



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: September 15, 2016

To: Planning Commission

From: PCDD Staff

Re: CU 16-27 Conditional Use Permit for STR and B&B at 1948 Dodge Circle

GENERAL INFORMATION

Applicant: Brock and Patricia Bauder

Property Owner: same

Property Address: 1948 Dodge Circle

Legal Description: Lot 2 Dodge Circle Estates

Parcel ID Number: 2-4825-002

Size of Existing Lot: 14,548 square feet

Zoning: R-1

Existing Land Use: Residential

Utilities: Full city services

Access: Halibut Point Road, Dodge Circle, Private Easement

Surrounding Land Use: Residential

MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion of Recommendation

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Zoning Map

Attachment D: Site Plan

Attachment E: Floor Plan

Attachment F: Subdivision Plat

Attachment G: Parcel Pictures

Attachment H: Application

Attachment I: Flood Zone Map

Attachment J: Mailing List
Attachment K: Proof of Payment
Attachment L: Warranty Deed

BACKGROUND/PROJECT DESCRIPTION

The request is for a conditional use permit for a short-term rental and a bed and breakfast at 1948 Dodge Circle in the R-1 single family and duplex residential zone. The Bauders wish to rent their 4 bedroom, 3.5 bathroom, and three story home up to year round. At times, it will be owner-occupied, but at other times, when they travel they may wish to rent out their entire home while away. Their request is to give them the flexibility to rent it out whether or not they are home and to do so year-round or seasonally for anywhere from one room to all four rooms.

22.16.040 R-1 single family and duplex residential district.¹

The R-1 zoning district may allow short-term rentals and bed and breakfast as a conditional use subject to the ability to mitigate any adverse effects to nonexistent or minimal and reasonable for the zone and in harmony with surrounding land uses.²

Since the owner will at times operate the rental as an owner-occupied rental it is part a bed and breakfast, but at other times without owner occupation it will act as a short-term rental. Therefore, staff has consolidated all uses into one holistic conditional use permit.

Parking requirements will based on the more intensive requirement for the bed and breakfast, which requires 3 spaces (2 for the residential use and 1 for the bed and breakfast use – 1 space for up to three rooms.) The applicant has provided 4 spaces and has room for even more.

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.³

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: A short-term rental (or B&B) in addition to a single-family home can create additional parking and traffic demand. In this case, the historic residential use with the owners' children probably

¹ *This district is intended primarily for single-family or duplex residential dwellings at moderate densities, but structures and uses required to serve recreational and other public needs of residential areas are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 district.*

² Table 22.16.015-1 and Sections 22.24.010(B) and (C) (Bed and Breakfast and Short-term Rental respectively).

³ § 22.24.010.E

exceeded what the future commercial rental would create since typically car use by tourists is less than or the same as long-term residential use.

b. Amount of noise to be generated and its impacts on surrounding land use: Renters can be known to create more noise due to being on vacation than typical families might. However, space and buffers as well as rental overview and ability to address concerns adequately mitigate this.

c. Odors to be generated by the use and their impacts: No additional odors.

d. Hours of operation: Year-round.

e. Location along a major or collector street: Halibut Point Road, Dodge Circle, and private easement.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: No concerns.

g. Effects on vehicular and pedestrian safety: None identified that would be different than existing use or significant in impact.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: The property is near to Halibut Point Road, which provides easy emergency access.

i. Logic of the internal traffic layout: The applicant has indicated 4 parking spaces in excess of code requirements.

j. Effects of signage on nearby uses: No proposed signage.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: The property has abundant foliage and elevation to provide privacy.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Conforms to Comprehensive Plan Section 2.6.2, which states, "To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas;" and Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses. In addition, the Comprehensive Plan identifies the goal of providing various housing opportunities and housing options for seasonal, temporary, emergency, and transitional needs.⁴ This application conforms to the above sections by creating short-term transient housing available.

⁴ Comprehensive Plan 2.5.11, 2.10.3, and 2.10.4.

m. Other criteria that surface through public comments or planning commission review: Short-term rentals may increase long-term rental rates for the overall community.⁵

FINDINGS

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:⁶

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;

⁵ Planning: The Magazine of the American Planning Association, February 2016, p. 31

⁶ § 22.30.160.C – Required Findings for Conditional Use Permits

2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Conclusion on Findings: The required findings of fact have been met as the conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties through the conditions of approval, by meeting all applicable SGC regulations, and by being in support of the Comprehensive Plan regarding transient housing supply.

RECOMMENDATION

It is recommended that the Planning Commission adopt the staffs' analysis and required findings as found in the staff report and grant the requested conditional use permit subject to attached conditions of approval.

.....

See Next Page for Recommended Motions

Recommended Motions: (two motions - read and voted upon separately)

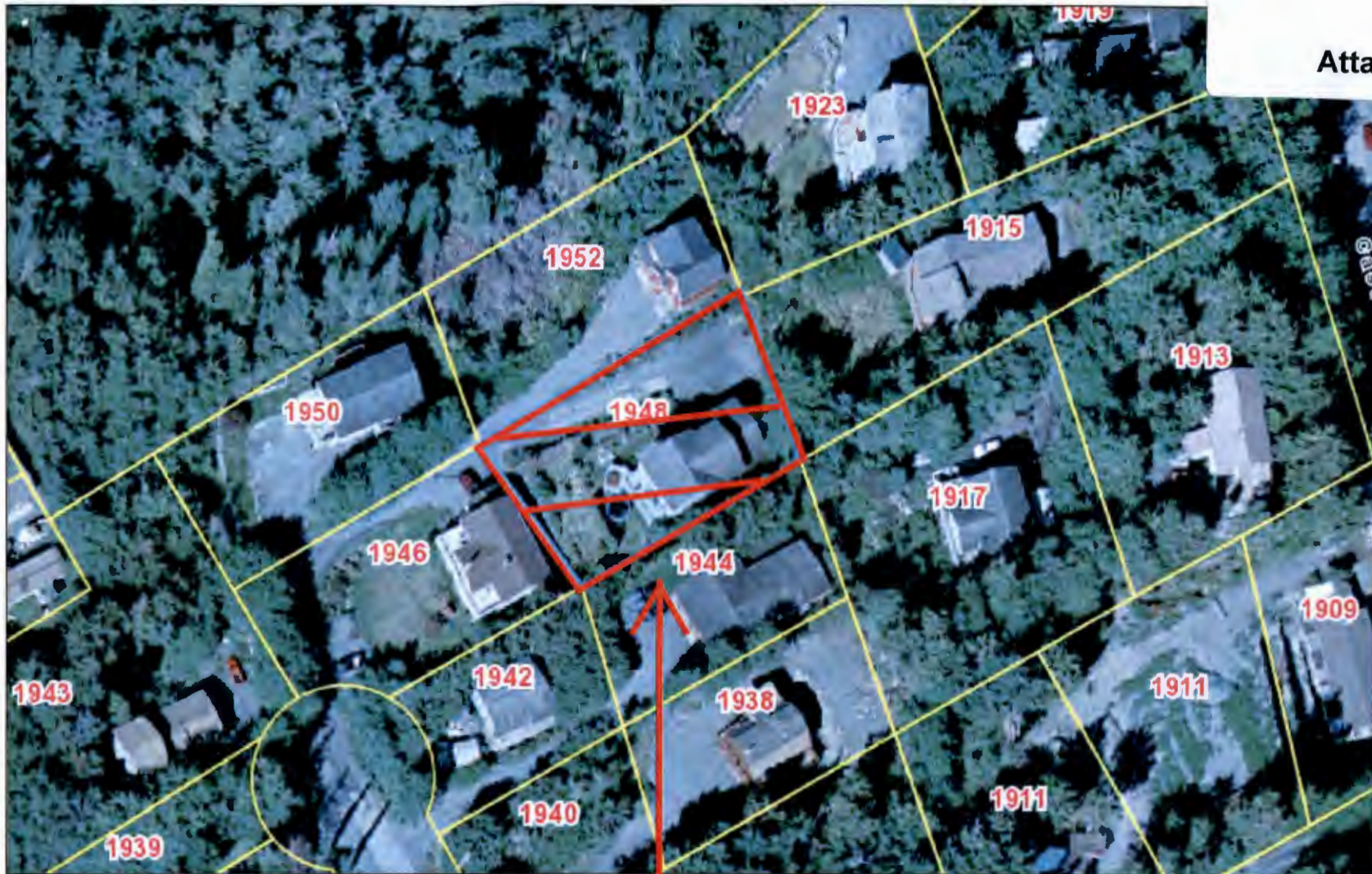
- 1) I move to adopt and approve the required findings for conditional use permits as discussed in the staff report.
- 2) I move to approve the conditional use permit application for a short-term rental and bed and breakfast at 1948 Dodge Circle, in the R-1 single family and duplex residential district. The property is also known as Lot 2 Dodge Circle Estates. The request is filed by Brock and Patricia Bauder. The owners of record are Brock and Patricia Bauder.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
9. Owners shall provide renters with a brief rental overview including respecting the residential neighborhood and regarding directions and traffic circulation patterns to mitigate any potential traffic impacts.



Bauder
Conditional Use Permit
1948 Dodge Circle



City & Borough of Sitka, Alaska

Selected Parcel: 1948 DODGE ID: 24825002

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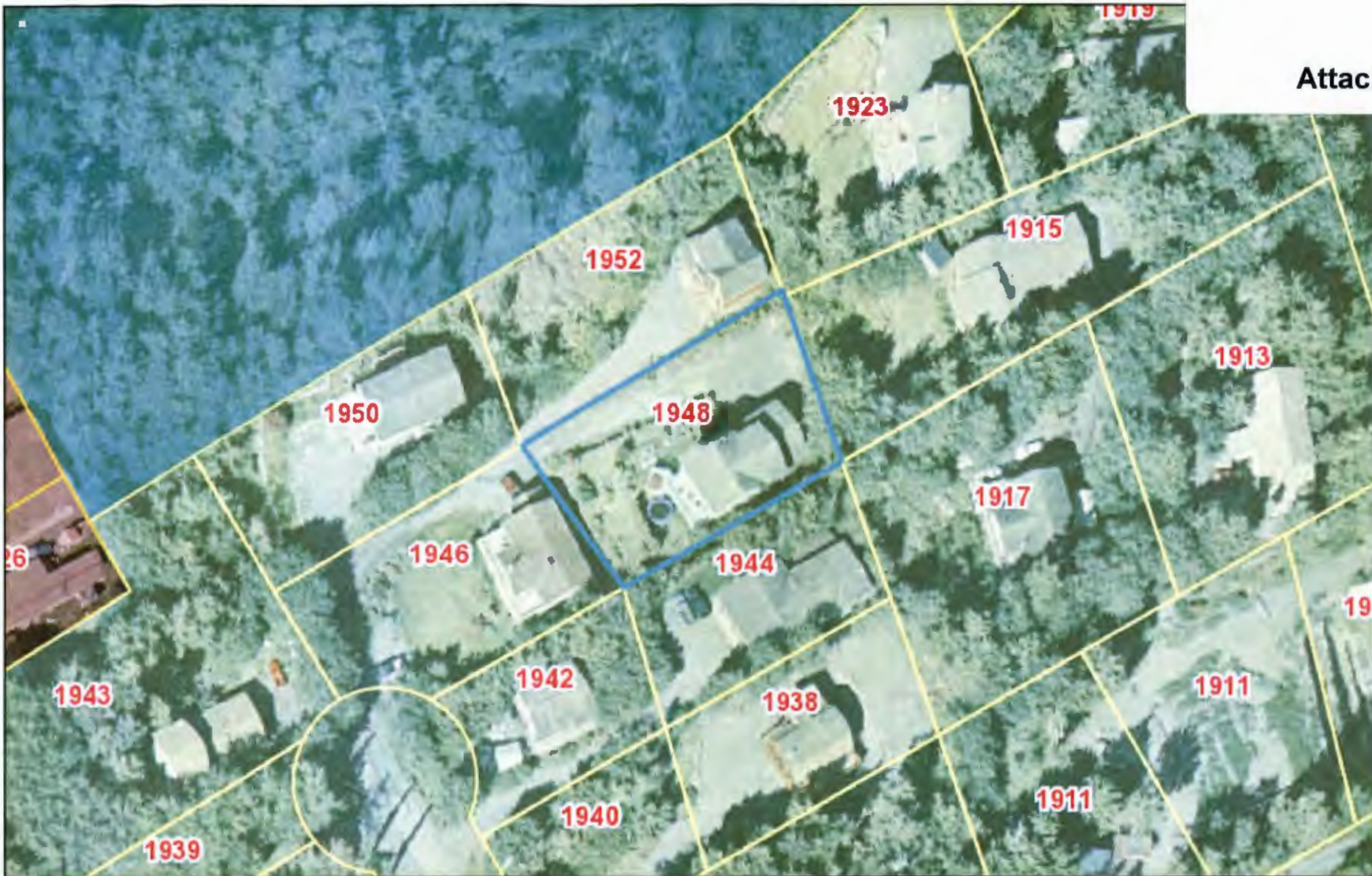
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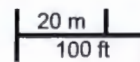
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Conditional Use Permit
1948 Dodge Circle



City & Borough of Sitka, Alaska

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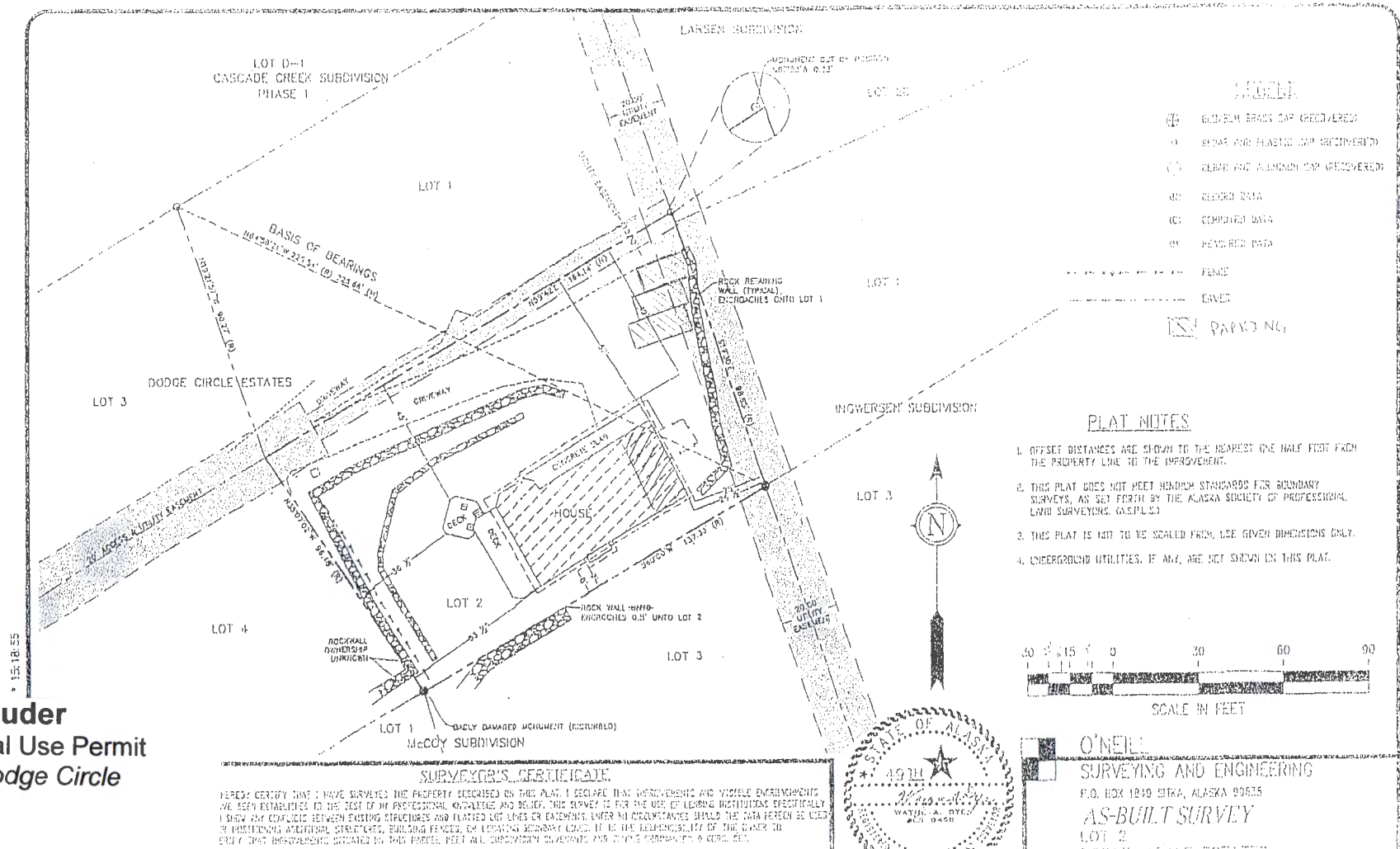
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1948 Dodge Circle

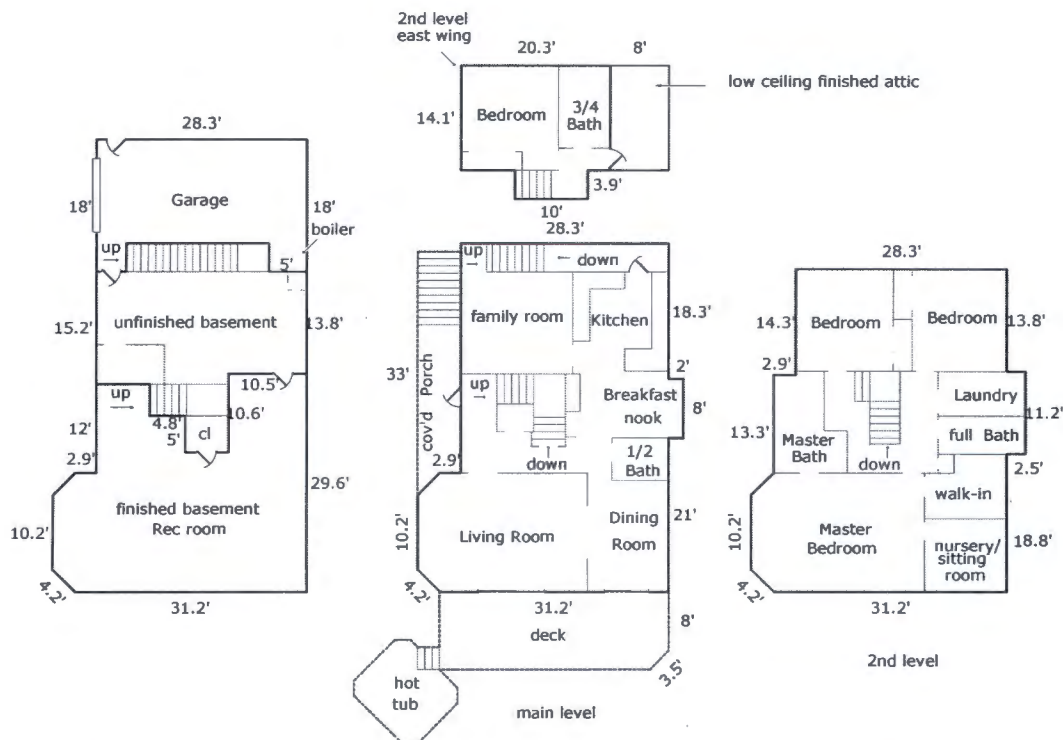
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Conditional Use Permit
1948 Dodge Circle



Building Sketch

Client	First Bank		
Property Address	1948 Dodge Cir		
City	Sitka	County City/Borough of Sitka	State AK
Borrower	Bauder, Brock & Patty		

Attachment E



Sketch by Apex Medina™

Comments: The area labeled below as the 3rd level is actually the same elevation as the 2nd level and is labeled as the "2nd level east wing" in the sketch above.

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	1441.2	1441.2
GLA2	Second Floor	1392.7	1392.7
GLA3	Third Floor	325.2	325.2
BSMT	unfinished	564.3	
	finished	825.8	1390.1
GAR	Garage	434.1	434.1
P/P	cov'd Porch	181.5	
	deck	452.5	634.0
OTH	finished stg	112.8	112.8
Net LIVABLE Area		(rounded)	3159

LIVING AREA BREAKDOWN			
Breakdown			Subtotals
First Floor			
28.3	x	18.3	517.9
30.3	x	8.0	242.4
4.8	x	28.3	135.8
3.0	x	31.2	93.6
10.2	x	34.2	348.8
3.0	x	31.2	93.6
0.5	x	3.0	4.5
0.5	x	3.0	4.5
Second Floor			
31.2	x	3.0	93.6
10.2	x	34.2	348.8
0.5	x	3.0	4.5
0.5	x	3.0	4.5
5.6	x	31.2	174.7
0.5	x	30.8	15.4
10.7	x	33.7	360.6
13.8	x	28.3	390.5
Third Floor			
10.0	x	3.9	39.0
14.1	x	20.3	286.2
18 Items		(rounded)	3159

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1948 Dodge Circle



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1948 Dodge Circle



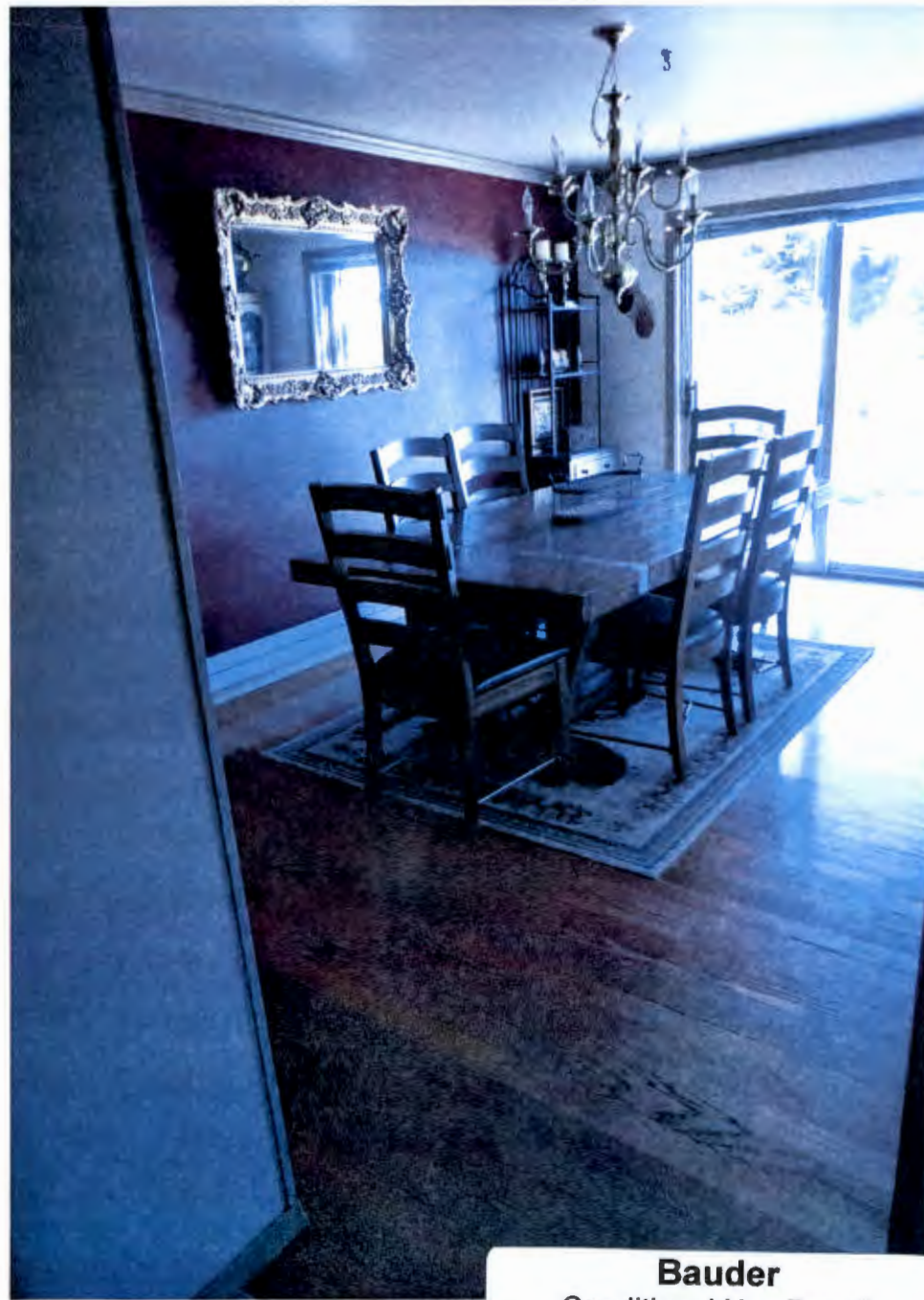
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1948 Dodge Circle



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Conditional Use Permit
1948 Dodge Circle



CITY AND BOROUGH OF SITKA

Attachment H

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

1. Request projects at least FOURTEEN (14) days in advance of next meeting date.
2. Review guidelines and procedural information.
3. Fill form out completely. No request will be considered without a completed form.
4. Submit all supporting documents and proof of payment.

APPLICATION FOR:

☐

VARIANCE

☒

CONDITIONAL USE

☐

ZONING AMENDMENT

☐

PLAT

BRIEF DESCRIPTION OF REQUEST: Occasionally renting a room or
rooms within our home. Mostly Owner occupied, but the
entire house will sometimes be rented too.

PROPERTY INFORMATION:

CURRENT ZONING: R1 PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): _____ PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: Brock + Patricia Bauder

PROPERTY OWNER ADDRESS: 1948 Dodge Circle Sitka AK 99835

STREET ADDRESS OF PROPERTY: Same

APPLICANT'S NAME: Brock + Patricia Bauder

MAILING ADDRESS: 1948 Dodge Circle Sitka AK 99835

EMAIL ADDRESS: bauderfamily@casalaska.net DAYTIME PHONE: (907) 738-9901

PROPERTY LEGAL DESCRIPTION:

TAX ID: 2-4825-002 LOT: 2 BLOCK: _____ TRACT: _____

SUBDIVISION: Dodge Circle Estates US SURVEY: _____

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

REQUIRED SUPPLEMENTAL INFORMATION:

- ☐ Completed application form
- ☐ Narrative
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Proof of filing fee payment
- ☐ Proof of ownership ✕
- ☐ Copy of current plat ✕
- ☐ ~~Topographic information (If Pertinent to Application)~~
- ☐ ~~Landscape Plan (If Pertinent to Application)~~
- ☐ Drainage and Utility Plan (If Pertinent to Application)
- ☐ Parking Plan (For Conditional Use Permit)
- ☐ Floor Plan (For Conditional Use Permit)
- ☐ Three (3) copies of concept plat (For Plat)
- ☐ Plat Certificate from a title company (For Plat)

CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I further authorize municipal staff to access the property to conduct site visits as necessary.

Owner 

8-29-16
Date

Applicant (If different than owner)

Date

Bauder
Conditional Use Permit
1948 Dodge Circle



Brock & Patricia Bauder

1948 Dodge Circle

We are requesting approval
for a conditional use
permit, so that we may rent
our home at the end of

Dodge Circle. We will be renting anywhere from one to four bedrooms on a short term basis. Our home will mostly be owner occupied, but we will rent the entire home out on occasion. The primary season will be from April to September, but we will offer the home for the entire year. We have a three story 4 bedroom 3 1/2 bath home. We plan on listing on a couple of reputable sites that provide for the thorough vetting of guests. In addition, the guest rules and our personal oversight will ensure that the property and surrounding areas will remain clean, and noise free.

We will offer to pick up our guests at the airport, ferry, or other city locations. Our guests will however, most likely have their own mode of transportation. Our personal parking area is at the

Bauder
Conditional Use Permit
1948 Dodge Circle

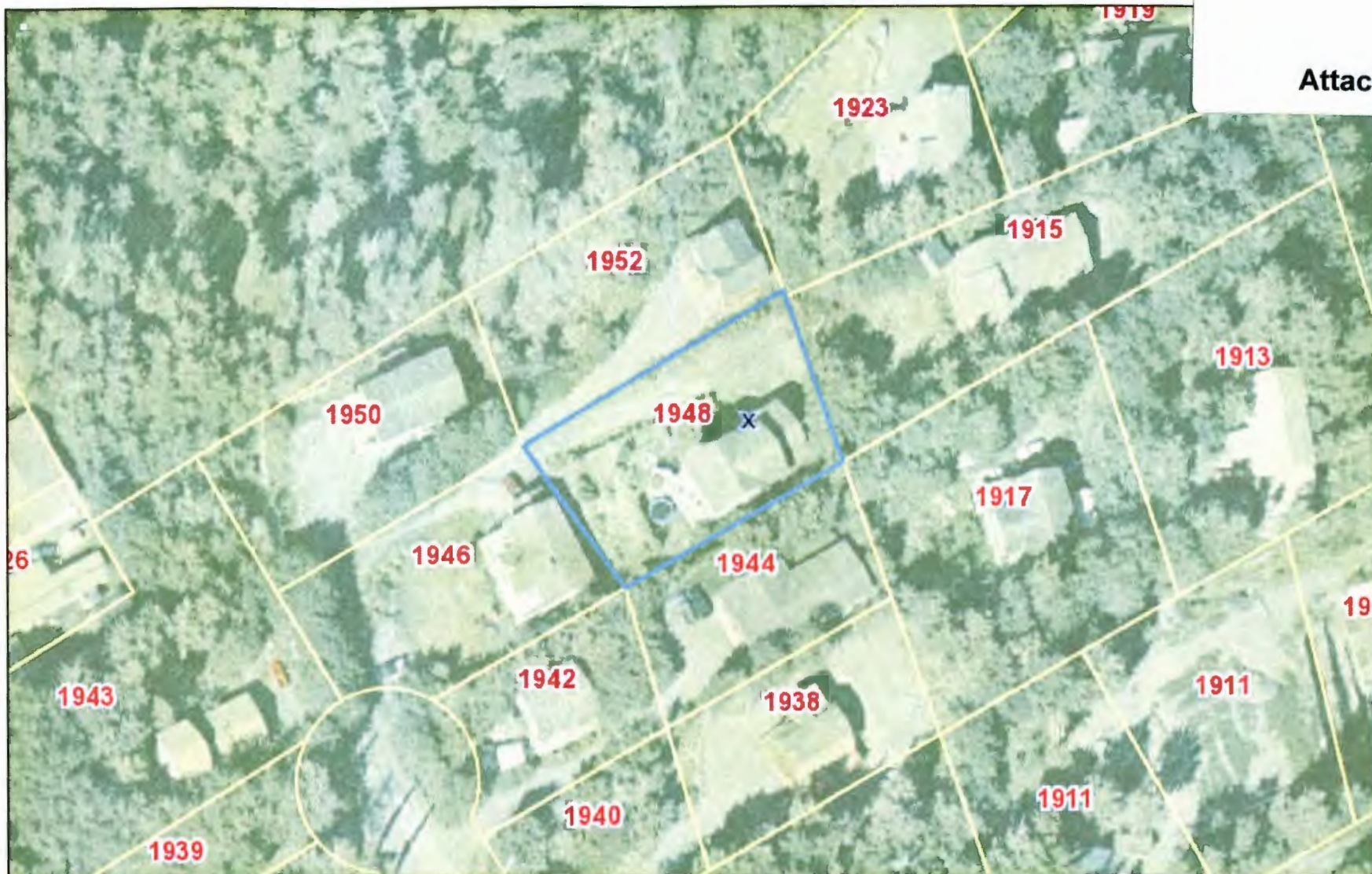
end of a 200 foot private drive that serves four houses. Parking for guest vehicles is not a problem as we have a driveway big enough to park five or more cars. The vehicular traffic with our rental guests will be considerably less than when our three children lived at home.

Our home is identifiable by the fire department provided house numbers located at the beginning of our driveway.



Emergency vehicles have easy access to our home with the large parking turnaround that we have.

We have smoke and carbon monoxide detectors, fire escape ladders and fire extinguishers available in our home.



City & Borough of Sitka, Alaska

Selected Parcel: 1948 DODGE ID: 24825002

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20 m
100 ft



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Bauder
Conditional Use Permit
1948 Dodge Circle

Attachment J

Parcel ID: 24401000
ALASKA MENTAL HEALTH TLO
ALASKA MENTAL HEALTH TRUST
718 L STREET, STE 202
ANCHORAGE AK 99501

Parcel ID: 24775000
MICHAEL/ANN MORRIS
MORRIS, MICHAEL, R./ANNE, C.
1943 DODGE CIRCLE
SITKA AK 99835

Parcel ID: 24780001
MARY ANDERSEN
ANDERSEN, MARY, TODD
P.O. BOX 99
SITKA AK 99835-0099

Parcel ID: 24780002
ALAN ANDERSEN
ANDERSEN, ALAN, T.
1939 DODGE CIRCLE
SITKA AK 99835

Parcel ID: 24785001
ERICA/KRISTOPHE PEARSON
PEARSON, ERICA & KRISTOPHER
P.O. BOX 2421
SITKA AK 99835-2421

Parcel ID: 24825001
LAURINDA/ERIC MARCELLO/HARMON
MARCELLO, LAURINDA & HARMON,
ERIC
1952 DODGE CIRCLE
SITKA AK 99835

Parcel ID: 24825002
BROCK/PATRICIA BAUDER
BAUDER, BROCK & PATRICIA
1948 DODGE CIRCLE
SITKA AK 99835

Parcel ID: 24825003
GARY/SHASTA SMITH
SMITH, GARY, R./SHASTA, D.
105 SAND DOLLAR DR
SITKA AK 99835

Parcel ID: 24825004
SCOTT/KATHY MCLEOD
MCLEOD, SCOTT, P./KATHY, L.
1946 DODGE CIRCLE
SITKA AK 99835

Parcel ID: 24831000
WALTER/MEGAN PASTERNAK
PASTERNAK, WALTER, C./MEGAN, R.
P.O. BOX 830
SITKA AK 99835-0830

Parcel ID: 24832000
MICHAEL/SUSAN MOTTI/ROYCE
MOTTI, MICHAEL, J./ROYCE, SUSAN
1919 CASCADE CREEK RD
SITKA AK 99835

Parcel ID: 24833000
MASSEY/MASSEY TRUST
MASSEY, BRIAN, D.
1915 CASCADE CREEK RD
SITKA AK 99835

Parcel ID: 24834000
ALLISON HACKETT
HACKETT, ALLISON, O.
1923 CASCADE CREEK RD
SITKA AK 99835

Parcel ID: 24835001
STEVEN/LYNNE CAMPBELL/CIOLLI
CAMPBELL, STEVEN & CIOLLI, LYNNE
1942 DODGE CIR
SITKA AK 99835

Parcel ID: 24835002
PEMBERTON FAMILY REVOCABLE
TRUST
PEMBERTON, JOHN, S./EVELYN, M.
P.O. BOX 2955
TUBA CITY AZ 86045-2955

Parcel ID: 24835003
AMY ZANUZOSKI
ZANUZOSKI, AMY
P.O. BOX 1991
SITKA AK 99835-1991

Parcel ID: 24835004
FRANK/NICOLE BALOVICH
BALOVICH, FRANK & NICOLE
1417 DAVIDOFF ST
SITKA AK 99835

Parcel ID: 24841000
PHILIP/EDITH WELSH
*WELSH, PHILIP & EDITH
1913 CASCADE CREEK RD
SITKA AK 99835

Parcel ID: 24842000
JOHN/JANET GASSMAN
GASSMAN, JOHN, W./JANET
P.O. BOX 954
SITKA AK 99835-0954

Parcel ID: 24845000
GERALD/SUSAN FLEMING
FLEMING, GERALD, D./SUSAN, J.
1924-A DODGE CIRCLE
SITKA AK 99835

Parcel ID: 24851000
ARTHUR/JENNY EELLS
EELLS, ARTHUR & JENNY
P.O. BOX 853
SITKA AK 99835-0853

Parcel ID: 24852001
RICHARD/ROSE MACINTYRE
MACINTYRE, RICHARD & ROSE
1907 CASCADE CREEK RD
SITKA AK 99835

Parcel ID: 24852002
RICHARD/ROSE MACINTYRE
MACINTYRE, RICHARD & ROSE
1907 CASCADE CREEK RD
SITKA AK 99835

Parcel ID: 25120003
GERALD/MARY HELEM REVOCABLE
TRUST
HELEM REV. TRUST, GERALD & MARY
P.O. BOX 1811
SITKA AK 99835-1811

Parcel ID: 25120004
FRANK/GLORIA SCIGLIANO
SCIGLIANO, FRANK/GLORIA
109 SAND DOLLAR DR.
SITKA AK 99835

Parcel ID: 25122004
DANIEL/JANET GRAY/CLARKE
GRAY, DANIEL & CLARKE, JANET
P.O. BOX 311
SITKA AK 99835-0311

Bauder
Conditional Use Permit
1948 Dodge Circle

P&Z Mailing
September 9, 2016

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: AUG 30, 2016

To:

Brock Bauder

PAID
 AUG 30 2016
 CITY & BOROUGH OF SITKA

ACCOUNT # 100-300-320-3201.002
 PLANNING & ZONING

Variance.....	75.00
Conditional Use Permit.....	
Minor Subdivision.....	
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	4.50
TOTAL.....	79.50

Thank you

Bauder
 Conditional Use Permit
 1948 Dodge Circle

A
L
A
S
K
A

2011-

Recording District
10/28/2011

Attachment L



File for Record at Request of:

First American Title Insurance Company

AFTER RECORDING MAIL TO:

Name: **Brock C. and Patricia Bauder**

Address: **1948 Dodge Circle**

Sitka, AK 99835

File No.: **0241-1767642 (JRN)**

STATUTORY WARRANTY DEED

THE GRANTOR, **Mark W. and Cynthia A. Whittington Community Property Trust, U.T.D. March 26, 2007**, whose mailing address is **34759 Mathews Rd., Eugene, OR 97405**, for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**, in hand paid, conveys and warrants to **Brock C. Bauder and Patricia Bauder, husband and wife**, residing at **305 Cascade St., Sitka, AK 99835**, the following described real estate, situated in the **Sitka** Recording District, **First** Judicial District, State of **Alaska**:

Lot 2, DODGE CIRCLE ESTATES, according to the official plat thereof, filed under Plat Number 87-8, Records of the Sitka Recording District, First Judicial District, State of Alaska.

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

Dated: October 10, 2011.

Bauder
Conditional Use Permit
1948 Dodge Circle

**Mark W. and Cynthia A. Whittington,
Community Property Trust, U.T.D. March 26,
2007**

Mark W. Whittington
Mark W. Whittington, Trustee

Cynthia A. Whittington/Trustee

STATE OF Oregon)
) ss.
 Judicial District)

THIS IS TO CERTIFY that on this October 10, 2011, before me the undersigned Notary Public, personally appeared **Mark W. and Cynthia A. Whittington, Trustees of the Mark W. and Cynthia A. Whittington Community Property Trust, U.T.D. March 26, 2007**, known to me and to me known to be the individual(s) described in and who executed the foregoing instrument and he/she/they acknowledged to me that he/she/they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

Notary Public in and for Oregon
My commission expires March 28, 2015

