

**City and Borough of Sitka
PLANNING AND ZONING COMMISSION
Minutes of Meeting
February 20, 2007**

Present: Pat Hughes, Bob Goss, Don Alexander, Brian McNitt, Planning Director Wells Williams, Planner Sara Russell, and Secretary Maria Finkenbinder

Members of the Public: Angela McGraw, Ken Fate, Denton Pearson, Lureen Stedman, Sue Litman, Larry Edwards, Shannon Haugland (Sentinel)

Chair Hughes called the meeting to order at 7:00 pm. The Secretary indicated that Mr. Rogers has tendered his resignation from the Commission.

Consideration of Minutes from the February 6th, 2007 meeting:

MOTION: **M/S Alexander/Goss** moved to approve the minutes from the February 6th, 2007 meeting.

ACTION: Motion **PASSED 4-0** on a voice vote.

The evening's business:

**ZERO LOT LINE SUBDIVISION – FINAL PLAT
112 HERB DIDRICKSON ST.
ANGELA McGRAW**

Public hearing and consideration of a final plat for a zero lot line subdivision at 112 Herb Didrickson St. This request is filed by Angela McGraw The property is also known as Lot 11 of the Kaasda Heen Shaak Subdivision.

Mr. Williams briefly described the architecture of the house which he called “the next evolution of zero lot line houses” owing to the roof overhang easements not seen traditionally in zero lot line projects. The project features eaves that hang over onto the other person’s property and a roofline that would make the project look like a single family home rather than two homes. He said that these unique roof elements require more cooperation between property owners and a five-foot easement between the two zero lot lines will allow each party to perform maintenance on their respective eaves that hang over the other person’s property. The plat will show such easement and will include a party wall agreement.

MOTION: **M/S McNitt/Goss** moved to approve a final plat for a zero lot line subdivision at 112 Herb Didrickson St. This request is filed by Angela McGraw The property is also known as Lot 11 of the Kaasda Heen Shaak Subdivision.

ACTION: Motion **PASSED 4-0** on a voice vote.

**VARIANCE REQUEST
REDUCTION OF FRONT SETBACK
FACING HARBOR WAY TO 5 FEET
2B LINCOLN ST.
RAVEN RADIO FOUNDATION**

Public hearing and consideration of a variance request filed by Raven Radio Foundation to reduce the front setback facing Harbor Way to 5 feet for construction of a porch at 2B Lincoln St. The property is also known as Parcel 1 of the Alascom Subdivision Lot Line Adjustment.

Ms. Russell briefly explained the request which involves a reduction of the front setback facing Harbor Way to 5 feet as part of the remodeling project of the Cable House initiated by the Raven Radio Foundation. She said that the variance is needed to construct a new back porch with an ADA compliant ramp that will connect the porch to the Harbor Way sidewalk. She added that the ADA compliant ramp is not subject to setback regulations.

Mr. Williams pointed out that a reduction to only 7 feet is needed for the construction of the porch but the Planning Office suggested a reduction to 5 feet to bring the entire building into compliance upon approval of the variance. He told the Board that the City Administrator is aware of the variance request and did not express any objections.

Mr. Fate, Raven Radio General Manager, briefly spoke about the layout of the new porch, part of which he said, will not be covered by a roof.

MOTION: **M/S Goss/Alexander** moved to approve a variance request filed by Raven Radio Foundation to reduce the front setback facing Harbor Way to 5 feet for construction of a porch at 2B Lincoln St. The property is also known as Parcel 1 of the Alascom Subdivision Lot Line Adjustment.

ACTION: Motion **PASSED 4-0** on a voice vote.

**ZONING ORDINANCE TEXT AMENDMENT
REVISING THE DEFINITION OF "LODGE"
AS IT APPEARS IN SITKA GENERAL CODE TITLE 22
AND REVISING SITKA GENERAL CODE TITLE 22 TABLE 22.16.015.1**

Public hearing and consideration of a zoning ordinance text amendment revising the definition of the term "lodge" as it appears in Sitka General Code Title 22 and revising Sitka General Code Title 22 Table 22.16.015.1 Residential Land Uses. Two proposals will be under consideration. The first proposal revises the term 'lodge'. The second adds the terms 'lodge along the Sitka road system' and 'lodge on islands in Sitka Sound and outlying areas'. The second proposal also revises Table 22.16.015-1 to provide for the implementing of the regulatory framework.

Mr. Williams presented two proposals for the Board's consideration:

*Proposal #1: 22.08.485 Lodge
"Lodge" means a premises that provides accommodations (room and board) and a variety of other related services, with or without an exchange of money, on a regular basis, during any season, for visitors engaging in recreational activities such as sight-seeing, fishing, etc. Lodges employ at least ~~one person~~ TWO PEOPLE to provide guest services such as food preparation, house-keeping, sports fishing, sight-seeing, etc.*

*Proposal #2: 22.08.486 Lodge Along the Sitka Road System
"Lodge" means a premises that provides accommodations (room and board) and a variety of other related services, with or without an exchange of money, on a regular basis, during any season, for visitors engaging in recreational activities such as sight-seeing, fishing, etc. Lodges employ at least one person DURING THE SUMMER SEASON to provide guest services such as food preparation, house-keeping, sports fishing, sight-seeing, etc.*

*22.08.485 Lodge on Islands in Sitka Sound and Outlying Areas
"Lodge" means a premises that provides accommodations (room and board) and a variety of other related services, with or without an exchange of money, on a regular basis, during any season, for visitors engaging in recreational activities such as*

sight-seeing, fishing, etc. Lodges employ at least ~~one person~~ TWO PERSONS WHO RESIDE ON THE PROPERTY DURING THE SUMMER SEASON to provide guest services such as food preparation, house-keeping, sports fishing, sight-seeing, etc.

Mr. Williams explained the rationale for the second proposal by saying that the lodges on the road system tend to be smaller, has lesser employees, and there is often less of a reliance on hired staff. He pointed out that failure to recognize these differences may decrease the City's ability to regulate the lodges on the road system.

The Chair expressed reservation on the phrase in the second proposal for lodges on islands, "...WHO RESIDE ON THE PROPERTY DURING THE SUMMER SEASON..." saying that some islands are easily accessible by boat commute from downtown. Mr. Williams explained that in the previous meeting, it was pointed out that private residences with at least one employee may be affected by the new definition.

Mr. McNitt stated that he feels uneasy with two definitions and would rather go for the simpler single definition.

Mr. Goss concurred and added that it is hard to run a classic lodge with just one employee.

Public Comments

Ms. Russell read into the records letters from Trista Patterson, a property owner on Whale Island, and Jim Steffen. Ms. Patterson wrote to express support to changing the definition of the term 'lodge' to include quasi-lodges and to express her sentiments regarding float plane docks. In her letter, Ms. Patterson asserted that commercial docks run contrary to the intent of the zoning islands and that existing docks (those with conditional use permits) should be addressed on a case by case basis but modifications to the existing code should include limitations on dock size and these should be established and enforced. Her letter also spoke about limiting float planes to personal use which she didn't think is an enforceable policy.

Mr. Steffen, in his email, expressed concern about recent changes in the definition of an island lodge which he said essentially permit any size lodge operation without review or a conditional use permit. He believed that if a lodge or a similar operation requires more than one full time employee whether or not they live on the island, it needs a conditional use permit in the LI zone.

Mr. McNitt also read letters from Robert Rose, an island property owner, and from Kristy Totten. Mr. Rose thought that the provision that would allow one paid employee to work at an island site but not two, muddles the whole intention of the rule and allows for future abuses. He suggested that the Board stick to whether there are paid employees operating a facility rather than opening the definition to a certain number of employees.

Ms. Totten's email spoke about the proposal that anyone who hosts guests in their home or on their property which necessitates that any staff be hired to care for these guests should be required to hold at least a conditional use permit. She expressed concern on the rising number of non-paying guests which she believed is a commercial venture and has a huge impact on neighboring properties. She urged the Board to work towards a conditional use permit being required if any home or property is being used either commercially or in kind where two or more full-time employees or part-time equivalents are required for the maintenance of the guests whether or not these employees reside on the property. Exclusion should be allowed for caregivers, babysitters and for housekeepers and cooks only used by the resident families.

Mr. Edwards suggested that the Board consider making lodges on all island districts conditional use, whether or not these islands are subdivided or unsubdivided. He explained that lodge activities on small islands affect neighboring large districts.

Ms. Litman urged the Board to keep in the definition the phrase "at least one employee" and make it conditional use permit.

Mr. Pearson, representing Ron Rivett of Quest Lodges, proposed tightening up the phrase “regular basis” in the proposed definition and adding an exception of family members providing services. He pointed out that the current wording is subject to different interpretations.

Additional Commission Comments

On Mr. McNitt’s query about the public process for the zoning text amendment, Mr. Williams explained that based on the public comments, the Commission needs to hold another public hearing and then it will go to the Assembly as an ordinance on two readings. On Second Reading, the Assembly will hold one or two public hearings. He stressed that the Board’s role is simply to recommend action.

In response to Mr. Edwards’ suggestion to make all lodges on all island districts conditional use, Mr. Williams stated that it will be a major amendment to the zoning code and will have a profound impact on island property values. It will be another amendment and will require a separate advertisement.

Mr. Williams also pointed out that redefining the term “lodge” will be a continuing process over the next period of years. He cited differences in perspectives saying that in the eyes of the owner, it is a home but in the eyes of a Galankin Island property owner, it is a lodge.

MOTION: **M/S McNitt/Goss** moved to direct Planning Staff to work on a zoning text change to make lodges a conditional use on all island districts.

ACTION: Motion **PASSED 4-0** on a voice vote.

MOTION: **M/S Goss/McNitt** moved to direct Planning Staff to work on a single definition of a lodge that would apply to both the road system and island districts; include “employing at least one person/employee”; provide exemption to family members, and tighten up the definition of “regular basis”.

ACTION: Motion **PASSED 4-0** on a voice vote.

**ZONING ORDINANCE TEXT AMENDMENTS
USE TABLE 22.16.015-2 CULTURAL/RECREATIONAL USES
TO REGULATE THE TYPES OF DOCKS THAT ARE
PERMITTED, CONDITIONAL AND PROHIBITED USES IN
ISLAND ZONING DISTRICTS**

Public hearing and consideration of a zoning ordinance text amendments to Use Table 22.16.015-2 Cultural/Recreational Uses that regulate the types of docks that are permitted, conditional and prohibited uses in island zoning districts.

Mr. Williams presented the proposed changes in Use Table 22.16.015-2 of the Zoning Code which essentially provides that personal use docks are permitted in Waterfront District, General Island District (GI), Large Island District (LI), Recreational District (R), and Open Space District (OS), and that commercial use docks are conditional use in GI, LI, R and OS districts. He pointed out that a lodge operating on these island districts will need to apply for two parallel conditional use permits, one to operate as a lodge and one to operate a commercial use dock. He added that there is an additional restriction for personal use docks which reads: “*Waterborne aircraft 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 use for non-commercial purposes. All non-private use of waterborne aircraft would require a conditional use approval.*”

On Mr. Goss query if a float plane uses a personal use dock to pick up a homeowner, Mr. Williams said that it will be permitted as long as the float plane doesn’t “reside” in that dock.

Public Comments

Mr. Pearson told the Board by regulating docks in the island districts, they may be stepping in the area of "pre-emption" explaining that the City is adopting a regulation in areas that are State-regulated. He expressed doubts that the City will be able to enforce the rules on docks built on State tidelands. He also suggested that they eliminate the phrase "has one parking space per slip" from the definition of commercial dock.

Ms. Stedman said that she is generally in favor with the proposed table which will provide opportunities for the public or the City to support or object to particular island dock projects, regardless if it goes through Corps permit and/or coastal zone management consistency review. She expressed hope that things can exist without diminishing existing property rights.

Additional Staff Comments

In response to Mr. Pearson remarks, Mr. Williams said that he is not concerned with pre-emption. He stressed that the State Department of Natural Resources (DNR) has consistently said that they will abide by land use regulations set forth by the municipality.

Mr. Williams also pointed out that the proposed zoning text change will provide a framework for commercial uses of docks in the islands.

PLANNING DIRECTOR'S REPORT

Mr. Williams told the Board that Staff will clean up the zoning text amendment for both docks and lodge definitions and bring it back in the next meeting. Staff will also work on the new zoning text amendment making lodges on all island districts conditional use.

The Planning Director stated that the Morne Island conditional use permit will be on the Assembly's agenda on their February 27th meeting. He asked the Board to plan on attending the said meeting. On Mr. McNitt's query about enforcement action on Morne Island, Mr. Williams said that he will wait until the Assembly decides on the conditional use permit.

He also spoke about Mr. Roger's resignation from the Commission and indicated that the Clerk's Office will start advertising the vacancy.

MOTION: **M/S McNitt/Goss** moved to thank Mr. Rogers for serving on the Planning and Zoning Commission and to express the sense of the Commission that he will be missed.

ACTION: Motion **PASSED 4-0** on a voice vote.

ADJOURNMENT

MOTION: **M/S Goss/McNitt** moved to adjourn the meeting.

The meeting adjourned at 8:10 pm.

Chair, Pat Hughes

Secretary, Maria Finkenbinder