



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
1332 Seward Ave.
Room 229
Sitka, AK
(907)747-1811

Meeting Agenda City and Borough Assembly

*Mayor Mim McConnell
Deputy Mayor Matt Hunter
Vice-Deputy Mayor Benjamin Miyasato
Aaron Swanson, Steven Eisenbeisz
Tristan Guevin, and Michelle Putz*

*Municipal Administrator: Mark Gorman
Municipal Attorney: Robin L. Koutchak
Municipal Clerk: Sara Peterson, CMC*

Tuesday, August 25, 2015

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

IV. CORRESPONDENCE/AGENDA CHANGES

[15-163](#) Reminders, Calendars and General Correspondence

Attachments: [Reminders and Correspondence](#)

V. CEREMONIAL MATTERS

[15-152](#) Proclamation - Childhood Cancer Awareness Month

Attachments: [Childhood Cancer Awareness Month](#)

VI. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Sitka Community Hospital, Municipal Departments, School District, Students and Guests (time limits apply)

[15-161](#) Update on diesel spill at Jarvis Street Diesel Plant - Bryan Bertacchi, Utility Director

VII. PERSONS TO BE HEARD

Public participation on any item off the agenda. All public testimony is not to exceed 3 minutes for any individual, unless the mayor imposes other time constraints at the beginning of the agenda item.

VIII. REPORTS**a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other****IX. CONSENT AGENDA**

All matters under Item IX Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A** [RES 15-17](#) Approving the City and Borough of Sitka to submit an Alaska Energy Authority Renewable Energy Grant application for a heat pump project at the Wastewater Treatment Plant
Attachments: [Consent and Resolution 2015-17](#)
- B** [RES 15-18](#) Authorizing application of a grant to the Federal Aviation Administration for the Sitka Seaplane Base
Attachments: [Res 2015-18](#)
- C** [15-153](#) Approve the transfer of up to \$7,000 from the Raw Water Sale Fund to the Gary Paxton Industrial Park Enterprise Fund to pay for a comprehensive water analysis of raw water from Blue Lake
Attachments: [Raw Water Sale Fund](#)
- D** [15-154](#) Authorize the Municipal Administrator to execute a purchase order not to exceed \$60,000 to ABB Inc. for the procurement of a 2000kVA small power transformer PULLED
Attachments: [purchase order transformer](#)
- E** [ORD 15-42](#) Amending Sitka General Code Title 22 Zoning to allow asphalt plants and concrete batch plants as a conditional use in the Industrial zone (first reading)
Attachments: [Ord 2015-42](#)
- F** [ORD 15-43](#) Making a supplemental appropriation to the FY16 budget per section 11.10 (a) of the Home Rule Charter of the City and Borough of Sitka (first reading - emergency ordinance)
Attachments: [Emergency Ordinance 2015-43](#)
- X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS**
- G** [15-155](#) Appoint Dyan Bessette or Alene Henning to the Citizens' Taskforce
Attachments: [Citizens' Taskforce](#)

- H [15-156](#) Appoint Loyd Platson to an unexpired term on the Health Needs and Human Services Commission
Attachments: [Health Needs Commission](#)
- XI. **UNFINISHED BUSINESS:**
- I [ORD 15-37A](#) Amending Section 2.12.010 City and Borough of Sitka Hospital Board and Section 2.12.070 Organization, formally dissolving the existing Sitka Community Hospital Board (SCH) and its framework and re-establishing and reorganizing membership under new criteria by decreasing voting membership from seven to five with the goal of providing financial welfare and economic financial stability to Sitka Community Hospital. The new membership will include one non-voting, ex-officio CBS standing seat (and alternate) appointed by the Municipal Administrator
Attachments: [Ord 2015-37A](#)
- XII. **NEW BUSINESS:**
- J [15-157](#) Award a contract to the Greater Sitka Chamber of Commerce to provide convention and visitor services
Attachments: [Motion chamber contract](#)
[Cover Letter](#)
[Proposed Contract](#)
[Exhibit A](#)
[Exhibit B](#)
- K [15-158](#) Board of Adjustment: Approve a conditional use permit request filed by Sheila Finkenbinder for a one guest-room bed and breakfast at 415 DeArmond Street
Attachments: [Motion Finkenbinder](#)
[Finkenbinder bed and breakfast](#)
[BOA Hearing Outline](#)
- L [15-159](#) Board of Adjustment: Approve a conditional use permit request filed by Deanna Moore for a short-term rental at 703 Biorka Street
Attachments: [Motion Moore](#)
[Moore short term rental](#)
[BOA Hearing Outline](#)
- M [15-160](#) Discussion/Direction on the Sitka Community Development Corporation conceptual design for the Old City Shops property (Sponsors: Putz/Miyasato)
Attachments: [SCDC](#)

- N [15-144](#) Approve the removal of the Finance Director's existing sales tax interpretation regarding taxability of fundraisers PULLED

Attachments: [Sales Tax Interpretation](#)

- O [15-162](#) Discussion/Direction on utility vacation rates and owner account status

Attachments: [vacation rates and owner account status](#)

XIII. PERSONS TO BE HEARD:

Public participation on any item on or off the agenda. Not to exceed 3 minutes for any individual.

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

*Sara Peterson, CMC
Municipal Clerk
Publish: August 21*



Legislation Details

File #: 15-163 **Version:** 1 **Name:**
Type: Item **Status:** AGENDA READY
File created: 8/20/2015 **In control:** City and Borough Assembly
On agenda: 8/25/2015 **Final action:**
Title: Reminders, Calendars and General Correspondence
Sponsors:
Indexes:
Code sections:
Attachments: [Reminders and Correspondence](#)

Date	Ver.	Action By	Action	Result
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REMINDERS

<u>DATE</u>	<u>EVENT</u>	<u>TIME</u>
Tuesday, August 25	Regular Meeting	6:00 PM
Tuesday, September 8	Regular Meeting	6:00 PM
Tuesday, September 22	Regular Meeting	6:00 PM

****Assembly Meetings are being held at UAS – Room 229****



Municipal Election Reminders

Friday, August 21	Last day for candidate to withdraw nomination
Tuesday, October 6	Municipal Election

Expiring Terms:

Assembly
Matthew Hunter
Michelle Putz

School Board
Cass Pook
Jennifer Robinson

Assembly Calendar

[2014](#) [Jan](#) [Feb](#) [Mar](#) [Apr](#) [May](#) [Jun](#) [Jul](#) [Aug](#) [Sep](#) [Oct](#) [Nov](#) [Dec](#) [2016](#)

August 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26 <u>Jul</u>	27	28	29	30	31	1 <u>Aug</u>
		Guevin 1:00pm SCVB Board 6:00pm <u>Regular Assembly Mtg</u>	Guevin	Guevin	Guevin	Guevin
2	3	4	5	6	7	8
Guevin	Guevin	Guevin 7:00pm Planning	Guevin 7:00pm Library Board	Guevin McConnell 12:00pm - 1:30pm SEDA Board Meeting	Guevin	Guevin
9	10	11	12	13	14	15
Guevin Putz	Guevin Putz	12:00pm Health Needs & Human Services Guevin - calling in 6:00pm <u>Reg Assembly Mtg</u>	Guevin 6:00pm Historic Preservation	Guevin 12:00pm LEPC 12:00pm <u>Parks & Rec</u>	Guevin	Guevin
16	17	18	19	20	21	22
Guevin	Guevin	Guevin 12:00pm Tree/Landscape 7:00pm <u>Planning</u>	Guevin	Guevin	Guevin	Guevin
23	24	25	26	27	28	29
Guevin	Guevin	Guevin McConnell 1:00pm SCVB Board 6:00pm <u>Regular Assembly Mtg</u>	Guevin McConnell 6:00pm Police and Fire	Guevin McConnell	Guevin McConnell	Guevin McConnell
30	31	1 <u>Sep</u>	2	3	4	5
Guevin McConnell	Guevin McConnell	McConnell 7:00pm Planning	McConnell 7:00pm Library Board	McConnell 12:00pm - 1:30pm SEDA Board Meeting	McConnell	McConnell

Assembly Calendar

2014 Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec 2016

September 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30 <u>Aug</u>	31	1 <u>Sep</u>	2	3	4	5
Guevin McConnell	Guevin McConnell	McConnell 7:00pm Planning	McConnell 7:00pm Library Board	McConnell 12:00pm - 1:30pm SEDA Board Meeting	McConnell	McConnell
6	7	8	9	10	11	12
McConnell	McConnell Miyasato	McConnell Miyasato 12:00pm Health Needs & Human Services Commission 6:00pm <u>Reg Assembly Mtg</u>	McConnell Miyasato Putz 6:00pm Historic Preservation	McConnell Miyasato Putz 12:00pm LEPC 12:00pm Parks & Rec	McConnell Miyasato	McConnell
13	14	15	16	17	18	19
McConnell	McConnell	McConnell 12:00pm <u>Tree/Landscape</u> 7:00pm <u>Planning</u>	McConnell	McConnell	McConnell	McConnell
20	21	22	23	24	25	26
McConnell		6:00pm <u>Regular Assembly Mtg</u>	6:00pm Police and Fire Commission - Fire Hall			
27	28	29	30	1 <u>Oct</u>	2	3
		1:00pm SCVB Board		12:00pm - 1:30pm SEDA Board Meeting		



Executive Offices
3100 Channel Drive, Suite 300, Juneau, AK 99801
907.463.4000 · www.searhc.org

August 3, 2015

Mark Gorman
Municipal Administrator
City and Borough of Sitka
100 Lincoln Street
Sitka, AK 99835

Dear Mark,

Recently, City staff and SEARHC were able to meet and discuss options the city was considering regarding the construction of a new Seaplane Base for the Sitka community.

SEARHC understands the value such a Base can provide to the continued growth of the Seaplane industry, tourism, and growing the economy of Sitka. We are supportive of CBS continuing to investigate options for a new Seaplane Base with future consideration and discussion for provision of tidelands access through SEARHC property along Seward Avenue.

We look forward to discussing the results of the investigation when it is completed.

Regards,

Dan Neumeister, FACHE
COO, SEARHC
Office: 907-966-8402 ext 8402
Cell: 530-680-5752
dann@searhc.org



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

PUBLIC NOTICE AUGUST 14, 2015

DRAFT BARANOF WARM SPRINGS CITY AND BOROUGH OF SITKA INFRASTRUCTURE MANAGEMENT PLAN AVAILABLE FOR COMMENT

The City and Borough of Sitka (CBS) is exploring new options for how to fund and manage the new Baranof Warm Springs dock when it is completed as well as other municipal infrastructure at Baranof Warm Springs. A draft City and Borough of Sitka Baranof Warm Springs Infrastructure Management Plan has been developed and is available for public comment. The draft plan is available at the City's website; cityofsitka.com, or at the CBS Planning and Community Development Department by hard copy.

Written comments will be accepted by e-mail to: planning.comment@cityofsitka.org

Or by mail to: City and Borough of Sitka
Planning and Community Development Department
100 Lincoln Street
Sitka, AK 99835

Comments must be received at the City and Borough of Sitka Planning and Community Development Department by Wednesday, September 30, 2015 to be included in final comment review. CBS is allowing a full 45 day comment period to give all interested persons an opportunity to comment.

(BWS)

D R A F T
CITY AND BOROUGH OF SITKA
BARANOF WARM SPRINGS INFRASTRUCTURE MANAGEMENT PLAN
FOR PUBLIC COMMENT August 14, 2015 to September 30, 2015

*Please submit comments to the City and Borough of Sitka Planning and Community
Development Department by e-mail to:
planning.comment@cityofsitka.org*

*Or by mail by hard copy to:
City and Borough of Sitka
Planning and Community Development Department
100 Lincoln Street
Sitka, AK 99835*

*Comments must be received at City and Borough of Sitka Planning and Community
Development Department by Wednesday, September 30, 2015 to be included in final
comment review.*

BRIEF HISTORY: Baranof Warm Springs (BWS) was first used as a harbor of refuge and hot springs site by Alaska Native peoples. As more vessels used the Inside Passage, by the 1900's, Warm Springs Bay had been discovered by miners and settlers. The large bay, curative powers attributed to the warm springs, nearby Baranof Lake with outlet stream ending in a waterfall directly into tidewater at the townsite and visible from Chatham Strait, and abundant fish and game made Warm Springs Bay a desirable destination. In 1902, Louis Ruikka may have been the first man to build a cabin when he recorded a claim to Lot 1 in April, 1902. Others built cabins, and by 1906, a permanent population of up to fifty people was established. A post office was approved in 1907 and a general store, rental cabins and a bath house were available. Good king salmon fishing in Chatham Strait and Baranof's store and hot springs attracted fishermen and other travelers. By 1911 a hydro-powered sawmill was built. The Forest Service tried to permit a sanitarium, but a national executive order stopped the project. Still, by 1913, Baranof was thriving, with a resort, two stores, post office, sawmill, and more than thirty cabins. In 1918 the Diamond Fish Company opened a herring saltery, and in 1926 Warm Springs Bay Packing Company opened a plant, but they did not succeed due to economic downturns. Fred and Clothilde Bahovic spent more than 30 years at Baranof, and the town experimented with bootlegging, tourism, and other industries. Wally Sonnenburg bought the bathhouse and store in 1971, the same year Sitka became a unified City and Borough, and sold them in the late 1980's; after which they deteriorated and eventually collapsed.

The State of Alaska Department of Transportation and Public Facilities built a public dock at Baranof Warm Springs in 1962, with significant upgrades in 1975. This dock is failing and is in the process of being replaced, with completion anticipated in spring, 2016, at which time the State of Alaska will transfer the ownership of the dock to City and Borough of Sitka (CBS). In addition to use of the dock by property owners at Baranof, large numbers of visitors stop by Baranof on their travels on the Inside Passage.

The sixty lots in Baranof townsite are privately owned, and the hot springs are still serving both property owners and thousands of visitors. Over 9000 visitors to Baranof in 2012 were estimated as part of a recreational use study of Takatz and Baranof basins on east Baranof Island. City and Borough of Sitka (CBS) has cooperated with residents to construct boardwalks connecting the community streets, a public picnic shelter, and a public bathhouse. The City filed applications for water rights to the hot springs not already granted to individuals to preserve the public's access to this precious resource. In 2015, most residents and visitors are seasonal. A caretaker plows snow and maintains the dock, boardwalks, and private residences in winter.

PURPOSE: Baranof Warm Springs (BWS), a municipal townsite, is located on the eastern side of Baranof Island within the unified City and Borough of Sitka. The new public dock at Baranof Warm Springs is planned for completion by spring, 2016 by the Alaska Department of Transportation and Public Facilities with ownership to be transferred to City and Borough of Sitka upon completion. This provides an opportunity to develop a CBS plan to fund and maintain the dock as well as other municipal infrastructure at the remote (from Sitka) Baranof Warm Springs Townsite: municipal boardwalks, picnic shelter, and public bathhouse. The plan can also address how CBS facilities can continue to be efficiently managed in cooperation with Baranof Property Owners Association (BPOA), including the potential for future projects.

COMPONENTS: The final Baranof Warm Springs CBS Infrastructure Management Plan will consist of an executive summary, brief history of Baranof Warm Springs, plan for dock and uplands facilities management, maintenance, and revenue generation, and a structure to enable a dedicated BWS CBS infrastructure fund within the CBS General Fund for Baranof revenues and expenditures to provide sustainable funding for continuing municipal facilities maintenance and replacement.

TIMEFRAME: CBS staff have developed this DRAFT Baranof Warm Springs CBS Infrastructure Management Plan as an initial strategy for how to better manage and fund the City's infrastructure at this remote townsite in order to receive public comments. The public comment period will remain open from August 1 through September 18, 2015 to provide a full 45-day comment period. All input is welcome but must be submitted to the CBS Planning and Community Development Department during the comment period by e-mail, fax, or mail as specified in the comment instructions in order to be assured consideration. This draft Baranof Warm Springs CBS infrastructure management plan is being made widely available for public review and comment. After the conclusion of the public comment period, municipal staff will revise the draft to respond to the public comments. The plan will then be finalized, approved by staff and administration, and submitted to Sitka Assembly for approval later in fall, 2015. It is

presumed the final plan will go before the Sitka Assembly in October, 2015. The first year of implementation of the BWS CBS infrastructure management plan will be considered a trial period which may be re-evaluated and modified based on the results of the first intensive use season, estimated from May to September, 2016.

NEW BARANOF DOCK: The Alaska Department of Transportation and Public Facilities (DOTPF) is scheduling this project to go out to bid in summer, 2015, for construction beginning in fall 2015. On completion anticipated in spring 2016, the new dock will be transferred to City and Borough of Sitka ownership. The current dock was built by DOTPF in 1962 with major upgrade in 1975 and has lasted for more than 40 years with minimal local maintenance and almost no State maintenance. CBS will need to cover the portion of the winter caretaker's fee for snow removal on the new CBS-owned dock since the State will no longer contribute. CBS already contributes to BPOA to pay for snow removal and winter maintenance of the City's public boardwalks and other municipal facilities. BPOA's contract with the winter caretaker to snow plow and care for both the dock and uplands has worked well in the past.

DEDICATED FUND FOR BARANOF WARM SPRINGS MUNICIPAL REVENUES AND EXPENSES:

In order to effectively and equitably manage remote, multi-layered municipal infrastructure at Baranof Warm Springs, a separate dedicated CBS fund to manage both revenues and expenses for Baranof Warm Springs needs to be developed. This could be called the Baranof Warm Springs CBS Infrastructure Fund, with the objective to be sustainable. There are precedents for this fund with other special funds within the CBS General Fund. The advantage to CBS is that the fund will provide an ongoing revenue stream to enable the City to charge the fund for its actual expenses related to Baranof Warm Springs rather than various departments having to "raid" their budgets to cover unbudgeted expenses. The advantage to BWS property owners is that their taxes and fees can be directly correlated to the expenses to maintain the City's infrastructure at Baranof. The advantage to BWS visitors is that the quality of CBS public use infrastructure can be maintained, for the safety and enjoyment of all users.

To augment the revenue stream to pay for dock and uplands CBS infrastructure expenses, new revenue streams will need to be developed and a Baranof Warm Springs CBS Infrastructure Fund created to cover both income and expenses of maintaining the City's remote BWS assets. These fees can come from several sources: CBS Parks and Recreation special use permit and client fees for use of the new dock and uplands facilities, overnight vessel moorage fees at the new dock, and BWS-related CBS tax receipts.

To facilitate collecting fees, it is hoped Baranof Property Owners Association will contract with a part-time summer caretaker or caretakers similar to the winter caretaker for the four months of heavy summer use (mid-May to mid-September). The caretaker will keep a detailed daily record of each vessel using the dock and each commercial passenger vessel either docking at or lightering passengers to the dock along with date, description, vessel length, and if appropriate number of clients.

Each commercial vessel using Baranof dock or uplands facilities with paying passengers is currently required to obtain a CBS special use permit for commercial activities under Chapter 23.20 Commercial Recreation Use of Municipal Lands and Facilities in the Sitka General Code. The yearly application fee is \$250 plus a fee of \$2 for each client using CBS recreational facilities. An additional \$1 per client is proposed to cover commercial client use of the dock.

If the BWS CBS Infrastructure Management Plan is approved, beginning May 15, 2016, all vessels overnighing in Baranof after 6:00 PM will be charged a reasonable fee to share the expense of maintaining and ultimately replacing the dock. See below in BUDGET section for proposed charges based on vessel size and length of stay. Users will be able to pay the fee in a sealed envelope identifying the user and vessel, amount, date and contact information to an "iron ranger" or can pay directly to CBS Harbor Department by credit card over the phone. The caretaker will collect the funds from the iron ranger as needed and send them to Sitka by locked courier pouch periodically. It will be CBS responsibility to bill, with penalty, those that do not willingly comply. If the user does not pay the fee, which could be determined by Sitka CBS staff after review of the daily log, the vessel could be billed, and the bill could ultimately be sent to the City's collection agent.

Since CBS has not previously charged fees for use of the State dock, the draft BWS CBS Infrastructure Management Plan will consider the first summer, 2016 collection of fees to be a trial period. Once a season's revenues and expenses have been completed, a more accurate annual budget can be developed and adjustments made to both the fee and collection structure, and the results incorporated into a more long-term management plan as needed. There should be flexibility to modify the plan for the 2017 season based on how well it works for City and Borough of Sitka, Baranof Property Owners Association, and all visitors to and residents of Baranof Warm Springs as well. Each year there may be budget adjustments for any major expenditures or anticipated revenues.

CBS will develop basic policies to protect the new municipal dock but recognizes enforcement will be difficult. Signage about fees and CBS dock policies such as not "rafting out" more than three vessels, not obstructing aircraft access to the floatplane float, not parking vessels longer than 75 feet at the dock, and maintaining areas for skiffs will be posted once approved by the Sitka Assembly. All users of Baranof facilities can be encouraged to cooperate for benefit of all, but it is probably not realistic to provide direct enforcement at this remote site. However, serious problems with users can be reported in the daily log, and these can be followed up by CBS if needed. There will also continue to be a Baranof Warm Springs liaison on CBS staff to assist with resolving problems with municipal facilities.

DRAFT BARANOF WARM SPRINGS CBS INFRASTRUCTURE FUND DRAFT BUDGET:

When the BWS CBS Infrastructure Management Plan is approved and implemented, there will need to be "ground-truthing" to determine a sustainable budget for the BWS CBS Infrastructure Fund. The following draft budget is a "best guess" starting point to create the infrastructure fund, anticipate routine reoccurring expenditures, and develop new sources of revenues to cover dock

maintenance and depreciation and other CBS infrastructure expenditures. Significant expenses for major upgrades or unplanned emergencies will need to be budgeted separately within the fund, and adequate funds approved to pay for them. After the first year, it is anticipated that the budget will be revised based on actual revenues and expenditures.

Projected Yearly Expenses

BPOA Caretaker Contract

Winter snow removal/maintenance for CBS infrastructure \$8,000

NOTE: CBS contract with BPOA for winter caretaker has been \$4,000 but must be increased to cover around \$2,000 for snow removal on new dock. BPOA has requested \$8,000 per year to cover caretaker cost for dock and inflation since CBS share hasn't been raised in several years.

Summer season caretaker to keep daily dock log, maintain "iron ranger", and facilitate fee transfer to CBS from May 15 to September 15 (4 months) 7,200

NOTE: This represents \$1,800 per month or about \$60/day for estimated 1 to 2 hours work. Fee does not include any per diem or travel.

CBS Infrastructure annual expenses (materials, travel, staff)

--Uplands boardwalks, picnic shelter, bathhouse 6,000

--Dock routine maintenance 6,000

CBS dock liability insurance indirect cost 1,000

CBS staff/operations costs of managing BWS Infrastructure Fund, projects To be determined

CBS Dock Replacement – 50% of dock cost amortized over 45 years 20,000

TOTAL BASIC YEARLY BWS INFRASTRUCTURE BUDGET: \$48,200

BWS CBS INFRASTRUCTURE FUND REVENUE SOURCES:

In addition to CBS taxes generated for Baranof Warm Springs, additional revenue sources will need to be identified to permit CBS to maintain a separate BWS CBS Infrastructure Fund to cover the additional expenses of the new CBS dock and provide adequate funds for improvements to BWS CBS infrastructure without penalizing CBS department Harbor and Public Works Department budgets. With no way to estimate how much revenue will be generated and the certainty of ongoing expenses, the first season in which CBS will collect new fees, May 15, 2016 through September 15, 2015 will be considered a trial period, and the results will be evaluated to determine if both fees and expenses should be re-evaluated or handled differently.

Dock Fees Structure

New commercial vessel passenger CBS dock use fee --\$1 per client for each paying passenger coming across the dock, whether lightered in or vessel moored at dock, will be added to the \$2 per client commercial vessels should already be paying for use of CBS uplands recreational facilities (as well as the yearly \$250 application fee for CBS Parks and Recreation special use permit). The special use permit fees will continue to go to the CBS Parks budget to defray staff expenses. The per client charge totaling \$3 will go into the new dedicated BWS CBS Infrastructure Fund. The \$100 “minimum fee” in the Parks ordinance may be eliminated. It is anticipated that with dock monitoring by the summer caretaker, the number of commercial vessels paying fees will increase. There is also the possibility that some will avoid stopping at Baranof due to the \$3 per client fee.

New CBS dock charge for all vessels (except caretaker’s) moored at dock between May 15 and September 15, the peak visitor season (no fees charged remainder of year). CBS Harbormaster suggests a tiered system to be as simple to understand and comply with as possible:

Vessel length:	Daily Fee	Reduced Weekly Fee	Property Owner Seasonal Fee
Up to 20’	\$10	\$ 40	\$100
20 to 35’	20	80	200
35 to 50’	30	120	300
50 to 65’	40	160	400
65 to 75’	50	200	500

NOTE: This is an arbitrary starting point for fee structure. It attempts to balance a reasonable, non-punitive charge for using the City’s new dock without causing hardship and in some cases dissuading users from coming to Baranof. The fees must be high enough to generate needed revenues but not so high that they are considered excessive or unacceptable.

CBS is currently receiving revenues from Baranof Warm Springs property, bed, sales and fish box taxes. Some of these revenues or other funds will need to be included in the BWS CBS Infrastructure Fund, because fees alone can’t balance the \$48,200 yearly projected budget.

CBS BOARDWALKS, BATHHOUSE, PICNIC SHELTER AND NEW CBS INFRASTRUCTURE: Routine maintenance will continue to be handled by the BPOA caretakers or referred to CBS. The new BWS CBS Infrastructure fund will be used for maintenance and upgrades of BWS municipal facilities. When municipal staff time and other expenses are required (such as dock hardware replacement and travel for inspections), they can be charged to the Baranof fund as well. Occasional larger expenditures for major maintenance or new facilities will need to be budgeted as a project. The dedicated fund for Baranof Warm Springs revenues and expenditures will

facilitate handling routine maintenance and operations costs without adversely impacting CBS enterprise funds not related to Baranof Warm Springs. The development of the BWS CBS Infrastructure Fund will require an initial corpus of the fund to cover expenditures for the new summer caretaker, signage, iron ranger, and other CBS management plan implementation costs.

FUTURE CBS INFRASTRUCTURE PROJECTS:

PUBLIC HOT WATER SYSTEM: City and Borough of Sitka has committed to the Alaska Department of Natural Resources that it is willing to construct a public hot water system using the hot springs included in the City and Borough of Sitka's hot water rights applications to the State of Alaska, if sufficient funding and other resources were available. This commitment was required as part of the City's water rights application to continue to make the hot springs available for public use. If the State grants CBS the hot water rights and a system is constructed, it would preserve the public's access to the hot springs water and could demonstrate beneficial use and the most efficient management of hot water lines, insulation, etc. However, the costs of constructing and maintaining the hot water distribution system would have to be borne by the users or otherwise funded. This could prove costly, and since most residents with homes in the gravity feed areas of the townsite already have their own access to hot water, there has been limited interest in developing such a system at present.

SOLID WASTE REMOVAL: The residents of Baranof Warm Springs have generally been able to process, recycle, and dispose of their own garbage, so no supplemental service has been previously provided. However, the thousands of visitors who come to Baranof are not always so self-sufficient. Visitors are asked to pack out anything they bring into the townsite, but there is occasional litter and garbage left behind which requires disposal. Baranof property owners also sometimes have difficulty disposing of large "white goods" such as washers and stoves. City and Borough of Sitka may be able to arrange for transport of solid waste once or twice a year. City of Sitka staff have discussed arranging with a commercial vessel to provide once or twice per year transport of solid waste from Baranof Warm Springs to Sitka for off-island disposal. CBS has also assisted other small communities to dispose of hazardous wastes and may be able to facilitate collection if there is a need. CBS staff will continue discussions with BPOA to arrange occasional disposal services.

CARETAKER HOUSING: CBS recognizes either winter or summer housing for the part-time caretaker hired by BPOA with partial funding from CBS may be very difficult to achieve, especially if the caretaker does not have housing at Baranof. City staff will continue to look for creative solutions for this problem, since the employment of the caretaker through BPOA provides many community services at very small cost and is critically important to maintain CBS infrastructure at Baranof Warm Springs. Not charging the caretaker dock fees may help recruitment, but a modest living quarters would be a major incentive.

PUBLIC RESTROOM FACILITIES: There is a need for public restroom facilities, with thousands of visitors coming ashore at Baranof, most from vessels. Most boats have marine head facilities, but once visitors are on the uplands, there is no public-use latrine available. Due to the high cost

and difficulty of developing, cleaning and maintaining, receiving Alaska Department of Environmental Conservation permits, and keeping any public use facility functional in such a remote and fragile environment, no feasible or cost effective solution has been determined feasible at present.

FUTURE BWS IMPROVEMENTS: CBS is primarily interested in maintaining its existing BWS infrastructure, but there may be ways the City and Borough of Sitka, Baranof Warm Springs community, and visitors could cooperate on improvements, such as upgrading Sadie Lake Trail or the State's portion of the BWS trail to Baranof Lake, or other cooperative efforts or funding. BPOA has also been asked to submit its priorities for yearly improvements to CBS and could propose cooperative projects as well. Persons or groups identifying a priority need and proposing a cooperative solution consistent with CBS interests should contact the City and Borough of Sitka BWS liaison Maegan Bosak, Director of the CBS Planning and Community Development Department, to explore possibilities. Her e-mail address is maegan.bosak@cityofsitka.org and her phone is 907-747-1824.



Legislation Details

File #: 15-152 Version: 1 Name:
Type: Ceremonial Status: AGENDA READY
File created: 8/18/2015 In control: City and Borough Assembly
On agenda: 8/25/2015 Final action:
Title: Proclamation - Childhood Cancer Awareness Month
Sponsors:
Indexes:
Code sections:
Attachments: [Childhood Cancer Awareness Month](#)

Date	Ver.	Action By	Action	Result
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OFFICE OF THE MAYOR
City & Borough of Sitka

Proclamation

Childhood Cancer Awareness Month

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in more than 15,000 of our country's young people each and every year.

WHEREAS, one in five of our nation's children loses his or her battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

WHEREAS, founded over twenty years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Providence Alaska Medical Center in Anchorage, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor nationwide Courageous Kid Recognition Award ceremonies and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

NOW, THEREFORE, be it resolved that the Assembly of the City and Borough of Sitka do hereby proclaim the month of September to be:

Childhood Cancer Awareness Month

Signed and sealed on this 25th day of August 2015.



Matthew Hunter, Deputy Mayor

ATTEST: _____

Sara Peterson, CMC
Municipal Clerk



Legislation Details

File #: 15-161 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 8/19/2015 In control: City and Borough Assembly
On agenda: 8/25/2015 Final action:
Title: Update on diesel spill at Jarvis Street Diesel Plant - Bryan Bertacchi, Utility Director
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Legislation Details

File #: RES 15-17 Version: 1 Name:

Type: Resolution Status: AGENDA READY

File created: 8/19/2015 In control: City and Borough Assembly

On agenda: 8/25/2015 Final action:

Title: Approving the City and Borough of Sitka to submit an Alaska Energy Authority Renewable Energy Grant application for a heat pump project at the Wastewater Treatment Plant

Sponsors:

Indexes:

Code sections:

Attachments: [Consent and Resolution 2015-17](#)

Date	Ver.	Action By	Action	Result
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CONSENT AGENDA

POSSIBLE MOTION

**I MOVE TO APPROVE THE CONSENT AGENDA
CONSISTING OF ITEMS, A, B, C, D & E**

I wish to remove Item(s) _____

**REMINDER – Read aloud a portion of each item being
voted on that is included in the consent vote.**

Should this item be pulled from the consent agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve Resolution 2015-17 on first and final reading.

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2015-17

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF SITKA, ALASKA, APPROVING THE CITY AND BOROUGH OF SITKA TO SUBMIT AN ALASKA ENERGY AUTHORITY RENEWABLE ENERGY GRANT APPLICATION FOR A HEAT PUMP PROJECT AT THE WASTEWATER TREATMENT PLANT

WHEREAS, heat pump technology has improved to the point where it can be reliably expected to save significant amounts of money over the life cycle of the heat pumps; and

WHEREAS, the City and Borough of Sitka seeks to obtain financial assistance to design and construct building heat improvements;

WHEREAS, the State of Alaska, Alaska Energy Authority (the Authority) is offering funding through the Renewable Energy Fund; and

WHEREAS, the City and Borough of Sitka is in compliance with applicable federal, state and local laws including existing credit and federal tax obligations.

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the City and Borough of Sitka, Alaska, by this resolution, affirms and supports the request to submit an AEA Renewable Energy Grant Application for the design and construction of a heat pump project at the Wastewater Treatment Plant utilizing \$113,000 of already-committed funding as the match.

BE IT FURTHER RESOLVED, the Municipal Administrator or his designee is authorized to execute the grant application and the grant agreement with the Authority on behalf of the City and Borough of Sitka and that Senior Engineer David Longtin is designated as the point of contact for the City and Borough of Sitka for this application.

PASSED AND APPROVED by the Assembly of the City and Borough of Sitka, Alaska on this 25th day of August 2015.

Matthew Hunter, Deputy Mayor

ATTEST:

Sara Peterson, CMC
Municipal Clerk



Legislation Details

File #: RES 15-18 Version: 1 Name:
Type: Resolution Status: AGENDA READY
File created: 8/19/2015 In control: City and Borough Assembly
On agenda: 8/25/2015 Final action:
Title: Authorizing application of a grant to the Federal Aviation Administration for the Sitka Seaplane Base
Sponsors:
Indexes:
Code sections:
Attachments: [Res 2015-18](#)

Date	Ver.	Action By	Action	Result
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Should this item be pulled from the consent agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve Resolution 2015-18 on first and final reading.

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2015-18

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA, AUTHORIZING APPLICATION OF A GRANT TO THE FEDERAL AVIATION ADMINISTRATION FOR THE SITKA SEAPLANE BASE

WHEREAS, the only public seaplane base in Sitka was most recently reconstructed by the City and Borough of Sitka in 1977 with a \$300,000 grant from the Federal Aviation Administration (FAA) to accommodate eight General Aviation (GA) aircraft and NO commercial operations; and

WHEREAS, this 38 year-old facility is in disrepair, has no on-street parking area, has no access to fueling facilities, and is in an extremely congested central part of Sitka Channel between two large seafood processors which generate heavy vessel traffic and large numbers of birds constituting major safety hazards; and

WHEREAS, the City and Borough of Sitka has supported constructing a new, relocated seaplane facility which will meet the needs for both GA and commercial seaplanes both based at and visiting Sitka and other Southeast Alaska communities for the 21st century, culminating in the completion of the Sitka Seaplane Base Master Plan in August 2002 and subsequent Sitka Seaplane Base Siting Analysis in June 2012 which quantified the major unmet need for seaplane facilities and operations in Sitka, evaluated siting alternatives and recommended a preferred site; and

WHEREAS, the Sitka Port and Harbors Commission voted unanimously "to approve the recommended site for further study" at its April 11, 2012 meeting; and

WHEREAS, the FAA has indicated the availability of grant funds with a 93.75% \$300,000 grant and 6.25 percent match (\$20,000 currently budgeted in Harbor Department funding);

NOW, THEREFORE, BE IT RESOLVED the Assembly of the City and Borough of Sitka, Alaska, supports the City and Borough of Sitka applying for an FAA grant for the environmental phase of the Sitka Seaplane Facility Project and hereby authorizes the City and Borough of Sitka Administrator to negotiate, execute, and administer any and all documents and contracts required for the application, acceptance, and management of these FAA funds on behalf of the City and Borough of Sitka.

AND BE IT FURTHER RESOLVED by the Assembly of the City and Borough of Sitka that the Administrator is authorized to apply for the grant and to execute the grant if received.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 25th day of August, 2015.

Matthew Hunter, Deputy Mayor

ATTEST:

Sara Peterson, CMC
Municipal Clerk



Legislation Details

File #: 15-153 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/19/2015 In control: City and Borough Assembly

On agenda: 8/25/2015 Final action:

Title: Approve the transfer of up to \$7,000 from the Raw Water Sale Fund to the Gary Paxton Industrial Park Enterprise Fund to pay for a comprehensive water analysis of raw water from Blue Lake

Sponsors:

Indexes:

Code sections:

Attachments: [Raw Water Sale Fund](#)

Date	Ver.	Action By	Action	Result
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Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve the transfer of up to \$7,000 from the Raw Water Sale Fund to the Gary Paxton Industrial Park Enterprise Fund to pay for a comprehensive water analysis of raw water from Blue Lake.



329 Harbor Drive, Suite 212
Sitka, AK 99835
Phone: 907-747-2660

Monday, August 17, 2015

MEMORANDUM

To: Mark Gorman – CBS Administrator
From: Garry White, Director
Subject: Raw Water Sales Fund – Transfer Request

Introduction

The Gary Paxton Industrial Park (GPIP) Board of Directors is requesting funds be transferred to the GPIP Enterprise Fund from the Raw Water Sales Fund.

The GPIP Board met on August 4th and approved the following motion:

MOTION: Horan/McConnell moved to request that the Assembly approve the transfer of up to \$7,000 from the Raw Water Fee Fund to the Gary Paxton Industrial Park Enterprise Fund – line item 270.500.5290.000 for the purpose of paying the costs for National Testing Laboratories to conduct a comprehensive water analysis of raw water from Blue Lake.

ACTION: Motion passed 4/0 on a roll call vote:

Yeas: Dan Jones, Charles Horan, Ptarmica McConnell, Grant Miller

Nays: none

Absent: Scott Wagner

Background

Each year the CBS conducts Drinking Water Quality Reports and Watershed Control Reports of the waters of Blue Lake. The CBS does not complete a full analysis of the raw water from Blue Lake.

Multiple groups interested in marketing Blue Lake water for both bottling and bulk export have requested a full analysis of raw Blue Lake water.

The last known analytical report of Blue Lake water was completed by True Alaska Bottling in 2004.

Water Testing

- Water testing will be completed by National Testing Laboratories LTD.
 - Estimated cost including CBS Sampling, Shipping and Testing to be less than \$7k.

- Water test will available to the public and partners working to market and sell Blue Lake water

Additional Information

The GPIIP Director requests that SGC 4.06 be adjusted to allow for the CBS Administrator to have authority to approve reimbursement requests of GPIIP and other CBS Departments up to \$50,000, similar to the SGC 3.16 Procurement Policy limitations.

Action Requested

- Assembly approval of GPIIP Board recommendation

Memo

Thru: Mark Gorman, Municipal Administrator *For*
Aug 19, 2015

To: City and Borough of Sitka Assembly

From: Jay Sweeney, CFAO *J*

Date: August 19, 2015

Re: GPIIP Board Request for Reimbursement of Expenditures Relating to Water Testing

Mayor McConnell and Assembly Members,

Section 4.06.102 of the Sitka General Code (SGC) states, in part:

“Any fund of the city and borough of Sitka which expends funds in order to facilitate the sale of raw water, negotiate raw water sale contracts, construct or maintain raw water distribution infrastructure, or pursue legal or regulatory action to maintain water rights may request of the assembly that such expenditures be reimbursed out of the assets of the raw water sale fund. Upon approval of the request, such reimbursements will be accomplished by the finance department. Such requests may be made whenever appropriate, but shall not be made on a basis more often than quarterly. The assembly will consider recommendations from the GPIIP board prior to disbursing funds. (Ord. 14-24 § 4 (part), 2014.)”

Given the nature of the attached Memorandum from Mr. White, the request for reimbursement of water testing is appropriate and the Administrative Staff recommends approval.



Legislation Details

File #: 15-154 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/19/2015 In control: City and Borough Assembly

On agenda: 8/25/2015 Final action:

Title: Authorize the Municipal Administrator to execute a purchase order not to exceed \$60,000 to ABB Inc. for the procurement of a 2000kVA small power transformer PULLED

Sponsors:

Indexes:

Code sections:

Attachments: [purchase order transformer](#)

Date	Ver.	Action By	Action	Result
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Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO authorize the Municipal Administrator to execute a purchase order not to exceed \$60,000 to ABB Inc. for the procurement of a 2000kVA small power transformer.

Memorandum

August 17, 2015

To: Mark Gorman, Municipal Administrator
From: Bryan Bertacchi, Electric Utility Director
Subject: ABB Inc. Small Power Transformer Purchase – Blue Lake - #90594

Request:

In accordance with SGC 3.16.060(I) [specialized equipment for enterprise funds where standardization is a primary criteria] the City and Borough of Sitka Electric Department requests approval to purchase a 12,470 volt delta/12,470 volt wye small power transformer from ABB Inc. We have received one other bid from Howard Industries that did not meet our specifications. The total cost is over \$50,000.00 not including shipping from South Boston Virginia.

Purpose:

This transformer is being purchased to replace an undersized 1500kVA unit at the Blue Lake substation that is presently functioning at 80% output but is at maximum operating temperature.

Background:

It has been determined through normal hydro operations that the existing transformer will be exposed to harmful operating temperatures when the minimum flow requirement of 70CFS during the warmer months of April through July requires output above 80%. The Electric Department is in the process of determining the feasibility of acquiring a lower loss unit for this application; thus the requested not to exceed amount of \$60,000.00.

Fiscal Note:

Sufficient funds are available in the Blue Lake Expansion project 90594 to procure and install this hydroelectric generation transformer.

Recommendation:

Recommend Assembly authorize the Municipal Administrator to create a purchase order on behalf of the Assembly to ABB Inc. in the amount not to exceed \$60,000.00 for the procurement of a 2000kVA small power transformer.

Cc: Jay Sweeney, CFAO
Sara Peterson, Municipal Clerk



Legislation Details

File #: ORD 15-42 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 8/20/2015 In control: City and Borough Assembly

On agenda: 8/25/2015 Final action:

Title: Amending Sitka General Code Title 22 Zoning to allow asphalt plants and concrete batch plants as a conditional use in the Industrial zone (first reading)

Sponsors:

Indexes:

Code sections:

Attachments: [Ord 2015-42](#)

Date	Ver.	Action By	Action	Result
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Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-42 on
first reading.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

To: Mark Gorman, Municipal Administrator
Mayor McConnell and Members of the Assembly

From: Michael Scarcelli, Senior Planner *MS*

Subject: Ordinance 2015-42 Amending Industrial District regulations to allow under conditional uses an Asphalt Plant and Concrete batch Plant.

Date: August 17, 2015

The Planning Commission is recommending approval of a zoning text amendment to modify SGC Table 22.16.015-5 to allow for conditional use permits for Asphalt Plants and Concrete Batch Plants located in Industrial zoning districts.¹

The proposal is designed to decrease project costs, provide for more efficient supply of building materials, reduce building costs, and to increase City resources towards other matters. The request is filed by the City and Borough of Sitka. Action on this item was taken at the August 4, 2015 Planning Commission meeting. The recommendation to approve the request passed unanimously 4-0.

The Public Works and Planning and Community Development Staff support the zoning text amendment. No other comment was received.

The proposed zoning text amendment is consistent with Comprehensive Plan Section 2.2.6 *Complement existing economic activities and strive to increase economic diversity.*

Recommendation: Approve the ordinance.

¹ Section 22.40.140 Provides for Board of Adjustment to approve temporary use permits for such plants on a per-project basis. In addition to the proposed amendment of the use table, this section will be removed.

CITY AND BOROUGH OF SITKA
ORDINANCE NO. 2015-42

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA
GENERAL CODE TITLE 22 ZONING TO ALLOW ASPHALT PLANTS AND CONCRETE
BATCH PLANTS AS A CONDITIONAL USE IN THE INDUSTRIAL ZONE

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

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.
2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.
3. **PURPOSE.** The purposes of this ordinance is to 1) allow asphalt plants and concrete batch plants as a conditional use in the industrial zone and 2) removing 22.20.140 Asphalt plants and concrete batch plants. The intent is to permit asphalt plants and concrete batch plants on more than a temporary basis.
4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough to revise the following sections of SGC Titles 22 as listed below (new language underlined; deleted language stricken):

Table 22.16.015-5 Manufacturing/Storage Uses.

Table 22.16.015-5
Manufacturing/Storage Uses

ZONES	P(1)	SF	SFLD	R-1	R-1	R-2	R-2	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP (7)
MANUFACTURING																	
• Food products include seafood processing									C	C	P	P	C	C	C		
• Mariculture											P		C	C			
• Winery/brewery, small scale								C	C	C	P	P	C	C			
• Textile mill products									C	C	P	P	C	C			
• Apparel and textile products									C	C	P	P	C	C			
• Wood products, except furniture									C	C	P	P	PU/CS	C			
• Furniture and fixtures									P	P	P	P	P	C			
• Paper and allied products									C	C	P	P	C	C			
• Petroleum refining and related products									C	C	P	P					

**Table 22.16.015-5
Manufacturing/Storage Uses**

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP (7)
• Rubber and plastics products										C	C	P	P					
• Leather and leather goods										P	P	P	P	C	C			
• Tannery										C	C							
• Stone, clay, glass and concrete products										C	C	P	P	C	C			
• Primary metal products										C	C	P	P	C	C			
• <u>Asphalt plant/concrete batch plant</u>													C					
• Fabricated metal products										C	C	P	P	C				
• Industrial and commercial machinery										C	C	P	P					
• Heavy machinery and equipment										C	C	P	P					
• Computer and office equipment										P	P	P	P	C	C			
• Electronic and electric equipment										P	P	P	P	PU/CS	C			
• Miscellaneous vehicle manufacturing										C	C	P	P	C				
• Boat building										C	C	P(5)	P	C				
• Tire retreading										C	C	P	P					
• Other manufacturing										C	C	P	P(6)	C	C			
STORAGE AND WAREHOUSING													P					
• Marine equipment/commercial fishing gear/material storage										P	P	P	P	PU/CS	C			
• Boat storage										P	P	P	P					
• Construction materials storage									P	P	P	P	P	C	C	C		
• Trucking, courier and taxi service facilities									P	P	P	P(5)	P	C	C			
• Warehousing and wholesale trade									P	P	P	P(5)	P	C				
• Self-service storage									P	P	P	P	P	C				
• Log storage	C									C	C	P	P	C		P		
• Freight and cargo services									P	P	P	P(5)	P	C				
• Equipment rental services									P	C	C	P	P	C				
• Vehicle rental services									P	P	P	P	P	C				

**Table 22.16.015-5
Manufacturing/Storage Uses**

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP (7)
• Natural resource extraction and mining support facilities												C	C	C	C			C
• Storage of explosives													C					
• Bulk fuel storage												C						

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

R-1 MH: Single-Family/Duplex/Manufactured Home District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home District

CBD: Central Business District

C-1/C-2: General Commercial and General Commercial/ Mobile Home Districts

WD: Waterfront District

I: Industrial District

GI: General Island District

LI: Large Island District

R: Recreational District

OS: Open Space District

GP: Gary Paxton Special District

29 P—Permitted

30 C—Conditional Use Permit Required

31 PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

32 G. Manufacturing/Storage Uses Table 22.16.015-5 Footnotes.

33 1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission
34 recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all
35 reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable
36 alternative locations for the use.

37 2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland
38 uses may be non-water-related.

39 3. No industrial use shall be of a nature which is noxious or injurious to nearby properties by reason of
40 smoke, emission of dust, refuse matter, odor, gases, fumes, noise, vibration or similar conditions.

41 4. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved,
42 on a case-by-case basis.

43 5. Ferry terminals, barge freight terminals, docks and harbor facilities including float plane facilities, fueling
44 piers and tank farms and other port facilities are permitted principal uses subject to planning commission
45 review and public hearing and assembly approval of a binding site plan.

46 6. Automobile wrecking yards, salvage yards, and junkyards are conditional uses and shall be set back a
47 minimum of twenty feet from property lines and be enclosed by fences a minimum of eight feet in height.
48 The setback area may be used for customer parking but not for vehicle storage.

49 7. Any uses, except retail and business uses, and natural resource extraction and mining support facilities
50 uses may be approved in accordance with Section 2.38.080.

51 ***

52 ~~22.20.140 Asphalt plants and concrete batch plants.~~

53 ~~A. The board of adjustment may issue temporary permits for asphalt and concrete batch plants,~~
54 ~~for specific named projects, in public lands and industrial districts except on park, school or~~
55 ~~hospital grounds. Such permits shall be for up to five months or the length of the project~~
56 ~~whichever is longer and may be renewed only once in any given calendar year.~~

57 ~~B. The plant shall be removed upon completion of the project or within thirty days of the~~
58 ~~expiration of the permit.~~

59 ~~C. Applicants shall address in their application neighborhood composition, traffic to and from the~~
60 ~~site, noise, dust, and stipulated hours of operation. A site plan shall also be provided.~~

61 ***

62 5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of
63 its passage.

64 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka,
65 Alaska this 8th day of September 2015.

66

67

Mim McConnell, Mayor

68 ATTEST:

69

70

Sara Peterson, CMC

71 Municipal Clerk
72



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: 8/4/15

From: Maegan Bosak, PCDD

To: Planning Commission

Re: ZTC 15-05 To allow asphalt plants/concrete batch plants in Industrial zone with conditional use permit

GENERAL INFORMATION

Applicant: City and Borough of Sitka

Property Owner: ZTC would apply to I Industrial zone

Property Address: N/A

Legal Description: N/A

Parcel ID Number: N/A

Size of Existing Lot: N/A

Zoning: Industrial

Existing Land Use: Industrial

Utilities: N/A

Access: Varies

Surrounding Land Use: Various

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: Application

Attachment B: SGC 22.24.010 B

Attachment C: Public Comments

PROJECT DESCRIPTION

Request is a zoning text change to allow asphalt plants and concrete batch plants in the I Industrial zone with a conditional use permit. This change would allow an asphalt plant or concrete batch plant to stay on a property in Sitka permanently with a conditional use permit.

Asphalt and concrete are a need at all times not just for specific projects as currently permitted with a temporary use permit. Allowing an asphalt plant or concrete batch plant with an approved conditional use permit could fill this need on a permanent basis.

Staff sees this code change being implemented primarily in the Granite Creek area which is accustomed to intensive industrial uses.

BACKGROUND AND ANALYSIS

SGC 22.20.140 currently states that:

A. The board of adjustment may issue temporary permits for asphalt and concrete batch plants, for specific projects, in public lands and industrial districts except on park, school or hospital grounds. Such permits shall be for up to five months or the length of the project whichever is longer and may be renewed only once in any given calendar year.

B. The plant shall be removed upon completion of the project or within thirty days of the expiration of the permit.

C. Applicants shall address in their application neighborhood composition, traffic to and from the site, noise, dust, and stipulated hours of operation. A site plan shall also be provided.

Project Site: varies

Project Design: varies

Traffic: Could create an increase in traffic, specifically truck traffic, in Industrial zones.

Parking: No change to parking.

Noise: Could be a substantial increase in noise dependent upon lot characteristics and hours of operation.

Public Health or Safety: Public health factor in that asphalt/concrete plants do put out emissions and noise.

Habitat: Could impact habitat in immediate area.

Property Value or Neighborhood Harmony: Substantial use such as a asphalt plant could put a strain on neighborhood harmony due to noise created and increased truck traffic.

Conformity with Comprehensive Plan: The proposed ZTC would be consistent with the Comprehensive Plan, section 2.2.6, “Complement existing economic activities and strive to increase economic diversity.”

FINDINGS

None.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director’s analysis and grant the requested zoning text change.

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
August 4, 2015**

Present: Chris Spivey (Acting Chair), Debra Pohlman (Member), Darrell Windsor (Member)
Randy Hughey (Member), Michael Scarcelli (Senior Planner), Maegan Bosak
(Planning & Community Development Director)

Absent: Richard Parmelee (Chair)

Members of the Public: John Totten, Kristy Kissinger Totten, Jim Steffen, Judy Steffen, Dan
Jones, Jane Eidler, Sheila Finkenbinder

Vice Chair Spivey called the meeting to order at 7:00 p.m.

Roll Call:

PRESENT: 4 – Spivey, Pohlman, Windsor, Hughey. Note: Acting Chair Chris Spivey
recused himself from items B and C due to a business association with Alps Credit
Union, the owner of the property. Darrell Windsor agreed to serve as chair for this
case in his stead.

Consideration of the Agenda:

Staff informed the commission that item A was pulled from this meeting's agenda.

Consideration of the Minutes from the July 21, 2015 meeting:

MOTION: M/S WINDSOR / POHLMAN moved to approve the meeting minutes for July
21, 2015.

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

The evening business:

**CONDITIONAL USE PERMIT
401 AND 407 HALIBUT POINT ROAD
DANIEL JONES FOR ALPS CREDIT UNION**

*Public hearing and consideration of an expansion of a credit union conditional use permit at
401 and 407 Halibut Point Road. The property is also known as Lots A and B, Block 24, U.S.
Survey 1474-A and Lot A, Burgess Estates. The request is filed by Daniel G. Jones, P.E, LLC.
The owner of record is ALPS Federal Credit Union.*

STAFF REPORT: Bosak described the project, a request for an expansion of the conditional use
permit held by Alps Credit Union in an R-2 zone. The conditional use permit was approved by the
Assembly in 1998 with these conditions: 1. The traffic flow and off-street parking arrangement
conforms with the recommendation of the Planning Commission. 2. That staff review the lighting

situation to reduce the negative effects of lighting on adjacent residential properties incorporating additional lighting benefits to Erler Street if practical. 3. The storm drainage is to be contained and be directed subsurface into existing storm drainage system. 4. No water is to be allowed to be directed onto Halibut Point Road or Erler Street. Bosak noted that the expansion would involve a second lot that has already been in use for commercial purposes, at 407 Halibut Point Road. She shared comments which have come in from neighbors voicing opposition to this request. The Department of Transportation also provided a comment that the applicant would need to consult with DOT regarding their plan for a third driveway onto the property. Staff didn't perceive that this request would cause noticeable additional traffic, or noise, but did request further clarification from the applicant regarding the parking plan in terms of total number of spaces -- code allows nothing smaller than spaces measuring 9' x 18' and the application shows some spaces denoted as "small car" parking. Staff also encouraged further clarification regarding signage, setbacks and the bank edging the property.

APPLICANT: Dan Jones clarified the site plan including the location and flow of the drive-thru. He also discussed parking, and ways that compliance could be met on parking and on signage. Bosak asked what the impetus was for this request and Jones said he didn't know for sure but his guess is that it is a need for additional office space to support additional branches that have opened.

PUBLIC COMMENT: Residents spoke in opposition to the request due to concerns about the effect on neighbors' views, citing commercial "creep," as well as traffic and parking issues. Chris Spivey spoke as a member of the public suggesting that the applicant consider the possibility of keeping the drive-thru directing traffic onto Erler Street.

COMMISSIONER DELIBERATION: Commissioners were against increasing the impact on the value of the Totten's property as well as impacts on the residential nature of the area. Pohlman expressed concern about the size of the parking spaces, and public safety concerns with regard to the bike lane. There was discussion around denying or postponing this request to open the way for a future possible plan for a one-story building. Staff reminded commissioners that in a R-2 zone, buildings can be up to 40 feet in height, and impacts on neighbors' views or values are not taken into account.

MOTION: M/S HUGHEY/ POHLMAN moved to deny the following findings:

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:

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; *specifically residential neighbors in the adjacent area.*
 - b. Adversely affect the established character of the surrounding vicinity; *specifically, the residential nature of the R2 zone, 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, *specifically adjacent property values.*

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, *specifically 2.5.2: to encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas.*
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 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;
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.

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

MOTION: M/S HUGHEY/POHLMAN moved to recommend denial of an expansion of a credit union conditional use permit at 401 and 407 Halibut Point Road based on the findings, due to concerns for the residential quality of the neighborhood, and concerns about traffic flow, public safety, and parking. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The request is filed by Daniel G. Jones, P.E, LLC. The owner of record is ALPS Federal Credit Union.

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

**RE-PLAT
401 AND 407 HALIBUT POINT ROAD
DAN JONES FOR ALPS CREDIT UNION**

Public hearing and consideration of a replat at 401 and 407 Halibut Point Road filed by Daniel G. Jones, P.E, LLC. The replat will remove the center lot line and merge two lots into one. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The owner of record is ALPS Federal Credit Union.

STAFF REPORT: Bosak explained that this re-plat is an option which the applicant will hold in reserve for now as it would negate the existing conditional use permit, and a new permit would have to be approved based on the expanded site plan.

APPLICANT: Dan Jones said he was available to answer any questions.

COMMISSIONER DELIBERATION: There was no commissioner deliberation.

PUBLIC COMMENT: No public comment.

MOTION: M/S POHLMAN/HUGHEY moved to approve a replat at 401 and 407 Halibut Point Road filed by Daniel G. Jones, P.E, LLC. The replat will remove the center lot line and merge two lots into one. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The owner of record is ALPS Federal Credit Union.

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

**ZONING TEXT AMENDMENT
ASPHALT PLANTS IN INDUSTRIAL ZONES WITH CUP
CITY AND BOROUGH OF SITKA**

Public hearing and consideration of a proposed zoning text amendment to modify SGC Table 22.16.015-5 Manufacturing/Storage Uses to allow asphalt plants and concrete batch plants in an Industrial Zone with a conditional use permit. The request is filed by the City and Borough of Sitka.

STAFF REPORT: Bosak explained that currently asphalt plants are only allowed in Sitka under a temporary use permit. The need for asphalt is an essential one to Sitka, and is recurring, and under the temporary use permit, equipment has to be brought in from out of town, rather than remaining on a site, greatly increasing costs to the city and to residents needing asphalt work. This request would allow an asphalt plant to operate in an Industrial zone under a conditional use permit.

COMMISSIONER DELIBERATION: Commissioners clarified their understanding of the request.

PUBLIC COMMENT: No public comment.

COMMISSIONER DELIBERATION: Commissioners had no further questions.

MOTION: M/S POHLMAN/HUGHEY moved to recommend approval of a proposed zoning text amendment to modify SGC Table 22.16.015-5 Manufacturing/Storage Uses to allow asphalt plants and concrete batch plants in an Industrial Zone with a conditional use permit. The request is filed by the City and Borough of Sitka.

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

**CONDITIONAL USE PERMIT
415 DEARMOND STREET
SHEILA FINKENBINDER**

Public hearing and consideration of a B&B conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder

STAFF REPORT: Bosak described the long process leading up to this point involving many meetings, and ultimately a zoning text change allowing for a B&B to operate in the owner-occupied side of a duplex. This request is for a conditional use permit to operate a B&B for single guests during mostly the summer months. The dwelling is 984 square feet, and is a one-story, two-bedroom, one bath house with an attached cottage that acts as a long-term rental. The site has in excess of five parking spots.

APPLICANT: Sheila Finkenbinder expressed happiness that this was now an option for people in Sitka trying to generate some income through home sharing. Staff asked if food would be served and the applicant said perhaps simple fare, but she just bought a sign that said: Bed and Breakfast: You Make Both.

COMMISSIONER DELIBERATION: Pohlman said some visitors had come into her place of work and they were asking about B&B lodging because everything they had looked at was full.

PUBLIC COMMENT: No public comment.

MOTION: M/S WINDSOR/POHLMAN moved to approve the following findings:

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:

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, *specifically 2.1.1. Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.*

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 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;
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.

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

MOTION: M/S SPIVEY/WINDSOR moved to recommend approval of a bed and breakfast conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder

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

DIRECTORS REPORT: Bosak introduced new Senior Planner Michael Scarcelli.

PUBLIC COMMENT: No public comment was offered.

MOTION: M/S WINDSOR/SPIVEY moved to adjourn at 9:12 pm.

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

Chris Spivey, Vice Chair

Maegan Bosak, Acting Secretary

**CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
ZONE CHANGE APPLICATION**

ZONE MAP AMENDMENT FEE	\$100.00
ZONE TEXT AMENDMENT FEE	\$100.00
<i>Plus current city sales tax</i>	

Applicant's Name: CBS
Phone Number: _____
Mailing Address: _____
Applicant's Signature: _____ Date Submitted _____

Provide information or data, as necessary, to fully outline the reasons and justifications for the request. Attach additional sheets as necessary.

- For official map amendments, the application shall contain:
1. A legal description of *each* subject property along with the owner's name, address, and contact person for *each* subject property;
 2. An analysis showing the public benefit of the proposed amendment;
 3. An analysis showing the proposal's consistency with the Comprehensive Plan;
 4. A map of the area to be rezoned.

LIST SPECIFIC REQUEST: ZFC to Allow Asphalt Plant in Industrial Zone, with a conditional use permit.

EXPLANATION OF REQUEST:

After the application and supporting materials has been determined to be complete by the Planning Office, the request will be placed on the next available Planning Commission agenda.

Carole Gibb

From: Dan Tadic
Sent: Wednesday, July 29, 2015 11:54 AM
To: Carole Gibb
Cc: Maegan Bosak; Stephen Weatherman; Ted Laufenberg
Subject: Aug 4-5 Planning Commission Agenda - PW Comments

Hi Carole,

I will be out of town on Aug 4-5 so unable to attend the Planning Commission meetings. Stephen Weatherman will be acting Municipal Engineer in my absence, but I don't feel it necessary that he attend these meetings. Please let us know if you feel otherwise. I offer the following comments on the agendas:

Tues, Aug 4

Item D: Public Works fully supports the proposed zoning text amendment to allow asphalt and concrete batch plants in an Industrial Zone with a conditional use permit. Barging plants to Sitka for small projects is untenable. Having local asphalt and concrete plants is in the City's best interest for both public and private projects to keep costs reasonable. This text change would also allow for a public process prior to setting up a new plant to ensure visibility and accountability.

Wed, Aug 5

Item A: Public Works sees issues with the parking plan as shown. Due to the nature of this lot location (at the confluence of three non-perpendicular streets - New Archangel, Spruce and HPR), this parking plan would create traffic safety issues. Drivers would be forced to back out of the parking spaces into the Right-of-Way (ROW) with limited visibility for oncoming drivers due to the proximity of the parking spaces to the intersection and the presence of adjacent parked vehicles obstructing their view. Furthermore, CBS typically restricts driveways to 20' wide max (residential) or 30' wide max (commercial) as opposed to allowing full lot frontage driveways. The idea is to restrict ingress/egress in to the ROW to a single safe location. That location is typically required to be a minimum of 6' from a property line. In this particular situation, the property line abuts a three-way intersection presenting an unsafe location.

Item E: Ted Laufenberg will represent CBS on this item as he is the Project Manager on this project. He will be present our request and be prepared to answer any questions.

Thanks,

Dan Tadic, P.E.

Municipal Engineer
City and Borough of Sitka
Department of Public Works
100 Lincoln Street
Sitka, AK 99835
P (907) 747-1807
F (907) 747-3158
dan.tadic@cityofsitka.org

****PLEASE UPDATE YOUR ADDRESS BOOK TO REFLECT MY NEW EMAIL ADDRESS****



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Notice of Public Hearings

The Assembly of the City and Borough of Sitka will hold a public hearing during a regular meeting scheduled Tuesday, August 25, 2015 on the following items:

- A. Ordinance 2015- 42 Public hearing and consideration of a proposed zoning text amendment to modify SGC Table 22.16.015-5 Manufacturing/Storage Uses to allow asphalt plants and concrete batch plants in an Industrial Zone with a conditional use permit. The request is filed by the City and Borough of Sitka.
- B. Public hearing and consideration of a B&B conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder.
- C. Public hearing and consideration of a conditional use permit for a short-term rental at 703 Biorka Street. The property is also known as Lot 11, Block 23, Sitka Townsite, U.S. Survey 1474. The request is filed by Deanna Moore. The owner of record is Deanna Moore.

The Assembly may take action on August 25, 2015. The Assembly meeting will begin at 6:00 pm at University of Alaska Southeast 1332 Seward Avenue Room 229 in Sitka.

Interested residents are encouraged to make comments during the meeting and written comments can be submitted to the Municipal Clerk at 100 Lincoln Street.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Sitka Planning Commission Agenda Tuesday, August 4, 2015

Held at Sealing Cove Business Center
601 Alice Loop, Sitka, Alaska
7:00pm

- I. CALL TO ORDER AND ROLL CALL
- II. CONSIDERATION OF THE AGENDA
- III. CONSIDERATION OF THE MINUTES FROM July 21, 2015
- IV. THE EVENING BUSINESS
 - A. Public hearing and consideration of a zoning map amendment at 1004 Halibut Point Road and 205 Kimsham Street to change the zoning from R-1 Single Family and Duplex Residential District to C-1 General Commercial District. The property is also known as Lots 3 & 4, U.S. Survey 3303. The request is filed by Trudy Prewitt. The owner of record is The Prewitt Family Trust.
 - B. Public hearing and consideration of an expansion of a credit union conditional use permit at 401 and 407 Halibut Point Road. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The request is filed by Daniel G. Jones, P.E, LLC. The owner of record is ALPS Federal Credit Union.
 - C. Public hearing and consideration of a replat at 401 and 407 Halibut Point Road filed by Daniel G. Jones, P.E, LLC. The replat will remove the center lot line and merge two lots into one. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The owner of record is ALPS Federal Credit Union.
 - D. **Public hearing and consideration of a proposed zoning text amendment to modify SGC Table 22.16.015-5 Manufacturing/Storage Uses to allow asphalt plants and concrete batch plants in an Industrial Zone with a conditional use permit. The request is filed by the City and Borough of Sitka.**
 - E. Public hearing and consideration of a B&B conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder.
- 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 carole@cityofsitka.com, or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish: July 27 and 29



Legislation Details

File #: ORD 15-43 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 8/20/2015 In control: City and Borough Assembly

On agenda: 8/25/2015 Final action:

Title: Making a supplemental appropriation to the FY16 budget per section 11.10 (a) of the Home Rule Charter of the City and Borough of Sitka (first reading - emergency ordinance)

Sponsors:

Indexes:

Code sections:

Attachments: [Emergency Ordinance 2015-43](#)

Date	Ver.	Action By	Action	Result
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Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve Emergency Ordinance
2015-43.

Note: This emergency ordinance shall become effective on the day after the date of its passage as an emergency exists. In accordance with Sitka's Home Rule Charter, Section 3.03 Emergency Ordinances expire within 61-days, therefore, this ordinance is pre-scheduled for re-enactment under unfinished business at the October 13, 2015 Assembly meeting for the purpose of extending the 61-day expiration to the end of the Fiscal Year Budget June 30, 2016.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-43

AN EMERGENCY ORDINANCE OF THE CITY AND BOROUGH OF SITKA
MAKING A SUPPLEMENTAL APPROPRIATION TO THE FY16 BUDGET PER SECTION
11.10 (a) OF THE HOME RULE CHARTER OF THE CITY AND BOROUGH OF SITKA

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

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

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

3. **PURPOSE.** The purpose of this ordinance is to adjust the FY16 budgets by appropriating additional funds from the Emergency Response designation of the General Fund balance to pay for expenses related to the landslide emergency which occurred on August 18, 2015 and the subsequent emergency response.

4. **ENACTMENT.** The Assembly of the City and Borough of Sitka hereby adjusts the FY16 budget for known changes. In accordance with Section 11.10(a) of the Charter of the City and Borough of Sitka, Alaska, the budget for the fiscal period beginning July 1, 2015 and ending June 30, 2016 is hereby adjusted as follows:

<u>Account Number</u>	<u>Account</u>	<u>Increase</u>	<u>Decrease</u>
<u>FISCAL YEAR 2016 EXPENDITURE BUDGETS</u>			
<u>GENERAL FUND</u>			
Contingency – Personnel/Operations:			
100-545-050-5110.004	Temp Wages	\$100,000	
100-545-050-5206.000	Supplies	150,000	
100-545-050-5212.000	Contracted/Purchased Services	150,000	
100-545-050-5221.000	Transportation/Vehicles	150,000	
100-545-050-5223.000	Tools & Small Equipment	150,000	
100-545-050-5227.002	Rent - Equipment	\$300,000	
To appropriate a budget for accounting and paying for landslides related expenditures.			

30 **EXPLANATION**

31
32 Necessary revisions in the FY 2016 budget were identified. These changes involve the increase of
33 expenditure accounts and causes decreased cash flows to the fund balance of various funds. A
34 short explanation of each budget revision is included.

35
36 **5. EFFECTIVE DATE.** This emergency ordinance shall become effective on the day after the
37 date of its passage as an emergency exists as stated above. In accordance with Sitka’s Home Rule
38 Charter, Section 3.03 Emergency Ordinances expire within 61-days, therefore, this ordinance is
39 pre-scheduled for re-enactment under unfinished business at the October 13, 2015 Assembly
40 meeting for the purpose of extending the 61-day expiration to the end of the Fiscal Year Budget
41 June 30, 2016.

42
43 **INITIALLY PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and
44 Borough of Sitka, Alaska this 25th day of August, 2015.

45
46
47
48 _____
49 **Matthew Hunter, Deputy Mayor**

50 **ATTEST:**

51
52
53 _____
54 **Sara Peterson, CMC**
55 **Municipal Clerk**

56
57 **1st Reading – Emergency Ordinance 8.25.15 in accordance with Home Rule Charter Section 3.03**
58 **2nd Reading – Re-enactment/Second Reading pre-scheduled for 10.13.15 to address and extend the**
59 **61-day expiration to the end of the Fiscal Year budget June 30, 2016.**



Legislation Details

File #: 15-155 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 8/19/2015 In control: City and Borough Assembly
On agenda: 8/25/2015 Final action:
Title: Appoint Dyan Bessette or Alene Henning to the Citizens' Taskforce
Sponsors:
Indexes:
Code sections:
Attachments: [Citizens' Taskforce](#)

Date	Ver.	Action By	Action	Result
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APPOINTMENT: Citizens' Taskforce

I NOMINATE Dyan Bessette and Alene Henning to serve on the Citizens' Taskforce on City Services, Revenues and Fees.

Note: A member of the Citizens' Taskforce has resigned. Ms. Bessette and Ms. Henning were the next highest vote getters from the group that was appointed at the July 14, 2015 Assembly meeting. Be prepared to vote for one.



Application for Appointment to Boards, Committees, and Commissions
City and Borough of Sitka

Board/Commission/Committee: Tax Task Force
Name: Dyan E. Bessette Daytime Phone: 907-747-8348
Address: 711 SMC/P.O. Box 1074 Evening Phone: 907-747-8348
Email Address: dyanbessette@hotmail.com Fax Number: N/A
Length of Residence in Sitka: 16 years Registered to vote in Sitka? Yes No
Employer: N/A

Organizations you belong to or participate in:

I do not currently belong to any local organizations. I recently closed my business and retired.

Explain your main reason for applying:

I am very concerned about Sitka's financial situation now and in the future .

What background, experience or credentials will you bring to the board, commission, or committee membership?
I have a Master's Degree in School Administration and experience in developing and administering school and school district budgets.

Please disclose any potential conflicts of interest that may arise from your appointment. These may include but are not limited to:

- A substantial financial interest of \$1000 annually that could be influenced by your appointment.
- An immediate family member employed within the scope of this appointment.

There are no conflicts of interest.

Please attach a letter of interest, outline, or resume which includes your education, work, and volunteer experience that will enhance your membership.

→ (To be considered, your application must be complete AND be accompanied by one of the above supporting documents.)

Date: 07/08/2015 Signature: Dyan E. Bessette

Your complete application and resume should be returned to the Municipal Clerk's Office by noon on the Wednesday prior to an advertised Assembly meeting. Applications received after the deadline will be considered but will not be included in the Assembly packets for review prior to appointment.

Appointments are normally made during open session of an Assembly meeting, however, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? Yes No

Return to:
Melissa Henshaw, Deputy Clerk/Records Specialist
100 Lincoln Street
Fax: 907-747-7403

July 08, 2015

Dear Sitka Assembly Members,

Please accept my application for the Sitka Tax Task Force. Eighteen years ago I visited Sitka, accompanying a high school basketball team to a state tournament. Sitka won my heart in a matter of a few days. I liked the people and the gorgeous surroundings and I committed to returning to Sitka when I retired.

Now, seventeen years later, I am a retired citizen and love it here just as I did then. It is just as I saw it when I first came to Sitka.

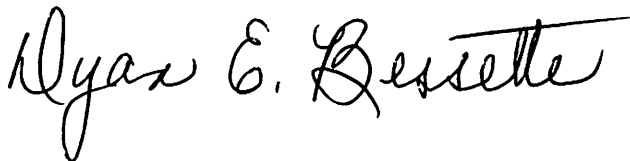
Because I love Sitka and have lived here for the past seventeen years, I hope you will consider me for a volunteer position on the Sitka Tax Task Force. My concern is for the economic future of our city.

My background includes thirty years in education as a teacher and an administrator, most of which has been in Alaska. During this time I received a masters in administration and I have experience developing and administering budgets for school districts, individual schools and multiple districts at the same time.

While some folks sit back and complain about the current state of fiscal affairs in Sitka, I know you, the Assembly, have a difficult challenge to face. I would appreciate the opportunity to make a difference and to work within a team using my training and expertise.

I am willing to commit to whatever time it takes as I have few other obligations. I am willing to work hard. I wish to thank you for considering me for this position.

Yours truly,

A handwritten signature in black ink that reads "Ryan E. Bessette". The signature is written in a cursive style with a prominent horizontal line across the top of the letters.



Application for Appointment to Boards, Committees, and Commissions
City and Borough of Sitka

TAXES

Board/Commission/Committee: _____
Name: Alene Henning Daytime Phone: 738 3646
Address: 220 LAKEVIEW DR #A Evening Phone: 738 3646
Email Address: alene.henning@yahoo.com Fax Number: _____
Length of Residence in Sitka: Since 4/2006 Registered to vote in Sitka? Yes ___ No
Employer: RETIRED

Organizations you belong to or participate in:
SALVATION ARMY LITTLE STORE

Explain your main reason for applying:
BE A PART OF TAX PROCESS

What background, experience or credentials will you bring to the board, commission, or committee membership?
RETIREE

Please disclose any potential conflicts of interest that may arise from your appointment. These may include but are not limited to:

- A substantial financial interest of \$1000 annually that could be influenced by your appointment.
- An immediate family member employed within the scope of this appointment.

Please attach a letter of interest, outline, or resume which includes your education, work, and volunteer experience that will enhance your membership.

→ (To be considered, your application must be complete AND be accompanied by one of the above supporting documents.)

Date: 7/9/2015 Signature: Alene Henning

Your complete application and resume should be returned to the Municipal Clerk's Office by noon on the Wednesday prior to an advertised Assembly meeting. Applications received after the deadline will be considered but will not be included in the Assembly packets for review prior to appointment.

Appointments are normally made during open session of an Assembly meeting, however, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? Yes ___ No

Return to:
Sara Peterson, Deputy Clerk
100 Lincoln Street
Fax: 907-747-7403
Email: sara@cityofsitka.com

Notes

I AM JUST A
PART OF SITKA

1974-1992

2006 - Present

High School GRADUATE
1957

SECRETARY @ AIG 1980-

VISITORS BUREAU 1992-

SITKA WORKS 2006

S.A.L.F.S 2006-Present

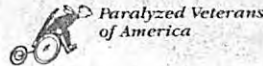


Alexe

Henry

738-3646

7-9-15



Paralyzed Veterans
of America



Citizens' Taskforce

NAME	CONTACT NUMBERS	TERM STARTS	CATEGORY
ROB ALLEN 2408 Halibut Point Road	747-1738 747-4992 roballen86@me.com	7/14/15	
CYNTHIA GIBSON 1326 Cannon Island Drive	966-2803 747-4708 1326cannon@gmail.com	7/14/15	
MARY MAGNUSON 209 Mills Street A	752-0500 alaskadaymary@yahoo.com	7/14/15	
JACK OZMENT 2028 Halibut Point Road	966-2231 jozment@gci.net	7/14/15	
MAXWELL RULE 110 Donna Drive	747-3459 738-3239 maxwell.rule@hamescorp.com	7/14/15	
LAWRENCE SPOTTEDBIRD 456 Katlian Street	747-7380 360-598-2249 lawrence.spottedbird@sitkatriben-sn.gov	7/14/15	
Melissa Henshaw Deputy Clerk/Records Specialist	747-1826 melissa.henshaw@cityofsitka.org		Secretary
TRISTAN GUEVIN PO Box 6235	738-5415 c assemblyguevin@cityofsitka.com		Assembly Liaison
STEVEN EISENBEISZ 208 Lincoln Street	738-9075 c assemblyeisenbeisz@cityofsitka.com		Alternate Assembly Liaison

Established by the Assembly on June 23, 2015

Recommend what core services CBS must maintain, 2. Determine what funding is required to maintain these core services including depreciation and capital improvements, 3. Recommend what revenue streams and fees are most equitable and sustainable in order to maintain these services into the future, and 4. Educate and engage citizens as to the financial challenges and seek their ideas for solutions.

Meeting schedule: TBA; Sealing Cove Business Center at 601 Alice Loop

Revised: August 14, 2015



Legislation Details

File #: 15-156 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/19/2015 In control: City and Borough Assembly

On agenda: 8/25/2015 Final action:

Title: Appoint Loyd Platson to an unexpired term on the Health Needs and Human Services Commission

Sponsors:

Indexes:

Code sections:

Attachments: [Health Needs Commission](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO appoint Loyd Platson to an unexpired term on the Health Needs and Human Services Commission.

July 20, 2015

Amy Zanuzoski

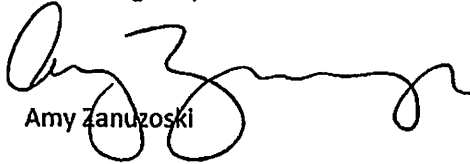
PO Box 1991

Sitka, AK 99835

Dear City Assembly,

It has been my pleasure to sit on the Health Need and Human Services commission for the last year and a half. I would like to resign from my commission spot, but would like to have Loyd Platson take my term and finish the term. I feel he will be a great replacement for my position on the commission.

Warm Regards,

A handwritten signature in black ink, appearing to read 'Amy Zanuzoski', written in a cursive style. The signature is positioned above the printed name 'Amy Zanuzoski'.

Amy Zanuzoski



Application for Appointment to Boards, Committees, and Commissions
City and Borough of Sitka

Board/Commission/Committee: Health Needs and Human Services Commission
Name: Loyd E. Platson Daytime Phone: 907-747-6336 x224
Address: 805 Charles St. Sitka AK 99835 Evening Phone: 907-623-7560
Email Address: loydp54@gmail.com Fax Number: 907-747-2702
Length of Residence in Sitka: 4 months Registered to vote in Sitka? Yes No
Employer: Sitka Counseling and Prevention Services Inc.

Organizations you belong to or participate in: Sitka Foods Network, SAFU, St. Peter's By The Sea Episcopal church, Sitka Fine Arts Camp, Sitka Summer music festival

Explain your main reason for applying: I want to become more ingrained in the community and aware of what is going on as well as lend my knowledge, skills and abilities to the betterment of the community. I want to live in a healthy community.

What background, experience or credentials will you bring to the board, commission, or committee membership?
I have a masters degree in Guidance Counseling with Alcohol Other Drug and Family Systems concentration. I'm a certified Alcohol Other Drug Prevention - I had my own business as a consultant to major corporations + did organizational development

Please disclose any potential conflicts of interest that may arise from your appointment. These may include but are not limited to:

- A substantial financial interest of \$1000 annually that could be influenced by your appointment.
- An immediate family member employed within the scope of this appointment.

Please attach a letter of interest, outline, or resume which includes your education, work, and volunteer experience that will enhance your membership.

→ (To be considered, your application must be complete AND be accompanied by one of the above supporting documents.)

Date: 7-20-2015 Signature: Loyd E. Platson

Your complete application and resume should be returned to the Municipal Clerk's Office by noon on the Wednesday prior to an advertised Assembly meeting. Applications received after the deadline will be considered but will not be included in the Assembly packets for review prior to appointment.

Appointments are normally made during open session of an Assembly meeting, however, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? Yes No

Return to:
Sara Peterson, Deputy Clerk
100 Lincoln Street
Fax: 907-747-7403
Email: sara@cityofsitka.com

LOYD E. PLATSON

**805 Charles St.
Sitka AK, 99835
loydp54@gmail.com
907-623-7560**

HIGHLIGHTS OF PROFESSIONAL EXPERIENCE:

Employee Development Coordinator/Coalition Development Coordinator, Sitka Counseling and Prevention Services Inc., Sitka, Alaska, June 2015 to present.

Community Education/Coalition Building/Staff Development/Youth Development Director, NyE Communities Coalition, Pahrump, Nevada, April 2009 to April 2015.

CSAP Fellow-State of Nevada, United States Department of Health and Human Services, Center for Substance Abuse Prevention, Washington DC, March 2006 to March 2009.

Founder and Executive Director, Wind Raven Edventures, October, 1987 to Present.

Director, Experiential Learning Center, Stevens Point Area Public School District, Stevens Point, Wisconsin. February 1994 to June 1995.

Instructor, Off Campus Graduate Level Coursework, Aurora University, Aurora, Illinois. January 1989 to May 1994.

Prevention and Intervention Specialist, Community Alcohol and Drug Abuse Center, Stevens Point, Wisconsin. August 1990 to April 1992.

Director of Residence Life/Assistant to the Vice President of Student Services, Sheldon Jackson College, Sitka, Alaska. July 1984 to July 1987.

SKILLS AND EXPERIENCE (Annotated)

Developed and taught graduate level courses in the areas of: the development and perpetuation of addictive and compulsive behaviors, group development and facilitation, enhancing learning environments, adventure based counseling and education and personal healing. Provided Server/Seller Training to alcohol vendors. Also taught rock climbing, ropes course facilitation and low impact camping.

Presented at numerous local, state and national conferences including the International Wellness Conference in the areas of student assistance programs, leadership development, group facilitation, adventure based strategies, management enhancement and organizational development.

Provided "Core Team" training, Group Facilitation and "Advanced Core Team" training to School District staff and consultation to school districts wishing to develop and implement AODA and Student Assistance Programs.

Coordinated school and community AODA and Student Assistance Programs. Developed, implemented and facilitated numerous school and community AODA and personal awareness/growth workshops and presentations. Supervised and trained school district psychologists, social workers and school counselors.

Developed and managed all aspects of School District Experiential Learning Center including: budget, scheduling, facilitation, facilities inspection, use documentation and client recruitment as well as directing and facilitating a comprehensive adventure based counseling, activities and programs curriculum.

Designed and provided Management Enhancement, Leadership and Organizational Development programs for major corporations. (Miller Brewing Company, Heines VA, Deloitte and Touche Consulting, Arthur Anderson and Associates, Pennsylvania Energy Company, Commonwealth Edison, First Energy, Blistex, Baxter Health Care and others)

Facilitated programs for diverse student and non-student groups-including Special Education Students (Cognitively Disabled, Attention Deficit/Hyper Active Disorder, Students with physical disabilities and students enrolled in the Alternative High School Program.), Student Leadership, Native American Youth at Risk and more. Provided workforce development programs for at risk youth ages 14-21 through the Workforce Investment Act.

Adjudicated student misconduct cases and provided counseling services to students experiencing issues with alcohol and other drugs.

Directed the Residence Life Program for Sheldon Jackson College in Sitka Alaska. Hired, trained and supervised a staff of approximately 10-15 peer and professional staff members. Managed budget for Residence Life Division and College Nurse. Taught mountain hiking/camping and sea kayaking. Facilitated Early College Incentive Program.

EDUCATION

M.S. Guidance and Counseling, Alcohol and Other Drug Abuse and Family Systems Counseling, University of Wisconsin-Stout, Menomonie, Wisconsin. August 1984.

B.S. Sociology and Anthropology, University of Wisconsin-Stevens Point, Stevens Point, Wisconsin. June 1977.

CERTIFICATIONS/SKILLS

Certified Prevention Specialist
Internationally Certified Prevention Specialist
ServSafe Food Manager Certification
Certified Mental Health First Aid Instructor
Certified DUI School Instructor (Nevada)
Certified Traffic Safety School Instructor (Nevada)
Instructor Alcohol Server/Seller Training
Leadership Development
Organizational Development
Low and High Ropes Course Instructor
Rock Climbing
Kayaking

READY TO GO TRAINING

Mental Health First Aid (8 hours with certificate)
Understanding Addictive/Compulsive Behaviors
Working With At Risk Youth
Conflict Resolution
Group Development/Facilitation
Leadership Development



Health Needs and Human Services Commission

Established by Ordinance 2013-23

NAME	CONTACT NUMBERS	TERM STARTS	EXPIRES	CATEGORY
PAUL BAHNA, MD 600 DeGroff St #A	747-7749 w 623-0945 h bnbahna@uas.alaska.edu	11/12/13	10/22/15	CHAIR <i>Leccese term</i>
DOUG OSBORNE 209 Moller Avenue	747-0373 dosborne@sitkahospital.org	1/27/15	10/14/17	VICE-CHAIR <i>Williams term</i>
MYRON FRIBUSH, MD PO Box 303	738-1489 c 747-5377 h rfribush3@gmail.com	10/22/13	10/22/16	
GALADRIEL MORALES 429 Katlian St	747-7221 w 738-0630 c glade.morales@sitkatriben-sn.gov	10/22/13	10/22/15	
VICKI D'AMICO PO Box 2191	747-3370 w 747-4729 h vdamico@safv.org	10/22/13	10/22/16	
LAUREN HUGHEY 220 Lakeview Drive	541-740-4940 966-8797 w lauren.hughey@searhc.org	5/12/15	11/10/17	<i>Moore's term</i>
Melissa Henshaw Deputy Clerk/Records Specialist	747-1826 melissa@cityofsitka.com			Secretary
Tristan Guevin PO Box 6235	738-5415 c assemblyguevin@cityofsitka.com			Assembly Liaison

Established by Ordinance 2013-23

7 members 3-year terms (*except for first commission*): The first members appointed to the Commission shall, upon appointment, determine the length of the terms so that the terms of three (3) members shall be for one year, the terms of two (2) members shall be for two years, and the terms of two (2) members shall be for three years, resulting in staggered terms for members subsequently appointed. A vacancy on the commission shall be filled by appointment by the Assembly for any remainder of an unexpired term.

Meeting schedule: 2nd Tuesday of the month; noon at Sealing Cove Business Center at 601 Alice Loop – Meetings are to be held no less than four times per year.

Revised: July 29, 2015



Legislation Details

File #: ORD 15-37A Version: 1 Name:
Type: Ordinance Status: AGENDA READY
File created: 6/2/2015 In control: City and Borough Assembly
On agenda: 8/25/2015 Final action:
Title: Amending Section 2.12.010 City and Borough of Sitka Hospital Board and Section 2.12.070 Organization, formally dissolving the existing Sitka Community Hospital Board (SCH) and its framework and re-establishing and reorganizing membership under new criteria by decreasing voting membership from seven to five with the goal of providing financial welfare and economic financial stability to Sitka Community Hospital. The new membership will include one non-voting, ex-officio CBS standing seat (and alternate) appointed by the Municipal Administrator

Sponsors:

Indexes:

Code sections:

Attachments: [Ord 2015-37A](#)

Date	Ver.	Action By	Action	Result
8/11/2015	1	City and Borough Assembly		
8/11/2015	1	City and Borough Assembly		
7/28/2015	1	City and Borough Assembly	POSTPONED	Pass
7/14/2015	1	City and Borough Assembly	APPROVED	Pass
6/9/2015	1	City and Borough Assembly	POSTPONED	Pass

POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-37A on third and final reading.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-37A

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA (CBS), ALASKA AMENDING SECTION 2.12.010 CITY AND BOROUGH OF SITKA HOSPITAL BOARD AND SECTION 2.12.070 ORGANIZATION, FORMALLY DISSOLVING THE EXISTING SITKA COMMUNITY HOSPITAL BOARD (SCH) AND ITS FRAMEWORK AND RE-ESTABLISHING AND REORGANIZING MEMBERSHIP UNDER NEW CRITERIA BY DECREASING VOTING MEMBERSHIP FROM SEVEN TO FIVE WITH THE GOAL OF PROVIDING FINANCIAL WELFARE AND ECONOMIC FINANCIAL STABILITY TO SITKA COMMUNITY HOSPITAL. THE NEW MEMBERSHIP WILL INCLUDE ONE NON-VOTING, EX-OFFICIO CBS STANDING SEAT (AND ALTERNATE) APPOINTED BY THE MUNICIPAL ADMINISTRATOR.

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

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

3. PURPOSE. The Assembly, through passage of this ordinance, has determined that Sitka Community Hospital will be better served by dissolving the existing board and its current membership structure and re-creating a new board structure that establishes new criteria and board membership. The new board will consist of five members, none of whom will be employees of SCH. The composition of the board is as follows:

- One non-voting, ex-officio CBS standing board member (senior staff) and an alternate will be appointed by the Municipal Administrator due to CBS's fiduciary responsibility for the Sitka Community Hospital finances. This position will be approved by the Assembly. This position will not hold any board office (e.g. chair, secretary), and will not be subject to term expiration.
• At least one additional board seat will be filled by a person with professional financial experience such as a certified public accountant, auditor, or financial analyst.
• One seat shall be filled by a person with professional healthcare experience such as a physician, nurse, physical therapist or close equivalent.
• The remaining three voting seats will be at-large.
• Membership will also include two ex-officio, non-voting seats consisting of a member of Sitka Community Hospital chief medical staff (elected by SCH medical staff in December of each year) and an Assembly Member who will serve as liaison.

All voting members will be approved by the City and Borough Assembly. In October of each year an assembly liaison will be appointed to serve as a conduit between the Sitka Community Hospital Board and CBS Assembly.

50
51 Additionally, this ordinance gives the required fifteen day notice to existing board
52 members of their removal, which is appealable to the Assembly. All existing board
53 members will have the opportunity to reapply for any seat in which they qualify.
54

55
56 4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of
57 the City and Borough of Sitka that SGC Chapter 2.12 is amended (old language
58 stricken, new language underlined) as follows:
59

60 **Chapter 2.12**
61 **CITY AND BOROUGH OF SITKA HOSPITAL BOARD**

62
63 **Section 2.12.010 City and Borough of Sitka Hospital Board**
64

65 ~~There shall be a board known as the city and borough of Sitka hospital board which~~
66 ~~shall consist of nine members: seven regular members, one of whom shall be a~~
67 ~~physician unless a physician does not apply within sixty days of a seat becoming open~~
68 ~~when no other physician is a regular member of the board, who shall serve three year~~
69 ~~terms; and two nonvoting members who shall serve one year terms. One ex officio~~
70 ~~member shall be a member of the assembly and the other shall be a member of the~~
71 ~~medical staff. All members shall be approved by the assembly.~~
72

73 There shall be a board known as the City and Borough of Sitka Hospital Board which
74 shall consist of five voting members none of whom will be employees of Sitka
75 Community Hospital:
76

77 A. The City and Borough of Sitka Municipal Administrator will appoint a non-voting, ex-
78 officio member of the CBS senior staff as well as an alternate. This position will be
79 approved by the Assembly. This person will not hold any board office, such as chair or
80 secretary. This term will not expire.
81

82 B. A person having professional financial experience such as a certified public
83 accountant, auditor, or financial analyst. This is a three year term.
84

85 C. A person having professional healthcare experience, such as a physician, nurse,
86 physical therapist or close equivalent. This is a three year term.
87

88 D. Three people from the community at-large. These are two year terms.
89

90 There shall also be two additional non-voting, ex-officio members:
91

92 A. A member of the Sitka Community Hospital chief medical staff will be elected each
93 December by SCH medical staff.
94

95 B. An Assembly member who will serve as liaison. Appointed each October.
96 All Sitka Community Hospital Board voting members will be approved by the Assembly.

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Section 2.12.070 Organization

The board shall organize itself by electing a chairman and secretary who shall hold their offices as provided by hospital board by-laws.

- A. The board shall adopt by-laws for the conduct of its business; provided, that ~~four~~ **three voting** members of the board shall constitute a quorum for the transaction of business, and ~~four~~ **three** affirmative votes shall be necessary to carry any questions;
- B. Board meetings shall be held in the city and borough at least once each month;
- C. The board shall cause a record of proceedings to be kept. A copy of that record shall be delivered to the assembly in a timely manner;
- D. All meetings are subject to the Alaska Open Meetings Act. All meetings shall be open to the public. No member of the Assembly, ~~or municipal administrator~~ wishing to attend shall be excluded from an executive session.

* * *

5. **EFFECTIVE DATE.** Upon the dissolution of the current board, the SCH Hospital Administrator will appoint a "Responsible Individual," as allowed in the Medicare Conditions of Participation Regulations for Critical Access Hospital C-0240 §485.627(a), to carry out the requisite Governing Body (Hospital Board) functions. The Responsible Individual will serve in this role until the new Hospital Board has been seated by the Assembly. During this period of transition, the Sitka Community Hospital Administrator will report to the Municipal Administrator. Once the new Hospital Board is seated, the SCH Administrator will report to this body. This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 28th day of July, 2015.

Mim McConnell, Mayor

ATTEST:

Sara Peterson, CMC
Municipal Clerk

1st reading postponed 6/9/15
1st reading 7/14/15
2nd reading postponed 7/28/15
2nd reading amended 8/11/15



Legislation Details

File #: 15-157 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/19/2015 In control: City and Borough Assembly

On agenda: 8/25/2015 Final action:

Title: Award a contract to the Greater Sitka Chamber of Commerce to provide convention and visitor services

Sponsors:

Indexes:

Code sections:

Attachments: [Motion chamber contract](#)
[Cover Letter](#)
[Proposed Contract](#)
[Exhibit A](#)
[Exhibit B](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTIONS

I MOVE TO award a contract to the Great Sitka Chamber of Commerce to provide convention and visitor bureau services.

AND

I MOVE TO authorize the Municipal Administrator to take action to ensure that the City and Borough of Sitka obligations, liabilities and assets that are associated with the transition of services from the Sitka Convention and Visitors Bureau to the Greater Sitka Chamber of Commerce are addressed.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Memo

To: City and Borough of Sitka Assembly
From: Mark Gorman, Administrator
Re: Selection of Sitka Convention and Visitor Services Contractor
Date: August 18, 2015

In response to the issuance of the Statement of Interest to Provide Convention and Visitor Services in Sitka, CBS received four proposals. The applicants were: the Sitka Convention and Visitors Bureau (SCVB), the Greater Sitka Chamber of Commerce (Chamber) the Sitka Economic Development Association (SEDA), and Matthew Turner, a private contractor.

A review committee comprised of the Administrator, Jay Sweeney, and Don Kluting reviewed the statements of interest. The committee focused on management ability and governance capacity.

In the initial review, it was determined that SEDA requested funding above the Assembly allocated amount of \$300,000 which was also identified in the Statement of Interest issuance. The applicant was given the opportunity to reduce this sum to the appropriated amount. SEDA chose to maintain its original request and was informed that the Administrator did not have the authority to negotiate on this amount.

The review committee met with the three other applicants. Through this process, it was determined that the Chamber of Commerce proposal was the strongest in terms of governance and potential to deliver quality visitor and convention services to our community. Although at this time, the Chamber does not have an executive director, the board members who met with the review committee indicated that they had a strong candidate to fill this position. Of note, the model of Chambers of Commerce providing convention and visitor services is used in Homer, Seward, Kenai, Cordova, Girdwood, Talkeetna, Petersburg, Nome and Soldotna.

The SCVB proposal was well developed and presented. Through the interview process, the review committee identified concerns about both the management and governance capabilities of the SCVB.

Matthew Turner's proposal was innovative and well-articulated. Mr. Turner presented the review committee with a creative vision of how he would move Sitka convention and visitor services forward in Sitka. The fact that he is a sole proprietor without a board or governance structure was of concern to the review committee.

It is recommended that the Assembly approve a contract with the Greater Sitka Chamber of Commerce effective October 1, 2016. All effort will be placed on minimizing disruption and diminishment of convention and visitor services in our community during this period of transition. To this end, I recommend that the Assembly authorize the Administrator to take action to ensure that the CBS obligations, liabilities and assets that are associated with the transition of services from the SCVB to the Chamber are addressed.

**CONTRACT BETWEEN OWNER AND CONTRACTOR
TO PROVIDE CONVENTION AND VISITORS BUREAU SERVICES
TO THE CITY AND BOROUGH OF SITKA, ALASKA**

City and Borough of Sitka (“Owner” or “CBS”) desires the GREATER SITKA CHAMBER OF COMMERCE, INC., (“Contractor”) to Provide Convention and Visitors Bureau Services. This Contract to Provide Convention and Visitors Bureau Services (together with all exhibits and attachments hereto to and all amendments and modification to such contract or exhibits, collectively the “Contract”) to the City and Borough of Sitka is made and entered into by and between Owner and Contractor in consideration of the mutual promises contained in this Contract.

This Contract also consists of the following which are incorporated into and made a part of the Contract

- Statement of Interest – reference Organizational Governance and Structure
- Exhibit A - Scope of Services (2 pages)
- Exhibit B – Compensation and Payment (1 page)

SECTION 1. DEFINITIONS

For the purpose of this Contract, the terms used in this Contract shall have the following meaning:

- A. “Owner” shall mean the CITY AND BOROUGH OF SITKA, Alaska.
- B. “Contractor” shall mean the GREATER SITKA CHAMBER OF COMMERCE, INC, an Alaska non-profit corporation, and any **partner, associate**, or any other person acting for and/or in behalf of the GREATER SITKA CHAMBER OF COMMERCE, INC.
- C. “Owner’s authorized representative” shall mean the person set forth in Section 21 (B)(2) of this Contract.
- D. “Days” shall mean calendar days.

SECTION 2. CONTRACT TIME

- A. This Contract becomes effective when signed and dated by both Parties.
- B. Contractor shall commence performance of the work identified in Section 4 immediately following receipt of the Notice to Proceed.
- C. The first eighteen (18) months of this contract shall be deemed a service transition

period, in accordance with the Contractor's Statement of Interest. The Contractor's progress shall be determined in accordance with the schedule in the Statement of Interest document.

- D. Except as expressly allowed under this Contract, Owner need not grant Contractor any extension in the time provided to complete the work under this Contract. If Contractor's progress falls behind the project schedule, Contractor shall commit additional resources to the prosecution of the work, or take such other additional steps as are reasonably necessary to assure the completion of the work on schedule, all at no additional cost to Owner.

SECTION 3. CONTRACTOR QUALIFICATIONS

- A. The Contractor expressly represents and warrants it is now and shall continue to be at all times during the performance of this Contract, the holder of all required or necessary professional, business or other licenses or permits and is qualified and capable of performing all of the work covered or called for by this Contract and is presently ready, able and willing to undertake and perform all of such work and services, and to supply all necessary materials and equipment at the times, and in a professional and workmanlike manner and pursuant to the terms, conditions and provisions, and for the compensation and payments as herein provided.
- B. All actions taken by Contractor under this Contract shall comply with all applicable statutes, ordinances, rules and regulations. Contractor shall timely pay all federal, state and local sales, excise or other taxes or assessments incurred by the Contractor.

SECTION 4. SCOPE OF SERVICE

- A. The services to be performed by Contractor shall include all services required to complete the tasks set forth and described on Exhibit A, and shall be in accordance with all applicable statutes, Sitka General Code provisions, ordinances, rules, and regulations.
- B. The Statement of Interest provided by the Contractor, and incorporated into this Contract, shall be treated as a broad general intent of Contractor as to how the Scope of Services under this Contract shall be performed, and, Contractor shall not be held to strict performance of elements of the Statement of Interest which are not specifically contained within Exhibit A. Both parties mutually agree, however, that a gross deviation by the Contractor from the intent set forth in the Statement of Interest, especially in regards to governance and management accountability, shall potentially form the basis of a dispute, subject to the dispute resolution procedures outlined in Section 6 and, potentially, a reason for Termination for Cause as outlined in Section 7.

SECTION 5. TERM

- A. The term of this Contract shall commence on **October 1, 2015** and end at the end of the business day **June 30, 2018**.
- B. Contractor shall be afforded the period September 15, 2015 – September 30, 2015 as a mobilization period to prepare to execute services required by the Scope of Service, and, shall be required to begin executing such services on October 1, 2015.

SECTION 6. DISPUTE RESOLUTION AND MEDIATION

- A. **Informal Resolution.** Both Parties mutually agree to undertake a good faith effort to resolve disputes associated with the performance of both Parties under this contract through collaborative problem solving, beginning at the lowest levels of management and only escalating to higher levels, or to legal counsel, if satisfactory resolution can't be achieved.
- B. **Mediation.** Both parties agree to utilization of a third party mediator, if necessary or requested, as part of the informal resolution process, provided however, that any third party mediation process shall attempt to seek mutual voluntary resolution of dispute issues and recommendations of such a mediator shall not be binding upon any party. Such third party mediation must be formally scheduled to commence within fourteen days after a request by either Party for such mediation; this time period may be extended by the mutual agreement of both parties if necessary in order to engage a mediator. The selection of a mediator shall be by mutual agreement of both Parties.
- C. **Requirements.** Neither Party may initiate action to terminate this Contract for cause, or undertake formal litigation action concerning this Contract, without first attempting to resolve the underlying issues in accordance with Section 6(A) for a period of fourteen days. If either party requests informal, non-binding third party mediation, neither Party may initiate action to terminate this Contract for cause, or undertake formal litigation action concerning this Contract for a period of not less than fourteen days or seven days after the completion of informal, non-binding third party mediation, whichever is greater.

SECTION 7. TERMINATION

After the 18 month service transition period, this Contract may be terminated:

- A. By mutual consent of the Parties.

- B. For the convenience of Owner, provided that Owner notifies Contractor of its intent to terminate under this paragraph at least 60 days prior to the effective date of the termination.
- C. For cause, by either Party where the other Party fails in any material way to perform its obligation under this Contract; provided, however, that as a condition of the exercise of its right of termination under this subsection the terminating Party shall notify the other Party of its intent to terminate this Contract and state with reasonable specificity the grounds, and the defaulting Party shall have failed, within 60 days of receiving the notice, to cure the default, or the Parties have failed to resolve the matter pursuant to the Dispute Resolution provisions under Section 6 of this Contract.
- D. Termination pursuant to this section shall not affect the Parties' continuing obligations under this Contract.

SECTION 8. DUTIES UPON TERMINATION

- A. If Owner terminates this Contract for convenience, Owner shall pay Contractor the reasonable value of all services rendered prior to termination. Payment under this section shall never exceed the total compensation possible under Section 9. All finished and unfinished reports and materials prepared by Contractor shall become the property of Owner.
- B. If this Contract is terminated for cause, Owner shall pay Contractor reasonable value of the services satisfactorily rendered prior to termination less any damages suffered by Owner because of Contractor's failure to perform its contractual obligations. Any finished or unfinished documents or materials shall become the property of Owner at its option. Under no circumstances shall payment under this section exceed the percentage value of work completed as defined by Contractor's Fee Proposal and under Section 10. Under no circumstances shall payment under this section exceed the total compensation possible under Section 10. The determination under this Section 8 of the reasonable value of the services for which Contractor shall be paid and /or of any damages suffered by Owner are subject to the Dispute Resolution procedures under Section 6 of this Contract.
- C. If Contractor has received payments prior to termination in excess of the amount to which it is entitled under Subsection A or B of this section, Contractor shall remit such excess to Owner within 60 days after receipt of notice to that effect.
- D. Contractor shall not be entitled to compensation under this section until Contractor has delivered to Owner all documents, records, work products, materials, and equipment owned by City and Borough of Sitka, related to this Contract and requested by Owner.
- E. If Contractor's services are terminated, for whatever reason, Contractor may not claim any compensation under this Contract other than allowed under this section.

- F. The Owner need not recognize any claim by Contractor for reimbursable expenses or costs incurred after the 60 day notice of termination period under section 7C.

SECTION 9. INDEMNIFICATION

- A. Each Party (the “Indemnitor Party”) shall indemnify, defend, save, and hold the other Party (the “Indemnitee Party”) harmless from any claims, lawsuits, or liability, including attorney’s fees and costs, arising from any wrongful or negligent act, error or omission of the Indemnitor Party occurring during the course of or as a result of the Indemnitor Party’s performance pursuant to this Contract.
- B. The Indemnitor Party shall is required to indemnify, defend, save, and hold the Indemnitee Party harmless from any claims, lawsuits, liability, or attorney’s fees and costs, arising in wrongful or negligent acts, errors or omissions solely of the Indemnitee Party occurring during the course of or as a result of the performance of this Contract.
- C. Where claims, lawsuits, or liability, including attorney’s fees and costs, arise from wrongful or negligent acts of both Parties, Contractor shall indemnify, defend, save and hold Owner harmless from only that portion of claims, lawsuits or liability, including attorney’s fees and costs, which result from Contractor’s wrongful or negligent acts occurring during the course of or as a result of Contractor’s performance pursuant to this Contract.

SECTION 10. PAYMENT

- A. For Contractor’s Contract Services and Expenses, as described in Section 4 of this Contract, compensation will be paid as set forth and described on Exhibit B, subject to Contractor’s satisfactory performance, unless mutually agreed upon by both Parties prior to commencing additional work.
- B. Either party to this contract may request that the compensation to Contractor be renegotiated. Such a request must be made in writing by March 31st of each year to be effective for the Owner’s next fiscal year (July 1 to June 30). Any renegotiated contract amount must be approved by the Assembly of the City and Borough of Sitka. If a request for renegotiation is not initiated by either party, the existing contract compensation amount and payment schedule shall remain in place.
- C. Contractor shall submit invoice(s) to Owner’s authorized representative, as set forth and described on Exhibit B. Invoices shall be as set forth and described on Exhibit B.
- D. Owner shall make payment on invoices as set forth and described on Exhibit B with approval by Owner’s authorized representative.

- E. Contractor shall be entitled to no compensation under this Contract beyond the amount of Owner's express obligation under subsection A above.
- F. The amount to be paid for additional services, at the option of Owner, shall be negotiated by the Parties prior to the execution of amendments to this Contract for this work.

SECTION 11. AUDIT: ACCESS TO RECORDS

- A. Contractor shall maintain records of performances, communications, documents, correspondence and costs pertinent to this Contract. The Owner's authorized representatives shall have the right to examine such records and accounting procedures and practices.
- B. The Owner's authorized representative shall have the right to examine all books, records, documents and other data of Contractor related to the pricing and performance of the Contract, and any change or modification for the purpose of evaluating the accuracy, completeness, and currency of the data submitted. The right of examination shall extend to all documents necessary to permit adequate evaluation of the data, computations, and projections used.
- C. The materials described in this section shall be made available at the business office of Contractor at all reasonable times for inspection, audit or reproduction, for a minimum of 3 years from the date of final payment under this Contract and for such longer period, if any, as may be required by applicable statute or other provisions of this Contract.
- D. Records which relate to claims or litigation or the settlement of claims arising out of the performance of this Contract shall be made available to Owner by Contractor until such claims or litigation have been concluded.

SECTION 12. INDEPENDENT CONTRACTOR

- A. The parties hereto expressly agree that the Contractor shall be and is an independent contractor and is not an employee or agent of the Owner and is, therefore, entitled to no insurance coverage, whether worker's compensation or otherwise and no other benefits accorded to Owner's employees. No withholding, FICA or other taxes (whether income, sales or otherwise) or other amounts will be withheld from the payments due to the Contractor, it being understood that the Contractor is solely responsible therefore, provided Owner shall be entitled to withhold such retainage or other amounts from any progress or other payments as have been provided for elsewhere in this Contract.
- B. Contractor shall perform its obligations under this Contract as an independent Contractor of Owner. Owner may administer the Contract and monitor Contractor's compliance with its obligations. Owner shall not supervise or direct Contractor as provided in this

section.

- C. The parties hereto agree that the Contractor is not and shall not be construed to be a partner, joint venture, employee or agent of the Owner, and shall not and is not authorized to enter into or make any contracts, agreements to enter into any understanding with any other person, corporation, partnership, joint venture or other entity, in the name of or for the benefit of the Owner.

SECTION 13. CONTRACTOR RESPONSIBLE FOR PERSONNEL

The Contractor has or will secure, all personnel required to perform this Contract in a timely and proper manner. The parties hereto agree and understand that such personnel shall in no event be deemed to be and are not employees, agents, or representatives of the Owner, and the Owner shall have no responsibility or liability whatsoever to any of said persons or for the acts or omissions of any such persons.

SECTION 14. ASSIGNMENTS

Unless otherwise allowed by this Contract or in writing by Owner, any assignment by Contractor of its interest in any part of this Contract shall be void.

SECTION 15. CONFLICT OF INTEREST

The Contractor covenants, warrants and represents that the Contractor has no interest and shall not acquire any interest, direct or indirect which would conflict in any manner with the subject matter or the performance of this Contract. The Contractor further covenants, warrants and represents that in the performance of this Contract, no person having any such interest shall be employed.

SECTION 16. NONDISCRIMINATION

- A. Contractor may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, disability, sex, marital status, changes in marital status, pregnancy, or parenthood. The Contractor shall post in a conspicuous place, available to employees and applicants for employment, a notice setting out the provisions of this paragraph.
- B. Contractor shall state, in all solicitations or advertisements for employees to work on jobs relating to this Contract, that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age, disability, sex, marital status, changes in marital status, pregnancy, or parenthood.
- C. Contractor shall include the provisions of Subsection A in every subcontract or purchase

order under this Contract, so as to be binding upon every such subcontractor or vendor of Contractor under this Contract.

- D. Contractor shall comply with all applicable Federal, State and City laws concerning the prohibition of discrimination.

SECTION 17. COPYRIGHTS AND RIGHTS IN DATA

- A. All documents produced under this Contract are the property of Owner, including notes, drawings, reports and other technical information referred to as work products, except items which have pre-existing copyrights. Payments to Contractor for services include full compensation for all work products produced by Contractor and its subcontractors.
- B. All such subject data furnished by Contractor pursuant to this Contract are instruments of its services in respect to this particular project. It is understood that Contractor does not represent such subject data to be suitable for reuse on any other project or for any other purpose. If Owner reuses the subject data without Contractor's specific written verification of adaption, such reuse will be at the risk of Owner, without liability to Contractor. Any such verification of adaption requested in writing by Owner at Owner's sole option will entitle Contractor to further compensation at rates agreed upon by the Parties.

SECTION 18. NOTICES

A. Regular Communications. For communications between the Parties on personnel issues or on matters of a confidential nature the Parties' respective points of contact shall exclusively be the Municipal Administrator of CBS and the President of Contractor, or their respective designees. For all other regular or routine communications with respect to this Contract the Parties designate the following persons as their respective primary points of contact:

OWNER Point of Contact:

Name: Don Kluting
Telephone: 1.907.747.3225
Email: don.kluting@cityofsitka.org

CONTRACTOR Point of Contact :

Name: Executive Director- The Greater Sitka Chamber of Commerce
Telephone: 1.907.747.8604
Email: eddirector@sitkachamber.org

- B. Formal Notices. Any notice required under this Contract shall be in writing and either

personally delivered or mailed by prepaid, first class, registered or certified mail, return receipt requested, to the following addresses:

OWNER:

City and Borough of Sitka
Harrigan Centennial Hall
Attn: Don Kluting
100 Lincoln Street
Sitka, AK 99835

CONTRACTOR:

GREATER SITKA CHAMBER OF COMMERCE,
INC.
Attn: Board President
PO Box 638
Sitka, AK 99835

SECTION 19. CLAIMS AND DISPUTES

If Contractor becomes aware, or reasonably should have become aware, of any act or occurrence which may form the basis of a Claim, Contractor shall immediately notify in writing Owner's authorized representative. If the matter cannot be resolved within seven (7) days, Contractor shall, within the next fourteen (14) days, submit a written notice of the Claim. Contractor shall, in presenting the Claim, include the facts and circumstances surrounding the claim, the specific relief requested including any additional compensation claimed and the basis upon which it was calculated, and the provisions of this Contract under which the Claim is made. Contractor agrees that unless these written notices are provided, Contractor shall have no entitlement to additional time nor compensation for such act, event or condition.

SECTION 20. SUCCESSORS AND ASSIGNS

The Parties bind themselves, partners, successors, assigns and legal representatives to the other Party to this Contract and to partners, affiliates, successors, assigns and legal representatives of such other Party with respect to all covenants of this Contract.

SECTION 21. AMENDMENT

- A. This Contract shall only be amended, modified or changed by a written amendment, executed by authorized representatives of the Parties, and such amendment shall be attached to this Contract as an appendix.
- B. For the purposes of any amendment, modifications or change to the terms and conditions of this Contract, the only authorized representatives of the Parties are:
 - 1. President of the Board - For Contractor
 - 2. Mark Gorman, CBS Municipal Administrator - For Owner
- C. Any attempt to amend, modify or change this Contract by either an unauthorized

representative or unauthorized means, shall be void.

SECTION 22. INSURANCE

A. Contractor shall at all times during the term of this Contract, maintain in good standing the insurance described in Subsection B. Before rendering any services under this Contract, Contractor shall furnish Owner with proof of insurance in accordance with Subsection B in a form acceptable to the Risk Manager for Owner; such proof of insurance shall be incorporated into this Contract.

B. Type of coverage:

- 1. Comprehensive General Liability
 - Occurrence Limit \$1,000,000
 - Products and Completed Operations Aggregate \$2,000,000
 - General Aggregate \$2,000,000
- 2. Workman’s Compensation Alaska Statutory
 - Employers Liability
- 3. Comprehensive Automobile Liability \$1,000,000
 - Including all owned, hired and non-owned vehicles

C. Insurance Notes

- 1. Owner shall be named as an additional named insured on the required general liability and automobile insurance policies. The Owner shall also be granted a full waiver of any rights of subrogation by endorsement under all required policies with the exception of Professional Errors and Omissions. These requirements extend to all subcontractors.
- 2. Contractor is required to notify Owner if any policy is to be canceled, materially changed, or renewed, at least thirty days prior, by written notice sent by certified mail.

SECTION 23. CHANGES OR MODIFICATIONS

Any change in any regulations or requirements applicable to the work called for herein, made, caused or imposed by, or as a result of the action of any state, federal or other governmental agency that has or will provide all or any portion of any funds for payment for the work or project which is the subject of this agreement, shall automatically become a part of, and amendment to this agreement and the Contractor shall comply therewith.

SECTION 24. NON-WAIVER

The failure of either Party at any time to enforce a provision of this Contract shall in no way constitute a waiver of the provision, nor in any way affect the validity of this Contract or any part, or the right of such Party to enforce each and every provision.

SECTION 25. SEVERABILITY

Any provision of this Contract decreed invalid by a court of competent jurisdiction shall not invalidate the remaining provisions of the Contract.

SECTION 26. JURISDICTION - CHOICE OF LAW

Any civil action rising from this Contract shall be brought in the Alaska Superior Court at Sitka. The laws of the State of Alaska shall govern the rights and obligations of the Parties under this Contract.

SECTION 27. INTEGRATION

This instrument and all appendices and amendments embody the entire Contract of the Parties. There are no promises, terms, conditions or obligations other than those contained in this Contract. This Contract shall supersede all previous communications, representations, or Contracts, either oral or written, between the Parties.

IN WITNESS, the parties execute this agreement through their duly authorized representatives, and represent that their duly authorized representatives are authorized to sign this agreement between Owner and Contractor to provide Convention and Visitor Bureau Services to the City and Borough of Sitka, on behalf of the party they represent.

CITY AND BOROUGH OF SITKA

**GREATER SITKA CHAMBER OF COMMERCE.
INC.**

Municipal Administrator

President of the Board

Date: _____

Date: _____

IRS TAX I.D. NO. _____

Exhibit A

Scope of Work – Greater Sitka Chamber of Commerce

The Greater Sitka Chamber of Commerce will be responsible for providing all Convention and Visitor Bureau services for the municipality as follows:

1) Marketing and Promotion:

- a) Develop and implement a marketing plan and associated budget to effectively increase the number of revenue generating functions, increase the number of independent travelers visiting, and support the growth of the cruise industry in Sitka. The plan will be continually evaluated for success and strategized for updates and revisions to keep up with the quickly evolving technological world.
- b) Collaborate with State and local tourism related groups, committee's, and commissions.
- c) Design and publish annual visitors guide, place ads online and in print media.
- d) Maintain promotional social media pages.
- e) Develop and maintain a promotional website.
- f) Host media members and group tour operators, cruise line visits and public relations.

2) Visitor Services:

- a) Provide telephone and email contacts for information requests and inquiries by the public.
- b) Provide timely and accessible visitor bureau services which address the informational needs of visitors via first person assistance, telephone, and internet access. First person assistance to be limited to normal business hours at the office and at the kiosk during the hours a cruise ship is in port.
- c) Provide an accessible and visible office in Sitka's central business district
- d) Respond to visitor inquiries in a variety of mediums, including staffing visitor information desks at both lightering facilities during cruise days.
- e) Create and distribute printed information pieces for use by visitors while in Sitka.
- f) Provide information and/or brochures about lodging, restaurants, excursion's, tours, fishing charters, wildlife tours, trips and other attractions in the Sitka area.
- g) Provide knowledgeable information about local goods and services, as well as cultural and historical information about Sitka thru both internet based portals, as well as physical information rack(s) located at strategic locations within Sitka.

3) Convention Sales and Services:

- a) Market Sitka as a year round meeting, conference, and convention destination. Highlight Sitka's marketable features and services in publications, by direct mail and on websites to attract groups.
- b) Collaborate and strategize with venue managers and the business community to attract conventions.
- c) Assist groups with conference planning (securing locales and assist with contracts, bids, printed collateral, etc.)

- d) Provide information on all support services offered in the community, create and distribute convention delegate welcome folders and welcome signs in downtown businesses.
 - e) Follow up with groups, and venue and service providers to ensure customer satisfaction.
- 4) **Reporting**
- a) Provide quarterly, a staff prepared narrative summary describing activities from the quarter and a financial report prepared by an external bookkeeper. Reports should be submitted within 60 days of the quarter's completion.
 - b) Provide an annual State of the Sitka Convention and Visitor Industry report to the Assembly.
- 5) **Other Services:**
- a) Regularly update a marketing and promotional website and the annual visitor guide, as well as brochure displays.
 - b) Develop and regularly email newsletters to visitor industry businesses and providers in Sitka.
 - c) Research cruise industry information and maintain an up-to-date summer cruise ship calendar on the promotional website.
 - d) Manage additional contracts for the CBS as negotiated for an additional.
- 6) **Metrics:**
- a) During the first 90 days of the contract, the Contractor, in collaboration with the Chamber Executive Director, will propose the metrics to be used in determining performance.

Exhibit B

Compensation and Payment – Greater Sitka Chamber of Commerce

In consideration of Contractor's responsibilities under this agreement, Owner (also referred to herein as "CBS") agrees to pay Contractor according to the payment schedule provided below:

Remainder of Fiscal Year 2016 (October 1, 2015 – June 30, 2016)

Upon full execution of contract \$100,000
Jan 1, 2016 contract \$75,000
April 1, 2016 contract \$75,000

For all subsequent Fiscal Years, twenty five percent of the Fiscal Year Contract Amount (defined below) will be paid at the start of each fiscal quarter.

For the 2017 Fiscal Year all Subsequent Fiscal Years

July 10 – 25% of the Fiscal Year Contract Amount
October 1 – 25% of the Fiscal Year Contract Amount
January 1 – 25% of the Fiscal Year Contract Amount
April 1 – 25% of the Fiscal Year Contract Amount

The Fiscal Year is that of Owner and commences on July 1 of the year and ends on June 30 of the following year. The "Fiscal Year Contract Amount" shall have the following meaning and shall be calculated as follows:

The dollar amount that is 92% of the 3 year rolling average of each fiscal year of the amount of Bed Tax (defined below) collected in the three previous Fiscal Years or \$300,000, whichever is greater. CBS staff will, in collaboration with the Assembly and the Chamber, review increasing this Bed Tax set aside. The three year average will be adjusted to the amount negotiated.

"Bed Tax" shall mean all taxes, fees, collected by CBS for hotel, motel, bed and breakfast, transient room rentals, to which such tax is applicable, pursuant to Chapter 4.24 of the Sitka General Code, and any amendment thereto and/or recodification thereof.



Legislation Details

File #: 15-158 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/19/2015 In control: City and Borough Assembly

On agenda: 8/25/2015 Final action:

Title: Board of Adjustment: Approve a conditional use permit request filed by Sheila Finkenbinder for a one guest-room bed and breakfast at 415 DeArmond Street

Sponsors:

Indexes:

Code sections:

Attachments: [Motion Finkenbinder](#)
[Finkenbinder bed and breakfast](#)
[BOA Hearing Outline](#)

Date	Ver.	Action By	Action	Result
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Step 1.

CONVENE

I MOVE TO convene as the Board of Adjustment

Step 2.

I MOVE TO approve a conditional use permit request filed by Sheila Finkenbinder for a one guest-room bed and breakfast at 415 DeArmond Street, and further, adopt the findings and conditions as recommended by the Planning Commission and request that they are listed in their entirety as they appear attached hereto as part of the official record.

Go to Step 3. Next

Required Findings

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; specifically 2.1.1: Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.
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.

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;
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.

Conditions

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 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 following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

Step 3.

SGC: 22.30.180 Procedures for Public Hearing

- A. Staff Presentation.** *Members may ask questions of the staff.*
- B. Applicant presentation.** *Members may ask questions of the applicant.*
- C. Testimony or comments by the public.** *Need to be germane to the matter*
- D. Rebuttal, response or clarifying statement by staff and the applicant.**
- E. Deliberation by the Board.** *Also known as the*

evidentiary portion of the public hearing and is closed.

Step 4.

VOTE on any amendments and/or main motion



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

To: Mark Gorman, Municipal Administrator
Mayor McConnell and Members of the Assembly

From: Michael Scarcelli, Senior Planner *MS*

Subject: Finkenbinder, 415 DeArmond St.: Bed & Breakfast Conditional Use Permit

Date: August 14, 2015

The Planning Commission is recommending approval of a conditional use permit request for operation of a one guest-room bed and breakfast filed by Shelia Finkenbinder at 415 DeArmond Street. Action on this item was taken at the August 4, 2015 Planning Commission meeting. The recommendation to approve the request, based on the following findings, passed unanimously 4-0.

Ms. Finkenbinder owns a one-story, two-bedroom, one-bathroom home with attached garage and small efficiency apartment behind the garage making this property a duplex located at 415 DeArmond Street. The house is 984 square feet located on a 8,120 sq. ft. lot. There are 6 parking spaces available in excess of Code requirements. Applicant plans to rent out her pull-out couch, provide office space for changing and storage of luggage, and provide breakfast to a single guest client at a time through "Air BnB." The property is adjacent to a residential neighbor on one side and the Alaska Housing Finance Corporation housing "Paxton Manor" on the other side.

The R-1 single-family and duplex residential 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.

The proposed activity is in conformance with Comprehensive Plan 2.5 *Urban Residential Goals and Policies*, specifically 2.5.2, which states "To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas." In addition, 2.1.1, which encourages development of facilities for visitors without significant impact on residential properties.

The Planning Office has not received any comments on this request.

Planning Commission Recommendation

Approve the Planning Commission's recommendation to approve the request with the following findings and conclusions¹:

“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:

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, specifically 2.1.1: Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.
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;

¹ MOTION: M/S WINDSOR/POHLMAN moved to approve the findings.

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.”^{2 3 4 5}

Summary

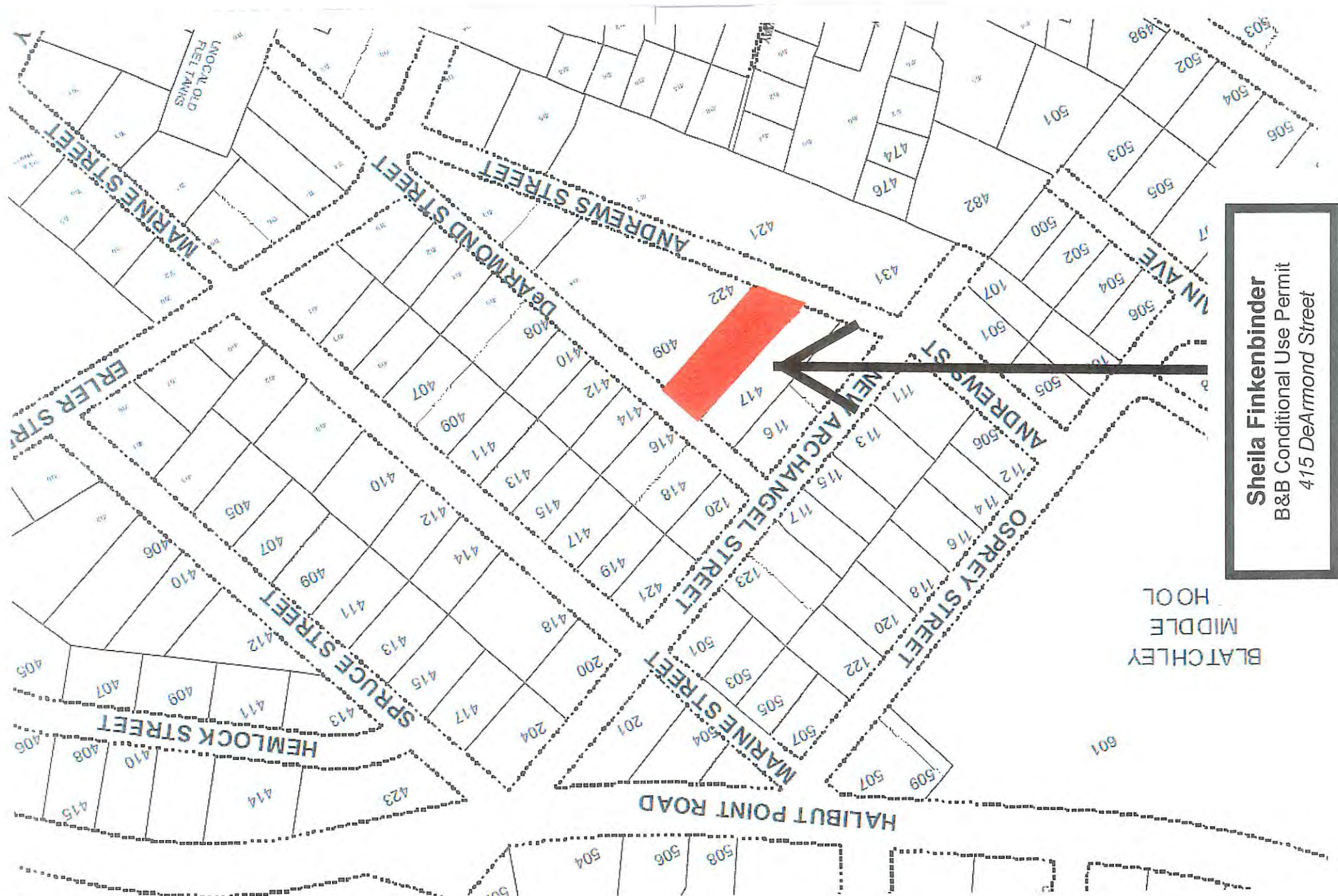
The Planning Commission recommends to approve Shelia Finkenbinder’s Conditional Use Permit for a one guest-room bed and breakfast located at 415 DeArmond Street subject to Code provisions and supported by the record of findings.

² Section 22.30.160(C)

³ **ACTION: Motion PASSED unanimously 4-0** on a voice vote.

⁴ **MOTION: M/S SPIVEY/WINDSOR** moved to recommend approval of a bed and breakfast conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder.

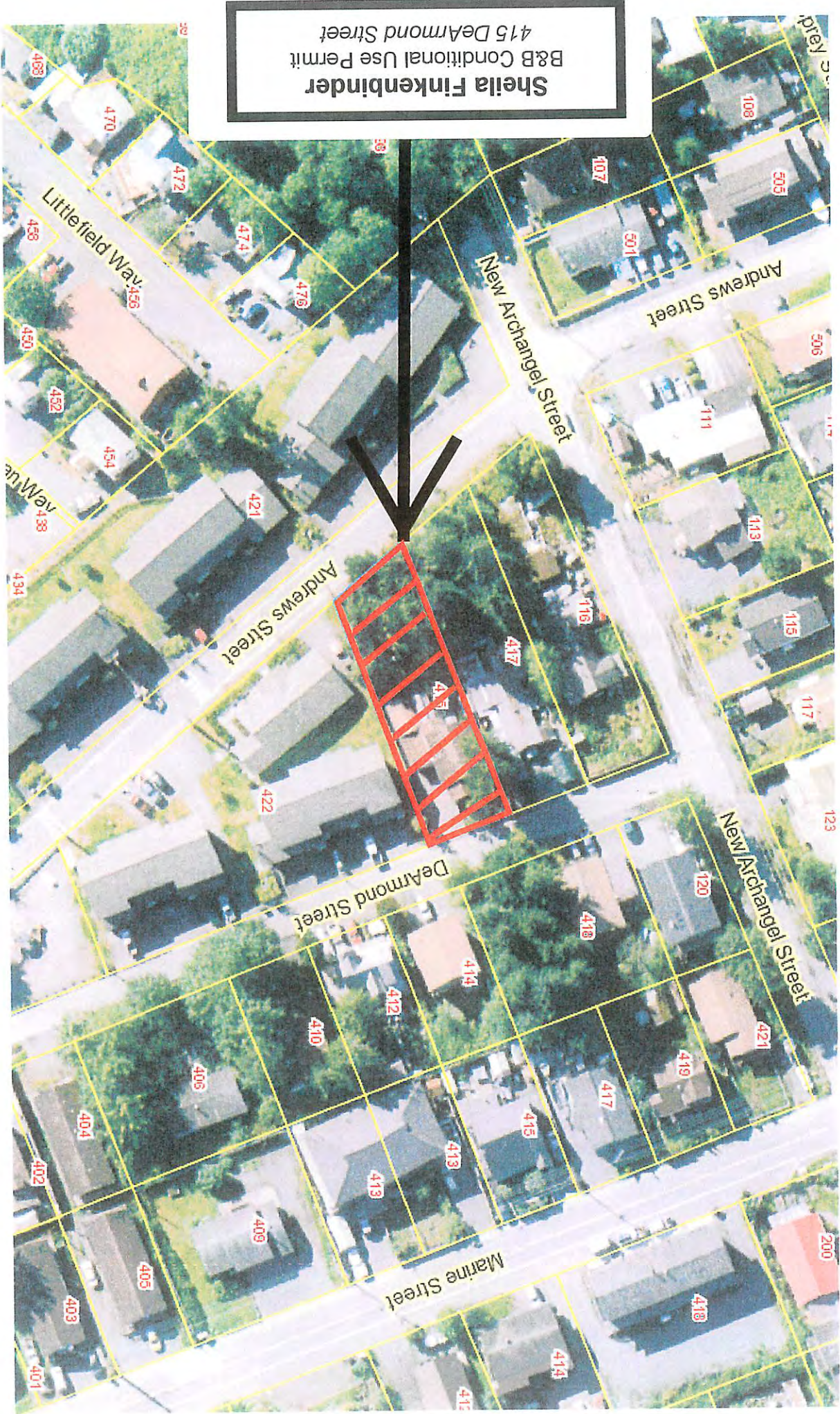
⁵ **ACTION: Motion PASSED unanimously 4-0** on a voice vote.



Sheila Finkenbinder
B&B Conditional Use Permit
415 DeArmond Street

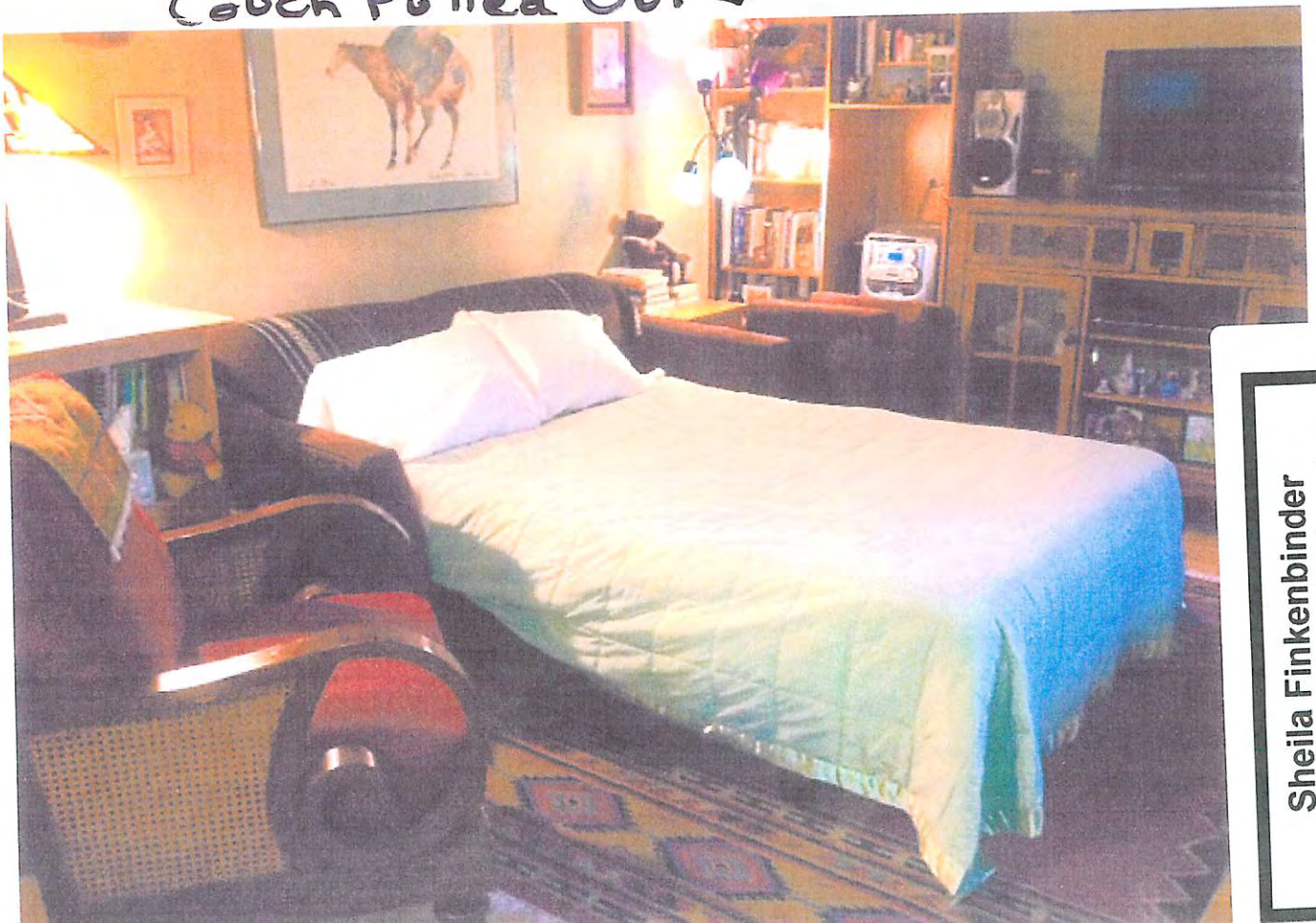
BLATCHLEY
MIDDLE
HOOL

Sheila Finkenbinder
B&B Conditional Use Permit
415 Dearmond Street





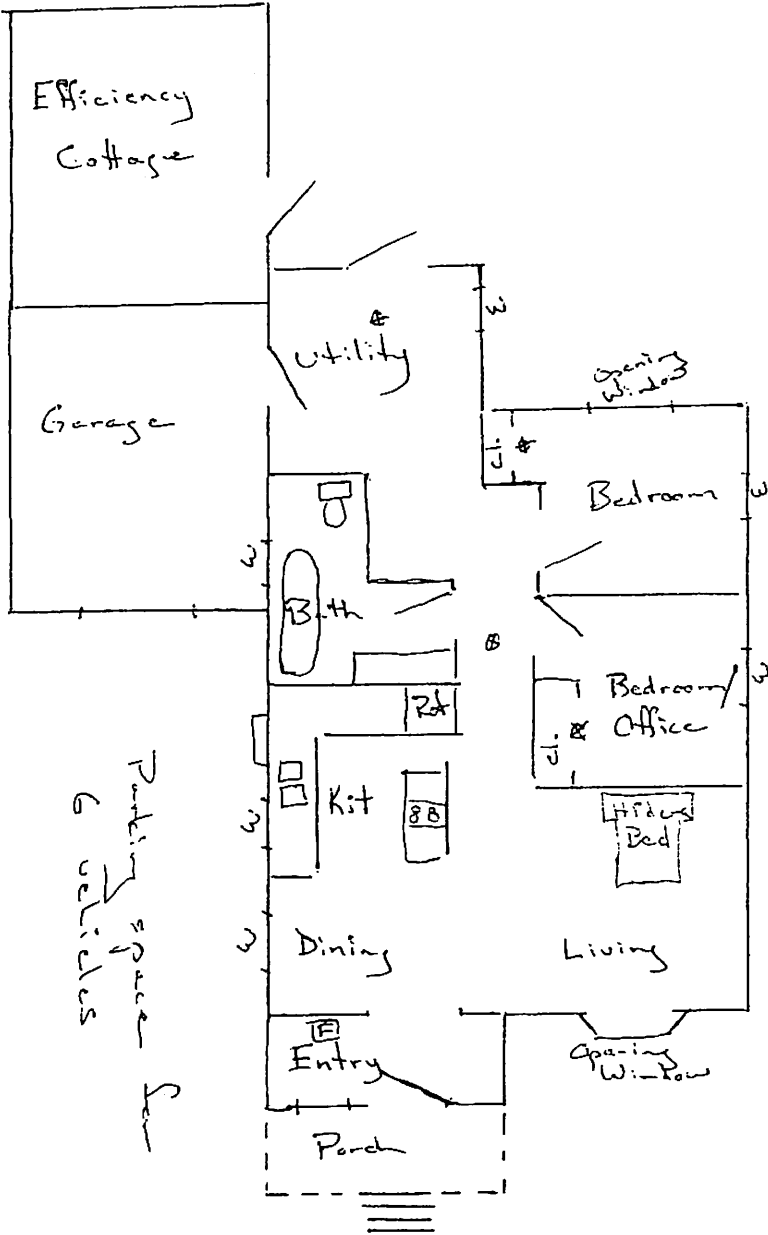
Couch Pulled Out ↓



Sheila Finkenbinder
B&B Conditional Use Permit
415 DeArmond Street

Interior Layout

- ☒ Smoke Alarms
- ☒ Fire Extinguisher



Fence

Parking space for 6 vehicles

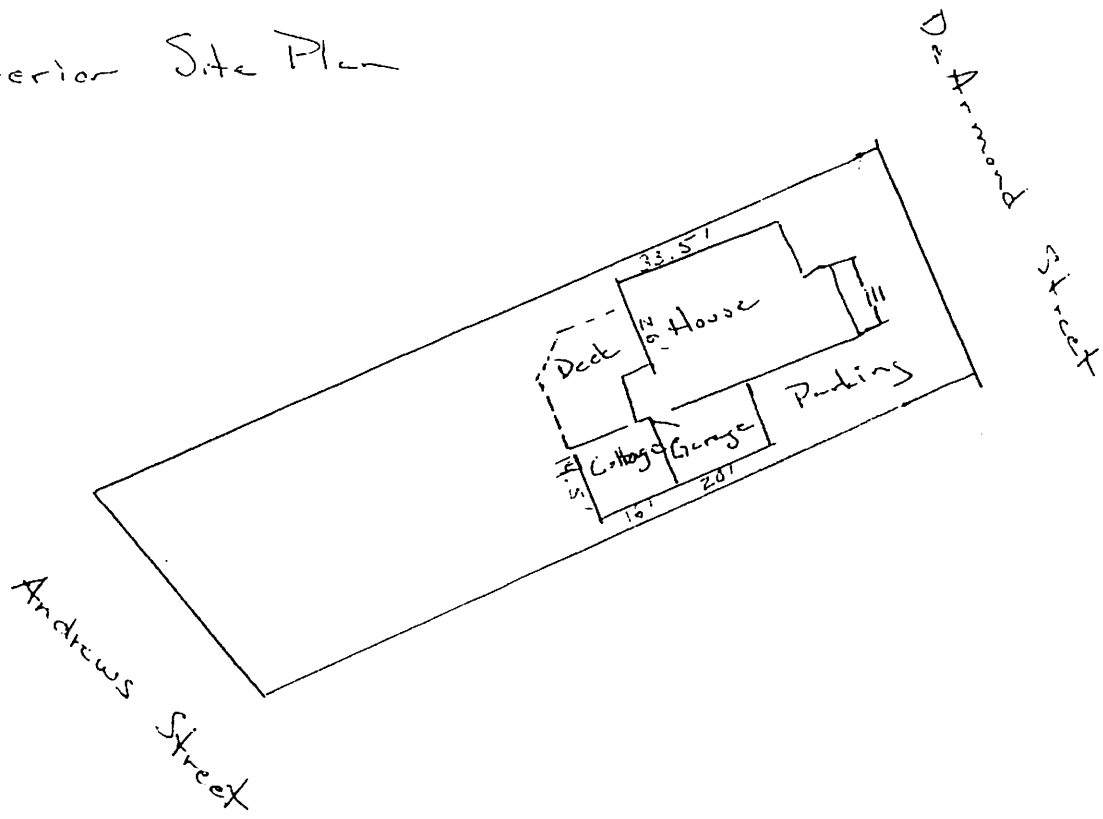
Fence

415

DeArmond Street

Sheila Finkenbinder
B&B Conditional Use Permit
415 DeArmond Street

Exterior Site Plan



Sheila Finkenbinder
B&B Conditional Use Permit
415 DeArmond Street

CITY AND BOROUGH OF SITKA
 PLANNING DEPARTMENT
 SHORT-TERM RENTAL &
 BED & BREAKFAST APPLICATION

Short-Term Rental Fee	\$100.00
Bed & Breakfast Fee	\$ 35.00
(per Guestroom)	
* plus current city sales tax *	

APPLICANT'S NAME: Sheila Finkenbinder
 PHONE NUMBER: 907-738-3098
 MAILING ADDRESS: 415 DeArmond St., Sitka, AK 99835

OWNER'S NAME: _____
(If different from applicant)
 PHONE NUMBER: _____
 MAILING ADDRESS: _____

PROJECT ADDRESS: 415 DeArmond Street
 LEGAL DESCRIPTION: Lot 12 E portion of 11 Block: _____
 Subdivision: Spruce Glen
 U.S. Survey: _____ Zoning Classification: _____

State all reasons for justifying request. Overnight stays will be offered to women only. Guests will seldom have vehicles. Rentals will provide additional income for owner.

Describe how the facility will be operated, what meals will be served, and how guests will be transported. (This information may be provided on a separate sheet)
Guests will arrive via taxi, shuttle or on foot.
Guests will sleep on hide-a-bed in the living room.
Guests will be offered breakfast foods.

Anticipated start date: May - 1, 2015

What months of the year the facility will be in operation:

Primarily summer

Guests may also be hosted during the rest of the year - though not many are expected.

Drawing of the **interior** layout showing:

- 1. Size and location of rooms
- 2. Types of facilities in the rooms
- 3. Windows and exits
- 4. Location of smoke alarms and fire extinguishers
- 5. Guestrooms specifically delineated on the plans

Drawing of the **exterior** site plan showing:

- 1. Dimensions of the home
- 2. How the house sits on the lot
- 3. Location of parking

- Check if facility is not fully constructed at the time of the application
- Check if Life Safety Inspection has already been completed. If not, please contact the Building Department at 747-1832 to schedule an appointment. This inspection is to certify that the residence complies with life and fire safety code aspects.

Bed and Breakfast applicants shall be aware that only limited cooking facilities such as small toaster ovens, microwaves, and refrigerators are allowed and those appliances must be outside of guestrooms.

In applying for and signing this application, the property owner hereby grants permission to Municipal staff to access the property before and after Planning Commission's review for the purposes of inspecting the proposed and/or approved structures.

SIGNATURE OF APPLICANT: *Bill Miller* Date: 1/26/15

SIGNATURE OF OWNER: _____ Date: _____

If different from the applicant



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: August 4, 2015

Maegan Bosak, PCDD

To: Planning Commission

Re: Finkenbinder B&B CU 15-13

GENERAL INFORMATION

Applicant: Shelia Finkenbinder

Property Owner: Shelia Finkenbinder

Property Address: 415 DeArmond Street

Legal Description: Lot 12 and a portion of Lot 11,
Block 26, Spruce Glen Subdivision

Parcel ID Number: 13635000

Size of Existing Lot: 8,120 sq. ft.

Zoning: R1

Existing Land Use: Residential

Utilities: City water, sewer, electric

Access: Direct from DeArmond Street

Surrounding Land Use: Residential

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Parcel Pictures

Attachment D: Application

Attachment E: Site Plan

Attachment F: Public Comment

Attachment G: Subdivision Plat

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 to Recommend Approval

Attachment H: Zoning Map
Attachment I: Mailing List
Attachment J: Proof of Payment
Attachment K: Warranty Deed

PROJECT DESCRIPTION

The applicant plans to operate a bed and breakfast rental mostly during the summer to female air bnb travelers. Ms. Finkenbinder has stated this will provide another option of affordable short-term lodging and supplement income. Only breakfast will be offered and a total of 1 guest will be booked at a time.

The house is on a parcel measuring 8,120 sq. ft. and is accessed from DeArmond Street. Currently there is a small efficiency apartment behind the garage making this property a duplex. The Assembly recently passed a zoning text change to allow bed and breakfast operations in owner-occupied sides of duplexes with a conditional use permit. The site plan shows room for approximately 6 parking spaces and staff will verify prior to Tuesday's meeting.

The house is a 984 sq. ft., one-story, two bedroom, one bath home with an attached garage and efficiency apartment. The applicant plans to rent out her pull out couch and also provide office space for changing and storage of luggage.

There is a residential neighbor on one side and Alaska Housing Finance Corporation housing "Paxton Manor" on the other side.

With only two parking spaces required per residential dwelling in this zone, and because the house is a single-family dwelling, there is more than adequate parking area.

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

A. Intent. The R-1 district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public utilities including sewer, water, electricity and storm drains or are intended to be provided with such utilities in the near future.

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. The R-1 district, as it is a very restrictive district, may also be utilized as a holding district for lands which are located within the urban area but are not presently served by access or utilities until such time as a full-scale development plan can be adopted to allow a more permanent zoning district designation.

ANALYSIS

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

- a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:** Duplex with additional bed and breakfast may create very little additional vehicular traffic as it is only being rented to one person and mainly during the summer months. Little to no impact on nearby land uses.
- b. Amount of noise to be generated and its impacts on surrounding land use:** Same amount of noise to slightly more as property will remain residential but visitors/guests will be on vacation.
- c. Odors to be generated by the use and their impacts:** No additional odors.
- d. Hours of operation:** Vacation rental primarily during the summer months.
- e. Location along a major or collector street:** Not located on major or collector street.
- f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** No cut through traffic scenario will be created.
- g. Effects on vehicular and pedestrian safety:** No effects.
- h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Same ability as if home was only single family.
- i. Logic of the internal traffic layout:** There is plenty of room on the property for vehicle access and parking.
- j. Effects of signage on nearby uses:** No effect. No signage proposed.
- k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** The site has a measure of privacy due to some greenery and the site placement of the house and neighboring houses.
- l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** Conforms with Comprehensive Plan Section 2.5.2 *l. Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.*
- m. Other criteria that surface through public comments or planning commission review:**
- **Parking:** CBS code 22.20.100 requires five spaces. *1. Residential Uses. For each dwelling unit up to and including four-family buildings: two parking spaces per unit. For five-unit buildings and above: one and one-half spaces per unit. Each dwelling unit must have parking spaces independently accessed.*
 - **Habitat:** Existing building- no habitat will be affected by the Applicant's proposal.
 - **Property value or Neighborhood harmony:** There is no evidence to suggest that this use will have an impact on surrounding property values. It will increase the value of the proposed structure.

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:

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;
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.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested conditional use permit with the following conditions:

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 following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

Carole Gibb

From: annieforuria@gmail.com
Sent: Tuesday, July 28, 2015 4:16 PM
To: carole@cityofsitka.com
Subject: Conditional Use permit for B&B at 415 DeArmond St

Please see to it that the below comments are forwarded to the Planning Commission for the August 4th public hearing.

Thank you,
Annie Foruria

July 28, 2015

City and Borough of Sitka
Planning Commission
100 Lincoln Street
Sitka, AK 99835

Re: B&B Conditional Use permit at 415 DeArmond Street

To Whom It May Concern:

Please accept this letter in support for the proposed Bed and Breakfast operation at 415 DeArmond Street, here in Sitka. As my husband and I own the property at 503 and 505 Andrews Street, we believe that this type of development and operation would not negatively impact the neighborhood in any way. The financial prospects for the applicant and the City, overall, are greatly enhanced with the idea that more independent businesses, such as the applicants with this proposal desire to make their livelihood in Sitka in a unique, yet legal, manner.

As the number of independent Sitka homeowners who look to make more income in this high-end economy increases here in Sitka, so too should the allowance the city makes when it comes to approving such uses in their home (while, of course, considering the general impacts each business might have on the neighbo

As a homeowner, I would encourage you to approve the B&B permit, as it has very little impact on the neighborhood. While smart planning saves the overall wellbeing of a community, it also allows for economically feasible developments throughout.

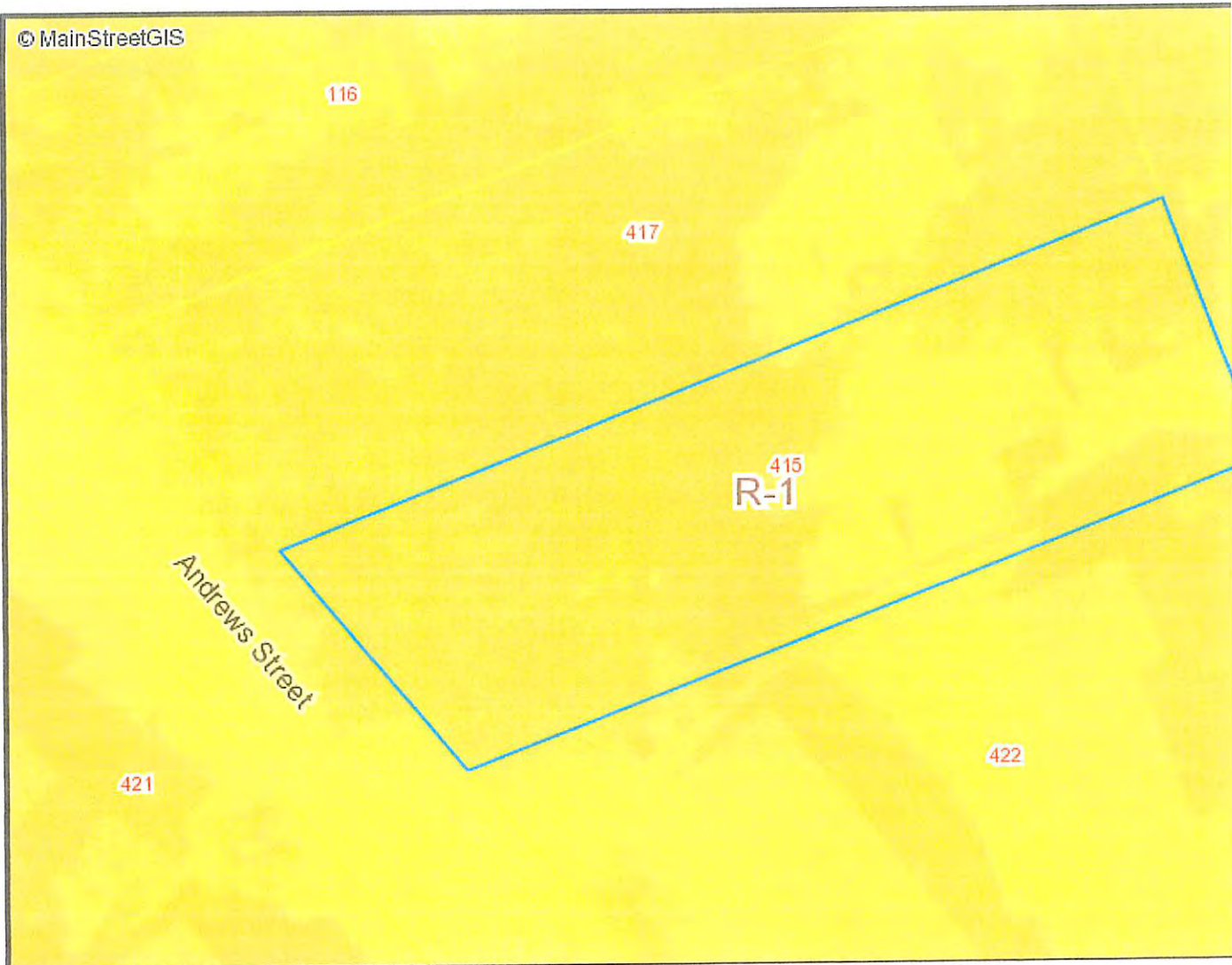
Thank you for your consideration in this matter.

Sincerely,

Annie Foruria
504 Shennett Street
Sitka, AK 99835
(907) 723-4727

Sheila Finkenbinder
B&B Conditional Use Permit
415 DeArmond Street

© MainStreetGIS



1 in = 31.49 ft

Printed on 7/23/2015
 Last update: Property information Daily, GIS parcel lines 9/1/2014

This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land. The City and Borough of Sitka, Alaska and MainStreetGIS assume no legal responsibility for the information contained herein.

Sheila Finkenbinder
 B&B Conditional Use Permit
 415 DeArmond Street

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
August 4, 2015**

Present: Chris Spivey (Acting Chair), Debra Pohlman (Member), Darrell Windsor (Member)
Randy Hughey (Member), Michael Scarcelli (Senior Planner), Maegan Bosak
(Planning & Community Development Director)

Absent: Richard Parmelee (Chair)

Members of the Public: John Totten, Kristy Kissinger Totten, Jim Steffen, Judy Steffen, Dan
Jones, Jane Eidler, Sheila Finkenbinder

Vice Chair Spivey called the meeting to order at 7:00 p.m.

Roll Call:

PRESENT: 4 – Spivey, Pohlman, Windsor, Hughey. Note: Acting Chair Chris Spivey
recused himself from items B and C due to a business association with Alps Credit
Union, the owner of the property. Darrell Windsor agreed to serve as chair for this
case in his stead.

Consideration of the Agenda:

Staff informed the commission that item A was pulled from this meeting's agenda.

Consideration of the Minutes from the July 21, 2015 meeting:

MOTION: M/S WINDSOR / POHLMAN moved to approve the meeting minutes for July
21, 2015.

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

The evening business:

**CONDITIONAL USE PERMIT
401 AND 407 HALIBUT POINT ROAD
DANIEL JONES FOR ALPS CREDIT UNION**

*Public hearing and consideration of an expansion of a credit union conditional use permit at
401 and 407 Halibut Point Road. The property is also known as Lots A and B, Block 24, U.S.
Survey 1474-A and Lot A, Burgess Estates. The request is filed by Daniel G. Jones, P.E, LLC.
The owner of record is ALPS Federal Credit Union.*

STAFF REPORT: Bosak described the project, a request for an expansion of the conditional use
permit held by Alps Credit Union in an R-2 zone. The conditional use permit was approved by the
Assembly in 1998 with these conditions: 1. The traffic flow and off-street parking arrangement
conforms with the recommendation of the Planning Commission. 2. That staff review the lighting

situation to reduce the negative effects of lighting on adjacent residential properties incorporating additional lighting benefits to Erler Street if practical. 3. The storm drainage is to be contained and be directed subsurface into existing storm drainage system. 4. No water is to be allowed to be directed onto Halibut Point Road or Erler Street. Bosak noted that the expansion would involve a second lot that has already been in use for commercial purposes, at 407 Halibut Point Road. She shared comments which have come in from neighbors voicing opposition to this request. The Department of Transportation also provided a comment that the applicant would need to consult with DOT regarding their plan for a third driveway onto the property. Staff didn't perceive that this request would cause noticeable additional traffic, or noise, but did request further clarification from the applicant regarding the parking plan in terms of total number of spaces -- code allows nothing smaller than spaces measuring 9' x 18' and the application shows some spaces denoted as "small car" parking. Staff also encouraged further clarification regarding signage, setbacks and the bank edging the property.

APPLICANT: Dan Jones clarified the site plan including the location and flow of the drive-thru. He also discussed parking, and ways that compliance could be met on parking and on signage. Bosak asked what the impetus was for this request and Jones said he didn't know for sure but his guess is that it is a need for additional office space to support additional branches that have opened.

PUBLIC COMMENT: Residents spoke in opposition to the request due to concerns about the effect on neighbors' views, citing commercial "creep," as well as traffic and parking issues. Chris Spivey spoke as a member of the public suggesting that the applicant consider the possibility of keeping the drive-thru directing traffic onto Erler Street.

COMMISSIONER DELIBERATION: Commissioners were against increasing the impact on the value of the Totten's property as well as impacts on the residential nature of the area. Pohlman expressed concern about the size of the parking spaces, and public safety concerns with regard to the bike lane. There was discussion around denying or postponing this request to open the way for a future possible plan for a one-story building. Staff reminded commissioners that in a R-2 zone, buildings can be up to 40 feet in height, and impacts on neighbors' views or values are not taken into account.

MOTION: M/S HUGHEY/ POHLMAN moved to deny the following findings:

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:

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; *specifically residential neighbors in the adjacent area.*
 - b. Adversely affect the established character of the surrounding vicinity; *specifically, the residential nature of the R2 zone, 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, *specifically adjacent property values.*

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, *specifically 2.5.2: to encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas.*
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 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;
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.

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

MOTION: **M/S HUGHEY/POHLMAN** moved to recommend denial of an expansion of a credit union conditional use permit at 401 and 407 Halibut Point Road based on the findings, due to concerns for the residential quality of the neighborhood, and concerns about traffic flow, public safety, and parking. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The request is filed by Daniel G. Jones, P.E, LLC. The owner of record is ALPS Federal Credit Union.

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

**RE-PLAT
401 AND 407 HALIBUT POINT ROAD
DAN JONES FOR ALPS CREDIT UNION**

Public hearing and consideration of a replat at 401 and 407 Halibut Point Road filed by Daniel G. Jones, P.E, LLC. The replat will remove the center lot line and merge two lots into one. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The owner of record is ALPS Federal Credit Union.

STAFF REPORT: Bosak explained that this re-plat is an option which the applicant will hold in reserve for now as it would negate the existing conditional use permit, and a new permit would have to be approved based on the expanded site plan.

APPLICANT: Dan Jones said he was available to answer any questions.

COMMISSIONER DELIBERATION: There was no commissioner deliberation.

PUBLIC COMMENT: No public comment.

MOTION: M/S POHLMAN/HUGHEY moved to approve a replat at 401 and 407 Halibut Point Road filed by Daniel G. Jones, P.E, LLC. The replat will remove the center lot line and merge two lots into one. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The owner of record is ALPS Federal Credit Union.

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

**ZONING TEXT AMENDMENT
ASPHALT PLANTS IN INDUSTRIAL ZONES WITH CUP
CITY AND BOROUGH OF SITKA**

Public hearing and consideration of a proposed zoning text amendment to modify SGC Table 22.16.015-5 Manufacturing/Storage Uses to allow asphalt plants and concrete batch plants in an Industrial Zone with a conditional use permit. The request is filed by the City and Borough of Sitka.

STAFF REPORT: Bosak explained that currently asphalt plants are only allowed in Sitka under a temporary use permit. The need for asphalt is an essential one to Sitka, and is recurring, and under the temporary use permit, equipment has to be brought in from out of town, rather than remaining on a site, greatly increasing costs to the city and to residents needing asphalt work. This request would allow an asphalt plant to operate in an Industrial zone under a conditional use permit.

COMMISSIONER DELIBERATION: Commissioners clarified their understanding of the request.

PUBLIC COMMENT: No public comment.

COMMISSIONER DELIBERATION: Commissioners had no further questions.

MOTION: M/S POHLMAN/HUGHEY moved to recommend approval of a proposed zoning text amendment to modify SGC Table 22.16.015-5 Manufacturing/Storage Uses to allow asphalt plants and concrete batch plants in an Industrial Zone with a conditional use permit. The request is filed by the City and Borough of Sitka.

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

**CONDITIONAL USE PERMIT
415 DEARMOND STREET
SHEILA FINKENBINDER**

Public hearing and consideration of a B&B conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder

STAFF REPORT: Bosak described the long process leading up to this point involving many meetings, and ultimately a zoning text change allowing for a B&B to operate in the owner-occupied side of a duplex. This request is for a conditional use permit to operate a B&B for single guests during mostly the summer months. The dwelling is 984 square feet, and is a one-story, two-bedroom, one bath house with an attached cottage that acts as a long-term rental. The site has in excess of five parking spots.

APPLICANT: Sheila Finkenbinder expressed happiness that this was now an option for people in Sitka trying to generate some income through home sharing. Staff asked if food would be served and the applicant said perhaps simple fare, but she just bought a sign that said: Bed and Breakfast: You Make Both.

COMMISSIONER DELIBERATION: Pohlman said some visitors had come into her place of work and they were asking about B&B lodging because everything they had looked at was full.

PUBLIC COMMENT: No public comment.

MOTION: M/S WINDSOR/POHLMAN moved to approve the following findings:

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:

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, *specifically 2.1.1. Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.*

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 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;
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.

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

MOTION: M/S SPIVEY/WINDSOR moved to recommend approval of a bed and breakfast conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder

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

DIRECTORS REPORT: Bosak introduced new Senior Planner Michael Scarcelli.

PUBLIC COMMENT: No public comment was offered.

MOTION: M/S WINDSOR/SPIVEY moved to adjourn at 9:12 pm.

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

Chris Spivey, Vice Chair

Maegan Bosak, Acting Secretary

OK

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K
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2011-000121-0

Recording Dist: 103 - Sitka

1/31/2011 11:32 AM Pages: 1 of 2



File for Record at Request of:
First American Title Insurance Company

AFTER RECORDING MAIL TO:

Name: Sheila Finkenbinder

Address: 415 DeArmond St
Sitka, AK 99835

File No.: **0241-1678379 (TLS)**

QUIT CLAIM DEED

THE GRANTOR, **Sheila Finkenbinder**, who acquired title as a **married woman**, whose address is **415 DeArmond St, Sitka, AK 99835**, for and in consideration of **ten dollars**, conveys and quit claims to **Sheila Finkenbinder a single person**, whose address is **415 DeArmond St, Sitka, AK 99835**, the following described real estate, situated in the Recording District of **Sitka, First Judicial District, State of Alaska**:

All of Lot 12, Block 26 and a portion of Lot 11, Block 26 of the SPRUCE GLEN SUBDIVISION, the plat of which is filed in the office of the Sitka Recording District, Sitka Alaska, in Volume #1 of the Plats as Plat No. 2, with the above mentioned portion of Lot 11 that abuts the Northwesternly boundary of said Lot 12 extending from DeArmond Street to Andrews street and being described as:

BEGINNING on the Northernmost corner of Lot 12; thence 1.5 feet along the Northeasterly line of said Lot 11; thence in a Southwesterly direction on a line parallel to the Northwesternly boundary of said Lot 12 to a point of intersection with the Southwesterly Lot line of said Lot 11; thence 1.5 feet in a Southeasterly direction along the Southwesterly lot line of said lot 11 to the Northwesternly corner of Lot 12; thence Northeasterly along the Northwesternly boundary of Lot 12 to the Place of beginning, all located within the Sitka Recording District, First Judicial District, State of Alaska.

together with all after acquired title of the Grantor(s) therein.

Sheila Finkenbinder
B&B Conditional Use Permit
415 DeArmond Street

Dated: January 26, 2011.

Sheila Finkenbinder

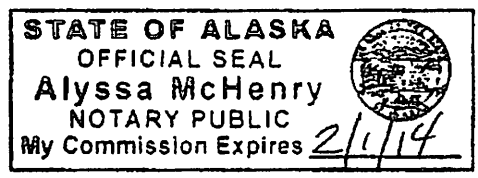
Sheila Finkenbinder

STATE OF Alaska)
) SS.
Judicial District)

THIS IS TO CERTIFY that on this **Twenty-sixth day of January, 2011**, before me the undersigned Notary Public, personally appeared, 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.

Alyssa McHenry
Notary Public in and for Alaska
My commission expires 2/1/14





City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Notice of Public Hearings

The Assembly of the City and Borough of Sitka will hold a public hearing during a regular meeting scheduled Tuesday, August 25, 2015 on the following items:

- A. Ordinance 2015- 42 Public hearing and consideration of a proposed zoning text amendment to modify SGC Table 22.16.015-5 Manufacturing/Storage Uses to allow asphalt plants and concrete batch plants in an Industrial Zone with a conditional use permit. The request is filed by the City and Borough of Sitka.
- B. **Public hearing and consideration of a B&B conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder.**
- C. Public hearing and consideration of a conditional use permit for a short-term rental at 703 Biorka Street. The property is also known as Lot 11, Block 23, Sitka Townsite, U.S. Survey 1474. The request is filed by Deanna Moore. The owner of record is Deanna Moore.

The Assembly may take action on August 25, 2015. The Assembly meeting will begin at 6:00 pm at University of Alaska Southeast 1332 Seward Avenue Room 229 in Sitka.

Interested residents are encouraged to make comments during the meeting and written comments can be submitted to the Municipal Clerk at 100 Lincoln Street.

Parcel ID: 13557000
RIGGS SANDI
RIGGS, SANDI, L.
412 MARINE ST
SITKA AK 99835

Parcel ID: 13560000
CARBONEL ARSENIO/MARIVIC
CARBONEL, ARSENIO, V./MARIVIC, M.
414 MARINE ST
SITKA AK 99835

Parcel ID: 13565000
JD RENTALS, LLC
JD RENTALS, LLC
2826 10TH AVE E.
SEATTLE WA 98102

Parcel ID: 13570000
WILSON RYAN/SUZANNE
WILSON, RYAN & SUZANNE
P.O. BOX 414
SITKA AK 99835-0414

Parcel ID: 13600000
STRELOW ELAINE
STRELOW, ELAINE
P.O. BOX 1896
SITKA AK 99835-1896

Parcel ID: 13610000
ALASKA STATE BUILDING
LOW INCOME HOUSING
AK STATE BUILDING AUTHI
404 LAKE ST
SITKA AK 99835

Parcel ID: 13615000
ALASKA STATE BUILDING AUTHORITY
LOW INCOME HOUSING
AK STATE BUILDING AUTHORITY
404 LAKE ST
SITKA AK 99835

Parcel ID: 13625000
PETERSON ROCK/CHARLENE
PETERSON, ROCK, A./CHARLENE, R.
P.O. BOX 1733
SITKA AK 99835-1733

Parcel ID: 13630000
COMBS RANDALL
COMBS, RANDALL, W.
417 DEARMOND ST
SITKA AK 99835

Parcel ID: 13635000
FINKENBINDER SHEILA
FINKENBINDER, SHEILA
415 DE ARMOND ST.
SITKA AK 99835

Parcel ID: 13643000
MCCLUNG DAWN
MCCLUNG, DAWN
402 DE ARMOND ST.
SITKA AK 99835

Parcel ID: 13644000
MARTIN REVOCABLE TRU
MARTIN, MARTY, J./ELIZAI
P.O. BOX 2752
SITKA AK 99835-2752

Parcel ID: 13645000
VAZQUEZ/RIVERA ALEJANDRO/FERMI
VAZQUEZ, ALEJANDRO/RIVERA, FERMINA
P.O. BOX 693
SITKA AK 99835-0693

Parcel ID: 13647000
DANIELS DENNIE/DEBORAH
DANIELS, DENNIE, D./DEBORAH
P.O. BOX 545
SITKA AK 99835-0545

Parcel ID: 13648000
SEVERSON/FRANKENSTE
SEVERSON, LARRY & FRA
P.O. BOX 6224
SITKA AK 99835-6224

Parcel ID: 13649000
NICOLAS RONALD/ISABEL
NICOLAS, RONALD/ISABEL
103 MARYS COURT
SITKA AK 99835

Parcel ID: 13650000
SNELLING JERRY/KATHRYN
SNELLING, JERRY & KATHRYN
418 DE ARMOND ST.
SITKA AK 99835

Parcel ID: 13655000
MANUEL LUCVIMINDA/ELF
MANUEL, LUZVIMINDA/ELI
120 NEW ARCHANGEL ST
SITKA AK 99835

Parcel ID: 13660000
STITZ SHARON
STITZ, SHARON, A.
421 MARINE ST
SITKA AK 99835

Parcel ID: 13662000
BUDD JEFF
BUDD, JEFF
P.O. BOX 1351
SITKA AK 99835-1351

Parcel ID: 13665000
OBERREUTER BRIAN
OBERREUTER, BRIAN, D.
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Parcel ID: 13670000
HARTLEY FRANK/ROSE
HARTLEY, FRANK, C./ROSE, M.
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Parcel ID: 13672000
HARTLEY SAMUEL
HARTLEY, SAMUEL, H., JR.
415 MARINE ST.
SITKA AK 99835

Parcel ID: 13675000
MATALANG/SIBAYAN A. &
MATALANG, A. & E/SIBAY,
1104 HALIBUT POINT RD, I
SITKA AK 99835

Parcel ID: 13685000
MARTIN REVOCABLE TRUST MARTY/ELIZABETH
MARTIN, MARTY, J./ELIZABETH, A. TRUST
P.O. BOX 2752
SITKA AK 99835-2752

Parcel ID: 15165000
WILL ELIZABETH
WILL, ELIZABETH, B.
P.O. BOX 333
SITKA AK 99835-0333

Parcel ID: 15170000
SWANSON CHRISTINE
SWANSON, CHRISTINE, GI
P.O. BOX 6330
SITKA AK 99835-6330

Parcel ID: 15175000
SWANSON CHRISTINE/ERIC
SWANSON, CHRISTINE (GRANT)/ERIC R.
P.O. BOX 6330
SITKA AK 99835-6330

Parcel ID: 15185000
SISK KARA
SISK, KARA, C.
108 OSPREY ST
SITKA AK 99835

Parcel ID: 15190000
FORURIA GEORGIANNA/M
FORURIA, GEORGIANNA/M

Parcel ID: 15195000
BROWN CORRINE
BROWN, CORRINE, E.
107 NEW ARCHANGEL
SITKA AK 99835

Parcel ID: 15200000
ABARIANTOS/CABUDOL MARY/TERESITA
ABARIANTOS, M./CABUDOL, TERESITA
501 ANDREWS ST
SITKA AK 99835

Parcel ID: 15205000
SNOWDEN GROUP, LLC TI
THE SNOWDEN GROUP, LI
P.O. BOX 178
SITKA AK 99835-0178

Parcel ID: 15210000
CROPLEY JOELLIN
CROPLEY, JOELLIN
406 HEMLOCK ST
SITKA AK 99835

Parcel ID: 15215000
DIEGO EDGAR/JUANITA
DIEGO, JUANITA/EDGAR
122 OSPREY ST
SITKA AK 99835

Parcel ID: 15220000
MOORE ARCHIE/PHYLLIS
MOORE, ARCHIE, C./PHYL
120 OSPREY ST.
SITKA AK 99835

Parcel ID: 15225000
STRAIN ALICE/SHERMAN
STRAIN, ALICE, ANN/SHERMAN, M.
113 HARBOR MOUNTAIN RD, SPC 5
SITKA AK 99835-9533

Parcel ID: 15230000
CASSEDY SCOTT/CYNTHIA
CASSEDY, SCOTT, P./CYNTHIA, S.
P.O. BOX 452
SITKA AK 99835-0452

Parcel ID: 15245000
RODGERS RANDAL/JANIC
RODGERS, RANDAL, D./JA
111 NEW ARCHANGEL ST
SITKA AK 99835

Parcel ID: 15250000
NEWMAN KYLE
NEWMAN, KYLE
113 NEW ARCHANGEL ST
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Parcel ID: 15260000
GRANT FREDERICK/BONNI
GRANT, BONNIE, M.
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Parcel ID: 15265000
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MEAD, TERRY, E.
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Parcel ID: 15270000
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JONES, THOMAS & DARCY
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SITKA AK 99835

Parcel ID: 15285000
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ARMER, ROSEMARY, D.
607 MARINE ST.
SITKA AK 99835

Parcel ID: 15290000
GUY/MC CREHIN JUNE/RO
GUY, JUNE & MC CREHIN,
503 MARINE ST
SITKA AK 99835

Parcel ID: 15295000
HAMES ROGER
HAMES, ROGER, L.
P.O. BOX 1252
SITKA AK 99835-1252

Parcel ID: 15300000
MCGRAW ROBERT/TONI
MCGRAW, ROBERT, S./TONI, G.
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SITKA AK 99835

Parcel ID: 16475011
DIDRICKSON GERALD
DIDRICKSON, GERALD, E.
P.O. BOX 900
SITKA AK 99835-0900

Parcel ID: 16475013
BARANOF ISLAND HOUSING AUTHORITY
BIHA
BARANOF ISLAND HOUSING AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16502000
ANDERSON WILLIAM
ANDERSON, WILLIAM
P.O. BOX 704
SITKA AK 99835-0704

Parcel ID: 16510000
KIRKMAN ESTATE LILA
% RICK PADEN
KIRKMAN ESTATE, LILA
103 PETER SIMPSON RD
SITKA AK 99835

Parcel ID: 16525000
KIRKMAN BERTRAND
C/O RICK PADEN
KIRKMAN, BERTRAND
103 PETER SIMPSON RD
SITKA AK 99835

Parcel ID: 16550051
ANDERSON WILLIAM
ANDERSON, WILLIAM
P.O. BOX 704
SITKA AK 99835-0704

Parcel ID: 16550052
KIRKMAN LILA
% RICK PADEN
KIRKMAN ESTATE, LILA
103 PETER SIMPSON RD
SITKA AK 99835

Parcel ID: 16550054
BRUMFIELD PHOEBE
BRUMFIELD, PHOEBE
2071 SE ERWIN RD
PORT ST. LUCIE FL 34952-5521

Parcel ID: 16605000
SITKA TRIBE OF ALASKA
SITKA TRIBE OF ALASKA
456 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16620000
SITKA TRIBE OF ALASKA
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456 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16635001
LITTLEFIELD CHRISTINE
LITTLEFIELD, GREGORY J.
LITTLEFIELD, CHRISTINE DUBKE HOPE
P.O. BOX 705
SITKA AK 99835-0705

Parcel ID: 16635002
LITTLEFIELD EVELYN
LITTLEFIELD, EVELYN
P.O. BOX 127
METLAKATLA AK 99926-0127

Parcel ID: 16635003
OLNEY-MILLER BAE/JENN
OLNEY-MILLER, BAE/JENN
505 O'CAIN AVE
SITKA AK 99835

Parcel ID: 16640004
LITTLEFIELD TERRENCE
LITTLEFIELD, TERRENCE, C.
P.O. BOX 2336
SITKA AK 99835-2336

Parcel ID: 16640101
~~LITTLEFIELD CHRISTINE
LITTLEFIELD, CHRISTINE, D.
P.O. BOX 705
SITKA AK 99835-0705~~

Parcel ID: 16640103
~~LITTLEFIELD TERRENCE
LITTLEFIELD, TERRENCE,
P.O. BOX 2336
SITKA AK 99835-2336~~

Parcel ID: 16640104
BORGEN BARBARA
BORGEN, BARBARA, J.
P.O. BOX 183
SITKA AK 99835-0183

Parcel ID: 16640106
CLARK ISAAC/JESSICA
CLARK, ISAAC & JESSICA
454 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16640107
JOHNSON ANNE
JOHNSON, ANNE, H.
452 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16640108
BRADY JUDITH
BRADY, JUDITH, A.
450 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16640109
PAYENNA JACOB
PAYENNA, JACOB, S.
448 KATLIAN AVE
SITKA AK 99835



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Sitka Planning Commission Agenda Tuesday, August 4, 2015

Held at Sealing Cove Business Center
601 Alice Loop, Sitka, Alaska
7:00pm

- I. CALL TO ORDER AND ROLL CALL
- II. CONSIDERATION OF THE AGENDA
- III. CONSIDERATION OF THE MINUTES FROM July 21, 2015
- IV. THE EVENING BUSINESS
 - A. Public hearing and consideration of a zoning map amendment at 1004 Halibut Point Road and 205 Kimsham Street to change the zoning from R-1 Single Family and Duplex Residential District to C-1 General Commercial District. The property is also known as Lots 3 & 4, U.S. Survey 3303. The request is filed by Trudy Prewitt. The owner of record is The Prewitt Family Trust.
 - B. Public hearing and consideration of an expansion of a credit union conditional use permit at 401 and 407 Halibut Point Road. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The request is filed by Daniel G. Jones, P.E, LLC. The owner of record is ALPS Federal Credit Union.
 - C. Public hearing and consideration of a replat at 401 and 407 Halibut Point Road filed by Daniel G. Jones, P.E, LLC. The replat will remove the center lot line and merge two lots into one. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The owner of record is ALPS Federal Credit Union.
 - D. Public hearing and consideration of a proposed zoning text amendment to modify SGC Table 22.16.015-5 Manufacturing/Storage Uses to allow asphalt plants and concrete batch plants in an Industrial Zone with a conditional use permit. The request is filed by the City and Borough of Sitka.
 - E. **Public hearing and consideration of a B&B conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder.**
- 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 carole@cityofsitka.com, or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish: July 27 and 29

Parcel ID: 13557000
RIGGS SANDI
RIGGS, SANDI, L.
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CARBONEL, ARSENIO, V./MARIVIC, M.
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SEATTLE WA 98102

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WILSON, RYAN & SUZANNE
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Parcel ID: 13600000
STRELOW ELAINE
STRELOW, ELAINE
P.O. BOX 1896
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ALASKA STATE BUILDING AUTHI
LOW INCOME HOUSING
AK STATE BUILDING AUTHORITY
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SITKA AK 99835

Parcel ID: 13615000
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LOW INCOME HOUSING
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PETERSON ROCK/CHARLENE
PETERSON, ROCK, A./CHARLENE, R.
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COMBS, RANDALL, W.
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FINKENBINDER SHEILA
FINKENBINDER, SHEILA
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SITKA AK 99835

Parcel ID: 13643000
MCCLUNG DAWN
MCCLUNG, DAWN
402 DE ARMOND ST.
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Parcel ID: 13644000
MARTIN REVOCABLE TRUST MAI
MARTIN, MARTY, J./ELIZABETH T
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SITKA AK 99835-2752

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VAZQUEZ/RIVERA ALEJANDRO/FERMI
VAZQUEZ, ALEJANDRO/RIVERA, FERMINA
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Parcel ID: 13648000
SEVERSON/FRANKENSTEIN LAR
SEVERSON, LARRY & FRANKENS
P.O. BOX 6224
SITKA AK 99835-6224

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NICOLAS, RONALD/ISABEL
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STITZ, SHARON, A.
421 MARINE ST
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BUDD JEFF
BUDD, JEFF
P.O. BOX 1351
SITKA AK 99835-1351

Parcel ID: 13665000
OBERREUTER BRIAN
OBERREUTER, BRIAN, I
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HARTLEY FRANK/ROSE
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MARTIN, MARTY, J./ELIZABETH, A. TRUST
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SWANSON, CHRISTINE,
P.O. BOX 6330
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Parcel ID: 15175000
SWANSON CHRISTINE/ERIC
SWANSON, CHRISTINE (GRANT)/ERIC R.
P.O. BOX 6330
SITKA AK 99835-6330

Parcel ID: 15185000
SISK KARA
SISK, KARA, C.
108 OSPREY ST
SITKA AK 99835

Parcel ID: 15190000
FORURIA GEORGIANNA

P & Z Mailing
Sent 7/24/15

Sheila Finkenbinder
B&B Conditional Use Permit
415 DeArmond Street

Parcel ID: 15195000
BROWN CORRINE
BROWN, CORRINE, E.
107 NEW ARCHANGEL
SITKA AK 99835

Parcel ID: 15200000
ABARIENTOS/CABUDOL MARY/TERESITA
ABARIENTOS, M./CABUDOL, TERESITA
501 ANDREWS ST
SITKA AK 99835

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THE SNOWDEN GROUP, LLC
P.O. BOX 178
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Parcel ID: 15210000
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CROPLEY, JOELLIN
406 HEMLOCK ST
SITKA AK 99835

Parcel ID: 15215000
DIEGO EDGAR/JUANITA
DIEGO, JUANITA/EDGAR
122 OSPREY ST
SITKA AK 99835

Parcel ID: 15220000
MOORE ARCHIE/PHYLLIS
MOORE, ARCHIE, C./PHYLLIS
120 OSPREY ST.
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STRAIN ALICE/SHERMAN
STRAIN, ALICE, ANN/SHERMAN, M.
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Parcel ID: 15230000
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CASSEY, SCOTT, P./CYNTHIA, S.
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RODGERS, RANDAL, D./JANICE, I
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NEWMAN, KYLE
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GRANT, BONNIE, M.
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MEAD, TERRY, E.
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JONES, THOMAS & DARCY
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ARMER, ROSEMARY, D.
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GUY, JUNE & MC CREHIN, ROBYN
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HAMES, ROGER, L.
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DIDRICKSON, GERALD, E.
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Parcel ID: 16475013
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BARANOF ISLAND HOUSING AUTHORITY
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ANDERSON, WILLIAM
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KIRKMAN ESTATE, LILA
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ANDERSON, WILLIAM
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SITKA AK 99835-0704

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Parcel ID: 16620000
SITKA TRIBE OF ALASKA THE
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456 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16635001
LITTLEFIELD CHRISTINE
LITTLEFIELD, GREGORY J.
LITTLEFIELD, CHRISTINE DUBKE HOPE
P.O. BOX 705
SITKA AK 99835-0705

Parcel ID: 16635002
LITTLEFIELD EVELYN
LITTLEFIELD, EVELYN
P.O. BOX 127
METLAKATLA AK 99926-0127

Parcel ID: 16635003
OLNEY-MILLER BAE/JENNIFER
OLNEY-MILLER, BAE/JENNIFER
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Parcel ID: 16640004
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LITTLEFIELD, TERRENCE, C.
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LITTLEFIELD, CHRISTINE, D.
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Parcel ID: 16640103
LITTLEFIELD TERRENCE
LITTLEFIELD, TERRENCE, C.
P.O. BOX 2336
SITKA AK 99835-2336

Parcel ID: 16640104
BORGEN BARBARA
BORGEN, BARBARA, J.
P.O. BOX 183
SITKA AK 99835-0183

Parcel ID: 16640106
CLARK ISAAC/JESSICA
CLARK, ISAAC & JESSICA
454 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16640107
JOHNSON ANNE
JOHNSON, ANNE, H.
452 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16640108
BRADY JUDITH
BRADY, JUDITH, A.
450 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16640109
PAYENNA JACOB
PAYENNA, JACOB, S.
448 KATLIAN AVE
SITKA AK 99835

BOA – HEARING OUTLINE
Conditional Use Permit

- I. **Board of Adjustment** (BOA) - Assembly (*SGC 22.30.060A*)
- A. Quasi-judicial – avoid *ex parte* contacts
 - B. Authority to approve or deny conditional use permits -*SGC 22.30.060A*¹
 - C. Assembly’s Other Options - *SGC 22.30.170B.1*²
 - 1. Approve Planning Comm’n recommendation
 - 2. Approve with additional conditions
 - 3. Modify with or without applicant’s consent (some limitations)
 - 4. Deny application
 - 5. Remand –
 - a. Issues not covered
 - b. Procedural due process problems (new pertinent evidence)
- II. **Review Criteria**
- A. Assembly reviews Planning Comm’n recommended decision regarding conditional use permit applications – *SGC 22.30.050F*³

¹ *SGC 22.30.060 Board of adjustment.*

The assembly of the city and borough shall function as the board of adjustment with the authority to:

- A. *Approve or deny conditional use permits.*

* * *

² *SGC 22.30.170 Assembly actions.* (emphasis added)

* * *

B. *Decisions. The assembly shall make its decision by motion or ordinance as appropriate.*

1. An assembly decision on a planning commission recommendation or following a public hearing shall include one of the following actions:

a. Approve as recommended.

b. Approve with additional conditions.

c. Modify, with or without the applicant’s concurrence; provided, that the modifications do not:

i. Enlarge the area or scope of the project.

ii. Increase the density or proposed building size.

iii. Significantly increase adverse environmental impacts as determined by the responsible official.

d. Deny (reapplication or resubmittal is permitted).

e. Deny with prejudice (reapplication or resubmittal is not allowed for one year).

f. Remand for further proceedings.

³ *SGC 22.30.050 Planning commission.*

The planning commission shall be constituted in accordance with Chapter 2.18 of this code and the Sitka Home Rule Charter and shall have the responsibility of reviewing and acting on the following:

* * *

B. Planning Comm'n decision and recommendation in this case regarding conditional use permit applications subject to Assembly review

C. Nature of the review by Assembly – review recommended Findings of Fact and General Approval Criteria Considerations and proposed conditions made by Planning Commission regarding each conditional use permit application

1. **FF criteria– All criteria must be met (SGC 22.30.160C)**
 - a. Not detrimental to public health, safety, general welfare;
 - b. Not adversely affect established character of surrounding vicinity;
 - c. Not injurious to uses, property or improvements adjacent to or in vicinity;
 - d. Not inconsistent with Comprehensive Plan;
 - e. Conditions to lessen impacts are monitorable & enforceable
 - f. No hazardous conditions that cannot be mitigated regarding adjacent & vicinity properties ; and
 - g. Not adversely affect public facilities & services, or imposed conditions mitigate impact.

2. **General Approval Criteria Considerations (SGC 22.20.160C)**
 - a. Effects of the conditional use on site (topography, slope and soil stability) and geophysical hazards (flooding, surface and subsurface drainage, water quality);
 - b. Utilities and service requirements (sewers, storm drainage, water, fire protection, access and electrical power);
 - c. Lot or tract characteristics (lot size, yard requirements, lot coverage and height of structures);
 - d. Use characteristics that affect adjacent uses and districts (operating hours; number of persons, traffic, parking and loading, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements); and
 - e. Community appearance (landscaping, fencing, screening).

3. **Proposed Conditions**

F. Recommendations on conditional use permit applications.

* * *

4. SGC 22.30.160C – Planning Comm’n decision requirements⁴

⁴ SGC 22.30.160 *Planning commission review and recommendation.* (emphasis added)
Planning commission decision and action authority is defined in Section 22.30.050.

* * *

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:*

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;*

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*

III. BOA Procedure

A. Packet Review

1. Planning Comm'n FF and motions
2. Planning Comm'n minutes
3. Planning Comm'n record (written submissions)

B. Hearing (SGC 22.30.180)⁵

1. Follow Assembly procedures
2. Order
 - a. Staff
 - b. Applicant
 - c. Public
 - d. Rebuttal
 - i. Staff
 - ii. Applicant
 - e. Close evidentiary hearing – Deliberate
 - f. Make Findings of Fact & Decision
 - i. Planning Comm'n recommended Findings of Fact and conditions
 - ii. Modify FF and conditions (use *SGC 22.30.160C* criteria)

C. Burden of proof on Applicant (SGC 22.30.160C.6)⁶

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.*

⁵ *SGC 22.30.180 Procedures for public hearings.* (emphasis added)

Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The chair shall open the public hearing and, in general, observe the following sequence of events:

A. *Staff presentation*, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.

B. *Applicant presentation*, including submittal of any materials. Members of the hearing body may ask questions of the applicant.

C. *Testimony or comments by the public germane to the matter.* Questions directed to the staff or the applicant shall be posed by the chair at its discretion.

D. *Rebuttal, response or clarifying statements by the staff and the applicant.*

E. *The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it.*

⁶ *SGC 22.30.160 Planning commission review and recommendation.* (emphasis added)

* * *

D. Assembly Options – See Section I.B above

IV. Actions after Assembly Decision

A. Remand - *SGC 22.30.200*⁷

B. Reconsideration - *SGC 22.30.190*⁸

C. Judicial Appeal (Superior Court – Sitka) - *SGC 22.30240A*⁹

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. 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.

⁷ *SGC 22.30.200 Remand.*

In the event the assembly determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the assembly may remand the matter back to the hearing body. The assembly shall specify the items or issues to be considered and the time frame for completing the additional work. The assembly may hold a public hearing on a closed record appeal only for the limited purposes identified in the remand.

⁸ *SGC 22.30.190 Reconsideration.*

A party to a public hearing or closed record appeal may seek reconsideration only of a final decision by filing a written request for reconsideration with the administrator within fourteen calendar days of the oral announcement of the final decision. The assembly shall consider the request at its next regularly scheduled meeting. If the request is denied, the previous action shall become final. If the request is granted, the assembly body may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals.

⁹ *SGC 22.30.240 Judicial appeal.*

A. Appeals from the final decision of the assembly, or other city board or body involving Title 21 SGC, and for which all other appeals specifically authorized have been timely exhausted, shall be made to superior court within thirty days of the date the decision or action became final, unless another time period is established by state law or local ordinance.

** * **



Legislation Details

File #: 15-159 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/19/2015 In control: City and Borough Assembly

On agenda: 8/25/2015 Final action:

Title: Board of Adjustment: Approve a conditional use permit request filed by Deanna Moore for a short-term rental at 703 Biorka Street

Sponsors:

Indexes:

Code sections:

Attachments: [Motion Moore](#)
[Moore short term rental](#)
[BOA Hearing Outline](#)

Date	Ver.	Action By	Action	Result
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Step 1.

I MOVE TO approve a conditional use permit request filed by Deanna Moore for a short-term rental at 703 Biorka Street, and further, adopt the findings and conditions as recommended by the Planning Commission and request that they are listed in their entirety as they appear attached hereto as part of the official record.

Go to Step 2. Next

Required Findings

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; specifically 2.1.1: Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.
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.

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;
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.

Conditions

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 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 following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

Step 2.

SGC: 22.30.180 Procedures for Public Hearing

- A. Staff Presentation.** *Members may ask questions of the staff.*
- B. Applicant presentation.** *Members may ask questions of the applicant.*
- C. Testimony or comments by the public.** *Need to be germane to the matter*
- D. Rebuttal, response or clarifying statement by staff and the applicant.**
- E. Deliberation by the Board.** *Also known as the evidentiary portion of the public hearing and is closed.*

Step 3.

VOTE on any amendments and/or main motion

Step 4.

RECONVENE

I MOVE TO reconvene as the Assembly in regular session



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

To: Mark Gorman, Municipal Administrator
Mayor McConnell and Members of the Assembly

From: Michael Scarcelli, Senior Planner *MS*

Subject: Moore - Short-term Rental Conditional Use Permit (703 Biorka St.)

Date: August 14, 2015

The Planning Commission is recommending approval of a conditional use permit request for operation of a short-term rental filed by Deanna Moore at 703 Biorka Street. Action on this item was taken at the August 5, 2015 Planning Commission meeting. The recommendation to approve the request with conditions, based on the following findings, passed unanimously 4-0.

Deanna Moore is requesting a conditional use permit to operate a short-term rental at 703 Biorka Street. Guests will provide their own transportation and meals. There is the necessary parking available. The applicant/owner has stated that the short term rental will only be rented out during the summer time from May 15th through September 15th when she plans to travel. The applicant/owner will have the property managed by Sharon Romine of Welcome Home Vacations.

The parcel is 5,000 square feet, and the home is a two-story, two-bedroom, two-bath home, with adequate parking.

The R-1 residential district is intended: to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public utilities including sewer, water, electricity and storm drains or are intended to be provided with such utilities in the near future; 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 area are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 district.¹

The proposed activity is in conformance with Comprehensive Plan 2.5 *Urban Residential Goals and Policies*, specifically 2.5.2, which states “To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas.” In addition, 2.1.1, which encourages development of facilities for visitors without significant impact on residential properties.

¹ Sections 22.16.040 R-1 (A)-(A)(1)

Planning Commission Recommendation

Approve the Planning Commission's recommendation to approve the request with the following findings and conclusions:²

“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:

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, specifically 2.1.1: Encourage the development of facilities to accommodate visitors without significant impacts on residential properties
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;

² MOTION: M/S HUGHEY/POHLMAN moved to approve the findings.

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; and
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.”^{3 4}

Conditions:⁵

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 following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.⁶

Summary

The Planning Commission recommends to approve Deanna Moore’s Conditional Use Permit for a short-term rental located at 703 Biorka Street subject to the contained conditions supported by the record of findings.

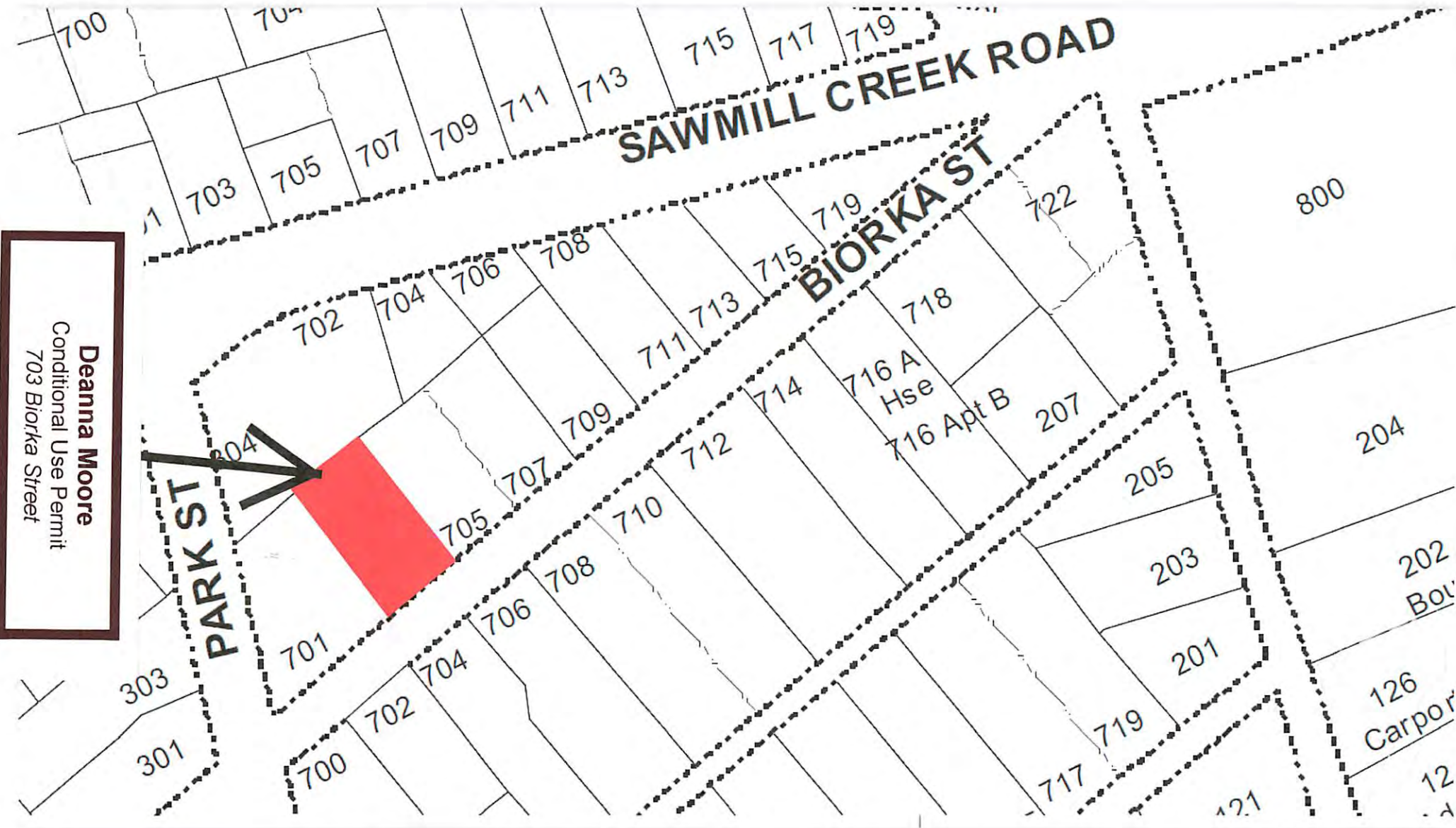
³ Section 22.30.160(C)

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

⁵ **MOTION: M/S POHLMAN/HUGHEY** moved to recommend approval of a conditional use permit for a short-term rental at 703 Biorka Street. The property is also known as Lot 11, Block 23, U.S. Survey 1474. The request is filed by Deanna Moore. The owner of record is Deanna Moore. Based on findings and the following conditions:

⁶ **ACTION: Motion PASSED 4-0** on a voice vote.

Deanna Moore
Conditional Use Permit
703 Biorka Street

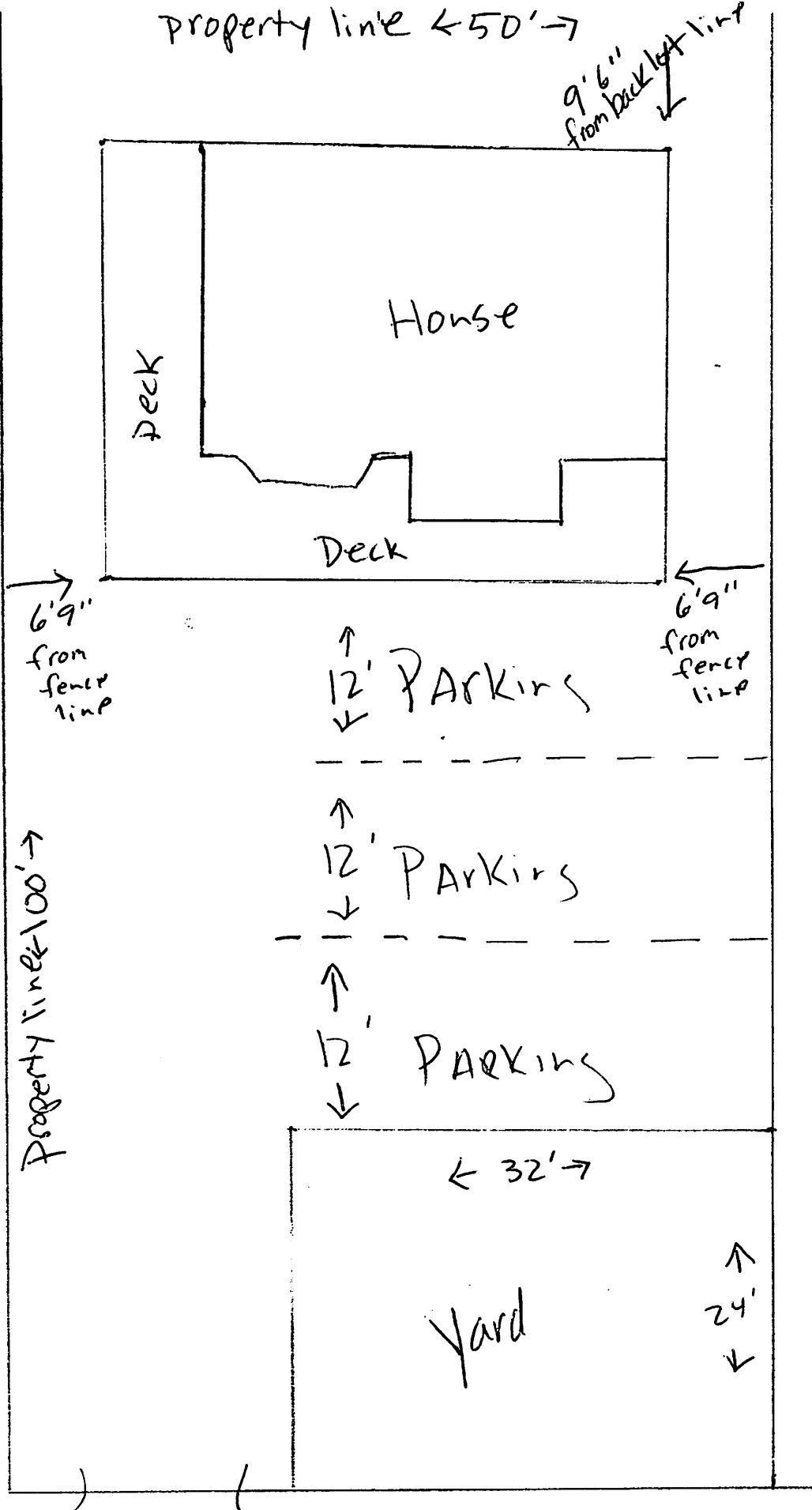




Deanna Moore
Conditional Use Permit
703 Biorka Street

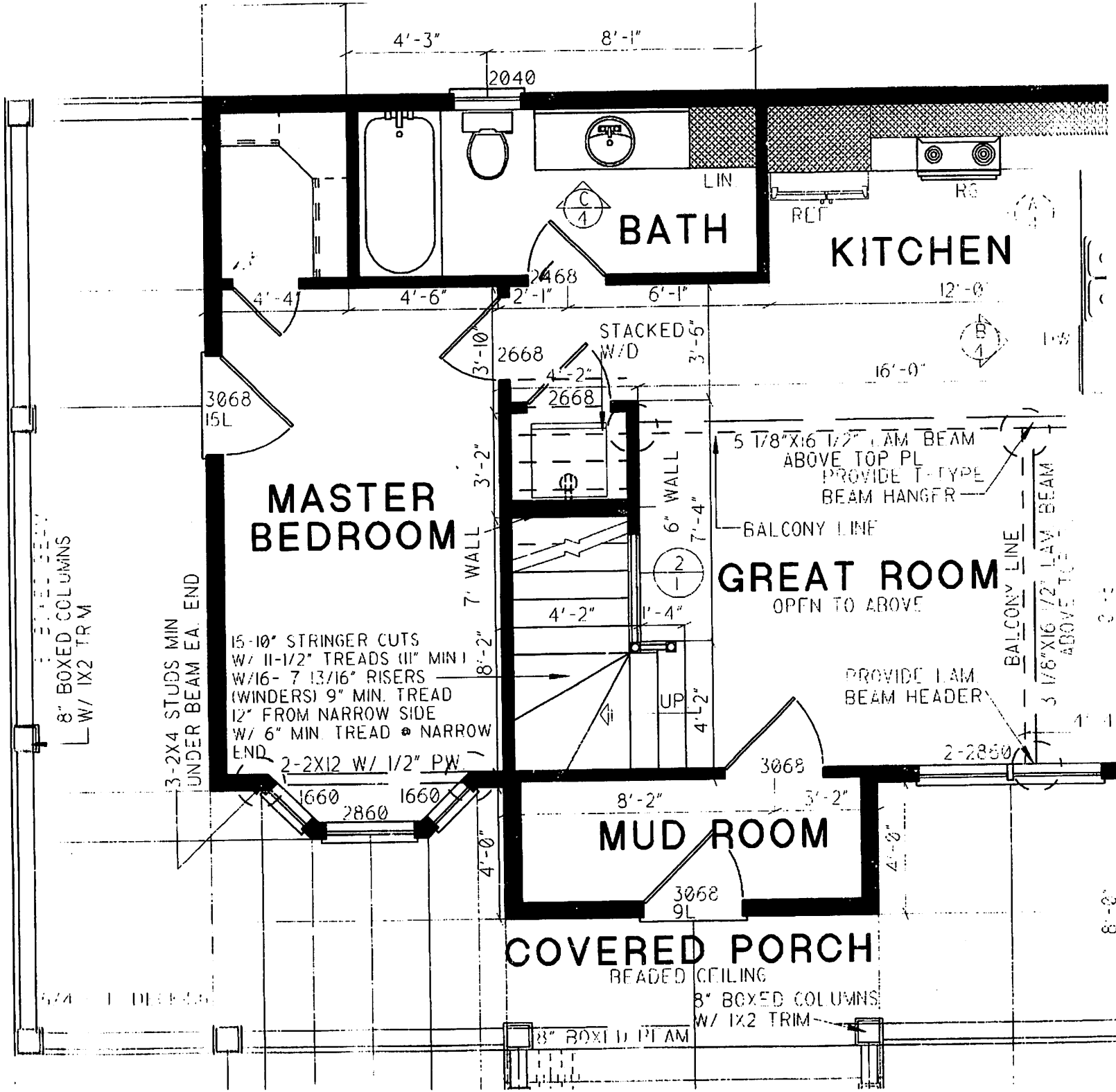


Deanna Moore
Conditional Use Permit
703 Biorka Street



Biorka Street

Deanna Moore
 Conditional Use Permit
 703 Biorka Street



Deanna Moore
 Conditional Use Permit
 703 Biarka Street

MASTER BEDROOM

GREAT ROOM

MUD ROOM

COVERED PORCH

BATH

KITCHEN

15'-10" STRINGER CUTS
 W/ 11-1/2" TREADS (11" MIN)
 W/16- 7 13/16" RISERS
 (WINDERS) 9" MIN. TREAD
 12" FROM NARROW SIDE
 W/ 6" MIN. TREAD @ NARROW
 END
 2-2X12 W/ 1/2" PW

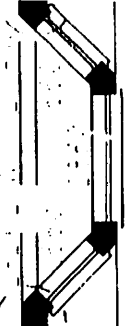
5 1/8"X16 1/2" LAM BEAM
 ABOVE TOP PL
 PROVIDE T-TYPE
 BEAM HANGER

PROVIDE LAM
 BEAM HEADER

8" BOXED COLUMNS
 W/ 1X2 TRM

3-2X4 STUDS MIN
 UNDER BEAM EA. END

BEADED CEILING
 8" BOXED COLUMNS
 W/ 1X2 TRIM



Deanna Moore
Conditional Use Permit
703 Biarka Street

LOFT

27-1/2" X 54-1/2"
ATTIC ACC.
VERIFY LOCATION

COL. RAIL & BAL.
@ 5" O.C. MAX.

COL. RAIL & BAL.
2 BAL. PIP HEAD
@ 5" O.C. MAX.

OPEN TO BELOW

3 1/2" NEWEL POST

LEDGE

2-2850

2-2850

2-STORY WALL

2-STORY WALL

BATH #1002

2850

8'-10"

2668 3'-10"

2'-4"

2'-8"

3068 BIFOLD
3068 BIFOLD

BEDROOM 2

2-2850

2850

7'-0"

10'-6"

2'-6"

2'-10"

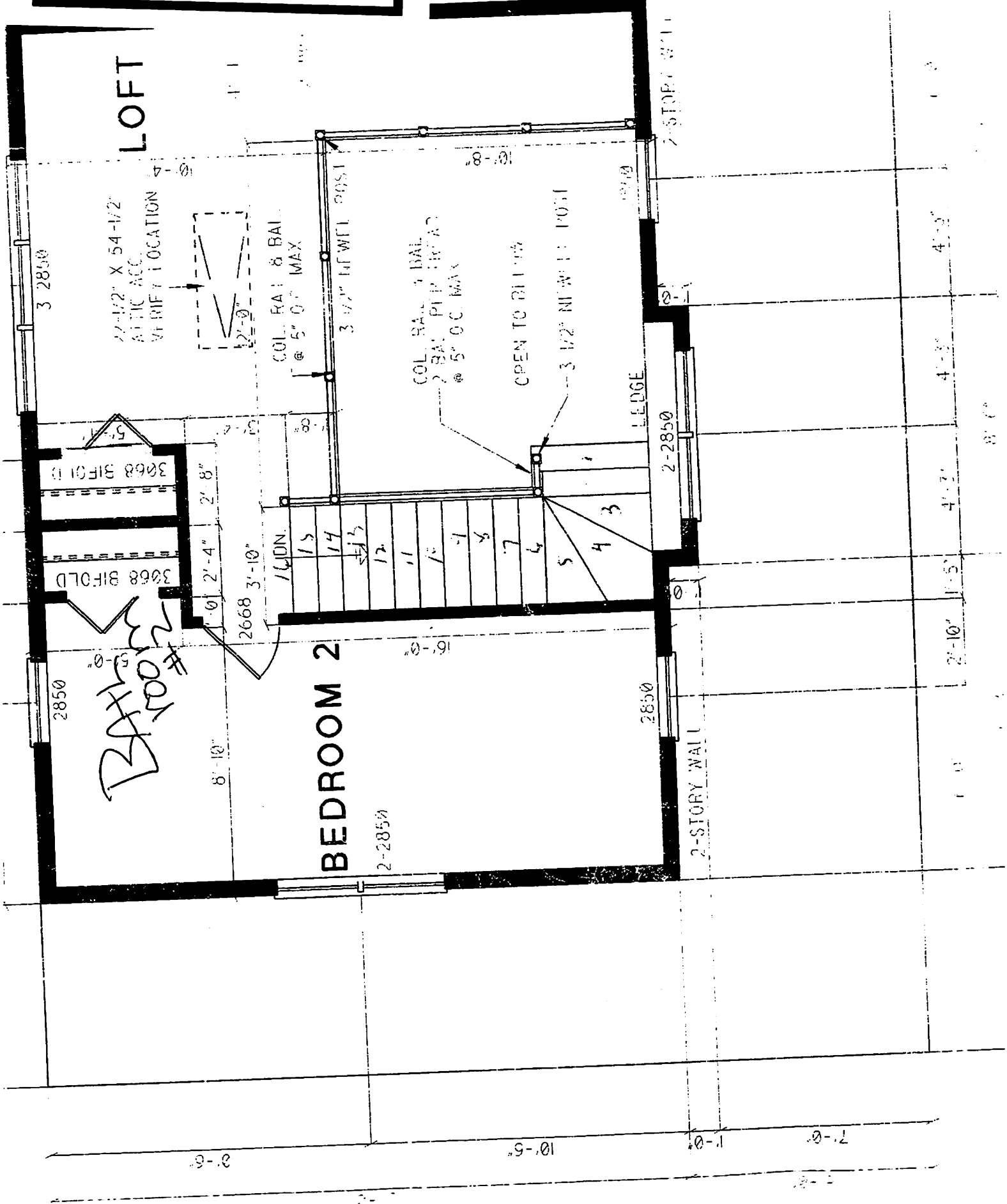
1'-5"

4'-7"

4'-3"

4'-3"

8' 0"



CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
SHORT-TERM RENTAL &
BED & BREAKFAST APPLICATION

Short-Term Rental Fee	\$100.00
Bed & Breakfast Fee	\$ 35.00
(per Guestroom)	
* plus current city sales tax *	

APPLICANT'S NAME: Deanna Moore
PHONE NUMBER: (907) 738-0465
MAILING ADDRESS: 703 Biorka St. Sitka AK 99835


OWNER'S NAME: Sam
(If different from applicant)
PHONE NUMBER: _____
MAILING ADDRESS: _____

PROJECT ADDRESS: 703 Biorka St. Sitka AK 99835
LEGAL DESCRIPTION Lot: 11 Block: 23
Subdivision: _____
U.S. Survey: 1474 Zoning Classification: Residential

State all reasons for justifying request: I would like to rent my home out as short term rental for a summer while I leave town to travel.

Describe how the facility will be operated, what meals will be served, and how guests will be transported. (This information may be provided on a separate sheet).
I intend to utilize Welcome Home Vacations to manage the reservations, housekeeping and maintenance. Meals will not be provided however access to kitchen is available. Guests are responsible for their own transportation.

Anticipated start date: May 15, 2016

 What months of the year the facility will be in operation:

May 15 - September 15

 Drawing of the **interior** layout showing:

1. Size and location of rooms
2. Types of facilities in the rooms
3. Windows and exits
4. Location of smoke alarms and fire extinguishers
5. Guestrooms specifically delineated on the plans

 Drawing of the **exterior** site plan showing:

1. Dimensions of the home
2. How the house sits on the lot
3. Location of parking



Check if facility is not fully constructed at the time of the application



Check if Life Safety Inspection has already been completed. If not, please contact the Building Department at 747-1832 to schedule an appointment. This Inspection is to certify that the residence complies with life and fire safety code aspects.

Bed and Breakfast applicants shall be aware that only limited cooking facilities such as small toaster ovens, microwaves, and refrigerators are allowed and those appliances must be outside of guestrooms.

In applying for and signing this application, the property owner hereby grants permission to Municipal staff to access the property before and after Planning Commission's review for the purposes of inspecting the proposed and/or approved structures.

SIGNATURE OF APPLICANT:

Deanna V. Moore

Date:

7/16/15

SIGNATURE OF OWNER:

Deanna V. Moore

Date:

7/16/15

(If different from the applicant)



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: August 5, 2015

To: Planning Commission

From: Maegan Bosak, PCDD

Re: Moore CU 15-14

GENERAL INFORMATION

Applicant: Deanna Moore

Property Owner: Deanna Moore

Property Address: 703 Biorka Street

Legal Description: Lot 11, Block 23, Sitka Townsite

Parcel ID Number: 13365000

Size of Existing Lot: 5,000 sq. ft.

Zoning: R1

Existing Land Use: Residential

Utilities: City water, sewer, electric

Access: Direct from Biorka Street

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: Parcel Pictures

Attachment D: Application

Attachment E: Site Plan

Attachment F: Subdivision Plat

Attachment G: Zoning Map

Attachment H: Mailing List

Attachment I: Proof of Payment

Attachment J: Warranty Deed

PROJECT DESCRIPTION

The applicant plans to operate a short-term rental during the summer months (May 15-September 15) while they are traveling out of town. Meals and transportation are not provided. The short-term rental will be managed by Welcome Home Vacations.

The parcel is 5,000 sq. ft. There is a large front yard with access directly off of Biorka Street. The house is a two-story, two bedroom, two bath home.

With only two parking spaces required per residential dwelling in this zone, and because the house is a single-family dwelling, there is more than adequate parking area.

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

A. Intent. The R-1 district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public utilities including sewer, water, electricity and storm drains or are intended to be provided with such utilities in the near future.

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. The R-1 district, as it is a very restrictive district, may also be utilized as a holding district for lands which are located within the urban area but are not presently served by access or utilities until such time as a full-scale development plan can be adopted to allow a more permanent zoning district designation.

ANALYSIS

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

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: Single family home will be used as a short-term rental when family is away. Impact is the same as when owners are present.

b. Amount of noise to be generated and its impacts on surrounding land use: Same amount of noise to slightly more as property will remain residential but visitors/guests will be on vacation.

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

d. Hours of operation: Vacation rental primarily during the summer months.

e. Location along a major or collector street: Not located on major or collector street.

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

g. Effects on vehicular and pedestrian safety: No effects.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Same ability as if home was only single family.

i. Logic of the internal traffic layout: There is plenty of room on the property for vehicle access and parking. Three parking spots illustrated on site plan, staff will confirm prior to Tuesday's meeting.

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

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: The site has a measure of privacy due to some greenery and the site placement of the house and neighboring houses.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Conforms with Comprehensive Plan Section 2.5.2 *To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas, and to: 1. Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.*

m. Other criteria that surface through public comments or planning commission review:

- **Parking:** CBS code 22.20.100 requires two spaces. *1. Residential Uses. For each dwelling unit up to and including four-family buildings: two parking spaces per unit. For five-unit buildings and above: one and one-half spaces per unit. Each dwelling unit must have parking spaces independently accessed.*
- **Habitat:** Existing building- no habitat will be affected by the Applicant's proposal.
- **Property value or Neighborhood harmony:** There is no evidence to suggest that this use will have an impact on surrounding property values. It will increase the value of the proposed structure.

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:

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;
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.

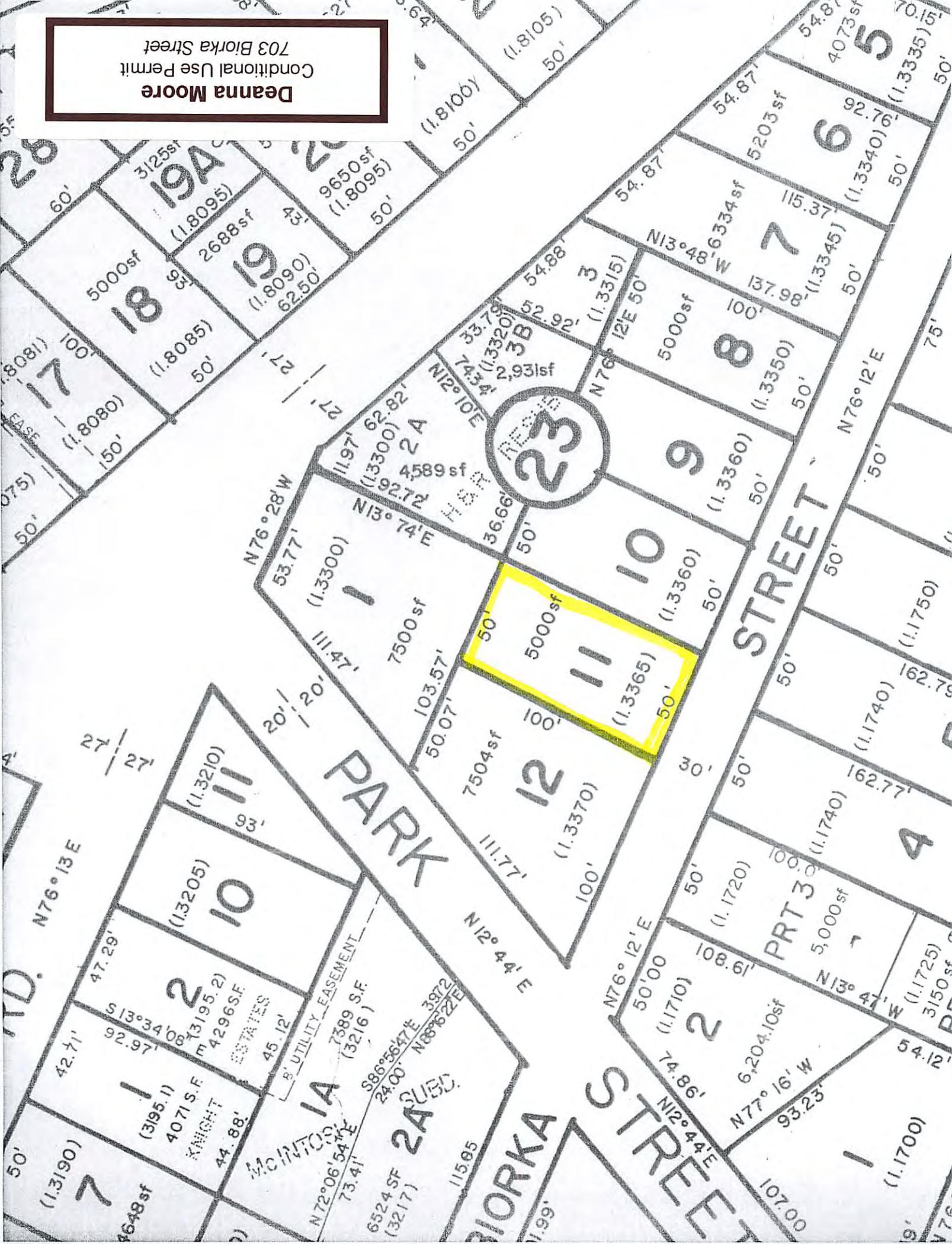
RECOMMENDATION

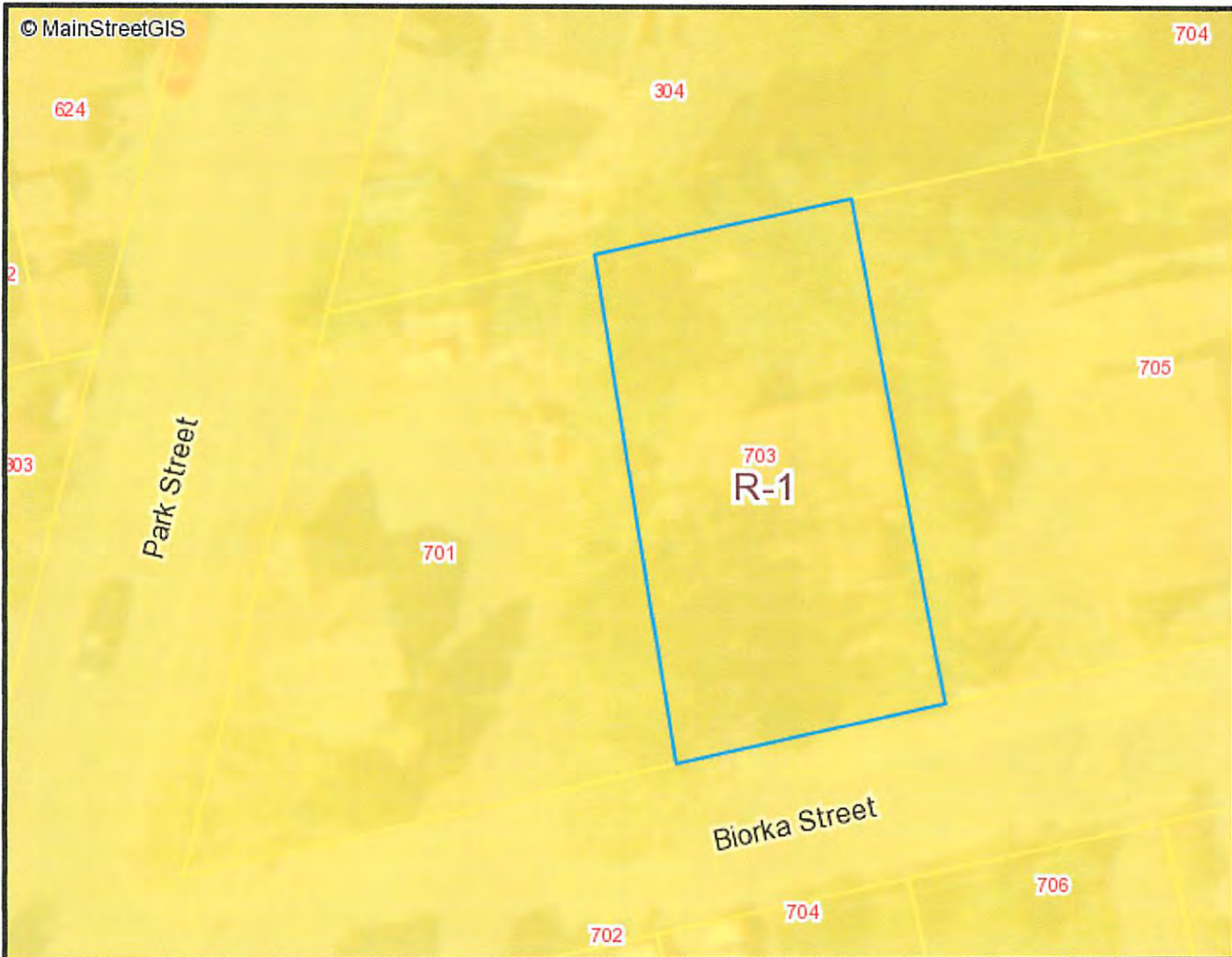
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested conditional use permit with the following conditions:

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 following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

Deanna Moore
Conditional Use Permit
703 Biorka Street





1 in = 32.2 ft

Printed on 7/23/2015
Last update: Property information Daily, GIS parcel lines 9/1/2014

This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land. The City and Borough of Sitka, Alaska and MainStreetGIS assume no legal responsibility for the information contained herein.

Deanna Moore
Conditional Use Permit
703 Biorka Street

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
August 5, 2015**

Present: Chris Spivey (Vice Chair), Randy Hughey (Member), Debra Pohlman (Member), Darrell Windsor (Member), Maegan Bosak (Planning & Community Development Director), Michael Scarcelli (Senior Planner)

Absent: Richard Parmelee (Chair)

Members of the Public: Terry Bartolaba, Deanna Moore, Jeremy Twaddle, David Longtin, Ted Laufenberg, Steve Paustain

Vice Chair Spivey called the meeting to order at 6:59 p.m.

Roll Call:

PRESENT: 4 – Spivey, Windsor, Pohlman, Hughey

The evening business:

**CONDITIONAL USE PERMIT LEARNING CENTER
204 NEW ARCHANGEL
TERRY BARTOLABA**

Public hearing and consideration of a conditional use permit for a learning center at 204 New Archangel Street. The property is also known as Lot 1 of the Hanlon Heights Subdivision and the strip of land seventeen feet wide by sixty-five feet long running along the easterly edge of Lot 20. The request is filed by Terry Bartolaba. The owners of record are Michael K. Mahoney and Michelle M. Mahoney.

STAFF REPORT: Bosak provided background regarding the conditional use permit for a learning center in the R-2 zone. Typical conditional uses in the R-2 zone are churches or schools. Bosak explains the applicant's proposal for up to 40 students and two daily sessions. The property will also feature evening activities and continue to provide a dwelling unit for rent. Staff has concerns over drop off and pick up safety, congestion in the 3 way intersection, as well as parking not meeting code requirements. Bosak read letter from Municipal Engineer Dan Tadic, sharing concerns over safety of three way intersection and municipal infrastructure. Also shared letter from Building Inspector, William Stortz, commenting on occupancy concerns and reminding the applicant that even if CUP is approved, the Building Department may not be able to sign off on the occupancy.

APPLICANT: Terry Bartolaba explains the request. The learning is currently operating off of Sawmill Creek Road and Bartolaba is looking for a location where children can walk. Bartolaba agreed with Staff's concerns but thought there was a way to make parking work.

PUBLIC COMMENT: Steve Paustian, residential neighbor, voiced concerns over congestion and commercial use in the residential zone. He states with the dentist office there, the ingress and egress off of Halibut Point Road is not reasonable.

COMMISSIONER DELIBERATION: Commissioners discussed parking concerns, congestion concerns and safety issues with the intersection.

MOTION: M/S HUGHEY/POHLMAN moved to deny the following 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:

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, *specifically traffic (auto, pedestrian and bicycle) in the area;*

b. Adversely affect the established character of the surrounding vicinity, *specifically add congestion to the neighborhood and three way intersection;* 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.

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;

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.

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

MOTION: M/S POHLMAN/WINDSOR moved to recommend denial of the conditional use permit for a learning center at 204 New Archangel Street. The property is also known as Lot 1 of the Hanlon Heights Subdivision and the strip of land seventeen feet wide by sixty-five feet long running along the easterly edge of Lot 20. The request is filed by Terry Bartolaba. The owners of record are Michael K. Mahoney and Michelle M. Mahoney.

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

**VARIANCE REQUEST
200 PRICE STREET
JEREMY TWADDLE**

Public hearing and consideration of a variance request filed by Jeremy Twaddle at 200 Price Street. The variance request is for a reduction in the front setback from 20 feet to 5 feet for the construction of a shop. The property is also known as Tract 1A Mountain View Subdivision. The owner of record is 115 Harvest Way LLC.

STAFF REPORT: Bosak reviews the variance request. Explains that this parcel has two front setbacks and two rears, precedence would show that the commission has been favorable to other lots with this configuration. Price Street is an extra wide right of way creating a ten foot front setback. The applicant plans to construct a shop and would like to limit commercial traffic to Price Street.

APPLICANT: Jeremy Twaddle spoke on behalf of the request. He stated that the intent was to not disturb the residences that were being constructed on Molly Lane.

COMMISSIONER DELIBERATION: Commissioner Pohlman noted the second structure on the site plan was not in conformance with setbacks. Discussion between the applicant and commissioners as to how he could move the building to come into compliance. This variance approval only extends to the Molly Lane setback reduction.

PUBLIC COMMENT: No public comment.

MOTION: M/S POHLMAN/WINDSOR: moved to approve the following findings:

- a. That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or

- placement of existing structures, or other circumstances that are outside the control of the property owner, *specifically the lot topography and the double front setbacks.*
- b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity;
 - c. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure, *specifically that this variance will restrict traffic to Price Street which is wider and more able to handle commercial traffic;*
 - d. That the granting of such a variance will not adversely affect the comprehensive plan, *specifically 2.5.2 To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas.*

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

MOTION: **M/S WINDSOR/POHLMAN** moved to approve a variance request filed by Jeremy Twaddle at 200 Price Street. The variance request is for a reduction in the front setback from 20 feet to 5 feet for the construction of a shop. The property is also known as Tract 1A Mountain View Subdivision. The owner of record is 115 Harvest Way LLC..

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

**LAND SWAP
APPROXIMATELY 35,000 SQ. FT. PARCEL ABOVE EMMONS STREET
SOUND DEVELOPMENT, LLC.**

Public hearing and discussion of a land swap between the City and Borough of Sitka and Sound Development, LLC. above Emmons Street in the Whitcomb Heights Subdivision.

STAFF REPORT: Bosak outlined the request for a land swap. The intent is to regain ownership of the pumphouse and road to the water tank that was inadvertently sold to Sound Development, LLC. in a recent land sale. There were other options identified such as eminent domain, however the Municipal Attorney advised that this was the best way to move forward.

APPLICANT: Jeremy Twaddle of Sound Development, LLC. said that this seems to be a fair solution. Their original proposal and sale price was based on a specific square footage but they understand that the municipality needs to maintain access to the utilities. He feels this is a fair request.

PUBLIC COMMENT: No public comment.

COMMISSIONER DELIBERATION: Commissioners asked about the process and drainage requirements for the new parcels. Bosak explained that the City would swap for one large parcel of equal square footage and then Sound Development, LLC. would develop as they see fit.

MOTION: M/S WINDSOR/POHLMAN moved to approve a land swap between the City and Borough of Sitka and Sound Development, LLC. above Emmons Street in the Whitcomb Heights Subdivision.

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

**VARIANCE REQUEST
711 BIORKA STREET
DAVID LONGTIN**

Public hearing and consideration of a variance request filed by David Longtin at 211 Biorka Street. The variance request is for a reduction in the side setback from 5 feet to 0 feet for construction of a woodshed. The property is also known as Lot 7, Block 23 Sitka Townsite U.S. Survey 1474. The owners of record are David and Wendy Longtin.

STAFF REPORT: Bosak explained that historically, 0-foot setbacks have been more likely on properties adjoining a right-of-way, rather than between adjoining properties. Bosak described the request for a woodshed and shared a letter from the adjacent neighbor stating they had no objections. She reminded the commission to consider future owners and concerns that they may have.

APPLICANT: David Longtin presented his site plan and need for wood storage. His plan is to use the fence for one wall and build into the fencing.

PUBLIC COMMENT: Deanna Moore, neighbor, spoke to the space as almost unusable. She is in support of the variance.

COMMISSIONER DELIBERATION: Concern from Commissioners over precedence of 0 foot setbacks and allowing them in Sitka. There is concern over woodshed becoming habitat for bugs and rodents. Commissioners respect that the applicant is going through the proper process but still are unable to approve the request.

MOTION: M/S WINDSOR/POHLMAN moved to approve the following findings.

- a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or expansions;
- b. The granting of the variance is not injurious to nearby properties or improvements;
- c. The granting of the variance furthers an appropriate use of the property.

ACTION: Motion **FAILED 2-2** on a voice vote.

MOTION: M/S WINDSOR/POHLMAN moved to approve a variance request filed by David Longtin at 211 Biorka Street. The variance request is for a reduction in the side setback from 5 feet to 0 feet for construction of a woodshed. The property is also known as Lot 7, Block 23 Sitka Townsite U.S. Survey 1474. The owners of record are David and Wendy Longtin.

ACTION: Motion **FAILED 2-2** on a voice vote.

**VARIANCE REQUEST
101 JARVIS STREET
CITY AND BOROUGH OF SITKA**

Public hearing and consideration of a variance request filed by the City and Borough of Sitka at 101 Jarvis Street. The variance request is for a reduction in the front setback from 20 feet to 8 feet for the construction of a roof over an entrance to an existing building. The property is also known as Tract 4-B of Plat 86-3. The owner of record is the City and Borough of Sitka.

STAFF REPORT: Bosak explained the variance request. The parcel has two front setbacks and two rears. The awning is proposed to be 4 x 10 feet and needed to protect the infrastructure within the building. There is adequate parking on site.

APPLICANT: Ted Laufenberg, P.E., spoke on behalf of City and explained the project. This is a fourth level critical facility. The older building (1978) recently went through upgrades including a new roof and this is an additional step to protect the electrical infrastructure. Only occupying air space.

PUBLIC COMMENT: No public comment.

COMMISSIONER DELIBERATION: No deliberations.

MOTION: M/S WINDSOR/HUGHEY moved to approve the following findings.

- a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or expansions;
- b. The granting of the variance is not injurious to nearby properties or improvements;
- c. The granting of the variance furthers an appropriate use of the property.

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

MOTION: M/S HUGHEY/POHLMAN moved to approve a variance request filed by the City and Borough of Sitka at 101 Jarvis Street. The variance request is for a reduction in the front setback from 20 feet to 8 feet for the construction of a roof over an entrance to an existing building. The property is also known as Tract 4-B of Plat 86-3. The owner of record is the City and Borough of Sitka.

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

**CONDITIONAL USE PERMIT SHORT TERM RENTAL
703 BIORKA STREET
DEANNA MOORE**

Public hearing and consideration of a conditional use permit for a short-term rental at 703 Biorka Street. The property is also known as Lot 11, Block 23, U.S. Survey 1474. The request is filed by Deanna Moore. The owner of record is Deanna Moore.

STAFF REPORT: After describing the request, Maegan Bosak noted the seasonal nature of the proposal and the adequate parking and size of the lot and that the applicant was present for more information.

APPLICANT: Deanna Moore explains that she plans to rent out the home while she is traveling during the summer- May 15 through September 15. Will only be used for one summer. It will be managed by Sharon Romine with Welcome Home Vacations.

PUBLIC COMMENT: None

COMMISSIONER DELIBERATION: Commissioners had no concerns.

MOTION: M/S HUGHEY/POHLMAN moved to approve the following finding:

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:

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, *specifically 2.1.1. Encourage the development of facilities to accommodate visitors without significant impacts on residential properties;*
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;
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.

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

MOTION: **M/S POHLMAN/HUGHEY** moved to recommend approval of a conditional use permit for a short-term rental at 703 Biorka Street. The property is also known as Lot 11, Block 23, U.S. Survey 1474. The request is filed by Deanna Moore. The owner of record is Deanna Moore. Based on findings and the following conditions:

CONDITIONS:

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 following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.

6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

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

DIRECTORS REPORT: Bosak thanked the Commissioners for the additional meeting.

PUBLIC COMMENT: Deanna Moore asked about an additional conditional use permit for a B&B. She plans to submit an application.

MOTION: M/S WINDSOR/ SPIVEY moved to adjourn at 8:53 pm.

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

Chris Spivey, Vice Chair

Maegan Bosak, Acting Secretary

* Please put a copy in Currier mailbox

INVOICE

Thanks!

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 7/22/15

To: Deanna Moore

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

Variance.....	
Conditional Use Permit.....	<u>STR</u> 100
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.....	6
TOTAL.....	106.00

Thank you

PAID
JUL 22 2015
CITY & BOROUGH OF SITKA

21cc

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A
S
K
A

2011-001607-0

Recording Dist: 103 - Sitka
12/8/2011 8:49 AM Pages: 1 of 1



STATUTORY WARRANTY DEED

The Grantor, Mary Ann Esther Perkins, whose mailing address is 1509 Davidoff Street, Sitka, Alaska, 99835, for and in consideration of ten dollars and other good and valuable consideration in hand paid, conveys, warrants and grants to Grantee, Deanna Moore, whose mailing address is 703 Biorka Street, Sitka, Alaska, 99835, all right, title and interest in the following described real estate, including all improvements located thereon, situated in the Sitka Recording District, First Judicial District, State of Alaska:

Lot 11, Block 23, Sitka Townsite (United States Survey 1474), commonly known as 703 Biorka Street, Sitka, Alaska.

Subject to any easements, restrictions, and reservations of record, if any.

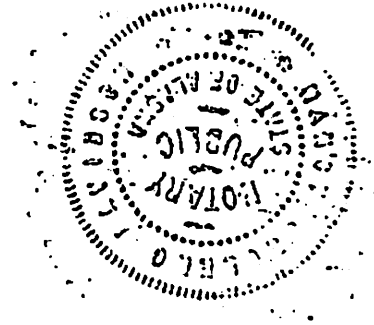
WITNESS the hand of the Grantor, this 7 day of Dec, 2011.

Mary Ann Esther Perkins
Mary Ann Esther Perkins

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) SS

This is to certify that on December 7, 2011, before me, the undersigned, a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared, Mary Ann Esther Perkins, to me known and known to me to be the identified individual described and who executed the foregoing deed.

Nancy Leclerc Dondan
Notary Public in and for the State of Alaska
My Commission Expires: 9/5/13



PLEASE RETURN AFTER RECORDING TO:

Deanna Moore
703 Biorka Street
Sitka, Alaska 99835

Deanna Moore
Conditional Use Permit
703 Biorka Street



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Sitka Planning Commission Agenda

Wednesday, August 5, 2015

Held at Sealing Cove Business Center

601 Alice Loop, Sitka, Alaska

7:00pm

- I. CALL TO ORDER AND ROLL CALL
- II. CONSIDERATION OF THE AGENDA
- III. THE EVENING BUSINESS
 - A. Public hearing and consideration of a conditional use permit for a learning center at 204 New Archangel Street. The property is also known as Lot 1 of the Hanlon Heights Subdivision and the strip of land seventeen feet wide by sixty-five feet long running along the easterly edge of Lot 20. The request is filed by Terry Bartolaba. The owners of record are Michael K. Mahoney and Michelle M. Mahoney.
 - B. Public hearing and consideration of a variance request filed by Jeremy Twaddle at 200 Price Street. The variance request is for a reduction in the front setback from 20 feet to 5 feet for the construction of a shop. The property is also known as Tract 1A Mountain View Subdivision. The owner of record is 115 Harvest Way LLC.
 - C. Public hearing and discussion of a land swap between the City and Borough of Sitka and Sound Development, LLC above Emmons Street in the Whitcomb Heights Subdivision.
 - D. Public hearing and consideration of a variance request filed by David Longtin at 711 Biorka Street. The variance request is for a reduction in the side setback from 5 feet to 0 feet for the construction of a woodshed. The property is also known as Lot 7, Block 23, Sitka Townsite, U.S. Survey 1474. The owners of record are David and Wendy Longtin.
 - E. Public hearing and consideration of a variance request filed by the City and Borough of Sitka at 101 Jarvis Street. The variance request is for a reduction in the front setback from 20 feet to 8 feet for the construction of a roof over an entrance to an existing building. The property is also known as Tract 4-B of Plat 86-3. The owner of record is the City and Borough of Sitka.
 - F. **Public hearing and consideration of a conditional use permit for a short-term rental at 703 Biorka Street. The property is also known as Lot 11, Block 23, Sitka Townsite, U.S. Survey 1474. The request is filed by Deanna Moore. The owner of record is Deanna Moore.**
- IV. PLANNING DIRECTOR'S REPORT
- V. PUBLIC BUSINESS FROM THE FLOOR
- VI. 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 carole@cityofsitka.com, or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish: July 27 and 29

Parcel ID: 13205000
**ARNDT TRUST BARBARA
 ARNDT TRUST, BARBARA, L.
 622 SAWMILL CREEK RD
 SITKA AK 99835**

Parcel ID: 13210000
**WILEMAN CHARLES/JAMMIE
 WILEMAN, CHARLES, D./JAMMIE
 624 SAWMILL CREEK RD
 SITKA AK 99835**

Parcel ID: 13216000
**MIRANDA NORMAN/CHARLOTT
 MIRANDA, NORMAN & CHARLOT
 125 ANNA DR
 SITKA AK 99835**

Parcel ID: 13217000
**WARREN CRAIG/LESLEY
 WARREN, CRAIG/LESLEY
 301 PARK ST
 SITKA AK 99835**

Parcel ID: 13230000
**MOSHER RONALD/ELIZABET
 MOSHER, RONALD, F./ELIZABETH, L.
 617 BIORKA ST.
 SITKA AK 99835**

Parcel ID: 13300000
**GOFF MATTHEW
 GOFF, MATTHEW
 304 PARK ST.
 SITKA AK 99835**

Parcel ID: 13315000
**THIELKE JOHN/KAREN
 THIELKE, JOHN, F./KAREN, G.
 19518 14TH AVE NW
 SHORELINE WA 98177**

Parcel ID: 13320000
**MOTTET MADELON
 MOTTET, MADELON
 P.O. BOX 77
 PORT EDWARD BC V0V1G0**

Parcel ID: 13335000
**PATT DAVID
 PATT, DAVID, A.
 715 BIORKA ST
 SITKA AK 99835**

Parcel ID: 13340000
**LAGUIRE MICHAEL/JACQUEL
 LA GUIRE, MICHAEL/JACQUELINE
 P.O. BOX 6369
 SITKA AK 99835-6369**

Parcel ID: 13345000
**LONGTIN DAVID/WENDY
 LONGTIN, DAVID & WENDY
 711 BIORKA ST
 SITKA AK 99835**

Parcel ID: 13350000
**BRYLINSKY SCOTT/CLEO
 BRYLINSKY, SCOTT, D./CLEO, K.
 709 BIORKA ST
 SITKA AK 99835**

Parcel ID: 13360000
**BECKER MARTIN/ANNETTE
 BECKER, MARTIN/ANNETTE
 705 BIORKA ST.
 SITKA AK 99835**

Parcel ID: 13365000
**MOORE DEANNA
 MOORE, DEANNA
 703 BIORKA ST
 SITKA AK 99835**

Parcel ID: 13370000
**BARCLAY LEON
 BARCLAY, LEON, V.
 701 BIORKA ST
 SITKA AK 99835**

Parcel ID: 18060000
**WEILAND/KNOX PETER/ERIKA
 WEILAND, PETER/KNOX, ERIKA
 625 DEGROFF ST
 SITKA AK 99835**

Parcel ID: 18065000
**LUBIN/BUSCH DAVID/LISA
 LUBIN, DAVID, R./BUSCH, LISA, J.
 215 SHOTGUN ALLEY
 SITKA AK 99835**

Parcel ID: 18070000
**BOSMAN CORRIE
 BOSMAN, CORRIE
 P.O. BOX 6005
 SITKA AK 99835-6005**

Parcel ID: 18075000
**DANIELS DENNIE/DEBORAH
 DANIELS, DENNIE/DEBORAH
 P.O. BOX 545
 SITKA AK 99835-0545**

Parcel ID: 18080000
**DURGAN MARY
 DURGAN, MARY
 P.O. BOX 3052
 SITKA AK 99835-3052**

Parcel ID: 18081000
**DURGAN MARY
 DURGAN, MARY, MAE
 P.O. BOX 3052
 SITKA AK 99835-3052**

Parcel ID: 18085000
**KNIGHT LIVING TRUST FRANCES
 KNIGHT LIVING TRUST, FRANCES I.
 1870 W. DOVE WAY
 AMADO AZ 85645**

Parcel ID: 18090000
**WEILAND/KNOX PETER/ERIKA & K
 WEILAND, PETER/KNOX, ERIKA/KARA
 625 DEGROFF ST
 SITKA AK 99835**

Parcel ID: 18095000
**KNIGHT LIVING TRUST FRANCES
 KNIGHT LIVING TRUST, FRANCES I.
 1870 W. DOVE WAY
 AMADO AZ 85645**

Parcel ID: 18100000
**JENNY DOUGLAS
 JENNY, DOUGLAS, E.
 709 SAWMILL CREEK RD
 SITKA AK 99835**

Parcel ID: 18105000
**LOWRANCE/BESETTE DAVID/DYAN
 LOWRANCE, DAVID, M./BESETTE, DYAN
 P.O. BOX 1074
 SITKA AK 99835-1074**

Parcel ID: 18110000
**PEARSON/HANSON DENTON/BRI
 PEARSON, DENTON & HANSON, I
 713-B SAWMILL CREEK RD
 SITKA AK 99835**

Parcel ID: 18125000
**GUEVIN/LITMAN ANTHONY/CINDY
 GUEVIN, ANTHONY/LITMAN, CINDY
 715 SAWMILL CREEK RD
 SITKA AK 99835**

Parcel ID: 18145000
**STEINSON JAMES/JENNIFER
 STEINSON, JAMES, H. & JENNIFEI
 P.O. BOX 1303
 SITKA AK 99835-1303**

Parcel ID: 18155000

Deanna Moore
 Conditional Use Permit
 703 Biorka Street

Parcel ID: 11700000
ADAMS DAVID/RACHEL
ADAMS, DAVID & RACHEL
210 PARK ST
SITKA AK 99835

Parcel ID: 11710000
MCADAMS/RAASCH KERRY/JOHN
MCADAMS, KERRY/RAASCH, JOHN
700 BIORKA ST.
SITKA AK 99835

Parcel ID: 11720000
BLEIER ROGER/NANCY
BLEIER, ROGER, W./NANCY JO
702 BIORKA ST
SITKA AK 99835

Parcel ID: 11725000
BARRON JANE/DONALD
BARRON, JANE, W. & DONALD, D.
208 PARK ST
SITKA AK 99835

Parcel ID: 11740001
PIKE TIMOTHY/TERRY
PIKE, TIMOTHY, L./TERRY
706 BIORKA ST
SITKA AK 99835

Parcel ID: 11740002
PIKE TIMOTHY/TERRY
PIKE, TIMOTHY/TERRY
706 BIORKA ST
SITKA AK 99835

Parcel ID: 11750000
NUTTING FAMILY REV. LIVING TRUST
NUTTING, RODNEY, L./FAYRINE, A.
708 BIORKA ST.
SITKA AK 99835

Parcel ID: 11770000
WAY JAMES/LESA
WAY, JAMES, B./LESA, M.
712 BIORKA ST.
SITKA AK 99835

Parcel ID: 11780000
NELSON VALERIE
NELSON, VALERIE
714 BIORKA ST.
SITKA AK 99835

Parcel ID: 11795000
ROBINSON SCOTT/NIECHOLE
ATTN: JENNY
ROBINSON, SCOTT/NIECHOLE
315 SEWARD ST, STE B
SITKA AK 99835

Parcel ID: 11870000
CICI EVELYN
CICI, EVELYN, J.
P.O. BOX 635
SITKA AK 99835-0635

Parcel ID: 11890000
WATCHERS G.M./M.T./H.M.
WATCHERS, G.M., M.T., H.M.
715 ETOLIN ST
SITKA AK 99835

Parcel ID: 11900000
JACKSON/KREISS LARRY/KATHLEEN
JACKSON, LARRY & KREISS, KATHLEEN
22 AMHERST RD
MORGANTOWN WV 26605

Parcel ID: 11910000
GRUTTER FABIAN/EVENING
GRUTTER, FABIAN/EVENING STAR
711 ETOLIN ST
SITKA AK 99835

Parcel ID: 11920000
BLAIR REVOCABLE TRUST ROBE
BLAIR REVOCABLE TRUST, ROB
P.O. BOX 584
SITKA AK 99835-0584

Parcel ID: 11930000
WILBER/KABLER CHARLES/MELANIE
WILBER, CHARLES/KABLER, MELANIE C.
705 ETOLIN ST
SITKA AK 99835

Parcel ID: 11940000
WILBER/KABLER CHARLES/MELANIE
WILBER, CHARLES/KABLER, MELANIE C.
705 ETOLIN ST
SITKA AK 99835

Parcel ID: 11950001
DAGNILLO ANN
DAGNILLO, ANN, T.
703 ETOLIN ST
SITKA AK 99835

Parcel ID: 11950002
SOLOVYOV/KENDALL EUGENE/BARBARA
SOLOVYOV, EUGENE/KENDALL, BARBARA
206 PARK ST.
SITKA AK 99835

Parcel ID: 12022000
OLMSTEAD LOUISE/TIMOTHY
OLMSTEAD, LOUISE & TIMOTHY
211 PARK ST.
SITKA AK 99835

Parcel ID: 12024000
MILLER CLINTON/MARINA
MILLER, CLINTON, O./MARINA
P.O. BOX 1124
SITKA AK 99835-1124

Parcel ID: 12026000
O'TOOLE/KIRKNESS KERRI/JACOB
O'TOOLE, KERRI/KIRKNESS, JACOB
616 BIORKA ST
SITKA AK 99835

Parcel ID: 12030000
DENNARD ROBERT
DENNARD, ROBERT, A.
209 PARK ST.
SITKA AK 99835

Parcel ID: 13060000
OLNEY-MILLER NICK
OLNEY-MILLER, NICK
3006-A BARKER ST
SITKA AK 99835

Parcel ID: 13065000
HOFFMAN KRISTINA
HOFFMAN, KRISTINA
621 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 13080000
RIETA PEDRO/SHIRLEY
RIETA, PEDRO & SHIRLEY
619 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 13085000
CARBILLON REVOCABLE TRUST
CARBILLON TRUST, ROGELIO &
617 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 13190000
CRANFORD BREEZY/GARY
CRANFORD, BREEZY & GARY
616 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 13195001
JONES DONALD
JONES, DONALD, C.
P.O. BOX 6205
SITKA AK 99835-6205

Parcel ID: 13195002
FOSTER KATHRYN
FOSTER, KATHRYN, L.
620 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 18168000
KNIGHT LIVING TRUST FRANCES
KNIGHT LIVING TRUST, FRANCES I.
1870 W. DOVE WAY
AMADO AZ 85846



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Notice of Public Hearings

The Assembly of the City and Borough of Sitka will hold a public hearing during a regular meeting scheduled Tuesday, August 25, 2015 on the following items:

- A. Ordinance 2015- 42 Public hearing and consideration of a proposed zoning text amendment to modify SGC Table 22.16.015-5 Manufacturing/Storage Uses to allow asphalt plants and concrete batch plants in an Industrial Zone with a conditional use permit. The request is filed by the City and Borough of Sitka.
- B. Public hearing and consideration of a B&B conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder.
- C. **Public hearing and consideration of a conditional use permit for a short-term rental at 703 Biorka Street. The property is also known as Lot 11, Block 23, Sitka Townsite, U.S. Survey 1474. The request is filed by Deanna Moore. The owner of record is Deanna Moore.**

The Assembly may take action on August 25, 2015. The Assembly meeting will begin at 6:00 pm at University of Alaska Southeast 1332 Seward Avenue Room 229 in Sitka.

Interested residents are encouraged to make comments during the meeting and written comments can be submitted to the Municipal Clerk at 100 Lincoln Street.

Parcel ID: 13216000
 NORMAN/CHARLOTT MIRANDA
 MIRANDA, NORMAN & CHARLOTTE
 125 ANNA DR
 SITKA AK 99835

Parcel ID: 13217000
 CRAIG/LESLEY WARREN
 WARREN, CRAIG/LESLEY
 301 PARK ST
 SITKA AK 99835

Parcel ID: 13230000
 RONALD/ELIZABET MOSH
 MOSHER, RONALD, F./ELI
 617 BIORKA ST.
 SITKA AK 99835

Parcel ID: 13300000
 MATTHEW GOFF
 GOFF, MATTHEW
 304 PARK ST.
 SITKA AK 99835

Parcel ID: 13315000
 JOHN/KAREN THIELKE
 THIELKE, JOHN, F./KAREN, G.
 19518 14TH AVE NW
 SHORELINE WA 98177

Parcel ID: 13320000
 MADELON MOTTET
 MOTTET, MADELON
 P.O. BOX 77
 PORT EDWARD BC V0V1G

Parcel ID: 13335000
 DAVID PATT
 PATT, DAVID, A.
 715 BIORKA ST
 SITKA AK 99835

Parcel ID: 13340000
 MICHAEL/JACQUEL LAGUIRE
 LA GUIRE, MICHAEL/JACQUELINE
 P.O. BOX 6369
 SITKA AK 99835-6369

Parcel ID: 13345000
 DAVID/WENDY LONGTIN
 LONGTIN, DAVID & WEND'
 711 BIORKA ST
 SITKA AK 99835

Parcel ID: 13350000
 SCOTT/CLEO BRYLINSKY
 BRYLINSKY, SCOTT, D./CLEO, K.
 709 BIORKA ST
 SITKA AK 99835

Parcel ID: 13360000
 MARTIN/ANNETTE BECKER
 BECKER, MARTIN/ANNETTE
 705 BIORKA ST.
 SITKA AK 99835

Parcel ID: 13365000
 DEANNA MOORE
 MOORE, DEANNA
 703 BIORKA ST
 SITKA AK 99835

Parcel ID: 13370000
 LEON BARCLAY
 BARCLAY, LEON, V.
 701 BIORKA ST
 SITKA AK 99835

Parcel ID: 18060000
 PETER/ERIKA WEILAND/KNOX
 WEILAND, PETER/KNOX, ERIKA
 625 DEGROFF ST
 SITKA AK 99835

Parcel ID: 18065000
 DAVID/LISA LUBIN/BUSCH
 LUBIN, DAVID, R./BUSCH,
 215 SHOTGUN ALLEY
 SITKA AK 99835

Parcel ID: 18070000
 CORRIE BOSMAN
 BOSMAN, CORRIE
 P.O. BOX 6005
 SITKA AK 99835-6005

Parcel ID: 18075000
 DENNIE/DEBORAH DANIELS
 DANIELS, DENNIE/DEBORAH
 P.O. BOX 545
 SITKA AK 99835-0545

Parcel ID: 18080000
 MARY DURGAN
 DURGAN, MARY
 P.O. BOX 3052
 SITKA AK 99835-3052

Parcel ID: 18081000
 MARY DURGAN
 DURGAN, MARY, MAE
 P.O. BOX 3052
 SITKA AK 99835-3052

Parcel ID: 18085000
 FRANCES KNIGHT LIVING TRUST
 KNIGHT LIVING TRUST, FRANCES I.
 1870 W. DOVE WAY
 AMADO AZ 85645

Parcel ID: 18090000
 PETER/ERIKA & K WEILAN
 WEILAND, PETER/KNOX, E
 625 DEGROFF ST
 SITKA AK 99835

Parcel ID: 18095000
 FRANCES KNIGHT LIVING TRUST
 KNIGHT LIVING TRUST, FRANCES I.
 1870 W. DOVE WAY
 AMADO AZ 85645

Parcel ID: 18100000
 DOUGLAS JENNY
 JENNY, DOUGLAS, E.
 709 SAWMILL CREEK RD
 SITKA AK 99835

Parcel ID: 18105000
 DAVID/DYAN LOWRANCE/
 LOWRANCE, DAVID, M./BE
 P.O. BOX 1074
 SITKA AK 99835-1074

Parcel ID: 18110000
 DENTON/BRIAN PEARSON/HANSON
 PEARSON, DENTON & HANSON, BRIAN
 713-B SAWMILL CREEK RD
 SITKA AK 99835

Parcel ID: 18125000
 ANTHONY/CINDY GUEVIN/LITMAN
 GUEVIN, ANTHONY/LITMAN, CINDY
 715 SAWMILL CREEK RD
 SITKA AK 99835

Parcel ID: 18145000
 JAMES/JENNIFER STEINSON
 STEINSON, JAMES, H. & JI
 P.O. BOX 1303

Parcel ID: 18155000
 JAMES/JENNIFER STEINSON
 STEINSON, JAMES, H. & JENNIFER, J.
 P.O. BOX 1303
 SITKA AK 99835-1303

Parcel ID: 18168000
 FRANCES KNIGHT LIVING
 KNIGHT LIVING TRUST, FR
 1870 W. DOVE WAY
 AMADO AZ 85645

Deanna Moore
 Conditional Use Permit
 703 Biorka Street

Assembly Mailing
 8/17/15

Parcel ID: 11700000
DAVID/RACHEL ADAMS
ADAMS, DAVID & RACHEL
210 PARK ST
SITKA AK 99835

Parcel ID: 11710000
KERRY/JOHN MCADAMS/RAASCH
MCADAMS, KERRY/RAASCH, JOHN
700 BIORKA ST.
SITKA AK 99835

Parcel ID: 11720000
ROGER/NANCY BLEIER
BLEIER, ROGER, W./NANCY
702 BIORKA ST
SITKA AK 99835

Parcel ID: 11725000
CAVAN/APRIL FITZSIMMONS/HEESACKER
FITZSIMMONS, CAVAN & HEESACKER, APRIL
P.O. BOX 1221
SITKA AK 99835-1221

Parcel ID: 11740001
TIMOTHY/TERRY PIKE
PIKE, TIMOTHY, L./TERRY
706 BIORKA ST
SITKA AK 99835

Parcel ID: 11740002
~~TIMOTHY/TERRY PIKE
PIKE, TIMOTHY/TERRY
706 BIORKA ST
SITKA AK 99835~~

Parcel ID: 11750000
NUTTING FAMILY REV. LIVING TRUST
NUTTING, RODNEY, L./FAYRINE, A.
708 BIORKA ST.
SITKA AK 99835

Parcel ID: 11770000
JAMES/LESA WAY
WAY, JAMES, B./LESA, M.
712 BIORKA ST.
SITKA AK 99835

Parcel ID: 11780000
VALERIE NELSON
NELSON, VALERIE
714 BIORKA ST.
SITKA AK 99835

Parcel ID: 11795000
SCOTT/NIECHOLE ROBINSON
ATTN: JENNY
ROBINSON, SCOTT/NIECHOLE
315 SEWARD ST, STE B
SITKA AK 99835

Parcel ID: 11870000
EVELYN CICI
CICI, EVELYN, J.
P.O. BOX 635
SITKA AK 99835-0635

Parcel ID: 11890000
G.M./M.T./H.M. WATCHERS
WATCHERS, G.M., M.T., H.I.
715 ETOLIN ST
SITKA AK 99835

Parcel ID: 11900000
LARRY/KATHLEEN JACKSON/KREISS
JACKSON, LARRY & KREISS, KATHLEEN
22 AMHERST RD
MORGANTOWN WV 26505

Parcel ID: 11910000
FABIAN/EVENING GRUTTER
GRUTTER, FABIAN/EVENING STAR
711 ETOLIN ST
SITKA AK 99835

Parcel ID: 11920000
ROBERT/AMY BLAIR REV.
BLAIR REVOCABLE TRUS'
P.O. BOX 584
SITKA AK 99835-0584

Parcel ID: 11930000
CHARLES/MELANIE WILBER/KABLER
WILBER, CHARLES/KABLER, MELANIE C.
705 ETOLIN ST
SITKA AK 99835

Parcel ID: 11940000
CHARLES/MELANIE WILBER/KABLER
WILBER, CHARLES/KABLER, MELANIE C.
705 ETOLIN ST
SITKA AK 99835

Parcel ID: 11950001
ANN DAGNILLO
DAGNILLO, ANN, T.
703 ETOLIN ST
SITKA AK 99835

Parcel ID: 11950002
EUGENE/BARBARA SOLOVYOV/KENDALL
SOLOVYOV, EUGENE/KENDALL, BARBARA
206 PARK ST.
SITKA AK 99835

Parcel ID: 12022000
LOUISE/TIMOTHY OLMSTEAD
OLMSTEAD, LOUISE & TIMOTHY
211 PARK ST.
SITKA AK 99835

Parcel ID: 12024000
CLINTON/MARINA MILLER
MILLER, CLINTON, O./MAR
P.O. BOX 1124
SITKA AK 99835-1124

Parcel ID: 12030000
ROBERT DENNARD
DENNARD, ROBERT, A.
209 PARK ST.
SITKA AK 99835

Parcel ID: 13060000
NICK OLNEY-MILLER
OLNEY-MILLER, NICK
3006-A BARKER ST
SITKA AK 99835

Parcel ID: 13065000
KRISTINA HOFFMAN
HOFFMAN, KRISTINA
621 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 13080000
PEDRO/SHIRLEY RIETA
RIETA, PEDRO & SHIRLEY
619 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 13190000
BREEZY/GARY CRANFORD
CRANFORD, BREEZY & GARY
616 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 13195001
DONALD JONES
JONES, DONALD, C.
P.O. BOX 6205
SITKA AK 99835-6205

Parcel ID: 13195002
KATHRYN FOSTER
FOSTER, KATHRYN, L.
620 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 13205000
BARBARA ARNDT TRUST
ARNDT TRUST, BARBARA, L.
622 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 13210000
CHARLES/JAMMIE WILEM.
WILEMAN, CHARLES, D./J.
624 SAWMILL CREEK RD
SITKA AK 99835



Legislation Details

File #: 15-160 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/19/2015 In control: City and Borough Assembly

On agenda: 8/25/2015 Final action:

Title: Discussion/Direction on the Sitka Community Development Corporation conceptual design for the Old City Shops property (Sponsors: Putz/Miyasato)

Sponsors:

Indexes:

Code sections:

Attachments: [SCDC](#)

Date	Ver.	Action By	Action	Result
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Discussion/Direction on the Sitka Community Development Corporation conceptual design for the Old City Shops property

Sponsors: Assembly Members Putz and Miyasato will speak to this item at the meeting.



Legislation Details

File #: 15-144 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/5/2015 In control: City and Borough Assembly

On agenda: 8/25/2015 Final action:

Title: Approve the removal of the Finance Director's existing sales tax interpretation regarding taxability of fundraisers PULLED

Sponsors:

Indexes:

Code sections:

Attachments: [Sales Tax Interpretation](#)

Date	Ver.	Action By	Action	Result
8/11/2015	1	City and Borough Assembly		

POSSIBLE MOTION

I MOVE TO rescind
Sales Tax Interpretation 11-04.

Memo

Thru: Mark Gorman, Municipal Administrator

To: City and Borough of Sitka Assembly

From: Jay Sweeney, CFAO

Date: August 5, 2015

Re: Rescission Of Sales Tax Interpretation 11-04 Regarding Sales Taxability of Fund Raisers

Mayor McConnell and Assembly Members,

In 2012, I issued a Sales Tax Interpretation under the auspices of SGC 4.09.400 in regards to the sales taxability of "fund raisers" by non-profit entities.

Under Title 4 of the Sitka General Code, sales made by non-profit entities are taxable unless exempted by one of the 28 existing exemptions under SGC 4.09.100. A common exemption is 4.09.100 L, which exempts sales by non-profits which do not have regular business hours and paid employees. Many larger non-profits do currently collect and remit taxes on their sales.

In the past, the question of what exactly constitutes a sale by a non-profit was raised, in regards to annual fund raising events. At such events, tickets are sold and merchandise may be sold or auctioned. At the same time, such events are often designed to raise funds for the non-profit, to help pay for programs and administrative costs. As result of some ambiguity as to what exactly constitutes a sale by a non-profit, Sales Tax Interpretation 11-04 was issued in 2012 (attached).

The line has become blurred, however, as some non-profits have advanced the argument that everything the sell in regards to services, etc. is a fund raiser and, thus, not subject to taxation.

Thus, if the proposed ordinance establishing a new Non-profit Activities Fund is passed by the Assembly, a potential loophole may exist in Sales Tax Interpretation 11-04 unless it is either rescinded or clarified.

In light of the proposed ordinance establishing the Non-Profit Activities Fund, I recommend that the Assembly rescind Sales Tax Interpretation 11-04, making fund-raisers by non-profits subject to sales taxation. If the Assembly is not in favor of this recommendation, then I would alternatively recommend that the Assembly direct staff to revise Sales Tax Interpretation 11-04 to more precisely clarify exactly what a non-profit fund raiser is and how often such events can be conducted without sales tax.



City and Borough of Sitka

100 LINCOLN STREET • SITKA, ALASKA 99835

Sales Tax Interpretation 11-04

Definition of Casual Sales for Non-Profit Organizations

Per the City and Borough of Sitka General Code 4.09.010 Levy of sales tax...

A. There is levied a consumer's sales tax on sales, rents, and leases made in the city and borough of Sitka. This tax applies to sales, rentals, and leases of tangible personal property; sales of services sold within the city and borough of Sitka; sales of services performed wholly or partially within the city and borough of Sitka when the provision of such services originates or terminates within the city and borough of Sitka; and rentals and leases of real property located within the city and borough of Sitka.

Since all sales/services, rents, and leases are subject to the sales tax then first one must determine if the non-profit is exempt from collecting sales tax. SGC 4.09.100 (L) states...

L. Nonprofit Charitable Organizations. Sales made by nonprofit charitable organizations which do not have paid employees and which do not keep normal business hours are exempt.

If the non-profit charitable organization keeps regular business hours or has any paid employees, then this organization is required to levy sales tax. If the non-profit charitable organization is a business required to levy sales tax, then one must look at the sales transaction to determine if it is exempt from sales tax. SGC 4.09.100(A) states...

A. Casual Sales. A casual and isolated sale not made in the regular course of business is exempt from the levy of sales tax imposed by Section 4.09.010(A).

And finally the Free Dictionary.com defines fundraiser as...

The organized activity or an instance of soliciting money or pledges, as for charitable organizations or political campaigns.

Thus, it is the City and Borough of Sitka's determination that a fund-raiser for a non-profit organization, that meets the qualifications to levy sales tax, is not subject to sales tax if it is a one time occurrence per year. This organized activity selling goods/services must not be a regular ongoing business activity to qualify for a casual sale exemption. Therefore, an annual fundraising banquet would not be subject to sales tax.

February 28, 2012

Prepared by: Brenda Calkins, Sales Tax Auditor

Approved by: John P. (Jay) Sweeney III, Finance Director

CC: Marjorie Parmelee, Sales Tax Clerk
Interpretation 11-04

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Legislation Details

File #: 15-162 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 8/20/2015 In control: City and Borough Assembly
On agenda: 8/25/2015 Final action:
Title: Discussion/Direction on utility vacation rates and owner account status
Sponsors:
Indexes:
Code sections:
Attachments: [vacation rates and owner account status](#)

Date	Ver.	Action By	Action	Result
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Discussion/Direction on utility vacation rates and owner account status

Memo

Thru: Mark Gorman, Municipal Administrator

To: City and Borough of Sitka Assembly

From: Jay Sweeney, CFAO

Date: August 19, 2015

Re: Historical Background on Utility Vacation Rates and Owner Account Status

Mayor McConnell and Assembly Members,

The City and Borough has historically offered vacation rates to customers, and, allowed landlords to place rental structures into owner account status.

Vacation rates for wastewater treatment, water service, and solid waste disposal are set forth in the Sitka General Code in Section 15.04.330 (wastewater treatment), Section 15.05.630 (water service), and Section 15.06.060 (solid waste disposal, respectively). The vacation rate policy in each of the three code sections is the same, and reads as follows:

“There shall be a vacation rate of one-quarter the normal billing rate applied to qualifying utility accounts. A vacation rate is a Sitka resident’s exemption from payment of residential sewer utility fees while on vacation and/or on absence from residence due to medical reasons or movement to the Pioneers’ Home. Vacation and/or absence period must equal or exceed thirty continuous days and is limited to four months credit. Only one period of vacation rates per customer in any period of twelve consecutive months is allowed. The period of twelve consecutive months starts on the first day vacation rates apply. The residence must not be occupied during this period to which vacation rates apply. The resident must apply in writing prior to vacation and/or absence from residence to receive vacation rates. When the credit is applied at the end of the period, resident’s account will be assessed a ten-dollar fee. Commercial accounts are not eligible for vacation rates. Notwithstanding the twelve-consecutive-month restriction described above, the municipal administrator will have the authority to allow extension of vacation rates on a case-by-case basis for medical absences upon application by the resident. Notwithstanding the requirement of prior application described above, preapplication may be waived by the municipal administrator for emergency medical absences. (Ord. 05-15 § 4(B) (part), 2005.)”

No vacation rate is offered for electricity service, as per Section 15.01.030 of the Sitka General Code.

Owner Account Status

Owner account status has been historically offered to landlords for unoccupied rental structures. Owner account status is not, and has never been, codified within the Sitka General Code.

When a rental structure is placed into owner account status, no charge is levied for water service, waste treatment, or solid waste disposal. Electricity is billed for the amount consumed unless electrical service is completely disconnected.

Owner account status is initiated through one of two methods:

- 1) The landlord requests owner account status for a vacant rental. In such a case, the owner is required to complete the attached form.
- 2) A rental structure is being vacated by a tenant moving out, in which case a Finance Department employee contacts the landlord, if the rental structure had previously been placed in owner status, to determine if it is to be placed into owner status.

Once a rental structure is placed in owner status, it remains in owner status until either

- 1) A landlord requests that it be taken out of owner status, or
- 2) A new tenant occupies the structure and requests that utilities be initiated.

Owner status can have ramifications, some of which are legitimate and some of which are problematic. Owner status can also cause unintended consequences. Some of the aspects of owner status are as follows:

- 1) While in owner status, water service and wastewater disposal may be utilized in the process of cleaning the dwelling and preparing it for a new tenant, yet no utility fees are levied other than for electricity consumed.
- 2) If an owner decided to rent a facility and include utilities in the amount of the monthly rent, there is a possibility that a dwelling could be occupied while still in owner status.
- 3) Many rentals in Sitka are duplexes or multi-family dwellings which have one water and sewer service but multiple electric meters. In such cases, since water and wastewater usage is not metered, water and wastewater service to the structure continues and is utilized in the occupied portion. In these cases, an owner account would be appropriate for the unoccupied portion. This would be that the case in circumstances in which a portion of a multi-family dwelling, serviced by a

single water and sewer line, and in which a portion was previously rented, was taken out of rental and re-occupied by the owner (such as in the case of a child returning to live with parents).

- 4) Not all owners understand that guidance to Finance Department personnel to “place a rental back into the owners’ names” results in it being placed into owner status, if the rental was previously in owner status. This may, on occasion, lead to utility fees not being levied when it was not intended to do so.

In fiscal year 2015, the most recent full fiscal year, unbilled revenue attributable to dwellings being in owner account status was as follows:

- Water - \$51,359
- Wastewater Treatment - \$73,834
- Solid waste disposal - \$46,704

It is not possible to determine, with certainty, how many dwellings with owner status were taken out of rental and re-occupied by the owner. The reason is that such statistics have not been gathered.

Using a metric of one year or longer of continuous owner status, however, it is possible to estimate how many owner status dwellings have taken out of active rental status. The tally is 188 units.

Using this estimate of 188 dwellings with owner status one year or longer, it is possible to estimate how much of the annual customer revenue attributable to each utility is lost due to active rentals in owner account status. For water and waste water, the unbilled revenue attributable to owner account status amounts to approximately 1.5% of annual billed revenue.

Stated differently, the utility fee increases for water and wastewater, implemented in Fiscal Year 2015, could have been reduced by approximately 1.33% in the Water Fund, from 10% to 8.67%, and by approximately 1.36%, from 4.9% to 3.54% in the Wastewater Fund.

The subject of owner accounts and their effect on utility rates, and whether owner account status should be continued or modified, is a policy matter for the Assembly to discuss. The position of the Administrative Staff is that, regardless of the policy position taken by the Assembly, all variations from the official schedules of rates and fees for utility services should be authorized by the Sitka General Code and unofficial policies, such as owner accounts, discontinued.