

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2024-11

AN ORDINANCE OF THE UNALASKA CITY COUNCIL APPROVING A ZONING AMENDMENT FROM MARINE DEPENDENT INDUSTRIAL TO OPEN SPACE DISTRICT FOR APPROXIMATELY 300.396 ACRES BORDERING THE SOUTH SIDE OF MCLEES LAKE

WHEREAS, the Unalaska Planning Commission initiated this rezoning action in response to the tideland work session held during the Planning Commission meeting on April 18, 2024; and

WHEREAS, McLees Lake is a valuable recreation, subsistence, economic and cultural resource to the residents of Unalaska; and

WHEREAS, the Open Space District allows recreational and subsistence uses by right; and

WHEREAS, the stated area is presently undeveloped; and

WHEREAS, the Unalaska Planning Commission held a public hearing and approved Resolution 2024-04 recommending rezoning this area from Marine Dependent Industrial to Open Space District to most accurately match the zoning category to current uses.

NOW THEREFORE BE IT RESOLVED THAT THE UNALASKA CITY COUNCIL approves the zoning amendment from Marine Dependent Industrial to Open Space District of approximately 300.396 acres of un-subdivided land bordering the south side of McLees Lake located within sections 4 and 5 of Township 72S, Range 118W, Seward Meridian.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on September 24, 2024.


Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:



Estkaelen Magdaong, CMC
City Clerk



MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Cameron Dean, Planning Director
Through: William Homka, City Manager
Date: September 10, 2024
Re: Ordinance 2024-11: Approving a zoning amendment from Marine Dependent Industrial to Open Space for approximately 300.396 acres bordering the south side of McLees Lake

SUMMARY: The City Planning Commission passed Resolution 2024-04 at a regularly scheduled meeting on August 15, 2024. The resolution recommends City Council approve a zone change request for the property described above.

PREVIOUS COUNCIL ACTION: None.

BACKGROUND: The Planning Commission reviewed the Unalaska Bay Site Specific Plan submitted by the State of Alaska Department of Natural Resources at its regularly scheduled meeting on April 18, 2024. During that discussion, the Planning Commission requested staff present a resolution recommending rezoning the southern shoreline of McLees Lake from Marine Dependent Industrial to a classification that reflected the area's present use and significance of McLees Lake to local fishing.

Staff considered the most appropriate zoning to meet the Planning Commission's goals and presented a resolution recommending an Open Space District. The landowner, the Ounalashka Corporation, was made aware of the proposal and raised no objections.

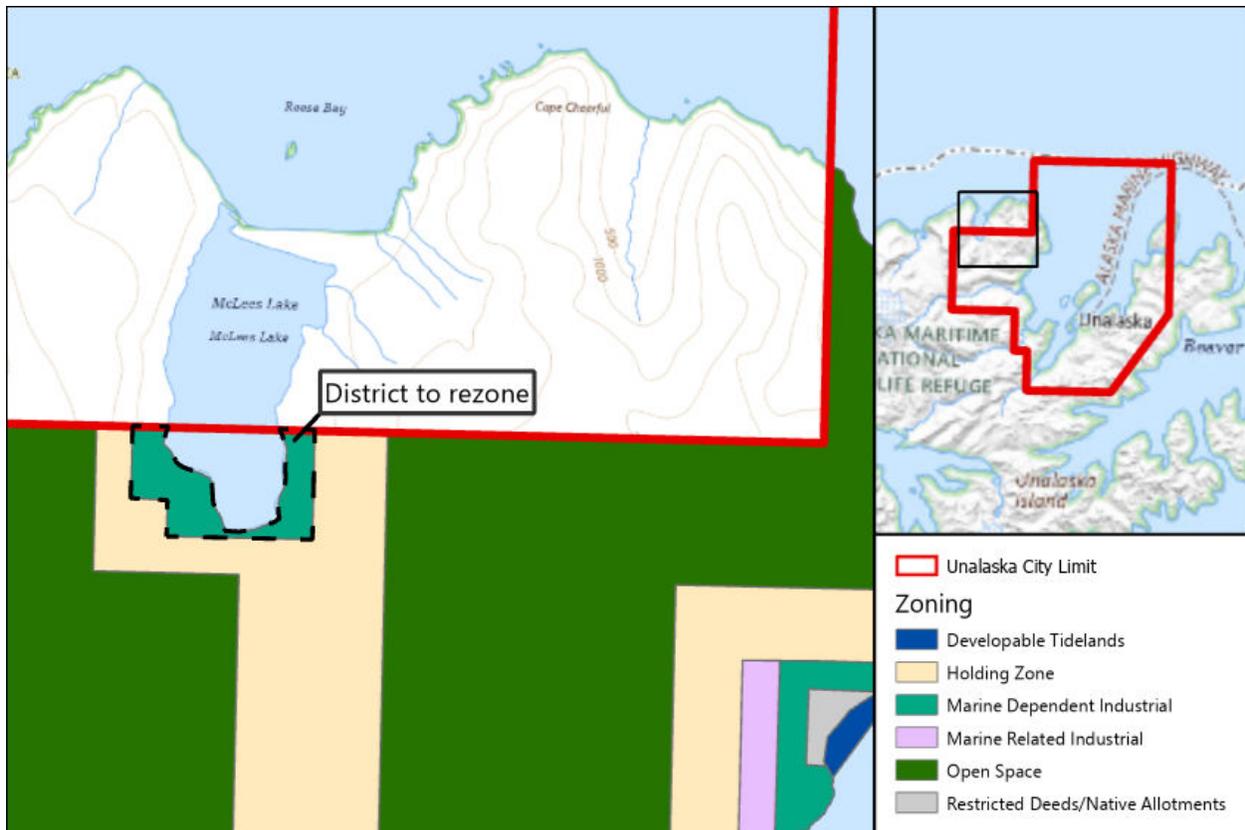
At its regular meeting on August 15, 2024, The Planning Commission approved Resolution 2024-04, recommending City Council rezone the area to Open Space District.

DISCUSSION: Most of OC's unsubdivided land is classified as Holding Zone, a designation that prevents most development until it is appropriately rezoned.

City code does not allow reverting existing zoning classifications to Holding Zones, so that is not an option in this case. The land managed by the U.S. Fish and Wildlife Service as part of the Alaska Maritime National Wildlife Refuge within city limits is zoned Open Space.

The land zoned Marine Dependent Industrial to the south of McLees Lake is currently undeveloped. The lake itself forms salmon habitat and many years a weir counts sockeye returning to McLees Lake through Reese Bay. The Planning Commission noted the area's existing use and significance to subsistence fishing in making its recommendation.

See graphic on next page:



The present designation is intended for harbors, ship services, container storage, seafood processing, offshore industry support, etc. In speaking with the landowner, there are no plans at present to construct such facilities.

Open Space districts are “intended to provide for the preservation and protection of the community’s scenic resources, parks, recreation and subsistence activities” (8.12.110 (A)). It allows by right recreational amenities like hiking trails, parks and associated buildings as well as traditional subsistence uses. Cabins and water utility structures may be allowed as conditional uses.

Rezoning the area to Open Space does not permanently prevent future development, and the Ounalashka Corporation or another future landowner may apply to rezone the area again. That application would go through this same process and ultimately be considered by City Council. In its discussions, the Planning Commission made clear that it did not intend to curtail OC’s ability to develop the area in the future.

ALTERNATIVES: Section 8.12.190 (D) (2) outlines potential Council actions as follows: The City Council may accept the recommendation of the Planning Commission or approve a modification to the recommendation of the Planning Commission. City Council can also reject the Planning Commission’s recommendation.

FINANCIAL IMPLICATIONS: None at this time.

LEGAL: The Zone Amendment request is proceeding in accordance with City Code. City council must hold two readings of the proposed ordinance and a public hearing prior to taking any action on the zone change request. This matter is not an emergency.

STAFF RECOMMENDATION: Staff recommends the Council accept the Planning Commission's recommendation and adoption of Ordinance 2024-11, rezoning the property from Marine Dependent Industrial to Open Space.

PROPOSED MOTION: 1st reading: I move to introduce Ordinance 2024-11 and schedule it for public hearing and second reading on September 24, 2024.

2nd reading: I move to approve Ordinance 2024-11.

CITY MANAGER COMMENTS: I support this zoning change and the work of the Planning Commission and Planning Department to protect natural resources in our community.

ATTACHMENTS:

- Signed Planning Commission Resolution 2024-04
- Draft August 15, 2024 Planning Commission Meeting Minutes

**City of Unalaska, Alaska
Planning Commission/Platting Board
Resolution 2024-04**

**A RESOLUTION APPROVING AND RECOMMENDING A REZONING ACTION TO THE
CITY COUNCIL AMENDING THE LAND BORDERING THE SOUTH SIDE OF MCLEES
LAKE FROM MARINE DEPENDENT INDUSTRIAL TO OPEN SPACE**

WHEREAS, UCO §8.12.190 sets forth the procedures for the taking action on a zoning map amendment application; and

WHEREAS, the Unalaska Planning Commission, initiated this rezoning action in response to the tideland worksession held at the Planning Commission meeting on April 18, 2024; and

WHEREAS, the Ounalashka Corporation, is the owner of the unsubdivided land located on the south side of McLees Lake in:

- Lots 1, and 2 located in the East Half of the North West Quarter of Section 4,
- Lots 3 and 4 located in the North Half of the South West Quarter of Section 4,
- The East Half of the North West Quarter of Section 5 (Lot 1 inclusive),
- Lot 2 in the North East Quarter of Section 5, and
- The North Half of the South East Quarter of Section 5 (Lot 3 inclusive)

All located in Township 72S, Range 118W, within the Seward Meridian; and

WHEREAS, the surrounding land in the remainder of Sections 4 and 5 of Township 72S, Range 118W, located in the Seward Meridian is zoned Holding District; and

WHEREAS, the Unalaska Planning Commission has submitted a zoning map amendment to rezone this property from Marine Dependent Industrial to Open Space to most accurately match the zoning category to current uses; and

WHEREAS, McLees lake is a valuable recreation, subsistence, economic, and cultural resource to the Citizens of Unalaska, as a locally significant source of Salmon on Unalaska; and

WHEREAS, the Open Space Zone prohibits non-recreational, or non-subsistence uses; and

WHEREAS, the stated area is presently undeveloped; and

WHEREAS, the City of Unalaska Departments of Planning, Public Works, Public Utilities and Public Safety have reviewed the request; and

WHEREAS, notices of the public hearing were posted and mailed; and

WHEREAS, the City of Unalaska Planning Commission held a public hearing on August 15, 2024 to consider this request and to hear testimony of the public on Resolution 2024-04.

THEREFORE, BE IT RESOLVED, the Planning Commission recommends to the City Council approval of the rezone of unsubdivided land located on the south side of McLees Lake in Lots 1, and 2 located in the East Half of the North West Quarter of Section 4, Lots 3 and 4 located in the North Half of the South West Quarter of Section 4; and the East Half of the North West Quarter of Section 5 (Lot 1

inclusive), Lot 2 in the North East Quarter of Section 5, and the North Half of the South East Quarter of Section 5 (Lot 3 inclusive), of Township 72S, Range 118W, located in the Seward Meridian, to Open Space.

BE IT FURTHER RESOLVED, the secretary of the Planning Commission is to certify a copy of this Resolution and to file it with the Unalaska City Clerk no later than fifteen (15) working days from the date shown below.

APPROVED AND ADOPTED THIS 15TH DAY OF AUGUST, 2024, BY THE PLANNING COMMISSION OF THE CITY OF UNALASKA, ALASKA.



Travis Swangel
Commission Chair



Cameron Dean, Planning Director
Secretary

City of Unalaska
UNALASKA PLANNING COMMISSION

P.O. Box 610 • Unalaska, Alaska 99685
(907) 581-1251
www.ci.unalaska.ak.us

Regular Meeting
Thursday, August 15,
2024
6:00 p.m.

Unalaska City Hall
Council Chambers
43 Raven Way

Commission Members
Ian Bagley
Virginia Hatfield

Travis Swangel, Chairman

Commission Members
Caroline Williams
Rainier Marquez

MINUTES

1. Call to order. Chairman Swangel called the Regular Meeting of the Unalaska Planning Commission to order at 6:01 pm on August 15, 2024 in the Unalaska City Hall Council Chambers.
2. Roll Call:

<u>Present:</u>	<u>Absent:</u>
Travis Swangel	Rainier Marquez
Virginia Hatfield	Caroline Williams
	Ian Bagley
3. Revisions to Agenda: Adopted the agenda with no revisions.
4. Appearance requests: Laresa Syverson of Ounalashka Corporation
5. Announcements: School starts on Monday, August 19 and Heart of the Aleutians venue was moved to High School Gymnasium due to weather condition this Saturday, August 17, 2024.
6. Minutes: Williams motioned to adopt the minutes for July 18, 2024. Seconded by Marquez. Approved with no objections. 4-0
7. Public Hearing:
 - 1) **RESOLUTION 2024-04:** A RESOLUTION APPROVING AND RECOMMENDING A REZONING ACTION TO THE CITY COUNCIL AMENDING THE LAND BORDERING THE SOUTH SIDE OF MCLEES LAKE FROM MARINE DEPENDENT INDUSTRIAL TO OPEN SPACE.
8. Old Business: No Items
9. New Business:
 - 1) **RESOLUTION 2024-04:** A RESOLUTION APPROVING AND RECOMMENDING A REZONING ACTION TO THE CITY COUNCIL AMENDING THE LAND BORDERING THE SOUTH SIDE OF MCLEES LAKE FROM MARINE DEPENDENT INDUSTRIAL TO OPEN SPACE. Motioned by Williams and seconded by Marquez to adopt resolution. Laresa Syverson, Ounalashka Corporation, commented that she recognizes the importance of the area to subsistence and does not oppose rezoning. Resolution was approved. 4-0
10. Work session: No Items
11. Adjournment: Having completed the agenda, the meeting was adjourned without objection at 6:15 p.m.

Cameron Dean
Secretary of Commission

Travis Swangel
Commission Chairman

Date

Date