

**CITY AND BOROUGH OF SITKA  
Planning Commission  
Minutes of Meeting  
December 16, 2014**

**Present:** Richard Parmelee (Chair), Chris Spivey (Vice-Chair), Debra Pohlman (Member), Darrell Windsor (Member, Arrived at 7:11), Scott Brylinsky (Interim Planning Director), Maegan Bosak (Planner I), Erin Clay (Temporary Planner I), Dan Tadic (Municipal Engineer)

**Absent:** None

**Members of the Public:** Marjorie Hennessy, Sara and Dennis Peterson, Sam Smith, Amy and Dalton Bergman, Gretchen and Wade Parrish, Bart Meyer, Marie Murray, Michelle Huang, Jonathan Kreiss-Tomkins

Chair Parmelee called the meeting to order at 7:02 p.m.

**Roll Call:**

**PRESENT:** 4 – Parmelee, Spivey, Pohlman, Windsor

**Consideration of the Minutes from the December 2, 2014 meeting:**

**MOTION: M/S SPIVEY/POHLMAN** moved to approve the meeting minutes for December 2, 2014.

**ACTION:** Motion **PASSED unanimously 3-0** on a voice vote.

**The evening business:**

**VARIANCE  
101 MOLLY LANE  
SAM SMITH**

*Public hearing and consideration of a variance requested by Sam Smith at 101 Molly Lane. The variance request is for a reduction in the Price Street front property setback from 10ft to 8ft and for a reduction in the Molly Lane front property setback from 20ft to 18ft. The property is also known as Lot 1, Mountainview Subdivision.*

**STAFF REPORT:** Brylinsky described the application materials and discussed the variance request. One public comment was received by the Planning Department from a neighbor objecting to the variance requested on the Price Street front due to impacts on their view.

**APPLICANT:** Sam Smith came forward to describe his project. Smith stated that the building would be used for commercial purposes with one bay being used for his construction business and the other bay as a rental. Two apartments will be located above the bays. The building ridge will be 5ft below the maximum height allowed by code. The intent is to maximize the use of the lot and provide more operating room around the building.

~~**MOTION: M/S SPIVEY/ WINDSOR** moved to approve disposal of CBS property located at 105 Thomas Young Sr Circle, Kaasda Heen Shaak Subdivision. The parcel was acquired as a space for a future park during the Kaasda Heen Shaak Subdivision process. The Sitka Parks and Recreation Committee recently approved a non-objection to remove the restriction "Space for Future Park" from the lot.~~

~~**ACTION:** Motion **FAILED** unanimously **0-4** on a voice vote.~~

~~-----The Commission took a five minute recess from 8:13 to 8:18-----~~

**TIDELAND LEASE AMMENDMENT  
SEAWARD OF 3403 HALIBUT POINT ROAD  
GRETCHEN AND WADE PARRISH**

*Public hearing and consideration of an amendment to a CBS Tideland lease held by Wade and Gretchen Parrish. The tidelands are adjacent to 3403 Halibut Point Road.*

**STAFF REPORT:** Brylinsky discussed the history of the lease for tidelands that the city is able to lease but not sell. The Parrish house slightly encroaches on the leased tidelands. The purpose of the lease addendum is to attach the tidelands to the adjacent property so that the Parrish's are able to obtain a mortgage. The lease amendment has been reviewed by the legal department and does not constitute a sale or conflict with state requirements for the tidelands lease.

**PUBLIC COMMENT:** Gretchen Parrish came forward and reiterated that the amendment was needed for them to get a home mortgage.

**PLANNING COMMISSION DELIBERATION:** Commissioner Spivey commented that he could understand why the bank is requiring this action.

**MOTION: M/S SPIVEY/ POHLMAN** moved to approve an amendment to a CBS Tideland lease held by Wade and Gretchen Parrish. The tidelands are adjacent to 3403 Halibut Point Road.

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

~~**VARIANCE  
KASEY DAVIS  
505 HIRST STREET**~~

~~*Public hearing and consideration of a variance requested by Kasey Davis at 505 Hirst Street. The variance request is for a reduction in the front property setback from 20ft to 15ft and for a reduction in the rear setback from 10ft to 9ft. The property is also known as Lot 13, Block 4, Sirstad Addition No. 1.*~~

~~**STAFF REPORT:** Brylinsky described the variance request. The lot is smaller than the minimum lot size and is located at the end of a dead end street.~~

~~**APPLICANT:** Kasey Davis came forward. Davis described the subject lot and how the existing drainage ditch, French drain and garden beds limit the proposed shed orientation.~~



# City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

*Coast Guard City, USA*

## **Sitka Planning Commission Agenda**

**Tuesday, December 16, 2014**

Held at Harrigan Centennial Hall

209 Lake Street, Sitka, Alaska

**7:00pm**

- I. CALL TO ORDER AND ROLL CALL
- II. CONSIDERATION OF THE AGENDA
- III. CONSIDERATION OF THE MINUTES FROM December 2, 2014
- IV. THE EVENING BUSINESS

A. Public hearing and consideration of a variance requested by Sam Smith at 101 Molly Lane. The variance request is for a reduction in the Price Street front property setback from 10ft to 8ft and for a reduction in the Molly Lane front property setback from 20ft to 18ft. The property is also known as Lot 1, Mountainview Subdivision.

B. Public hearing and consideration of a proposed amendment to Sitka General Code Title 15 Public Utilities, adding a new section SGC 15.07 Storm Drainage. CBS Public Works requests Planning Commission consideration of this ordinance because of its relationship to subdivision development.

C. Public hearing and consideration of a proposal to dispose of CBS property located at 105 Thomas Young Sr Circle, Kaasda Heen Shaak Subdivision. The parcel was acquired as a space for a future park during the Kaasda Heen Shaak Subdivision process. The Sitka Parks and Recreation Committee recently approved a non-objection to remove the restriction "Space for Future Park" from the lot.

**D. Public hearing and consideration of an amendment to a CBS Tideland lease held by Wade and Gretchen Parrish. The tidelands are adjacent to 3403 Halibut Point Road.**

E. Public hearing and consideration of a variance requested by Kasey Davis at 505 Hirst Street. The variance request is for a reduction in the front property setback from 20ft to 15ft and for a reduction in the rear setback from 10ft to 9ft. The property is also known as Lot 13, Block 4, Sirstad Addition No. 1.

F. Discussion of possible modifications to the SGC requirements for Accessory Dwelling Units (ADU)s.

G. Appointment of a chair and vice-chair for the 2015 calendar year.

- V. PLANNING DIRECTOR'S REPORT
- VI. PUBLIC BUSINESS FROM THE FLOOR
- VII. ADJOURNMENT

NOTE: Individuals having concerns or comments on any item are encouraged to provide written comments to the Planning Office or make comments at the Planning Commission meeting. Written comments may be dropped off at the Planning Office in City Hall, emailed to [maegan@cityofsitka.com](mailto:maegan@cityofsitka.com), or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish: December 8 and December 10

**Request:**

Review Addendum to Tideland Lease Agreement

**Zoning District: R2-MHP**

Front: 20 feet  
Rear: 10 feet  
Side: 8 feet

**Meeting Flow**

- o Report from Staff
- o Floor opened up for Public Comment
- o Comment period closed - brought back to the board
- o Motion to approve the lease amendment

**Tonight's Motions**

- o Move to recommend approval

**Amend Parrish Tideland Lease Agreement**

Approximately 0.04 Acres in Alaska Tideland Survey No. 1160  
Seaward of 3403 Halibut Point Road  
December 16, 2014

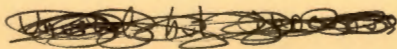
This action item is, so far as we know, the first of its kind to come before the Planning Commission. The request was initiated by Wade and Gretchen Parrish. This action item is to recommend Planning Commission Approval of an ordinance to authorize an addendum to a Tidelands lease with the estate of Jack Parrish (Attachment A). That lease was renewed for a 30-year term in December of 2013.

The Lessees have encountered a problem with financing of an upland structure adjacent to the leased tidelands. That structure encroaches onto the city leased tidelands. The encroachment is approximately 2 feet in depth, by 6 feet in width on the long leg of the triangle. (Attachment B).

This addendum is to provide a means for the Parrish's to obtain financing for their property.

The transfer document of these tidelands from the State to the municipality (Attachment C) stipulates that the city may lease the land, but may not sell it. The Municipal Attorney assures us that the terms of the Addendum do not constitute a sale.

Recommendation: Recommend Assembly approval of the Draft Ordinance.



1 CITY AND BOROUGH OF SITKA  
2 ORDINANCE NO. 2014 - XX  
3 AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AUTHORIZING A  
4 LEASE AMENDMENT TO THE TIDELANDS LEASE IN ALASKA TIDELANDS SURVEY 1160  
5 TO ESTATE OF JACK N. PARRISH  
6

7 BE IT ENACTED by the Assembly of the City and Borough of Sitka, Alaska as follows:  
8

9 1. CLASSIFICATION. This ordinance is not of a permanent nature and is not intended to be a  
10 part of the Sitka General Code of the City and Borough of Sitka, Alaska.  
11

12 2. SEVERABILITY. If any provision of this ordinance or any application thereof to any person  
13 or circumstance is held invalid, the remainder of this ordinance and application thereof to any  
14 person and circumstances shall not be affected thereby.  
15

16 3. PURPOSE. The purpose of this ordinance is to approve a minor lease amendment to allow  
17 a leaseholder to obtain bank financing on their building on an upland parcel, a portion of which  
18 encroaches onto the lessee's tidelands lease with the City and Borough.  
19

20 4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and  
21 Borough to:  
22

23 A. A lease addendum to Tideland Lease ADL 101561 is hereby authorized with the  
24 following terms:

- 25 1) Lessees shall be entitled to mortgage their interest in the Lease so long as (a)  
26 that mortgage also covers Lessee's adjacent upland property, and, (b) that  
27 mortgage is secured through a financing entity licensed to business in the  
28 State of Alaska.
- 29 2) Should Lessees default on their mortgage, their interest in the Lease shall be  
30 subject to foreclosure and transfer/sale along with, and only along with, the  
31 adjacent upland property, pursuant to the mortgage, and without consent of  
32 Lessor – so long as there is compliance with all lease terms. Mortgagee  
33 would have the right to acquire in its own name, or a designee, the rights of  
34 the Lessees upon foreclosure or assignment in lieu of foreclosure.
- 35 3) During the term of the Lease, the City and Borough of Sitka will give the  
36 mortgaging entity 30 days advance written notice, duplicate to that provided  
37 in paragraph 2(f) of the Lease, of any conditions that might trigger a default of  
38 the lease, so long as the mortgaging entity has already given the office of the  
39 Municipal Attorney of the City and Borough of Sitka a mailing address for  
40 such notice(s).
- 41 4) The parties understand that this addendum does not confer to the Lessee,  
42 the Mortgagee, or any other party an ownership right to the leased tidelands.  
43

44 B. The Administrator is authorized to execute a lease document consistent with the  
45 terms of this ordinance, SGC Title 18 that governs tidelands leases, Tidelands  
46 Patent 439, and existing municipal policies and practices on tideland leases.  
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50 5. EFFECTIVE DATE. This ordinance shall become effective on the day after the date of its  
51 passage.

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PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka,  
Alaska this XXth day of [month], 2014.

\_\_\_\_\_  
Mim McConnell, Mayor

ATTEST:

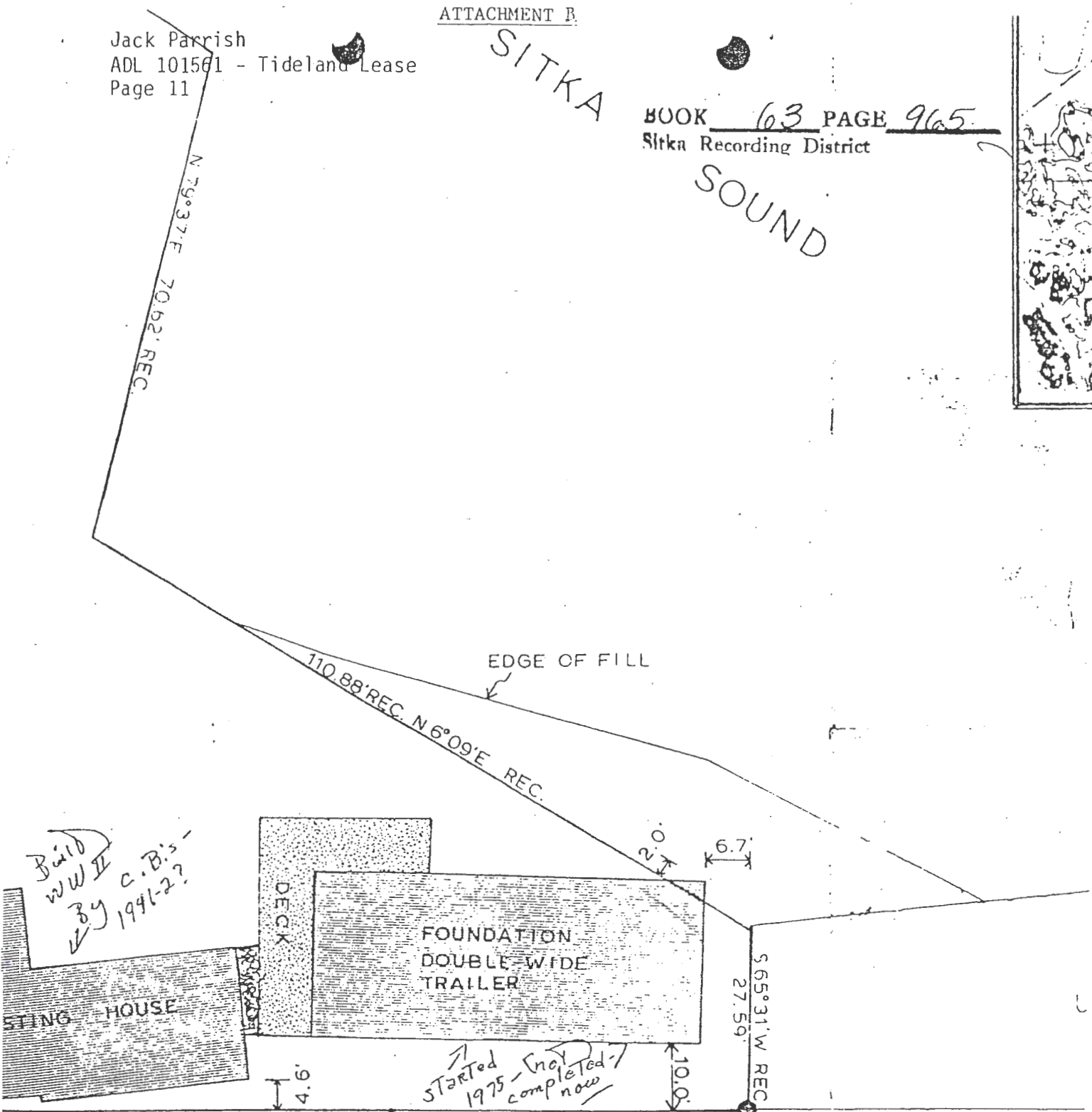
\_\_\_\_\_  
Colleen Ingman, CMC  
Municipal Clerk

Jack Parrish  
ADL 101561 - Tideland Lease  
Page 11

SITKA

BOOK 63 PAGE 965  
Sitka Recording District

SOUND



8 4 - 0 2 8 2  
N/C

RECORDED-FILED  
SITKA REC.  
DISTRICT

FEB 3 3 08 PM '84  
REQUESTED BY (AS/DL+WM)

After Recording Mailto:

AK. Dept. of Nat. Resources  
Division of Land + Water Mgt.  
Contract Administration  
Pouch. 7-005

ADDRESS

# State of Alaska



## Tidelands Patent No. 439

ADL No. 106345

**Know Ye By These Presents** that the Grantor, the STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, 550 West 7th Avenue, Suite 1050A, Anchorage, Alaska 99501-3579, pursuant to AS 38.05.825 the regulations promulgated thereunder, and the Final Finding and Decision dated August 11, 1997, for good and valuable consideration, grants and conveys to the Grantee, the CITY AND BOROUGH OF SITKA, whose mailing address of record is 100 Lincoln Street, Sitka, Alaska 99835, Grantee's successors and assigns, those tidelands situated in the Sitka Recording District, State of Alaska, and described as follows:

ALASKA TIDELANDS SURVEY NO. 580, CONTAINING 1.463 ACRES, MORE OR LESS, ACCORDING TO THE SURVEY PLAT RECORDED IN THE SITKA RECORDING DISTRICT ON JULY 16, 2007, AS PLAT 2007-19.

ALASKA TIDELANDS SURVEY NO. 1160, CONTAINING 0.04 ACRE, MORE OR LESS, ACCORDING TO THE SURVEY PLAT FILED IN THE SITKA RECORDING DISTRICT ON OCTOBER 26, 1982, AS PLAT 82-41.

VACATION AND REPLAT OF ALASKA TIDELANDS SURVEY NO. 1286, CONTAINING 0.664 ACRE, MORE OR LESS, ACCORDING TO THE SURVEY PLAT RECORDED IN THE SITKA RECORDING DISTRICT ON MAY 22, 1990, AS PLAT 90-10.

TRACT A OF ALASKA TIDELAND SURVEY NO. 1496, CONTAINING 33.35 ACRES, MORE OR LESS, ACCORDING TO THE SURVEY PLAT FILED IN THE SITKA RECORDING DISTRICT ON OCTOBER 5, 1995, AS PLAT 95-28.

AGGREGATING 35.517 ACRES, MORE OR LESS.

**Subject to:** valid existing rights, including reservations, easements, and exceptions in the U.S. Patent or other state or federal conveyance, and in acts authorizing the issue thereof; easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.





**Further subject to:** the terms and conditions of AS 38.05.825, including the condition the grantee may lease the land, but may not sell it; title to the land conveyed under this authority reverts to the State of Alaska upon dissolution of the municipality and the grantee takes title to the tidelands subject to the rights of the public under the Public Trust Doctrine.

**The Grantor** hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, all oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right to enter by itself, its or their agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times for the purpose of opening, developing, drilling, and working mines or wells on these or other lands and taking out and removing therefrom all such oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads, pipelines, powerlines, and railroads, sink such shafts, drill such wells, remove such soil, and to remain on said lands or any part thereof for the foregoing purposes and to occupy as much of said lands as may be necessary or convenient for such purposes hereby expressly reserving to itself, its lessees, successors, and assigns, as aforesaid, generally all rights and power in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved.

**To Have and to Hold** the said land, together with the tenements, hereditaments, and appurtenances thereunto appertaining, unto the said Grantee and Grantee's successors and assigns forever.

[Signature Page to Follow]



In Testimony Whereof the State of Alaska has caused these presents to be executed by the Director of the Division of Mining, Land and Water, Department of Natural Resources, State of Alaska, pursuant to delegated authority, this 21st day of August, 2009.

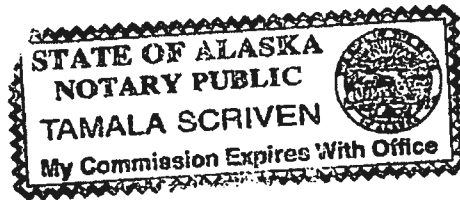
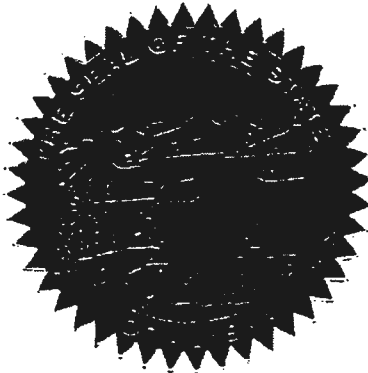
By: *Wyn Menefee*  
Wyn Menefee, Deputy Director  
Division of Mining Land & Water  
Department of Natural Resources

State of Alaska                    )  
  ) ss.  
Third Judicial District         )

This is to certify that on the 21st day of August, 2009, personally appeared before me WYN MENELEE, who is known to me to be the person who has been lawfully delegated the authority of Richard H. Mylius, the Director of the Division of Mining, Land & Water, Department of Natural Resources, State of Alaska, to execute the foregoing document under such legal authority and with knowledge of its contents; and that such act was performed freely and voluntarily upon the premises and for the purposes stated therein.

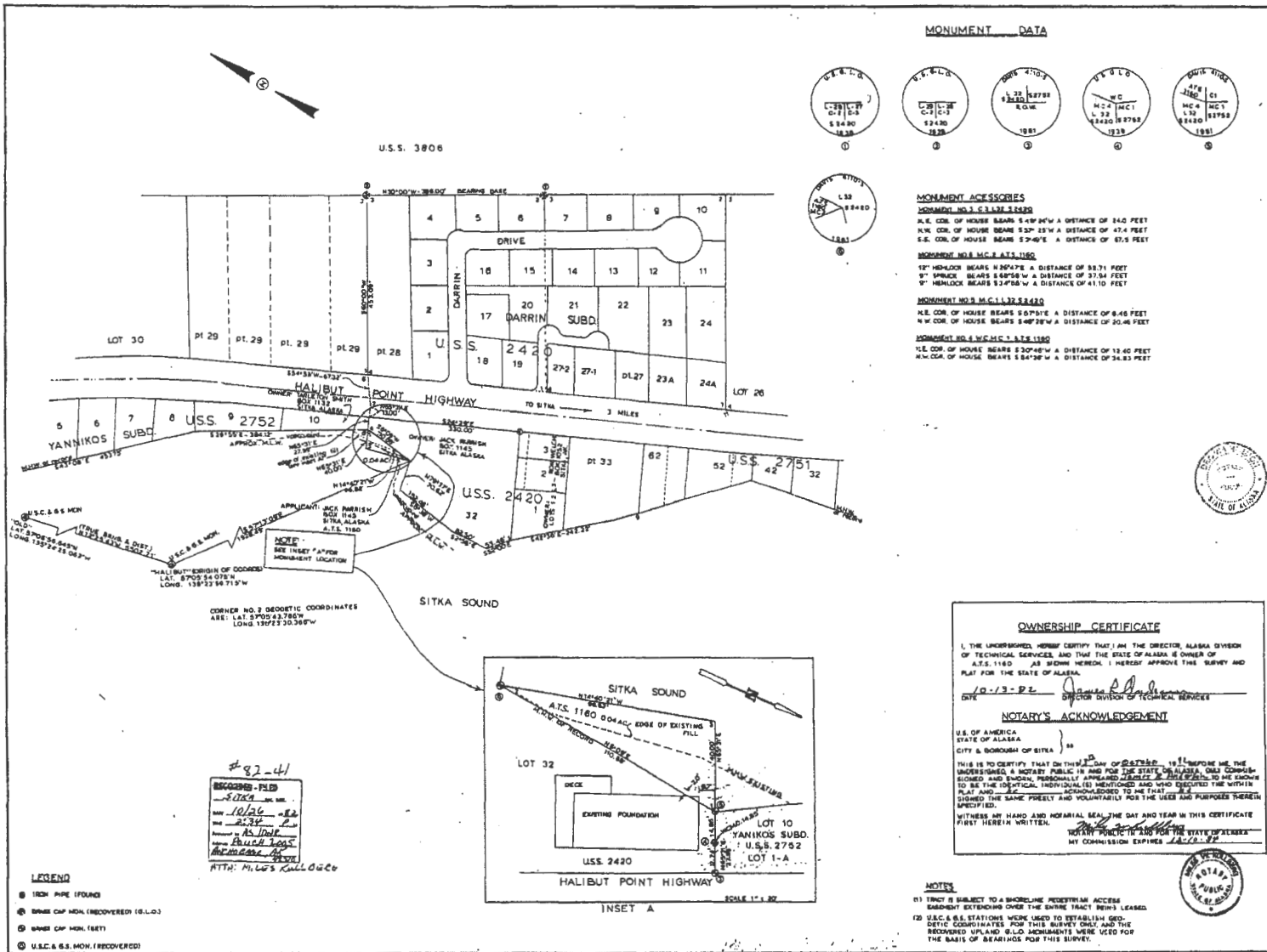
Witness my hand and official seal the day and year in this certificate first above written

*Tamala Scriven*  
Notary Public in and for the State of Alaska  
My commission expires with office



Tidelands Patent No. 439  
ADL No. 106345  
Location Index:  
T. 55 S., R. 63 E., C.R.M.  
Sections 16, 27, 34, 35





**VICINITY MAP**  
 SCALE 1" = 1 MILE  
 SOURCE: U.S.G.S. QUAD SITKA (4-3)

**CERTIFICATE OF LESSEE**

WE HEREBY CERTIFY THAT WE ARE THE LEGAL CLAIMANTS OF THE PROPERTY SHOWN HEREON AND THAT WE HEREBY APPROVE THIS PLAT OF SURVEY.

DATE: 10-17-92  
 Witness: [Signatures]

**NOTARY'S ACKNOWLEDGEMENT**

U.S. OF AMERICA  
 STATE OF ALASKA  
 CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 17th DAY OF OCTOBER, 1992, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DID COME AND PERSONALLY APPEAR AND SHOWED TO ME THE ORIGINAL AND TRUE COPIES OF THE WITHIN PLAT AND I HEREBY ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

DATE: 10-17-92  
 Notary Public in and for the State of Alaska  
 My Commission Expires 12-31-93

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE: 10-17-92  
 REGISTRATION NO. 4110-5  
 REGISTERED LAND SURVEYOR  
 DAVIS & ASSOCIATES

**BAR SCALE**

0 100 200 300 400 500  
 Feet  
 0 20m 40m 60m 80m 100m  
 Meters

1 METER = 3.28083 U.S. SURVEY FEET  
 1 ADL MO (01561)

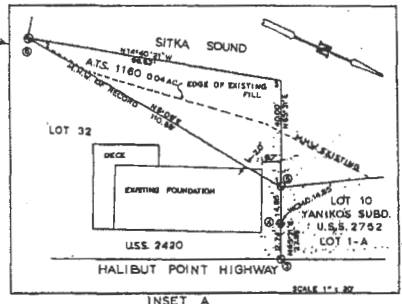
PLAT PREPARED: 14 APRIL 1990  
 DATE OF SURVEY: MARCH 5, 1981  
 NAME OF SURVEYOR: PAUL DAVIS  
 DATE: JULY 16, 1981

STATE OF ALASKA  
 DEPARTMENT OF NATURAL RESOURCES  
 DIVISION OF TECHNICAL SERVICES  
 ANCHORAGE, ALASKA

ALASKA TIDELANDS SURVEY NO. 1180  
 WITHIN PROTRACTED SEC. 16, T55S, R63E, CRM.

DRAWN BY: S.P.  
 DATE: APRIL 14, 1990  
 SCALE: 1" = 100'

APPROVED AND RECOMMENDED:  
 DATE: [Signature]  
 CHECKED: [Signature]  
 FILE NO.: AT5-1180



#92-41  
 RECORDED FILED  
 -SITKA-  
 MAR 10/92  
 BY [Signature]  
 ATC [Signature]  
 ATTN: M. L. S. KALLOZCO

- LEGEND**
- ① IRON PIPE (FOUND)
  - ② BRASS CAP MON. (RECOVERED) (G.L.O.)
  - ③ BRASS CAP MON. (SET)
  - ④ U.S.C. & G.S. MON. (RECOVERED)

PLAT # 72-41