or are intended to be provided with such utilities in the near future. This district is intended primarily for single-family and multiple-family residences at moderately high population densities. Structures required to serve governmental, educational, recreational, religious and limited professional office needs are allowed subject to permitted or conditional use restrictions intended to preserve and protect the residential character of the R-2 district.*

SGC 22.16.180 – C cemetery district

- A. *Intent. The cemetery district is intended to contain land used for cemeteries and limited accessory uses. All uses in the cemetery district are intended to be cemetery-related and conducted with reverence and respect for those interred. This a highly restrictive district.*

ANALYSIS

Project / Site: Lot to be rezoned is 54,110 square feet. Lot is not developed as it has historically been used as a cemetery/burial site.

Traffic: Heavy traffic on the right-of-way next to the property. Current cemetery use (which would not change with the rezoning) generates very little traffic.

Parking: Space is available to create parking if it would be desired by the property owner. No parking requirements for cemetery use.

Noise: Very minimal – intention of cemetery is to be a quiet, peaceful environment.

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

Habitat: No concerns for habitat.

Property Value or Neighborhood Harmony: Cemetery zoning would likely result in less property value given the highly restricted nature of the zone and its use limitations, particularly in comparison to the high density residential uses allowed in R-2. However, the use of the

property will not change, as it has historical use as a cemetery. This zoning change is an attempt to have the zoning accurately reflect the use of the property. Therefore, there's very little anticipated change to the character of the neighborhood or neighborhood harmony due to this zoning change.

Comprehensive Plan: The proposal directly correlates to Historical, Cultural, and Arts Resources Action HCA 1.1c: *Coordinate and collaborate with interested parties to compile cemetery information* by using our zoning maps to both identify and protect land used for cemeteries.

STAFF RECOMMENDATION/CONCLUSION

Staff recommends approval of the zoning map amendment.

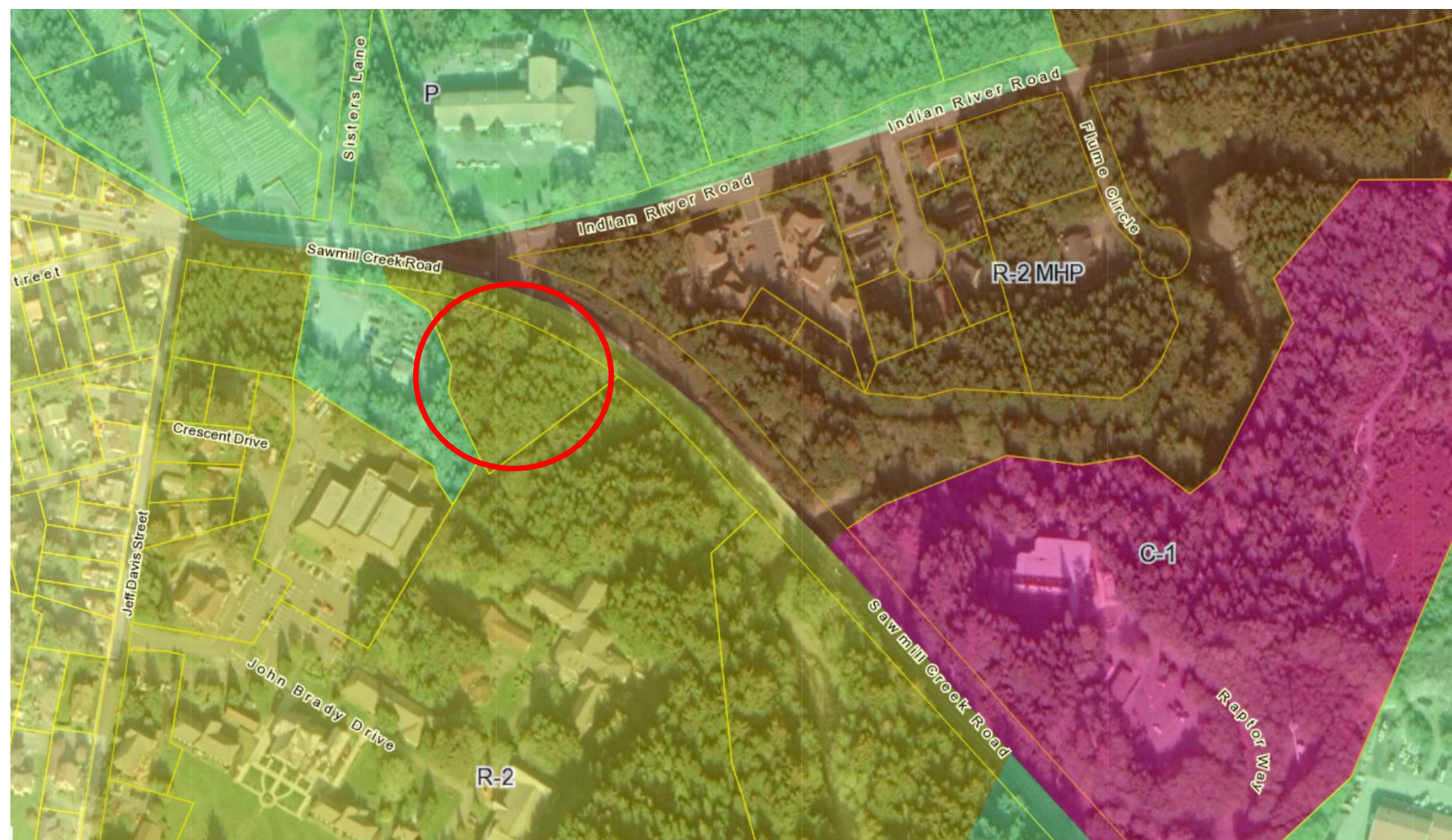
RECOMMENDED MOTIONS

- 1) **"I move to recommend approval of the zoning map amendment to rezone NHN Sawmill Creek Road from the R-2 multifamily residential district to the Cemetery district. The property is also known as Lot 2-2, Sheldon Jackson Campus Subdivision Number 2. The request is filed by the Sitka Tribe of Alaska. The owner of record is the Sitka Tribe of Alaska."**
- 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 HCA 1.1c: *Coordinate and collaborate with interested parties to compile cemetery information*.







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

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ZONING AMENDMENT

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PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: To change the zoning of 804 Sawmill Creek Road
from having no zoning to "cemetery" zoning.

PROPERTY INFORMATION:

CURRENT ZONING: None PROPOSED ZONING (if applicable): Cemetery
CURRENT LAND USE(S): Cemetery PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: Sitka Tribe of Alaska
PROPERTY OWNER ADDRESS: 456 Katlian Street Sitka, Alaska 99835
STREET ADDRESS OF PROPERTY: 804 Sawmill Creek Road Sitka, Alaska 99835
APPLICANT'S NAME: Sitka Tribe of Alaska C/O Lisa Gassman
MAILING ADDRESS: 456 Katlian Street Sitka, Alaska 99835
EMAIL ADDRESS: lisa.gassman@sitkatriben-snn.gov DAYTIME PHONE: 907-747-3207

PROPERTY LEGAL DESCRIPTION:

TAX ID: 1-8562-055 LOT: 2-2 BLOCK: 2010-13 TRACT: N/A
SUBDIVISION: SJC2 US SURVEY: 407B

Sitka Tribe of Alaska

Last Name

06/17/2020

Date Submitted

804 Sawmill Creek Road

Project Address

REQUIRED INFORMATION:

For All Applications:

- N/A ☐ Completed General Application form
- N/A ☐ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- N/A ☐ 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 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.

Leslie Kanner for Sitka Tribe of Alaska
Owner

6/17/2020
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

Sitka Tribe of Alaska

06/17/2020

804 Sawmill Creek Road

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: To preserve the cemetery and better protect the historic land.
- PUBLIC BENEFIT OF PROPOSAL: Allows the owners to apply for grants for up keep and helps track where people are buried
- CONSISTENCY WITH COMPREHENSIVE PLAN (Cite Section and Explain): Yes, Sitka Historical Preservation Conservation are updating their preservation plan.
- CONSISTENCY WITH PHYSICAL BOUNDARIES (Streets, Major Creeks, etc.): Yes, Sitka National Cemetery and Sitka National Historical Park
- DOES NOT RESULT IN SPOT ZONING BECAUSE: Historic Preservation
- PUBLIC HEALTH, SAFETY, AND WELFARE: Existing

Applicant

Date

Sitka Tribe of Alaska 06/17/2020

804 Sawmill Creek Road

Last Name

Date Submitted

Project Address



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 20-07
Proposal: Reduce rear setback from 5 feet to 1.5 feet
Applicant: City and Borough of Sitka Public Works Department
Owner: City and Borough of Sitka
Location: 4658 Sawmill Creek Road
Legal: Lot 17, Sawmill Cove Industrial Park Resubdivision No. 1
Zone: Gary Paxton Special District
Size: 16,897 square feet
Parcel ID: 6-6400-200
Existing Use: Vacant
Adjacent Use: Vacant, Industrial
Utilities: Existing
Access: Sawmill Creek Road, Access Easement

KEY POINTS AND CONCERNS

- The property is located in the GP zone – rear setback in zone is 5 feet.
- Rear of lot abuts Sawmill Creek Road. Platted ROW substantially wider than developed road. Rear of lot building is anticipated to be approximately 50 feet from asphalt.
- Potential negative impacts to public health and safety, neighborhood harmony, and property values are minimal as fits industrial nature of the area and will still be substantial distance away from the drivable surface of the road.

RECOMMENDATION

Staff recommends that the Planning Commission approve the zoning variance.

BACKGROUND/PROJECT DESCRIPTION

The property is located at 4658 Sawmill Creek Road. The Public Works Department is beginning preliminary planning for a Filter Building to be constructed for the Critical Secondary Water Supply project. This lot is currently vacant, and is next to the existing UV Building.

The State of Alaska has offered Public Works an encroachment permit that would allow use of the undeveloped ROW for the express purposes of the following: a chain-link fence, storage of materials, maintenance for access around the building (to be constructed outside the State Right of Way), and no other purpose. Public Works is waiting to receive a determination on this variance (which will firm up plans for building placement) before agreeing to the specific terms with the State. However, there is every indication at this point from the State that they are willing to provide the encroachment permit which would facilitate access and buffering (i.e. the fence) for the back of the building. See Attachment C: Potential Encroachment Permit Area for a depiction.

Ideally, the building would be accessed from the east side of the lot. Allowing the building to be placed closer to the rear property line on the north of the property preserves forklift access around the south of the building within the fenced area.

The northwest corner of the building will have approximately 1.9' of clearance between the eave the property line – 1.5' was put in the request by PCDD staff in order to provide cushion for slight variation. With the exception of this corner, the rest of the eave on the rear of the building should be 6 feet from the rear property line.

ANALYSIS

Setback requirements

The Sitka General Code requires 5 foot rear setbacks in the Gary Paxton Special District (GP).

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.

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 need to maneuver heavy equipment around all sides of the industrial property is the stated need/justification from the applicant as well as the platting of the right-of-way.

Potential Impacts

The construction of the building closer to the right-of-way than would otherwise be allowed by the zoning code has very minimal impact on those utilizing the right-of-way. The neighboring property to the west has a rear property line that extends approximately 25 feet closer to the right-of-way without any known impact/detriment to the area. 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 economic development actions in the Sitka Comprehensive Plan 2030; ED 5.3 “Maintain well-functioning infrastructure upon which commerce and economic activity depend” by moving the Critical Secondary Water Supply project forward.

Conclusion

Overall, the area would be minimally affected by this proposal as there is ample space and (future) fencing between the rear of the building and the developed right-of-way such that impacts are anticipated to be minimal.

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: Site Plan
Attachment C: Potential Encroachment Permit Area
Attachment D: Plat
Attachment E: Applicant Materials

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Motions to Approve the Zoning Variance

- 1) **I move to approve the zoning variance to reduce the rear setback from 5 feet to 1.5 feet at 4658 Sawmill Creek Road in the Gary Paxton Special District subject to the conditions of approval. The property is also known as Lot 17, Sawmill Cove Industrial Park Resubdivision No. 1. The request is filed by the City and Borough of Sitka Public Works Department. The owner of record is the City and Borough of Sitka.**

Conditions of Approval:

- a. The rear (north) setback will be decreased from 5 feet to no less than 1.5 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 major structures of expansions.

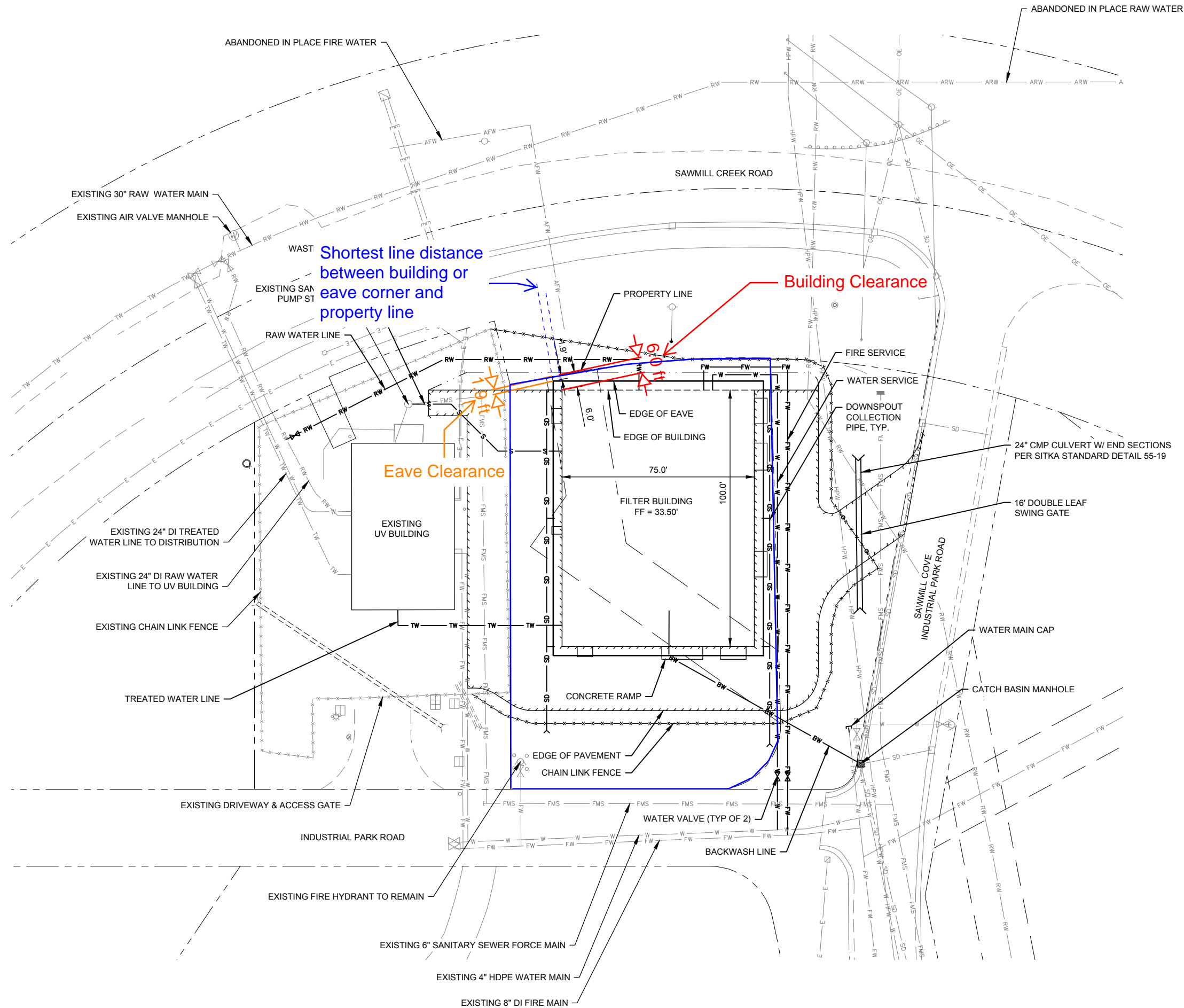
Before any variance is granted, it shall be shown¹:

- 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, 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;
- 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;
- 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
- d. That the granting of such a variance will not adversely affect the comprehensive plan.

¹ Section 22.30.160(D)(1)—Required Findings for Major Variances



File: J:\JobsData\21201.03 Sitka CSW Design\00 CADD\02 Figures\06 To City Of Sitka\21201.03 - Site Plan Figure.dwg PLOT DATE: 6/25/2020 4:50 PM



NOT FOR CONSTRUCTION

PROJECT NO.	21201.03
CITY GRID	-
WATER GRID	-
SEWER GRID	-

CITY AND BOROUGH OF SITKA
CRITICAL SECONDARY WATER SUPPLY
FILTER BUILDING SITE PLAN

PROJECT NO: 21201.03
STATUS: 65% DESIGN
DATE: JUNE 2020

REV	DATE	DESCRIPTION	BY

SCALE	HOR. 1" = 20'
DESIGNED BY	
DRAWN BY	
CHECKED BY	
APPROVED BY	

SHEET NO.
C103FB

Creek Road

110
264°
2,520
sq ft

Potential encroachment
permit from State for use of
this area

25.9
2.36°

25.7
165°

60.6
80.9°

41.9
88.9°

4654

NOTES

THE PURPOSE OF THIS PLAN IS TO FURTHER SUBDIVIDE THE SAMMILL COWBOY INDUSTRIAL PARK SUBDIVISION INTO A TOTAL OF 4 BLOCKS, WITH 2 LOTS AND A LEASE LOT IN BLOCK 1, 1 LOT IN BLOCK 2, 3 LOTS IN BLOCK 3, AND 4 LOTS IN BLOCK 4. THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE THE SAMMILL COWBOY INDUSTRIAL PARK SUBDIVISION INTO EASEMENTS ON THE SAMMILL COWBOY PROPERTY AND CLARIFY THE COMMON USE STATUS OF EXISTING EASEMENTS.

NEW BUILDINGS CONSTRUCTED AFTER THE DATE OF THIS PLAN SHALL MEET THE SETBACK REQUIREMENTS OF SITKA GENERAL CODE.

OFF STREET PARKING ON PRIVATE PROPERTY OR ON PUBLICLY OWNED LANDS IDENTIFIED FOR PARKING PURPOSES IS REQUIRED.

THE FUTURE EASEMENT EXPANSION FOR LOT 10 WILL OCCUR UPON REMOVAL OF THE "BURNHOUSE" SHOWN.

SPECIAL USE UTILITY EASEMENTS LOCATED WITHIN INDIVIDUAL PARCELS ARE SHOWN IN SHADED AREAS. SPECIAL USE EASEMENTS BENEATH THE MUNICIPALITY AND THE OWNERS WITHIN THE PARK, ARE INTENDED TO COVER ACTIVE UTILITIES, HOWEVER, DUE TO THE COMPLEXITY OF EXISTING AND ABANDONED UTILITIES IN THE AREA, THE INTENT OF THIS PLAN IS TO REQUIRE USUALLY TO USUALLY CONFIRM THE EXISTENCE AND ABSENCE OF ABANDONED UTILITIES, SOME ACTIVE UTILITIES MAY HAVE BEEN MISSED. SPECIAL USE EASEMENTS ARE INTENDED TO PROVIDE FOR THE MAINTENANCE AND REPLACEMENT OF ALL EXISTING ACTIVE UTILITIES WHETHER SHOWN WITHIN AN EASEMENT OR NOT.

WITH THE EXCEPTION OF LOT 9, LOTS WITHIN BLOCK 4 MAY BE SURROUNDED ON ONE OR SEVERAL SIDES BY COMMON USE ACCESS AND UTILITY, OR COMMON USE UTILITY ONLY EASEMENTS (CORRIDORS). THE AREAS OF COMMON USE ACCESS AND UTILITY ARE INTENDED TO PROVIDE ACCESS TO THE COMMON USE AREAS OF THE CITY AND BOROUGH OF SITKA. THE MUNICIPALITY RESERVES THE RIGHT TO MODIFY LOT LINES AND/OR EASEMENT LINES TO ACCOMMODATE CHANGING UTILITIES AND ACCESS REQUIREMENTS. THE SETBACK PROCEDURES IN SITKA GENERAL CODE TITLE 21, AS LONG AS ALL LOTS CONTINUE TO BE SERVED BY THE COMMON USE EASEMENTS.

THE COMMON USE EASEMENT CROSSING LOT 9 IS TO BE HELD IN FEE BY THE OWNERS OF LOT 9. USE OF LOT 9 SHALL BE BY AGREEMENT OF THE OWNERS OF LOT 9.

NOTARY'S ACKNOWLEDGMENT

THIS IS TO CERTIFY THAT ON THIS 19 DAY OF November 2008, BEFORE ME,
THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY
COMMISSIONED AND SWORN, PERSONALLY APPEARED Jim Dinsley,
Administrator for the City of Borough of Sitka

TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND he ACKNOWLEDGED TO ME THAT he 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

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES 8/9/09

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 carried on the tax records in the name of City & Borough of Sitka

and that, according to the records in my possession, all taxes assessed against said lands and in favor of the City & Borough of SITKA are paid in full; that current taxes for the year 2009 will be due on or before 8-31-09

DATED THIS 19th DAY OF November, 2008, at SITKA, ALASKA

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FILED 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 REGULATION NO. 08-13 DATED 20 _____ AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT REGISTRAR, EX-OFFICIO DEPUTY SITKA, AKIA.

11/02/2008 [Signature]
DATE CHAIRMAN, PLATTING BOARD

G. P. [Signature]
SECRETARY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREIN HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK PAGE 20 DATED 20 AND THAT THE PLAT SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

11-19-08
 DATE *SEAN*
 WATERS
 CITY AND BOROUGH CLERK

OFFICE OF THE CITY AND BOROUGH CLERK OF SITKA

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF: City & Borough of Sitka

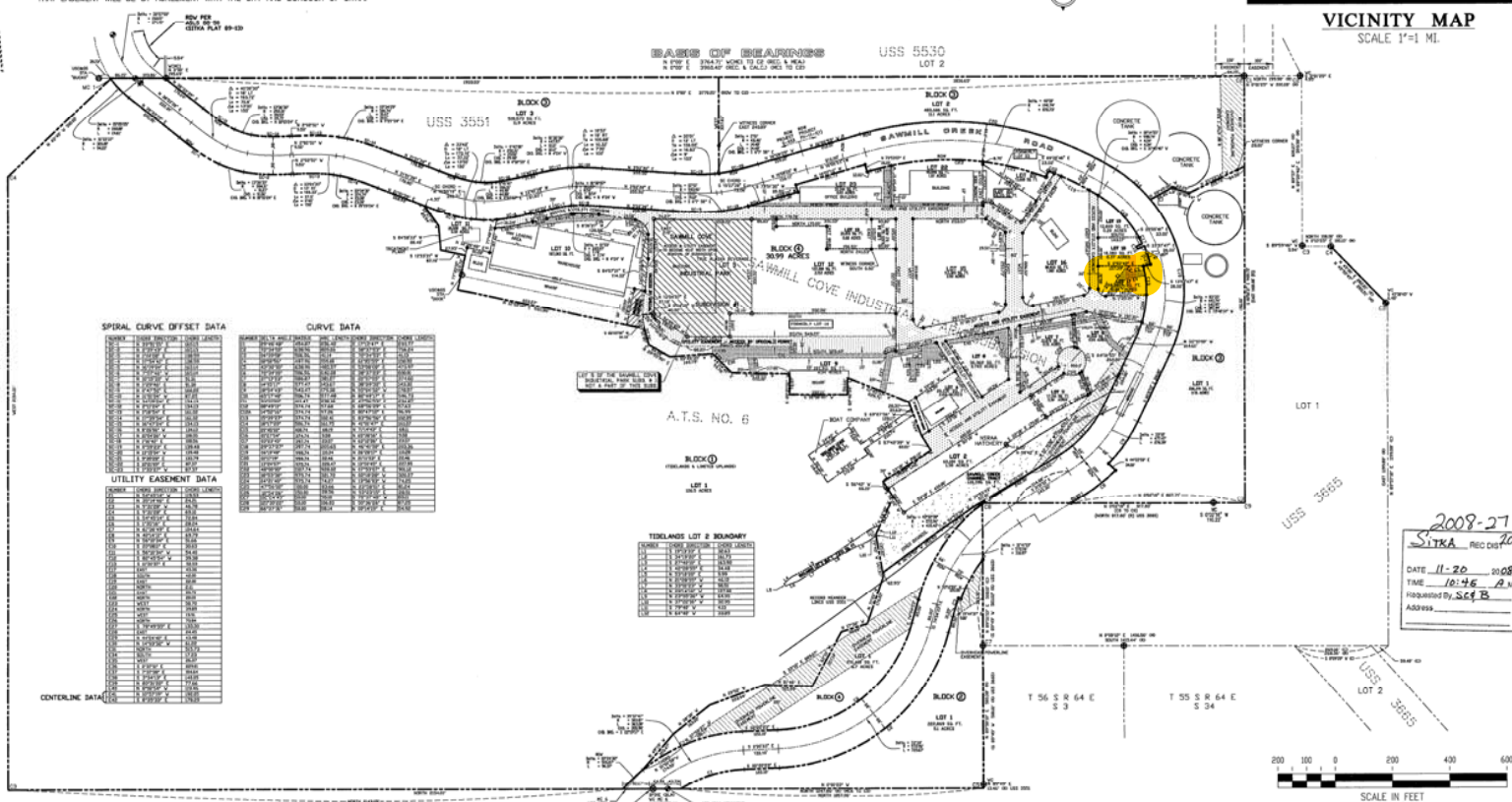
(ALL OWNERS OF RECORD), AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.L.D.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 10th DAY OF November
2008 AT SITKA, ALASKA

[Signature]
FINANCE DIRECTOR
CITY & BOROUGH OF SITKA

LEGEND

- ✚ PRIMARY CONTROL MONUMENT (RECOVERED)
- ✚ GLENN PRIMARY BRASS CAP (RECOVERED)
- ✚ SECONDARY MONUMENT (SET)
- ✚ SECONDARY MONUMENT (RECOVERED)
- ✚ USE & GS TRIANGULATION STATION (RECOVERED)
- (D) RECORDED DATA
- (C) COMPUTED DATA
- (M) MEASURED DATA
- ✚ BUILDING
- ✚ LOT 5 (WITHIN BLOCK 4) - NOT A PART OF THIS SUBDIVISION
- ✚ COMMON USE ACCESS & UTILITY EASEMENTS WITHIN CORRIDORS TO BE RETAINED BY CDS (SEE NOTE 6)
- ✚ SPECIAL USE UTILITY EASEMENT (SEE NOTE 5)



BOX 1849 SITKA, ALASKA 99835
PHONE: (907) 747-6700
FAX: (907) 747-7590
EMAIL: oneillengr@aak.net

DESIGNED: P. O'NEILL
DRAWN: JOH/NO/ACAD
CHECKED: PKI
DATE OF PLAT: SEPT 24, 2008 * 09:46:14
SCALE: 1" = 200'
DRAWING NAME: SCIP RESUB(3)
PROJECT NO: 30014-137-00

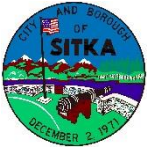
I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN JUNE - JULY, 2008, A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

11/14/08
DATE

Patrick K O'Neill
PATRICK K O'NEILL LS 6304

A RESUBDIVISION OF SAWMILL COVE INDUSTRIAL
PARK SUBDIVISION NO. 1, EXCLUDING LOT 5

CLIENT: CITY AND BOROUGH OF SITKA



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.

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

- TRAFFIC

- PARKING

- NOISE

- PUBLIC HEALTH AND SAFETY

- HABITAT

- PROPERTY VALUE/NEIGHBORHOOD HARMONY

- COMPREHENSIVE PLAN

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 _____

REVIEWED

By David Longtin at 4:16 pm, Jun 25, 2020

Applicant

Date

Last Name

Date Submitted

Project Address

David Longtin

From: Schuler, Michael K (DOT) <michael.schuler@alaska.gov>
Sent: Monday, March 2, 2020 9:29 AM
To: David Longtin
Subject: Encroachment Permit SIT 19-021
Attachments: SIT 19-021 PDF.pdf

Hi David,

Attached is the encroachment permit for John's signature and notarization. I only need the signature page in return and then I'll fill in the dates, execute it and ship it back to you.

Thanks!

Michael K. Schuler

Property Management Officer
Dept. of Transportation and Public Facilities
Southcoast Region Right of Way Section
P.O. Box 112506
Juneau AK. 99811

(907) 465-4499



**STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
Division of Statewide Design & Engineering Services
Right-of-Way**

ENCROACHMENT PERMIT

ENCROACHMENT PERMIT NO. SIT 19-021

THIS PERMIT is issued and effective on this day of March, 2020 at Sitka, Alaska, by the **STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, SOUTHCOST REGION RIGHT-OF-WAY**, whose mailing address is **PO Box 112506 Juneau, Alaska 99811-2506**, acting through its Commissioner and referred to as the “State”, and the **CITY AND BOROUGH OF SITKA**, referred to as “Permittee,” whose mailing address is **100 Lincoln Street, Sitka, AK. 99835**

Permittee may occupy the following described right-of-way and is referred to hereinafter as the “Permitted Area”:

An unsurveyed portion of state right of way adjacent to Sawmill Cove Industrial Park Re-subdivision No. 2, Lot 17 and Lot 18, with the physical address of 4658 Sawmill Creek Road in the Sitka Recording District, First Judicial District, State of Alaska.

This permit is subject to the provisions of Alaska Administrative Code, Title 17, Chapter 010, and the following general and special conditions:

1. **Allowed Use:** The permitted area is to be used for a chain-link fence, storage of materials, maintenance for access around the building (to be constructed outside the State Right of Way), and no other purpose.
2. **Annual Fee:** There is no annual fee for this permit.

Fee Determination

The Permittee must pay fair market value or a \$100 annual fee for the use of the land, whichever amount is greater. The Permittee is responsible for costs incurred for hiring a State certified appraiser for the preparation of a Narrative Appraisal Report, if an appraisal is required.

3. **Term:** Permittee may occupy the permitted area for a term (not to exceed five years) commencing on **March __, 2020**, and ending on **March __, 2025** unless sooner revoked as provided herein. Before the expiration of said term, and before subsequent term anniversary dates, Permittee may request, in writing, renewal of this Permit for an additional term. Permittee must pay a nonrefundable \$100 reapplication fee each time a request is filed to renew or modify this Permit.
4. **Compliance with Laws:** Permittee shall comply with all laws, ordinances, regulations, and administrative agency and/or court orders, including those relating to health, safety, noise, environmental protection, waste disposal, hazardous or toxic materials, and water and air quality. No fuel, hazardous or combustible substances are to be stored in the Permit area. Should Permittee's use of the permitted area cause any discharge, leak, spill, emission, or pollution release of any type to occur at any time during this occupancy, Permittee shall immediately notify the State and the appropriate federal, state, and local authorities. Permittee shall act immediately to contain and/or absorb the release, repair any damage, and clean up the release area, and to restore the permitted area to compliance with all applicable state, federal, or local laws or regulations. Permittee shall be held liable for any and all costs incurred by the State to dispose of cleanup materials or to clean up the permitted area unless otherwise agreed to, in writing, by both parties.
5. **Corps of Engineers Authorization:** Before any filling activities take place within the right-of-way, or on the property adjacent to the right-of-way affected by this permit, please contact the U.S. Army Corps of Engineers (USACE) to see if any further authorization is required. Placement of fill material in waters of the U.S., including wetlands and streams, requires prior authorization in most cases. You can reach the USACE at

Anchorage: (907) 753-2712, Fax: (907) 753-5567 Toll Free 1-800-478-2712
Fairbanks: (907) 474-2166, Fax: (907) 474-2164
Juneau: (907) 790-4490, Fax: (907) 790-4499
Kenai: (907) 283-3519, Fax: (907) 283-3981

The website is <http://www.poa.usace.army.mil/reg>
6. **Indemnification:** Permittee shall indemnify, defend and hold harmless the State, and its officers, employees, and contractors, from any claim resulting from injury, loss, or damage to any person or personal property resulting from Permittee's use of the permitted area.
7. **Waiver of Claims:** Permittee waives any claim or right of action Permittee may have against the State in the event of damage to property, and injury to or death of any person in the permitted area that arises because of the design, construction, maintenance, management, or operation of a highway in the right of way containing the permitted area.

8. **Reimbursement of Costs:** Permittee shall reimburse the State for all costs and expenses incurred by the State, including attorney's fees, in any action brought by the State to recover any delinquent fees, or for the breach of any terms or conditions contained in this Permit, or to recover possession of the permitted area.
9. **Non-discrimination:** No person, on the basis of race, religion, color, national origin, age, or sex, shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in that person's use of the permitted area.
10. **Assignment:** Permittee may not assign or transfer this permit.
11. **Revocation:** This Permit is not a property right but a temporary authorization, revocable by the State. The State may revoke this permit in its sole discretion and upon 30 days written notice unless a shorter period is agreed to herein by Permittee. Said notice will be sent to Permittee's last known mailing address. Permittee shall have no right of action against the State. Upon the expiration or revocation of this Permit, Permittee shall remove all encroachments and restore the permitted area to a clean and safe condition. This Permit may be also revoked based upon a written determination by the Federal Highway Administration that federal funding requirements applicable to outdoor advertising have been violated.
12. **Loss of Business:** The State is not responsible for loss of business.
13. **No Relocation Benefits:** Issuance of this Permit does not entitle Permittee to a payment of just compensation or relocation benefits under AS 34.60 if Permit is revoked, Permittee elects not to renew, or the State denies Permittee's request for renewal.
14. **Cancellation by Permittee:** Permittee may cancel this Permit by providing written notice to the State at the above address. Permittee is not entitled to a refund of any fees or expenses related to the revocation or cancellation of this Permit.
15. **Abandonment by Permittee:** Upon abandonment by Permittee of the permitted area, Permittee's rights under this Permit will immediately terminate, but Permittee's obligations will survive until fulfilled.
16. **SPECIAL STIPULATIONS: DOT&PF**

IN WITNESS WHEREOF the parties hereto have set their hands and seals the day and year in this Permit first above written.

PERMITTEE

By: _____
JOHN LEACH
Municipal Administrator

STATE OF ALASKA)
 : ss.
FIRST JUDICIAL DISTRICT)

Notary Public for Alaska
My Commission Expires:

STATE OF ALASKA)
 : ss.
FIRST JUDICIAL DISTRICT)

Notary Public for Alaska
My Commission Expires:

Title 17 -- Chapter 10
Excerpts Relating to Encroachment Permits

17 AAC 10.010. ENCROACHMENTS. An encroachment may be installed within a highway right-of-way if the encroachment has been permitted by the department under this chapter.

17 AAC 10.011. TYPES OF ENCROACHMENTS AUTHORIZED. (a) The department may issue at no cost an encroachment permit for use of a highway right-of-way by a municipality, state agency, or federal agency, subject to any conditions imposed under 17 AAC 10.014, if the municipality or agency is not acting in a business capacity. The permit will be issued on a form that the department prescribes. Permitted uses include

- (1) flags of states or nations;
- (2) decorative banners; and
- (3) signs, without logos or names of sponsors, that are intended to inform motorists that they are entering a municipality, community, or state.

(b) The department may issue an encroachment permit for the use of a highway right-of-way by a private person, or by a government agency acting in a business capacity, to an owner or lessee of land contiguous to the highway right-of-way where the owner or lessee's primary activity occurs, if the use complies with the requirements of 17 AAC 10.012, and the use is allowed under (c) of this section. The department may impose permit conditions under 17 AAC 10.014. An encroachment permit issued under this subsection is valid for a term of no more than five years for a specific use. The department may renew the permit for additional subsequent terms of no more than five years each. The permit will be issued on a form that the department prescribes. A permit applicant must pay a \$100 nonrefundable application fee. In addition, the permittee must pay economic rent established under 17 AAC 10.013, or \$100 annually, for the use of the land, whichever amount is greater. A permittee must pay a nonrefundable \$100 reapplication fee each time the permittee files a request to renew the permit. Upon renewal of the permit, the permittee must pay economic rent, as established under 17 AAC 10.013 as of the date of extension, or \$100 annually, whichever amount is greater. The department may revoke an encroachment permit before the end of its term, after notice issued to the permittee at least 30 days before the date of revocation. The issuance of a permit under AS 19.25, or this chapter does not entitle the permittee to a payment of just compensation or relocation benefits under AS 34.60, if a permit is revoked or a request for renewal is denied.

(c) An encroachment permit issued under (b) of this section allows any lawful use except the following:

- (1) any permanent structure located partially or completely in the right-of-way;
- (2) water and sewer facilities that the department has not permitted under 17 AAC 15;
- (3) a tank of any size;
- (4) fueling facilities;
- (5) repealed 3/1/2002;
- (6) a use not in the best interest of the state; and
- (7) a land use on a highway right-of-way that allows development on contiguous land that would not otherwise be possible without the use of the highway right-of-way.

(d) The land area described in the encroachment permit may not be used to meet minimum requirements for a contiguous land use under applicable municipal land use standards or under regulations adopted by the Department of Environmental Conservation. The contiguous land use must meet those minimum requirements without regard to the land contained within the encroachment permit.

The use of the land described in the encroachment permit must be an accessory use to the contiguous land use.

(e) After the completion of construction of a highway, the department may, subject to 17 AAC 10.014, issue at no cost an encroachment permit in the form of a beautification permit to a government agency, a municipality, an individual, or a non-profit organization to allow planting of trees, shrubs, grasses, or flowers, and any structures necessary to support the plants, that do not endanger motorists, bicyclists, or pedestrians within the highway right-of-way. A beautification permit will be issued on a form that the department prescribes. The department may attach to a beautification permit any condition that is necessary to protect the integrity and safety of a highway's design, and to protect the traveling public or the persons planting trees, shrubs, grasses, and flowers within the highway right-of-way. The department may remove trees, shrubs, grasses, or flowers planted in a highway right-of-way, or structures supporting the plants, under a beautification permit that become a hazard to the traveling public, interfere with a highway's maintenance or operation, interfere with construction on a highway, or threaten to damage a highway embankment.

(f) The department may issue an encroachment permit on a form it prescribes, at no cost to a government agency for the installation in highway rest stops or pullouts of commemorative plaques, historical or interpretive markers, and informational signs. The plaques, markers, and signs may be permitted only if they cannot be read from the highway.

(g) The provisions of this section do not apply to driveway permits issued under 17 AAC 10.020, utility permits issued under 17 AAC 15, or the installation of mail boxes, including newspaper boxes, within a highway right-of-way.

(h) The department may issue under (b) of this section an encroachment permit for an existing structure or a portion of that structure or for existing water or sewer facilities for which the department has not issued a utility permit issued under 17 AAC 15, if

- (1) the encroachment does not present a risk to the health or safety of the public;
- (2) the construction of the encroachment occurred in good faith; and
- (3) the denial of the permit would create a hardship for the owner of the encroachment.

17 AAC 10.012. APPROVAL REQUIREMENTS FOR ENCROACHMENTS. The department will, in its discretion, grant an encroachment permit under 17 AAC 10.011, if the department determines that

- (1) the integrity and safety of the highway is not compromised;
- (2) the issuance of the permit will not cause a break in access control for the highway;
- (3) the land will not be necessary for a highway construction project during the initial term of the permit; and
- (4) issuing the permit is in the best interest of the state.

17 AAC 10.013. ESTABLISHING ECONOMIC RENT. For purposes of 17 AAC 10.011(b), the department will establish economic rent for a right-of-way held in fee simple by the use of commonly accepted real estate appraisal techniques. For rights-of-way held as easements, the consideration for the issuance of the permit is 90 percent of the economic rent established under this section for a right-of-way held in fee simple. A permittee shall reimburse the department for appraisal costs incurred to determine economic rent.

17 AAC 10.014. ADDITIONAL CONDITIONS UPON ENCROACHMENT PERMITS. The department will, in its discretion, impose conditions upon encroachment permits necessary to protect the traveling public, the safety and integrity of a highway's design, the public interest, and the best interests of the state.



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: **Review of Table 22.16.015-1 Residential Land Uses**
Date: July 10, 2020

The Commission has expressed an interest in beginning to review use tables in the zoning code on a periodic basis to better understand the code and look for optimization opportunities.

The first table in the zoning code is Table 22.16.015-1 Residential Land Uses. The table is provided to review and discuss.

No motion is needed or recommended by Staff at this time, but if the need arose, a motion could be made.

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)
RESIDENTIAL																		
• Single-family detached		P	P	P(4)	P(4)	P(4)	P(4)	P(4)		P	P	P	P	P	P	P		
• Townhouse				C(5)	C(5)	C(5)	C(5)	C(5)	C	P	P	P	C	C				
• Duplex				P	P		P	P		P	P	P	P	P				
• Residential zero lot line				P	P	P	P	P		P	P	P						
• Multiple-family				C(5)	C(5)	C(5)	P(5)	P(5)	P(5,8)	P(5)	P(5)	P(5)	C	C				
• Single manufactured home on an individual lot					P	P		P			P	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										
GROUP RESIDENCES													C	C				
• Assisted	C						C	C					C	C				

living																		
• Bunkhouse for transient workers							C	C				C	C					
• Dormitory	C(4)						C	C										
• Quasi-institutional	C			C	C	C	C	C					C	C				
TEMPORARY LODGING																		
• Hostel							C	C		P	P	P						
• Hotel/motel									P	P	P	P	PU/CS	C	C			
• Bed and breakfast				C(7)	C(7)	C(7)	C(8)	C(8)	P	P	P	P	P	C				
• Short-term rental	C(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

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

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)
CULTURAL																			
• 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							
RECREATIONAL																			
• 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		