

**CITY OF UNALASKA
UNALASKA, ALASKA
PLANNING COMMISSION MINUTES
Thursday, March 20, 2014
CITY COUNCIL CHAMBERS, CITY HALL
7:00 P.M.**

- 1. CALL TO ORDER:** Chair Chris Bobbitt called the meeting to order at 7:00 PM.

Staff Present:

Anthony Grande, Planning Administrator
Erin Reinders, Planning Director

Roll Call:

Commissioners present:

Chris Bobbitt
Steven Gregory
Vicki Williams

Commissioners absent:

Doanh Tran
Jessica Earnshaw

- 2. REVISIONS TO THE AGENDA:** *None*

- 3. APPEARANCE REQUESTS:** *None*

- 4. ANNOUNCEMENTS:**

Erin Reinders announced that she heard from the APA Community Planning Assistance Team and they are honing on a date. It looks like they will be here from May 19th – 23rd. She said to look out for further announcement anytime soon.

Mrs. Reinders also informed the Commissioners that there would be a Planning Commission Meeting on the 24th, which is the 4th Thursday of the month because some Planning Staff will not be in town on the 3rd Thursday of April. Mr. Gregory said that he would not be in town on the 24th. Mrs. Reinders said that she would send out an email to confirm with everyone and find out if there will be a quorum.

- 5. MINUTES:**

Mr. Gregory moved to approve the minutes from the February 20, 2014 meeting. Ms. Williams seconded the motion. Chair Bobbitt called for a discussion or comments on the minutes. There being no comments, Chair Bobbitt called for a vote and the motion to approve the minutes was unanimous (3-0). The minutes for the February 20, 2014 were adopted.

PUBLIC HEARING ACTION ITEMS:

- 6. Consideration of amending Unalaska Municipal Code Chapter 8.06 by adding and updating definitions, Chapter 8.08 by clarifying subdivision requirements for lease lots,**

Chapter 8.12 by deleting building separation language, adding a conditional use for construction camps, and changing submittal deadline requirements.

Chair Bobbitt opened the public hearing and called for a disclosure of any ex parte communication or conflicts of interest. Hearing none, the Chair called for staff presentation.

Staff informed the Commissioners that in order to allow for the Commissioners to vote on the proposed changes separately, Staff has drafted five different resolutions referencing each of the subject areas and placed them on their table. The resolutions for the proposed changes are focused on five distinct topics: construction camps, planned unit developments, lease lots, building separation, application deadline. Some of the proposed language had been changed based on feedback and would be reviewed in detail. Staff recommends voting on the resolutions separately and suggests continuing the dialogue on lease lots with stakeholders.

With regard to construction camps, Staff now proposed that the use be a permitted use in the Marine-Related/Industrial and Marine-Dependent/Industrial Districts. In the first draft, construction camps were a conditional use in these districts but with this change, its use is now by right. However, Staff is also proposing that construction camps be a conditional use in the General Commercial District. Four safeguards, which were discussed in past meeting, remain with the conditional use. First, the use must be tied to a project or series of projects. Second, a deconstruction plan for the camp must be provided. Third, a removal bond must be provided. Fourth, a uniform appearance must be maintained for each building in the camp. For the permitted use in industrial districts, a condition has been added stating that any housing in industrial areas must be uniform in appearance.

For Planned Unit Developments (PUD), Staff explained that there have been no changes from the last presentation and have not received any feedback about the revisions to PUD. Staff is excited with the revision to code, as it encourages creative solutions and master planning for development in this unique environment, such as allowing for a mixture of land uses, increased densities, and building clustering.

Staff explained the three primary changes to the proposed wording clarifying subdivision requirements for lease lots, which have been updated based on feedback and additional consideration:

- The addition of a clear requirement to plat, which is a standard statement in subdivision regulation codes, clarifying that subdivisions are to occur by the platting procedure outlined in this chapter of code, rather than by deed or lease. Subdivisions for sale or development would need to be platted first, which is a requirement in any municipality. It is stated here more explicitly as most other municipality's codes have it and it is written in Alaska's state laws as well.
- The definition of a "subdivision" is edited so that subdivisions are for the purpose, whether immediate or future, of sale or development, "including development associated with a property lease", clarifying that development on lease lots is not exempt from subdivision regulation. The definition already refers to development, not only sale, as a purpose of subdivisions, but staff feels it is important to make it clear that the types of non-sale developments covered under this definition would include those which occur on lease lots.
- The definition of a "lease lot" is broadened to include not only lots created by lease lines, but also lots created by any other means in a lease document. This allows for leases of legally recorded lots to fit this definition.

Staff explained that these changes are important because it is the role of Planning to manage development, regardless of the means of conveyance of property rights leading up to it. When development applications come to the department, staff will check to see that the lot is legally platted first even if the lot for development is a lease lot. It is common city planning practice in the United States to enforce subdivision regulations on lease lots, but we are taking a modest approach here, only regulating those lease lots that result in development.

The majority of the feedback from the public has been on this particular issue. Staff referenced written comments at the Commissioners tables from the Ounalashka Corporation with proposed alternative wording. Staff recommended that the Commission defer this portion of the Title 8 changes to next meeting to allow for more time to discuss this item.

Staff proposed to remove the references to building separation from Title 8. The Fire Chief support this change and is most appropriately handled by building permit reviews conducted by the fire chief and the state fire marshal, in addition to advice from the city engineer. The zoning code should avoid placing unnecessary restrictions on building separation when qualified experts in the city already address the issue.

Chair Bobbitt asked the Commissioners if they have any questions for Staff. Chair Bobbitt asked Staff if only the lease lot and subdivision changes in Title 8 drew a lot of feedback and the other changes have not. Staff answered that construction camps had some discussions but felt that these concerns have been adequately addressed with the revised working discussed tonight. Chair Bobbitt asked if the change pertain to adding conditional use in a General Commercial District. Staff agreed and added that the previous version had the construction as a conditional use in the two industrial districts whereas now the camps are included as by-right use.

Mr. Gregory asked Staff if changes in the definition of subdivision were made to address concerns from the public regarding the minimum lease lot sizes. Staff answered that has not been addressed with the current definition. Staff went on to explain that a separate conversation would such a change would require a focused discussion just as it was just a couple of years ago that Commission voted to reduce the minimum lot size for residential properties. We need make sure that lot sizes of Industrial and Commercial Districts because of their nature have enough space for setbacks, parking, and other requirements. The possibility also exists for the variance or PUD to be utilized when developments can demonstrate that the tests of code are addressed.

Chair Bobbitt asked the Commissioners if they have any other questions for Staff. Hearing none, he asked anyone from the public who would like testify. Ms. Nancy Luff asked for clarification regarding the removal of the building separation from the code. Chair Bobbitt explained that it is specifically applies to separation of buildings on the same lot and not between lot lines. Chair Bobbitt asked anyone else from the public to testify. Hearing none, Chair Bobbitt closed public testimony.

Chair Bobbitt called for a motion regarding:

- *Resolution 2014-11, A Resolution recommending approval of a portion of draft City Council Ordinance 2014-04 amending Unalaska Municipal Code Chapter 8.06 adding and updating definitions relating to Construction Camps and Chapter 8.12 adding a zoning designation for Construction Camps.*

Mr. Gregory motioned to approve Resolution 2014-11, there was a second. Chair Bobbitt asked if there was any discussion needed on Resolution 2014-11. Mr. Gregory said that he does not have comments on this resolution as well as the other three resolutions except for the one on lease lot. Chair Bobbitt called for a vote. The vote was unanimous and the motion carried.

Chair Bobbitt called for a combined motion regarding:

- *Resolution 2014-12, A Resolution recommending approval of a portion of draft City Council Ordinance 2014-04 amending Unalaska Municipal Code Chapter 8.06 updating the PUD definition and Chapter 8.12 deleting the subsection about PUDS and replacing it with a new section for PUD procedures; and*
- *Resolution 2014-14, A Resolution recommending approval of a portion of draft City Council Ordinance 2014-04 amending Unalaska Municipal Code Chapter 8.12 striking building separation language; and*
- *Resolution 2014-15, A Resolution recommending approval of a portion of draft City Council Ordinance 2014-04 amending Unalaska Municipal Code Chapter 8.12 changing submittal deadline requirements.*

Mr. Gregory moved to approve Resolutions 2014-12, 2014-14 and 2014-15, there was a second. Chair Bobbitt asked if there was any discussion regarding these resolutions. Hearing none, Chair Bobbitt closed the Commission Discussion. Chair Bobbitt called for a vote. The vote was unanimous and the motion carried.

Chair Bobbitt called for a motion regarding:

- *Resolution 2014-13, A Resolution recommending approval of a portion of draft City Council Ordinance 2014-04 amending Unalaska Municipal Code Chapter 8.06 updating the definition of subdivision and lease lot and Chapter 8.08 adding the requirement to plat.*

Chair Bobbitt said that the Commission has two options to start the discussion and that is to call for a motion to approve the resolution or to call for a motion to continue the discussion in the next scheduled meeting.

Ms. Williams moved to continue the discussion of Resolution 2014-13 to the next scheduled meeting. Mr. Gregory seconded the motion. Chair Bobbitt asked if there was any discussion needed. Hearing none, Chair Bobbitt closed the Commission Discussion. Chair Bobbitt called for a vote. The vote was unanimous and the motion carried.

7. Consideration of a zoning map amendment to rezone Lot 8, Block 8, Haystack Hill Subdivisions, located at 134 Raven Way, from Single-Family Residential to Moderate Density Residential (Owner/Applicant: Travis Swangel; Property ID: 04-09-233)

Chair Bobbitt opened the public hearing and called for a disclosure of any ex parte communication or conflicts of interest. Hearing none, the Chair called for staff presentation.

Staff presented the background of the application from Travis Swangel, owner of the property in question, to rezone the property from Single-Family/Duplex to Moderate Density, which would increase the allowed number of units from two to four. This application is intended to support plans to add new dwelling units and renovate one of the buildings on the lot. The property in question is in an area that does not have a single-family character and is predominantly

institutional uses, including City Hall and the clinic, as well as the chiropractic center. It serves as a transitional area between these higher intensity uses and the low intensity housing higher up the hill. Therefore, staff found that this is a reasonable location for the Moderate Density district. Staff is recommending approval of Mr. Swangel's application.

Chair Bobbitt asked the Commissioners if they have any questions for Staff. Mr. Gregory asked what Quasi-Public Zoning means. Staff said The Public/Quasi-Public District is intended to provide for public and institutional land uses and structures such as a clinic or city hall. Ms. Williams asked up to what point we should start to reconsider changes to the zoning at Haystack Hill Subdivision and maintain the character of the neighborhood and maintain the Single-Family District designation.

Chair Bobbitt asked the applicant if he would like to make a presentation. Mr. Swangel said that he was satisfied with Staff's presentation. He further stated that his plans to put up a triplex would not drastically affect the character of the neighborhood.

Chair Bobbitt asked if there were any other questions. Hearing none, Chair Bobbitt called for a motion to approve Resolution 2014-08.

Mr. Gregory moved to approve Resolution 2014-08, there was a second. Chair Bobbitt asked if there was any discussion needed on Resolution 2014-08. Hearing none, he called for a vote. The vote was unanimous and the motion was carried and adopted.

8. Consideration of a variance request to allow for a 2.5-foot front setback to accommodate a fish oil processing plant at 146 Gilman Road (Owner: OC; Applicant: Bering Fisheries; Property ID: 04-05-390)

Chair Bobbitt opened the public hearing and called for any ex parte communication or conflicts of interest to be disclosed. Hearing none, the Chair called for staff presentation.

Staff explained that the applicant proposes to construct a new cod liver oil processing plant on the lot, adjacent to the existing Bering Fisheries building. The effective functioning of the fish oil processing plant requires that it is adjacent to the existing building as shown in the site plan. Because of the orientation of the existing building, being a waterfront structure, there is limited room available on the side with the proposed new structure. This variance would allow the structure to be within 2.5 feet of the lot line, which is a legal right-of-way. Staff explained that this right-of-way is not used as a street but is intended to be a drainage ditch. City staff has indicated that the structure will not inhibit the use of the ROW as a drainage ditch. Staff is recommending approval of the variance request because it meets the tests of code.

Chair Bobbitt asked the Commissioners if they have any questions for Staff. Hearing none, Chair Bobbitt asked the applicant if he would like to make a presentation.

Mr. Zimmerman, representing the applicant said that Staff did a good job of summarizing the intent of their variance application and had nothing further to add

Chair Bobbitt asked the Commissioners if they have any questions for the applicant. Chair Bobbitt asked if there was any compelling reason for the choice of dimension and size of the building. Mr. Zimmerman said the building has to be in that size and dimension in order to fit all

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the equipment and processing lines inside. Chair Bobbitt asked if the Commissioners have any questions for the applicant. There being no questions, Chair Bobbitt asked anyone from the public who would like to speak about this application. Hearing none, Chair Bobbitt called for a motion to approve Resolution 2014-09.

Mr. Gregory moved approve Resolution 2014-09, there was a second. Chair Bobbitt asked if there were any further discussions on the resolution. Hearing none, he called for a vote on Resolution 2014-09. The vote was unanimous and the motion carried.

9. Consideration of an amended site plan to a conditional use permit issued in August 2013 allowing for a new temporary-style bunkhouse at 1829 Ballyhoo Road, the base of the spit. (Owner: OC; Applicant: Icicle Seafoods; Property ID: 02-05-150)

Chair Bobbitt opened the public hearing and called for any ex parte communication or conflicts of interest to be disclosed. Hearing none, the Chair called for staff presentation.

Staff explained that this was a site plan amendment to a previously approved conditional use permit from Icicle Seafoods last August 8, 2013 through Resolution 2013-13 for a temporary bunkhouse. The findings and analysis is restricted to the difference between the original application and the new one. The original plan was found to have met the three tests of code and this review is to determine whether the changes to the plan still meet the tests of code. The site plan amendments involve the design element of the building and the location of the building on the lot compared to the previous plan that was approved. Staff is recommending approval of the amended site plan because it meets the tests of code.

Chair Bobbitt asked the Commissioners if they have any question for staff. Hearing none, the Chair asked if the applicant would like to make a presentation.

Mr. Pugmire said that the changes were minor, such as, from double-stacked to single-stacked interconnected bunkhouses that are more user-friendly to the inhabitants. There is also a slight change of the location from the previous plan as they are moving it near the dock to be closer in proximity to the company's processing facility.

Chair Bobbitt asked the Commissioners if they have any questions for applicant. There being no questions from the Commissioners, Chair Bobbitt asked if the public had any questions for the applicant. Hearing none, Chair Bobbitt closed the public hearing at this point and called for a motion to approve 2014-10.

Mr. Gregory moved to approve Resolution 2014-10, there was a second. Chair Bobbitt asked if there were any further discussions on the resolution. Hearing none, he called for a vote on Resolution 2013-08. The vote was unanimous and the motion carried.

REGULAR MEETING:

10. Receipt of Platting Resolution Authority Resolution 2014-07 of the approval of the preliminary plat for Hazen Subdivision, a resubdivision of Lot 1, US Survey 5185, P-81014, and Lot 1, ARC Subdivision, P-2000-04, Aleutian Islands Recording District, located on Steward Road.

Staff explained that Resolution 2014-07 was an abbreviated plat approved by the Platting Authority. A two-lot subdivision that had its existing lot lines repositioned.

WORK SESSION:

11. OTHER BUSINESS: *None*

12. ADJOURNMENT: Chair Bobbitt adjourned the meeting at 7:52PM.

PASSED AND APPROVED THIS 24th DAY OF April 2014 BY THE CITY OF UNALASKA, ALASKA PLANNING COMMISSION.



Chris Bobbitt
Chair

4/24/14

Date



Erin Reinders, AICP
Recording Secretary

4/24/14

Date

Prepared by Veronica De Castro and Erin Reinders, Planning Department