



# CITY AND BOROUGH OF SITKA

## Minutes - Final

### Planning Commission

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Wednesday, July 15, 2020

7:00 PM

Harrigan Centennial Hall

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#### 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: Steven Hartford, David Longtin

Chair Windsor called the meeting to order at 7:05 PM.

#### II. CONSIDERATION OF THE AGENDA

#### III. CONSIDERATION OF THE MINUTES

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

Attachments: [11-July 1 2020 DRAFT](#)

M-Mudry/S-Weaver moved to approve the July 1, 2020 minutes. Motion passed  
4-0 by voice vote.

#### IV. PERSONS TO BE HEARD

#### V. PLANNING DIRECTOR'S REPORT

Ainslie began the report by updating the commission on a Request for Information (RFI) that was approved by the assembly for 4951 Halibut Point Road. The location was also referred to as Harbor Point in the No Name Mountain Master Plan study. The parcel included 17 acres of waterfront property in the study area just north of the old Sitka cruise ship dock. Ainslie noted the Planning Department and the Administrator's office would work to issue an RFI to gauge market interest for the use of the parcel. The suggested use of the parcel in the Master Plan study was for recreational tourism and/or high-end housing. The RFI would allow the city to see what interest there was for these uses or other ideas for use. Ainslie noted it was commissioner Weaver's last meeting and thanked him for his service on the commission. She also mentioned the Planner I would be starting in the next two weeks. Ainslie reminded commissioners the next meeting would be the first Wednesday of August, noting that there was an extra week between meetings due to the 5th Wednesday in July.

#### VI. REPORTS

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**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.

**Attachments:**     [ZA 20-04 STA SMC ZMA Staff Report](#)  
                              [ZA 20-04 STA SMC ZMA Aerial](#)  
                              [ZA 20-04 STA SMC ZMA Zoning Map](#)  
                              [ZA 20-04 STA SMC ZMA Plat](#)  
                              [ZA 20-04 STA SMC ZMA Applicant Materials](#)

Ainslie described the property and the new cemetery zoning in her report. The cemetery zone had been created in 2019 due to most cemeteries being located in residential or public zones. The newly created zone would help protect and identify burial sites in those areas. The Historic Preservation Commission had supported the creation of the cemetery zone to better preserve burial grounds and avoid difficulties with obtaining burial permits in the future. Ainslie noted that spot zoning may occur when rezoning cemeteries due to the locations, but it was acceptable and appropriate for this use. The property in question was the first to seek the rezoning. The 1 ¼ acre cemetery owned by Sitka Tribe of Alaska (STA) was located behind the former Sheldon Jackson College campus and had been used historically as a cemetery in conjunction with the use and operation of the campus. The campus and cemetery were currently zoned in the R-2 district. Ainslie mentioned the rezoning would help STA document burial sites, ease the process of obtaining burial permits, and protect the cemetery. She noted the zoning could also make the site more likely to qualify for grants for improvements, maintenance, and protection. Staff recommended approval.

Steven Hartford, legal director to the Tribe and representative of the applicant, was present. He noted the property had been identified by Tribal Elders for historic preservation. The zoning would assist STA in identifying and protecting an historic property that was significant to the Tribe and community at large. When asked, Hartford clarified there were burials already on the site. The rezoning would allow the Tribe to apply for grants to identify and preserve the sites.

**M-Weaver/S-Mudry moved to approve a zoning map amendment to rezone NHN Sawmill Creek Road from R-2 multifamily residential to C cemetery district. The property was also known as Lot 2-2, Sheldon Jackson Campus Subdivision Number 2. The request was filed by the Sitka Tribe of Alaska. The owner of record was the Sitka Tribe of Alaska. Motion passed 4-0 by voice vote.**

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

- 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.

**Attachments:**     [VAR 20-07 GPIP PW Project 4658 SMC Staff Report](#)  
                              [VAR 20-07 GPIP PW Project 4658 SMC Aerial](#)  
                              [VAR 20-07 GPIP PW Project 4658 SMC Site Plan](#)  
                              [VAR 20-07 GPIP PW Project 4658 SMC Potential Encroachment](#)  
                              [Permit Area](#)  
                              [VAR 20-07 GPIP PW Project 4658 SMC Plat](#)  
                              [VAR 20-07 GPIP PW Project 4658 SMC Applicant Materials](#)

Ainslie described the property and the nature of the variance. The request was to reduce the rear setback from five feet to 1.5 feet. The 17,000 sq ft lot was currently vacant with plans to build a filter building for the Critical Secondary Water Supply Project. Ainslie noted the rear property line backed up to undeveloped right-of-way owned by the state to which they had been offered an encroachment permit for fencing, back access to a building, and storage. The encroachment of the back-rear corner of the building would not affect the right-of-way as a significant portion was undeveloped and unused. The variance would allow more flexibility of the fenced-in section at the front of the building which would allow enough room to properly operate forklifts and other equipment. Staff recommended approval.

Commissioner Windsor asked about access to the building and why the rear of the property faced the highway when it had a Sawmill Creek address. Ainslie clarified that though the property had a Sawmill Creek address, the GPIP properties were accessed via access easement side roads within the park, not directly from the highway. Weaver asked why 42" would make such a large difference in function. Ainslie noted the applicant could better answer that question.

David Longtin, project manager for the secondary water supply project, was present. He explained why the variance was necessary for proper function. He noted the current water treatment plant, which was adjacent to the property in question, was only accessible via a driveway south of the two properties and was surrounded by a fence. He noted when the new building was put in place the fence would surround both properties to create a large water treatment campus accessible through the current gate. The placement of the current fence and access gate was too close to allow proper access and turning in front of the new building. A turn analysis conducted with a facility vehicle determined the fence and gate would have to be rebuilt if the variance was not granted. Longtin noted that by moving the building back 42" the current fence and gate could remain in place and save taxpayers thousands of dollars by not relocating it.

Mudry asked for clarification on the location of the existing fence. Longtin referred to a map in the packet and noted the solid red lines represented what the parcel lines would be once the two properties and an annexed right-of-way were merged to create one large campus. He pointed out the solid green line represented the current and future portions of the fence if the variance was granted. Weaver expressed concerns about granting an easement just to avoid moving a fence. When asked by Windsor, Ainslie clarified the property lines would not move with the granting of an encroachment permit, but a back fence, storage, and access would be allowed on the right-of-way. Windsor commented the variance wouldn't cause issues due to the large size of the right-of-way which they could use for specific uses. Hughey agreed and believed it would be more extensive work to move the fence than to grant a variance that wouldn't affect anyone. Ainslie clarified the eaves would be a standard 18 inches-2 feet meaning

the building would be that much farther from the property line.

**M-Mudry/S- Hughey moved to approve 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 was also known as Lot 17, Sawmill Cove Industrial Park Resubdivision No. 1. The request was filed by the City and Borough of Sitka Department of Public Works. The owner of record was the City and Borough of Sitka. Motion passed 4-0 by voice vote.**

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

**D**      [MISC 20-13](#)

Discussion/direction on reviewing SGC Table 22.16.015-1 Residential Land Uses

**Attachments:**      [MISC 20-13 Review of Table 22.16.015-1 Residential Land Uses Staff Memo](#)  
[Table 22.16.015-1 Residential Land Uses](#)

Ainslie introduced the topic which had been earmarked based on previous discussions and questions. Commissioners had previously requested to review and discuss to see if changes needed to be made to allow the use tables to be more accessible and understandable. Ainslie noted that motions were not required following the discussion but could occur if appropriate. Ainslie began the topic of district regulation with the residential land uses table. Weaver mentioned concerns about a clause that could be interpreted to disallow multiple single-family homes on lots in the R2 multifamily home district. Ainslie read the provision about allowable uses which indicated multifamily and commercial properties could be used for up to three uses so technically a multifamily property could include multiple homes. However, it was noted that ADUs (accessory dwelling units) were still conditional within the R2 district which contradicted the provisions for multiple primary uses. Ainslie noted this contradiction should be addressed and stemmed from previous policies on how to interpret the code concerning ADUs. She pointed out a similar contradiction within the C1, C2, and Waterfront zones which, as multifamily and/or commercial zones, should be allowed up to three uses on the property. Ainslie clarified the size restrictions on ADUs were part of the 14 requirements that allowed an ADU by right, but they could be larger on a conditional use. She asked if multiple larger dwelling units were allowed in the R-2 district why should smaller buildings that fall under the ADU category be conditional uses and not by-right uses. Weaver asked if there was an age restriction on mobile homes within mobile home parks. Ainslie clarified that mobile homes referred to older mobile homes that were not HUD compliant, manufactured homes referred to newer ones that were HUD compliant, and modular homes followed the same regulations as traditional stick-built homes. Weaver asked if any tiny homes had been approved. It was mentioned that there were two homes out Halibut Point Road that looked like tiny homes, but Hughey clarified that one was a conventional home and one he believed was a mobile home on a chassis and wheels. Ainslie asked if a distinction in permitting should be made between building a new home with and ADU on a vacant lot and building an ADU in an established single-family neighborhood, even if the neighborhood is technically zoned for multifamily. Commissioners discussed a helicopter pad on middle island which Ainslie believed could not be used due to conditions of the permit for running a lodge. Windsor noted they needed more time to look at the tables and find potential changes to be made. Hughey voiced his support and urged the commission to remember higher density living which was the easiest and most cost-efficient way to bring down the cost of living.

Seeing no objection, Chair Windsor adjourned the meeting at 8:08 PM.

**VIII. ADJOURNMENT**