



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Case Number: ZA 19-05

Project Description: Zoning text amendment

Location: Recreation Zoning District/Baranof Warm Springs

Legal Address: US Surveys 3110, 3291A, 3291B

Zoning: Recreation District

Applicant: Baranof Property Owners Association

Owner: Various

PROJECT DESCRIPTION

The request is to amend the zoning code to require three permitted uses in the recreation district to become conditional uses for the Baranof Townsite, defined as US Surveys 3110, 3291A, and 3291B subject to Planning Commission review. The proposed three permitted uses are resort, utility facilities, and public water supply facility. This would be an amendment to Tables 22.16.015-2 (Resort) and 22.16.015-4 (Utility Facility and Public Water Supply Facility). Applicant has provided their rationale that is attached in the packet.

KEY POINTS AND CONCERNS

- Baranof Warm Springs is a unique place in terms of its history, development, and use. Neighborhood is recreational cabins and lots. The Townsite has approximately 55 lots. The properties are relatively close to one another, although the neighborhood is in a remote area surrounded by wilderness.
- Given the remoteness and neighbor proximity of the area, the will of the community should be a major factor driving land management and zoning code administration decisions.
- Isolating the Townsite for zoning code administration is unprecedented, and creating conditional uses for public infrastructure is contrary to all other zoning districts.

STAFF ANALYSIS

Baranof Warm Springs has been a settlement and community for many decades. The area is unique in its natural setting, history, development, and use. While it serves as seasonal residence for most property owners, it is also used by the public at large for recreational purposes. The Townsite is densely developed. Given its use and density, staff feels that the will of the community should be a major driving factor in land management and zoning code administration decisions. The intent of the Recreation District is "...to contain both public and private lands to be used for recreation purposes. Lands designated for this district should be evaluated for long-term public benefits to accrue from the protection offered by this designation." Any proposed changes to uses of this zone should be compatible with the intent of the district.

It's important to note that a lodge is a prohibited use in the Recreation zone, and that a Resort is a permitted use. This does not follow logic or planning practice. As a rule, all uses and critical terms should be defined, however, our zoning code lacks a definition. Staff sees a Resort as synonymous with the definition of a Lodge in that it provides some form of hospitality lodging accommodations and typically provide recreational and boarding/food options (with the exception that lodges in Sitka are often smaller scale than resorts in other locales). The common definition of resort is a place that is a popular destination for vacations or recreation, or which is frequented for a particular purpose; a community or establishment whose purpose or main industry is catering to vacationers.

While staff agree with the resort being changed to a conditional use, staff believe there should be an important distinction in regard to a public water supply facility and utility facility: Only large scale public facilities should be changed to a conditional use permit requirement. Small scale private utility facilities are already permitted accessory uses and should remain so (see Table 22.16.016-1). This must be distinguished from the request so that accessory use utility facilities are still permitted. Over regulation of a property owner's ability to develop their could open a claim to a governmental taking. Further, the proposed change for the utility facilities would go against the permitted nature of utility facilities in all other zones.

Designating the Baranof Townsite as an area with specific/more stringent zoning regulations, while not making the area its own zoning district, is unprecedented in our zoning code. The idea of an overlay district was considered; it was determined between staff and the applicant that an overlay district seemed a "heavy-handed" tool for as few changes as were requested. Using footnotes to delineate particular areas or addresses is however, not unprecedented. A footnote to the General Services table calls out the 1200 block of Halibut Point Road in the R-2 zones for permitted uses regarding veterinary services.

Below is the proposed amendments to the current code as it relates to the three cited uses. After the existing code are the tables that would have to be amended with **highlights** and struck code ~~struck through~~ and added words underlined.

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		
• Campground	P													C	C		P		
• Resort										P	P			C	C	P P/C(11)			
• Marina	P									P	P	P		C	C	C	P		
• Travel trailer/recreational vehicle park	C									P	P	C		C	C				
• Ballpark/athletic field	P	C	C	C	C	C	C	C		P	P	P	P	P	C	P			
• Amusement and entertainment														PU/CS	C				
• Theater									P	P	P			C	C				
• Theater, drive-in										P	P			C	C				
• Outdoor amphitheater	P								P	P	P			PU/CS	C		P		
• Bowling center									P	P	P			C	C				
• Sports club and yacht club	C									P	P	P		C	C		C (5)		
• Golf facility	P									P	P			C	C				
• Shooting range—indoor	C									C	C			PU/CS					
• Shooting range—outdoor										C	C			PU/CS					
• Arcades									P	P	P			C	C				
• Community center	C						C	C	P					C	C				
• Personal use docks—		C(6)	C(6)	C(6)	C(6)	C(6)	C(6)	C(6)				P		P(8)	P(8)	P(8)	P(8)		

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)
accommodating waterborne aircraft																			
• Personal use docks—perimeter of dock and float exceed 300 linear feet		C	C	C	C	C	C	C				P		P(8)	P(8)	P(8)	P(8)		
• Personal use docks—one lease slip, float houses permitted in accordance with the Sitka Coastal Management Program, no linear perimeter restriction, allowing liveaboards, and allowing float planes												P		P(8)	P(8)	P(8)	P(8)		
• Personal use docks—no perimeter restrictions, no restrictions on liveaboards and float planes. Float houses allowed if permitted in accordance with Sitka Coastal Management Program										P	P	P	P	P(8)	P(8)	P(8)	P(8)		
• Personal use docks—one nonfee liveaboard		P	P	P	P	P						P		P(8)	P(8)	P(8)	P(8)		
• Personal use docks—liveaboards, no more than 300-foot perimeter							P	P				P		P(8)	P(8)	P(8)	P(8)		
• Community personal use docks		C	C	C	C	C	C	C				P		P(8)	P(8)	P(8)	P(8)		
• Commercial use docks										P	P	P	P	C	C	C	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

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.

11. Conditional use for Baranof Townsite (USS 3110, 3291A, and 3291B)

**Table 22.16.015-4
Public Facilities 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	GI(3)	LI(3)	R	OS	GP (6)	C (8)
GOVERNMENT SERVICES										C									
• Public agency or utility office	P								P	C				PU/CS	C				
• 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	P		
Public transportation facility/airport	C								C	C	C	P(5)	P	C					
Animal shelter	P									C	C		C	C					
Recycling facility	C																		

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)
Housing support facility (7)							C	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

F. Public Facilities Uses Table 22.16.015-4 Footnotes.

- Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
- All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
- Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
- Minimum site area is twenty acres.
- 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.
- 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.
- In which the primary purpose of the support facility is to support and maintain housing-related programs in the immediate area.
- All uses in the cemetery district are intended to be cemetery-related and conducted with reverence for those interred.
- Conditional use for Baranof Townsite (USS 3110, 3291A, 3291B).

RECOMMENDATION

Staff has a neutral position on the proposal. Baranof Warm Springs is a unique area in its history, development, and use. Isolating the Townsite in the code has pros and cons from a zoning perspective. The specific treatment of the area recognizes its unique status/use, but also complicates, rather than simplifies, zoning administration. Further, creating conditional uses for public infrastructure is contrary to all other zoning districts.

Staff will take direction from the Commission based on their consideration of competing factors: public interest/input, the uniqueness of the area, and zoning code administration.

POSSIBLE MOTIONS

I move to recommend approval to the City Assembly of a change to the Sitka General Code, Title 22 regarding uses of Resort, Utility facilities (transformers, pump stations, etc.), and Public water supply facility in the Recreational District being changed from permitted to conditional for the Baranof Townsite, defined as USS 3110, 3291A, and 3291B.

OR

I move to postpone recommendation of approval to the City Assembly of a change to the Sitka General Code, Title 22 regarding uses of Resort, Utility facilities (transformers, pump stations, etc.), and Public water supply facility in the Recreational District being changed from permitted to conditional for the Baranof Townsite, defined as USS 3110, 3291A, and 3291B.

ATTACHMENTS

Attachment A: Aerial

Attachment B: US Surveys (USS 3291A&B, USS 3110)

Attachment C: Applicant Materials