



# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## MEMORANDUM

**To:** Chair Spivey and Planning Commission

**From:** Amy Ainslie, Planning & Community Development Director

**Date:** October 11, 2022

**Subject:** V 22-21 – Platting Variance for P 22-10

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P 22-10 is a request to subdivide Lot 15A of US Survey 1496 owned by the Alaska Department of Education & Early Development (ADEED) into two lots – one lot will be purchased by the City and Borough of Sitka (CBS) to develop a new seaplane base, and the smaller lot will be preserved for its current use as part of the access road for US Coast Guard (USCG) buildings on their property.

In 1975, the Alaska Area Native Health Service gave USCG a right-of-way grant (ROW grant) that was a rectangular area encumbering Lot 15A. While there may have been plans at one point to extend Seward Avenue to connect to the ROW grant, this was never formalized. Instead, USCG developed access from Airport Road and utilized the ROW grant to construct the driveway up to their facilities:



## **Analysis**

### **Access Requirements**

SGC 21.52.010(C)(1) states that plats can be approved by the Planning Commission upon proof that, “*Legal access to each tract or lot within the subdivision exists over a street or access easement of at least twenty feet*”. Relief is requested from this requirement.

While unusual to create “stranded lots”, there are several reasons and benefits of doing so in this case:

1. In order for the FAA to sponsor the project and reimburse CBS for the land acquisition, the property must have a clear title. Relocating the ROW grant to its own lot achieves this requirement.
2. The platting of the ROW grant provides the property owner (ADEED) with the options of holding the lot or selling it at a future date. In either case, continued USCG use of the lot will be protected and cannot be revoked without their consent.
3. Given that the entire lot is encumbered by the ROW grant for USCG use and security requirements for access to USCG property, general access to this property is not desirable.
4. A condition of approval has been added to the subdivision request requiring that plat note number two be modified to read, “*The municipality is party to all easements and plat notes, including the right of way grant encumbering Lot 2A. They shall not be modified without approval of the platting board. There shall be no encroachments on the City assets or easements.*” This provides oversight for any changes to the ROW grant and empowers the Planning Commission to require access be designated in the future if needed.

### **Utility Requirements**

Under the stated purpose of the subdivision code, SGC 21.04.020(E) aims, “*To assure adequate and properly placed utilities.*” In minor subdivisions, SGC 21.40.130(H) requires that all water and sewer lines must be constructed and inspected per municipal standards prior to issuance of a building permit on a lot, which is why we ensure that properly platted utility easements are included on minor subdivision plats (as the utility connection permit process and locally adopted building codes both require that utility lines be contained in appropriately placed easements). As all of the proposed Lot 2A is used for a ROW grant, this land is not developable and utility infrastructure is not necessary. Any changes to the ROW grant that would be needed for development of the lot would come before the Planning Commission, at which time a means of utility connection could be required.

### **Similar Cases**

This case is also similar to that granted under V 20-03, a platting variance to create a substandard lot on Shotgun Alley. Between the platted property lines and the extensive access easements on the property, the resulting lot was significantly smaller than the district minimum. The justification for that request was that the resulting, substandard lot was only of true usefulness to an adjacent property owner (and there were protections in place on the plat to preserve that condition), and that the platting history in the area constituted a special consideration warranting a platting variance. Both justifications are applicable to this case.

### **Comprehensive Plan Guidance**

Comprehensive Plan Action T 2.1.c states, “Replace Sitka’s deteriorating seaplane base to maintain the economic and transportation benefits Sitka residents, businesses, and visitors depend on.” This platting action is a critical step in advancing the land acquisition for development of the seaplane base. Further, Action PTR 3.8 states, “Pursue funding and grant opportunities for development of a new seaplane base.” This platting action (and the related platting variance) resolves the ROW grant encumbrance on the remainder of the lot which enables the land acquisition to be reimbursed by the FAA.

### **SGC 21.48.010 Requirements for Platting Variances**

A variance from the requirements of this title may be granted only if the planning commission finds that:

**A. The granting of the platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property.**

The platting variance draws the property line around the area of the ROW grant that USCG utilizes. USCG was heavily involved in the redrawing of the ROW grant boundaries/new parcel lines. They will be a signatory to the plat to record their consent to this change. It is for public safety reasons that access to the lot should be restricted. The lot’s use, without further Planning Commission approval, is limited to the ROW grant which does not necessitate utility connection.

**B. The tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property.**

The platting history of the ROW grant creates an unusual condition of the lot, as it did not connect to any other platted easements or rights-of-way. It has also rendered the area useful to only one party, USCG. Requiring platted access to the lot would create an undue hardship for both USCG and CBS due to security reasons; the FAA would require a right-of-way to be platted rather than an easement, which would use up considerable space on the lot and dedicate a means of public access to USCG property. The existing protections of the ROW grant and the added plat note giving the platting board oversight of any changes, as well as the underlying zoning all provide substantial mitigation to any risks resulting from a change in ownership that would be detrimentally affected by lack of access.

### **Attachments:**

Attachment A: Preliminary Plat

Attachment B: Applications

Attachment C: V 20-03 Minutes

**Recommended Motions:**

1. “I move to approve the platting variance to waive access and utility requirements for the resultant Lot 2A of the proposed minor subdivision of the property at 1190 Seward Avenue in the P public lands district. The property is also known as Lot 15A, US Survey 1496. The request is filed by the City and Borough of Sitka. The owner of record is the State of Alaska, Department of Education & Early Development.
2. “I move to adopt the required findings for platting variances.”
  - A. The granting of the platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property.
  - B. The tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property.